MONTEREY COUNTY PLANNING COMMISSION

MEETING:	**February 12, 2003 @ 1:40 pm** **AGENDA NO.: 6**
SUBJECT:	Combined Development Permit **(Carmel Valley Partners: File# PLN020032**) consisting of a General Development Plan amendment and an Administrative Permit for extensive remodeling of the Crossroads Shopping Center and mall, including demolition of the existing grocery store and movie theater buildings; construction of an approximately 54,000 sq. ft. stand alone grocery store; removal and reconfiguration of parking (a reduction of 10 parking spaces) and landscaping areas and grading (approximately 20,000 cubic yards of fill); and Design Approval. The property is located at 243 Crossroads Boulevard, Carmel (Assessor's Parcel Numbers: 009-562-035-000, 009-562-036-000, 009-562-037-000 and 009-562-038-000), South of Rio Road, Carmel Valley Area.
DEPARTMENT:	Planning and Building Inspection

RECOMMENDATION:

Staff is recommending that the Planning Commission: 1) adopt the Mitigated Negative Declaration in **Exhibit "E,"** 2) adopt the Mitigation Monitoring and Reporting Program attached as **Exhibit "F**" and 3) approve the Combined Development Permit for the remodel of the Crossroads Shopping Center subject to the recommended Findings and Evidence attached as **Exhibit "C"** and recommended Conditions of Approval attached as **Exhibit "D."**

OVERVIEW OF PROPOSED ACTION

See Discussion in Exhibit "A."

OTHER AGENCY INVOLVEMENT:

The application was reviewed by the Monterey County Water Resources Agency, Environmental Health Division, Public Works Department, Parks Department, and the Cypress Fire Protection District. CalTrans and other agencies reviewed the proposed Mitigated Negative Declaration. Related recommendations and conditions are included in the Findings & Evidence and Conditions of Approval.

The Carmel Valley LUAC recommended denial of the project. (5-0-1-2; 5 deny, 0 approve, 1 abstain and 2 absent) **(see minutes in Exhibit I**).

Notes: This project is appealable to the California Coastal Commission.

Taven M. Kinison Brown
Project Planner
February 5, 2003

cc: Planning Commission; County Counsel; Health Department; Public Works; Monterey County Water Resources Agency; Cypress Fire Protection District; Scott Hennessy, Dale Ellis; Mike Novo; Taven M. Kinison Brown; Kay Barrett; Applicant; Representative.

Attachments:

Exhibit "A"	Discussion
Exhibit "B"	Project Data Sheet
Exhibit "C"	Recommended Findings and Evidence
Exhibit "D"	Recommended Conditions of Approval
Exhibit "E"	Initial Study and Mitigated Negative Declaration
Exhibit "F	Mitigation Monitoring and Reporting Program
Exhibit "G"	Letters from the public
Exhibit "H"	LUAC Comments
Exhibit "I"	Staff Tree Mitigation Plan
Exhibit "J"	Letter from Applicant's Engineer
Exhibit "K"	Letter from Applicant's Geotechnical Engineer
Exhibit "L"	Memo From Public Works Director, dated January 23, 2003
Exhibit "M"	Letter from Cypress FPD Fire Marsh all, dated January 22, 2003
Exhibit "N"	Letter from Joseph Hertlein, Chair CVLUAC, dated January 14, 2003
Exhibit "O"	Project Exhibits: o Application and Plan o General Development Plan

This report was reviewed by Mike Novo and Bob Schubert.

EXHIBIT "A"

DISCUSSION

OVERVIEW OF PROPOSED ACTION

The project is a request to allow the remodeling of an existing commercial center constructed in 1967. The remodeling would include the updating of the Long's Drugstore façade and the rebuilding of the "mall" multi-tenant structure. The existing 30,124 square foot Safeway grocery store would be demolished and a stand-alone 54,011 square foot grocery store is proposed. Architecturally, the applicant's intent is to bring the design and pedestrian elements from the shops and stores along Crossroads Boulevard forward to the Longs and Safeway side of the commercial center. Staff has proposed conditions of approval to preserve several of the mature pine trees to enhance a sense of continuity with existing vegetation present at the center.

PROJECT DESCRIPTION AND SETTING

All of the following descriptions are considered components of the applicant's proposed General Development Plan. The project involves the replacement and expansion of the existing Safeway store and several retail stores and demolition of a vacant movie theater (Cinema 2) at the Crossroads Shopping Center. The existing retail space to be replaced is approximately 81,961 sq. ft. The expansion includes three new buildings with a total of 104,820 sq. ft. The net increase in retail space is approximately 22,859 square feet (approximately an 11% increase in shopping center size).

Building Configuration and Expansion

The applicant proposes to demolish the existing Safeway store (30,124 sq. ft.), Mall (24,037 sq. ft.) and movie theater (10,000 sq. ft.). The project plans show three separate buildings with a total combined floor area of 109,877 sq. ft. (54,011 sq. ft. for Safeway, 24,706 sq. ft. for Longs Drugs, and 31,160 sq. ft. of "mall-type" area – either divided into smaller stores or for a single anchor tenant). The project will allow Safeway and Longs to occupy separate stand alone buildings and will provide additional floor area to both. Safeway would be expanded by approximately 79% (a net increase of 23,887 sq. ft.) and Long's Drugs would be expanded by approximately 5% (a net increase of 1,279 sq. ft). The proposed changes in floor area within the center are summarized in Table 1 below (the proposed changes are shown in *italics*).

TABLE 1:
Gross Floor Area (square feet)

	Existing	Proposed
Safeway	*30,124*	*54,011*
Longs	*23,427*	*24,706*
Mall	*24,037*	*31,160*
Bldg. A	6,582	6,582
Bldg. B	6,671	6,671
Bldg. C	20,802	20,802
Bldg. D	26,616	26,616
Bldg. E	18,607	18,607

Bldg. F	5,751	5,751
Bldg. G	4,994	4,994
Bldg. H	5,629	5,629
Theater	*10,000*	*0*
B of A	7,441	7,441
Wells	5,976	5,976
Bkrs. Sq.	4,500	4,500
Total	**201,157**	***223,446***

Tenant Mix

The existing shopping center consists of small retail shops, restaurants and services in operation around two major anchors (Safeway and Longs). The overall tenant mix and operation of the center would remain unchanged upon completion of the project, with the following exceptions: 1) tenant space for a movie theater would be eliminated; 2) tenant space large enough for a third anchor or several smaller stores will be created (Mall area); and 3) existing tenant spaces for small businesses that currently occupy the Mall will be eliminated. According to the applicant, the future tenant(s) of the Mall has not been determined at this time and will likely fluctuate over time. Safeway would continue as a 24-hour operation in an expanded building with approximately 20 additional employees to service the larger departments with the new store. The following retail and service components of Safeway are proposed to continue and be expanded: grocery sales of dry and perishable goods, floral shop, deli counter, butcher shop, bakery, coffee service, administration and shipping/receiving. New to the Safeway in this center will be banking services internal to the store (i.e., no external ATM's are proposed at Safeway). Longs Drugs' hours of operation will continue to be 8:00 am to 10:00 pm, while the other remaining tenants are expected to continue with 9:00 am to 6:00 pm business hours.

Circulation and Parking

A loading dock would be provided on the east side of the new Safeway building, in close proximity to the existing Safeway loading dock which will be demolished. The project includes the elimination of 10 parking spaces from the shopping center's current capacity of 1006 spaces. The project has been designed so that more customer parking will be available in close proximity to the entrances of the main anchors (Safeway and Longs) compared to existing conditions.

Pedestrian and vehicle traffic is proposed to pass between the new Safeway store and the remodeled Mall building. Stamped concrete and pavers will be installed to identify the pedestrian paths and crossings so that trucks and passenger vehicles know where designated pathways are and to be ware of pedestrians. In addition, the applicant will remove the roof areas of the pedestrian corridors between the Mall buildings and Longs Drugs as well as the roofed areas between the Veterinary Animal Hospital and adjacent tenants. By removing the roof over these pedestrian ways, the remodeled facades of the Longs Drugstore and Mall unit will more reflect the "open air" design features of the Crossroads Boulevard shops.

Façade Changes

The design concept is to remove the tilt up concrete construction of the existing structures facing Highway 1 and to create a scale and design consistency with the existing Crossroads Boulevard shops

on the remainder of the site. The proposed materials, colors and treatments are consistent with the present design of the Crossroads Boulevard shops.

Tree Removals and Landscaping

Oak trees, Madrones and Redwoods are protected tree resources in the Carmel Valley Master Plan Area. Due to the (LC-D-S) zoning of the property, the "S" or Site Plan Review designation requires that the existing trees are subject to permit approval if they are proposed for removal. The County Planning Commission has discretion on any type or size of tree removal request on the subject property.. The applicant is proposing to remove and retain the following trees planted (or retained) with the original Crossroads Shopping Village development (the trees in the table only reflect changes in the project area, not the entire shopping center):

TYPE OF TREE	NUMBER AND SIZE OF TREES TO BE REMOVED	NUMBER AND SIZE OF TREES TO BE RETAINED
Oak	(12 trees) 30", 8", 8", 14", 12", 5", 15", 20", 9", 6", 21", 11".	None
Pine	(14 trees) 22", 8", 26", 36", 30", 30", 26", 21", 24", 24", 24", 24", 24", 17".	(3 trees) 24", 19", & 60" Monterey Pine in front of Longs
Eucalyptus	(3 trees) 20", 18", 16".	(3 trees) 15", 9", 9".
Sycamore	(1 tree) 10".	
Cypress	None	(6 trees) 36", 20", 15", 9", 16", 26".
Unidentified (T)	(6trees) 6", 10", 10", 10", 11", 12"	
Total	36 trees	12 trees

The applicant has proposed to plant a total of 140 new trees adjacent to the Highway One right of way and throughout the project and parking lot. The proposed trees include 60 oaks, 20 pines, 10 sycamores, 5 cypress and ornamental trees at least 15 gallons in size. The purpose of the new trees is to replace those removed, enhance the parking area landscaping, and to provide additional screening of the development as viewed from Highway One.

Grading

While the proposed development is located outside of the floodway portion of the 100-year floodplain, the base flood elevation at the building site is 26 feet Mean Sea Level. The Monterey County Water Resources Agency has required that the placement of the new grocery store structure and utilities achieve a minimum finished floor elevation of 26 feet above mean sea level. To meet this standard, the finished floor level of the new grocery store will be approximately 4 feet higher than the currently observed movie theater lobby floor level. The raising of the finished floor level will be accomplished through the importation of approximately 20,000 cubic yards of fill material. The fill will be deepest near the south end of the property adjacent to the levy/river dike and will taper northward to meet existing grade levels in the reconfigured parking lot.

Phasing

The remodel and expansion of the center would occur in four phases over a period of up to three years. The proposed phases are described below.

First Phase – Implementation of erosion control measures, removal of approximately 36 trees; demolition of cinema structure and construction of the new Safeway building. This phase also includes the relocation of existing underground utilities and soil preparation. Approximately half of the remodeled parking area will be constructed (approximately 100 parking spaces) as well as pedestrian walkways, lighting, and irrigation (See Plan Sheet A1.9, revised June 14, 2002).

Second Phase - Demolition of the existing Safeway building, which is approximately 30,000 sq ft. This phase will also incorporate the erosion control protection, soil preparation with an estimated 2,000 cubic yards of fill material compacted in place for the completion of the parking lot which shall be constructed with 83 parking spaces, pedestrian walkways, lighting, irrigation, and landscaping.

Third Phase - Demolition of the existing mall area, which is approximately 18,000 square feet. This phase will include the construction of the new Mall area with retail space of 24,500 square. feet. The third phase work will also incorporate appropriate erosion control protection, soil preparation with an estimated 2,000 cubic yards of fill material compacted in place for the completion of the parking lot which shall be constructed with 81 parking spaces, pedestrian walkways, lighting, irrigation and landscaping.

Fourth Phase - Remodel Longs storefront. This phase will also include the resurfacing of the existing parking and driveway in front of Longs and will also remodel the existing pedestrian walkways, lighting, irrigation and landscaping.

ANALYSIS

The Analysis Section will address the Environmental Review, General Development Plan Amendment and Public Comment.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared to assess the potential adverse environmental impacts from the project and was circulated on December 30, 2002, with the public review period ending January 28, 2003. Issues identified in the Initial Study require that mitigation measures be implemented to assure a less than significant impact to the environment. Mitigations measures have been deemed necessary to protect Aesthetics, Air Quality, Cultural Resources, Geology and Soils, Hydrological / Water Quality, Transportation /Traffic Resources. No state agencies submitted comments by the closing of the public review period. No other

state, local or regional referral agencies have submitted comments to the Planning Department regarding the circulation of the Proposed Negative Declaration.

Traffic. The shopping center is accessed from Rio Road via two unsignalized right turn only driveways on the west side of the project site and two signalized intersections on the east side of the project site. The Crossroads Boulevard/Rio Road and Carmel Center Place intersections are full-access, signal controlled intersections. A raised median extends on Rio Road from the Highway 1 intersection through the Crossroads intersection. Carmel Center Place provides access to the east side of the shopping center and office buildings to the east of Carmel Center Place. The most direct vehicle accesses to the Safeway store and other retail stores are via the two unsignalized driveways and Crossroads Boulevard.

Vehicular access to the shopping center is provided at four points, including full signalized intersections at Crossroads Boulevard/Rio Road and Carmel Center Place/Rio Road. Two right-turn only driveways to Rio Road west of the Crossroads/Rio Road and Carmel Center Place/Rio Road intersections also provide access to the existing shopping center. Highway 1 provides regional access to areas south of Camel Valley and Monterey Peninsula to the north. Carmel Rancho Boulevard and Carmel Valley Road provide access to Carmel Valley.

A park and ride lot containing 25 spaces is currently located within the shopping center (the property owner has a lease agreement with CalTrans that designates a portion of the shopping center's parking area for use as a park-and-ride facility for persons traveling in carpools or other ridesharing vehicles). Bicycle bollards are provided in the center for use by employees and customers.

The impacts of the proposed project on the local street network were evaluated in the "Crossroads Shopping Center Traffic Study" by Higgins Associates dated December 18, 2001, which is incorporated herein by reference (a copy of the study is available at the Planning Department, 2620 First Avenue, Marina, California). California Department of Transportation District 5 staff has reviewed the project application material and traffic study.

A total of 10 intersections were analyzed in the traffic report for weekday AM and PM peak hour impacts. Four scenarios were evaluated for each intersection including: 1) existing conditions; 2) existing traffic plus approved project conditions; 3) existing traffic plus approved project conditions plus proposed project conditions; and 4) cumulative conditions. The traffic study states that the proposed expansion will result in an increase in the trip generation at the shopping center by approximately 2,163 trips per day and 230 trips during the PM peak hour. Based on procedures utilized for the Carmel Valley Master Plan study, an 80% pass-by capture rate was utilized in the traffic report in order to estimate the volume of new trips that will be added to the road network due to the project (i.e., not all of the trips generated will be new trips added to the road network since some trips will be from existing traffic flows). Using the 80% pass-by capture rate, the project would generate approximately 433 net new daily trips and 46 net new PM peak hour trips.

The traffic study recommends that the project applicant contribute funds to pay for improvements to mitigate cumulative traffic impacts (see Section D, Cumulative Mitigation Measures in the "Crossroads Shopping Center Traffic Study" by Higgins Associates dated December 18, 2001). These mitigation measures have been included in staff's recommendation to the Planning Commission and are implemented by the additions of Conditions of Approval #6-10.

Flooding and Erosion. The 37 year old shopping center is situated on a relatively level flood plain on the north bank of the Carmel River and is located in a FEMA designated flood zone. Flooding is expected at the site during the lifetime of the structure. According to County maps and the applicant's project plans, the property line for the Crossroads Shopping Center also extends into and beyond the Carmel River. The project site is separated by the levee from the Carmel River; all proposed buildings and reconfigured parking areas are to be located within the existing paved surfaces at the shopping center, not into the riparian corridor of the Carmel River. The improvements will be connected to the existing off-site drainage system though, which currently discharges into the Carmel River. No Development is planned for the river side of the levy.

The Geotechnical Investigation Report by Haro, Kasunich and Associates Inc. studied slope stability of the riverbank / levee (Pages 17+). The report concluded that the Safeway relocation project is compatible with the site provided the geotechnical recommendations are incorporated into approval. Mitigation Measure #15 on page 25 of the Initial Study brings forward the geotechnical recommendations.

The importation of approximately 20,000 cubic yards. of fill, the reworking of paved parking surfaces and other remodeling activities and improvements will entail grading, filling and removal of parking area vegetation. These activities could cause accelerated erosion and sedimentation of receiving waters, especially during the wet season, if erosion and sediment control measures are not properly implemented. In addition, urban pollutants can be flushed into the riparian corridor (Carmel River) during storm events. Mitigation measures have been included in the conditions of approval to reduce these impacts to a less than significant level.

The project is not expected to have a significant impact on flooding. According to the WRA, recent levee modifications allowing flood waters to flow into the Odello Ranch upstream from the project site have lessened the potential for flooding along the lower Carmel River. Although not required as mitigation for this project, the Monterey County WRA has included conditions of approval which will further alleviate the potential for flooding.

The project, as conditioned, is consistent with Policy 16.2.4 of the Monterey County General Plan in that the development, including filling, grading and construction within the designated 100-year floodplain areas conforms to the guidelines of the National Flood Insurance Program and policies established by the County Board of Supervisors, with the advice of the Monterey County Water Resources Agency (WRA). The flood level (i.e., base flood evelvation) at the site is 26 feet above mean sea level. Section 16.16.05.C.3.of the County Code requires the lowest floor of non-residential structures be above the base flood elevation. The Monterey County Water Resources Agency has required that the placement of the new grocery store structure and utilities achieve a minimum finished floor elevation of 26 feet above mean sea level.

Mitigation Monitoring and Reporting Program (MMRP)

A Mitigation Monitoring and Reporting Program (MMRP) table has been assembled and attached to this document as Exhibit F (to be presented at the Planning Commission Hearing on February 12, 2003). This MMRP summarizes and details responsibility to implement the project mitigation measures in order to assure a less than significant impact to the environment.

General Development Plan Amendment and Administrative Permit

The Site Development Standards of Title 21 for Limited Commercial (LC) Zoning Districts require that new development conform to height standards not to exceed 35 feet, building site coverage not to exceed 50%, have parking in conformance with the Parking Regulations of Chapter 21.58, include landscaping over a minimum of 10% of the site area and that exterior lighting be unobtrusive. Setbacks are to be established through adoption of a General Development Plan.

While the County of Monterey Zoning Ordinance does not have extensive design criteria for commercial development, the context of the existing Crossroads Shopping Center has presented a ready and relevant model for the reconstruction and updating of the commercial center. Drawing from the discussion of Aesthetic Resources from the Initial Study: "The applicant's proposal attempts to accommodate an enlarged grocery store, and to bring forward the design elements from Crossroads Boulevard that have not as yet been fluent on the west "highway" side of the center such as modulations in the building facades, definitive pedestrian areas, the appearance of individual shops with distinctive entries, awnings, windows, uses of color, accent landscaping, and the continuation of successful lighting fixtures and other pedestrian furniture."

Staff determined that the detachment of the grocery store, the separation of the "mall unit" with entrances on all four sides, the keeping of mature landscape trees described in the Initial Study, Mitigation Measures and MMRP, and the continuation of the architectural treatments from Crossroads Boulevard, will result in a center that will continue to serve the community well as it has for many years. Furthermore, the detachment of the grocery store and the protection of pedestrian walkways should improve access and utilization of existing and reworked parking areas. The current southern lot area behind the mall and existing grocery store building is not well utilized and has accumulated trailers, cargo containers and is often used for delivery trucks to the grocery store. The new grocery store has a much more formalized loading dock and delivery access. Additionally, the reworked "mall" structure will have direct pedestrian access from the new western parking areas (where the existing grocery store stands now) as well as from the southern parking area, described earlier that will be cleaned up of its "accumulated" uses.

Public Comment

The Carmel Valley LUAC reviewed the application on April 15, 2002, July 22, 2002, December 16, 2002, January 6, 2003 and January 27, 2003. At the last meeting, the CVLUAC recommended denial

of the Project. The reasons for this recommendation are summarized in the attached minutes of the January 27th meeting as well as comments submitted by individuals (Exhibits G and H). Two petitions were in opposition to the project were submitted to the CV LUAC. The petitions will be presented at the Planning Commission hearing and are on file at the Planning and Building Inspection Department.

The Carmel Valley LUAC and members of the public had questions regarding several issues including the following: water availability, flooding, the relation to the CSA 50, traffic impacts and emergency evacuation, Hatton Canyon trail consistency and tree retention. Staff responses to these issues are summarized below.

- *Water Availability.* The commercial center has adequate supply and credit to support the proposed project. A letter from the Monterey Peninsula Water Management to the applicant, dated October 3, 2000, acknowledges that the district reviewed the applicant's proposed remodeling project. According to the Conservation Representative, "there is currently a water use credit of 4.391 acre-feet available on the site that resulted from tenant vacancies. Please not that this credit may be used anywhere on the Crossroads Shopping Center site for tenant improvements." Since this time, an additional water user within the shopping center, Chevy's Restaurant, has announced that they will be closing.
- *Flooding.* See Flooding and Erosion section above.
- *CSA 50* – See attached letter from Public Works Director (Exhibit L).
- *Traffic Impacts.* See Traffic section above.
- *Emergency Evacuation.* According to Fire Marshall Estrada, no known conflict with Emergency response plans has been identified to date. See the attached letter from the Cypress Fire Protection District (Exhibit M).
- *Hatton Canyon Trail Consistency*. No "environmental" ramifications, impacts or conflicts with the Hatton Canyon Trail system (as it is developing) were identified with the proposed project. Staff has talked with Tim Jensen of the MP Parks District, who does not see any potential conflicts. Last May, this information was shared with citizen Warren Fitch, who has been the most vocal in these matters.
- *Tree Retention.* Staff has included a condition of approval requiring the applicant to prepare a formalized Tree Retention Plan (Exhibit I) that includes 6 specified trees with diameters ranging from 24 to 36 inches.

EXHIBIT "B"

Project Data Sheet

EXHIBIT "C"

RECOMMENDED FINDINGS AND EVIDENCE
For the Crossroads Shopping Village Remodel and Expansion

1. **FINDING:** The proposed project and/or use, as described in Condition #1 is consistent with the policies of the Monterey County General Plan, the Carmel Valley Master Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).

   EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist.

   EVIDENCE: Project planner conducted on-site inspections in April, May and December of 2002 to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in PBI File No. PLN020032.

   EVIDENCE: The use/project, which is a remodel and expansion of an existing commercial shopping center, is an allowed use in accordance with County Code Sections 21.18.040, 21.18.050, 21.44, 21.45, and 21.70.

   EVIDENCE: The parcel is zoned Light Commercial, Design Control and Site Plan Review District (LC-D-S). Project Review Sheet, Exhibit B, indicates compliance with Site Development Standards in accordance with 21.18.070 of Title 21.

   EVIDENCE: The proposed materials, colors and treatments are consistent with the present design of the Crossroads Boulevard shops to the east of Longs, the Mall and Safeway. The Crossroads Boulevard shops are not planned for remodel.

   EVIDENCE: The project has been designed so that more customer parking will be available in close proximity to the entrances of the main anchors (Safeway and Longs) compared to existing conditions. Adequate parking spaces are proposed to remain to serve the entire shopping center as proposed in accordance with Chapter 21.58 of the County Code (894 parking spaces required; 996 parking spaces proposed).

   EVIDENCE: The project, as conditioned, is consistent with Policy 16.2.4 of the Monterey County General Plan in that the development , including filling, grading and construction within the designated 100-year floodplain areas conforms to the guidelines of the National Flood Insurance Program and policies established by the County Board of Supervisors, with the advice of the Monterey County Flood Control and Water Conservation District. Flood level is at 26 feet MSL. Section 16.16.05.C.3.of the County Code Requires the lowest floor to be above the base flood elevation. The Monterey County Water Resources Agency has required that the placement of the new grocery store structure and utilities achieve a minimum finished floor elevation of 26 feet above mean sea level.

   EVIDENCE: Staff has proposed conditions of approval to preserve several of the mature pine trees that have matured with the 37 year old commercial center to enhance a sense of continuity with existing desirable visual resources present at the center in keeping with the purposes of the Site Plan Review Zoning District, Chapter 21. 45.010 and 21.45.040.

2. **FINDINGS**: 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, and all zoning violation abatement cost, if any, have been paid.

   EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **FINDING**: The project is consistent with Policy 16.2.11(CV) of the County of Monterey General Plan which states that new development in the flood prone area shall be restricted until the flood hazard is controlled.

   EVIDENCE: According to the Monterey County Water Resources Agency (WRA), recent levy modifications near the Odello Ranch upstream from the project site have lessened the potential for flooding along the lower Carmel River. Although not required as mitigation, the Monterey County WRA has included conditions of approval which will further alleviate the potential for flooding.

   EVIDENCE: See Conditions of Approval #10, 11, 12, 13 and 29.

4. **FINDING**: The project is consistent with Policy 28.1.8 of the Carmel Valley Master Plan which states that areas designated for commercial development in the valley should be placed in design control districts, have planted landscaping covering no less than 10% of the site, and provide adequate parking.

   EVIDENCE: The plans indicate that 17.5% of the Site will be landscaped. The project would result in a total of 996 parking spaces in the shopping center compared to 894 parking spaces required (based upon one parking space/250 square feet of floor area) as required by Section 21.58.040 of the Monterey County Zoning Ordinance

5. **FINDING**: The project is consistent with Policy 39.3.2.1 of the Carmel Valley Master Plan which requires the implementation of traffic improvements along Carmel Valley Road.

   EVIDENCE: Conditions of Approval 6-9 require the applicant to pay the following fees: the Carmel Valley Master Plan Impact fee; the project's fair share of the 12 operational improvements along Carmel Valley Road; the project's fair share of a traffic signal at the Rio Road / Carmel Ranch Boulevard intersection; and the project's fair share of the CalTrans long-term improvements to the Highway One corridor within the vicinity of Carmel.

6. **FINDING:** The site is suitable for the use proposed.

   EVIDENCE: The site is has been used as a fully developed shopping center for 37 years.

   EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Carmel Valley Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.

EVIDENCE: See Evidence for Findings #1-5 above.

7. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File# PLN020032) in the Department of Planning and Building Inspection, Coastal Offices. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter "the Program") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit "F" and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, 2620 1st Avenue, Marina, CA 93933, is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on December, 30, 2002. The following evidence has been received and considered: all comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

a. Geotechnical Investigation - Design Level Report for the Safeway Relocation Project. Haro, Kasunich, and Associates, Inc. March, 2002.

b. Biological Report. Vernal L. Yadon. February 22, 2002.

c. Archeological Report. Archeological Consulting. February 22, 2002.

d. Crossroads Shopping Center Expansion Traffic Study, Final Draft. Higgins

Associates. December 18, 2001.

e. Memorandum from Dan Takacs, Higgins Associates, to the applicant (Ray Parks) regarding Crossroads Shopping Center Expansion Project Traffic Impact Fee Calculation. September 30, 2002.

f. Letter from Chris Shaeffer, Caltrans, to Monterey County Planning. July 17, 2002.

g. Responses to Comments from CalTrans regarding the Crossroads Shopping Village Remodel/Safeway Expansion. Higgins' Associates. August 6, 2002.

h. Drainage and Erosion Control Letter from WWD Corporation. March 5, 2002.

EVIDENCE: The Mitigation Monitoring and Reporting Program, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

EXHIBIT D

CONDITIONS OF APPROVAL
For Crossroads Shopping Village Remodel And Expansion

1. The subject Combined Development Permit consists of a General Development Plan Amendment and an Administrative Permit for remodeling of the Crossroads Shopping Center and Mall, including demolition of the existing grocery store and movie theater buildings; construction of an approximately 54,000 sq. ft. stand alone grocery store; removal and reconfiguration of parking (a reduction of 10 parking spaces) and landscaping areas and grading (approximately 20,000 cubic yards of fill); and Design Approval. The property is located at 243 Crossroads Boulevard (Assessor's Parcel Numbers 009-562-035-000, 009-562-036-000, 009-562-037-000 and 009-562-038-000).

   The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions: Neither the use 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 and Building Inspection. 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 approved by the appropriate authorities. (**Planning and Building Inspection**)

Prior to the Issuance of Demolition, Grading, or Building Permits

2. The applicant shall record a deed restriction indicating that all exterior design changes, including color changes associated with repainting and re-roofing and including exterior lighting changes, be approved by the Planning Commission. The deed restriction shall be subject to the approval of the Director of Planning and Building Inspection prior to recordation. (**Planning and Building Inspection**)

3. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan, including payment of the fee for the County of Monterey to monitor compliance with mitigation measures. **(Planning and Building Inspection)**

4. The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Numbers 009-562-035-000, 009-562-036-000, 009-562-037-000 and 009-562-038-000. The permit was granted subject to **29** conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (**Planning and Building Inspection**)

5. All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. (**Environmental Health**)

6. The applicant shall pay the Carmel Valley Master Plan Impact Fee in the amount of $105,580 based upon $4,750 per 1,000 square feet of addition (22,859 square feet). This amount shall be updated annually in accordance with the Engineering News Record Construction Cost Index. (**Public Works: MM#23**)

7. The applicant shall pay the project's fair share of the 12 operational improvements which is estimated to be $150,331. This amount shall be updated annually in accordance with the Engineering News Record Construction Cost Index. (**Public Works: MM#24**)

8. The applicant shall pay project's fair share of a traffic signal at the Rio Road/Carmel Rancho Boulevard intersection which is estimated to be $9,032. This amount shall be updated annually in accordance with the Engineering News Record Construction Cost Index. (**Public Works: MM#25**)

9. The applicant shall pay the project's fair share of the CalTrans long-term improvements to the Highway 1 corridor within the vicinity of Carmel. (**Public Works: MM#26**)

10. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, to include oil-grease/water separators for the paved parking areas. Necessary improvements shall be constructed with accordance with approved plans. (**Water Resources Agency: MM#16**)

11. Owner shall record a notice stating that "the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." A copy of the recorded notice shall be provided to the County Water Resources Agency. (**Water Resources Agency: MM#17**)

12. Lowest floor and attendant utilities, for the new Safeway Building, shall be constructed at least 26 feet above mean sea level (NGVD 1929). To provide for the flood-proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. (**Water Resources Agency: MM#18**)

13. The applicant shall obtain from the Monterey County Water Resources Agency (MCWRA), proof of water availability on the property in the form of an approved Water Release Form. (**Water Resources Agency: MM#19**)

14. A certified lighting level analysis shall be submitted by the applicant for review and approval by CalTrans and the California Highway Patrol and the Planning Director. The analysis shall verify that the proposed light sources do not exceed the brightness levels contained in Section 21466.5. of the California Vehicle Code. This plan shall be reviewed for compliance with County Code and Plan policies by the Director of the Planning and Building Inspection Department, and may require modification and adjustments to achieve compliance prior to approval of the plan. (**Planning and Building Inspection: MM#5**)

15. The applicant shall submit a Tree Retention Plan reflecting the retention of existing designated trees. Such plan shall include appropriate modifications to hardscapes and adjustments to circulation patterns or drive aisles to accommodate the retaining of those trees. The plan submittal shall conform to Initial Study Figure 1 prepared by staff and shall retain the designated trees shown in the exhibit. In addition to the 60" Monterey Pine to be retained in-front of the Longs Drug Store, and the Eucalyptus and Cypress trees to be retained adjacent to the existing movie theater building, the Tree Retention Plan shall include the following six trees: 36" pine, three 30" pines, 26" pine and 24" pine. Where immediately adjacent to the proposed new construction, foundation and construction plans shall be modified (if necessary) to accommodate for the retention and survivability of those designated trees. The submittal of the Tree Retention Plan shall be accompanied by a letter from a certified arborist that addresses the construction methods and design proposal and shall verify that the proposed methods and construction are sufficient and adequate to assure the survivability of the designated trees. Alternative mitigation is available for three of the trees to be retained. Should the 36", 30", and 24"pines to be retained in front of the new store façade (from Figure 1) prove problematic to preferred construction methods, the applicant shall at their expense, retain a professional arborist to supervise the removal, temporary storage, and replanting of these three trees in substantially similar locations to their present location. The Director of Planning and Building Inspection shall review and approve such plans if this alternative is desired by the applicant and meets the intent of this mitigation measure to protect the existing visual resources of the commercial property. (**Planning and Building Inspection: MM#1-4**)

16. The recommendations contained in the Geotechnical Investigation shall be implemented including: the design recommendations for site grading, structural mat foundation supported on the engineered fill, a deep foundation system consisting of Pulldown Micropiles, a strip of stone columns to be placed along the riverside of the building to mitigate lateral spreading under the structure, retaining walls, foundations, concrete slabs-on-grade and general site drainage, and all other measures included on pages 24 – 35 in the Geotechnical Investigation by Haro, Kansunich and Associates, Inc. dated March 2002. **(Planning and Building Inspection: MM#15)**

17. The applicant shall implement best management practices (BMPs) in accordance with the Monterey County Erosion Control Ordinance (**Planning and Building Inspection: MM#20**).

18. The applicant shall develop and implement a stormwater pollution prevention plan (SWPPP) and submit a NOI and a $500 fee to the RWQCB to discharge stormwater in compliance with the NPDES general construction activity stormwater discharge permit. The SWPPP must be posted at the construction site and be available for inspection by the RWQCB. Compliance with the general permit process is based on the honor system. However, owners of active construction projects without an NOI on file with the SWRCB or without an SWPPP in place and discharging stormwater are in violation of the CWA. Failure to comply may result in fines up to $25,000 per day of violation and imprisonment. The State of California may bring forth civil and criminal penalties under the Porter-Cologne Water Quality Control Act (**Planning and Building Inspection: MM#21**).

19. Implement BMPs to control urban pollutants. Implementation of the following practices would reduce impacts to less than significant levels by controlling urban pollutant loadings (**Planning and Building Inspection: MM#22**):
    a. The applicant shall implement BMPs to reduce urban pollutant loadings. These measures include using vegetative buffer strips, oil and grease traps, sediment traps, and street sweeping.
    b. The applicant shall implement a maintenance schedule to inspect structural BMPs and remove accumulated sediments and debris.

20. The applicant shall submit a construction logistics plan for review and approval by the Public Works Department. The construction logistics plan shall include the following information:
    a. A narrative describing the following: Proposed truck routes; Estimated number of daily truck trips; Estimated duration (in months) of the overall construction period as well as each phase; Maximum number of construction workers that will be on the site on a daily basis during each phase; Proposed strategy for disseminating information regarding construction activities to employees, customers and the general public; and estimated volume and type of materials that will be generated by the demolition activities. Indicate where the materials will be disposed, number of truck trips and whether any of the demolition materials will be recycled.
    b. Scaled site plan for each phase showing the following: Limits of construction work during each phase; Location of any on-site construction staging areas and/or storage areas; Access and circulation (both vehicular and pedestrian) for construction vehicles and customers; Pedestrian circulation; and Number and location of parking spaces for construction workers, employees and customers.
    c. The site plan for each phase shall include a summary table with the following information: Total floor area (in square feet) of tenant space that will to be open during each phase; Total number of parking spaces available during each phase and the number of spaces required by Code during that phase; total number of parking spaces that will be available for customers and employees during each phase; total number of

construction workers anticipated during each phase; and number of parking spaces that will be needed for parking of construction worker's private vehicles during each phase. (**Planning and Building Inspection: MM#28**)

During Construction

21. All unpaved construction areas shall be sprinkled with water (at least twice per day in dry weather) during grading activities. (**Planning and Building Inspection: MM#6**)

22. Trucks hauling dirt and debris shall be covered. (**Planning and Building Inspection: MM#7**)

23. The applicant shall post the project at two locations with a publicly visible sign during construction operations that specifies the telephone number and person to contact for complaints and/or injuries on dust generation and other air quality problems resulting from project construction. (**Planning and Building Inspection: MM#8**)

24. The applicant shall immediately sweep up spilled dirt or debris onto paved surfaces. (**Planning and Building Inspection: MM#9**)

25. The applicant shall cover on-site stockpiles of excavated materials. (**Planning and Building Inspection: MM#10**)

26. The applicant shall vacuum (e.g., road sweeper/vacuum) construction-related soils on public roads whenever soils are visible. (**Planning and Building Inspection: MM#11)**

27. No more than 2.2 acres per day of grading activities shall be allowed. (**Planning and Building Inspection: MM#12**)

28. At least one qualified archaeological monitor shall be present during construction activities that involve native soil disturbance. If human remains or intact cultural features are discovered during construction, work shall be halted within 50 meters (165 feet) of the find until it can be evaluated by the monitor and/or principal Archaeologist and appropriate mitigation measures formulated and implemented. If suitable materials are recovered during monitoring, at least one radiocarbon date shall be obtained as mitigation for incidental impacts on prehistoric resources. If significant archaeological features or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional Archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. (**Planning and Building Inspection: MM#13,14**)

Prior to Final Building Inspection/Occupancy

29. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: 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; and 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. (**Water Resources Agency**)