

MONTEREY COUNTY PLANNING COMMISSION

Meeting: August 29, 2007 Time: 9:00 A.M.		Agenda Item No.: 4	
Project Description: Amendment to a previously approved Combined Development Permit and General Development Plan (PLN980305) to include: (1) a Use Permit to allow the service of alcoholic beverages within 200 feet of the boundary of a residential district (a wine tasting room) within an existing 600 square foot commercial space; (2) modification of Condition of Approval No. 17.a to allow the opening of a third driveway; (3) a Use Permit to rectify Code Enforcement Case No. CE050182 to allow exterior modifications to the Del Monte Milk Barn, a designated historic resource which includes: the replacement of an existing exterior staircase to the second story (the Monterey Fish House Restaurant), the construction of a trash enclosure gate, and a redwood fence behind Monterey Fish House Restaurant 6 feet in height (materials and colors: redwood and pressure-treated wood, natural stain); and (4) a Design Approval to allow the construction a slump block soundproof wall along the southwestern portion of the property line (approx. 150 linear feet in length and 6 feet in height), and grading (less than 100 cu yds).			
Project Location: 13920 Carmel Valley Road, Carmel Valley		APN: 189-291-006-000	
Planning File Number: PLN070254		Name: Bill Parsons, Applicant & Monterey Fish Company Inc., Property Owners	
Plan Area: Carmel Valley Master Plan Area		Flagged and staked: Yes	
Zoning Designation: "LC-HR-D-S" [Light Commercial, Historic Resources with Design Control, and Site Plan Review zoning overlays])			
CEQA Action: Categorically Exempt per Section 15301			
Department: RMA - Planning Department			

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) Approve the Use Permit to rectify Code Enforcement File No. CE050182 based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**), and
- 2) Approved the Amendment to Combined Development Permit and General Development Plan (PLN980305/ Board of Supervisors Resolution No. 02-206) based on the Findings and Evidence (**Exhibit D**) and subject to the recommended Conditions (**Exhibit E**).

PROJECT OVERVIEW:

Action 1: Code Enforcement Case No. CE050182, the County posted a Stop Work Notice on the "Del Monte Milk Barn", a designated historic structure in 2005. The violation consists of the reconstruction an exterior staircase, the construction of a trash enclosure gate, and a redwood fence. To clear the code violations, a Use Permit reviewed by the Historic Resources Review Board and Planning Commission approval is required pursuant to the Historic Resources or "HR" zoning designation. The County must approve or otherwise resolve the illegal modifications to the modification to the historic structure prior to considering the amendments to White Oaks Plaza Combined Development Permit and General Development Permit PLN980305/ BOS Resolution No. 02-206 (Action 2). Staff determined that the improvements are consistent with County regulations and no unresolved issues remain for this use permit.

Action 2: Approval of this Amendment would allow: a wine tasting within an existing commercial center (White Oaks Plaza), the re-opening of a third driveway onto Carmel Valley Road to allow better internal circulation on-site, and the construction of sound wall which would facilitate the implementation of an agreement amongst neighbors regarding the reduction of

noise impacts from adjacent restaurant use. Staff finds the project consistent with applicable Carmel Valley Master Plan policies and regulations. The primary issues involve amending the current design to allow a third driveway access, which is inconsistent with Carmel Valley Master Plan policy and specific direction from the Planning Commission for the originally approved project. Pursuant to a new traffic report, the Public Works Department has concluded that a third driveway is warranted to facilitate better internal circulation and to address safety concerns related to ingress and egress onto Carmel Valley Road. No unresolved issues remain for this project.

For a detailed discussion please see **Exhibit A**.

OTHER AGENCY INVOLVEMENT:

- | | |
|--|--|
| ✓ Carmel Valley Fire Protection District | ✓ Water Resources Agency |
| ✓ Public Works Department | ✓ Department of Alcoholic Beverage Control |
| ✓ Parks Department | ✓ Sheriff's Office |
| ✓ Environmental Health Division | |

The above checked agencies and departments have reviewed this project. Conditions recommended by Carmel Valley Fire Protection District, Public Works Department, Parks Department, Environmental Health Division and Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibits C & E**).

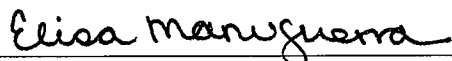
LUAC RECOMMENDATION:

The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the Combined Development and General Development Plan amendments on July 5, 2007 and the code enforcement elements on August 2, 2007. The committee recommended approval on both dates. The minutes are attached as **Exhibit J**.

HRRB RECOMMENDATION:

The project was referred to the Historical Resources Review Board for review on July 5, 2007 and August 2, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. A scoping meeting was held with members of the HRRB on July 19, 2007 to review architectural / design concepts. The Board unanimously recommended approval of a revised project on August 2, 2007. The HRRB minutes and Resolution are attached as **Exhibits F & G**.

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



Elisa Manuguerra, Associate Planner
(831) 755-5179, manuguerrae@co.monterey.ca.us
August 22, 2007

cc: Planning Commission Members (10); County Counsel; Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Donna Galletti, Sheriff's Office; Marsha Ferguson, Department of Alcoholic Beverage Control; Laura Lawrence, Planning & Building Services Manager; Elisa Manuguerra, Project Planner; Carol Allen, Planning Commission Hearing Secretary; Monterey Fish Company, Inc., Property Owners; Bill Parsons, Applicant; File No. PLN070254.

Attachments:

- Exhibit A Project Overview
- Exhibit B Recommended Findings and Evidence for the Use Permit to rectify CE050182
- Exhibit C Recommended Conditions of Approval for the Use Permit to rectify CE050182
- Exhibit D Recommended Findings and Evidence for the Amendment to Combined Development Permit and General Development Plan (PLN980305/ Board of Supervisors Resolution No. 02-206)
- Exhibit E Recommended Conditions of Approval for the Amendment to Combined Development Permit and General Development Plan (PLN980305/ Board of Supervisors Resolution No. 02-206)
- Exhibit F Historic Resources Review Board minutes July 5, 2007 & August 2, 2007 meetings
- Exhibit G Historic Resources Review Board Resolution
- Exhibit H Historical Evaluation (DPR-523A) prepared by Anthony Kirk, July 27, 2007
- Exhibit I Traffic Letter Report prepared by Higgins Associates, September 13, 2005
- Exhibit J Carmel Valley LUAC Minutes for July 5, 2007 and August 2, 2007 meetings
- Exhibit K Board of Supervisors Resolution No. 02-206 / PLN980305
- Exhibit L Planning Commission Resolution No. 06045 / PLN050115
- Exhibit M Adopted Initial Study / Mitigated Negative Declaration
- Exhibit N Site Plan, Floor Plan and Elevations

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

EXHIBIT A DISCUSSION

Approval of Action 1 will resolve a pending Code Enforcement Case No. CE050182, which consists of the re-construction an exterior staircase, the construction of a trash enclosure gate, and a redwood fence. Action 2, will allow the White Oaks Plaza Combined Development Permit and General Development Plan PLN980305/Board of Supervisors Resolution No. 02-206 to be amended with the following elements: 1) allow a wine tasting within an existing commercial center, 2) allow the re-opening of a third-driveway and reconfiguration of the existing parking layout, and 3) allow the construction of a sound wall at the rear of the property.

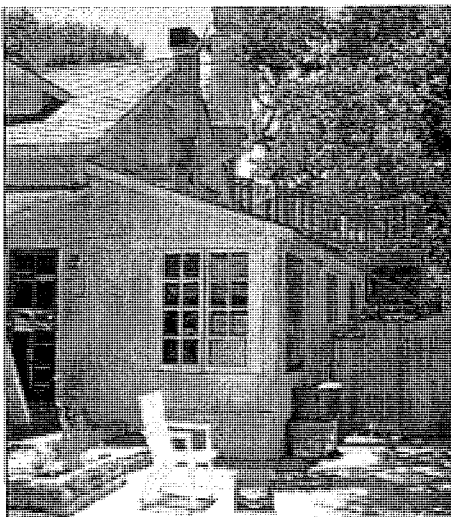
This application was filed by the property owners, the Monterey Fish Company, Inc., and their tenant Bill Parsons of Parsonage Village Vineyard who is requesting the Use Permit for the sale of alcoholic beverages.

Staff concludes that adherence to the conditions of approval will remedy the pending violation and allow the subject property to be consistent will all applicable County of Monterey policies and regulations and enable the pending Code Enforcement violation to be abated.

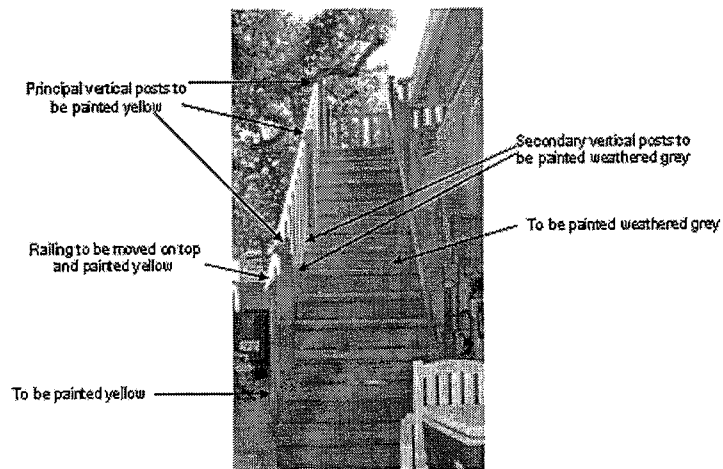
Action 1: Rectifying Violation & Historic Resource

The "Del Monte Milk Barn" is designated as a local Historic Structure in the Greater Monterey Peninsula Area Plan. Subsequent to receiving a complaint, the County posted a Stop Work Notice on May 27, 2005. The violation consists of the re-construction an approximately 11 foot high exterior stairs with a 10 foot long ramp at the top of stairs that accesses the second story of the historic building and an approximately 10 foot wide by 6 foot high arched redwood gate. To clear Code Enforcement Case No. CE050182, a Use Permit heard by the Planning Commission is required pursuant to the Historic Resources or "HR" zoning designation for project that proposes an alteration(s) to designated historical structures.

A historical evaluation, attached as **Exhibit H**, of the proposed activities was used to guide a scoping meeting held with members of the HRRB July 19, 2007 to review architectural / design concepts to achieve compliance with the Secretary of Interior Standards.



**View from Carmel Valley Road
(Front)**



Back View

The HRRB unanimously recommended approval a revised project on August 2, 2007 with the incorporation of the following, as illustrated above:

- The hand railing shall be replaced to be on top of the vertical posts and painted yellow
- Principal vertical posts in handrail shall be painted yellow
- Secondary vertical posts in handrail shall be painted weathered grey
- All metal support brackets shall be covered by a piece of wood
- A lattice board shall be installed to cover cross-stabilizing bars (4x4 posts) from front view
- Trash enclosure shall be painted weathered grey

The HRRB minutes and resolution are attached to the Staff Report as **Exhibits F & G**.

Action 2: Amendment to PLN980305/ Board of Supervisor's Resolution No. 02-206

Sale of Alcoholic Beverages / Wine Tasting Room

The applicant, Mr. Bill Parsons, is a family partner in the Parsonage Village Vineyard, a cottage industry winery (PLN000619). The winery is permitted to produce up to 2,000 cases of wine per year and has been operating in Carmel Valley Village for more than 5 years. It is located just half of a mile down Carmel Valley Road from the White Oaks Plaza.

On May 30, 2007, Mr. Bill Parsons requested approval from the RMA – Planning Department for a Department of Alcoholic Beverage Control Zoning Affidavit to allow the establishment of a wine tasting room at Suite B of the White Oaks Plaza commercial center. At that time, the San Saba winery had recently vacated the suite. Section 21.18.040.A allows, the “*Change of commercial uses within a structure provided the new use will not change the nature or intensity of the structure.*” Staff reviewed the uses allowed within Light Commercial zoning designation and the approved entitlements at the subject parcel. Staff’s review of the approved entitlements at the property determined that the previous wine tasting operation was established without benefit of a Use Permit (as required pursuant to Section 21.18.060.U of the Monterey County Zoning Ordinance (Title 21)). Mr. Parsons applied for an Amendment to Combined Development Permit No. PLN980305 / Resolution No. 02-206 for the wine tasting room. The commercial uses allowed by the General Development Plan and as provided by Condition No. 26 of Resolution No. 02-206 allows general light commercial uses (see **Exhibit K**). Staff finds that the proposed wine tasting room is a use of similar character and intensity as those listed above. As such, approval of the subject Use Permit for the sale of alcoholic beverages in the form of a wine tasting does not constitute an intensification of use.

Third Driveway

A previous Planning Commission approval requires deletion of the third driveway from the project design. Carmel Valley Master Plan policy discourages multiple driveway accesses. The applicants request the re-opening of the third gate because the circulation for entering and egress of the property has been difficult, and, at times dangerous. Particularly, vehicles approaching the shopping center eastbound often pass the first entrance and attempt to enter the property from the exit and/or congestion on-site overflows onto Carmel Valley Road impeding the flow of traffic. A Traffic letter report was prepared for this project by Higgins Associates which points out that the third driveway was analyzed as a project design alternative (Alternative 2). The report further supports the re-opening of the third driveway, as it would reduce the number left turn conflicts on Carmel Valley Road (see **Exhibit I**). The Public Works Department reviewed this project and finds that the opening of the third driveway would reduce the number of off-site maneuvers to access the property. Planning staff recognizes that by policy, multiple driveway accesses shall be discouraged, however, due to safety reasons and internal circulation requirements necessitate the re-opening of the third driveway. Furthermore, staff has concluded that the impacts of having three driveways accesses to the White Oaks Plaza was analyzed in

previously adopted Initial Study/Mitigate Negative Declaration and the current conditions are similar to those conditions that existed at the time the Initial Study was adopted. Therefore, approval of this project is consistent with the previous California Environmental Quality Act (CEQA) finding that no significant impact would occur.

Sound wall

A Memo of Understanding, executed October 27, 2004, between Jan de Luz and the White Oaks Home Owners Association (HOA) (an adjacent residential condominium development) agrees to the construction of a sound wall on Assessor's Parcel Number 189-291-005-000 in efforts of reducing noise pollution. On August 24, 2004, a Design Approval (DA04032) was approved for the construction of a concrete masonry sound wall six feet in height. In order to achieve the same goal on this parcel, Assessor's Parcel Number 189-291-006-000, the property owners propose a similar sound wall approximately 150 linear feet in length and six feet in height along the southwestern portion of the property line (the common property line with the White Oaks Condominiums). The HRRB has reviewed the proposal for the sound wall for compatibility with the designated Historic Resource on-site. They have recommended approval with the condition that the wall be constructed of a spit-face slump block of a natural earth-toned color that will blend with the existing vegetation.

Background

Combined Development Permit and General Development Plan, PLN980305, was approved by the County Board of Supervisors on May 21, 2002 (see Resolution No. 02-206 attached as **Exhibit K**). The permit applies to Assessor Parcel Numbers 189-291-005-000 and 189-291-006-000; formerly owned by Kenneth M. Blackwell.

Following the approval of PLN980305, one of the two lots was sold and a subsequent Use Permit was approved on Assessor's Parcel Number 189-291-005-000, which allowed the use of the driveway off Paso Hondo Road as an entrance for large delivery trucks (see PLN050115/ Resolution No. 06045 attached as **Exhibit L**).

Currently, the Monterey Fish Company, Inc. is the property owner of Assessor's Parcel Number 189-291-006-000 and Jan de Luz is the property owner of Assessor's Parcel Number 189-291-005-000. This Development Application was filed by the property owners, the Monterey Fish Company, Inc., and their tenant Bill Parsons of Parsonage Village Vineyard who is requesting the Use Permit for the sale of alcoholic beverages.

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE FOR THE USE PERMIT
TO RECTIFY CODE ENFORCEMENT FILE NO. CE050182

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. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 13910 (formerly 27) and 13920 Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-006-000), Carmel Valley Master Plan Area. The parcel is zoned Light Commercial, Historic Resources with Design Control, and Site Plan Review zoning overlays "LC-HR-D-S". The subject property 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.
 - (c) Historic Resource or "HR" zoning regulations, Chapter 21.54 of the Monterey County Zoning Ordinance (Title 21), requires review of the alteration of historical structures. Pursuant to Section 21.54.080.A a Use Permit is required to rectify Code Enforcement Case CE050182 to allow exterior modifications to the Del Monte Milk Barn, a designated historic resource which includes: the replacement of an existing exterior staircase to the second story (the Monterey Fish House Restaurant), the construction of a trash enclosure gate, and a redwood fence behind Monterey Fish House Restaurant 6 feet in height (materials and colors: redwood and pressure-treated wood, natural stain).
 - (d) Design Control or "D" zoning requires design review of structures to assure the protection of the public viewshed, neighborhood character, and the visually integrity of certain developments without imposing undue restrictions on private property as provided at Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21). As such, a Design Approval has been required. The project design, materials, and color treatments chosen for rectifying Code Enforcement File No. CE050182 have been resolved by the Historic Resources Review Board on August 2, 2007.
 - (e) Site Plan Review or "S" zoning requires 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. As provided by Section 21.45.040.C of the Monterey County Zoning Ordinance (Title 21), an Administrative Permit is not required to allow and construct the proposed changes as described in Condition No. 1.
 - (f) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the Combined Development and General Development Plan amendments on

July 5, 2007 and the code enforcement elements on August 2, 2007. The committee recommended approval on both dates. The minutes are attached as Exhibit J of the August 29, 2007 Staff Report.

- (g) The project was referred to the Historical Resources Review Board for review on July 5, 2007 and August 2, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. A scoping meeting was held with members of the HRRB July 19, 2007 to review architectural / design concepts. The Board unanimously recommended approval a revised project on August 2, 2007.
- (h) Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (i) The project planner conducted a site inspection on June 27, 2007 and July 12, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070254.

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

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Technical reports by an outside historical consultant indicates that there are no physical or environmental constraints that would indicate that the site is not suitable for the proposed project. A "Historical Assessment (DRB 532A)" (LIB070379) was prepared by Anthony Kirk, Ph.D., Santa Cruz, CA July 27, 2007.
 - (c) The Historical Resources Review Board (HRRB) unanimously recommended approval at the meeting on August 2, 2007.
 - (d) Staff conducted a site inspection on June 27, 2007 and July 12, 2007 to verify that the site is suitable for this use.
 - (e) Materials in Project File PLN070254.

3. FINDING: HISTORIC RESOURCES - The proposed project as conditioned, is consistent with the regulations for Historic Resources Zoning Districts, Section 21.54 of the Monterey County Zoning Ordinance (Title 21) and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character, historical, architectural, or aesthetic interest or value of the designated resource and its site.

- EVIDENCE:**
- (a) The project site contains the building known as the "Del Monte Milk Barn" (located on 189-291-006-000) as well as three residential units located on the westernmost portion (located on Assessor's Parcel Number 189-291-005-000). The barn is designated as a local Historic Structure in the Greater Monterey Peninsula Area Plan; this building and the residential units are part of the original building complex developed on the property known as the "Upper Valley Hatton Dairy" built circa 1890. At the time, the complex served the upper Carmel Valley area as a dairy. As a locally designated Historic Structure, the barn qualifies as a Historical Resource.

- (b) On May 16, 2007, county staff received a complaint regarding the construction of external stairs on a historical structure, shortly thereafter Code Enforcement Case No. CE050182 was opened. On May 27, 2005 the County of Monterey Building Division posted a Stop Work Notice on Assessor's Parcel Number 189-291-006-000 or 27 E. Carmel Valley Road, Carmel Valley (the Del Monte Milk Barn) for constructing an approximately 11 foot high exterior stairs with a 10 foot long ramp at the top of stairs that accesses the second story of the historic building and an approximately 10 foot wide by 6 foot high arched redwood gate. County Code requires that no permit for any uses or construction be deemed complete or approved after a Notice of Violation is posted, unless that permit is necessary to rectify the violation (see Section 21.84.120 Monterey County Zoning Ordinance). To clear Code Enforcement Case No. CE050182 a Use Permit heard by the Planning Commission is required pursuant to the Historic Resources or HR zoning designation for project that proposes alteration(s) to designated historical structures.
- (c) The project was referred to the Historical Resources Review Board or HRRB for review on July 5, 2007 and August 2, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. The minutes are attached as Exhibit D of the August 29, 2007 Staff Report. Attached as Exhibit E of the August 29, 2007 Staff Report is a Historical Consultant's Evaluation of the proposed activities, which was used to guide a scoping meeting held with members of the HRRB July 19, 2007 to review architectural / design concepts to achieve compliance with the Secretary of Interior Standards. The HRRB minutes and resolution are attached to the Staff Report as Exhibits F & G of the August 29, 2007 Staff Report. The Board unanimously recommended approval a revised project on August 2, 2007 with the incorporation of condition as described in Condition No. 4.
- (d) Carmel Valley Land Use Advisory Committee unanimously recommended approval on July 5, 2007 and August 2, 2007.
- (e) Historic Resource or "HR" zoning regulations, Section 21.54 of the Monterey County Zoning Ordinance (Title 21).
- (f) Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (g) The application and plans submitted for the use permit and design approval in project file PLN070254 at the Monterey County Resource Management Agency - Planning Department.

4. 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 minor alterations to existing structures.
 - (b) The "Del Monte Milk Barn" is designated a local historic structure; this building and the residential units are part of the original building complex developed on the property known as the "Upper Valley Hatton Dairy" built circa 1890. The period of significance of the structure is 1947-57. The structure has undergone several remodels and additions as cited in the "Historical Assessment (DRB 532A)" (LIB070379) prepared by Anthony Kirk, Ph.D., Santa Cruz, CA July 27, 2007. The Historical Resources Review Board or HRRB reviewed the project on July 5, 2007 and August 2, 2007 for consistency with the Secretary of the Interior's Standards for

the Treatment of Historic Properties. The HRRB finds the project consistent with Secretary of the Interior's Standards. Staff finds that project not materially impair the historic resource as described by the California Environmental Quality Act (CEQA) Guidelines Section 15064.5.

- (c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 27, 2007 and July 12, 2007.
- (d) See preceding and following findings and supporting evidence.

5. FINDING: NO VIOLATIONS - This Use Permit rectifies pending Code Enforcement Violation CE050182. Upon approval, 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. Approval of this application, PLN070254, and adherence to the conditions of approval rectifies Code Enforcement Case No. CE050182 for construction of an approximately 11 foot high exterior stair with a 10 foot long ramp at the top of the stairs that access the second story of a historic restaurant, an arched 10 foot wide by 6 foot high arched redwood gate, and the construction of 6 foot redwood fence with a lattice top behind the Monterey Fish House Restaurant.

- EVIDENCE:**
- (a) The applicants have applied for this Use Permit to allow an alteration to a designated historical structure as required by the Historic Resources zoning designation, Chapter 21.54 of the Monterey County Zoning Ordinance (Title 21) to comply with those regulations and to complete the activities required to clear Code Enforcement File No. CE050182
 - (b) See evidence in Finding 1 and 3.
 - (c) Staff conducted a site inspection on June 27, 2007 and July 12, 2007 to verify that 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 (Title 21) except the subject pending violation which is resolved by approval of this permit.
 - (d) Application, plans, and related support materials found in Project File PLN070254.

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

EVIDENCE: Preceding findings and supporting evidence.

7. FINDING: APPEALABILITY - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Sections 21.80.040(D) of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance Reporting Plan for the Use Permit to Rectify Code Enforcement File No. Ce050182	Project Name: Monterey Fish Company Inc. File No: PLN070254 Approved by: Planning Commission	APN: 189-291-006-000 Date: August 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.*

<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.		PD001 - SPECIFIC USES ONLY This Use Permit (PLN070254) to allows the rectification of Code Enforcement Case No. CE050182 to allow exterior modifications to the Del Monte Milk Barn, a designated historic resource which includes: the replacement of an existing exterior staircase to the second story (the Monterey Fish House Restaurant), the construction of a trash enclosure gate, and a redwood fence behind Monterey Fish House Restaurant 6 feet in height (materials and colors: redwood and pressure-treated wood, natural stain). The property is located at 13910 (formerly 27) and 13920 Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-006-000), 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	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>
		regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 189-291-006-000 on August 29, 2007 . This permit is subject to 4 conditions which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD004 - INDEMNIFICATION AGREEMENT 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	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA –	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>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. (RMA - Planning Department)</p>	<p>Planning Department.</p>		<p>permits, use of the property, filing of the final map, whichever occurs first and as applicable</p>	
4.		<p>HRRB RECCOMENDATION The applicant shall make the following changes as resolved by the Historic Resources Review Board on August 2, 2007:</p> <ul style="list-style-type: none"> ▪ The hand railing shall be replaced to be on top of the vertical posts and painted yellow ▪ Principal vertical posts in handrail shall be painted yellow ▪ Secondary vertical posts in handrail shall be 	<p>The applicant shall comply with the recommendations of the HRRB as outlined in Condition No. 4 and shall submit photographic evidence of compliance to the RMA – Director of Planning within 30 days of project approval.</p>	<p>Owner / Applicant</p>	<p>Within 30 days of project approval</p>	

<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> painted weathered grey <ul style="list-style-type: none"> ▪ All metal support brackets shall be covered by a piece of wood ▪ A lattice board shall be installed to cover cross-stabilizing bars (4x4 posts) from front view ▪ Trash enclosure shall be painted weathered grey (RMA - Planning Department) </p>				

END OF CONDITIONS

EXHIBIT D
RECOMMENDED FINDINGS AND EVIDENCE FOR THE AMENDMENT
TO COMBINED DEVELOPMENT PERMIT AND GENERAL
DEVELOPMENT PLAN (PLN980305/ BOARD OF SUPERVISORS
RESOLUTION NO. 02-206)

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. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
 - (b) The property is located at 13910 (formerly 27) and 13920 Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-006-000), Carmel Valley Master Plan Area. The parcel is zoned Light Commercial, Historic Resources with Design Control, and Site Plan Review zoning overlays "LC-HR-D-S". The subject property 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.
 - (c) The project to allow the service of alcoholic beverages within 200 feet of the boundary of a residential district (a wine tasting room) within an existing 600 square foot commercial space is use allowed subject to securing a Use Permit in the LC zoning designation in accordance with Section 21.18.060.U and is consistent with the development standards of Section 21.18.070 Monterey County Zoning Ordinance (Title 21).
 - (d) Historic Resource or "HR" zoning regulations, Chapter 21.54 of the Monterey County Zoning Ordinance (Title 21), requires review of the alteration of historical structures. Pursuant to Section 21.54.080.A a Use Permit is required to allow the construction a slump block soundproof wall along the southwestern portion of the property line.
 - (e) 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 as provided at Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21). As such, a Design Approval has been required. The project design, materials, and color treatments chosen for the construction of the sound wall were resolved by the Historic Resources Review Board on August 2, 2007.
 - (f) Site Plan Review or "S" zoning requires 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. As provided by Section 21.45.040.C of the Monterey County Zoning Ordinance (Title 21), an Administrative Permit is not required to allow and construct the proposed changes as described in Condition No. 1.

- (g) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the Combined Development and General Development Plan amendments on July 5, 2007 and the code enforcement elements on August 2, 2007. The committee recommended approval on both dates. The minutes are attached as Exhibit J of the August 29, 2007 Staff Report.
- (h) The project was referred to the Historical Resources Review Board for review on July 5, 2007 and August 2, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. A scoping meeting was held with members of the HRRB July 19, 2007 to review architectural / design concepts. The Board unanimously recommended approval a revised project on August 2, 2007.
- (i) Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (j) The project planner conducted a site inspection on June 27, 2007 and July 12, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070254.

2. FINDING: **CARMEL VALLEY MASTER PLAN POLICY 39.2.5.1** – Carmel Valley Master Plan Policy 39.2.5.1 which states, *“Multiple driveway accesses to Carmel Valley should be discouraged. Approval of future development of land having frontage on Carmel Valley Road must be conditioned upon minimizing access to Carmel Valley Road, or denying it if access is otherwise available.”* Staff acknowledges this policy, however, considering the circumstances of the case staff finds it appropriate to re-open the third driveway to address circulation and safety concerns.

- EVIDENCE:**
- (a) Board of Supervisors Resolution No. 02-206, Condition No. 17.a requires deletion of the third driveway from the project design. The applicants request the re-opening of the third gate because the circulation for entering and egress of the property has been difficult, and, at times dangerous. Particularly, vehicles approaching the shopping center eastbound often pass the first entrance and attempt to enter the property from the exit and/or congestion on-site overflows onto Carmel Valley Road impeding the flow of traffic.
 - (b) A Traffic letter report was prepared for this project by Higgins Associates dated September 13, 2005 (LIB070377) which points out that the third driveway was analyzed in a traffic study prepared by Higgins Associates, dated May 2, 2001 as a project design Alternative 2. As such, the letter report supports that the third driveway historically functioned as an integral component to decreased on-site conflicts and supports the re-opening of the third driveway would reduce the number left turn conflicts on Carmel Valley Road. Therefore, no significant impacts are anticipated from the re-opening of the third driveway (see Exhibit I of the August 29, 2007 Staff Report).
 - (c) The Public Works Department reviewed this project and finds that the opening of the third driveway would reduce the number of off-site maneuvers to access the property. Planning staff recognizes that by policy, multiple driveway accesses shall be discouraged, however, due to safety reasons and internal circulation requirements necessitate the re-opening of the third driveway. Furthermore, staff has concluded that the

impacts of having three driveways accesses to the White Oaks Plaza was analyzed in previously adopted Initial Study/Mitigate Negative Declaration and the current conditions are similar to those conditions that existed at the time the Initial Study was adopted. Therefore, approval of this project is consistent with the previous California Environmental Quality Act (CEQA) finding that no significant impact would occur.

- (d) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the Combined Development and General Development Plan amendments on July 5, 2007 and the code enforcement elements on August 2, 2007. The committee recommended approval on both dates. The minutes are attached as Exhibit J of the August 29, 2007 Staff Report.
- (e) The project was referred to the Historical Resources Review Board for review on July 5, 2007 and August 2, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. A scoping meeting was held with members of the HRRB July 19, 2007 to review architectural / design concepts. The Board unanimously recommended approval a revised project on August 2, 2007.
- (f) Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (g) The project planner conducted a site inspection on June 27, 2007 and July 12, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (h) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070254

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

- EVIDENCE:**
- (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - (b) Technical reports by outside historical and traffic consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The following reports have been prepared:
 - i. "Traffic Letter Report" (LIB070377) was prepared by Higgins and Associates Civil and Traffic Engineers, Gilroy, CA September 13, 2005.
 - ii. "Historical Assessment (DRB 532A)" (LIB070379) was prepared by Anthony Kirk, Ph.D., Santa Cruz, CA July 27, 2007.
 - (c) The Historical Resources Review Board (HRRB) unanimously recommended approval at the meeting on August 2, 2007.
 - (d) Staff conducted a site inspection on June 27, 2007 and July 12, 2007 to verify that the site is suitable for this use.
 - (e) Materials in Project File PLN070254.

4. FINDING: HISTORIC RESOURCES - The proposed project as conditioned, is consistent with the regulations for Historic Resources Zoning Districts, Section 21.54 of the Monterey County Zoning Ordinance (Title 21) and will neither adversely affect the significant architectural features of the designated

resource nor adversely affect the character, historical, architectural, or aesthetic interest or value of the designated resource and its site.

- EVIDENCE:** (a) The project site contains the building known as the "Del Monte Milk Barn" (located on 189-291-006-000) as well as three residential units located on the westernmost portion (located on Assessor's Parcel Number 189-291-005-000). The barn is designated as a local Historic Structure in the Greater Monterey Peninsula Area Plan; this building and the residential units are part of the original building complex developed on the property known as the "Upper Valley Hatton Dairy" built circa 1890. At the time, the complex served the upper Carmel Valley area as a dairy. As a locally designated Historic Structure, the barn qualifies as a Historical Resource. The project to allow the re-opening of a third-driveway, reconfiguration of the existing parking layout, and the construction of a sound wall at the rear of the property will not adversely affect the significant architectural features of the designated resource nor adversely affect the character, historical, architectural, or aesthetic interest or value of the designated resource and its site. The third driveway is historically identified with the White Oaks Plaza and the sound wall has been designed to blend with the surrounding setting and landscape.
- (b) The project was referred to the Historical Resources Review Board or HRRB for review on July 5, 2007 and August 2, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. The Board unanimously recommended approval the project on August 2, 2007 with the incorporation of condition as described in Condition No. 4. The minutes and resolution are attached as Exhibit F and G of the August 29, 2007 Staff Report.
- (c) Carmel Valley Land Use Advisory Committee unanimously recommended approval on July 5, 2007 and August 2, 2007.
- (d) Historic Resource or "HR" zoning regulations, Section 21.54 of the Monterey County Zoning Ordinance (Title 21).
- (e) Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (f) The application and plans submitted for the use permit and design approval in project file PLN070254 at the Monterey County Resource Management Agency - Planning Department.

- 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 negligible or no expansion of use beyond previously existing use(s).
- (b) Staff reviewed the uses allowed within Light Commercial zoning designation and the approved entitlements at the subject parcel. Staff's review of the approved entitlements at the property determined that the previous wine tasting operation was established without benefit of a Use Permit (as required pursuant to Section 21.18.060.U of the Monterey County Zoning Ordinance (Title 21)). Mr. Parsons applied for an Amendment to Combined Development Permit No. PLN980305 / Resolution No. 02-206 for the wine tasting room. The commercial uses allowed by the General Development Plan and as provided by Condition No. 26 of Resolution No. 02-206 allows general light commercial uses

such as: appliance store, general office, medical/chiropractic & dentist office, bookstores, clothing/apparel stores, drug stores, shoe shops and shoe stores, travel agency, convenience market including the sale of prepackaged food only, stationary and office supply store, fast photo shop, candy store, gift and card store, manicure/pedicure office not including a hair salon, video rental, locksmith, key and lock shop, bicycle shop, hardware store without outside storage of materials, picture framing, pet shops, and other uses of similar character and intensity. Staff finds that the proposed wine tasting room is a use of similar character and intensity as those listed above. As such, approval of the subject Use Permit for the sale of alcoholic beverages in the form of a wine tasting does not constitute an intensification of use.

- (c) Board of Supervisors Resolution No. 02-206, Condition No. 17.a requires deletion of the third driveway from the project design. The applicants request the re-opening of the third gate because the circulation for entering and egress of the property has been difficult, and, at times dangerous. Particularly, vehicles approaching the shopping center eastbound often pass the first entrance and attempt to enter the property from the exit and/or congestion on-site overflows onto Carmel Valley Road impeding the flow of traffic.
- (d) A Traffic letter report was prepared for this project by Higgins Associates dated September 13, 2005 (LIB070377) which points out that the third driveway was analyzed in a traffic study prepared by Higgins Associates, dated May 2, 2001 as a project design Alternative 2. As such, the letter report supports that the third driveway historically functioned as an integral component to decreased on-site conflicts and supports the re-opening of the third driveway would reduce the number left turn conflicts on Carmel Valley Road. Therefore, no significant impacts are anticipated from the re-opening of the third driveway (see Exhibit I of the August 29, 2007 Staff Report).
- (e) The Public Works Department reviewed this project and finds that the opening of the third driveway would reduce the number of off-site maneuvers to access the property. Planning staff recognizes that by policy, multiple driveway accesses shall be discouraged, however, due to safety reasons and internal circulation requirements necessitate the re-opening of the third driveway. Furthermore, staff has concluded that the impacts of having three driveways accesses to the White Oaks Plaza was analyzed in previously adopted Initial Study/Mitigate Negative Declaration and the current conditions are similar to those conditions that existed at the time the Initial Study was adopted in 2002. Therefore, approval of this project is consistent with the previous California Environmental Quality Act (CEQA) finding that no significant impact would occur.
- (f) No adverse environmental effects were identified during staff review of the development application during a site visit on June 27, 2007 and July 12, 2007.
- (g) See preceding and following findings and supporting evidence.

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

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

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

EVIDENCE: Preceding findings and supporting evidence.

- 8. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

EVIDENCE: Sections 21.80.040(D) of the Monterey County Zoning Ordinance (Title 21).

EXHIBIT E

**Monterey County Resource Management Agency
Planning Department**

**Condition Compliance Reporting Plan for the for the
Amendment to Combined Development Permit and
General Development Plan (PLN980305/ Board of
Supervisors Resolution No. 02-206)**

Project Name: Monterey Fish Company Inc.

File No: PLN070254

Approved by: Planning Commission

APN: 189-291-006-000

Date: August 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.*

<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>PD001 - SPECIFIC USES ONLY This Amendment (PLN070254) to a previously approved Combined Development Permit and General Development Plan (PLN980305) allows: (1) a Use Permit to allow the service of alcoholic beverages within 200 feet of the boundary of a residential district (a wine tasting room) within an existing 600 square foot commercial space; (2) modification of Condition of Approval No. 17.a to allow the opening of a third driveway; and (3) a Design Approval to allow the construction a slump block soundproof wall along the southwestern portion of the property line (approx. 150 linear feet in length and 6 feet in height), and grading (less than 100 cu yds). The property is located at 13910 (formerly 27) and 13920 Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-006-000), 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 189-291-006-000 on August 29, 2007 . This permit is subject to all conditions of PLN980305 and PLN05115 as listed and subject to 10 conditions of approval (for this Permit), 42 conditions total which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD004 - INDEMNIFICATION AGREEMENT 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	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the	

<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 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. (RMA - Planning Department)			final map, whichever occurs first and as applicable	
4.		HRRB RECCOMENDATION As resolved by the Historic Resources Review Board on August 2, 2007, the applicant shall construct the sound wall of slit face blocks of a color which blends into surrounding area. (RMA - Planning Department)	The applicant shall comply with the recommendations of the HRRB as outlined in Condition No. 4 and shall submit photographic evidence of compliance to the RMA – Director of Planning within 30 days of project approval.	Owner / Applicant	Within 30 days of project approval	
5.		PDSP001 - COMPLIANCE WITH PREVIOUS PERMITS (NON-STANDARD) Except where modified by this permit, all previous conditions as contained within Board of Supervisors Resolution No. 02-206 and Planning Commission Resolution No. 06045 are in full force and effect. (RMA - Planning Department)	Ongoing	Owner/ Applicant	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
6.		<p>FIRE007 - DRIVEWAYS 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 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. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Owner</p>	<p>Prior to finalizing building permit</p>	
7.		<p>FIRESP001 – FIRE EXTINGUISHER LOCATIONS Mount Fire Extinguisher in location approved by Fire District. Fire inspection prior to opening for business. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant</p>	<p>Prior to commencement of use</p>	

<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>
8.		PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)	Owner's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Engineer	Prior to commencement of use and/or issuance of building permit; whichever occurs first	
9.		PWSP001 - DRIVEWAY (NON-STANDARD) That the design of the third driveway to Carmel Valley Road be approved by the Department of Public Works and that the applicant obtain an encroachment permit for any work within the public right of way. (Public Works)	Owner's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Engineer	Prior to commencement of use and/or issuance of building permit; whichever occurs first	
10.		PARKING PLAN A revised site plan shall be submitted to the RMA -Director of Public Works to include the proposed third driveway on Carmel Valley Road and reconfiguration of the parking area. (Public Works)	Owner's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Engineer	Prior to commencement of use and/or issuance of building permit; whichever occurs first	
Conditions from Resolution No. 02-206 / PLN980305						
1.		USES ALLOWED This permit allows for the following: 1) General Development Plan for development of approximately 7,267 sq. ft of new building area and construction of additional parking, signage and ancillary facilities in an				ONGOING

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>existing commercial center (White Oak Plaza); 2) Administrative Permit for development on property located in the "S" (Site Review) Zoning District; 3) Administrative Permit for development of 5,667 sq. ft. of building area for office and light commercial uses; 4) Use Permit for development of a new 1,600 sq. ft restaurant; 5) Use Permit for development of additional parking spaces located partially within the public right-of-way; 6) Use Permit to allow additional development on property located in the "HR" (Historic Resources) Zoning District; and Design Approval 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 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 are approved by the appropriate authorities. (Planning and Building Inspection Department)</p>				
2.		<p>PERMIT APPROVAL NOTICE The applicant shall record a notice which states: "A Combined Development Permit (Resolution No. 980305) was approved by the Planning Commission for Assessor's Parcel Numbers 189-291-005-000 & 189-291-006-000 on February 27, 2002. The permit was granted subject to 27 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 Department)</p>			Prior to Issuance of Demolition, Grading, or Building permits	Monterey County Recorder's Office Document No. 2002117765 12/06/02 CLEARED

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
3.		<p>HISTORIC RESTORATION</p> <p>In order to mitigate the impacts resulting from the proposed demolition of structures, the structure identified in the Historic Report as the Foreman's House, and identified as such in the approved Site Plan, shall be restored following the Secretary of the Interior' <i>Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i>. In addition, the applicant shall develop and install on the site a "Historical Interpretive Panel" of the site's history and buildings. The panel shall contain historic narrative; a site plan of the original building lay out and photographs of the original buildings, and shall be located in a conspicuous location within the site. The restoration plans and the interpretive panel's content and location shall be approved by the Historical Resources Review Board prior to issuance of any building permits for the project. The house shall be restored and the interpretive panel installed prior to issuance of occupancy of the proposed commercial buildings. In addition, the site plan shall be revised to relocate proposed Building C approximately 5 feet to the south and to delete the path on the west side of the Foreman's House. (MM1) & (MM2) (Planning and Building Inspection Department)</p>			Prior to Issuance of Demolition, Grading, or Building permits	<p>Posted On-site; photos in project file PLN980305 07/03/03</p> <p>CLEARED</p>
4.		<p>MITIGATION MONITORING PLAN</p> <p>The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan adopted for the project. (Planning and Building Inspection Department)</p>			Prior to Issuance of Demolition, Grading, or Building permits	<p>Monterey County Recorder's Office Document No. 2003113989 09/18/03</p> <p>CLEARED</p>

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5.		<p>TREE PROTECTION</p> <p>Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. (Planning and Building Inspection Department)</p>			Prior to Issuance of Demolition, Grading, or Building permits	<p>Photos in project file PLN980305 08/20/03</p> <p>CLEARED</p>
6.		<p>LANDSCAPING</p> <p>The site shall be landscaped. A landscaping plan shall be submitted that conforms to Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. The plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The proposed landscaping shall comply with all provisions of Policies (A) 7.0, (A) 8.0 and (B) of the Carmel Valley Village Development Criteria, and shall include planting to provide a visual buffer between the new restaurant area and the adjacent property to the south. The plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. Landscape plan review fees shall be paid at the time of landscape plan submittal. (Planning and Building Inspection Department)</p>			Prior to Issuance of Demolition, Grading, or Building permits	<p>Approved plan in project file PLN98305 07/30/03</p> <p>CLEARED</p>

<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>
7.		GRADING PERMIT REQUIRED A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. (Planning and Building Inspection Department)			Prior to Issuance of Demolition, Grading, or Building permits	See grading permits GP020156 & GP020157 07/08/04 CLEARED
8.		EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection Department)			Prior to Issuance of Demolition, Grading, or Building permits	Approved plan in project file PLN98305 07/30/07 CLEARED
9.		FISH AND GAME FEE Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275 . This fee shall be paid within five days of project approval before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to or the issuance of building and/or grading permits. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection Department)			Prior to Issuance of Demolition, Grading, or Building permits	Check submitted 08/05/03 CLEARED
10.		WATER AVAILABILITY CERTIFICATION 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			Prior to Issuance of Demolition, Grading, or	WRA memo in project file PLN980305 06/25/03

<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>
		Water Release Form. (Water Resources Agency)			Building permits	CLEARED
11.		<p>STORMWATER DRAINAGE PLAN</p> <p>A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts from stormwater runoff. The plan shall include an oil-grease water separator and a filtration system to ensure that the runoff does not contribute to downstream water pollution. The plan shall also include a subsurface system such as a water detention pipe and a stormwater dispersion outlet to regulate the increase in stormwater runoff from the new impervious surfaces into the natural drainage area. Necessary improvements shall be constructed in accordance with approved plans. (MM4) (Water Resources Agency/Planning and Building Inspection)</p>			Prior to Issuance of Demolition, Grading, or Building permits	WRA memo in project file PLN980305 06/25/03 CLEARED
12.		<p>DRIVEWAYS</p> <p>The existing access/egress driveway(s) on Carmel Valley Road shall be relocated to accommodate the additional traffic generated by the project and to provide safer vehicle movements into and from Carmel Valley Road. This will require minor widening on Carmel Valley Road at the westerly driveway. The driveway locations shall comply with current standards and shall be approved by the Department of Public Works. (Public Works)</p>			Prior to Issuance of Demolition, Grading, or Building permits	PW email in project file PLN98305 08/18/03 CLEARED

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
13.		<p>PARKING PLAN A new parking plan for the entire site shall be submitted to Public Works and Planning and Building Inspection that complies with current County Parking Standards including appropriate-size parking stalls, circulation and truck loading-unloading. The shall include the following specific provisions:</p> <ul style="list-style-type: none"> a. Provide bicycle parking facilities at a rate of 1 rack space/10 parking spaces dispersed in two locations (east and west); b. Provide and designate two truck-loading spaces in locations where they do not block other parking or access to the site. c. Not include any parking spaces that would cause conflicts with incoming traffic. d. The driveway off Paso Hondo shall be designated "Emergency Vehicle Access/Egress Only." (Public Works 			Prior to Issuance of Demolition, Grading, or Building permits	PW email in project file PLN98305 08/18/03 CLEARED
14.		<p>SEPTIC SYSTEM DESIGN The applicant shall submit engineered plans for all improvements to the existing septic system to the Director of Environmental Health for review and approval. (Environmental Health)</p>			Prior to Issuance of Demolition, Grading, or Building permits	EH memo in project file PLN980305 09/17/03 CLEARED
15.		<p>SRWQCB PLAN APPROVAL The applicant shall submit engineered plans for all septic system improvements obtain plan approval and required permits from the State Regional Water Quality Control Board. (Environmental Health)</p>			Prior to Issuance of Demolition, Grading, or Building permits	EH memo in project file PLN980305 09/17/03 CLEARED

<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.		<p>CURFFL All restaurant improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. Submit plans and necessary review fees to Environmental Health for review and approval. (Environmental Health)</p>				ONGOING
17.		<p>PARKING PLAN The site plan shall be revised to include the following:</p> <ul style="list-style-type: none"> a. Deletion of the proposed third driveway on Carmel Valley Road and deletion of the westbound left turn lane at the Carmel Valley Road/Paso Hondo Road intersection; b. Construction of a fence and sidewalk (path) on Paso Hondo Road to prevent vehicular parking on the east side of the street; c. Deletion of the southern portion of the originally proposed deck area on the south side of the new restaurant and relocation of this building per the plans presented to and reviewed by the Board of Supervisors at the public hearing on May 21, 2002. (Planning and Building Inspection) 			Prior to Issuance of Demolition, Grading, or Building permits	PW email in project file PLN98305 08/18/03 CLEARED

<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>
18.		<p>WATER CONSERVATION The applicant shall comply with Ordinance No. 3539, 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:</p> <p>d. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>e. 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)</p>			Prior to Final Building Inspection/ Occupancy	WRA memo in project file PLN980305 06/25/03 ONGOING
19.		<p>ENCROACHMENT PERMIT The applicant shall obtain an Encroachment Permit from the Department of Public Works and construct a pedestrian pathway along the frontage of Paso Hondo Road; (Public Works)</p>			Prior to Final Building Inspection/ Occupancy	EP 04-472 04/05/04 CLEARED
20.		<p>CARMEL VALLY ROAD FEES The applicant shall pay the Carmel Valley Road Traffic Impact Fees pursuant to Board of Supervisors Resolution No. 95-140, adopted September 12, 1995. (Public Works)</p>			Prior to Final Building Inspection/ Occupancy	BP022164 Paid 10/19/04 CLEARED
21.		<p>ANNEX SERVICE AREA 52 The applicant shall apply for and pay the required fees to annex the site to County Service Area 52. (Public Works)</p>			Prior to Final Building Inspection/ Occupancy	LAFCO File No. 03-12 approved 12/01/03 CLEARED

<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>
22.		CONSTRUCT CHANNELIZATION The applicant shall construct a left-turn channelization on Carmel Valley Road at the intersection of Via Contenta. (Public Works)			Prior to Final Building Inspection/ Occupancy	PW email 08/18/03 CLEARED
23.		COMPLIANCE WITH CCV DEVELOPMENT CRITERIA All proposed signs shall comply with the provisions of Section 21.60 of the Zoning Code and the criteria of the Carmel Valley Village Development Criteria. The applicant shall submit a sign Design Approval application for review and recommendation from the Carmel Valley Land Use Advisory Committee and approval by the Director of Planning and Building Inspection. (Planning and Building Inspection)			Prior to Final Building Inspection/ Occupancy	ONGOING
24.		ADDRESSES All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (Carmel Valley Fire District)			Prior to Final Building Inspection/ Occupancy	ONGOING
25.		DRIVEWAY CONSTRUCTION Construction of the proposed driveway on Paso Hondo Road shall include an effective means to control its use as an emergency vehicle access/egress driveway only, subject to the approval of the Public Works and Planning and Building Inspection Departments. (Public Works/ Planning and Building Inspection)			Prior to Final Building Inspection/ Occupancy	PW email 08/18/03 CLEARED

<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>
26.		USES ALLOWED The commercial uses allowed under the approved General Development Plan of this permit apply to all the buildings (existing and proposed) on the property, and shall be limited to the following: appliance store, general office, medical/chiropractic & dentist office, bookstores, clothing/apparel stores, drug stores, shoe shops and shoe stores, travel agency, convenience market including the sale of prepackaged food only, stationary and office supply store, fast photo shop, candy store, gift and card store, manicure/pedicure office not including a hair salon, video rental, locksmith, key and lock shop, bicycle shop, hardware store without outside storage of materials, picture framing, pet shops, and other uses of similar character and intensity. In addition, the restaurant use on the property shall be limited to 120 seats. (Planning and Building Inspection Department)			Ongoing	ONGOING
27.		CHANGE IN USES ALLOWED All changes of uses within the buildings shall be consistent with the uses allowed under the General Development Plan (Condition No. 24), and shall be approved by the Monterey Peninsula Water Management District, the Planning and Building Inspection Department and the Division of Environmental Health prior to the establishment of any new use. (Planning and Building Inspection Department)			Ongoing	ONGOING
Conditions from Resolution No. 06045 / PLN050115						
1.		PBD029 - SPECIFIC USES ONLY Amendment to Condition #13d of Board Resolution 02-206 for a previously approved Combined Development Permit (PLN980305). Condition 13d specified that the driveway off of Paso Hondo Road be used for emergency vehicles access/egress only. The proposed	Adhere to conditions and uses specified in Board Resolution No. 02-206, and ZA Resolution No.030587except for condition 13d as modified by this current PLN050115 permit.	Owner/ Applicant	Ongoing unless other-wise stated	ONGOING

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>Amendment allows the Paso Hondo driveway to be used as an entrance for large delivery trucks in addition to the currently allowed emergency vehicles, with approximately 50-60 deliveries per year, Monday through Friday from 9 a.m. to 5 p.m. only. This Use Permit Amendment integrates the requirements of Monterey County Board of Supervisors Resolution No. 02-206, approved May 21, 2002, and Zoning Administrator Resolution No. 030587, approved March 11, 2004. The previous conditions and requirements are still in effect and applicable. The property is located at 4 E. Carmel Valley Road (APN 189-291-005-000). 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 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 are approved by the appropriate authorities. (Planning and Building Inspection)</p>				
2.		<p>PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution No. 06045) was approved by the Planning Commission for Assessor's Parcel Number 189-291-005-000 on July 26, 2006. The permit was granted subject to 6 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.</p>	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to start of use	Monterey County Recorder's Office Document No. 2004041998 04/29/04 CLEARED

<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>
		(Planning and Building Inspection)				
3.		PBI – NON STANDARD Truck delivery shall use the Paso Hondo driveway as an entrance only and shall be restricted to 50-60 deliveries per year, Monday through Friday, 9 a.m. to 5 p.m. (Planning and Building Inspection)	Shipping invoices may be required to provide a record of document deliveries.	Owner/ Applicant	Ongoing	ONGOING
4.		PBI – NON STANDARD The sound wall permitted by Design Approval DA04032 shall be constructed prior to commencement of trucks use of the Paso Hondo driveway. (Planning and Building Inspection)	Construct and obtain Final approval of the sound wall approved as DA 04032	Owner/ Applicant	Prior to start of use	BP042271 Finaled 09/07/06 CLEARED
5.		FIRE - NON-STANDARD – SIGNS Sign at entrance (as per Uniform Sign Code) “FIRE LANE – DO NOT BLOCK” (Carmel Valley Fire Department)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to commencement of use	ONGOING
6.		PBD NON-STANDARD CONDITION All previous conditions of permits PLN980305 and PLN030587 are still in effect and are applicable. (Planning and Building Inspection Department)	See previous permit conditions.	Owner/ Applicant	Ongoing	ONGOING

END OF CONDITIONS

EXHIBIT F

MONTEREY COUNTY HISTORIC RESOURCES REVIEW BOARD

Thursday, July 5, 2007

Monterey County Administration Building

Monterey Room, Second Floor

168 W. Alisal Street, Salinas, CA 93901

DRAFT MINUTES

I. CALL TO ORDER

Chair John Scourkes called the meeting to order at 11:40 a.m.

II. ROLL CALL

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>	<u>Guests</u>
John Scourkes	Jeff Norman	Meg Clovis	Mark Norris
Salvador Munoz	Enid Sales	Lynn Learch	Jim Riley
Kellie Morgantini		Craig Spencer	Jim Tullis
Barbara Rainer		Valerie Herrara	Scott Hoffman
		Jennifer Savage	Tom Carlton
		Elisa Manuguerra	Paul Davis
			James Smith

III. APPROVAL OF MINUTES June 7, 2007

Salvador Munoz motioned to approve the June 7, 2007 minutes. Kellie Morgantini seconded and they were unanimously approved.

IV. PUBLIC COMMENT

Mark Norris questioned whether granny units were allowed in Spreckels in regards to the Design Guidelines. This item will be addressed in the August HRRB meeting.

Jim Riley indicated that inaccurate information had been given over the counter to Spreckels homeowners. The issue was referred to Craig Spencer, Planning Department.

V. PROJECT REVIEW

1. Recommend to the Director of Planning and Building Department:

Use permit and design approval for the demolition of a 96 square foot detached shed to construct a 308 square foot detached exercise and utility room. The property is located at 15 Third Street, Spreckels (Assessor's Parcel Number 177-031-014-000), Greater Salinas Area and is rated C2. Planner: Valerie Herrera

Exhibit F

Page 1 of 9 Pages

Jim Tullis, architect for Tullis Design, briefly explained his project as stated above. The new exercise and utility room will match the siding, roofing and wooden windows of the existing house.

Motion: Kellie Morgantini motioned to approve the use permit and design approval with the conditions that the windows and colors match the existing house. Barbara Rainer seconded the motion and it was unanimously approved.

2. Recommend to the Director of Planning and Building Department:

Combined development permit consisting of: (1) an administrative permit and design approval to allow a 1,440 square foot sales office trailer; (2) a use permit and design approval for a 12 square foot parking directional sign, a 12 square foot sales center location sign, and a 32 square foot sales center directional sign; and (3) a use permit for development within a historic resources, or "HR", zoning district. The property is located at 116 Spreckels Boulevard, Spreckels (Assessor's Parcel Numbers 177-064-015-000, 177-064-016-000, and 177-064-010-000), Greater Salinas Area. Planner: Jennifer Savage (Continued from 6/14/07)

Scott Hoffman, Standard Pacific, presented an overview of the project. The Zoning Administrator, after the HRRB meeting of June 7, 2007, decided to allow Standard Pacific to keep the trailer on a year-to-year permit thus creating a semi-permanent trailer. The Zoning Administrator also allowed Standard Pacific to develop plans that were "reasonable" and "buildable" for their office trailer. Subsequently, Tom Carlton, architect, designed the trailer as a general store with a commercial facade. Scott Hoffman invited the HRRB member's comments.

Tom Carlton sought more design input for the trailer and he was referred to Spreckels Design Guidelines Policies C2.2 and C4.4 for Commercial Building Types. Unfortunately, there are no historic trailers in Spreckels and no precedence for such.

Jennifer Savage stated that this project should be referred to the Spreckels Neighborhood Design Group before the HRRB comments on August 2, 2007.

The Zoning Administrator's decision was a reversal of the recommendation at the June 7, 2007 meeting. It was advised that this project should be reviewed next by the Spreckels Neighborhood Design Review Committee.

Action: Referred to Spreckels Neighborhood Design Review Committee

3. Recommend to the Director of Planning and Building Department:

Amendment to a previously approved combined development permit and general development plan (PLN980305) to include: (1) a use permit to allow the sale of alcoholic beverages within 200 feet of the boundary of a residential district (a wine

tasting room) within an existing 600 square foot commercial space; (2) modification of condition of approval No. 17 to allow the opening of a third driveway; (3) use permit to rectify code enforcement case CE050182 to allow exterior modifications to the Del Monte Milk Barn, a designated historic resource which includes: the replacement of an existing exterior staircase to the second story (The Monterey Fish House Restaurant), the construction of a trash enclosure gate, and a redwood fence behind Monterey Fish House Restaurant 7 feet in height (materials and colors: redwood and pressure treated wood, natural stain); and (4) a design approval to allow the construction of a 715 square foot gazebo, fireplace, a Carmel stone patio, and a cinder block soundproof wall along the southwestern portion of the property line (approximately 150 linear feet in length), and grading (less than 100 cubic yards). The properties are located at 13910 (formerly 27) and 13920 East Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-005-000 and 189-291-006-000), Carmel Valley Master Plan Area. Planner: Elisa Manuguerra

Elisa Manuguerra, noted that this is a commercial center making improvements and that they have been red-tagged for almost a year. The most pressing issue is the use permit to rectify code enforcement case CE050182. The project is the replacement of an existing exterior staircase to the second story. She presented the original historic assessment prepared in 1988 by Historical Preservation Associates which established the period of significance to be approximately 1890 to 1915.

Meg Clovis indicated that before the Secretary of the Interior's Standards could be applied, the age of the staircase must be determined in order to ascertain whether or not it falls within the building's period of significance. Photographic evidence would be helpful and she suggested a number of various sources for photos. A Phase I assessment will be needed.

James Smith, architect, has completed the improvements on the restaurant and had questions regarding the signage and covered deck. Meg Clovis said that the Secretary of Interior's does not address those concerns.

Action: A special meeting will be tentatively held on July 19, 2007 in order to facilitate this project because the owner is unable to move forward until the red-tag issue is resolved. The staircase as well as other related issues will be addressed at the August meeting.

4. Recommend to the Board of Supervisors

Inclusion of the Marks Ranch Hacienda and Andrew Marks House in the Monterey County Register of Historic Resources

Meg Clovis stated the consultant who prepared the nomination determined that the Marks Ranch no longer retained sufficient integrity to be nominated as a district under any thematic context, especially agriculture. However, the individual resources can be

considered significant as good examples of Spanish Colonial Revival and Craftsman architecture.

Motion: Kellie Morgantini motioned to recommend the inclusion of Marks Ranch Hacienda and Andrew Marks House to the Monterey County Register of Historic Resources. Salvador Munoz seconded it and it was unanimously approved.

5. Recommend to the Board of Supervisors

Inclusion of the Carmel River Inn Historic District in the Monterey County Register of Historic Resources

Meg Clovis presented the nomination and stated that this will be the fourth historic district in Monterey County. If approved, then a Board Report will be placed on the BOS agenda for July 24, 2007.

Paul Davis, architect, stated that this historic district is an asset to the County. By creating a district, he indicated it will be easier to renovate and improve the buildings, especially since they are in a flood plane.

Action: Kellie Morgantini motioned to recommend the inclusion of the Carmel River Inn Historic District into the Monterey County Register of Historic Resources. Salvador Munoz seconded the motion and it was unanimously approved.

VI. OLD BUSINESS

1. OHP Grant Update

Meg Clovis reported that Marks Ranch did not receive the grant to do a Historic Structures Report for Marks Ranch from the Office of Historic Preservation because the Parks Department does not own the ranch as yet; Big Sur Land Trust does. The OHP invited the Parks Department to resubmit next year.

VIII. ADJOURNMENT

The meeting was adjourned at 1:35 p.m.

IX. NEXT MEETING

Date: August 2, 2007

Time: 11:30 a.m.

Place: Monterey County Government Center Building, Monterey Room, 2nd Floor
168 W. Alisal Street, Salinas, CA

Prepared by: Lynn Learch, Administrative Secretary

MONTEREY COUNTY HISTORIC RESOURCES REVIEW BOARD

Thursday, August 2, 2007

Monterey County Administration Building

Monterey Room, Second Floor

168 W. Alisal Street, Salinas, CA 93901

DRAFT MINUTES

I. CALL TO ORDER

Kellie Morgantini, Vice Chair called the meeting to order at 11:40 a.m.

II. ROLL CALL

Members Present

Enid Sales
Salvador Munoz
Kellie Morgantini
Barbara Rainer
Jeff Norman
Marleen Burch

Members Absent

John Scourkes

Staff Present

Meg Clovis
Lynn Learch
Craig Spencer
Valerie Herrera
Jennifer Savage
Elisa Manuguerra

Guests

Miriam Schakat
Jim Riley
Dr. Meyers
Scott Hoffman
Tom Carlton
David Swaggart
Helen Rawlings

III. APPROVAL OF MINUTES June 7, 2007

Salvador Munoz motioned to approve the July 5, 2007 minutes. Barbara Rainer seconded and they were unanimously approved.

IV. PUBLIC COMMENT

None was noted.

V. PROJECT REVIEW

1. Recommend to the Director of Planning and Building Department:

Amendment to a previously approved combined development permit and general development plan (PLN980305) to include: (1) a use permit to allow the sale of alcoholic beverages within 200 feet of the boundary of a residential district (a wine tasting room) within an existing 600 square foot commercial space; (2) modification of condition of approval No. 17 to allow the opening of a third driveway; (3) use permit to rectify code enforcement case CE050182 to allow exterior modifications to the Del Monte Milk Barn, a designated historic resource which includes: the replacement of an existing exterior staircase to the second story (The Monterey Fish House Restaurant), the construction of a trash enclosure gate, and a redwood fence behind Monterey Fish House Restaurant 7 feet in height (materials and colors: redwood and pressure treated

Exhibit F

Page 5 of 9 Pages

wood, natural stain); and (4) a design approval to allow the construction of a slit face block soundproof wall along the southwestern portion of the property line (approximately 150 linear feet in length), and grading (less than 100 cubic yards). The properties are located at 13910 (formerly 27) and 13920 East Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-005-000 and 189-291-006-000), Carmel Valley Master Plan Area. Planner: Elisa Manuguerra

Enid Sales recused herself.

Elisa Manuguerra, Monterey County Planner, said that this project was before the HRRB again to rectify the code violation of the existing staircase. She and the applicant had met with both Salvador Munoz and John Scourkes for a consultation and to discuss alternative solutions to help blend the staircase into the historic design of the Del Monte Milk Barn. One suggestion was to paint the staircases' vertical and horizontal elements a light color and the rails a dark one as the original staircase was.

Helen Rawlings, Monterey Fish House, passed around color samples and pictures of the staircase. She accepted the recommendation to (1) place the handrail on top of the vertical bars and paint it yellow, along with the main vertical bars, (2) paint the stairs and secondary bars a weathered grey, (3) hide metal brackets with an additional piece of wood and (4) place lattice board on the back of the stairs to hide cross-stabilizing bars. In regards to the sound proof wall, Helen Rawlings asked if they could substitute with cinder block and not use slit face block due to costs. However, Kellie Morgantini said that in order to maintain historic integrity, slit face blocks should be used.

Motion: Salvador Munoz motioned to approve the changes as discussed including (1) the construction of a 6' tall redwood fence, (2) the construction of a concrete soundproof wall using slit face block, (3) striking from the project description the construction of a gazebo, stone patio, fireplace and (4) the recommended modifications and repairs to the staircase. Jeff Norman seconded the motion and was unanimously passed.

2. Recommend to the Director of Planning and Building Department:

Combined development permit consisting of: (1) an administrative permit and design approval to allow a 1,440 square foot sales office trailer; (2) a use permit and design approval for a 12 square foot parking directional sign, a 12 square foot sales center location sign, and a 32 square foot sales center directional sign; and (3) a use permit for development within a historic resources, or "HR", zoning district. The property is located at 116 Spreckels Boulevard, Spreckels (Assessor's Parcel Numbers 177-064-015-000, 177-064-016-000 & 177-064-010-000), Greater Salinas Area. Planner: Jennifer Savage

Jennifer Savage stated that the sales trailer was approved by the Zoning Administrator for one year but both the Monterey County Planning Department and the Zoning Administrator wanted the recommendations of the HRRB regarding this issue. The

Exhibit F

Spreckels LUAC did recommend approval of the facade of the trailer as presented on August 2, 2007.

Scott Hoffman, representing Standard Pacific, handed out pictures of the sales trailer and the improvements to the facade. He stated that Standard Pacific had tried to make it as attractive as possible by spending almost \$50,000. Tom Carlton, architect, indicated that this is just a temporary trailer and it was accepted by Monterey County Planning Department and the LUAC as is. After a year, Standard Pacific will need to return to the Zoning Administrator, the Spreckels' LUAC and HRRB for a renewal of the sales trailer.

Jim Riley, representing the Spreckels LUCA, stated that this committee accepted the temporary trailer as is. In light of the Montessori School trailer being allowed to continue for many years, the committee felt they could not reject Standard Pacific's sales trailer.

Salvador Munoz mentioned that he had visited a new subdivision in Gilroy in which the sales office was contained within the model home. He felt that this was more attractive to buyers and Standard Pacific could have satisfied the historic aspect by locating their sales office in a model home in Spreckels. Visually, the model home sales office has a stronger impact and is very impressive.

Action: Barbara Rainer motioned to deny the trailer as the sales office for Standard Pacific because it does not comply with the Spreckels Design Guidelines and the Secretary of Interior's Standards. Enid Sales seconded the motion and it was unanimously approved.

3. Recommend to the Director of Planning and Building Department:

Extension to a previously approved combined development permit PLN050229 consisting of: a 1) use permit to allow a school for 60 elementary students; 2) use permit for a day care center in conjunction with the school; 3) use permit for development in a historic resources zoning district (HR); and design approval. The properties are located at 52 Spreckels Boulevard and 14 Hatton Avenue, Spreckels (Assessor's Parcel Numbers 177-063-008-000 and 177-034-018-000), Greater Salinas Area. Planner: Valerie Herrera

Valerie Herrera, Monterey County Planner, stated that the application for an extension had been withdrawn (see attached letter). The Montessori School had been told by letter that the Monterey County Planning Department was recommending denial of their extension request.

Jim Riley said that the Spreckels LUAC had voted for denial of the extension. However, recently, the Montessori School found an alternative site on South Main Street and was moving on September 2, 2007.

4. Recommend to the Director of Planning and Building Department:

Receive comments from HRRB members regarding the Mitigated Negative Declaration and Initial Study for the proposed development at 26195 Scenic Road, Carmel, described as follows:

Project Description: Consider recommended changes to a Combined Development Permit consisting of Coastal Administrative Permit and Design Approval to demolish an existing 2,704 square foot single family residence and 426 square foot garage (3,130 square feet total), construct a new 5,167 square foot, 3-level single family residence with a 1,498 square foot subterranean garage, grading (400 cubic yards cut); Variance to reduce the front setback from 20 feet to three feet along a private easement; and Coastal Development Permit to allow development within 750 feet of an archaeological site. The property is located at 26195 Scenic Road, Carmel and is located adjacent to the Kuster House, a locally designated historic resource. (Assessor's Parcel Number 009-422-023-000), Coastal Zone. Planner: Liz Gonzales

Enid Sales, HRRB Member, recused herself.

Liz Gonzales, Monterey County Planner, had no presentation but was accepting HRRB recommendations and comments regarding the Mitigated Negative Declaration and Initial Study. This item has been scheduled for the September 12, 2207 Planning Commission agenda.

Miriam Schakat, Attorney for the Moelletines, stated that the Initial Study indicated that there will be no negative impact to the Kuster House. The Moelletine House is within all Monterey County ordinances in regards to setbacks and height calculations. She is requesting approval of the project.

David Swaggart, Attorney for Dr. Meyers, indicated that there are inaccuracies in the Mitigated Negative Impact and Initial Study. On page 27 and 28 of the Initial Study, the height calculations, setbacks and excavation distances were incorrect. The Kuster House imposed deed restrictions for heights by the original owner for the surrounding homes. David Swaggart passed out a copy of the deed restrictions. The deed restrictions are the historical legacy of the Kuster House. Also, the Initial Study ignores the height comparison issue between the Kuster House and the Moellentine House. From the plans, it appears that a large cypress will be eliminated for the construction of the home. Also, according to his historical research, the guest house was built in the 1920s along with the garage. But the salient issue is the visual impact on Carmel Point due to the enormous size of the Moellentine House.

Dr. Meyers confirmed that the guest and garage buildings were built in the early 1920s. The most important issue to Dr. Meyers is the preservation of the viewshed around Carmel Point. The Moellentine House threatens the entire view of this area due to its monumental size. Dr. Meyers informed HRRB that both the City of Carmel and Big

Exhibit F

Page 8 of 9 Pages

Sur Land Trust contributed to purchasing a sensitive viewshed at Carmel Point to protect it from development.

VI. HRRB COMMENTS

Meg Clovis said she had walked through the mothballed East Garrison historic buildings: they will be mothballed for two years before restoration begins in 2010.

Salvador Munoz informed the HRRB that his meeting with Monterey County was successful in obtaining capital improvement monies to install a fountain at Castroville Plaza.

VIII. ADJOURNMENT

The meeting was adjourned at 1:45 p.m.

IX. NEXT MEETING

Date: September 6, 2007

Time: 11:30 a.m.

Place: Monterey County Government Center Building, Monterey Room, 2nd Floor
168 W. Alisal Street, Salinas, CA

Prepared by: Lynn Learch, Administrative Secretary

EXHIBIT G

*Before the Historic Resources Review Board in and for the
County of Monterey, State of California*

Resolution No. PLN070254 (Monterey Fish Company, Inc.)

Resolution by the Monterey County Historic Resources Review Board (HRRB) to recommend approval of an Amendment to a previously approved Combined Development Permit and General Development plan (PLN980305) to include: (1) a Use Permit to allow the sale of alcoholic beverages within 200 feet of the boundary of a residential district (a wine tasting room) within an existing 600 square foot commercial space; (2) modification of condition of approval no. 17 to allow the opening of a third driveway; (3) Use Permit to rectify code enforcement case CE050182 to allow exterior modifications to the Del Monte Milk Barn, a designated historic resource which includes: the replacement of an existing exterior staircase to the second story (The Monterey Fish House Restaurant), the construction of a trash enclosure gate, and a redwood fence behind Monterey Fish House Restaurant 7 feet in height (materials and colors: redwood and pressure treated wood, natural stain); and (4) a design approval to allow the construction a slump block soundproof wall along the southwestern portion of the property line (approx. 150 linear feet in length), and grading (less than 100 cu yds). The Properties are located at 13910 (Formerly 27) and 13920 Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-005-000 and 189-291-006-000), Carmel Valley Master Plan Area.

WHEREAS, this matter was heard by the Historic Resources Review Board (HRRB) of the County of Monterey on July 5, 2007 and August 2, 2007, pursuant to the zoning regulations for development in the "HR" (Historic Resource) Zoning District as contained in Chapter 21.54 of the Monterey County Code, the regulations for the Preservation of Historic Resources as contained in Chapter 18.25 of the Monterey County Code and the Secretary of the Interior's Standards for Rehabilitation.

WHEREAS, the property is located at 13910 (Formerly 27) and 13920 Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 189-291-005-000 and 189-291-006-000), Carmel Valley Master Plan Area.

Exhibit G

Page 1 of 3 Pages

WHEREAS, Monterey Fish Company, Inc. (applicant) filed with the County of Monterey, an application for an Amendment to a previously approved Combined Development Permit and General Development plan (PLN980305) to include: (1) a Use Permit to allow the sale of alcoholic beverages within 200 feet of the boundary of a residential district (a wine tasting room) within an existing 600 square foot commercial space; (2) modification of condition of approval no. 17 to allow the opening of a third driveway; (3) Use Permit to rectify code enforcement case CE050182 to allow exterior modifications to the Del Monte Milk Barn, a designated historic resource which includes: the replacement of an existing exterior staircase to the second story (The Monterey Fish House Restaurant), the construction of a trash enclosure gate, and a redwood fence behind Monterey Fish House Restaurant 7 feet in height (materials and colors: redwood and pressure treated wood, natural stain); and (4) a design approval to allow the construction a slump block soundproof wall along the southwestern portion of the property line (approx. Approx.150 linear feet in length), and grading (less than 100 cu yds).

WHEREAS, at the conclusion of the hearing, the matter was submitted to the HRRB for a recommendation. Having considered all the written and documentary information submitted, oral testimony, and other evidence presented before the HRRB, the HRRB rendered its decision to adopt findings and evidence to recommend approval of the Amendment to a previously approved Combined Development Permit and General Development, subject to the following findings:

Finding: The proposed work is consistent with Section 21.54 of the Monterey County Zoning Code (Regulations for Historic Resources Zoning Districts) and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character, historical, architectural, or aesthetic interest or value of the designated resource and its site.

Finding: The use and exterior of the new improvements, addition, building or structure upon a designated historic resource site will neither adversely effect nor be incompatible with the use and exterior of existing designated historical resources, improvements, buildings and natural features of the site.

Evidence:

1. Application, plans, and related support materials in file PLN060254 (Monterey Fish Company, Inc.).
2. "HR" (Historic Resource) zoning regulations applicable to the site as found in Chapter 21.54 of the Monterey County Code.
3. Secretary of the Interior's Standards for the Treatment of Historic Properties.
4. Phase One Historical Assessment (DPR523a & b) for the Del Monte Milk Barn, dated July 27, 2007.
5. Oral testimony and HRRB discussion during the public hearing and the administrative record.
6. Carmel Valley Land Use Advisory Committee decision to recommend approval of PLN070254 (Monterey Fish Company, Inc.) dated July 2, 2007 and July 23, 2007.

Exhibit 6

THEREFORE, it is the decision of the Monterey County Historic Resources Review Board to recommend approval of the Monterey Fish Company, Inc. Amendment to Combined Development Permit PLN980305 (PLN070254) subject to the following conditions:

1. The hand railing shall be replaced to be on top of the vertical posts and painted yellow
2. Principal vertical posts in handrail shall be painted yellow
3. Secondary vertical posts in handrail shall be painted weathered grey
4. All metal support brackets shall be covered by a piece of wood
5. A lattice board shall be installed to cover cross-stabilizing bars (4x4 posts) from front view
6. Trash enclosure shall be painted weathered grey
7. Sound wall shall be constructed of slit face blocks of a color which blends into surrounding area

Passed and adopted on this 2th day of August 2007, upon motion of Salvador Munoz, seconded by Jeff Norman, by the following vote:

AYES: Kellie Morgantini, Barbara Rainer, Marleen Burch

NOES:

ABSENT: John Scourkes

ABSTAIN: Enid Sales

Elisa Manuguerra

Attest

Elisa Manuguerra, Associate Planner

August 2, 2007

Exhibit G

EXHIBIT H

State of California -- The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____ Other Listings _____ Review Code _____ Reviewer _____ Date _____
--	--

Page 1 of 5 *Resource Name or #: (Assigned by recorder) Village Fish House

P1. Other Identifier:

***P2. Location:** Not for Publication Unrestricted *a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary)

*b. USGS 7.5' Quad Date T ; R ; ¼ of ¼ of Sec ; B.M.

c. Address 19 East Carmel Valley Road City Carmel Valley Zip 93924

d. UTM: (Give more than one for large and/or linear resources) Zone ; mE/ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Monterey County APN: 189-291-006

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting and boundaries)

The Village Fish House, formerly the Carmel Valley Art Gallery, is a one-and-a-half-story wood-frame structure that was constructed as a dairy house in 1890 for William Hatton and enlarged and altered over the years by successive owners (DPR 523A photo and figure 1). Originally one of a half dozen or so buildings that composed the Upper Valley Hatton Dairy, it is L-shaped in plan and rests on a post-and-pier foundation. A shed-roofed porch, with a wooden floor and balustrade, runs along the north, or East Carmel Valley Road, side of the original block of the structure. A small wooden deck, reached by a short flight of broad stairs, is located near the east end of the south side. The exterior walls are clad with channel-rustic siding except for a shed-roofed addition that extends along the west side and wraps around to the south side and an adjoining shed-roofed addition on the south side, both of which are clad with board-and-batten siding. Fenestration is asymmetrical, consisting chiefly of older fixed, casement, and double-hung wood-sash windows. Two sliding aluminum-sash windows are located on the west side of the building. The principal entrance door, situated near the midpoint of the north side, is glazed and flanked on the east side by a single multi-pane sidelight. A second glazed door is located at the west end of the façade. French doors open onto the small deck at (See Continuation Sheet)

***P3b. Resource Attributes:** (List attributes and codes) HP6 - Commercial Building, 1-3 Stories

***P4. Resources Present:** Building Structure Object Site District Element of District Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) Looking southeast at north and west elevations, 7/24/07

***P6. Date Constructed/Age and Sources:** Historic Prehistoric Both
1890; Historic Preservation Associates, *White Oak Inn* (7/20/01)

***P7. Owner and Address:**
Monterey Fish Company, Inc.
960 South Sanborn Road
Salinas, CA 93901

***P8. Recorded by:** (Name, affiliation, and address)
Anthony Kirk, Ph.D.
142 McCormick Street
Santa Cruz, CA 95062

***P9. Date Recorded:** 7/27/07

***P10. Survey Type:** (Describe)
Intensive

***P11. Report Citation:** (cite survey report and other sources, or enter "none.") None

***Attachments:** NONE Location Map Sketch Map Continuation Sheet Building, Structure and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List)

Exhibit H

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Name or # (Assigned by recorder) Village Fish House

- B1. Historic Name: Carmel Valley Art Gallery
- B2. Common Name: Village Fish House
- B3. Original Use: Dairy
- B4. Present Use: Restaurant

*B5. Architectural Style: No style

*B6. Construction History: (Construction date, alteration, and date of alterations) Constructed 1890; addition to west side, ridge ventilator converted to cupola, and dormers probably constructed ca. 1925-35; remodeled with new fenestration, addition to south side, and staircase to attic story 1949; new foundation 2003; staircase to attic story rebuilt on new plan 2007.

*B7. Moved? No Yes Unknown Date: Original Location:

*B8. Related Features: None

B9a. Architect: None

b. Builder: Unknown

*B10. Significance: Theme Cultural Development

Area Carmel Valley

Period of Significance 1949-57

Property Type Art Gallery

Applicable Criteria MCLOR A6

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Address integrity.)

The Carmel Valley Art Gallery, now the Village Fish House, is significant for its pioneering contribution to the promotion of local art and artists in Carmel Valley and is eligible for listing in the Monterey County Local Official Register under Criterion A6. The gallery was established in 1949 by Marion B. Wilson, whose love of art led her to convert a former milk house into an exhibition space for artists. Her husband, the prominent realtor Philip Wilson Jr., had, previous to their marriage, acquired extensive land holdings in the Carmel Valley, including a parcel containing the complex of farm buildings constructed in 1890 by William Hatton and known as the Upper Valley Hatton Dairy. Philip Wilson had long cherished the dream of developing a community in the valley, and in the closing years of the Depression, he and Marion began the rehabilitation of the dairy complex, converting the foreman's house into a residence for themselves and several bunkhouses and other outbuildings into guest cottages for a resort complex they called the White Oak Inn. In the early 1950s, the Wilsons began construction of a series of shops to the east of the old milk house, one of which became the first Thunderbird Bookstore. Together with Byington and Terey L. Ford, Philip and Marion Wilson are rightfully considered the founders of Carmel Valley Village. (See Continuation Sheet)

B11. Additional Resource Attributes (List attributes and codes):

*B12. References:

Residential Building Record, Monterey County Assessor's Office.

Historic Preservation Associates, *White Oak Inn* (7/20/01).

Gertrude Harris, "Peninsula Galleries," *Game & Gossip* 5 (3/12/52): 13.

Monterey Peninsula Herald, 11/2/49.

B13. Remarks:

*B14. Evaluator: Anthony Kirk, Ph.D.

*Date of Evaluation: 7/27/07

(This space reserved for official comments.)

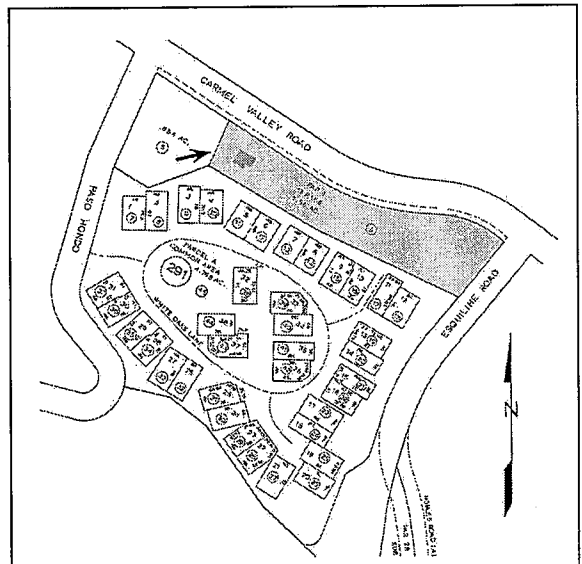


Exhibit H

P3a. Description:

the rear, which leads to a large dining patio. The roof system is dominated by a moderate-pitched side-gabled roof, distinguished by a shed-roofed cupola, or lantern, each side of which is set with a single two-over-two wood-sash window. A hipped dormer is situated near the west end of the north slope; a shed dormer, with an entrance door reached by a quarterpace stairway and ramp, is located near the west end of the south slope. All roof surfaces are finished with wood shingles except for the shed dormer, which is finished with mineral faced composition rolls. A large, visually obtrusive sheet-metal ventilation system rises from the shed-roofed addition on the west side of the restaurant. An open-sided shed, with a walk-in refrigerator, is adjacent to the west end of the south side.

As constructed as a milk house, or dairy, in 1890, the Village Fish House was rectangular in plan and rested on a post-and-block foundation. The walls were clad with channel-rustic siding; the side-gabled roof was finished with wood shingles. Nothing is known about the fenestration of the structure, but like most milk houses of the period, it probably had few windows. To judge by the current character of the siding on the south side, a large sliding door was located at the east end of this elevation. The structure was cooled by a large ridge ventilator with wooden louvers.

Sometime in the 1920s or 1930s the dairy is said to have been converted into a bunkhouse. A photograph that dates to this period (figure 2) shows a shed-roofed porch running along the north side of the original structure and a shed-roofed board-and-batten addition on the west side that extends beyond the south wall of the old milk house. A gable dormer and a shed dormer had been constructed by this time on, respectively, the north slope and the south slope of the roof. Also by this time, the wooden louvers had been removed from the ridge ventilator and two-over-two double-hung wood-sash windows installed. Fenestration on the north side of the main block appears to have been limited to a single window flanking a paneled door at the west end and a pair of small four-light casement windows in the gable dormer. An eight-light casement window is visible in the west gable. Fenestration in the addition consists of a series of sliding and fixed wood-sash windows set high in the walls.

In 1949 the bunkhouse was significantly altered in the course of converting it into an art gallery and office. The fenestration of the original block, which served as the exhibition space, was transformed by the installation of two display windows on the north side and a large multi-paned fixed-sash window on the east side. The fenestration of the addition, which contained the office of the associated White Oak Inn, was also altered by enlarging the window openings on the north side and the north end of the west side and installing large multi-paned windows. In all likelihood it was at this time that a small board-and-batten addition was constructed on the west end of the south side, adjacent to the earlier shed-roofed addition. As part of this project, an exterior straight-flight staircase was built along the west side of the office. The staircase terminated at a landing with a perpendicular ramp leading to a shed-roofed porch that served as the roof of the west half of the small addition and was contiguous with the shed dormer (figure 3). It was also possibly in the course of this sweeping remodel of the old dairy that the sliding door on the west side of the main block was removed and replaced with French Doors.

In subsequent years, the building underwent further alterations, not all of which can be dated with any precision. Within a decade of the 1949 remodel, the small addition on the west end of the south side was enlarged. Other changes were subsequently made to the building, which following the close of the gallery in the early 1970s, served the needs of various diverse businesses. Among these alterations was the replacement of two of the original wood-sash windows with aluminum-sash windows and construction of a large addition at the rear of the building. This addition was removed in early 2003 by the current tenants, David and Nikki DiGirolamo, who at the same time replaced the original post-and-block foundation with the current post-and-pier foundation. Recently the staircase, ramp, and porch at the southwest corner of the building were demolished and rebuilt on a different plan than the original.

The Village Fish House, which appears to be in fair condition, is set at the edge of a large parking lot bordering East Carmel Valley Road in Carmel Valley Village, an unincorporated enclave of shops, wine-tasting rooms, galleries, restaurants, and spas. The surrounding grounds, which are handsomely landscaped, are dominated by several towering live oaks.

B10. Significance:

The Carmel Valley Art Gallery, the first art gallery established in the valley and one of the few early art galleries located in Monterey County, held its opening exhibition in November 1949. As reported in the *Monterey Peninsula Herald*, the gallery was "an outgrowth of community effort toward providing a place for the display and sale of paintings by Carmel Valley artists." Among the artists represented in the first exhibition were George Seideneck, Florence Lockwood, and Royden Martin. Within a short time, Marion Wilson, who curated the exhibitions herself, broadened her outlook and began a series of monthlong one-man shows that featured not only local artists but Monterey Peninsula artists such as John O'Shea, Sam Harris, Armin Hansen, and Abel Warshawsky. Following the death of Philip Wilson in 1959, Marion Wilson continued to run the White Oak Inn and the Carmel Valley Art Gallery until her own death in 1971. Her devotion to promoting local art and artists, as manifested in more than twenty years of exhibitions at the Carmel Valley Art Gallery, played a seminal role in the developing cultural life of Carmel Valley.

The character-defining features of the Village Fish House include the plan, form, fenestration pattern, wood-sash windows, doors, porches, architectural detailing, and all features and materials except the rear deck, the staircase-ramp-and-attic-porch complex, and the mineral-faced roll roofing. The character-defining features of the site includes the oaks and the spatial relationship of the structure to the road.

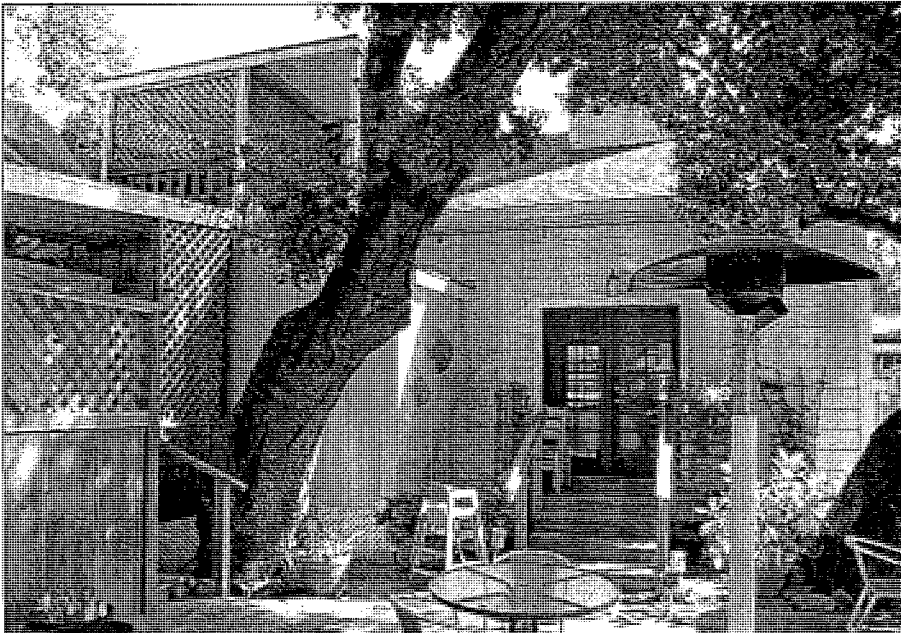


Figure 1. Looking north at south elevation, 7/24/07.

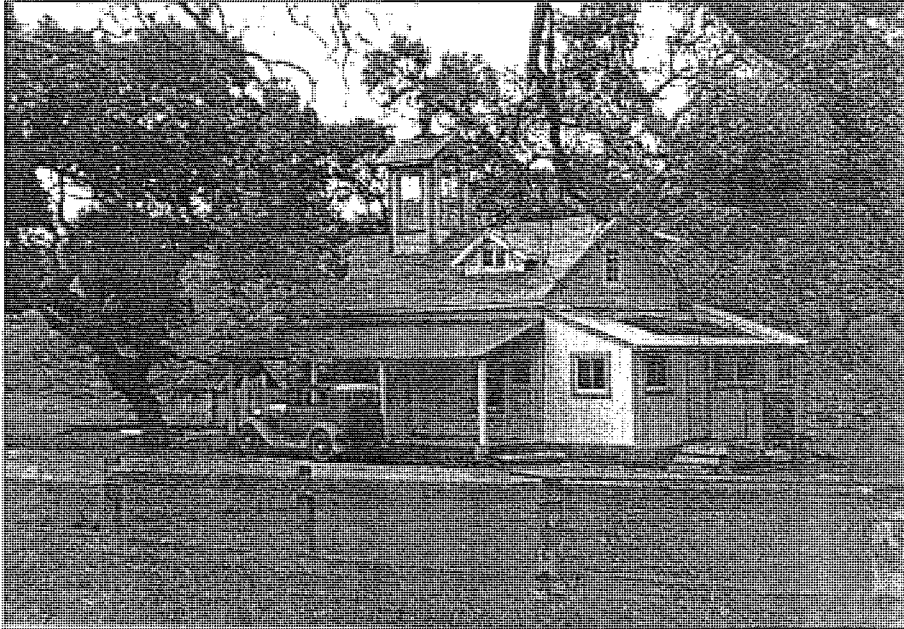


Figure 2. Looking southeast at north and west elevations, ca. 1925-35. *Courtesy Carmel Valley Historical Society.*

Figure 3. Looking east at west elevation, ca. 1960s. *Courtesy Monterey County Parks Department.*



EXHIBIT I



HIGGINS ASSOCIATES

CIVIL & TRAFFIC ENGINEERS

September 13, 2005

COPY

Pat Ward
Bestor Engineers, Inc.
9701 Blue Larkspur Lane
Monterey, CA 93940

RECEIVED SEP 15 2005

Re: White Oaks Plaza, Carmel Valley Village, California

Dear Pat,

As you requested, this is an evaluation of the potential for opening a third driveway onto Carmel Valley Road to serve the White Oaks Plaza Shopping Center in Carmel Valley Village. Exhibit 1 illustrates the location of this proposed driveway. The existing easterly driveway serving the White Oaks Plaza is directly across from Via Contenta. The existing westerly driveway is located directly across from an existing driveway serving the shopping center located on the north side of Carmel Valley Road directly across from White Oaks Plaza.

The reopening of the historical driveway in the middle of the project site has been requested by a number of shopping center businesses. It will improve accessibility to all of the businesses in the shopping center and relieve the bottlenecks at the existing driveways that result in occasional traffic congestion at the driveways on the east and west ends of the project site.

A traffic study was prepared by Higgins Associates dated May 2, 2001 that analyzed a project alternative that would include the third driveway, which simply involves reopening a driveway that has historically served the shopping center. This was described as Alternative 2. Alternative 1 corresponds with the driveway configuration that was constructed as part of the shopping center expansion project that is currently in progress. In summary, the analysis indicated that the project site plan alternative that included the third driveway would actually reduce left turn conflicts on Carmel Valley Road such that a left turn lane would not be warranted at the westerly driveway. This implies that traffic conflicts along Carmel Valley Road would actually be reduced by the provision of the subject third driveway.

The County decided to approve the project in 2002 with the two driveway alternative rather than the three driveway alternative "due to site and policy constraints, as well as public safety issues." (Referenced from the staff report to the Monterey County Board of Supervisors for the May 21, 2002 meeting, Agenda No. 5-11). It is recognized that there is a policy in the *Carmel Valley Master Plan* to not allow additional driveway accesses onto Carmel Valley Road. It could be argued that the historical middle driveway actually functioned, at least to some extent, as two driveways due to the large oak tree that is located in the middle of the driveway that creates essentially a very wide median. In the past, this often resulted in two directions of traffic occurring on both sides of the tree, which simulated two separate driveways. In that case, there

1300 B First Street · Gilroy, California · 95020-4738 · VOICE/408 848-3122 · FAX/408 848-2202 · www.kbhiggins.com
5-133 Lr Kpt.doc

Exhibit I

Page 1 of 4 Pages

Pat Ward
September 13, 2005
Page 2

have historically been three driveways along Carmel Valley Road to serve the project site. The reopening of this driveway, with modifications to keep one-way traffic on each side of the tree would then result in the third driveway simply maintaining the number of driveways that were historically provided.

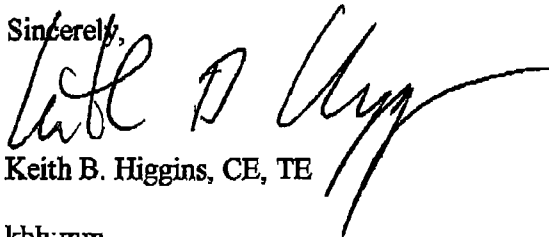
With regard to traffic safety, the elimination of warrants for left turn channelization achieved by spreading the load, the left turn traffic volumes into and out of the project onto three driveways rather than two, actually has a safety benefit along Carmel Valley Road. Also, the speed limit along Carmel Valley Road in the vicinity of White Oaks Plaza is 25 miles per hour. Prevailing speeds are more in the order of 30 to 35 miles per hour. Assuming a 35 mile per hour design speed, research has indicated that the minimum driveway spacing should be 150 to 160 feet. The reopening of the historical driveway would result in a spacing of 170 feet from the new westerly driveway and 310 feet from the easterly driveway across from Via Contenta. Exhibit 2 provides a summary of recommended minimum driveway spacing from various publications. The proposed driveway spacing would exceed nationally recognized guidelines for driveway spacing.

There is no practical reason to leave the historical driveway closed. In fact, it will reduce traffic congestion within the project site, which has the potential of overflowing and impeding traffic on Carmel Valley Road. It also eliminates the amount of left turn conflicts at any individual driveway, thus reducing traffic below warrants for left turn channelization at the westerly driveway. This is an indication of improved traffic safety as well.

It is recognized that there will be a loss of probably two parking spaces with the reopening of the proposed driveway. The White Oaks Plaza currently has eighty parking spaces provided although the zoning requirement is eighty-eight spaces. The project would then be two additional spaces short of the Monterey County parking requirement. Apparently, the business owners in this center are aware of the parking impacts and believe that the improved accessibility for their businesses is more important than the loss of two parking spaces.

If you have any questions regarding this evaluation, please do not hesitate to contact me. Thank you for the opportunity to assist you with this project.

Sincerely,



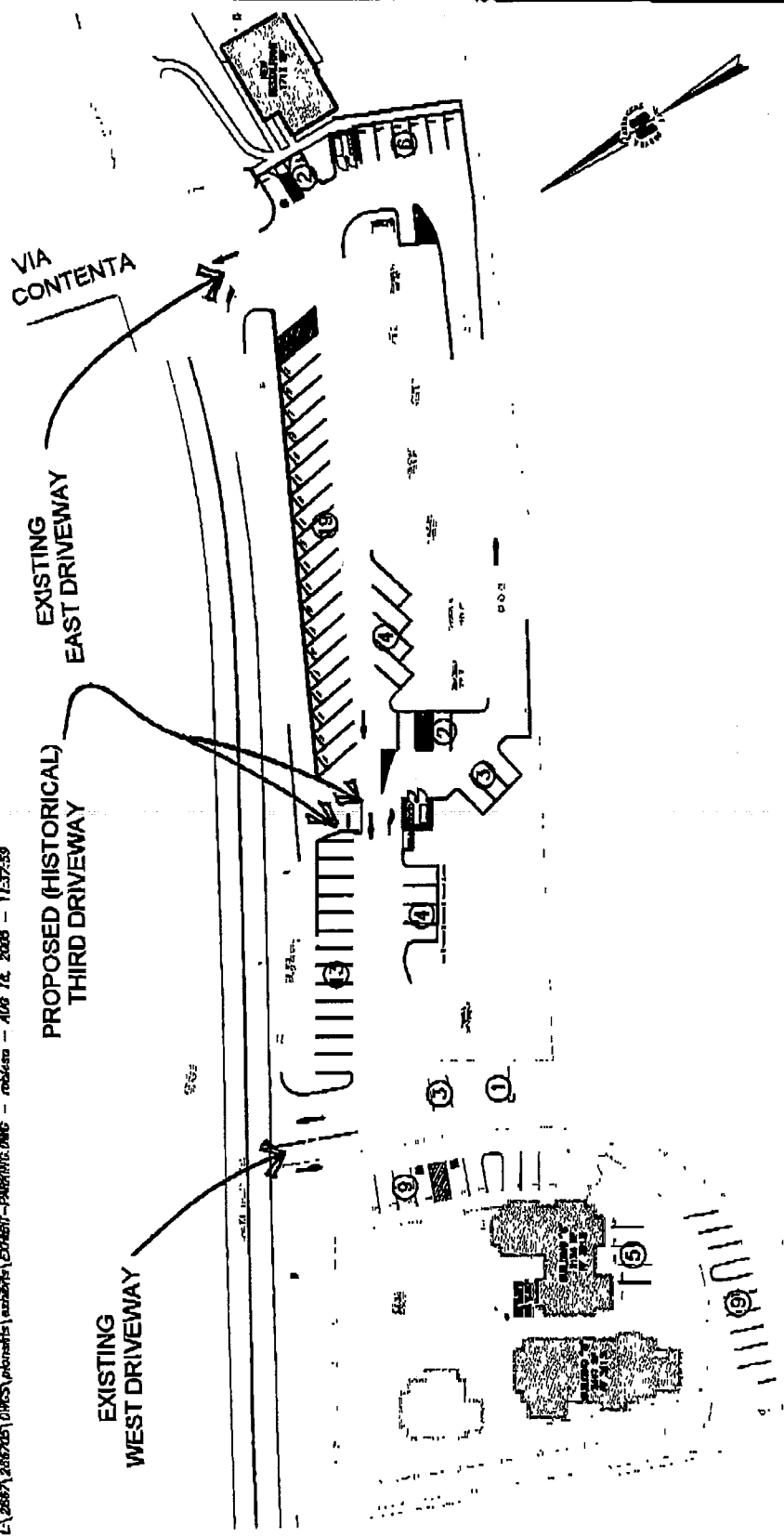
Keith B. Higgins, CE, TE

COPY

kbh:mm
enclosure

cc: Sal Tringali

L:\2007\200705\01\PCS\monmnts\exhibits\EXHIBIT-1\DRAWING.DWG - mod400 - AUG 14, 2008 - 1:37:39



PARKING ANALYSIS

BUILDING	SQ. FT.	REQUIRED	PROVIDED
WEST END - OFFICE/COMMERCIAL	5896 SF/250 SF	24 SPACES	23 SPACES
CENTER - OFFICE/COMMERCIAL	6472 SF/250 SF	26 SPACES	49 SPACES
RESTAURANT/DELI	1949 SF/100 SF	20 SPACES	8 SPACES
WEST END - RESTAURANT	1712 SF/100 SF	18 SPACES	80 SPACES

BESTOR ENGINEERS, INC.
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING
 9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 95040
 831.373.2841 831.649.4118F WWW.BESTOR.COM

PREPARED FOR: SAL TRINGALI
WHITE OAK PLAZA
PARKING COUNT EXHIBIT 1 -
 COUNTY OF MONTEREY, PROJECT SITE PLAN

RECOMMENDED MINIMUM DRIVEWAY SPACING

<u>Arterial Speed</u>	<u>Source 1 (ft)</u>	<u>Source 2 (ft)</u>	<u>Source 3 (ft)</u>
20	85	---	---
25	105	---	---
30	125	125	100
35	150	150	160
40	185	185	210
45	230	230	300

Source 1: Technical Guidelines for the Control of Direct Access to Arterial Highways, Volume 2, Midwest Research Institute, August 1975, p. 158.

Source 2: J.C. Glennon, J.J. Valenta, B.A. Thorson, J.A. Azzeq, and C.J. Wilton, "Evaluation of Techniques for the Control of Direct Access to Arterial Highways", Report No. FHWA-RD-76-85; "Technical Guidelines for the Control of Direct Access to Arterial Highways, Volume I: General Framework for Implementing Access Control Techniques", Report No. FHWA-RD-76-86; "Volume II: Detailed Description of Access Control Techniques", Report No. FHWA-RD-76-87, Federal Highway Administration, August, 1975.

Source 3: Vergil G. Stover, "Guidelines for Spacing of Unsignalized Access to Urban Arterial Streets", Texas A&M University, Texas Engineering Experiment Station, Technical Bulletin No. 81-1, January, 1981.

EXHIBIT 2 -
RECOMMENDED MINIMUM
DRIVEWAY SPACING

EXHIBIT J
MINUTES

Carmel Valley Land Use Advisory Committee
Monday, July 2, 2007

1. Meeting called to order 6:38 pm
2. Members Present: V. Rugg, J. Brennan, J. Anzini, J. MacClelland
3. Members Absent: S. Radford
4. Approval of Minutes: Motion: J. Anzini (LUAC Member's Name)
Second: J. MacClelland (LUAC Member's Name)
- Ayes: J. Anzini, J. MacClelland, J. Brennan, & V. Rugg
- Noes: _____
- Absent: S. Radford
- Abstain: _____

5. Public Comments:

none

6. Other Items: A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects/Applications:

none

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas, California
(831) 755-5025

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by Monday, July 02, 2007.

Project Title: TWELFTH TEE INVESTORS LLC
File Number: PLN070184
File Type: AP
Planner: MANUGUERRA
Location: CALLE DE ROBLES & VIA QUINTANA

Item continued from 6/18/07 meeting

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF: (1) A USE PERMIT FOR DEVELOPMENT ON SLOPES EXCEEDING 30%; AND (2) AN ADMINISTRATIVE PERMIT FOR DEVELOPMENT WITHIN A SITE PLAN REVIEW OR "S" ZONING DISTRICT TO ALLOW THE CONSTRUCTION OF AN APPROXIMATE 2,700 LINEAR FOOT DRIVEWAY TO PROVIDE ACCESS TO ONE EXISTING RESIDENTIAL PARCEL AND GRADING (APPROXIMATELY 5,602 CU. YDS. CUT/5,550 CU. YDS. FILL). THE PROPERTY IS LOCATED AT THE INTERSECTION OF CALLE DE ROBLES AND VIA QUINTANA, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBERS 185-051-009-000, 185-051-016-000, 185-051-017-000, AND 185-051-018-000), CARMEL VALLEY MASTER PLAN AREA.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Jim Gregg

PUBLIC COMMENT:

none

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

*all were addressed
accurately this time*

Exhibit J

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

none

ADDITIONAL LUAC COMMENTS:

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

*J. Anzini, J. MacClelland and
as submitted with no changes or
additional cuts.*

CONCUR WITH RECOMMENDATION:

AYES: J. Brennan, J. MacClelland, J. Anzini, V. Rugg

NOES: _____

ABSENT: S. Radford

ABSTAIN: _____

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas, California
(831) 755-5025

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by Monday, July 02, 2007.

Project Title: KESSLER MORTON & NANCY S

File Number: PLN070120

File Type: ZA

Planner: NICHOLSON

Location: 8195 EL CAMINO ESTRADA CARMEL VALLEY

Project Description:

VARIANCE TO RECTIFY A PORTION OF CODE ENFORCEMENT CASE CE040294 CONSISTING OF: A REDUCTION IN REAR YARD SETBACK FROM 20 FEET TO 7 FEET- 5 INCHES. THE PROPERTY IS LOCATED AT 8195 EL CAMINO ESTRADA, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 169-051-002-000), CARMEL VALLEY MASTER PLAN AREA.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Planner: Brittany N. & Architect Marjorie Ingram

PUBLIC COMMENT:

none

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

none

Exhibit J

Page 4 of 5 Pages

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

none

ADDITIONAL LUAC COMMENTS:

- small unit in front nicely kept

Motion J. Anzini 2nd by J. MacClelland

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

and any new or old exterior lights needs to be covered, downlit and of amber hue and should any skylights be added these are to be shaded at night.

CONCUR WITH RECOMMENDATION:

AYES: J. Brennan, J. Anzini, J. MacClelland & V. Rugg

NOES: _____

ABSENT: S. Radford

ABSTAIN: _____

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas, California
(831) 755-5025

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by Monday, July 02, 2007.

Project Title: MONTEREY FISH COMPANY INC

File Number: PLN070254

File Type: AMEND

Planner: MANUGUERRA

Location: 13910 CARMEL VALLEY RD & 1 E CARMEL VALLEY

Project Description:

AMENDMENT TO PREVIOUSLY APPROVED COMBINED DEVELOPMENT PERMIT AND GENERAL DEVELOPMENT PLAN (PLN980305) TO INCLUDE: (1) A USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN 200 FEET OF THE BOUNDARY OF A RESIDENTIAL DISTRICT (A WINE TASTING ROOM) WITHIN AN EXISTING 600 SQUARE FOOT COMMERCIAL SPACE; AND (2) MODIFY CONDITION OF APPROVAL NO. 17 TO ALLOW A THIRD DRIVEWAY ACCESS TO PROPERTY. THE PROPERTIES ARE LOCATED AT 1 EAST CARMEL VALLEY ROAD & 13910 CARMEL VALLEY ROAD, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBERS 189-291-005-000 AND 189-291-006-000), CARMEL VALLEY MASTER PLAN AREA.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Planners:

Helen Rawlings & Anthony Tringali

PUBLIC COMMENT:

*Paula Lotz: for CV Land/Property owners
Concern re: wine tasting venues - over concentration
in Village that County allowed - favorable to the
new applicant being local.*

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

- Need traffic to flow and be set "One Way"

Exhibit J

Page 6 of 15 Pages

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

signs to be placed accurately for "ENTER & EXIT" - and on ground as well

ADDITIONAL LUAC COMMENTS:

J. MacClelland

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

approve project as described

CONCUR WITH RECOMMENDATION:

AYES: J. Brennan, J. MacClelland, J. Anzini, V. Rugg

NOES: _____

ABSENT: S. Radford

ABSTAIN: _____

MEETING ADJOURNED AT: 7:13 pm

Exhibit J

MINUTES

Carmel Valley Land Use Advisory Committee
Monday, August 6, 2007

MINUTES TEMPLATE REVISED JULY 31, 2007

1. Meeting called to order 6:30 pm

2. Members Present: J. Anzini, J. MacClelland, J. Brennan, V. Rugg

3. Members Absent: S. Radford

4. Approval of Minutes: (April 16, 2007) Motion: delay until (LUAC Member's Name)

Second: next mtg (LUAC Member's Name)

Ayes: due to Victoria leaving at home

★ Already approved
Noes: April 16th minutes

April 16th
minutes were never
approved (MF)

(July 2, 2007) Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

5. Public Comments:

none

6. Other Items: A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects/Applications:

none

**Action by Land Use Advisory Committee
Project Referral Sheet**

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas, California
(831) 755-5025

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by Monday, August 06, 2007.

Project Title: MONTEREY FISH COMPANY INC
File Number: PLN070254
File Type: AMEND
Planner: MANUGUERRA
Location: 13910 CARMEL VALLEY RD CARMEL VALLEY

SECOND REVIEW BY LUAC

Project Description:

AMENDMENT TO A PREVIOUSLY APPROVED COMBINED DEVELOPMENT PERMIT AND GENERAL DEVELOPMENT PLAN (PLN980305) TO INCLUDE: (1) A USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN 200 FEET OF THE BOUNDARY OF A RESIDENTIAL DISTRICT (A WINE TASTING ROOM) WITHIN AN EXISTING 600 SQUARE FOOT COMMERCIAL SPACE; (2) MODIFICATION OF CONDITION OF APPROVAL NO. 17 TO ALLOW THE OPENING OF A THIRD DRIVEWAY; (3) USE PERMIT TO RECTIFY CODE ENFORCEMENT CASE CE050182 TO ALLOW EXTERIOR MODIFICATIONS TO THE DEL MONTE MILK BARN, A DESIGNATED HISTORIC RESOURCE WHICH INCLUDES: THE REPLACEMENT OF AN EXISTING EXTERIOR STAIRCASE TO THE SECOND STORY (THE MONTEREY FISH HOUSE RESTAURANT), THE CONSTRUCTION OF A TRASH ENCLOSURE GATE, AND A REDWOOD FENCE BEHIND MONTEREY FISH HOUSE RESTURANT 7 FEET IN HEIGHT (MATERIALS AND COLORS: REDWOOD AND PRESSURE TREATED WOOD, NATURAL STAIN); AND (4) A DESIGN APPROVAL TO ALLOW THE CONSTRUCTION A CINDER BLOCK SOUNDPROOF WALL ALONG THE SOUTHWESTERN PORTION OF THE PROPERTY LINE (APPROX. APPROX. 150 LINEAR FEET IN LENGTH), AND GRADING (LESS THAN 100 CU YDS). THE PROPERTIES ARE LOCATED AT 13910 (FORMERLY 27) AND 13920 CARMEL VALLEY ROAD, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBERS 189-291-005-000 AND 189-291-006-000), CARMEL VALLEY MASTER PLAN AREA.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

PUBLIC COMMENT:

Prescilla Walton - Pres. of Residential area behind —
pleased that new sound wall will be
put in — partial working

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

be sure no exterior lights
are uplighted or floodlit,
especially statue and oak trees.

Exhibit J

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

ADDITIONAL LUAC COMMENTS:

John Anzini moved for approval with
 RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):
 "HRRB" (Review Bd of Historic) recommendations re:
 stairs/paint etc. 2nd by J. MacClelland

CONCUR WITH RECOMMENDATION:

AYES: J. Anzini, J. Brennan, J. MacClelland, V. Rugg

NOES: _____

ABSENT: S. Radford

ABSTAIN: _____

**Action by Land Use Advisory Committee
Project Referral Sheet**

Monterey County Planning Department
166 W Alisal St 2nd Floor
Salinas, California
(831) 755-5025

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by Monday, August 06, 2007.

Project Title: WINTON JOAN R TR & JOAN R

PROJECT DESCRIPTION REVISED

File Number: PLN060089

File Type: ZA

Planner: MANUGUERRA

Location: 25719 CARMEL KNOLLS DR CARMEL

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF: (1) A USE PERMIT AND DESIGN APPROVAL TO ALLOW THE CONSTRUCTION OF AN ATTACHED ONE-STORY 850 SQUARE FEET CARETAKER'S UNIT WITH A 300 SQUARE FOOT ONE-CAR CARPORT, AN 800 SQUARE FOOT DECK, 78 SQUARE FEET PORCH, 50 LINEAR FEET OF RETAINING WALLS, AND GRADING (LESS THAN 100 CU. YDS.); (2) AN ADMINISTRATIVE PERMIT TO ALLOW DEVELOPMENT WITHIN A SITE PLAN REVIEW OR "S" ZONING DISTRICT; (3) A USE PERMIT TO ALLOW THE REMOVAL OF 12 PROTECTED OAK TREES; AND (4) A USE PERMIT TO ALLOW DEVELOPMENT ON A SLOPE EXCEEDING 30% FOR THE CONSTRUCTION OF THE CARETAKER'S UNIT AND THE RECONSTRUCTION OF THE EXISTING DRIVEWAY. THE PROPERTY IS LOCATED AT 25719 CARMEL KNOLLS DRIVE, CARMEL (ASSESSOR'S PARCEL NUMBER 015-301-001-000), CARMEL VALLEY MASTER PLAN AREA.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Planner

PUBLIC COMMENT:

None

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

- Lot is not designed for an accessory structure
- Redesign of project most logical and have an addition to present house not separate structure.

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

— This is discretionary
—

ADDITIONAL LUAC COMMENTS:

Request a scheduled site visit by members in order to meet with owners and fully discuss merits, if any, to project.

John Anzini moved for

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

~~and redesign of project to reduce visual and site project~~ To continue for redesign to site the proposal units NE of the existing house in order to reduce the visual impact and save the oak trees. V. Rugg 2nd motion.

CONCUR WITH RECOMMENDATION:

AYES: V. Rugg, J. Brennan, J. MacClelland, J. Anzini

NOES: _____

ABSENT: S. Badford

ABSTAIN: _____

**Action by Land Use Advisory Committee
Project Referral Sheet**

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas, California
(831) 755-5025

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by Monday, August 06, 2007.

Project Title: JAURIQUE ANTHONY & ALISON

File Number: PLN060468

File Type: PC

Planner: MONTANO

Location: 5435 QUAIL MEADOWS DR CARMEL VALLEY

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) ADMINISTRATIVE PERMIT AND DESIGN APPROVAL TO ALLOW THE CONSTRUCTION OF A NEW 5,138 SQUARE FOOT, TWO-STORY SINGLE FAMILY DWELLING WITH AN ATTACHED 1,080 SQUARE FOOT, THREE-CAR GARAGE, AND A 600 SQUARE FOOT ATTACHED GUESTHOUSE, RETAINING WALL; 287 FOOT LONG DRIVEWAY; AND GRADING (APPROX. 620 CUBIC YARDS OF CUT AND 880 CUBIC YARDS OF FILL) LOCATED IN A "S" ZONING DISTRICT; 2) USE PERMIT TO ALLOW DEVELOPMENT ON SLOPES GREATER THAN 30 PERCENT; AND 3) USE PERMIT TO ALLOW THE REMOVAL OF 23 PROTECTED TREES (COAST LIVE OAK). THE PROPERTY IS LOCATED AT 5435 QUAIL MEADOWS DRIVE, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 157-171-054-000), WEST OF CARMEL VALLEY ROAD, CARMEL VALLEY MASTER PLAN AREA.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

PUBLIC COMMENT:

none

AREAS OF CONCERN (c.g. traffic, neighborhood compatibility, visual impact, etc.):

not be visible at all due to roof

Exhibit J

Page 14 of 15 Pages

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

The chimneys need to be kept within Bldg Code regulation of "no more than 2 ft. above highest point 10 ft. apart."

ADDITIONAL LUAC COMMENTS:

Judy MacDelland motioned, J. Anzini 2nd RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance): with conditions that all lighting be downlit and covered and of amber hue, all chimneys be no more than 2 ft. above highest point of roof 10 ft away, replacement resto be placed on northern side of hse to block visual impact on other side of valley.

CONCUR WITH RECOMMENDATION:

AYES: J. Brennan, V. Rugg, J. MacDelland, J. Anzini

NOES:

ABSENT: S. Radford

ABSTAIN:

MEETING ADJOURNED AT: 7:30 pm Exhibit J

EXHIBIT K

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

Resolution No. 02-206 --)
 Adopt a Mitigated Negative Declaration and Mitigation)
 Monitoring Plan and approve a Combined Development)
 Permit for **Kenneth M. Blackwell Inc. (PLN 980305)**)
 including the following: 1) General Development Plan for)
 development of approximately 7,267 sq. ft. of new building)
 area and construction of additional parking, signage and)
 ancillary facilities in an existing commercial center (White)
 Oak Plaza); 2) Administrative Permit for development on)
 property located in the "S" (Site Review) Zoning District;)
 3) Administrative Permit for development of 5,667 sq. ft. of)
 building area for office and light commercial uses; 4) Use)
 Permit for development of a new 1,600 sq. ft restaurant;)
 5) Use Permit for parking spaces not in conformance with)
 standards; 6) Use Permit to allow additional development)
 on property located in the "HR" (Historic Resources) Zoning)
 District; and Design Approval. The property is located at 27 E.)
 Carmel Valley Road (APNs 189-291-005-000 & 189-291-006-)
 000), southerly of Carmel Valley Road, Carmel Valley Village,)
 Carmel Valley Master Plan area)

In the matter of the application No. PLN 980305 (Kenneth M. Blackwell Inc.)

WHEREAS: The Monterey County Board of Supervisors pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit and Design Approval, for property located at 27 E. Carmel Valley Road (APNs 189-291-005-000 & 189-291-006-000), southerly of Carmel Valley Road, Carmel Valley Village, Carmel Valley Master Plan area.

WHEREAS: Said proposal includes:

1. Adoption of a Mitigated Negative Declaration and Mitigation Monitoring Plan, and
2. A Combined Development Permit including: 1) General Development Plan for development of approximately 7,267 sq. ft. of new building area and construction of additional parking, signage and ancillary facilities in an existing commercial center (White Oak Plaza); 2) Administrative Permit for development on property located in the "S" (Site Review) Zoning District; 3) Administrative Permit for development of 5,667 sq. ft. of building area for office and light commercial uses; 4) Use Permit for development of a new 1,600 sq. ft restaurant; 5) Use Permit for parking spaces not in conformance with standards; 6) Use Permit to allow additional development on property located in the "HR" (Historic Resources) Zoning District; and Design Approval.

NOW, THEREFORE, the Board of Supervisors finds as follows:

1. **FINDING:** The subject Combined Development Permit (File PLN980305) as described in Condition No. 1 and as conditioned conforms with the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, Carmel Valley Master Plan, Carmel Valley Village Design Criteria and the Monterey County Zoning Ordinance (Title 21). The property is the White Oak Plaza, located at 27 E. Carmel Valley Road (Assessor's Parcel Numbers 189-291-005-000 & 189-291-006-000), southerly of Carmel Valley Road, Carmel Valley Village area. The parcel is zoned "LC-HR-S-D" or Light Commercial with Historical Resources, Site Review and Design Control overlay districts. The subject site is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21 and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The General Plan and the Greater Monterey Peninsula Area Plan
- b) Carmel Valley Master Plan
- c) Chapters 21.18, 21.54, 21.45, 21.44, and 21.58 of the Monterey County Zoning Ordinance
- d) Carmel Valley Village Design Criteria
- e) Chapter 22, Monterey County Septic Ordinance

EVIDENCE: The project site is suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, Carmel Valley Fire District and the Historical Resources Review Board. There has been no indication from those agencies that the site is not suitable for the proposed development. Each agency has recommended conditions for project approval. The Initial Study prepared for the project demonstrates that no physical or environmental constraints exist that could not be mitigated, and therefore would indicate that the site is suitable for the proposed development.

EVIDENCE: The proposed use is consistent with the development standards for "Light Commercial" zoning district, pursuant to Section 21.18 of the Monterey County Zoning Ordinance.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records and site visits indicated that no violations exist on subject property.

EVIDENCE: The application, project plans (as revised), and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development.

EVIDENCE: The on-site inspection by the project planner to verify that the proposed project complies with the applicable regulations.

2. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File # PLN980305) in the Department of Planning and Building Inspection. 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, located at 2620 1st. Avenue, Marina, CA 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: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on February 6, 2002 and noticed for public review. All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed 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:

Certified Monterey County Zoning Ordinance, Title 21

2. Greater Monterey Peninsula Area Plan
 3. Carmel Valley Master Plan
 4. Carmel Valley Village Development Criteria
 5. Monterey Bay Unified Air Pollution Control District, 2000. CEQA Guidelines
 6. Higgins and Associates, Civil and Traffic Engineers, *Traffic Impact Analysis for the White Oak Plaza Expansion*, May 2, 2001
 7. Historic Preservation Associates, *White Oak Inn, Carmel Valley Village*, July 20, 2001.
 8. Jud Vandevere, Biological Consultant, Biological Report, White Oak Plaza Expansion, September 11, 2000
 9. Hugh E. Smith, Urban Forestry Consultant, Impact Analysis of Proposed White Oak Plaza Expansion on Existing Oak Trees, September 2, 2000.
 10. Reynolds Associates, Geotechnical and Civil Engineers, *Geotechnical Investigation -Design Phase, White Oak Plaza*, December 22, 1998
 11. Bestor Engineers Inc., Civil Engineering, *Drainage Report for the White Oak Commercial Center*, September 18, 1998 and September 15, 2000.
3. **FINDING:** With regard to the designated historic resource located on the property -the Del Monte Milk Barn- the proposed project is found to be consistent with the purposes of Chapter 21.54 of the Zoning Ordinance (Regulations for Historic Resources Zoning Districts) and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site.

Exhibit K

Page 3 of 12 Pages

EVIDENCE: Appropriate mitigation measures have been identified and included in the Initial Study and Mitigated Negative Declaration adopted by the Planning Commission on February 27, 2002.

EVIDENCE: Chapter 21.54 of the Monterey County Code.

EVIDENCE: Historic Report prepared by Historic Preservation Associates, dated July 20, 2001, and entitled *White Oak Inn, Carmel Valley Village*.

EVIDENCE: Review, consideration and recommendation of approval of the project by the Historical Resources Review Board (4-0 vote).

4. **FINDING:** The proposed project is consistent with the purposes of Chapter 21.54 of the Zoning Ordinance (Regulations for Historic Resources Zoning Districts) and conforms to the prescriptive standards and guidelines adopted by the Board of Supervisors and does not adversely affect the character of the historic district.

EVIDENCE: See Finding and Evidence No. 3, above.

5. **FINDING:** The proposed uses and the exterior appearance of the proposed buildings will neither adversely affect nor be incompatible with the use and exterior of the existing designated historical resource (The Del Monte Milk Barn), and other improvements, buildings, natural features, and structures on the site.

EVIDENCE: See Finding and Evidence Nos. 3 and 4 above.

6. **FINDING:** Considering the record as a whole, the project will have a potential for adverse impacts on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations.

7. **FINDING:** Development of properties located in the Monterey Peninsula Water Management District depends in large part, on the availability of water pursuant to an allotment system established by the District based on a prorationing of the known water supply for each of the jurisdictions served by the California-American Water Service Company.

EVIDENCE: Staff report, oral testimony at the hearing; administrative record.

8. **FINDING:** Based upon the Monterey Peninsula Water Management District's ("District") water allotment system, the County of Monterey ("County") has established a system of priority distribution of water allocation for properties within its own jurisdiction. Current information available to the County indicates that the County's share of water under the District's allotment system, over which the County has no control, has been exhausted to the point that the County is unable to assure that property owners who do or have obtained development permits for their properties will be able to proceed with their development projects.

EVIDENCE: Memo dated July 22, 1999 from the Monterey Peninsula Water Management District to the applicant, which indicates that the project complies with the District's regulations related to the availability of water.

EVIDENCE: Memo from the Water Resources Agency, which indicates that the project will result in a net increase of zero acre feet per year of water and is consistent with the Monterey Peninsula Water Management District's Ordinance #70 and the Board of Supervisors' action dated October 11, 1994.

EVIDENCE: Staff report, oral testimony at the hearing; administrative record.

9. **FINDING:** In view of the preceding finding, and the fact that the present application for a use permit otherwise meets all County requirements, the County approves the application subject to determination by the Monterey County Water Resources Agency, in the form of a water availability certification, that water is available for the project and the applicant's being able to obtain a water permit from the District.

EVIDENCE: Staff report, oral testimony at the hearing; administrative record.

10. **FINDING:** Based on information contained in the Initial Study, the Board of Supervisors finds that no project related significant impacts exist relating to road and intersection Levels of Service along the property frontage and the mitigation requiring construction of the westbound left turn lane at Paso Hondo Road can be eliminated.

EVIDENCE: The Initial Study identifies traffic Level of Service of A and B in this stretch of Carmel Valley Road. Vehicle traffic generated by the project will not reduce this Level of Service to lower levels. No mitigation measure is needed unless a significant reduction of this level is identified.

EVIDENCE: Personal communication with George Divine, Monterey County Public Works Department, on February 20, 2002. Mr. Divine stated that a double left-turn lane is already required due to existing conflicting turning movements in this area but not due to the project's environmental impacts.

EVIDENCE: Traffic Study by Higgins Associates dated May 2, 2001.

EVIDENCE: CEQA Guidelines Sections 15063, 15073.5(c) and 15074. Pursuant to Section 15074.1 (a), the Board of Supervisors determined that the mitigation measure requiring construction of the left turn lane at Paso Hondo Road is not necessary as no potentially significant impacts were identified. Accordingly, the Board deleted this mitigation measure and substituted improvements on the property's frontage on Carmel Valley Road to accommodate vehicular traffic generated by the project.

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

EVIDENCE: There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department and Health Department. 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 or similar areas that would indicate the site is not suitable for the use proposed.

FINDING: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to health, safety, comfort, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency and the Carmel Valley Fire Protection District. The respective Departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

FINDINGS FOR APPEAL

13. **FINDING:** The property which is the subject of this appeal is located at 27 E. Carmel Valley Road, in the Carmel Valley Village, Carmel Valley area in the County of Monterey ("the property").
EVIDENCE: Planning Commission Resolution No. 02014; Planning and Building Inspection Department File No. PLN980305; administrative record.

14. **FINDING:** Applicant filed with the County of Monterey an application for a Combined Development Permit including: 1) General Development Plan for development of approximately 7,267 sq. ft. of new building area and construction of additional parking, signage and ancillary facilities in an existing commercial center (White Oak Plaza); 2) Administrative Permit for development on property located in the "S" (Site Review) Zoning District; 3) Administrative Permit for development of 5,667 sq. ft. of building area for office and light commercial uses; 4) Use Permit for development of a new 1,600 sq. ft restaurant; 5) Use Permit for parking spaces not in conformance with standards; 6) Use Permit to allow additional development on property located in the "HR" (Historic Resources) Zoning District; and Design Approval.
EVIDENCE: Planning and Building Inspection Department File No. PLN980305; administrative record.

FINDING: The application for a Combined Development Permit and Design Approval came for consideration before the Planning Commission at a public hearing on February 27, 2002.

EVIDENCE: Planning Commission Resolution No. 02014; Planning and Building Inspection Department File No. PLN980305.

16. **FINDING:** At the conclusion of the public hearing on February 27, 2002, the Planning Commission adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approved the application on the basis of the findings and evidence contained in Planning Commission Resolution No. 02014.

EVIDENCE: Planning Commission Resolution No. 02014; Planning and Building Inspection Department File No. PLN980305.

17. **FINDING:** Appellant timely filed an appeal from the Planning Commission alleging that (1) the Planning Commission exceeded its authority in approving the project; (2) the project description was significantly altered at the public hearing before the Planning Commission and required recirculation and environmental assessment relating thereto; (3) that there was substantial credible evidence that there may be significant environmental impacts requiring an EIR and that the Initial Study prepared for the project was inadequate in that it failed to consider many of the environmental impacts associated with the project; (4) that Findings 1, 2, 7, 8, 9, 10, 11 and 12 are not supported by the evidence because the applicant and County cannot rely on a "water saving mechanism" as proof of a water supply; and (5) that the findings are not supported by the evidence because there is substantial credible evidence of a fair argument that there may be significant impacts from traffic, noise, odors, drainage, and sewage.
EVIDENCE: Appellant's Notice of Appeal dated May 27, 2002; files of Clerk of the Board of Supervisors.
18. **FINDING:** Pursuant to the provisions of the Monterey County Zoning Ordinance and other applicable laws and regulations, the Board of Supervisors, on May 21, 2002, heard and considered the appeal.
EVIDENCE: Minutes and other records of the Board of Supervisors' meeting of May 21, 2002; files of the Clerk of the Board of Supervisors and Planning and Building Inspection Department.
19. **FINDING:** Upon consideration of the documentary information in the files, the staff reports, the oral and written testimony and other evidence presented before the Planning Commission, the Board of Supervisors denied the appeal and finds as follows:
- A. That the Planning Commission did not exceed its authority in approving the project;
 - B. That the project description presented at the public hearing before the Planning Commission was the same as the original project description prepared for the project and did not require recirculation or additional environmental assessment ;
 - C. That there is no substantial credible evidence that there may be significant environmental impacts requiring an EIR and that the Initial Study prepared for the project was adequate and properly addressed the potential environmental impacts associated with the project;
 - D. That findings 1, 2, 7, 8, 9, 10, 11 and 12 are supported by the evidence and the proposed water source for the project does not constitute a "water saving mechanism";
 - E. That the findings of approval of the project are supported by the evidence and there is no substantial credible evidence of a fair argument that there may be significant impacts from traffic, noise, odors, drainage, and sewage.

EVIDENCE: Oral testimony, staff reports, and documents in the administrative record.

EVIDENCE: Planning Commission Staff Report dated February 18, 2002.

EVIDENCE: Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

EVIDENCE: Minutes of the February 27, 2002 Planning Commission hearing.

Exhibit k

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors does hereby approve the Kenneth M. Blackwell Inc. application (PLN 980305) subject to the following conditions:

1. This permit allows for the following: 1) General Development Plan for development of approximately 7,267 sq. ft of new building area and construction of additional parking, signage and ancillary facilities in an existing commercial center (White Oak Plaza); 2) Administrative Permit for development on property located in the "S" (Site Review) Zoning District; 3) Administrative Permit for development of 5,667 sq. ft. of building area for office and light commercial uses; 4) Use Permit for development of a new 1,600 sq. ft restaurant; 5) Use Permit for development of additional parking spaces located partially within the public right-of-way; 6) Use Permit to allow additional development on property located in the "HR" (Historic Resources) Zoning District; and Design Approval 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 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 are approved by the appropriate authorities. (Planning and Building Inspection Department)

Prior to Issuance of Demolition, Grading or Building permits

2. The applicant shall record a notice which states: "A Combined Development Permit (Resolution No. 980305) was approved by the Planning Commission for Assessor's Parcel Numbers 189-291-005-000 & 189-291-006-000 on February 27, 2002. The permit was granted subject to 27 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 Department)
3. In order to mitigate the impacts resulting from the proposed demolition of structures, the structure identified in the Historic Report as the Foreman's House, and identified as such in the approved Site Plan, shall be restored following the Secretary of the Interior' *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. In addition, the applicant shall develop and install on the site a "Historical Interpretive Panel" of the site's history and buildings. The panel shall contain historic narrative; a site plan of the original building lay out and photographs of the original buildings, and shall be located in a conspicuous location within the site. The restoration plans and the interpretive panel's content and location shall be approved by the Historical Resources Review Board prior to issuance of any building permits for the project. The house shall be restored and the interpretive panel installed prior to issuance of occupancy of the proposed commercial buildings. In addition, the site plan shall be revised to relocate proposed Building C approximately 5 feet to the south and to delete the path on the west side of the Foreman's House. (MM1) & (MM2) (Planning and Building Inspection Department)

Exhibit K

Page 8 of 12 Pages

4. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring Plan adopted for the project. (Planning and Building Inspection Department)
5. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. (Planning and Building Inspection Department)
6. The site shall be landscaped. A landscaping plan shall be submitted that conforms to Chapter 18.50, Residential, Commercial and Industrial Water Conservation Measures, found in Title 18 of the Monterey County Code. The plan shall include low water use or native drought resistant plants, low precipitation sprinkler heads (disperses less than 0.75 inches of water per hour at any pipe pressure), bubblers, drip irrigation and timing devices. The proposed landscaping shall comply with all provisions of Policies (A) 7.0, (A) 8.0 and (B) of the Carmel Valley Village Development Criteria, and shall include planting to provide a visual buffer between the new restaurant area and the adjacent property to the south. The plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. Landscape plan review fees shall be paid at the time of landscape plan submittal. (Planning and Building Inspection Department)

A Grading Permit shall be required pursuant to the Monterey County Code relative to Grading, Chapter 16.08. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. (Planning and Building Inspection Department)

8. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection Department)
9. Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid within five days of project approval before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to or the issuance of building and/or grading permits. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection Department)

Exhibit K

Page 9 of 12 Pages

10. 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)
11. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts from stormwater runoff. The plan shall include an oil-grease/water separator and a filtration system to ensure that the runoff does not contribute to downstream water pollution. The plan shall also include a subsurface system such as a water detention pipe and a stormwater dispersion outlet to regulate the increase in stormwater runoff from the new impervious surfaces into the natural drainage area. Necessary improvements shall be constructed in accordance with approved drainage plans. (MM4) (Water Resources Agency/Planning and Building Inspection)
12. The existing access/egress driveway(s) on Carmel Valley Road shall be relocated to accommodate the additional traffic generated by the project and to provide safer vehicle movements into and from Carmel Valley Road. This will require minor widening on Carmel Valley Road at the westerly driveway. The driveway locations shall comply with current standards and shall be approved by the Department of Public Works. (Public Works)
13. A new parking plan for the entire site shall be submitted to Public Works and Planning and Building Inspection that complies with current County Parking Standards including appropriate-size parking stalls, circulation and truck loading-unloading. The shall include the following specific provisions:
 - a. Provide bicycle parking facilities at a rate of 1 rack space/10 parking spaces dispersed in two locations (east and west);
 - b. Provide and designate two truck-loading spaces in locations where they do not block other parking or access to the site.
 - c. Not include any parking spaces that would cause conflicts with incoming traffic.
 - d. The driveway off Paso Hondo shall be designated "Emergency Vehicle Access/Egress Only." (Public Works)
14. The applicant shall submit engineered plans for all improvements to the existing septic system to the Director of Environmental Health for review and approval. (Environmental Health)
15. The applicant shall submit engineered plans for all septic system improvements obtain plan approval and required permits from the State Regional Water Quality Control Board. (Environmental Health)
16. All restaurant improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. Submit plans and necessary review fees to Environmental Health for review and approval. (Environmental Health)
17. The site plan shall be revised to include the following:
 - a. Deletion of the proposed third driveway on Carmel Valley Road and deletion of the westbound left turn lane at the Carmel Valley Road/Paso Hondo Road intersection;
 - b. Construction of a fence and sidewalk (path) on Paso Hondo Road to prevent vehicular parking on the east side of the street;

Exhibit K

- c. Deletion of the southern portion of the originally proposed deck area on the south side of the new restaurant and relocation of this building per the plans presented to and reviewed by the Board of Supervisors at the public hearing on May 21, 2002. (Planning and Building Inspection)

Prior to Final Building Inspection/Occupancy

18. The applicant shall comply with Ordinance No. 3539, 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.
- 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)
19. The applicant shall obtain an Encroachment Permit from the Department of Public Works and construct a pedestrian pathway along the frontage of Paso Hondo Road; (Public Works)
20. The applicant shall pay the Carmel Valley Road Traffic Impact Fees pursuant to Board of Supervisors Resolution No. 95-140, adopted September 12, 1995. (Public Works)
21. The applicant shall apply for and pay the required fees to annex the site to County Service Area 52. (Public Works)
22. The applicant shall construct a left-turn channelization on Carmel Valley Road at the intersection of Via Contenta. (Public Works)
23. All proposed signs shall comply with the provisions of Section 21.60 of the Zoning Code and the criteria of the Carmel Valley Village Development Criteria. The applicant shall submit a sign Design Approval application for review and recommendation from the Carmel Valley Land Use Advisory Committee and approval by the Director of Planning and Building Inspection. (Planning and Building Inspection)
24. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (Carmel Valley Fire District)
25. Construction of the proposed driveway on Paso Hondo Road shall include an effective means to control its use as an emergency vehicle access/egress driveway only, subject to the approval of the Public Works and Planning and Building Inspection Departments. (Public Works/ Planning and Building Inspection)

Exhibit K

Page 11 of 112 Pages

On Going Conditions

26. The commercial uses allowed under the approved General Development Plan of this permit apply to all the buildings (existing and proposed) on the property, and shall be limited to the following: appliance store, general office, medical/chiropractic & dentist office, bookstores, clothing/apparel stores, drug stores, shoe shops and shoe stores, travel agency, convenience market including the sale of prepackaged food only, stationary and office supply store, fast photo shop, candy store, gift and card store, manicure/pedicure office not including a hair salon, video rental, locksmith, key and lock shop, bicycle shop, hardware store without outside storage of materials, picture framing, pet shops, and other uses of similar character and intensity. In addition, the restaurant use on the property shall be limited to 120 seats. (Planning and Building Inspection Department)
27. All changes of uses within the buildings shall be consistent with the uses allowed under the General Development Plan (Condition No. 24), and shall be approved by the Monterey Peninsula Water Management District, the Planning and Building Inspection Department and the Division of Environmental Health prior to the establishment of any new use. (Planning and Building Inspection Department)

PASSED AND ADOPTED this 21st day of May, 2002, upon motion of Supervisor Pennycook, seconded by Supervisor Johnsen, and carried by the following vote, to-wit:

AYES: Supervisors Pennycook, Calcagno and Johnsen.

NOES: Supervisor Potter.

ABSENT: Supervisor Armenta.

I, SALLY R. REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 71 on May 21, 2002.

DATED: May 21, 2002

SALLY R. REED, Clerk of the Board
of Supervisors, County of Monterey, State of
California

By: 

Deputy

EXHIBIT L

PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 06045

A. P. # 189-291-005-000

FINDINGS AND DECISION

In the matter of the application of
Francis Leplus, et al (PLN050115)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an Amendment to Condition #13d of Board Resolution 02-206 for a previously approved Combined Development Permit (PLN980305). Condition 13d specified that the driveway off of Paso Hondo Road be used for emergency vehicles access/egress only. The proposed Amendment would allow the Paso Hondo driveway to be used as an entrance for large delivery trucks, up to 50-60 deliveries per year, in addition to the currently allowed emergency vehicles. Project location is at the southeast corner of Paso Hondo and Carmel Valley Roads in the Carmel Valley Village, Carmel Valley Master Plan area, and came on regularly for hearing before the Planning Commission on July 26, 2006.

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY** - The project (PLN050115 LE PLUS) as conditioned is consistent with applicable plans and policies, the General Plan, the Carmel Valley Master Plan and the Commercial Land Use Designation. The site is located at 4 East Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 189-291-005-000).
- (a) Staff has reviewed the project as contained in the application and accompanying materials for consistency and conformity with the General Plan, Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21) and has determined that the project is consistent, and conforms with, said Plans and Ordinance. Staff notes are provided in Project File PLN050115.
 - (b) The project will allow the Paso Hondo driveway to be used as an entrance for large delivery trucks in addition to the currently allowed emergency vehicles, with approximately 50-60 deliveries per year. There is no intensification of use, change to the existing operation, or additional traffic that will result from approval of this Use Permit amendment.
 - (c) Project planner conducted an on-site inspection on 2/10/06 and 6/8/06 to verify that the project on the subject parcel conforms to the plans listed above.
 - (d) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection

Exhibit L

Department for the proposed development, found in Project File PLN050115.

2. **FINDING: SITE SUITABILITY** - The site is suitable for the use proposed.
EVIDENCE: (a) The project has been reviewed for suitability by Planning and Building Inspection, Public Works, Environmental Health, Water Resources, and the Mid-Carmel Valley Fire Protection District. Recommended conditions have been incorporated.
(b) Staff conducted an on-site visit on 2/10/06 and 6/8/06 to verify that the site is suitable for this use.
(c) Necessary public facilities are available and will be provided.
3. **FINDING: CEQA (exempt)** - The project is Categorical Exempt from the California Environmental Quality Act §15305. Section 15305 Class 5 minor alterations in land use limitations.
(a) The amendment allows a minor change in traffic circulation on a paved parking lot and street and does not involve any construction.
(b) There is no intensification of use, change to the existing operation, or additional traffic that could result from approval of this amendment to the Use Permit.
4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement cost, if any, have been paid.
EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations existing on subject property.
5. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance or operation of the project applied for will, under the circumstances of this particular case, will not 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.
6. **FINDING:** The proposed project is consistent with the General Development Plan approved by the Board of Supervisors under PLN980305.
EVIDENCE: No additional development is proposed; existing parking is adequate to accommodate new use.
7. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.
EVIDENCE: Section 21.80.040(D) of the Monterey County Zoning Ordinance (Title 21).

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 26th day of July, 2006, by the following vote:

AYES: Errea, Brown, Isakson, Salazar, Vandevere, Padilla, Sanchez, Diehl
NOES: None
ABSENT: Rochester, Wilmot


MIKE NOVO, SECRETARY

A COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON AUG 17 2006

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE AUG 27 2006

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

**Monterey County Planning and Building Inspection
Condition Compliance and/or Mitigation Monitoring
Reporting Plan**

Project Name: Le Plus

File No: PLN050115

Approval by: Planning Commission

APN: 189-291-005-000

Date: July 26, 2006

**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. Numr</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>PBD029 - SPECIFIC USES ONLY Amendment to Condition #13d of Board Resolution 02-206 for a previously approved Combined Development Permit (PLN980305) Condition 13d specified that the driveway off of Paso Hondo Road be used for emergency vehicles access/egress only. The proposed Amendment allows the Paso Hondo driveway to be used as an entrance for large delivery trucks in addition to the currently allowed emergency vehicles, with approximately 50-60 deliveries per year, Monday through Friday from 9 a.m. to 5 p.m. only. This Use Permit Amendment integrates the requirements of Monterey County Board of Supervisors Resolution No. 02-206, approved May 21, 2002, and Zoning Administrator Resolution No. 030587, approved March 11, 2004. The previous conditions and requirements are still in effect and applicable. The property is located at 4 E. Carmel Valley Road (APN 189-291-005-000). 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 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</p>	<p>Adhere to conditions and uses specified in Board Resolution No. 02-206, and ZA Resolution No.030587except for condition 13d as modified by this current PLN050115 permit.</p>	<p>Owner/ Applicant</p>	<p>Ongoing unless other-wise stated</p>	

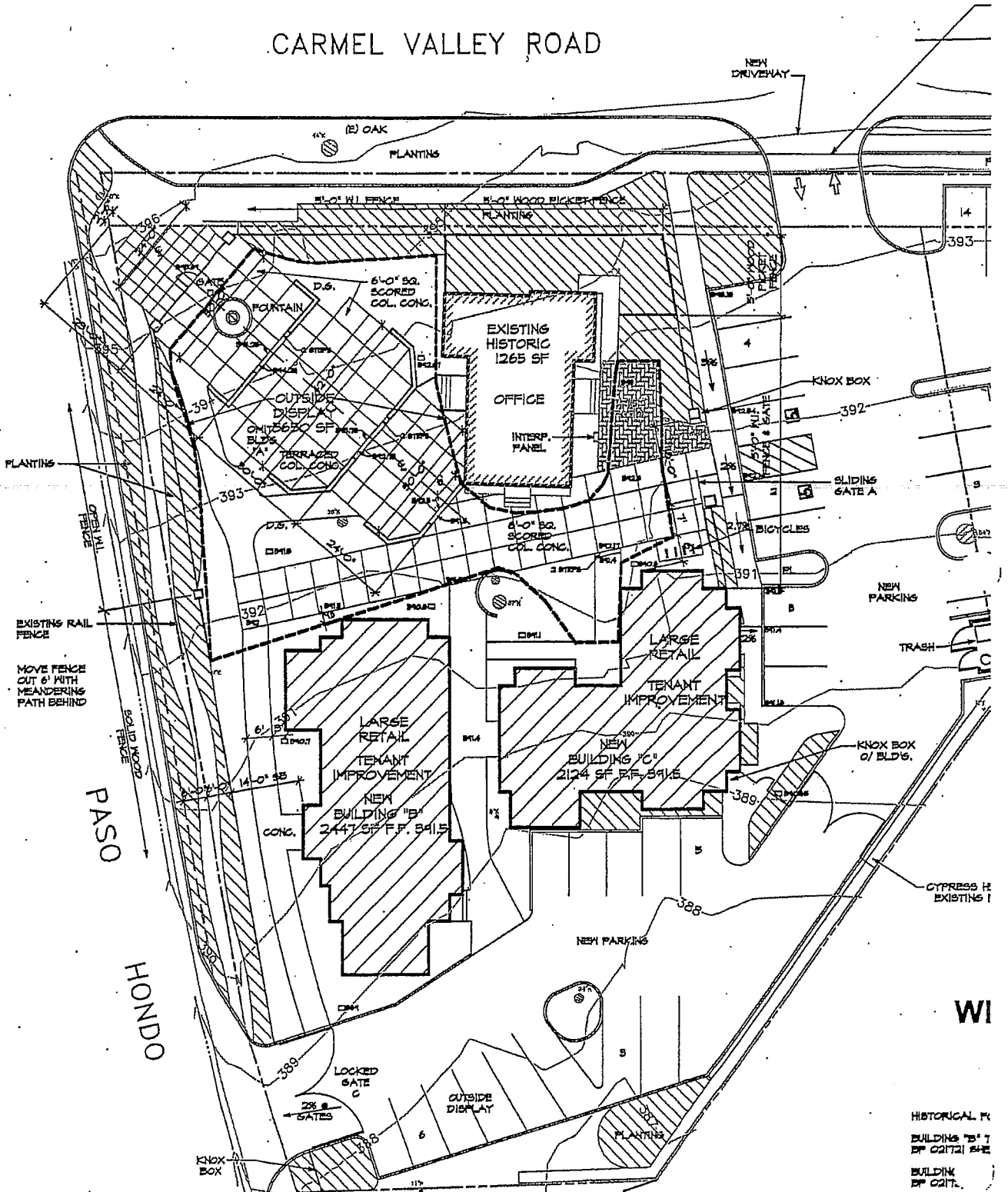
Page 4 of 6 Pages
Exhibit L

Exhibit L

		regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)				
2.		PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 06045) was approved by the Planning Commission for Assessor's Parcel Number 189-291-005-000 on July 26, 2006. The permit was granted subject to 6 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)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to start of use	
		PBI - NON STANDARD Truck delivery shall use the Paso Hondo driveway as an entrance only and shall be restricted to 50-60 deliveries per year, Monday through Friday, 9 a.m. to 5 p.m. (Planning and Building Inspection)	Shipping invoices may be required to provide a record of document deliveries.	Owner/ Applicant	Ongoing	
4.		PBI - NON STANDARD The sound wall permitted by Design Approval DA04032 shall be constructed prior to commencement of trucks use of the Paso Hondo driveway. (Planning and Building Inspection)	Construct and obtain Final approval of the sound wall approved as DA 04032	Owner/ Applicant	Prior to start of use	
5.		FIRE - NON-STANDARD - SIGNS Sign at entrance (as per Uniform Sign Code) "FIRE LANE - DO NOT BLOCK" (Carmel Valley Fire Department)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to commencement of use	
6.		PBD NON-STANDARD CONDITION All previous conditions of permits PLN00619 and PLN020330 are still in effect and are applicable. (Planning and Building Inspection Department)	See previous permit conditions.	Owner/ Applicant	Ongoing	

END OF CONDITIONS

CARMEL VALLEY ROAD



HISTORICAL P.
BUILDING 'B' 7
BY 021721 54E
BUILDING
BY 0217.

Exhibit L

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT
2620 1st Avenue, Marina, CA 93933
PHONE: (831) 883-7500 FAX: (831) 384-3261



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: White Oak Plaza Expansion

File No.: PLN 980305

Project Location: 27 East Carmel Valley Road

Name of Property Owner: Kenneth M. Blackwell, Inc.

Name of Applicant: Paul E. Davis

Assessor's Parcel Number(s): 189-291-005-000 & 189-291-006-000

Acreage of Property: 2.4 acres

General Plan Designation: Commercial

Zoning District: "LC-HR-D-S" (Light Commercial with Historical Resources, Design Review & Site Review Overlay Districts)

Lead Agency: Monterey County Planning Department

Prepared By: Meredith Marquez, Pacific Municipal Consultants
Luis A. Osorio, Associate Planner

Date Prepared: February 5, 2002

Contact Person: Luis A. Osorio

Phone Number: 831-883-7525

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description:

The proposed project consists of the following: 1) development of approximately 7,267 square feet of building area, including a 5,667 square foot building for office/commercial uses and a 1,600 square foot building for a new restaurant; 2) demolition of two single-family dwellings located on the southwest portion of the site; and 3) construction of 38 additional parking spaces and partial reconfiguration of existing parking areas, construction of a new driveway on Paso Hondo Road and a new driveway on Carmel Valley Road, relocation of an existing driveway on Carmel Valley Road, new signage, additional landscaping and upgrading of existing septic disposal and stormwater drainage facilities. The proposed commercial buildings would be located on the west end of the property and would contain space for light commercial and office uses allowed in the "Light Commercial Zoning District" with an Administrative Permit (Section 21.18.050 of the Zoning Ordinance); the new restaurant would be located on the vacant east end of the site. New parking areas would be located at both ends of the property in close proximity to the new buildings.

The proposed project requires a Combined Development Permit including: 1) General Development Plan for development of approximately 7,267 sq. ft of new building area and construction of additional parking, signage and ancillary facilities in an existing commercial center (White Oak Plaza); 2) Administrative Permit for development on property located in the "S" (Site Review) Zoning District; 3) Administrative Permit for development of 5,667 sq. ft. of building area for office and light commercial uses; 4) Use Permit for development of a new 1,600 sq. ft restaurant; 5) Use Permit for development of additional parking spaces located partially within the public right-of-way; 6) Use Permit to allow additional development on property located in the "HR" (Historic Resources) Zoning District; and Design Approval. The property is located at 27 E. Carmel Valley Road (APNs 189-291-005-000 & 189-291-006-000), southerly of Carmel Valley Road, Carmel Valley Village, Carmel Valley Master Plan area.

B. Environmental Setting and Surrounding Land Uses:

The project site is an existing 2.4-acre parcel located at 27 East Carmel Valley Road, fronting on and southerly of Carmel Valley Road between Esquiline Road and Paso Hondo Road in the Carmel Valley Village. Several buildings exist on the property including: 1) a 10,166 square foot, multi-tenant building located centrally on the site and containing office, commercial and restaurant space; 2) a building known as the "Milk Barn" located west of the existing commercial building, which is designated as a historical building in the Greater Monterey Peninsula Area Plan and currently is used as a restaurant/tasting room; 3) a 1,265 square foot residential unit converted into commercial space located at the northwest corner of the site; and 4) two detached residences located on the southwest corner of the site.

The Milk Barn and the 3 residential units are part of the original development of the property know as the "Upper Valley Hatton Dairy" built around 1890. This original building complex served the upper Carmel Valley with essential dairy products and included a dairy building, the

Foreman's house and two bunk houses. A large barn originally located besides the bunk houses no longer exists.

The project site is visually dominated by large oak trees located throughout. A pedestrian path and landscaping strip are located along the property's entire frontage on Carmel Valley Road. Parking for the existing uses is located primarily along the front of the site where two driveways provide access to Carmel Valley Road. The site slopes down away from Carmel Valley Road, and on the extreme eastern side, along Esquiline Road adjacent to where the restaurant is proposed, there is a natural drainage channel, located within a designated "Natural Drainage Easement". This channel drains into the Carmel River. Vegetation along this channel has been characterized as "Southern Oak Woodland" and "Ruderal Grassland." Near the intersection of Esquiline Road and Carmel Valley Road a "Slope Easement" is also shown. The western portion of the site has large oak trees throughout, and is more level than the balance of the site. No driveways currently access the site from Paso Hondo, although one is proposed with this application.

Carmel Valley Road in this area is generally characterized by development in which the commercial uses are one parcel deep with residential neighborhoods behind. To the rear of this site is a 48-unit Planned Residential Development. Across Carmel Valley Road is a mixture of commercial uses, including a grocery store. To the west at the intersection of Paso Hondo Road and Carmel Valley Road, are mixed commercial uses, including a lumber yard, and to the east on Esquiline Road is another Planned Residential Development. Carmel Valley Road is a two-lane road with small or no shoulders and a 25-mph speed limit in this area. Traffic level of service in this area is B during the peak hour.

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	X	Air Quality Mgmt. Plan	X
Specific Plan	X	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input checked="" type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | | |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

Agriculture Resources: The subject parcel is not designated for agricultural land uses and there are no agricultural operations of any kind.

Mineral Resources: The subject parcel is not designated for mineral extraction and there are no mineral resources of any kind.

Noise: The proposed project will increase the ambient noise level at the site based on the additional building traffic and outdoor seating for the restaurant, however, that increase will be

less than significant based on the scope of the expansion and the location of the new buildings, as far away from adjacent residential uses to the east. Many of the trips will be trips made by village residents to serve their commercial needs. Vehicle speed limits are 25 mph in this area which does not generate significant vehicular noise levels.

Population/Housing: The proposed project would eliminate only two residential units. This is not a substantial number of units or residents, and therefore there is no need for mitigation in the form of replacement housing. The commercial additions to the site are not of a size or with the employment potential, to cause significant impacts on population growth in the area which is already limited by other factors such as traffic at the Carmel Valley Road/Highway One intersection, and water for new residential developments.

Public Services : As a commercial project, there will be no impact on schools and parks. Impacts on fire and police protection will be less-than significant and offset by impact fees through the building permit process.

Recreation: There will be no recreation impacts since this is not a residential project or project employing a large number of employees.

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- .. I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE

DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ Signature	_____ February 6, 2002 Date
_____ Luis Osorio Printed Name	_____ Associate Planner Title

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.

- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
- a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 2, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 2, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a, c) Carmel Valley Road is not a state scenic highway, although it is identified in the Monterey County General Plan and Carmel Valley Plan as a scenic County road. The entire area adjacent to Carmel Valley Road in the Carmel Valley area, including the areas of the road in the Carmel Valley Village and adjacent to the project site, is located in an area designated as "Visually Sensitive" in the Greater Monterey Peninsula Area Plan. However, the visual character of the road in the Village area is defined by the existence of low intensity, village-oriented commercial development and buildings. This project will match the character of the existing Village commercial buildings, resulting in a less-than significant impact.

(b) A number of large oak trees located in close proximity to Carmel Valley Road, dominate both ends of the property. The site's terrain drains generally in an easterly direction towards an oak-lined drainage channel on the eastern border of the property. The visual character and value of the site is associated with the oak trees. The proposed restaurant building on the eastern side of the site, behind the existing oak trees, would have a less than significant impact based on its relatively small size, height, and use of wood exterior treatment to match other structures on the site. Construction of the new office buildings on the western portion of the site would also have a less than significant impact because they are proposed to be located under and among the existing oaks, and to utilize a scale, style, and materials consistent with the wood-framed buildings which already exist in that portion of the site. While the buildings would visually compete with the trees, the project has been designed around them; no trees would be removed and they would provide a visual buffer from Carmel Valley Road. An analysis of the potential effect of the creation of parking lots and new leach field on the existing oaks, prepared by Hugh Smith and dated September 2, 2000, found that the oak trees would not be endangered by the proposed construction of buildings and infrastructure.

(d) The construction of the new buildings and additional parking will increase the amount of light and glare on the site, particularly on the east side which is currently vacant. While no lighting plans have been developed, the lighting plans would address the requirements of Policies 11.1 and 11.2 of the Carmel Valley Village Development Criteria. Policy 11.1 requires unobtrusive lighting that is harmonious with the local area; Policy 11.2 contains specific provisions addressing the location, fixture type and intensity of lighting in new driveways and walkways, and is applied equally to parking areas. The project will be required to submit a lighting plan which will be checked for compliance with these policies. The lighting plan will only allow lighting that is sheltered or directed to illuminate only the intended areas and would assure that the project does not result in potential significant impacts. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a-c, e, f) The proposed expansion of the existing commercial complex will have a less than significant impact on air quality. According to the traffic study for the proposed project, the number of additional vehicle trips generated will be less than significant because many of those trips will be multi-purpose trips or trips diverted from other locations to this location. It is not anticipated that the proposed uses -restaurant, small office/commercial uses- will generate notable pollutants not associated with auto travel (Monterey Bay Unified Air Pollution Control District (MBUAPCD), CEQA Air Quality Guidelines, September 2000, Table 5-4). The restaurant will be required to vent the exhaust in such a manner as to minimize the odors of grease and cooking food, to ensure that neighbors to the south are not affected.

(d) There will be short-term construction-related, air quality impacts, but these are anticipated to be less than significant. The Air Pollution Control District has established a guideline threshold of 2.2 acres to be graded per day (MBUAPCD, CEQA Air Quality Guidelines, September 2000, Table 5-2). Since the site is relatively small and limited grading is being proposed this is considered a less than significant impact. The restaurant will utilize piers drilled to natural

grade, and the area to the west, where the new office buildings are proposed is generally level. Standard dust control conditions will be applied however, to all on-site earthwork to ensure adequate dust control

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 2, 3, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 2, 3, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) A Biological Report, dated September 11, 2000, was prepared for the project by Jud Vandevere, Biological Consultant. That assessment focused primarily on the vacant eastern portion of the property where a natural drainage channel is located. The analysis determined that no candidate, sensitive, or special status species of vegetation or animal exist on the site, although native oak communities are identified as important resources by the Monterey General Plan and Carmel Valley Plan. No impacts were identified that warranted mitigation.

(b, c, d) The drainage channel on the far eastern side of the site, which is located in a designated "Natural Drainage Easement", is lined with live oak trees that provide a nearly continuous canopy over the channel. This is considered riparian habitat, however, no wetland areas exist on the site. The proposed development will be set back at minimum of 20 ft. feet from the channel, and no construction is proposed within the drainage corridor. The biologist determined that the proposed development on the eastern portion of the property will not have a significant impact on any of the species identified as potential residents or visitors to the site, because no development is proposed in this area, which can continue to function as habitat and a travel corridor for larger mammals such as deer, coyote, opossum, skunk, raccoon, and occasional bobcat or cougar.

Construction of the new buildings and additional parking will increase the amount of stormwater runoff generated at the site. If uncontrolled, this additional stormwater runoff could adversely affect the quality of the channel and the existing vegetation by generating erosion and material deposits within. The project will be required to submit drainage plans which will be checked for compliance with current standards for containment of stormwater runoff. In general, these standards require that drainage facilities be constructed that maintain predevelopment runoff flows. Additional runoff into the channel will be released at determined rates to control erosion and flood potential in it. No mitigation measures are necessary.

(e, f) Oak preservation is encouraged by the Carmel Valley Master Plan and the Monterey County General Plan. The proposed project will not significantly impact the oak trees on site or within the riparian corridor, based on recommendations and mitigation measures which direct drainage away from the slope and the trees and by controlling of irrigation systems under the oak trees. This is based on the analysis of the oak trees relative to development of new paved parking and installation of new septic systems, leach fields, and subsurface drainage systems.

In order to ensure that damage does not occur to the oak trees located throughout the parking area and the western portion of the site an approved irrigation system will be required within this area that has been designed to control the amount of moisture received by the native oaks.

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitigation Incorporated		
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source:11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source:11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source:11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source:11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) The project site contains the building known as the "Del Monte Milk Barn" (Barn) as well as three residential units located on the westernmost portion. The Barn and the residential units are part of the original development of the property known as the "Upper Valley Hatton Dairy" built in c.1890. This building complex included a dairy building, the Foreman's house, two bunk houses and a large barn, and served the upper Carmel Valley with essential dairy products. The Barn is locally-designated as a Historic Structure in the Greater Monterey Peninsula Area Plan. The residential units are not designated as historic structures and the property is not designated as a historic site.

As a locally-designated Historic Structure, the Barn qualifies as a Historical Resource per the definition contained in CEQA Guidelines Section 15064.5 (a) (2). As such, the proposed project is subject to a determination on its potential impacts on the Historical Resource under the CEQA Guidelines Section 15064.5 (b) which states "A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." A substantial adverse change in the significance of an historical resource is defined in CEQA Guidelines Section 15064.5 (b) (1) as "the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." While only the Barn is designated as a Historical Structure and the site is not designated as a historical site, the analysis of the project's impacts on this resource must take into consideration the demolition of the other structures which are a part of the original development, and the resulting changes in the significance of the site.

A historic report entitled "White Oak Inn, Carmel Valley Village" (Appendix B), dated July 20, 2001, was prepared by Historic Preservation Associates. The report provides in some detail both the general uses of the property throughout the years and describes changes made to the three remaining residential units. It also states (p.1) that "The property has served many purposes besides dairying in its lifetime but most of its original functions are still somewhat intact." The report concludes (p.5) that "*The historic integrity of these houses has been compromised by multiple renovations, and although they remind one of their historic past they have not reproduced it. Despite this they are in relatively good conditions structurally, and are inhabitable.*" Regarding the Foreman's house the report states (p.4) that "*if certain sections of the building were removed, such as the flat roofed section it could possibly be restored to an acceptable historic condition.*"

Although the houses have changed from their original design, are not designated as historical structures, and other development has taken place on the property, it is clearly deductible from the contents of the report that they have been an intrinsic part of the history of the site, and a critical component of the historic structure's use and surroundings. Their demolition would not materially impair the building's architectural/historic characteristics, but it would materially impair its surroundings by taking away forever a significant part of the site's history. While the demolition of these structures would not result in a *substantial adverse change* to the historic structure –mainly because they have lost their original architectural design/characteristics due to changes made to them through time-, it is considered a potential significant impact because of the resulting permanent changes in the character and historical context of the site. The restoration of

Exhibit M

the existing structure, identified as the Foreman's House, to an acceptable historic condition, would compensate the proposed demolition by adding to the historic value of the site. The mitigation measures identified below will reduce this potential impact to less-than significant levels.

Mitigation

1. In order to mitigate the impacts resulting from the proposed demolition of structures identified in the site plan, the structure identified in the Historic Report prepared for the project as the Foreman's House, shall be restored following the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. The restoration plans shall be approved by the Historical Resources Review Board prior to issuance of building permits for the restoration.
2. The applicant shall develop and install on the site a "Historical Interpretive Panel" of the site's history and buildings. The panel shall contain historic narrative, a site plan of the original building lay out and photographs of the original buildings, and shall be located in a conspicuous location within the site. The panel shall be reviewed and approved by the Historical Resources Review Board and shall be installed prior to issuance of occupancy.

(c) The site does not contain any archaeological or paleontological resources or human remains. A previous archeological study, dated August 30, 1980, was prepared by Gary S. Breschini and Trudy Haversat for an earlier project on this site, and determined that no cultural remains would be anticipated at this location. A standard condition of approval, which requires that contractors stop work if resources are found during construction and contact appropriate County authorities, will be included in the conditions of approval for this site.

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 8) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides? (Source: 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a-d) The project location is twelve miles from the nearest fault capable of ground rupture, minimizing the potential for damage due to ground rupture. However, the strong seismic ground shaking could result from seismic activity on any of the faults which traverse Monterey County, the closest being the Palo Colorado-San Gregorio Fault, located twelve miles from the site. Seismic-related ground failure generally occurs where there is loose, unconsolidated soil. Such soil does exist on the property. While landslides would not be a potential hazard on the western portion of the site, the eastern portion, which slopes steeply to the side and rear, does have some risk in the current configuration. The soils report identifies the soil as moderately erodible, and recommends that it be landscaped as soon as possible after grading to reduce erosion potential. The project will be conditioned accordingly.

e) New septic systems and leach fields will be constructed as part of the project. Preliminary septic designs have been submitted for review by the Division of Environmental Health. The Division has required some minor modifications to the plans and has determined that with these modifications the septic system will comply with current requirements for septic disposal systems. The project will be required to submit an updated septic plan which will be checked for compliance with these requirements.

Mitigation:

3. In accordance with the Soils and Geotechnical Report, the applicant shall provide grading and improvement plans indicating that the ground on the western side of the site be redensified to provide a stable base for the conventional footings and slab foundations. On the eastern side of the site, where unconsolidated fill has been used to elevate a

portion of the site, the soils report recommends using a system of reinforced concrete piers placed below the fill into native soil, with connecting grade beams. All recommendations of the report shall be incorporated into the grading and building plans to be approved by the County.

7. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a-d) The proposed use of the new buildings for office/commercial and restaurant will not result in significant hazard to the public or the environment from hazardous materials, nor will there be

risk of upset or accident which would pose a hazard due to transport or storage of hazardous materials. The site is not located within ¼ mile of an existing or proposed school nor is the site included on the State's list of hazardous materials sites.

(e, f) The project will be located within two miles of an existing, nonconforming, private airstrip. However the predominant take-off and landing pattern is not over this project site.

(g) Carmel Valley Road is a designated emergency evacuation route, but this project will have no impact on that designation and will not interfere with use of the road in an emergency.

(h) The Carmel Valley Village area is a rural community which does not classify as a wild land area. While there is notable slope on the eastern side of the property the balance of the site is gently sloping or flat, further reducing fire risk from fires.

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The project site is not located in the floodway or floodplain so the new buildings will not impede or redirect flood flows. The project site is not subject to inundation by seiche, tsunami or mudflow, based on its non-coastal location and average slope. The site is not located beneath a dam or behind a levee, and therefore does not subject people or structures to risk of flooding as a result of dam or levee failure. Storm drainage on the site will be directed to an oversized, underground pipe so that it can be released at a rate which reflects pre-development drainage flows and prevents drainage from crossing property lines to the residential project behind the site. (For additional discussion of drainage issues refer to the Biological Resources Section of this document).

Mitigation:

- The applicant shall design filtration systems that ensure that the drainage from the parking area does not contribute to downstream water pollution. The property owner will be responsible for maintaining the filtration system, and this maintenance will be part of a monitoring program for the project. An annual monitoring report is due, to be prepared by a licensed water specialist or certified engineer. The annual report is to be submitted to the Environmental Health Department who must review and give clearance notice to PBI.

9. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) The proposed project will not divide an established community since the project consists of additional commercial development on an existing multi-tenant commercial site. The project is relatively small in scale and is expected to primarily serve the surrounding neighborhood and community.

(b) The proposed expansion will not conflict with any of the applicable land use plans, policies or agency regulations.

10. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

11. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

14. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access? (Source: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? (Source: 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

A "Traffic Impact Analysis" (report) dated May 2, 2001, was prepared for the proposed project by Keith Higgins and Associates. The report evaluated the proposed site plan in terms of 1) internal traffic circulation and parking; 2) the location and design of the proposed new driveway, and the existing driveway's relocation in terms of their potential impacts on existing vehicle traffic on Carmel Valley Road; and 3) the project's potential impacts on the existing levels of service (LOS) of Carmel Valley Road and the intersection of Carmel Valley Road and Paso Hondo Road. The report identifies the current level of service on Carmel Valley Road at the project site as A/B and a "C" LOS for the intersection of Carmel Valley Road and Paso Hondo Road and for the intersections of Carmel Valley Road with the two existing driveways (Table 3, p.8). Regarding the existing traffic conditions in the area adjacent to the site, the report states (p.14) that "Left-turn channelization is warranted at the following locations: (a) Westbound Carmel Valley Road at Paso Hondo, (b) Eastbound Carmel Valley Road at westerly Village

Shopping Center driveways (across the road from the project), and (c) Eastbound Carmel Valley Road at Via Contenta.” To accommodate the current need for these additional turning areas, the report (p.9) recommends the provision of a two-way left-turn lane in the middle of the travel pavement on Carmel Valley Road approximately between Paso Hondo and Via Contenta.

Project’s Impacts

The report states (Table 3, p. 8) that the traffic generated by the proposed project would not cause the existing road or intersection LOS at the site to drop below “B” LOS. This is a less than significant impact because the County’s standard for identifying significant impacts is a drop below level of service “C”. While neither the road nor intersection LOS would drop below the County standard, the project’s overall traffic would add to the already existing need for additional left turn channelization. Moreover, given the existing need for the left turn lane to serve the two intersections that will provide access to the site (Paso Hondo and Via Contenta) the expansion of the commercial uses warrant that the applicant provides the left turn lanes or a fair share of the cost for those improvements. Widening of the road to accommodate two-way left turn lane would cause the removal of a 44”-diameter oak tree. Regarding the project’s impacts on the Carmel Valley Road/Highway One intersection, the report (p.9) indicates that because of the project location and the surrounding land uses, “the plaza has minimal impacts on Highway 1, particularly during the PM peak hour which is of most concern.” This intersection currently operates at a LOS “F” during the peak hour and, while the minimal impacts would not affect the LOS, traffic impact fees will be assessed for them based on current County Ordinance.

Proposed parking for the site meets the requirements (number of spaces) of the Zoning Ordinance. Generally the uses will be able to share the parking based on differing hours of operation; the peak period for the restaurants is the evening when most of the offices and commercial uses will be closed. However, a number of the proposed parking spaces are partially located in the Carmel Valley Road right-of-way and a Use Permit is required for their construction.

An MST (Monterey/Salinas Transit) bus stop is currently located on the south side of Carmel Valley Road just west of Via Contenta and adjacent to the White Oaks Plaza and may have to be relocated in conjunction with the provision of the two-way left turn lane or multiple turn pockets. In addition to existing service by MST, alternative transportation will be encouraged at the site through the provision of required bicycle parking at one bike rack for every 20 auto parking spaces.

Mitigation

In order to provide a range of potentially adequate mitigations for the project’s traffic impacts, the report considered two alternative access designs for the site. The first maintains the two existing driveways, moving the westerly driveway further west to better serve the new buildings and leaving the existing easterly driveway as currently configured. The second alternative includes a new third driveway on Carmel Valley Road to serve the new buildings, as well as a new driveway on Paso Hondo Road. Both alternatives include a new driveway at the southernmost portion of the site on Paso Hondo. Under either of the two alternatives, some improvements to Carmel Valley Road would be required to facilitate turns into the site and to improve turns at existing road intersections. No significant environmental effects would be

caused by these improvements except the removal of the 44"-diameter oak tree under the first alternative (caused by the widening to accommodate a left turn lane). New and reconfigured driveways would also, according to the traffic analysis, be required to demonstrate the capability of serving delivery trucks by providing adequate turning radius at the driveways. The improvements identified as mitigation measures for both alternatives are listed on page 15 of the report (Attached).

The second alternative, which includes the new driveway on Carmel Valley Road that theoretically eliminates the project's contribution to the need for a two-way, left-turn lane in the middle of Carmel Valley Road, is contrary to the intent of Policy 39.2.5.1 of the Carmel Valley Master Plan and Zoning Ordinance Section 21.58.050.I. This policy and regulation discourages multiple driveway accesses to Carmel Valley Road and requires that approval of development of land having frontage on Carmel Valley Road be conditioned to minimize access to Carmel Valley Road or denied if access is otherwise available. Both alternatives could contribute to the construction of a two-way left-turn lane in the middle of the travel pavement on Carmel Valley Road approximately between Paso Hondo and Via Contenta as recommended in the report for existing conditions. This would require the removal of a stately oak (44" diameter) and possible the relocation of utility boxes and other infrastructure.

Mitigation Measures:

The most feasible and adequate mitigation measures for the project's impacts would appear to be the provision of a westbound left turn lane at Paso Hondo, or payment of a fair share contribution to its construction, and construction of accessibility improvements and the existing driveway locations. While the specifics of these improvements are not available, the potential environmental impact is clear: removal of a 44"-diameter oak tree. The following mitigation measures have been preliminarily recommended by the Public Works Department:

5. The applicant shall construct a new left-turn lane on Carmel Valley Road and Paso Hondo Road to provide vehicle left turn for vehicles traveling west on Carmel Valley Road.
6. The existing access/egress driveway(s) on Carmel Valley Road shall be relocated to accommodate the additional traffic generated by the project and to provide safer vehicle movements into and from Carmel Valley Road. The driveway locations shall comply with current standards and shall be approved by the Department of Public Works.
7. The new parking plan for the entire site shall comply with current County Parking Standards including appropriate-size parking stalls and shall include the following specific provisions:
 - a. provide bicycle parking facilities at a rate of 1 rack space/20 parking spaces dispersed in two locations (east and west);
 - b. provide two truck-loading spaces in locations where they do not block other parking or access to the site.
8. The applicant shall obtain an Encroachment Permit from the Department of Public Works and construct a pedestrian pathway along the frontage of Paso Hondo Road;
9. The applicant shall pay the Carmel Valley Road Traffic Impact Fees pursuant to Board of Supervisors Resolution No. 95-140, adopted September 12, 1995.
10. The applicant shall apply for and pay the required fees to annex the site to County Service Area 52.

16. UTILITIES AND SERVICE SYSTEMS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g)	Comply with federal, state, and local statutes and regulations related to solid waste? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

A determination has been made by the County Environmental Health Department that the proposed project will not increase the amount of wastewater currently and historically generated by the uses on site. The site has been determined to be nonconforming with regard to the amount of wastewater permitted based on previous uses. The new uses must not exceed the amount historically identified with the site, and the new septic and leach line systems must be approved by both the Environmental Health Department and Regional Wastewater Management Agency. New stormwater detention systems, septic tanks and leach fields will be required, however, and the arborist's report prepared to examine possible impacts on the oak trees has determined that the new septic tanks, leach lines, and underground stormwater storage system can be constructed without significant impact on the oak trees or other vegetation on the site.

The Water Department has issued a letter indicating that water availability is adequate for the use based on elimination of the residential units and replacement of previous restaurant uses with a new restaurant.

The County has multiple landfill sites with capacity for the minimal refuse from this site. And recycling containers are currently provide by the collection agency in an effort to reduce the amount of material added to the dump sites and thereby extend their usefulness.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source:) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source:)	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

With the mitigation and/or monitoring of project conditions, included as stated above in this Initial Study determination, the project’s potential impacts will be reduced to a level of insignificance.

The applicant shall be required to sign, notarize and record a **Mitigation/Monitoring and/or Reporting Agreement** to ensure the implementation of these specific conditions of approval concurrent with project development.

Exhibit M

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

For purposes of implementing Section 735.5 of Title 14, California Code of Regulations: If based on the record as a whole, the Planner determines that implementation of the project described herein, will result in changes to resources A-G listed below, then a **Fish and Game Document Filing Fee** must be assessed. Based upon analysis using the criteria A-G, and information contained in the record, state conclusions with evidence below.

- A) Riparian land, rivers, streams, water courses, and wetlands under state and federal jurisdiction.
- B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- C) Rare and unique plant life and ecological communities dependent on plant life, and;
- D) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- E) All species of plant or animals listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, and the Water Code, or regulations adopted there under.
- F) All marine terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- G) All air and water resources the degradation of which will individually or cumulatively result in the loss of biological diversity among plants and animals residing in air or water.

De minimis Fee Exemption: For purposes of implementing Section 735.5 of the California Code of Regulations: A *De Minimis Exemption* may be granted to the **Environmental Document Fee** if there is substantial evidence, based on the record as a whole, that there **will not** be changes to the above named resources V. A-G caused by implementation of the project. Using the above criteria, state conclusions with evidence below, and follow Planning and Building Inceptions Department Procedures for filing a de minimis exemption.

Conclusion: The project will be required to pay the fee of \$1,275. **THIS FEE IS DUE AND PAYABLE TO THE COUNTY OF MONTEREY WITHIN 5 DAYS OF APPROVAL BY THE APPROPRIATE AUTHORITY AT A PUBLIC HEARING.**

Evidence: The project has the potential to impact native habitat, ecological resources, native soils and water quality. The fee will off-set any potential impacts by contributing to the State of California programs which monitor the health and safety of ecological systems within this County.

IX. REFERENCES

1. Project Application/Plans
2. Carmel Valley Master Plan
3. Monterey County General Plan
4. Water District Correspondence and Review
5. Monterey County Environmental Health Department Review/Comments
6. Higgins and Associates Traffic Study of April 2001
7. Biological Report
8. Soils and Geotechnical Report
9. Drainage Plan and Analysis Bestor Engineers
10. Arborist's Report on the Oak Trees
11. Archaeological Reconnaissance by Gary S. Breschini, August 1980

APPENDIX LIST

APPENDIX A: Higgins and Associates, Civil and Traffic Engineers, *Traffic Impact Analysis for the White Oak Plaza Expansion*, May 2, 2001

APPENDIX B: Historic Preservation Associates, *White Oak Inn, Carmel Valley Village*, July 20, 2001.

APPENDIX C: Jud Vandevere, Biological Consultant, *Biological Report, White Oak Plaza Expansion*, September 11, 2000.

APPENDIX D: Hugh E. Smith, Urban Forestry Consultant, *Impact Analysis of Proposed White Oak Plaza Expansion on Existing Oak Trees*, September 2, 2000.

APPENDIX E: Reynolds Associates, Geotechnical and Civil Engineers, *Geotechnical Investigation –Design Phase, White Oak Plaza*, December 22, 1998.

APPENDIX F: Bestor Engineers Inc., Civil Engineering, *Drainage Report for the White Oak Commercial Center*, September 18, 1998 and September 15, 2000.

CARMEL VALLEY



Garland Ranch Regional Park

PROJECT SITE




CARMEL VALLEY VILLAGE

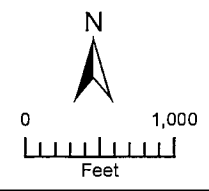
CARMEL VALLEY RD

APPLICANT: MONTEREY FISH COMPANY INC

APN: 189-291-005-000 & 189-291-006-000

FILE # PLN070254

 300' Limit  2500' Limit  City Limits



PLANNER: MANUGUERRA