

**STANDARD SUBDIVISION COMMITTEE
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 03004

STANDARD SUBDIVISION #010278

A.P. #239-051-041-000

In the matter of the request of
Rancho San Carlos Partnership (PLN010278)

FINDINGS AND DECISIONS

The proposed project in this application consists of a Combined Development Permit pursuant to regulations established by local ordinance and state law, to allow: 1) Amendment to the Santa Lucia Preserve Comprehensive Development Plan to allow residential development on the former "Lodge" parcel, 2) Vesting Tentative Subdivision Map of an 87 acre parcel into 12 residential parcels ranging in size from 1.82 acres to 11.62 acres (including one parcel with two inclusionary units) and an open space parcel of 26.98 acres; 3) Use Permit to remove 15 protected and landmark oak trees and to cut or trim 21 protected and landmark trees (total of 36); 4) Use Permit for development on slopes of 30% grade or more; 5) Administrative permits for Site Plan Review for 11 single family (market rate) residences and two inclusionary units located in one duplex on one lot; and approximately 34,342 cubic yards of grading for roads and building sites (21,393 cu. yds. cut/12,949 cu. yds. fill). The project is located in the Chamisal Area, San Francisquito Flat area of the Santa Lucia Preserve (Assessor's Parcel Number 239-051-041-000), Greater Monterey Peninsula Area Plan.

Said Standard Subdivision Committee, having considered the application and the evidence presented relating thereto, made the following findings based upon the evidence below:

1. **FINDING:** The project proposed in this application consists of a Combined Development Permit and Vesting Tentative Map request (Rancho San Carlos Partnership: PLN010278), as described in Condition #1 conforms with the plans, policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located within the Santa Lucia Preserve, Francisquito Flat area. The parcel is zoned "RC/40 D-S." (Resource Conservation, 40-acre minimum, Design Control and Site Plan Review zoning districts.)

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) Monterey County General Plan.
- b) Greater Monterey Peninsula Area Plan.
- c) Chapters of the Monterey County Zoning Ordinance: 21.36 Regulations for Resource Conservation Zoning Districts; 21.76 Combined Development Permits; 21.64.260 Preservation of Oaks and Other Protected Trees; 21.64.230 Development on Slopes in Excess of 30%; 21.44 Regulations for Design Control Zoning Districts; 21.45 Regulations for Site Plan Review Zoning Districts; 21.70 Administrative Permits.
- d) Chapter 19.05. Monterey County Code Title 19 Subdivision Ordinance.

e) Santa Lucia Preserve Comprehensive Development Plan.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and the applicable Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development, as conditioned. The Initial Study demonstrates that no physical or environmental constraints exist that would indicate the site is not suitable for the proposed development, as conditioned. Each agency has recommended conditions for subdivision improvements and other requirements.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the decision-making body.

EVIDENCE: The on-site inspection of the subject parcel by the project planner.

EVIDENCE: The application, plans, and support materials found in the project file.

2. **FINDING:** The proposed project, as conditioned, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File #PLN010278) in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter “the Program”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit “E” and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 240 Church Street, Room 116, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based

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: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Negative Declaration was filed with the County Clerk on October 4, 2002, and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County’s independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

- A. Chamisal Area Subdivision Proposal. Project Application. Submitted November 26, 2001. Resubmitted with Revisions: December 17, 2001, February 8, 2002, December 19, 2002, and December 26, 2002.
- B. Chamisal Area Subdivision Proposed Vesting Tentative Map. Submitted November 26, 2001. Resubmitted with Revisions: December 17, 2001, February 8, 2002, December 19, 2002, and December 26, 2002.
- C. Chamisal Area Subdivision Proposal: Technical Reports (accepted as complete February 8, 2002)
 - 1. Biological Analysis Report for the Chamisal Subdivision of the Santa Lucia Preserve. Report prepared by Natural Resources Group, Denise Duffy & Associates. 2001.
 - 2. Forest Management Plan. Santa Lucia Preserve, Greater Monterey Peninsula Area Plan: Chamisal Area Subdivision. Prepared by Ralph Osterling Consultants, Inc. August 20, 2001. (Updated revisions received December 19, 2002).
 - 3. Geological Review Letter Chamisal Area Subdivision (Phase F) Santa Lucia Preserve Monterey, California. Cleary Consultants, Inc. June 13, 2001.
 - 4. Slope Density Analysis. Prepared by Hart Howerton. Revision August 31, 2001. (Updated revisions received December 23, 2002).
 - 5. Traffic Impact Analysis for the Chamisal Area Subdivision of the Santa Lucia Preserve. Prepared by Dowling Associates, Inc. Dated June 13, 2001
 - 6. Water Use (Report) for Chamisal Area Subdivision of the Santa Lucia Preserve. Prepared by Camp Dresser & McKee Inc. May 30, 2001.
 - 7. Preliminary Drainage Report. Santa Lucia Preserve Chamisal Area Subdivision, prepared for Rancho San Carlos Partnership. Prepared by Thompson-Hysell Engineers. June 19, 2001.
 - 8. Archaeology Report. Archeological Consulting. September 10, 2001.
- D. Monterey County General Plan. (Version 1983)
- E. Greater Monterey Peninsula Area Plan
- F. Monterey County Zoning Code: Title 21
- G. Monterey County Subdivision Ordinance: Title 19
- H. The Santa Lucia Preserve 1.0 Comprehensive Development Plan. Revised August 1995.
- I. The Santa Lucia Preserve 2.0 Combined Development Permit Application. Revised August 1995
- J. The Santa Lucia Preserve 3.0 Resource Management Plan. Revised August 1995.

- K. Santa Lucia Preserve 4.0 Technical Reports. April 1994.
 - 1. 4.1 Historic Resources. Gil Sanchez Architect, FAIA. February 1994.
 - 2. 4.2 Historic Resources. Greenwood and Associates. September 20, 1991.
 - 3. 4.3 Archaeology Report. Unknown Party. Pages 24-48 only.
 - 4. 4.4 Forest Management Plan: Rancho San Carlos. Ralph Osterling Consultants, Inc. February 18, 1994.
 - 5. 4.5 Traffic Report for Rancho San Carlos. Dowling Associates. April 22, 1994.
 - 6. 4.6 Comprehensive Hydrological Study. Camp Dresser & McKee Inc., Balance Hydrologics, David Keith Todd Consulting Engineers, Geoconsultants, Inc, Luhdorff & Scalmanini Consulting Engineers. March 1994.
 - 7. 4.7 Comprehensive Wastewater Disposal Plan. Camp Dresser & McKee Inc., Bestor Engineers, Inc., Cleary Consultants, Inc., Geoconsultants, Inc. February 1994.
 - 8. 4.8 Preliminary Drainage and Erosion Control Report: Rancho San Carlos. Bestor Engineers Inc. February 18, 1994.
 - 9. 4.9 Geological and Geotechnical Investigation: Vesting Tentative Map Submittal Rancho San Carlos. Cleary Consultants, Inc. February 1994.
 - 10. 4.10 Noise Assessment Study Rancho San Carlos. Charles M. Salter Associates, Inc. February 1994.
 - 11. 4.11 Air Quality Impact Analysis of Rancho San Carlos Monterey County. Donald Ballanti. February 1994.
 - 12. 4.12 Declaration of Protective Restrictions for the Homelands and Openlands of the Santa Lucia Preserve. Brian Finegan and Michael Cling, APC. No Date.
 - 13. 4.13 Visual Resource Analysis. Robert Lamb Hart - Planners and Architects. April 1994.
 - 14. 4.14 Fire Safety Management Plan: Santa Lucia Preserve. Roy A. Perkins. February 1994.
 - 15. 4.15 Biology. Rancho San Carlos Special-Status Biological Resources Report. BioSystems Analysis, Inc. February 1994.
 - 16. 4.16 Grazing. Rancho San Carlos Cattle Grazing Plan. Sage Associates. February 1994.
- L. The Santa Lucia Preserve 5.0 Mitigation Monitoring Plan: The Santa Lucia Preserve. Denise Duffy and Associates. April 1994.
- M. The Santa Lucia Preserve 6.0 Technical Appendices.
 - 1. 6.1 - 6.3 Biological Appendices.

2. 6.4 - 6.8 Geotechnical Appendices A-F.
 3. 6.9 - 6.16 Hydrologic Appendices A-H.
 4. 6.17 Traffic Appendix F.
- N. The Santa Lucia Preserve Vesting Tentative Map. Prepared by Robert Lamb Hart and Bestor Engineers, Inc. Last Revision Date: August 14, 1995.
 - O. Santa Lucia Preserve Project. Draft Environmental Impact Report. Jones and Stokes Associates, Inc. May 19, 1995
 - P. Santa Lucia Preserve Project. Final Environmental Impact Report: Volume I: Response to Comments. Jones and Stokes Associates, Inc. September 14, 1995.
 - Q. Santa Lucia Preserve Project. Final Environmental Impact Report: Volume II: Revised Draft EIR. Jones and Stokes Associates, Inc. September 14, 1995.
 - R. Santa Lucia Preserve Project. Final Environmental Impact Report: Volume III: Additional Responses to Comments. Jones and Stokes Associates, Inc. September 22, 1995.
 - S. County of Monterey Santa Lucia Preserve: Addendum to EIR. Jones and Stokes Associates, Inc. August 1997.
 - T. Personal Communication with Joel Panzer, Rancho San Carlos Partnership, L.P., September 20, 2002.
 - U. Monterey Bay Unified Air Pollution Control District, 2000 Air Quality Management Plan.
 - V. Referral Agency Comments.

EVIDENCE: The Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

EVIDENCE: File and application materials; Initial Study with mitigation measures; additional supporting information from California Regional Water Quality Control Board, and the Monterey Bay Unified Air Pollution Control District which agencies, consultants' names and study types; and Negative Declaration contained in the project file.

3. **FINDING:** For purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.
- EVIDENCE:** Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Implementation of the project described herein will affect changes to native and non-native plant life and soils, and the biological analyses identified potential impacts to wildlife and special status species.
- EVIDENCE:** Initial Study and Negative Declaration contained in the project file.
4. **FINDING:** None of the findings found in Section 19.05.055 B of the Subdivision Ordinance can be made for the proposed project, as conditioned.
- EVIDENCE:** Section 19.05.055 B requires that the subdivision be denied if any one of the findings are made. Planning staff has analyzed the proposed project against the findings for denial outlined in this section. The map, as conditioned, and its design and improvements are consistent with the County General Plan and the applicable Area Plan. The map, as conditioned, is consistent with the Santa Lucia Preserve Comprehensive Development Plan as proposed to be amended with this request to allow single family residential development at the former Lodge site. The site has been determined to be physically suitable for the type and density of development (see Evidence below). The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Negative Declaration adopted for this project. The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements.
- EVIDENCE:** The property provides for adequate building sites as evidenced by the application materials submitted for the site.
- EVIDENCE:** The application, plans, and support materials, including the eight technical reports submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development. The reports are referenced in Section 2.C. above. The reports concluded the proposed development is suitable for the site, subject to recommendations for construction.
- EVIDENCE:** 1) The on-site inspection of the project site by the project planner.
2) Maps (dated December 19-26, 2002) and application materials contained in the project file.
- EVIDENCE:** See Evidence for Findings 1, 2 and 5.
5. **FINDING:** The establishment, maintenance, or operation of the use or structures applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, California Department of Forestry, and Water Resources Agency. The respective departments 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: Adoption of the Negative Declaration includes mitigation measures that address potential impacts to Aesthetics, Cultural Resources, Hydrological / Water Quality, and Utilities and Service Systems. No other significant issues have been identified for the project.

EVIDENCE: File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.

6. **FINDING:** The subject property is in compliance with all the rules and regulations pertaining to zoning: uses, subdivision, and any other applicable provisions of this Title and any zoning violation abatement costs have been paid.

EVIDENCE: The subject property is currently vacant and undeveloped and there are no zoning violations recorded or pending to be resolved.

7. **FINDING:** Pursuant to Section 19.03.15. L, the source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of the applicable health and safety regulations prior to approval of the Vesting Tentative Subdivision Map.

EVIDENCE: Monterey County Environmental Health Department review and determination February 6, 2002 and February 8, 2002 that the Department had received the necessary information to determine the adequacy of a long term water supply and that the application was “complete.”

EVIDENCE: Water Use (Report) for Chamisal Area Subdivision of the Santa Lucia Preserve. Prepared by Camp Dresser & McKee Inc. May 30, 2001.

EVIDENCE: Conditions of Approval applied by the Environmental Health Department.

EVIDENCE: See Evidence for Finding #2.

8. **FINDING:** That in approving the final map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE: The proposed project includes two inclusionary units. The applicant will be required to comply with the Inclusionary Housing Ordinance as a condition of approval.

9. **FINDING:** The recommended conditions regarding Inclusionary Housing, recreation requirements, and underground utilities have been applied to ensure that the health, safety, and welfare is preserved and protected.

EVIDENCE: Section 18.40 of the Monterey County Code (Inclusionary Housing Ordinance)

EVIDENCE: Section 19.12.010 of the Monterey County Code (Recreation Ordinance).

EVIDENCE: Section 19.10.095 of the Monterey County Code (Underground Utilities)

10. **FINDING:** The proposed tree removals are the minimum required under the circumstances of the case.

EVIDENCE: Staff has worked with the applicant through several plan revisions to lessen and reduce the proposed tree removal associated with development of Red Tail Trace and each of the proposed parcels and the structures proposed for development.

EVIDENCE: Site visits by the project planner.

EVIDENCE: Materials in project File #PLN010278.

11. **FINDING:** The proposed project, as conditioned, better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other alternatives.

EVIDENCE: The Comprehensive Development Plan approved in 1994 and re-approved in 1997 (post Measure M) designated an access road from Rancho San Carlos Road into the “saddle” of this

Chamisal Area. Red Tail Trace follows this designation.

EVIDENCE: The roadway is also to be used by the Santa Lucia Community Services District to provide water lines, and other utilities. A water connection through the Red Tail Trace roadway will allow the water system to loop together and provide increased efficiencies in water service throughout a larger area of the Preserve.

EVIDENCE: The Carmel Valley Fire Department has requested that this proposed access not be altered (removed) from the Map, and that emergency services to the western parcels and homes would be delayed if emergency services were required to navigate southward and around to the Chamisal Pass driveway access point.

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

EVIDENCE: Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable.

EVIDENCE: See Findings 1,2, 4,10 and 11.

13. **FINDING:** The proposed project, as conditioned, is consistent with policies of the Greater Monterey Peninsula Area Plan, the Comprehensive Development Plan and the Final Environmental Impact Report for the Santa Lucia Preserve dealing with visual resources and will have no significant impact on the public viewshed. The proposed project was evaluated in terms of the impact upon the public viewshed from Robinson Canyon Road. The project will not result in ridgeline development.

EVIDENCE: The on-site investigation by the project planner. The site and building envelopes for F10, F11 and F12 can be seen from Robinson Canyon Road. The distance is large but the site is visible.

EVIDENCE: The SLP Final Environmental Impact Report (FEIR) addresses views from Robinson Canyon Road, and determined that the quality of views from Robinson Canyon Road would be slightly reduced by additional built elements and increased light and glare and that this reduction would be less than significant.

EVIDENCE: The measures to protect impacts on the public viewshed offered by the FEIR are relevant and have been brought forward into project approval to protect views of the Chamisal Subdivision area from the scenic road.

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

EVIDENCE: The Monterey County Zoning Ordinance Title 21, Chapter 21.80.

DECISION

THEREFORE, it is the decision of said Standard Subdivision Committee that the Mitigated Negative Declaration be adopted and the application for Combined Development Permit and Design Approval be forwarded to the Planning Commission recommending approval subject to Findings & Evidence and subject to the following Conditions:

1. The subject Combined Development Permit consists of: 1) an Amendment to the Santa Lucia Preserve Comprehensive Development Plan to allow residential development on the former "Lodge" parcel, 2) a Vesting Tentative Subdivision Map of an 87 acre parcel into 12 residential parcels ranging in size from 1.82 acres to 11.62 acres (including one parcel with two inclusionary units) and an open space parcel of 26.98 acres; 3) a

Use Permit to remove 15 protected and landmark oak trees and to cut or trim 21 protected and landmark trees (total of 36); 4) a Use Permit for development on slopes of 30% grade or more; 5) Administrative permits for Site Plan Review for 11 single family (market rate) residences and two Inclusionary Units located in one duplex on one lot; and approximately 34,342 cubic yards of grading for roads and building sites (21,393 cu. yds cut / 12,949 cu. yds fill). The project is located in the Chamisal Area, San Francisquito Flat area of the Santa Lucia Preserve (Assessor's Parcel Number 239-051-041-000), Greater Monterey Peninsula Area Plan.

The project is in accordance with County ordinances and land use regulations 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)

2. In accordance with approval of the Chamisal Subdivision Proposal and Combined Development Permit (PLN010278) the following components are hereby approved according to the matrix below. All requested road construction; grading for driveways and building envelopes; tree removal; building footprints; structural elevations; and landscape areas shall be substantially consistent with the matrix below and the referenced Exhibits. Building or grading permit requests that substantially deviate from the approval detailed herein, will require additional review and/or permitting.

Summary Description for Proposed Administrative Permits for Residential Development and Use Permit for Specific Tree Removal									
Lot #	Lot Area (ac.)	Building Envelope Area	Structure		Grading for Structure and Driveway			Proposed Tree Removal (not counting Roads & Drives)	
			S.F.	Lot Cov.	Cut	Fill	Import/Export	For Homes	Trunk sizes
F 1	7.93	0.38	4,800	0.87%	-808	125	-683	1) #276	30"
F 2	1.90	0.30	4,800	3.6%	-672	150	-522		
F 3*	11.62	0.46	4,100	0.51%	-1486	1020	-466	4) #7565, 7569, 7564, 7566	7", 13", 19", 22".
F 4	3.57	0.49	4,100	1.6%	-392	535	143	-	-
F 5	1.82	0.28	4,800	3.78%	-350	106	-244	-	-
F 6	1.98	0.34	4,800	3.47%	-481	169	-312	3) #7579, 7586, 7585	14", 29", 34"
F 7	3.35	0.59	4,800	2.06%	-1051	250	-801	-	-
F 8	3.51	0.41	4,800	1.96%	-478	175	-303	-	-
F 9	4.54	0.40	4,800	1.52%	-2149	1077	-1072	* GRADING #'s will change due to driveway realignment	
F10	5.74	0.54	4,800	1.19%	-4,008	250	-3758	-	-
F11	7.91	0.43	4,800	0.87%	-3406	843	-2563	-	-
F12	5.24	0.38	1500 1500	1.31	-157	1699	1542	-	-
MM	26.98	-							
Red Tail Trace								7) 252, 247, 248, 253, 255, 264, 266	19", 18", 18", 11", 20", 31", 25"
									<24" >24"
Total	86.09	5.00			-15,438	6399	-9039		10 5

3. Pursuant to the State Public Resources Code, State Fish and Game Code and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid within five days of project approval, before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection)

Prior to Recordation of a Final Map:

4. The applicant shall submit a revised Vesting Tentative Subdivision Map showing the following: 1) Emergency access easement through F4 and F11 linking Red Tail Trace to Chamisal Pass Road; and 2) Access to F9 from Chamisal Pass road on slopes less than 30%. The revised Vesting Tentative Map shall be submitted for review and approval by the Director of Planning and Building Inspection Department and the Subdivision Committee. (Subdivision Committee: Planning and Building Inspection Department)
5. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. No increase in water use over that anticipated in the Santa Lucia Preserve EIR is allowed. (Water Resources Agency)
6. The applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code. The Parks Department shall determine whether the County accepts land Dedication, or elects to require payment of a fee in lieu of, or a combination of both land dedication and fee in accordance with Section 19.12.011 (H). (Parks)
7. 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 from 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 which 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, or 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)
8. Except for areas proposed for development, a scenic easement shall be conveyed to the County over those portions of the property where the slope exceeds 30 percent and shall be shown on the final map. The scenic easement deed is to be submitted to and approved by Director of Planning and Building Inspection prior to issuance of building permits. (Planning and Building Inspection Department)

9. The applicant shall record a notice that states: “A permit (Resolution _____) was approved by the Board of Supervisor’s for Assessor’s Parcel Number 239-051-041-000 on February 26, 2003. The permit was granted subject to ___conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.” Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)
10. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan, including payment of the \$840 fee for the County of Monterey to monitor compliance with mitigation measures. (Planning and Building Inspection)
11. If the homeowners association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. An agreement to this effect shall be entered into concurrent with the filing of the final map of the first phase of the subdivision. (Water Resources Agency)
12. The applicant shall prepare formalized Improvement Plans which shall include and incorporate all conditions of approval and physical structures required by the Environmental Health Department, Water Resources Agency, Public Works Department, Fire Department and other agencies as required of this Vesting Tentative Map. All improvements shall be in accordance with plans as approved by the County. The Improvement Plans shall include all of the following conditions of approval from these referral agencies and shall incorporate such modifications and adjustments as necessary to meet the approval of the respective agencies, the Public Works Department and Planning and Building Inspection Department.
 - a) The Improvement and Grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of Planning and Building Inspection. (Planning and Building Inspection)
 - b) The subdivider shall submit three prints of the approved tentative map to each of the following utility companies: Pacific Gas & Electric Company and Pacific Bell. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements. Such recommendations and improvements required of these service utilities, as approved by the Director shall be incorporated into Improvement Plans, Grading Plans and Development Plans (Public Works; Planning and Building Inspection).
 - c) That all natural drainage channels be designated “Natural Drainage Easements” (Easements may vary from 5-20 feet in width). (Public Works)
 - d) All streetlights in the development shall be approved by the Director of Planning and Building Inspection. Any proposed fixtures shall be shown on Improvement Plans. (Planning and Building Inspection)
 - e) The water connections shall be made only to legal lots created through the Vesting Tentative Map subdivision approval. (Planning and Building Inspection)
 - f) Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. Submit evidence to the Division of Environmental Health that the proposed

- water system improvements have been approved by the local fire protection agency prior to installation or bonding of water system improvements. (Environmental Health)
- g) Design the water system improvements to meet the standards as found in Chapter 15.04 of the Monterey County Code, Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards. Submit engineered plans for the water system improvements, including plans for secondary treatment, and any associated fees to the Director of Environmental Health for review and approval prior to installing (or bonding) the improvements. (Environmental Health)
 - h) Submit engineered plans for the sewer system improvements to the Santa Lucia Community Services District for review and approval prior to installation. The sewer system improvements shall be installed or bonded to and within the subdivision prior to filing the final map. Provide evidence to the Director of Environmental Health that the proposed sewer system improvements have been approved by the Santa Lucia Community Services District prior to filing the final map. (Environmental Health)
 - i) Internal roads and driveways shall be constructed to a width approved by the local fire jurisdiction. Improvements shall consist of 2" of A.C. over a minimum of 4" of Class II base rock or as determined by R-Value tests. (Public Works)
 - j) All driveways and intersections within the project shall be approved by the County Surveyor to ensure adequate sight distance for safe vehicular entry, in accordance with County Standards. (Public Works)
 - k) All graded areas of the road right-of-way shall be planted and maintained as required by the County Surveyor to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by qualified person shall be submitted to the satisfaction of the County Surveyor and include the following:
 - a. That all cut and fill slopes shall be stabilized.
 - b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item "a".
 - c. Type and amount of maintenance required to satisfy item "a". (Public Works)
 - l) Widen the bridge across Garzas Creek on Robinson Canyon Road to provide two-way vehicular travel. (Public Works)
 - m) Prior to issuance of Demolition, Grading and/or Building Permits: A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts. The plan shall include road improvements and subdivision detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention pond shall be fenced for public safety. (Water Resources Agency)
 - n) The following Fire Department Conditions of Approval are to be incorporated into the Improvement Plans:
 - i) All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards or additional requirements are mandated by local jurisdictions or local subdivision requirements. (Fire District)
 - ii) The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (Fire District)
 - iii) The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent, or as otherwise approved by the Fire District. (Fire District)
 - iv) No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. (Fire District)

- v) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall not be less than 100 feet. (Fire District)
- vi) Roadway turnarounds shall be required on driveways and dead-end roads in excess of 150 feet of surface length. Required turnarounds on access roadways shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be minimum of 60 feet in length. (Fire District)
- vii) Each dead-end road shall have a turnaround constructed at its terminus. (Fire District)
- viii) Unobstructed vertical clearance shall not be less than 15 feet for all access roads. (Fire District)
- ix) Fire Hydrant System to flow no less than 1500 gallons per minute, for 1 hour at a minimum of 20 PSI. Fire Hydrants and mains to meet Fire Hydrant and Service Main Requirements of the Carmel Valley Fire District and NFPA 24. Fire Hydrants to be wet barrel type with one (1) 4" and two (2) 2.5" outlets. Hydrants to be no more than 500 feet from any structure or 1000 feet maximum spacing along roadways. (Fire District)

13. The following notes shall be placed on all Improvement Plans, Grading Plans and Building Permit Plans:
- a. "The subject property is located within the Santa Lucia Preserve, Monterey California and is subject to the applicable conditions, mitigation measures and requirements of the Santa Lucia Preserve Comprehensive Development Plan, Resource Management Plan, Mitigation Monitoring Program, Environmental Impact Report, and Addendum to the Environmental Impact Report."
 - b. A note shall be placed on Grading and Building Permit Plans that, "The front yards of all homes shall be landscaped at the time of construction according to the Administrative landscapes reviews approved for each parcel F1-F12 (except F3). Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." This shall be the responsibility of the developer if the developer is also the builder. If not, a notice shall be recorded on the deed for each lot to inform future builders of this requirement. (Water Resources Agency; Planning and Building Inspection)
14. The following notes shall be placed on the Final Map.
- a) A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "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)
 - b) A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "A Biological Analysis, Forest Management Plan, Geological Review, Slope Density Analysis, Traffic Impact Analysis, Water Use Report, Preliminary Drainage Report, and Archaeological Review, have been prepared for this property as listed below, and are on file in the Monterey County Planning and Building Inspection Department, Coastal Office. The recommendations contained in said reports shall be followed in all further development of this property."
 - i) Biological Analysis Report for the Chamisal Subdivision of the Santa Lucia Preserve. Report prepared by Natural Resources Group, Denise Duffy & Associates. 2001.
 - ii) Forest Management Plan. Santa Lucia Preserve, Greater Monterey Peninsula Area Plan: Chamisal Area Subdivision. Prepared by Ralph Osterling Consultants, Inc. August 20, 2001. (Updated revisions received December 19, 2002)

- iii) Geological Review Letter Chamisal Area Subdivision (Phase F) Santa Lucia Preserve Monterey, California. Cleary Consultants, Inc. June 13, 2001.
- iv) Slope Density Analysis. Prepared by Hart Howerton. Revision August 31, 2001. (Updated revisions received December 23, 2002)
- v) Traffic Impact Analysis for the Chamisal Area Subdivision of the Santa Lucia Preserve. Prepared by Dowling Associates, Inc. Dated June 13, 2001
- vi) Water Use (Report) for Chamisal Area Subdivision of the Santa Lucia Preserve. Prepared by Camp Dresser & McKee Inc. May 30, 2001.
- vii) Preliminary Drainage Report. Santa Lucia Preserve Chamisal Area Subdivision, prepared for Rancho San Carlos Partnership. Prepared by Thompson-Hysell Engineers. June 19, 2001.
- viii) Archaeology Report. Archeological Consulting. September 10, 2001.

The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. This note shall also be included on all Improvement Plans and permits. (Planning and Building Inspection; Public Works)

- c) The site shall be landscaped, including land sculpturing and fencing, where appropriate, by the applicant and that a plan for such improvements be approved by the Director of Planning and Building Inspection. Landscaping plans to be approved by the Director of Planning and Building Inspection prior to recordation of the final map or the issuance of building permits. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "A landscape plan has been approved the Director of Planning and Building Inspection." This note shall also be included on all Improvement Plans and applicable permits. (Planning and Building Inspection)
- d) A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "The subdivider and subsequent property owners shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction include, but are not limited to:
 - i) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons; all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - ii) Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices."

This note shall also be included on all improvement plans. (Planning and Building Inspection and Water Resources Agency)
- e) A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection." This note shall also be included on all improvement plans and permits. (Planning and Building Inspection)
- f) A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: "That all exterior

- lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.” (Planning and Building Inspection)
- g) A note shall be included on a separate sheet of the final map, or by separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “All landscaped areas and/or fences shall be continuously maintained by the property owner and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.” (Planning and Building Inspection)
 - h) Roads shall be designated on the Final Map as follows: “Private Roads, improvements are less than County Standards for alignment, width, and structural pavement thickness.” (Public Works)
 - i) Any notes required to be placed on Plans and maps as required of mitigation measures adopted in the MMRP and as conditions of approval.
15. Road, Drainage and Water System Maintenance Agreement shall be entered into with the County, by the owners/developers of the proposed project (Rancho San Carlos Partnership LP), subject to deed restrictions. Such agreement may formalize incorporation of the present property(ies) to be subdivided into the Santa Lucia CSD. Prior to the conveyance of any lots in the subdivision, developer shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, developer shall be jointly obligated with the succeeding owners to perform such obligation pro rated on the basis of the remaining number of lots still owned by the developer. Developer’s obligation shall cease upon the conveyance of the last lot in the subdivision. An agreement to this effect, running with the land, shall be recorded between developer and the County of Monterey prior to recordation of the final map. (Water Resources Agency)
16. The Subdivider shall pay for all maintenance and operation of private roads, fire hydrants, and storm drainage from the time of installation until acceptance of the improvements for the subdivision by the Board of Supervisors, as completed in accordance with the agreement and until a Homeowners’ Association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)
17. A homeowners association shall be formed for the maintenance of roads, drainage facilities, and open spaces. Documents for formation of association shall be approved by the Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency, prior to filing of final map. C.C. & R s shall include provisions for a yearly report by a registered civil engineer, and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County Water Resources Agency. (Water Resources Agency)
18. In accordance with Monterey County Water Resources Agency Water Conservation Ordinance No. 3932, or as subsequently amended, the C.C.&R.’s shall contain provisions that: all new construction incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; the front yards of all homes shall be landscaped at the time of construction; low water use or drought tolerant plants shall be used together with water efficient irrigation systems; leak repair is the property owner’s responsibility; vehicle and building washing shall use hoses equipped with shut off nozzles; no potable water to be used for sidewalk washing; no water spillage into streets, curbs, and gutters; no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain. (Water Resources Agency)

19. All natural drainage channels shall be designated on the Final Map by easements labeled “Natural Drainage Easement.” (Public Works)
20. The developer shall install or bond the water system improvements to and within the subdivision and any appurtenances needed prior to filing the final map. (Environmental Health)
21. A landscaping plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The landscaping plans shall conform with Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. (Planning and Building Inspection)
22. If the water system improvements are to be installed rather than bonded, obtain a new or amended water system permit from the Division of Environmental Health prior to filing the final map. Or, if the water system improvements are to be bonded, obtain a permit to construct a water system from the Division of Environmental Health prior to filing the final map. (Environmental Health)
23. The applicant shall comply with the requirements of the Inclusionary Housing Ordinance, by payment of an in-lieu fee, or provision of an inclusionary unit, prior to filing of the final map. (Planning and Building Inspection)
24. Contribute to the Traffic Mitigation Fund for Carmel Valley Road and State Highway One. (Public Works)

See also Conditions 33 and the MMRP.

Prior to Issuance of Building or Grading Permits

25. A Grading Permit for each parcel and proposed residence shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. (Planning and Building Inspection Department)
26. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection Department)
27. No protected trees shall be removed prior to issuance of permits. (Planning and Building Inspection Department)

See also Condition 33 and the MMRP.

Prior to Grading and Construction Activities Commencing:

28. The applicant shall call for a pre-construction meeting with the Public Works Department, Environmental Health Department, Water Resources Agency, Planning and Building Inspection Department and Carmel Valley Fire District. Mitigation measures, infrastructure, construction phasing, construction practices, inspection schedules, as well as county and applicant expectations will be discussed. (Planning and Building Inspection)

29. The applicant shall call for a field inspection by the Planning Department to verify that all appropriate mitigation measures for tree protection and erosion control as specified in the adopted MMRP and Conditions of Approval have been implemented. (Planning and Building Inspection)

Prior to Occupancy of the First Residential Unit:

30. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. (Water Resources Agency)

See also Condition 33 and the MMRP.

Prior to Final

31. The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems. This shall be the responsibility of the developer if the developer is also the builder. If not, a notice shall be recorded on the deed for each lot to inform future builders of this requirement. (Water Resources Agency)
32. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
- a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)

See also Condition 33 and the MMRP.

Condition of Approval To Implement Mitigation Measures

33. The subdivider and subsequent property owners shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program adopted by the Board of Supervisors on _____, 2003. (Planning and Building Inspection)
34. The applicant shall create and implement a 10-year monitoring program to: 1) monitor the trees removed with approval of the Chamisal Area Subdivision and, 2) to review the impacts to protected trees due to proximity to new roadways and driveways. If any required replacement tree (See Mitigation Measure #2 in the MMRP) fails to establish, or if trees designated for survival and afforded protections during the construction process do not survive, the property owner shall immediately replace that tree in accordance with the tree replacement requirements of the Forest Management Report and the MMRP. (Planning and Building Inspection)

ONGOING

See also Condition #33 and the MMRP.

PASSED AND ADOPTED this 13th day of February, 2003, by the following vote:

AYES: McPharlin, Main, Lawrence, Hori, Pugh, Brandau

NOES: None

ABSENT: Hawkins

Original Signed By:
JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO APPLICANT ON MARCH 5, 2003.