

MONTEREY COUNTY PLANNING COMMISSION

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| Meeting: December 10, 2008 Time: 9:00am | | Agenda Item No.: |
| Project Description: Standard Subdivision Tentative Map (PLN070102, Coakley) for the Conversion of 31 Existing Motel Units and 3 Management Units at the Carmel Valley Lodge into 23 Individually-Owned Motel Units and 3 Privately-Owned Management Units. | | |
| Project Location: 8 Ford Road, Carmel Valley | | APN: 187-411-013-000 |
| Planning File Number: PLN070102 | | Name: Peter R. Coakley c/o Carmel Valley Lodge |
| Plan Area: Carmel Valley Master Plan | | Flagged and staked: No |
| Zoning Designation: VO-D-S (Visitor Serving/Professional Office Zoning with Design Control and Site Plan Review Overlay Districts) | | |
| CEQA Action: Negative Declaration | | |
| Department: RMA - Planning Department | | |

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the Negative Declaration (Exhibit E), and approve the Standard Subdivision Tentative Map based on the Findings and Evidence (Exhibit C) and subject to the recommended conditions (Exhibit D).

PROJECT OVERVIEW:

The proposed subdivision would result in the conversion of 31 existing motel units and 3 existing facility (convention center, registration and service) buildings into 23 individually owned condominium motel units and 3 privately owned management units. This would be considered a commercial subdivision, consisting of commercial “lots” that would encompass the interior area of each unit. The project is a common interest subdivision under state law. Other areas such as the landscaping, parking area, walkways and swimming pool will be common area.

The change in ownership structure does not involve physical changes. The only substantive issue identified is to ensure that the use is maintained as a motel use and that the transient occupancy tax continues to be collected. A condition has been recommended to ensure that the use of the converted units including use by individual owners will be subject to the requirements of the County Code relating to transient occupancy. Transient occupancy will be limited to no more than 30 consecutive days and owner occupancy a maximum of 60 days per year.

OTHER AGENCY INVOLVEMENT:

| | | | |
|---|-------------------------------|---|-------------------------------------------------------|
| ✓ | Water Resources Agency | ✓ | Treasurer/Tax Collector |
| ✓ | Environmental Health Division | ✓ | CDF- Carmel Valley Fire Protection District |
| ✓ | Public Works Department | ✓ | Parks Department |
| ✓ | Monterey County Sheriff | ✓ | Land Use Advisory Committee-Carmel Valley Master Plan |

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

LUAC REVIEW

The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the application of the project on November 19, 2007. The LUAC recommended approval (4 to 0 vote, with 1 member absent).

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

David J. R. Mack, Assistant Planner
(831) 755-5096, mackd@co.monterey.ca.us
November 25, 2008

cc: Front Counter Copy; Planning Commission (10); County Counsel; Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Planning Services Manager; Luis Osorio, Planning Service Manager; Peter Coakley, Owner; Lynne Mounday, Applicant; File PLN070102.

Attachments: Exhibit A Project Data Sheet
Exhibit B Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Condition Compliance Matrix
Exhibit E Initial Study/Negative Declaration
Exhibit F Vicinity Map
Exhibit G Subdivision Map
Exhibit H Monterey Peninsula Water Management District comment letter
Exhibit I Monterey Bay Unified Air Pollution Control District comment letter
Exhibit J Higgins Associates Traffic Report

This report was reviewed by Luis Osorio, Planning Services Manager

EXHIBIT A PROJECT DATA SHEET

Project Information for PLN070102

Project Title: COAKLEY PETER T TR

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|-----------------------|-------------------------------|------------------------------|-----------------|
| Location: | 8 FORD RD CARMEL VALLEY | Primary APN: | 187-411-013-000 |
| Applicable Plan: | Carmel Valley Master Plan | Coastal Zone: | No |
| Permit Type: | Standard Subdivision | Zoning: | VO-D-S |
| Environmental Status: | Negative Declaration Prepared | Plan Designation: | VISTOR SERVING |
| Advisory Committee: | Carmel Valley | Final Action Deadline (884): | 12/29/2008 |

Project Site Data:

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|---------------------------|---------|--------------------|----------|
| Lot Size: | 2.45 AC | Coverage Allowed: | 50% |
| Existing Structures (sf): | 12,715 | Coverage Proposed: | EXISTING |
| Proposed Structures (sf): | 12,715 | Height Allowed: | 35 |
| Total Sq. Ft.: | 12,715 | Height Proposed: | EXISTING |
| | | FAR Allowed: | N/A |
| | | FAR Proposed: | N/A |

Resource Zones and Reports:

| | | | |
|------------------------------------|-----------|-----------------------|-----------|
| Environmentally Sensitive Habitat: | No | Erosion Hazard Zone: | LOW |
| Biological Report #: | N/A | Soils Report #: | N/A |
| Forest Management Rpt. #: | N/A | | |
| Archaeological Sensitivity Zone: | HIGH | Geologic Hazard Zone: | III |
| Archaeological Report #: | N/A | Geologic Report #: | N/A |
| | | | |
| Fire Hazard Zone: | VERY HIGH | Traffic Report #: | LIB080487 |

Other Information:

| | | | |
|----------------|-------------------|---------------------------|--------|
| Water Source: | CAL-AM | Sewage Disposal (method): | SEPTIC |
| Water Dist/Co: | CAL-AM | Sewer District Name: | N/A |
| Fire District: | CARMEL VALLEY FPD | Grading (cubic yds.): | 0.0 |
| Tree Removal: | N/A | | |

EXHIBIT B DISCUSSION

SETTING:

Originally built in 1956, the Carmel Valley Lodge is located at the northeastern corner of the Ford Road and Carmel Valley Road intersection in Carmel Valley. The existing Carmel Valley Lodge includes 31 motel units, a pool, and conference center.

The project site is located within the Carmel Valley Master Plan area of the Greater Monterey Peninsula Area Plan. According to the Carmel Valley Master Plan, the site is designated as Visitor Accommodations/Professional Offices. The surrounding land uses include high density residential properties to the south and low density residential properties to the north, east, and west of the project site. The site is zoned for Visitor Accommodations and Professional Offices with Design Control and Site Plan Review overlays.

PROJECT DESCRIPTION:

The proposed project (project) involves the conversion of 31 existing motel units and 3 existing facility (convention center, registration and service) buildings into 23 individually owned condominium motel units and 3 privately owned management units. The 23 individually-owned motel units would consist of: 5 studio units, 12 one-bedroom units, and 6 two-bedroom units. The privately owned management units would consist of the convention center, registration building, and service building. The conversion of the motel units and management units to individually-owned units will not change the density, land use, or zoning of the project site. The predominant use of the property will remain visitor serving, with the exception of the partial use of the units by their owners for a limited period of time (30 consecutive days and a maximum of 60 days per year). An owners' association will have a contract with the motel operator for the maintenance and rental of the motel units; the right to the use of the common motel amenities will be retained in ownership by individual unit owners. The units will be rented to transient guests the same way they are currently rented. The motel will continue to be operated and managed by a single management entity; income from the rental of each unit to non-owners will be retained by the individual unit owner, net of utilities, fees and costs associated with managing and maintaining the units. Individual unit owners will have perpetual easement right to use all roadways, parking areas, and access to guest room areas, as well as the use of the front desk area and other areas fundamental to the operation of the units as motel guest rooms.

No new exterior construction or grading is proposed as part of the conversion. The existing landscaping will remain and the proposed project will not include removal of any vegetation. There are no changes for the water or wastewater systems onsite. The water service will continue to be provided by California American Water and wastewater will continue to be collected within the eleven existing septic tanks and drain fields. Employee parking and parking for the residential units would be provided onsite.

PROJECT ISSUES:

Land Use/Planning

The existing motel use is allowed under the Visitor Serving/Professional zoning district (Chapter 21.22.060 of the Monterey County Zoning Ordinance). The key aspect of the project from a land use perspective is whether the converted units would result in a use that detracts from the definition of a motel contained in the zoning ordinance, and whether the new ownership structure would allow the continued collection of the transient occupancy tax.

The converted units would continue to qualify as a “motel” pursuant to the definition contained in Section 21.06.810 of the Monterey County Zoning Ordinance, which defines a motel as “a building, structures, accessory facilities and premises with guestrooms or apartments with parking areas provided to serve such guestrooms or apartments and the use of which is designed and used primarily for accommodation of transient travelers.” According to Section 21.06.130 of the Zoning Ordinance, transient occupancy means “occupancy for temporary dwelling, lodging, or sleeping purposes by non-family members; any commercial use of a structure or portion thereof which subjects the owner or occupant to the Uniform Transient Occupancy Tax Ordinance of Monterey County.”

The existing hotel units are subject to Chapter 5.40 (Transient Occupancy Tax) of the Monterey County Code. The provisions of this chapter provide regulations for the application and collection of applicable transient taxes. According to Section 5.40.020.H of the Code, “transient” means “any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to March 31, 1965, may be considered. (Ord. 3668, 1993; Ord. 3651 § 1, 1992)”. Pursuant to Section 5.40.030 of the Monterey County Municipal Code, each transient is subject to pay a tax, currently in the amount of ten and one-half percent (10.5%) for the privilege of occupancy in any hotel in the County of Monterey.

Transient occupancy means occupancy for a maximum period of thirty (30) calendar days as noted above. The project applicant has stated the predominant use of the property will remain visitor serving, with the exception of the “occasional use” of the condominium motel units by their owners. To ensure compliance with the Uniform Transient Occupancy Tax Ordinance of Monterey County, the Treasurer/Tax Collector has recommended that the project be conditioned to provide owner occupants with a “reasonable time certain period” of tax-exempt occupancy that simultaneously preserves the visitor serving status of those units.

In consultation with the Tax Collector’s Office, the planning department has recommended a condition to limit occupancy of the units by guests to 30 consecutive days and limit owner occupancy to a maximum of 60 days per year (Condition 5, Exhibit D). This condition would ensure the owner a “reasonable time certain period” of tax-exempt occupancy while maintaining the visitor serving status consistent with the provisions of the Zoning Ordinance and the requirements of Chapter 5.40 of the County Code regarding transient occupancy, and with the land use policies of the Carmel Valley Master Plan. In addition, the conditions of approval require that a deed restriction be recorded stating that these units are not to be used for residential purposes and to state the requirements for transient use and the payment of the transient occupancy tax required by the Monterey County Code (Condition 4, Exhibit D).

Septic Disposal

The existing Lodge utilizes 11 septic tanks and drain fields. The project does not propose or require any additional wastewater facilities, as the existing facilities are adequate to serve the 23 reconfigured individual units, as determined by the Monterey County Environmental Health Department. In addition, the proposed installation of flow-low toilets may result in a decrease in wastewater disposal.

Traffic

Monterey County Board of Supervisors Resolution No. 02-024 prohibits residential and commercial subdivisions within the Carmel Valley Master Plan Area, pending the adoption of updated General Plan/Master Plan policies related to Level of Service on Carmel Valley Road. A traffic report was prepared by Higgins Associates to estimate the potential change in traffic generation resulting from the subdivision and conversion of the existing 31 room Carmel Valley Lodge into to 23 whole ownership condominiums. This report stated that the trip generation ratio for a motel room is 9.11 daily trips per occupied room. The trip generation ratio for a condominium is 5.86 daily trips per unit. The report concluded that the proposed subdivision and conversion will have a lower trip generation rate than the existing occupied hotel rooms, since the conversion project represents a “one-fourth reduction in units, a comparable reduction in trip generation will occur with full implantation of the project.” Therefore, the project would not have an impact on traffic operations or the level of service of the Carmel Valley road system, and will reduce traffic impacts on all roads within the vicinity (See Exhibit J). Therefore the project is allowed to proceed on its own merits as it will not generate additional daily trips, and therefore, would not affect the levels of service of the roads in the area. This complies with the intent of the adoption of the policy of not allowing residential or commercial subdivisions that would result in the generation of additional vehicular traffic.

Water

Water service will continue to be provided by California American Water (Cal-Am). No additional fixtures are included in the interior modifications; therefore no increase in water demand would result from the conversion. Future fixture modifications; necessary for the remodeling of the units would require additional water permits, which would require review and approval by the Monterey Peninsula Water Management District prior to issuance of building permits (see Public Comment section below).

STANDARD SUBDIVISION COMMITTEE REVIEW

The Monterey County Standard Subdivision Committee reviewed the project on October 30, 2008. In the course of project review, the Committee discussed language of proposed conditions being applied by the Environmental Health Department (EHD). EHD stated that they are satisfied with the content of the conditions, but would like further clarification regarding funding for maintenance and improvements of septic disposal systems. EHD also expressed the desire to recommend approval of the project, and that specific language for the appropriate conditions would be worked out prior to hearing before the Planning Commission. Subsequently, the Committee recommended adoption of the Negative Declaration and approval of the Standard Subdivision Tentative Map to the Planning Commission.

REVISED / ADDED CONDITIONS

Revised conditions from the Environmental Health Department have been incorporated into the condition matrix as conditions 18 through 24. The Planning Department added Conditions 7 and 8 to address the formation of a Homeowner’s Association and agreements with the management entity, to provide ongoing maintenance, inspection, repair and replacement of common areas. The applicant has been notified and agreed all added and amended conditions.

ENVIRONMENTAL REVIEW:

An Initial Study was completed for the project. The initial study concluded that the project would not result in potentially significant impacts and the Negative Declaration was filed on September 3, 2008 and circulated for public review. Comments were received from the Monterey Peninsula Water Management District and the Monterey Bay Unified Air Pollution Control District. The

primary CEQA issues included: air quality, geology and soils, hazards, land use and planning, noise, population and housing, and transportation/traffic. Based on the findings of the Initial Study, a Notice of Intent to Adopt the Proposed Negative Declaration circulated from September 3, 2008, to September 22, 2008.

The Monterey Peninsula Water Management District (MPWMD) concurred with the conclusion of the Initial Study that the project would not result in a change of use that would intensify water demand, and reiterated that any addition or modification of plumbing fixtures would require review and approval by MPWMD to ensure compliance with all applicable regulations and that it would not result in intensified water use. The MPWMD also expressed concerns with regard to the additional water needs if bedrooms and larger bathtubs were to be added to the converted units, and the additional water uses associated with these potential additions. The addition of bedrooms to the units would increase water demand by 0.1 acre-feet per unit. The installation of larger bathtubs (55 gallons) would increase water demand by 0.03 acre-feet per unit. In addition, the MPWMD stated, water permits for any fixture modifications will not be issued without sufficient water credit available to offset any new demand or without authorization from the County to deduct water from its allocation (see Exhibit H).

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) submitted comments reiterating that the project strictly follows Monterey Bay Unified Air Pollution Control District Rule 439, Building Removals, for requirements during demolition and/or deconstruction of structures. Rule 439 gives definition to “Building Removal”, “Deconstruction”, and “Demolition”, and states that no visible emissions, whatsoever, be emitted during the conversion process. In addition, Rule 439 outlines three Work Practice Standards to eliminate visible emissions, including wetting the structure prior removal, inward structure demolishment, and commencement of removal when peak wind speeds exceed 15 miles per hour (see Exhibit I). (Condition 15)

CONCLUSION:

In accordance with Sections 19.02.075 and 19.02.255 of the Subdivision Ordinance (Title 19), the proposed project would consist of subdividing improved land for the purpose of sale of separate interest space called units; however, the units would continue to be used as a hotel for transient use. The proposed subdivision would not result in physical changes to the project site or result in a change in use. Therefore, there would be no impact on the lot design, circulation and traffic, access, water supply, and/or sewage disposal associated with the proposed subdivision. Section 19.03.025.F of the Subdivision Ordinance and the California Subdivision Map Act requires that a subdivision be denied if any one of the findings is applicable. Planning staff has analyzed the project against the findings for denial outlined in that section and can not make these findings for the proposed commercial subdivision. The conversion of the motel units to individually-owned motel units will not change the density, land use, or zoning of the project site. The predominant use of the property will remain visitor serving, with the exception of the partial use of the units by their owners for a limited period of time (30 consecutive days and a maximum of 60 days per year). Staff recommends that the Coakley Standard Subdivision be approved.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE

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, the Monterey County Subdivision Ordinance (Title 19), the Monterey County Zoning Ordinance (Title 21), which designates this area as appropriate for development, and Monterey County Municipal Code including Chapter 5.40.
- 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 8 Ford Road, Carmel Valley (Assessor’s Parcel Number 187-411-013-000), Carmel Valley Master Plan. The parcel is zoned Visitor Serving/Professional Office Zoning with Design Control and Site Plan Review Overlay Districts (“VO-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 planner conducted a site inspection on June 24, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) The Standard Subdivision Planning File No. 070102 allows the conversion of 31 existing motel units and 3 existing facility buildings at the Carmel Valley Lodge (Assessor’s Parcel Number 187-411-013-000) into 23 individually-owned motel units and 3 privately owned management units as long as the occupancy (by renters or owners) of all condominium motel units is restricted to a maximum occupancy of 30 consecutive calendar days, with a minimum of 7 days between the 30 consecutive day occupancy, and a maximum owner occupancy of 60 days per year.
- (e) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC). The Committee recommended for approval on November 19, 2007, by a 4 to 0 vote.
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency (RMA) - Planning Department for the proposed development found in Project File PLN070102.
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, Water Resources Agency, Sheriff, Assessor, Treasurer/Tax Collector, and Carmel Valley Land Use Advisory Committee. 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) Staff conducted a site inspection on June 24, 2008 to verify that the site is suitable for this use.
- (c) Water service will continue to be provided by California American Water (Cal-Am), and is metered using three existing meters on site (one not currently used). Electricity and Gas service will continue to be provided by Pacific Gas and Electric (PG&E), utilizing existing on site meters. All utility bills will be assessed to each unit, according to the square footage of individual units, and paid by the management company and homeowner's association.
- (d) Materials in Project File PLN070102.

3. **FINDING: CEQA** – There is no substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- (a) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration).
 - (b) Potentially adverse environmental effects were identified during staff review of the development application.
 - (c) The Initial Study and proposed Negative Declaration are on file in the office of the RMA - Planning Department and are hereby incorporated by reference (Planning File No. PLN070102). The Initial Study identified no potentially significant effects on the environment or human beings. All project conditions to reduce potentially significant impacts to a less than significant level have been incorporated into the project and/or are made conditions of approval. Substantial evidence supports the conclusion that impacts will be less than significant.
 - (d) The Negative Declaration was circulated for public review from September 3, 2008 to September 22, 2008.
 - (e) The Monterey County Resource Management Agency - Planning Department, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Negative Declaration is based.
 - (f) No changes to resources listed under Section 753.5 are associated with the proposed subdivision. Therefore, payment of the Fish and Game fee is not required for the proposed project.
 - (g) Evidence that has been received and considered includes the application, plans, materials, and technical reports, which are listed under Section IX (References) of the Initial Study and contained in project file PLN070102.

4. **FINDING: INCLUSIONARY HOUSING** – The project has been determined to be exempt from complying with the provisions of the County's Inclusionary Housing Ordinance as codified in Section 18.40 of the County Code.

EVIDENCE: The Redevelopment and Housing Office has reviewed the project for compliance with the County's Inclusionary Housing Ordinance and found it to be exempt based on provisions contained in Section 18.40.050. The project is currently a commercial use and will continue to be a commercial use with the approval of the subdivision. Only projects that result in residential uses are subject to the Inclusionary Ordinance.

5. **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 records and is not aware of any violations existing on subject property.
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: TENTATIVE MAP** – None of the findings found in Section 19.03.025.F of the Monterey County Code Title 19 (Subdivision Ordinance) can be made. RMA - Planning Department staff has analyzed the project against the findings for denial outlined in this section.
- EVIDENCE:** (a) The map and its design and improvements are consistent with the Monterey County General Plan, the Carmel Valley Master Plan, and the Monterey County Zoning Ordinance. The site has been determined to be physically suitable for the type and density of development. The design and improvements, as conditioned, are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the Negative Declaration prepared for this project. The design and improvements will not conflict with easements for access through or use of property within the proposed subdivision.
- (b) The Title Report, dated March 4, 2003, shows no evidence of easements on the property.
- (c) 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 PLN070102.
8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.
- EVIDENCE:** Section 19.16.020.C of the Monterey County Subdivision Ordinance (Title 19).

| <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> |
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| 2. | | <p>PD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution No. PLN070102) was approved by the Planning Commission for Assessor's Parcel Number 187-411-013-000 on December 10, 2008. The permit was granted subject to 24 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p> | Proof of recordation of this notice shall be furnished to RMA - PD. | Applicant or owner | Prior to Issuance of grading and building permits or start of use. | RMA |
| 3. | | <p>PD016 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as</p> | Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-PD. | Applicant or owner | Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, which-ever occurs first and as applicable | RMA |

| 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) |
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| | | <p>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> | | | | |
| 4. | | <p>PDSP001 - "TOT" CONDITION (NON-STANDARD CONDITION)</p> <p>The hotel units are not to be used for residential purposes. The use of the property shall remain as a hotel, as defined in the Monterey County Code, including Chapter 5.40 and Title 21. Individual owners or occupants of hotel units may not occupy their unit for more than 30 consecutive days and a maximum of 60 days per year. Occupants other than owner are subject to payment of the appropriate transient occupancy tax pursuant to Monterey County Code Chapter 5.40 for each and every day of room rental or occupancy.</p> <p>The on-site operator of the hotel will be responsible in perpetuity for the collection of and remittance to the County of Monterey of all transient occupancy taxes ("TOT") applicable to the use and occupancy of units in the project by transient occupants.</p> <p>The hotel operator shall have a voluntary rental management program available to hotel unit owners for the purpose of collection of TOT and related records management. The hotel operator shall maintain records pursuant to MCC 5.40.140.</p> <p>For units which are participants in the voluntary rental management program through the hotel operator, the hotel operator will collect and remit the TOT based on</p> | <p>Prepare deed restriction for review and approval by Planning Department.</p> <p>Record deed restriction</p> | <p>Applicant/Owner</p> <p>Applicant/Owner</p> | <p>Prior to filing of final map</p> <p>Concurrent with recordation of final map</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) |
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| | | <p>the actual daily rate charged to the transient occupant through the rental management program. All operation and ownership duties and responsibilities shall be subject to Monterey County Code Chapter 5.40.</p> <p>For units not participating in the voluntary rental management program, the hotel operator will collect from the transient occupant and remit to the County of Monterey an imputed TOT based on the then-applicable average daily rate for a comparable unit in the hotel. All operation and ownership duties and responsibilities shall be subject to Monterey County Code Chapter 5.40.</p> <p>In all cases, for each and every day of room rental or transient occupancy, the hotel operator will collect from the transient occupant and remit to the County of Monterey the TOT based on the actual daily rate charged to the transient occupant or the imputed TOT based on the then applicable average daily rate for a comparable unit in the hotel or as the case may be.</p> | | | | |
| 5. | | <p>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)</p> <p>In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:</p> <ol style="list-style-type: none"> 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process; 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building; 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. | <p>Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.</p> <p>Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.</p> | <p>Contractor /Owner/ Applicant</p> <p>Contractor /Owner/ Applicant</p> | <p>Prior to the issuance of a demolition permit</p> <p>Prior to the issuance of a demolition permit</p> | |

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| | | All Air District standards shall be enforced by the Air District. (RMA – Planning Department) | | | | |
| 6. | | PDSP002 –AGREEMENT LAND USE LANGUAGE (NON-STANDARD CONDITION) The agreement between the individual owners and the motel management shall restrict occupancy (by renters or owners) of all condominium motel units to a maximum occupancy of 30 consecutive calendar days and a maximum of 60 days per year. This condition ensures that the occupancy remains “transient” and the “motel” use remains in place consistent with the <i>Carmel Valley Master Plan, Monterey County Zoning Ordinance, and the Monterey County Municipal Code.</i> (RMA- Planning Department) | The owner/applicant shall provide a draft copy of the agreement that restricts occupancy (by renters or owners) of all condominium motel units to a maximum occupancy of 30 consecutive calendar days and a maximum of 60 days per year. The agreement shall be submitted to the Planning Department for review and approval to ensure consistency with the intent to retain this as a motel use and to ensure compliance with the project conditions and County Code requirements. | Applicant or owner | Prior to filing of final map | |
| 7. | | PDSP003 – COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R’S) (NON-STANDARD) The subdivider shall be responsible for the ongoing maintenance, inspection, repair and replacement of common areas. “Common areas” shall include the entire common interest development not separately owned, including but not limited to all buildings, floors, walls, roofs, driveways, drainage, plumbing, electrical, parking lots, trash enclosures, sidewalks, walkways, pool, septic systems, fences, landscaping and irrigation. The Covenants, Conditions and Restrictions (CC&R’s) shall provide that if a unit has an exclusive use area, such as a private yard, such area shall be maintained by the individual unit owner. The subdivider shall create an ongoing long-term capital reserve fund to pay for the Common Areas as defined above. The CC&R’s shall incorporate obligations to maintain the capital reserve fund and conduct and pay for ongoing maintenance. The CC&R’s shall be reviewed and | Language shall be incorporated into CC&R’s and the Home Owners’ Association to specify transfer of responsibility from the subdivider to the HOA to maintain and provide adequate reserve for capital replacement, maintenance and performance of the HOA duties as specified in the CC&R’s. A copy of the proposed CC&R’s shall be reviewed and approved prior to approval of the Final or Parcel Map by the RMA- Planning Director. | Subdivider | Prior to filing of Final Map | |

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| | | <p>approved by the RMA- Planning Director. The CC&R's shall provide unit owners with an enforceable right to require that the homeowners' association and management group maintain and provide adequate reserves for capital replacement, maintenance and performance of the HOA duties as specified in the CC&R's.</p> <p>As the subdivider sells the units, the homeowners will assume joint responsibility with the subdivider for the common areas. At the time of the sale of the last unit by the subdivider, responsibility for all common areas will be held jointly by all homeowners. The obligation will be administered by the HOA.</p> <p>(RMA- Planning Department)</p> | | | | |
| 8. | | <p>PDSP004 – HOMEOWNERS ASSOCIATION (NON-STANDARD)</p> <p>The subdivider shall form a home owners association (HOA). The HOA shall be responsible for all of the obligations set forth in Condition No. 7 above.</p> <p>(RMA- Planning Department)</p> | <p>Subdivider shall submit documentation to RMA-Planning Director for formation of home owners association and long-term capital reserve fund. Home Owner's Association shall be reviewed and approved by the RMA-Planning Director.</p> <p>Subdivider shall include the requirements of this condition in the CC&R's and make the units subject to the CC&R's.</p> | Subdivider | Prior to Recordation of Final Map. | |
| 9. | | <p>WR0043 WATER AVAILABILITY CERTIFICATION – (NON-STANDARD CONDITION)</p> <p>The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)</p> | <p>Submit a Water Release Form to the Water Resources Agency for review and approval.</p> | Applicant or owner | Prior to filing of final map | WRA |

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| 10. | | PWSP001 – EASEMENTS (NON-STANDARD CONDITION) File a condominium map delineating all existing and required easements or rights-of-way and monument new lines. (RMA-Public Works) | | Applicant or owner | | RMA & PW |
| 11. | | PW015 – UTILITY’S COMMENTS (NON-STANDARD CONDITION) Submit the approved tentative map to impacted utility companies. Subdivider shall provide confirmation to the Department of Public Works that the utility companies have reviewed and approved the tentative map. (RMA-Public Works) | Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW | Owner/ Applicant | Prior to Recordation of Map | PW |
| 12. | | PW0036 – EXISTING EASEMENTS AND ROW Provide for all existing and required easements or rights of way. (RMA-Public Works) | Subdivider’s Surveyor shall include all existing and required easements or rights of way on Parcel Map. | Subdivider/ Surveyor | Prior to Recordation of Parcel Map | PW |
| 13. | | PWSP002 - CIRCULATION (NON-STANDARD CONDITION) All circulation and parking areas are to be privately maintained. (RMA-Public Works) | Subdivider shall note maintenance responsibility on the tentative map. | Owner/ Applicant | Prior to Recordation of Map | PW |
| 14. | | 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 | Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans. | Applicant or owner | Prior to issuance of grading and/or building permit. | |
| | | | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection. | |

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| | | 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) | | | | |
| 15. | | FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Carmel Valley Fire Protection District) | Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans. Applicant shall schedule fire dept. clearance inspection | Applicant or owner Applicant or owner | Prior to issuance of grading and/or building permit. Prior to final building inspection. | |

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| 16. | | <p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Valley Fire Protection District)</p> | <p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> | Applicant or owner | Prior to issuance of building permit. | CVFPD |
| | | | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection | CVFPD |
| 17. | | <p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of</p> | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of grading and/or building permit. | |

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| | | chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Valley Fire Protection District) | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection | |
| 18. | | EHSP001 - OPERATION AND MAINTENANCE It shall be the responsibility of the Subdivider, the Home Owners Association, and all tenants in common in accordance with the CC&R's to operate and maintain the onsite wastewater treatment system. The systems are located in the common area of the project and all open space and common area shall be designated as easement for the operation and maintenance of the wastewater system. (Environmental Health) | Submit evidence to the Division of Environmental Health that designated easements have been established on the final map. Also submit draft of CC&R for review and approval. | Owner/ Applicant | Prior to filing the final map. | |
| 19. | | EHSP002 - AGREEMENT FOR ONSITE WASTER SYSTEM OPERATION AND MAINTENANCE The Subdivider and /or the Home Owners Association governed by the CC&R's, shall enter into a Operation and Maintenance (O&M) agreement with a licensed wastewater contractor to operate and maintain the existing and future onsite wastewater systems. This agreement shall include but not be limited to: 1) inspection of all septic systems at least once per year; 2) all effluent filters on the drain field side of tank shall be cleaned at least at the time of inspection or sooner as needed; 3) all septic tanks are required to be pumped at least once every three [3] years; 4) where installed, drain field diverter valves shall be switched as needed or at least once per year; 5) inspection reports, repair work needed and completed, emergency work and any other data regarding the onsite wastewater systems shall be forwarded to the EHD. This service agreement | Submit proposed agreement to EHD and Planning Department for review and approval. Submit all reports the EHD of all work done on the septic systems within 30 days of completion. | Owner/ Applicant | Concurrentl y with filing of final map. | |

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| | | shall be in perpetuity (life of the project). If either party cancels this agreement the EHD must be notified immediately. (Environmental Health) | | | | |
| 20. | | EHSP003 - OPERATION AND MAINTENACE BUDGET The Subdivider and /or the Homeowners Association governed by the CC&R's shall submit to the Division of Environmental Health for review and approval, a budget for the Operation & Maintenance of the onsite wastewater system. The budget shall include but not be limited to: 1) ordinary operation and maintenance expense funding for the wastewater system, 2) emergency fund sufficient to fund tank pumping, and 3) leach line maintenance. The budget must also include a capital improvement fund commencing with a minimum of \$25,000 solely for the future upgrade of the wastewater treatment system and provided by the Subdivider consistent with the CC&R's The revolving funds are to be funded by a assessment that will be described in the CC&R's (Environmental Health) | Submit proposed budget to EHD and Planning Department for review and approval. | Owner/ Applicant | Prior to filing the final map / Continuous | |
| 21. | | EHSP004 - REPAIR/FAILURE In the event of a failure of any portion of the existing system, repair work must comply with AB885 Requirements. (Environmental Health) | Submit to EHD and engineered plans for review and approval | Owner/ Applicant/ Engineer | Continuous | |

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| 22. | | <p>EHSP005 - WASTEWATER GENERATION No additional fixtures that would increase wastewater generation can be added to the existing facility. Other than for the caretakers unit, individual laundry facilities are prohibited. It is currently estimated that at 100% occupancy, the site would generate over 2500 gpd. 2500 gallons is the threshold triggering the requirement for a Waste Discharge permit from the RWQCB. Once occupancy reaches an average of 75%, during the high season an assessment shall be made by the EHD in consultation with the licensed operator as to the need for system upgrades. (Environmental Health)</p> | The operator shall install wastewater meters when the 75% threshold of occupancy is achieved. | Owner/ Applicant | Continuous | |
| 23. | | <p>EHSP006 - DEED NOTIFICATION Record a deed notification for each of the following conditions: EHSP001 - OPERATION AND MAINTENACE, EHSP002 - AGREEMENT FOR ONSITE WASTER SYSTEM OPERATION AND MAINTANCE, EHSP003 - OPERATION AND MAINTENACE BUDGET, EHSP004 - REPAIR/FAILURE, and EHSP005 - WASTEWATER GENERATION. (Environmental Health)</p> | Submit proposed wording and forms to be recorded to EHD and Planning Department for review and approval. Record deed notification. Submit evidence to the EHD that they have been recorded. | Owner/ Applicant | Prior to filing the final map | |
| 24. | | <p>EH15 - WASTE DISCHARGE APPLICATION Apply for a Waste Discharge Requirements from the Regional Water Quality Control Board. (Environmental Health)</p> | Submit application to CRWQCB for review and issuance of Waste Discharge Requirements or a waiver of Waste Discharge Requirements. Submit verification of complete application from RWQCB to EH. | Owner/ Applicant | Prior to the issuance of building permits | |

END OF CONDITIONS