STANDARD SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 02009

SUBDIVISION NO. 020096

AP # 173-121-010-000

FINDINGS AND DECISION

In the matter of the application of
Leonard McIntosh (PLN020096)

for a Standard Subdivision in accordance with Chapter 19.03, Title 19 (Subdivision) of the County of Monterey Code, to allow a condominium conversion of two 2-story office buildings, approved under PLN000413 and under construction, to create eleven office condominiums for separate ownership; located at 9699 Blue Larkspur Lane (Lot 10), Laguna Seca Office Park, Greater Monterey Peninsula area, came on regularly for hearing before the Standard Subdivision Committee on May 9, 2002.

Said Standard Subdivision Committee, having considered the application and the evidence presented relating thereto,

1. FINDING: The subject tentative map, as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The parcel is located in a "Visitor Serving/Professional Office" (VO/B-6-UR-D-S) zoning district. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 19 and Title 21.

   EVIDENCE: The Monterey County Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:
   a) The Greater Monterey Peninsula Area Plan.
   b) Chapters 19.02 and 19.03 of the Monterey County Subdivision Ordinance.
   c) Chapters 21.22, 21.42, 21.44, 21.45, 21.50, 21.58, 21.64.260 and 21.74 of the Monterey County Zoning Ordinance.

   EVIDENCE: The project is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works, Water Resources, Environmental Health, Sheriff's Department, Parks Department, and Salinas Rural Fire District. There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.

   EVIDENCE: The application, plans and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

   EVIDENCE: Planning Commission Resolution No. 01036.

2. FINDING: The proposed project will not have a significant environmental impact.

   EVIDENCE: Section 15301 of the Monterey County CEQA Guidelines categorically exempts the proposed subdivision from environmental review. No adverse environmental impacts were identified during review of the proposed project. No new uses or ground disturbance are proposed, or are necessary, as part of the application to convert the office building into condominiums.

3. FINDING: The site is physically suitable for the proposed use.

   EVIDENCE: The site has been found to be physically suitable for the proposed development, subject to the

conditions cited in a Site Development Feasibility report prepared by Landset Engineers, Inc., dated February 8, 2001.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Sheriff's Department, Parks Department, Salinas Rural Fire District, and the Greater Monterey Peninsula Land Use Advisory Committee (Voted for approval 2-0). There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: Planning Commission Resolution No. 01036.

4. FINDING: The project is appealable to the Board of Supervisors.

EVIDENCE: Section 19.03.025E of the Monterey County Subdivision Ordinance (Title 19).

5. FINDING: Adequate services are available to serve the proposed project.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Sheriff's Department, Parks Department and Salinas Rural Fire District. There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: Water service is provided to the office park by Cal Am Water Company, and sewer service is provided by Monterey County (CSA #10).

EVIDENCE: Planning Commission Resolution No. 01036.

6. FINDING: The proposed project will not create a substantially adverse visual impact when viewed from a common public viewing area.

EVIDENCE: The project does not propose any physical changes to the existing buildings. During the review of the previously approved Combined Development Permit (PLN000413) for the project, the applicant flagged and staked the proposed buildings. Staff performed a site visit at that time and determined that although the building will been seen from Highway 68 for a brief moment by the traveling public, the mature trees and vegetation within the buffer area significantly screen the building from Highway 68 and will not create a substantial adverse visual impact. The project will not be visible from any other public viewing areas.

7. FINDING: The establishment, maintenance, or operation of the use and building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and the accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, the County Sheriff, Salinas Rural Fire Protection District and Greater Monterey Peninsula Land Use Advisory Committee. These departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood, or the County in general.

EVIDENCE: Planning Commission Resolution No. 01036.

DECISION

THEREFORE, it is the recommendation of said Standard Subdivision Committee that the Standard Subdivision be granted, subject to the following conditions:

1. This permit is a Tentative Map to allow the subdivision of two 8,064 sq. ft office buildings on an existing 1.85-acre parcel into eleven condominium units for individual ownership, and create a common area parcel on the remaining portion of the property, in accordance with County ordinances and land use regulations, and subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to Recordation of the Final Map:

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees form any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection)**

3. File Final Map delineating all existing and required easements or rights-of-way and monument new lines. The Final Map shall include all required condominium information. **(Public Works)**

4. Provide for all existing and required easements or rights-of-way. **(Public Works)**

5. A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that: *"Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code."* Such facilities shall be installed or bonded prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. **(Planning and Building Inspection; Public Works)**

6. A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: *"A geotechnical report dated February 8, 2001 has been prepared on this property by Landset Engineers, and is on file in the Monterey County Planning and Building Inspection Department. The*

recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. **(Planning and Building Inspection; Public Works)**

7. Thirty days prior to the expiration of the Tentative Map, Step A (8 items) of the County Surveyor's Check Off List for Final Map Processing shall be completed. **(Public Works)**

Prior to Final Inspection/Occupancy:

8. The applicant shall obtain the required permits from the Monterey County Planning and Building Inspection, Environmental Health and Public Works Departments and complete all installations prior to occupancy. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 9th day of May, 2002 by the following vote:

AYES: Brandau, McPharlin, Main, Lawrence, Hori, Mulholland
NOES: None
ABSENT: None

Original Signed By:

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JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON: