

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> April 25, 2007	<b>Time:</b> 10:30AM	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Public Hearing to consider modification or revocation of a Use Permit and Design Approval (Planning Commission Resolution No. 05029, PLN040720/Williams) that allowed for conversion of a single-family residence to a Bed And Breakfast, commonly known as Las Fuentes.		
<b>Project Location:</b> 350 Calle de los Agrinemsors Road, Carmel Valley		<b>APN:</b> 189-531-004-000
<b>Planning File Number:</b> PLN070128		<b>Name:</b> Williams Tim Arthur et al, Property Owner
<b>Plan Area:</b> Carmel Valley Master Plan		<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> "LDR/B-6-D-S" [Low Density Residential with Building Site, Design Control, and Site Plan Review zoning district overlays]		
<b>CEQA Action:</b> Categorically Exempt per Section 15301		
<b>Department:</b> RMA – Planning Department		

**RECOMMENDATION:**

Staff recommends that the Planning Commission modify the Use Permit, Resolution No. 05029 subject to the recommended Findings and Evidence (**Exhibit C**) and Conditions of Approval as modified (**Exhibit D**).

**PROJECT OVERVIEW:**

The Planning Commission has authority to modify or revoke a use permit when one or more conditions of approval of the use permit have not been complied with or when the use permit was granted based on false material information given willfully or negligently by the applicant (Monterey County Zoning Ordinance (Title 21), Section 21.74.060). Modification of this use permit is appropriate because these prerequisites have been satisfied, and clarification of the conditions is discussed in **Exhibit B**.

**OTHER OPTIONS:**

If the Planning Commission finds, based on the hearing, that there is sufficient evidence to revoke the permit, the Planning Commission could adopt a resolution of intent and direct staff to prepare appropriate findings and evidence and continue the hearing to a date certain. The applicants have requested the Planning Commission to table this matter (**Exhibit E**). Planning staff response to this request is discussed in **Exhibit B**.

**OTHER AGENCY INVOLVEMENT:**

- ✓ Assessor’s Office
- ✓ Carmel Valley Fire Protection District
- ✓ Code Enforcement Division
- ✓ Environmental Health Division
- ✓ Public Works Department
- ✓ Sheriff’s Office
- ✓ Treasurer-Tax Collector
- ✓ Water Resources Agency

Note: The decision on this project is appealable to the Monterey County Board of Supervisors.

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April 18, 2007

cc: Planning Commission Members (10); County Counsel; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Assessor's Office; Treasurer-Tax Collector; Sheriff's Office; Laura Lawrence, Planning & Building Services Manager; Bill Dunn, Code Enforcement Branch Chief; Elisa Manuguerra, Project Planner; Cami Pelletier, Code Enforcement Officer; Carol Allen, Hearing Secretary; Kimberly Pearson Williams, Owner; Fred Peters, Owner; Tim Williams, Applicant; Frank & Sandra Dobronte, Applicant; Todd Bessire, Attorney; Carmel Valley Property Owners Association, Neighbors; David Barrish, Citizen; Richard Rosenthal, Citizen/Attorney; Carmel Valley LUAC; File No. PLN070128.

Attachments:

- Exhibit A Project Data Sheet
- Exhibit B Discussion
- Exhibit C Recommended Findings and Evidence as Modified
- Exhibit D Recommended Conditions of Approval as Modified
- Exhibit E Todd Bessire letter, dated March 26, 2007
- Exhibit F Dale Ellis response letter to Applicants, sent April 6, 2007
- Exhibit G Planning staff letter dated, April 9, 2007
- Exhibit H Letter of Intent to Occupy Property dated February 15, 2005.
- Exhibit I Regulations for Bed and Breakfast Facilities and Transient Use of Residential Property for Remuneration
- Exhibit J Resolution No. 05029, dated June 29, 2005
- Exhibit K Resolution No. 05029, revised October 23, 2006
- Exhibit L Resolution No. 05029, with revised resolution highlighting changes from October 23, 2003
- Exhibit M Resolution No. 05029, revised January 31, 2007
- Exhibit N Condition Compliance Reporting Plan
- Exhibit O PC-6673 Richard Merrill Special Permit, Resolution No 88-321
- Exhibit P Environmental Health Division status of Condition No. 5
- Exhibit Q Water Resources Agency memo regarding the Status of Agency Conditions, the Monterey Peninsula Water Management District status of Water Permit, and Water Permit No. 23227 (Condition No. 10, Resolution No. 05029)
- Exhibit R Board of Supervisors Resolution and Traffic Impact Fee Agreement and related correspondence (Condition No. 11, Resolution No. 05029 & Condition No. 15 of Exhibit D)
- Exhibit S Treasurer - Tax Collector correspondence regarding Transient Occupancy Tax (Regulation No. 6)
- Exhibit T Assessor's Office Related Support Materials

- Exhibit U Transcript of Audiotaped Proceedings at the Regularly Scheduled Meeting of the Monterey County Planning Commission, June 29, 2005
- Exhibit V Support materials related to occupancy
- Exhibit W June 29, 2005 Staff Report and Inter-Departmental Referral Sheets
- Exhibit X Design Approval Request Form
- Exhibit Y Carmel Valley Land Use Advisory Committee Minutes for January 17, 2005 and February 7, 2005 meetings
- Exhibit Z Traffic Letter Report prepared Higgins Associates, Civil & Traffic Engineers, dated December 17, 2004
- Exhibit AA Report to Carmel Valley Property Owners, dated August 12, 1998
- Exhibit BB Site Plan, Floor Plan and Elevations

This report was reviewed by Laura Lawrence, Acting Planning and Building Services Manager.

## **EXHIBIT B DISCUSSION**

### **PROCEDURAL BACKGROUND**

On June 29, 2005, the Planning Commission approved a Use Permit for Tim Arthur Williams et al subject to compliance with the Regulations for Bed and Breakfast Facilities as provided at Section 21.64.100 of the Monterey County Zoning Ordinance (Title 21) and 11 conditions of approval. See attached **Exhibit I**, Regulations for Bed and Breakfast Facilities and **Exhibit M**, Resolution No. 05029. Subsequently the County received several complaints regarding the activities at 350 Calle de los Agrinensors Road, Carmel Valley. After receiving the complaints, Planning staff realized that the resolution had errors and generated a revised resolution, Resolution No. 05029 dated October 23, 2006. On December 13, 2006, the Planning Commission directed Planning staff to prepare a report on the status of condition compliance. Planning staff presented the status report on January 31, 2007. In preparing that report, staff listened to the audio tapes of the hearing, determined that the resolution needed further correction to reflect the Planning Commission's decision and issued another revised resolution. At the January 31, 2007 hearing, based on the evidence presented, the Planning Commission directed staff to set a public hearing before the Planning Commission on March 28, 2007 to modify or revoke the Use Permit Resolution No. 05029 for a Bed and Breakfast Facility. On February 23, 2007, staff received correspondence from the applicants' attorney, Todd Bessire, requesting a continuance to April 25, 2007 hearing (**Exhibit E**). To avoid the inconvenience to the public of noticing a hearing date of March 28, 2007 that would be continued until April 25, 2007, the Planning Commission set the hearing date for April 25, 2007. This report uses the term "applicant" to refer to the current permit holders. It is staff's understanding that the Dobrantes are part owners of the property.

### **COMPLIANCE WITH CONDITIONS OF APPROVAL AND REGULATIONS FOR BED AND BREAKFAST FACILITIES**

The matrix attached as **Exhibit N** summarizes the Condition Compliance for the Williams Use Permit. The use permit conditions which have raised questions and their current status is as follows:

#### Condition No. 3 – PBD Non-Standard - Bed and Breakfast Facility

"The property owner shall occupy and manage the bed and breakfast facility and shall not be affiliated with hotels or motels operating anywhere in the County of Monterey. No long-term rental of rooms shall be permitted (maximum stay guests shall not exceed 29 consecutive days in a 30-day period.)"

#### *Occupancy*

Staff research of the advertisements of the Bed and Breakfast concluded that all of the rooms on the site were available for rent, which includes the four rooms within the main residence and the detached "Carmel Cottage" or caretaker unit. Since the January 31, 2007 hearing, staff has not discovered any new advertisements. It appears that the applicants were in violation of the condition, but the "Carmel Cottage" or caretaker unit is no longer available for rent and therefore now complies with Condition No. 8 of PC06673/ Resolution No. 88-321 (Merrill) attached as **Exhibit O**. Staff is recommending a condition of approval requiring compliance with the Regulations for Caretaker's Unit as continuous permit requirements. See **Exhibit N**, Condition No. 7.

### *Affiliation*

Advertisements and correspondence indicated that the Las Fuentes Bed and Breakfast was affiliated with the Bernardus Lodge and Quail Lodge Resorts. Mr. Dobrante has informed staff that Mrs. Dobrante had misused the word “affiliated,” and no legal affiliation exists between Las Fuentes and the other named facilities.

### Condition No. 4 – PBD Non-Standard - Events

“Hosting of on-site events is prohibited as an accessory use to the bed and breakfast facility.”

A review of the information collected pertaining to “events” held at 350 Calle de Los Agrinemsors Road, Carmel Valley indicates non-compliance with Condition No. 4. Staff is recommending a condition of approval, which more narrowly defines what is meant by “event.”

The applicants submitted a letter on March 26, 2007, see **Exhibit E**, stating that they had relied on a discussion with the then Director of Planning Dale Ellis. Attached as **Exhibit F** please find a response letter from Mr. Ellis.

### Condition No. 5 - EHSP01 - California Uniform Food Facilities Law

“All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director.”

The staff report prepared for the June 29, 2005 Planning Commission hearing (the first hearing on the use permit), Resolution No. 05029, and both of the revised resolutions contain Condition No. 5, as a continuous requirement. As of January 31, 2007, a CURFFL permit had not been issued. On February 1, 2007, Environmental Health staff conducted a site inspection and issued a health permit under CURFFL as a restricted food service transient occupancy establishment. During the site inspection, Health Department staff noticed that a swimming pool is available for guest use. Planning staff received correspondence on February 5, 2007 from the Division of Environmental Health staff requesting that standard condition of approval EH36 be added to the project, as shown at **Exhibit P**. This condition requires plans for public pools/spas be approved by the Division of Environmental Health and has been incorporated as Condition No. 17 of **Exhibit D**.

### Condition No. 10 - WR43 - Water Availability Certification

“The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form.”

As of January 31, 2007, the Water Resources Agency had cleared this condition because the applicants had submitted a Water Availability Certification. The Monterey Peninsula Water Management District has issued Permit No. 23227 for the conversion of single family dwelling into a Bed and Breakfast Inn but had not finalized the permit. Staff received correspondence from the Monterey Peninsula Water Management District on March 9, 2007 stating that the permit was finalized and all requirements had been met. Please refer to **Exhibit Q**. The Water Resources Agency has removed the requirement to submit Water Availability Certification from the modified conditions of approval, as the applicant has already submitted proof of water availability for the commercial Bed and Breakfast Facility use at the property.

Condition No. 11 - PW0006 – Carmel Valley

“The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution No. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI).”

The Traffic Impact Fee Agreement (**Exhibit R**, page 2) stipulates the following payment schedule: an initial installment of \$9,679 on or before August 15, 2006 and \$9,679 every three months thereafter until the full traffic impact fee of \$77,432.00 has been paid. The applicants paid the initial installment but have made no other installments as of April 18, 2007. Payments should have been received on or before November 15 and on or before February 15, totaling approximately \$29,037. As of April 18, 2007, the Public Works Department had not received the owed balance of \$29,037. On Monday, April 2, 2007, Public Works and Planning Department staff phoned the applicants’ representative to discuss this matter. The applicants’ representative stated during that telephone conversation and on several other occasions that the Dobrantes are currently not using the property as a bed and breakfast facility. Whether or not the property is currently not being used as a Bed and Breakfast Facility, the applicants are obligated to pay the Traffic Impact Fee Agreement as approved by January 9, 2007 by the Board of Supervisors until the use is changed or relinquished and the agreement is amended (see correspondence attached, **Exhibit R**). Public Works staff has confirmed that the department did not authorize the commencement of use prior to the execution of the agreement. As of April 18, 2007, the applicants are not in compliance with the Traffic Impact Fee Agreement.

Bed and Breakfast Facility Regulations - Transient Occupancy Tax

Section 21.64.100.C.6 of the Monterey County Zoning Ordinance (Title 21), attached as **Exhibit I**, states that Bed and Breakfast Facilities are subject to the transient occupancy tax as provided at Chapter 5.40, Monterey County Code. Correspondence between the Monterey County Treasurer – Tax Collector, attached as **Exhibit S**, indicates that the applicants have fulfilled their responsibility to pay transient occupancy tax.

Assessor’s Office

According to County Records, Assessor’s Parcel Number 189-531-004-000 was assessed as a use 1C or a single-family dwelling on one site. The January 31, 2007 Staff Report recommended that the applicant work with the Office of the Assessor to ensure that the proper use code be assigned to the property. Staff review of the Office of the Assessor’s records show the property is now assigned a use code of 5N or “Hotel and Motel”. See related support materials attached as **Exhibit T**.

**APPLICANT CONTENTIONS**

On March 26, 2007, Planning Staff received a letter from the applicants’ representative Todd Bessire, attached as **Exhibit E**. Planning and Building Departments’ responses to Mr. Bessire can be found at **Exhibit F & G** and below. The letter questions the information presented at the January 31, 2007 Planning Commission hearing regarding condition compliance of Condition No.s 11 (Traffic Impact Fees), 10 (Water Availability Certification), and 5 (California Uniform Food Facilities Law), and requests to convert Use Permit, Resolution No. 05029 to allow a short term rental use.

*Applicant Contention:* “The Dobrantes began use of the Bed and Breakfast in August of 2006 when the Board of Supervisors approved the Fee Agreement for the payment of the Carmel Valley and the planner for the project at that time confirmed that all of the County Departments had cleared the conditions of approval.”

*Staff Response:* According to County records, the Board of Supervisors approved the Traffic Impact Fee Agreement on January 9, 2007. The purpose of entering into this agreement was to fulfill Condition of Approval No. 11. The timing of the condition is “prior to building permits issuance” but no building permit were requested or issued. Under the Traffic Impact Fee Agreement, the applicants are required to pay an initial installment of \$9,679 on or before August 15, 2006 and \$9,679 every three months thereafter. As of April 18, 2007, the applicants have only made one payment and are, therefore, out compliance with the agreement. Whether or not the property is currently not being used as a Bed and Breakfast Facility, the applicants are obligated to pay the Traffic Impact Fee Agreement as approved January 9, 2007 by the Board of Supervisors until the use is changed or relinquished and the agreement is amended (see correspondences attached, **Exhibit R**). Public Works staff has confirmed that the department did not authorize the commencement of use prior to the execution of the agreement.

*Applicant Contention:* “Since this time you indicated that the Monterey Peninsula Water Management District has not issued a final report...”

*Staff Response:* The January 31, 2007 Staff Report stated:

“According to the Monterey Peninsula Water Management District records, a Permit No. 23227 was issued for the conversion of single family dwelling into a Bed and Breakfast Facility. This permit has not been finalized. Finalization is usually triggered by the Building Permit process. To date, no building permits have been requested for the conversion of use. Therefore, the MPWMD currently assesses this property as a single-family dwelling. The Water Resources Agency has cleared this condition because they have fulfilled the responsibility of requiring the applicant submit Water Availability Certification. In order to change the water usage with the MPWMD the applicant should contact that organization and request an inspection.”

The MPWMD water permit no. 23227, states, “Final Inspection Required by MPWMD” at the top right corner. This permit was attached to the January 31, 2007 Staff Report as Exhibit H. Correspondence was received January 17, 2007 from MPWMD staff asserting that the water permit had not been finalized. On March 9, 2007, Planning staff received correspondence from MPWMD staff stating that the permit had been finalized. See **Exhibit Q** for the MPWMD water permit No. 23227 and correspondence.

*Applicant Contention:* “...evidently the Environmental Health Department changed their mind regarding the need for a CURFFL permit.”

*Staff Response:* The staff report prepared for the June 29, 2005 Planning Commission hearing (the first hearing on the use permit) and Resolution No. 05029 (**Exhibit W & J**) contain Condition No. 5, as a continuous requirement. The condition reads, “All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director”. At the hearing (see lines 7-12 of page 12 of the hearing transcript, **Exhibit U**), Mr. Bessire agreed to the conditions. Compliance with the California Uniform Food Facilities Law was always a requirement of the permit. As of January 31, 2007, a CURFFL permit had not been issued. On February 1, 2007, Environmental Health staff conducted a site inspection and issued a health permit under CURFFL as a restricted food service transient occupancy establishment. During the site inspection, Health Department staff noticed that a swimming pool is available for guest use. Planning staff received correspondence on February 5, 2007 from the Division of Environmental Health staff requesting that standard condition of approval EH36 be added to the project, see **Exhibit P**. This condition requires plans for public pools/spas be approved by the Division of Environmental Health and has been incorporated as Condition No. 17 of **Exhibit D**.

*Applicant Contention:* “Additionally, Frank, Sandy and I met with Dale Ellis, who was present at the original hearing, and were informed that the Dobrante’s could use their home as any other home owner could in Monterey County and that they could have non-profit charity events provided the event was in no way connected with the Bed and Breakfast operation. Frank and Sandy relied on this advise and, as a result of their reliance, were publically humiliated at the most recent public hearing wherein the Planning and Building Inspection Department has threatened to revoke or modify their permit. The Dobrante’s feel strongly that they have been treated unfairly given the fact that no other Bed and Breakfast approval in Monterey County are prohibited from having events.”

*Staff Response:* See response letter from Mr. Ellis attached as **Exhibit F**.

*Applicant Contention:* “Further, the Planning and Building Inspection Department sent the Dobrante’s a revised resolution close to a year after the approval changing the project description from ‘Allowing’ the use of a Bed and Breakfast to ‘Conversion’ to a Bed and Breakfast. This revised resolution had no cover letter explaining the changes, but appears to be an attempt to prohibit the Dobrante’s from using their home as a Residence when the Bed and Breakfast operation is not in use.”

*Staff Response:* The project, as described and circulated to other county agencies during the inter-department review of the project was described as, a “Use Permit to allow the conversion of an existing single family dwelling residence to a bed and breakfast facility and design approval.” The inter-departmental review sheets are attached as **Exhibit W**. The Notice of Public Hearing distributed for the June 29, 2005 Planning Commission hearing reads, “Use Permit to allow the conversion of an existing single family residence to a Bed and Breakfast and Design Approval” (see **Exhibit W**). The transcript of this hearing shows that the project description as, “The application is to convert an existing bed and – excuse me, an existing four-bedroom residence to a bed-and-breakfast along with design approval” (see page 3 of **Exhibit U**). The first resolution generated after the June 29, 2006 Planning Commission hearing erroneously used the term “use” instead of “conversion”. The resolution was revised on October 23, 2006 to correct administrative errors.

#### Revisions dated October 23, 2006

After receiving complaints during the Summer of 2006, Planning staff reviewed the Resolution No. 05029, dated June 29, 2005 (**Exhibit J**). Staff realized the resolution had errors and made the following changes (see **Exhibit K**, Resolution No. 05029, revised October 23, 2006):

#### *Project Description:*

The June 29, 2005 staff report states, “Use Permit to convert a residence to a bed and breakfast and Design Approval.”

The original resolution states, “Use Permit to allow the use of an existing single family residence to a bed and breakfast and Design Approval.”

The October 23, 2006 revised resolution states, “Use Permit to allow the conversion of an existing single family residence to a bed and breakfast and Design Approval.”

#### *Findings:*

The order of Findings Nos. 7 (Appealability), 8 (Sewage Disposal and Water Supply), and 9 (Traffic Conditions) were reorganized to 7 (Sewage Disposal and Water Supply (Appealability), 8 (Traffic Conditions), and 9 (Appealability).



*Decision:*

The original resolution states,  
“PASSED AND ADOPTED this 29th day of June, 2005 by the following vote:  
AYES: Errea, Hawkins, Sanchez, Salazar, Rochester, Wilmot  
NOES: Diehl, Parsons, Vandevere  
ABSTAIN: None  
ABSENT: Padilla”

The October 23, 2006 revised resolution states,  
“PASSED AND ADOPTED this 29th day of June, 2005 by the following vote:  
AYES: Errea, Parsons, Hawkins, Padilla, Vandevere, Sanchez, Diehl, Salazar,  
Rochester, Wilmot  
NOES: None  
ABSTAIN: None  
ABSENT: None”

*Condition No. 4, Outdoor Events*

The June 29, 2005 staff report reads,  
“**PBDNON-STANDARD - OUTDOOR EVENTS**  
Hosting of on-site outdoor events is prohibited as an accessory use to the bed and breakfast facility.”

The original resolution reads,  
“**PBDNON-STANDARD - OUTDOOR EVENTS**  
Hosting of on-site events is prohibited as an accessory use to the bed and breakfast facility .  
**(Planning and Building Inspection)”**

The October 23, 2006 revised resolution reads,  
“**PBDNON-STANDARD - EVENTS**  
Hosting of on-site events is prohibited as an accessory use to the bed and breakfast facility .  
**(Planning and Building Inspection)”**

Revisions dated January 31, 2007

In preparing for the January 31, 2007 Planning Commission hearing, Planning staff reviewed the audio tapes of the June 29, 2005 Planning Commission hearing. In reviewing the audio tapes of the June 29, 2005 hearing, Planning staff noted several changes to the findings and evidence and conditions of approval requested by the Planning Commissioners, which were not incorporated into the June 29, 2005 resolution or the October 23, 2006 revision. Changes proposed at the January 31, 2007 are highlighted at **Exhibit L**. The additional corrections to Resolution No. 05029, were incorporated into Planning staffs’ presentation at the January 31, 2007 Planning Commission hearing, and staff prepared and distributed on February 15, 2007 a second revised resolution dated January 31, 2007 (**Exhibit M**). The transcript attached as **Exhibit U** can also verify these changes. All of the changes to the Findings & Evidence and Conditions of Approval, as resolved by the Planning Commission during the June 29, 2005 hearing, are found in Resolution No. 05029, revised January 31, 2007. The audio tape of the June 29, 2005 and January 31, 2007 Planning Commission hearings are available at the RMA – Planning Department upon request.

*Applicant Contention:* “The Dobrante’s have never rented their home’s rooms on an individual basis and would prefer to convert their permit to allow short term rental of their home. Please table the Bed and Breakfast matter while the Dobrante’s Bed and Breakfast approval is in the process of conversion to a short term rental.”

*Staff Response:* On Monday, April 2, 2007, planning staff provided Mr. Bessire with the application materials for a use permit to establish the Transient Use of Residential Property for Remuneration. The regulations for this use are provided at **Exhibit I**. To pursue this option, the applicants are required to apply for an Administrative Permit. Upon receipt of the application, staff will process the application, which includes inter-departmental review and review for adherence to the provisions of Section 21.64.280 of the Monterey County Zoning Ordinance (Title 21). Moreover, pursuant to Title 21, the County cannot grant new entitlements if there is an outstanding violation, unless the permit is part of the remedy of the violation. Therefore, as long as the Use Permit for a Bed and Breakfast Facility is in effect, the application for a new use does not eliminate the need to address the violations of the existing permit.

Concerning the applicants' request that this matter be "tabled" while the applicants pursue a Use Permit for the Transient Use of Residential Property for Remuneration, the appropriate authority to consider this request to table this matter is the Planning Commission. The Planning Commission may, in its discretion, choose to table the matter.

**EXHIBIT C**  
**RECOMMENDED FINDINGS AND EVIDENCE AS MODIFIED**

**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, 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. The use permitted under the Use Permit did not conflict with the plans and ordinances.
  - (b) The property is located at 350 Calle de Los Agrinemsors Road, Carmel Valley (Assessor’s Parcel Number 189-531-004-000), Carmel Valley Master Plan area. The parcel is zoned Low Density Residential with Building Site, Design Control, and Site Plan Review zoning district overlays (“LDR/B-6-D-S”). The permitted project is consistent with this zoning.
  - (c) Design Control or “D” zoning requires design review of structures to assures the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property. The 2005 Design Approval application is attached to the April 25, 2007 Staff Report as **Exhibit X**. No changes to the existing residence are proposed at this time. The materials, and color treatments chosen for the residence and improvements blend with the natural landscape and are in keeping with materials and treatment approved for other residences and structures in the Carmel Valley Village area.
  - (d) Site Plan Review or “S” zoning requires discretionary review of development in those areas of the County of Monterey where development, by reason of its location has the potential to adversely affect or be adversely affected by natural resources or site constraints, without imposing undue restrictions on private property. No construction of structures, additions, deposit or removal of materials is proposed as part of this modification, and no site review for this modification is required.
  - (e) According to the Regulations for Bed and Breakfast Facilities, Section 21.64.100.C of the Monterey County Zoning Ordinance (Title 21), a bed and breakfast facility may be allowed in all districts which allow residential use and where found to be consistent with the Monterey County General Plan, or applicable area plan on any lot in any zoning district that allows residential uses subject to a Use Permit in each case and subject to the regulations as provided at Section 21.64.100.D. The applicant’s Use Permit for a four-room bed and breakfast is less than the maximum of ten rooms allowed by Section 21.64.100.C of the Monterey County Zoning Ordinance (Title 21).
  - (f) The original application was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review on January 17, 2005 and February 7, 2005. The LUAC recommended to denial of the project with a 4-1 vote.
  - (g) The Planning Commission conducted a site visit on June 22, 2005.

- (h) The project planner conducted a site inspection on March 19, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (i) Monterey County RMA - Planning Department Project Files PLN040720 and PLN070128.

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

- EVIDENCE:**
- (a) The project has been reviewed for condition compliance by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency, Office of the Sheriff. There has been no indication from these departments/agencies that the site is not suitable for the proposed development; however, due to problems with condition compliance, revisions to conditions have been made. Environmental Health has also added a condition regarding the swimming pool whose use had not been previously disclosed.
  - (b) The site is located within a VI or “very high” landslide and erosion susceptibility zone and within a VI or “very high” seismic hazard zone. The geotechnical report prepared for this parcel by M. Jacobs & Associates (LIB070176), dated May 6, 1987 accounts for these high hazards.
  - (c) The site is located within an area identified as having “high” archeological sensitivity. An archeological reconnaissance report was prepared for this parcel by Archeological Consulting (LIB070177), accounts for the impacts related to the construction of the single-family residence, garage, and detached caretaker unit. While no improvements or changes to the property are proposed at this time, Condition No. 3 has been incorporated requiring that work stop if any cultural, archaeological, historical or paleontological resources are uncovered at the site.
  - (d) A Traffic Letter Report, dated December 17, 2004, was prepared for this project by Higgins Associates, Civil & Traffic Engineers (LIB070180), attached as **Exhibit Z** of the April 25, 2007 Staff Report, which supported the finding that the conversion of the existing residence into a bed and breakfast facility will have a less than significant traffic impact.
  - (e) Staff conducted a site inspection on March 19, 2007 to verify that the site is suitable for this use.
  - (f) Materials in Project File No.s PLN040720 and PLN070128.

**3. FINDING: CARMEL VALLEY MASTER PLAN BUILDOUT AND MONITORING SYSTEM** – The proposal is consistent with the Carmel Valley Master Plan Build out and Monitoring System.

- EVIDENCE:**
- (a) On August 12, 1998, Planning staff submitted a report to the Carmel Valley Property Owners Association. The report indicates 140 Visitor Units had been approved and that 110 Units were remaining in the quota as August 12, 1998. The report is attached to the April 25, 2007 Staff Report as **Exhibit Y**.
  - (b) Review of Planning and Building Inspection records since 1998 indicate 24 Visitor Units had been approved with 86 Units remaining in the quota as of June 29, 2005, the date of the first Planning Commission Hearing on this matter.
  - (c) Materials in Project File No.s PLN040720 and PLN070128.

**4. FINDING: BED AND BREAKFAST FACILITIES:** Pursuant to Section 21.61.100.D of the Monterey County Zoning Ordinance (Title 21), the Regulations for bed and breakfast facilities, a Bed and Breakfast Facility may be allowed in all districts which allow residential use and where found to be consistent with the Monterey County General Plan, or applicable area plan on any lot in any zoning district that allows residential uses subject to a Use Permit in each case. In order to grant the Use Permit the Planning Commission shall make the following findings:

1. That the establishment of the bed and breakfast facility will not under the circumstances of the particular application be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
2. That the proposed bed and breakfast facility complies with all applicable requirements of Section 21.64.100.C of the Monterey County Zoning Ordinance (Title 21).
3. That the proposed bed and breakfast facility will not adversely impact traffic conditions in the area.
4. That adequate sewage disposal and water supply facilities exist or are readily available to the lot.
5. That the proposed bed and breakfast facility is consistent with the Monterey County General Plan and/or applicable area plan.
6. That the subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivisions, and any other applicable provisions of this Title and that all zoning violation abatement costs, if any, have been paid.

Each of these findings can be made if the conditions are modified as set forth in this Use Permit.

- EVIDENCE:**
- (a) The establishment of the bed and breakfast facility, as modified by the conditions herein, will not under the circumstances of the particular application be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.
  - (b) The proposed bed and breakfast facility complies with all applicable requirements of Section 21.64.100.C of the Monterey County Zoning Ordinance (Title 21).
  - (c) Condition No. 6 has been incorporated requiring continuous adherence to the Regulations for bed and breakfast as provided at Section 21.61.100.D of the Monterey County Zoning Ordinance (Title 21).
  - (d) The Applicant has entered into the Traffic Impact Fee Agreement, approved by the Board of Supervisors on January 9, 2007, that stipulates the following payment schedule: an initial installment of \$9,679 on or before August 15, 2006 and \$9,679 every three months thereafter until the full traffic impact fee of \$77,432.00 has been paid.
  - (e) As of January 31, 2007, a CURFFL permit had not been issued. On February 1, 2007, the Division of Environmental Health staff conducted a site inspection and issued a health permit under CURFFL as a restricted food service transient occupancy establishment. During the site inspection, Health Department staff noticed that a swimming pool is available for guest use. Planning staff received correspondence on February 5, 2007 from

Environmental Health department staff requesting that standard condition of approval EH36 be added to the project, see **Exhibit P** of the April 25, 2007 Staff Report. This condition requires plans for public pools/spas be approved by the Division of Environmental Health and has been incorporated as Condition No. 17.

- (f) As of January 31, 2007, the Water Resources Agency had cleared this condition because the applicants had submitted a Water Availability Certification. As of that date, the Monterey Peninsula Water Management District had issued Permit No. 23227 for the conversion of single family dwelling into a Bed and Breakfast Facility but had not finalized the permit. Staff received correspondence from the Monterey Peninsula Water Management District on March 9, 2007 stating that the permit was finalized and all requirements had been met. Related correspondence is attached to the April 25, 2007 Staff Report as **Exhibit Q**. The Water Resources Agency has removed the requirement to submit Water Availability Certification from the modified conditions of approval because the applicant has already submitted proof of water availability for the commercial Bed and Breakfast Facility use at the property.
- (g) The property is located at 350 Calle de los Agrinemsors Road, Carmel Valley (Assessor's Parcel Number 189-531-004-000), Carmel Valley Master Plan area. The parcel is zoned Low Density Residential with Building Site, Design Control, and Site Plan Review zoning district overlays ("LDR/B-6-D-S"). The project, as modified, complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
- (h) Materials in Project File No.s PLN040720 and PLN070128.

**5. 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) California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1 categorically exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of use.
  - (b) The modification clarifies the restrictions of the property. The modifications do not entail new significant environmental impacts or increase the severity of environmental impacts from the facility's current use as a bed and breakfast.
  - (c) No new environmental effects were identified during staff review of the development application during a site visit on March 19, 2007.
  - (d) Materials in Project File No.s PLN040720 and PLN070128.

**6. FINDING: VIOLATIONS** – One or more conditions of the Use Permit (Resolution No. 05029) have not been complied with.

- EVIDENCE:**
- (a) Monterey County Code Section 21.74.060.A provides authority for the Planning Commission to revoke or modify the Use Permit, following a public hearing when one or more of the conditions of the Use Permit have not been complied with.
  - (b) Monterey County RMA - Planning Department and Building Services Department records.

- (c) Complaint received November 18, 2005. Complaint: Scheduled gallery exhibition, commercial business activities occurring on-site, and artist reception advertised at grocery store. Code Enforcement file CE050491 was opened. Status: Property Owner advised not to engage in this type of activity, and the case was closed.
- (d) Code Enforcement file CE060208 has been opened. Complaints have been received and investigated regarding non-compliance with Use Permit PLN040720, Condition No. 4 (Events) as follows:
1. Date received: June 28, 2006. Complaint: Commercial truck and bus traffic seen on June 9, 2006 leading to the bed and breakfast and illegal use of the public areas in the village for parking cars to be shuttled to the property. Status: Complaint found to be without merit, as event was a private wedding/reception held on June 10, 2006 and the Planning department approved (see **Exhibit F** of the April 25, 2007 Staff Report).
  2. Date received: June 29, 2006. Complaint: Large delivery trucks seen on June 9 and 10, 2006 going to the bed and breakfast. Numerous vehicles lining the driveway also parked on the dirt road. Discovery tour buses transporting people back and forth onto the property for events that are taking place. Status: Event was a private wedding/reception held on June 10, 2006 (see #1 above).
  3. Date received: August 30, 2006. Complaint: entire property is being rented out for a period of three weeks including the cottage that is to be occupied by the owners and not rented. Status: No violation recorded because of lack of documentation.
  4. Date received: September 8, 2006. Complaint: Two airbuses were seen driving the public to and from the bed and breakfast on September 6, 2006. Status: Owners provided explanation that they had hosted a meeting for the Carmel Valley Women's Club, a non-profit organization. Status: No violation recorded.
  5. Date received: October 16, 2006. Complaint: Wedding held at the bed and breakfast on October 14, 2006, a Monterey airbus shuttled people to and from the property, cars parked on the roadside and on neighbor's property at the location of the Dobrante's personal property. Status: Potential violation under investigation.
  6. Date received: October 26, 2006. Complaint: A "wellness series" seminar held on October 30, 2006 advertised to the general public in violation of Condition No. 4 of PLN040720. Status: Potential violation under investigation.
  7. Date received: February 7, 2007. Complaint: A dark Buick with an AT&T logo was seen driving up and down the mountain. Reporting party infers that the bed and breakfast is renting more rooms than allowed. Staff unable to substantiate claim. Status: No merit.
  8. Date received February 22, 2007. Complaint: Report of house concert to take place March 3, 2007. Staff discussed complaint with the applicant's attorney who explained that concert was a birthday party for Mrs. Dobrante. Status: Event was a private affair, no merit.

The "pending" status of Code Enforcement File No. CE060208 may change based on the outcome of the April 25, 2007 Planning Commission Hearing.

- (e) The applicants entered into a Traffic Impact Fee Agreement approved by January 9, 2007 by the Board of Supervisors. Traffic Impact Fee

Agreement (attached to the April 25, 2007 Staff Report as **Exhibit R**), page 2 of stipulates the following payment schedule: an initial installment of \$9,679 on or before August 15, 2006 and \$9,679 every three months thereafter until the full traffic impact fee of \$77,432.00 has been paid. The applicants paid the initial installment but have made no other installments as of April 18, 2007. Payments should have been received on or before November 15 and on or before February 15, totaling approximately \$29,037. As of April 18, 2007, the Public Works Department had not received the owed balance of \$29,037. On Monday, April 2, 2007, Public Works and Planning Department staff phoned the applicants' representative to discuss this matter. The applicants' representative stated during that telephone conversation and on several other occasions that the Dobrantes are currently not using the property as a bed and breakfast facility. Whether or not the property is currently not being used as a Bed and Breakfast Facility, the applicants are obligated to pay the Traffic Impact Fee Agreement as approved by January 9, 2007 by the Board of Supervisors until the use is changed or relinquished and the agreement is amended (see correspondences attached to the April 25, 2007 Staff Report as **Exhibit R**). Public Works staff has confirmed that the department did not authorize the commencement of use prior to the execution of the agreement. As of April 18, 2007, the applicants are not in compliance with the Traffic Impact Fee Agreement.

- (f) Violation of Condition No. 3: Condition No. 3 provided "The property owner shall occupy and manage the bed and breakfast facility and shall not be affiliated with hotels or motels operating anywhere in the County of Monterey. No long-term rental of rooms shall be permitted (maximum stay guests shall not exceed 29 consecutive days in a 30-day period.)". Staff research of the advertisements of the Bed and Breakfast concluded that all of the rooms on the site were available for rent, which includes the four rooms within the main residence and the detached "Carmel Cottage" or caretaker unit. Since the January 31, 2007 hearing staff has not discovered any new advertisements. It appears that the applicants were in violation of the condition, but the "Carmel Cottage" or caretaker unit is no longer available for rent and therefore now complies with Condition No. 8 of PC06673/Resolution No. 88-321 (Merrill) attached as **Exhibit O** of the April 25, 2007 Staff Report. Staff is recommending a condition of approval requiring compliance with the Regulations for Caretaker's Unit as continuous permit requirements. See **Exhibit D**, Condition No. 7 attached to April 25, 2007 Staff Report. Advertisements and correspondence (attached to the April 25, 2007 Staff Report as **Exhibit V**) indicates that the Las Fuentes Bed and Breakfast was affiliated with the Bernardus Lodge and Quail Lodge Resorts. Mr. Dobrante has informed staff that Mrs. Dobrante had misused the word "affiliated" and on legal affiliation exists between Las Fuentes and the other named facilities.
- (g) Violation of Condition No. 4: Condition No. 4 provided "Hosting of on-site events is prohibited as an accessory use to the bed and breakfast facility." Staff finds that a review of the information collected pertaining to "events" held at 350 Calle de Los Agrinemsors Road, Carmel Valley indicates non-compliance with Condition No. 4 (see Finding No. 6, Evidence (d)). The applicants submitted a letter on March 26, 2007 (see **Exhibit E** of April 25,



2007 Staff Report) stating that they had relied on a discussion with the then Director of Planning Dale Ellis. Mr. Ellis's response is provided at **Exhibit F** of the April 25, 2007 staff report. Staff is recommending a condition of approval, which more narrowly defines what is meant by "event." The condition as modified states, "Hosting of events is prohibited on-site (indoor or outdoor). The term "events" means activities for which tickets and/or invitations are sold or provided for remuneration and activities publicized via internet, mail, phone, flyer, or any other media form. Other than its use as a Bed and Breakfast, the facility may not be utilized for remuneration of any form."

- (h) Violation of Condition No. 5: Condition No. 5 provided "All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director." The staff report prepared for the June 29, 2005 Planning Commission hearing (the first hearing on the use permit), Resolution No. 05029, and both of the revised resolutions contain Condition No. 5, as a continuous requirement. As of January 31, 2007, a CURFFL permit had not been issued. On February 1, 2007, Environmental Health staff conducted a site inspection and issued a health permit under CURFFL as a restricted food service transient occupancy establishment. During the site inspection, Health Department staff noticed that a swimming pool is available for guest use. Planning staff received correspondence on February 5, 2007 from the Division of Environmental Health department staff requesting that standard condition of approval EH36 be added to the project, see **Exhibit P** of the April 25, 2007 Staff Report. This condition requires plans for public pools/spas be approved by the Division of Environmental Health and has been incorporated as Condition No. 17.

**7. FINDING: GRANTING OF USE PERMIT** - The Use Permit was granted based on false material information given willfully or negligently by the Applicant.

- EVIDENCE:**
- (a) The Applicant's representative stated at the June 29, 2005 hearing that the Applicant intended to occupy the property. A letter dated February 15, 2005, submitted to county staff on March 21, 2005 by the applicants, supports that they intend to occupy the property per the requirements of the Monterey County Code. See **Exhibit H** of the April 25, 2007 Staff Report. However, the Applicant offered the entire facility for rent. See advertisements attached as **Exhibit V** of the April 25, 2007 Staff Report.
  - (b) The transcript of the June 29, 2005 Planning Commission hearing (**Exhibit U** of the April 25, 2007 Staff Report page 60, lines 18-21) shows that the applicants' attorney Todd Bessire stated "So they've opted to say absolutely no, no large events. I've agreed to the conditions, the Dobrantes have agreed to the condition. So that's not an issue." Condition No. 4 provided, "Hosting of on-site events is prohibited as an accessory use to the bed and breakfast facility." Staff finds that a review of the information collected pertaining to "events" held at 350 Calle de Los Agrinemsors Road, Carmel Valley indicates non-compliance with Condition No. 4 (see Finding No. 6, Evidence). The applicants submitted a letter on March 26, 2007, see **Exhibit E** of April 25, 2007 Staff Report, stating that they had relied on a discussion with the then Director of Planning Dale Ellis. Mr. Ellis's response is provided at **Exhibit F** of the April 25, 2007 staff report. Staff is recommending a condition of approval, which more narrowly defines what

is meant by “event.” The condition as modified states, “Hosting of events is prohibited on-site (indoor or outdoor). The term “events” means activities for which tickets and/or invitations are sold or provided for remuneration and activities publicized via internet, mail, phone, flyer, or any other media form. Other than its use as a Bed and Breakfast, the facility may not be utilized for remuneration of any form.”

**8. FINDING: MODIFICATION OF CONDITIONS** – Modification of conditions is necessary to ensure compliance with the bed and breakfast regulations set forth in Monterey County Code Section 21.64.100.C and to clear the pending code enforcement violation.

**EVIDENCE:** (a) See preceding findings and evidence.

(b) The Planning Commission has authority to modify the permit based on the lack of compliance with conditions and false information given at the time of the granting of the original permit.

(c) Monterey County Code Section 21.74.060.A.

**9. FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project, as modified, 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:** Preceding findings and supporting evidence.

**10. FINDING: APPEALABILITY** – This modification is appealable to the Board of Supervisors.

**EVIDENCE:** Section 21.74.060.B of the Monterey County Zoning Ordinance (Title 21).

**EXHIBIT D  
RECOMMENDED CONDITIONS OF APPROVAL  
AS MODIFIED  
Monterey County Resource Management Agency  
Planning Department  
Condition Compliance Reporting Plan**

**Project Name:** Williams Tim Arthur et al  
**File No:** PLN070128      **APN:** 189-531-004-000  
**Approved by:** Planning Commission      **Date:** April 25, 2007

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p><b>PD001 - SPECIFIC USES ONLY</b>            This Use Permit (PLN070128) allows the modification of a Use Permit and Design Approval (Planning Commission Resolution No. 05029, PLN040720/Williams) that allowed for conversion of a single-family residence and swimming pool to a Bed And Breakfast, commonly known as Las Fuentes. The property is located at 350 Calle de Los Agrinemsors Road, Carmel Valley (Assessor’s Parcel Number 189-531-004-000), Carmel Valley Master Plan area. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		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 by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. <b>(RMA - Planning Department)</b>				
2.		<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice, which states: "A permit (Resolution No. _____) was approved by the Planning Commission for Assessor's Parcel Number 189-531-004-000 on April 25, 2007, modifying Planning Commission Resolution No 05029. The permit was granted subject to <b>17</b> 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 Planning and Building Inspection within 30 days of issuance of this permit. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Within 30 days of approval of this permit.	
3.		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and	Owner/ Applicant/ Archaeologist	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. <b>(RMA - Planning Department)</b>	to develop proper mitigation measures required for the discovery.			

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
4.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his 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, 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. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Within 30 days of approval of this permit.	
5.		<p><b>PD001 – EXISTING STRUCTURE EXTERIOR</b></p>	The lighting shall be installed and	Owner/	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p><b>LIGHTING (NON-STANDARD)</b>  All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. <b>(RMA – Planning Department)</b></p>	maintained in accordance with the approved plan.	Applicant		
6.		<p><b>PDSP001 – COMPLIANCE WITH REGULATIONS FOR BED AND BREAKFAST FACILITIES (NON-STANDARD)</b>  The applicants shall continuously comply with the Regulations for Bed and Breakfast Facilities as provided at Section 21.64.100.C of the Monterey County Zoning Ordinance (Title 21):</p> <ol style="list-style-type: none"> <li>1. The property owners shall occupy and manage the bed and breakfast facility. The facility shall not be affiliated with hotels or motels operating anywhere in the County of Monterey.</li> <li>2. No more than ten guest rooms may be allowed in one facility.</li> <li>3. No long-term rental of rooms shall be permitted. The maximum stay guests shall not exceed 29 consecutive days in a 30-day period.</li> <li>4. The facility shall provide parking on site at the rate of 1 space per guestroom plus two spaces for the owners.</li> <li>5. Each bed and breakfast facility may have a maximum of one sign not exceeding 4 square feet in area. Such sign shall be attached to the residence, and shall not be internally illuminated.</li> <li>6. Such facilities shall be subject to the transient occupancy tax. (Chapter 5.40, Monterey County</li> </ol>	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		Code) 7. Any cooking facility must comply with State and County codes. <b>(RMA – Planning Department)</b>				
7.		<b>PDSP002 – COMPLIANCE WITH REGULATIONS FOR CARETAKER UNITS (NON-STANDARD)</b> The applicants shall continuously comply with the applicable Regulations for caretaker units as provided at Section 21.64.030.C of the Monterey County Zoning Ordinance (Title 21): 1. Only one caretaker unit per lot of shall be allowed. 2. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership. 3. The minimum lot size for establishment of a caretaker unit in areas not served by public sewers shall be two acres. 4. Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located. 5. The maximum floor area for a caretaker unit is one thousand (1,000) square feet on lots of ten (10) acres or less and one thousand two hundred (1,200) square feet on lots greater than ten (10) acres. 6. A minimum of one covered off-street parking space shall be provided for the caretaker unit. 7. The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect. 8. Subsequent subdivisions which divide a main	Continuous condition requirement of the Monterey County Resource Management Agency - Planning Department	Owner/ Applicant	Ongoing	



<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.</p> <p>9. Caretaker units are not permitted on any lot less than ten (10) acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to an Administrative Permit.</p> <p>10. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker shall not be rented to other than the caretaker.</p> <p><b>(RMA – Planning Department)</b></p>				
8.		<p><b>PBDS003 - EVENTS (NON-STANDARD)</b>  Hosting of events is prohibited on-site (indoor or outdoor). The term “events” means activities for which tickets and/or invitations are sold or provided for remuneration and activities publicized via internet, mail, phone, flyer, or any other media form. Other than its use as a Bed and Breakfast, the facility may not be utilized for remuneration of any form. <b>(Planning and Building Inspection)</b></p>	Continuous condition requirement of the Monterey County Planning and Building Inspection Department	Owner/ Applicant	Ongoing	
9.		<p><b>PDSO004 – ADVERTISING OF ACCESS</b>  The applicants shall advertise access to the facility via Calle de los Agrinemsors only. <b>(RMA – Planning Department)</b></p>	Continuous condition requirement of the Monterey County Planning and Building Inspection Department	Owner/ Applicant	Ongoing	
10.		<p><b>FIRE007 - DRIVEWAYS</b>  Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17</p>	Applicant shall schedule fire department clearance inspection with the Carmel Valley Fire Protection District and submit verification of fire department clearance to the RMA – Planning Department for condition	Applicant or owner	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall 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. <b>(Carmel Valley Fire Protection District)</b>	compliance if any changes to the existing driveway is made.			
11.		<b>FIRE008 - GATES</b> All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane	Applicant shall schedule fire department clearance inspection with the Carmel Valley Fire Protection District and submit verification of fire department clearance to the RMA – Planning Department for condition compliance if any changes to the	Applicant or owner	Prior to commencement of use	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. <b>(Carmel Valley Fire Protection District)</b>	existing entrance gate is made.			
12.		<b>FIRE011 - ADDRESSES FOR BUILDINGS</b> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Carmel Valley Fire Protection District)</b>	Applicant shall schedule fire department clearance inspection with the Carmel Valley Fire Protection District and submit verification of fire department clearance to the RMA – Planning Department for condition compliance if any changes to the existing address or address location is made.	Applicant or owner	Prior to commencement of use	

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13.		<b>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)</b> Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. <b>(Carmel Valley Fire Protection District)</b>	Ongoing condition requirement of the Carmel Valley Fire Protection District.	Applicant or owner	Prior to commencement of use	
14.		<b>FIRESP001 - SMOKE ALARMS – (SINGLE FAMILY DWELLING) (NON-STANDARD)</b> Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. <i>Note: The change of use requires smoke detectors in sleeping rooms and corridor that are 110 volt/ batteries.</i> <b>(Carmel Valley Fire Protection District)</b>	Ongoing condition requirement of the Carmel Valley Fire Protection District.	Applicant or owner	Prior to commencement of use	
15.		<b>PW0006 – CARMEL VALLEY</b> The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI), as set forth in the Traffic Impact Fee Agreement approved January 9, 2007 by the Board of Supervisors. <b>(Public Works)</b>	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Per the payment schedule approved by the Board of Supervisors	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
16.		<b>EH0025 - CURFFL</b> 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. <b>(Environmental Health)</b>	Submit plans and necessary review fees to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to commence-ment of use.	
			Continuous condition requirement of the Monterey County Health Department, Division of Environmental Health	Owner/ Applicant	Ongoing	
17.		<b>EH0036 - POOLS/SPAS</b> Plans for public pools/spas shall be approved by the Division of Environmental Health. <b>(Environmental Health)</b>	Submit plans to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	

**EXHIBIT N  
EXISTING CONDITIONS  
Monterey County Resource Management Agency  
Planning Department  
Condition Compliance Reporting Plan**

**Project Name:** Williams Tim Arthur et al  
**File No:** PLN040720                      **APN:** 189-531-004-000  
**Approved by:** Planning Commission    **Date:** July 29, 2007

*\*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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1.	<b>PBD025 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice, which states: "A permit (Resolution No. 05029) was approved by the Planning Commission for Assessor's Parcel Number 189-531-004-000 on June 29, 2005. The permit was granted subject to <b>11</b> 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. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of building permits	<b>CLEARED</b> Monterey County Recorder's Office Document No. 2006014611 dated February 16, 2006. See Exhibit D.
2.	<b>PBD016 - INDEMNIFICATION AGREEMENT</b> The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, which-ever	<b>CLEARED</b> Monterey County Recorder's Office Document No. 2006014610 dated February 16, 2006. See Exhibit E.

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	attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his 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, 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. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(Planning and Building Inspection)</b>			occurs first and as applicable	
3.	<b>PBD NON-STANDARD - BED AND BREAKFAST FACILITY</b> The property owner shall occupy and manage the bed and breakfast facility and shall not be affiliated with hotels or motels operating anywhere in the County of Monterey. No long-term rental of rooms shall be permitted (maximum stay guests shall not exceed 29 consecutive days in a 30-day period.) <b>(Planning and Building Inspection)</b>	Continuous condition requirement of the Monterey County Planning and Building Inspection Department	Owner/ Applicant	Continuous	<b>ONGOING</b> See Exhibit B - Discussion
4.	<b>PBD NON-STANDARD - EVENTS</b> Hosting of on-site events is prohibited as an accessory use to the bed and breakfast facility. <b>(Planning and Building Inspection)</b>	Continuous condition requirement of the Monterey County Planning and Building Inspection Department	Owner/ Applicant	Continuous	<b>ONGOING</b> See Exhibit B - Discussion
5.	<b>EHSP01</b> - All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director <b>(Environmental Health)</b>	Continuous condition requirement of the Monterey County Health Department, Division of Environmental Health	Owner/ Applicant	Continuous	<b>ONGOING</b> Memo dated January 17, 2006. See Exhibit F.

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6.	<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b></p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Carmel Valley Fire District)</b></p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to commencement of use	<p><b>CLEARED</b></p> <p>Phone call to Chief Sydney Reade on January 16, 2007. Planner requested written summary of Fire Condition status. See Exhibit G.</p>
		Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to commencement of use	<p><b>CLEARED</b></p> <p>See Exhibit G.</p>
7.	<p><b>FIRE008 - GATES</b></p> <p>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for</p>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to commencement of use	<p><b>CLEARED</b></p> <p>See Exhibit G.</p>



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	immediate access by emergency equipment may be required. <b>(Carmel Valley Fire Protection District)</b>				
8.	<b>FIRE025 - SMOKE ALARMS – (SINGLE FAMILY DWELLING)</b> Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. <b>(Carmel Valley Fire Protection District)</b>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to commencement of use	<b>CLEARED</b> See Exhibit G.
		Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to commencement of use	<b>CLEARED</b> See Exhibit G.
9.	<b>FIRE007 - DRIVEWAYS</b> Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to commencement of use	<b>CLEARED</b> See Exhibit G.

<i>Permit Cond. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
	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. <b>(Carmel Valley Fire Protection District)</b>				
10.	<b>WR43 - WATER AVAILABILITY CERTIFICATION (Non-Standard Wording)</b> The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to commencement of use	<b>CLEARED</b> Water Resources Agency memo regarding the Status of Agency Conditions & Water Management District Permit No. 23227. See April 25, 2007 Staff Report, Exhibit B, Discussion
11.	<b>PW0006 – CARMEL VALLEY</b> The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). <b>(Public Works)</b>	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance	<b>PENDING</b> Owner / Applicant entered into a Traffic Impact Fee Agreement with the County of Monterey on January 9, 2007. Monterey County Recorder's Office Document No. 2007002740. See Exhibit R.