

MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 9, 2009	Time: 9:00am	Agenda Item No.: 2
Project Description: Use Permit and General Development Plan to permit the continuation of an existing "tennis ranch" consisting of guest accommodations (24 units), dormitories (91 beds), restaurant/dining (3 areas), swimming pools (3 pools), clubhouse (2500 square feet), bar, hot tubs/spas (5), saunas (2), gym, general retail/pro shop/office (1180 square feet), tennis courts (16 total), laundry facility (1000 square feet), storage facilities/sheds (13) of unknown square footage, office/management facilities (1540 square feet), physical therapy; and various special events.		
Project Location: 114 West Carmel Valley Road, Carmel Valley		APN: 189-121-001-000, 189-201-003-000, 189-201-013-000, 189-251-014-000, 189-251-015-000, 189-251-016-000, 189-261-001-000, 189-261-005-000, 189-261-009-000, 289-261-010-000, 189-261-011-000, 189-261-012-000, 189-261-013-000, 189-261-015-000, 189-261-016-000, 189-261-017-000
Planning File Number: PLN080558		Owner: Pristine Development LLC Agent:
Planning Area: Carmel Valley Master Plan Area		Flagged and staked: No
Zoning Designation: : VO (Visitor Servicing – 20.75 acres) LDR (Low Density Residential – 3.25 acres)		
CEQA Action: Mitigated Negative Declaration		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit B**) to:

- A. Adopt the Mitigated Negative Declaration;
- B. Approve the General Development Plan and Use Permit, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**);
- C. Adopt the Mitigation Monitoring and Reporting Program (**Attachment 1**).

PROJECT OVERVIEW:

The project site is located on the site of the former Gardiner's Country Club and Resort, which was established in 1957 as John Gardiner's Tennis Ranch, on approximately 24.0 acres in Carmel Valley, at 114 West Carmel Valley Road in the western portion of the Carmel Valley Village Area.

The tennis ranch has been sold and ceased operation within the last year. The use is allowed within the property's zoning subject to a Use Permit and a General Development Plan. The property lacks a comprehensive Use Permit and General Development Plan, and is thus "non-conforming". The applicant wishes to bring the property into full compliance with the Zoning Ordinance, and is requesting approval of a Use Permit and General Development Plan. A General Development Plan has been prepared to allow all of the historic uses of the site.

Physical Location and Zoning Designations

The project is located within the Carmel Valley Master Plan. The site includes two different land use designations and zoning districts: Visitor Serving/Professional Office and Low-Density Residential. Approximately 20.75 acres are zoned Visitor Serving/Professional Office (VO) and 3.25 acres are zoned Low-Density Residential (LDR). All parcels with the Visitor Serving/Professional Office land use designation are located in the Visitor Accommodations/Professional Office (VO) zoning district, and all parcels in the Low-Density Residential land use designation are located in the Low-Density Residential: 1-5 Acres per Unit (LDR) zoning district. The project site has been developed and the GDP will treat the project site as a single entity.

Project Description

Monterey County Zoning Code Section 21.22.030(A) states:

“A General Development Plan shall be required prior to the establishment of any development in the Visitor Serving/Professional Office district if there is no prior approved General Development Plan and if:

1. The lot is in excess of one acre; or
2. The development proposed includes more than one use.

The project site is located primarily in the Visitor Serving/Professional Office district and is in excess of one acre, and involves more than one use. There are sporadic records of Use Permits having been approved on a various parcels in 1957 (Resolution 2907 – 7/30/1957), 1974 (Resolution 74-182 – 05/29/1974), and 1983 (Resolution 83-25 – 01/12/1983), but there are no resolutions or project descriptions available which define what these permits allowed. All that can be definitively said is that some additions were made to the site over time. The current Use Permit application is meant to bring all current existing uses, operations, facilities, and amenities under one permit.

Project Analysis

The General Development Plan prepared by the applicant lists all the historic uses of the site. The difficulty in this application is that the site developed without the current zoning ordinance requirements or the public health requirements of today. The applicant would like the site to continue to operate as it traditionally has, but there are several issues which must be considered:

Intensity of Use

Numerous different uses have operated on site over time, but not all of these uses existed simultaneously. Multiple events can not be accommodated on site simultaneously due to various constraints including lack of adequate parking spaces/areas and septic/waste disposal outflow limitations. Events should be structured and limited to stay within the constraints of the site. Methods to limit/structure events include:

- Limit multiple uses based upon parking and septic;
- Closing all facilities to members during special events including but not limited to tennis camps, weddings, and private fund raising events.

Parking

The site currently has 53 delineated parking spaces. This is not sufficient based on the size of the property and the number of allowed uses. The applicant has expressed that historically additional parking needs have been met by utilizing unused tennis courts, numerous grassy areas, and the portion of Paso Hondo Road, which is within the property boundaries, and was abandoned by the County in 2002 (Board Resolution No. 00-410).

Based on the quantity of historic uses, square footage of existing structures/pools, and number of club members, a parking requirement analysis was conducted pursuant to Section, 21.58.40 of the Monterey County Zoning Code. This analysis concluded that if taken individually, all the uses on the property would require approximately 150 parking spaces. This number far exceeds the amount of the existing parking on site (53).

At the time of this application, no updated parking plan which would adequately demonstrate what is feasible for the site has been submitted for review. The project has been conditioned to include the submittal of an updated parking plan prior to the scheduling and hosting of any large event (Condition 8).

Septic/Waste Disposal

The property is currently served by septic tanks and leach fields. The Environmental Health Division (EHD) reviewed the project and found that the property utilizes existing non-conforming septic systems. The facility predates "The Carmel Valley Wastewater Study" performed by Montgomery Engineers in 1982.

The locations of the septic tanks have been identified, however, the location of the disposal systems is unknown. Under current regulations it is assumed that the disposal fields are undersized for the existing uses on the property and presumably do not meet the required setbacks per Monterey County Code 15.20, Sewage Disposal. The systems most likely cross property lines, which does not conform to MCC 15.20. EHD found that the proposed General Development Plan would not result in an increase in the wastewater generation on the property from previous uses. EHD recommends approval of this project with a condition that any intensification or building permit on any of the lots will require a complete investigation of the sewage disposal systems that serve the resort (Condition 10).

Additionally, this property generates more than 2,500 gallons of wastewater per day when in operation. Pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board – Central Coast Region (RWQCB), Monterey County refers waste discharges of 2500 gallons per day or greater to the RWQCB for regulation.

Water Supply

The property is serviced by California American Water Company (Cal-Am). According to records from 1999, Cal-Am provides 5.38 acre feet per year (afy), of domestic water to the property. Based on this data, it is reasonable to assume that the needs of the property are met by the existing water service.

Traffic

The project site has been in operation of well over 50 years, and experienced a wide-range of traffic levels, depending upon membership numbers, popularity of offered services, and social and economic pressures. Because the nature of the use has varying degrees of use there are times when higher traffic volumes are generated by the site. The higher periods of use are spread out over time and typically do not result in additional peak hour trips. Traffic is not considered to be an adverse issue associated with this application.

Mitigated Negative Declaration

An Initial Study/Mitigated Negative Declaration was prepared for this project in accordance with California Environmental Quality Act (CEQA) guidelines. The Mitigated Negative Declaration was circulated for review from November 6, 2009 through December 7, 2009. Issues that were analyzed in the Mitigated Negative Declaration include hydrology and water quality, land use and planning, traffic and transportation, and utilities and service systems. The Mitigated Negative Declaration has been attached as Exhibit B.1.

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

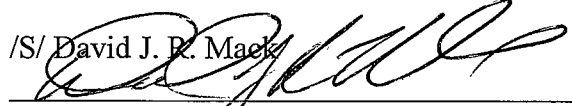
- √ RMA - Public Works Department
- √ Environmental Health Division
- √ Water Resources Agency
- √ Carmel Valley Fire Protection District
- √ Regional Water Quality Control Board, District 3
- √ Parks Department
- √ Building Services Department

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Monterey County Environmental Health Department; Carmel Valley Fire Protection Department; and the RMA – Planning Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Attachment 1 to the draft resolution (**Exhibit B**).

The project was referred to the Carmel Valley LUAC (Land Use Advisory Committee) on February 17, 2009. The Carmel Valley LUAC expressed concerns over traffic generation and septic disposal issues. The LUAC recommended that all unnecessary numbers be removed from the General Development Plan. The LUAC believes that since no new uses or construction is being proposed, the project would not have a significant impact on the environment. Minutes from the February 17, 2009 meeting have been attached (**Exhibit D**).

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

/S/ David J. R. Mack


David J. R. Mack, Assistant Planner
(831) 755-5096, mackd@co.monterey.ca.us
December 1, 2009

cc: Front Counter Copy; Planning Commission; Carmel Valley Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Building Services Department; John Ford, Planning Services Manager; David J. R. Mack, Project Planner; Carol Allen, Senior Secretary; Pristine Development LLC (Bert Davey), Owner; EMC Planning Group Inc (Michael Groves/Christine Bradley), Agent; Fenton & Keller (John S. Bridges), Attorney; Planning File PLN080558

Attachments: Exhibit A Project Data Sheet
Exhibit B Draft Resolution, including:
1. Conditions of Approval and Mitigation Monitoring and Reporting Program
2. General Development Plan
Exhibit C Vicinity Map
Exhibit D Carmel Valley Land Use Advisory Committee Minutes
Exhibit E Project Correspondence
Exhibit F Mitigated Negative Declaration
Exhibit G Comments on Mitigated Negative Declaration

This report was reviewed by John Ford, Planning Services Manager.



EXHIBIT

A

EXHIBIT A

Project Information for PLN080558

Project Title: PRISTINE DEVELOPMENT L L C

Location: 114 W CARMEL VALLEY RD CARMEL VAI

Primary APN: 189-261-001-000-M

Applicable Plan: Carmel Valley Master Plan

Coastal Zone: No

Permit Type: Use Permit

Zoning: LDR-D-S-RAZ & VO

Environmental Status: MND

Plan Designation: LOW DENSITY RES

Advisory Committee: Carmel Valley

Final Action Deadline (884): 2/9/2010

Project Site Data:

Lot Size: 24 ACRES

Coverage Allowed: N/A

Coverage Proposed: N/A

Existing Structures (sf): 39006

Height Allowed: N/A

Proposed Structures (sf): 0

Height Proposed: N/A

Total Sq. Ft.: 39006

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: No

Erosion Hazard Zone: LOW - HIGH

Biological Report #: N/A

Soils Report #: N/A

Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: HIGH

Geologic Hazard Zone: VARIED

Archaeological Report #: N/A

Geologic Report #: N/A

Fire Hazard Zone: VERY HIGH

Traffic Report #: N/A

Other Information:

Water Source: CALIFORNIA AMERICAN

Sewage Disposal (method): SEPTIC

Water Dist/Co: CALIFORNIA AMERICAN

Sewer District Name: N/A

Fire District: CARMEL VALLEY FIRE

Grading (cubic yds.): 0.0

Tree Removal: N/A

EXHIBIT

B

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

PRISTINE DEVELOPMENT LLC (PLN080558)

RESOLUTION NO. _____

Resolution by the Monterey County Planning
Commission:

- 1) Adopt the Mitigated Negative Declaration
- 2) Approve the General Development Plan and Use Permit.
- 3) Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**).

(PLN080558, PRISTINE DEVELOPMENT LLC, 114 WEST CARMEL VALLEY ROAD, CARMEL VALLEY, CARMEL VALLEY MASTER PLAN AREA (APNs: 189-121-001-000, 189-201-003-000, 189-201-013-000, 189-251-014-000, 189-251-015-000, 189-251-016-000, 189-261-001-000, 189-261-005-000, 189-261-009-000, 289-261-010-000, 189-261-011-000, 189-261-012-000, 189-261-013-000, 189-261-015-000, 189-261-016-000, 189-261-017-000)

The General Development Plan and Use Permit application (PLN080558) came on for public hearing before the Monterey County Planning Commission on December 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,
 - Carmel Valley Master Plan Area,
 - Carmel Valley Master Plan Area, Inventory and Analysis,
 - Monterey County Zoning Ordinance (Title 21)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
b) The property is located at 114 West Carmel Valley Road, Carmel Valley (Assessor's Parcel Numbers: 189-121-001-000, 189-201-003-000, 189-

201-013-000, 189-251-014-000, 189-251-015-000, 189-251-016-000, 189-261-001-000, 189-261-005-000, 189-261-009-000, 289-261-010-000, 189-261-011-000, 189-261-012-000, 189-261-013-000, 189-261-015-000, 189-261-016-000, 189-261-017-000) Carmel Valley Master Plan Area. The parcel is zoned VO (Visitor Servicing) / LDR (Low Density Residential), which requires a General Development Plan for the VO zoning district and a Use Permit for the LDR zoning district to allow the continued operations of a commercial tennis club and resort facility. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on February 17, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- d) Zoning Ordinance, Section 21.22.030(A) in a "VO" (Visitor Servicing/Professional Office) zoning district. The proposed project meets the size and number of uses criteria for a General Development Plan. The applicant is not proposing any development which would require approval of a General Development Plan, but wishes to bring the site into compliance with the zoning ordinance requirement for a General Development Plan.
- e) Zoning Ordinance, Section 21.14.050(X) relative to 21.14.050(B) in a "LDR" (Low Density Residential) zoning district. The proposed project is operated as a resort and tennis club and involves uses of a similar character, density, and intensity as a public and quasi-public use; therefore, a Use Permit is required to be approved by the Planning Commission to remedy the legal non-conforming status of the property relative to zoning requirements in the Low Density Residential zone.
- f) 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 referrals since the development required CEQA review (Mitigated Negative Declaration) and involves a discretionary permit that raises potentially significant land use issues. The Carmel Valley LUAC did not express concerns relative to impacts on the environment, since the project does not include any new uses, and/or modification and expansion to existing structures.
- g) 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 PLN080558.

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, RMA – Building Services Department, Carmel Valley Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions and Mitigations recommended have been

- incorporated.
- b) The property contains 53 delineated parking spaces. This is not sufficient based on the size of the property and number of proposed uses. The applicant has expressed that historically additional parking needs have been met by utilizing unused tennis courts, numerous grassy areas, and the portion of Paso Hondo Road that lies within the property boundaries, which was abandoned by the County in 2002 (Board Resolution No. 00-410). To ensure that the allowed uses and intensity of use remains suitable for the site, the project has been conditioned to include the submittal of an updated parking plan prior to the scheduling and hosting of any large event (Condition 8).
 - c) The property is currently served by septic tanks and leach fields. The Environmental Health Division (EHD) reviewed the project and found that the property utilizes existing non-conforming septic systems. The locations of the septic tanks have been identified, however, the location of the disposal systems is unknown. Under current regulations it is assumed that the disposal fields are undersized for the existing uses on the property and presumably do not meet the required setbacks per Monterey County Code 15.20, Sewage Disposal. The systems most likely cross property lines, which does not conform to MCC 15.20. EHD found that the proposed General Development Plan would not result in an increase in the wastewater generation on the property from previous uses. EHD recommends approval of this project subject to a condition that any intensification or building permit on any of the lots will require a complete investigation of the sewage disposal systems that serve the resort (Condition 10).
 - d) The property is serviced by California American Water Company (Cal-Am). According to records from 1999, Cal-Am provides 5.38 acre feet per year (afy) of domestic water to the property. Based on this data, it is reasonable to assume that the needs of the property are met by the existing water service.
 - e) Staff conducted a site inspection on February 17, 2009 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 PLN080558.

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 Monterey County Environmental Health Department, Monterey County Water Resources Agency, RMA – Public Works Department, RMA – Building Services Department, and the RMA – Planning 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.

- b) Necessary water supply is available to the site. The property is served by California American Water Company (Cal-Am). According to records from 1999, Cal Am provided 5.38 acre feet per year (afy) of domestic water to the property. Cal Am confirmed that there are currently 11 meters on the property, each with an assigned meter number. Based on these rates and data it is reasonable to assume that the needs of the property are met by the existing water service.
- c) No preexisting sanitary sewer exists for this area of Carmel Valley. The property is currently served by septic tanks and leach fields. The Environmental Health Division (EHD) reviewed the project and found that the property utilizes existing non-conforming septic systems. The facility predates "The Carmel Valley Wastewater Study" performed by Montgomery Engineers in 1982. The locations of the septic tanks were established, however, the location of the disposal systems is unknown. Under current regulations it is assumed that the disposal fields are undersized for the existing uses on the property and presumably do not meet the required setbacks per Monterey County Code 15.20, Sewage Disposal. The systems most likely cross property lines, which does not conform to 15.20. EHD found that the proposed General Development Plan should not increase the wastewater generation on the property from previous uses. Therefore, EHD is not approving an increase to the wastewater generation from previous uses. EHD recommends a condition that any intensification or building permit on any of the lots will require a complete investigation of the sewage disposal systems that serve the resort. Additionally, this property generates more than 2,500 gallons of wastewater per day when in operation. Pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board – Central Coast Region (RWQCB), Monterey County refers waste discharges of 2500 gallons per day or greater to the RWQCB for regulation. The owner/applicant must start the application process for a waste discharge permit from the RWQCB as soon as possible. Assuming that occupancy and water usage rates fluctuate greatly during the year, these wastewater generation rates would average out to be within the water allotment of 5.38 acre feet per year as supplied by California American Water.
- d) Preceding and following findings and supporting evidence for PLN080558.

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 records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on February 17, 2009 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel. However, the

development on site does not comply with all rules and regulations pertaining to zoning on the property, in that the Visitor Servicing portion of the property is greater than 1 acre thus requiring the approval of a General Development Plan; and the Low Density Residential portion of the property requires the granting of a Use Permit to allow commercial operations and amenities. Development on site exists and was constructed legally over a 50 year time period, and is considered to be "legal non-conforming". When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the legal non-conforming status.

- 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 PLN080558.

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN080558).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN080558).
 - d) Issues that were analyzed in the Mitigated Negative Declaration include: hydrology/water quality, land use and planning, traffic and transportation, utilities and service systems.
 - e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (**Condition #5**)
 - f) The Draft Mitigated Negative Declaration ("MND")/Negative Declaration ("ND) for PLN080558 was prepared in accordance with CEQA and circulated for public review from November 6, 2009 through December 7, 2009 (SCH#: 2009-111030). Issues that were

analyzed in the Draft Mitigated Negative Declaration (“MND”) include hydrology and water quality, land use and planning, traffic and transportation and utilities and service systems.

- g) Evidence that has been received and considered includes: the application and staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN080558) and are hereby incorporated herein by reference.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could not result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. Therefore, the project will be required to pay the State fee of \$1993.00 plus a fee of \$50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- i) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **GENERAL DEVELOPMENT PLAN** –Monterey County Code requires a General Development Plan (GDP) prior to the establishment of uses/development if there is no prior approved GDP, and if: 1) the lot is in excess of one acre; or, 2) the development proposed includes more than one use; or, 3) the development includes any form of subdivision.

- EVIDENCE:**
- a) Zoning Ordinance, Section 21.22.030(A) in a “VO” (Visitor Servicing/Professional Office zoning district. The proposed project meets the size and number of uses criteria; therefore, a GDP is required to be approved by the Planning Commission prior to new development, changes in use, expansion of use, or physical improvement of the site.
 - b) The project as described in the application and accompanying materials was reviewed by the Planning Department, Carmel Valley Fire Protection District, Parks Department, Public Works Department, Environmental Health Division, Building Services Department, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.
 - c) A General Development Plan has been prepared by the applicant, which lists the historic uses of the site; the types of special events hosted on site including tennis camp related activities; existing facilities and amenities on site; the historic level of county club membership; and provides a detailed inventory of improvements and associated square footage.
 - d) The General Development Plan does not adequately address numerous constraints on the site, including adequate parking and intensity of use.

It remains unclear whether the site is equipped to simultaneously accommodate numerous uses. To resolve these deficiencies the project has been conditioned to include the submittal of an updated parking plan prior to the scheduling and hosting of any large event. In addition, a separate condition, limiting the property to schedule no more than 1 large event at a time, and requiring that all facilities be closed to regular membership usage during special events, has been placed upon the project. (**Condition 6-8**).

The General Development Plan is attached hereto as **Exhibit B.2** and incorporated herein by reference.

- e) Staff conducted site inspections on February 17, 2009, to verify that the proposed GDP and project are consistent with allowed uses for a heavy industrial site and historical uses identified.
- f) Materials in Planning File PLN080558.

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) The property is served by California American Water Company (Cal-Am). According to records from 1999, Cal Am provided 5.38 afy, approximately 4800 gallons, of domestic water to the property. Cal Am confirmed that there are currently 11 meters on the property, each with an assigned meter number. Based on these rates and data it is reasonable to assume that the needs of the property are met by the existing water service.

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

EVIDENCE: a) Section 21.80.040(D) Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Adopt the Mitigated Negative Declaration
- B. Approve PLN080558, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**):
- C. Adopt the Mitigation Monitoring and Reporting Program (**Attachment 1**)

PASSED AND ADOPTED this 9th day of December, 2009 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

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.

EXHIBIT

B-1.

RESOLUTION _____ - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: PRISITNE DEVELOPMENT LLC

File No: PLN080558

APNs: 189-121-001-000, 189-201-003-000, 189-201-013-000, 189-251-014-000, 189-251-015-000, 189-251-016-000, 189-261-001-000, 189-261-005-000, 189-261-009-000, 289-261-010-000, 189-261-011-000, 189-261-012-000, 189-261-013-000, 189-261-015-000, 189-261-016-000, 189-261-017-000

Approved by: Planning Commission **Date:** December 9, 2009

**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 Use Permit and General Development Plan to permit the continuation of an existing “tennis ranch” consisting of guest accommodations (24 units), dormitories (91 beds), restaurant/dining (3 areas), swimming pools (3 pools), clubhouse (2500 square feet), bar, hot tubs/spas (5), saunas (2), gym, general retail/pro shop/office (1180 square feet), tennis courts (16 total), laundry facility (1000 square feet), storage facilities/sheds (13) of unknown square footage, office/management facilities (1540 square feet), physical therapy; and various special events. The property is located at 114 West Carmel Valley Road, Carmel Valley (Assessor’s Parcel Numbers 189-121-001-000, 189-201-003-000, 189-201-013-000, 189-251-014-000, 189-251-015-000, 189-251-016-000, 189-261-001-000, 189-261-005-000, 189-261-009-000, 289-261-010-000, 189-261-011-000, 189-261-012-000,	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. 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	Owner/ Applicant RMA - Planning WRA 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>
		189-261-013-000, 189-261-015-000, 189-261-016-000, 189-261-017-000), Carmel Valley Master Plan Area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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)	responsibility to ensure that conditions and mitigation measures are properly fulfilled.			
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Numbers 189-121-001-000, 189-201-003-000, 189-201-013-000, 189-251-014-000, 189-251-015-000, 189-251-016-000, 189-261-001-000, 189-261-005-000, 189-261-009-000, 289-261-010-000, 189-261-011-000, 189-261-012-000, 189-261-013-000, 189-261-015-000, 189-261-016-000, 189-261-017-000 on December 9, 2009 . The permit was granted subject to 22 conditions of approval including 1 mitigation measure which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined,	Owner/ Applicant	Upon demand of County Counsel.	

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		or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)	shall be submitted to the RMA – Planning Department.			
4.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, 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 Owner/ Applicant	Within 5 working days of project approval. Prior to the start of use or the issuance of building or grading permits.	

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5.		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.	
6.		SPPD001 - GENERAL DEVELOPMENT PLAN – STRUCTURES AND IMPROVEMENTS (NON-STANDARD) No improvement, alteration, or expansion to the existing structures described/listed in the General Development Plan shall be allowed without first amending the General Development Plan and approval from the RMA-Planning Department.	No development plans, construction plans and building plans shall be issued without first amending the approved General Development Plan. Such plans shall be submitted for review and approval by the Director of Planning, prior to site preparation activities and construction.	Owner/ Applicant	Prior to application for building/grading/improvement plans.	
7.		SPPD002 - GENERAL DEVELOPMENT PLAN – PARKING (NON-STANDARD) The property contains 53 delineated parking spaces, and 3 areas that can be utilized for overflow parking (grassy areas, unused tennis courts, and the abandoned portion of Paso Honda Road). An updated parking plan, which adequately demonstrates how many standard parking spaces can be provided in these areas, shall be submitted for review by the Director of the RMA – Planning Department and RMA- Public Works Department prior to the scheduling and hosting of any large event.	An updated parking plan, which demonstrates what is feasible for the site shall be submitted for review by the Director of the RMA – Planning Department and RMA- Public Works Department prior to the scheduling and hosting of any large event. No parking shall occur in any area, other than the 53 delineated parking spaces, or the 3 alternative parking areas, until the updated parking plan is approved.	Owner / Applicant	Prior to scheduling/hosting any large events.	

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8.		<p>SPPD003 - GENERAL DEVELOPMENT PLAN – SPECIAL EVENTS (NON-STANDARD) No other special events, besides those described/outlined in the General Development Plan shall be permitted on the premises, without approval/amendment of the General Development Plan.</p> <p>Events shall be structured and limited to no more than one large event at a time. The size of events is limited by the number of parking spaces available in parking configurations approved by the Director of the RMA – Planning Department. The facilities shall be closed to regular membership usage during special events.</p>	<p>Special events held on the property shall comply with those listed in the General Development Plan. Plans to modify the General Development Plan shall be submitted to the RMA – Planning Department for review and approval.</p> <p>The Applicant shall not schedule/host more than one large event on the premise at any given time. All facilities shall be closed to regular membership usage/activities during special events.</p>	Owner / Applicant	Amendment to the General Development Plans shall be reviewed and approved prior to the hosting of additional events on the property.	
Health Department Environmental Health Division						
9.		<p>EHSP001 – WASTE DISCHARGE REQUIREMENTS (NON-STANDARD) Pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board – Central Coast Region (RWQCB), Monterey County refers waste discharge of 2500 gallons per day or greater to the RWQCB for regulation. The RWQCB could</p> <ul style="list-style-type: none"> • Impose individual Waste Discharge Requirements (WDR) • Enroll the facility under the General WDR for Discharge to Land for Small Domestic Wastewater Treatment Systems <p>OR</p> <ul style="list-style-type: none"> • Apply other requirements as appropriate <p>(Environmental Health)</p>	<p>Submit application for Waste Discharge Requirements to the RWQCB for review and approval.</p> <p>Submit evidence to EHD that the RWQCB has</p> <ul style="list-style-type: none"> • Issued individual WDR • Enrolled the facility under the General WDR for Discharge to Land for Small Domestic Wastewater Treatment Systems <p>OR</p> <ul style="list-style-type: none"> • Approved the discharge with or without applying other requirements as appropriate. 	Owner/Applicant	Application must be filed prior to the continuation of any resort operations that will generate more than 2500 gallons of wastewater per day (ongoing maintenance is allowed without a WDR).	

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10.		<p>EHSP002 – LOCATION/UPGRADES TO EXISTING SEPTIC SYSTEMS (NON-STANDARD) All septic systems on all of the resort properties shall be located and evaluated prior to any intensification of use or issuance of any building permits. The size and location of the septic systems were not evaluated with this General Development Plan. Thus, the systems must be located and evaluated prior to any additional use or building on the property.</p> <p>Intensification of waste generation shall require compliance with current requirements. The Regional Water Quality Control Board may also require upgrades to the existing system as part of the Waste Discharge Requirements. (Environmental Health)</p>	<p>Prior to the intensification of use or issuance of any building permits contract with a licensed wastewater hauler or contractor to “snake and locate” the existing septic systems on the property. A detailed map of all systems shall be created and submitted to Environmental Health.</p> <p>Intensification of waste generation shall require compliance with current requirements. The Regional Water Quality Control Board may also require upgrades to the existing system as part of the Waste Discharge Requirements.</p>	Owner / Applicant	Prior to intensification of use or issuance of any building permits.	
11.		<p>EHSP003 - ABANDONED WELLS (NON-STANDARD) Destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code.</p> <p>OR If the Owner/Applicant intends to maintain the well, provide proof to Environmental Health Division that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater. (Environmental Health)</p>	<p>A California licensed well contractor shall obtain a well destruction permit from the Environmental Health Division.</p> <p>Complete well destruction according to the well destruction permit.</p> <p>After destruction the California licensed well driller shall submit the Well Drillers Report to the Environmental Health Division.</p> <p>OR Provide documentation to the satisfaction of the Environmental Health Division that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater.</p>	Owner / Applicant	Within 6 months of project approval (DATE: June 9, 2010)	

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Carmel Valley Fire Protection Department						
12.		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. (Salinas Rural for 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.	
13.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		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. (Salinas Rural for Carmel Valley Fire Protection District)				
14.		FIRE30(A) – ROAD ACCESS (NON-STANDARD) Existing access roads shall be required and/or maintained for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All newly constructed roads shall be constructed to provide a minimum width of 20 feet. All new and existing roads shall be maintained with an unobstructed vertical clearance of not less than 15 feet. In the event existing roads are less than 20 feet wide, prior to any intensification of use or issuance of building permits, the roadway shall either be provided with fire department turnouts or shall be widened to 20 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). (Salinas Rural for Carmel Valley Fire Protection District)	Applicant shall incorporate specification into design and enumerate as “Fire Department Notes” on plans.	Applicant / Owner	Prior to issuance of grading and/or building permits.	
			Applicant shall schedule fire department clearance inspection for each phase of development.	Applicant / Owner	Prior to final building inspection.	
15.		FIRE30(B) – FIRE ALARM SYSTEM (COMMERCIAL) (NON-STANDARD) Prior to fire clearance of conditions, the fire alarm system(s) on the site shall be serviced and made fully functional by a California licensed C-10 Fire Alarm Contractor. An acceptance test shall be successfully completed by the fire alarm contractor and witnessed by the Fire District upon completion of the service and/or	Applicant shall submit evidence of fire alarm system service and/or repair to the Fire District; all alarm systems shall successfully pass acceptance testing.	Applicant / Owner	Prior to clearance of fire conditions	

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		repair of the fire alarm systems(s). (Salinas Rural for Carmel Valley Fire Protection District)				
16.		FIRE 30(C) – FIRE SPRINKLER SYSTEMS (COMMERCIAL) (NON-STANDARD) Prior to clearance of fire conditions, evidence shall be provided to the Fire District that the fire sprinkler systems(s) that exist in buildings <u>other than</u> one- and two-family dwellings have undergone a five-year test in accordance with Title 19, California Code of Regulations, and NFPA Standard 25. (Salinas Rural for Carmel Valley Fire Protection District)	Applicant shall submit evidence of five-year test for all existing fire sprinkler systems in buildings other than one- and two-family dwellings.	Applicant / Owner	Prior to clearance of fire conditions.	
17.		FIRE 30(D) – FIRE SAFETY INSPECTION (NON-STANDARD) Prior to clearance of fire conditions, the entire facility shall undergo and successfully pass a fire safety inspection by the Fire District. (Salinas Rural for Carmel Valley Fire Protection District)	Applicant shall schedule a facility-wide fire safety inspection and shall make all required corrections.	Applicant / Owner	Prior to clearance of fire conditions.	
18.		FIRE 30(E) – HYDRANTS AND FIRE FLOW (NON-STANDARD) Existing hydrants shall be maintained operational. Prior to intensification of use or issuance of building permits, the required fire flow shall be reviewed by the Fire District, subject to the requirements of the California Fire Code that is in effect at the time of building permit applications. Hydrants for fire protection shall be provided at locations approved by the Salinas Rural Fire District and shall conform to the following requirements: a. FIRE FLOW – Prior to the clearance of fire conditions, a baseline fire flow rate and pressure shall be established as determined by a hydrant flow test of all hydrants on the property.	Applicant shall contact the Fire District and California-American Water Company to schedule and successfully complete hydrant flow tests of all hydrants on the premises.	Applicant / Owner	Prior to clearance of fire conditions.	

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		<p>b. HYDRANT/FIRE VALVE (LOCATION) – The existing fire hydrants shall be maintained to provide clearance of 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. In the event the existing hydrants are closer than 4 feet, a means of protection from vehicle impact shall be provided as approved by the Fire District.</p> <p>c. SIGNING OF WATER SOURCES – Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal’s Guideline for Fire Hydrant Markings along State Highways and Freeways, May 1998. Such markings may include but not be limited to blue payment markers or blue reflective hydrant collars, as approved by the Fire District.</p> <p>(Salinas Rural for Carmel Valley Fire Protection District)</p>				
19.		<p>FIRE 30(F) –EMERGENCY ACCESS KEYBOX (NON-STANDARD) Emergency access key box shall be successfully inspected by the Fire District to confirm that it contains current premises keys. The fire department shall be notified when locks are changed so that the emergency access key box can be maintained with current keys. (Salinas Rural for Carmel Valley Fire Protection District)</p>	<p>Applicant shall schedule an emergency-access key box inspection and successfully pass the inspection by the Fire District.</p>	Applicant/ Owner	Prior to clearance of fire conditions.	
			<p>Applicant shall contact the Fire District to arrange for updating of emergency access premises keys when locks are changed.</p>	Applicant/ Owner	Ongoing condition.	
Parks Department						

<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>
20.		PKSSP001 – SPECIAL HISTORIC CONDITION Any future proposed alterations to structures 50 years old or older shall require a Phase I Historical Assessment by a County-certified historical consultant and shall be referred to the Historic Resources Review Board (HRRB) for review and comment. (Parks Department)	Submit to the County Cultural Affairs Manager at the time of applying for a Use Permit, Subdivision, and/or Grading and Building Permits any proposed alterations or removal of existing structures and landscaping shown to be 50 years or older for review and comment.	Owner/ Applicant	At the time of submitting any future application for a Use Permit, Subdivision and/or Grading/ Building Permits.	
21.		PKSSP002 – SPECIAL RECREATION CONDITION Any further proposed residential development of vacant parcels shall require delineation of existing recreation facilities that provide <u>active</u> recreational units as defined in Section 19.12.010 D. (i.e., a variety of recreational opportunities within walking distance from residents' homes with a potential to serve all age groups, from toddlers to senior citizens). "No credit will be given for common open space areas, dedicated scenic easements, dedicated hiking or riding trails or other passive space recreational uses." These existing or constructed facilities will serve as a credit against the payment of fees when the developer provides park and recreational improvements to dedicated park land. (TITLE 19: Section 19.12.010: RECREATION REQUIRMENTS, Subsection I. Credit for Improvements and Private Open Space). (Parks Department)	Submit to the County Parks Department at the time of applying for a Use Permit, Subdivision and/or Building Permits any proposed new residential development of vacant parcels for review toward compliance with the Recreation Requirements contained in Section 19.12.010 of the Subdivision Ordinance Title 19, Monterey County Code.	Owner/ Applicant	At the time of submitting any future application for a Use Permit, Subdivision and/or Building Permits.	
Mitigation Measures						

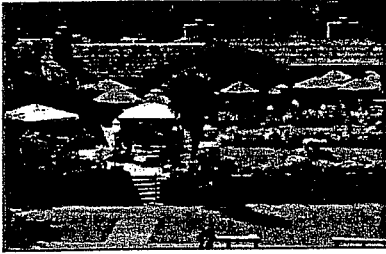
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
22.	1.	MM#1 – WASTEWATER GENERATION The applicant shall install meters on the outfall side of all septic tanks to limit the total septic discharge to 7,200 gallons per day (24 acres x 300 gallons/day/acre) cumulative. These meters shall be installed within 2 years of project approval or upon the request from the Monterey County Environmental Health Division or Regional Water Quality Control Board.	Within 2 years from the project approval date (December 9, 2009), meters shall be installed on the outflow side of all septic tanks, to ensure that cumulative septic discharge does not exceed 7,200 gallons per day.	Owner/Applicant	Within 2 years of project approval (DATE: December 9, 2011)	
			A yearly report shall be submitted to the Monterey County Environmental Health Division, showing septic discharge data, until such time that a new conforming waste disposal system is installed on the property.		On or before December 1st of each calendar year.	
			In the event that septic discharge exceeds the allowed 7,200 gallons/day, the property owner shall be required to make all necessary actions to bring the system back into compliance.	Owner/Applicant	On-going condition	

END OF CONDITIONS

Rev. 12/01/09

EXHIBIT

B-2.



GARDINER'S COUNTRY CLUB AND RESORT
GENERAL DEVELOPMENT PLAN

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1.0

INTRODUCTION

This General Development Plan and accompanying Use Permit, herein after referred to as "GDP", has been prepared pursuant to the Zoning Code of the County of Monterey. The purpose of the GDP is to bring the property at 114 Carmel Valley Road - formerly Gardiner's Country Club and Resort - herein after referred to as the "property" into conformance with the Zoning Requirements. Currently, there is not an approved GDP and, in some cases, no Use Permit on record. The Monterey County Zoning Code, Section 21.22.030 (A) states the following:

General Development Plan shall be required prior to the establishment of any development in the Visitor Serving/Professional Office district if there is no prior approved General Development Plan and if:

1. The lot is in excess of one acre; or
2. The development proposed includes more than one use.

The property is located largely in the Visitor Serving/Professional Office district, is in excess of one acre, and includes more than one use. Use Permits have been approved for some but not all of the established uses within the property. Although characterized as a Comprehensive Use Permit, the 1982 Use Permit did not mention many of the established uses, operations, facilities, and amenities within the property area.

Portions of the property are also in the Low-Density Residential district. Country club related uses, such as guest accommodations and other resort activities are existing in these areas and are also legal non-conforming. The General Development Plan and Use Permit , includes these residential properties so that the entire use is treated as a single entity and is

GENERAL DEVELOPMENT PLAN

upgraded from a legal non-conforming use to a use fully in conformance with all zoning ordinance permitting requirements.

The General Development Plan proposes no development, change, expansion, or improvement within the property area. The General Development Plan meets the Zoning Ordinance requirement to specifically identify the type of uses allowed and how they will be conducted. Uses, operations, facilities, and amenities are described based on the type of use, types of operations, staffing numbers, characteristics of special events, and other criteria applicable to defining use and operation of the resort. The implementation of this General Development Plan will not result in any physical change to the existing facilities or intensify onsite uses at the property.

2.0

PROPERTY LOCATION/DESCRIPTION

The property is located on the site of the former Gardiner's Country Club and Resort, which was established in 1957 as John Gardiner's Tennis Ranch. The property has developed over time with luxury guest accommodations, numerous tennis courts, a pro shop, various dormitories, residences, and cottages, three pools, spas with saunas, laundry facilities, a clubhouse with a meeting room and two attached dining rooms, an outdoor restaurant with special event seating, and a restaurant and bar to serve the dining rooms and outdoor seating. The property also includes two active and two inactive wells, numerous septic tank/leach fields for sewage disposal throughout the property, and two greenhouses, a hothouse and two horticulture sheds. Several residential properties are located within the property area which have at various times been incorporated as part of the established resort and have been used for employee housing, visitor-serving uses and guest and rental accommodations and as private homes.

LOCATION

The property is located on approximately 24.0 acres in Carmel Valley, California, which is within the unincorporated jurisdiction of the County of Monterey. The property lies in the western portion of the Carmel Valley Village Area, which is an area of concentrated population and service-oriented businesses in Carmel Valley. The Carmel Valley Village is approximately 16 miles south-southeast of the City of Carmel-by-the-Sea and Highway 1 in Monterey County. The address of the property is 114 West Carmel Valley Road. The property is in an area of commercial hotel, educational/recreational uses, and low-density residential land uses. Figure 1, Regional Location, shows the property in a regional context, and Figure 2, Property Vicinity, shows the property in relation to the immediate

surrounding area and Figure 3, Property Boundaries, shows the property boundaries and existing conditions.

CIRCULATION / PARKING

Primary access to the property area is currently provided by a 14-foot wide paved private access road, MacIntosh Road. The MacIntosh Road access point is on the west side of Carmel Valley Road, approximately 0.5 miles north of the center of the Carmel Valley Village. The access road runs approximately 500 feet west of Carmel Valley Road and the elevation drops below the road level of the intersection of MacIntosh Road and Carmel Valley Road.

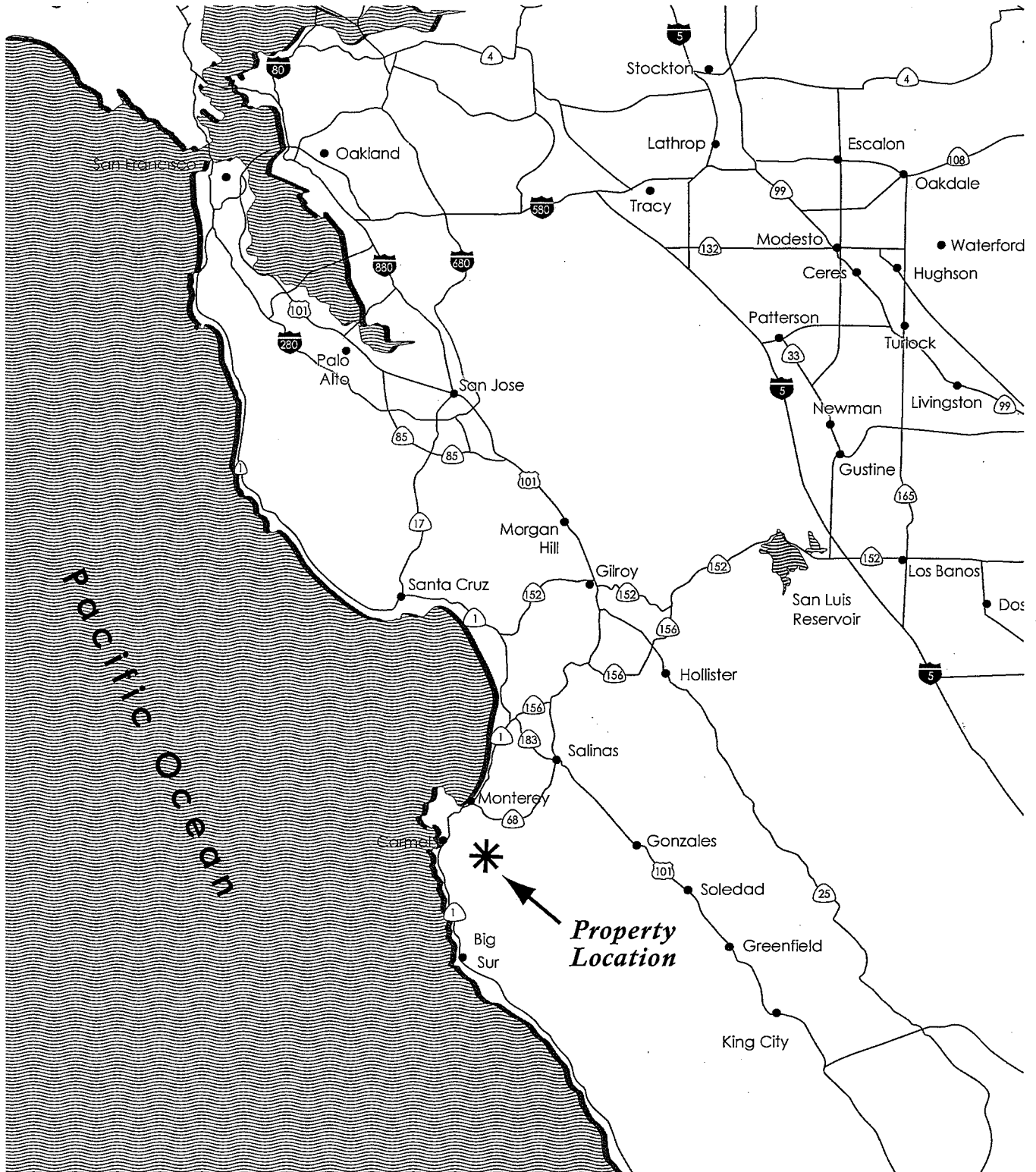
There are several secondary access points to the property area which also serve as delivery and fire emergency access. There are two gated secondary access points along Paso Hondo Road, a 37-foot paved and public road. Paso Hondo Road runs through the neighborhood directly to the southeast of the property and connects the property to the neighborhood. The first gated location is at the edge of the Paso Hondo Road turn-around bulb adjacent to the property. Beyond the gate, a 14-foot dirt fire access road leads to the main grounds of the property. The second location is at the Paso Hondo Road access gate, the extension of Paso Hondo Road into the property, is a 37-foot dirt road.

Secondary access is also provided by a non-gated 20-foot paved and dirt road accessible from Carmel Valley Road approximately 400 feet south of the primary access point. This secondary access road runs southwest of Carmel Valley Road, adjacent to the Hidden Valley Music Seminar's property. This secondary access road connects to the property at a gated entrance located along the southeastern border of the site, adjacent to the Grand Slam Suites. Refer to Figure 4, Existing Property Access, to see the access points.

The site is currently configured with 53 delineated parking spaces. No additional parking spaces are being proposed at this time. Historically, during times when special events were being hosted, unused tennis courts, grassy areas, and the abandoned portion of Paso Honda Road (making sure to not block emergency access) have been utilized to accommodate additional parking needs. These additional parking areas are primarily utilized during large special events, and tennis camp graduation ceremonies.

PHYSICAL CHARACTERISTICS

The property is not located in a dam inundation area. The Carmel River runs along the western edge of the property and crosses portions of the site. According to the recently updated Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA), a majority of the property is not located within the floodway or the floodway fringe. The only parcel substantially within the floodplain and the floodway fringe is APN 189-121-001. All of the remaining parcels are either completely out of the floodplain and floodway fringe or have a small portion located within, as is the case with several of the parcels along the western edge of the property. Figure 5, FEMA-Defined Special Flood Hazard Area, shows the floodplain and floodway fringe in relation to the property. The portions of the property within the floodplain and floodway fringe are shaded in blue and crosshatched on the graphic and are located in flood Zone AE. Zone AE is an area of 100-year flood where base flood elevations and flood hazard factors have been determined. No existing development or improvements are located within the floodplain or floodway fringe areas. Assessor Parcel Number 189-261-005, located in the Low Density Residential zoning district has an existing residence with is located just outside of the 100-year floodplain area.



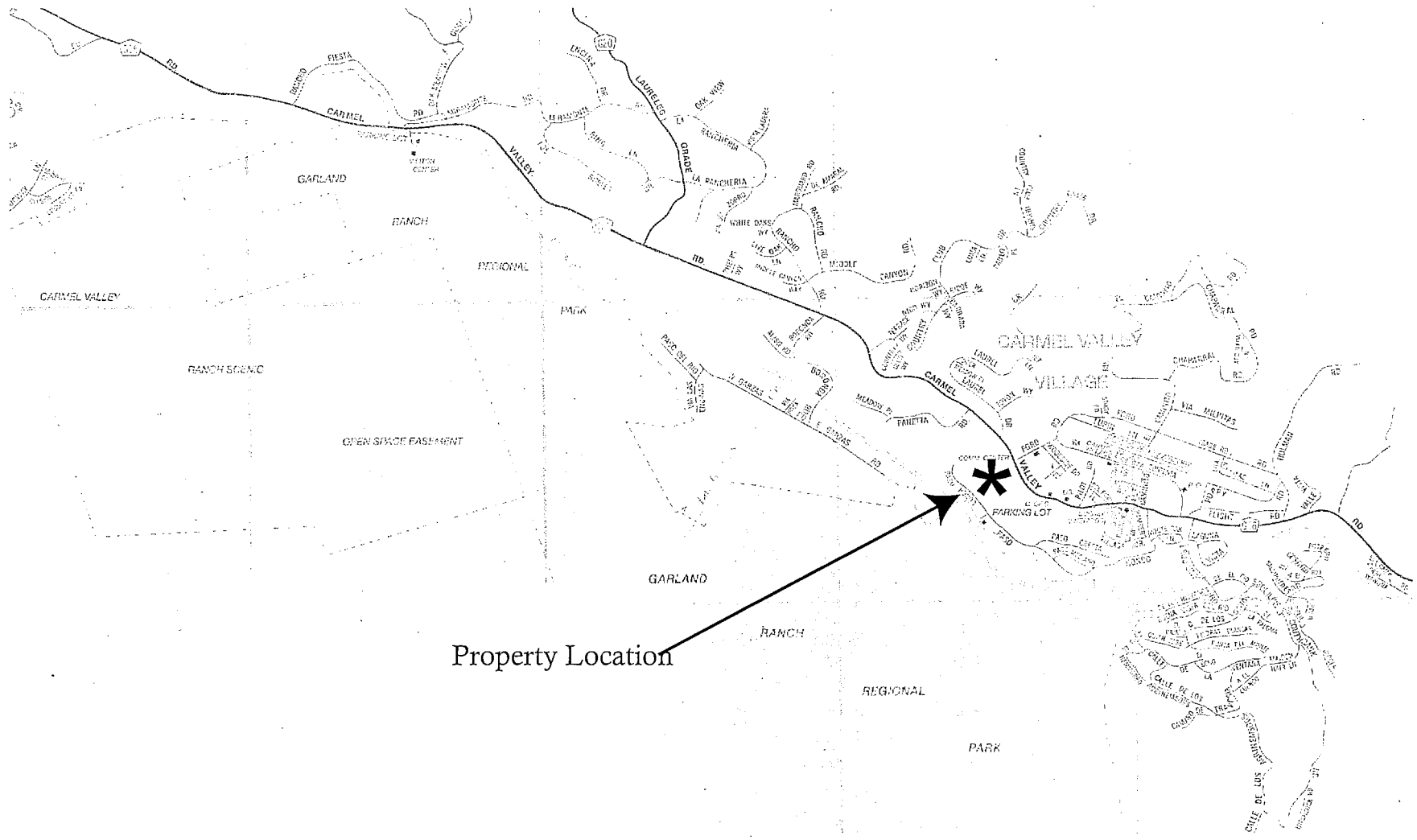
Not to Scale

Source: EMC Planning Group Inc. 2009



Figure 1
Regional Location

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Property Location



0 3000 feet

Source: EMC Planning Group Inc. 2009,
California State Automobile Association

Figure 2
Property Vicinity



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Source: EMC Planning Group Inc. 2009, Virtual Earth 2009

Figure 3

Property Boundaries

114 Carmel Valley Road General Development Plan



0 300 feet

Property boundary
Parcel boundaries



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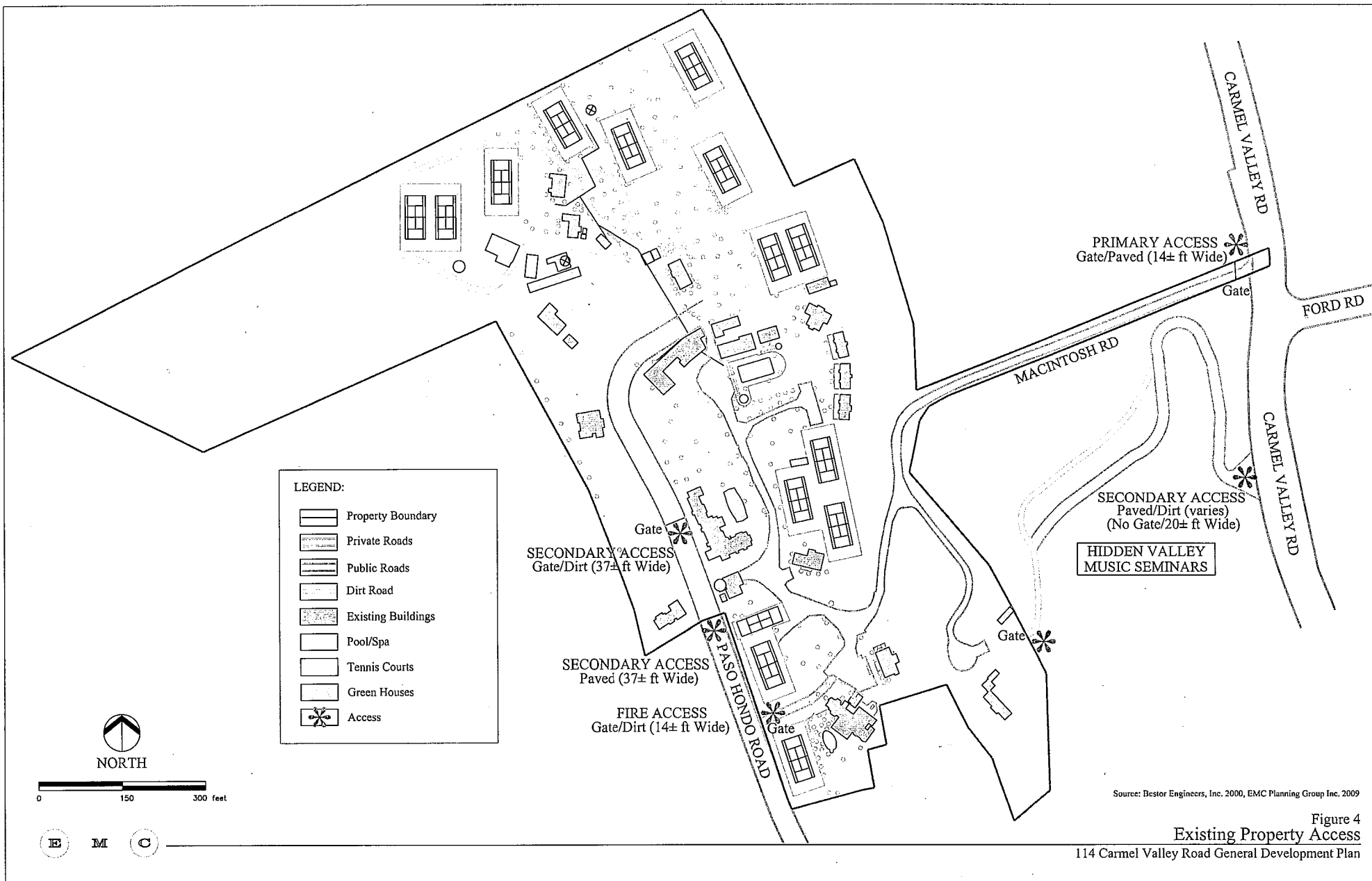


Figure 4
Existing Property Access
 114 Carmel Valley Road General Development Plan

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Property Boundary

100 Year Floodplain



Floodway



Base Flood Elevation Rev Prelim. NAVD 1988



White lines designate Monterey County parcel boundaries



0 550 feet

Source: EMC Planning Group Inc. 2009, Monterey County Water Resources Agency 2009
 FEMA-Revised Preliminary Digital Flood Insurance Rate Maps (DFIRM) 2007

Figure 5

FEMA-Defined Special Flood Hazard Area

114 Carmel Valley Road General Development Plan



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The base flood elevation is 250 feet above mean sea level. According to FEMA, flood zones designated AE are areas with a one percent or greater annual chance of flooding in any given year. Areas that lie in the floodplain carry certain restrictions for development on those parcels. The remaining portion of the property, which is shown unshaded in Figure 5, is in Zone X. According to FIRM, areas with the designation Zone X have a minimal flood hazard from the principal source of flood in the area and are determined to be outside of the 0.2 percent annual chance floodplain.

The Tularcitos Fault, a potentially active fault, is located to the east and the west of the property, but does not actually trend across the property. Figure 6, Vicinity Active Regional Faults, shows the location of the property in relation to the Tularcitos Fault. There are no known active faults within the property.

The topography of the property includes a downward slope from Carmel Valley Road to the north and west, which prevents the resort from being seen from Carmel Valley Road.

Many large coast live oak trees are located within the property, as well as several other significant tree specimens, including sycamore and Monterey pine. Riparian vegetation is located along the Carmel River. In December 2008, a search of the California Department of Fish and Game (CDFG) California Natural Diversity Database (CNDDDB) was preformed to determine the potential for special-status species to occur in the region. The search determined that several special-status species may potentially occur in the region.

ASSESSOR'S PARCELS AND LEGAL LOTS OF RECORD

The first deed for the property was granted by the Spanish government as the Los Laureles Rancho back in 1853. The land was subdivided as the Laureles Trace No. 2 in Monterey County. In 2001, the County of Monterey approved certificates of compliance for 34 legal lots of record on the site. Figure 7, Property Existing Legal Lots of Record, outlines the existing legal lots of record. For clarification, each of the lots in the graphic have been numbered, however the legal lot numbers are for identification purposes only, and the Monterey County Assessor's Office is in the process of converting these legal lots to assessor's parcel numbers. One of these legal lots has been recently sold (legal lot 1), which leaves 33 separate legal lots of record as a part of the property, some of which are developed with existing residences.

The property originally consisted of 17 separate assessor's parcels. The County of Monterey Assessor's Office is currently in the process of filing a new assessor's map which would

reflect an additional 16 assessor's parcels consistent with the 33 legal lot parcels. Figure 8, Property Existing Assessor's Parcels, shows all 33 assessor's parcels which will soon be associated with the property.

EXISTING GENERAL PLAN AND ZONING

The property is located within the jurisdiction of the Carmel Valley Master Plan and is within the Carmel Valley Village Area. The land use designations and zoning districts in these plans are consistent with those in the Monterey County General Plan. According to the general plan, the property carries two land use designations: Visitor Serving/Professional Office and Low-Density Residential. Approximately 20.75 acres are zoned Visitor Serving/Professional Office (VO) and 3.25 acres are zoned Low-Density Residential (LDR). All parcels with the Visitor Serving/Professional Office land use designation are located in the Visitor Accommodations/Professional Office (VO) zoning district, and all parcels in the Low-Density Residential land use designation are located in the Low-Density Residential: 1-5 Acres per Unit (LDR) zoning district. This General Development Plan will treat the property area as a single entity. All of the parcels are located in a Design Control (D) district and Site Plan Review (S) district. Figure 9, Existing Property Zoning and Land Use Designations, shows the zoning and land use designations within the property area. The property is not located within the Coastal Zone.

Setbacks

This GDP is not establishing setbacks for new structures as no new structures are envisioned. This would include the installation of new fencing around tennis courts. Typically fencing over six feet in height must comply with all setback requirements. There is currently no fencing around the tennis courts, and no new fencing is authorized as part of this GDP.

Table 1, Assessor's Parcel Numbers, Legal Lots of Record and Land Use Designation, lists the 33 assessor's parcel numbers (APNs) and corresponding legal lot identification numbers, as well as the land use designation for each parcel.

Table 1 Assessor's Parcel Numbers, Legal Lots of Records and Zoning District

Property APNs*	Corresponding Legal Lots of Record**	Land Use Designations
189-252-002 (recently sold)	1 (recently sold)	LDR
189-261-005	2	LDR
189-261-019	3	LDR
189-261-023	4	VO
189-261-024	5	VO
189-261-034	6	VO
189-261-035	7	VO
189-261-033	8	VO
189-261-032	9	VO
189-261-031	10	VO
189-261-025	11	VO
189-261-030	12	VO
189-261-029	13	VO
189-261-020	14	VO
189-261-021	15	VO
189-261-018	16	LDR
189-261-022	17	VO
189-251-016	18	LDR
189-261-026	20A	VO
189-261-027	20B	VO
189-261-028	21	VO
189-261-012	22	LDR
189-261-011	23	LDR
189-261-013	24	LDR
189-261-010	25	LDR

189-251-014	26	LDR
189-251-015	27	LDR
189-261-015	28	VO
189-261-039	29/30	LDR
189-201-003	31	LDR
189-121-001	32	VO
189-201-013	33	VO
189-261-036	34	VO
189-261-037	35	VO

Source: EMC Planning Group Inc. 2009, Monterey County Assessor's Office 2009

Note: LDR: Low-Density Residential; VO: Visitor-Serving/Professional Office.

* The Assessor's Office is currently in the process of filing a new assessor's map to provide consistency between the existing number of legal lots of record and the number of assessor's parcels. The result will be 33 assessor's parcels to provide consistency with the property's 33 existing legal lots of record.

** Legal lot numbers are for identification purposes only, and the County Assessor's Office is currently in the process of converting these legal lots to assessor's parcel numbers. The legal lots numbered 20A and 20B are two separate legal lots. Numbered lots 29 and 30 are both located on one lot and are within assessor's parcel 189-261-039.



0 1,300 feet

LEGEND:

----- Active Regional Faults

▭ Parcels

Source: EMC Planning Group Inc. 2009, Lew Rosenberg, Monterey County 2008



Figure 6
Vicinity Active Regional Faults

114 Carmel Valley Road General Development Plan

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Property boundary
 Parcel boundaries
 Recently sold parcel
 Legal lots*

* Legal lot numbers are for identification purposes only, the County Assessor's Office is currently in the process of converting these legal lots to assessor's parcel numbers.

Source: EMC Planning Group Inc. 2009, Virtual Earth 2009

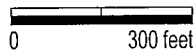


Figure 7 Property Existing Legal Lots of Record

114 Carmel Valley Road General Development Plan

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— Property boundary — Parcel boundaries

* The County Assessor's Office is currently in the process of filing a new assessor's map to provide consistency between the existing legal lots of record and the assessor's parcels. The result will be 33 assessor's parcel numbers.



- Assessor's Parcels*: 189-121-○
 189-251-○
 189-201-○
 189-261-○

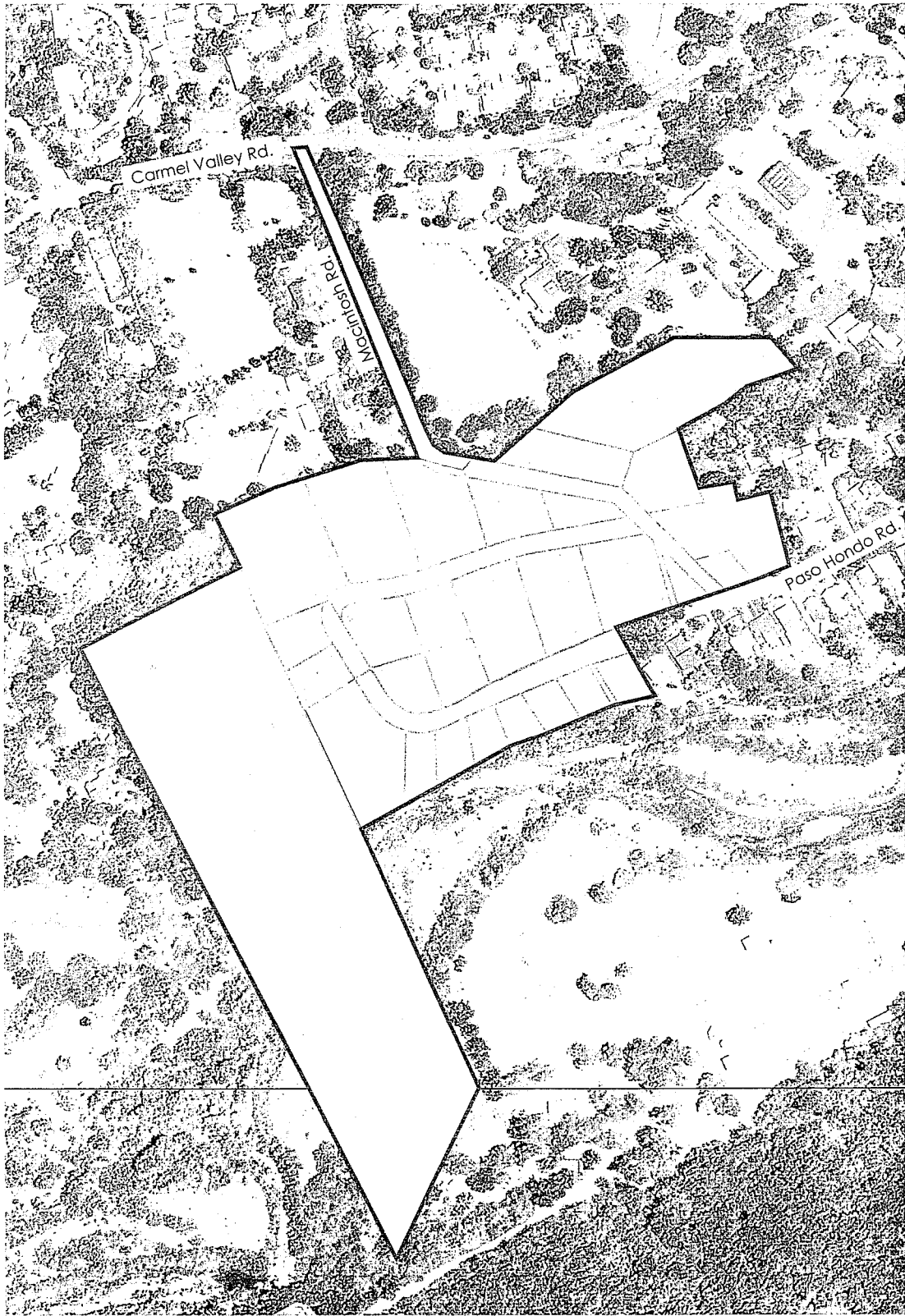
Source: EMC Planning Group Inc. 2009, Virtual Earth 2009

Figure 8

Property Existing Assessor's Parcels

114 Carmel Valley Road General Development Plan

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0 300 feet

- Low-Density Residential: 1-5 Acres per Unit (LDR) and Low-Density Residential
- Visitor Accommodations/Professional Office (VO) and Visitor Serving/Professional Office
- Property boundary
- Parcel boundaries



Source: EMC Planning Group Inc. 2009, Virtual Earth 2009

Figure 9

Existing Property Zoning and Land Use Designations

114 Carmel Valley Road General Development Plan

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3.0

EXISTING OPERATIONS

The property is located on the site of the former Gardiner's Country Club and Resort. The resort was established in 1957 as John Gardiner's Tennis Ranch. The resort property has traditionally been host to tennis camps, tennis tournaments, country club and private membership and resort activities, and special events with live entertainment, which include but are not limited to, weddings, holiday events and parties, monthly dinners and weekly brunches, member's parties, fashion shows, community events, and fund raisers. There are also several single-family residential properties, which are part of the property. The site also includes many existing structures used to support the resort operations including, but not limited to, tennis courts, luxury accommodations, dormitories, two restaurant areas, bar facilities, a clubhouse, meeting rooms, three swimming pools, spas and saunas, gym facilities, a pro-shop, management and retail offices, laundry, storage and maintenance facilities. Figures 10, 11 and 12, Property Photographs, contain photographs of the uses, operations and amenities described in detail below.

Uses, Operations and Amenities

Country Club Membership

Club Members: The resort historically maintained a base of 250 country club members who have certain rights, privileges and access to the country club resort and its uses, operations and amenities. These privileges include, but are not limited to, use of the facilities and the ability to rent out the resort for private parties and events.

Visitor-Serving Uses, Operations and Amenities

Residences/Luxury Accommodations: There are currently 24 guest units that provide upscale overnight accommodations for 48 people in a private, aesthetic setting. These units are contained in several of the single-family properties on the property which include the Grand Slam House, Gardiner's House, River House, and Bougain Villa House. Other units are contained in the Forest Hills House, Wimbledon House, Center Court Cottages, and the cottage at Pool Lanai. There are approximately 17,082 square feet of buildings currently being used for luxury guest accommodations.

Restaurant and Dining Areas: The country club resort has three dining areas available for use. There are both formal and informal indoor dining areas that serve three meals per day. In total, there is the potential to seat 95 people in the indoor dining areas and 150 people in the outdoor dining area, for a total of 245. The restaurant serves all of these dining areas and provides catering services for large events such as weddings. Currently, the restaurant is permitted by the Monterey County Health Department to seat 149 people.

Clubhouse: The Clubhouse facility is approximately 2,500 square feet in size and is used for events and meetings.

Bar: The restaurant includes a full bar permitted to sell beer, wine and liquor. The bar generally does not stay open past restaurant hours, but may extend service for special events.

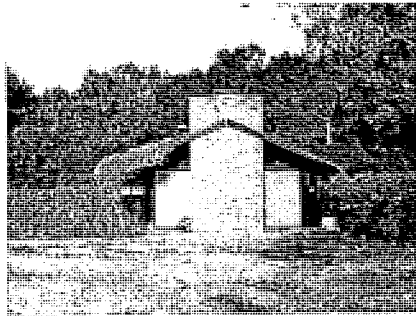
Swimming Pools: The property has three swimming pools. These include the Clubhouse swimming pool (1,120 square feet), and Pool Lanai pool (1,800 square feet) and the Gardiner's pool (525 square feet). Two of the pools are accessible by all visitors. The third pool is directly attached to a specific guest unit for private use by the overnight visitors in that particular unit.

Hot tubs/spas: The property has five spas for use by members and guests.

Saunas: The property has two saunas located in the Pool Lanai; one for female and one for male use.

Periwinkle Spa: The Periwinkle Spa is open to members and guests of the club. Therapeutic massage therapy is offered and performed by credentialed therapists.

Gym: The Pool Lanai includes a cardiovascular and resistance training athletic facility for use by members and resort guests.



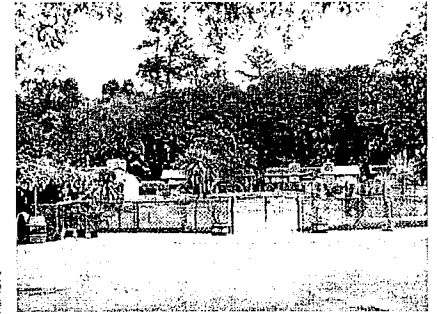
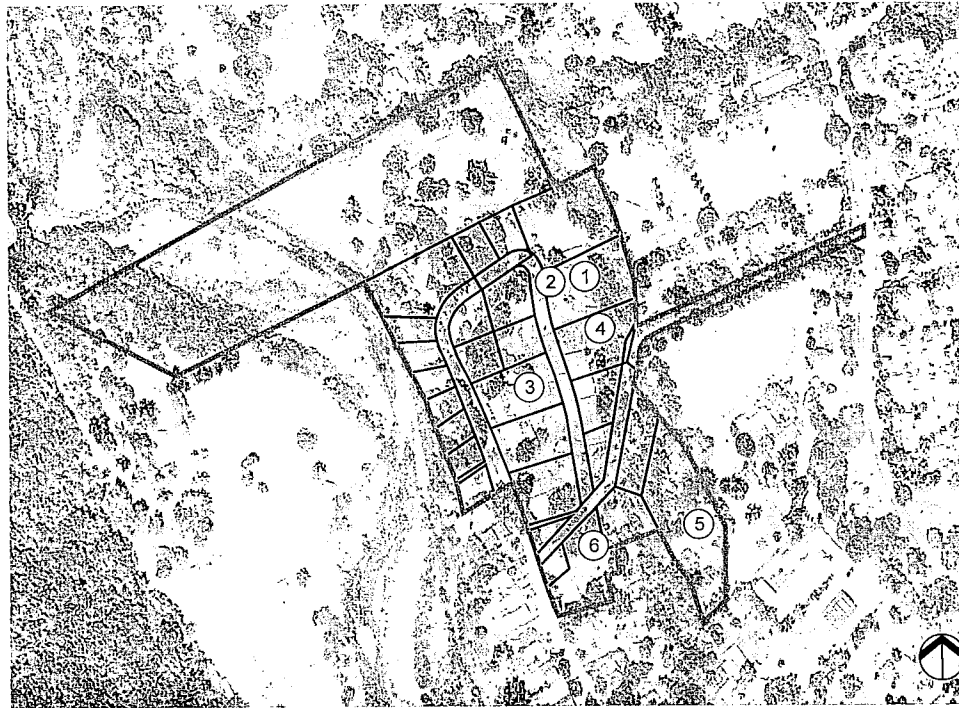
① Wimbledon House (Suites)



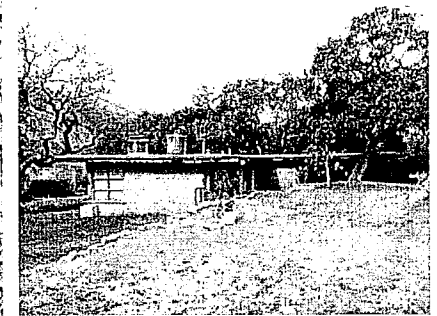
② Sauna



③ Clubhouse/Restaurant/Bar/Pool



④ Center Court Cottages and pool



⑤ Grand Slam (Suites)



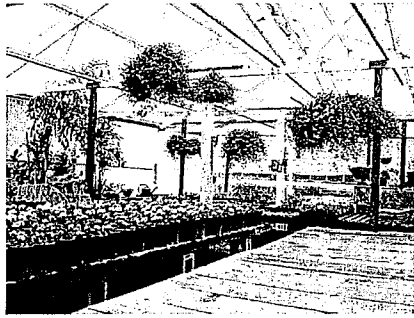
⑥ Gardiner's House backyard (Suites)

Source: EMC Planning Group Inc. 2009

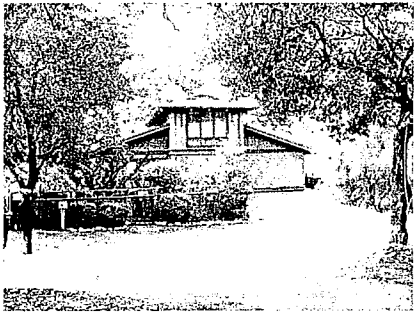


Figure 10
Property Photographs
 114 Carmel Valley Road General Development Plan

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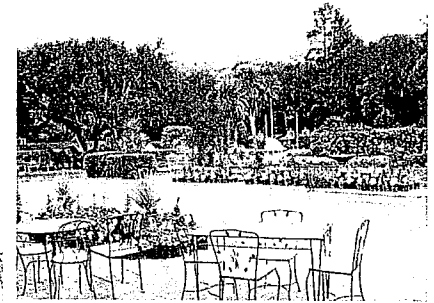
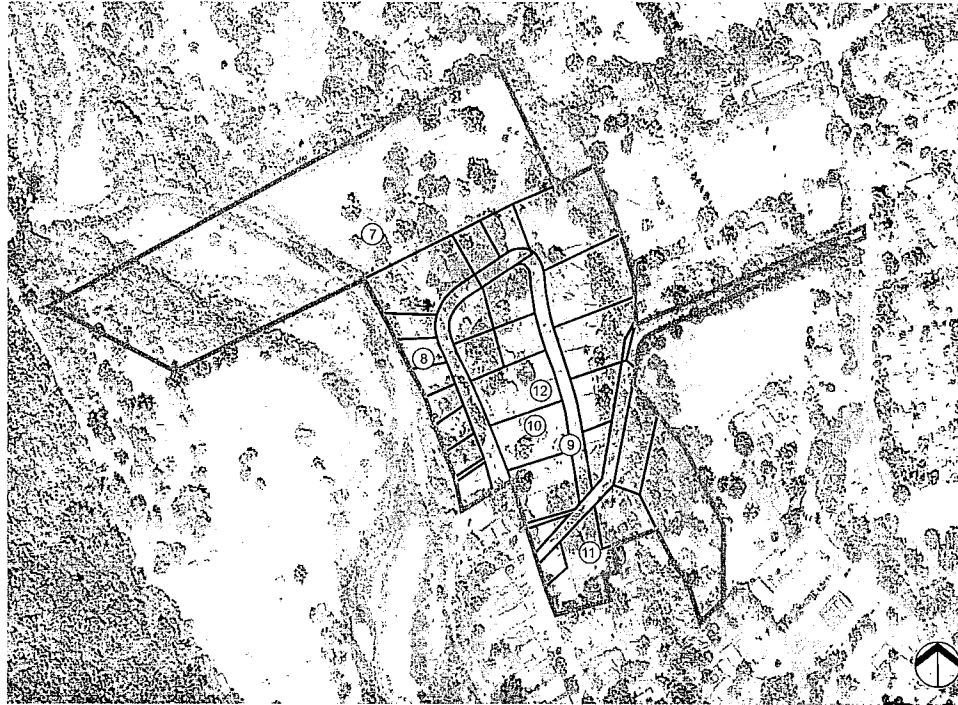
7 Greenhouse



8 River House (Suites)



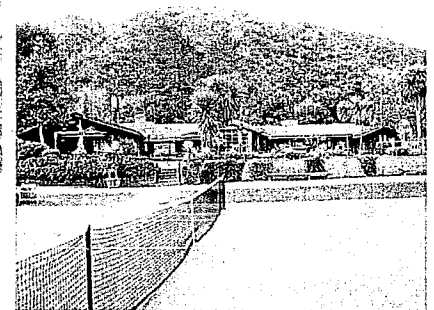
9 Pro Shop/Office



10 Clubhouse Pool and Outdoor Seating



11 Gardiner's House Pool



12 Clubhouse/Restaurant/Tennis Court

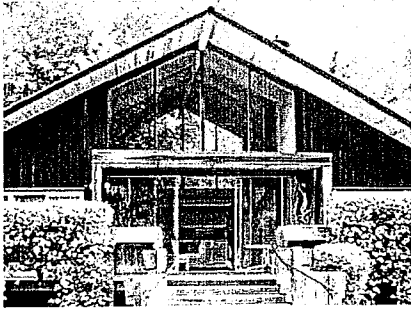
Source: EMC Planning Group Inc. 2009



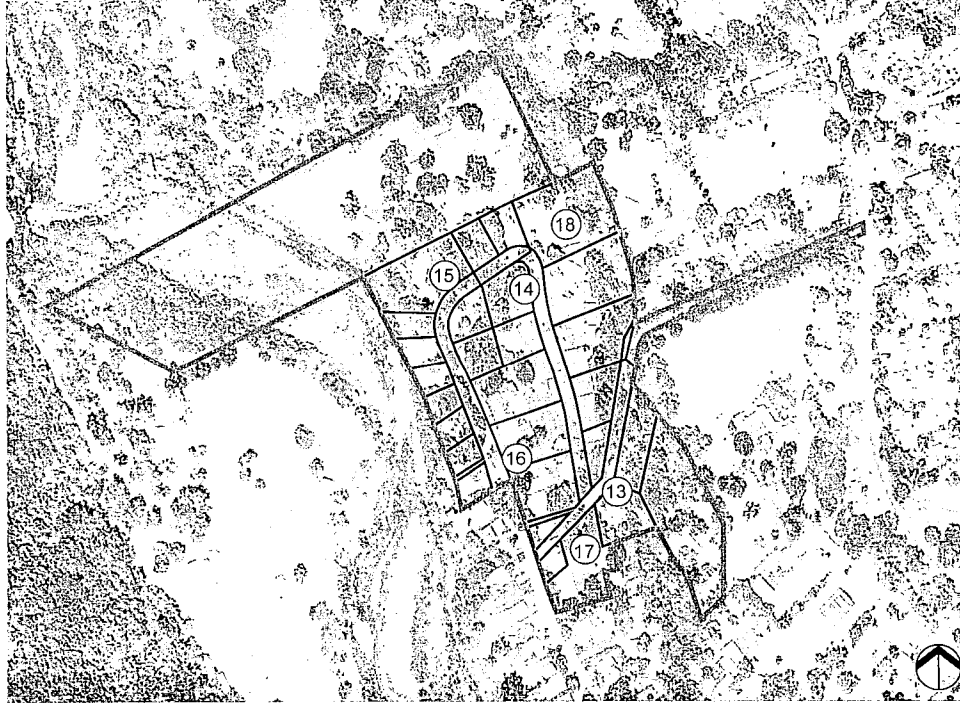
Figure 11
Property Photographs

114 Carmel Valley Road General Development Plan

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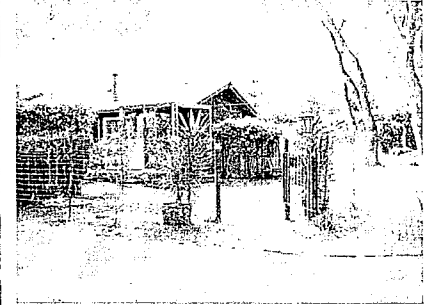
13 Forest Hills (Suites)



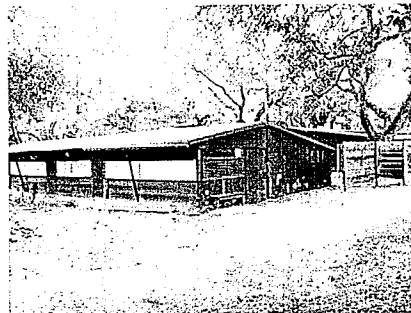
18 Caretaker's Residence



14 Lanai Units and Pool



19 Gardiner's House



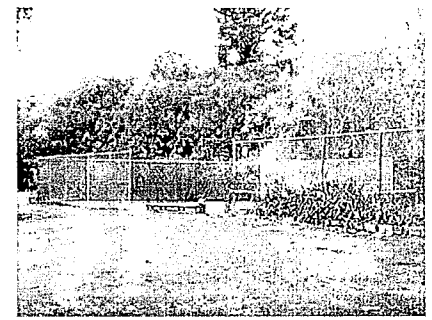
15 Boys Dormitory



16 Bougain Villa (Residence/Suites)



17 91 Paso Hondo Road
(Other/Employee Units)



20 Apricot Tennis Court

Source: EMC Planning Group Inc. 2009



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Dormitories: The resort has five dormitory buildings, with a total of 6,819 square feet. The dormitories are used as accommodations for campers and counselors associated with the tennis camps and other resort activities and special events. The tennis camps have taken place for three week periods, multiple times per year. The dormitory facilities include rooms, bathrooms, and dining facilities that are distinct from other resort facilities utilized by day and overnight guests. These dormitories are capable of accommodating up to 91 persons, as described in Table 2 – Existing Improvements .

Supplemental Kitchen: The resort has a 2,850 square foot supplemental kitchen that provides food service for guests that stay in the dormitory facilities. This supplemental kitchen also has a large conference table and is used as a meeting room.

General Retail/Pro Shop/Office: The resort has a general merchandise gift and pro shop that sells clothing, athletic and recreational equipment, and packaged food items. The gift and pro-shop is attached to the main administrative office. The building is 1,180 square feet in total.

Landscaping and Landscape Maintenance: There are two onsite greenhouses, one hothouse, and two horticulture sheds totaling 3,250 square feet. These facilities function to provide the plant materials used for landscaping purposes during all seasons. There are four gardeners that maintain the horticulture structures and grounds.

Laundry Facility: The main laundry facility is 1,000 square feet and five of the buildings used for accommodations have domestic washing machines. The resort usually has four housekeepers on staff who utilize the laundry facilities. During tennis camps, an additional two housekeepers are added to the staff, to assist with the increase in activity during that time.

Storage facilities: The resort has 13 storage sheds and facilities. These include the Grand Slam storage, Forest Hills storage, Wimbledon House storage, two tennis equipment sheds, four maintenance equipment sheds, two storage containers, and the Grand Slam studio storage.

Tennis Related Amenities and Activities

Tennis Courts: The property has 16 tennis courts. These include the three Greenhouse courts, the four Apricot courts, one Gardiner turf court, two Indian courts, three Center Court courts, one Live Oak court, and two training courts.

Tennis Camps: The resort holds onsite tennis camps a during the summer months. The camps accommodate up to 112 persons and during each session, 24 camp counselors and additional resort staff members are present to provide support. The vast majority of participants and camp staff stay in the onsite dormitories; therefore the impact to parking is minimal. Tennis camp participants, who do not stay onsite, are dropped off in the morning, and picked up in the evening by their parent or guardian, No other special events are held while the tennis camp is in session.

Tennis Camp Graduation: Friends and family of the tennis camp participants come to attend the graduation ceremonies. The combination of friends, family, and tennis camp participants, combined along with other simultaneous resort use such as resort guests, members, and resort staff, result in a high occupancy of the resort on those particular days.

General Medical Care: Onsite medical services have traditionally been available for participants of the tennis camps. Two licensed physicians reside onsite for an extended stay during tennis camp sessions and provide general medical services, including administering and prescribing medication. The doctor's office within the Indian Dorm is approximately 1,000 square feet.

Offices/Management Facilities: There are two office buildings onsite totaling 1,540 square feet that are used for tennis instruction and administration. There are four administration staff members that may utilize the offices at any one time.

Physical Therapy: Physical therapy generally takes place in the Pool Lanai building and is performed by a credentialed therapists. There is usually one therapist onsite at any one time.

Private Instruction: The resort staff includes tennis pro's that provide professional instruction to visitor's and overnight guests.

Tournaments: The resort holds several tennis tournaments each year for members and other guests.

Special Events

The resort hosts numerous special events per year, including but not limited to, members parties, political fundraisers, weddings, memorial services, and tennis tournaments. These events include both indoor and outdoor live entertainment. Special events maximum capacity, with the exception of the tennis camp graduation, is 150 people. Maximum capacity for tennis camp graduation may exceed 150 people based on the number of

students enrolled in a camp session, and the number of family members who choose to attend graduation activities

Weddings: The resort may accommodate weddings and all associated support staff. For larger celebrations, festivities are held outdoors.

Fourth of July Party: The resort hosts an annual Fourth of July party that is attended by both members and locals.

Easter, Thanksgiving, Mother's Day, and Father's Day Brunch: The resort holds an annual brunch for Easter, Thanksgiving, Mother's Day and Father's Day. These brunches are attended by both members and locals.

YuleFest: The resort hosts a Yule Fest three-day Christmas Festival of food, wine, and holiday fun for both members and locals.

Monthly Member's Dinners: Member's dinners are held once a month, accommodating approximately 100-150 people maximum per dinner.

Member's Parties: The club has maintained a base of up to 250 members. Members may hold private parties at the country club resort, which are usually associated with lunch or dinner festivities.

Corporate Groups: Companies and business groups hold meetings and group retreats at the country club resort. All onsite facilities, including the restaurant, Clubhouse, and meeting rooms, are available for use for these meetings.

Fashion Shows: The resort holds two fashion shows per year.

Fund Raisers: Several fundraising events are held each year at the resort, to benefit local community organizations and charities.

Sunday Brunch: Weekly Sunday brunch events are held at the Clubhouse restaurant. These events are usually attended by locals and members of the club.

Residential Units

There are several private residential units within the property which, when not used as private residences, are used for visitor-serving uses, guest accommodations, employee housing and rental units. The private residential units include the Grand Slam House,

Gardiner's House, River House, Bougain Villa House, the residence at 91 Paso Hondo Road, and a caretakers unit.

Inventory of Improvements

Over the years, there have been many improvements made to the property. Table 2, Existing Improvements, lists an inventory of the historic and existing uses and improvements made to the country club resort.

Table 2 Existing Improvements

Facility	Units	Sq. Ft. total
<i>Residences/Luxury Guest Units</i>		
Grand Slam House*	2 units/4 persons	1,500 sq. ft.
Forest Hills House	2 units/4 persons	1,400 sq. ft.
Center Court Cottages	6 units/12 persons	2,700 sq. ft.
Wimbledon House	2 units/4 persons	1,068 sq. ft.
Pool Lanai	2 units/4 persons	1,989 sq. ft.
Gardiner's House*	4 units/8 persons	3,581 sq. ft.
River House*	2 units/4 persons	2,844 sq. ft.
Bougain Villa House*	2 units/4 persons	2,000 sq. ft.
Carriage House Cottage	2 units/4 persons	700 sq. ft.
Total number of guests	24 units/48 persons	17,782 sq. ft.
<i>Dormitories</i>		
Boys dorm	38 persons	1,800 sq. ft.
Indian dorm	12 persons	1,000 sq. ft.
Greenhouse dorm	12 persons	1,140 sq. ft.
Sauna dorm	12 persons	890 sq. ft.
Wimbledon dorm	11 persons	800 sq. ft.
Grand Slam dorm	3 persons	200 sq. ft.

GENERAL DEVELOPMENT PLAN

Indian garage dorm	3 persons	214 sq. ft.
Dormitory capacity	91 persons	4,830 sq. ft.
<i>Dining/Meeting Facilities</i>		
Supplemental kitchen/meeting room	--	2,850 sq. ft.
Potential Clubhouse/dining room seating**	95 indoor/150 outdoor seat restaurant Clubhouse meeting space	5,000 sq. ft. restaurant 2,500 sq. ft. meeting space
Bar	--	-
Total dining/meeting facilities	Restaurant: 95 indoor seats/150 outdoor seating Meeting space: 5,350 sq. ft.	
<i>Pools/Hot tubs/Spa Facilities</i>		
Clubhouse pool	--	1,120 sq. ft.
Gardiner's pool	--	525 sq. ft.
Pool Lanai pool	--	1,800 sq. ft.
Periwinkle spa	--	--
Grand Slam hot tub (1)	--	--
Forest Hills hot tub (2)	--	--
Pool Lanai hot tub (2)	--	--
Total pools/hot tubs	3 pools 5 hot tubs	
<i>Tennis Courts</i>		
Greenhouse tennis courts	3 courts	--
Apricot tennis courts	4 courts	--
Gardiner's turf courts	1 court	--
Indian tennis courts	2 courts	--

Center Court tennis courts	3 courts	--
Live Oak tennis courts	1 court	--
Training courts	2 training courts	--
Total tennis courts	14 courts 2 training courts	
Operations		
Office/Management Facilities	1	1,540 sq. ft.
Office/Pro shop	1	1,180 sq. ft.
Training aid building	1	360 sq. ft.
Laundry	1	1,000 sq. ft.
Total Operations	--	4,080 sq. ft.
Plant Nursery		
Greenhouses	2	1,350 sq. ft. total
Hothouse	1	1,900 sq. ft.
Horticulture shed	2	--
Total nursery	--	3,250 sq. ft.
Storage		
Grand Slam storage	1	--
Forest Hills storage	1	--
Tennis equipment sheds	2	--
Maintenance equipment sheds	4	--
Storage containers	2	--
Total storage sheds/spaces	10 sheds/spaces	
Other/Employee Units		

GENERAL DEVELOPMENT PLAN

Caretakers unit	1 bdr/1 bath	1,200 sq. ft.
91 Paso Hondo Road	2 bdr/1 bath	1,300 sq. ft.
Total residences	2 residences (8 persons)	2,500 sq. ft.

Source: EMC Planning Group Inc. 2008, Heather English (Gardiner's Country Club and Resort) 2008

Note: * Also can and have been used as single-family residences.

** The restaurant is currently permitted by the Monterey County Health Department for 149 seats.

4.0

Use, Operations, Facilities, and Amenities Conformance

The resort's historic and established uses (some permitted and conditionally permitted), operations, facilities and amenities shall continue in accordance with this General Development Plan. The implementation of the General Development Plan would not result in any physical change to the existing facilities or intensify onsite uses at the property. This document lists the resort's acknowledged uses, operations, facilities, and amenities. The implementation of this General Development Plan will also allow the uses included in the General Development Plan, including but not limited to, country club, visitor-serving, and residential uses in all locations within the property.

For any future development, change or expansion, or physical improvements within the property to occur, an approved General Development Plan will have to be in place. Any development, change, expansion or physical improvement that exceeds that which are established in this document may require an amendment to this General Development Plan. A development change, expansion or physical improvement requiring an amendment to this General Development Plan is defined as follows:

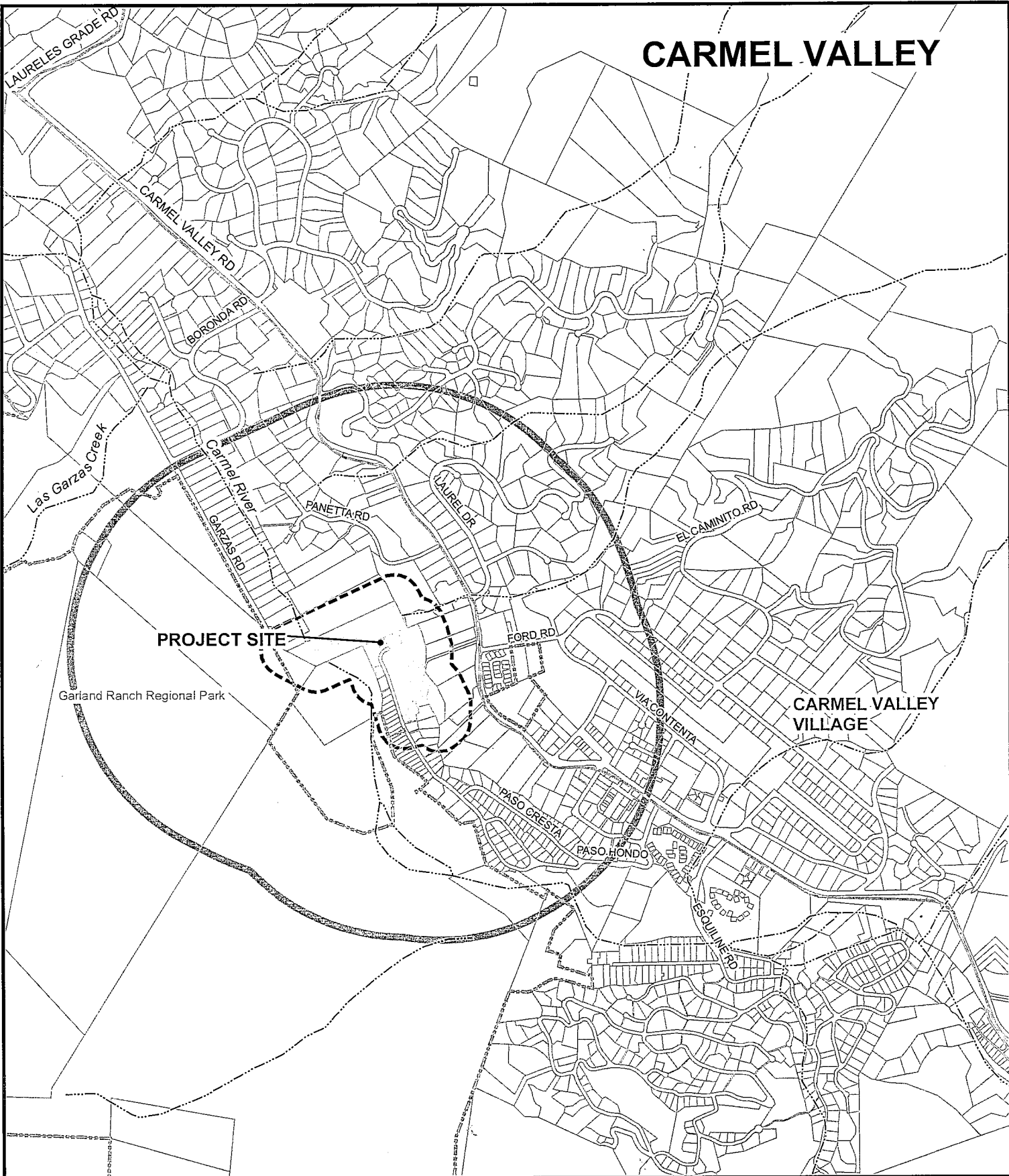
Any change, expansion of use or operation, or physical change to the facilities and amenities that exceed the use and operation and the square footage of facilities or amenities described herein or which exceeds the resources baseline established herein; unless the change, expansion of use, or operation, or physical change is found by County staff to be in substantial conformance with the General Development Plan.

This General Development Plan shall govern the uses, operation, facilities, and amenities at the property.

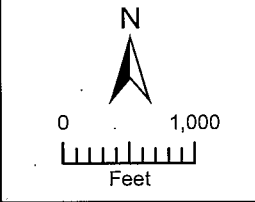
EXHIBIT




C

CARMEL VALLEY



APPLICANT: PRISTINE DEVELOPMENT LLC
APN: 189-121-001-000M FILE # PLN080558



 300' Limit  2500' Limit  City Limits

EXHIBIT

D

MINUTES
Carmel Valley Land Use Advisory Committee
Tuesday, February 17, 2009

1. Site Visit

Members Present: Janet Brennan, Neil Agron, David Burbidge, Judy MacClelland, Charles Franklin, and John Anzini, _____

Members Absent: Doug Pease _____

2. Meeting called to order by _ Janet Brennan _____ at _____ 6:30 _____ pm

3. Roll Call

Members Present: Janet Brennan, Neil Agron, David Burbidge, Judy MacClelland, Charles Franklin, John Anzini, and Doug Pease

Members Absent: None _____

4. Approval of Minutes:

A. February 2, 2009 minutes

Motion: John Anzini _____ (LUAC Member's Name)

Second: Neil Agron _____ (LUAC Member's Name)

Ayes: 7 _____ Brennan, Agron, Burbidge, MacClelland, Franklin, Anzini, Pease _____

Noes: 0 _____

Absent: 0 _____

Abstain: 0 _____

5. Public Comments: The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

6. Other Items:

A) Selection of LUAC liaison to the Planning Dept.: _____ Janet Brennan _____

Motion: John Anzini_____ (LUAC Member's Name)

Second: Neil Agron_____ (LUAC Member's Name)

Ayes: 7____ Brennan, Agron, Burbidge, MacClelland, Franklin,
Anzini, Pease _____

Noes: 0_____

Absent: 0_____

Abstain: 0_____

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

C) Scheduled Item(s) – *please refer to the Project Referral Sheets which follow for each separate file.*

7. Meeting Adjourned: ___8:30___ pm

Minutes taken by: _____ Charles Franklin_____

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: Carmel Valley

Please submit your recommendations for this application by **February 17, 2009**

Project Name: PRISTINE DEVELOPMENT LLC

File Number: PLN080558

File Type: PC

Project Planner: MACK

Project Location: 114 W CARMEL VALLEY RD CARMEL VALLEY

Project Description: USE PERMIT AND GENERAL DEVELOPMENT PLAN FOR THE EXISTING GARDINER'S COUNTRY CLUB AND RESORT. THE PROJECT IS LOCATED AT 114 W CARMEL VALLEY ROAD (ASSESSOR'S PARCEL NUMBERS: 189-121-001-000, 189-201-003-000, 189-201-013-000, 189-251-014-000, 189-251-015-000, 189-251-016-000, 189-261-001-000, 189-261-005-000, 189-261-009-000, 289-261-010-000, 189-261-011-000, 189-261-012-000, 189-261-013-000, 189-261-015-000, 189-261-016-000, 189-261-017-000) CARMEL VALLEY MASTER PLAN AREA.

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

Michael Graves, planner; John Bridges, attorney; Robert Davey, owner

Owners Presentation

Michael Graves presented the project for the owners. The numbers used to describe the project were based upon ~~the maximum impacts under CEQA guidelines, for~~ the type of activities which have been conducted at the site. Currently the resort has about 100 members, the tennis camp has not been conducted since the new owners purchased the property in 2001. The tennis courts nearest the river have not been used in years.

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Margaret Robbins, Carmel Valley Assoc		X	Numbers describing uses are unrealistic; need information about lot lines in relation to existing buildings, & location of leach fields
Joe Hertlein	X		Ranch is a good neighbor; actual special events have been much lower. Waste water

			estimate is beyond the capacity of the existing system. Traffic count cannot have ever happened
Tim Sanders	X		This appears to be plan to avoid the restrictions of the Carmel Valley Plan
Pricilla Walton, club member		X	Numbers describing uses are unrealistic; has been a member for many years, & supports the club. The use description is wildly exaggerated
Larry Bacon , Trail & Saddle Club	X		The use can be measured in part by reference to the Transient Occupancy Tax. The levee built by Gardiner's has seriously damaged the Trail & Saddle Club property across the river and changed the course of the river for other neighbors; debris in floodway by lower tennis courts is a hazard; the abandonment of Paso Hondo has cut off access to Paso Hondo from the lands of the Trails & Saddle Club that used to touch the road between lots 80 & 81
Betty Chandler, member		X	The tennis courts by the river have been unusable for many years

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
How should use be described?		
Will the CEQA estimates become a baseline for future changes?		
The requested action is discretionary, why should this discretion be exercised if it will not improve the		

situation?		
<p>Since the project does not include any new uses, it will not have a significant impact on the environment. The numbers included in the report should be revised and the report should include only those needed to develop project conditions. The project should be returned to the CVLUAC once the environmental document is available and the report revised.</p>		

ADDITIONAL LUAC COMMENTS

RECOMMENDATION:

Motion: John Anzini (LUAC Member's Name)

Second: Judy McClelland _____ (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item

Reason for Continuance: lack of environmental review and inclusion of numbers that are unnecessary and could be used inappropriately for future projects at the location. ~~lack of numbers describing the uses to be permitted and existing use intrudes into the floodway and is a hazard~~_____

Continued to what date: _____

Ayes: 7____Brennan, Agron, Burbidge, MacClelland, Franklin, Anzini,
Pease _____

NOES: 0_____

ABSENT: 0_____

ABSTAIN: 0_____

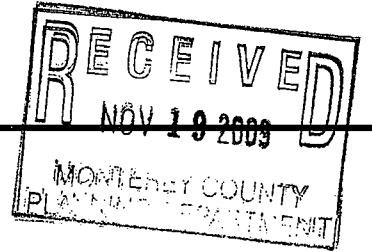
EXHIBIT

E



DAS

Risk Management & Insurance Services



Nov. 18, 2009

Monterey County Resource Mgt. Agency
Planning Dept.
168 W. Alisal 2nd floor
Salinas, Ca. 93901
Attn: Mike Novo

RE: Pristine Development LLC File No. PLN080558

Dear Mr. Novo:

The purpose for my letter is to help assist the owner's in obtaining the renewal of their use permit. The reasons why I believe this should not be challenged are:

1. With Gardiner's back in business, it would be good for the community.
2. As a member, I always thought the operations were always well run.
3. The owners are community minded, supporting the boys and girls club at YuleFest . As well as Hidden Valley Music Seminars at their fund raiser for the roof project.
4. The GDP shows that Gardiner's uses are already in existence so no new uses are being requested.

Thank you for your consideration. I look forward to seeing you on Dec. 9th at 0900.

Best regards,

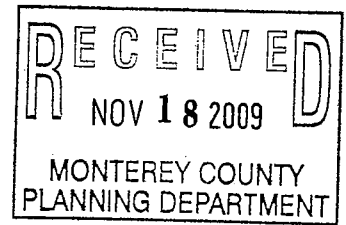
Darius Sadeghi

DAS/cs

Office: Junipero 2 SW of 4th • Carmel, Ca 93921 | **Mailing:** 225 Crossroads Bl. #111 • Carmel, Ca 93923

831.625.5815 Voice | 831.625.5085 Fax | dasinsurance@aol.com | www.dasinsuranceservices.com | Lic. 0618320

ROBERT M. FRIED



12/1/09

Mr. Mike Novo, Interim Director of Planning
County of Monterey
Resource Management Agency – Planning Department
168 W. Alisal, 2nd Floor
Salinas, CA 93901

Dear Mr. Novo,

The request to continue the historic usage of the resort (formerly known as Gardiner's) not only sounds totally reasonable but also would significantly benefit the business and charitable institutions of Monterey County.

I served as the Executive Director of a three-day Christmas festival called "YuleFest" that greatly benefited the Boys and Girls Club of Monterey County by providing thousands of free meals to local kids in need. I chose Gardiner's as our event venue because the resort's highly responsible owners were philanthropically inclined and had a wonderful reputation for providing memorable food and dining experiences in a festive winter wonderland setting.

After the event, the accolades for our holiday festival poured in from around the county. In fact, many people have repeatedly asked when Gardiner's will re-open so we can make YuleFest an annual charitable Christmas event.

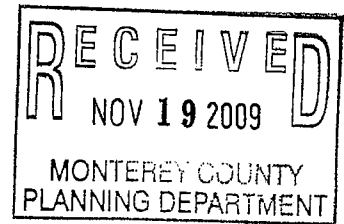
Gardiner's, to many people in Monterey County, is much more than just a resort – it's part of a vibrant legacy that should continue to serve the community in the years to come.

Sincerely,

Robert M. Fried

Robert M. Fried
Executive Director, YuleFest
CEO, Brandmark Inc.

Zeichick



12/1/09

Mr. Mike Novo, Interim Director of Planning
County of Monterey
Resource Management Agency – Planning Department
168 W. Alisal, 2nd Floor
Salinas, CA 93901

Dear Mr. Novo,

I'm writing to register my support for the re-opening for the former Gardiner's Resort property at 114 Carmel Valley Road at the earliest possible moment.

For many, many years, as a resident of Southern California, I would make semi-annual journeys up to the Carmel area for an escape from the pressures of my business life in Los Angeles. The area proved to be a true oasis for rest, relaxation and more importantly rejuvenation. The natural setting of areas like the Carmel River Valley provided my family a voyage back to a calmer more sensible time in our lives.

As an avid recreational tennis player in my youth, I was very familiar with the Gardiner Tennis Ranch and its outstanding reputation. I had read many stories of the famous people who had visited and played there over the years. I think even Presidents and kings! Even though I was not in a financial position to take advantage of membership at the ranch, I eyed the facility with awe for its location and natural beauty – an American Shangri-La.

After moving up to the Carmel area in 2004, I've had the opportunity to spend many wonderful days at the resort, enjoying both its hospitality and the lush atmosphere. It's truly one of the last remaining historic natural escapes on the Central Coast of California. I think it's a tribute to the owners of the property that they have resisted the obvious pressure that must come from outside interests to fully develop the acreage into a major "full-blown" resort enterprise. I think it takes both ethical and financial courage to keep a beautiful property like that unchanged, especially with the mounting economic pressures of the day.

Even though tennis is not part of my life anymore, I have had many business lunches and intimate dinners at the resort over these years. The quality of the food, its presentation and the staff rivaled the best this area has to offer, currently and throughout the more than 40 years I've been coming to the Peninsula.

Some of the best things about the operation were the events that were hosted there. Last year's Yule Fest Christmas festival was one of the most memorable experiences of my life and was one of the few remaining area events that truly pulled the entire community together. The Boys and Girls Club of Monterey County was the major beneficiary of the event. I've been told that the festival raised enough money for the B&GCMC to provide literally thousands and thousands of meals for the needy children of the area. It was a sincerely joyous occasion that allowed everyone to cherish his or her fondest holiday memories.

While it saddened me greatly to see the resort close last winter, I completely understood the owner's rationale for suspending operations there. It wasn't entirely surprising to see the doors closed, as so many of the other bigger, more famous (and better attended) operations were struggling to survive. Based on their past performance I'm sure the owners will do their best to re-open the facility as soon as we see some improved economic times. I can't wait to get back to pool-side dining patio with the sounds of the river flowing through the resort's mammoth oak trees and the calming, historic views of old time Carmel Valley in the background.

Please expedite your approval for the reopening of the property as it gives my friends and I another great reason to journey into Carmel Valley to experience the enjoyment that its many restaurants and shops have to offer.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert Zeichick".

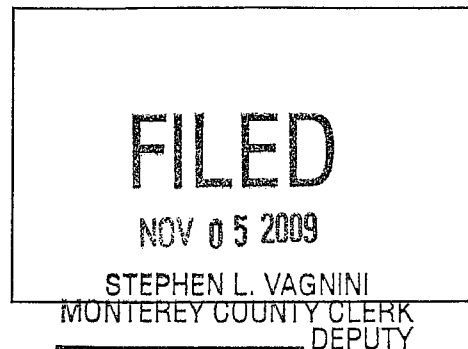
Robert Zeichick

EXHIBIT

F

County of Monterey, State of California
**MITIGATED NEGATIVE
DECLARATION**

Project Title: PRISTINE DEVELOPMENT L L C
File Number: PLN080558
Owner: PRISTINE DEVELOPMENT L L C
HOUSTON TX 77024



Project Location: 114 W CARMEL VALLEY RD CARMEL VALLEY
Primary APN: 189-261-001-000-M
Project Planner: MACKD
Permit Type: Use Permit

Project Description: USE PERMIT AND GENERAL DEVELOPMENT PLAN FOR THE EXISTING GARDINER'S COUNTRY CLUB AND RESORT. THE PROJECT IS LOCATED AT 114 W CARMEL VALLEY ROAD (ASSESSOR'S PARCEL NUMBERS: 189-121-001-000, 189-201-003-000, 189-201-013-000, 189-251-014-000, 189-251-015-000, 189-251-016-000, 189-261-001-000, 189-261-005-000, 189-261-009-000, 289-261-010-000, 189-261-011-000, 189-261-012-000, 189-261-013-000, 189-261-015-000, 189-261-016-000, 189-261-017-000) CARMEL VALLEY MASTER PLAN AREA.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body (check one):

- Planning Commission
- Zoning Administrator
- Board of Supervisors

- Subdivision Committee
- Chief of Planning Services.
- Other:

Responsible Agency: County of Monterey
Review Period Begins: 11/06/2009
Review Period Ends: 12/07/2009

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

Date Printed: 11/05/200

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 755-9516



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a General Development Plan and Use Permit (**Pristine Development LLC, File Number PLN080558**) at 114 West Carmel Valley Road, Carmel Valley (APN's: 189-121-001-000; 189-201-003-000; 189-201-013-000; 189-251-014-000; 189-251-015-000; 189-251-016-000; 189-261-001-000; 189-261-005-000; 189-261-009-000; 189-261-010-000; 189-261-011-000; 189-261-012-000; 189-261-013-000; 189-261-015-000; 189-261-016-000; 189-261-017-000) (see description below). The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California, and at the Carmel Valley Branch Library, 65 West Carmel Valley Road, Carmel Valley, California. The Planning Commission will consider this proposal at a meeting on **December 9, 2009 at 9:00am** in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from **November 6, 2009 to December 7, 2009**. Comments can also be made during the public hearing.

Project Description:

USE PERMIT AND GENERAL DEVELOPMENT PLAN FOR THE EXISTING GARDINER'S COUNTRY CLUB AND RESORT.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Interim Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

From: Agency Name: Monterey County – RMA Planning Department
Contact Person: David J. R. Mack
Phone Number: 831-755-5096

- No Comments provided
 Comments noted below
 Comments provided in separate letter

COMMENTS: _____

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us.

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

DISTRIBUTION

1. State Clearinghouse (15 copies)—include Notice of Completion
2. County Clerk's Office
3. Association of Monterey Bay Area Governments
4. Monterey Bay Unified Air Pollution Control District
5. Carmel Valley Fire Protection District
6. Monterey County Water Resources Agency
7. Monterey County Public Works Department
8. Monterey County Parks Department
9. Monterey County Division of Environmental Health
10. Monterey County Sheriff's Office
11. Carmel Valley Branch Library
12. Pristine Development LLC, Owner
13. EMC Planning Group Inc, Agent
14. Fenton and Keller, Attn: John Bridges, Attorney
15. Property Owners within 300 feet (Notice of Intent only)
16. Monterey Peninsula Regional Waste Management District

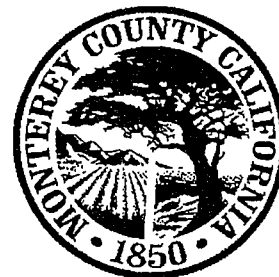
MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: 114 Carmel Valley Road (formerly Gardiner's Country Club and Resort)

File No.: PLN080558

Project Location: 114 West Carmel Valley Road, Carmel Valley, Monterey County

Name of Property Owner: Pristine Development LLC

Name of Applicant: Pristine Development LLC

Assessor's Parcel Number(s): 189-121-001-000; 189-201-003-000; 189-201-013-000;
189-251-014-000; 189-251-015-000; 189-251-016-000;
189-261-001-000; 189-261-005-000; 189-261-009-000;
189-261-010-000; 189-261-011-000; 189-261-012-000;
189-261-013-000; 189-261-015-000; 189-261-016-000;
189-261-017-000

Acreage of Property: 24.0 acres

General Plan Designation: Low Density Residential

Visitor-Serving/Professional Office

Zoning District: Low Density Residential (LDR) – 3.25 acres

Visitor-Serving/Professional Office (VO) – 20.75 acres

Lead Agency: Monterey County RMA - Planning Department

Prepared By: David J. R. Mack, Assistant Planner, Planning Department;
Monterey County Environmental Health Department

Date Prepared: November 4, 2009

Contact Person: David J. R. Mack, Assistant Planner

Phone Number: (831)755-5096

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

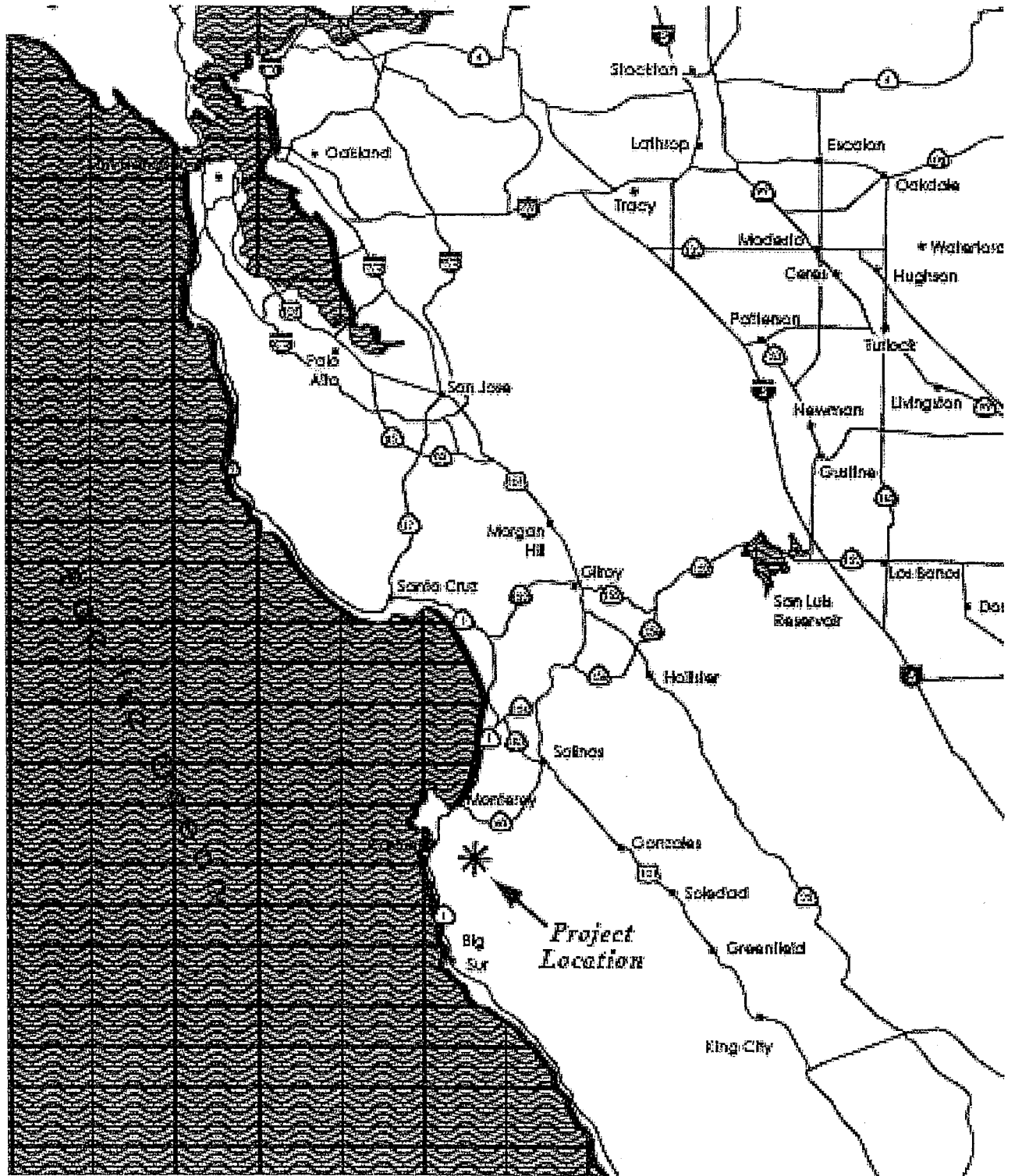
A. Environmental Setting and Surrounding Land Uses:

Location. The project site is located on the site of the former Gardiner's Country Club and Resort, which was established in 1957 as John Gardiner's Tennis Ranch. The project site is located on approximately 24.0 acres in Carmel Valley, California, within the unincorporated area of Monterey County, at 114 West Carmel Valley Road. The project site is located in the western portion of the Carmel Valley Village Area. The Carmel Valley Village is approximately 16 miles south-southeast of Highway 1 in Monterey County, in an area of commercial hotel, educational/recreational uses, and low-density residential land uses. Figure 1, Regional Location, shows the project site in a regional context, and Figure 2, Project Vicinity, shows the project site in relation to the immediate surrounding area. Figure 3, Project Area Boundaries, shows the project site boundaries and existing conditions.

Access. Primary access to the project site is currently provided by via MacIntosh Road, a 14-foot wide paved private access road, located on the west side of Carmel Valley Road, approximately 0.5 miles north of the center of the Carmel Valley Village. The road extends approximately 500 feet west of Carmel Valley Road and the elevation drops below the road level of the intersection of MacIntosh Road and Carmel Valley Road.

There are several secondary access points to the project site which also serve as delivery and fire emergency access. Two gated secondary access points exist along Paso Hondo Road, a 37-foot paved and public road. Paso Hondo Road runs through the neighborhood directly to the southeast of the project site and connects the project site to the neighborhood. Beyond the gate, a 14-foot dirt access road leads to the main grounds of the property. An additional access location is at the Paso Hondo Road access gate, the extension of Paso Hondo Road into the project site, is a 37-foot dirt road.

Figure 1 – Regional Location



Source: EMC Planning Group Inc. 2009

Figure 2 – Project Vicinity

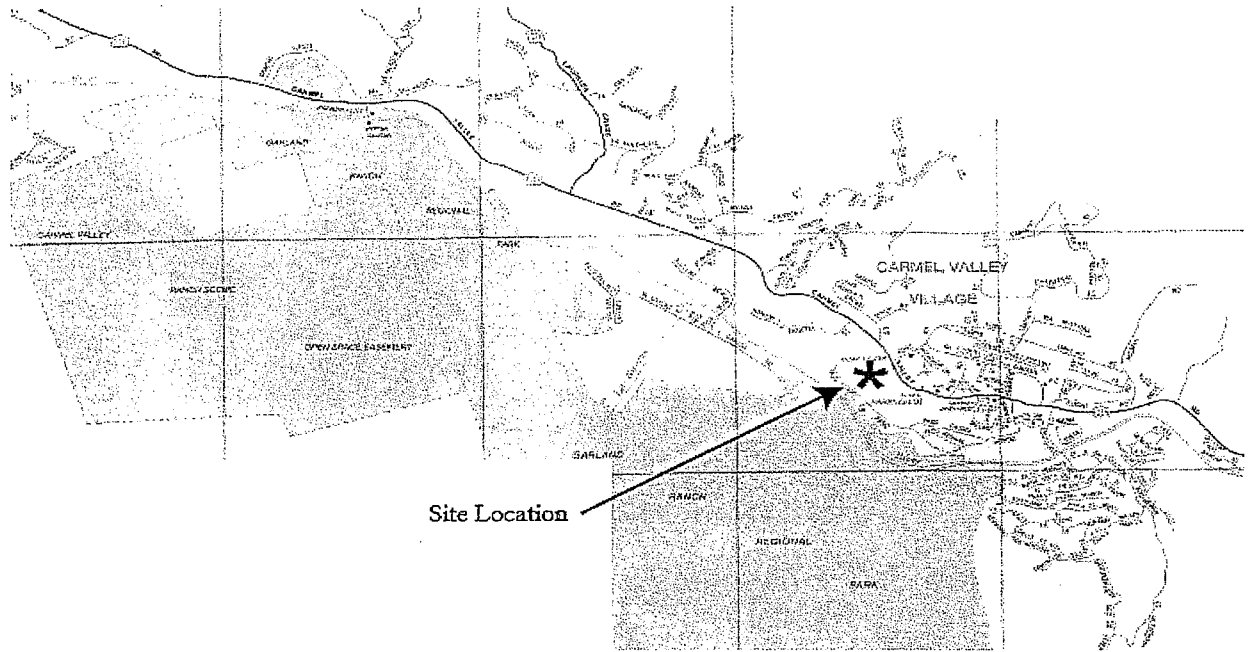
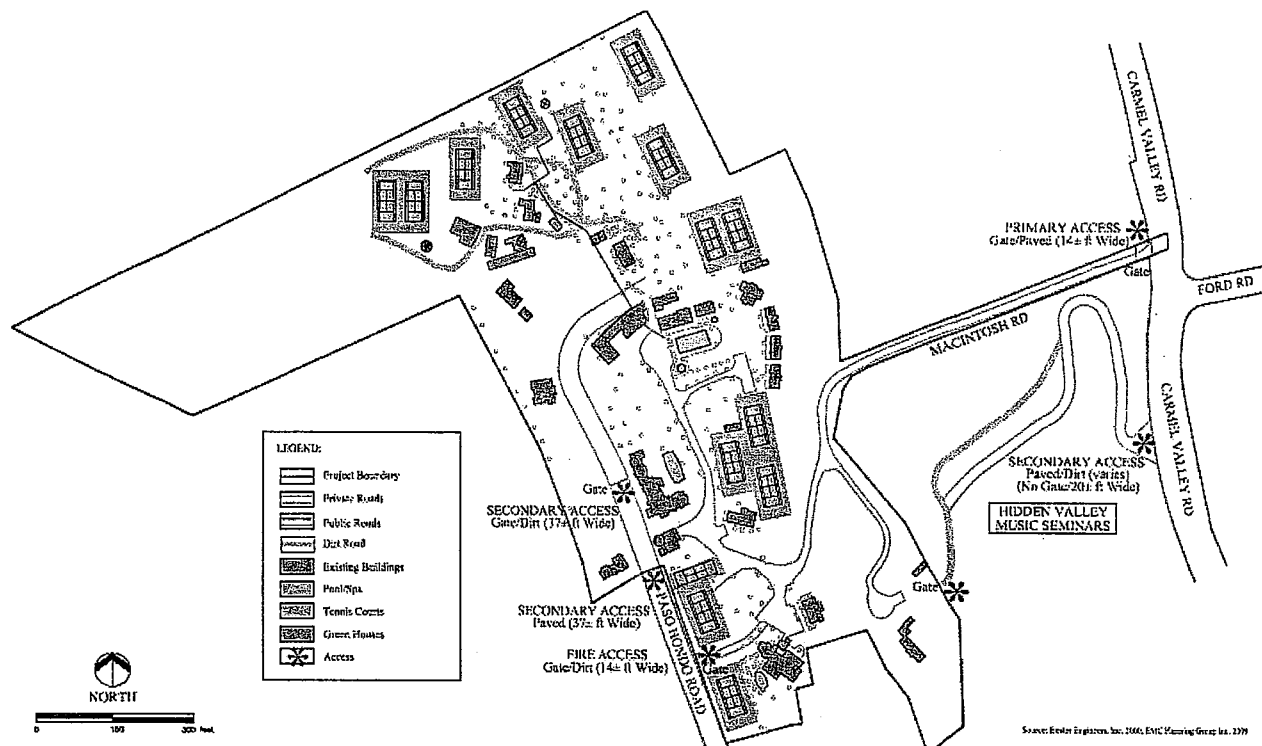


Figure 3 – Project Area Boundaries



Access is also provided by a non-gated 20-foot paved and dirt road accessible from Carmel Valley Road approximately 400 feet south of the primary access point. This secondary access road runs southwest of Carmel Valley Road, adjacent to the Hidden Valley Music Seminar's property. This secondary access road connects to the project site at a gated entrance located along the southeastern border of the site, adjacent to the Grand Slam Suites. Refer to Figure 4, Existing Project Site Access, to see the access points.

Figure 4 – Existing Project Site Access



Physical Characteristics. The Carmel River runs along the western edge of the project site and crosses portions of the site. According to updated Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA), the majority of the project site is not located within the floodway or the floodway fringe. One specific parcel, APN 189-121-001, is substantially located within the floodplain and the floodway fringe areas. All of the remaining parcels are either completely out of the floodplain and floodway fringe or have a small portion located within these areas. Figure 5, FEMA-Defined Special Flood Hazard Area, shows the floodplain and floodway fringe areas in relation to the project site. The portions of the project site within the floodplain and floodway fringe are shaded on the graphic and are located in flood Zone AE, which is an area of 100-year flood, where base flood elevations and flood hazard factors have been determined. The base flood elevation is approximately 250 feet above mean sea level.

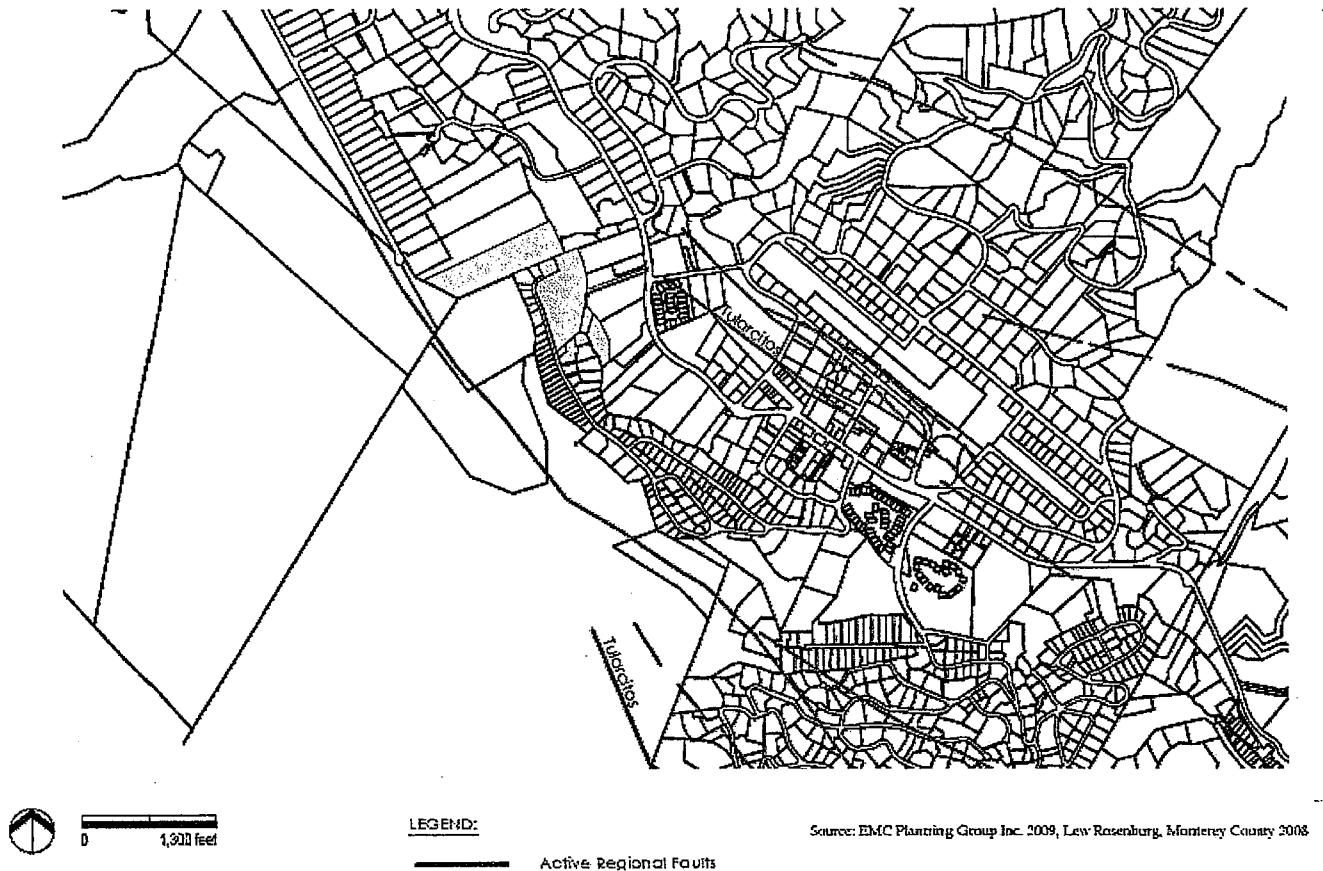
Figure 5 – FEMA-Defined Special Flood Hazard Area



According to FEMA, flood zones designated AE are areas with a one-percent (1%) or greater chance of experience flooding in any one year period. Parcels which lie in the floodplain have may have development restrictions applied. The remaining portion of the project site, which is shown unshaded in Figure 5, is in located in Zone X, which according to FIRM maps have a minimal flood hazard from the principal source of flood in the area and are determined to be outside the 0.2 percent annual chance floodplain.

There are no known active faults within the project site. The Tularcitos Fault, a potentially active fault, is located to the east and the west of the project site, but does not actually traverse the project site. Figure 6, Vicinity Active Regional Faults, shows the location of the project site in relation to the Tularcitos Fault.

Figure 6 – Vicinity Active Regional Faults



The topography of the project site includes a downward slope from Carmel Valley Road to the north and west, which prevents the resort from being seen from Carmel Valley Road. Portions of the project site are susceptible to erosion due to the sandy soils and close proximity to the Carmel River.

Many large coast live oak trees are located within the project site, as well as several other significant tree specimens, including sycamore and Monterey pine. Riparian vegetation is located along the Carmel River. In December 2008, a search of the California Department of Fish and Game (CDFG) California Natural Diversity Database (CNDDDB) was performed to determine the potential for special-status species to occur in the region. The search determined that several special-status species may potentially occur in the region. However, the project site contains existing structures and development, and no new development is proposed as a result of this application. Therefore, no environmental species, plant or animal, will be impacted as a result of this General Development Plan application.

Existing General Plan and Zoning. The project site is located within the jurisdiction of the Carmel Valley Master Plan and is within the Carmel Valley Village Area. The land use

designations and zoning districts in these plans are consistent with those in the Monterey County General Plan. According to the general plan, the project site carries two land use designations: Visitor Serving/Professional Office and Low-Density Residential. Approximately 20.75 acres are zoned Visitor Serving/Professional Office (VO) and 3.25 acres are zoned Low-Density Residential (LDR). All parcels with the Visitor Serving/Professional Office land use designation are located in the Visitor Accommodations/Professional Office (VO) zoning district, and all parcels in the Low-Density Residential land use designation are located in the Low-Density Residential: 1-5 Acres per Unit (LDR) zoning district. The project site has been developed and the GDP will treat the project site as a master plan area. Historically established uses allowed within the VO and LDR will continue to be able to occur on any location at any time across the entire project site. All of the parcels are located in a Design Control (D) district and Site Plan Review (S) district. Figure 7, Existing Zoning and Land Use Designations, shows the zoning and land use designations within the project site. The project site is not located within the Coastal Zone.

Figure 7 – Existing Zoning and Land Use Designations



Assessor's Parcel's and Legal Lots of Record. In 2001, the County of Monterey approved certificates of compliance for 34 legal lots of record on the site. Figure 8, Existing Legal Lots of Record, outlines the existing legal lots of record. For clarification, each of the lots in the graphic have been numbered, however the legal lot numbers are for identification purposes only, and the Monterey County Assessor's Office is in the process of converting these legal lots to assessor's

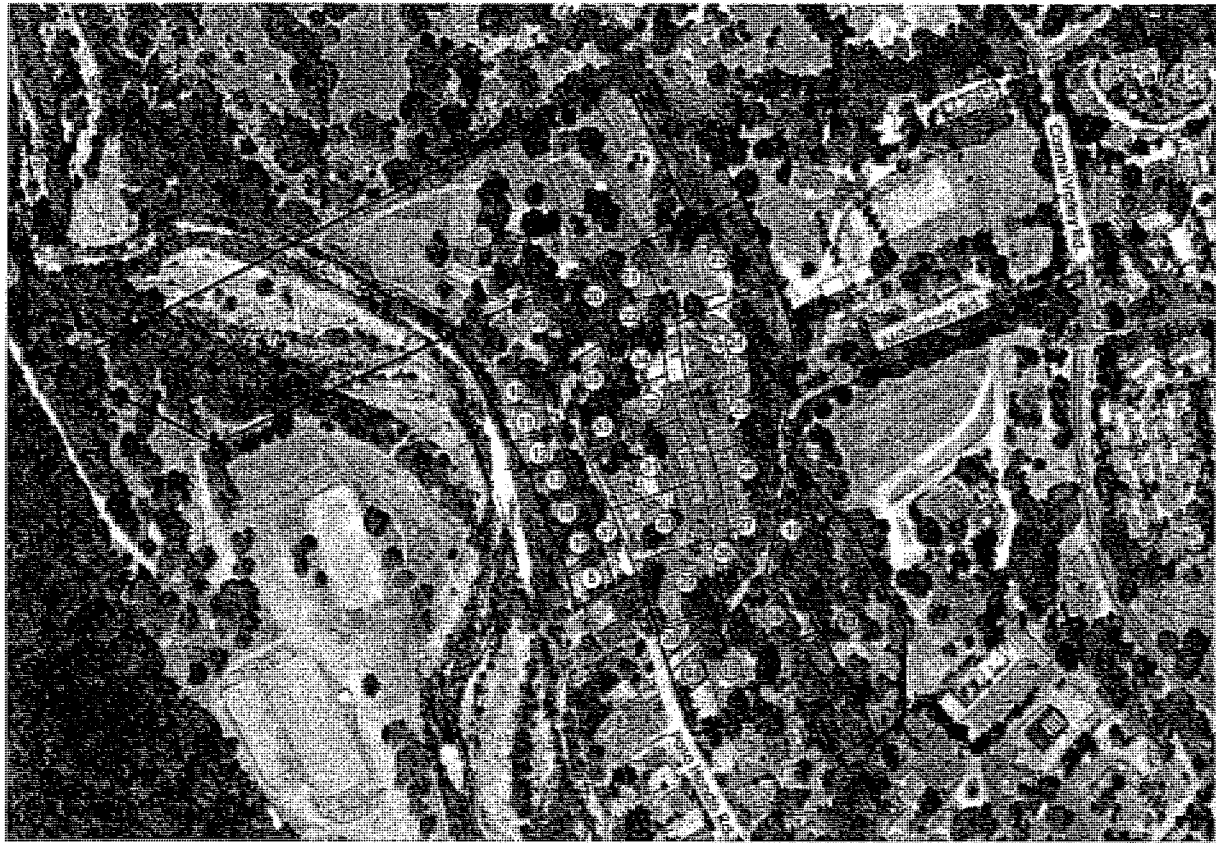
parcel numbers. One of these legal lots has been recently sold (legal lot 1), which leaves 33 separate legal lots of record as a part of the project site, some of which are developed with existing residences.

Figure 8 – Existing Legal Lots of Record



The project site originally consisted of 17 separate assessor's parcels. The County of Monterey Assessor's Office is currently in the process of filing a new assessor's map which would reflect an additional 16 assessor's parcels consistent with the 33 legal lot parcels. Figure 9, Existing Assessor's Parcels, shows all 33 assessor's parcels which will soon be associated with the project site.

Figure 9 – Existing Assessor’s Parcels



— Project site boundary — Parcel boundaries

* The County Assessor's Office is currently in the process of filing a new assessor's map to provide consistency between the existing legal lots of record and the assessor's parcels. The result will be 38 assessor's parcel numbers.

Assessor's Parcels*: 189-121-①

189-251-②

189-201-③

189-261-④

Source: EMC Planning Group Inc. 2009, Virtual Earth 2009

0 300 feet

Figure 9

B. Project Description:

The proposed project consists of a General Development Plan (GDP) and Use Permit, utilized to bring into conformance the “legal non-conforming” zoning status of 114 West Carmel Valley Road, formerly known as Gardiner’s Country Club and Resort. All current uses, operations, facilities, and amenities at 114 West Carmel Valley Road have been established as legal and conforming under the application zoning regulations, with one exception; the lack of an approved General Development Plan and, in some cases a Use Permit on record. Pursuant to Monterey County Zoning Code Section 21.22.030(A) states:

“General Development Plan shall be required prior to the establishment of any development in the Visitor Serving/Professional Office district if there is no prior approved General Development Plan and if:

1. The lot is in excess of one acre; or
2. The development proposed includes more than one use.

The overall project site is located primarily in the Visitor Serving/Professional Office district and is in excess of one acre, and involves more than one use. Use Permits were previously approved

for some, but not all uses on the site. In 1982, a Use Permit was issued and characterized as a "Comprehensive Use Permit", however it failed to make mention of all the established uses, operations, facilities, and amenities on the property. The current Use Permit application is meant to resolve this issue and bring all current existing uses, operations, facilities, and amenities under one permit.

Remaining portions of the site are located in the Low-Density Residential district. Country Club related uses, such as guest accommodations and other resort related activities are established in this zoning area, making them "legal non-conforming". Approval of the General Development Plan and associated Use Permit will bring these uses into conformance.

In the past, a General Development Plan was never formally approved for the property formerly known as Gardiner's County Club and Resort, therefore the development can be deemed to be in non-conformance with the County's Zoning Code. In an effort to remedy this situation, the applicant has submitted an application for approval of a General Development Plan, which will bring fully into conformance all the established uses at the project site, along with its operations, facilities and amenities.

Although no site development, change, expansion, or improvements are proposed as part of the this application, approval of the General Development Plan would be appropriate as a result of potential future on site changes, development, expansion or improvements. The adoption of a General Development Plan would provide a baseline for allowed existing uses. The implementation of the General Development Plan will not result in any physical change to the existing facilities or intensify onsite uses at the property formerly known as Gardiner's County Club and Resort.

Any deviation from the uses, operations, facilities, amenities, or any change to the property including development, change, expansion or other physical improvements will require an amendment to the General Development Plan.

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

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

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

General Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan. Section IV.A discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an

agency with jurisdiction over the project; or conflicts with any applicable habitat conservation plan or natural community conservation plan. The project is consistent with these General Plan policies. **CONSISTENT**

Water Quality Control Plan. Monterey County is included in the Central Coast Regional Water Quality Control Board – Region 3 (CCRWCB). The CCRWCB regulates the sources of water quality related problems. Because the proposed project would not increase on-site impervious surfaces, nor include land uses that would introduce new sources of pollution, it is not expected to contribute runoff which would exceed the capacity of storm water drainage systems or provide substantial additional sources of polluted runoff. The project utilizes existing non-conforming septic systems. The locations of the septic tanks were established, however the location of the disposal systems is unknown and systems most likely cross property lines. After review, the Monterey County Environment Health Division (EHD) found that the project should not increase the wastewater generation on the property from previous uses. EHD has approved the project with a condition that requires the applicant to apply for and obtain an individual Waste Discharge Requirement (WDR) permit with the Regional Water Quality Control Board. Prior to continuation of the resort operations, the WDR must be filed with the RWQCB. The proposed project would not result in water quality impacts or be inconsistent with objectives of this plan. **CONSISTENT**

Air Quality Management Plan. Consistency with the Air Quality Management Plan is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact.

Consistency of indirect emissions associated with non-residential projects, which are intended to meet the needs of the population forecasted in the AQMP, is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the AQMP.

The project consists of a General Development Plan and Use Permit for legalize existing uses, operations, facilities, and amenities for the property formerly known as Gardiner's County Club and Resort in Carmel Valley. The project would not result in an increase in the population and would not generate significant automotive trips. The project could be expected to generate some additional traffic in the short-term, however, the property has been in use since 1957, and traffic volumes have fluctuated yearly. Therefore, the project would be consistent with the population and emissions forecasts in the AQMP. **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

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

Check here if this finding is not applicable

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

EVIDENCE: Many of the above topics on the checklist do not apply. The project will have no quantifiable adverse environmental impacts on the categories not checked above, as follows:

1. Aesthetics. The project is not located on/near a scenic vista. The project will result in no damage to scenic resources, and involves no damage to trees, rock outcroppings, or historic buildings. The project site is not located near a scenic highway, but is accessed from Carmel Valley Road, a designated scenic corridor, via an existing

access road which slopes downward away from Carmel Valley Road. The project site is entirely screened from view. The site is not visible from a public roadway, or designated public viewing area. Existing light sources are associated with the existing development. No new sources of light or glare are proposed. *Therefore the proposed project will not result in impacts to aesthetics.*

2. Agricultural Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance and no project construction is being proposed. The site is not under a Williamson Act Contract. The project site is located within a developed area and is not located adjacent to agriculturally designated lands. The site is several miles from the nearest agricultural area. *Therefore, the proposed project would not result in impacts to agricultural resources.*
3. Air Quality. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and Federal air quality standards within the North Central Coast Air Basin (NCCAB). Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Generally, in the long-term, the primary source of air emissions is vehicular traffic.

The proposed project will not result in new construction, expansion or improvements to the site. Therefore, the project will not conflict with or obstruct implementation of the applicable air quality plan; will not violate air quality standards or contribute substantially to an existing or project air quality violation; will not result in a cumulatively considerable new increase of any pollutant; will not result in any construction related air quality impacts; will not expose sensitive receptors to any pollutants; and will not create any objectionable odors affecting people. *Therefore, the proposed project would not result in impacts to air quality.*

4. Biological Resources. Development on the project site exists and no new construction, expansion, or improvements are proposed at this time. The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species of sensitive or special status; would not have a substantial adverse effect on any riparian habitat or sensitive natural communities, as none are located on the site. No federally protected wetlands exist on the site. The project will not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been adopted for this site. *Therefore, the proposed project would not result in impacts to biological resources.*

5. Cultural Resources. Development on the project site exists and no new construction, expansion, or improvements are proposed at this time. The project would not cause a substantial adverse change in the significance of a historical resource; in the significance of an archaeological resource; would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; nor disturb any human remains, including those interred outside of formal cemeteries. *Therefore, the proposed project would not results in impacts to cultural resources.*
6. Geology/Soils. The nature of the project does not involve the construction of any structure which could potentially be damaged by geologic activity or poor soil conditions. The site is contains existing development and is relatively flat. No new construction, expansion, or improvements are proposed at this time, therefore, no impact to people or property from geologic or soil conditions are anticipated. No grading will be taking place on the site therefore there is no potential for substantial erosion, or the substantial loss of topsoil. *Therefore, the proposed project will not result in impacts to geology/soils.*
7. Hazards/Hazardous Materials. The project does not involve the use or transport of any hazardous materials. The proposed project is not located within an airport land use plan or within two miles of an airport. The location of the project is not anticipated to be threatened by air traffic hazards. The project would not interfere with any emergency response plan or evacuation plan, as the project area is subject to no such plans. The proposed project will not expose people or structures to the risk of loss, injury or death involving wildland fires, because the project does not place structures or individuals in proximity to any hazards beyond that which currently exists from the existing onsite development. *Therefore, the proposed project will not result in impacts from hazards/hazardous materials.*
10. Mineral Resources. Development on the project site is existing and no new construction, expansion or improvements are being proposed at this time. No mineral resources or resource recovery sites have been identified on the site or in the area. *Therefore, the proposed project would not result in impacts to mineral resources.*
11. Noise. Development on the project site is existing and no new construction, expansion or improvements are being proposed at this time. The project will not expose others to noise levels or ground borne vibrations that exceed standards contained in the Monterey County General Plan and will not increase ambient noise levels in the area. The project site is not located in the vicinity of an airport or private airstrip. There is no evidence that persons residing or working near the project site would be significantly impacted by noise related to the continued operations associated with this project. *Therefore, the proposed project would not result in impacts to noise.*
12. Population/Housing. Development on the project site is existing and no new construction, expansion or improvements are being proposed at this time. The

proposed project would not induce substantial population in the area, either directly through the continued use of the existing facilities, operations, and amenities, or indirectly as no new infrastructure will be constructed on site. The project will not alter the location, distribution or density of human population in the area in any significant way, or create a demand for additional housing. *Therefore, the proposed project would not result in impacts to population/housing.*

13. Public Services. Development on the project site is existing and no new construction, expansion or improvements are being proposed at this time. All development currently on site is serviced by public services and utilities; California American Water provides 5.38 acre feet/year to the project (amount from Cal-Am records) and the septic disposal is provided by existing onsite septic disposal systems. The project will have no measurable affect on existing public services and utilities. The Monterey County Water Resources Agency, Monterey County Public Works Department, and the Monterey County Environmental Health Department have reviewed the project. These agencies provided comments on the project, which are incorporated into the project as recommended conditions of approval, where appropriate. *Therefore, the proposed project would not result in impacts to public services.*
14. Recreation. The project would not result in a substantial increase in the use of existing recreational facilities. No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project. The project does not interfere with any form of historic public use or trust rights. The subject property is not indicated as part of any designated trails. *Therefore, the proposed project would not result in impacts to recreation.*

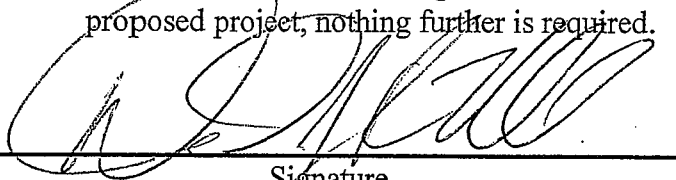
B. DETERMINATION

On the basis of this initial evaluation:

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

as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

David J. R. Mack

11/5/2009

Date

Assistant Planner

V. *EVALUATION OF ENVIRONMENTAL IMPACTS*

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

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

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

Discussion/Conclusion/Mitigation: See Section IV.A.1

2. AGRICULTURAL RESOURCES

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

2. AGRICULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.2

3. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.3

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.4

5. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.5

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1, 8) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS

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

Discussion/Conclusion/Mitigation: See Section IV.A.6

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.7

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source:1, 7, 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: No preexisting sanitary sewer exists for this area of Carmel Valley. The property is currently served by septic tanks and leach fields. The current layout and status of the existing on site septic disposal systems is unknown. Approximately 20 separate septic tanks are present on the property. The table below shows the location, ID number, tank make, and capacity of each of the septic tanks within the property. There is no record of past failures or inadequacies which have been reported.

Location	ID #	Tank Make	Gallons
Indian Dorm	1251	Redwood	1,000
Camp Kitchen	2709	Concrete with Redwood top	1,000
Forest Hills	4542	Redwood	810
Gardiner's Residence	4543	Concrete	1,000
Caretaker's Residence	4544	Redwood	1,620
Clubhouse	4545	Tom's	5-6,000
Clubhouse	4546	Nottingham	2,000
Grand Slam	4548	Nottingham	1,000
Grand Slam	4549	Redwood	912
The Cage	4550	Redwood	1,200
Laundry	4551	Marion	750
Girls Dorm	4552	Marion	750
Wimbledon House	4553	Loomis Fiberglass	1,500
Greenhouse (Dorm)	4556	Fiberglass	1,000
Carriage House (Garage)	4557	Unknown	1,000
Center Court Cottages	4558	Marion	1,000
Pro Shop/Office	4559	Nottingham	1,000
Gardiner's Restroom	5522	Nottingham	1,500
River House (111 Paso Hondo Rd)	8476	Nottingham	1,500
Bougain Villa House (119 Paso Hondo Rd)	63	Simpson Concrete	1,200

Source: EMC Planning Group Inc. 2009, PSTS 2009

The facility predates "The Carmel Valley Wastewater Study" performed by Montgomery Engineers in 1982. This study establishes thresholds for septic discharge to protect water quality in the Carmel Valley area. The locations of the septic tanks have been identified, however, the location of the leech fields is unknown and systems most likely cross property lines. Under current regulations it is assumed that the disposal fields are undersized and presumable do not meet the required setbacks per Monterey County Code 15.20, Sewage Disposal.

Hydrology and Water Quality 8(a) – Less than Significant with Mitigation Incorporated.

The Environmental Health Division (EHD) reviewed the project and found that the project utilizes existing non-conforming septic systems. EHD found that the proposed project should not increase the wastewater generation on the property from previous uses. EHD has approved the project with a condition that any intensification or building permit on any of the lots will require a complete investigation of the sewage disposal systems that serve the property.

It is unknown whether the existing septic systems are in compliance with County standards which would limit septic discharge to 300 gallons per day per acre, based on the 1982 Montgomery Study. In order to insure that ground and surface waters are not adversely affected from septic systems for which there are no approved plans, the project will need to install meters on the outfall side of all septic tanks. The project will be conditioned to limit the total septic discharge to 7,200 gallons per day cumulatively. The improvements shall be completed within two years of project approval. Since the site is currently being underutilized, this two year time frame will allow the project proponent to re-establish continuance use of the property, and bring the site into compliance within a reasonable time period. If any modifications or additions are made to the site or if a different use is approved for the site, the septic systems will be required to be brought into compliance with current County standards. In addition, the project proponent will be required to obtain a waste discharge permit from the Regional Water Quality Control Board. With this mitigation incorporated the impacts to the water quality is less than significant.

Hydrology and Water Quality 8(b) – Less than Significant. The Monterey County Water Resources Agency reviewed the project and made no recommendation for conditions. There is no proposed building at this time, and no expansion, improvement, or upgrades are proposed for the existing on-site development. No new impervious surfaces or any change to existing impervious surfaces are proposed, which would interfere with groundwater recharge which would result in a lowering of the local groundwater table. Therefore, impacts would be *less than significant*.

Hydrology and Water Quality 8(c-d) – No Impact. The proposed project will not alter the drainage patterns of the site such that water is directed contrary to natural flow. Although the project is located directly adjacent to the Carmel Valley River stream bed, no new impervious surfaces are included in the proposed project, so there will not be an increase in the amount of run off in a manner which would result in flooding on or off site. Therefore, the project would have *no impact*.

Hydrology and Water Quality 8(e) – No Impact. The proposed project would not increase impervious surfaces and would therefore not result in additional water in existing or planned storm water drainage facilities. Therefore, the project would have *no impact*.

Hydrology and Water Quality 8(f) – Less than Significant with Mitigation Incorporated. As noted above under (a), the design of the existing septic systems are not known. It is possible that the existing septic system could produce such a volume of waste discharge as to be harmful to water quality. Mitigation is being incorporated to monitor and limit the volume of waste

discharge to protect water quality. With mitigation applied (see mitigation) the project impacts will be *less than significant*.

Hydrology and Water Quality 8(g-j) – No Impact. The Monterey County Water Resources Agency reviewed the project and made no recommendation for conditions. The project is located partially with Zone AE, 100-year floodplain of the Carmel River, as shown on FEMA Flood Insurance Rate Map 06053C-0530 G, effective date 04/02/2009. The project is also located partially within the Floodway; however, there is no proposed building at this time, and no expansion, improvement, or upgrades are proposed for the existing on-site development. The project is not located in the coastal zone area, and is not subject to inundation by sieche, or tsunami. Therefore, the project would have *no impact*.

Mitigation Measures

Mitigation Measure #1: Wastewater Generation. The applicant shall install meters on the outfall side of all septic tanks to limit the total the septic discharge to 7,200 gallons per day (24 acres x 300 gallons/day/acre) cumulative. These meters shall be installed within two years of project approval or upon request from the Monterey County Environmental Health Division or Regional Water Quality Control Board.

Monitoring Action #1: Within two years from the project approval date, meters shall be installed on the outflow side of all septic tanks, to ensure that cumulative septic discharge does not exceed 7,200 gallons per day. A yearly report shall be submitted to the Monterey County Environmental Health Division, showing septic discharge data, until such time that a new conforming waste disposal system is installed on the property. In the event that septic discharge exceeds the allowed 7,200 gallons per day, the property owner shall be required to make all necessary actions to bring the system back into compliance.

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

Discussion: The main areas of potential conflict with adopted plans and policies include inconsistencies with the Monterey County Zoning Ordinance (Title 21) relative to requirements in the Visitor Servicing/Office Space zoning designation for a portion of the project which requires the approval and granting of a General Development Plan.

Land Use and Planning 9(a) – No Impact. The proposed project consists of a General Development and Use Permit to legalize existing legal non-conforming uses, operations, structures, and amenities at the former Gardiner’s County Club and Resort in Carmel Valley. No expansion, alteration, or improvements are proposed. The General Development Plan is consistent with the zoning and area plan with all existing operations in the applicable zoning designation. The project would not physically divide an existing community. There would be *no impact*.

Land Use and Planning 9(b) – Less than Significant Impact. The proposed project does not conflict with the Carmel Valley Master Plan or the Monterey County General Plan. The project does not conflict the Monterey County Zoning Ordinance (Title 21) with one exception; the lack of an approved General Development Plan, as required by the Visitor Servicing/Office Space zoning designation applied to a portion of the property. The applicant applied for a General Development Plan to remedy this conflict. Therefore, the proposed project will have *less than significant impact*.

Land Use and Planning 9(c) – No Impact. The proposed project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. There would be *no impact*.

10. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 2, 3, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.10

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

Discussion/Conclusion/Mitigation: See Section IV.A.11

12. POPULATION AND HOUSING			Less Than Significant		
		Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Discussion/Conclusion/Mitigation: See Section IV.A.12

13. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.A.13

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

Discussion/Conclusion/Mitigation: See Section IV.A.14

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project site is located in the western portion of the Carmel Valley Village Area, in an area of commercial hotel, educational/recreational uses, and low-density residential land uses. The project site has been in operation of well over 50 years, and experienced a wide-range of traffic levels, depending upon membership numbers, popularity of offered services, and social and economic pressures. Traffic generated by this facility is considered to be existing.

Transportation/Traffic 15(a-b) – Less Than Significant. The current project proposal does not involve modification, alteration, expansion, improvement, or upgrades for the existing development on site. No uses, facilities, or amenities are being added to the project, which would cause a substantial increase in traffic beyond that of the existing traffic load of Carmel Valley Road; nor will the cause traffic to exceed, either individually or cumulatively, a the existing level of service on Carmel Valley Road. Because the nature of the use has varying degrees of use there are times when higher traffic volumes are generated by the site. The higher periods of use are spread out over time and typically do not result in additional peak hour trips. The existing traffic volume and varying trip generation of the use would have some impact, but the impact would not be considered significant. The project as proposed will have a *less than significant impact*.

Transportation/Traffic 15(c) – No Impact. The project site is not located near an active public or private airstrip. No construction is proposed by the current project which would result in any change to air traffic patterns within the Carmel Valley area. The proposed project would result in *no impact*.

Transportation/Traffic 15(d-e) – No Impact. The project as proposed does not include modification, alteration, expansion, improvement, or upgrades for the existing development on site. No road improvements or access-related design features are required for the project. The project was reviewed by Salinas Rural Fire, for Carmel Valley Fire, and applied conditions relative to maintenance of existing access roads, the installation of gates, and addresses for buildings. The proposed project will result in *no impact*.

Transportation/Traffic 15(f-g) – No Impact. The project site provides adequate parking to use by the existing operations and amenities, and is not in conflict with adopted policies in either the Monterey County General Plan, the Monterey County Zoning Ordinance (Title 21), or the Carmel Valley Master Plan. The proposed project will result in *no impact*.

16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The Environmental Health Division reviewed the project and found that the property utilizes existing non-conforming septic systems. The facility predates “The Carmel Valley Wastewater Study” performed by Montgomery Engineers in 1982. The locations of the septic tanks were established, however, the location of the disposal systems is unknown. It is assumed that the disposal fields on site are undersized for the existing uses on the property and presumably do not meet the required setback per Monterey County Code 15.20, Sewage Disposal.

Utilities and Service Systems 16(a) – Less Than Significant. The property generates more than 2,500 gallons of wastewater per day when in operation. Pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board – Central Coast Region (RWQCB), Monterey County refers waste discharges of 2,500 gallons per day or greater to the RWQCB for regulation. A condition requiring the applicant to apply for an individual Waste Discharge Requirement (WDR) permit with the RWQCB has been applied to

the project. Prior to continuation of any resort operations, the WDR must be filed with the RWQCB. Therefore the project would result in a *less than significant impact*.

Utilities and Service Systems 16 (b-c) – No Impact. There is no record of any failures of the existing non-conforming septic systems. The project proposal does not involve modification, alteration, expansion, improvement, or upgrades for the existing development on site, which would result in the construction of new wastewater facilities or the expansion of existing wastewater facilities; the construction of new stormwater drainage facilities or the expansion of existing stormwater facilities, the construction of which could cause significant environmental effects. The project will result in *no impact*.

Utilities and Service Systems 16(d) - No Impact. The property is serviced by four onsite wells, of which two are currently in production. In a letter dated February 7, 2007, the Monterey Peninsula Water Management District (MPWMD) stated that the resort has an onsite historic water allotment of 16.82 acre feet/year (afy) from groundwater wells. The two wells in production are known as the Greenhouse well and the Clubhouse well, which account for the 16.82 afy referred to in the MPWMD letter. There are also two inactive wells. The wells that are identified as inactive have not been abandoned and are intended to be used for supplying water on a back up basis or for other associated purposes to service the property. The well water from these wells has been used, over the years, for some minimal domestic purposes and largely for non-domestic purposes. The domestic use of any of these wells will be subject to review and permitting from MPWMD and Environmental Health Drinking Water Protection Services. A County Water System Permit may be required if the property wants to use all or any portion of its 16.82 afy of well water for domestic use.

The property is also serviced by California American Water Company (Cal Am). According to records from 1999, Cal Am provided 5.38 afy, approximately 4800 gallons, of domestic water to the property. Cal Am confirmed that there are currently 11 meters within the property, each with an assigned meter number. The table below lists each of the Cal Am meters, corresponding account number, meter location, and the Cal Am map number associated with each meter.

Cal Am Meter #	Cal Am Account #	Meter Location within the Property (service address)	Cal Am Map #
X085064167	314200	50 feet north of Madera on the north side of Carmel Valley Road (92 Paso Hondo)	6261
038613449	314202	North end loop/Tennis Ranch over fence (Paso Hondo)	43
060170422	314203	Tennis Ranch (91 Paso Hondo)	8904
086294784	314206	Left of Delv. GT 100 feet east of SML (Paso Hondo)	4930
047824377	314208	On Paso Hondo Road by tennis courts (106 W Carmel Valley Road)	1358
038969681*	314501	81 feet west of Ford on the south side of Carmel Valley Road, 6" Fire (114 Carmel Valley Road)	24893
045400149	314195	Right of drive way towards FNC (111 Paso Hondo)	19871
047770124	314212	Meter across from 81 Paso Hondo Road (Paso Hondo)	8335
086287817	314210	No location in system (Paso Hondo)	10278
045397315	458359	1880 north of Paso Cresta on the west side of Paso Hondo Road (119 Paso Hondo)	7034
046899795	457171	In yard (91 Paso Hondo)	23

Source: EMC Planning Group Inc. 2009, California American Water 2009

Note: *Meter 03896981 services the fire hydrant

Based on these rates and data it is reasonable to assume that the needs of the property are met by the existing water service. No modification, alteration, expansion, improvement, or upgrades to the existing facilities are proposed. The project will result in *no impact*.

Utilities and Services Systems 16(e) – No Impact. The project is not serviced by a wastewater treatment provider. All wastewater treatment systems are existing and contained within the project site. The project will result in *no impact*.

Utilities and Services Systems 16(f-g) – No Impact. The waste from the existing operation has been historically collected by the Monterey Peninsula Regional Waste Management District. The method of waste collection will remain in place. The solid waste produced by the existing operations, facilities and amenities on site do not violate federal, state, or local statues and regulations related to solid waste. The project will result in *no impact*.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

Discussion/Conclusion/Mitigation:

(a) No Impact. The project itself does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate/effect the California historic source. The project site contains existing development, and no modification, alternation, expansion, improvement, or upgrades of the existing development on site are being proposed. The project will not result in an increase to impervious surfaces or cause increased stormwater run-off. The project will not increase the potential of flooding either in the immediate area, or down-stream areas along the Carmel River.

(b) No Impact. The project as proposed does not include modification, alternation, expansion, improvement, or upgrades for the existing development on site. The project will not increase population in the area, demand on utilities and services, increase traffic, or other cumulative subjects. The proposed project has been reviewed and found to be consistent with the Carmel

Valley Master Plan. No grading or construction is proposed therefore cumulative air quality impacts are nonexistent. There is no foreseeable or observable cumulative impact to the environment resulting from this project.

(c) No Impact. The project itself does not create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. The project would not expose sensitive receptors to temporary air quality and noise nuisance impacts related to construction.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will not be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN080558 and the attached Initial Study / Proposed (Mitigated) Negative Declaration.

IX. REFERENCES

1. Project Application/Plans – File PLN080558.
2. Monterey County General Plan.
3. Carmel Valley Master Plan.
4. Title 21 of the Monterey County Code (Zoning Ordinance).

5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2004.
6. Site Visit conducted by the project planner on February 17, 2009.
7. Monterey Peninsula Regional Waste Management District.
8. Monterey County Planning and Building Inspection GIS system.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # _____

Project Title: PRISTINE DEVELOPMENT
Lead Agency: COUNTY OF MONTEREY - RMA PLANNING **Contact Person:** DAVID MACK
Mailing Address: 168 W ALISAL ST, 2ND FLOOR **Phone:** 831-755-5096
City: SALINAS **Zip:** 95901 **County:** MONTEREY

Project Location: County: MONTEREY City/Nearest Community: CARMEL VALLEY
Cross Streets: CARMEL VALLEY ROAD **Zip Code:** _____
Lat. / Long.: _____ **Total Acres:** 24.0
Assessor's Parcel No.: _____ **Section:** _____ **Twp.:** _____ **Range:** _____ **Base:** _____
Within 2 Miles: State Hwy #: N/A **Waterways:** CARMEL VALLEY RIVER
Airports: N/A **Railways:** N/A **Schools:** _____

Document Type:
CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) Draft EIS Other _____
 Mit Neg Dec Other _____ FONSI

Local Action Type:
 General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other _____

Development Type:
 Residential: Units _____ Acres _____ Water Facilities: Type _____ MGD _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres 24.0 Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational _____ Waste Treatment: Type _____ MGD _____
 Recreational _____ Hazardous Waste: Type _____
 Other: _____

Project Issues Discussed in Document:
 Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Wildlife
 Coastal Zone Noise Solid Waste Growth Inducing
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Land Use
 Economic/Jobs Public Services/Facilities Traffic/Circulation Cumulative Effects
 Other _____

Present Land Use/Zoning/General Plan Designation:
VISITOR SERVICING/OFFICE SPACE & LOW DENSITY RESIDENTIAL
Project Description: (please use a separate page if necessary)
USE PERMIT AND GENERAL DEVELOPMENT PLAN FOR THE EXISTING GARDINER'S COUNTY CLUB AND RESORT

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

- | | |
|---|---|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Caltrans Planning (Headquarters) | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Coachella Valley Mountains Conservancy | <input checked="" type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> S.F. Bay Conservation & Development Commission |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> Santa Monica Mountains Conservancy |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input checked="" type="checkbox"/> Fish & Game Region # _____ | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Forestry & Fire Protection | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Integrated Waste Management Board | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Native American Heritage Commission | |
| <input type="checkbox"/> Office of Emergency Services | |

Local Public Review Period (to be filled in by lead agency)

Starting Date NOVEMBER 6, 2009 Ending Date DECEMBER 7, 2009

Lead Agency (Complete if applicable):

Consulting Firm: _____ Applicant: PRISTINE DEVELOPMENT LLC
 Address: _____ Address: 7020 PORT WEST STE 180
 City/State/Zip: _____ City/State/Zip: HOUSTON, TX 77024
 Contact: _____ Phone: _____
 Phone: _____

Signature of Lead Agency Representative:  Date: 11/4/09

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 755-9516



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a General Development Plan and Use Permit (**Pristine Development LLC, File Number PLN080558**) at 114 West Carmel Valley Road, Carmel Valley (APN's: 189-121-001-000; 189-201-003-000; 189-201-013-000; 189-251-014-000; 189-251-015-000; 189-251-016-000; 189-261-001-000; 189-261-005-000; 189-261-009-000; 189-261-010-000; 189-261-011-000; 189-261-012-000; 189-261-013-000; 189-261-015-000; 189-261-016-000; 189-261-017-000) (see description below). The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California, and at the Carmel Valley Branch Library, 65 West Carmel Valley Road, Carmel Valley, California. The Planning Commission will consider this proposal at a meeting on **December 9, 2009 at 9:00am** in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from **November 6, 2009 to December 7, 2009**. Comments can also be made during the public hearing.

Project Description:

USE PERMIT AND GENERAL DEVELOPMENT PLAN FOR THE EXISTING GARDINER'S COUNTRY CLUB AND RESORT.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Interim Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

From: Agency Name: Monterey County – RMA Planning Department
Contact Person: David J. R. Mack
Phone Number: 831-755-5096

- No Comments provided
- Comments noted below
- Comments provided in separate letter

COMMENTS: _____


We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us.

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

 GOLDEN STATE OVERSIGHT	< WebShip > >>>>
	800-322-5555 www.gso.com

Ship From: ARMIDA RUANO PLANNING & BLDG INSP.DEPT. 168 W.ALISAL ST. 2ND F SALINAS, CA 93901	Tracking #: 512974924 	PDS
Ship To: RECEPTIONIST STATE CLEARINGHOUSE 1400 TENTH ST RM 222 SACRAMENTO, CA 95814	<div style="display: flex; justify-content: space-between; align-items: center;"> SMF <div data-bbox="1301 401 1389 520" style="border: 1px solid black; padding: 5px; font-size: 2em;">A</div> </div> <div style="text-align: center; margin-top: 10px;"> SACRAMENTO </div>	
COD: \$0.00	<div style="font-size: 1.5em; margin-bottom: 10px;">D95814B</div>  76856006	
Reference: PLN080558/PRISTINE DEVELOPMENT LLC		
Delivery Instructions: SIGNATURE REQUIRED		

Print Date : 11/05/09 15:33 PM

1 of 1

Send Label To Printer	<input checked="" type="checkbox"/> Print All	Edit Shipment	Finish
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LABEL INSTRUCTIONS:

- Do not copy or reprint this label for additional shipments - each package must have a unique barcode.
- STEP 1 - Use the "Send Label to Printer" button on this page to print the shipping label on a laser or inkjet printer.
- STEP 2 - Fold this page in half.
- STEP 3 - Securely attach this label to your package, do not cover the barcode.
- STEP 4 - Request an on-call pickup for your package, if you do not have scheduled daily pickup service or Drop-off your package at the nearest GSO drop box. Locate nearest GSO dropbox locations using this link.

ADDITIONAL OPTIONS:

Send Label Via Email	Create Return Label
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TERMS AND CONDITIONS:

By giving us your shipment to deliver, you agree to all the service terms and conditions described in this section. Our liability for loss or damage to any package is limited to your actual damages or \$100 whichever is less, unless you pay for and declare a higher authorized value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your loss or damage. In any event, we will not be liable for any damage, whether direct, incidental, special or consequential, in excess of the declared value of a shipment whether or not we had knowledge that such damage might be incurred including but not limited to loss of income or profit. We will not be liable for your acts or omissions, including but not limited to improper or insufficient packaging, securing, marking or addressing. Also, we will not be liable if you or the recipient violates any of the terms of our agreement. We will not be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, act of public enemies, war, strikes, or civil commotion. The highest declared value for our GSO Priority Letter or GSO Priority Package is \$500. For other shipments the highest declared value is \$10,000 unless your package contains items of "extraordinary value", in which case the highest declared value we allow is \$500. Items of "extraordinary value" include, but are not limited to, artwork, jewelry, furs, precious metals, tickets, negotiable instruments and other items with intrinsic value.

EXHIBIT

G



MONTEREY BAY

Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties

Air Pollution Control Officer
Richard A. Stedman

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

DISTRICT BOARD MEMBERS

CHAIR:
Simon Salinas
Monterey County

VICE CHAIR:
Sam Storey
Santa Cruz
County Cities

Lou Calcagno
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County

Dennis Donohue
City of Salinas

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County

Jane Parker
Monterey County

Reb Monaco
San Benito
County

Richard Ortiz
South Monterey
County Cities

Manuel Bersamin
Santa Cruz
County Cities

Sent Electronically to:
CEQAcomments@co.monterey.ca.us
Original Sent by First Class Mail.

November 10, 2009

Mr. David J. R. Mack
Monterey County Planning and Building Inspection Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

SUBJECT: PRISTINE DEVELOPMENT LLC

Dear Mr. Mack:

The Air District has no comments on this project.

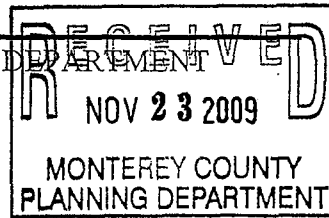
Thank you for the opportunity to review the document.

Sincerely,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY - PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 755-9516



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Project Description:

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County of Monterey
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Attn: Mike Novo, Interim Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

From: Agency Name: Monterey County - RMA Planning Department
Contact Person: David J. R. Mack
Phone Number: 831-755-5096

- No Comments provided
- Comments noted below
- Comments provided in separate letter

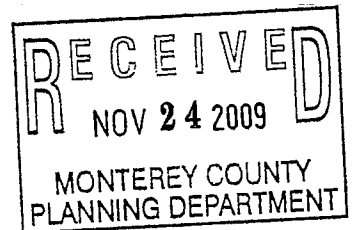
COMMENTS: *I fully support this application. It is reasonable and documents the historical uses of Gardiner's Ranch very well. This application allows a process to move forward which will eventually bring jobs and tax revenue back to Carmel Valley and Monterey. A win-win situation!*

Ken Coleman
Kenneth Coleman
Debbie Beach, CA.

Stephanie Koehler
2 White Oak Way
Carmel Valley, CA 93924

E-mail: Stepheyes11@yahoo.com

Phone: 831.236.4542



County of Monterey
Resource Management Agency - Planning Department
Attention: Mr. Mike Novo, Interim Director of Planning
168 West Alisal
2nd Floor
Salinas, California 93901

November 20, 2009

Re: General Development Plan For The Existing Gardiner's Country Club
and Resort

Dear Mr. Novo:

My name is Stephanie Koehler; I am a resident of Carmel Valley and have been actively involved with Gardiner's Resort in the past years prior to its closure. Gardiner's Resort always struck me as a place of peace and harmony, a beautiful slice of haven where a sense of tranquility embraced you as you drove down the long, tree-lined driveway and the vast history of the hotel was preserved and kept immaculately.

Looking at its five-decade existence, many, many sport icons, celebrities, government officials and otherwise high-profile guests have passed through the resort and enjoyed its warm hospitality. When Gardiner's Resort opened its doors to the public, neighbors were finally able to come and enjoy themselves on this secluded and yet heartfelt property where attention to detail and personal assistance was a priority. Tennis enthusiasts continued to join the Club and competed in one of many tournaments, used the premises as a 'sport facility' with charm and privacy.

In the past years since I have been involved with Gardiner's Resort, both management and owners were very engaged in bringing the Resort closer to its neighbors and residents of the Peninsula. Next to its fame for being a wedding destination, many other events took place that invited more and more locals to come and experience the history and charm of Gardiner's Resort. Not only was the Resort marketed as a destination

Stephanie Koehler
2 White Oak Way
Carmel Valley, CA 93924

E-mail: Stepheyes11@yahoo.com

Phone: 831.236.4542

hotel, but its restaurant facilities, highlighting Chef Hugo Barragan's exquisite cuisine, also gained more and more popularity among locals.

Gardiner's Resort's owners were strong believers in supporting the community. Therefore, many social events were planned that emphasized on community activities and benefited non-profit organizations. The Resort held many Chamber of Commerce Mixers befriending local businesses, coordinated a Tennis Tournament to raise funds for the Susan Komen Foundation for Breast Cancer awareness & research, held a book signing event for a local author benefiting the Animal Friends Rescue Project, a 'roof' fundraiser for its neighbor, the Hidden Valley Music Seminar and organized a three-day Holiday event named 'YuleFest' benefiting the Boys & Girls Clubs of Monterey County, just to name a few.

The news of its closure was shocking to say the least. I am a huge follower of the Resort and am hoping that it will keep the rights to its historic uses. I strongly believe that it would be very beneficial for Carmel Valley to allow Gardiner's to resume and continue business in the future. This is a landmark of the Monterey Peninsula and it has kept history like no other business in the hospitality industry.

Thank you very much for your time and consideration. Please feel free to contact me with any question you may have, I will be happy to assist you.

Sincerely,



Stephanie Koehler

Mack, David x5096

From: Charles Franklin [charlessfranklin@gmail.com]

Sent: Tuesday, November 24, 2009 3:55 PM

To: Mack, David x5096

Subject: Pristine Development Application Before the Planning Commission

The project description is inadequate. Without a clear description of the times and numbers of participants in the great variety of activities that have occurred at the Gardiner Ranch it is impossible to gauge the impacts. If everything that has ever been done at various times is done all at the same time the impact will be unlike anything that has been previously experienced.

How can the traffic impacts be described as low when the level of activity is not determinable from the project description?

Another concern is the history of intrusions into the floodway at this site. The owners were cited recently for specific recent violations. The intrusions are clearly visible. A use permit will make the process of requiring mitigation as a component of future projects more difficult.

Charly Franklin

"The Spirit of Liberty is a spirit that is not too sure."
Learned Hand