



# Monterey County

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## Board Report

Legistar File Number: 15-1172

October 27, 2015

Introduced: 10/20/2015

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Public hearing to consider adopting a resolution to:

- a. Certify the Carmel Canine Sports Center Project Final Environmental Impact Report (SCH # 2013121077);
- b. Deny the Appeal by Quail Lodge, Inc. from the Monterey County Planning Commission's certification of the Environmental Impact Report, adoption of a Statement of Overriding Considerations, and approval of an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit;
- c. Deny the Appeal by Friends of Quail from the Monterey County Planning Commission's certification of the Environmental Impact Report, adoption of a Statement of Overriding Considerations, and approval of an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit; and
- d. Adopt CEQA findings, adopt the Statement of Overriding Considerations, and approve an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit consisting of: 1) Use Permit for the development of a canine training/sports facility and event center for daily member usage and up to 24 "event days" (daily maximum of 250 people/300 dogs) per year; 2) Administrative Permit to allow the construction/placement of modular (temporary) structures to include a 700 square foot office trailer, 600 square foot member trailer, 600 square foot restroom trailer and 400 square foot electrical/storage room; and 3) Design Approval [Site will also accommodate up to 70 recreational vehicles on a short-term basis during "events" (Maximum of 24 nights per year)]; and
- e. Adopt a Mitigation Monitoring and Reporting Plan (MMRP).  
(Carmel Canine Sports Center Appeal, PLN130352, 8100 Valley Greens Drive, Carmel Valley)

...Body

PROJECT INFORMATION:

**Planning File Number:** PLN130352

**Owner:** Wolter Properties LP

**Project Location:** 8100 Valley Greens Drive, Carmel Valley

**APN:** 169-431-001-000, 169-431-002-000, 169-431-003-000, 169-431-006-000,  
169-431-007-000, 169-431-008-000, 169-431-011-000, and 169-431-012-000.

**Applicant:** Carmel Canine Sports Center (Martha Diehl)

**Plan Area:** Carmel Valley Master Plan

**Flagged and Staked:** No

**CEQA Action:** Environmental Impact Report (EIR)

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution (Attachment B) to:

- a. Certify the Carmel Canine Sports Center Project Final Environmental Impact Report (SCH # 2013121077);
- b. Deny the Appeal by Quail Lodge, Inc. from the Monterey County Planning Commission's certification of the Environmental Impact Report, adoption of a Statement of Overriding Considerations, and approval of an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit;
- c. Deny the Appeal by Friends of Quail from the Monterey County Planning Commission's certification of the Environmental Impact Report, adoption of a Statement of Overriding Considerations, and approval of an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit; and
- d. Adopt CEQA findings, adopt the Statement of Overriding Considerations, and approve an application by Carmel Canine Sports Center (Wolter Properties, LLC/PLN130352) for a Combined Development Permit consisting of: 1) Use Permit for the development of a canine training/sports facility and event center for daily member usage and up to 24 "event days" (daily maximum of 250 people/300 dogs) per year; 2) Administrative Permit to allow the construction/placement of modular (temporary) structures to include a 700 square foot office trailer, 600 square foot member trailer, 600 square foot restroom trailer and 400 square foot electrical/storage room; and 3) Design Approval [Site will also accommodate up to 70 recreational vehicles on a short-term basis during "events" (Maximum of 24 nights per year)]; and
- e. Adopt a Mitigation Monitoring and Reporting Plan (MMRP).

SUMMARY:

On August 26, 2015, the Planning Commission approved (6-0 vote, 1 member absent; 3 members recused) Carmel Canine Sports Center's application for a Combined Development Permit consisting a Use Permit for development of canine training/sports facility and event center for daily member usage and up to 24 annual "event days" (250 people/300 dogs), Administrative Permit for the construction/placement of four modular (temporary) structures, and Design Approval. The project is located at 8100 Valley Greens Drive within the Carmel Valley Master Plan Area of unincorporated Monterey County.

The day to day activities of the project would include members coming to the site with their dogs to train and exercise the dogs. The target membership is 500 members, with 20% (100 members) visiting each day. It is not anticipated that 100 members, with 100 dogs, would be present on site at one time, but rather that members would come and go over the course of the day.

The Special Events are identified as being limited to 24 days per year, with a maximum of 250 people and 300 dogs participating during the largest of events. The event venue will contain competition rings, a vendor area, space for the participants with their dogs who are not competing, RV parking (maximum 70 RVs) and parking spaces sufficient for 250 attendees.

On September 8, 2015, Quail Lodge ("Appellant"), represented by Anthony Lombardo and Associates, appealed the Planning Commission's actions (Attachment C). The points of the appeal relate to the baseline used in the EIR for determining impacts, water rights, agricultural use of the property, RV Parking, legality of access to Valley Greens Drive, use of the property

for special events, use of private streets for access, traffic and findings of overriding consideration. A summary of the appellant's contentions is contained in Attachment A, under the "Appeals" heading. A full description of Quail Lodge's contentions and staff responses are contained in the draft Board Resolution (Attachment B - Finding 14).

A second appeal was filed on September 8, 2015, by Friends of Quail ("Appellant"), represented by the Office of Stamp/Erickson (Attachment D). This appeal contends that the Commission gave the applicant's attorney unlimited time to present and did not provide the same to legal counsel representing the public, the Planning Commission lacked representation from the fourth and fifth supervisorial districts and were affected by their relationship to the applicant, and the ten year limit on the permit is not legal. The appeal also contests the entirety of the Planning Commission resolutions, analysis of traffic, use of the riparian corridor, modifications to the reservoir/pond, water baseline, adequacy of mitigation, RV parking. A summary of the appellant's contentions is contained in Attachment A, under the "Appeals" heading. A full description of Friends of Quail's contentions and staff responses are contained in the draft Board Resolution (Attachment B - Finding 15).

The contentions presented in the two appeals do not present new information, or potential environmental impacts which were not previously known or considered. However, the appeal by Friends of Quail does point out that the reservoir/pond feature was not included in the staff report and is not mentioned in the Planning Commission resolutions of approval. Friends of Quail also points out that the conditions of approval do not require remediation/restoration of the pond/reservoir area. A new condition of approval requires restoration of the pond/reservoir to its pre-graded condition (Condition no. 15).

The applicant has submitted a letter dated October 12, 2015 responding to some of the comments which have been made. This letter proposes:

1. Reduction in water use to 39.44 acre feet per year, which is below the 10 year average of water use on the property including fallow years;
2. Limitation on number of dogs for day use purposes to 300.
3. Phasing Plan to allow the membership training facility to open without the ability to conduct special events or use the riparian area.

In addition the applicant submitted articles and a letter of support for the Findings of Overriding Consideration. The findings in the resolution have been changed to reflect this. The changes requested by the applicant have also been incorporated into the resolution and the conditions.

The public hearing is a consolidated hearing on both appeals and is de novo. It is recommended that the Board of Supervisors deny each appeal, certify the Environmental Impact Report, adopt CEQA findings, adopt a Statement of Overriding Consideration, and approve the Combined Development Permit, subject to the proposed conditions of approval.

DISCUSSION:

Detailed discussion is provided in **Attachment A**.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended

conditions:

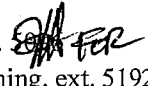
- √ Environmental Health Bureau
- √ RMA-Public Works
- √ RMA-Environmental Services
- √ Water Resources Agency
- √ Carmel Valley Fire Protection District


The project was referred to and reviewed by the Carmel Valley Land Use Advisory Committee (LUAC), on June 3, 2013 and January 6, 2014, pursuant to the LUAC Procedures adopted by the Monterey County Board of Supervisors per Resolution No. 08-338. This application warranted referral to the LUAC because the project involved the potential to raise significant land use issues (aesthetics and neighborhood character). On June 3, 2013, the LUAC took no action on the proposed project, and continued the matter pending environmental review. On January 6, 2014, the LUAC recommended denial of the project, as proposed, by a 7-0 (0 members absent).


The Planning Commission conducted a public hearing on the project on August 26, 2015, and voted 6-0 (1 member absent, 3 members recused) to certify the Environmental Impact Report, adopt a Statement of Overriding Considerations, and approve the Combined Development Permit (See Planning Commission Resolution Nos. 15-044 and 15-045, Attachments E and F).

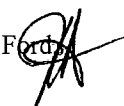
FINANCING:

Funding for staff time associated with this project is included in the FY15/16- Adopted Budget for RMA-Planning.

Prepared by: David J. R. Mack, Associate Planner ext. 5011 

Approved by: Mike Novo, AICP, Director, RMA-Planning, ext. 5192 

Carl Holm, AICP, Director Resource Management Agency 

This report was prepared with assistance and reviewed by John H. Ford 

cc: Front Counter Copy; Board of Supervisors; David J. R. Mack, Associate Planner; John H. Ford, RMA Services Manager; Carmel Valley Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Wolter Properties LP, Owner; Carmel Canine Sports Complex (Martha Diehl), Applicant; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); John H. Farrow; Janet Brennan; George Brehmer; ALGM LLC; California-American Water; Canada Wood Road Company; Natural Selection Foods; John & Terri Brazinsky; James Cecil; Pam Durkee; Law Office of Michael Stamp (Molly Erickson); Victor Heintzberger; Harry Hendon; Jim Johnson (Monterey Herald); Loretta Loop; Ann Mahoney; John Mahoney; Dan Matuszewski; Mibs McCarthy; Joseph Mello; Ernie Mill (Mill Construction); Matthew Ottone (Ottone Leach & Ray); Hansen Reed (Walker & Reed); William John Saunders; Bruce Suezaki; Charles Thomason; Craig Vetter; Planning File PLN130352

The following attachments are on file with the Clerk of the Board:

- Attachment A Discussion
- Attachment B Draft Board Resolution including recommended Conditions of Approval, a Mitigation Monitoring and Reporting Plan, and Project Plans.  
Exhibit 1: Mitigation Monitoring and Reporting Plan (Conditions)  
Exhibit 2: Project Plans
- Attachment C Notice of Appeal (Quail Lodge - Anthony Lombardo & Associates)
- Attachment D Notice of Appeal (Friends of Quail - Stamp/Erickson)
- Attachment E Planning Commission Resolution No. 15-044 - Certification of EIR and Findings of Overriding Consideration.
- Attachment F Planning Commission Resolution No. 15-045 - Combined Development Permit, including Conditions of Approval and Mitigation Monitoring and Reporting Program.
- Attachment G Draft Environmental Impact Report (DEIR) (on CD).
- Attachment H Final Environmental Impact Report (FEIR) (on CD).
- Attachment I Public Comment Letters submitted prior to Planning Commission hearing.
- Attachment J Public Comment Letters submitted prior to Board of Supervisors hearing.
- Attachment K Letter from Applicant, dated October 15, 2015.
- Attachment L Letter from RMA-Public Works to Timothy Sanders dated October 16, 2015.
- Attachment M Letter from Resource Management Agency to Carmel Valley Association dated October 16, 2015.

