

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION # 04044

A.P. # 239-102-001-000-M

In the matter of the application of  
**Rancho San Carlos Partnership (PLN010001)**

**FINDINGS & DECISION**

for a Combined Development Permit in accordance with Title 21 (Zoning) Chapter 21.76 of the Monterey County Code, consisting of a Tentative Map to allow the division of a 1,286 acre parcel into 29 lots ranging in size from 14.47 to 67.21 acres; Grading (approximately 29,600 cubic yards); a Use Permit to allow the removal of up to 295 protected trees and a Use Permit to allow for development on slopes 30 percent or greater. The site is located east of Rancho San Carlos Road and west of Robinson Canyon Road, Carmel Valley (Assessor's Parcel Numbers 239-102-001-000, 239-102-002-000, 239-102-003-000 and 239-101-032-000), in the Potrero Creek area of the Santa Lucia Preserve (Rancho San Carlos), Carmel Valley area, came on regularly for meeting before the Planning Commission on September 29, 2004.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

**FINDINGS OF FACT**

**1. FINDING:** The project proposed in this application consists of a Combined Development Permit and Vesting Tentative Subdivision Map for the subdivision of 1,286 acres into 29 lots (File # PLN 010001). As described in Condition #1 and as conditioned, the project will conform with the plans, policies, requirements, and standards of the Monterey County Subdivision Ordinance (Title 19), the Monterey County General Plan, Carmel Valley Master Plan, the Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The property is located south of Carmel Valley Road and the Carmel River, to the immediate east of Rancho San Carlos Road, Carmel Valley area (Assessors Parcel Nos. 239-102-001-000; 239-102-002-000; 239-102-003-000; and 239-101-032-000). The parcel is zoned RC/40-D-S (Resource Conservation, 40-acres per unit, with Design and Site Review Overlay Districts) and RG-D (Rural Grazing/Design Control).

**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) Carmel Valley Master Plan;
- c) Greater Monterey Peninsula Area Plan;
- c) Monterey County Zoning Ordinance (Title 21); and
- d) Monterey County Subdivision Ordinance (Title 19) December 2000.

**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, the Housing and Redevelopment Agency, Sheriff's Department and the Carmel Valley Fire Protection

District have reviewed the proposed development. There has been no indication from these agencies that the site is not suitable for the proposed development. The Final Supplemental Environmental Impact Report demonstrates that no physical or environmental constraints exist that would indicate the site, as mitigated, is not suitable for the proposed development. Each agency has had opportunities to provide recommended conditions for subdivision improvements. See Final Supplemental Environmental Impact Report (FSEIR) Chapter 3, in particular. Other FSEIR chapters and DSEIR Appendix B discuss specific resource issues related to Plan policies and county regulations.

**EVIDENCE:** Written and verbal public testimony submitted at public meetings before the Carmel Valley Land Use Advisory Committee, Subdivision Committee, Planning Commission, and the Board of Supervisors.

**EVIDENCE:** The on-site inspection of the subject parcel by the project planners on multiple dates between 2001 and 2003.

**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:** All structures and infrastructure necessary to serve the project are existing or will be installed as a component of this subdivision.

**EVIDENCE:** The project conforms with the requirements of the RC and RG zoning districts. See FSEIR Chapter 3. Visual impacts will be less than significant, as the building sites and roadways are either not visible or at a significant distance from existing public roadways. See FSEIR Chapter 12.

**EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997). (Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360).

2. **FINDING:** **CEQA.** The following changes or alterations have been required in and incorporated into the project, which substantially lessens the significant environmental effects identified in the Final EIR. The majority of these changes, represented by mitigation measures of the Final EIR, address impacts caused by grading, tree removal, and construction activity. The mitigations included below have been incorporated into the Mitigation Monitoring Reporting Program for the Potrero Area subdivision. These measures are in addition to applicable measures from Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360 (Santa Lucia Preserve) which are also referenced with these findings.

**Soil Stability: Potential Impacts Associated with Development On and Near Ancient Landslides (EIR Chapter 6); Impacts 6.4, 6.5.**

Soil Stability Mitigation 6.4: For development proposed within landslide No. 3, the final subdivision map shall demonstrate that building envelopes on Lots 17, 20, and 21 provide building setbacks of at least 75 feet from the steep break in slope on that landslide. Subsequent development proposals on these lots shall include mapping to demonstrate the location of slope edge and break in slope and the proposed setback. This setback requirement shall be

demonstrated at the time of application submittal. The Planning and Building Inspection Department is the responsible agency for enforcement.

Soil Stability Mitigation 6.5: The final subdivision map and improvement plans shall indicate that a debris flow barrier has been designed to protect the new home areas on lots 13 and 14. The details of the barrier location and design shall be determined during the homeowners' geotechnical investigation and site planning. The investigation and barrier details shall be submitted with residential development applications on these lots for review and approval by the County. The Planning and Building Inspection Department is the responsible agency for enforcement.

In addition to the mitigation measures above, SLP EIR MM 4; SLP EIR MM 9; SLP EIR MM 25 are applicable from Resolutions 93-115; 96-059; 96-060; and 97-360 and are applicable to the Potrero Area Subdivision and the impacts identified. These measures, together with the measures specific to the Potrero Area Subdivision, support the findings of the Planning Commission.

Implementation of the above mitigation measures will reduce potential impacts associated with Soil Stability and potential impacts associated with development on and near ancient landslides to a **less than significant** impact by providing a safe and reasonable distance between development areas and potential hazard areas, and by providing adequate barriers against debris flow in the event of slope failure.

**Water Resources: Potential Impacts Associated with Erosion, Water Quality and Stormwater Runoff (EIR Chapters 7, 9, and 10); Impacts 7.1, 9.2, 9.3, 9.5, 10.2.**

Water Resources Mitigation 7.1: The applicant shall implement erosion control plans as set forth within the Preliminary Drainage and Erosion Control Report, Potrero Canyon Area. Specific recommendations from the Report shall be reflected on subdivision improvement plans and application submittals for individual building permits. The Planning and Building Inspection Department is the responsible agency for enforcement.

Water Resources Mitigation 9.2: The applicant BMPs shall be demonstrated on final subdivision improvement plans and on applications for individual building permits. The Planning and Building Inspection Department is the responsible agency for enforcement.

Water Resources Mitigation 9.3: The applicant shall design and implement stormwater runoff BMPs to ensure that peak flooding is not aggravated on the Carmel River. BMPs shall be demonstrated on final subdivision improvement plans and on applications for individual building permits. The Planning and Building Inspection Department is the responsible agency for enforcement.

Water Resources Mitigation 9.3: Prior to issuance of building permits, the applicant shall develop and implement stormwater pollution prevention plans (SWPPPs). SWPPPs shall be prepared and subject to review and approval by the Regional Water Quality Control Board, County Water Resources Agency and County Planning and Building Inspection. The SWPPP

shall address both construction and post-construction periods. The Planning and Building Inspection Department is the responsible agency for enforcement.

Water Resources Mitigation 9.3: Implement Erosion Control Plans as Set Forth in Mitigation Measure 7.1. The Planning and Building Inspection department is the responsible agency for enforcement.

In addition to the mitigation measures above, SLP EIR MM 24; SLP EIR MM 26 are applicable from Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360 to the Potrero Area Subdivision and the impacts identified. These measures, together with the measures specific to the Potrero Area Subdivision, support the findings of the Planning Commission.

Implementation of the above mitigation measures will reduce potential impacts associated with water resources to a **less than significant** impact by demonstrating that BMPs and SWPPPs are in place that will physically control flooding, control erosion, and prevent degradation of water quality both during and after construction of the project.

**Biological Resources: Potential Impacts to Biological Resources, Sensitive Habitats and Species, and Protected Trees. Mitigation (EIR Chapter 11); Impacts 11.1, 11.2, 11.3, 11.5, 11.6, 11.7, 11.8, 11.9, 11.10, 11.11, 11.12, 11.13.**

Biological Resources Mitigation 11.1: Avoid removal of Monterey pines to the greatest extent feasible through design. For the unavoidable removal of Monterey pines (due to vegetation density, topography or other factors), implement the tree replacement and protection measures specified in the *Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve*. In addition to those protection measure, all individual specimens of Monterey pine under 6” shall be relocated. Specimens over 6” and under 24” diameter that are proposed for removal shall either be relocated, or replanted at a 5:1 ratio. Individual trees greater than 24” diameter shall be avoided in place. Any Monterey pine replanting will use RSC on-site nursery stock. Applicants for individual lot development shall demonstrate to the satisfaction of the Planning and Building Inspection Department the necessity of the tree removal and why removal cannot be avoided. Additionally, GMPAP Condition #24 relating to the monitoring of success of the replacement planting shall be applied to the Potrero Area Subdivision. The Planning and Building Inspection Department is the responsible agency for enforcement.

Biological Resources Mitigation 11.2: Minimize removal of coastal prairie habitat to the greatest extent feasible (avoidance through design), and implement the Cattle Grazing and Livestock Management Plan for the Santa Lucia Preserve on lots that contain this habitat type. Applicants for individual lot development shall demonstrate to the satisfaction of the Planning and Building Inspection Department the necessity of the habitat removal and why removal cannot be avoided. The Planning and Building Inspection Department is the responsible agency for enforcement.

Biological Resources Mitigation 11.3: Prior to commencement of construction activity, construction fencing shall be erected along the outer edges of all the protective wetland and riparian buffer zones, in accordance with the project's wetland and riparian assessment, in order to avoid or minimize construction-related impacts. In addition, Lot 9 shall be amended to exclude the wetland area from the Homeland portion for the lot. Design changes shall be clearly demonstrated on final maps. The Planning and Building Inspection Department is the responsible agency for enforcement.

Biological Resources Mitigation 11.5: Reconfigure the building envelope of Lot 28 to exclude the Mt. Diablo cottonweed population, and provide a 20-foot buffer between the building envelope boundary and the nearest individuals of this species. These changes shall be clearly demonstrated on final maps. The Planning and Building Inspection Department is the responsible agency for enforcement.

Biological Resources Mitigation 11.6: Avoid removal of landmark-sized trees to the greatest extent feasible. For the unavoidable removal of landmark-sized trees, implement the tree replacement and protection measures specified in the Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve. Applicants for individual lot development shall demonstrate to the satisfaction of the Planning and Building Inspection Department the necessity of the tree removal and why removal cannot be avoided. Additionally, GMPAP Condition #24 relating to the monitoring success of the replacement planting shall be applied to the Potrero Area Subdivision. The Planning and Building Inspection Department is the responsible agency for enforcement.

Biological Resources Mitigation 11.7: Potential indirect impacts to botanical resources shall be avoided or minimized as follows:

- 1) Drainage Alterations: Implement erosion control measures set forth in the Preliminary Drainage and Erosion Control Report, Potrero Canyon Area (2000), as well as erosion control plans prepared pursuant to the County's Erosion Control Ordinance, as well as the Storm Water Pollution Prevention Plan required by the State Water Resources Control Board (see Chapter 9. Runoff, Flooding, and Water Quality);
- 2) Damage to Root Systems During Construction: Implement the "Tree Protection Guidelines" set forth in the Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve (August 2002);
- 3) Spread of Invasive Species: Implement the provisions of the Resource Management Plan for the San Carlos Ranch (1994) which specify that non-native species known to be invasive shall not be used in landscaping, that invasive exotics shall be controlled by revegetation of disturbed areas with native plants, that the use of landscape species known to be invasive shall be prohibited, and that species such as French broom and pampas grass shall be actively eradicated.
- 4) Landscape Irrigation: Selection of landscape species shall emphasize species not requiring irrigation such as drought-tolerant native species from local sources, or drought-tolerant non-natives that are known to be non-invasive. If irrigation systems are installed, they shall be designed to minimize runoff of irrigation water into adjacent areas of native vegetation. To avoid irrigation runoff into sensitive coastal prairie habitat in the building

envelopes for Lots 11 and 28, irrigation and planting plans for these lots shall clearly demonstrate system type and limits of irrigation for County review.

5) Fertilizer and Pesticide Application: In the design of landscaping, emphasis shall be placed on the use of species not requiring herbicides, pesticides, or fertilizers.

6) Trampling by Human Activity: Less than significant; no mitigation required. The Planning and Building Inspection department is the responsible agency for enforcement.

Biological Resources Mitigation 11.8: Stands of oak woodland shall be avoided through site design to the greatest extent feasible as part of the application review process. Home construction on any lot shall result in the removal of no more than 25% of the total trees present within the building envelopes. For the unavoidable removal of oaks, implement the tree replacement and protection measures specified in the Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve. Additionally, GMPAP Condition #24 relating to the monitoring of success of the replacement planting shall be applied to the Potrero Area Subdivision. The Planning and Building Inspection Department is the responsible agency for enforcement.

Biological Resources Mitigation 11.9: The following general measures shall be implemented to avoid or reduce the potential impacts of development to special-status wildlife species prior to construction. These measures apply to individual lot development, as well as any common improvements within the Potrero Area Subdivision:

1. Prior to construction, a qualified biologist shall review the area to be disturbed by construction activities. If construction activities are planned to occur in habitat types identified as appropriate for any of the species listed in Table 11-4, a qualified biologist shall perform protocol-level species-specific surveys prior to the initiation of those activities. Such surveys may be season-dependent, depending on the species. If any protected species are identified within areas scheduled for construction activities, the level of potential impact and appropriate species-specific avoidance and mitigation measures shall be determined by the qualified biologist in accordance with state and federal laws.

2. During all construction activities, a qualified biologist shall monitor for special-status species. If federally listed special-status species are identified as being potentially impacted, construction activities shall halt and the U.S. Fish and Wildlife Service (USFWS) shall be notified of the incident before construction activities can resume. If other (non-federally-protected) special-status species are identified as being potentially impacted during construction, activities shall halt until the species removes itself from potential impact or is relocated by an individual permitted by the California Department of Fish and Game (CDFG) to handle the species.

3. Prior to project approval, the homeland (building envelope) for lot E28 shall be reconfigured to exclude all individuals of the Smith's blue host plant naked buckwheat (*Eriogonum nudum*) and provide a 20-foot buffer. After the homeland has been reconfigured, a qualified botanist shall review the changes in the field to confirm the accuracy of the adjustment.

Within one week prior to trimming of the vegetation along Rancho San Carlos Road, a qualified botanist shall locate any seacliff, coast, or naked buckwheat plants and place flags adjacent to the plants that are easily visible from the road. Mechanical trimming or mowing

shall not be carried out within five feet of the flagged areas. Trimming by hand may occur by a qualified individual with knowledge of the focus species and the ability to identify them in the field. The Planning and Building Inspection Department is the responsible agency for enforcement.

Biological Resources Mitigation 11.10: Implement pre-construction and construction phase management actions as prescribed by the USFWS Biological Opinion. The Planning and Building Inspection department is the responsible agency for enforcement.

Biological Resources Mitigation 11.11: Mitigation Measure:

1. Construct permanent exclusionary ground fencing along the driveway for Lots 5 and 6; and construct a tunnel under the driveway(s) to allow passage of California tiger salamander and other amphibians and reptiles. This fencing shall be monitored on a seasonal basis to assess its condition and repairs made if necessary.
2. If California tiger salamanders are confirmed breeding in Pond 01, the installation of exclusionary ground fencing and tunnel shall occur during the dry season, after May 1 and before September 1.
3. If California tiger salamanders are confirmed to be breeding in Pond 01, prior to the installation of any exclusionary ground fencing as described in this measure, the area of impact shall be identified and burrow excavations conducted to locate and remove salamanders by a qualified biologist with an MOU from the California Department of Fish and Game. It should be noted that this Mitigation would not be applicable if the species becomes federally listed. The Planning and Building Inspection department is the responsible agency for enforcement.

Biological Resources Mitigation 11.12: Implement prescribed pre-construction and construction phase management actions specified in Mitigation Measure 11.10. The Planning and Building Inspection department is the responsible agency for enforcement.

Biological Resources Mitigation 11.13: The following specific measures shall be implemented to avoid or mitigate for the potential impacts of development to individual bat and bird species requiring one of, or a combination of, riparian, grassland, and woodland/forest habitats:

Measures specified in Mitigation Measure 11.9 above for special-status species providing for pre-construction surveys and construction phase monitoring (general special-status wildlife species measures).

1. Bats. If construction is to begin before August 1, before young have fledged, surveys for special-status bat species shall be performed. If maternity roosts are located during pre-construction surveys, a qualified biologist shall establish a 300-foot buffer around each roost for the duration of the breeding season (until such time as the young are fully fledged) to prevent roost harassment and brood mortality. If colonial roosts are found, removal of the tree may only occur during the day after an exclusionary device is installed in the opening to the roost. A qualified bat expert must supervise the placement and examine the success of the exclusionary device before the removal of any confirmed roosts.

2. Raptors. If construction is to begin before August 1, before young have fledged, pre-construction surveys for nesting raptors are required. If raptor nests are located during pre-construction surveys, a qualified biologist shall establish a 300-foot buffer around each nest for the duration of the breeding season (until such time as the young are fully fledged) to prevent nest harassment and brood mortality. If trees known to support raptor nests cannot be avoided, removal of these trees may only occur during the non-breeding season (August 1 through April 15). The Planning and Building Inspection Department is the responsible agency for enforcement.

Biological Resources Mitigation 11.12: Implement prescribed pre-construction and construction phase management actions specified in Mitigation Measure 11.10. The Planning and Building Inspection Department is the responsible agency for enforcement.

In addition to the mitigation measures above, SLP EIR MM 17; SLP EIR MM 22; SLP EIR MM 27; SLP EIR MM 32; SLP EIR MM 36 are applicable from Resolutions 93-115; 96-059; 96-060; and 97-360 are applicable to the Potrero Area Subdivision and the impacts identified. These measures, together with the measures specific to the Potrero Area Subdivision, support the findings of the Planning Commission.

Implementation of the above mitigation measures will reduce potential impacts associated with biological resources to a **less than significant** impact by: Requiring avoidance of sensitive biological resources and wetland areas through design; by replanting affected protected trees at acceptable ratios and by ensuring their success through monitoring; incorporating erosion control measures (and therefore protecting water quality) that will benefit biological resources; preventing the spread of invasive species and curtailing the need for/use of pesticides and fertilizers through landscape design; and, requiring pre-construction surveys for potentially occurring special status plant and animal species (and if found, prescribing mitigation strategies acceptable to State and federal agencies).

**Archeological and Historical Resources: Potential Impacts to Existing and Undiscovered Cultural resources (EIR Chapter 17); Impacts 17.2, 17.3, 17.5.**

Cultural Resource Mitigation 17.2: The applicant shall have a qualified Archaeologist prepare a Final Cultural Resources Management Plan (FCRMP) during the final planning of each phase of development of the project. The FCRMP shall be submitted and approved by the Planning and Building Inspection Department prior to approval of final maps. The FCRMP shall list all known prehistoric and historic sites within the phase, detail site-specific mitigations that have been recommended for each site, and outline the measures necessary to ensure that the remaining resources will be avoided whenever feasible. The FCRMP shall include the appropriate methods, locations, and time frames for internment of Native American remains, if applicable. The project Archaeologist shall review site-specific mitigations contained in the FCRMPs with the appropriate local Native American Heritage Commission and/or Concurring Native American Advisory Council. The Planning and Building Inspection Department is the responsible agency for enforcement.



Cultural Resource Mitigation 17.2a: Establish On-Going Monitoring Plan. A monitoring plan shall be prepared and administered by a professional archaeologist to address the four (4) identified prehistoric resources on site. The monitoring plan shall be incorporated into the County's Mitigation Monitoring and Reporting Program for this project. The monitoring plan shall include, but is not limited to, the following elements:

Periodic (annual) field inspection of cultural resources CA-MNT-1703, and CA-MNT-1719 during project build out and, where appropriate, photography to monitor and document the overall condition of these cultural resources, and;

Formulation and implementation of additional mitigation measures, as needed, to further the long-term preservation of the cultural resources identified within the project area. The Planning and Building Inspection Department is the responsible agency for enforcement.

Cultural Resource Mitigation 17.3a: If archaeological resources or human remains are discovered during construction, work shall be halted within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist and, as appropriate, by a Native American representative, as designated by the Native American Heritage Commission. If the find is determined to be significant, appropriate mitigation measures shall be formulated and submitted to the Planning and Building Inspection Department for review and approval. The Planning and Building Inspection Department is the responsible agency for enforcement.

Cultural Resource Mitigation 17.3b: If cultural resources are identified, the qualified professional archaeologist and the Native American representative, as designated by the Native American Heritage Commission, shall determine the significance of the find. Discovered cultural resources shall be stored in a protected environment to prevent vandalism, damage, or theft, until such time as they are examined by an archaeologist and, as appropriate, by the Native American representative. The archaeologist, Native American representative, as designated by the Native American Heritage Commission, and County staff shall determine the most appropriate method for recovery and storage or other protective measures for any significant resources discovered. The Planning and Building Inspection Department is the responsible agency for enforcement.

Cultural Resource Mitigation 17.3c: If human remains are discovered, the County Coroner shall be notified. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission who will notify the person it believes to be the most likely descendant. The recommendations as outlined in the Final Cultural Resource Management Plan shall specify the appropriate method and location for reinterment of the remains. The Planning and Building Inspection Department is the responsible agency for enforcement.

Cultural Resource Mitigation 17.3d: An Archaeological/Scenic easement shall be conveyed to the County of Monterey over areas where significant archaeological resources are located. An Archaeological/Scenic easement deed shall be submitted to and approved by the Director of Planning and Building Inspection, and recorded prior to filing of the final map. If significant resources are identified during construction, the easement will be recorded as

soon as practicable. The Planning and Building Inspection Department is the responsible agency for enforcement.

Historical Resource Mitigation 17.5: In the event that any historical resources such as wood frame structure, fence, stone, nails, tin roofing, stove pipe, etc. are discovered during the construction of the home on Lot #25, the contractor shall stop work within 150 feet of the find, contact the County, and call in a qualified historical consultant to evaluate the significance of the find to develop resource-specific mitigation measures. If significant, measures may include relocation of the development area, excavation or photo recordation, or other measures, as determined by the professional. The Planning and Building Inspection department is the responsible agency for enforcement.

Implementation of the above mitigation measures will reduce potential impacts associated with existing and undiscovered cultural and historical resources to a **less than significant** impact by avoiding known resources, monitoring construction activities near those resources, and by following adopted protocols in the event that new resources are found.

**Air Quality: Potential Impacts to Air Quality – Santa Lucia Preserve EIR (Resolutions 93-115; 96-059; 96-060; and 97-360)**

The applicable mitigation measures from the Santa Lucia Preserve EIR (Resolutions 93-115; 96-059; 96-060; and 97-360) dealing with air quality are incorporated into the Potrero Area Subdivision, SLP EIR MM 26; SLP EIR MM 46; SLP EIR MM 47 - VTM are applicable to the Potrero Area Subdivision and the impacts identified. These measures, together with the measures specific to the Potrero Area Subdivision, support the findings of the Planning Commission.

Implementation of the above mitigation measures will reduce potential impacts associated with existing and undiscovered cultural and historical resources to a **less than significant** impact by following County air quality standards and requirements, reducing the amount of dust that is in the air, lowering the amount of exhaust construction vehicles emit, and using non-toxic materials when available to reduce the amount of volatile toxic materials in the air.

**Water Quantity: Potential Impacts to Water Quantity - Santa Lucia Preserve EIR (Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360)**

The applicable mitigation measures from the Santa Lucia Preserve EIR (Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360) dealing with water quantity are incorporated into the Potrero Area Subdivision, SLP EIR MM 12; SLP EIR MM 13; SLP EIR MM 14; SLP EIR MM 15; SLP EIR MM 16a; SLP EIR MM 16b; SLP EIR MM 26 are applicable to the Potrero Area Subdivision and the impacts identified. These measures, together with the measures specific to the Potrero Area Subdivision, support the findings of the Planning Commission.

Implementation of the above mitigation measures will reduce potential impacts associated with water quantity to a **less than significant** impact by the establishment of monitoring wells, an ongoing monitoring program, and if necessary, as compared to October 1990 base flows, augmentation of surface water supplies.

**The Planning Commission finds that as to each significant effect identified above: Changes or alterations have been required in, or incorporated into, the Potrero Area Subdivision which would avoid or substantially lessen the significant environmental effects thereof, as identified in the EIR.**

**EVIDENCE:** Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360 for the Santa Lucia Preserve, Final Environmental Impact Report for the Potrero Area Subdivision (SCH #20020510905) including the staff report and exhibits thereto dated July 29, 2004, appendices and information on file at the Monterey County Planning and Building Inspection Department.

- 3. FINDING:** After considering all the evidence, oral and documentary, contained in the record, the Planning Commission hereby finds that, the mitigation measures contained in this project and adopted for the Santa Lucia Preserve (Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360) eliminate or substantially lessen all significant impacts on the environment to a less than significant level.

The Planning Commission finds that the project mitigated by the mitigation measures incorporated by reference from the Santa Lucia Preserve Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360: SLP EIR MM 4; SLP EIR MM 9; SLP EIR MM 12; SLP EIR MM 13; SLP EIR MM 14; SLP EIR MM 15; SLP EIR MM 16a; SLP EIR MM 16b; SLP EIR MM 17; SLP EIR MM 22; SLP EIR MM 24; SLP EIR MM 25; SLP EIR MM 26; SLP EIR MM 27; SLP EIR MM 32; SLP EIR MM 36; SLP EIR MM 46; SLP EIR MM 47 – VTM; and the project mitigated by the mitigation measures attached hereto (incorporated as Exhibit “B”), will have less than a significant impact on the project site.

**EVIDENCE:** Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360 for the Santa Lucia Preserve, Final Environmental Impact Report for the Potrero Area Subdivision (SCH #20020510905) including the staff report and exhibits thereto dated July 29, 2004, appendices and information on file at the Monterey County Planning and Building Inspection Department.

- 4. FINDING:** A reasonable range of feasible project alternatives have been considered as part of the environmental review. A series of alternatives to the project have been considered, but rejected from consideration, for the following reasons. As outlined within the Project Description, Chapter 2 of the DSEIR, the primary objectives of the Potrero Area Subdivision are as follows:

- a. To continue the phased implementation of the previously approved Santa Lucia Preserve Comprehensive Development Plan.
- b. To utilize and support the existing ranch-wide infrastructure to support the activities and services of the Community Services District.

c. To establish a permanent preserve for native plant and wildlife habitat while pursuing limited development of the least environmentally sensitive land.

The Potrero Area Subdivision DSEIR screened a number of potential project alternatives, including:

- Potrero Dense Cluster Alternative.
- Resource Avoidance Alternative.
- Reduced Density Alternative.
- Transfer of Density Alternative.

These alternatives were rejected from consideration and analysis because they would either have greater environmental impact, or would have no environmental benefit compared to the project with the application of mitigation measures.

As a result of this screening process, the Potrero Area Subdivision DSEIR analyzed two No Project Alternatives. No Project Alternative 1, No Development was found to be the environmentally superior alternative. However, this alternative would not meet the objectives of the proposal.

**EVIDENCE:** Resolutions 93-115; 96-059; and 97-360 for the Santa Lucia Preserve, Final Environmental Impact Report for the Potrero Area Subdivision (SCH #20020510905) including the staff report and exhibits thereto dated July 29, 2004, appendices and information on file at the Monterey County Planning and Building Inspection Department.

5. **FINDING:** Resolutions 93-115; 96-059; and 97-360 require the applicant to submit with its application a comprehensive hydrological study meeting specific criteria.

**EVIDENCE:** The Santa Lucia Preserve Combined Development Permit Application included a Comprehensive Hydrological Study (Application, Section 4.6 and Technical Appendices Section 6.9 through 6.16 inclusive) containing all required components, which was subsequently supplemented by three supplements dealing with specific technical details and two technical memoranda regarding proposed water system design. The Comprehensive Hydrological Study (“CHS”) as so supplemented was reviewed by the Environmental Health Division of the Monterey County Health Department, the Monterey County Water Resources Agency, the Monterey Peninsula Water Management District, and Ogden Environmental and Energy Services, the independent third-party hydrologic consultant selected and engaged by the County to review the CHS. In addition, the CHS as supplemented was reviewed by the staff hydrologist for Jones & Stokes and by Ken Schmidt and Associates, the third-party geohydrological consultant engaged by Jones & Stokes in connection with the project EIR. The CHS as supplemented complies with the requirements of Resolutions 93-115; 96-059; and 97-360.

**EVIDENCE:** File #PC94067, Monterey County Planning and Building Inspection Department; Letter report dated December 19, 1994, from Ogden Environmental and Energy Services to Walter Wong, Monterey County Environmental Health Division.

**EVIDENCE:** Chapter 8 of the DSEIR and response to comments within the FSEIR, including the *Review of Hydrologic and Wastewater Studies for Potrero Area Subdivision of the Santa Lucia Preserve*, Weber, Hayes & Associates, May, 2002 (DSEIR Technical Appendices).

6. **FINDING:** Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360 provides that development shall be permitted on Rancho San Carlos to a level consistent with safe yield of the proven water resources, provided that the level of development has no adverse impacts on offsite water uses.

**EVIDENCE:** The CHS concludes that the entire Rancho San Carlos project net demands of 400 acre-feet/year at build out represent about two percent of the annual available water of 22,200 acre-feet/year and about six percent of the annual groundwater recharge of 6,800 acre-feet/year, and that the project annual demands can be satisfied on a sustainable long-term basis by the available recharge at Rancho San Carlos (CHS, Section 8.5). Average annual recharge at Rancho San Carlos is 20 times greater than the project's net water demand at build out; and usable groundwater storage is 22 times greater than the amount needed to supply the project throughout a 10-year drought (SLP EIR #94-005; Potrero FSEIR Chapter 8). The EIRs conclude that the total amounts of groundwater recharge and storage greatly exceed the amounts needed to ensure a reliable and sustainable water supply for the project. Ogden Environmental and Energy Services, the County's independent third-party hydrological consultant, concluded that the 51 wells drilled to date at Rancho San Carlos demonstrate that sufficient developable water resources occur at the ranch. The level of development proposed by the Santa Lucia Preserve Combined Development Permit Application is consistent with the safe yield of the proven water resources.

**EVIDENCE:** File #PC94067, Monterey County Planning and Building Inspection Department; Comprehensive Hydrological Study (Camp, Dresser & McKee et al. in Preserve Application, Section 4.6; Letter report dated December 19, 1994, from Ogden Environmental and Energy Services to Walter Wong, Monterey County Environmental Health Division; Final EIR #94-005;

**EVIDENCE:** Chapter 8 of the DSEIR and response to comments within the FSEIR, including the *Review of Hydrologic and Wastewater Studies for Potrero Area Subdivision of the Santa Lucia Preserve*, Weber, Hayes & Associates, May, 2002 (DSEIR Technical Appendices).

7. **FINDING:** As required by Resolution 93-115, the CHS quantifies, within the accuracy limits of standard Hydrogeologic practices, development impacts to off-site basins and aquifers, including an order-of-magnitude evaluation of the impact of a drought of record, and to on- and off-site vegetation.

**EVIDENCE:** The CHS concluded that such impacts would be minimal and not measurable within the accuracy limits of standard hydrologic practice (CHS, Section 9). With the imposition of the conditions of approval recommended by the EIR, the project will not result in any significant impacts to off-site basins or aquifers or to on- or off-site vegetation.

**EVIDENCE:** File #PC94067, Monterey County Planning and Building Inspection Department; Comprehensive Hydrological Study (Camp, Dresser & McKee et al.) in Preserve Application, Section 9; Final EIR #94-005;

**EVIDENCE:** Chapter 8 of the DSEIR and response to comments within the FSEIR, including the *Review of Hydrologic and Wastewater Studies for Potrero Area Subdivision of the Santa Lucia Preserve*, Weber, Hayes & Associates, May, 2002 (DSEIR Technical Appendices).

- 8. FINDING:** The development of residential lots at the proposed densities is consistent with the zoning designations of the project site.
- EVIDENCE:** The land area includes 26 residential lots that are located within the Carmel Valley Master Plan Area and zoned RG (Rural Grazing) and will be developed at a total density of ten acres or more per unit. The land area includes three proposed residential lots that are located within the Greater Monterey Peninsula Area Plan area and zoned RC (Rural Conservation) zoning district and will be developed at a total density of 40 acres or more per unit.
- EVIDENCE:** Finding 1 and supporting evidence, FSEIR Chapter 3.
- 9. FINDING:** In approving the vesting tentative 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 project is in compliance with the requirements of the Inclusionary Housing Ordinance based on the affordable housing units provided elsewhere within the Santa Lucia Preserve.
- EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997). (Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360).
- EVIDENCE:** Building Permits for affordable units are on file with the Planning and Building Inspection Department for previous phases of the Santa Lucia Preserve development (2 units are constructed; 15 additional units have building permits but have not yet been constructed).
- 10. 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:** Draft SEIR, Chapter 11, *Biological Resources*, and Final Supplemental Environmental Impact Report, contained in the project file. The project may result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.
- 11. FINDING:** The 295 trees (greater than 6" diameter) located on the project site estimated for removal represents a reasonable removal ratio under the circumstances of the proposed project and are not considered a significant environmental effect with the mitigation measures and conditions of approval proposed.
- EVIDENCE:** Forest Management Plan completed in 2000, multiple site visits by the project planners, biological resource (habitat) evaluations. As quantified by the Forest Management Plan, the Potrero project area contains approximately 62,660 trees greater than 6" diameter. Within the Homeland boundary building envelopes there are 1,182 protected trees. The project's proposed removal of 295 trees represents 0.5% of the total tree population greater than 6" diameter and up to 25% of the trees within the Homeland boundaries.
- EVIDENCE:** Mitigation Measures of the FSEIR require avoidance through individual site planning as the primary measure to minimize tree removal. The estimate for tree removal is considered a maximum, to be reduced through the proposed measures.
- EVIDENCE:** Mitigation Measures of the FSEIR require replanting or relocation of all impacted trees greater than 6" diameter.

**EVIDENCE:** Conditions of approval of prior Resolutions adopted for the Santa Lucia Preserve incorporated by reference. (see evidence for Finding 1)

**EVIDENCE:** FSEIR Chapters 3 and 11.

**12. FINDING:** The project includes four (4) locations where a road or driveways will cross slopes in excess of 30%. There is no alternative to the proposal in these four locations that would better achieve the goals, policies and objectives of the General Plan and the Carmel Valley Master Plan.

**EVIDENCE:** Although there may be alternatives to road and driveway locations that could feasibly avoid all areas of 30% slope, the road and driveway locations as proposed have fewer impacts (and thus are more consistent with adopted plans and policies) for the following reasons:

1) Development of the project's roads and driveways on the proposed alignments over short stretches of slopes over 30% will assist in minimizing driveway length, and therefore minimize grading and total earth disturbance (Project Application, Thompson-Hysell Engineers, 2000).

2) Development of road and driveway areas will take advantage of the alignments of existing ranch roads, and therefore will reduce the amount of grading necessary to cut new roads in areas with shallower slope (Project Application, Planner's site visits).

3) Proposed road and driveway locations avoid sensitive resource areas such as riparian corridors, watersheds and landmark trees (Project Application, Biological Assessment).

**EVIDENCE:** Site visits by project planner between 2001 and 2003.

**EVIDENCE:** FSEIR Chapters 3 and 11.

**EVIDENCE:** Preceding and following Findings and supporting Evidence.

**13. FINDING:** That none of the findings found in Section 19.03.025.I of the Monterey County Code Title 19 (Subdivision Ordinance) can be made.

**EVIDENCE:** Section 19.03.025.I requires that the subdivision be denied if any one of the findings is made. Planning staff has analyzed the project against the findings for denial outlined in this section. The map and its design and improvements are consistent with the County General Plan, the Carmel Valley Master Plan, the Greater Monterey Peninsula Area Plan, and the Santa Lucia Preserve Comprehensive Development Plan. The site has been determined to be physically suitable for the type and density of development (see Evidence for Findings 1, 2, 6, 10, 14 and 15). The design and improvements, as conditioned, 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 Supplemental Environmental Impact Report prepared for this project (See Evidence in Findings 1, 2, 3, 4, 5, 8, 13, 14, 15 and 16). 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 mitigated, as evidenced by the application materials submitted for the project and subsequent review in the Supplemental Environmental Impact Report. Soils in the sloped areas of the property are geotechnically suitable for residential construction and septic systems. The project has an adequate source of water as identified in approval of the Comprehensive Development Plan and annual reports submitted to the County Environmental Health Division.

**EVIDENCE:** The application, plans, and support materials, including the technical reports submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development and considered in the Supplemental Environmental Impact Report.

**EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997).

**EVIDENCE:** See Evidence for Findings 1, 2, 10, 15, and 16 and conditions of approval regarding access and easements.

**EVIDENCE:** FSEIR and Technical Appendices including independent peer reviews of technical reports.

**14. FINDING:** The subject property is in compliance with all the rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

**EVIDENCE:** Site visit and inspection by Planner, review of county records, and the tentative subdivision map and application materials found in the project file.

**15. FINDING:** That the proposed subdivision will not adversely impact traffic conditions in the area.

**EVIDENCE:** The proposed subdivision has been reviewed by the Monterey County Department of Public Works and there is no indication from that Department that the subdivision will negatively impact traffic in the area. Additionally, the traffic analysis update conducted in the Supplemental Environmental Impact Report determined that the traffic generated by the subdivision was considered as part of the action approving the Comprehensive Development Plan and certification of the SLP EIR. All impacts associated with the project were addressed within the Santa Lucia Preserve EIR, and all impacts have been mitigated through construction of physical improvements and/or payment of impact fees. The impact was determined to be less than significant.

**EVIDENCE:** The Environmental Impact Reports for both the Potrero Area Subdivision and the Santa Lucia Preserve Comprehensive Development Plan identified a less than significant impact on traffic conditions in the area, with mitigation. The determinations were based on traffic studies that considered current conditions and the anticipated impact of project traffic and cumulative traffic generated by this project and other development within the vicinity. No changes in circumstance that would cause new environmental impacts were identified since certification of the Santa Lucia Preserve EIR.

**EVIDENCE:** FSEIR Chapter 13.

**16. FINDING:** The source capacity and water quality for all lots proposed to be created through the subdivision meets the requirements of all applicable health and safety regulations.

**EVIDENCE:** The project as described in the application and accompanying materials was reviewed by the Environmental Health Division and the Water Resources Agency and further analyzed in the Supplemental Environmental Impact Report. It was determined that sufficient water resources exist at the site to meet the requirements of all applicable health and safety regulations. (Condition Compliance Reports for the Santa Lucia Preserve).



**EVIDENCE:** Percolation Testing Summary Report Evaluation of Proposed Phase E Lots No. 1-29 for Conventional Septic Disposal Systems, the Potrero Area Subdivision of the Santa Lucia Preserve, Monterey County, CA. Prepared for Rancho San Carlos Partnership, Carmel California, October 24, 2000.

**EVIDENCE:** Comprehensive Hydrological Study for the Santa Lucia Preserve, Hydrological Study for the Potrero Area Subdivision submitted with the project application, independent peer review and validation of hydrological findings conducted as part of the SEIR, all condition compliance and water usage reports for the Santa Lucia Preserve on file with the County.

**EVIDENCE:** The application, plans, and support materials, found in the project file located at the Monterey County Planning and Building Inspection Department for the proposed subdivision.

**EVIDENCE:** FSEIR Chapters 8 and 16.

**EVIDENCE:** Testimony at Planning Commission May 26, 2004 by Joseph Hayes, Weber Hayes & Associates.

**EVIDENCE:** Planning Commission Resolution #04002.

**17. FINDING:** The Rancho San Carlos Partnership Combined Development Permit is consistent with applicable portions of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Carmel Valley Master Plan, Monterey County Zoning Ordinance Title 21, Measure M, County Board of Supervisors Resolution Numbers 93-115 and 01-133, Oak Tree Ordinance No. 3420, Inclusionary Housing Policies, Development on Slopes greater than 30%, Water Quality Control Plan, Air Quality Management Plan, and Transportation Policies and Plans.

**EVIDENCE:**

Resource	Objective/Policy	Finding/Discussion
<b>Open Space Conservation</b>	<u>Objective 1.1:</u> Designate open space where its use will preserve, conserve and maintain the natural resources and physical features of Monterey County.	<b>Consistent.</b> Approximately 1,209 acres (94%) of the proposed project area will be maintained as permanent open space.
<b>Geology, Minerals and Soils</b>	<u>Objective 3.2:</u> The prevailing slope of the land shall be used as an additional criterion in evaluating land use activities.  <u>Policy 3.2.2:</u> Land having a prevailing slope above 30% shall require adequate special erosion control and construction techniques.	<b>Consistent.</b> The project is consistent with these objectives and policies with the implementation of all mitigation measures recommended in Chapter 6 “Geology and Minerals” of the certified FEIR and the SEIR.
	<u>Policy 3.2.4:</u> With the exception of certain areas, the following calculations shall be used to determine the maximum residential density for individual parcels: those portions of parcels with a cross-slope of 0-19.9% shall be assigned one building site per one acre; those portions of parcels with a cross-slope of 20-29.9% shall be assigned one building site per each two acres; and those portions of parcels with a cross-slope of	<b>Consistent.</b> The proposed project has implemented the residential density calculation as outlined by County Policy 3.2.4.

Resource	Objective/Policy	Finding/Discussion
	30% or greater shall be assigned zero building sites.	
<b>Water Resources</b>	<u>Objective 5.1:</u> Protect and preserve watersheds and recharge areas, particularly those critical for replenishment of reservoirs and aquifers.	<p><b>Consistent.</b> Water demand for the Potrero development has been addressed in the following reports prepared by Camp Dresser &amp; McKee: <i>Comprehensive Hydrologic Study</i> (March 1994), <i>Supplement #3 to the Comprehensive Hydrological Study</i> (March 1995) and <i>Hydrologic Study for Development Application for the Potrero Area Subdivision of the Santa Lucia Preserve</i> (April 2001).</p> <p>In the Potrero Area SEIR, the hydrologic studies and the prior EIR were peer reviewed for potential impacts from the proposed project that may result from changed or new conditions (Chapter 8). The peer review identified no changed conditions that would cause impacts to levels that had not been addressed in the certified EIR and that with implementation of existing mitigation measures, the Potrero Subdivision Project would result in no significant impacts or measurable increase in overall groundwater pumping.</p>
	<u>Objective 5.1.1:</u> Vegetation and soil shall be managed to protect critical watershed areas.	<b>Consistent.</b> As documented in the approved FEIR, the Santa Lucia Preserve CDP incorporates measures that minimize vegetation removal and the addition of impermeable surfaces.
	<u>Objective 5.1.2:</u> Land use and development shall be accomplished in a manner to minimize runoff and maintain groundwater recharge in vital water resource areas.	<b>Consistent.</b> A Preliminary Drainage Control Plan has been prepared for the Potrero Subdivision, which outlines improvement plans that minimize runoff and maintain groundwater recharge. The drainage plan is subject to the review and approval of the Monterey County Water Resources Agency and the Public Works Department. Project approval will require submission of a final drainage and improvement plan reflecting any modifications or recommendations made by the County. As discussed under Open Space and Conservation, 94% of the project area will be maintained as permanent open space, providing extensive recharge area.

Resource	Objective/Policy	Finding/Discussion
<p><b>Vegetation and Wildlife Habitats</b></p>	<p><u>Policies 9.1.1 and 9.1.2:</u> These policies require special care in the development of areas known to have particular value for wildlife.</p>	<p><b>Consistent.</b> As documented in the Comprehensive Development Plan for the Santa Lucia Preserve and the certified FEIR, the proposed project incorporates the following habitat resource protection principles:</p> <p>Low density development and spacing of development will ensure adequate space for unencumbered wildlife movement.</p> <p>The majority of the project (94%) will be maintained as permanent open space ensuring large contiguous areas of wildlife habitat.</p> <p>Where feasible, identified sensitive habitats will be avoided and development will be permitted only where it has been determined by the biological survey that the potential impacts of the proposed use will not harm the long-term maintenance of the resource.</p> <p>The Potrero Area SEIR presents project-specific analysis of biological impacts associated with the Potrero Area Subdivision (Chapter 11) based on biological and resource evaluations conducted by Denise Duffy &amp; Associates and Ecosystems West Consulting Group, the Forest Management Plan prepared by Ralph Osterling Consultants (2000 rev. 2002) and third party peer review of the documents by Biotic Resources Group (2003). The SEIR has determined that, with implementation of the recommended mitigation measures, the proposed project remains consistent with these habitat protection policies</p>
<p><b>Environmentally Sensitive Areas</b></p>	<p><u>Objective 11.1:</u> Establish protective measures for areas of particular environmental sensitivity or concern.</p>	<p><b>Consistent</b> with this policy and as directed by Board Resolution 93-115, development is sited within clusters within the least environmental sensitive portions of the preserve.</p>
<p><b>Archaeological Resources</b></p>	<p><u>Objective 12.1:</u> Identify and conserve important representative and unique archaeological sites and features.</p>	<p><b>Consistent.</b> Potential archaeological resources on the proposed project site have been identified in the following reports: the <i>Santa Lucia Preserve Project Final Environmental Impact Report</i>, prepared by Jones and Stokes in 1995; the <i>Preservation Plan for Rancho San Carlos, Potrero Area of the Santa Lucia Preserve, Carmel, Monterey County, California</i> prepared</p>

Resource	Objective/Policy	Finding/Discussion
		<p>in 2000 by Historical Preservation Associates; and the <i>Cultural Resources Inventory and Preliminary Cultural Resources Management Plan for the Lucia Preserve, Carmel Valley, California</i> prepared by Archaeological Consulting 2000.</p> <p>The project site contains prehistoric archaeological sites CA-MNT-1703 and CA-MNT-1719. Although within the project area and sensitive to development, the sites have been avoided by design. Any potential archaeological sites will be protected and conserved through the implementation of mitigation measures contained in the FEIR and in Chapter 17 of the SEIR.</p>
<p><b>Seismic and other Geological Hazards</b></p>	<p><u>Policies 15.1 through 15.1.13:</u> Provide detailed requirements for geotechnical investigations and soil reports.</p>	<p><b>Consistent.</b> Detailed geotechnical and soils analyses for the proposed site are contained in reports prepared by Cleary Consultants (2000 and 2002), Thompson-Hysell Engineers (2000) and E. Weber Geologic Consultant (2002). These reports are summarized in Chapters 6 and 7 of the SEIR.</p>
<p><b>Flood Hazards</b></p>	<p><u>Policies 16.2.1 through 16.2.10:</u> Establish the means for regulating land uses within flood prone areas and reducing erosion potential.</p>	<p><b>Consistent.</b> The prior EIR required a number of mitigation measures to address site drainage, erosion control and flood flows. A series of Best Management Practices (BMPs) were required and implemented for phases of the Santa Lucia Preserve project that have been constructed. As Phase E of the project, the Potrero Area Subdivision would be required to implement similar measures, based on demonstrated success of previous measures.</p> <p>Subsequent soils analysis were prepared by Cleary Consultants (2000 and 2002), Thompson-Hysell Engineers (2000). These reports are summarized in Chapter 7 of the SEIR.</p> <p>Proper implementation of mitigation measures described in the FEIR and in the SEIR will ensure consistency with this policy.</p> <p>No areas within the Potrero Area Subdivision are within the 100-year</p>

Resource	Objective/Policy	Finding/Discussion
		floodplain.
<b>Fire Hazards</b>	<p><u>Policies 17.3.1 through 17.3.14:</u> Provide detailed standards for the use, location, type and design of roadways to reduce fire hazard risk.</p> <p><u>Policies 17.4.1 through 17.4.12:</u> Provide detailed standards for regulating the type, density, location and/or design and construction to reduce fire hazard risk.</p>	<p><b>Consistent.</b> The Potrero Area Subdivision is consistent with these policies with proper implementation of the mitigation measures and Fire Safety Management Plan set forth in the prior EIR, including all fire flow and water system improvements.</p> <p>In addition, the proposed project has been reviewed for compliance with Fire District requirements by the Mid Carmel Valley Fire Protection District. Project approval will require conditions of approval recommended by the Fire District, ensuring compliance with these policies.</p>
<b>Air and Water Quality</b>	<p><u>Policy 21.2.1:</u> The County shall require all new and existing development to meet federal, state and County water quality standards.</p> <p><u>Policy 21.2.2:</u> The County shall allow only those land uses that do not pollute the groundwater system beyond acceptable limits.</p>	<p><b>Consistent.</b> For the SEIR, the hydrologic studies and the prior EIR were peer reviewed for potential impacts from the proposed Potrero Subdivision that may result from changed or new conditions. The review determined that the applicant has complied with Monterey County Ordinance 0482 requiring proof of water quality for a subdivision application.</p> <p>Water quality monitoring is a requirement of the Comprehensive Development Plan for the Santa Lucia Preserve, and the monitoring regimen will be extended to the Potrero Area. The Monterey County Health Department Division of Environmental Health regulates the frequency of monitoring and reporting requirements, and will need to approve any monitoring program proposed.</p>
	<p><u>Policy 21.3.5:</u> Wastewater treatment facilities shall not be sited in, or allowed to expand into, environmentally sensitive habitat areas unless environmental impacts can be mitigated.</p>	<p><b>Consistent.</b> All of the residential lots in the Potrero Area will be served by individual septic tank and leach field systems. As required by Board Resolution 93-115, and documented in the prior EIR, sensitive habitats will be avoided by infrastructure improvements and development will be sited within clusters within the least environmental sensitive portions of the preserve.</p> <p>As discussed in the SEIR, individual</p>

Resource	Objective/Policy	Finding/Discussion
		<p>septic systems that would be the primary source of nitrates in the Potrero Area Subdivision are not expected to result in elevated nitrogen levels and the water quality impacts resulting from the project would be less than significant. In addition, final septic and seepage pit locations must meet Monterey County and Regional Water Quality Control Board standards for setbacks from creeks, drainages, wells, trees, groundwater and slopes. Assuming that these septic system siting guidelines will be met, the project will not impact environmentally sensitive habitat areas. See Chapter 16 of the SEIR for additional septic system siting discussion.</p>
<p><b>Noise Hazards</b></p>	<p><u>Objective 22.2:</u> Ensure through land use planning, a quiet acoustic environment in portions of the County to be developed.</p>	<p><b>Consistent.</b> The Potrero Subdivision involves the development of 29 low density homes in a rural area of the County with few sensitive noise receptors. As required by Board Resolution No. 93-115, and put forth in the Comprehensive Development Plan for the Santa Lucia Preserve, the project incorporated careful land planning in the siting of home sites</p> <p>The Potrero Area Subdivision was considered in the prior EIR and no significant noise impacts were identified. As discussed in Chapter 15 of the SEIR, the analysis and the conclusions of the prior EIR continue to be valid. Therefore, the proposed project is consistent with this policy.</p>
<p><b>General Land Use</b></p>	<p><u>Policy 26.1.2:</u> The County shall discourage premature and scattered development.</p>	<p><b>Consistent:</b> The proposed project includes clustered development in the least environmentally sensitive portions of the project area maintaining consistency with the approved CDP and overall design concept for the Santa Lucia Preserve.</p>
	<p><u>Policy 26.1.9:</u> To preserve the County’s scenic and rural character, ridgeline development shall not be allowed unless a special permit is first obtained. Such a permit shall only be granted upon findings being made that the development as conditioned by permit will not create a substantially adverse</p>	<p><b>Consistent.</b> The Monterey County General Plan and Zoning Ordinance define ridgeline development as “development on the crest of a hill which has the potential to create a silhouette or other substantially adverse impact when viewed from a common public viewing area.” The</p>

Resource	Objective/Policy	Finding/Discussion
	<p>visual impact when viewed from a common public viewing area. New subdivisions shall avoid lot configurations that create building sites that will constitute ridgeline development. Siting of new development visible from private viewing areas may be taken into consideration during the subdivision process.</p>	<p>Monterey County Zoning Ordinance, Section 21.06.195 defines a “common public viewing area” as a public area such as a street, road, designated vista point, or public park from which the general public ordinarily views the surrounding viewshed.</p> <p>As discussed in Chapter 12 of the SEIR, certain lots in the Potrero Area Subdivision are located on topographic high points. However, due to the distance between lots and considerable distance from public viewing areas (Carmel Valley Road), the SEIR determined that future home construction would not create a substantially adverse impact. Therefore, future construction would not constitute “ridgeline” development requiring separate permit, as each parcel has areas capable of avoiding ridgeline development. No mitigation measures are required; however, it is recommended that prior to construction, that all lots are staked in accordance with “County-wide Staking and Flagging Criteria.” A subsequent inspection should be made within 30 days to optimize individual home locations to avoid affects to neighboring properties.</p>
<p><b>Residential Land Use</b></p>	<p><u>Policy 27.2.1:</u> Residential areas shall be located with convenient access to employment, shopping, recreation and transportation.</p>	<p><b>Consistent:</b> The Carmel Valley Village and the cities of Carmel and Monterey provide numerous employment and shopping opportunities for the proposed project’s future residents. These areas are located two to five miles from the project site. Recreational facilities and recreational trails are located on the Preserve.</p>
	<p><u>Policy 27.2.2:</u> Adequate circulation rights-of-way shall be delineated within each residential area.</p>	<p><b>Consistent.</b> Driveway easements are a component of the project. Road alignments are proposed as part of the Tentative Map.</p>
	<p><u>Objective 27.3:</u> Ensure compatibility between land uses.</p>	<p><b>Consistent.</b> The Potrero Subdivision is located in the northwest portion of the Santa Lucia Preserve. The project is surrounded on most sides by Preserve lands and is compatible with the adjacent residential and recreational land uses of the Preserve.</p>

Resource	Objective/Policy	Finding/Discussion
		<p>Outside of the Preserve, the Potrero area is adjacent to single-family residences to the north and northeast, and the Quail Meadows subdivision to the northwest. Planned residential uses would be compatible with these existing residential uses.</p>
	<p><u>Policy 27.3.3:</u> Residential development shall be sited with sufficient distance from normal agricultural activities to prevent these activities from becoming nuisances to the residents of the subdivisions.</p>	<p><b>Consistent.</b> New development adjacent to agricultural uses requires the establishment of well-defined buffer zones within the area to be developed. In zoning districts other than “F,” “PG” and “RG” these zones may be reduced to a width of not less than 50 feet. The proposed parcels, with large homeland areas within residences will be built, will have sufficient distance from agricultural activities (in this case grazing).</p>
<b>Open Space</b>	<p><u>Policy 34.1.1:</u> The County shall encourage the clustering of all types of development, where appropriate, in order to allow for a portion of each project to be dedicated as permanent open space.</p>	<p><b>Consistent.</b> Consistent with direction provided by Board Resolution No. 93-115, the 29 lots of the Potrero Subdivision are sited within clusters. The majority of the project area, approximately 1,209 acres of the 1,286 total acres, will be maintained in permanent open space.</p>
<b>Watershed Areas</b>	<p><u>Policy 35.1.1:</u> The County shall ensure that land uses in and surrounding critical watershed areas will not compromise the important resource value of these areas</p> <p><u>Policy 35.1.2:</u> Any development in critical watershed areas shall be designated, sited and constructed in a manner that minimizes negative effects on the watershed.</p>	<p><b>Consistent.</b> Numerous studies of surface water and groundwater hydrology were conducted in support of the Santa Lucia Preserve Project. The FEIR for the Preserve determined that potential negative impacts to the watershed could be minimized through implementation of a comprehensive series of mitigation measures and BMPs. As a component of the Santa Lucia Preserve Plan, the Potrero Subdivision would be required to implement similar measures to address potential impacts to the watershed.</p> <p>For the SEIR, prior assumptions and reports have been peer reviewed to determine if there are any additional effects specific to the Potrero Subdivision that were not previously analyzed (Chapter 9). The review has determined that adherence to mitigation measures and the BMPs outlined in the prior EIR as well as specific mitigation measures identified</p>



Resource	Objective/Policy	Finding/Discussion
		in the SEIR will ensure that development is constructed in a manner that minimizes negative effects on the watershed. Therefore, the proposed project is consistent with County watershed policies.
<b>Scenic Highways</b>	<p><u>Policy 40.2.1:</u> Additional sensitive treatment provisions shall be employed within the scenic corridor, including placement of utilities underground, where feasible: architectural and landscape controls; outdoor advertising restrictions; encouragement of native plants, especially on public lands and dedicated open spaces; and cooperative landscape programs with adjoining public and private open space lands.</p> <p><u>Policy 40.2.2:</u> Land use controls shall be applied or retained to protect the scenic corridor and to encourage sensitive selection of sites and open space preservation. Where land is designated for development at a density which, should maximum permissible development occur, would diminish scenic quality, the landowner shall be encouraged to voluntarily dedicate a scenic easement to protect the scenic corridor.</p>	<p><b>Consistent.</b> Potential visual impacts that may result from implementation of the entire Santa Lucia Preserve project were evaluated in the prior EIR. The approved EIR determined that for the impacts relative to the Potrero area, no mitigation measures were necessary. However, to maintain visual unity and intactness a number of measures should be taken including: minimize the impact of buildings roads and other built improvements through siting and design; establish development standards that reflect the natural landscape patterns; minimize tree removal; avoid potential for ridgeline development; and establish strict design controls on site planning, architecture, and building materials including architectural review procedures. These measures are incorporated in the Potrero Area Subdivision project.</p> <p>The SEIR has reviewed the prior EIR and supporting documents, and evaluated proposed potential aesthetic impacts specific to the Potrero Area Subdivision project (Chapter 12). As was concluded with the prior EIR, the project is consistent with County visual resource policies. No significant impacts have been identified in the Potrero Area and no mitigation measures are required; although, measures are recommended to ensure that individual homes are reviewed using county staking and flagging techniques.</p>

**EVIDENCE:** Potrero FSEIR Chapter 3, Land Use.

- 18. FINDING:** The establishment, maintenance, or operation of the uses 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, Water Resources Agency, Water Management District, Sheriff's Department and Carmel Valley Rural Fire District as part of the environmental review process. 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:** Materials in file PLN 010001.

**EVIDENCE:** Previously adopted Resolutions for the Santa Lucia Preserve Comprehensive Development Plan (CDP), previously adopted Resolutions for Tentative and Final Maps within the GMPAP portions of the CDP, and supporting evidence for those approvals including the certified Final EIR for the Santa Lucia Preserve (1997). See Evidence for Finding 1 above.

**EVIDENCE:** Preceding Findings and supporting Evidence.

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

**EVIDENCE:** Section 19.16.020.C of the Monterey County Subdivision Ordinance (Title 19).

**20. FINDING:** That prior to approving the project, the Planning Commission finds and certifies that:

1. The Final EIR has been completed in compliance with CEQA;
2. The Final EIR was presented to the Planning Commission and that the Commission reviewed and considered the information contained in the Final EIR prior to approving the project; and
3. The Final EIR reflects the lead agency's independent judgment and analysis.

**EVIDENCE:** a) Certification of the Santa Lucia Preserve Final EIR and approval of the Santa Lucia Preserve Comprehensive Development Plan. The Potrero Area Subdivision Final EIR is a Supplemental EIR consistent with the analysis approach and findings of the prior approvals.  
b) Section 21000 of the Public Resources Code. The Final EIR has been prepared by the County's EIR consultant consistent with California Environmental Quality Act and its implementing Guidelines.  
c) All review, testimony and presentations involving the Final EIR before the Carmel Valley Land Use Advisory Committee, Subdivision Committee and Planning Commission in the consideration and processing of the Potrero Area Subdivision.

**21. FINDING:** Existing mitigation measures (e.g. Mitigation Measure #16 from the Santa Lucia Preserve EIR) and conditions of approval (Conditions #11, 14, 15, 16 and 51 of Resolution No. 96-060) are technically sound and adequate to mitigate any decrease in base flow in Las Garzas Creek resulting from implementation of the Santa Lucia Preserve.

**EVIDENCE:** a) Weber, Hayes & Associates, *Peer Review of Comments on Potential Stream Flow Impacts, Potential Subdivision EIR*, February 2, 2004, finding existing mitigation strategies to identify and mitigate potential impacts of pumping on stream base flow technically sound.  
b) Expert testimony at Planning Commission hearing May 26, 2004 by Joseph Hayes, Certified Hydrogeologist #373, Weber Hayes & Associates.  
c) Memorandum from Joseph Hayes dated August 30, 2004

- d) Testimony presented both orally and in writing by hydrological consultants/expert witnesses (Mark Woysner, Polly Boissevain and Scott Brown) at Planning Commission hearing, August 25, 2004.
- e) Letter to Monterey County Planning Commission from Andrew M. Bell, Planning & Engineering Division Manager, Monterey Peninsula Water Management District, August 24, 2004.
- f) Final Santa Lucia Preserve EIR, Volume III, Response to Comments 16, 17, 18, 19, 20, 22, 23, 24 and 25, pp. 22-24.

**22. FINDING:** The Potrero Area Subdivision Combined Development Permit does not authorize any act or use that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the Federal Endangered Species Act (16 USCA Sections 1531 to 1544). The Subdivider shall be responsible for meeting all requirements, if any, of the applicable Endangered Species Act for the project authorized under this Combined Development Permit.

**EVIDENCE:** Preceding Findings (#1, 2, 3, 20, and 21) and supporting Evidence.

## **DECISION**

THEREFORE, it is the decision of the Planning Commission, to certify the Final Supplemental Environmental Impact Report, adopt the Mitigation Monitoring Reporting Program, and approve the Combined Development Permit as shown on the attached sketch, subject to the following conditions:

1. **SPECIFIC USES ONLY.** Combined Development Permit consisting of a Vesting Tentative Map to allow the division of a 1,286 acre property (currently four parcels) into 29 lots ranging in size from 14.47 to 67.21 acres, grading of approximately 29,600 cubic yards, a Use Permit to allow for the removal of up to 295 trees and a Use Permit to allow for limited development on slopes greater than 30 percent. The site is located in the Potrero Creek area of the Santa Lucia Preserve (Rancho San Carlos), east of Rancho San Carlos Road and west of Robinson Canyon Road, approximately five miles south of Monterey, and three miles inland from the Pacific Ocean (Assessor Parcel Numbers: 239-102-001-000; 239-102-002-000; 239-102-003-000; and 239-101-032-000), Carmel Valley Master Plan (CVMP) area and the Greater Monterey Peninsula Area Plan (GMPAP) area. 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. **NOTICE OF DETERMINATION.** 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, within five (5) calendar days of project approval – prior to filing of the Notice of Determination. This fee

shall be paid on or 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)**

3. MITIGATION MEASURES OF THE POTRERO AREA SUBDIVISION FINAL EIR. The applicant shall comply with all project-specific mitigation measures as certified and adopted by the County within the Final EIR, and as specified within the adopted Mitigation Monitoring and Reporting Program. **(Planning and Building Inspection)**
4. MITIGATION MEASURES OF THE SANTA LUCIA PRESERVE EIR INCORPORATED BY REFERENCE. The applicant shall comply with all mitigation measures of the certified Santa Lucia Preserve that apply on a “ranch-wide” basis, inclusive of the Potrero Area as cited within the Potrero Area Subdivision Final Supplemental EIR. **(Planning and Building Inspection)**
5. APPLICABLE CONDITIONS OF APPROVAL OF THE SANTA LUCIA PRESERVE. The applicant shall implement (or continue to implement) all applicable conditions of approval of the Santa Lucia Preserve (as specified by Resolutions 93-115; 96-059; 96-060; 96-061; and 97-360) as they apply “ranch-wide” and are therefore inclusive of the Potrero Area Subdivision. **(Planning and Building Inspection)**

**Notes to be placed on Final Map and/or Subdivision Improvement Plans:**

6. NOTE ON FINAL MAP – STUDIES. A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Reports have been prepared for this property as listed below, and are on file in the Monterey County Planning and Building Inspection Department. The recommendations contained in said reports shall be followed in all further development of this property.”
  - Biological Assessment for the Potrero Area Subdivision Santa Lucia Preserve, Monterey County, California, Denise Duffy & Associates, July 2003.
  - Biological Resources Evaluations Peer Review Report, Biotic Resources Group, September 2003.
  - Focused Geotechnical Response to EIR Review Comments, Potrero Area Subdivision, Cleary Consultants, Inc. July 2002.
  - Geotechnical Peer Review Letter, G.E. Weber Geologic Consultant, August 2002.
  - Peer Review of the Hydrologic and Wastewater Studies for the Potrero Area Subdivision, Weber, Hayes & Associates, June 2003.
  - Traffic Impact Analysis for the Potrero Area Subdivision of the Santa Lucia Preserve, Dowling Associates, June 2003
  - Peer Review of Study for Potrero Area Subdivision-Santa Lucia Preserve, Hexagon Transportation Consultants, Inc., September 2003. **(Planning and Building Inspection)**

The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. **(Planning and Building Inspection)**

7. NOTICE – PERMIT APPROVAL AND NOTE ON FINAL MAP The applicant shall record a notice and place a note on the final map that states: “A permit (Resolution 04044) was approved by the Planning

Commission on September 29, 2004 for the Potrero area subdivision (Assessor's Parcel Numbers 239-102-001-000; 239-102-002-000; 239-102-003-000; and 239-101-032-000). The permit was granted subject to 134 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.” Alternatively, this 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. Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits, recording of the final map, or commencement of the use, whichever occurs first. **(Planning and Building Inspection)**

8. DETENTION POND(S) - NOTE ON FINAL MAP. A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Stormwater detention/sediment retention pond(s) shall be constructed wherever possible at locations recommended by Thompson-Hysell Engineers, to mitigate stormwater flows and sediment discharge into Potrero Creek and toward off-site properties at the lower end of the watershed. Ponds shall be constructed in accordance with plans by a registered civil engineer and the recommendations in the Thompson-Hysell Engineers *“Preliminary Drainage and Erosion Control Report, Potrero Canyon Area, June 2000.”*” **(Water Resources Agency)**
9. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Topsoil removed from graded areas shall be stockpiled onsite and used for revegetation purposes. Location of all stockpiled areas shall be subject to approval of the Director of Planning and Building Inspection Department, prior to issuance of grading permits.” **(SLP EIR MM 9, 25) (Planning and Building Inspection)**
10. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “To minimize the potential for acute and chronic toxicity to fisheries and reduced fish productivity, the following construction practices shall be implemented in riparian areas, where appropriate:
  - a.) direct building pad drainage away from fill slopes and direct drainage to stable offsite locations; and
  - b.) use rock lined swales, rock masonry to construct or surface road crossing structures, oversized culverts, or spanning bridges to minimize disturbance of streambeds and stream banks and to promote microhabitat beneficial to fisheries; and,
  - c.) comply with the Monterey County Erosion Control ordinance regarding excavation and grading.” **(SLP EIR MM 24) (Planning and Building Inspection)**
11. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: 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."

12. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Stormwater runoff from impervious surfaces shall be dispersed over vegetated slopes or dissipated over non-erodible material, in accordance with the County Erosion Control Ordinance.” **(Water Resources Agency)**
13. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Natural drainage shall be routed around proposed development and in a way that it does not impact down slope development, in accordance with plans by a registered civil engineer or architect.” **(Water Resources Agency)**
14. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Applicant shall provide certification to the County Water Resources Agency that applications have been submitted for all required local, State, and Federal permits.” **(Water Resources Agency)**
15. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Where required, streambank erosion protection shall be provided in accordance with plans by a registered civil engineer.” **(Water Resources Agency)**
16. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “A notice shall be recorded on the deed for each lot that all new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance #3539.” **(Water Resources Agency)**
17. NOTE ON FINAL MAP, CC&R’s, PRIOR TO FINAL BUILDING INSPECTION, AND ONGOING: In accordance with Monterey County Water Resources Agency Water Conservation Ordinance No. 3539, a note shall be placed on the final map and the CC&R’s shall contain provisions that: “All new construction shall 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)**
18. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “CC& R's for the residential development shall contain the following regulations for landscaping:

- a) landscaping with the use of native, non-invasive, drought-tolerant and/or fire resistant plant materials is mandatory;
  - b) extensive use of non-native turf is prohibited;
  - c) landscape irrigation systems shall utilize low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices to minimize water use; and,
  - d) landscape design shall incorporate vegetation management and fuel modification principles to reduce the quantity of flammable material conducive to wildfire.” **(Planning and Building Inspection)**
19. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map for each phase or a separate sheet to be recorded with each phase of 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 Planning and Building Inspection. **(Planning and Building Inspection)**
20. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “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. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures subject to the approval of the Director of Planning and Building Inspection, prior to the issuance of building permits.” **(Planning and Building Inspection)**
21. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “No new development shall be allowed within 100 feet of any wetland unless the biological survey provides conditions which will mitigate adverse impacts to and allow for the long-term maintenance of the habitat, in accordance with Section 21.66.020 of Title 21.” **(Planning and Building Inspection)**
22. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Mandatory garbage collection shall be required and that the project shall comply with the Monterey County Solid Waste Management Plan including recycling efforts.” **(Planning and Building Inspection)**
23. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “No more than 75% of the market rate residences can have guesthouses and no more than 50% of the market rate residences can have senior citizen or caretaker units.” **(Planning and Building Inspection)**
24. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Proposed development shall be setback at least 50 feet from top-of-bank of a creek and 200 feet from the top-of-bank of a river, in accordance with section 16.16.050 H of County Floodplain Ordinance #3272.” **(Water Resources Agency)**

25. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The maximum number of trees permitted for removal on each lot is determined by a Maximum Tree Removal Chart on file with the Planning and Building Inspection Department. Total protected tree removal for the Potrero Subdivision shall not exceed 295 healthy trees. For lots 1-26, protected trees are oaks, redwood and madrone with diameters greater than 6 inches diameter at two feet above ground level. For lots 27-29, protected trees are oaks only, with diameters greater than 6 inches diameter at two feet above ground level. The final chart shall be submitted to the Planning and Building Inspection Department at least 30 days prior to submittal of the Final Map to the Clerk to the Board for approval. The final chart will reflect accurate tree removal estimates based on field surveys done as part of preparation of the final map, including the final lot boundaries, expected driveway locations, and building envelope (homeland) boundaries, as well as subdivision improvement plans. The final chart shall be subject to approval of the Director of Planning and Building Inspection, with a final decision by the Board of Supervisors prior to or concurrently with action on the Final Map. Any identified tree removal change of 15% of the quantities identified in the chart considered at the September 29, 2004 Planning Commission hearing will require reconsideration and approval by the Planning Commission at a public hearing prior to filing the final map. Any tree removal in excess of the quantity identified in the chart will require an additional discretionary permit, as required by the County Code.

The following findings are required, for tree removal in excess of the quantity identified in the final chart described earlier in this condition, prior to issuance of permits for grading or structures on the Potrero subdivision lot where tree removal is included:

- 1) *The tree removal is the minimum required under the circumstances of the case.*
- 2) *The removal will not involve a risk of adverse environmental impacts such as:*
  - a) *soil erosion*
  - b) *water quality: the removal of the trees will not substantially lessen the ability for the natural assimilation of nutrients, chemical pollutants, heavy metals, silt and other noxious substances from ground and surface waters;*
  - c) *ecological impacts: the removal will not have a substantial adverse impact upon existing biological and ecological systems, climatic conditions which affect these systems, or such removal will not create conditions which may adversely affect the dynamic equilibrium of associated systems;*
  - d) *noise pollution: the removal will not significantly increase ambient noise levels to the degree that a nuisance is anticipated to occur;*
  - e) *air movement: the removal will not significantly reduce the ability of the existing vegetation to reduce wind velocities to the degree that a nuisance is anticipated to occur;*
  - f) *wildlife habitat: the removal will not significantly reduce available habitat for wildlife existence and reproduction or result in the immigration of wildlife from adjacent or associated ecosystems;*

*or*
- 3) *The tree is diseased, injured, in danger of falling too close to existing or proposed structures, creases unsafe vision clearance, or is likely to promote the spread of insects or disease.” (Planning and Building Inspection)*



26. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Potential indirect impacts to botanical resources shall be avoided or minimized as follows:
1. Drainage Alterations: Implement erosion control measures set forth in the Preliminary Drainage and Erosion Control Report, Potrero Canyon Area (2000), as well as erosion control plans prepared pursuant to the County’s Erosion Control Ordinance, as well as the Storm Water Pollution Prevention Plan required by the State Water Resources Control Board (see Chapter 9. Runoff, Flooding, and Water Quality);
  2. Damage to Root Systems During Construction: Implement the “Tree Protection Guidelines” set forth in the Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve (August 2002);
  3. Spread of Invasive Species: Implement the provisions of the Resource Management Plan for the San Carlos Ranch (1994) which specify that non-native species known to be invasive shall not be used in landscaping, that invasive exotics shall be controlled by revegetation of disturbed areas with native plants, that the use of landscape species known to be invasive shall be prohibited, and that species such as French broom and pampas grass shall be actively eradicated.
  4. Landscape Irrigation: Selection of landscape species shall emphasize species not requiring irrigation such as drought-tolerant native species from local sources, or drought-tolerant non-natives that are known to be non-invasive. If irrigation systems are installed, they shall be designed to minimize runoff of irrigation water into adjacent areas of native vegetation. To avoid irrigation runoff into sensitive coastal prairie habitat in the building envelopes for Lots 11 and 28, irrigation and planting plans for these lots shall clearly demonstrate system type and limits of irrigation for County review.
  5. Fertilizer and Pesticide Application: In the design of landscaping, emphasis shall be placed on the use of species not requiring herbicides, pesticides, or fertilizers.
  6. Trampling by Human Activity: Less than significant; no mitigation required.” **(Potrero EIR MM 11.7) (Planning and Building Inspection)**
27. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Minimize removal of coastal prairie habitat to the greatest extent feasible (avoidance through design), and implement the Cattle Grazing and Livestock Management Plan for the Santa Lucia Preserve on lots that contain this habitat type. Applicants for individual lot development shall demonstrate to the satisfaction of the Planning and Building Inspection Department the necessity of the habitat removal and why removal cannot be avoided.” **(Potrero EIR MM 11.2) (Planning and Building Inspection)**
28. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Stands of oak woodland shall be avoided through site design to the greatest extent feasible as part of the application review process. Home construction on any lot shall result in the removal of no more than 25% of the total trees present within the building envelopes. For the unavoidable removal of oaks, implement the tree replacement and protection measures specified in the Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve. Additionally, GMPAP Condition #24 relating to the monitoring of success of the replacement

planting shall be applied to the Potrero Area Subdivision.” **(Potrero EIR MM 11.8) (Planning and Building Inspection)**

29. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The following general measures shall be implemented to avoid or reduce the potential impacts of development to special-status wildlife species prior to construction. These measures apply to individual lot development, as well as any common improvements within the Potrero Area Subdivision:
1. Prior to construction, a qualified biologist shall review the area to be disturbed by construction activities. If construction activities are planned to occur in habitat types identified as appropriate for any of the species listed in Table 11-4, a qualified biologist shall perform protocol-level species-specific surveys prior to the initiation of those activities. Such surveys may be season-dependent, depending on the species. If any protected species are identified within areas scheduled for construction activities, the level of potential impact and appropriate species-specific avoidance and mitigation measures shall be determined by the qualified biologist in accordance with state and federal laws.
  2. During all ground disturbing construction activities within habitat areas identified pursuant to paragraph 1 above, a qualified biologist shall monitor for special-status species. If federally-listed special-status species are identified as being potentially impacted, construction activities shall halt and the U.S. Fish and Wildlife Service (USFWS) shall be notified of the incident before construction activities can resume. If other (non-federally-protected) special-status species are identified as being potentially impacted during construction, activities shall halt until the species removes itself from potential impact or is relocated by an individual permitted by the California Department of Fish and Game (CDFG) to handle the species.
  3. Prior to project final map approval, the homeland (building envelope) for lot E28 shall be reconfigured to exclude all individuals of the Smith’s blue host plant naked buckwheat (*Eriogonum nudum*) and provide a 20 foot buffer. After the homeland has been reconfigured a qualified botanist shall review the changes in the field to confirm the accuracy of the adjustment.
  4. Within one week prior to trimming of the vegetation along Rancho San Carlos Road, a qualified botanist shall locate any seacliff, coast, or naked buckwheat plants and place flags adjacent to the plants that are easily visible from the road. Mechanical trimming or mowing shall not be carried out within five feet of the flagged areas. Trimming by hand may occur by a qualified individual with knowledge of the focus species and the ability to identify them in the field.” **(Potrero EIR MM 11.9) (Planning and Building Inspection)**
30. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Implement pre-construction and construction phase management actions as prescribed by the 1998 USFWS Biological Opinion on the California Red Legged Frog.” **(Potrero EIR MM 11.10) (Planning and Building Inspection)**
31. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The following specific measures shall be implemented to avoid or reduce the potential impacts of development to special-status wildlife species prior to construction:

1. Construct permanent exclusionary ground fencing along the driveway for Lots 5 and 6; and construct a tunnel under the driveway(s) to allow passage of California tiger salamander and other amphibians and reptiles. This fencing shall be monitored on a seasonal basis to assess its condition and repairs made if necessary.

2. If California tiger salamanders are confirmed breeding in Pond 01, the installation of exclusionary ground fencing and tunnel shall occur during the dry season, after May 1 and before September 1.

3. If California tiger salamanders are confirmed to be breeding in Pond 01, prior to the installation of any exclusionary ground fencing as described in this measure, the area of impact shall be identified and burrow excavations conducted to locate and remove salamanders by a qualified biologist with an MOU from the California Department of Fish and Game. It should be noted that this Mitigation would not be applicable if the species becomes federally listed.” **(Potrero EIR MM 11.11) (Planning and Building Inspection)**

32. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Implement prescribed pre-construction and construction phase management actions specified in Mitigation Measure 11.10 (condition 30).” **(Potrero EIR MM 11.12) (Planning and Building Inspection)**

33. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The following specific measures shall be implemented to avoid or mitigate for the potential impacts of development to individual bat and bird species requiring one of, or a combination of, riparian, grassland, and woodland/forest habitats:

Measures specified in Mitigation Measure 11.9 for special-status species providing for pre-construction surveys and construction phase monitoring (general special-status wildlife species measures).

1. Bats. If construction is to begin before August 1, before young have fledged, surveys for special-status bat species shall be performed. If maternity roosts are located during pre-construction surveys, a qualified biologist shall establish a 300-foot buffer around each roost for the duration of the breeding season (until such time as the young are fully fledged) to prevent roost harassment and brood mortality. If colonial roosts are found, removal of the tree may only occur during the day after an exclusionary device is installed in the opening to the roost. A qualified bat expert must supervise the placement and examine the success of the exclusionary device before the removal of any confirmed roosts.

2. Raptors. If construction is to begin before August 1, before young have fledged, pre-construction surveys for nesting raptors are required. If raptor nests are located during pre-construction surveys, a qualified biologist shall establish a 300-foot buffer around each nest for the duration of the breeding season (until such time as the young are fully fledged) to prevent nest harassment and brood mortality. If trees known to support raptor nests cannot be avoided, removal of these trees may only occur during the non-breeding season (August 1 through April 15).” **(Potrero EIR MM 11.13) (Planning and Building Inspection)**

34. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “If archaeological resources or human remains are discovered during construction, work shall be halted within 50 meters (165 feet) of the find

until it can be evaluated by a qualified professional archaeologist and, as appropriate, by a Native American representative, as designated by the Native American Heritage Commission. If the find is determined to be significant, appropriate mitigation measures shall be formulated and submitted to the Planning and Building Inspection Department for review and approval.” **(Potrero EIR MM 17.3a) (Planning and Building Inspection)**

35. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “If cultural resources are identified, the qualified professional archaeologist and the Native American representative, as designated by the Native American Heritage Commission, shall determine the significance of the find. Discovered cultural resources shall be stored in a protected environment to prevent vandalism, damage, or theft, until such time as they are examined by an archaeologist and, as appropriate, by the Native American representative. The archaeologist, Native American representative, as designated by the Native American Heritage Commission, and County staff shall determine the most appropriate method for recovery and storage or other protective measures for any significant resources discovered.” **(Potrero EIR MM 17.3b) (Planning and Building Inspection)**
36. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “If human remains are discovered, the County Coroner shall be notified. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission who will notify the person it believes to be the most likely descendant. The recommendations as outlined in the Final Cultural Resource Management Plan shall specify the appropriate method and location for reinterment of the remains.” **(Potrero EIR MM 17.3c) (Planning and Building Inspection)**
37. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “In the event that any historical resources such as wood frame structure, fence, stone, nails, tin roofing, stove pipe, etc. are discovered during the construction of the home on Lot #25, the contractor shall stop work within 165 feet of the find, contact the County, and call in a qualified historical consultant to evaluate the significance of the find to develop resource-specific mitigation measures. If significant, measures may include relocation of the development area, excavation or photo recordation, or other measures, as determined by the professional.” **(Potrero EIR MM 17.5) (Planning and Building Inspection)**
38. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Design and construction of buildings shall comply with the Uniform Building Code Zone IV criteria, which shall be verified by the Director of Planning and Building Inspection prior to the issuance of building permits and prior to final occupancy of habitable structures.” **(SLP EIR MM 4) (Planning and Building Inspection)**
39. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “All tree removal shall be in accordance

with the approved Forest Management Plan prepared for this project, prepared by Ralph Osterling consultants. All non-landmark oak trees removed as a result of the project shall be replaced at a 3:1 replacement ratio and landmark trees at a 5:1 ratio. All oak trees removed shall be replaced in on-site areas suitable for supporting oak species as determined by a qualified resource ecologist. The minimum replacement size shall be 5 gallons. Nursery and/or field propagation of oak seedlings and/or saplings shall be initiated prior to the onset of the particular development phase that results in the loss of oak trees. The reforestation program shall include a monitoring element that guarantees a success period of not less than 5 years after planting and a success ratio threshold of no less than 90%. A biennial report shall be prepared by a registered forester or arborist and submitted to the Planning and Building Inspection Department for review and approval of the Director of Planning and Building Inspection describing reforestation activities conducted during the year and shall describe success rates and corrective measures provided to adjust program based on earlier successes or failures. This condition shall cease once the required number of replacement trees for a particular phase have passed the five year anniversary completion date required for plan success.” (SLP EIR MM 27, 36) **(Planning and Building Inspection)**

40. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Areas occupied by special status plant species shall be marked by a qualified biologist and protected prior to conducting fuel modification activities.” (SLP EIR MM 32) **(Planning and Building Inspection)**
  
41. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Include a note on subdivision plans and provision in construction contracts requiring implementation of dust control measures during construction, subject to the approval of the Directors of Planning and Building Inspection, Public Works and Monterey Bay Unified Air Pollution Air Pollution District prior to filing the Final Map. Dust control measures, as recommended by the Monterey Bay Unified Air Pollution Control District, shall include, but are not limited to the following:
  - a.) Use watering trucks to control emissions from haul roads, construction sites, borrow pit operations, and the asphalt batch plant area. Sprinkle areas twice a day (morning and afternoon) with water sufficient to control windblown dust and dirt. The frequency of watering shall be increased to control dust if wind speed exceeds 15 mph;
  - b.) limit construction vehicle speeds to 10 mph on unpaved roads;
  - c.) apply non-toxic chemical dust stabilizers, suitable for use near waterways, to unpaved haul roads and other heavily traveled areas;
  - d.) sweep streets adjacent to work sites to remove silt and mud accumulated from construction activities daily or as needed; and,
  - e.) periodically inspect construction equipment and maintain according to manufacturer's recommendations.” (SLP EIR MM 46) **(Planning and Building Inspection)**
  
42. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Water system improvements shall incorporate appropriate back-flow designs as per Title 17 of the California Code of Regulations subject to

the review and approval of the Director of Environmental Health and/or the State Department of Health Services.” **(Environmental Health and/or the State Department of Health Services)**

43. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “An updated water system summary map shall be submitted to the Division of Environmental Health prior to the completion of each phase of water system construction. The summary map shall include, at a minimum, the following information;
- A. Numbered well locations of all active wells, inactive wells, non-potable wells, groundwater monitoring wells, and base flow monitoring wells. The type of each well shall be distinguished.
  - B. Each pressure zone shall be indicated and distinguished from each other to the extent possible,
  - C. Non-potable water distribution systems and wells to be used for stream flow augmentation shall be distinguished from the potable water delivery system,
  - D. Agricultural and/or golf trail irrigation uses shall be shown within each pressure distribution system,
  - E. Location of backflow devices, and treatment units,
  - F. Wells within 500' of each other and/or within 1000' of Protected Base Flow Reaches shall be noted.” **(Environmental Health)**
44. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “All new or rehabilitated wells to be added to the potable water distribution system shall first undergo a 72-hour continuous pump test to determine the yield of the well. Unless otherwise approved by the Director of Environmental Health, the yield of the well shall be calculated by multiplying the 24-hour specific capacity by the available drawdown. If the apparent transmissivity decreases between the first 24 hours of the test and the end of the test, the 24-hour specific capacity shall be adjusted by multiplying the ratio of late-time transmissivity to early-time transmissivity. For the purposes of this condition, available drawdown is defined as two-thirds of the vertical distance from the static water level to the lowest perforations of the well. The pump test results shall be presented in a form for direct comparison to the criteria set forth in this condition. The tests shall be witnessed by a representative of the Division of Environmental Health.” **(Environmental Health)**
45. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “72 hour pump tests of well clusters and/or well pairs within 500' of each other shall be made simultaneously for the purposes of determining source capacity to meet Title 22 standards.” **(Environmental Health)**
46. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Where cuts or fills at property line exceed 5 feet, driveways shall be rough graded when streets are rough graded and positive drainage and erosion control provided.” **(Water Resources and Public Works)**
47. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the

final map, recorded simultaneously with the final map, as follows: “A note shall be placed on the Final Map or a separate sheet to be recorded with the Final Map stating that: "Geological reports dated February 1994; July 14, 1995; July 26, 1995, July 28, 1995 and August 2000; have been prepared by Cleary Consultants, Inc., and are on file at the Monterey County Planning & Building Inspection Department in Marina. The recommendations in said reports shall be followed in all further development of this property.” The note shall be located in a conspicuous location and shall reference specific setbacks shown on the Final Map and shall address construction mitigations identified in the above-mentioned studies. The note shall be subject to the approval of the County Surveyor.” **(Planning and Building Inspection and Public Works)**

48. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Stormwater runoff from impervious surfaces shall be dispersed over vegetated slopes or dissipated over non-erodible material, in accordance with the County Erosion Control Ordinance.” **(Water Resources)**
49. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “If the maintenance entity after notice from the Monterey County Water Resource Agency 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)**
50. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Soil disturbance activities, such as road grading, shall be limited to the period between April 15 and October 15 unless Winter season operating conditions of the Erosion Control Ordinance are met and in place and are identified on the erosion control plan and improvement plans subject to the approval of the Director of Planning and Building Inspection prior to filing the Final Map. In addition, any soil exposed during construction between October 15 and April 15 shall be protected by implementing Conditions 48, 53, 65, and 121. A note regarding erosion control for Winter season grading operations shall be included on the erosion control plan and the improvement plans and incorporated in the CC& R's.” **(Planning and Building Inspection)**
51. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “That any street lights in the development be approved by the Director of Planning and Building Inspection and Public Works.” **(Planning and Building Inspection)**

52. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “That a grading permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08.” **(Planning and Building Inspection)**
53. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “No wetland alteration shall be allowed unless in accordance with a permit issued by the U.S. Army Corps of Engineers.” **(Planning and Building Inspection)**
54. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “That all remodels and new development adhere to the current approved edition of the Uniform Fire Code.” **(Fire District)**
55. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The applicant shall implement required Best Management Practices (BMPs) to attenuate increased runoff. BMPs shall be demonstrated on final subdivision improvement plans and on applications for individual building permits.” **(Potrero EIR MM 9.2) (Water Resources Agency)**
56. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The applicant shall design and implement stormwater runoff BMPs to ensure that peak flooding is not aggravated on the Carmel River. BMPs shall be demonstrated on final subdivision improvement plans and on applications for individual building permits.” **(Potrero EIR MM 9.3) (Water Resources Agency)**
57. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Avoid removal of Monterey pines to the greatest extent feasible through design. For the unavoidable removal of Monterey pines (due to vegetation density, topography or other factors), implement the tree replacement and protection measures specified in the *Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve*. In addition to those protection measure, all individual specimens of Monterey pine less than 6” shall be relocated. Specimens over 6” and under 24” diameter that are proposed for removal shall either be relocated, or replanted at a 5:1 ratio. Individual trees greater than 24” diameter shall be avoided in place. Any Monterey pine replantings will use RSC on-site nursery stock. Applicants for individual lot development shall demonstrate to the satisfaction of the Planning and Building Inspection Department the necessity of the tree removal greater than what is approved in the chart enforced by condition 25 and outlined by the final lot-by-lot tree removal chart for the Potrero Area Subdivision and why removal cannot be avoided. Additionally, GMPAP Condition #24 relating to the monitoring of success of the replacement planting shall



be applied to the Potrero Area Subdivision.” **(Potrero EIR MM 11.1) (Planning and Building Inspection)**

58. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “SLOPE STABILITY ANALYSIS. Slope stability shall be reviewed by a registered geotechnical engineer at each building site that has been identified as underlain by a former landslide, as noted in the “*Geological and Geotechnical Investigation-The Potrero Area Subdivision of the Santa Lucia Preserve-Monterey County, California*”, by Cleary Consultants, Los Altos, CA., Aug. 2000. (Page 10 states that approximately 20 of the 26 new parcels in the Potrero Area Subdivision are located on five old landslides). Any specific recommendations regarding slope stability shall be included in the grading and drainage plans for each lot, particularly as the engineering recommendation may relate to the county-required subsurface dispersal of impervious surface stormwater runoff.” **(Water Resources Agency)**
59. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The final subdivision map and improvement plans shall indicate that a debris flow barrier has been designed to protect the new home areas on lots 13 and 14. The details of the barrier location and design shall be determined during the homeowners’ geotechnical investigation and site planning. The investigation and barrier details shall be submitted with residential development applications on these lots for review and approval by the County.” **(Potrero EIR MM 6.5) (Planning and Building Inspection)**
60. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The applicant shall implement erosion control plans as set forth within the Preliminary Drainage and Erosion Control Report, Potrero Canyon Area. Specific recommendations from the Report shall be reflected on subdivision improvement plans and application submittals for individual building permits.” **(Potrero EIR MM 7.1) (Water Resources Agency)**
61. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Implement Erosion Control Plans as Set Forth in Mitigation Measure 7.1 (Condition 60).” **(Potrero EIR MM 10.2) (Water Resources Agency)**
62. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “Avoid removal of landmark-sized trees to the greatest extent feasible. For the unavoidable removal of landmark-sized trees, implement the tree replacement and protection measures specified in the Forest Management Plan for the Potrero Area Subdivision of the Santa Lucia Preserve. Applicants for individual lot development shall demonstrate to the satisfaction of the Planning and Building Inspection Department the necessity of the tree removal and why removal cannot be avoided. Additionally, GMPAP Condition #24 relating to the monitoring success of the replacement planting shall be applied to the Potrero Area Subdivision.” **(Potrero EIR MM 11.6) (Planning and Building Inspection)**

63. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “That the project be connected to no other water source, public or private other than specified in these conditions, even to meet emergency conditions, or to enact mitigation measures, as required by the permit and that water not be allowed to be extracted from within the Carmel Valley Water Resource System as defined by the Monterey Peninsula Water Management Plan.” **(Planning and Building Inspection, Environmental Health)**
64. NOTE ON FINAL MAP: A note shall be included on the final map or by a separate document that shall indicate its relationship to the final map, recorded simultaneously with the final map, as follows: “The developer shall pay a traffic impact fee which will be used to fund Carmel Valley Road traffic improvements as required by the Board of Supervisors Resolution No. 94-410, (Chapter 18.60 of the Monterey County Code).” **(Public Works)**
65. NOTE ON FINAL MAP AND IMPROVEMENT PLANS: A note shall be included on the Subdivision Improvement Plans and on the final map for each phase or a separate sheet to be recorded with each phase of the final map indicating that the “Subdivider shall pay for all maintenance and operation of public roads, fire hydrants, and storm drains 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 the Community Services District (CSD) assumes responsibility for the services. **(Public Works)**

**Prior to Recordation of the Final Map:**

66. Areas subject to inundation by the 100-year flood, as shown on Federal Flood Boundary Maps by FEMA, shall be delineated on the Final map. **(Water Resources Agency)**
67. MMRP AGREEMENT. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. **(Planning and Building Inspection)**
68. INDEMNIFICATION AGREEMENT. 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)**

69. PARKS AND RECREATION. Prior to the filing of the Final Map, the applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance (Title 19, Monterey County Code). **(Parks Department)**
70. WATER SYSTEM PERMITS. Prior to filing the final map, the applicant shall obtain a new or amended water system permit from the Division of Environmental Health and such permits as may be required by the Monterey Peninsula Water Management District for development within the boundaries of the district. **(Environmental Health)**
71. SEPTIC SYSTEM. Submit an updated map indicating proposed septic envelopes for each of the parcels to the Division of Environmental Health for review and approval prior to filing the final subdivision map. Once approved the septic envelopes shall appear as part of the final subdivision map. **(Environmental Health)**
72. SEPTIC SYSTEM. Prior to filing the final subdivision map for lots 13, 17, 23, 24, and 26, submit a detailed disposal system design to the Director of Environmental Health for review and approval meeting the regulations found in Chapter 15.20 of the Monterey County Code, and Prohibitions of the Basin Plan, RWQCB. A dual system with a diversion valve is required for lots 13, 17, 23, 24 and 26. **(Environmental Health)**
73. EASEMENTS. Provide for all existing and required easements or rights-of-way. **(Public Works)**
74. Reconfigure the building envelope of Lot 28 to exclude the Mt. Diablo cottonweed population, and provide a 20-foot buffer between the building envelope boundary and the nearest individuals of this species. These changes shall be clearly demonstrated on final maps. **(Potrero EIR MM 11.5) (Planning and Building Inspection)**
75. Prior to filing the final map for each phase as shown on the Vesting Tentative Map, submit updated documentation of complete Title 22 chemical analysis as proof of adequate water quality for all wells proposed to connect to the potable water supply for the subdivision, subject to the review and approval of the Director of Environmental Health. **(Environmental Health)**
76. Submit a final map or other appropriate documentation indicating the proposed well lot(s), water distribution, and access easements for the water system to the Director of Environmental Health and/or the State Department of Health Services for review and approval prior to filing each phase of the final map. **(Environmental Health and/or the State Department of Health Services)**
77. A drainage report shall be submitted for all areas contributing to natural drainage channels originating in or running through the subdivision subject, to the approval of the Water Resources Agency and Public Works Department. **(Water Resources and Public Works)**

78. All natural drainage channels shall be designated on the final map by easements labeled "Natural Drainage Easement." **(Water Resources and Public Works)**
79. All proposed road names must be approved by County Communications. **(Public Works)**
80. The developer shall enter into an agreement to provide for operation and maintenance for services to be provided by the CSD. **(Public Works)**
81. Dedicate appropriate easements for all facilities for which services are to be provided including the following:
- a) Storm Drain
  - b) Treatment and disposal
  - c) Wastewater collection
  - d) Water source and distribution system
  - e) Envelopes for septic tanks and leach field are adequate area for replacement. **(Public Works)**
82. A qualified engineer shall develop and implement a traffic control plan for the construction site to minimize effects of project construction activities on the roadway system. The plan shall be submitted to the Director of Public Works for review and approval prior to the filing of the first phase of the final map. **(Public Works)**
83. Internal roadway design for all private roads, driveways and intersections within the project shall provide for adequate sight distance and appropriate traffic control devices, in accordance with County standards. Roadway design shall be approved by the County Surveyor, the Director of Public Works and CDF prior to filing the Final Map. **(Public Works)**
84. The initial submission of the improvement plans for checking shall be in complete form and accompanied by all required reports. The initial submission of the Final Map shall be in complete form and accompanied by the traverse sheets and map checking fees. **(Public Works)**
85. Prior to filing the final map, the Santa Lucia Community Services District (CSD) shall be formed for the maintenance of roads and drainage facilities of the Potrero area subdivision, and the Santa Lucia Conservancy shall be formed for the maintenance of open spaces within the Potrero area subdivision. Prior to filing of final map, documents for formation of the CSD shall be approved by the Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency. Basic documents for the CSD 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)**
86. Management documents (CC&Rs, conservation easements), for all areas of the project shall include language which restricts direct disturbance or removal of non-toxic and non-invasive native vegetation within Open land portions of individual lots and within the Wild lands portions of the subject property except for activities associated with wildlife management and fuel reduction. Management documents shall be reviewed by the Director of Planning and Building Inspection for compliance with this condition prior to recordation of the Final Map. **(Planning and Building Inspection)**

87. The subdivider shall submit an agreement for the ongoing monitoring of Conditions subject to the approval of the Director of Planning and Building Inspection prior to project implementation. The monitoring agreement shall be in accordance with the mitigation monitoring program adopted by the Planning Commission. **(Planning and Building Inspection)**
88. The CC&R's shall state that no viticulture be allowed within the homelands. **(Planning and Building Inspection and Environmental Health)**
89. The CC&R's for residential components of the project shall include requirements prohibiting free roaming cats outside of Homelands. **(Planning and Building Inspection)**
90. EASEMENTS. File subdivision map delineating all existing and required easements or rights-of-way and monument new lines. **(Public Works)**
91. 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. **(Public Works)**

***Concurrently with the Recordation of Final Map.***

92. SEPTIC SYSTEM. The applicant shall record a deed notification with the Monterey County Recorder for the parcels concurrent with filing the Final Map indicating that: "An approved septic system design is on file at the Division of Environmental Health, File Number PLN 010001 and any future development or expansions on this property shall be in compliance with the design and Chapter 15.20 of the Monterey County Code unless otherwise approved by the Director of Environmental Health." **(Environmental Health)**
93. A Water Management and Conservation Plan, including conservation, demand management, public education, reduced golf trail irrigation, and other methods which reduce water consumption during critically dry periods, as determined by the Water Resources Agency and Environmental Health Department, shall be prepared and submitted for review and approval of the Water Resources Agency prior to the recording of the Final Map for the first phase of the project. **(Water Resources Agency)**
94. In order to retain the Open lands in an undeveloped state in perpetuity, the subdivider shall grant conservation easements to the Santa Lucia Conservancy or other appropriate non-profit land trust organization for Open land areas within each phase of the project. Said easements shall be recorded concurrently with filing of the Final Map for each phase of the project. Form and content of the conservation easement shall be approved by County Counsel and accepted by the Board of Supervisors. In order to retain the wild lands in an undeveloped state in perpetuity, the subdivider shall transfer title to the Santa Lucia Preserve Combined Development Wild land parcels within that phase of the project to the Santa Lucia Conservancy or other appropriate non-profit land trust organization. Said conveyance document shall be recorded concurrently with filing of the Final Map for each phase of the project. Form and content of the conveyance shall be approved by the Director of Planning and Building Inspection and County Counsel and shall be accepted by the Board of Supervisors. CC&R's for the Wild lands shall be submitted to and approved by the Director of Planning and Building Inspection and County Counsel prior

to recordation of the final map for each phase of the project. The conservation easement, conveyance and CC&R's shall include the following provisions:

- a) Restrictive covenants limiting uses in perpetuity to:
  - i) project infrastructure and uses described in the project application; and
  - ii) ranching activities and facilities as described in the Revised Rancho San Carlos Cattle Grazing and livestock Management Plan (April, 1998);
  - iii) outdoor recreation and facilities; and
  - iv) research, educational and resource management and facilities; and
  - v) prohibiting further subdivision, residences commercial and industrial uses, viticulture, mineral exploration and golf, commercial harvesting of timber and the dumping or disposal of garbage and refuse; and
- b) Granting to the County of Monterey the non-exclusive right to enforce said restrictive use covenants; and
- c) Prohibiting any amendment of said restrictive use covenants without the prior written consent of the Board of Supervisors. **(Water Resources)**

95. That a conservation easement be conveyed to the County of Monterey or the Santa Lucia Conservancy, or other qualified tax-exempt nonprofit organization approved by the County over those portions of the property where the slope exceeds 30 percent. Portions of the property for which a use permit for development on slopes in excess of 30% has been approved shall be excepted from the conservation easement. Conservation easement deed to be submitted to and approved by the Director of Planning and Building Inspection, accepted by the Board of Supervisors and recorded concurrent with filing of the final map. **(Planning and Building Inspection)**

96. Prior to the recordation of the Final Map the developer shall execute an Inclusionary Housing Developer Agreement that shall be recorded with the Final Map that sets forth the provisions to comply with the Inclusionary Housing Ordinance that was in effect at the time that the application was deemed complete.

***Prior to Recordation of the Final Map or Issuance of Grading and Building Permits for the Subdivision, Whichever Occurs First.***

97. Improvement Plans shall be submitted that show the following: The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. **(Fire District)**

98. Improvement Plans shall be submitted that show the following: 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)**

99. Improvement Plans shall be submitted that show the following: the grade for all roads, streets, private lanes and driveways shall not exceed 15 percent except as approved by the fire chief. **(Fire District)**

100. Improvement Plans shall be submitted that show the following: 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)**

101. Improvement Plans shall be submitted that show the following: fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. **(Fire District)**
102. 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)**
103. 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)**
104. For development proposed within landslide No. 3, the final subdivision map shall demonstrate that building envelopes on Lots 17, 20, and 21 provide building setbacks of at least 75 feet from the steep break in slope on that landslide. Subsequent development proposals on these lots shall include mapping to demonstrate the location of slope edge and break in slope and the proposed setback. This setback requirement shall be demonstrated at the time of application submittal. **(Potrero EIR MM 6.4) (Planning and Building Inspection)**
105. Prepare a Final Cultural Resources Management Plan for the Potrero Area Subdivision. A qualified Archaeologist shall prepare a Final Cultural Resources Management Plan (FCRMP) during the final planning of each phase of development of the project. The FCRMP shall be submitted and approved by the Planning and Building Inspection Department prior to approval of final maps. The FCRMP shall list all known prehistoric and historic sites within the phase, detail site specific mitigations that have been recommended for each site, and outline the measures necessary to ensure that the remaining resources will be avoided whenever feasible. The FCRMP shall include the appropriate methods, locations and time frames for internment of Native American remains, if applicable. The project Archaeologist shall review site-specific mitigations contained in the FCRMPs with the appropriate local Native American Heritage Commission and/or Concurring Native American Advisory Council. **(Potrero EIR MM 17.2a) (Planning and Building Inspection)**
106. Establish On-Going Monitoring Plan. A monitoring plan shall be prepared and administered by a professional archaeologist to address the four (4) identified prehistoric resources on site. The monitoring plan shall be incorporated into the County's Mitigation Monitoring and Reporting Program for this project. The monitoring plan shall include, but is not limited to, the following elements:

Periodic (annual) field inspection of cultural resources CA-MNT-1703, and CA-MNT-1719 during project build out and, where appropriate, photography to monitor and document the overall condition of these cultural resources, and;

Formulation and implementation of additional mitigation measures, as needed, to further the long-term preservation of the cultural resources identified within the project area. **(Potrero EIR MM 17.2a) (Planning and Building Inspection)**

107. An Archaeological/Scenic easement shall be conveyed to the County of Monterey over areas where significant archaeological resources are located. An Archaeological/Scenic easement deed shall be submitted to and approved by the Director of Planning and Building Inspection, and recorded prior to filing of the final map. If significant resources are identified during construction, the easement will be recorded as soon as practicable. **(Potrero EIR MM 17.3d) (Planning and Building Inspection)**
108. New wells may be installed less than 1,000 feet from Protected Base Flow Reaches (SLP EIR Figure 8-4a). Pumping from new and existing wells during the dry season (between April 1 and November 1) shall be limited so that draw down does not exceed 2 feet in any nearby areas of riparian vegetation or 1 foot at any point along the protected base flow reach. The draw-down shall be determined by observation wells. The location, number, and design of the observation wells shall be subject to the review and approval of the Director of Environmental Health and Water Resources Agency. **(SLP EIR MM 15) (Environmental Health and Water Resources)**
109. Measured daily base flows in the Potrero Canyon, San Clemente and Las Garzas Creeks shall be recorded at approved locations near the boundaries of Rancho San Carlos. An annual survey of pools and base flow conditions in the gauged creeks and in San Jose Creek shall be conducted in September of each year. At least every year, a Base Flow Monitoring Report for evaluating base flow conditions shall be prepared and filed with Environmental Health, Water Resources Agency, The Department of Fish and Game, and the Monterey County Planning and Building Inspection Department. **(SLP EIR MM 16a) (Environmental Health and Water Resources)**
110. If the Base Flow Monitoring Report demonstrates that the base flow in any of the four creeks has dropped below the October 1990 level as a direct result of the project, flow shall be augmented by discharging water into the creek near the upstream end of the affected Base Flow Reach. The rate of augmentation shall be of an amount sufficient to sustain pools and base flow approximately equal to conditions in October 1990. The maximum required combined augmentation for all four creeks is 30 gpm at the points where the augmented water reaches the protected base flow reaches. The proposed augmentation methods, the actual rate(s) of augmentation and the location(s) of augmentation shall be reviewed with the Water Resources Agency prior to implementation of this condition. **(SLP EIR MM 16b) (Environmental Health and Water Resources)**
111. A Riparian Vegetation Management Plan shall be prepared which:
  - a.) monitors health and distribution of riparian vegetation along selected transects;
  - b.) limits the removal of riparian vegetation particularly in areas adjacent to Protected Base Flow Reaches (1997 SLP EIR Figure 8-4a); and,
  - c.) provides restoration of the riparian vegetation if monitoring indicates that a 5% decrease in overall riparian vegetation in the project area has occurred as a direct result of the project, using the 1994 riparian surveys as a baseline.Monitoring shall occur along selected transects on average of every 3 years, with no periods of more than 4 years between surveys to allow typical years with extreme conditions (wet, dry, or impacted by fire,



pests or diseases) to be skipped. The Riparian Vegetation Management Plan and initial vegetation survey along the transects shall be completed prior to the filing of the Final map for the first phase of the project. **(SLP EIR MM 17, 22) (Environmental Health and Water Resources)**

112. A construction schedule shall be provided to ensure that estimated PM10 generated by construction is limited to less than 82 pounds per day. The construction schedule that meets these requirements shall be reviewed and approved by the Planning and Building Inspection Department prior to the issuance of grading permits for the first phase of project construction. **(SLP EIR MM 47 - VTM) (Planning and Building Inspection)**
113. Applicant shall provide certification to the County Water Resources Agency that applications have been submitted for all required local, State, and Federal permits. **(Water Resources)**
114. Prior to commencement of construction activity, construction fencing shall be erected along the outer edges of all the protective wetland and riparian buffer zones, in accordance with the project's wetland and riparian assessment, in order to avoid or minimize construction-related impacts. In addition, Lot 9 shall be amended to exclude the wetland area from the Homeland portion for the lot. Design changes shall be clearly demonstrated on final maps. **(Potrero EIR MM 11.3) (Planning and Building Inspection)**
115. Prior to issuance of grading or building permits for the subdivision, the applicant shall pay a pro-rata share of the cost of Highway One improvements. **(Public Works)**
116. Prior to County issuance of grading permits or approval of the final map, whichever occurs first, Rancho San Carlos shall provide documentation to the Director of Planning that, if a federal agency requires take authorization for the Potrero Subdivision to proceed, Rancho San Carlos has obtained an incidental take permit or such other take authorization as may be required.

***Prior to Issuance of Grading and Building Permits for the Subdivision.***

117. Internal roads shall be constructed in accordance with County standards, with the typical sections shown on the vesting tentative map. 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)**
118. All graded areas of the street 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 a 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)**
119. Cut slopes shall not exceed 2 to 1 (except as specifically approved and as shown) on the erosion control plan. Except as specifically approved, slope rounding shall be a minimum of 10 feet by 10 feet and include replacement of topsoil. **(Planning and Building Inspection)**

120. Services provided by the County Service Area, which requires construction of sanitation facilities and water distribution system facilities shall be approved by the Department of Public Works, including a third party review if required. **(Public Works)**
121. Utility services shall be located within the area of rough graded driveways to eliminate trenching through cut slopes where feasible. **(Public Works)**
122. Prior to issuance of building or grading permits, the applicant shall develop and implement stormwater pollution prevention plans (SWPPPs). SWPPPs shall be prepared and subject to review and approval by the Regional Water Quality Control Board, County Water Resources Agency and County Planning and Building Inspection. The SWPPP shall address both construction and post-construction periods. **(Potrero EIR MM 9.5) (Water Resources Agency and Planning and Building Inspection)**
123. The improvement and grading plans for phased subdivision improvements shall include a comprehensive drainage plan, to be prepared by a registered civil engineer to aid in the control of erosion, siltation and dust during and immediately following construction, consistent with Monterey County's Erosion Control Ordinance. Said plan shall be approved by the Director of Planning and Building Inspection, Public Works and Water Resources Agency prior to the issuance of permits for each phase proposed for development. **(SLP EIR MM 26) (Planning and Building Inspection, Water Resources and Public Works)**
124. 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)**

### **Ongoing**

125. Groundwater levels in all of the project water supply wells shall be monitored at least weekly during the maximum demand season (June-August) and monthly during the balance of the year. Wellhead elevations shall be surveyed at all wells so that water levels can be reported as elevation above sea level. An annual report containing the results of groundwater production monitoring, precipitation and stream flow shall be produced and filed with the County of Monterey Water Resources Agency and Environmental Health Department. Water-level hydrographs shall be plotted and data evaluated for trends (at least every three years). This monitoring program shall continue for at least 20 years or as long as the base flow monitoring program is required. **(SLP EIR MM 12, 13) (Environmental Health and Water Resources)**
126. Between April 1 and November 1 delay pumping of new and existing wells located within 1,000 feet of Protected Base Flow Reaches (SLP EIR Figure 8-4a) unless the combined capacity of other wells connected to the water supply system is insufficient to meet project demand. **(SLP EIR MM 14) (Environmental Health and Water Resources)**
127. As necessary, the applicant shall identify and destroy any existing abandoned well(s) according to State of California Bulletin 74-81, and Monterey County Ordinance No. 3317. A permit for the destruction of the well(s) shall be obtained from the Division of Environmental Health prior to destruction. **(Environmental Health)**

128. Wells T-6A and R-11 and any other wells initially shown to have levels of primary contaminants that exceed state and federal standards shall be required to consistently meet said standards prior to approval for use in a potable water delivery system. Treatment shall not be allowed for the removal of primary contaminants from any well connecting to the domestic water system. **(Environmental Health)**
129. A permit for the construction of any new well(s) shall be obtained from the Division of Environmental Health prior to construction. **(Environmental Health)**
130. The applicant shall provide evidence that well E-3 meets the potable water standards required for surface water sources as set forth in Title 22 California Code of Regulations. Submit surface water treatment improvement plans for review and approval prior to the installation of any necessary improvements. The use of well E-3 shall not be intensified for potable water uses until such evidence is reviewed and approved by the Director of Environmental Health. This condition shall not be applicable if well E-3 is used solely for irrigation purposes. **(Environmental Health)**
131. An annual Water Use Monitoring Report shall be submitted for the preceding calendar year (reporting year) no later than March 1 to the Director of Environmental Health for review. Once submitted, the Report shall be reviewed and a determination shall be made no later than April 1 as to whether additional source capacity is needed for any pressure distribution system to meet the following criteria:
- a. Daily well operational modes required in Mitigation Measure #12 of the Final EIR (EIR #94-005), and/or,
  - b. Source capacity requirements as found in Chapter 16, Title 22 California Code of Regulations. This condition shall become effective no later than six months after the start wither irrigation of the golf trail or occupancy of homes created via the subdivision. **(Environmental Health)**
132. In the event a determination is made that additional source capacity is needed, water intensifying development within the affected pressure distribution system shall not be allowed until adequate source capacity can be added to the affected pressure zone. **(Environmental Health)**
133. Until adequate historical water use records are available, a 70<sup>o</sup> maximum day demand curve shall be used to determine compliance with source capacity standards as set forth in Title 22 Chapter 16, CC&R's. For agricultural and/or irrigation water supplied by the potable water system, the applicant shall submit estimated maximum daily water use supplied by wells. Factors in the estimation shall include: duty factors for each use, the acreage of each use, storage, and sources of supply. The resulting maximum day demand on the supply wells shall be converted to gallons per minute and be added to the Title 22 source capacity requirements. Said historical records and estimated water demands shall be subject to the review and approval of the Director of Environmental Health. **(Environmental Health)**
134. The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. **(Environmental Health)**

**PASSED AND ADOPTED** this 29th day of September, 2004, by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Salazar, Wilmot, Rochester  
NOES: Vandevere, Diehl  
ABSENT: Padilla

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JEFF MAIN, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90<sup>th</sup> day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.