

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

In the matter of the application of:

**ALTA LAND COMPANY LLC (PLN110146)**

**RESOLUTION NO. 11-145**

Resolution by the Monterey County Board of Supervisors: )  
)

- a. Considering an Addendum to the adopted Mitigated Negative Declaration, together with the adopted Mitigated Negative Declaration; and )  
)
- b. Denying an appeal by Carmel Valley Association from the March 9, 2011 decision of the Monterey County Planning Commission and approving an amendment to an approved Combined Development Permit (PLN060102/Keehn, PLN000357/Gamboia) for a 64-suite, 78-bed, assisted care living facility known as Cottages of Carmel. The amendment includes replacing the requirement to preserve a 26-inch Monterey pine, amending the project description to delete graywater and cistern systems, removing and/or amending conditions requiring underground graywater and cistern systems, revising water use monitoring requirements, and amending landscaping conditions..... )  
)

(PLN110146/Alta Land Company LLC) )

**The Carmel Cottages application (PLN110146) came on for public hearing before the Monterey County Board of Supervisors on April 26, 2011, and May 17, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies, which designate this area as appropriate for development.

**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- 2010 Monterey County General Plan
- Carmel Valley Master Plan,
- Monterey County Zoning Ordinance (Title 21)

No conflicts were found to exist. No communications were received

- during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- b) The property is located at 26245 Carmel Rancho Boulevard (Assessor's Parcel Number 015-021-036-000, Carmel Valley Master Plan. The parcel is zoned Low Density Residential, 1 acre per unit (LDR/B-6/D/S), which allows public/quasi-public uses with a Use Permit. A use permit was granted by Monterey County on July 13, 2004, subject to 60 conditions. Therefore, the project is an allowed land use for this site.
  - c) Mitigated Negative Declaration adopted with the project (July 2004).
  - d) Condition 48 and Condition 49/Mitigation Measure 1 states in part: *"Retain the 26-inch pine along the south property lines plus all of the mature trees along Carmel Valley Road."* The tree is not a protected tree under the Carmel Valley Master Plan; however, it was to be retained in order to reduce the visibility of the development from properties south of the project site. While clearing the site for grading, the contractor removed the tree without permission. Planning staff informed the owner that this is a violation of their conditions and restoration is required (Section 21.84.130 MCC). In order to restore this condition and provide the screening required, the landscape plan will be required to incorporate a cypress tree (minimum 24-inch box) in addition to designing the planting to screen the facility from the south, north and northeast. New landscape plantings will include a mixture of trees and understory vegetation to provide equally or more effective screening. An amendment to the permit is needed to modify the conditions to reflect these changes, including restoration for the removed pine tree.
  - e) The Use Permit was granted based on a water demand factor established by the Monterey Peninsula Water Management District (MPWMD), and a maximum allocation of 4.8 acre-feet (af) of water per year from the County's Peralta well allocation. Based on this 4.8 af of water, the demand factor would allow a maximum of 56 beds. By adding a graywater system (including a cistern) to the project, a maximum of 74 beds would be allowed. Monterey County allowed the project subject to the applicant obtaining a Water Permit from the MPWMD (Water Permit 25730), which would require a special consideration to increase the number of beds to 78. In July 2008, the MPWMD issued a Water Permit for a 78-bed facility, including a determination that a graywater system, including an underground cistern, was not needed to achieve the limit of 4.8 acre-feet per year. One of the conditions is that MPWMD will seek water credit from Monterey County should the project exceed its 4.8 af per year allocation. The Building Department issued foundation-only permits for the project in June 2008. As early as November 2009, prior to commencing construction, Planning and Environmental Health staff informed the applicant that these permits were issued in error because certain conditions had not been adequately satisfied. Primary issues identified were dual plumbing for graywater, traffic mitigation (required prior to issuance of a building permit), landscape (as it relates to water use), and a mitigation monitoring

agreement. The applicant did not agree with staff. A building permit was issued by the Building Department in 2010. Staff initiated proceedings to modify the permit in accordance with Section 21.74.060 of the Zoning Code (MCC). Subsequently, the applicant agreed that modifying the permit was an appropriate action.

- f) This matter was set for a hearing before the Monterey County Planning Commission on January 12, 2011. The matter was continued to February 9, 2011 at the request of the applicant. On February 9, 2011, the Planning Commission adopted a resolution of intent to direct staff to return with findings and evidence to retain graywater as part of the project, address landscape issues relative to adequate screening, and continued the matter to March 30, 2011. The landscape issues were addressed and staff renoticed the matter for March 9, 2011. The Planning Commission voted 5 to 3 to adopt findings and evidence presented by staff on February 9, which included the removal of conditions requiring a graywater system.
- g) The Carmel Valley Association timely filed an appeal of the Planning Commission decision to the Board of Supervisors. The Board of Supervisors held duly noticed public hearings on the appeal on April 26, 2011 and May 17, 2011.
- h) Conditions are intended to assure that the establishment, maintenance, or operation of the subject project 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.
- i) The project amendment, which involves water use and screening issues, has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Environmental Health Bureau, Monterey Peninsula Water Management Agency, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- j) The application, project plans, and related support materials submitted to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110146.
- k) Board of Supervisors Resolution Nos. 01-497 (water allocation) and 04-253 (project approval and water allocation to project), incorporated herein by reference.

- 2. **FINDING:**            **SUBSTITUTION OF MITIGATION MEASURES** – The revised mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects and themselves will not cause any potentially significant effect on the environment.
- EVIDENCE:** a) Mitigation Measure 1 has been revised as follows: “In order to reduce lighting impacts and preserve the visual character of the area, the

developer shall submit Landscape Plans prepared by a licensed Landscape Architect that:

- Identify the location, species and size of the proposed landscaping material.
- Include species that are botanically appropriate to the area, including but not limited to Monterey Pine, Cypress, and Oak trees.
- Include planting of arroyo willows and other riparian associated species around both detention ponds.
- Identify all existing trees within the project area including the site, Val Verde Drive right-of-way, and along Carmel Valley Road. Indicate all trees to be removed.
- ~~Retain~~ Replace the 26-inch pine along the south property line ~~plus~~ and retain all of the mature trees along Carmel Valley Road. Said pine tree shall be replaced with a 24" box Monterey cypress tree located within the same general location where the pine tree was removed.
- Provide a mix of mature plants and species to screen or soften the visual impact of new development with specific attention for views from the south, north and northeast.
- Provide notes on the plans to eradicate invasive vegetation for areas on or near the project area including on-site, within the right-of way adjacent to the project site, along the Carmel Valley Road frontage, and along Rio Road.
- Address Sheriff Department standards for Crime Prevention through Environmental Design (CPTED)."

The mitigation measure is included in the project conditions of approval as condition 49.

- b) As stated in the original June 14, 2004 Initial Study, the County was not able to provide credit for water conservation features until after the Monterey Peninsula Water Management District issued their permit. The analysis has been completed, and MPWMD issued Water Permit 25730 finding that a 78-bed facility can meet the 4.8 acre-foot per year limit without a graywater system that included a cistern to collect water for flushing the system. This potential was described in the Initial Study.

Mitigation measure 27 (condition 54) is revised to state: "To ensure that the project does not exceed the 4.8-acre foot water allocation, or an alternative lesser allocation approved by the Board which could cause a significant impact to the local water supply, the applicant/owner shall contract with an approved qualified engineer to monitor and provide water use reports. The engineer shall be approved by, and reports shall be submitted to the Director of Planning and the General Manager of Water Resources Agency consistent with the schedule in the following monitoring actions. Said reports shall identify the actual water use of the facility at various stages of occupancy with recommended action(s) if the facility is nearing its water limit as

directed in the following monitoring actions.

**Prior to Occupancy**, the consultant engineer shall provide the Director of Planning with a plan recommending specific actions in the order in which they are to occur as well as what amount of water each action would be expected to reduce water consumption in the event the project is projected to exceed its water allocation. The owner shall enter into an agreement with the County of Monterey agreeing to comply with this plan prior to occupancy. Said agreement shall be recorded and run with the land, binding applicant/owner and its successors and assigns.

**As the initial occupancy of the building occurs, the following studies shall be conducted.** The owner shall submit a water use study within 30 days of the facility reaching 60 percent occupancy (46 beds), 70 percent occupancy (54 beds), and 80 percent occupancy (62 beds), except as stated herein. At the seventy percent (70%) occupancy level, additional bed or room occupancy shall not be allowed for one month to establish a stable level of water use for the 70% occupancy study. The study for that occupancy level shall be submitted within 30 days after the one month waiting period. Additional occupancy may resume upon submittal of the report to the County. The study shall include 1) a water use statement from the water purveyor or by the Monterey Peninsula Water Management District demonstrating the amount of water being used at each of these milestones, and 2) a detailed projection of water use at full occupancy, providing a detailed breakdown of water use utilizing the same detailed water use categories found in the 2007 Axiom Engineers study. If any of those studies show that projected water use would exceed 4.8 acre-feet per year at facility capacity, no additional beds may be filled until water reduction actions identified in Monitoring Action 54C and the Agreement have been implemented. If one of the water reduction steps includes reducing the number of beds, then that level of occupancy shall become the new limit of occupancy until this permit is amended to reinstate the 78-bed limit at a noticed public hearing; however, if the bed reduction is used as a temporary (less than 12 months) measure until other steps, acceptable to the County, are taken to reduce water use and a subsequent report demonstrates that projected water use at facility capacity will be under the 4.8 acre-foot limit, the permanent occupancy limit does not change and no permit amendment is required to reinstate the 78-bed limit.

Monitoring Action A: During the first two years of operation, submit monthly reports to the Director of Planning and the General Manager of Water Resources Agency prepared by a qualified engineer that identifies the actual water use of the facility. If any report finds that this facility is operating at or more than 90% of the water allocation,

Monitoring Action C shall be implemented accordingly based on these findings.

Monitoring Action B: During Years 3-5 of operation, submit semi-annual reports to the Director of Planning and the General Manager of Water Resources Agency prepared by a qualified engineer that identifies the actual water use of the facility. If the facility is not at full occupancy and operation during years 3-5, then these semi-annual reports shall continue to be required until the facility is operating at full occupancy for two years. If any report finds that this facility is operating at or more than 90% of the water allocation, Monitoring Action C shall be implemented accordingly based on these findings.

Monitoring Action C: **If any report directed by Monitoring Action A, B or Condition 61 identifies that the facility is operating at or more than 90% of the water allocation for any calendar year**, the consultant engineer shall provide the Director of Planning with a report recommending implementation actions, as outlined in the Agreement required by this condition, to reduce water consumption to the satisfaction of the Director of Planning and the General Manager of the Monterey County Water Resources Agency. Said actions may include, but are not limited to:

- Remove on-site laundry and provide off-site laundry service only. If laundry is removed to an off-site facility, in order to reduce long term traffic impacts on Highway One from added trips for off-site laundry services, the applicant shall pay an additional mitigation fee of \$1,632.80 (0.8 trips \* \$2,041/trip).
- Implement further staff/client water saving measures through review of water use practices in conjunction with client attrition to reduce the number of beds occupied.

Reduce the allowed number of beds that may be occupied. If the facility is operating with a reduced occupancy (e.g.; 65 beds) when the reports noted in A, B, or Condition 61 finds the facility is projected to exceed 4.8 acre-feet per year of water use, and a reduction in the number of beds is part of the action to reduce water use, then the projected level of occupancy that will maintain the project within the 4.8 acre-foot limit shall be the new limit of occupancy until this permit is amended at a noticed public hearing.

Any reduction in water use pursuant to this condition shall be accomplished in a manner that does not violate any state licensing requirements for the facility.”

The mitigation measure is included in the project conditions of approval as Condition 54. In addition, Condition 61 is being added to ensure monitoring of water use subsequent to the original five-year monitoring period required by the original Combined Development

## Permit.

The revised measure, in conjunction with Mitigation Measure 29 (Condition 25) and Condition 61, would provide equal or more effective protection as it maintains the same water cap as the original mitigation measure. Through the use of newer technology relating to low-flow fixtures, water efficient appliances, and through the appropriate use of low water using landscaping, the project is able to achieve the required 4.8 acre-foot per year water cap without the use of graywater systems. The use of graywater systems in a medical facility had some significant challenges to ensure the protection of groundwater and soil in the area. The elimination of the graywater system may reduce potential effects on the environment. Water cap monitoring and use adjustments, if the cap is exceeded, are already components of the permit and will remain in effect. The water cap will not be allowed to be exceeded without adjustments that scale back the water use of the project.

- c) As stated in the original 2004 Initial Study, the County was not able to provide credit for water conservation features until after the Monterey Peninsula Water Management District issued their permit. The analysis has been completed, and a permit was issued by MPWMD for a 78-bed project with a 4.8 acre-foot per year limit without graywater. This potential was described in the Initial Study.

Mitigation measure 29 is revised to state “facility is limited to a maximum of 78 beds and a maximum use of 4.8 acre feet of water per year pursuant to Water Permit 25730 issued by the Monterey Peninsula Water Management District (MPWMD) on July 27, 2008.

The mitigation measure is included in the project conditions of approval as condition 25.

The new measure would provide equal or more effective protection as it maintains the same water cap as the original mitigation measure and, if the water use exceeds 90% of the 4.8 acre-feet per year, it works in conjunction with condition 54 to require the removal of on-site laundry facilities. Through the use of newer technology relating to low-flow fixtures, water efficient appliances, and through the appropriate use of low water using landscaping, the project is able to achieve the required 4.8 acre-foot per year water cap without the use of graywater systems. The MPWMD Water Permit identified the special circumstances credit, allowing a 78-bed facility, as outlined in the MPWMD letter dated September 10, 2010. Water cap monitoring and use adjustments, if the cap is exceeded, are components of the permit and will remain in effect. The water cap will not be allowed to be exceeded. If monitoring reports indicate the facility is nearing (90%) their water limit, or if studies demonstrate that water use will

exceed the limit upon full occupancy, then adjustments are required to scale back the water use of the project and/or reduce the number of residents (Condition 54).

- d) June 14, 2004 Initial Study, including but not limited to pages 7-10, 14-17, 32, 36, 39, 42-43, 65-71.
- e) Board of Supervisors Resolution No. 04-253.
- f) Correspondence from MPWMD dated January 18, 2008, September 10, 2010 and MPWMD Water Permit No. 25730.

3. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously adopted Mitigated Negative Declaration (MND) was prepared pursuant to CEQA Guidelines (California Code of Regulations, Title 14) Section 15164 to reflect minor technical changes or additions to the previously adopted MND. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

- EVIDENCE:**
- a) An MND for the project was prepared and was certified by the Board of Supervisors on July 13, 2004 (Board Resolution 04-253)
  - b) An Addendum to the project MND was prepared pursuant to CEQA Guidelines Section 15164.
  - c) The Addendum attached as Exhibit C to the April 26, 2011, Staff Report to the Board of Supervisors, reflects the County's independent judgment and analysis. County staff prepared the Addendum and original Initial Study. County staff discussed the project and the amendment with outside agencies with jurisdiction over project resources prior to preparing these documents.
  - d) The project description is being amended to eliminate the requirement for a graywater and associated cistern system and allowing the removal of a Monterey pine tree. These project changes do not require preparation of an Environmental Impact Report (EIR) or a subsequent Mitigated Negative Declaration (MND) as none of the conditions described in Public Resources Code section 21166 or CEQA Guidelines section 15162, calling for preparation of an EIR or subsequent MND, have occurred. The changes in the project do not involve significant new effects or an increase in the severity of a previously identified effect. There are no substantial changes in circumstances that involve new significant effects or substantial increases in the severity of previously identified effects. No new information of substantial importance shows that 1) the project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration, 2) significant effects previously examined will be substantially more severe than shown in the Mitigated Negative Declaration, 3) mitigation measures previously identified as infeasible are now feasible but the project proponent declines to adopt the mitigation measures' or 4) mitigation measures which are considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects but the project proponent declines to adopt the mitigation measure. Therefore, in compliance



with CEQA Guidelines sections 15162 and 15164, preparation of this Addendum is appropriate.

4. **FINDING:** **APPEAL** – The appellants contend that the Planning Commission’s decision and findings are not supported by the evidence, contending that there was a lack of a fair and impartial hearing, the decision is not supported by the evidence, and the decision was contrary to law. Upon consideration of the documentary information in the file, the staff report, the oral and written testimony, and all other evidence presented before the Board of Supervisors, the Board responds as follows to the Appellant’s contentions, which are paraphrased in this section:

- EVIDENCE:** a) *Appellant’s Contention 1. Condition 24 required hearing and approval of the Board of Supervisors prior to any condition modification.*  
Response No. 1. Condition of Approval 24 states, in part: “If the actions by the MPWMD necessitate changes to the project or conditions of approval other than design, such changes shall require approval by the Board of Supervisors.” The action of MPWMD did not necessitate a change to the project conditions of approval. The developer could still have constructed a graywater system in the project, but is choosing to eliminate that system. To eliminate the system requires an amendment to the original permit conditions of approval, which had incorporated the graywater system as a requirement.
- b) *Appellant’s Contention 2. Documents relied on, including but not limited to the November 2007 Axiom study, were not circulated to the public.*  
Response No. 2. There is no requirement to circulate technical reports that were cited. Documents relied upon and cited were available for public review upon request. The 2007 Axiom report was available for public review upon request. That report was available in the Planning Department files prior to the February 9, 2011 Planning Commission public hearing and was provided to anyone that requested a copy. Appellant’s contention is not specific as to any other document. The documents were and are located in the project file at the Planning Department.
- c) *Appellant’s Contention 3. The Monterey Peninsula Water Management District exceeded their authority and modified County conditions of approval. MPWMD, as a Responsible Agency has no jurisdiction to delete conditions of approval.*  
Response No. 3. The County agrees that the Monterey Peninsula Water Management District (MPWMD) has no jurisdiction to delete or modify conditions of approval; however, that was not done by MPWMD, which issued a Water Permit for the project. In issuing the Water Permit, they provided detailed information relating to their analysis of the project, placed their conditions on their permit, and informed the applicant that a graywater system was not necessary to comply with the County’s limit of 4.8 acre-feet per year of water use on the project site. In issuing the permit, MPWMD had no effect on the project’s County conditions

of approval. Subsequent to that action, the County initiated a modification to the permit due to the illegal removal of a Monterey pine tree, in violation of conditions of approval 48 and 49. In reviewing the project with the applicant, the County decided to initiate a modification/amendment to the permit to reflect the detailed findings of the November 2007 Axiom study and the findings of MPWMD in determining that the project water use would be less than 4.8 acre-feet per year without the graywater system. The action started out as a code enforcement action, with the applicant disagreeing with the County's position that amending the conditions of approval was necessary for the tree removal and to not install the graywater system. However, the applicant came to agreement with the County that the permit required amendment to address the tree removal and to eliminate the graywater system. The correct process was pursued to make the project changes, including notice, preparation of additional environmental documentation, preparation of a staff report, and public hearings before the Planning Commission. MPWMD did not modify the County's permit; the County modified the permit. MPWMD's actions did not require that the permit be amended and did not require that graywater be eliminated. If the developer had retained the graywater system, no permit amendment would have been required.

- d) *Appellant's Contention 4. There is no basis in fact to support the deletion of the graywater system.*

Response No. 4. Substantial evidence exists in the record to support the finding that the project, as amended, will not result in exceedance of the 4.8 acre-feet per year water use limit. The County took several actions in approving the initial permit: 1) establishing a water use limitation on the project of 4.8 acre-feet of water use per year (condition 54); 2) requiring that water use be monitored and reported to the County (condition 54); and 3) requiring that steps be taken by the applicant to reduce water use should the monitoring demonstrate that water use exceeded the limitations of the permit (condition 54). The applicant proposed the graywater system prior to the 2004 hearings as a means to provide the County certainty that the project could stay within the 4.8 acre-feet per year allocation.

As the applicant was meeting conditions of approval in preparing to obtain construction permits and construct the project, the applicant submitted an application to MPWMD for a Water Permit. That application included a detailed analysis prepared by Axiom Engineers (2007), showing precise water use calculations for the project, as designed. Using a "top down" method, the study concluded that water use would be 4.0 acre-feet per year (Axiom, 2007, page 6). Using a "bottom-up" method, the study concluded that water use would be 4.51 acre-feet per year (Axiom, 2007, page 3). Both these figures assumed 100% occupancy. According to the Axiom study, the expected rate in the industry is a 93% occupancy rate, so these figures are conservative.

The irrigation demand was calculated at 1.12 acre-feet per year using the Maximum Applied Water Allowance (MAWA) formula. Actual water use for long-term operations of the landscaping is 0.82 acre-feet per year; this figure was used in the “top down” and “bottom up” water use calculations for the facility. MPWMD, based on that analysis and with concurrence by their staff, issued Water Permit No. 25730, based on a demonstration that the project would not require a graywater system to satisfy the requirement that the water use not exceed 4.8 acre-feet of water per year. The Appendices and text of the Axiom study provide detail for the water use calculation, looking not just at appliances and landscaping, but at the actual water using activities of residents, visitors and employees.

The determination of MPWMD was that no graywater system was required for the project to keep within the County-required limit of 4.8 acre-feet per year of water use.

Condition of approval 54 contains requirements for monitoring water use. Assuming that is the condition intended in Appellant Contention No. 6 (below) to be referenced by the appellant, staff has the following response. The only change adopted by the Planning Commission to that condition was to relocate the text from old condition of approval 22 to require the payment of a traffic mitigation fee if the on-site laundry is eliminated and off-site laundry is provided (See condition 54, Monitoring Action C). Payment of that fee is imposed to provide compensation for impacts to county roads for the additional trips that would be required to provide off-site laundry use. The Appellant stated that they conclusively presumed the original Mitigated Negative Declaration was conclusively presumed to be correct (see Appellant’s Contention 14, below). This condition of approval was Mitigation Measure 27 from that original Mitigated Negative Declaration. The water monitoring requirements of this condition were not modified by the Planning Commission in amending the permit. The monitoring of water use has been further increased by the imposition of new text requiring monitoring subsequent to the five year period established in the original conditions of approval (see condition of approval 61). The conditions also are reverting back to a trigger to identify methods to reduce water use when operations exceed 90% of 4.8 acre-feet per year. In addition, additional monitoring is being added during initial occupancy (60%, 70% and 80%) of the facility to project water use upon full occupancy and adjust the water use and/or occupancy limit.

The graywater system is no longer needed to ensure that the project remains within the annual water limit of 4.8 acre-feet per year. The MPWMD concluded that the facility can operate within this water limit without the graywater system. In addition, the revisions to the conditions of approval, including increasing the duration of monitoring

of water use and requiring specific actions to be taken if the facility nears its annual water limit of 4.8 acre-feet per year, are equally as effective as the graywater system in ensuring that the project's water use will not exceed that annual limit. According to the applicant's testimony at the Planning Commission, installation of the graywater system at this juncture, with construction 75 percent complete, would require opening up walls and cutting the foundation slab, requiring significant expense and delay in completion of the project. Because the graywater system is no longer needed to ensure that the facility remains within the annual water limit, maintaining the graywater requirement per the terms of the original Combined Development Permit is no longer necessary.

- e) *Appellant's Contention 5. There is no basis in fact to support modification of landscaping conditions.*

Response No. 5. Conditions of approval 48 and 49 required that a 26-inch Monterey pine tree be preserved on the site. This species of tree is not considered a protected tree pursuant to Monterey County Code Title 21; however, the tree was required to be retained to assist in screening the project from existing property to the south. Due to construction issues related to grading and utility placement, and without the County's prior permission, the tree was removed. It is infeasible, of course, to require preservation of a tree that has been removed. To reflect this change, however, modification of landscaping conditions is required. These modifications allow the County to ensure that adequate restoration steps are taken to ensure screening from properties to the south; this requirement is incorporated into the conditions of approval to ensure that the required landscaping becomes an enforceable provision. The screening provided by the landscaping plan will be equally or more effective than it would have been with the tree remaining. The tree, which was large and taller, was located on the south side of the facility. Due to the change in topography with the building higher than the surrounding property, the screening provided by the tree to be retained would have screened the sky from adjacent properties, other than the trunk itself. The proposed landscaping screening would be of sufficient height and density to provide adequate screening from southern properties before five years of growth. This information was provided to the Planning Commission for the March 9, 2011 public hearing.

- f) *Appellant's Contention 6. No evidence is presented that new condition 47 is effective in monitoring water usage and its ability to take corrective action.*

Response No. 6. There is no new condition 47. If the allegation is that the condition is needed, it was only needed in relation to installation of a graywater system. See detailed explanation in Response to appellant contention No. 4, above.

- g) *Appellant's Contention 7. Amending conditions to reflect the removal of the 26-inch Monterey pine are nothing more than post hoc*

*rationalization for a blatant violation of conditions of approval.*

Response No. 7. See Response to appellant contention No. 5, above.

- h) *Appellant's Contention 8. The landscape plan is not the same plan upon which the Board of Supervisors made a finding of consistency with the Carmel Valley Master Plan.*

Response No. 8. The County Board of Supervisors, in approving the original permit, imposed condition of approval 48, requiring submittal of a landscape plan. No detailed landscape plan was approved as part of the Board of Supervisors action nor is any reference to an approved landscape plan included in the resolution approving the project (Resolution 04-253). A conceptual landscape plan is included in the record from those earlier hearings, but no formal action was taken on that plan. In addition, that conceptual plan showed generalized planting areas, and did not include any details found in a landscaping plan, such as number and species of vegetation, specific location of each individual plant, an analysis of the water use of the detailed landscaping plan, and any detail to calculate water use.

- i) *Appellant's Contention 9. Proper CEQA procedure required a subsequent CEQA assessment that would have concluded the deleted/amended mitigation measures were infeasible. The Addendum does not adequately assess whether the mitigation measures that have been amended and/or deleted are infeasible.*

Response No. 9. The graywater requirement was not technically a mitigation measure; however, the graywater system was part of the project description, which factored into the Mitigated Negative Declaration's conclusion that the impact was less than significant. The reason the graywater system is being deleted is due to 1) a determination by MPWMD that a graywater system is not required to achieve the water use limit of 4.8 acre-feet per year, 2) the system would have been difficult to maintain and operate so the applicant preferred not constructing it unless it was needed, and 3) the use of such a system in a medical facility has significant operational concerns relating to ensuring that unintended fluids are not placed in the wrong plumbing system. See Response to appellant contention No. 4 for information relating to the infeasibility of installing the graywater system.

The Addendum, which was prepared by County staff, is a subsequent environmental assessment to reflect minor technical changes in the analysis that do not rise to the level of requiring a Subsequent or Supplemental Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15162. The thresholds found in Section 15162 are that 1) there are substantial changes to a project that will require revisions to the Mitigated Negative Declaration due to an increase in the severity of an impact or involvement of a new significant impact, 2) substantial changes occur to circumstances under which the project was approved that identifies an increase in the severity of an impact or

involvement of a new significant impact, or 3) new information of substantial importance that was not known and could not have been known at the time of adoption of the Mitigated Negative Declaration show any of the following:

- The project will have one or more significant effects not discussed in the previous Negative Declaration;
- Significant effects previously examined will be substantially more severe than shown in the previous Negative Declaration;
- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
- Mitigation measures or alternatives that are considerably different from those analyzed in the previous Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In this case, the changes to the project do not trigger the need for a subsequent or supplemental environmental document. The potential environmental impacts of the project on aesthetics and water use were discussed in the adopted Mitigated Negative Declaration. A water use limitation was placed on the project, which is not changed by the action of amending the permit conditions. The monitoring actions, and actions required if monitoring demonstrates that water use has exceeded the limitation, are not being changed in a manner that increases the severity of an identified impact. While the conditions are being modified to delete the requirement for graywater, the conditions of approval are being strengthened related to monitoring of water usage. The revised conditions and mitigation measures pertaining to water use are equivalent or more effective than the graywater system in mitigating or avoiding potential significant effects (see Finding 2, above, and its associated evidence). The recognition of the removal of the Monterey pine tree, and the requirement to address that removal through the required landscaping plan, do not increase the severity of the impact and do not identify a new impact that was not discussed in the adopted Mitigated Negative Declaration. The March 9, 2011 Planning Commission staff report (Exhibit D) included cross sections showing how the proposed landscaping would screen the project from the southern properties, which was the reason for retaining the Monterey pine tree. The proposed landscaping is equally or more effective as it provides sufficient screening from southern properties due to a ten foot drop in elevation to the southern property; the Monterey pine did not provide low level screening of the site from the southern property as the majority of its vegetation was higher and would have been observed to be above the building from the southern property, except for the tree

trunk. See Exhibits D and E to the March 9, 2011 Planning Commission staff report (attached as Exhibit E to the Board of Supervisors staff report).

- j) *Appellant's Contention 10. CEQA required a Supplemental Environmental Impact Report.*  
Response No. 10. No evidence of significant environmental effects that could not be mitigated has been identified, so no Environmental Impact Report is required. If the appellant means that a supplemental Mitigated Negative Declaration is required, see Response to appellant contention No. 9.
- k) *Appellant's Contention 11. There is no evidence in the record that conditions should be modified, amended, or deleted.*  
Response No. 11. The removal of the Monterey pine tree means that the applicant could not comply with conditions of approval 48 and 49. The proposed amendments to the conditions of approval allow the County to ensure that adequate restoration steps are taken to ensure that the screening from properties to the south is incorporated into the conditions of approval, allowing the County to ensure that the required landscaping becomes an enforceable provision (Monterey County Code Section 21.84.050, Violations of Conditions of Permits). See also Response to appellant contention No. 5.
- l) *Appellant's Contention 12. The environmental consequences relating to deleting or modifying conditions of approval is not addressed in the resolution.*  
Response No. 12. The environmental consequences were addressed in the original Initial Study/Mitigated Negative Declaration and in the Addendum prepared by County staff. See also Response to appellant contention Nos. 2, 9, 13, 14, 15, and 16. [See also Findings 2 and 3 of Planning Commission Resolution Number 11-013.]
- m) *Appellant's Contention 13. The Addendum fails to take into account significant environmental impacts associated with exceeding the water allocation.*  
Response No. 13. The amendments to the conditions of approval do not change the water allocation amount of 4.8 acre-feet of water use per year. Therefore, the project will not be allowed to exceed the water allocation established by Board of Supervisors Resolution No. 04-253 and as monitored through the project conditions of approval. Revisions to conditions of approval to provide for ongoing monitoring will be equally or more effective as graywater in ensuring the project does not exceed 4.8 acre-feet per year of water use.
- n) *Appellant's Contention 14. The adopted Mitigated Negative Declaration is conclusively presumed to be correct.*  
Response No. 14. Staff concurs that the Mitigated Negative Declaration is correct. CEQA does not prohibit changes to projects. To the extent that the graywater system and landscaping was part of the project description that resulted in the Mitigated Negative Declaration's less than significance conclusion, retention of the pine tree and retention of

the requirement for a graywater system are no longer feasible, and substantial evidence in the record supports the reasons for changing the project. See Response to appellant contention Nos. 4, 5, 9, 11, and 12. Those changes have been identified and analyzed in an Addendum to the adopted Mitigated Negative Declaration and have been processed and considered in accordance with CEQA and the County Code. To reflect changes to adopted mitigation measures, the County followed the procedures outlined in County Code Section 21.74.060 for amendments to Combined Development Permits and analyzed the changes pursuant to CEQA Guidelines Sections 15164 and 15162. A public hearing was held at the Planning Commission on February 9, 2011 and March 9, 2011 to consider the changes to the project. Following the appeal by Carmel Valley Association, a de novo public hearing was held by the Board of Supervisors on April 26, 2011, at which the Board of Supervisors considered the changes to the project.

- o) *Appellant's Contention 15. There is no evidence that the proposed substituted mitigation measures are effective or legally enforceable.*  
Response No. 15. The proposed changes to the conditions of approval, some of which are mitigation measures, will be effective and legally enforceable. They will be equally or more effective in screening the project and ensuring that the project does not exceed 4.8 acre-feet of water use per year. The Planning Commission staff report of March 9, 2011 includes landscape plan cross sections that show that the screening of the project from properties to the south will be effective in screening the project from that area. MPWMD Water Permit No. 25730, correspondence dated January 18, 2008 and September 10, 2010 from MPWMD, and the Axiom 2007 report, all demonstrate that the project will be able to operate within the limits of the Board of Supervisors water allocation of 4.8 acre-feet per year. Incorporating the changes to the mitigation measures into the project conditions of approval makes the changes legally enforceable pursuant to Monterey County Code Section 21.84.050, Violation of Conditions of Permits. See also Response to appellant contention Nos. 3, 4, 5, 9, 11, 13, and 14.
- p) *Appellant's Contention 16. There is no evidence to support the conclusion of the Addendum that the revised project will not increase the severity of any effects beyond what was disclosed and analyzed in the prior MND.*  
Response No. 16. See Response to appellant contention Nos. 4, 5, 6, 7, 9, 10, 12, 13, 14, and 15.

### DECISION

**NOW, THEREFORE,** based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Consider an Addendum to the adopted Mitigated Negative Declaration, together with the adopted Mitigated Negative Declaration;



- b. Deny an appeal by Carmel Valley Association from the March 9, 2011 decision of the Monterey County Planning Commission and approve an amendment to an approved Combined Development Permit (PLN060102/Keehn, PLN000357/Gamboa). The Combined Development Permit consisted of a Use Permit to allow a quasi-public use in the Low Density Residential zoning district, including site plan and design review for development of a 64-suite, 78-bed, assisted care living facility consisting of a 3-building complex totaling 43,400 square feet, 35 space parking lot including 4 handicap-accessible spaces, balanced grading (3,000 cy cut/3,000 cy fill), access and parking improvements across a neighboring lot (APN: 015-021-003-000) to Carmel Rancho Boulevard, improvements to Val Verde Drive for emergency access to Carmel Valley Road, an underground graywater and cistern systems, and on-site water detention ponds; a Use Permit to allow development on slopes exceeding 30%; and allocation of 4.8 acre feet of water to the project. The amendment includes replacing the requirement to preserve a 26-inch diameter Monterey pine, amending the project description to delete graywater and cistern systems, removing and/or amending conditions requiring underground graywater and cistern systems, revising water use monitoring requirements, and amending landscaping conditions.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of May, 2011 upon motion of Supervisor Potter, seconded by Supervisor Armenta by the following vote:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on May 17, 2011.

Dated: May 23, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors  
 County of Monterey, State of California

By Denise Hancock  
 Deputy

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 90th 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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

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| <b>Monterey County Planning and Building Inspection<br/>Condition Compliance and/or Mitigation Monitoring<br/>Reporting Plan</b> | Project Name: <u>Houpt/Carmel Cottages</u><br>File No: <u>PLN110146</u> APNs: <u>015-021-036-000</u><br>Approval by: <u>Board of Supervisors</u> Date: <u>May 17, 2011</u> |
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

| Permit<br>Cond.<br>Number | Mitig.<br>Number | Conditions of Approval and/or Mitigation Measures<br>and Responsible Land Use Department   | Compliance or Monitoring Actions<br>to be performed. Where applicable,<br>a certified professional is required<br>for action to be accepted. | Responsible<br>Party for<br>Compliance | Timing                                 | Verification of<br>Compliance<br>(name/date) |
|---------------------------|------------------|--|--|--|--|--|
| 1                         |                  | <b>PBD029 - SPECIFIC USES ONLY</b><br>Approval consists of: an amendment and extension of a<br>Combined Development Permit. The Combined<br>Development Permit, as originally approved, consisted of: a<br>Use Permit to allow a quasi-public use in the low density<br>residential zone including site plan and design review for<br>development of a 64-suite, 78-bed, assisted care living<br>facility consisting of a 3-building complex totaling 43,400<br>square feet, 35 space parking lot including 4 handicap-<br>accessible spaces, balanced grading (3,000 cy cut/3,000 cy<br>fill), access and parking improvements across a neighboring<br>lot (APN: 015-021-003-000) to Carmel Rancho Boulevard,<br>improvements to Val Verde Drive for emergency access to<br>Carmel Valley Road, an underground graywater and cistern<br>systems, and on-site water detention ponds; a Use Permit to<br>allow development on slopes exceeding 30%; and allocation<br>of 4.8 acre feet of water to the project. Modifications<br>approved through this amendment to the Combined<br>Development Permit include: amending the project<br>description to delete underground graywater and cistern<br>systems, removing conditions requiring underground<br>graywater and cistern systems to balance the water use,<br>revising total interior and exterior water use monitoring<br>requirements, and amending landscaping conditions. This is<br>a 4.5 acre, vacant parcel located at the southwest corner of<br>Carmel Valley Road and Val Verde Drive, east of Carmel<br>Rancho Boulevard, Carmel Valley (APN: 015-021-036-<br>000). This permit was approved in accordance with County | Adhere to conditions and uses specified in<br>the permit.  | Owner/<br>Applicant<br>Planning        | Ongoing unless<br>other-wise<br>stated |  |

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|   | <p>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. 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. References in these conditions of approval to "property owner" or "owner" shall include Elvira Gamboa and any and all of her successors in interest or assignees, and references to "applicant" shall include any lessee or operator of the facility approved hereto, including Sunrise Development Incorporated, and any and all of their successors in interest or assignees. The successor in interest to owner and applicant as of approval of this Combined Development Permit amendment is Alta Land Company, LLC. Alta Land Company LLC and its successors and assigns shall be responsible for and bound by all of the conditions of approval herein.</p> | <p>Proof of recordation of this notice shall be furnished to PBI.</p>                                     | <p>Owner/<br/>Applicant<br/>Planning</p> | <p>Prior to start of use.</p>  |
| 2 | <p><b>PBD025 - NOTICE-PERMIT APPROVAL</b><br/>The applicant and owner shall record a notice which states: "A permit (Resolution 11-145) was amended and extended for three years by the Board of Supervisors for Assessor's Parcel Number 015-021-036-000 on May 17, 2011. The permit was granted subject to 61 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning Department." Proof of recordation of this notice shall be furnished to the Director of Planning prior to issuance of building permits or commencement of the use.</p>   | <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to Planning</p> | <p>Owner/<br/>Applicant<br/>Planning</p> | <p>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</p> |
| 3 | <p><b>PBD016 - INDEMNIFICATION AGREEMENT</b><br/>The property owner and applicant agree as a condition and in consideration of the approval of this discretionary development permit that the property owner and applicant will enter into an agreement with the County to defend, indemnify and hold harmless the County of Monterey and 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. The property owner and applicant will reimburse the County for any court costs and attorney's</p>   |   |  |  |

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|          | <p>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 the property owner and applicant of their 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.</p>  |   |  | <p>as applicable</p>                                      |  |
| <p>4</p> | <p><b>PBD012 - FISH AND GAME FEE-NEG DEC/EIR</b><br/>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 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.</p> | <p>Proof of payment (\$1,275) shall be furnished by the applicant to the Director of Planning 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.</p> | <p>Owner/<br/>Applicant<br/>Planning</p> | <p>Prior to issuance of building and grading permits.</p> |  |
| <p>5</p> | <p><b>PBD022 - MITIGATION MONITORING PROGRAM</b><br/>The property owner and 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/applicant submits the signed mitigation monitoring agreement.</p>  | <p>Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>   | <p>Owner/<br/>Applicant<br/>Planning</p> | <p>Prior to issuance of grading and building permits.</p> |  |

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| 6  | 5 | <b>MMRP – BIOLOGY IMPACT 2</b><br>In order to allow the Dusky-footed woodrat to escape and find new homes outside of the building area, the applicant/owner shall consult with a qualified biologist to dismantle any nest found in or near the project area before any heavy equipment is used to clear the site.   | A qualified biologist shall provide a report to the Director of Planning and Building Inspection that certifies the proper removal of all Dusky-footed woodrat nests within the project area. | Biologist<br>Planning                 | Prior to issuance of grading permits or any heavy equipment allowed on site |
| 7  | 6 | <b>MMRP – BIOLOGY IMPACT 3</b><br>In order to assure that no nesting birds are disturbed, the developer shall consult with a qualified biologist to survey trees on or near the project area for nesting birds, particularly if tree removal and grading are scheduled to begin prior to August 1 <sup>st</sup> . If nesting birds are discovered on or near the project area, the applicant shall contact the California Department of Fish and Game regarding measures to avoid impacts. | A qualified biologist shall provide a report to the Director of Planning that certifies the proper removal of all nesting birds within the project area.                                      | Biologist<br>Planning                 | Prior to any tree removal and/or grading                                    |
| 8  |   | <b>PBD – CIRCULATION PLAN (NON STANDARD)</b><br>The applicant shall submit a parking and interior circulation plan for the entire project, including access/pedestrian improvements from the site to Carmel Rancho Boulevard for review and approval of the Director of Planning and the Director of Public Works.   | Submit a Parking/Circulation Plan for review and approval.  | Owner/<br>Applicant<br>Planning<br>PW | Prior to issuance of permits  |
| 9  |   | <b>WR43 - WATER AVAILABILITY CERTIFICATION</b><br>The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form.   | Submit the Water Release Form to the Water Resources Agency for review and approval.  | Owner/<br>Applicant<br>WRA            | Prior to issuance of any building permits                                   |
| 10 |   | <b>WR22 - FLOODPLAIN RECORDATION</b><br>The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions."  | Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)          | Owner/<br>Applicant<br>WRA            | Prior to issuance of any grading or building permits                        |

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| 11 | <b>EH6 – WATER SERVICE CAN/WILL SERVE</b><br>Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards.   | Submit written certification to the Division of Environmental Health for review and approval.  | CA Licensed Engineer /Owner/ Applicant<br>EH | Prior to issuance of a building permit  |  |
| 12 | <b>EH24 – SEWER SERVICE CAN/WILL SERVE</b><br>Provide certification to the Division of Environmental Health that Carmel Area Wastewater Management District can and will provide sewer service for the proposed property/project.   | Submit certification to Environmental Health for review and approval.  | Owner/ Applicant<br>EH                       | Prior to issuance of a building permit.   |  |
| 13 | <b>FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD &amp; PEBBLE BEACH CSD)</b><br>All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction.  | Applicant shall enumerate as "Fire Dept. Notes" on plans.  | Applicant or owner<br>Cypress FPD            | Prior to issuance of building permit.   |  |
| 14 | <b>MMRP – NOISE IMPACT 2</b><br>To reduce noise impacts during construction, construction activities shall be restricted between the hours of 8:00 a.m. and 5:00 p.m. No work may occur on weekends or holidays, unless pre-approved for unique circumstances in writing by the Director of Planning. Violation of these restrictions may result in a stop of work for up to 48 hours for each violation. | Place a note on the grading and construction plans identifying the restricted times of construction project<br><br>Violation of these restrictions may result in a stop of work for up to 48 hours for each violation.<br><br>Manager/Contractor shall certify compliance by signed letter | Applicant/ Owner<br>Contractor<br>Planning   | Prior to issuance of any permits<br><br>During Construction<br><br>Upon completion of project construction. |  |
| 15 | <b>MMRP –TRAFFIC IMPACT 1</b><br>Since all projects in the area are subject to the Carmel Valley Road Traffic Impact Fees, the applicant shall pay the applicable Mitigation Fee in effect at the time the building permit is issued. Said fee shall be based on floor area as required for commercial development.   | Provide the Director of Planning with written clearance from Public Works that the required Carmel Valley Road Traffic Impact Fee has paid.  | Applicant/ Owner<br>Planning<br>PW           | Prior to issuance of a building permit  |  |

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| 16 | 18 | <b>MMRP – TRAFFIC IMPACT 2A</b><br>Since all trips to be generated by the proposed project (13 trips per hour) would utilize the Rio Road/Carmel Rancho Boulevard intersection, the applicant shall contribute their proportional share of the total cost (2.7% or \$4,050) towards installing future traffic signals at this intersection.   | Provide the Director of Planning with written clearance from Public Works that the required Rio Road/Carmel Rancho Boulevard intersection improvement mitigation fee has been paid. | Applicant/<br>Owner<br>Planning<br>PW | Prior to issuance of a building permit |  |
| 17 | 19 | <b>MMRP – TRAFFIC IMPACT 2B</b><br>Since the project will generate 13 peak hour trips along Rio Road during the cumulative peak evening hours, the applicant shall contribute their proportional share of the total cost (3.0% or \$225) towards the retiming of traffic signals along Rio Road.  | Provide the Director of Planning with written clearance from Public Works that the required Rio Road Signal Retiming mitigation fee has been paid.                                  | Applicant/<br>Owner<br>Planning<br>PW | Prior to issuance of a building permit |  |
| 18 | 20 | <b>MMRP – TRAFFIC IMPACT 3</b><br>In order to reduce congestion in the area, the applicant/owner shall contribute their proportional share of the total cost (2.8% or \$3,500) toward a second northbound right turn lane on Carmel Rancho Boulevard at Carmel Valley Road.   | Provide the Director of Planning with written clearance from Public Works that the required Carmel Rancho Boulevard at Carmel Valley Road turn lane mitigation fee has been paid.   | Applicant/<br>Owner<br>Planning<br>PW | Prior to issuance of a building permit |  |
| 19 | 21 | <b>MMRP – TRAFFIC IMPACT 4</b><br>In order to encourage the use of mass transit and avoid peak hour traffic trips, the applicant/owner shall contribute their proportional share of the total cost (3.3% or \$2,640) toward a bus turnout and shelter on the south side of Carmel Valley Road, in front of the proposed facility.   | Provide the Director of Planning with written clearance from Public Works that the required Bus Turnout mitigation fee has been paid.   | Applicant/<br>Owner<br>Planning<br>PW | Prior to issuance of a building permit |  |
| 20 | 22 | <b>MMRP – TRAFFIC IMPACT 5</b><br>In order to address the project's proportional share of impact to Carmel Valley Road, the applicant/owner shall pay their proportional share (0.2% or \$9,800) of the County/State program to address LOS deficiencies.   | Provide the Director of Planning with written clearance from Public Works that the required LOS Deficiency mitigation fee has been paid.  | Applicant/<br>Owner<br>Planning<br>PW | Prior to issuance of a building permit |  |
| 21 | 23 | <b>MMRP – TRAFFIC IMPACT 6</b><br>In order to address the project's proportional share of impact to Highway One, the applicant/owner shall contribute \$51,025 as the project's pro-rata share of the cost of constructing the State Highway One long-term improvement project in the Transportation Agency for Monterey County (TAMC) Project Study Report dated December 19, 2001. The calculation of this contribution may be adjusted | Provide the Director of Planning with written clearance from Public Works that the TAMC mitigation fee has been paid.   | Applicant/<br>Owner<br>Planning<br>PW | Prior to issuance of a building permit |  |



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|    |    | annually based on the <i>Engineering News Record Construction Cost Index</i> .   |   |  |  |  |
| 22 | 26 | DELETED  |   |  |  |  |
| 23 |    | <b>EH35 - CURFFL</b><br>All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. | Submit plans and necessary review fees to the Division of Environmental Health for review and approval.   | Owner/<br>Applicant<br>EH  | Prior to issuance of building permits. |  |
| 24 | 28 | <b>MMRP - UTILITY IMPACT 2</b><br>In order to verify that the California-American Water Company has adequate water capacity to serve the proposed project the applicant shall submit proof of approval from the Monterey Peninsula Water Management District.                                  | Demonstrate that the California-American Water Company has adequate capacity to serve the project as follows:<br><ul style="list-style-type: none"> <li>- Submit a can and will serve letter from the California-American Water Company to the Director of Environmental Health.</li> <li>- Obtain all necessary approvals for a water connection permit from the Monterey Peninsula Water Management District (MPWMD) for not more than the amount of total interior and exterior water allocated in the Board of Supervisors resolution for project approval.</li> <li>- General Manager of the Monterey Peninsula Water Management District, or subject to approval by the Board of Supervisors subject to a referral from Planning or Water Resources pursuant to their discretion. If the actions by the MPWMD necessitate changes to the project or conditions of approval other than design, such changes shall require approval by the Board of Supervisors.</li> </ul> Submit to the Director of Planning a plan for the annual monitoring of total interior and | Applicant/<br>Owner<br>MCHD<br>Planning<br>WRA<br>MPWMD<br>CalAm | Prior to issuance of any permits       |  |

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|  |  |   | <p>exterior water use. The plan shall include but not be limited to monitoring methods, schedules and contingency plans for the reduction in water use should the monitoring report indicate the project used or is projected to use more than the allocated amount of total interior and exterior water used in any 12-month period. The plan shall be approved by the General Manager of the Water Resources Agency and the General Manager of the Monterey Peninsula Water Management District.<br/>(See Condition 54)</p>                                    |   |  |           |
|  | <p>A. Prior to issuance of any permits</p> | <p>Applicant/<br/>Owner<br/>Planning</p>    | <p>A. Provide evidence of approval by the MPWMD for a senior, assisted living facility not to exceed 78 beds. The facility shall be limited to the maximum number of beds allowed by the MPWMD based on a maximum total interior and exterior water allocation/use of 4.8 acre feet of water per year.<br/>(See Condition 54)</p>  | <p><b>MMRP – UTILITY IMPACT 5</b><br/>The facility is limited to a maximum of 78 beds and a maximum total interior and exterior water use of 4.8 acre feet of water per year pursuant to Water Permit 25730 issued by the Monterey Peninsula Water Management District (MPWMD) on July 27, 2008.</p>  |  | <p>25</p> |
|  | <p>B. On going</p>                         |   | <p>B. If either the Board of Supervisors or the MPWMD approves an amount of water that reduces the beds allowed below 78, the applicant shall submit amended plans consistent with the bed reduction and obtain approval.</p>  |   |  |           |
|  | <p>During Site Preparation and Grading</p> | <p>Applicant<br/>Planning<br/>Biologist</p> | <p>Monitor the site to remove puddles of water. Following any rain activity, the responsible project manager/contract shall halt all grading activity and contact the Monterey County Planning Department and the project biologist who will visit the site and determine proper mitigation based on the findings. Project Manager/Contractor shall certify compliance by signed letter upon completion of project construction.<br/>Upon completion of project construction project manager/ contractor shall submit a signed letter certifying compliance.</p> | <p><b>MMRP – BIOLOGY IMPACT 4</b><br/>To avoid attracting frogs during development, no vegetation removal shall take place while it is raining and precautions should be taken to prevent puddles on site. Following any rain activity, the Monterey County Planning Department and a qualified biologist shall be immediately contacted by the responsible individual on-site. When contacted, the project planner and the biologist shall immediately visit the site to determine if any “at risk” amphibians are present. If any “at risk” amphibians are discovered, the biologist shall contact the California Department of Fish and Game to identify appropriate measures to avoid impacts before continuing operations.</p> |  | <p>26</p> |

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| 27 | 4  | <p><b>MMRP – BIOLOGY IMPACT 1</b><br/>                 In order to avoid impact to significant oak trees protected under the Carmel Valley Master Plan, the applicant/owner shall provide plans to improve Val Verde Drive that include protection and avoidance of all significant oak trees in the project area to the satisfaction of the Director of Planning. The applicant/owner shall install fencing along the edge of the drip line of the oaks trees to avoid impacting said trees during grading activity.</p>  | <p>A. Submit Improvement Plans including the accurate location of the trunk and drip lines of all significant oak trees both within the site and within the right of way for Val Verde Drive and Carmel Valley Road to the Director of Planning and the Director of Public Works.</p> <p>B. Install fencing around the drip line of all significant oak trees to be maintained during construction to the satisfaction of the Director of Planning. Project Manager/Contractor shall certify compliance by signed letter upon completion of project construction.</p> | <p>Applicant/<br/>                 Owner<br/>                 Planning<br/>                 PW</p>                                | <p>Prior to issuance of grading permits</p> |
| 28 | 12 | <p><b>MMRP – HYDROLOGY IMPACT 1</b><br/>                 To prevent runoff from moving soil off-site and to prevent post construction erosion, appropriate Best Management Practices shall be implemented and the soil shall be re-vegetated within 60 days of completing construction.</p>  | <p>Contact the Planning Department for a representative to inspect the project area relative to compliance with Mitigation Measure 12.</p>  | <p>Applicant/<br/>                 Owner<br/>                 Planning</p>  | <p>Prior to Final Permit Approval</p>       |
| 29 | 13 | <p><b>MMRP – HYDROLOGY IMPACT 2</b><br/>                 In order to address water runoff for the project, the applicant/owner shall submit a detailed drainage plan to the Monterey County Water Resources Agency prior to issuance of any permit. Said plan shall include:</p> <ul style="list-style-type: none"> <li>- Design data identifying, and evaluating impacts to, the 100-year flood elevation, flood height, and the Rio Road tie back levee.</li> <li>- Routing natural drainage around the proposed development in a manner that does not impact down slope development. Routing of downstream flows shall be shown along with any new appurtenant drainage structures, erosion protection of existing structures or watercourses, and need for additional right-of-way.</li> </ul> | <p>A. Submit a detailed drainage plan prepared by a registered civil engineer to the satisfaction of the Monterey County Water Resources Agency and Public Works Department. Impacts identified during the review of said plans shall be fully mitigated through construction and/or "fair-share" mitigation fees to be determined by the Monterey County Public Works Department and Water Resources Agency.</p>   | <p>Applicant/<br/>                 Owner<br/>                 Civil Engineer<br/>                 WRA<br/>                 PW</p> | <p>Prior to issuance of any permit</p>      |

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|  | <ul style="list-style-type: none"> <li>- Routing storm water runoff from the paved, vehicle areas to an oil/grease/water separator before discharge into a detention pond.</li> <li>- Construction of storm water detention facilities to limit impervious surface storm water runoff to the 10-year predevelopment rate and store the difference between the 100-year post-development and 10-year pre-development runoff. Any detention design requires showing engineering details for the containment structure; including any berms that would create shallow detention using parking areas. An erosion protected spillway shall be designed into the berm to provide a predictable overflow point.</li> <li>- Fencing of detention ponds for public safety.</li> <li>- Maintenance and cleaning schedules for oil/grease traps, and detention ponds-in accordance with County regulations to insure that all drainage systems are properly maintained and functioning.</li> <li>- Installation of oil/grease traps adjacent to roadways and parking lots that are designed to remove at least 90% of all storm water contaminants during the first rains.</li> <li>- Any roadside improvements that could prevent erosion (e.g. curb/gutter or paved swale) and which down slope properties may be affected before water need to be analyzed.</li> <li>- "Best Management Practices" to prevent reaches the river, degradation of water quality in the Carmel River.</li> <li>- Designing the proposed detention ponds to increase infiltration rates for runoff such that the detention ponds function as percolation ponds.</li> <li>- Operation and maintenance procedures for the proposed detention ponds to assure long-term viability.</li> </ul> <p>The applicant shall implement all on-site and off-site improvements related to drainage as determined necessary by the Monterey County Public Works Department and Water Resources Agency.</p> | <p>B. Submit weekly activity reports, including photographs and activity logs where applicable, that document how all construction Best Management Practices and recommended mitigations measures were followed during project construction and these conditions. Said reports shall be submitted to the Director of Planning by the end of the working day on Monday. Project Manager/Contractor shall certify compliance by signed letter upon completion of project construction.</p> | <p>Applicant/<br/>Owner<br/>Planning</p> | <p>During grading</p> |  |
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| 30 | <p><b>WR36 – MAINTENANCE AGREEMENT (NON-STANDARD)</b><br/>                 The property owner, Monterey County and the Monterey County Water Resources Agency shall enter into a maintenance agreement, which shall provide for the maintenance of roads, drainage facilities, and open spaces. The agreement shall be approved by the Director of Public Works, the Director of Planning, and the General Manager of the Monterey County Water Resources Agency and shall be recorded by the property owner, prior to issuance of grading and/or building permits. The agreement shall run with the land and shall include provisions for regular monitoring and maintenance of the road and drainage facilities. The agreement shall also require a yearly report by a registered Civil Engineer that identifies needed/performed maintenance and/or certifies that the roads and drainage facilities are operating as designed.</p>   | <p>A. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to Planning.</p> <p>B. Submit Annual Report to WRA for review and approval.</p>   | <p>Applicant/<br/>                 Owner<br/>                 Civil Engineer<br/>                 Planning<br/>                 WRA<br/>                 PW</p> | <p>Prior to issuance of grading permit</p> <p>Annually following completion</p> |  |
| 31 | <p><b>MMRP – AIR QUALITY IMPACT 1</b><br/>                 To reduce short-term, localized air quality impacts due to dust generated during site preparation/construction and exhaust from construction vehicles, the applicant shall submit a program for how air quality control measures will be implemented during construction activities. Said plan shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>- Water all active construction areas at least twice daily.</li> <li>- Frequency should be based on the type of operation, soil condition, and wind exposure.</li> <li>- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</li> <li>- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites to the satisfaction of the Director of Planning.</li> <li>- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction</li> </ul> | <p>A. Submit a program with the grading and building plans identifying how all air quality control measures will be implemented throughout construction. Said plan shall be subject to review and approval of the Planning Department.</p> | <p>Applicant/<br/>                 Owner<br/>                 Planning</p>  | <p>Prior to issuance of a grading permit</p>                                    |  |

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|    | <p>sites.</p> <ul style="list-style-type: none"> <li>- Cover stockpiles of debris, soil, sand or other materials that may be blown by the wind.</li> <li>- Sweep construction areas and adjacent streets of all mud and dust daily or as needed.</li> <li>- Landscape or cover completed portions of the site as soon as construction is complete in that area.</li> </ul> <p>Grading activity shall not exceed 2.2 acres of excavation or 8.1 acres of grading per day.</p>                                   | <p>B. Implement all air quality control measures to the satisfaction of the Planning Department. Project Manager/Contractor shall certify compliance by signed letter upon completion of project construction.</p> | <p>During Construction</p>                |   |
| 32 | <p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS- FIRE SPRINKLER SYSTEM (STANDARD)</b></p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a</p> | <p>A. Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>B. Applicant shall schedule fire dept. rough sprinkler inspection</p>   | <p>Applicant or owner<br/>Cypress FPD</p> | <p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> |

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|    | <p>building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.</p>  | <p>Applicant shall schedule fire dept. final sprinkler inspection</p>   | <p>Prior to final building inspection</p>  |   |
| 33 | <p><b>FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)</b><br/>The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection</p>   | <p>A. Applicant shall enumerate as "Fire Dept. Notes" on plans.<br/><br/>B. Applicant shall submit fire alarm plans and obtain approval.<br/><br/>C. Applicant shall schedule fire alarm system acceptance test.</p>  | <p>Prior to issuance of building permit.<br/><br/>Prior to rough sprinkler or framing inspection<br/><br/>Prior to final building inspection</p> | <p>Applicant or owner<br/>Cypress FPD</p>             |
| 34 | <p><b>MMRP – GEOLOGIC IMPACT I</b><br/>In order to address geotechnical conditions identified for the project site, the applicant/owner shall submit grading plans that incorporate all recommendations of the Kleinfelder Geotechnical Investigation onto said grading plans as specifications for the proposed project. In order to monitor geotechnical conditions identified for the project site, the applicant shall submit reports from a certified geotechnical engineer that inspect, test and approve all geotechnical aspects of the project construction including, but not limited to: site preparation and grading, site drainage improvements, foundation and retaining wall excavations prior to placement of steel and concrete, location and design of graywater system, and excavations for utilities prior to placement of conduits. Grading plans and reports shall be subject to review and approval by the Direction of Planning.</p> | <p>A. Submit grading plans stamped by a certified geotechnical engineer and completed in accordance with geotechnical recommendations to the satisfaction of the Planning Director. The Director shall verify the existence of said recommendations as specifications on the Grading Plans prior to issuance of the grading permit.</p> | <p>Prior to issuance of a grading permit</p>   | <p>Applicant/<br/>Owner<br/>Engineer<br/>Planning</p> |

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|           |  | <p>Prior to final grading approval</p>  |  |
|           | <p>B. A certified geotechnical engineer shall inspect, test and approve all geotechnical aspects of the project construction and report all findings to the Director of Planning. Project geotechnical engineer shall certify compliance with all geotechnical recommendations by signed letter prior to final grading approval</p>  | <p>Prior placement of engineered fill</p>   |  |
|           | <p>C. A certified geotechnical engineer shall inspect and approve all cut slopes and all key way excavations, if any, and report all findings to the Director of Planning.</p>   |   |  |
| <p>35</p> | <p>2</p> <p><b>MMRP – AESTHETIC IMPACT 3</b><br/>         In order to reduce lighting impacts and preserve the nighttime views of the area, the applicant shall submit a Lighting Plan including photometrics for the site for review and approval by the Director of Planning and the Monterey County Sheriff. Said plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>- Low intensity lighting with 90-degree cut-off shields for all exterior light fixtures.</li> <li>- No light source shall extend beyond the project boundary.</li> <li>- Parking lot lights shall not exceed 14 feet in height.</li> <li>- Incorporate landscaping to screen glare from surrounding areas and meet Sheriff Department standards for Crime Prevention through Environmental Design (CPTED).</li> </ul> | <p>A: Submit a Lighting Plan for review and approval of the Director of Planning and Monterey County Sheriff.</p> | <p>Applicant/<br/>Owner<br/>Planning<br/>Sheriff</p> |
|           | <p>B: Install lighting in accordance with the approved Lighting Plan to the satisfaction of the Director of Planning.</p>  | <p>Prior to occupancy</p>   | <p>Applicant/<br/>Owner<br/>Planning</p>             |



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| 36 | <p><b>FIRE001 - ROAD ACCESS</b><br/>                 Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name.</p>   | <p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>B. Applicant shall schedule fire dept. clearance inspection for each phase of development.</p> | <p>Applicant or owner<br/>                 Cypress FPD</p> | <p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p> |
| 37 | <p><b>FIRE002 - ROADWAY ENGINEERING</b><br/>                 The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. 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. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p> | <p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>B. Applicant shall schedule fire dept. clearance inspection for each phase of development.</p> | <p>Applicant or owner<br/>                 Cypress FPD</p> | <p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p> |
| 38 | <p><b>FIRE007 - DRIVEWAYS</b><br/>                 Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete</p>  | <p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>   | <p>Applicant or owner<br/>                 Cypress FPD</p> | <p>Prior to issuance of grading and/or building permit.</p>   |

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|           |  | <p>on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p> | <p>B. Applicant shall schedule fire dept. clearance inspection</p>  |   | <p>Prior to final building inspection</p>  |
| <p>39</p> |  | <p><b>FIRE008 - GATES</b><br/>                 All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.</p>  | <p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.<br/><br/>                 B. Applicant shall schedule fire dept. clearance inspection</p> | <p>Owner/<br/>                 Applicant<br/>                 Cypress FPD</p> | <p>Prior to issuance of grading and/or building permit.<br/><br/>                 Prior to final building inspection</p> |

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| 40 | <p><b>FIRE010 - ROAD SIGNS</b><br/>                 All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, 1/2-inch shall be a color that is reflective and clearly contrasts with the background color of the sign. All materials shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority</p> | <p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans.</p> <p>B. Applicant shall schedule fire dept. clearance inspection for each phase of development.</p> | <p>Applicant or owner<br/>                 Cypress FPD</p> | <p>Prior to issuance of building permit(s)</p> <p>Prior to final building inspection</p> |
| 41 | <p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b><br/>                 All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be</p>   | <p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>   | <p>Applicant or owner<br/>                 Cypress FPD</p> | <p>Prior to issuance of building permit.</p>   |

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|           | <p>separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance</p> | <p>B. Applicant shall schedule fire dept. clearance inspection</p>  |  |   |
| <p>42</p> | <p><b>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</b><br/>                 For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available.</p>   | <p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> | <p>Applicant or owner<br/>                 Cypress FPD</p> | <p>Prior to issuance of grading and/or building permit.</p> |
| <p>43</p> | <p><b>FIRE015 - FIRE HYDRANTS/FIRE VALVES</b><br/>                 A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any</p>   | <p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> | <p>Applicant or owner<br/>                 Cypress FPD</p> | <p>Prior to issuance of grading and/or building permit.</p> |

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|    | <p>building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the "State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways", May 1988.</p> | <p>B. Applicant shall schedule fire dept. clearance inspection</p>  | <p>Prior to final building inspection</p> |  |
| 44 | <p><b>EH38 - SEPARATE RECYCLABLES</b><br/>All persons shall separate all recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility (MCC 10.41.020.B).</p>   | <p>Submit a plan to the Division of Environmental Health for review and approval.</p>   | <p>Owner/<br/>Applicant<br/>EH</p>        | <p>Prior to issuance of building permits/<br/>Continuous condition</p> |
| 45 | <p><b>EH40 - MEDICAL WASTE</b><br/>Storage, transportation, and disposal of biohazardous/medical wastes shall be in compliance with of Title 22, Division 20, Chapter 6.1 of the California Code of Regulations.</p>  | <p>The operation shall register and shall maintain a valid permit from the Division of Environmental Health.</p>  | <p>Owner/<br/>Applicant<br/>EH</p>        | <p>Prior to issuance of building permits/<br/>continuous condition</p> |
| 46 | <p><b>MMRP – CULTURAL IMPACT 1</b><br/>If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 150 feet of the find until a qualified professional archaeologist. The Monterey County Planning Department and a qualified archaeologist (i.e.; an archaeological registered with the Society of Professional Archeologists) shall be immediately contacted by the responsible individual on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>   | <p>Monitor the site for cultural materials in the soils. If any materials are found, the responsible individual on-site shall halt all grading activity within 150 feet of the find and immediately contact the Monterey County Planning Department and the project archeologist who will visit the site and determine proper mitigation based on the findings.</p> | <p>Applicant<br/>Planning</p>             | <p>During Grading</p>  |

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| 48 |    | <p><b>PBD018(B) - LANDSCAPE PLAN AND MAINTENANCE (NON-STANDARD)</b><br/>                 The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant</p> | <p>Submit landscape plans and contractor's estimate to Planning Department for review and approval.</p> | <p>Owner/<br/>Applicant<br/>Planning<br/>Sheriff</p> | <p>At least 60 days prior to final inspection or occupancy</p> |  |

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|  |  | <p>material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. Said plans shall be prepared by a licensed Landscape Architect and must:</p> <ul style="list-style-type: none"> <li>- Identify the location, species and size of the proposed landscaping material.</li> <li>- Include species that are botanically appropriate to the area, including but not limited to native species such as Monterey Pine, Cypress, and Oak trees.</li> <li>- Include planting of arroyo willows and other riparian associated species around both detention ponds.</li> <li>- Identify all existing trees within the project area including the site, Val Verde Drive right-of-way, and along Carmel Valley Road. Indicate all trees to be removed.</li> <li>- Replace the 26-inch pine along the south property line with a 24-inch box cypress or equivalent for screening plus retain all of the mature trees along Carmel Valley Road.</li> <li>- Limit planting so that irrigation will not exceed 1.12 af of water per year.</li> <li>- Provide a mix of mature plants and species to screen or soften the visual impact of new development.</li> <li>- Provide notes on the plans to eradicate invasive vegetation for areas on or near the project area including on-site, within the right-of way adjacent to the project site, along the Carmel Valley Road frontage, and along Rio Road.</li> </ul> <p>Address Sheriff Department standards for Crime Prevention through Environmental Design (CPTED).</p> | <p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p> <p>Landscaping vegetation that does not survive shall be replaced at a 1:1 ratio, pursuant to the approved landscaping plan, with a 100% success criterion. Failure to meet this success standard in any given year shall require immediate (within 30 days) replacement planting and shall extend the monitoring period for an additional year. The applicant shall call for an inspection by May 1 of each year following the opening of the facility. Inspections shall be done by the Planning Department at the expense of the facility operator.</p> | <p>Owner/<br/>Applicant<br/>Planning</p> <p>Owner/Applicant</p> | <p>On-going</p> <p>Five years, unless extended due to inability to meet success criterion.</p> |  |
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| <p>49</p> | <p>1 and 8</p> | <p><b>MMRP – AESTHETIC IMPACT 2</b><br/>                 In order to reduce lighting impacts and preserve the visual character of the area, the developer shall submit Landscape Plans prepared by a licensed Landscape Architect that:</p> <ul style="list-style-type: none"> <li>- Identify the location, species and size of the proposed landscaping material.</li> <li>- Include species that are botanically appropriate to the area, including but not limited to Monterey Pine, Cypress, and Oak trees.</li> <li>- Include planting of arroyo willows and other riparian associated species around both detention ponds.</li> <li>- Identify all existing trees within the project area including the site, Val Verde Drive right-of-way, and along Carmel Valley Road. Indicate all trees to be removed.</li> <li>- Replace the 26-inch pine along the south property line and retain all of the mature trees along Carmel Valley Road. Said pine tree shall be replaced with a 24" box Monterey cypress tree located within the same general location where the pine tree was removed.</li> <li>- Provide a mix of mature plants and species to screen or soften the visual impact of new development with specific attention for views from the south, north and northeast.</li> <li>- Provide notes on the plans to eradicate invasive vegetation for areas on or near the project area including on-site, within the right-of way adjacent to the project site, along the Carmel Valley Road frontage, and along Rio Road.</li> <li>- Address Sheriff Department standards for Crime Prevention through Environmental Design (CPTED).</li> </ul> | <p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."</p> <p>Submit one (1) set landscape plans for approval to the RMA – Planning Department, Maximum Applied Water Allowance (MAWA) calculation, and a completed "Non-Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.</p> <p>Submit an approved water permit from the MPWMD to the RMA – Building Services Department.</p> | <p>Applicant/<br/>                 Owner<br/>                 Planning<br/>                 Sheriff</p> | <p>At least three weeks prior to occupancy</p> |
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|    |  |  | <p>B: Install landscaping in accordance with the approved Landscape and Irrigation Plan to the satisfaction of the Director of Planning.</p> <p>C: Maintain landscaping in accordance with the approved Landscape and Irrigation Plan to the satisfaction of the Director of Planning. The applicant shall submit a report every 5 years for the next 15 years demonstrating long term compliance with the Landscape and Irrigation plan. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p> | <p>Applicant/<br/>Owner<br/>Planning</p> <p>Applicant/Owner<br/>Planning</p> | <p>Prior to occupancy</p> <p>On going</p>           |  |
| 50 |  | <p><b>WR8 - COMPLETION CERTIFICATION</b><br/>The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans.</p>  | <p>Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.</p>  | <p>Owner/<br/>Applicant/<br/>Engineer/<br/>Contractor<br/>WRA</p>            | <p>Prior to final inspection</p>                    |  |
| 51 |  | <p><b>WR40 - WATER CONSERVATION MEASURES</b><br/>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:<br/>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> | <p>Compliance to be verified by building inspector at final inspection.</p>   | <p>Owner/<br/>Applicant<br/>WRA</p>  | <p>Prior to final building inspection/occupancy</p> |  |

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|    |    | <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices</p>   |   |   |  |  |
| 52 | 24 | <p><b>MMRP –TRAFFIC IMPACT 7</b><br/>                 In order to provide adequate emergency access and reduce the impact of emergency vehicle traffic on Val Verde Drive, the applicant shall:</p> <ul style="list-style-type: none"> <li>- Improve Val Verde Drive to a width of 12 feet (maximum) from the northern most project entry to Carmel Valley Road;</li> <li>- Install posting/restrictions along this segment for emergency access only;</li> <li>- Install an emergency gate on Val Verde Drive at the intersection with Carmel Valley Road that is secured from general vehicle traffic;</li> <li>- Install an emergency gate on Val Verde Drive at the southerly end of the property that is secured from general vehicle traffic; and</li> <li>- Install an emergency vehicle pre-empt system on the signal at the intersection of the Brinton's driveway with Carmel Rancho Boulevard subject to the approval of the Department of Public Work.</li> </ul> | <p>Provide the Director of Planning with written verification that appropriate restrictions are in place for the emergency access segment to the satisfaction of the local fire jurisdiction, Monterey County Sheriff's Department, and the Department of Public Works.</p>   | <p>Applicant/<br/>                 Owner<br/>                 Planning<br/>                 Sheriff<br/>                 PW</p> | <p>Prior to<br/>                 occupancy</p> |  |
| 53 | 25 | <p><b>MMRP –TRAFFIC IMPACT 8</b><br/>                 In order to reduce impacts of generating traffic at peak times, the applicant shall schedule employee arrivals/shift changes at non-peak hours (7:00-9:00 AM and 4:00-6:00 PM) and also coordinate this to vary from the peak operation times of the Community Life Center. Deliveries may occur only between the hours of 10:00 am and 3:00 pm.</p>  | <p>Submit an operation plan that identifies peak traffic periods for the area and Community Life Center and based on such establishes employee schedules (shift changes) and delivery schedules that will not impact these peak periods. Said plan shall be submitted to review and approval of the Director of Planning.</p> | <p>Applicant/<br/>                 Owner<br/>                 Planning</p>  | <p>Prior to<br/>                 occupancy</p> |  |

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| <p>54</p> | <p>27</p> <p><b>MMRP –UTILITY IMPACT 1</b><br/>         To ensure that the project does not exceed the 4.8-acre foot water allocation, or an alternative lesser allocation approved by the Board which could cause a significant impact to the local water supply, the applicant/owner shall contract with an approved qualified engineer to monitor and provide water use reports. The engineer shall be approved by, and reports shall be submitted to the Director of Planning and the General Manager of Water Resources Agency consistent with the schedule in the following monitoring actions. Said reports shall identify the actual total interior and exterior water use of the facility at various stages of occupancy with recommended action(s) if the facility is nearing its water limit as directed in the following monitoring actions.</p> <p><b>Prior to Occupancy</b>, the consultant engineer shall provide the Director of Planning with a plan recommending specific actions in the order in which they are to occur as well as what amount of water each action would be expected to reduce water consumption in the event the project is projected to exceed its total interior and exterior water allocation. The owner shall enter into an agreement with the County of Monterey agreeing to comply with this plan prior to occupancy. Said agreement shall be recorded and run with the land, binding applicant/owner and its successors and assigns.</p> <p><b>As the initial occupancy of the building occurs, the following studies shall be conducted.</b> The owner shall submit a water use study within 30 days of the facility reaching 60 percent occupancy (46 beds), 70 percent</p> | <p>A: During the first two years of operation, submit monthly reports to the Director of Planning and the General Manager of Water Resources Agency prepared by a qualified engineer that identifies the actual total interior and exterior water use of the facility. If any report finds that this facility is operating at or more than 90% of the total interior and exterior water allocation, Monitoring Action C shall be implemented accordingly based on these findings.</p>  | <p>Qualified Engineer<br/>         Planning<br/>         WRA</p>     | <p>1<sup>st</sup> day of each month immediately following occupancy and for the first two years of operation</p> |  |
|           |  | <p>B: During Years 3-5 of operation, submit semi-annual reports to the Director of Planning and the General Manager of Water Resources Agency prepared by a qualified engineer that identifies the actual total interior and exterior water use of the facility. If the facility is not at full occupancy and operation during years 3-5, then these semi-annual reports shall continue to be required until the facility is operating at full occupancy for two years. If any report finds that this facility is operating at or more than 90% of the total interior and exterior water allocation, Monitoring Action C shall be implemented accordingly based on these findings.</p> | <p>Qualified Engineer<br/>         Planning and<br/>         WRA</p> | <p>Jan 1<sup>st</sup> and July 1<sup>st</sup> each year during years 3-5 of operation</p>                        |  |

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| <p>occupancy (54 beds), and 80 percent occupancy (62 beds), except as stated herein. At the seventy percent (70%) occupancy level, additional bed or room occupancy shall not be allowed for one month to establish a stable level of water use for the 70% occupancy study. The study for that occupancy level shall be submitted within 30 days after the one month waiting period. Additional occupancy may resume upon submittal of the report to the County. The study shall include 1) a total interior and exterior water use statement from the water purveyor or by the Monterey Peninsula Water Management District demonstrating the amount of water being used at each of these milestones, and 2) a detailed projection of total interior and exterior water use at full occupancy, providing a detailed breakdown of water use utilizing the same detailed water use categories found in the 2007 Axiom Engineers study. If any of those studies show that projected total interior and exterior water use would exceed 4.8 acre-feet per year at facility capacity, no additional beds may be filled until water reduction actions identified in Monitoring Action 54C and the Agreement have been implemented. If one of the water reduction steps includes reducing the number of beds, then that level of occupancy shall become the new limit of occupancy until this permit is amended to reinstate the 78-bed limit at a noticed public hearing; however, if the bed reduction is used as a temporary (less than 12 months) measure until other steps, acceptable to the County, are taken to reduce total interior and exterior water use and a subsequent report demonstrates that projected total interior and exterior water use at facility capacity will be under the 4.8 acre-foot limit, the permanent occupancy limit does not change and no permit amendment is required to reinstate the 78-bed limit.</p> | <p><b>C: If any report directed by Monitoring Action A, or B or Condition 61 identifies that the facility <del>has used</del> is operating at or more than 90% of the water allocation for any calendar year, the consultant engineer shall provide the Director of Planning with a report recommending implementation actions, as outlined in the Agreement required by this condition, to reduce water consumption to the satisfaction of the Director of Planning and the General Manager of the Monterey County Water Resources Agency. Said actions may include, but are not limited to:</b></p> <ul style="list-style-type: none"> <li>- Remove on-site laundry and provide off-site laundry service only. If laundry is removed to an off-site facility, in order to reduce long term traffic impacts on Highway One from added trips for off-site laundry services, the applicant shall pay an additional mitigation fee of \$1,632.80 (0.8 trips * \$2,041/trip).</li> <li>- Implement further staff/client water saving measures through review of water use practices in conjunction with client attrition to reduce the number of beds occupied.</li> <li>- Reduce the allowed number of beds that may be occupied. If the facility is operating with a reduced occupancy (e.g.: 65 beds) when the reports noted in A, B, or Condition 61 finds the facility is projected to exceed 4.8 acre-feet per year of total interior and exterior water use, and a reduction in the number of beds is part of the action to reduce total interior and exterior water use, then the projected level of occupancy that will maintain the project within the 4.8 acre-foot limit shall be the new limit of occupancy until this permit is amended at a noticed public hearing.</li> </ul> | <p>Qualified Engineer<br/>Planning and WRA<br/><br/>Owner</p> | <p>If any report directed by Monitoring Action A or B or Condition 61 identifies that the facility has used more than 90% of the allocation for any calendar year</p> |
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|    |   |   | <p>Any reduction in water use pursuant to this condition shall be accomplished in a manner that does not violate any state licensing requirements for the facility.</p> <p>Submit water reduction plan.</p> <p>Enter into Water Use Reduction Agreement.</p> <p>Submit Water Use Studies</p> | <p>Qualified Engineer</p> <p>Applicant</p> <p>Qualified Engineer</p> | <p>Prior to Occupancy</p> <p>Prior to Occupancy</p> <p>Within 30 days of reaching 60%, 70% and 80% initial occupancy.</p> |  |
| 55 | 8 | <p><b>MMRP – BIOLOGY IMPACT 5</b><br/>                 To replace the habitat of the arroyo willows that will be removed, arroyo willows and/or other riparian associated species shall be planted around the detention ponds to the satisfaction of the Director of Planning</p> | <p>A. Contact the Planning Department for a representative to inspect the project area relative to compliance with Mitigation Measure 8.</p>   | <p>Applicant</p> <p>Planning</p>                                     | <p>Prior to Occupancy</p>   |  |

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|    |    |   |  | <p>C. A qualified biologist shall review the project site and provide the Director of Planning with a report of site conditions relative to successful establishment of the riparian habitat around the detention ponds. Said report shall include recommended remediation where tree planting is unsuccessful. If remediation is determined to be necessary, the monitoring timeframe shall be extended another two years and consistent with the monitoring action above, the biologist shall verify the completion and effectiveness of said remediation in a manner consistent with this mitigation monitoring action. Subsequent remediation measures and extended monitoring actions may be required until full mitigation is achieved pursuant to approval from the Director of Planning.</p> | Biologist<br>Planning | Two years following occupancy |  |
| 56 | 15 | <p><b>MMRP – NOISE IMPACT 3</b><br/>To reduce the long term ambient noise, the applicant shall prepare an emergency response plan that limits use of sirens for emergency services for this facility. Said plan shall be subject to review and approval of the Monterey County Sheriff Department and Cypress Fire Protection District.</p> | <p>Submit an emergency response plan for review and approval of the Monterey County Sheriff Department and Cypress Fire Protection District.</p>   | Applicant/<br>Owner<br>Sheriff<br>Cypress FPD  | Prior to occupancy    |                               |  |
| 57 | 16 | <p><b>MMRP – NOISE IMPACT 4</b><br/>To reduce long-term noise impacts, the facility shall not install or use any exterior sound devices, including a public address system, bull horn and other similar equipment at any time. No outdoor activities may take place after 7:00 pm on the subject site.</p>                                  | <p>Place a note on the building plans that the facility may not install or use any exterior sound devices at any time. No outdoor activities may take place after 7:00 pm on the subject site.</p> | Applicant<br>Planning  | On-going              |                               |  |

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| 58 | <p><b>WR37- DRAINAGE &amp; FLOOD CONTROL SYSTEMS AGREEMENT (NON STANDARD)</b><br/>                 The Maintenance Agreement described in Condition 29 shall provide that if the property owner fails to properly maintain, repair, or operate the roads, drainage and/or flood control facilities for the project, the County of Monterey and the Monterey County Water Resources Agency shall have the right to enter any and all portions of the property to perform repairs, maintenance, or improvements necessary to properly maintain or operate the drainage and flood control facilities in the project. The County of Monterey and the Monterey County Water Resources Agency shall have the right to collect costs for said repairs. Said costs shall be included upon their property tax bills, upon a noticed hearing by the Board of Supervisors as to the appropriateness of the cost.</p> | <p>Properly maintain, repair, or operate the roads, drainage and/or flood control facilities for the project in accordance with recorded Maintenance Agreement.</p>  | Applicant Owner<br>WRA                            | On-Going   |
| 59 | <p><b>PBD030 - STOP WORK - RESOURCES FOUND</b><br/>                 If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>   | <p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p> | Owner/<br>Applicant/<br>Archaeologist<br>Planning | Ongoing    |
| 60 | <p><b>EH28 - HAZ MAT BUSINESS RESPONSE PLAN</b><br/>                 Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health.</p>  | <p>Contact the Hazardous Materials Program of the Division of Environmental Health.</p>  | Owner/<br>Applicant<br>EH                         | Continuous |

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| 61 |  | <p><b>WATER SUPPLY AND AVAILABILITY</b></p> <p>Total interior and exterior water use on the property shall not exceed 4.8 acre feet per year. The owners and operators may use up to and including 4.8 acre-feet of total interior and exterior water use per year regardless of the occupancy level.</p> | <p>Subsequent to Year 5 of operations, the applicant shall document annual total interior and exterior water use and submit annual reports to the Monterey County Water Resources Agency and the RMA-Planning Department. In addition to meeting all reporting requirements of MPWMD, the reports will detail the monthly total interior and exterior water use for the entire property.</p> <p>If the water use reporting shows that the project site is exceeding a total of 4.8 AFY, RMA Planning shall direct, and the applicant shall take, water reducing actions pursuant to Condition 54. This condition is in addition to the requirements set forth in Condition 54.</p> | <p>Applicant<br/>Water Resources Agency<br/>RMA - Planning Department</p> | <p>Ongoing</p> |  |
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END OF CONDITIONS



## MONTEREY COUNTY BOARD OF SUPERVISORS

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| <b>MEETING:</b> May 17, 2011   |   | <b>AGENDA NO:</b> S-3  |
| <b>SUBJECT:</b> Public hearing (continued from April 26, 2011) to consider:  |   |  |
| <ul style="list-style-type: none"> <li>a. An Addendum to the adopted Mitigated Negative Declaration, together with the adopted Mitigated Negative Declaration;</li> <li>b. An appeal by Carmel Valley Association from the March 9, 2011 decision of the Monterey County Planning Commission approving an amendment to an approved Combined Development Permit (PLN060102/Keehn, PLN000357/Gamboa) for a 64-suite, 78-bed, assisted care living facility known as Cottages of Carmel. The amendment includes replacing the requirement to preserve a 26-inch Monterey pine, amending the project description to delete graywater and cistern systems, removing and/or amending conditions requiring underground graywater and cistern systems, revising water use monitoring requirements, and amending landscaping conditions;</li> <li>c. A request by Carmel Valley Association to waive the appeal fee.</li> </ul> |   |  |
| (County of Monterey/Carmel Cottages – PLN110146, Carmel Valley Master Plan)  |   |  |
| <b>Project Location:</b>   | 26245 Carmel Rancho Boulevard   | <b>APN:</b> 015-021-036-000  |
| <b>Planning Number:</b>  | PLN110146   | <b>Name: Owner:</b> Alta Land Company LLC<br><b>Agent:</b> Don Houpt |
| <b>Project Title</b>   | Carmel Cottages   |  |
| <b>Plan Area:</b>  | Carmel Valley Master Plan   | <b>Flagged and Staked:</b> N/A                                       |
| <b>Zoning Designation:</b>   | Low Density Residential, with Building Site, Design Control and Site Plan Review overlay zoning districts (LDR/B-6/D/S) |  |
| <b>CEQA Action:</b>  | Addendum to adopted Mitigated Negative Declaration  |  |
| <b>DEPARTMENT:</b>   | RMA – Planning Department   |  |

**RECOMMENDATION:**

Staff recommends that the Board of Supervisors adopt resolutions (**Exhibits A and B**) to:

- a. Consider an Addendum to the adopted Mitigated Negative Declaration, together with the adopted Mitigated Negative Declaration;
- b. Deny an appeal by Carmel Valley Association from the March 9, 2011 decision of the Monterey County Planning Commission and approve an amendment to an approved Combined Development Permit (PLN060102/Keehn, PLN000357/Gamboa). The Combined Development Permit consists of a Use Permit to allow a quasi-public use in the Low Density Residential zoning district, including site plan and design review for development of a 64-suite, 78-bed, assisted care living facility consisting of a 3-building complex totaling 43,400 square feet, 35 space parking lot including 4 handicap-accessible spaces, balanced grading (3,000 cy cut/3,000 cy fill), access and parking improvements across a neighboring lot (APN: 015-021-003-000) to Carmel Rancho Boulevard, improvements to Val Verde Drive for emergency access to Carmel Valley Road, an underground graywater and cistern systems, and on-site water detention ponds; a Use Permit to allow development on slopes exceeding 30%; and allocation of 4.8 acre feet of water to the project. The amendment includes replacing the requirement to preserve a 26 inch diameter Monterey pine, amending the project description to delete graywater and cistern systems, removing and/or amending conditions requiring underground graywater and cistern systems, revising water use monitoring requirements, and amending landscaping conditions; and
- c. Deny a request by Carmel Valley Association to waive the appeal fee.

**SUMMARY:** On April 26, 2011, the Monterey County Board of Supervisors considered, at a public hearing, an appeal by the Carmel Valley Association of a Planning Commission decision approving an amendment to a Combined Development Permit for an Assisted Living Facility (Alta Land Company, PLN000357, PLN060102 and PLN110146). The Board of Supervisors, after considering all testimony and evidence presented, closed the public hearing and adopted motions of intent to 1) consider an Addendum to the Mitigated Negative Declaration adopted for the original project, deny the appeal and grant an amendment to the Combined Development Permit, and 2) deny a request for waiver of the appeal fee.

**DISCUSSION:**

On April 26, 2011, the Board of Supervisors considered the evidence presented and directed staff to prepare resolutions to deny the appeal and deny the fee waiver request. Those draft resolutions are attached as Exhibits A and B, respectively. Included in the motion to deny the appeal and approve amendments to the Combined Development Permit were the following changes from staff's recommendations found in the April 26, 2011 staff report:

- Amend the landscaping condition to require monitoring and replacement planting should approved vegetation not survive (see modifications to condition 48)
- Add annual monitoring for water use when the project is occupied at the sixty percent, seventy percent, and eighty percent occupancy level, to ensure that projected water use will stay within the 4.8 acre-foot per year water limit (see modifications to condition 54, monitoring action E)
- Require that project water use be reassessed and a reduction implementation program be developed as water use exceeds ninety percent of the projected 4.8 acre-feet per year (see modifications to condition 54, monitoring actions A, B, and C; also see condition 61)
- Remove the requirement to eliminate on-site laundry as the first requirement for water reduction (see modification to condition 54, monitoring action C)

**OTHER AGENCY INVOLVEMENT:**

County Counsel and the RMA-Planning Department conferred on the preparation of this report and the associated resolutions.

**FINANCING:**

An appeal fee was submitted with the appeal. Therefore, funding for staff time associated with processing this appeal is included in the FY10-11 Budget for the Planning Department. Appellants have requested a waiver of fees.

Prepared by:



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Approved by:



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cc: Front Counter Copy; Board of Supervisors (16); County Counsel; Cypress Fire Protection District; Public Works Department; Environmental Health Bureau; Building Services Department, Water Resources Agency; Monterey Peninsula Water Management District; Carl Holm; Carol Allen; Don Houpt, Owner; Debbie Blue, List Engineering; Gary Knott, Pacific Engineering Group; Dee Ann Howe, Margaret Robbins, Molly Erickson, Christine Williams (Carmel Valley Association), Richard Rosenthal; Planning File PLN110146.

Exhibits: A – Draft Resolution to Deny the Appeal and Approve the Combined Development Permit Amendment  
B – Draft Resolution to Deny the Fee Waiver Request