

Attachment A

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Attachment A Project Discussion

Project Description and Background

A. Description of Project Site

The project site is comprised of 8 parcels totaling approximately 43 acres; ranging in size from 2.6 acres (APN 169-431-002-000) to 12.2 acres (APN 169-431-008-000), and are undeveloped aside from an existing single-family dwelling on the northernmost portion of the parcel (APN 169-431-011-000), abutting Valley Greens Drive. The site is predominately level, with trees located around the periphery. The southernmost edge of the site contains riparian forest buffering the Carmel River, which traverses the site in an east-west direction. A portion of the site is within the Carmel River 100-year floodplain.

The project parcels are zoned “Low-Density Residential”, which is described in the Monterey County Zoning Code (Title 21) as: “*A district to accommodate low density and intensity uses in the rural suburban areas of the County of Monterey and to ensure that allowable land uses are compatible in the area.*”

B. Description of Use:

The project is a private “canine sports & event center”. The membership goal for the sports center is 500 with an estimated average use of 20% or 100 members per day using the facility. Staff members will be available on-site during operating hours with a projected total of 8 employees. The site will also be used for classes during the day for approximately 10 dogs and owners with not more than two classes occurring at any one time. The canine sport center has two components as follows:

1. Daily Training and Exercise:

- a. Areas will be offered for the following types of training:

Agility	Obedience	Socialization
Herding	Nose Work	Tracking
Rally	Responsible Pet Ownership	Field work
Lure Coursing	Fly Ball	Dock Diving

- b. Members will be able to reserve specific spaces and use off-lead walking paths, picnic areas, open exercise areas and the small clubhouse from 7 AM to 8:30 PM daily.
- c. Classes and Workshops for up to 10 participants scheduled throughout the day. This may include members and non-members.

2. Special Events:

- a. Up to 24 event days per year with a maximum of 250 people in attendance (Participants, spectators, employees, vendors and guests)
- b. Space for food and retail vendors to display and sell goods.
- c. Space for up to 70 RVs to park on the event weekends.

C. Site Improvements:

Much of the site has been converted to growing grass which will be used for the activity and training areas, with 7 acres being anticipated to consist of organically managed irrigated grass fields.. This was undertaken as an agricultural activity. When the site was prepared for planting sod, an irrigation pond was excavated. This pond requires a grading permit and is thus part of the whole of the action and needed to be evaluated as part of the EIR. As part of the preparation

of the Final EIR, the applicant desired to pursue the water right under a Riparian Right, which precludes the storage of water, and thus the irrigation pond needs to be removed from the project description. The applicant is proposing to install the following structures in support of the use:

- Modular office trailer (800 square feet),
- Restroom trailer (600 sf),
- Clubhouse or “member” trailer (600 sf) and
- Electrical/storage room (400 sf).

A large portion of the 40 acres will be maintained in irrigated open field planted in hay, grain, and pasture crops. This area will also be used for dog training activities including herding. Herding animals include sheep, goats and ducks, with generally 20-30 and no more than 50 sheep and/or goats residing on the property.

Vehicle parking, including 5 (paved) handicapped-accessible spaces, in the form of crushed rock are proposed near the modular office and Clubhouse and a larger 200 space parking area covered in wood chips will be provided west of the modular office building.

The applicant also proposes to make seasonal use of the riparian area of the property for picnics and walking along existing pathways and in existing disturbed areas.

D. Surrounding Land Uses and Environmental Setting.

The subject site is located in the Carmel Valley, south of the intersection of Carmel Valley Road and Valley Greens Drive. The site is accessed by Valley Greens Drive. To the east of the site is existing farm land, to the north of the site are a mix of uses including farm land, and north of that is a retail center, Quail Lodge and Valley Greens Drive, further north are residences. To the west of the site is a portion of the Quail Lodge Golf club and west of that are residences. The southern portion of the site is the Carmel River Riparian Corridor.

The golf course parcels abutting the project site immediately to the north and west are zoned “Open Space,” described pursuant to Monterey County Zoning Code (Title 21): *“To promote a rural atmosphere in an otherwise urban or semi-urban development and to hold for future generations open space in which trees and plants can grow.”*



“Angled” Aerial View of Project Site and Surrounding Area (Facing North)

Quail Lodge & Golf Club is located directly adjacent to the north (across Valley Greens Drive) and west, and the Carmel River abuts the project site to the south. The parcels located immediately to the east are utilized primarily for agricultural purposes.

The Quail Lodge property directly across the street from the project site is zoned “Visitor Serving/Professional Office Zoning District,” “A district to establish areas necessary to service the needs of visitors and professional services to Monterey County.”

Project Analysis

A. General Plan Consistency

The project is within the Carmel Valley Master Plan area and is thus subject to the policies of the 2010 Monterey County General Plan including the Carmel Valley Master Plan. The following policies are applicable to this project.

LU-2.34 *The County shall establish regulations for and designate three categories of Rural Residential Land:*

- a. Low Density Residential (LDR): Low Density Residential areas are appropriate for residential (1-5 acres/unit) recreational, public and quasi public and limited agricultural activities that are incidental and subordinate to the residential use. The extent of use of land for this designation shall be limited to building coverage of 35% of the subject property if said property is less than 20,000 square feet and 25% of the subject property if said property is 20,000 square feet or more.*

The Low Density Residential Land Use allows recreational uses, which is what the proposed project is. The use of this site for recreational purposes is consistent with the LDR land use of the site.

PS-3.1 *Except as specifically set forth below, new development for which a discretionary permit is required, and that will use or require the use of water, shall be prohibited without proof, based on specific findings and supported by evidence, that there is a long-term, sustainable water supply, both in quality and quantity to serve the development.*

The project has a long term sustainable water supply. For purposes of determining consistency with PS - 3.1 Long Term Sustainable Water Supply, the General Plan has established criteria in PS - 3.2. Not all of the criteria apply, but the following are used in this situation:

- a Water Quality*
- d The source of the water supply and the nature of the right(s) to water from the source;*
- e Cumulative impacts of existing and projected future demand for water from the source, and the ability to reverse trends contributing to an overdraft condition or otherwise affecting supply; and*
- f Effects of additional extraction or diversion of water on the environment including on in-stream flows necessary to support riparian vegetation, wetlands, fish or other aquatic life, and the migration potential for steelhead, for the purpose of minimizing impacts on the environment and to those resources and species.*

The water will come from two existing wells on the subject site which draws water from the Carmel Valley Alluvial Aquifer. The right to use this water is a riparian right.

The water quality has been tested and found to be acceptable for domestic use subject to a permit from the Environmental Health Bureau.

The State Water Resources Control Board has determined in prior actions (Order 95-10 as amended by subsequent orders, Decision 1632) that the CVAA is a subterranean stream flowing through a known and definite channel making this alluvial aquifer essentially surface water. Surface water rights are divided into two general categories: riparian rights and appropriative rights. Riparian rights are considered the paramount water right and in most situations senior to appropriative rights. Riparian water rights are typically only vested in parcels abutting a watercourse, but in the case of the Carmel Valley Alluvial Aquifer parcels which overlie the underflow of the aquifer may have riparian rights unless they have been lost. In this situation, the property overlies the aquifer and the applicant and the property owner have claimed that the riparian right is intact. As discussed in Master Response 1 of the FEIR (Page J-5) there is substantial evidence that a riparian right exists for the property.

The nature of the right to the water is a Riparian Right from the Carmel Valley Alluvial Aquifer. There is an established historic use of the water on this site associated with the agricultural use of the property. As stated in the November 14, 2013 letter from Aengus Jeffers: *“Riparian Rights are considered the paramount water right and in most situations senior to appropriative rights.... Amongst riparian users, the right to divert water is correlative and generally limited by the sustainable supply of water shared amongst the reasonable and beneficial needs of each riparian user for lands within the watershed of origin. Ordinarily, the needs of riparian right holders must be served before the needs of junior appropriators. Riparian rights are also usufructory in that they are not lost by nonuse.”*

The next criterion is related to whether there is a cumulative impact from the use of the water. The project does not have a cumulative impact because the project's water use will not exceed the baseline water use. The project proponent proposed to use 63.35 Acre Feet of Water annually associated with the project. The irrigation pond feature of the project will be eliminated, because the riparian right, which is the basis of the water right for the project, does not allow storage of water. Elimination of the pond reduces the project's water use to 60.91 AFA (removal of evaporation from water balance calculations). The breakdown of water use is spelled out on page J-7 of the FEIR.

The wells that are supplying water to the project have historically (dating back into the 1800's) been used for irrigation of row crops. The existing residence on site does not receive water from these wells or from another well on site, but rather from Cal-Am Water Company. The water demand for the project therefore is based on the proposed water to be used for growing grass and other agricultural products and the water to be used for the Carmel Canine Sports Center.

The SWRCB action in 1995 reserved 65 acre feet for appropriation to the subject site. This action was modified in 2003 to expand the water reserved for appropriation to 96 acre feet per year (WRO 2003-0014.) Decision 1632 did not evaluate whether these rights actually existed, and this information is only presented here as evidence of the historical use of water on the site.

The EIR established the baseline for water use at 62.91 AFA. This was calculated by using MPWMD methodology of an average of the last 10 years of production. Prior to the CCSC project, the site had been fallow for several years, but calculating fallow years into the average does not accurately reflect what the actual water demand is to irrigate the site, which was the past use of the site. The 62.91 AFA baseline is thus an accurate measure of the actual historical water use of the site, absent the project.

From an environmental standpoint there is not an impact provided that the use of water does not exceed the baseline. The project will be conditioned to remain below the baseline use. Accordingly, the project does not have a cumulative impact on water demand. The same consideration is applicable to criterion "f" related to impacts to the riparian corridor and fish and wildlife. If the use of water has not increased, then there cannot be a negative impact.

Based upon the fact that there is a Riparian Water Right which is superior to other Appropriative Water Rights holders, and that the water usage will be below baseline and as a result not have an adverse effect upon riparian vegetation, or fish and wildlife, the finding of a Long Term Sustainable Water Supply is supported.

CV-1.1: *"All policies, ordinances, and decisions regarding Carmel Valley shall be consistent with the goal of preserving Carmel Valley's rural character. In order to preserve the rural character of Carmel Valley, development shall follow a rural architectural theme with design review."*

The Project layout will primarily be characterized by a pastoral setting (grass, alfalfa, and hay) with several small temporary modular buildings (2,300 square feet total area). The land will remain in open space areas (39 acres) to be used for on-going agricultural purposes and dog-training. More area will be devoted to growing hay and alfalfa than to lawn area. The setting will continue to be very rural in appearance due to the lack of development and the

continued agricultural presence on the property. The overall appearance of the site will not significantly change particularly from the distant views associated with the elevated portions of Carmel Valley Road. There will be more people on the site, but in a setting which is still pastoral and is consistent with the rural character of Carmel Valley.

The temporary modular buildings are small and low profile. They will have some visibility, but not in a manner that changes the character of the area. A rural architectural theme would typically be a structure that is low profile, which these are consistent with. They will not be visible from great distances, and will not attract attention.

CV-1.16: *“Applications for service and special use facilities (including in Carmel Valley, Hidden Valley Music Seminars), as defined by the General Plan, are to be considered on their merits and shall not automatically be deemed inconsistent with the Plan. They must, however, conform to all applicable plan policies.”*

The Project is consistent with plan policies within the Carmel Valley Master Plan. The Project is a conditionally allowed use within the applicable zoning designation. The Project has been thoroughly analyzed for its individual merits.

CV-2.7: *“Off-street parking should be developed at suitable locations within development areas.”*

The Project involves the development of on-site(off-street) parking consisting of a 15-space aggregate-based parking area (6,400 square feet) for day-to-day use and a 200-space woodchip-base parking area (89,680 square feet) for events and overflow parking. This is expected to provide more parking than needed, given that the site is limited to 250 participants.

CV-2.17: *“To implement traffic standards to provide adequate streets and highways in Carmel Valley, the County shall conduct and implement the following:*

- a) – e) represent County actions not associate with project analysis.
- f) *The traffic standards (LOS as measured by peak hour conditions) for the CVMP Area shall be as follows:*
 1. *Signalized Intersections – LOS of “C” is the acceptable condition.*
 2. *Unsignalized Intersections – LOS of “F” or meeting of any traffic signal warrant are defined as unacceptable conditions.*
 3. *Carmel Valley Road Segment Operations:*
 - a *LOS of “C” and ADT below its threshold specified in Policy CV-2.17(a) for Segments 1, 2, 8, 9, 10, 11, 12 and 13 is an acceptable condition;*
 - b *LOS of “D” and ADT below its threshold specified in Policy CV-2.17(a) for Segments 3, 4, 5, 6, and 7 is an acceptable condition.*

During review of development applications that require a discretionary permit, if traffic analysis of the proposed project indicates that the project would result in traffic conditions that would exceed the standards described above in Policy CV

2.17(f), after the analysis takes into consideration the Carmel Valley Traffic Improvement Program to be funded by the Carmel Valley Road Traffic Mitigation Fee, then approval of the project shall be conditioned on the prior (e.g., prior to project-generated traffic) construction of additional roadway improvements or an Environmental Impact Report shall be prepared for the project, which will include evaluation of traffic impacts based on the ADT methodology. Such additional roadway improvements must be sufficient, when combined with the projects programmed for completion prior to the project generated traffic in the Carmel Valley Traffic Improvement Program, to allow County to find that the affected roadway segments or intersections would meet the acceptable standard upon completion of the programmed plus additional improvements. Any EIR required by this policy shall assess cumulative traffic impacts outside the CVMP area arising from development within the CVMP area.

The applicable provision of this policy is that either improvements are made to address a deficient Level of Service (either through projects funded by the CVTIP or by the applicant) or an EIR needs to be prepared to evaluate traffic impacts based on the ADT methodology. In this particular case, an EIR was prepared for the project, which did conclude that Segment 7 ADT thresholds would be exceeded under cumulative plus project conditions, including special events. The EIR concluded that segment widening would be necessary to achieve acceptable operations, but this improvement is not included in the Carmel Valley Road Improvement List; and therefore the impact would be significant and unavoidable. The preparation of an EIR and use of the ADT methodology is consistent with the requirement of the Policy

B. Use of the Property

The subject site has a zoning designation of Low Density Residential. The project is unique and does not directly fit within the description of any of the categories: “Uses Allowed,” “Uses allowed—Administrative permit required in each case” or “Uses allowed—Use permit required in each case,” pursuant to the Monterey County Inland Zoning Code (Title 21), section 21.14: “Regulations for Low Density Residential Zoning Districts or ‘LDR’ Districts.” The LDR district allows “Country Clubs” subject to approval of a Use Permit. Additionally under uses requiring a Use Permit is the provision allowing:

21.14.050.X - Other uses of a similar character, density and intensity to those uses listed in this section

The proposed use is a membership based recreational facility for the training of dogs. This involves large outdoor training areas and agility courses for the training. A Country Club is also typically a membership based recreational facility with a golf course and or tennis courts. Country Clubs also typically have special events related to the use of the facility (tournaments with banquets, and other related activities.) The special event provision of the proposed use is considered to be of a similar character to the special events associated with Country Clubs.

The provision to allow uses of a similar character, density and intensity to those uses listed in this section, allows the Board of Supervisors to make the interpretation that the proposed use can be allowed subject to approval of a Use Permit.

A great deal of Concern has been expressed about the proposed RV overnight stays associated with the special events. This is part of the interpretation that the Board of Supervisors needs to make whether this is similar enough to the Country Club use that the RV parking is something

that could be found associated with that use or at least by extension is acceptable associated with the use.

The use is conditionally permitted in the LDR zone because it does have the potential to be incompatible with the surrounding area. The following areas of concern have been identified through the review of the project:

1. Location in a residential area.

Many comments against the project have expressed concern with the project being in the middle of a residential area. As the aerial photo above shows, the property to the east is farmland, the area to the south is the Carmel River Floodplain with rural residential south of that. The property immediately adjacent to the west and north is the Quail Lodge Golf Course and the Lodge itself. There are residences beyond the fairways, but none immediately adjacent to the property.

Access to the site will largely be from the Carmel Valley Road/ Valley Greens Drive intersection. This does not require traffic to travel through any residential neighborhood. There will likely be traffic which does exit the site to the west down Valley Greens Drive, which will add trips through this neighborhood primarily during special events. There may also be members who live in the Quail area.

The project location has a mix of uses around it, including commercial and visitor serving uses in close proximity. Recreational uses require approval of a Use Permit to allow review to determine if the use would adversely affect the existing residential setting. This location is not a purely residential area, and the use has limitations imposed on the special events.

2. Daily operation of Site.

The day to day activities at the site will include individual members bringing their dogs to train and exercise. The target membership is 500 with 20% visiting each day which would be 100 members. It is not anticipated that there would be 100 dogs there at any one time but that members would come and go over the course of the day.

Many comments have been made about barking dogs. Dogs that are regularly in settings with other dogs are different than dogs left unattended. The project does not propose a dog kennel where there will be many unattended dogs left on their own to bark. Part of the project description includes provisions that members be responsible for their dogs not barking and if this is not managed the staff will be trained to deal with these situations.

There will also be classes offered during week days which will attract people with their dogs. This will be in addition to the 100 visitors per day discussed above.

The level of use associated with the daily operations is consistent with the setting. It is a recreational use that has buffers all around it from any residences. The scale of the use 100 visitors and classes during the day in relation to the size of the property (35 acres useable area) the daily operation is compatible with the surroundings.

3. Special Events.

The Special Events are identified as being limited to 24 days per year, with a maximum of 250 people and 300 dogs participating. Figure 2-2 in the DEIR (Page 2-13) shows the layout of the event configuration of the site and Table 2-3 in the DEIR (Page 2-14) lists a sample event schedule.

The event venue will contain competition rings, a vendor area, space for the participants with their dogs who are not competing, RV parking and parking spaces sufficient for 250 attendees. This event venue is in the northwest portion of the site which is the closest portion of the site to the residential area. The project proposes to install landscaping along the west and north property lines to provide visual screening of the site.

The question of compatibility relates to whether this use would cause adverse impacts inconsistent with the area. An event with a maximum of 250 participants would be consistent with events found at a Country Club. There is concern with barking dogs, amplified sound, lighting and traffic. With the exception of barking dogs, all the other concerns would normally be typical of a country club which would be acceptable in this setting. The maximum number of people at the event is limited to 250. As noted above, dogs participating in these events are not left unattended and allowed to bark. There may be some barking, but the level is not such that it would significantly change the ambience of the area. This is discussed in the EIR.

4. Recreational Vehicles.

The project proposes to allow up to 70 RV's to locate on site for special event days. This has generated a lot of public concern. The RV parking area would be toward the center of the property in a location that is the least conspicuous. The concerns with the RV overnight stays have to do with dogs barking at night, night lighting, generators running, and a general noise nuisance from people being on site overnight.

RV's are not typically associated with Country Clubs, but they are not necessarily something that cannot be allowed provided that their presence does not create an adverse impact upon the community. The EIR identifies a mitigation measure (MM NOI-3) which would require a Special Event Management Plan including performance based including a restriction on lighting after 9:00 PM and prohibiting the use of generators between 7:00 PM and 8:00 AM. The concern related to dogs barking from the RV's also has to do with the assumption that dogs are left unattended and allowed to bark. If the RV's are present but do not create an adverse impact inconsistent with the local area, then they can be considered compatible as part of the use of the site.

C. Site Design

The Site Plan Review Zoning District is to provide regulations for review of development in those areas of the County of Monterey where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. Most of the subject property has previously been farmed and the site improvements are largely staying within the foot print of the previous agricultural use. The only area outside of this is related to the picnic areas beyond the food safety fence, and the allowance for dogs and their owners to venture into the riparian corridor.

The fact that much of the active area for the project has been historically cultivated, limits any potential resource conflicts with the project. The use of the Riparian corridor has been the subject of much discussion in the EIR review and that is addressed in greater detail below. There is a mitigation measure which restricts the number of dogs in the riparian corridor at any one time and during the day.

D. Design Approval

The purpose of the design approval district is to *provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences, except agricultural fences, in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property.* The design elements which are most significant related to this project include the following:

1. Modular Buildings—The buildings used for the clubhouse, office and restroom will be modular structures that can be removed from the site. They are low profile but also will look like modular trailers. Part of the project objective is to not construct permanent improvements, including buildings. These buildings are functional and are not of any architectural interest. They are small and will not detract from the area, particularly since there will be screening.
2. Entry Gate, and parking areas. The gate at the entry will be moved back to provide room for vehicular stacking and entry into the existing farmhouse without conflicting with the entrance. The gate will not detract from the area and it will be consistent with the rural character of the area.
3. 6' High Redwood fence along Valley Greens Drive The 6' tall fence along Valley Greens Drive will be used to provide screening from the street to the modular buildings and parking area. Typically solid fences that block scenic view sheds along scenic roads are not considered consistent with the character of the area. Most of the property is screened along Valley Greens Drive by existing vegetation. This fence would supplement that existing vegetation to form a screen in front of the modular buildings. Valley Greens drive is not considered a scenic road, so no protected scenic vista will be blocked, and it will not change the character of the area
4. Landscape screening along western property line. In order to provide screening to the residents across Poplar Lane, screening trees will be planted along the west property line. This is consistent with the existing character of the area.

Environmental Review

An Initial Study was prepared for this project in December of 2013, which resulted in preparation of a Mitigated Negative Declaration. During public review of the Negative Declaration it was identified that the Highway 1 Road Segment north of Carmel Valley Road operates at Level of Service F and any additional traffic on this road segment would be a significant adverse impact requiring preparation of an EIR.

A. Environmental Impact Report Preparation and Circulation.

An Environmental Impact Report was prepared for the proposed project in accordance with the California Environmental Quality Act. The public review period for the Draft EIR was from April 1, 2015 through May 15, 2015. Based upon the comments received on the DEIR, a Final EIR was released for public review on August 14, 2015. This release date complies with the legal requirement of allowing public and responsible agency (State) review at least 10 days prior a decision. We have received no comments from any public agencies on the FEIR.

B. Significant Unavoidable Impacts.

The EIR identified that there would be significant unavoidable adverse impacts related to Traffic. In order to approve the project with these impacts, Findings of Overriding Consideration must be adopting indicating how the project benefits compensate for the impacts identified.

Traffic Impacts:

The Project will result in added traffic on roadway segments and intersections in Carmel Valley. The significant unavoidable impacts are identified as follows:

- Highway 1 from Ocean Avenue to Carmel Valley Road existing LOS F. Any additional traffic is significant and unavoidable. This occurs in both the daily operation and for special events.
- Carmel Valley Road/Rancho San Carlos Cumulative Plus Project
- Carmel Valley Road/Valley Greens Drive Cumulative Plus Project (Daily and Special Events)

C. Findings of Overriding Consideration:

The project would provide the following benefits to the public:

- 1) Preservation of opportunity for long term agricultural production on prime farmland consistent with historical on-site use in the face of increasing development pressures.
- 2) Creation of a new local recreation resource for canine activities. The October 15, 2015 letter submitted by the applicant identifies that the Salinas-Monterey Agility Racing Team has submitted a letter in support of the need to additional facilities as well as other letters in support of the need for the facility.
- 3) Contribution to the local economy with the creation of employment opportunities on-site.

D. Less Than Significant Impacts. Impacts that were found to be Less than Significant or Less than Significant with Mitigation included: Aesthetics and Visual Resources; Agricultural Resources; Air Quality and Greenhouse Gas Emissions; Biological Resources; Cultural Resources; Geology and Soils; Hydrogeology and Water Quality; Hazards and Hazardous Materials; Land Use and Planning; Recreation; Public Services and Utilities; and Noise.

E. Alternatives.

The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the following alternatives as more fully described in the DEIR.

- i. Alternative 1 – No Overnight RV Parking/Camping Alternative. Under this alternative, proposed daily operations would not change. The project would continue to be open daily from 7:00am to 8:30pm, without reservation. This alternative would still include the hosting of special events up to 24 days throughout the year; however would

- prohibit the use of the event parking area for overnight parking of vendor and patron RVs and associated overnight campers during event days and weekends, and would limit special events to daytime hours only. Overall this alternative would have similar or reduced impacts associated with the proposed Project for most resource areas; however would result in increased significant traffic impacts and would reduce the beneficial impacts associated with the provision of an additional recreation resource. The increased transportation/traffic impacts would result from RVs, event trailers, and vendors having to enter and exit the site at the beginning and end of each event day. This alternative would not achieve the Project objective of providing amenities that are typical of canine sport facilities that include overnight stays for participant and staff.
- ii. Alternative 2 – No Special Events Alternative. Under this alternative, proposed daily operations would not change. The project would continue to be open daily from 7:00am to 8:30pm, without reservation. However, this alternative would prohibit the hosting of special events, including overnight RV parking/camping. This alternative would not reduce cumulatively significant transportation/traffic impacts; however impacts would be lessened for most other resource areas since special events and overnight parking/camping would be eliminated. This alternative would not achieve the Project objective of providing amenities that are typical of canine sport facilities that include overnight stays for participant and staff.
 - iii. Alternative 3 – No Project Alternative. The No Project Alternative considers not approving the development and operation of a canine training, recreation, and event facility; the site would remain in its existing condition (fallow farmland). Overall, the No Project Alternative would have fewer impacts, or no impacts to the environmental issues and resources than the proposed project. However, the No Project Alternative would not meet the Project objectives, such as additional revenue source from a outdoor recreational use to support ongoing agriculture onsite; creation of a new local recreational resource for canine activities; provision of recreational canine-related activities for members compatible with nearby uses; and contribution to the local economy with creation of employment opportunities onsite.

F. Environmentally Superior Alternative.

Only the No Project Alternative avoided all the impacts related to the proposed project. However, Section 15126.6(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, than another alternative must be identified amongst the alternatives considered as the Environmentally Superior Alternative. Therefore, the No Special Events Alternative (Alternative 2) is considered to be the Environmentally Superior Alternative because it meets most of the project objectives with incrementally less environmental impacts to traffic/transportation than the proposed project. These impacts are either less than significant or have been reduced to less than significant through project design and mitigation. The No Special Events Alternative (Alternative 2) would not change the impacts associated with cumulative traffic which would remain significant and unavoidable.

Appeal:

On August 26, 2015, the Monterey County Planning Commission certified the Environmental Impact Report and approved the Combined Development Permit. Two appeals were subsequently timely filed on September 8, 2015; one each by Quail Lodge (Anthony Lombardo & Associates) and Friends of Quail (Law Offices of Stamp/Erickson). Each appellant requests

that the Board of Supervisors grant their appeal and deny the Combined Development Permit. The contentions from each appeal are summarized below and contained in full in the Notice(s) of Appeal (Attachment C and D).

Appeal from Quail Lodge

The Appeal filed by Quail Lodge, represented by Anthony Lombardo and Associates, contends: the findings or decision or conditions are not supported by the evidence; and the decision was contrary to law.

The appellant makes contentions regarding the following issues:

- An inappropriate project baseline was used in the EIR to adequately determine any effects from implementation of the proposed project. Appellant contends, due to unpermitted grading work conducted by the applicant, that the appropriate baseline would be when the County accepted the application, not upon publishing of the Notice of Preparation or at the time any environmental review started;
- Lack of substantial evidence of water rights available to the project parcels. Appellant contends that the applicant does not have either a verified appropriate water right or proof and that the riparian rights of the property were previously severed in 1906;
- Invalid claim of continued agricultural use of the properties. The appellant contends that the proposed use and operation of the project (a special event center and private club focused on canine training) is not an agricultural use and that any herding of animals is an accessory use;
- Ability to park/use recreational vehicles (RVs) on the project site. The appellant contends the project would constitute a RV park, classified by the State of California as a Special Occupancy Park. The appellant contends the EIR is inadequate in that it does not disclose the physical improvements needed to meet the State requirements for a Special Occupancy park;
- Right to use Valley Greens Drive for access to proposed project. The appellant contends there is a restriction on access, limited to seven residential lots, to the project site from Valley Greens Drive. Appellant contends access to the site cannot be used for any other purpose than for seven residential lots;
- Provision of 24 annual special event days and effectiveness of proposed mitigations, namely the Special Events Management Plan (SEMP). The appellant contends the development of the SEMP after project approval is deferred mitigation, and a draft SEMP should be prepared and subject to review by the public and decision makers prior to decision;
- Right to use/access Valley Greens Road (southern portion) and Ranch San Carlos roads (both private roads) is not allowed for project traffic. The appellant contends that CCSC has not demonstrated the ability to use private roads surrounding the project site, and therefore approval of the project does not meet the requirements of Chapter 21.64.230 – Regulations Relating to Applications Involving Use of Private Roads;
- The FEIR does not adequately evaluate or mitigate impacts related to traffic. The appellant contends that proposed mitigations do not address anticipated impacts and

relies on mitigations which are not feasible, such as intersection improvements which are not currently in the Carmel Valley Traffic Improvement Program (CVTIP) and restrictions on scheduling of classes, which are not enforceable; ; and

- Lack of substantial evidence to support a statement of overriding consideration. The appellant contends the significant unavoidable effects on water and traffic are not outweighed by “specific economic, legal, social, technological, or other benefits...” from this project. The appellant contests the claims of continued agricultural on site, the creation of a new local recreation resource, and the contribution to the local economy by providing employment opportunities onsite.

Responses to each of the appellant’s contentions are found within the draft resolution presented to the Board of Supervisors (Attachment B – Finding 14). There are not any new grounds contained within these contentions that have not already been addressed.

Appeal by Friends of Quail

The Appeal filed by Friends of Quail, represented by Office of Stamp/Erickson, contends: the there was lack of fair and impartial hearing; the findings or decision or conditions are not supported by the evidence; and the decision is contrary to law.

The appellant made contentions regarding the following issues:

- Presentation time allowed to the applicant versus the opponent’s legal counsel. The appellant contends that unequal time was allowed to the applicant’s counsel for representation and rebuttal, which was not then afforded to opponent’s;
- Lack of substantive discussion by the Planning Commission prior to approval. The appellant contends the Commission did not discuss the merits, issues, problems, or environmental impacts of the project prior to making a motion to approve the project;
- Lack of adequate representation by Fourth and Fifth Supervisorial Districts. The appellant contends that based on the recusals and absences from the Commission on the day of the hearing, the Fourth and Fifth Districts were not adequately represented;
- Effect of relationship between Commissioners and project applicant. Appellant contends that based on how the project applicant is (current chair of the Commission; 15 year Commission member), other Commissioners were affected. Appellant points out that five of the six members who voted on the project have served on the Commission along the applicant for more than five years;
- Lack of adequate mitigation measures pertaining to:
 - Traffic mitigations
 - Biological Impacts
 - Water use
 - Hazards/Hazardous Materials (smoking on-site)

The appellant contends that the EIR did not adequately identify potential impacts and numerous proposed mitigation measures are not enforceable, do not address potential effects from the project and do not contain adequate performance standards by which the applicant or the public can ensure adequate compliance. Appellant contends that comments submitted by the public (traffic and noise) were not adequately addressed in the FEIR;

- Adequacy of EIR pertaining to analysis of recreational vehicles. Appellant contends that EIR did not consider the nature of recreational vehicles – their bulk and mass, slowness, or that their drivers are not familiar with local roadways;
- Lack of independent judgment by Planning Commission on EIR. The appellant contends that the Planning Commission received the DEIR and FEIR only a few days before the hearing, and only on CD. The appellant contends that no Commissioner mentioned anything in the EIR and it is likely that none of them read the EIR or exercised independent judgement;
- Lack of appropriate evidence to support a statement of overriding consideration. The appellant contends that continued agricultural use of the site is not a County priority, based on the current residential zoning. The appellant contends the provision of a new recreation source is not significant in light of other availability of similar resources in Carmel Valley. The appellant contends that the jobs generated by the project are minimal and would be low paying positions;
- Removal associated mitigations regarding the pond/reservoir are not supported because there is no evidence the pond/reservoir has been removed from the project description. The appellant contends that conflicting statements regarding the pond were made by Staff and the applicant and there is not condition or mitigation which removes the pond/reservoir from the project description. The appellant contends the EIR did not adequately address the impacts of grading and remediation of the pond/reservoir;
- Lack of evidence of water rights available to the project parcels. The appellant contends that riparian rights at the site are in dispute and have not been confirmed and the project resolution fails to state that right is not confirmed;
- Appropriate/correct water baseline used in the EIR. The appellant contends that the water baseline selected by the County EIR was not grounded in law or fact, was “calculated” in manner that is not consistent with CEQA, and did not water use data from fallow years on the site. The appellant contends the appropriate water baseline is zero, based on the lack of water use over the last few years, and pumping of groundwater would have unanalyzed environmental effects;
- Inconsistency of allowing provision of 24 annual special event days, but limiting use of portable toilets to only 10 calendars per year. The appellant contends these approvals are inconsistent and sets up unmitigated health hazards;
- Legal ability of County to permit project for a limited term (10 years). The appellant contends the EIR’s reliance on a ten year term is inconsistent with CEQA;
- Validity of self-reporting/compliance of conditions and mitigations. The appellant contends the mitigations are not enforceable and cannot independently be verified during condition compliance; and
- Adequacy of the FEIR pertaining to changes to the DEIR. The appellant contends the FEIR did not show changes in a manner that is understandable and the exact language of the EIR is known and ambiguous.

Staff responses to each of the appellant's contentions are found within the draft resolution presented to the Board of Supervisors (Attachment B – Finding 15).

Correspondence from Project Applicant (Carmel Canine Sports Center)

On October 12, 2015, Counsel for the project applicant submitted a letter regarding project concerns raised during the Planning Commission hearing (Attachment K). The letter details amendments and/or changes to the project being requested by the applicant as follows:

Water Use Baseline:

In response to testimony regarding that the CEQA baseline for water use should be a 10 year average with fallow years included, CCSC has re-examined the project and concluded that the project could operate with a reduced water demand, by changing irrigation of hay crops to dry farming techniques; which would result in a water demand of 39.44 acre feet/year, which is 0.32 acre feet/year below the 10 year average (including fallowing years) of 39.76 acre feet/year. The EIR evaluated a baseline of 62.91 based upon a 10 year average of data when the site was being irrigated. The applicant's proposal represents a substantial reduction in water use, which is responsive to concerns that have been raised. Based upon the applicant's desire a condition has been added to reduce the water use to a maximum of 39.44

Lack of Analysis Regarding Dogs on Site – Per Day

In response to testimony and concerns expressed by Friends of Quail regarding the maximum number of dogs on site per day, CCSC would like to clarify the issue. Although each membership will entitle the member to register up to six dogs, the member will only be permitted to bring no more than three dogs the facility each time. The facility anticipates a average daily use if the facility will be 100 members per day. Consequently, the maximum number of dog on the project site will be 300 per day, not 600, for non-special event operational days.

The EIR analyzed a maximum number of dogs on site for a Special Event day to be 300 dogs at one time, and identified impacts from this use. Based on this analysis, the applicant contends that the impacts of daily use of 300 dogs (spread throughout the day) during non-special event days will not be greater than the impacts anticipated by 300 dogs during special event days; therefore the no further analysis under the EIR is required. A condition has been added to address this change.

Additional Factors to Consider to Support the Statement of Overriding Considerations.

The applicant submitted a letter from SMART (Salinas-Monterey Agility Racing Team) regarding the need for additional locations required for agility trails and competitions, and an article/literature regarding the current state of the pet services industry, from Zoom Room Dog Training, to the Board of Supervisors for review and consideration. These two items are included in Attachment K of this Board Report.

Additionally the applicant points to the numerous number of support letters received by County staff (and attached to the Planning Commission and Board of Supervisor's Staff Reports) from members of the public testifying to the need for additional areas to exercise and train dogs. In addition, the applicant notes that substantial public testimony in support of the project was given during the Planning Commission hearing.

Request for Phasing of Project Conditions.

The applicant requests changes to the timing of certain conditions of approval, including mitigation measures. CCSC intends to open its facility with minimal day-to-day operations

without improvements, special events, and access to the Carmel River. Therefore CCSC requests that conditions be modified to permit phasing of the project when there is sufficient capacity for increased operations and use of the site.

CCSC requests the following conditions from the Planning Commission approval be modified to “*Prior to commencement of normal daily operations*” for Phase 1:

Conditions - 2, 4, 6, 9, 15, 19, 24, 33, 39, and 44-47.

Staff is in agreement with this request, with the exception of Condition 19 (pertains riparian lands – timing change requested in Phase 3) and Condition 39 (pertains to fire safety), which should remain as currently stated. All other requested changes in timing have been made and are reflected in the recommended conditions presented with the Board resolution. NOTE: condition numbers have changed due to the addition of a new condition (15) requiring remediation/restoration of the pond/reservoir area.

CCSC requests the following conditions from the Planning Commission approval be modified to “*Prior to use of the project site for Special Events*” for Phase 2:

Conditions – 21 and 34.

Staff is in agreement with these requests and changes in timing have been made and are reflected in the recommended conditions presented with the Board Resolution. NOTE: condition numbers have changed due to the addition of a new condition (15) requiring remediation/restoration of the pond/reservoir area.

CCSC requests the following conditions from the Planning Commission approval be modified to “*Prior to use of area outside the Food Safety Fence (Carmel River and riparian area)*” for Phase 3:

Conditions – 16, 18, 19, 25 and 26.

Staff is in agreement with these requests, with the exception of Condition 25 (Manure Management Plan) which should be timed to be “*prior to commencement of daily operations*” and Condition 26 (Onsite Wastewater Treatment System), which should remain as currently stated (prior to issuance of construction permit) (also requested in Phase 4 below). All other requested changes in timing have been made and are reflected in the recommended conditions presented with the Board Resolution. NOTE: condition numbers have changed due to the addition of a new condition (15) requiring remediation/restoration of the pond/reservoir area.

CCSC requests the following conditions from the Planning Commission approval be modified to “*Prior to issuance of building permits*” for Phase 4:

Conditions - 26 – 32, 35, 36, 37, 40, 41, 42, 43, 48, 49, 50, 51, 52, and 53.

Staff is in agreement with these requests and changes in timing have been made and are reflected in the recommended conditions presented with the Board Resolution. NOTE: condition numbers have changed due to the addition of a new condition (15) requiring remediation/restoration of the pond/reservoir area.

Correspondence from Carmel Valley Association (CVA) and Timothy Sanders re: DEIR Traffic Analysis

On September 19 and September 24, 2015, Carmel Valley Association (CVA) and Timothy Sander, respectively, submitted letters to the County and the method(s) of analysis used in the

preparation of the Section 4.12 – Transportation and Traffic of the DEIR. These letters call into question the methodology used to evaluate potential traffic impacts and changes made to the “Guide for Preparation of Traffic Impact Studies” by Public Works.

Formal responses to each of these letters were authored by Public Works and Resource Management Agency staff and are attached to this report as Attachment L and M.

Recommendation

Staff recommends that the Board of Supervisors deny the appeal from Quail Lodge (Anthony Lombardo & Associates), deny the appeal from Friends of Quail (Offices of Stamp/Erickson), certify the Environmental Impact Report and adopt a Statement of Overriding Consideration, and approve the Combined Development Permit. A draft resolution is attached per this recommendation. If the Board desires to grant one, or both, of the appeals, staff would recommend that the Board adopt a Motion of Intent and continue the hearing to a date certain for staff to return with a resolution with appropriate findings and evidence.