

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

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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 of 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 of 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

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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

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COMPLETED BOARD ORDER 2012-03-3
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

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COMPLETED BOARD ORDER 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.

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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,

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

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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 6

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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

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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

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COMPLETED BOARD ORDER 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

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2 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.

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2 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 Q. 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

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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 S. 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

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2^d 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

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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

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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

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COMPLETED BOARD ORDER. 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

S-3

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;
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COMPLETED BOARD ORDER S-3

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 17th 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

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

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40689-U01
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COMPLETED BOARD ORDER

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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Board of Supervisors

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COMPLETED BOARD ORDER
Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Hount/Carmel Cottages

File No: PLN 110146

Approval by: Board of Supervisors

APNs: 015-021-036-000

Date: May 17, 2011

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

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PBD029 SPECIFIC USES ONLY

Approval consists of an amendment and extension of a Combined Development Permit. The Combined Development Permit, as originally approved, consisted of a Use Permit to allow a quasi-public use in the low density residential zone 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. Modifications approved through this amendment to the Combined Development Permit include: amending the project description to delete underground graywater and cistern systems, removing conditions requiring underground graywater and cistern systems to balance the water use, revising total interior and exterior water use monitoring requirements, and amending landscaping conditions. This is a 4.5 acre, vacant parcel located at the southwest corner of Carmel Valley Road and Val Verde Drive, east of Carmel Rancho Boulevard, Carmel Valley APN: 015-021-036-000). This permit was approved in accordance with 015-021-036-000). This permit was approved in accordance with County

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Adhere to conditions and uses specified in
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COMPLETED BOARD ORDER. The following 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.

2 PBD025 NOTICE-PERMIT APPROVAL Proof of recordation of this notice shall be Owner/ Prior to start of The applicant and owner shall record a notice which states: A furnished to PBI. Applicant use. permit Resolution 11-145) was amended and extended for three years by the Board of Supervisors for Assessor's Parcel Planning 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.

3 PBD016 INDEMNIFICATION AGREEMENT Proof of recordation of the Indemnification Owner/ Upon demand of The property owner and applicant agree as a condition and in Agreement, as outlined, shall be submitted to Applicant County Counsel consideration of the approval of this discretionary development Planning or concurrent permit that the property owner and applicant will enter into an Planning with the issuance agreement with the County to defend, indemnify and hold of building harmless the County of Monterey and its agents, officers and permits, use of

employees from any claim, action or proceeding against the the property,
County or its agents, officers or employees to attack, set aside, filing of the final
void or annul this approval. The property owner and applicant map, which-ever
will reimburse the County for any court costs and attorney's occurs first and
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fees which the County may be required by a court to pay as a as applicable 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.

4 PBD012 FISH AND GAME FEE-NEG DEC/EIR Proof of payment \$1,275) shall be furnished Owner/ Prior to issuance Pursuant to the State Public Resources Code, State Fish and by the applicant to the Director of Planning Applicant of building and Game Code, and California Code of Regulations, the applicant prior to the recordation of the tentative map, the grading permits. shall pay a fee, to be collected by the County, within five 5) commencement of the use, or the issuance of Planning calendar days of project approval prior to filling of the building and/or grading permits, whichever Notice of Determination. This fee shall be paid on or before occurs first. 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.

5 PBD022 MITIGATION MONITORING PROGRAM Enter into agreement with the County to Owner/ Prior to issuance The property owner and applicant shall enter into an implement a Mitigation Monitoring Applicant of grading and agreement with the County to implement a Mitigation Program. building Monitoring and/or Reporting Plan in accordance with Section Planning permits. 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 Fees shall be submitted at the time the the time the property owner/applicant submits the signed property owner submits the signed mitigation monitoring agreement. mitigation monitoring agreement.

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6 5 MMRP BIOLOGY IMPACT 2 A qualified biologist shall provide a report Biologist Prior to issuance

In order to allow the Dusky-footed woodrat to escape and to the Director of Planning and Building of grading find new homes outside of the building area, the Inspection that certifies the proper removal Planning permits or any applicant/owner shall consult with a qualified biologist to of all Dusky-footed woodrat nests within the heavy dismantle any nest found in or near the project area before project area. equipment any heavy equipment is used to clear the site. allowed on site

7 6 MMRP BIOLOGY IMPACT 3 A qualified biologist shall provide a report Biologist Prior to any tree

In order to assure that no nesting birds are disturbed, the to the Director of Planning that certifies the removal and/or developer shall consult with a qualified biologist to survey proper removal of all nesting birds within Planning grading trees on or near the project area for nesting birds, the project area. particularly if tree removal and grading are scheduled to begin prior to August 15. 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.

8 PBD CIRCULATION PLAN NON STANDARD) Submit a Parking/Circulation Plan for review Owner/ Prior to issuance

The applicant shall submit a parking and interior circulation and approval. applicant of permits plan for the entire project, including access/pedestrian improvements from the site to Carmel Rancho Boulevard Planning for review and approval of the Director of Planning and the Director of Public Works. W

9 WR43 WATER AVAILABILITY CERTIFICATION Submit the Water Release Form to the Water Owner/ Prior to issuance

The applicant shall obtain from the Monterey County Water Resources Agency for review and approval. applicant of any building Resources Agency, proof of water availability on the permits property, in the form of an approved Monterey Peninsula WRA Water Management District Water Release Form.

10 WR22 FLOODPLAIN RECORDATION Submit the recorded floodplain notice to the Owner/ Prior to issuance

The owner shall provide the Water Resources Agency a Water Resources Agency for review and applicant of any grading recorded Floodplain Notice stating: The property is located approval. A copy of the County's standard or building within or partially within a floodplain and may be subject to notice can be obtained at the Water RA permits building and/or land use restrictions. Resources Agency.)

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- 11 EH6 WATER SERVICE CAN/WILL SERVE Submit written certification to the Division of CA Licensed Prior to issuance Provide to the Division of Environmental Health written Environmental Health for review and Engineer of a building certification, and any necessary certification from State approval. /Owner/ permit agencies that California American Water Company can and Applicant will supply sufficient water flow and pressure to comply with both Health and fire flow standards. EH
- 12 EH24 SEWER SERVICE CAN/WILL SERVE Submit certification to Environmental Health Owner/ Prior to issuance Provide certification to the Division of Environmental for review and approval. Applicant of a building Health that Carmel Area Wastewater Management District permit. can and will provide sewer service for the proposed EH property/project.

13 FIRE029 ROOF CONSTRUCTION CYPRESS FPD Applicant shall enumerate as Fire Dept. Applicant or Prior to issuance & PEBBLE BEACH CSD) Notes" on plans. owner of building All new structures, and all existing structures receiving new permit. roofing over 25 percent or more of the existing roof surface Cypress FPD within a one-year period, shall require a minimum of ICBO Class A roof construction.

14 14 MMRP NOISE IMPACT 2 Place a note on the grading and construction Applicant/ Prior to issuance To reduce noise impacts during construction, construction plans identifying the restricted times of Owner of any permits activities shall be restricted between the hours of 8:00 a.m. construction project and 5:00 p.m. No work may occur on weekends or Contractor holidays, unless pre-approved for unique circumstances in writing by the Director of Planning. Violation of these Planning restrictions may result in a stop of work for up to 48 hours Violation of these restrictions may result in During for each violation. a stop of work for up to 48 hours for each Construction violation. Manager/Contractor shall certify Upon compliance by signed letter completion of project construction.

15 17 MMRP TRAFFIC IMPACT 1 Provide the Director of Planning with written Applicant/ Prior to issuance Since all projects in the area are subject to the Carmel clearance from Public Works that the Owner of a building Valley Road Traffic Impact Fees, the applicant shall pay the required Carmel Valley Road Traffic Impact permit applicable Mitigation Fee in effect at the time the building Fee has paid. Planning permit is issued. Said fee shall be based on floor area as required for commercial development. PW

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16 18 MMRP TRAFFIC IMPACT 2A Provide the Director of Planning with written Applicant/ Prior to issuance

Since all trips to be generated by the proposed project 13 clearance from Public Works that the Owner of a building trips per hour) would utilize the Rio Road/Carmel Rancho required Rio Road/Carmel Rancho Boulevard permit Boulevard intersection, the applicant shall contribute their intersection improvement mitigation fee has Planning proportional share of the total cost 2.7% or \$4,050) towards been paid. installing future traffic signals at this intersection. PW

17 19 NIMRP TRAFFIC IMPACT 2B Provide the Director of Planning with written Applicant/ Prior to issuance

Since the project will generate 13 peak hour trips along Rio clearance from Public Works that the Owner of a building Road during the cumulative peak evening hours, the required Rio Road Signal Retiming permit applicant shall contribute their proportional share of the mitigation fee has been paid. Planning total cost 3.0% or \$225) towards the retiming of traffic signals along Rio Road. PW

18 20 MMRP TRAFFIC IMPACT 3 Provide the Director of Planning with written Applicant/ Prior to issuance

In order to reduce congestion in the area, the clearance from Public Works that the Owner of a building applicant/owner shall contribute their proportional share of required Carmel Rancho Boulevard at permit the total cost 2.8% or \$3,500) toward a second northbound Carmel Valley Road turn lane mitigation fee Planning right turn lane on Carmel Rancho Boulevard at Carmel has been paid. Valley Road. PW

19 21 MMRP TRAFFIC IMPACT 4 Provide the Director of Planning with written Applicant/ Prior to issuance

In order to encourage the use of mass transit and avoid peak clearance from Public Works that the Owner of a building hour traffic trips, the applicant/owner shall contribute their required Bus Turnout mitigation fee has been permit proportional share of the total cost 3.3% or \$2,640) toward paid. Planning a bus turnout and shelter on the south side of Carmel Valley Road, in front of the proposed facility. PW

20 22 MMRP TRAFFIC IMPACT 5 Provide the Director of Planning with written Applicant/ Prior to issuance
In order to address the project's proportional share of impact clearance from Public Works that the Owner of a building
to Carmel Valley Road, the applicant/owner shall pay their required LOS Deficiency mitigation fee has permit
proportional share 0.2% or \$9,800) of the County/State been paid. Planning
program to address LOS deficiencies.

PW

21 23 MMRP TRAFFIC IMPACT 6 Provide the Director of Planning with written Applicant/ Prior to issuance
In order to address the project's proportional share of impact clearance from Public Works that the TAMC Owner of a building
to Highway One, the applicant/owner shall contribute mitigation fee has been paid. permit
\$51,025 as the project's pro-rata share of the cost of Planning
constructing the State Highway One long-term improvement
project in the Transportation Agency for Monterey County PW
TAMC) Project Study Report dated December 19, 2001.

The calculation of this contribution may be adjusted

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COMPLETED BOARD ORDER 2011-2012 S-3
annually based on the Engineering News Record
Construction Cost Index.

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23 EH35 CURFFL Submit plans and necessary review fees to Owner/ Prior to issuance

All improvements shall comply with the California Uniform the Division of Environmental Health for Applicant of building
Food Facilities Law as approved by the Director of review and approval. permits.

Environmental Health. If necessary, submit plans and EH
necessary review fees for review and approval prior to
obtaining a building permit/final inspection.

24 28 MMRP UTILITY IMPACT 2 Demonstrate that the California-American Applicant/ Prior to issuance

In order to verify that the California-American Water Water Company has adequate capacity to serve Owner of any permits
Company has adequate water capacity to serve the proposed the project as follows:

project the applicant shall submit proof of approval from the Submit a can and will serve letter from MCHD
Monterey Peninsula Water Management District. the California-American Water Company

to the Director of Environmental Health. Planning

Obtain all necessary approvals for a
water connection permit from the WRA
Monterey Peninsula Water Management
District MPWMD) for not more than MPWMD
the amount of total interior and exterior
water allocated in the Board of CalAm
Supervisors resolution for project
approval.

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.

Submit to the Director of Planning a plan for
the annual monitoring of total interior and

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COMPLETED BOARD ORDER

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.

See Condition 54)

25 29 MMRP UTILITY IMPACT 5 A. Provide evidence of approval by the Applicant/ A. Prior to

The facility is limited to a maximum of 78 beds and a MPWMD for a senior, assisted living facility Owner issuance of any maximum total interior and exterior water use of 4.8 acre feet not to exceed 78 beds. The facility shall be permits of water per year pursuant to Water Permit 25730 issued by limited to the maximum number of beds Planning the Monterey Peninsula Water Management District allowed by the MPWMD based on a maximum MPWMD) on July 27, 2008. total interior and exterior water allocation/use of 4.8 acre feet of water per year.

See Condition 54)

B. If either the Board of Supervisors or the B. On going

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.

26 7 MMRP BIOLOGY IMPACT 4 Monitor the site to remove puddles of water. Applicant During Site

To avoid attracting frogs during development, no vegetation Following any rain activity, the responsible Preparation and removal shall take place while it is raining and precautions project manager/contract shall halt all Planning Grading should be taken to prevent puddles on site. Following any grading activity and contact the Monterey rain activity, the Monterey County Planning Department County Planning Department and the project Biologist and a qualified biologist shall be immediately contacted by biologist who will visit the site and the responsible individual on-site. When contacted, the determine proper mitigation based on the project planner and the biologist shall immediately visit the findings. Project Manager/Contractor shall site to determine if any at risk" amphibians are present. If certify compliance by signed letter upon any at risk" amphibians are discovered, the biologist shall completion of project construction. contact the California Department of Fish and Game to Upon completion of project construction identify appropriate measures to avoid impacts before project manager/ contractor shall submit a continuing operations. signed letter certifying compliance.

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COMPLETED BOARD ORDER

In order to
under the
shall provide
protection
project area
The applicant
the drip line
during grading
28 12 MMRP

To prevent
post construction
Practices
vegetated
29 13 MMRP

In order to
applicant/
Monterey
issuance

Design
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Road

Road

development

slope

be shown

structure

water

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BIOLOGY IMPACT 1 A. Submit Improvement Plans including the Applicant/ Prior to issuance
to avoid impact to significant oak trees protected accurate location of the trunk and drip lines Owner of grading
Carmel Valley Master Plan, the applicant/owner of all significant oak trees both within the permits
side plans to improve Val Verde Drive that include site and within the right of way for Val Planning
and avoidance of all significant oak trees in the Verde Drive and Carmel Valley Road to the
edge to the satisfaction of the Director of Planning, Director of Planning and the Director of PW
applicant/owner shall install fencing along the edge of Public Works.
edge of the oaks trees to avoid impacting said trees
grading activity.

B. Install fencing around the drip line of all Applicant/ Prior to issuance
significant oak trees to be maintained during Owner of grading
construction to the satisfaction of the permits
Director of Planning, Project Planning
Manager/Contractor shall certify
compliance by signed letter upon
completion of project construction.

HYDROLOGY IMPACT 1 Contact the Planning Department for a Applicant/ Prior to Final
to runoff from moving soil off-site and to prevent representative to inspect the project area Owner Permit Approval
construction erosion, appropriate Best Management relative to compliance with Mitigation
shall be implemented and the soil shall be re- Measure 12. Planning
within 60 days of completing construction.

HYDROLOGY IMPACT 2 A. Submit a detailed drainage plan prepared Applicant/ Prior to issuance
to address water runoff for the project, the by a registered civil engineer to the Owner of any permit
owner shall submit a detailed drainage plan to the satisfaction of the Monterey County Water
County Water Resources Agency prior to Resources Agency and Public Works Civil Engineer
of any permit. Said plan shall include: Department. Impacts identified during the
year data identifying, and evaluating impacts to, the review of said plans shall be fully mitigated WRA
year flood elevation, flood height, and the Rio through construction and/or fair-share"
tie back levee. mitigation fees to be determined by the PW
ing natural drainage around the proposed Monterey County Public Works Department
development in a manner that does not impact down and Water Resources Agency.

e development. Routing of downstream flows shall own along with any new appurtenant drainage tures, erosion protection of existing structures or rcourses, and need for additional right-of-way.

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Routing storm water runoff from the paved, vehicle B. Submit weekly activity reports, including Applicant/ During grading areas to an oil/grease/water separator before discharge photographs and activity logs where Owner into a detention pond. applicable, that document how all

Construction of storm water detention facilities to limit construction Best Management Practices and Planning impervious surface storm water runoff to the 10-year recommended mitigations measures were predevelopment rate and store the difference between followed during project construction and the 100-year post-development and 10-year pre- these conditions. Said reports shall be development runoff. Any detention design requires submitted to the Director of Planning by the showing engineering details for the containment end of the working day on Monday. Project structure; including any berms that would create Manager/Contractor shall certify compliance shallow detention using parking areas. An erosion by signed letter upon completion of project protected spillway shall be designed into the berm to construction.

provide a predictable overflow point.

Fencing of detention ponds for public safety.

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.

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.

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.

Best Management Practices" to prevent reaches the river, degradation of water quality in the Carmel River.

Designing the proposed detention ponds to increase infiltration rates for runoff such that the detention ponds function as percolation ponds.

Operation and maintenance procedures for the proposed detention ponds to assure long-term viability.

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.

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COMPLETED BOARD ORDER
30 WR36 MAINTENANCE AGREEMENT NON-
STANDARD)

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 A. Proof of recordation of the Indemnification
Agreement, as outlined, shall be submitted to
Planning. Applicant/
Owner

Civil Engineer

Planning

WRA Prior to issuance
of grading
permit

of the Monterey County Water Resources Agency and shall B. Submit Annual Report to WRA for review Annually
be recorded by the property owner, prior to issuance of and approval. pW following
grading and/or building permits. The agreement shall run completion
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.

31 3 MMRP AIR QUALITY IMPACT 1 A. Submit a program with the grading and Applicant/ Prior to issuance
To reduce short-term, localized air quality impacts due to building plans identifying how all air quality Owner of a grading
dust generated during site preparation/construction and control measures will be implemented permit
exhaust from construction vehicles, the applicant shall throughout construction. Said plan shall be Planning
submit a program for how air quality control measures will subject to review and approval of the
be implemented during construction activities. Said plan Planning Department.

shall include, but not be limited to the following:
Water all active construction areas at least twice daily.
Frequency should be based on the type of operation,
soil condition, and wind exposure.

Cover all trucks hauling soil, sand, and other loose
materials or require all trucks to maintain at least two
feet of freeboard.

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.

Sweep daily with water sweepers) all paved access
roads, parking areas and staging areas at construction
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sites. B. Implement all air quality control measures During
Cover stockpiles of debris, soil, sand or other materials to the satisfaction of the Planning Construction
that may be blown by the wind. Department. Project Manager/Contractor
Sweep construction areas and adjacent streets of all shall certify compliance by signed letter upon
mud and dust daily or as needed. completion of project construction.
Landscape or cover completed portions of the site as
soon as construction is complete in that area.
Grading activity shall not exceed 2.2 acres of excavation or
8.1 acres of grading per day.
32 FIRE021 FIRE PROTECTION EQUIPMENT & A. Applicant shall enumerate as Fire Dept. Applicant or Prior to issuance
SYSTEMS- FIRE SPRINKLER SYSTEM Notes" on plans. owner of building
STANDARD) permit.
The building(s) and attached garage(s) shall be fully Cypress FPD
protected with automatic fire sprinkler system(s). B. Applicant shall schedule fire dept. rough Prior to framing
Installation shall be in accordance with the applicable NFPA sprinkler inspection inspection
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
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building permit. A rough sprinkler inspection must be Applicant shall schedule fire dept. final Prior to final scheduled by the installing contractor and completed prior sprinkler inspection building to requesting a framing inspection. inspection

33 FIRE023 FIRE ALARM SYSTEM COMMERCIAL) A. Applicant shall enumerate as Fire Dept. Applicant or Prior to issuance

The building(s) shall be fully protected with an approved Notes" on plans. owner of building central station, proprietary station, or remote station permit.

automatic fire alarm system as defined by NFPA Standard Cypress FPD

72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and

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inspection B. Applicant shall submit fire alarm plans Prior to rough
and obtain approval. sprinkler or
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C. Applicant shall schedule fire alarm system Prior to final
acceptance test. building
inspection

34 10 MMRP GEOLOGIC IMPACT 1 A. Submit grading plans stamped by a Applicant/ Prior to issuance
In order to address geotechnical conditions identified for the certified geotechnical engineer and Owner of a grading
project site, the applicant/owner shall submit grading plans completed in accordance with geotechnical permit
that incorporate all recommendations of the Kleinfelder recommendations to the satisfaction of the Engineer
Geotechnical Investigation onto said grading plans as Planning Director. The Director shall verify
specifications for the proposed project. In order to monitor the existence of said recommendations as Planning
geotechnical conditions identified for the project site, the specifications on the Grading Plans prior to
applicant shall submit reports from a certified geotechnical issuance of the grading permit.
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.

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B. A certified geotechnical engineer shall Prior to final inspect, test and approve all geotechnical grading aspects of the project construction and report approval 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

C. A certified geotechnical engineer shall inspect and approve all cut slopes and all key Prior way excavations, if any, and report all placement of findings to the Director of Planning. engineered fill

35 2 MMRP AESTHETIC IMPACT 3 A: Submit a Lighting Plan for review and Applicant/ Prior to issuance In order to reduce lighting impacts and preserve the approval of the Director of Planning and Owner of any building nighttime views of the area, the applicant shall submit a Monterey County Sheriff. permit Lighting Plan including photometrics for the site for review Planning and approval by the Director of Planning and the Monterey County Sheriff. Said plan shall include, but not be limited Sheriff to:

Low intensity lighting with 90-degree cut-off shields for all exterior light fixtures. No light source shall extend beyond the project boundary.

Parking lot lights shall not exceed 14 feet in height. B: Install lighting in accordance with the Applicant/ Prior to

Incorporate landscaping to screen glare from approved Lighting Plan to the satisfaction of Owner occupancy surrounding areas and meet Sheriff Department the Director of Planning.

Planning standards for Crime Prevention through Environmental Design CPTED).

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36 FIRE001 ROAD ACCESS A. Applicant shall incorporate specification Applicant or Prior to issuance
Access roads shall be required for every building when any into design and enumerate as Fire Dept. owner of grading
portion of the exterior wall of the first story is located more Notes" on plans. and/or building
than 150 feet from fire department access. All roads shall Cypress FPD permit.
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 B. Applicant shall schedule fire dept. Prior to final
including sedans and fire apparatus and shall be an all- clearance inspection for each phase of building
weather surface designed to support the imposed load of fire development. inspection
apparatus 22 tons). Each road shall have an approved
name.

37 FIRE002 ROADWAY ENGINEERING A. Applicant shall incorporate specification Applicant or
The grade for all roads shall not exceed 15 percent. Where into design and enumerate as Fire Dept. owner Prior to issuance
road grades exceed 8 percent, a minimum structural Notes" on plans. of grading
roadway surface of 0.17 feet of asphaltic concrete on 0.34 Cypress FPD and/or building
feet of aggregate base shall be required. The length of permit.
vertical curves in roadways, exclusive of gutters, ditches
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shall not be less than 100 feet. No roadway turn shall have B. Applicant shall schedule fire dept.
a horizontal inside radius of less than 50 feet. A roadway clearance inspection for each phase of Prior to final
turn radius of 50 to 100 feet is required to have an additional development. building
4 feet of roadway surface. A roadway turn radius of 100 to inspection
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.

38 FIRE007 DRIVEWAYS A. Applicant shall incorporate specification Applicant or Prior to issuance
Driveways shall not be less than 12 feet wide unobstructed, into design and enumerate as Fire Dept. owner of grading
with an unobstructed vertical clearance of not less than 15 Notes" on plans. and/or building
feet. The grade for all driveways shall not exceed 15 Cypress FPD permit.
percent. Where the grade exceeds 8 percent, a minimum
structural roadway surface of 0.17 feet of asphaltic concrete

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on 0.34 feet of aggregate base shall be required. The B. Applicant shall schedule fire dept. driveway surface shall be capable of supporting the imposed clearance inspection Prior to final load of fire apparatus 22 tons), and be accessible by building conventional-drive vehicles, including sedans. For inspection 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 long with a minimum 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.

39 FIRE008 GATES A. Applicant shall incorporate specification Owner/ Prior to issuance All gates providing access from a road to a driveway shall into design and enumerate as Fire Dept. Applicant of grading be located at least 30 feet from the roadway and shall open Notes" on plans, and/or building to allow a vehicle to stop without obstructing traffic on the Cypress FPD permit. 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

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entrance, a 40-foot turning radius shall be used. Where B. Applicant shall schedule fire dept. Prior to final gates are to be locked, the installation of a key box or other clearance inspection building acceptable means for immediate access by emergency inspection equipment may be required.

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COMPLETED BOARD ORDER 40 FIRE010 ROAD SIGNS

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

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f A. Applicant shall incorporate specification into design and enumerate as Fire Dept. Notes" on improvement plans. Applicant or owner

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the sign. All materials shall be Arabic. Street and road B. Applicant shall schedule fire dept. signs shall be non-combustible and shall be visible and clearance inspection for each phase of Prior to final legible from both directions of vehicle travel for a distance development. building of at least 100 feet. Height, visibility, legibility, and inspection 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

41 FIRE011 ADDRESSES FOR BUILDINGS A. Applicant shall incorporate specification Applicant or Prior to issuance All buildings shall be issued an address in accordance with into design and enumerate as Fire Dept. owner of building Monterey County Ordinance No. 1241. Each occupancy, Notes" on plans. permit. except accessory buildings, shall have its own permanently Cypress FPD posted address. When multiple occupancies exist within a single building, each individual occupancy shall be

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COMPLETED BOARD ORDER
separately identified by its own address. Letters, numbers B. Applicant shall schedule fire dept.
and symbols for addresses shall be a minimum of 4-inch clearance inspection Prior to final
height, 1/2-inch stroke, contrasting with the background building
color of the sign, and shall be Arabic. The sign and inspection
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

42 FIRE014 EMERGENCY WATER STANDARDS A. Applicant shall incorporate specification Applicant or FIRE PROTECTION WATER SUPPLY SINGLE into design and enumerate as Fire Dept. owner Prior to issuance PARCEL) Notes" on plans. of grading

For development of structures totaling less than 3,000 Cypress FPD and/or building square feet on a single parcel, the minimum fire protection permit. water supply shall be 4,900 gallons. For development of

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parcel, the minimum fire protection water supply shall be B. Applicant shall schedule fire dept. 9,800 gallons. For development of structures totaling more clearance inspection Prior to final

than 10,000 square feet on a single parcel, the reviewing building authority may require additional fire protection water inspection 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.

43 FIRE015 FIRE HYDRANTS/FIRE VALVES A. Applicant shall incorporate specification Applicant or Prior to issuance A fire hydrant or fire valve is required. The hydrant or fire into design and enumerate as Fire Dept. owner of grading

valve shall be 18 inches above grade, 8 feet from flammable Notes" on plans. and/or building vegetation, no closer than 4 feet nor further than 12 feet Cypress FPD permit. from a roadway, and in a location where fire apparatus using

it will not block the roadway. The hydrant serving any

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COMPLETED BOARD ORDER
building shall be not less than 50 feet and not more than B. Applicant shall schedule fire dept.
1000 feet by road from the building it is to serve. Minimum clearance inspection Prior to final

hydrant standards shall include a brass head and valve with building at least one 2 1/2 inch National Hose outlet supplied by a inspection 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.

44 EH38 SEPARATE RECYCLABLES Submit a plan to the Division of Owner/ Prior to issuance All persons shall separate all recyclables from other solid Environmental Health for review and approval. Applicant of building permits/

waste generated at their premises and shall place such EH Continuous recyclables into a different approved container to facilitate condition segregation at a solid waste facility MCC 10.41.020.B).

45 E1140 MEDICAL WASTE The operation shall register and shall Owner/ Prior to issuance Storage, transportation, and disposal of maintain a valid permit from the Division of Applicant of building biohazardous/medical wastes shall be in compliance with of Environmental Health. permits/ Title 22, Division 20, Chapter 6.1 of the California Code of EI-I continuous Regulations. condition

46 9 MMRP CULTURAL IMPACT I Monitor the site for cultural materials in the Applicant During Grading If archaeological resources or human remains are soils. If any materials are found, the accidentally discovered during construction, work shall be responsible individual on-site shall halt all Planning halted within 150 feet of the find until a qualified grading activity within 150 feet of the find professional archaeologist. The Monterey County Planning and immediately contact the Monterey Department and a qualified archeologist i.e.; an County Planning Department and the project archeological registered with the Society of Professional archeologist who will visit the site and Archeologists) shall be immediately contacted by the determine proper mitigation based on the responsible individual on-site. When contacted, the project findings. planner and the archeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

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COMPLETED BOARD ORDER 11-531-1-2011 S-3

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48 PBDO18(B) LANDSCAPE PLAN AND Submit landscape plans and contractor's Owner/
MAINTENANCE NON-STANDARD) estimate to Planning Department for review Applicant At least 60 days
The site shall be landscaped. At least 60 days prior to and approval. prior to final
occupancy, three 3) copies of a landscaping plan shall be Planning inspection or
submitted to the Director of Planning for approval. A occupancy
landscape plan review fee is required for this project. Fees Sheriff
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

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COMPLETED BOARD ORDER

material shall be continuously maintained in a litter-free, All landscaped areas and fences shall be Owner/ On-going weed-free, healthy, growing condition. Said plans shall be continuously maintained by the applicant; all Applicant prepared by a licensed Landscape Architect and must: plant material shall be continuously maintained Identify the location, species and size of the proposed in a litter-free, weed-free, healthy, growing Planning landscaping material. condition.

Include species that are botanically appropriate to the area, including but not limited to native species such as Owner/Applicant Monterey Pine, Cypress, and Oak trees. Landscaping vegetation that does not survive Five years, Include planting of arroyo willows and other riparian shall be replaced at a 1:1 ratio, pursuant to unless extended associated species around both detention ponds. the approved landscaping plan, with a 100% due to inability to Identify all existing trees within the project area success criterion. Failure to meet this success meet success including the site, Val Verde Drive right-of-way, and standard in any given year shall require criterion. along Carmel Valley Road. Indicate all trees to be immediate within 30 days) replacement removed. planting and shall extend the monitoring

Replace the 26-inch pine along the south property line period for an additional year. The applicant with a 24-inch box cypress or equivalent for screening shall call for an inspection by May 1 of each plus retain all of the mature trees along Carmel Valley year following the opening of the facility. Road. Inspections shall be done by the Planning

Limit planting so that irrigation will not exceed 1.12 of Department at the expense of the facility of water per year. operator.

Provide a mix of mature plants and species to screen or soften the visual impact of new development.

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

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49 1 and 8 MMRP AESTHETIC IMPACT 2 Submit landscape plans and contractor's Applicant/
In order to reduce lighting impacts and preserve the visual estimate to the RMA Planning Department Owner At least three
character of the area, the developer shall submit Landscape for review and approval. Landscaping plans weeks prior to
Plans prepared by a licensed Landscape Architect that: shall include the recommendations from the Planning occupancy
Identify the location, species and size of the proposed Forest Management Plan or Biological
landscaping material. Survey as applicable. All landscape plans Sheriff
Include species that are botanically appropriate to the shall be signed and stamped by licensed
area, including but not limited to Monterey Pine, professional under the following statement,
Cypress, and Oak trees. I certify that this landscaping and irrigation
Include planting of arroyo willows and other riparian plan complies with all Monterey County
associated species around both detention ponds. landscaping requirements including use of
Identify all existing trees within the project area native, drought-tolerant, non-invasive
including the site, Val Verde Drive right-of-way, and species; limited turf, and low-flow, water
along Carmel Valley Road. Indicate all trees to be conserving irrigation fixtures."
removed.

Replace the 26-inch pine along the south property line

Submit one 1) set landscape plans for

and retain all of the mature trees along Carmel Valley approval to the RMA Planning
Road. Said pine tree shall be replaced with a 24" box Department, Maximum Applied Water
Monterey cypress tree located within the same general Allowance MAWA) calculation, and a
location where the pine tree was removed.. completed Non-Residential Water Release
Provide a mix of mature plants and species to screen or Form and Water Permit Application" to the
soften the visual impact of new development with Monterey Peninsula Water Management
specific attention for views from the south, north and District for review and approval.
northeast.

Provide notes on the plans to eradicate invasive

Submit an approved water permit from the

vegetation for areas on or near the project area MPWMD to the RMA Building Services
including on-site, within the right-of way adjacent to Department.
the project site, along the Carmel Valley Road
frontage, and along Rio Road.

Address Sheriff Department standards for Crime
Prevention through Environmental Design CPTED).

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B: Install landscaping in accordance with Applicant/
the approved Landscape and Irrigation Plan Owner Prior to
to the satisfaction of the Director of occupancy
Planning. Planning

C: Maintain landscaping in accordance with Applicant/Owner
the approved Landscape and Irrigation Plan On going
to the satisfaction of the Director of Planning
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.

50 WR8 COMPLETION CERTIFICATION Submit a letter to the Water Resources Owner/

The applicant shall provide the Water Resources Agency Agency, prepared by a registered civil Applicant/ Prior to final certification from a registered civil engineer or licensed engineer or licensed contractor, certifying Engineer/ inspect-contractor that stormwater detention/retention facilities have compliance with approved drainage plan. Contractor ion been constructed in accordance with approved plans.

WRA

51 WR40 WATER CONSERVATION MEASURES Compliance to be verified by building Owner/

The applicant shall comply with Ordinance No. 3932, or as inspector at final inspection. Applicant Prior to final subsequently amended, of the Monterey County Water building inspect-Resources Agency pertaining to mandatory water RA ion/conservation regulations. The regulations for new occupancy construction require, but are not limited to:

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.

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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

52 24 MMRP TRAFFIC IMPACT 7 Provide the Director of Planning with written Applicant/

In order to provide adequate emergency access and reduce verification that appropriate restrictions are in Owner Prior to the impact of emergency vehicle traffic on Val Verde Drive, place for the emergency access segment to occupancy the applicant shall: the satisfaction of the local fire jurisdiction. Planning

Improve Val Verde Drive to a width of 12 feet Monterey County Sheriff's Department, and maximum) from the northern most project entry to the Department of Public Works. Sheriff Carmel Valley Road;

Install posting/restrictions along this segment for PW emergency access only;

Install an emergency gate on Val Verde Drive at the intersection with Carmel Valley Road that is secured from general vehicle traffic;

Install an emergency gate on Val Verde Drive at the southerly end of the property that is secured from general vehicle traffic; and

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.

53 25 MMRP TRAFFIC IMPACT 8 Submit an operation plan that identifies peak Applicant/

In order to reduce impacts of generating traffic at peak traffic periods for the area and Community Owner Prior to times, the applicant shall schedule employee arrivals/shift Life Center and based on such establishes occupancy changes at non-peak hours 7:00-9:00 AM and 4:00-6:00 employee schedules shift changes) and Planning PM) and also coordinate this to vary from the peak delivery schedules that will not impact these operation times of the Community Life Center. Deliveries peak periods. Said plan shall be submitted to may occur only between the hours of 10:00 am and 3:00 review and approval of the Director of pm. Planning.

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54 27 MMRP UTILITY IMPACT I A: During the first two years of operation, Qualified

To ensure that the project does not exceed the 4.8-acre foot submit monthly reports to the Director of Engineer is` day of each water allocation, or an alternative lesser allocation approved by Planning and the General Manager of Water month the Board which could cause a significant impact to the local Resources Agency prepared by a qualified Planning immediately water supply, the applicant/owner shall contract with an engineer that identifies the actual total following approved qualified engineer to monitor and provide water interior and exterior water use of the facility. WRA occupancy and use reports. The engineer shall be approved by, and reports If any report finds that this facility is for the first two shall be submitted to the Director of Planning and the operating at or more than 90% of the total years of General Manager of Water Resources Agency consistent interior and exterior water allocation, operation with the schedule in the following monitoring actions. Said Monitoring Action C shall be implemented reports shall identify the actual total interior and exterior accordingly based on these findings. 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.

Qualified

Prior to Occupancy, the consultant engineer shall provide B: During Years 3-5 of operation, submit Engineer the Director of Planning with a plan recommending specific semi-annual reports to the Director of Jan 1 sr and July actions in the order in which they are to occur as well as Planning and the General Manager of Water Planning and 1st each year what amount of water each action would be expected to Resources Agency prepared by a qualified WRA during years 3-5 reduce water consumption in the event the project is engineer that identifies the actual total of operation projected to exceed its total interior and exterior water interior and exterior water use of the facility. allocation. The owner shall enter into an agreement with the If the facility is not at full occupancy and County of Monterey agreeing to comply with this plan prior operation during years 3-5, then these semi- to occupancy. Said agreement shall be recorded and run annual reports shall continue to be required with the land, binding applicant/owner and its successors until the facility is operating at full and assigns. occupancy for two years. If any report finds that this facility is operating at or more than As the initial occupancy of the building occurs, the 90% of the total interior and exterior water following studies shall be conducted. The owner shall allocation, Monitoring Action C shall be submit a water use study within 30 days of the facility implemented accordingly based on these reaching 60 percent occupancy 46 beds), 70 percent findings.

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COMPLETED BOARD ORDER (1) (E) (2) S-3
occupancy 54 beds), and 80 percent occupancy 62 beds) C: If any report directed by Monitoring
except as stated herein. At the seventy percent 70%) Action A, of B or Condition 61 identifies Qualified If any report
occupancy level, additional bed or room occupancy that the facility has used is operating at or Engineer directed by

shall not be allowed for one month to establish a more than 90% of the water allocation for Monitoring stable level of water use for the 70% occupancy study. any calendar year, the consultant engineer Planning and Action A or B or The study for that occupancy level shall be submitted shall provide the Director of Planning with a WRA Condition 61 report recommending implementation identifies that within 30 days after the one month waiting period. actions, as outlined in the Agreement the facility has Additional occupancy may resume upon submittal of required by this condition, to reduce water used more than the report to the County. The study shall include 1) a total consumption to the satisfaction of the 90% of the interior and exterior water use statement from the water Director of Planning and the General allocation for purveyor or by the Monterey Peninsula Water Management Manager of the Monterey County Water Owner any calendar District demonstrating the amount of water being used at Resources Agency. Said actions may year each of these milestones, and 2) a detailed projection of total include, but are not limited to: interior and exterior water use at full occupancy, providing a Remove on-site laundry and provide off-detailed breakdown of water use utilizing the same detailed site laundry service only. If laundry is water use categories found in the 2007 Axiom Engineers removed to an off-site facility, in order study. If any of those studies show that projected total to reduce long term traffic impacts on interior and exterior water use would exceed 4.8 acre-feet Highway One from added trips for off-per year at facility capacity, no additional beds may be filled site laundry services, the applicant shall until water reduction actions identified in Monitoring Action pay an additional mitigation fee of 54C and the Agreement have been implemented. If one of \$1,632.80 0.8 trips * \$2,041/trip). the water reduction steps includes reducing the number of Implement further staff/client water beds, then that level of occupancy shall become the new saving measures through review of limit of occupancy until this permit is amended to reinstate water use practices in conjunction with the 78-bed limit at a noticed public hearing; however, if the client attrition to reduce the number of bed reduction is used as a temporary less than 12 months) beds occupied. measure until other steps, acceptable to the County, are Reduce the allowed number of beds that taken to reduce total interior and exterior water use and a may be occupied. If the facility is subsequent report demonstrates that projected total interior operating with a reduced occupancy and exterior water use at facility capacity will be under the e.g.; 65 beds) when the reports noted in 4.8 acre-foot limit, the permanent occupancy limit does not A, B, or Condition 61 finds the facility change and no permit amendment is required to reinstate the is projected to exceed 4.8 acre-feet per 78-bed limit. 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 hearinE.

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COMPLETED BOARD ORDER S-3

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.
Submit water reduction plan. Qualified Prior to Engineer Occupancy
Enter into Water Use Reduction Agreement. Applicant Prior to Occupancy
Submit Water Use Studies Qualified Within 30 days
Engineer of reaching
60%, 70% and
80% initial
occupancy.

55 8 MMRP BIOLOGY IMPACT 5 A. Contact the Planning Department for a Applicant Prior to
To replace the habitat of the arroyo willows that will be representative to inspect the project area Occupancy
removed, arroyo willows and/or other riparian associated relative to compliance with Mitigation Planning
species shall be planted around the detention ponds to the Measure 8.

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COMPLETED BOARD ORDER 11-531-2012 S-3

C. A qualified biologist shall review the Biologist Two years project site and provide the Director of following Planning with a report of site conditions Planning occupancy 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.

56 15 MMRP NOISE IMPACT 3 Submit an emergency response plan for Applicant! Prior to To reduce the long term ambient noise, the applicant shall review and approval of the Monterey Owner occupancy prepare an emergency response plan that limits use of sirens County Sheriff Department and Cypress for emergency services for this facility. Said plan shall be Fire Protection District. Sheriff subject to review and approval of the Monterey County Cypress FPD Sheriff Department and Cypress Fire Protection District.

57 16 MMRP NOISE IMPACT 4 Place a note on the building plans that the Applicant On-going To reduce long-term noise impacts, the facility shall not facility may not install or use any exterior install or use any exterior sound devices, including a public sound devices at any time. No outdoor Planning address system, bull horn and other similar equipment at activities may take place after 7:00 pm on the any time. No outdoor activities may take place after 7:00 subject site. pm on the subject site.

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COMPLETED BOARD ORDER 11-531-2011-001 S-3

58 WR37- DRAINAGE & FLOOD CONTROL SYSTEMS Properly maintain, repair, or operate the Applicant Owner On-Going AGREEMENT NON STANDARD) roads, drainage and/or flood control facilities

The Maintenance Agreement described in Condition 29 for the project in accordance with recorded WRA shall provide that if the property owner fails to properly Maintenance Agreement.

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.

59 PBD030 STOP WORK RESOURCES FOUND Stop work within 50 meters 165 feet) of Owner/ Ongoing

If, during the course of construction, cultural, uncovered resource and contact the Monterey Applicant/ archaeological, historical or paleontological resources are County Planning Department and a qualified Archaeologist uncovered at the site surface or subsurface resources) work archaeologist immediately if cultural, shall be halted immediately within 50 meters 165 feet) of archaeological, historical or paleontological Planning the find until a qualified professional archaeologist can resources are uncovered. When contacted, the evaluate it. The Monterey County Planning Department and project planner and the archaeologist shall a qualified archaeologist i.e., an archaeologist registered immediately visit the site to determine the with the Society of Professional Archaeologists) shall be extent of the resources and to develop proper immediately contacted by the responsible individual present mitigation measures required for the discovery. 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.

60 EH28 HAZ MAT BUSINESS RESPONSE PLAN Contact the Hazardous Materials Program of Owner/ Continuous

Comply with Title 19 of the California Code of Regulations the Division of Environmental Health. Applicant

and Chapter 6.95 of the California Health and Safety Code Hazardous Material Registration and Business Response EH Plans) as approved by the Director of Environmental Health.

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COMPLETED BOARD ORDER 11-531-002 S-3

61 WATER SUPPLY AND AVAILABILITY Subsequent to Year 5 of operations, the Applicant Ongoing

applicant shall document annual total interior

Total interior and exterior water use on the property shall and exterior water use and submit annual Water Resources

not exceed 4.8 acre feet per year. The owners and reports to the Monterey County Water Agency

operators may use up to and including 4.8 acre-feet of Resources Agency and the RMA-Planning

total interior and exterior water use per year regardless Department. In addition to meeting all RMA Planning

of the occupancy level. reporting requirements of MPWMD, the Department

reports will detail the monthly total interior

and exterior water use for the entire property.

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.

END OF CONDITIONS

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COMPLETED BOARD ORDER Monterey County Board of Supervisors

MEETING: May 17, 2011 AGENDA NO: S-3

SUBJECT: Public hearing continued from April 26, 2011) to consider:

- a. An Addendum to the adopted Mitigated Negative Declaration, together with the adopted Mitigated Negative Declaration;
- 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;
- c. A request by Carmel Valley Association to waive the appeal fee.

County of Monterey/Carmel Cottages PLN110146, Carmel Valley Master Plan)

Project Location: 26245 Carmel Rancho Boulevard APN: 015-021-036-000

Planning Number: PLN110146 Name: Owner: Alta Land

Project Title Carmel Cottages Company LLC

Agent: Don Houpt

Plan Area: Carmel Valley Master Plan Flagged

Zoning Designation: Low Density Residential, with Building Site, and

Design Control and Site Plan Review overlay Staked: N/A

zoning districts LDR/B-6/D/S)

CEQA Action: Addendum to adopted Mitigated Negative Declaration

DEPARTMENT: 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.
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COMPLETED BOARD ORDER 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 FYI 0-11 Budget for the Planning Department.

Appellants have requested a waiver of fees.

Prepared by: Approved by:

kLI A

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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 PLN 110146.

Exhibits: A Draft Resolution to Deny the Appeal and Approve the Combined Development Permit Amendment

B Draft Resolution to Deny the Fee Waiver Request

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COMPLETED BOARD ORDER S-3C|E| 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. 11-166

Resolution by the Monterey County Board of Supervisors denying a request by Carmel Valley Association to waive the fee for the appeal of the Monterey County Planning Commission approval of amendments to a Combined Development Permit PLN 110146).

PLN 110 146/Alta Land Company LLC)

The request by Carmel Valley Association to waive the appeal fee was heard by the Board of Supervisors as part of the public hearing on the Carmel Cottages application PLN110146) 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: BACKGROUND An appeal was filed by Carmel Valley Association from the decision of the Planning Commission approving amendments to a Combined Development Permit for an Assisted Living Facility. Fee waivers may be requested pursuant to Board of Supervisors resolution.

EVIDENCE: a) Monterey County Planning Commission Resolution 11-013, approving amendments to a Combined Development Permit for Alta Land Company LLC.

b) The Board of Supervisors, pursuant to Resolution No. 08-132, established an appeal fee at \$4903.65 for fiscal year 2010-2011.

c) An appeal was filed with the Monterey County Clerk of the Board of Supervisors on March 23, 2011 by Carmel Valley Association. The appeal packet included payment of \$4903.65.

c) Paperwork submitted as part of the appeal packet included a protest of the appeal fee.

d) Pursuant to a resolution adopted by the Board of Supervisors on August 29, 2000, fee waivers may be requested for discretionary permit applications and appeals.

2 FINDING: FEE WAIVER The waiver of the appeal fee is not justified.

EVIDENCE: a) The Planning Commission made no errors in their determination, there was a fair and impartial hearing, the conditions are supported by the evidence, and the decision was not contrary to law See findings and supporting evidence adopted pursuant to Board of Supervisors Resolution No. 11-166.

b) County staff initiated the proceedings to modify the Combined Development Permit for the project in response to violation of the condition of approval relating to protecting a Monterey pine tree See preceding findings and supporting evidence). County staff

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COMPLETED BOARD ORDER S-3C|E₁ |₁ |₁ |₁ recommended the modifications to the original permit to reflect changes in circumstances related to the project. The Planning Commission determined, after a full public hearing, including testimony from the appellants, that the changes were appropriate.

- c) The project does not meet any of the criteria in the fee waiver policy under which the Director of Planning has authority to waive the fee.
- d) There are no unique circumstances that justify waiving the fee for the appeal.
- e) The fee covers a portion of the cost of staff processing the appeal.
- f) 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.
- g) Findings and supporting evidence adopted by Board of Supervisors on May 17, 2011 related to appeal by Carmel Valley Association Board of Supervisors Resolution No. 11-166.
- h) Board of Supervisors Resolution relating to fee waivers.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby deny a request by Carmel Valley Association to waive the appeal fee.

PASSED AND ADOPTED this 17th 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: June 3, 2011 Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By
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.

BIB]

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