

MONTEREY COUNTY PLANNING COMMISSION

Meeting: September 9, 2009 Time: 10:00 A.M Agenda Item No.: 4	
Project Description: Amendment to a previously approved Combined Development Permit and General Development Plan (PLN060638) which allowed: (1) a General Development Plan for the construction and operation of commercial facilities limited to office and retail use only as specified by the allowable light commercial uses contained in Section 21.18.050 of the Title 21 Zoning Ordinance; (2) an Administrative Permit and Design Approval to allow one 5,135 square foot commercial retail building (Building A) with a 1,558 square foot walking deck and a 2,365 square foot commercial retail building (Building B) with a 289 square foot walking deck; (3) a Use Permit and Design Approval to allow four two-story mixed-use commercial and residential buildings (Buildings C through F) totaling of 4,028 square feet of lease space and 4,000 square feet of residential living space; and (4) a Use Permit to allow the removal of 18 protected coast live oak trees. The amendment includes a Standard Subdivision Vesting Tentative Map for the commercial condominium subdivision of an existing 1.57 acre parcel into one parcel of 5,135 square feet (Unit 1); one parcel of 2,365 square feet (Unit 2); and four parcels of 1,329 square feet (Units 3, 4, 5, and 6); and a 1.39 acre common area parcel (Parcel A), respectively.	
Project Location: 11 and 25 West Carmel Valley Road, Carmel Valley	APN: 187-433-017-000 and 187-433-018-000
Planning File Number: PLN090060	Owner: Steiny, Doug and Lisa Agent: Lombardo and Gilles
Planning Area: Carmel Valley Master Plan	Flagged and staked: No
Zoning Designation: "LC-D-S" (Light Commercial with Design Control, and Site Plan Review Overlays)	
CEQA Action: Consider the Mitigated Negative Declaration and Addendum	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission:

- (1) Consider the Adopted Mitigated Negative Declaration and Addendum; and
- (2) Approve the Amendment to PLN060638 allowing a Standard Subdivision Vesting Tentative Map based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions and Mitigation Monitoring Program (**Exhibit C-1**)

PROJECT OVERVIEW:

The project was heard before the Monterey County Standard Subdivision Committee on August 13, 2009, which recommended that the Planning Commission consider the Adopted Mitigated Negative Declaration (MND) and the Addendum and approve the amendment to PLN060638 with a vote of 6 to 0. Recommended conditions were modified and removed per recommendation of the Division of Environmental Health and the Department of Public Works.

The proposed project is an amendment to a previously approved project, PLN060638, which allowed a mixed-use light commercial and residential development consisting of the construction and operation of two one-story commercial retail buildings (Building A and B); and the construction and operation of four two-story mixed use commercial/residential buildings (Buildings C thru F) within the Carmel Valley Village Light Commercial District. The amendment consists of a Standard Subdivision Vesting Tentative Map for the commercial condominium subdivision of an existing 1.57 acre parcel into one parcel of 5,135 square feet

(Unit 1); one parcel of 2,365 square feet (Unit 2); four parcels of 1,329 square feet (Units 3, 4, 5, and 6); and a 1.39 acre common area parcel (Parcel A), respectively.

The primary issues involved are: allowing subdivisions in the Carmel Valley Master Plan area, water supply, and wastewater treatment and disposal. Planning Department staff reviewed the project for consistency with the Carmel Valley Master Plan, the Monterey County Subdivision Ordinance (Title 19), Chapter 18.46 of the Monterey County Code, and Chapter 15.20 of the Monterey County Code. Staff's review determined that the amendment, as designed, conditioned, and mitigated, will not have a potentially significant environmental impact related to the above-stated issues and is consistent with the policies for the Carmel Valley Master Plan (See Findings and Evidence in **Exhibit C**). An Addendum to the adopted Mitigated Negative Declaration concluded that there will be no additional impacts as a result of the subdivision. (**Exhibit G**)

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Division
- √ Water Resources Agency
- √ Carmel Valley Fire Protection District
- √ Parks Department

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by the RMA – Public Works Department, Environmental Health, Water Resources Agency, the Carmel Valley Fire Protection District, and the Parks Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as **Exhibit 1** to the draft resolution (**Exhibit C**).

The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC. Both the Carmel Valley Master Plan and the Subdivision Ordinance require the project to be scored by the Citizen's Subdivision Evaluation Committee. The Carmel Valley LUAC fulfills this role. On July 20, 2009, the Carmel Valley LUAC reviewed and scored the project (see **Exhibit F**). A passing score of 405 out of 485 was given by the LUAC; however, they recommended that the Planning Commission deny the application based on the project's inconsistency with the Board of Supervisor's Resolution No. 02-024, moratoriums on subdivisions within Carmel Valley.

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

/s/ Anna V. Quenga
Anna V. Quenga, Assistant Planner
(831) 755-5175, quengaav@co.monterey.ca.us
August 26, 2009

cc: Front Counter Copy; Planning Commission (10); Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Division;

Water Resources Agency; Parks; Laura Lawrence, Planning Services Manager; Anna V. Quenga, Project Planner; Carol Allen, Senior Secretary; Doug and Lisa Steiny, Owner; Lombardo and Gilles, Agent; Margaret Robbins, Planning File PLN090060.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
1. Conditions of Approval, Mitigation Monitoring and Reporting Program, and Conditions from previously approved project PLN060638
2. Vesting Tentative Map
3. General Development Plan
Exhibit D Vicinity Map
Exhibit E Staff's subdivision scoring sheet
Exhibit F Carmel Valley Land Use Advisory Committee Minutes and Scoring Sheet
Exhibit G Addendum to the adopted Mitigated Negative Declaration and Mitigated Negative Declaration
Exhibit H Planning Commission Resolution No. 08008 for PLN060638
Exhibit I Standard Subdivision Committee Resolution No. 09009

This report was reviewed by Laura Lawrence, Planning Services Manager

Exhibit A
Project Information for (File090060)

Project Title: Steiny	Primary APN: 187-433-017-M
Location: 11 and 25 W. Carmel Valley Rd	Coastal Zone: No
Applicable Plan: Carmel Valley Master Plan	Zoning: LC
Permit Type:	Plan Designation: Light Com
Environmental Status: Amendment to the adopted MND	Final Action Deadline: 2/19/2009
Advisory Committee: Carmel Valley LUAC	

Project Site Data:

Lot Size: 1.57 AC	Coverage Allowed: 50%
Existing Structures (sf): N/A	Coverage Proposed:
Proposed Structures (sf): 15,528 Sq. Ft.	Height Allowed: 26'
Total Square Feet: 15,528 Sq. Ft.	Height Proposed: 26'
	FAR Allowed: 35%
	FAR Proposed: 22%

Resource Zones and Reports

Environmentally Sensitive Habitat: N/A	Erosion Hazard Zone: MOD
Botanical Report #: N/A	Soils/Geo. Report #: LIB070080
Forest Mgt. Report #: LIB070081	Geologic Hazard Zone: III
	Geologic Report #: N/A
Archaeological Sensitivity Zone: HIGH	Traffic Report #: LIB070083
Archaeological Report #: LIB070082	
Fire Hazard Zone: URBAN	

Other Information:

Water Source: CAL AM	Sewage Disposal (method): ALTERNATIVE WASTEWATER SYSTEM
Water District/Company: MPWMD	Sewer District Name: CAL AM
Fire District: CARMEL VALLEY FPD	Grading (cubic yds): 3130 CUBIC YARDS OF CUT / 270 CUBIC YARDS OF FILL.
Tree Removal (Count/Type): 18	

EXHIBIT B PROJECT DISCUSSION

A. STANDARD SUBDIVISION COMMITTEE HEARING

Pursuant to the Monterey County Subdivision Ordinance (Title 19) the project was heard before the Standard Subdivision Committee for technical review. On August 13, 2009 the Standard Subdivision Committee recommended that the Planning Commission consider the Mitigated Negative Declaration and the Addendum and approve the amendment to PLN060638 consisting of the Standard Subdivision Vesting Tentative Map (**Exhibit I**). During the hearing, modifications to conditions required by the Division of Environmental Health and the Department of Public Works were made. Language within conditions required by the Division of Environmental Health were revised in order to clarify which actions will be required by the applicant and conditions which do not pertain to the project were deleted. Conditions required by the Department of Public Works were deleted in order to reduce the amount of redundancy, due to conditions carried over by the original project, PLN060638. No issues were brought up by any agencies nor were there any comments made by the public.

A. PREVIOUSLY APPROVED PROJECT

The previously approved project, PLN060638, was found to be consistent with the Monterey County General Plan, Greater Monterey Peninsula Area Plan, Greater Monterey Peninsula Area Plan Inventory and Analysis, Carmel Valley Master Plan, the Carmel Valley Village Design Criteria, and the Monterey County Zoning Ordinance (Title 21) and was approved on February 13, 2008. The project included: (1) a General Development Plan for the construction and operation of commercial facilities limited to certain office and retail uses as specified by the allowable light commercial uses contained in Section 21.18.050 of Title 21; (2) an Administrative Permit and Design Approval to allow one 5,135 square foot commercial retail building (Building A) with a 1,558 square foot walking deck and a 2,365 square foot commercial retail building (Building B) with a 289 square foot walking deck; (3) a Use Permit and Design Approval to allow four two-story mixed-use commercial and residential buildings (Buildings C through F) totaling of 4,028 square feet of lease space and 4,000 square feet of residential living space; and (4) a Use Permit to allow the removal of 18 protected coast live oak trees. The Resolution, No. 08008, approving the project is attached as **Exhibit H**.

The applicant has been working towards meeting all conditions required prior to the issuance of the building permit. However, due to financing, the applicant has applied for an amendment to the project to create a condominium subdivision for the approved buildings.

B. PROPOSED AMENDMENT

The proposed Amendment to the previously approved Combined Development Permit and General Development Plan consists of a Standard Subdivision Vesting Tentative Map for the commercial condominium subdivision of an existing 1.57 acre parcel into one parcel of 5,135 square feet (Unit 1); one parcel of 2,365 square feet (Unit 2); four parcels of 1,329 square feet (Units 3, 4, 5, and 6); and a 1.39 acre common area parcel (Parcel A), respectively. The proposed subdivision will separate the six buildings which were approved under file No. PLN060638. No additional structures or uses are proposed with the Amendment.

Conditions of approval recommended for the amendment and conditions of approval approved with PLN060638 are attached as **Exhibit 1**.

C. ADOPTED MITIGATED NEGATIVE DECLARATION (MND) AND ADDENDUM

The MND was adopted when the PLN060638 was approved. Environmental impacts caused by the project were analyzed, and identified mitigation measures are incorporated within the amended project, specifically for biological resources, geology/soils, hydrology/water quality, transportation/traffic and utilities/service. Pursuant to Section 15164 of the CEQA Guidelines, an Addendum was prepared in order to address the change in the project description and potential issues that may be caused by the amendment. The previously approved project included a septic system; however, the applicant now proposes to install an alternative treatment system. The alternative treatment system will reduce the amount of nitrates within the wastewater and, therefore, reduce potential impacts to the groundwater sub-basin. Mitigation measures identified for potential impacts still apply to the project as amended. During staff’s review of the amendment, no new potential impacts were identified; therefore, no new mitigation measures are necessary. Further discussions regarding specific impacts and conditions are found within the Addendum (**Exhibit G**).

D. PROJECT ISSUES

Subdivisions within the Carmel Valley Master Plan Area

20 Year Buildout Plan and Allocation System - Pursuant to Policy No. 27.3.5 of the Carmel Valley Master Plan, development within Carmel Valley is limited to the 20 year buildout plan and lots are subject to the quota and allocation system. Therefore, the subdivision evaluation system is used to assist the County in arriving at a comprehensive evaluation of the project and deciding on subdivisions that best meet the goals and policies of the Carmel Valley Master Plan. The proposed project was scored by staff and the Carmel Valley Land Use Advisory Committee. See subsequent Finding No. 1, Evidence i and j of **Exhibit C**.

Subdivision Scoring - Pursuant to Section 19.07 of the Monterey County Subdivision Ordinance (Title 19); residential subdivisions located within Residential Allocation Zones are required to be evaluated and scored by the Citizen’s Subdivision Evaluation Committee. Although the commercially-zoned areas within Carmel Valley are not zoned with a Residential Allocation Zone (RAZ) overly district, the project includes a residential component; therefore, staff has required that the subdivision go through scoring process. Staff has evaluated the proposed subdivision and has found that the project achieves compliance with all policies; receiving more than half of the points within each evaluated category. The Carmel Valley Land Use Advisory evaluated the subdivision and the score concluded that the project is consistent with all applicable policies. See table below.

Category	Possible Score as Identified by LUAC	LUAC Score	50% of Possible Points Met? (Y/N)	Possible Score as Identified by Staff	Staff Score	50% of Possible Points Met? (Y/N)
1. Land Use	140	100	Y	200	105	Y
2. Rural/Visual	165	150	Y	180	125	Y
3. Water/Hydrology	N/A	N/A	N/A	N/A	N/A	N/A
4. Traffic	60	60	Y	140	110	Y
5. Noise	N/A	N/A	N/A	10	10	Y
6. Geology	N/A	N/A	N/A	N/A	N/A	N/A
7. Ecology	80	60	Y	80	60	Y
8. Cultural	N/A	N/A	N/A	N/A	N/A	N/A
9. Public Services	10	10	Y	10	10	Y
10. Hazards	30	25	Y	30	25	Y
Totals	485	405	Y	650	445	Y

Board of Supervisors Resolution No. 02-024, Disapproving Subdivisions Proposed in the Carmel Valley Master Plan Area - Board of Supervisor's Resolution No. 02-024 was adopted on January 22, 2002 and extends and augments the previous Board Policies 99-379 and 01-133. Resolution No. 02-024 states that it is the policy of the Board of Supervisors that residential and commercial subdivisions proposed in the Carmel Valley Master Plan Area be denied. In addition, paragraph "C" of the resolution states: "Additional units from new residential and commercial subdivisions in the Carmel Valley Master Plan area would foreseeably increase daily traffic on the already deficient segments of State Highway 1 and Carmel Valley Road." The previously approved project, PLN060638, allowed the construction of one 5,135 square foot commercial retail building, one 2,365 square foot commercial retail building, and four two-story mixed-use commercial and residential buildings. Although these structures are not yet constructed, traffic impacts have been identified and mitigation measures and conditions of approval have been included to reduce the traffic impact to a less than significant level. The proposed amendment, the condominium subdivision, to the previously approved project will not create an increase in the traffic volumes when compared to the original project. Since there are no additional units as a result of the subdivision and there are no additional traffic impacts as a result of the subdivision, the project is not subject to Board of Supervisor's Resolution No. 02-024.

Water and Chapter 18.46 (Ordinance 3310)

The subject property received water credits from the Paralta Well water credits in 1995. A project, Duckett (PC94215), was approved on the site in 1995 and, in 1999, the Monterey Peninsula Water Management District (MPWMD) issued a water permit for the approved development. In February 13, 2008, the original Steiny project (PLN060638) was approved for development which transferred the Duckett water credits, resulting in .787 acre feet for commercial uses and .431 for residential uses for a total of 1.218 acre feet. Subsequent to the Planning Commission's approval, the MPWMD issued water permits for the Steiny project totaling in an amount of 1.218 acre feet.

Section 18.46.040.B.2 of the Monterey County Code states that new commercial development that does not require more than .414 acre feet of water annually per legal lot will not be prohibited development. The project site is comprised of two legal lots of record; therefore, the project is required to use no more than .828 acre feet of water annually. In addition, a single family dwelling (now demolished) existed on one of the legal lots of record, which had a historic water use that was included in the water credits related to the Duckett application. This use was calculated to be .414 acre feet per year. Therefore, there is a total of 1.242 acre feet per year of water use permitted for this project. Section 18.46.040.B.6 allows subdivisions where the applicant can demonstrate to the satisfaction of the Director of Planning that water conservation measures proposed on or off the affected building site will, in combination with the project for which the approval is sought, result in a minimum of ten percent overall decrease in the use of water. This results in the project available water use to be reduced to 1.12 acre feet of water annually. Water credits available for the project total to 1.218 (see Finding No. 3, Evidence c); therefore, for the project to be in compliance with the water use limitations of Chapter 18.46, the project can only use 1.12 acre feet of water per year. A condition of approval, Condition No. 6, has been required to ensure that the total amount of the water permitted by the MPWMD not exceed 1.12 acre feet per year.

Wastewater

Review by the Division of Environmental Health identified potential issues with the septic facility originally proposed; however, these issues have been resolved through redesign of the

septic tank and leachline system to an alternative treatment system and conditions of approval by Environmental Health.

Section 15.20.060.J, Septic Tank System/Greywater System Permits, states that “No septic tank/graywater system permit shall be issued when, any part is proposed to be located in any lot other than the lot which is the site of the building or structure served by such system unless the Director, for good cause allows it.” It has been determined by the Director of Environmental Health that the proposed project and project site is a candidate for one onsite alternative treatment system to service the entire development. Therefore, the project has been conditioned to require: 1) The alternative treatment system to be owned by a California Public Utility; 2) The alternative treatment system be designed by a registered engineer and establish a hydraulic loading rate for the property; 3) The applicant submit a deed notice for the alternative treatment system and inspections of individual units; 4) submit a complete Waste Discharge Requirements Application/Report of Waste Discharge General Information Form to the Regional Water Quality Control Board (RWQCB); 5) alternative treatment system inspection by the system designer during installation and a certification that the system the installation conforms to the approved design; and 6) a alternative treatment system easement for the operation and maintenance of the system.

Section 15.20.060.J, Standards and Specifications, “Table A”, indicates that there is a minimum horizontal distance required between property lines, septic tanks, leach fields, and seepage pits. Since the project will be conditioned to have one alternative treatment system to service the proposed lots, the project will not be required to meet the setback requirement for the separate lot lines for the condominiums.

Based on Board of Supervisor’s Resolution No. 94-468 and the Montgomery Study, lots of record covered by Sub-Basins 7, 9, 30 and 32, can not obtain additional septic tank permits because buildout of these lots would exceed the 25-30 mg/l limitation. Resolution No. 94-468 also request that the phrase “no further subdivisions should be allowed” be stricken from the staff report. The subject property is located within Sub-Basin 9, and approval of the subdivision will result in lots less than one acre. Condition No. 2 of the Board of Supervisor’s Resolution states that “parcels which are less than one acre must be evaluated by the Health Department on a case by case basis and if found acceptable must construct septic tank systems with dual leachfields. Since that applicant has worked with Environmental Health on an acceptable alternative treatment system design, this will be consistent with this condition. The nitrate concentration of the resulting groundwater from the alternative treatment system installed will be less than the 25-30 mg/l.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Standard Subdivision Committee in and for the
County of Monterey, State of California**

In the matter of the application of:

STEINY (PLN090060)

RESOLUTION NO.

Resolution by the Monterey County Planning
Commission:

- 1) Consider the Mitigated Negative Declaration and Addendum; and
- 2) Approve the amendment to a previously approved Combined Development Permit and General Development Plan (PLN060638) which allowed:
 - (1) a General Development Plan for the construction and operation of commercial facilities limited to office and retail use only as specified by the allowable light commercial uses contained in Section 21.18.050 of the Title 21 Zoning Ordinance; (2) an Administrative Permit and Design Approval to allow one 5,135 square foot commercial retail building (Building A) with a 1,558 square foot walking deck and a 2,365 square foot commercial retail building (Building B) with a 289 square foot walking deck; (3) a Use Permit and Design Approval to allow four two-story mixed-use commercial and residential buildings (Buildings C through F) totaling 4,028 square feet of lease space and 4,000 square feet of residential living space; and (4) a Use Permit to allow the removal of 18 protected coast live oak trees. The amendment includes a standard subdivision vesting tentative map for a commercial condominium subdivision of an existing 1.57 acre parcel into one parcel of 5,135 square feet (Unit 1); one parcel of 2,365 square feet (Unit 2); and four parcels of 1,329 square feet (Units 3, 4, 5, and 6); and a 1.39 acre common area parcel (Parcel A), respectively. The properties are located at 11 and 25 W. Carmel Valley Road, Carmel Valley, Carmel Valley Master Plan (Assessor Parcel Number's 187-433-017-000 and 187-433-018-000).

The Steiny application (PLN090060) came on for public hearing before the Monterey County Planning Commission on September 9, 2009. Having considered all the written

and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING: CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- the Greater Monterey Peninsula Area Plan,
- the Greater Monterey Peninsula Area Plan, Inventory and Analysis,
- Monterey County Zoning Ordinance (Title 21)
- Monterey County Subdivision Ordinance (Title 19)
- Monterey County Code Chapter 18.46 (Ordinance 3310)
- the Carmel Valley Master Plan
- the Carmel Valley Village Development Criteria

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; however, the Carmel Valley LUAC questioned the projects consistency with the Board of Supervisors resolution on the subdivision moratorium in Carmel Valley (see Finding No. 8 and the following Evidence).

- b) The property is located at 11 and 25 West Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 187-433-017-000 and 187-433-018-000), Carmel Valley Master Plan. The parcel is zoned Light Commercial or "LC", which allows for a commercial subdivisions provided that and a Standard Subdivision is processed. Therefore, the project is an allowed land use for this site.
- c) The original project, PLN060638, was found to be consistent with all applicable plans and was approved on February 13, 2008. Conditions of approval recommended for PLN060638 are carried over within this amendment and are attached as **Exhibit 1**. The resolution is attached as **Exhibit H** of the September 9, 2009 Planning Commission staff report.
- d) The project planner conducted a site inspection on October 25, 2006 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Pursuant to Policy No. 27.3.5 of the Carmel Valley Master Plan, development within Carmel Valley is limited to the 20 year buildout plan and lots are subject to the quota and allocation system. Therefore, the subdivision evaluation system is used to assist the County in arriving at a comprehensive evaluation of the project and deciding on subdivisions that best meet the goals and policies of the Carmel Valley Master Plan. The proposed project was scored by staff and the Carmel Valley Land Use Advisory Committee. See subsequent Evidence g.
- f) Section 21.18.030 of the Monterey County Zoning Ordinance (Title 21)

requires that a General Development Plan be submitted. A General Development Plan was submitted and approved with the original application (PLN060638). The applicant has submitted an amendment to the General Development Plan including the condominium subdivision. The approved General Development Plan and amendment is attached as **Exhibit 3**.

- g) Pursuant to Section 19.07 of the Monterey County Subdivision Ordinance (Title 19); residential subdivisions located within Residential Allocation Zones are required to be evaluated and scored by the Citizen’s Subdivision Evaluation Committee. Although the commercially zoned areas within Carmel Valley are not zoned with a Residential Allocation Zone (RAZ) overly district, the project includes a residential component; therefore, staff has required that the subdivision go through the scoring process. Staff has evaluated the subdivision and has found that the project achieves compliance with all policies; receiving more than half of the points within each evaluated category. The Carmel Valley Land Use Advisory evaluated the subdivision and the score concluded that the project is consistent with all applicable policies. See table below.

Category	Possible Score as Identified by LUAC	LUAC Score	50% of Possible Points Met? (Y/N)	Possible Score as Identified by Staff	Staff Score	50% of Possible Points Met? (Y/N)
1. Land Use	140	100	Y	200	105	Y
2. Rural/ Visual	165	150	Y	180	125	Y
3. Water/ Hydrology	N/A	N/A	N/A	N/A	N/A	N/A
4. Traffic	60	60	Y	140	110	Y
5. Noise	N/A	N/A	N/A	10	10	Y
6. Geology	N/A	N/A	N/A	N/A	N/A	N/A
7. Ecology	80	60	Y	80	60	Y
8. Cultural	N/A	N/A	N/A	N/A	N/A	N/A
9. Public Services	10	10	Y	10	10	Y
10. Hazards	30	25	Y	30	25	Y
Totals	485	405	Y	650	445	Y

- h) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC. Both the Carmel Valley Master Plan and the Subdivision Ordinance require the project to be scored by the Citizen’s Subdivision Evaluation Committee. The Carmel Valley LUAC fulfills this role. On July 20, 2009, the Carmel Valley LUAC reviewed and scored the project (see **Exhibit F** of the September 9, 2009 Planning Commission staff report). A passing score of 405 out of 485 possible points was given by the LUAC; however, they recommended that the Planning Commission deny the application based on the project’s inconsistency with the Board of Supervisor’s Resolution No. 02-024, moratoriums on subdivisions within Carmel Valley.

- i) Section 18.46.040.B.2 states that new commercial development that does not require more than .414 acre feet of water annually per legal lot will not be prohibited development. The project site is comprised of two legal lots of record; therefore, the project is required to use no more than .828 acre feet of water annually. In addition, a single family dwelling (now demolished) existed on one of the legal lots of record, which had a historic water use that was included in the water credits related to the Duckett application. This use was calculated to be .414 acre feet per year. Therefore, there is a total of 1.242 acre feet per year of water use permitted for this project.
- j) Section 18.46.040.B.6 allows subdivisions were the applicant can demonstrate to the satisfaction of the Director of Planning that water conservation measures proposed on or off the affected building site will, in combination with the project for which the approval is sought, result in a minimum of ten percent overall decrease in the use of water. This results in the project available water use to be reduced to 1.12 acre feet of water annually. Water credits available for the project total to 1.218 (see Finding No. 3, Evidence c); therefore, for the project to be in compliance with the water use limitations of Chapter 18.46, the project can only use 1.12 acre feet of water per year. Since the available water credit for the subject property is greater than the amount allowed by Chapter 18.46, the project has been conditioned to require the applicant to submit an amended Monterey Peninsula Water Management District Water Release Form and Water Permit Application indicating the use of no more than 1.12 acre feet of water per year (Condition No. 6).
- 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 PLN090060.
- l) Pursuant to Section 19.03.025.C of the Subdivision Ordinance (Title 19) the project application is required to be reviewed by the Standard Subdivision Committee which is then required to recommend to the Planning Commission findings and conditions of approval or a recommendation of denial of the project. The project was heard at the August 13, 2009 Standard Subdivision Committee Hearing. The committee recommended that the Planning Commission consider the Mitigated Negative Declaration (MND) and the Addendum and approve the amendment to PLN060638 consisting of the Standard Subdivision Vesting Tentative Map with a vote of 6 to 0. During the hearing, modifications to conditions required by the Division of Environmental Health and the Department of Public Works were made. Language within conditions required by the Division of Environmental Health were required to be revised in order to clarify which actions are required by the applicant and conditions which do not pertain to the project were deleted. Conditions required by the Department of Public Works were deleted in order to reduce the amount of redundancy due to conditions carried over by the original project, PLN060638. No issues were brought up by any other agencies nor were there any comments made by the public.

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, the 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) Staff identified potential impacts to septic capabilities and water quality and quantity and these issues have been addressed through the review process (see Finding No. 3, Evidence b and c).
 - c) Although technical reports were not required to be submitted with the application for amendment, the technical reports submitted with the original application (PLN060638) are still valid for the development. The technical reports by outside consultants have indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:
 - *“Preliminary Cultural Resources Reconnaissance” (LIB070082) prepared by Archaeological Consulting dated September 26, 1994.*
 - *“Traffic Impact Analysis” (LIB070083) prepared by Higgins Associates dated February 21, 2007.*
 - *“Geotechnical Soils-Foundation & Geoseismic Report” (LIB070080) prepared by Grice Engineering and Geology, Inc. dated December 20, 2006.*
 - *“Forest Management Plan” (LIB070081) prepared by Staub Forestry and Environmental Consulting dated January 31, 2007.*
 - d) The General Development Plan approved with the previously approved project (PLN060638) has been amended to include the current proposal. (See **Exhibit 3.**)
 - e) Staff conducted a site inspection on October 25, 2006 to verify that the site is suitable for this use.
 - f) 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 PLN090060.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA – Public Works Department, Environmental Health, Water Resources Agency, the Carmel Valley Fire Protection District, and the Parks Department. The respective departments/agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions (**Exhibit 1**).

- b) Review by the Division of Environmental Health identified potential issues with the septic facility proposed; however, these issues have been resolved through redesign of the septic tank and leachline system to an alternative treatment system and conditions of approval by the Environmental Health.
- Chapter 15.20, Sewage Disposal, of the Monterey County Code Title 15. Section 15.20.060.J, Septic Tank System/Greywater System Permits, states that “No septic tank/graywater system permit shall be issued when, any part is proposed to be located in any lot other than the lot which is the site of the building or structure served by such system unless the Director, for good cause allows it.” It has been determined by the Director of Environmental Health that the proposed project and project site is a candidate for one onsite alternative treatment system to service the entire development. Therefore, the project has been conditioned to require: 1) The alternative treatment system to be owned by a California Public Utility; 2) The alternative treatment system be designed by a registered engineer and establish a hydraulic loading rate for the property; 3) The applicant submit a deed notice for the alternative treatment system and inspections of individual units; 4) submit a complete Waste Discharge Requirements Application/Report of Waste Discharge General Information Form to the Regional Water Quality Control Board (RWQCB); 5) alternative treatment system inspection by the system designer during installation and a certification that the system the installation conforms to the approved design; and 6) a alternative treatment system easement for the operation and maintenance of the system.
 - Chapter 15.20, Sewage Disposal, of the Monterey County Code Title 15. Section 15.20.060.J, Standards and Specifications, “Table A”, indicates that there is a minimum horizontal distance required between property lines, septic tanks, leach fields, and seepage pits. Since the project will be conditioned to have one alternative treatment system to service the proposed lots, the project will not be required to meet the setback requirement for the separate lot lines for the condominiums.
 - Based on Board of Supervisor’s Resolution No. 94-468 and the Montgomery Study, lots of record covered by Sub-Basins 7, 9, 30 and 32, could not obtain septic tank permits because buildout of these lots would exceed the 25-30 mg/l limitation. Resolution No. 94-468 also request that the phrase “no further subdivisions should be allowed” be stricken from the staff report. The subject property is located within Sub-Basin 9, and approval of the subdivision will result in lots less than one acre. Condition No. 2 of the resolution states that “parcels which are less than one acre must be evaluated by

the Health on a case by case basis and if found acceptable must construct septic tank systems with dual leachfields. Since that applicant has worked with the Environmental Health Department on an acceptable alternative treatment system design, the will be consistent with this condition. The nitrate concentration of the resulting groundwater from the alternative treatment system installed will be less than the 25-30 mg/l.

- c) The subject property received water credits from the Paralta Well water credits in 1995. A project, Duckett (PC94215), was approved on the site in 1995 and in 1999 the Monterey Peninsula Water Management District (MPWMD) issued a water permit for the approved development. In February 13, 2008, the original Steiny project (PLN060638) was approved for development which transferred the Duckett water credits, resulting in .787 acre feet for commercial uses and .431 for residential uses for a total of 1.218 acre feet. Subsequent to the Planning Commission's approval, the MPWMD issued water permits for the Steiny project totaling in an amount of 1.218 acre feet.
- d) Preceding findings and supporting evidence for PLN090060.

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.

- EVIDENCE:**
- a) 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.
 - b) Staff conducted a site inspection on October 25, 2006 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090060.

5. **FINDING:** **CEQA (Amendment):** - The project, as conditioned, will not have significant environmental impacts. On the basis of the whole record before the Subdivision Committee, there is no substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. An Addendum to the previously adopted Mitigated Negative Declaration (MND) for the proposed project has been prepared. The MND, as amended, reflects the independent judgment and analysis of the County. None of the findings listed within Section 15162 requiring a subsequent MND can be made.

- EVIDENCE:**
- a) During the review process of the original project (PLN060638), a MND was prepared to evaluate environmental impacts and the MND was adopted on February 13, 2008. Environmental impacts caused by the project were analyzed, and mitigation measures identified are incorporated within the amended project, specifically for biological resources, geology/soils, hydrology/water quality, transportation/traffic and utilities. Pursuant to Section 15164 of the CEQA Guidelines, an Addendum was prepared in order to address the change in the project

description and potential issues that caused by the amendment. No new impacts or mitigation measures were identified during review of the amendment. The Addendum is attached as **Exhibit G** of the Planning Commission staff report dated September 9, 2009.

- b) Hydrology/water quality - The previously approved project included a septic system; however, the applicant now proposes to install an alternative treatment system. The alternative treatment system will reduce the amount of nitrates within the wastewater and, therefore, reduce potential impacts to the groundwater sub-basin.
- c) Mitigation measures identified for potential impacts still apply to the project as amended. During staff's review of the amendment, no new potential impacts were identified; therefore, no new mitigation measures are necessary.
- d) No adverse environmental effects were identified during staff review of the development application during a site visit on October 25, 2006.
- e) See preceding and following findings and supporting evidence.

6. **FINDING:** **SUBDIVISION** – Section 66474 of the California Government Code (Subdivision Map Act) and Title 19 (Subdivision Ordinance) of the Monterey County Code (MCC) requires that a request for subdivision be denied if any of the following findings are made:

- 1. That the proposed map is not consistent with the applicable general plan and specific plans.
- 2. That the design or improvement of the proposed subdivision is not consistent with the applicable general plan and specific plans.
- 3. That the site is not physically suitable for the type of development.
- 4. That the site is not physically suitable for the proposed density of development.
- 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

EVIDENCE: a) Consistency. The project as designed and conditioned is consistent with the 1982 Monterey County General Plan, the Greater Monterey Peninsula Area Plan Inventory and Analysis, Monterey County Zoning Ordinance (Title 21), Monterey County Subdivision Ordinance (Title 19), the Carmel Valley Master Plan, and the Carmel Valley Village Development Criteria. (See Finding No. 1) The project is also consistent with the applicable Board of Supervisor's Resolutions (see Finding Nos. 8 and 9, and following evidence).

b) Design. The proposed lot design is consistent with the Lot Design Standards of Section 19.10.030 County Codes. The proposed condominium subdivision is located within a Light Commercial (LC) zoning district. Section 21.18 of the Monterey County Zoning Ordinance (Title 21) requires that setbacks be established by a General Development Plan. The General Development Plan approved with the

original permit, PLN060638, has been subsequently amended including the condominium subdivision. Therefore, the project will conform to the Lot Design Standards.

- c) Site Suitability. The site is suitable for the proposed project including the type and density of the development (Finding 2 and following evidence.)
- d) Health and Safety. The proposed project as designed and conditioned will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. (Finding 3 and associated evidence.)
- e) Easements. The subdivision or the type of improvements will not conflict with easements. The project site has an approved access driveway off of Del Fino Place. The driveway leads into a “Common Area” where the parking lot and access to the buildings are located.
- f) Water Supply. Section 19.10.070 MCC requires provision be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable prove there is along term water supply with the proposed project. Sections 19.03.015.L and 19.07.020.K MCC require Water Supply and Nitrate Loading Information in order to asses these conditions. (See Finding 3, Evidence c.)
- g) Sewage Disposal (Sections 19.03.015.K and 19.07.020.J MCC). The Director of Environmental Health has approved the use of an alternative treatment system and the project has been conditioned accordingly (see Finding 3, Evidence b).
- h) Traffic (Conditions 44, 47, 48, 49, and 50). The project will not result in an increased traffic volume than the previously approved project (PLN060638). Conditions from PLN060638 have been carried over and are required to be complied with for this project. (See **Exhibit 1**)
- i) Affordable Housing (Condition 22). The previously approved project required the applicant, as a condition of approval, to either pay an in-lieu fee or restrict one of the four rental units. The applicant chose to restrict to a unit; therefore, an Inclusionary Rental Agreement was recorded on June 30, 2008. Since the applicant proposes to amend the project, the applicant again has the option to either pay an in-lieu fee or restrict one of the condo units as a Moderate Income Condo. Should the applicant decide on restricting one of the condo units, they will be required to execute an Inclusionary Developer Agreement for Ownership Units which will replace the recorded Rental Agreement.
- j) Parks and Recreation (Condition 21). Pursuant to Section 19.12.010 of the Subdivision Ordinance, the project is required to pay a fee in lieu of land dedication. Prior to recordation of the final map, the applicant will be required to pay the park and recreation fee which will be determined by the Parks Department in accordance with the provisions within Section 19.12.010(D) of the Subdivision Ordinance.
- k) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090060.

l) The project planner conducted a site inspection on October 25, 2006.

7. **FINDING:** **WATER SUPPLY** – The project has an adequate long-term water supply and manages development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

EVIDENCE: a) California American Water Company is the water purveyor for the subject property and it is under the jurisdiction of the Monterey Peninsula Water Management District. The previously approved project, PLN060638, was found to have an acceptable water supply and the amendment will have no increase on water use. (See Finding 1, Evidence i and j and Finding 3, Evidence c.)

b) Although the amount of water use was previously approved and there will be no increase in use due to the subdivision, the applicant will be required to reduce water usage by 10% in order for the project to be consistent with Chapter 18.46 of the Monterey County Code. (See Finding 9 and following evidence.)

c) The project site is located within the Carmel River watershed, Hitchcock Canyon sub-basin.

8. **FINDING:** **BOARD OF SUPERVISORS RESOLUTION 02-024 – DISAPPROVING SUBDIVISIONS PROPOSED IN THE CARMEL VALLEY MASTER PLAN AREA** – The proposed project is not subject to Board of Supervisor’s Resolution No. 02-024.

EVIDENCE: a) Board of Supervisor’s Resolution No. 02-024 was adopted on January 22, 2002 and extends and augments the previous Board Policies 99-379 and 01-133. Resolution No. 02-024 states that it is the policy of the Board of Supervisors that residential and commercial subdivisions proposed in the Carmel Valley Master Plan Area be denied. In addition, paragraph “C” of the resolution states: “Additional units from new residential and commercial subdivisions in the Carmel Valley Master Plan area would foreseeably increase daily traffic on the already deficient segments of State Highway 1 and Carmel Valley Road”.

b) The previously approved project, PLN060638, allowed the construction of one 5,135 square foot commercial retail building, one 2,365 square foot commercial retail building, and four two-story mixed-use commercial and residential buildings. Although these structures are not yet constructed, traffic impacts have been identified and mitigation measures and conditions of approval have been included to reduce the traffic impact to less than significant.

c) The amendment, the condominium subdivision, to the previously approved project will not create an increase in the traffic volumes when compared to the original project.

d) Since there are no additional units as a result of the subdivision and there are no additional traffic impacts as a result of the subdivision, the project is not subject to Board of Supervisor’s Resolution No. 02-024.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.

EVIDENCE: Section 19.03.025.E of the Subdivision Ordinance (Title 19) and Section

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Standard Subdivision Committee does hereby:

- A. Consider the Mitigated Negative Declaration and Addendum; and
- B. Approve the Amendment to a previously approved Combined Development Permit and General Development Plan (PLN060638) which allowed: (1) a General Development Plan for the construction and operation of commercial facilities that are limited to office and retail use only as specified by the allowable light commercial uses contained in Section 21.18.050 of the Title 21 Zoning Ordinance; (2) an Administrative Permit and Design Approval to allow one 5,135 square foot commercial retail building (Building A) with a 1,558 square foot walking deck and a 2,365 square foot commercial retail building (Building B) with a 289 square foot walking deck; (3) a Use Permit and Design Approval to allow four two-story mixed-use commercial and residential buildings (Buildings C through F) totaling 4,028 square feet of lease space and 4,000 square feet of residential living space; and (4) a Use Permit to allow the removal of 18 protected coast live oak trees. The amendment includes a standard subdivision vesting tentative map for a commercial condominium subdivision of an existing 1.57 acre parcel into one parcel of 5,135 square feet (Unit 1); one parcel of 2,365 square feet (Unit 2); and four parcels of 1,329 square feet (Units 3, 4, 5, and 6); and a 1.39 acre common area parcel (Parcel A), respectively. The properties are located at 11 and 25 W. Carmel Valley Road, Carmel Valley, Carmel Valley Master Plan (Assessor Parcel Number's 187-433-017-000 and 187-433-018-000). to the Planning Commission, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 9th day of September, 2009.

Mike Novo, Secretary to the Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON **DATE**

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 SECRETARY OF THE STANDARD SUBDIVISION COMMITTEE ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **[DATE]**

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

NOTES

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

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

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 2 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 090060 - EXHIBIT 1 Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Steiny</u> File No: <u>PLN090060</u> APNs: <u>187-433-017-000 and</u> <u>187-433-018-000</u> Approved by: <u>Standard Subdivision Committee</u> Date: <u>August 13, 2009</u>
--	---

**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>
RMA – Planning Department						
1.		PD001 - SPECIFIC USES ONLY This Amendment to a previously approved Combined Development Permit and General Development Plan (PLN060638) which allowed: (1) a General Development Plan for the construction and operation of commercial facilities that are limited to office and retail use only as specified by the allowable light commercial uses contained in Section 21.18.050 of the Title 21	Adhere to conditions and uses specified in the permit. 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.	Owner/ Applicant RMA - Planning	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>
		Zoning Ordinance; (2) an Administrative Permit and Design Approval to allow one 5,135 square foot commercial retail building (Building A) with a 1,558 square foot walking deck and a 2,365 square foot commercial retail building (Building B) with a 289 square foot walking deck; (3) a Use Permit and Design Approval to allow four two-story mixed-use commercial and residential buildings (Buildings C through F) consisting of 4,028 square feet of lease space and 4,000 square feet of residential living space; and (4) a Use Permit to allow the removal of 18 protected coast live oak trees. The amendment includes a standard subdivision vesting tentative map for a commercial condominium subdivision of an existing 1.57 acre parcel into one parcel of 5,135 square feet (Unit 1); one parcel of 2,365 square feet (Unit 2); and four parcels of 1,329 square feet (Units 3, 4, 5, and 6); and a 1.39 acre common area parcel (Parcel A), respectively. The properties are located at 11 and 25 W Carmel Valley Road, Carmel Valley, (Assessor Parcel Number's 187-433-017-000 and 187-433-018-000) Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. (RMA - Planning Department)	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.	WRA RMA - Planning		

<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>
2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 090060) was approved by the Planning Commission for Assessor Parcel Number's 187-433-017-000 and 187-433-018-000 on September 9, 2009. The permit was granted subject to 65 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA - Planning Department)</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>RMA- Planning</p>	Prior to the issuance of grading and building permits or commencement of use	
3.		<p>PD004 - 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 applicable. The County shall promptly notify the</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	<p>Owner/ Applicant</p>	<p>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</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>
		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)				
4.		PD034 – SUBDIVISION SITE PLAN APPROVAL The property owner shall prepare a site plan for the project to be approved by the Director of the RMA - Planning Department. The site plan shall: (1) define the building site; (2) establish maximum building dimensions; (3) identify natural vegetation that should be retained; (4) identify landscape screening as appropriate. A note shall be placed on the final map stating that a site plan has been prepared for this subdivision and that the property may be subject to building and/or use restrictions. (RMA – Planning Department)	Submit site plan to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the recordation of final map	
			Place note on the map.	Owner/ Applicant	Prior to the recordation of final map	
5.		PD036 – UTILITIES – SUBDIVISION A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (RMA – Planning Department)	Place note on map or a separate sheet and submit to the RMA - Planning Department for review and approval. Install or bond for the underground utility facilities.	Owner/ Applicant	Prior to the recordation of final map	

<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>
6.		PDSP01 – AMENDED WATER RELEASE FORM Prior to the issuance of any building permits, the applicant shall obtain from the Monterey County Water Resources Agency, an amended Monterey Peninsula Water Management District Water Release Form indicating that the project will use no more than 1.12 acre feet of water per year. (RMA – Planning Department)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
RMA – Public Works Department						
7.		PW0015 – UTILITY’S COMMENTS Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (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 Final Map	
8.		PW0036 – EXISTING EASEMENTS AND ROW Provide for all existing and required easements or rights of way. (Public Works)	Subdivider’s Surveyor shall include all existing and required easements or rights of way on Final Map.	Subdivider/ Surveyor	Prior to Recordation of Final Map	
9.		PWSP01 – CONDOMINIUM MAP (NON-STANDARD) The applicant shall file a condominium map delineating all existing and required easements or rights-of-way and monument new lines. (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 Final Map	
Environmental Health Division						
10.		EHSP01 – OWNER OF WASTEWATER TREATMENT SYSTEM (NON-STANDARD)	Submit a letter from Cal-Am that they will own and operate the wastewater	Owner/ Applicant	Prior to issuance of	

<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>
		The wastewater treatment system must be owned and operated by a California Public Utility Commission (CPUC) regulated entity. This project is in the California America Water (Cal Am) CPUC approved service area. (Environmental Health)	treatment system and that the design has been approved. The letter must also indicate that all financial agreements are in place.		building permits	
11.		EHSP02 - WASTEWATER TREATMENT SYSTEMS REQUIREMENTS: DESIGN (NON-STANDARD) Submit a wastewater treatment system designed by a registered engineer to EHD and Cal-Am for review and approval. The applicant must establish hydraulic loading rates for the property. This loading rate may not be exceeded by the design flow of the treatment system. The owner/operator of the system must operate the system in accordance to the design and operation specifications of the system. (Environmental Health)	<ul style="list-style-type: none"> ▪ Submit design of a wastewater treatment system designed by a registered engineer to EHD and Cal-Am for review and approval. An establishment of the hydraulic loading rate for the property. ▪ The design will also be reviewed by RWQCB 	CA Licensed Engineer	Submit prior to building permit. RWQCB approval of the system design is required prior to issuance of the septic permit	
12.		EHSP03 - WASTEWATER TREATMENT SYSTEM & INSPECTIONS OF INDIVIDUAL UNITS DEED NOTICE: DEED NOTICE (NON-STANDARD) The applicant shall record a deed notification with the Monterey County Recorder for each parcel with the approved language indicating: <ul style="list-style-type: none"> ▪ That an alternative onsite wastewater treatment system is installed on the property. Contact EHD for specific wording to be included on the deed notification. 	<ul style="list-style-type: none"> ▪ Contact EHD for specific deed notice wording. ▪ Record deed notice. 	CA Licensed Engineer /Owner/ Applicant	Record deed notice prior to final of building permit	

<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>
		<ul style="list-style-type: none"> ▪ The operator of the Wastewater Treatment Plant has the right to inspect individual units to make evaluations of waste generation. This will ensure performance with flow restrictions of the wastewater treatment system design. <p>(Environmental Health)</p>				
13.		<p><u>EHSP04 - WASTE DISCHARGE APPLICATION (NON-STANDARD)</u></p> <p>The proposed project will require Waste Discharge Requirements (WDRs) from the Regional Water Quality Control Board (RWQCB). Obtain WDRs or a waiver of WDRs from the RWQCB – Central Coast Region.</p> <p>(Environmental Health)</p>	<p>Submit a completed Waste Discharge Requirements Application / Report of Waste Discharge General Information Form to the RWQCB for review and approval.</p> <p>Submit documentation to the Environmental Health Division indicating RWQCB has issued WDRs or a waiver.</p>	Owner/ Applicant	Prior to the issuance of building permits	

<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>
14.		<p>EHSP05 - WASTEWATER SYSTEM INSPECTION (NON-STANDARD)</p> <p>The wastewater system must be inspected during installation by the design consultant for conformance to the design. A certification in writing that the system as installed conforms to the approved design must be submitted by the consultant to the health officer prior to final approval of the installation and occupancy of the structure.</p> <p>No permanent occupancy of any phase of the project shall occur until all of the wastewater treatment plant and disposal facilities have been constructed, approved by the design engineer, accepted by the Regional Water Quality Control Board, approved by Monterey County Environmental Health and properly trained and licensed staff are available for operation.</p> <p>(Environmental Health)</p>	<ul style="list-style-type: none"> ▪ The wastewater system installation must be inspected by the system designer. ▪ A certification in writing that the system as installed conforms to the approved design must be submitted by the consultant to the health officer prior to final approval of the installation and occupancy of the structure. 	Owner/ Applicant	Prior to Occupancy	
15.		<p>EHSP06 - DEED NOTICE COMMERCIAL USE (NON-STANDARD)</p> <p>In order to ensure adequate commercial water use and minimize water/wastewater impacts, the applicant shall record a deed notification for each commercial unit with the Monterey County Recorder which states: “Commercial uses on this property must be subject to the following:</p> <ul style="list-style-type: none"> • All retail space shall be limited to a total of eight employees at a given time; • Only uses with minimal water consumption will be allowed (standard bathroom fixtures for employees only, no additional fixtures for retail 	Submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval.	Owner/ Applicant	Prior to final building occupancy	

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>use); and</p> <ul style="list-style-type: none"> Only food service that meets the definition of “single-use articles” within the California Retail Code is allowed. No food preparation on-site is allowed. "Single-use articles" mean utensils, tableware, carry-out utensils, bulk food containers, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use, after which they are intended for discard. "single-use articles" also include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans that do not meet the materials, durability, strength, and cleanability specifications for utensils under Sections 114130, 114130.1, and 114130.3 of the California Retail Food Code. <p>Prior to issuance of grading or building permits, the applicant shall submit proposed wording and forms to be recorded to the Division of Environmental Health and the Planning Department for review and approval. Prior to the final building occupancy, the applicant shall submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval. (Environmental Health)</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>
16.		<p>EHSP07 – RESIDENTIAL USE (NON-STANDARD) In order to ensure adequate residential water use and minimize water/wastewater impacts, the applicant shall record a deed notification for each residential unit with the Monterey County Recorder which states: “Residential uses on this property must be subject to the following:</p> <ul style="list-style-type: none"> • Individual laundry facilities are prohibited (approved central laundry only); and • Only two tenants shall be allowed per each one bedroom single family units.” <p>Prior to issuance of grading or building permits, the applicant shall submit proposed wording and forms to be recorded to the Division of Environmental Health and the Planning Department for review and approval. Prior to final building occupancy, the applicant shall submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval. (Environmental Health)</p>	Submit proposed wording and forms to be recorded to the Division of Environmental Health and the Planning Department for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits	
			Submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval.	Owner/ Applicant	Prior to final building occupancy	
			Submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval.	Owner/ Applicant	Prior to final building occupancy	
17.		<p>EHSP08 – WASTEWATER TREATMENT SYSTEM EASEMENT (NON-STANDARD) The wastewater treatment system is 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)</p>	Submit evidence to the Division of Environmental Health that designated easements have been established on the final map. Also submit draft CC&R’s for review and approval.	Owner/ Applicant	Concurrent with recordation of the final map	
Monterey County Water Resources Agency						

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)
18.		<p>WRASP01 - DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT (NON-STANDARD CONDITION)</p> <p>Prior to filing the final map, a copy of a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> (Agreement) shall be provided to the Water Resources Agency for review & approval. The Agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to the Agency for review and approval no later than August 15 of each year. If the responsible party identified in the Agreement, after notice and hearing, fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance, or improvements. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance, or improvements from the property owners upon their property tax bills. A hearing shall be provided before the Board of Supervisors to determine the appropriateness of the cost. The Agreement shall be recorded concurrently with the final map. (Water Resources Agency)</p>	<p>Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation.</p> <p>(A copy of the County’s standard agreement can be obtained at the Water Resources Agency.)</p>	Owner/ Applicant	Recorded concurrently with the final map	
19.		<p>WRASP02 - HOMEOWNERS ASSOCIATION, COMMUNITY SERVICES DISTRICT, OR SIMILAR ENTITY CC&R’S (NON-STANDARD CONDITION)</p> <p>A homeowner’s association, community services district, or other similar entity shall be formed for the</p>	Submit the CC&R’s to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing the final map	

<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>maintenance of roads, drainage facilities, and open spaces. The Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency shall approve documents for formation of association. The covenants, conditions and restrictions shall include provisions for a yearly report by a registered civil engineer and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be submitted by August 15 and be approved by the County Water Resources Agency. (Water Resources Agency)</p>				
Fire Agency Carmel Valley Fire Protection District						
20.		<p>FIRE030 – NON-STANDARD CONDITION A property owners association shall be legally formed and maintained. The association shall be responsible for the maintenance of the site plan and or information. The association shall also maintain fire department access (driveway, parking lot, etc.), as well as complex address sign(s) and other signage. A representative of the property owners association shall be designated as an emergency contact person. The association shall send to the fire department written notification of any change in association representatives and or emergency contact person. The fire department shall be provided a copy of the fully executed and recorded documentation for the formation of the condominium owners association. (Carmel Valley Fire Protection District)</p>	<p>The applicant shall submit property owner association information to the Carmel Valley Fire Protection District.</p>	<p>Owner/ Applicant</p>	<p>Prior to occupancy Ongoing</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>
Parks Department						
21.		<p>PKS002 – RECREATION REQUIREMENTS/FEEES</p> <p>The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D). (Parks Department)</p>	The Applicant shall comply with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner/ Applicant	Prior to the Recordation of the Final Map	
Redevelopment and Housing						
22.		<p>RDHSP01 – INCLUSIONARY HOUSING (NON-STANDARD)</p> <p>The Amendment is subject to the County’s Inclusionary Ordinance #04185. Prior to the recordation of the final map the applicant shall comply with the requirements of Ordinance #04185, payment of an in-lieu fee or dedication of one of the four condo units as a “Medium Income Condo”, to the satisfaction of the Housing and Redevelopment Director and consistent with the adopted Inclusionary Administrative Manual. The applicant has previously recorded a “Rental Agreement” dedicating one of the units as a “Medium Income Condo”. Therefore, in order for the applicant to comply with this condition, an “Inclusionary Developer Agreement for Ownership Units” shall be executed, which will replace the existing “Rental Agreement”. (Redevelopment and Housing)</p>	Prior to the Recordation of the Final Map, the applicant shall comply with the County’s Inclusionary Ordinance #04185 and either pay an in lieu fee or dedicate one of the four condo units as a “Medium Income Condo”. Should the applicant chose to restrict one unit, an Inclusionary Developer Agreement for Ownership Units shall be executed and will replace the previously recorded Rental Agreement.	Owner/ Applicant	Prior to the Recordation of the Final Map	

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)
Conditions Carried over from PLN060638						
23.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Steiny Combined Development Permit (PLN00638) consists of: (1) a General Development Plan for the construction and operation of commercial facilities that are limited to office and retail use only as specified by the allowable light commercial uses contained in Section 21.18.050 of the Title 21 Zoning Ordinance except for the following uses listed:</p> <ul style="list-style-type: none"> • Barber shop • Beauty shop • Convenience market • Photo studio (Digital only okay) • Florist • Small water systems • Pet shop <p>(2) an Administrative Permit and Design Approval to allow one 5,135 square foot commercial retail building (Building A) with a 1,558 square foot walking deck and a 2,365 square foot commercial retail building (Building B) with a 289 square foot walking deck; (3) a Use Permit and Design Approval to allow four two-story mixed-use commercial and residential buildings (Buildings C through F) consisting of 4,028 square feet of lease space and 4,000 square feet of residential living space; and (4) a Use Permit to allow the removal of 18 protected coast live oak trees. The property is located at 11 and 25 West Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers 187-433-017-000 and 187-</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	Cleared on 2/25/2008 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)
		433-018-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
24.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 08008) was approved by the Planning Commission for Assessor's Parcel Numbers 187-433-017-000 and 187-433-018-000 on January 30, 2008. The permit was granted subject to 45 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.	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.	Cleared on 3/25/2008 Doc#2008 018086

<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>
		(RMA - Planning Department)				
25.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	Cleared 2/25/2008 Ongoing
26.		<p>PD004 - 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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever	Cleared 10/16/2008 Doc #2008064809

<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>
		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)			occurs first and as applicable	
27.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 735.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	Cleared 2/28/2008 Receipt #87273
				Owner/ Applicant	Prior to the recordation of the final map, the start of use or the issuance of building or grading	

<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>
					permits	
28.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	Cleared 10/06/08 Doc #2008064 809
29.		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	Cleared 2/25/08 Ongoing
30.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.	Owner/ Applicant/ Geotech- nical Consultant	Prior to final inspection	
31.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	

<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>
		during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. 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. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	Owner/ Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department.	Owner/ Applicant	Prior to final inspection	
32.		<p>PD012(E) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (OTHER THAN SINGLE FAMILY DWELLING) (NON-STANDARD)</p> <p>The site shall be landscaped in accordance with Section 7.0 Vegetation and Landscaping of the Carmel Valley Village Development Criteria. Prior to issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be</p>	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Submit one (1) set landscape plans of approved by the RMA – Planning Department, Maximum Applied Water Allowance (MAWA) calculation, and a completed “ <u>Non-Residential Water Release Form and Water Permit Application</u> ” to the Monterey Peninsula Water Management District for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	

<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>
		continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit an approved water permit from the MPWMD to the RMA – Building Permit	Owner/ Applicant/ Licensed Landscape Contractor	Prior to issuance of Building Permits	
			The landscaping shall be installed and inspected.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to Occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
33.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN (NON-STANDARD) All exterior lighting shall be designed in accordance with Section 11.0 Lighting of the Carmel Valley Village Development Criteria and shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits	

<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>
		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 lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
34.		PDSP02 – SIGNAGE (NON-STANDARD) Signage shall be designed in accordance with Section 12.0 Signing of the Carmel Valley Village Development Criteria. The applicant shall submit 3 copies of a signage plan which shall indicate the location, size, and colors and materials to be used. The signage plan shall be subject to approval by the Director of the RMA – Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the signage plan to the RMA - Planning Department for review and approval. Approved signage plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits	
			The signage shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
35.		PDSP03 – BICYCLE PARKING PLAN (NON-STANDARD) The project shall provide a minimum of one bicycle rack space for each 10 parking spaces. Bicycle racks are to be designed to enable bicycles to be locked to the rack. Bicycle parking shall be designed in accordance with	Submit three copies of the bicycle parking plan to the RMA - Planning Department for review and approval. Approved bicycle parking plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits	

<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>
		Figure 22 Bicycle Access Considerations of the Carmel Valley Village Development Criteria. The applicant shall submit 3 copies of a bicycle parking plan which shall indicate the design and location of hardware (racks) for the multiple storage of bicycles. The bicycle parking plan shall be subject to approval by the Director of the RMA – Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	The bicycle parking shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
36.		PDSP04 – GENERAL DEVELOPMENT PLAN (NON-STANDARD) The applicant shall submit a revised General Development Plan to the Planning Department for review and approval which provides specific design details of the project and its consistency with all the standards described in the Carmel Valley Village Development criteria. (RMA – Planning Department)	Submit a revised General Development Plan to the Planning Department for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits	Cleared 2/28/08
			Adhere to approved revised General Development Plan.	Owner/ Applicant	Ongoing	
37.	1.	PDSP05 – MITIGATION MEASURE 1 (NON-STANDARD) In order to mitigate impacts to forest resources within the project site, the applicant shall arrange for a tree replacement plan to be prepared and implemented by a County-approved forester or arborist. The tree replacement plan shall include replacement of all protected trees proposed for removal (native trees 6 inches in diameter or greater) unless it is shown to be a hardship or detrimental to the long term health of the remaining habitat. Replacement of Coast live oaks shall be at a ratio of 1:1. The forester or arborist shall specify	The tree replacement plan shall be submitted to the Planning Department for review and approval. The tree replacement plan shall follow the recommendations made in the Forest Management Plan prepared for the site by Staub Forestry and Environmental Consulting, dated January 31, 2007.	Owner/ Applicant	Prior to issuance of grading or building permits	

<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>recommended planting areas and numbers by species.</p> <p>Prior to the issuance of a grading or building permit, the tree replacement plan shall be submitted to the Planning Department for review and approval. The tree replacement plan shall follow the recommendations made in the Forest Management Plan prepared for the site by Staub Forestry and Environmental Consulting, dated January 31, 2007. Prior to final building inspection/occupancy, the tree replacement plan shall be implemented and shall be subject to the approval of the Planning Department. (RMA – Planning Department)</p>	The tree replacement plan shall be implemented and shall be subject to the approval of the Planning Department.	Owner/ Applicant	Prior to final building inspection/occupancy	
38.	2.	<p>PDSP06 – MITIGATION MEASURE 2 (NON-STANDARD)</p> <p>In order to minimize impacts to forest resources within the project site, the applicant shall arrange for all retained trees located in proximity to the proposed development to be adequately protected from grading and construction activities. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified forester or arborist immediately prior to commencement of demolition and excavation operations.</p> <p>Prior to the issuance of a grading or building permit, evidence of adequate protection shall be submitted to the</p>	Evidence of adequate protection shall be submitted to the Planning Department for review and approval. Accompanying this evidence shall be a letter from a County-approved forester or arborist which states that the protection follows the recommendations made in the Forest Management Plan prepared for the site by Staub Forestry and Environmental Consulting, dated January 31, 2007.	Owner/ Applicant	Prior to issuance of grading or building permits	

<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 Department for review and approval. Accompanying this evidence shall be a letter from a County-approved forester or arborist which states that the protection follows the recommendations made in the Forest Management Plan prepared for the site by Staub Forestry and Environmental Consulting, dated January 31, 2007. Prior to final building inspection/occupancy, a letter from a County-approved forester or arborist shall be submitted to the Planning Department which states that construction and grading operations did not impact the retained trees. Any impacts shall require additional mitigation in accordance with a revised forest management plan and a revised tree replacement plan and shall be subject to the approval of the Planning Department. (RMA – Planning Department)	A letter from a County-approved forester or arborist shall be submitted to the Planning Department which states that construction and grading operations did not impact the retained trees. Any impacts shall require additional mitigation in accordance with a revised forest management plan and a revised tree replacement plan and shall be subject to the approval of the Planning Department.	Owner/ Applicant	Prior to final building inspection/occupancy	
39.	3.	PDSP07 – MITIGATION MEASURE 3 (NON-STANDARD) In order to monitor the success of tree replanting, the applicant shall arrange for monitoring inspections to be done by a County-approved forester or arborist. Success of tree replanting shall be assessed on the basis of percent survival of Coast live oaks. Success shall be defined as 100 percent. If the 100 percent success rate has not been achieved, the trees that have perished shall be replanted and follow up monitoring shall occur three months after replanting and a year thereafter. Monitoring Inspections shall occur once within the 3 months following completion of the development and one year thereafter. A report on each inspection shall be submitted to the Planning Department for review and approval. (RMA – Planning Department)	A report on each inspection shall be submitted to the Planning Department for review and approval.	Owner/ Applicant	Monitoring Inspections shall occur once within the 3 months following completion of the development and one year thereafter	

<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>
40.	4.	<p>PDSP08 – MITIGATION MEASURE 4 (NON-STANDARD)</p> <p>In order to minimize geotechnical impacts, the applicant shall adhere to the special recommendations contained in the Geotechnical-Soils Foundation & Geoseismic Report prepared by Grice Engineering and Geology, Inc. (December 20, 2006). Specifically, loose soils shall be processed as engineered fill or that the structures be supported in the firmer soils found at depth. Support of on grade structures, such as the interior floor slab, shall also be addressed in a similar manner.</p> <p>Prior to issuance of grading or building permits, the applicant shall submit grading and building plans that have been reviewed and approved by a registered geotechnical engineer, and verified as consistent with the special recommendations of the Geotechnical-Soils Foundation & Geoseismic Report. Accompanying the grading and building plans shall be a letter prepared by the consulting registered geotechnical engineer stating that the plans are consistent with the special recommendations described in Mitigation Measure #4.</p> <p>(RMA – Planning Department)</p>	<p>Submit grading and building plans that have been reviewed and approved by a registered geotechnical engineer, and verified as consistent with the special recommendations of the Geotechnical-Soils Foundation & Geoseismic Report. Accompanying the grading and building plans shall be a letter prepared by the consulting registered geotechnical engineer stating that the plans are consistent with the special recommendations described in Mitigation Measure #4.</p>	<p>Owner/ Applicant/ Geotechnical Consultant</p>	<p>Prior to issuance of grading or building permits</p>	<p>Cleared 3/04/08</p>
41.		<p>WR0040 - WATER CONSERVATION MEASURES</p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>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</p>	<p>Compliance to be verified by building inspector at final inspection.</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection/occupancy</p>	<p>Cleared 4/04/08</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>
		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)				
42.		WR0043 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	Cleared 4/04/08
43.	5.	WRSP03 – MITIGATION MEASURE 5 (NON-STANDARD) In order to ensure adequate stormwater drainage facilities and minimize hydrology impacts, the applicant shall provide a drainage plan prepared by a registered civil engineer addressing onsite and offsite impacts. The plan shall include stormwater detention facilities sized to limit 100-year post-development runoff to the 10-year pre-development rate. Drainage improvements under the proposed access road shall be designed in accordance with the recommendations in the Monterey	Submit 3 copies of the drainage plan, supporting calculations, and construction details to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits	

<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>
		County Master Drainage Plan Carmel Valley Watersheds. Prior to issuance of grading or building permits, the applicant shall submit 3 copies of the drainage plan, supporting calculations, and construction details to the Water Resources Agency for review and approval. Prior to final building inspection/occupancy, the applicant shall submit a letter prepared by a civil engineer which certifies that improvements were constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter prepared by a civil engineer which certifies that improvements were constructed in accordance with approved plans.	Owner/ Applicant	Prior to final building inspection/occupancy	
44.		PW0006 – CARMEL VALLEY The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). (Public Works)	Applicant shall pay to PBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance	Cleared 10/01/08
45.		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)	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	Cleared 10/01/08
46.		PWSP02 – CSA #52 (NON-STANDARD) Property shall be annexed to County Service Area #52. (Public Works)	Submit evidence of application for annexation to Public Works.	Owner/ Applicant	Prior to Building Permits Issuance	Cleared 10/01/08
47.	6.	PWSP03 – MITIGATION MEASURE 6 (NON-STANDARD) In order to minimize traffic impacts resulting from the project, the applicant shall pay the Transportation	Submit payment of the TAMC fees to the Public Works Department for review and approval.	Owner/ Applicant	Prior to Building Permits Issuance	Cleared 10/01/08

<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>Agency of Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study to the County of Monterey for future transportation improvements within Monterey County.</p> <p>Prior to the issuance of building permits, the applicant shall submit payment of the TAMC fees to the Public Works Department for review and approval. (Public Works)</p>				
48.	7.	<p>PWSP04 – MITIGATION MEASURE 7 (NON-STANDARD)</p> <p>In order to minimize traffic impacts resulting from the project, the applicant shall contribute to the County of Monterey a pro-rata share of the cost of left turn channelization at the intersections of Pilot Road at Carmel Valley Road and Del Fino Place at Carmel Valley Road. The applicant’s traffic engineer shall calculate the amount of the pro-rata share, subject to the review and approval of the Department of Public Works.</p> <p>Prior to the issuance of building permits, the applicant shall submit payment of the pro-rata share of the cost of left turn channelization to the Public Works Department for review and approval. (Public Works)</p>	Submit payment of the pro-rata share of the cost of left turn channelization to the Public Works Department for review and approval.	Owner/ Applicant	Prior to Building Permits Issuance	Cleared 10/01/08
49.	8.	<p>PWSP05 – MITIGATION MEASURE 8 (NON-STANDARD)</p> <p>In order to minimize hazardous design feature impacts, access to and from the site shall be restricted to right turns in and out. The applicant shall submit a driveway plan which incorporates measures such as signage, striping, and physical restraints in order to ensure that only right turns in and right turns out are allowed.</p>	Submit a driveway plan to the Department of Public Works for review and approval.	Owner/ Applicant	Prior to Building Permits Issuance	Cleared 10/01/08

<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>
		Prior to the issuance of building permits, the applicant shall submit a driveway plan to the Department of Public Works for review and approval. (Public Works)				
50.	9.	PWSP06 – MITIGATION MEASURE 9 (NON-STANDARD) In order to minimize hazardous design feature impacts, the applicant shall obtain an encroachment permit from the Department of Public Works and construct the approved driveway connection to Del Fino Place.	An encroachment permit shall be obtained from the Monterey County Public Works Department.	Owner/ Applicant	Prior to Building Permits Issuance	Cleared 10/16/08
		Prior to the issuance of building permits, an encroachment permit shall be obtained from the Monterey County Public Works Department. Prior to final building inspection, the driveway connection shall be designed and constructed by the applicant subject to approval by Public Works. (Public Works)	The driveway connection shall be designed and constructed by the applicant subject to approval by Public Works.	Owner/ Applicant	Prior to final building inspection	

<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>
51.		<p>PWSP07 - NON-STANDARD – CONSTRUCTION MANAGEMENT PLAN</p> <p>Prior to issuance of Grading Permits or Building Permits, applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. In order to maintain vehicular flow during the construction/grading phase of the project the applicant shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)</p>	Applicant shall prepare a CMP and shall implement approved measures during the construction/grading phase of the project.	Applicant	Prior to issuance of the Grading Permit or Building Permit.	10/16/08
52.	10.	<p>EHSP09 - DEED NOTIFICATION – WASTEWATER</p> <p>In order to minimize water/wastewater impacts, the applicant shall record a deed notification with the Monterey County Recorder which states: “Commercial and residential uses on this property must be subject to the following:</p> <p>Wastewater produced on the entire parcel shall not exceed 600 gallons per day on monthly average.</p> <p>A Maintenance Contract with Licensed Certified Septic Contractor shall be in place and “if contract is canceled or voided, the contractor must notify EHD with in 5 working days”.</p>	<p>Prior to issuance of grading or building permits, the applicant shall submit proposed wording and forms for the Deed Notification to the Environmental Health Division and the Planning Department for review and approval. Prior to the final building occupancy, the applicant shall submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval.</p> <p>The Notification shall include text contained in the adjacent condition.</p>	Owner/ Applicant	Prior to issuance of grading or building permits	

<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>The applicant shall provide lessees with educational materials containing best management practices to maintain compliance with each unit's water allocation and explaining the sewage outflow limitation placed on the project.</p> <p>The applicant shall include in the lessee agreement a rent surcharge of 10 times the current monthly Cal Am water charge to be implemented if any unit's water allocation (120 Gallons per Residential unit and 15 Gallons per Employee per retail/office) is exceeded.</p> <p>The applicant shall install water meters for each commercial and residential unit and the central laundry facility. Also meters shall be installed to measure the outflow from all septic tanks to monitor outflow. The applicant shall submit quarterly reports to the Environmental Health Department detailing inflows and outflows showing compliance with the 600 gallon per day monthly average limitation.</p> <p>The applicant shall submit quarterly reports to the Environmental Health Department detailing inflows and outflows showing compliance with the 600 gallon per day monthly average limitation.</p> <p>If the project exceeds the 600 gallon per day monthly average limitation the applicant, at the discretion of the Director of Environmental Health shall take one or any combination of the following measures to maintain the</p>	<p>If the 600 gallon limitation is consistently exceeded then this would be referred to the Director of Planning and the Director of Environmental Health with a recommendation and finding that a Zoning violation has occurred and to approve a revocation of the Use Permit for the project.</p> <p>If after taking alternative measures, the project still exceeds 600 gallons on a monthly average, the Director of Environmental Health and the Director of Planning, in their discretion may set a hearing before the appropriate authority for revocation of the Use Permit.</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>limitation:</p> <ol style="list-style-type: none"> 1) Impose the surcharge on lessee violators; 2) Remove the Central Laundry Facility; 3) Convert residential units to offices or other less wastewater producing uses; 4) Implement other such measures that the Director of Environmental Health deems appropriate. <p>If after taking alternative measures, the project still exceeds 600 gallons on a monthly average, the Director of Environmental Health and the Director of Planning, in their discretion may set a hearing before the appropriate authority for revocation of the Use Permit.</p> <p>(Environmental Health)</p>				
53.	11.	<p><u>EHSP10 – MITIGATION MEASURE 11 (NON-STANDARD)</u></p> <p>In order to ensure adequate residential water use and minimize water/wastewater impacts, the applicant shall record a deed notification with the Monterey County Recorder which states: “Residential uses on this property must be subject to the following:</p> <ul style="list-style-type: none"> • Individual laundry facilities are prohibited (approved central laundry only); and 	Submit proposed wording and forms to be recorded to the Division of Environmental Health and the Planning Department for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits	

<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>
		<ul style="list-style-type: none"> Only two tenants shall be allowed per each one bedroom single family units.” <p>Prior to issuance of grading or building permits, the applicant shall submit proposed wording and forms to be recorded to the Division of Environmental Health and the Planning Department for review and approval. Prior to final building occupancy, the applicant shall submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval. (Environmental Health)</p>	Submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval.	Owner/ Applicant	Prior to final building occupancy	
54.	12.	<p>EHSP11 – MITIGATION MEASURE 12 (NON-STANDARD)</p> <p>In order to ensure adequate wastewater flow and minimize water/wastewater impacts, the applicant shall record a deed notification with the Monterey County Recorder which states: “Wastewater produced on the entire parcel shall not exceed 600 gallons per day.”</p> <p>Prior to issuance of grading or building permits, the applicant shall submit proposed wording and forms to be recorded to the Division of Environmental Health and the Planning Department for review and approval. Prior to final building occupancy, the applicant shall submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval. (Environmental Health)</p>	Submit proposed wording and forms to be recorded to the Division of Environmental Health and the Planning Department for review and approval.	Owner/ Applicant	Prior to issuance of grading or building permits	
			Submit copies of the recorded documents to the Division of Environmental Health and the Planning Department for review and approval.	Owner/ Applicant	Prior to final building occupancy	

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)
55.		<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>Applicant or owner</p>	<p>Prior to final building inspection</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>
56.		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 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	
57.		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	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	

<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>
		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)	Applicant shall schedule fire dept. clearance inspection.	Applicant or owner	Prior to final building inspection	
58.		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 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 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	
59.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	

<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>
		protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Valley Fire Protection District)	Applicant shall schedule fire dept. rough sprinkler inspection.	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection.	Applicant or owner	Prior to final building inspection	
60.		FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (Carmel Valley Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	
61.		FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Carmel Valley Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	

<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>
62.		FIRESPO1 – FIRE EXTINGUISHERS (NON-STANDARD) Fire Extinguishers are required. Size and placing of the fire extinguishers must comply with NFPA standards. The fire extinguishers must be serviced and maintained as per California Code of Regulations Title 19. (Carmel Valley Fire Protection District)	Applicant shall schedule fire dept. final inspection.	Applicant or owner	Prior to final building inspection	
63.		FIRESPO2 – EXIT SIGNS (NON-STANDARD) Exit Signs are required as per NFPA standards. (Carmel Valley Fire Protection District)	Applicant shall schedule fire dept. final inspection.	Applicant or owner	Prior to final building inspection	
64.		FIRESPO3 – FIRE DEPARTMENT NOTES (NON-STANDARD) The full text of all required fire conditions must be noted on all plans (Building and Grading) as “FIRE DEPARTMENT NOTES”. The Fire District will not accept or approve building or grading plans without the “FIRE DEPARTMENT NOTES”. (Carmel Valley Fire Protection District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building or grading permit	
65.		HRDVSP02 – INCLUSIONARY HOUSING (NON-STANDARD) The project application is subject to the County's Inclusionary Ordinance #04185. Prior to the issuance of any building permits for the project the applicant shall comply with the requirements of Ordinance #04185 to the satisfaction of the Housing and Redevelopment Director and consistent with the adopted Inclusionary Administrative Manual. (Housing and Redevelopment)	The applicant shall comply with inclusionary requirements of Ordinance No. 04185. Prior to the issuance of the building permit, the applicant shall provide evidence to the Housing and Redevelopment Office that compliance has been met.	Owner/applicant	Prior to the issuance of building permits	Cleared 7/25/08

END OF CONDITIONS

Rev. 03/01/2009