

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

RESOLUTION NO. 07005

A. P. # 173-121-019-000

**FINDINGS AND DECISION**

In the matter of the application of  
**Oakvale, LLC (PLN060646)**

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, to allow: 1) a Rezone of Lot 19 of the Laguna Seca Business Park from VO/B-6-UR-D-S to VO/UR-D-S (remove the B-6 subdivision restriction) and to 2) Subdivide the Oakvale Professional Complex (PLN030352) into four ownership parcels beneath existing professional/medical office structures and to create a fifth parcel of common ownership for the parking and landscaping areas and the balance of the 2.6 acre parcel (a Standard Vesting Tentative Map), and 3) modify the adopted General Development Plan. The property is located at 9821 Blue Larkspur Lane, Salinas, Greater Monterey Peninsula Area Plan, and came on regularly for hearing before the Planning Commission on February 28, 2007.

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

**FINDINGS OF FACT**

1. **FINDING: CONSISTENCY** - The project proposed in this application, consisting of a Combined Development Permit and Standard Vesting Tentative Subdivision Map (**Oakvale LLC: File #s PLN060646**), as described in Condition #1, conforms with the policies, requirements and standards of the Monterey County Subdivision Ordinance (Title 19), the 1982 General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21).

**EVIDENCE:** (a) RMA Planning Department staff has reviewed the project as contained in the application and accompanying materials for consistency with the Greater Monterey Peninsula Area Plan. RMA Planning Department staff has reviewed the project as contained in the application and accompanying materials for conformity with the Monterey County Zoning Ordinance (Title 21) and has determined that the project is consistent with the Greater Monterey Peninsula Area Plan which designates this area as appropriate for Visitor Serving and Professional Office development. Staff notes are provided in Project Files PLN030352 and PLN060646.

(b) The project planner conducted site inspections to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in PBI File No. PLN030352.

(c) The parcel is zoned Visitor Serving Professional Office/Building Site District, Urban Reserve District, ~~Design Control~~ District, Site Plan Review District (**VO/B-6-UR-D-S**). Project Review Sheet, Exhibit A of the January 25, 2007 staff report, indicates compliance with Site Development Standards in accordance with 21.22.070 of Title 21.

- (d) Subject to the removal of the B-6 overlay as described in the Findings and Evidence below, the proposed subdivision of the Oakvale Office Complex to ownership units and a common parcel is allowed.
- (e) The application, plans, and support materials submitted by the project applicant to the Monterey County RMA Planning Department for the proposed development, found in Project Files PLN030352 and PLN060646.

2. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for suitability by Planning, Public Works, Water Resources Agency, Division of Environmental Health, Parks Department and the City of Monterey. Conditions recommended have been incorporated.
  - (b) Necessary public facilities are available.
  - (c) No physical changes to the property are proposed.

3. **FINDING: CEQA:** An Addendum to the adopted Mitigated Negative Declaration is appropriate for the proposal, and no further documentation is necessary {15162(b)}.

- EVIDENCE:**
- (a) CEQA Guidelines Section 15164 allows that an Addendum to the adopted Mitigated Negative Declaration may be prepared, subject to the provisions of that Section.
  - (b) All physical impacts to the development were reviewed with County File Number PLN030352 and a Mitigated Negative Declaration was approved and filed in May 2004 (Exhibit E of the January 25, 2007 staff report).
  - (c) Creating separate ownership parcels with no new construction in the built environment of the Oakvale Office Park will generate no additional traffic, water use, refuse, waste water, need for public services, noise, tree removal, impacts to soils, cultural resources or cumulative impacts, etc.
  - (d) An addendum to an adopted Negative Declaration may be prepared and considered as allowed by Section 15164 of the CEQA Guidelines if only minor technical changes or additions (to the project description) are needed.
  - (e) None of the conditions described in Section 15162 calling for the preparation of a Subsequent EIR or Negative Declaration have occurred.
    - 1. There are no new substantial changes to the project {15162(a)(1)}, or the circumstances under which the project is undertaken {15162(a)(2)},
    - 2. There are no new significant environmental effects or increase in the severity of previously identified significant effects {15162(a)(2)}.
    - 3. There is no new information of substantial importance that was not known at the time the previous (mitigated) Negative Declaration was adopted {15162(a)(3)}.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.

- EVIDENCE:** (a) Staff reviewed Monterey County Planning Department and Building Inspection Department records and is not aware of any violations existing on subject property.

5. **FINDING: ZONE CHANGE APPROVED.** The removal of the B-6 Overlay within the 2.9 acre subject property is allowed to provide consistency with the General Plan and existing land uses.

- EVIDENCE:** (a) The purpose of the B-6 zoning designation is to protect environmental resources and to ~~prevent future intensification to the Laguna Seca Office Park and to the infrastructure system.~~ The approval of the subdivision has no new identifiable impact to these resources

7. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

**EVIDENCE:** (a) Preceding findings and supporting evidence.

8. **FINDING: AMENDMENTS TO TITLE** - The project is subject to approval by the Board of Supervisors.

**EVIDENCE:** The Monterey County Zoning Ordinance Title 21, Chapter 21.88.030D.1.

### DECISION

**THEREFORE**, it is the decision of the Planning Commission of the County of Monterey to recommend to the Board of Supervisors that the Addendum to the Mitigated Negative Declaration adopted in May 2004 be adopted and said application for a Combined Development Permit to remove the B-6 subdivision restriction, and allow the subdivision of the Oakvale Professional Complex into ownership parcels, be granted as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 28th day of February, 2007, by the following vote:

AYES: Padilla, Ottone, Rochester, Diehl, Salazar, Vandever  
NOES: None  
ABSENT: Errea, Isakson, Sanchez  
ABSTAIN: Brown

  
\_\_\_\_\_  
MIKE NOVO, SECRETARY

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON MAR 14 2007

**Resource Management Agency - Planning Department**  
**Condition Compliance & Mitigation Monitoring and**  
**Reporting Plan**

**Project Name:** Oakvalle LLC

**File No:** PLN060646

**APNs:** 173-121-019-000

**Approval by:** Board of Supervisors

**Date:** \_\_\_\_\_

*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This Combined Development Permit (PLN060646) allows: 1) a Rezone Lot 19 of the Laguna Seca Business Park from VO/B-6-UR-D-S to VO/UR-D-S (remove the B-6 subdivision restriction) and to 2) Subdivide the Oakvalle Professional Complex (PLN030352) into four ownership parcels beneath existing professional/medical office structures and to create a fifth parcel of common ownership for the parking and landscaping areas and hillside areas; and 3) modify the adopted General Development Plan. The property is located at 9821 Blue Larkspur Lane, Salinas (Assessor's Parcel Number: 173-121-019-000) Greater Monterey Peninsula Area Plan.</p> <p>This permit was approved 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 the RMA - Planning Department. 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. To the extent that the County has delegated any condition</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. <b>(RMA - Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Board of Supervisors for Assessor's Parcel Number 173-121-019-000 on (date)_____. The permit was granted subject to 13 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. <b>(RMA - Planning Department)</b>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner / Applicant	Prior to Recordation of the Final Map.	
3.		<b>PDSP001 CHANGES TO GENERAL DEVELOPMENT PLAN (NON-STANDARD)</b> The Oakvale Office Complex General Development Plan allowed by previous permit PLN030352 by the Monterey County Planning Commission is now amended to allow the Standard Vesting Subdivision Map as described in Condition #1 above and in included exhibits. No new uses other than those described in PLN030352 have been sanctioned. <b>(RMA - Planning Department)</b>	No action required.	Present and future property owners	Ongoing	
4.		<b>PDSP002 REGARDING PLN030352 (NON-STANDARD)</b> All conditions and mitigation measures from PLN030352 remain applicable to the subject property and shall encumber each newly created parcel. <b>(RMA - Planning Department)</b>	A Note to this effect shall be placed on the Final Map prior to recordation	Applicant / Subdivider	Prior to Recordation of the Final Map.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		<b>PDSP003 DEED RESTRICTION (NON-STANDARD)</b> A Deed Restriction shall be placed on the Common Ownership parcel that includes parking, landscaping and scenic Easement Areas. No new structures or development other than those approved in PLN030352 may be allowed on this parcel. (RMA - Planning Department)	A Deed restriction shall be recorded on the common ownership parcel.	Applicant / Subdivider	Upon Recordation of the Final Map	
			A Note shall be placed on the Final Map prior to recordation .	Applicant / Subdivider	Prior to Recordation of the Final Map.	
6.		<b>PDSP004 REZONE ADD B-6 (NON-STANDARD)</b> Prior to recordation of the Final Map, the applicant shall request in writing that the subject property zoned VO/UR-D-S be rezoned VO/B-6-UR-D-S. (RMA - Planning Department)	Applicant shall submit an application to the County of Monterey to rezone the property.	Applicant / Subdivider	Prior to Recordation of the Final Map	
			Following recordation of the Final Map, RMA Planning Department staff will prepare a report and exhibits for review and approval by the Planning Commission and Board of Supervisors recommending re imposition of the B-6 Overlay zoning designation	RMA Planning Department Staff	Following Recordation of the Final Map.	
7.		<b>PDSP005 (NON-STANDARD)</b> Applicant shall form a legally binding Property Owner's Association (POA) that shall provide for maintenance and management of all land areas, paving, and site improvements, excluding the actual building structures. Applicant shall be responsible for maintenance and management of the entire site until such time as the POA is formed.	Applicant shall submit draft CC&Rs for review and approval to the RMA-Planning Department, Water Resources Agency, and Salinas Rural Fire Department prior to recordation of the Final Map.	Applicant / Subdivider	Prior to Recordation of the Final Map	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
8.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>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, 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. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

<i>Permu Cond Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
<b>PUBLIC WORKS DEPARTMENT</b>						
9.		<b>PWSP001 (NON-STANDARD)</b> File a subdivision final map delineating all existing and required easements and right-of-way and monument new lines. <b>(Public Works)</b>		Subdivider/ Surveyor	Prior to Recordation of Final Map	
10.		<b>PW0036 – EXISTING EASEMENTS AND ROW</b> Provide for all existing and required easements or rights of way. <b>(Public Works)</b>	Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.	Subdivider/ Surveyor	Prior to Recordation of Final Map	
11.		<b>PW0015 – UTILITY'S COMMENTS</b> Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. <b>(Public Works)</b>	Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW	Owner/ Applicant	Prior to Recordation of Final Map	
<b>WATER RESOURCES AGENCY</b>						
12.		<b>WRSP001 ROAD AND DRAINAGE MAINTENANCE AGREEMENT (NON- STANDARD)</b> Developer shall have the sole responsibility for the care, maintenance, and repair of road and drainage improvements installed as a condition of approval of PC 030352 until a Property Owners Association (POA) is formed to assume responsibility for such care, maintenance, and repair. The Covenants, Conditions, and Restrictions (CC&Rs) for the subdivision shall require that the cost of such care, maintenance and	Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation.  (A copy of the County's standard agreement can be obtained at the Water Resources Agency.)	Owner/ Applicant	Prior to filing of final map	



<i>Permu Cond Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		repair be fairly apportioned to all lot owners through assessments. Developer's obligation shall cease upon the conveyance of the last lot in the subdivision. Prior to filing the final map, a copy of a signed and notarized Road and Drainage Maintenance Agreement shall be provided to the Water Resources Agency for approval. The agreement shall be recorded concurrently with the final map. <b>(Water Resources Agency)</b>				

**FIRE DEPARTMENT**

13.		<b>FIRESP001 – (NON-STANDARD) CONDITIONS PROPERTY OWNERS ASSOCIATION</b> - A property owners association shall be legally formed and maintained. The association shall be responsible for the maintenance of site plans and/or information. The association shall also maintain fire department access (driveway, parking lot, etc.), as well as complex address sign(s) and other required signage. A representative of the property owners association shall be designed as an emergency contact person. The association shall send to the fire department written notification of any change in association representatives and/or emergency contact persons. The fire department shall be provided a copy of the fully executed and recorded documentation for the formation of the property owners association. <b>(Salinas Rural Fire District)</b>	Applicant shall submit draft CC&Rs for review and approval to the Salinas Rural Fire District.	Applicant or owner	Prior to filing of final map	
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END OF CONDITIONS

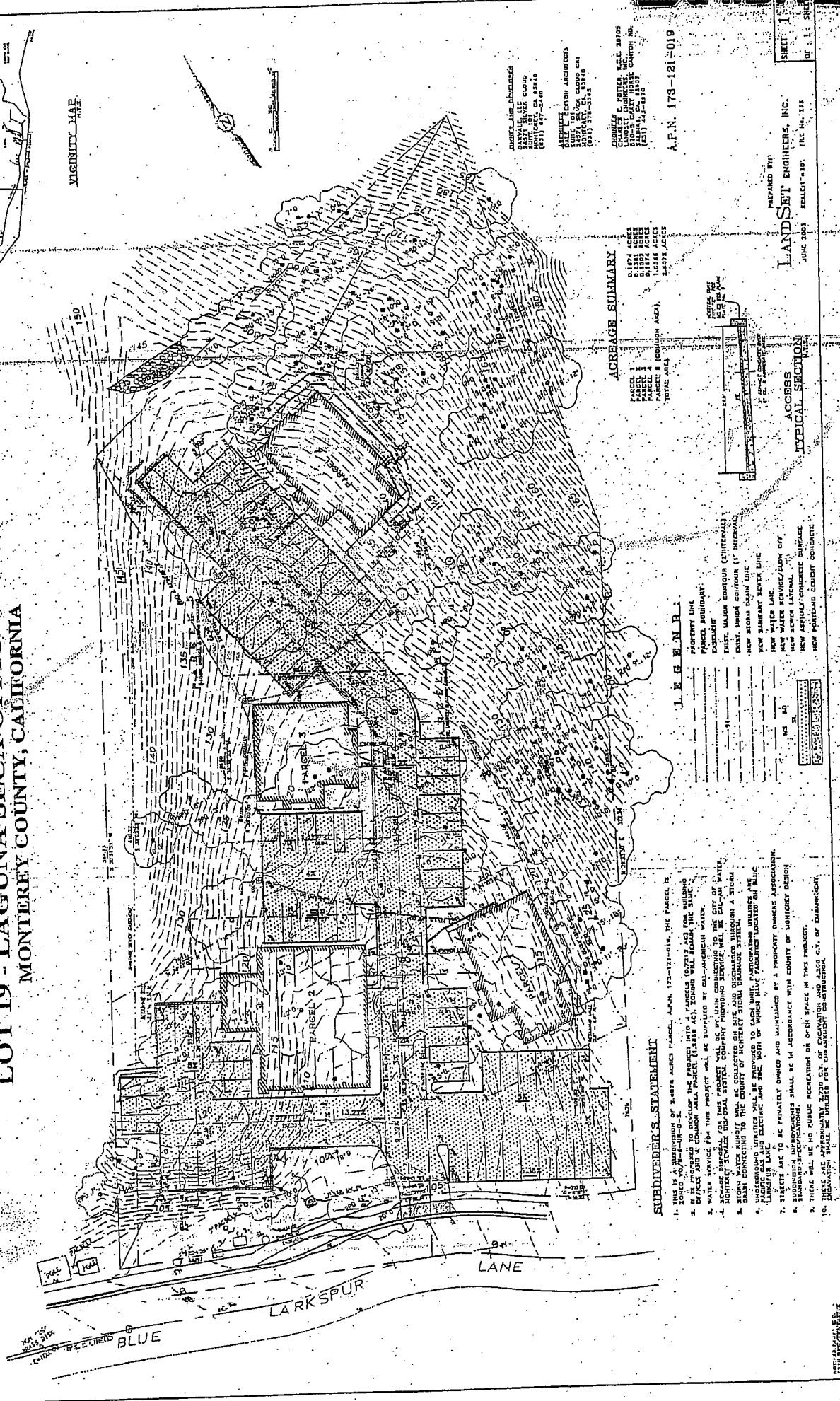
# VESTING TENTATIVE MAP

## LOT 19 - LAGUNA SECA OFFICE PARK

### MONTEREY COUNTY, CALIFORNIA



VICINITY MAP



#### ACCREAGE SUMMARY

PANEL 1	0.1211 ACRES
PANEL 2	0.1197 ACRES
PANEL 3	1.0888 ACRES
TOTAL AREA	1.3296 ACRES

#### TYPICAL SECTION



#### LEGEND

- PROPERTY LINE
- FRONTIER BOUNDARY
- EXHIBIT
- EXIST. MAIN CONTOUR (INTERVAL)
- EXIST. MAIN CONTOUR (7' INTERVAL)
- EXIST. MAIN DRAIN LINE
- NEW STORM SEWER LINE
- NEW SANITARY SEWER LINE
- NEW WATER LINE
- NEW WATER SERVICE/LOW BT
- NEW WATER LATERAL
- NEW ASPHALT/CONCRETE SURFACE
- NEW PORTLAND CONCRETE CONCRETE

#### SUBDIVIDER'S STATEMENT

1. THIS IS A SUBDIVISION OF 1.3296 ACRES PARCEL, A.P.N. 173-121-019, THE PARCEL, IS LOTS 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
2. IT IS PROVIDED TO DIVIDE THE PROPERTY INTO 100 LOTS, WHICH WILL BE USED FOR OFFICE AND COMMERCIAL PURPOSES, AS SHOWN ON THE TENTATIVE MAP.
3. WATER SERVICE FOR THIS PROJECT WILL BE SUPPLIED BY CALIFORNIA WATER SUPPLY COMPANY.
4. STORM WATER RUNOFF WILL BE COLLECTED ON SITE AND DISCHARGED THROUGH A STORM DRAIN CONNECTING TO THE COUNTY OF SAN BENITO THROUGH A STORM DRAIN LINE.
5. UNDERGROUND UTILITIES SHALL BE LOCATED IN THE MANNER SHOWN ON THE TENTATIVE MAP.
6. STREETS ARE TO BE PRIVATELY OWNED AND MAINTAINED BY A PROPERTY OWNERS ASSOCIATION.
7. SUBDIVISION IMPROVEMENTS SHALL BE IN ACCORDANCE WITH COUNTY OF SAN BENITO ORDINANCES.
8. THERE WILL BE NO PUBLIC ACQUISITION OR OPEN SPACE IN THIS PROJECT.
9. THIS MAP SHALL BE FILED FOR RECORDATION AND ALSO C.V. OF DIAMONDBRIDGE, MONTEREY COUNTY, CALIFORNIA.
10. THIS MAP SHALL BE VALID FOR THE PURPOSES OF CONSTRUCTION.

PREPARED BY:  
**LANDSET ENGINEERS, INC.**  
 1000 S. GARDEN ST., SUITE 100  
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 (415) 281-1111

A.P.N. 173-121-019

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SHEET  
 OF 1

BLUE LANE  
 LARK SPUR LANE

PREPARED BY