

RESOLUTION NO. 070538

A. P. # 157-121-006-000

In the matter of the application of
Quail Lodge, Inc. (PLN070538)

FINDINGS AND DECISION

to allow a **Combined Development Permit** in accordance with Title 21 (Zoning) Chapter 21.76 (Combined Development Permits) of the Monterey County Code, consisting of: (1) a lot line adjustment to adjust the boundaries between two existing lots of record of 51.6 and 1.2 acres respectively, resulting in two lots of 49.8 and 3.0 acres; and 2) a Use Permit for the establishment of a visitor center/parking area for the Carmel River Parkway Trail Project. The property is located at 26700 Rancho San Carlos Road, Carmel Valley, and came on regularly for meeting before the Zoning Administrator on September 25, 2008.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Greater Monterey Peninsula Area Plan Inventory and Analysis, the Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development.

- EVIDENCE:**
- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 26700 Rancho San Carlos Road, Carmel Valley (Assessor's Parcel Number 157-121-006-000), Carmel Valley Master Plan. The parcel is zoned Low Density Residential, 2.5 acres per unit with Design Control and Site Plan Review overlay districts, and Resource Conservation, 10 acres per unit ("LDR/2.5-D-S and RC/10") which allow for the lot line adjustment and public quasi-public use on the property. Therefore, the property is suitable for the proposed development.
 - (c) The project planner conducted a site inspection on July 31, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The 1,054 square foot structure on the property was remodeled to an office for the Santa Lucia Preserve in 1998 (building permit No. BP981925M). That structure is proposed to be converted into a reception and information area for the Visitor Center for the Carmel River Trail Park. A Visitor Center is an allowed use within a Low Density Residential zoning district provided that a Use Permit is first secured.
 - (e) The project was not referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions, ridgeline/viewshed development, the project is exempt from CEQA per Section 15303 and 15305 of the Guidelines, and the Lot Line Adjustment does not involve conflicts.

- (f) The Public Works Department has analyzed the project and Trip Generation Study and has determined that since the building is existing, the applicant is not required to pay a Carmel Valley Traffic Impact Fee.
- (g) The existing gravel parking area has the capacity for eight spaces which will provide parking for employees and visitors to the trail park and an unimproved parking area is available for overflow parking. The traffic study prepared for the project concludes that the visitor center will generate 20 additional automobile trips. Therefore, the improved gravel area and the unimproved overflow parking facility will be sufficient for the amount of vehicles. No additional infrastructure is required for the proposed project.
- (h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070538.

2. FINDING: SITE SUITABILITY – The site is physically suitable for the use proposed.

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Division, 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.
 - (b) A technical report by an outside Traffic engineer indicates that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following report has been prepared:
 - i. "Trip Generation Study" (LIB080450) prepared by Higgins Associates, Gilroy, CA, October 24, 2007).
 - (c) Staff conducted a site inspection on July 31, 2008 to verify that the site is suitable for this use.
 - (d) Materials in Project File PLN070538.

3. FINDING: CEQA (Exempt): - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- (a) The lot line adjustment is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15305 (Minor Alterations in Land Use Limitations) which includes minor lot line adjustments.
 - (b) The conversion of the existing structure from an office for the Santa Lucia Preserve to a Visitors Center for the Carmel River Trail Park is exempt from the CEQA Guidelines pursuant to Section 15303 (Conversion of Small Structures) which includes offices or similar structures not over 2,500 square feet.
 - (c) A Trip Generation Study, dated October 23, 2007 was conducted by the Higgins Associates (Library No. LIB080450) and submitted with the application. It was determined that the proposed project has the potential to generate 20 new daily trips from the amount already generated by the existing office used by the Santa Lucia Preserve. However, the increase in volume will not result in a change in the level of service for Carmel Valley Road, between Rio Road and Rancho San Carlos Road and between Rancho San Carlos Road and Schulte Road and therefore will not result in a significant effect on existing traffic conditions.
 - (d) No adverse environmental effects were identified during staff review of the development application during a site visit on July 31, 2008.
 - (e) See preceding and following findings and supporting evidence.

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

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: (a) The Environmental Health Department has reviewed the proposed project and has found that the water quality from the existing well exceeds the secondary limits for conductivity, iron, manganese, sulfate, odor, total dissolved solids, and turbidity (thick or opaque with or as if with roiled sediment). A deed notification has been included as a condition of approval (Condition No. 7) which notifies the current owner and subsequent owners of the water quality and requires that if any development is to occur on Parcel A, water treatment shall be installed.

(b) The Water Resources Agency has reviewed the proposed project and has determined that the resulting lot line adjustment and proposed use will not be detrimental to health, life, and safety. However, portions of the newly created lots (Parcel A and B) are located within the Carmel Valley Floodplain and therefore a Floodplain Notice is required as a condition of approval (Condition No. 6).

(c) See preceding Findings and Evidence.

(d) No detrimental effects to health, life, and safety were identified during staff review of the development application during a site visit on July 31, 2008.

~~6. **FINDING: PARCEL LEGALITY** - The lot line adjustment is between two existing legal lots of record.~~

~~**EVIDENCE:** The existing parcels have been deemed separate legal parcels by Certificate of Compliance (RMA-Planning File No. PLN980171). Both parcels are included under Assessor Parcel Number 157-121-006-000. The Certificates of Compliance recorded at the Monterey County Records office in Reel 3507 page 1486 (approximately 51.60 acres) and Reel 3507 page 1487 (approximately 1.2 acres).~~

7. **FINDING: CONTIGUOUS LOTS OF RECORD** - The Lot Line Adjustment is between two existing contiguous lots of record.

EVIDENCE: (a) Application plans and information contained in Planning File No. PLN070538.

(b) Evidence found in Finding No. 6.

8. **FINDING: NO NEW LOTS CREATED** - A greater number of parcels than originally existed will not be created as a result of the Lot Line Adjustment.

EVIDENCE: (a) The existing two contiguous lots of record will be adjusted. No new lots will be created.

(b) Application plans and information contained in Planning File No. PLN070538.

9. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.
EVIDENCE: Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21).

DECISION

It is the decision of the Zoning Administrator of the County of Monterey that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the attached conditions.

PASSED AND ADOPTED this 25th day of **September, 2008**.



MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON **OCT - 8 2008**

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY TO THE MONTEREY COUNTY PLANNING COMMISSION ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **OCT 18 2008**

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County RMA - Planning and RMA - Building Services offices in Salinas.
2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Resource Management Agency
 Planning Department
 Condition Compliance and/or Mitigation Monitoring
 Reporting Plan**

Project Name: **Quail Lodge**

File No: PLN070538

APNs: 157-121-006-000

Approved by: Zoning Administrator

Date: September 25, 2008

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

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
1.		<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN070538) allows: 1) Lot Line Adjustment to adjust the boundaries between two existing lots of record of 51.6 (APN 157-121-006-000) and 1.2 acres (Certificate of Compliance PLN970171) respectively, resulting in two lots of 49.8 and 3.0 acres; and 2) Use Permit for the establishment of a visitor center/parking area for the Carmel River Parkway Trail Project. The property is located at 26700 Rancho San Carlos Road, Carmel Valley (Assessor's Parcel Number 157-121-006-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

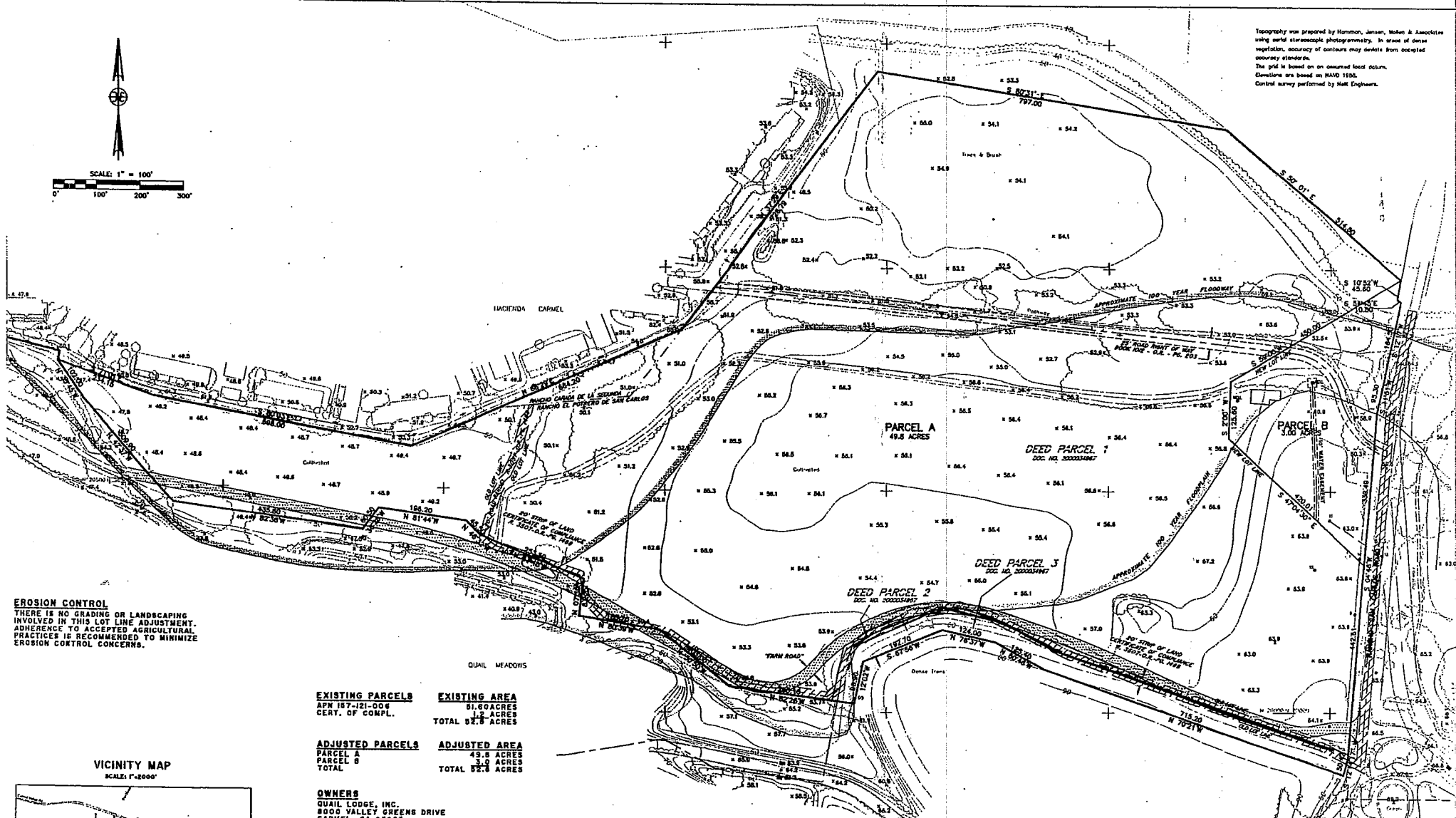
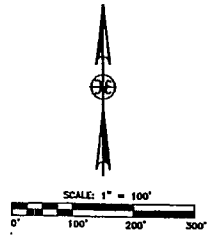
		by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 070538) was approved by the Zoning Administrator for Assessor's Parcel Number 157-121-006-000 on September 25, 2008. The permit was granted subject to 10 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Concurrently with filing of Record of Survey.	
3.		PD029 - HOURS OF OPERATION Hours of operation for the Visitor's Center shall be 9:00 a.m. to 4:00 p.m., Monday through Friday. (RMA - Planning Department)	Demonstrate compliance with the hours of operation to the Director of RMA - Planning Department.	Owner/ Applicant	Prior to use/ Ongoing	
4.		PD045 - CERTIFICATES OF COMPLIANCE (LOT LINE ADJUSTMENTS) The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - Planning Department)	The Surveyor shall prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A". The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates to the RMA-Planning Department for processing of the recordation.	Owner/ Applicant	Concurrent with recording the Record of Survey	

5.	<p>WRSP001 – FLOODPLAIN RECORDATION</p> <p>Prior to filing the record of survey, the owner shall provide the Water Resources Agency a signed and notarized Floodplain Notice for newly created Parcel A, and Parcel B, stating: “The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.” The notice shall be recorded concurrently with the record of survey.</p> <p>(Water Resources Agency)</p>	Submit a recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	To be recorded concurrently with the Record of Survey
6.	<p>EHSP001 – DEED NOTIFICATION – WATER QUALITY</p> <p>A deed notification shall be recorded on Parcel A concurrently with the parcel map with the Monterey County Recorder which states:</p> <p>“The water quality for this parcel exceeds the secondary limits for the following constituents: Conductivity, Iron, Manganese, Sulfate, Odor, Total Dissolved Solids and Turbidity.</p> <p>In the event of development on Parcel A, water quality treatment shall be installed.”</p> <p>(Environmental Health)</p>	Record deed notification. Provide proof to Environmental Health that the deed has been recorded.	Owner/ Applicant	Concurrently with filing of Record of Survey.
7.	<p>EHSP002 – WELL AND WATER LINE EASEMENT</p> <p>Record the water line and well lot easement conforming to new Water Works Standards on Parcel B concurrently with the parcel map.</p> <p>(Environmental Health)</p>	Record the water line and well lot easement as approved by Environmental Health. Provide proof to Environmental Health that the easement has been recorded.	Owner/ Applicant	Concurrently with filing of Record of Survey.
8.	<p>EHSP003 – DEED NOTIFICATION – WATER RIGHTS</p> <p>A deed notification shall be recorded on Parcel B concurrently with the parcel map with the Monterey County Recorders which states:</p> <p>“Well ‘A’ is intended exclusively for use by Parcel A. Well A is located within the well and water line easement on Parcel B. No water rights from Well A</p>	Record deed notification. Provide proof to Environmental Health that the deed has been recorded.	Owner/ Applicant	Concurrently with filing of Record of Survey.

		shall be retained by Parcel B.” (Environmental Health)				
9.		PW0034 – LOT LINE ADJUSTMENT Obtain a survey of the new line and have the line monumented. (Public Works)	Owner shall have a surveyor monument the new lines. Evidence of completion of monumentation shall be submitted to DPW for review and approval.	Owner/ Applicant/ Surveyor	Prior to Record-ation of Record of Survey	
10.		PW0035 – RECORD OF SURVEY File a Record of Survey showing the new line and it's monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Record-ation of Record of Survey	

END OF CONDITIONS

Topography was prepared by Hanmon, Jensen, Molen & Associates using aerial stereoscopic photogrammetry. In areas of dense vegetation, accuracy of contours may deviate from accepted accuracy standards. The grid is based on an assumed local datum. Elevations are based on NAVD 1985. Control survey performed by Neil Engineers.



EROSION CONTROL
 THERE IS NO GRADING OR LANDSCAPING INVOLVED IN THIS LOT LINE ADJUSTMENT. ADHERENCE TO ACCEPTED AGRICULTURAL PRACTICES IS RECOMMENDED TO MINIMIZE EROSION CONTROL CONCERNS.

EXISTING PARCELS
 APN 157-121-004
 CERT. OF COMPL.

EXISTING AREA
 81.60 ACRES
 1.2 ACRES
 TOTAL 82.8 ACRES

ADJUSTED PARCELS
 PARCEL A
 PARCEL B
 TOTAL

ADJUSTED AREA
 49.3 ACRES
 3.0 ACRES
 TOTAL 52.3 ACRES

OWNERS
 QUAIL LODGE, INC.
 8000 VALLEY GREENS DRIVE
 CARMEL, CA 93923

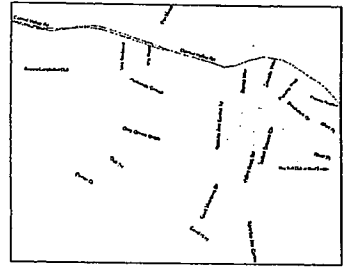
RANCHO SAN CARLOS PARTNERSHIP
 ONE RANCHO SAN CARLOS ROAD
 CARMEL, CA 93923-0069


MAP PREPARED BY
 NEILL ENGINEERS CORP.
 P.O. BOX 44
 CARMEL CA 93921

Professional Land Surveyor No. 4247
 December 26, 2007



VICINITY MAP
 SCALE: 1" = 2000'



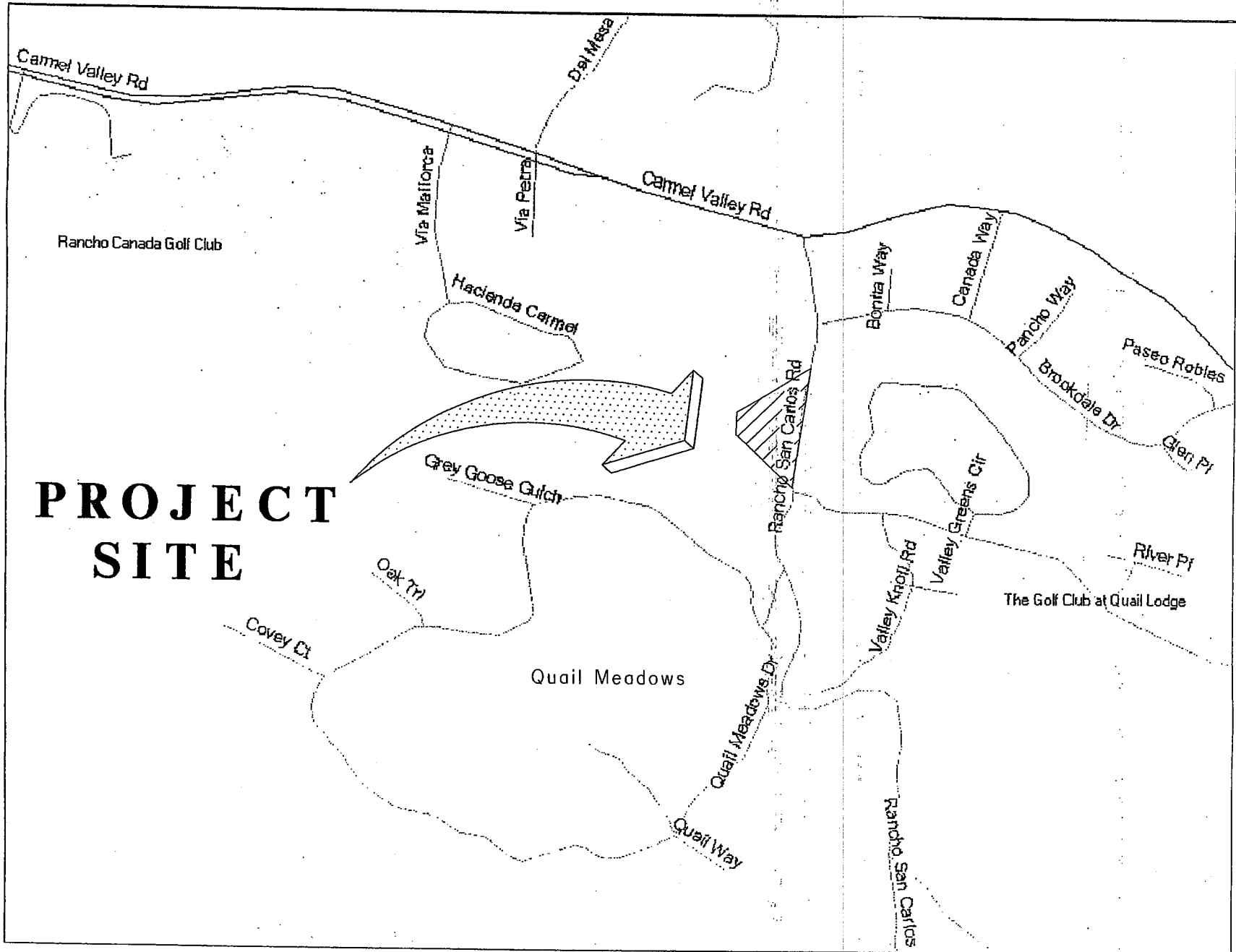
NEILL ENGINEERS CORP.  CARMEL, CALIFORNIA

LOT LINE ADJUSTMENT
 ASSESSOR'S PARCEL NUMBER 157-121-008
 IN RANCHO CAÑADA DE LA SEGUNDA
 AND
 RANCHO EL POTRERO DE SAN CARLOS
 CARMEL VALLEY
 MONTEREY COUNTY, CALIFORNIA

W.O. 7761-07 DECEMBER 2007 SCALE: 1" = 100'

VICINITY MAP




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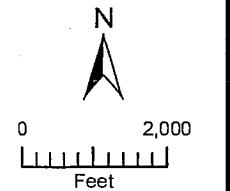


CARMEL VALLEY



APPLICANT: QUAIL LODGE INC
APN: 157-121-006-000 FILE # PLN070538

 300' Limit  2500' Limit  City Limits



PLANNER: OSORIO