

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 26, 2010 Time: 10:00 AM	Agenda Item No.: 3
Project Description: Public hearing to consider an application by the Carmel Valley Fire Protection District for: a General Plan Amendment to change General Plan Land Use Designation of 0.35 acres from "Public-Quasi-Public" to "Visitor Serving/Professional Office"; a zoning ordinance amendment to rezone 0.35 acres from "Public-Quasi-Public" (PQP-D-S-RAZ) district to "Visitor Serving/Professional Office" (VO-D-S-HR-RAZ) district. A General Development Plan to address use of the property and a minor subdivision tentative map to allow the a division of a 1.98- acre parcel into two parcels of 0.35 acres (Parcel 1) and 1.63 acres (Parcel 2).	
Project Location: 8455 Carmel Valley Road	APN: 169-061-014-000
Planning File Number: GPZ090003	Owner: Carmel Valley Fire Protection District Agent: Dorothy Priolo
Planning Area: Carmel Valley Master Plan	Flagged and staked: No
Zoning Designation: : "PQP-D-S" [Public Quasi Public, with Design Control and Site Plan Review Overlays]	
CEQA Action: Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors do the following (**Exhibit C**) to:

- A. Adopt the Negative Declaration;
- B. Adopt a resolution to amend the General Plan from PQP to VO;
- C. Adopt an Ordinance to Rezone a parcel to PQP-D-S-RAZ to VO-D-S-HR-RAZ;
- D. Approve a resolution for a minor subdivision tentative map; and
- E. Approve a General Development Plan, based on the findings and evidence.

PROJECT OVERVIEW:

The Carmel Valley Fire Protection District seeks approval to subdivide a 1.98-acre parcel at the Mid Valley Station Property into two lots of .35 acres (Parcel 1) and 1.63 acres (Parcel 2). This would allow the District to sell the smaller proposed parcel (Parcel 1) and in doing so, provide revenue for the District. Parcel 1 (.35 acres) would contain an existing single family dwelling and two accessory detached buildings used as a garage and garage/shop. This house is currently being rented to firefighters employed on-site. Parcel 2 (1.63 acres) would contain the existing fire station, a detached building used for equipment storage and a portable building used for training with an existing 45 stall parking lot.

PROJECT HISTORY

The Planning Commission initially considered a similar request that include changing the Land Use and Zoning from PQP to Low Density Residential and a Variance to create a parcel which does not comply with the Minimum Lot Size of the LDR zone. The Planning Commission recommended denial. The Board gave direction to seek an alternative which could allow the subdivision to be approved. The proposal to change the site to a VO district with a General Development Plan is an alternative that addresses most of the concerns addressed in the prior proposal.

PROJECT OVERVIEW:

The current zoning and general plan designation for the 1.98-acre parcel is "Public-Quasi-Public" (PQP-D-S-RAZ). The Planning Department is recommending that the zoning and General Plan designation for proposed Parcel 1 (.35 acres) be changed to "Visitor Serving/Professional Office" (VO-D-S-RAZ) as opposed to the applicant's requested change to "Low Density Residential". Changing the zoning and General Plan designation to "Visitor Serving/Professional Office" (VO-D-S-RAZ), avoids the necessity of a variance from site development standards on the property. This would allow the existing property to remain a residence and allow future conversion to office use. The "Visitor Serving/Professional Office" land use and zoning addresses many of the concerns associated with compatibility with the fire station and other surrounding non residential uses. The proposed General Development Plan limits the uses allowed on site and addresses some of the other unique constraints including the Carmel Valley Road Setback, and wastewater. In addition, the Environmental Health Division can now support the application with the alternative proposal with limits on future uses spelled out in the General Development Plan.

A complete discussion of these issues is included in **Exhibit B (Project Discussion)**:

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

/S/ Eric Snider

Eric Snider, Assistant Planner
(831) 784-5737, SniderE@co.monterey.ca.us
May 10, 2010

cc: Front Counter Copy; Planning Commission; Carmel Valley Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; John Ford, Planning Services Manager; Michael Stamp; Carol Allen, Senior Secretary; Dorothy Priolo, Agent; Planning File GPZ090003

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
1. Site Plan, Floor Plan and Elevations, Parcel Map, Tentative Map
Exhibit D Vicinity Map
Exhibit E General Development Plan
Exhibit F Negative Declaration
Exhibit G Historic Report
Exhibit H Letter from Law Offices of Michael Stamp

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

EXHIBIT A

PROJECT DATA SHEET

EXHIBIT A

Project Information for GPZ090003

Project Title: MID VALLEY FIRE PROTECTION DIS

Location: 8455 CARMEL VALLEY RD CARMEL

Primary APN: 169-061-014-000

Applicable Plan: Carmel Valley Master Plan

Coastal Zone: No

Permit Type: Combined Development Permit

Zoning: POP-D-S-RAZ

Environmental Status: EXEMPT

Plan Designation: PQP

Advisory Committee: Carmel Valley

Final Action Deadline (884): 10/11/1810

Project Site Data:

Lot Size: NA

Coverage Allowed: 25%

Existing Structures (sf): NA

Coverage Proposed: NA

Proposed Structures (sf): NA

Height Allowed: NA

Height Proposed: NA

Total Sq. Ft.: NA

FAR Allowed: NA

FAR Proposed: NA

Resource Zones and Reports:

Environmentally Sensitive Habitat: No

Erosion Hazard Zone:

Biological Report #: N/A

Soils Report #:

Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: HIGH

Geologic Hazard Zone: UNDETER

Archaeological Report #: N/A

Geologic Report #: N/A

Fire Hazard Zone:

Traffic Report #: N/A

Other Information:

Water Source: CALAM

Sewage Disposal (method): SEPTIC

Water Dist/Co: GMPMWD

Sewer District Name: n/a

Fire District: CARMEL VALLEY

Grading (cubic yds.): 0.0

Tree Removal: N/A

EXHIBIT B

PROJECT DISCUSSION

EXHIBIT B PROJECT DISCUSSION

I. BACKGROUND

Parcel Location/Layout

The project site is located at 8455 Carmel Valley Road in Carmel Mid-Valley area, and consists of approximately 1.98 acres. The site supports the Mid-Valley Fire Protection District with an existing fire station building, 45-stall parking lot, two accessory outbuildings for the use by the fire station, existing single family dwelling, and two detached buildings (garage and shop) for use by the residential unit. The fire station and residential portion of the property are both accessed from Carmel Valley Road, via separate driveways.

Prior Planning Commission Action

The Planning Commission considered an application by the Carmel Valley Fire Protection District in November of 2009 to subdivide the subject property, to change the Land Use and Zoning to Low Density Residential, and to approve a variance to allow the creation of a parcel in the LDR zone smaller than the minimum one acre parcel size. The Planning Commission unanimously recommended denial of the request. The application was forwarded to the Board of Supervisors in January 2010. At that time the Board of Supervisors continued the application to allow the applicant and staff to look at different alternatives which would allow approval of the request to subdivide the property. The applicant met with organizations in the community which could benefit from the property with the existing PQ/P zoning. These discussions did not lead to any opportunities.

Staff is proposed modifying the request to change the Land Use and Zoning to Visitor Accommodation and Professional Office as an alternative to the LDR. There are some uses allowed in this district which would not be appropriate at this location, so General Development Plan is also proposed to restrict the use of the site to only a resident or a professional office. This removes the need for a variance and allows some alternative use of the property in the event that the residence is not a viable stand alone use.

In order for the Board of Supervisors to consider this application they are required to consider the recommendation of the Planning Commission. The Board of Supervisors has referred this request for Planning Commission consideration. The application is structured to be a recommendation to the Board of Supervisors.

II. PROJECT SETTING

Land Use Designations

The property is zoned PQP-D-S or "Public-Quasi-Public, with Design Control and Site Plan Review Overlays." The current land use designation allows uses such as schools, parks, and other uses which serve the public-at-large. The use of the site as it currently exists and is utilized is consistent with the public-quasi-public designation, due to the existing fire station use.

Land use designations surrounding the site are predominantly LDR/2.5 or “Low Density Residential, 2.5 acres per unit density”. One parcel located to the south, across Carmel Valley Road, also is zoned public-quasi-public. No other land use designations exist within the immediate vicinity.

Historic Buildings/Construction

The Carmelo School Building, a historic structure, is located immediately adjacent to the proposed 0.35 acre parcel (Parcel 1). The parcel on which the school is located has an underlying land use and zoning designation of LDR/2.5, with a Historic (HR) Overlay Zoning Designation.

Phase I and Phase II historic reports (**Exhibit G**) prepared for the Mid-Carmel Valley Fire Station subject parcel concluded that *“the existing house meets the criteria for historic significance per the CEQA standards for significance. The property retains its original integrity as a good example of an early 20th century rural vernacular cottage. It is a familiar feature on the Carmel Valley streetscape. It yields information significant to the understanding of the area’s history.”*

Carmel Valley Master Plan Policy 12.1.10.1 (CV) requires that “historic sites shall be required to be rezoned to the HR District as a condition of permit approval for any development impacting such sites.” For this reason, staff suggests that an “HR” overlay be applied to any separate parcel containing this residence concurrent to parcel creation.

III. ANALYSIS

Project Description

The project consists of:

1. Minor Subdivision Tentative Map to subdivide an existing 1.98 acre parcel into two lots of 0.35 acres (Parcel 1) and 1.63 acres (Parcel 2);
2. General Plan Amendment to change the existing land use designation of 0.35 acres from “Public-Quasi-Public” to “Visitor Serving/Professional Office Space”;
3. Zoning Ordinance to rezone 0.35 acres from a “Public-Quasi-Public, with Design Control and Site Plan Review Overlays” (PQP-D-S-RAZ) zoning district to “Visitor Serving/Professional Office Space, with Design Control, Site Plan, and Historic Resource Review Overlays” (VO-D-S-HR-RAZ) zoning district; and
4. General Development Plan for development within the Visitor Serving/Professional Office Space zoning district.

General Plan/Zoning Consistency

The subject parcel is currently designated for Public-Quasi-Public development. Allowed uses within this land use designation and zoning district include schools, parks, regional parks, and uses which serve the public at large. The subject parcel contains both the Mid-Valley Fire Protection District station, as well as an existing single family dwelling, which was constructed prior the fire station itself. The fire station provides fire protection services for the Mid-Valley and surround Carmel Valley areas, which is a use consistent with the currently Public-Quasi-Public zoning and land use designations. The single family dwelling is currently being rented to firefighters employed on-site by the fire district; an acceptable accessory use of the site. The Public-Quasi-Public zoning and land use designations do not allow stand alone single family residential development as either an allowed use or as a conditionally permitted use; therefore, detaching the residential use from the fire protection services use, and placing it on a separate stand-alone parcel would make the existing MID VALLEY FIRE PROTECTION DISTRICT (GPZ090003)

residential development a legal non-conforming structure and use. The Minor Subdivision Tentative Map, General Plan Amendment and associated rezone request to Visitor Servicing/Professional Office Space are necessary to make the proposed separate residential use consistent with land use and zoning designations of the property.

The creation of a 0.35 acre parcel (Parcel 1) as currently zoned (PQ/P) would result in a substandard parcel size; far below the minimum lot size required by the zoning ordinance. The requested rezone from PQ/P to Visitor Servicing/Professional Office Space (VO) zoning would allow the 0.35 acre parcel to be consistent with both the General Plan and Carmel Valley Master Plan; as the VO district does not have a minimum size for the creation of parcels.

The Carmel Valley Master Plan (Policy 40.2.1.1) requires that all new development maintain a 100 foot setback from Carmel Valley Road. The majority of the proposed 0.35 acre parcel (Parcel 1) would be located within the 100 foot required setback however the policy specifically exempts existing structures predating this requirement. Under the policy, existing structures located within the 100 foot setback area shall not be rendered non-conforming, nor shall existing lots be rendered unbuildable; therefore residential development located on the proposed 0.35 acre parcel could remain in place without being in violation. However, should existing development on the parcel need to be replaced, policy 40.2.1.1 would need to be amended or a variance issued to allow for such development. Normal maintenance and upkeep of existing structures is allowed.

The Carmel Valley Master Plan Subdivision Scoring System was reviewed in relation to this project; most of the policies do not apply. Therefore, a formal scoring evaluation has not been conducted for this project.

Septic Concerns

The Monterey County Environmental Health Division identified concerns related to the potential subdivision of the subject property. The "Carmel Valley Wastewater Study" prepared by Montgomery Engineers in 1982 identifies this area as not being appropriate for further subdivision. The study specifically identifies the area of surrounding the subject parcel to be limited to septic discharge not exceeding 150 gallons per day per acre; essentially limiting the total discharge of the existing parcel to not more than 297 gallons per day (1.98 acres x 150 gpd). Currently a flow meter is not installed on the outflow side of the existing septic system, but Environmental Health feels it is likely that that fire station alone generates more than 297 gallons of septic discharge per day. Therefore, the single family residence and fire station existing on site are currently out of compliance from a health and safety perspective. Creating a separate parcel for the residential unit would only serve to further compound and complicate the non-compliance, as the 0.35 acre parcel (Parcel 1) would only be allowed to generate approximately 52.5 gallons per day of septic discharge (0.35 acres x 150 gpd); this is not adequate to support a stand alone single family residence.

The Planning Department, in collaboration with Environmental Health, has developed a General Development Plan to limit the future uses of the site, any intensification of use, and to minimize wastewater impacts. The intention is to minimize future septic discharge on the site and preserve adequate septic repair areas. The existing residential development and related uses will be allowed to remain on site. (Conditions 10).

Environmental Determination

A Negative Declaration has been prepared for this project which finds that there are no significant impacts resulting from the change of the Land Use and Zoning or in the subdivision of the property. A letter has been received commenting upon the Negative Declaration. The letter addresses both the proposal to change the Land Use and Zoning to LDR and to Professional Office. This

discussion will not address the comments regarding the LDR change as they are not applicable to consideration of this proposal.

The commenter addresses the application as a new development that would be allowed under the application. The Initial Study baseline addresses the project from what is existing on the site, and fundamentally little will change. This was the finding of the Initial Study and continues to be an acceptable finding.

The letter does comment on several policy issues, the answers to which are as follows:

1. Carmel Valley Road Setback. The 100' setback along Carmel Valley Road would not allow expansion of the existing structures on site. This is addressed in the General Development Plan which is part of this application.
2. Sewage Disposal. The on site septic system is considered adequate for the existing house. The GDP has been structured such that if the house is converted to an office, then the future use will be required to be less water consumptive and produce less wastewater than the existing house.
3. Historic Overlay. The project is being conditioned to include a Historic Overlay district as part of the action.
4. Uses Allowed in the VO Zoning District. The General Development Plan is the mitigation for the concerns associated with usage. It allows the existing residence to continue as is, or allows the site to be converted to a Professional Office subject to approval of a Use Permit. There is a provision to allow school, playground or other picnic area subject to a Use Permit. This is to accommodate the possibility of folding this use into the adjacent Historic School site. No other uses would be allowed on the site.

The VO zoning district as limited with the GDP would allow for the residence to stay in its exact form. If a stand alone residence here is not viable, the site can be converted to a professional office subject to approval of a Use Permit. This insures consistency with surrounding land uses and does not interrupt the existing development pattern. Therefore the Initial Study which finds a Negative Declaration to be the appropriate environmental determination is adequate.

EXHIBIT C

DRAFT RESOLUTION, INCLUDING:

1. SITE PLAN, FLOOR PLAN
AND ELEVATIONS, PARCEL
MAP, TENTATIVE MAP
-

**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:

CARMEL VALLEY FIRE PROTECTION DISTRICT (GPZ090003)

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Planning Commission recommending that the Board of Supervisors:

- 1) Adopt the Negative Declaration; and
- 2) Approve of a General Plan Amendment to change General Plan Land Use Designation of 0.35 acres from "Public-Quasi-Public" to "Visitor Serving/Professional Office"; a zoning ordinance amendment to rezone 0.35 acres from "Public-Quasi-Public" (PQP-D-S-RAZ) district to "Visitor Serving/Professional Office" (VO-D-S-HR-RAZ) district. A General Development Plan to address use of the site and a minor subdivision tentative map to allow the a division of a 1.98-acre parcel into two parcels of 0.35 acres (Parcel 1) and 1.63 acres (Parcel 2).

GPZ090003, Carmel Valley Fire Protection District, 8455 Carmel Valley Road, Carmel Valley Master Plan (APN: 169-061-014-000)

The Mid-Valley Fire application (GPZ090003) came on for public hearing before the Monterey County Planning Commission on May 26, 2010. 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,
- Carmel Valley Master Plan, Inventory and Analysis,
- Monterey County Zoning Ordinance (Title 21)
- Monterey County Subdivision Ordinance (Title 19)

- b) The property is located at 8455 Carmel Valley Road (Assessor's Parcel Number 169-061-014-000, Carmel Valley Master Plan. The parcel is zoned "PQP-D-S" [Public Quasi Public, with Design Control and Site Plan Review Overlays], which allows uses such as schools, parks, and

uses which serve the public at large. Currently, the 1.98 acre parcel contains the Mid-Valley Fire Station and a single family dwelling which is rented to fire-fighters who are employed on-site. The use of the site as it currently exists is consistent with all land use and zoning provisions.

- c) The project objective is to divide the existing 1.98 acre parcel and sell a .35 acre portion including the existing residence as a stand alone single family residence. A single family dwelling is not a permitted use within the PQP zoning district necessitating a General Plan Amendment and zone change from PQP to VO. The VO Land Use and Zoning in combination with the proposed General Development Plan would allow a residence or a professional office on the site which is consistent with the Carmel Valley Master Plan and the existing development pattern existing in the area.
- d) The Carmel Valley Master Plan identifies a minimum 100 foot setback along Carmel Valley Road. The 100' setback encompasses most of the site. New buildings can not be constructed within the 100' setback. The existing structures can continue to remain in place and be maintained as they currently exist without limitation or restriction. The buildings can not be expanded or relocated on the site.
- e) The project planner conducted a site inspection on October 5, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- 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 GPZ090003.

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 agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Parks, Public Works, Environmental Health Division, Water Resources Agency, and Sheriffs Office. The respective departments/agencies have commented 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) There are concerns with wastewater in this area. The Environmental Health Bureau has required that the septic system be upgraded and that the water use and wastewater generation from the site not be intensified. The result will be a net improvement over the existing condition related to wastewater discharge.
 - c) Staff identified potential impacts to Historical Resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The following reports have been prepared:
-*"Phase I & II Historical Assessment: Residence at Mid Valley Fire Protection District" (LIB090003) prepared by Elizabeth Moore, Pacific Grove, CA, November 2, 2009).*
 - d) The historical report (LIB090003) prepared identifies the single family dwelling on the project site meets the CEQA standards for significance.

- e) Staff conducted a site inspection on October 5, 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 GPZ090003.

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 has been a single family residence since the early 1900's. The use of the site has to this point not posed a risk to public health or safety.
 - b) The site is currently out of Compliance with the Carmel Valley Wastewater Master Plan. The project as proposed will improve the situation over the existing by improving the septic system and by limiting water consumption of future uses that is below the baseline of the present.
 - c) This property is served by existing Cal-Am water connections
 - d) Preceding findings and supporting evidence for GPZ090003.

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 October 5, 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.
 - d) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
 - e) 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 GPZ090003.

5. **FINDING:** **CEQA (Neg Dec)** - 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 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 (GPZ090003).
 - 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 Negative Declaration.
 - d) The Draft Negative Declaration (ND) for GPZ090003 was prepared in accordance with CEQA and circulated for public review from April 13, 2010 through May 5, 2010. Issues that were analyzed in the Draft Negative Declaration (ND) include cultural resources, hydrology and water quality, and land use and planning.
 - e) Evidence that has been received and considered includes: the application, technical studies/reports, staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (GPZ090003) and are hereby incorporated herein by reference.
 - f) A letter was received from the Law Offices of Michael Stamp dated May 3, 2010. The comments made in the letter were responded to in the staff report and presentation. The finding of the Initial Study that a Negative Declaration is appropriate was made by the Planning Commission.
 - g) 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.

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

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

EVIDENCE: a) Consistency. The project as designed and with the VO Land Use and Zoning and the General Development Plan is consistent with the 1982 Monterey County General Plan, and the Carmel Valley Master Plan.

- b) Design. The lot design is consistent with the Lot Design Standards of Section 19.10.030 County Codes. Minimum lot size, lot width and depth and building setback lines conform to the standards established by county zoning regulation for “Visitor Serving/Professional Office” (VO) lots. There is no minimum lot size for the VO zoning district.
- c) Site Suitability. The site is suitable for the proposed project including the type and density of the development.
 - 1. Monterey County Code section 15.20.060 requires that a lot served by a public water system, and uses a septic system for sewer be at least one acre in area. Parcel 1 does not comply with this requirement. However there is no expansion of wastewater generation associated with the proposed project and therefore the baseline will not change. The map is not an intensification of the wastewater generation and thus the map is consistent with this requirement.
 - 2. The Carmel Valley Master Plan calls for a 100’ Setback from Carmel Valley Road. Much of the proposed Parcel 1 would be within the 100 foot setback. He existing structures can continue to remain in place as they currently exist.
- d) Health and Safety. The proposed project as designed and conditioned will, under the circumstances of the particular application, **not** be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County because the site will retain the existing development pattern, even though ownership may change.
- e) Easements. The subdivision or the type of improvements will not conflict with easements.
- f) Water Supply. Section 19.10.070 MCC requires provision be made for domestic water supply as may be necessary to protect public health, safety, or welfare, and that the source of supply is adequate and potable. The site is currently served by CalAm and project approval will not result in any additional water use.
- g) Sewage Disposal (Sections 19.03.015.K and 19.07.020.J MCC). As discussed above, the project does not meet Code requirements for septic disposal because the site is not at least one acre in area and the site is not in compliance with the Carmel Valley Wastewater Master Plan. (See “c” above.) The proposed project will not increase the baseline for the site, and thus the proposed map itself does not cause the condition, but is the existing development.
- h) Traffic There are no impacts to traffic by the proposed project. Usage, access and circulation would not be affected by the project.
- i) The application, tentative map and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File GPZ090003.
- j) The project planner conducted a site inspection on October 5, 2009.

6. **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 currently served by Cal-Am connections.

- b) The project should neither increase nor decrease the water usage associated with the property.

7. **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 in a VO zoning district. The proposed project meets the subdivision criteria; therefore, a GDP is required to be approved by the Planning Commission.
 - 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, 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 developed that allows the existing single family residence to remain, and to allow conversion of the site to a professional office subject to approval of a Use Permit. The GDP also has provisions which address the Carmel Valley Road Setback, wastewater generation and prohibited use of the site. The GDP is attached hereto as **Exhibit E** and incorporated herein by reference. (**Condition 7**).
 - d) Staff conducted site inspections on October 9, 2009, to verify that the proposed GDP and project are consistent with allowed uses for a heavy industrial site and historical uses identified.
 - e) Materials in Planning File GPZ090003

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby recommend that the Board of Supervisors:

- A. Adopt a Negative Declaration; and
- B. Approve a General Plan Amendment to change General Plan Land Use Designation of 0.35 acres from "Public-Quasi-Public" to "Visitor Serving/Professional Office"; a zoning ordinance amendment to rezone 0.35 acres from "Public-Quasi-Public" (PQP-D-S-RAZ) district to "Visitor Serving/Professional Office" (VO-D-S-HR-RAZ) district. A General Development Plan to address the use of the site and a minor subdivision tentative map to allow the a division of a 1.98- acre parcel into two parcels of 0.35 acres (Parcel 1) and 1.63 acres (Parcel 2). Parcel 1 includes an existing single family dwelling, and parcel 2 includes the existing Mid-Valley Carmel Valley Fire Station.

PASSED AND ADOPTED this 26th day of May, 20010 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

NOTES

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

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

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

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

...

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

Project Name: Mid-Valley Fire Protection District
File No: GPZ090003 **APN:** 169-061-014-000
Approved by: Planning Commission **Date:** May 26, 2010

**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.		<p>PD001 - SPECIFIC USES ONLY This Permit (GPZ090003) allows a General Plan Amendment to change General Plan Land Use Designation of 0.35 acres from “Public-Quasi-Public” to “Visitor Serving/Professional Office”; zoning ordinance amendment to rezone 0.35 acres from “Public-Quasi-Public” (PQP-D-S-RAZ) district to “Visitor Serving/Professional Office” (VO-D-S-HR-RAZ) district; General Development Plan to address use of the property and a minor subdivision tentative map to allow the a division of a 1.98- acre parcel into two parcels of 0.35 acres (Parcel 1) and 1.63 acres (Parcel 2).The property is located at 8455 Carmel Valley Road (Assessor’s Parcel Number 169-061-014-000), 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</p>	<p>Adhere to conditions and uses specified in the permit.</p>	Owner/ Applicant	Ongoing unless otherwise stated		
			<p>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.</p>	RMA - Planning			
			<p>To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.</p>	WRA RMA - Planning			

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		is allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution [REDACTED]) was approved by the Board of Supervisors for Assessor's Parcel Number 169-061-014-000 on _____. The permit was granted subject to <u>10</u> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	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.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 2 years, to expire on _____, 2012 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval,	Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA - Planning Department.	Owner/ Applicant	Upon demand of County Counsel or concurrent with use of the property, filing of the parcel map,	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>			whichever occurs first.	
5.		<p>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, unless 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)</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>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.</p>	Owner/ Applicant	Within 5 working days of project approval.	
				Owner/ Applicant	Prior to the recordation of the parcel map, the start of use or the issuance of building or	

<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>
					grading permits.	
6.		<p>PD015 - NOTE ON MAP-STUDIES A note shall be placed on the parcel map or a separate sheet to be recorded with the final map stating that: "A Phase I and Phase II Historical Assessment report dated November 2, 2009, has been prepared on this property by Elizabeth Moore, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)</p>	Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to recordation of parcel map	
7.		<p>SPPD001 - GENERAL DEVELOPMENT PLAN – STRUCTURES AND IMPROVEMENTS (NON-STANDARD) The purpose of the General Development Plan is to address the unique nature of a proposed 0.35 acre parcel that is currently developed with a single family residence and two accessory structures. The existing house is a historic structure representative of development in Carmel Valley. The creation of this lot will include retention of the existing house and the continued use of the house as a residence in the foreseeable future. The zoning on the property is being changed to Visitor Serving and Professional Office. This General Development Plan is intended to address the needs of the parcel while used as a residence and also if it is converted to an office use. The General Development Plan will also identify limitations on the use of the property consistent with the property and</p>	Building permits for modifications to the existing structures shall be processed according to standard practices.	Owner/ Applicant	Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		surrounding area.				
RMA – Public Works Department						
8.		PW0031 – PARCEL MAP File a parcel map delineating all existing and required easements or rights-of-way and monument new lines. (Public Works)	Applicant's surveyor shall prepare parcel map, submit to DPW for review and approval.	Owner/ Applicant/ Engineer	Prior to Recordation of Parcel Map	
9.		PW0036 – EXISTING EASEMENTS AND ROW Provide for all existing and required easements or rights of way. (Public Works)	Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map.	Subdivider/ Surveyor	Prior to Recordation of Parcel Map	
Health Department Environmental Health Division						
10.		EHSP001 – DEED RESTRICTION – COMMERCIAL USE (NON-STANDARD) In order to ensure adequate commercial water use and minimize water/wastewater impacts, the applicant shall record a deed restriction with the Monterey County Recorder which states: "Commercial uses on this property must be subject to the following: a. Only uses with minimal water consumption will be allowed (standard bathroom fixtures for employees	Submit proposed wording and forms to be recorded to the Division of Environmental Health and the Planning Department for review and approval.	Owner / Applicant	Prior to issuance of grading or building permits.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>only, no additional fixtures for retail use); and</p> <p>b. Only food service that meets the definition of “single-use articles” within the California Retail Code is allowed. No food preparation on-site is allowed. “Single-use articles” mean utensils, tableware, carry-out utensils, bulk food containers, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use, after which they are intended for discard. “Single-use articles” also include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans that do not meet the materials, durability, strength, and cleanability specifications for utensils under Sections 114130, 114130.1, and 114130.3 of the California Retail Food Code.</p> <p>Prior to issuance of grading or building permits, the applicant shall submit proposed wording and forms to be recorded to the Environmental Health Department for review (Environmental Health)</p>				

END OF CONDITIONS

SUBDIVIDER'S STATEMENT

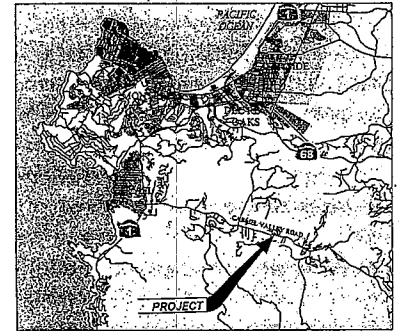
- A. EXISTING ZONING: POP-0-S
- B. PROPOSED USES OF THE LAND: SINGLE FAMILY RESIDENTIAL AND EXISTING FIRE STATION
- C. EXISTING CONDITIONS: NO CONSTRUCTION IS PROPOSED WITH THIS SUBDIVISION
- D. WATER SUPPLY: CALIFORNIA AMERICAN WATER COMPANY SERVICE; DISPOSAL: EXISTING ON SITE SEPTIC
- E. PROPOSED GRADING QUANTITIES: NO GRADING PROPOSED
- F. TREE REMOVAL PROPOSED: NONE
- G. PUBLIC AREAS TO BE DEDICATED: NONE
- H. COUNTY ARIAS PROPOSED: NONE
- I. MAXIMUM HEIGHT: NOT TO EXCEED COUNTY ZONING LIMITS.

GENERAL NOTES

1. A.P.N. # 169-081-014
2. SITE ADDRESS: 8455 CARMEL VALLEY ROAD, CARMEL VALLEY, CA 93924
3. THE SIZE, LOCATION AND TYPE OF ALL UTILITIES SHOWN HEREON ARE APPROXIMATE ONLY.
4. EXISTING OVERHEAD UTILITIES SHALL REMAIN. ALL UNDERGROUND UTILITIES ARE PROPOSED AS PART OF THIS SUBDIVISION.
5. SUBJECT PROPERTIES ARE NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN.
6. THE FOLLOWING EASEMENTS ARE SHOWN ON THE TITLE REPORT PREPARED BY OLD REPUBLIC TITLE COMPANY, CITY OF OLYMPIA, WASH., DATED MARCH 10, 2009. EASEMENTS LISTED BELOW DO NOT APPEAR TO PERTAIN TO SUBJECT PROPERTY:
REEL 534 OFFICIAL RECORDS, PAGE 343 (TELEPHONE AND ELECTRICITY EASEMENT)
REEL 1032 OFFICIAL RECORDS, PAGE 70 (DRIVEWAY AND UTILITY EASEMENT)
7. AN EASEMENT AS CALLED FOR IN THE TITLE REPORT PREPARED BY OLD REPUBLIC TITLE COMPANY, CITY OF OLYMPIA, WASH., DATED MARCH 10, 2009 THAT IS RECORDED IN REEL 106 OF OFFICIAL RECORDS, PAGE 104 FOR WATER PIPELINES IS NOT PLATTABLE.

PROJECT DATA

GROSS PARCEL AREA:	1,564 ACRES
LOT COVERAGE:	15.5%
NUMBER OF PROPOSED LOTS:	2
PROPOSED LOT SIZES:	PARCEL 1 0.35 ACRES PARCEL 2 1.65 ACRES
AVERAGE LOT SIZE:	0.816 ACRES
RANDOM ALLOWABLE NUMBER OF RESIDENCES PER EXISTING ZONING:	



VICINITY MAP

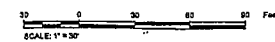
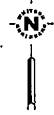
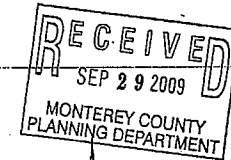
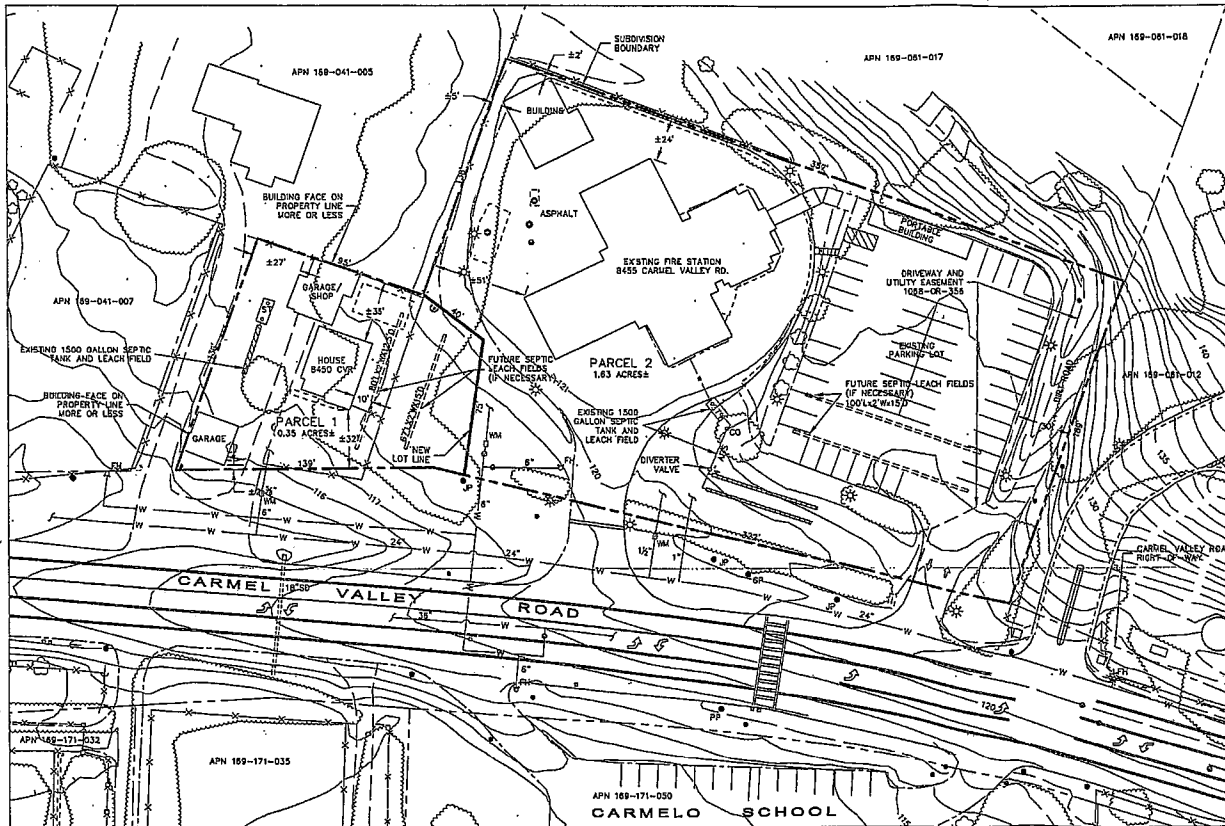
1"=10,000'

PROJECT TEAM

OWNER	DATE PREPARED/REVISED
CARMEL VALLEY FIRE PROTECTION DISTRICT CARMEL VALLEY, CA 93924	WHITSON ENGINEERS 8555 BLUE LANSING LN STATE 105 MOUNTAIN VIEW, CA 92640 (619) 619-3228

LEGEND

---	SUBDIVISION BOUNDARY
---	EXISTING PROPERTY LINE
---	EASEMENT
---	NEW LOT LINE
---	100'
---	EXISTING ELEVATION CONTOUR (IF INTERVALS)
---	EDGE OF DIRT ROAD
---	EDGE OF CONCRETE
---	EDGE OF PAVEMENT
---	CURB OR DIRT
W	EXISTING WATER LINE
W FH	EXISTING FIRE HYDRANT
---	EXISTING VEGETATION
---	EXISTING FENCE
---	EXISTING LEACH FIELD
---	FUTURE LEACH FIELD (IF REQUIRED)
□	EXISTING SEPTIC TANK
○	WATER VALVE
○	LIGHT
○	SOH
○	EXISTING MONITORING WELL
○	WATER METER
○	JOINT POLE
○	PUMP POLE
○	OUT POLE
○	MANHOLE



VESTING TENTATIVE MAP
 PROPOSED MINOR SUBDIVISION
 OF
 CARMEL VALLEY FIRE PROTECTION DISTRICT
 MID VALLEY STATION PROPERTY
 IN
 MONTEREY COUNTY, CALIFORNIA

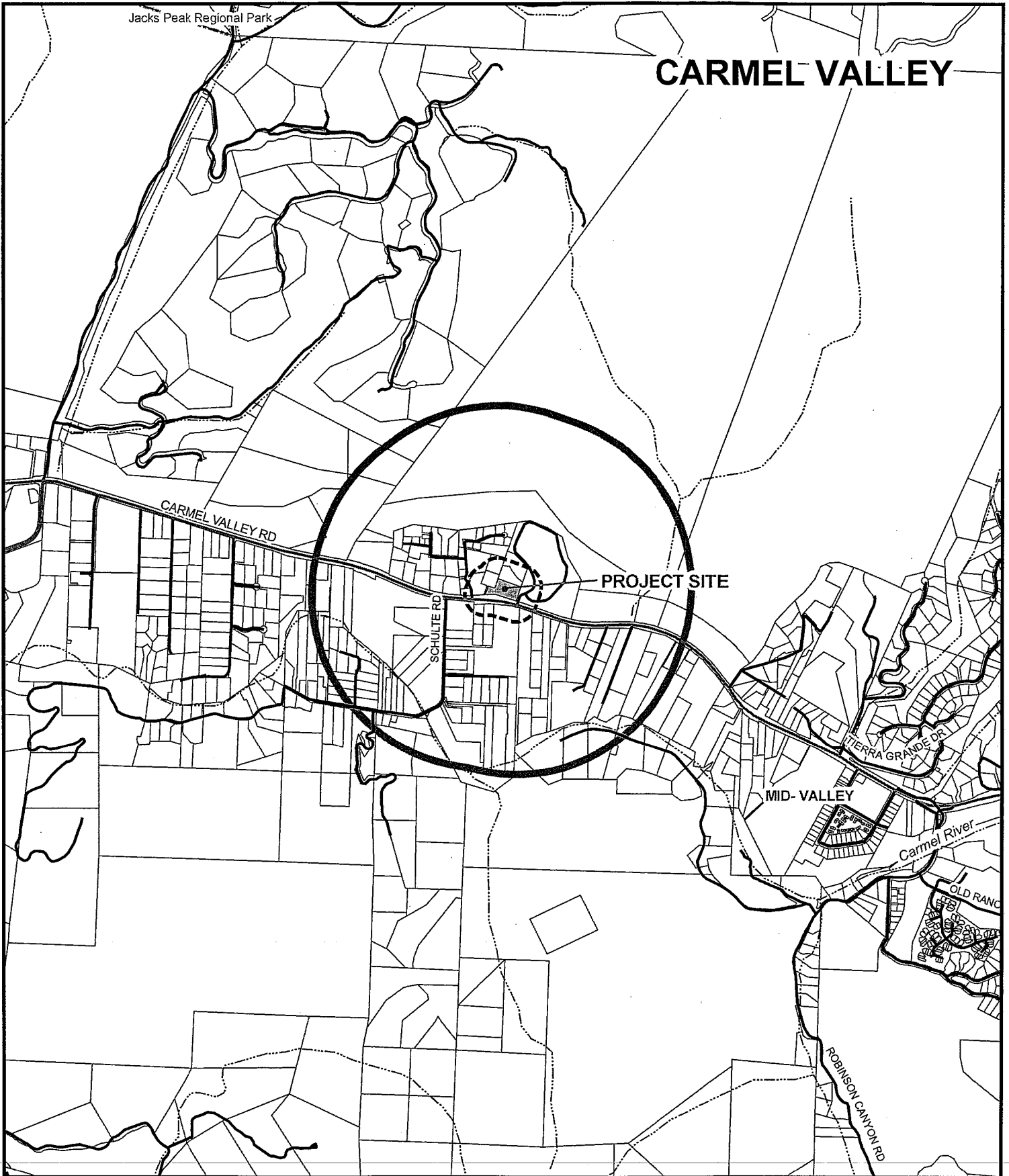
PREPARED BY:
WE WHITSON ENGINEERS
 8555 BLUE LANSING LANE - Suite 105 - Mountain View, CA 92640
 619 619-3228 • Fax: 619 372-2062
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT
 SEPTEMBER 29, 2009 JOB #2420.00

EXHIBIT D

VICINITY MAP

Jacks Peak Regional Park




CARMEL VALLEY

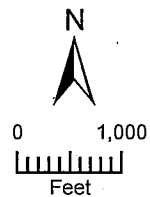


APPLICANT: MID VALLEY FIRE PROTECTION DISTRICT

APN: 169-061-014-000

FILE # GPZ090003

 300' Limit
  2500' Limit
  City Limits



PLANNER: SNIDER

EXHIBIT E

GENERAL DEVELOPMENT
PLAN: PROPOSED PARCEL 1,
(0.35ACRES)

Exhibit E
Carmel Valley Fire Protection District
Mid-Valley Fire Station

General Development Plan: Proposed Parcel 1, (0.35 acres)

Purpose

The purpose of this General Development Plan is to address the unique nature of a proposed .35 acre parcel that is currently developed with a single family residence and two accessory structures. The existing house is a historic structure representative of development in Carmel Valley. The creation of this lot will include retention of the existing house and the continued use of the house as a residence in the foreseeable future. The zoning on the property is being changed to Visitor Serving and Professional Office. This General Development Plan is intended to address the needs of the parcel while used as a residence and also if it is converted to an office use. The GDP will also identify limitations on the use of the property consistent with the property and surrounding area.

Allowed Uses:

This parcel currently has a single family dwelling of historical and architectural significance on site. The continued use of the structure as a single family dwelling is an allowed use. Due to limited space for wastewater disposal on site, there shall be no more than three (3) bedrooms within the structure. No second units, i.e. no caretaker units and no senior units are allowed on this parcel. Retail uses and any type of commercial food preparation activities are prohibited.

Uses allowed—Administrative permit required in each case (Chapter 21.70).

- Accessory structures and accessory uses appurtenant to any permitted use provided there is no intensification of the permitted use; (Accessory Structures may not have water utilities or impede the septic system or septic repair area, see site development standards below)

Uses allowed—Use permit required in each case (Chapter 21.74).

- Professional offices, (non-retail)(ZA);
- School, park, picnic area or playground

Site Constraints:

The “Carmel Valley Wastewater Study” prepared by Montgomery Engineers in 1982 identifies this area as not being appropriate for further intensification in regards to septic discharge. Therefore, any future proposed use of the site would need to show a reduction in water use. Only uses with minimal water consumption will be allowed (standard bathroom fixtures for employees only, no additional fixtures for retail use).

Operation:

Hours of Operation: Monday through Sunday 7:00 a.m. to 8:00 p.m.

Delivery Hours: Monday through Sunday 7:00 a.m. to 8:00 p.m.

Number of Employees:

Maximum: 4 on-site at any given time.

Site Improvements/Site Development Standards:

The Carmel Valley Master Plan requires a 100' Setback along Carmel Valley Road for new structures. The existing garage on the front of the property, the Historic House and the accessory structure at the rear of the property do not comply with this setback. These structures can be maintained in their present condition

Parking:

Per provisions of Title 21.58

Sign Program:

In the event that a Use Permit is approved for the property to allow the conversion of the site to an office use, this GDP must be amended to address the allowable signage on site. Until then no signage is approved.

Historic Structure: The historical report (LIB090003) prepared for this project, identifies that the single family dwelling on proposed Parcel 1 meets the CEQA standards for significance. Parcel 1 shall have a "Historical Resource" Zoning overlay.

Materials and Colors:

All proposed changes to the exterior of the single family dwelling on the site are subject to Design Review and Review by the HRRB.

Landscaping Plan:

Drought tolerant native species shall be used to cover 10% of each landscaped area. All other landscaping shall be established in accordance with the approved landscape plan.

All landscaped area and fences shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

Exterior Lighting:

All exterior lighting shall be unobtrusive, harmonious with the local area and construct or located so that only the intended area is illuminated and off-site glare is full controlled. All exterior lighting shall be consistent with an approved exterior lighting plan. Design paths shall be lit at wattage not to exceed 25 watts for passage and security purposes. There shall be no wattage that exceeds 75 watts.

Trash/Recycling

Trash containers shall be stored within an enclosed area.

EXHIBIT F

NEGATIVE DECLARATION
FILED APRIL 13, 2010

County of Monterey
State of California

**NEGATIVE
DECLARATION**

FILED
APR 13 2010
STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

Project Title: MID VALLEY FIRE PROTECTION DIST
File Number: GPZ090003
Owner: MID VALLEY FIRE PROTECTION DIST
8455 CARMEL VALLEY RD
CARMEL CA 93923-7982

Project Location: 8455 CARMEL VALLEY RD CARMEL
Primary APN:
Project Planner: SNIDER
Permit Type: COMBINED DEVELOPMENT PERMIT,

Project Description: GENERAL PLAN AMENDMENT TO CHANGE GENERAL PLAN LAND USE DESIGNATION FROM "PUBLIC-QUASI-PUBLIC" TO "VISITOR SERVING/PROFESSIONAL OFFICE"; REZONE A 0.35 ACRE PARCEL FROM "PUBLIC-QUASI-PUBLIC" ZONING DISTRICT TO "VISITOR SERVING/PROFESSIONAL OFFICE" DISTRICT. A MINOR SUBDIVISION TENTATIVE MAP TO ALLOW A DIVISION OF A 1.98 ACRE PARCEL INTO TWO PARCELS OF 0.35 ACRES (PARCEL 1) AND 1.63 ACRES (PARCEL 2). PARCEL 1 INCLUDES AN EXISTING SINGLE FAMILY DWELLING, AND PARCEL 2 INCLUDES THE EXISTING MID-VALLEY CARMEL VALLEY FIRE STATION. THE PROPERTY IS LOCATED AT 8455 CARMEL VALLEY ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 169-061-014-000), 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):

- | | |
|----------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Subdivision Committee |
| <input type="checkbox"/> Zoning Administrator | <input type="checkbox"/> Chief of Planning Services |
| <input checked="" type="checkbox"/> Board of Supervisors | <input type="checkbox"/> Other: _____ |

Responsible Agency: County of Monterey
Review Period Begins: 04/13/2010
Review Period Ends: 05/03/2010

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 NEGATIVE DECLARATION MONTEREY COUNTY BOARD OF SUPERVISORS

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 Plan Amendment, Rezone, and Combined Development Permit (Mid-Valley Fire, GPZ090003) at 8455 Carmel Valley Road (APN 169-061-014-000) (see description below). The 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. The Board of Supervisors will consider this proposal at a meeting on May 4th 2010, 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 **April 14th to May 3rd**. Comments can also be made during the public hearing.

Project Description: GENERAL PLAN AMENDMENT TO CHANGE GENERAL PLAN LAND USE DESIGNATION FROM “PUBLIC-QUASI-PUBLIC” TO “VISITOR SERVING/PROFESSIONAL OFFICE”; REZONE A 0.35 ACRE PARCEL FROM “PUBLIC-QUASI-PUBLIC” ZONING DISTRICT TO “VISITOR SERVING/PROFESSIONAL OFFICE” DISTRICT. A MINOR SUBDIVISION TENTATIVE MAP TO ALLOW A DIVISION OF A 1.98 ACRE PARCEL INTO TWO PARCELS OF 0.35 ACRES (PARCEL 1) AND 1.63 ACRES (PARCEL 2). PARCEL 1 INCLUDES AN EXISTING SINGLE FAMILY DWELLING, AND PARCEL 2 INCLUDES THE EXISTING MID-VALLEY CARMEL VALLEY FIRE STATION. THE PROPERTY IS LOCATED AT 8455 CARMEL VALLEY ROAD, CARMEL (ASSESSOR’S PARCEL NUMBER 169-061-014-000), CARMEL VALLEY MASTER PLAN AREA.

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: Planning Department
Contact Person: Eric Snider
Phone Number: 784-5737

_____ 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. County Clerk's Office

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: Mid-Valley Fire

File No.: GPZ090003

Project Location: 8455 Carmel Valley Road

Name of Property Owner: Carmel Valley Fire Protection District

Name of Applicant: Dorothy Portolo & Micheal Urquides

Assessor's Parcel Number(s): 169-061-014-000

Acreage of Property: 1.98 acres

General Plan Designation: Public-Quasi-Public

Zoning District: PQP-D-S

Lead Agency: RMA – Planning Department

Prepared By: Eric Snider

Date Prepared: 4/06/2010

Contact Person: Eric Snider

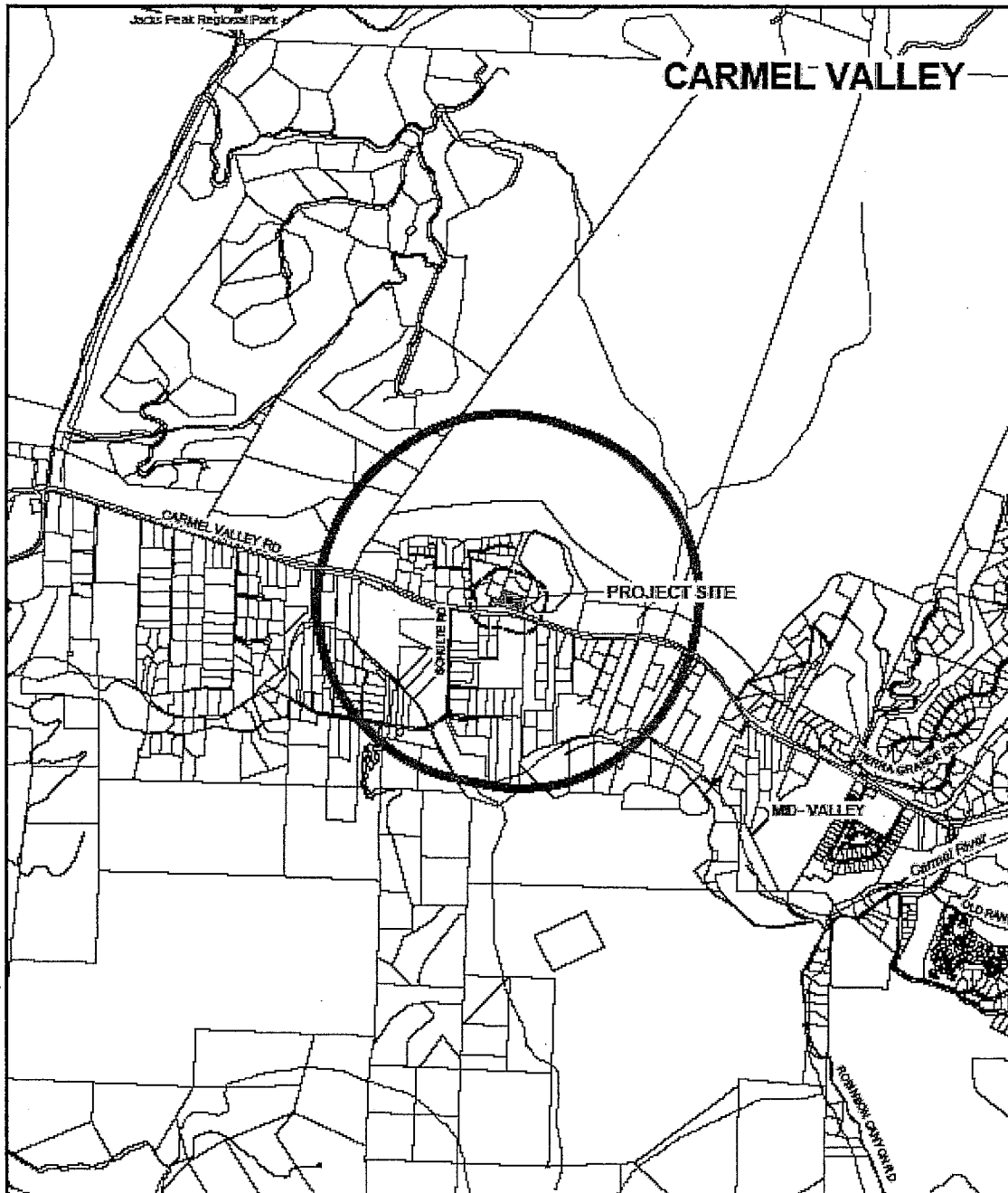
Phone Number: (831) 784-5737







II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

- A. Project Description:** General Plan Amendment to change General Plan Land Use designation from “Public-Quasi-Public” to “Visitor Serving/Professional Office”; rezone a 0.35 acre parcel from “Public-Quasi-Public” zoning district to “Visitor Serving/Professional Office” district. A minor subdivision tentative map to allow a division of a 1.98 acre parcel into two parcels of 0.35 acres (parcel 1) and 1.63 acres (parcel 2). Parcel 1 includes an existing single family dwelling, and parcel 2 includes the existing Mid-Valley Carmel Valley Fire Station. The property is located at 8455 Carmel Valley Road, Carmel (Assessor’s Parcel Number 169-061-014-000), Carmel Valley Master Plan Area.
- B. Project Issues:** The site is designated for Public-Quasi-Public development (PQP-D-S). The uses permitted in this district include schools, parks, regional parks, and uses which serve the public at large. Currently the project site houses the Mid-Valley Fire Protection District which provides fire protection for the area and the use is consistent with the land use and zoning designations. As previously noted, the site also has an existing single family dwelling that pre-dates the construction of the fire station. This house is currently being rented to firefighters employed on-site. This is an acceptable accessory use of the site. The PQP zoning designation does not allow single family dwellings either as a permitted or as a conditionally permitted use within this zone. Detaching the house from the fire station and placing it on a separate parcel would make the dwelling a non-conforming use. The General Plan Amendment and Rezoning are necessary to make the use consistent with the Land Use and Zoning designations on the Property.
- C. Environmental Setting and Surrounding Land Uses:** The project site is approximately 1.98 acres, located at 8455 Carmel Valley Road, Carmel Valley. The location is in the Mid-Valley section of Carmel Valley. The project parcel is approximately 120 feet above sea level. The site supports the Mid-Valley Fire Protection District including the fire station building, 45-stall parking lot, one outbuilding for the use of the fire station, an existing single family dwelling, and two detached buildings used as a garage and a garage/shop. The property is accessed from Carmel Valley Road. The Fire Station and the residence have separate access points onto Carmel Valley Road. The site is zoned Public-Quasi-Public, with Design Control and Site Plan Review Overlays (PQP-D-S).

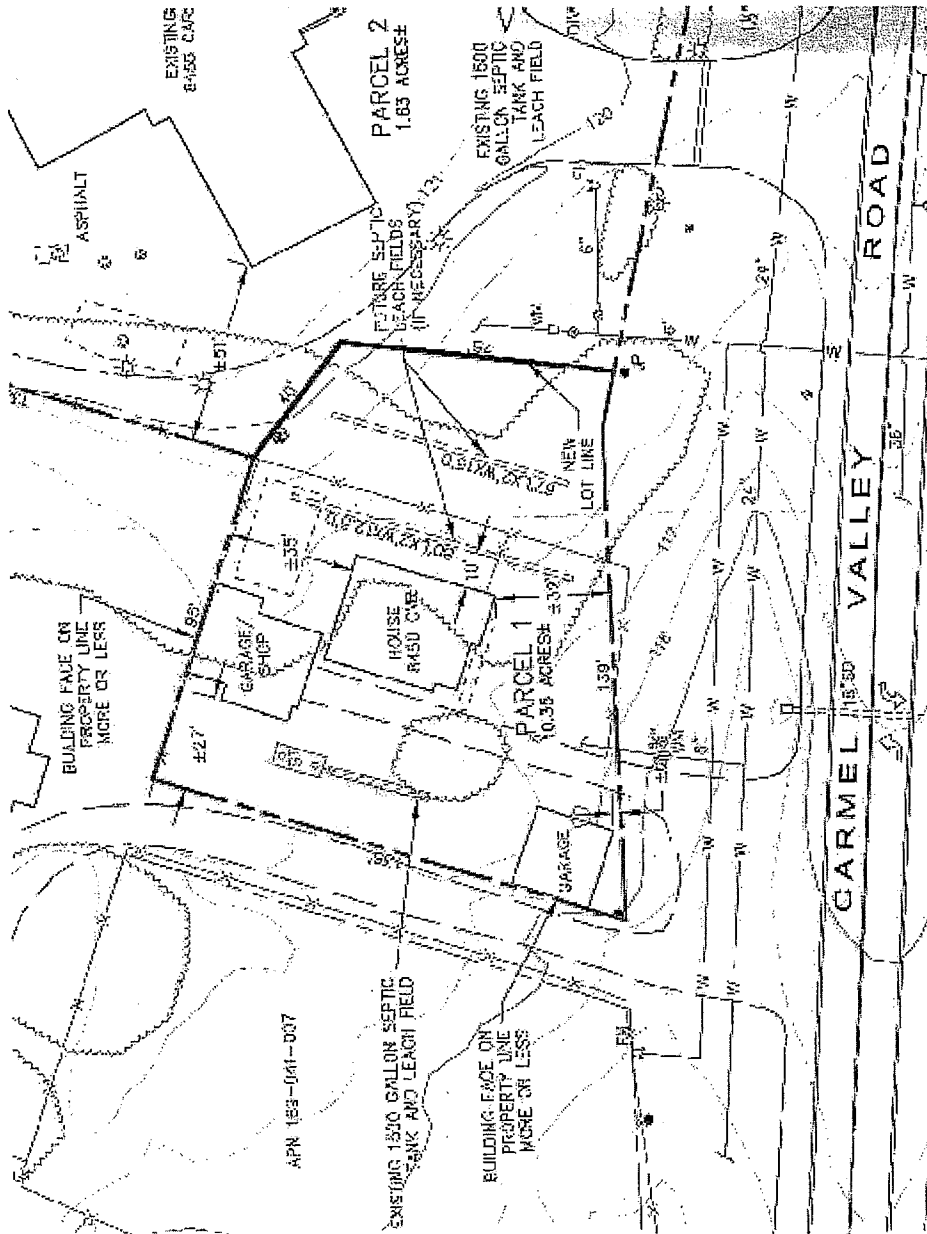
The Land Use surrounding the site is predominantly Low Density Residential with a density of 2.5 acres per unit (LDR 2.5). There is only one other land use in the immediate vicinity and that is Public-Quasi-Public (PQP) zoning to the south (across Carmel Valley Road).

The historic Carmelo School Building is located immediately adjacent to the proposed Parcel 1. This site has an underlying land use and zoning of LDR 2.5 with a Historic Overlay Zoning Designation.



APPLICANT: MID VALLEY FIRE PROTECTION DISTRICT		 0 1,000  Feet	
APN: 169-061-014-000	FILE # GPZ090003		
 300' Limit	 2500' Limit	 City Limits	

PLANNER: SNIDER



A portion of the Proposed Minor Subdivision - Vesting Tentative Map
 8450 Carmel Valley Road September 29, 2009 Whitson Engineers

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	■	Air Quality Mgmt. Plan	■
Specific Plan	□	Airport Land Use Plans	□
Water Quality Control Plan	■	Local Coastal Program-LUP	□

Discussion:

General Plan: The proposed project was reviewed for consistency with the 1982 Monterey County General Plan. Section VI 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 inconsistent with these General Plan policies, as explained below in Section VI..9. **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 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 minor subdivision. The project would not result in an increase in the population and would not be expected to generate any additional traffic. 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 checked="" 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 type="checkbox"/> Transportation/Traffic |
| <input 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: Based upon the planner's project analysis, many of the above topics on the checklist do not apply. Less than significant impacts are identified for land-use/planning, population/housing, and public services. This project would have no quantifiable adverse environmental effect on the categories not checked above, as follows:

1. **Aesthetics:** The project would not affect a scenic vista, damage a scenic resource, degrade the visual character of the site or surroundings, or create a significant new source of substantial light or glare. The project site is already developed and the proposed project would be consistent with the surrounding land

uses. The proposed project consists of no new development and the existing development pattern would not change.

2. Agricultural Resources: The proposed project would not convert prime farmland, conflict with an existing agricultural use, or result in the conversion of existing farmland. The project parcel is not under a Williamson Act contract. There are no agricultural resources in the vicinity. The proposed project will have no impact upon any parcels in the vicinity or related any agricultural uses.

3. Air Quality: The CEQA Air Quality Guidelines for the Monterey Bay Region is prepared by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) and addresses the attainment and maintenance of State and federal ambient air quality standards within the North Central Coast Air Basin. The proposed project involves the subdivision of a 1.98-acre parcel into two parcels two parcels of 1.63 and 0.35-acre parcels; no new construction is proposed. It is anticipated that the project will result in no increases in emissions from construction vehicles and dust generation. Therefore, this project will not conflict with or obstruct implementation of the applicable air quality plan, violate any air quality standards, contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors.

4. Biological Resources: The proposed project involves the subdivision of a 1.98 acre parcel into two parcels of 0.35 acres (parcel 1) and 1.63 acres (parcel 2); no construction is proposed. Therefore, it is anticipated that there will be no impact to special-status plant or wildlife species or sensitive habitats. The project site is not located within the jurisdiction of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to this parcel. The proposed project consists of no new development and would have no impact on any biological resources.

6. Geology and Soils: According to the Monterey County Geographic Information System and resource maps, the property is located in an Undetermined Area near a Seismic Hazard VI Zone (very high). The proposed project consists of the division of one existing parcel into two parcels with existing structures. It is not anticipated that the project will impact these high hazards. The proposed project would not result in significant soil erosion nor be located on unstable or expansive soils. Environmental Health Division staff have reviewed the project and determined that the soils can adequately support the use of the existing septic disposal systems. Areas capable of accommodating septic expansion have identified.

7. Hazards and Hazardous Materials: The project would not involve the use, storage or disposal of hazardous materials. The fire station does have hazardous materials on site. The proposed project will have will have no impact on the materials stored or utilized on site by the fire station.

10. Mineral Resources: The project would not result in the loss of availability of known mineral resources, nor would the proposed project result in impact upon locally-important mineral resources. No mineral resources have been identified or would be affected by this project.

11. Noise: The subdivision of an existing 1.98 acre parcel into two parcels of 0.35 acres (parcel 1) and 1.63 acres (parcel 2) will not expose persons to noise or generate noise levels in excess of those expected for a Visitor Serving/Professional Office zoning district that are required to comply with the County's noise requirements, as provided at Chapter 10.60 of the County Code. The project would not result in any additional or change in current noise levels associated with the fire station which would remain a public-quasi- public zoning district.

12. Population/Housing: The project would neither increase nor decrease the existing housing in the area. The project would not increase nor affect the demand for housing in the area. The project does not include proposed construction nor destruction of any existing housing.

13. Public Services: The Carmel Valley Fire Protection District and Monterey County Parks Department reviewed the project. These public services agencies indicated that no additional demands upon their services would occur. These departments, in their review of the proposed project, identified no significant adverse impacts to public services. The project does not propose the construction of multiple units or a subdivision yielding a large number of lots. Therefore, the project will not create unaccounted additional development potential that would result in the necessity for additional school capacity or increased park services in the area. The project as proposed is intended to benefit the operational potential and level of service provided by the Mid- Valley Fire Protection District. The project would create no additional demand on any other public service.

14. Recreation: The project would not 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. The project does not include recreational facilities, nor require the construction or expansion of the recreational facilities that might have an adverse physical effect on the environment.

15. Transportation and Traffic: The project will have no impact on traffic. The current use of the fire station and the single family dwelling will not be affected by the project and will have no affect on traffic.

16. Utilities/Service Systems: The project would not create an increase in demand of any utilities or service systems. The proposed subdivision of a 1.98 acre parcel into two parcels of 0.35 acres (parcel 1) and 1.63 acres (parcel 2) each with existing structures and no potential for intensification will not result in increased

development potential requiring additional utilities. The project is not expected increase demands for utilities or other service systems.

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	Date
Eric Snider	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:1,6)	<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: 1,6)	<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: 1,6)	<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: 1,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and B (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

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:1,6)	<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:1,6)	<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:1,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1,6,9)	<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: 1,6,9)	<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: 1,6,9)	<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: 1,6,9)	<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: 1,6,9)	<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: 1,6,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1,4,6,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1,4,6,8)	<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: 1,4,6,8)	<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: 1,4,6,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

A Phase I & II Historical Assessment (LIB090482) prepared by Elizabeth Moore, Pacific Grove, CA, November 2, 2009. The historical report (LIB090482) prepared identifies the single family dwelling on the project site meets the CEQA standards for significance. The Phase I and II Historic report prepared for the site finds that *“the existing house meets the criteria for historic significance per the CEQA standards for significance. The property retains its original integrity as a good example of an early 20th century rural vernacular cottage. It is a familiar feature on the Carmel Valley streetscape. It yields information significant to the understanding of the area’s history.”*

5a). The historian finds that the proposed project will better preserve the house than leaving it as part of the fire station property. The historical nature of the house could be modified over time with the proposed zoning regulations. It should be noted, the historic Carmelo School Building is located immediately adjacent to the proposed Parcel 1. This site has a historic district overlay. It would be beneficial to apply this historic district over lay to the proposed residence as a means of provided an additional level of review to preserve the historic character of the site. Since the project is not likely to result in any change to the existing structures the impact is considered less than significant.

5b,c,d) No Impact, the site is not known to support archeological or paleontological resources, nor is it the site of a historical burial site. Therefore, there is no potential impact.

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1,6,9) 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: 1,6,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction? (Source: 1,6,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides? (Source: 1,6,9)	<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: 1,6,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1,6,9)	<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: 1,6,9)	<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: 1,6,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

7. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1,6,7)	<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: 1,6,7)	<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: 1,6,7)	<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: 1,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1,6,7)	<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: 1,6,7)	<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: 1,6,7)	<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: 1,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

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: 1,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1,4,6,7)	<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: 1,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1,4,6,7)	<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: 1,4,6,7)	<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: 1,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1,4,6,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

8a) Less than significant- The subject site is currently provided wastewater treatment through two separate septic systems, one for the fire station and one for the residence. The Monterey County Division of Environmental Health identified a number of concerns with the subdivision of this property. The Monterey County Division of Environmental Health expressed the following concerns associated with the project:

1. Monterey County Code section 15.20.060 requires that a lot served by a public water system, and uses a septic system for sewer be at least one acre in area. Parcel 1 does not comply with this requirement.
2. The "Carmel Valley Wastewater Study" prepared by Montgomery Engineers in 1982 identifies this area as not being appropriate for further subdivision. In this study, this area is limited to septic discharge of 150 gallons per day per acre. The whole 1.98 acre parcel would be allowed 297 gallons per day. There is no flow meter on the existing septic systems, but it is likely that the fire station alone generates more sewer discharge than this. The house and fire station exist, but are currently out of compliance from a wastewater perspective. Technically Parcel 1, as proposed, could only support 55 gallons a day of septic discharge. This is not nearly enough to support a single family residence however, this could support a small professional office.

While it is clear that the project is out of compliance with Monterey County Code and the Carmel Valley Wastewater Study, the Environmental Health Department does not deem this existing condition to be adverse to either public health or the environment. Therefore, the impact is less than significant.

8b-j) 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 proposed project would not result in water quality impacts. **No impact**

9. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source:1,2,3,4,6,7,8,9)	<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:1,2,3,4,6,7,8,9)	<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:1,2,3,4,6,7,8,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

- 9a) The project would not physically divide an established community. No Impact.
- 9b) The surrounding Land Use is predominantly LDR 2.5 and PQP. Converting the smaller parcel to a residential land use consistent with the LDR 2.5 in the vicinity would make it non-conforming with respect to land use density and minimum lot size requirements in the Zoning Ordinance. The lot size and proposed VO designation would not adversely affect the development pattern of the area or substantially detract from the surrounding development. The use of the property is not proposed to change and could remain a legal non-conforming use as a single family dwelling. The VO designation would be consistent with the surrounding PQP zoning of adjacent parcels and parcels in the immediate vicinity. The purposes of the VO and PQP are similar in that the primary objective of each is to serve the public. Therefore, rezoning the parcel VO would not impact the overall land use of the vicinity and would be consistent with the Zoning Ordinance. This impact is considered less than significant.
- 9c) The project would not conflict with any applicable habitat conservation plan or natural community conservation plan. 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: 1,6,9)	<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: 1,6,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

11. NOISE	Potentially Significant Impact	Less Than Significant 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: 1,2,3,4,6)	<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: 1,2,3,4,6)	<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: 1,2,3,4,6)	<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: 1,2,3,4,6)	<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: 1,2,3,4,6)	<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: 1,2,3,4,6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

12. POPULATION AND HOUSING		Potentially Significant Impact	Less Than Significant 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: 1,6,9)	<input type="checkbox"/>	<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: 1,6,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1,6,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

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: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

14. RECREATION	Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1,7)	<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: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

15. TRANSPORTATION/TRAFFIC	Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1,7)	<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: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access? (Source: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
f) Result in inadequate parking capacity? (Source: 1,7)	<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: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

16. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1,7)	<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: 1,7)	<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: 1,7)	<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: 1,7)	<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: 1,7)	<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: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

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. Based upon the analysis throughout this Initial Study, the proposed project, as designed, and conditioned would 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 important examples of the major periods of California history or prehistory. See previous Sections II. A (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9).

(b) No Impact. The project would involve a parcel that could not be further subdivided and that is planned for Visitor Serving/Professional Office uses in the Monterey County General Plan and Carmel Valley Master Plan. The incremental air quality, transportation/traffic, public services, and utilities impacts of the project, when considered in combination with the effects of past projects, current projects, and probable future projects in the planning area, would result in less than significant impacts (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9).

(c) No Impact. Conditions of approval would ensure consistency with relevant General Plan health and safety policies. All potential impact areas are deemed less than significant with County imposed conditions of approval. (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9)

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/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 GPZ090003 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application, Plans, and Materials in File No. GPZ090003
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 October 5, 2009.
7. Interdepartmental Review Comments, dated May 22, 2006 to November 9, 2006.
8. "Phase I & II Historical Assessment: Residence at Mid Valley Fire Protection District" (LIB090003) prepared by Elizabeth Moore, Pacific Grove, CA, November 2, 2009).
9. County Graphic Information System database.

EXHIBIT G

HISTORICAL REPORT

E L I Z A B E T H M O O R E A R C H I T E C T

5 0 8 C R O C K E R A V E P A C I F I C G R O V E C A 9 3 9 5 0
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PHASE I and II HISTORIC ASSESSMENT

NAME AND ADDRESS OF THE PROPERTY

RESIDENCE AT MID VALLEY FIRE PROTECTION DISTRICT - BUILT IN 1932
8450 Carmel Valley Road
Carmel, CA 93923

APPLICANT

Dorothy Priolo – Salinas Rural Fire District
19900 Portola Dr
Salinas, CA 93908

November 2, 2009

PHASE I HISTORIC ASSESSMENT

RESIDENCE AT MID VALLEY FIRE PROTECTION DISTRICT - BUILT IN 1932
8450 Carmel Valley Road, Carmel Valley CA 93923

INTRODUCTION

The following Phase I Historic Assessment for the residential property located at 4850 Carmel Valley Road, APN 169-061-014-000, in Carmel Valley, Monterey County has been prepared as required by the County of Monterey and the California Environmental Quality Act (CEQA).

The need for a phase I historic assessment for this property has been triggered by the proposal of a minor subdivision to separate the lot upon which the residence sits, from the Mid Valley Fire Station. The current minimum lot size in this zoning area is 1 acre and the proposed subdivision would result in a separate lot of approximately one half acre for this residence and its auxiliary structures.

HISTORICAL BACKGROUND

Monterey County records show the subject property as a portion of the James Meadows Tract subdivision, which was created in 1905 to disperse the property of James Meadows among his descendants after his death. The parcel described as a portion of lots 13A and 13B, a portion of which include the subject property, were deeded to Ysabel Meadows. Each of the five Meadows listed on the subdivision map were named both on modest sized parcels along the Carmel River, and accessed by Carmel Valley Road, as well as a large parcel for each known as "Mountainous Grazing Land" on the north side of Carmel Valley.

At the time the Meadows Tract was recorded, a portion of the Carmel Valley road had been moved from its previous (and current) location to an alignment several hundred yards to the north, and to the rear of our subject property and the school to its north. Because the house and garage on the subject property face Carmel Valley Road, the road alignment had been restored to the original alignment prior to the construction on this site.

In the current parcel configuration the subject property shares "Parcel B" with the Mid Valley Fire District Station. The residence occupies a discreet rectangular area which protrudes to the south west corner of the main larger rectangular portion of the parcel.

At the time of construction of the residence, shed and garage in 1932 the property was owned by Noel Sullivan. On April 13, 1948 the property was transferred to Lloyd G Weer and Ramona Weer, joint tenants. The property was transferred in May 1961 to Carmel Valley Manor. In December 18, 1970 ownership was transferred to Northern California Congregational Retirement Homes, Inc., who currently retains ownership of

the adjacent property. Ownership of the subject property was transferred from them, on August 23, 1974, to the current owner County of Monterey on Behalf of Service Area Number 59 (though apparently the possession of the subject house was retained till July 1, 1975). The Carmel Mid Valley Fire District Station is situated on the property adjacent to the 1932 residence.

DESCRIPTION OF THE HISTORIC RESOURCE

The subject property is located in Monterey County in the unincorporated area of Carmel Valley in the James Meadows Tract. The house is part of an area of eclectic building types made up of one and 2 story buildings of many of ages, sizes, styles, materials and uses. The area includes an extremely varied mix of uses including single family residential, schools, churches, a fire station, farmland and a high density retirement community with medical facilities.

The house was built as 767 square foot single family dwelling, a single story, wood frame house with a wood floor, a low pitch shingled hip roof and horizontal shiplap wood siding on the exterior. There were 2 bedrooms, a kitchen, living/dining room, 1 bath and a fireplace. The fireplace and chimney are hand made of Carmel River rock and rubble.

The subject house is a vernacular rural cottage of a form typical in Monterey County in the early 20th century. It is made up of simple forms and details. The floor plan is primarily a square with modest protruding section. One of the most notable features is the sheltering hipped roof that slopes modestly to a small overhang with a thin roof edge profile and delicate exposed rafter tails. The roof form would have kept the interior cool in warm weather and warm in colder weather. The building exterior is of horizontal shiplap wood siding, painted red with white trim. There is a covered front porch that has a different pitch than the house roof and appears to have been modified though the years. The windows are the original sash, mostly single or paired casements with out divided lights. The doors are paneled wood doors. The trim also appears to mostly be original. The integrity of the original design of this building remains as it has been changed little since it was built. This house sits on a lot that faces Carmel Valley Road. A board fence and the shed roof garage face the road. The view of the house from Carmel Valley Road is obscured to some extent by the fence.

In addition to the house, a 282 square foot shed was constructed matching the forms and materials of the house. Additions have been made to the shed not consistent with the original form or materials. It is in poor condition.

A 324 square foot detached garage was built at or near the same time as the house. It is constructed of the same materials as the house and shed, and similar forms with the exception of a gable rather than a hip roof. The garage fronts on Carmel Valley Road where it is a familiar feature in part due to the large American flag painted on its double swinging doors. The garage is the most visible feature on the property.

EVALUATION FOR HISTORIC SIGNIFICANCE

The California Environmental Quality Act (CEQA), PRC Sec. 21084.1 requires all properties fifty years of age or older to be reviewed for potential historic significance. Criteria for significance in PRC Sec. 5024.1(a) asks;

1. Did any event of importance to the region, state or nation occur on the property?

There is no record indicating that this house was the site of any significant historic event.

2. Did anyone of great importance to the region, state or nation occupy the property during the productive period of their lives?

No record could be found that strongly identified this property with a person who, or an organization which, significantly contributed to the culture, history or development of Carmel, Monterey County, California or the nation.

3. Does the building represent an important architectural type, period or method of construction, or is it a good example of a noted architect or master-builder?

The property at 8450 Carmel Valley Road represents a style of architecture typical of the early 20th century. It possess distinguishing characteristics of a rural vernacular architectural type and specimen, though It does not embody elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation, nor is it an example of unique or innovative technology or method of construction. This house does not appear to be an example of the work of a noted architect or master-builder.

This house contributes to the architectural aesthetics of the street. It is one of the few old buildings remaining. Though the visibility of the house is lessened by the board fence between it and the street, the garage is visible and prominent. Little of the original neighborhood continuity remains as It has grown very eclectic with buildings that differ in use, size, style, age, mass, detail, materials as well as quality and type construction.

4. Is the property likely to yield information significant to the understanding of the area's history?

While the subject property is no longer in an area possessing a concentration of historic properties, it is a visual reminder of the rural and agrarian roots of the Carmel Valley. It demonstrates significant character, interest, and value as part of the development, heritage and cultural characteristics of Carmel Valley and Monterey County.

The Subject Property is not listed in any of the following inventories of historic significance:

- The California Office of Historic Preservation-maintained "Historic Property Data File for Monterey County" (updated to May of 2008),
- The Carmel Valley Historical Society
- The California Register of Historic Places,
- The National Register of Historic Places,

SUMMARY

Based on the above analysis, the subject property meets the criteria for historic significance per the CEQA standards for significance. The property retains its original integrity as a good example of an early 20th century rural vernacular cottage. It is a familiar feature on the Carmel Valley streetscape. It yields information significant to the understanding of the area's history.

PHASE II HISTORIC ASSESSMENT

INTRODUCTION

The proposed project involves a minor subdivision of the property to create a lot separate from the fire station for the single family residential use. The dwelling and fire station currently shares the lot and parcel number.

PROJECT EVALUATION

As requested by the Salinas Rural Fire District, under contract with the Carmel Mid Valley Fire District, a Vesting Tentative Map for the proposed Minor Subdivision has been prepared by Whitson Engineers, dated September 29, 2009.

The proposal is to divide the existing 1.98 acre parcel, AP number 169-061-014-000, in the Carmel Valley Master Plan Area, into two parcels: Parcel 1, a 0.35 acre parcel for the existing single family dwelling, and Parcel 2, a 1.63 acre parcel includes the existing Mid Valley Carmel Valley Fire Station.

The proposed project does not include any construction. There is no change to access.

The implications of the subdivision for the proposed 0.35 acre parcel are as follows:

1. It triggers an amendment to the General Plan, changing the land use designation from "Public-Quasi Public" to "Low Density Residential"

This is actually beneficial to the historic buildings as it offers them more protection than they currently have from encroachment of future construction by reducing the allowable density of construction.

2. It requires the rezoning from "Public-Quasi Public" zoning district to a "Low Density Residential" district.

Again, this offers greater protection to the historic buildings from future development as it allows less density of development than the current zoning.

3. It requires a variance to allow a reduction of the minimum lot size from 1.0 acre to 0.35 acres in the "Low Density Residential" district.

A smaller lot is likely to discourage larger massing of development on the site in the future. The existing modest sized structures are well suited to a small lot provided that development on adjacent lots does not impact them.

4. The lot line proposed between the fire station and the single family uses allow more space for the single family lot than it has had with the current fencing configuration.

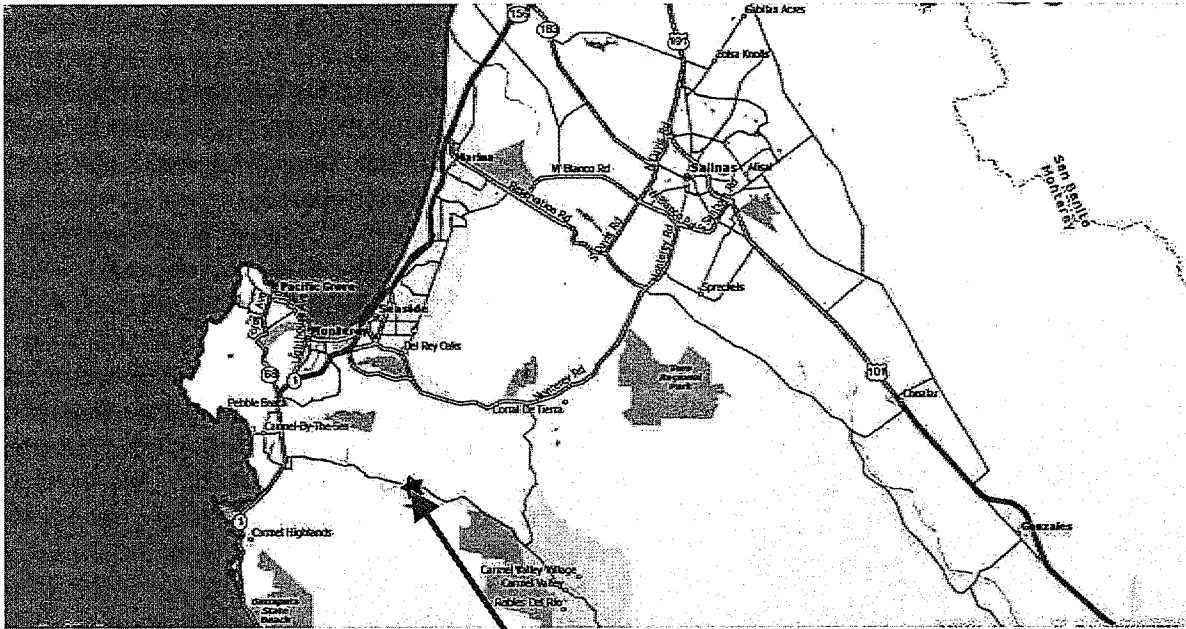
Care has been taken to provide more than the minimum space for future building expansion, septic leach fields if they should become necessary, and buffer around the existing residence.

SUMMARY

The proposed minor subdivision creates no foreseeable negative impact on the historic buildings on the subject property located at 8450 Carmel Valley Road. The smaller lot may in fact encourage protection of the existing modest buildings and their rural character, because, due to the proposed lot size, it is unlikely to be purchased by anyone planning a grandiose project.

Respectfully Submitted

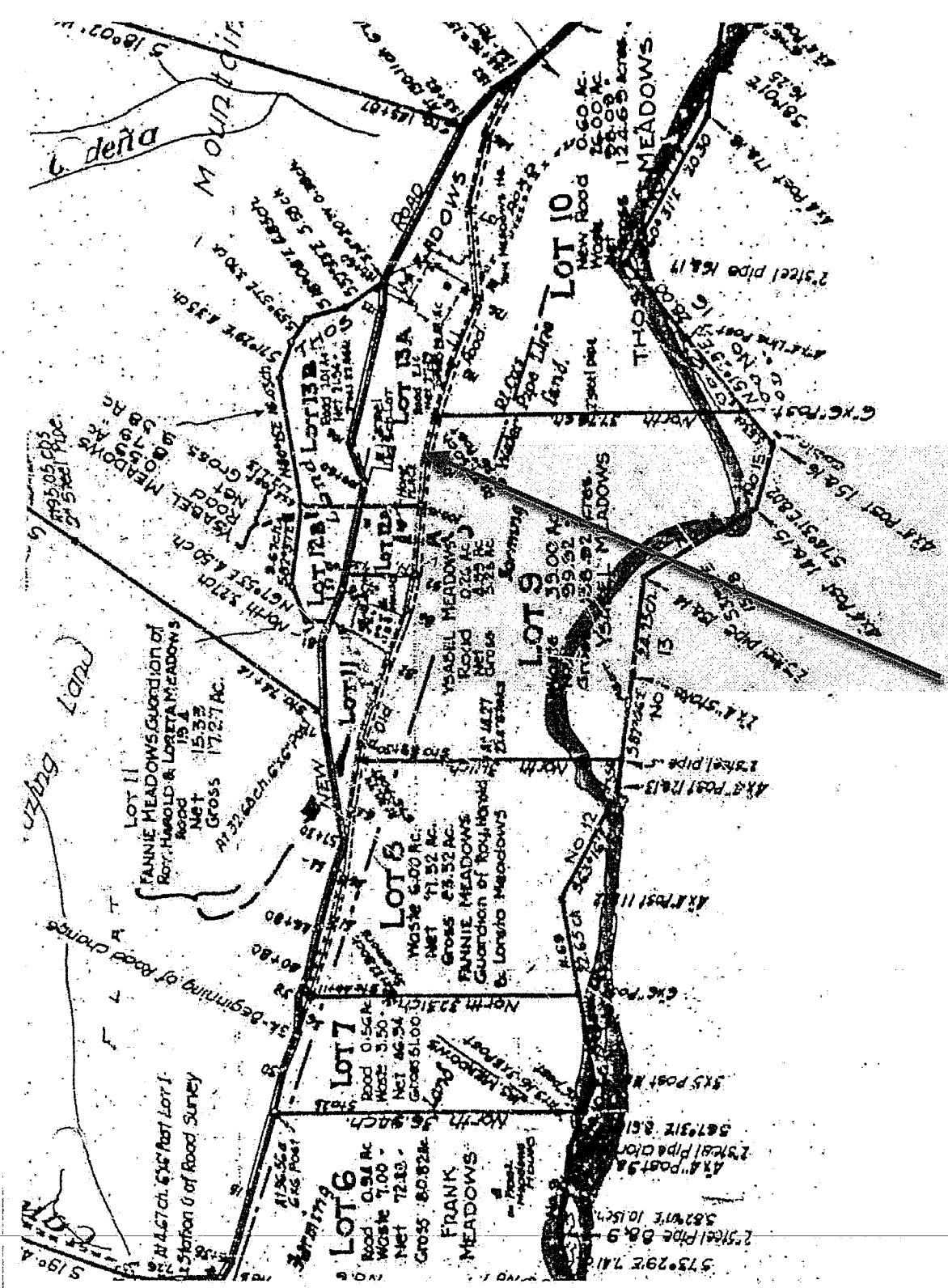
Elizabeth Moore



Location Map - Monterey Peninsula

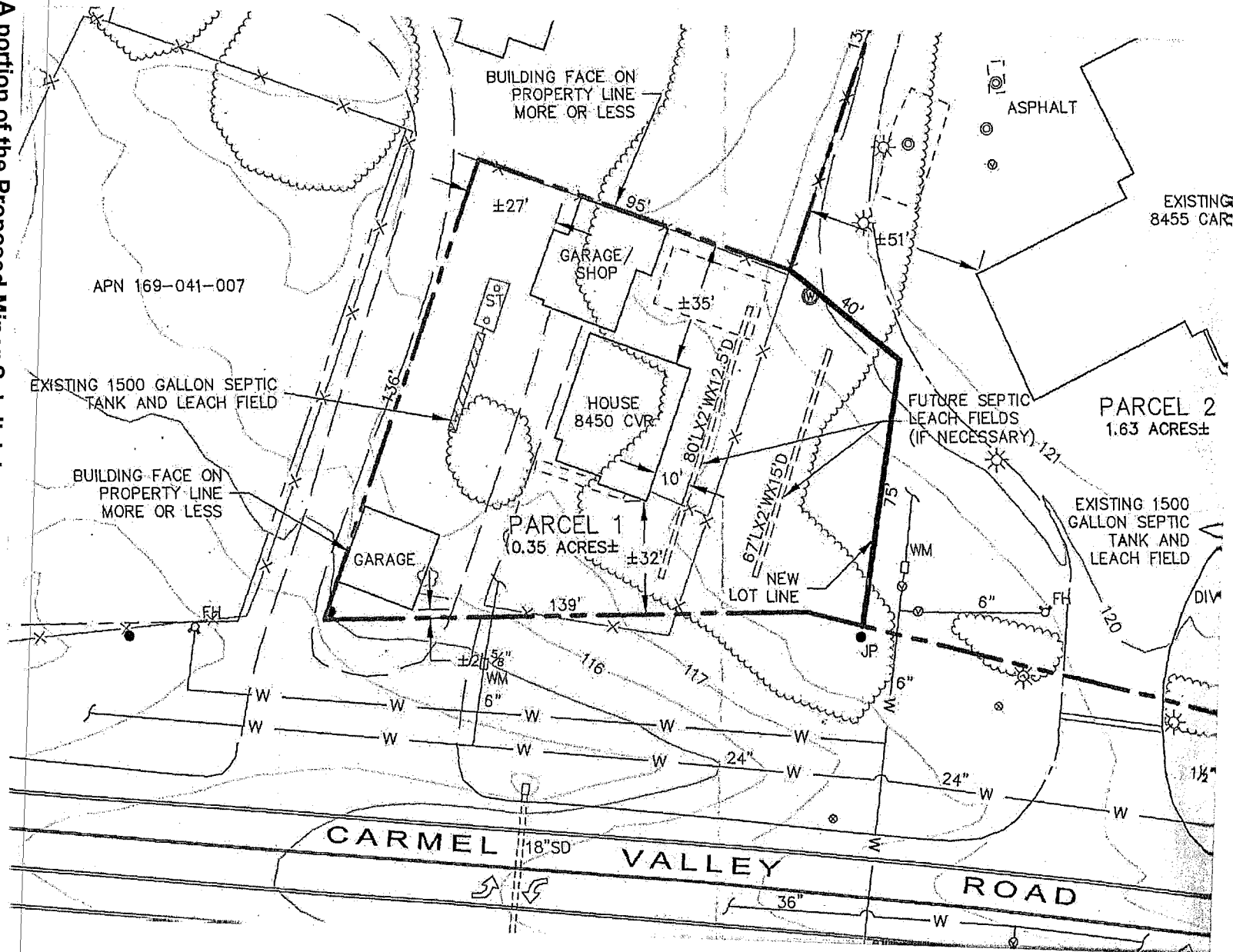


Location Map – Carmel Valley



1905 James Meadows Tract Partition Map

A portion of the Proposed Minor Subdivision - Vesting Tentative Map
 8450 Carmel Valley Road
 September 29, 2009
 Whitsion Engineers

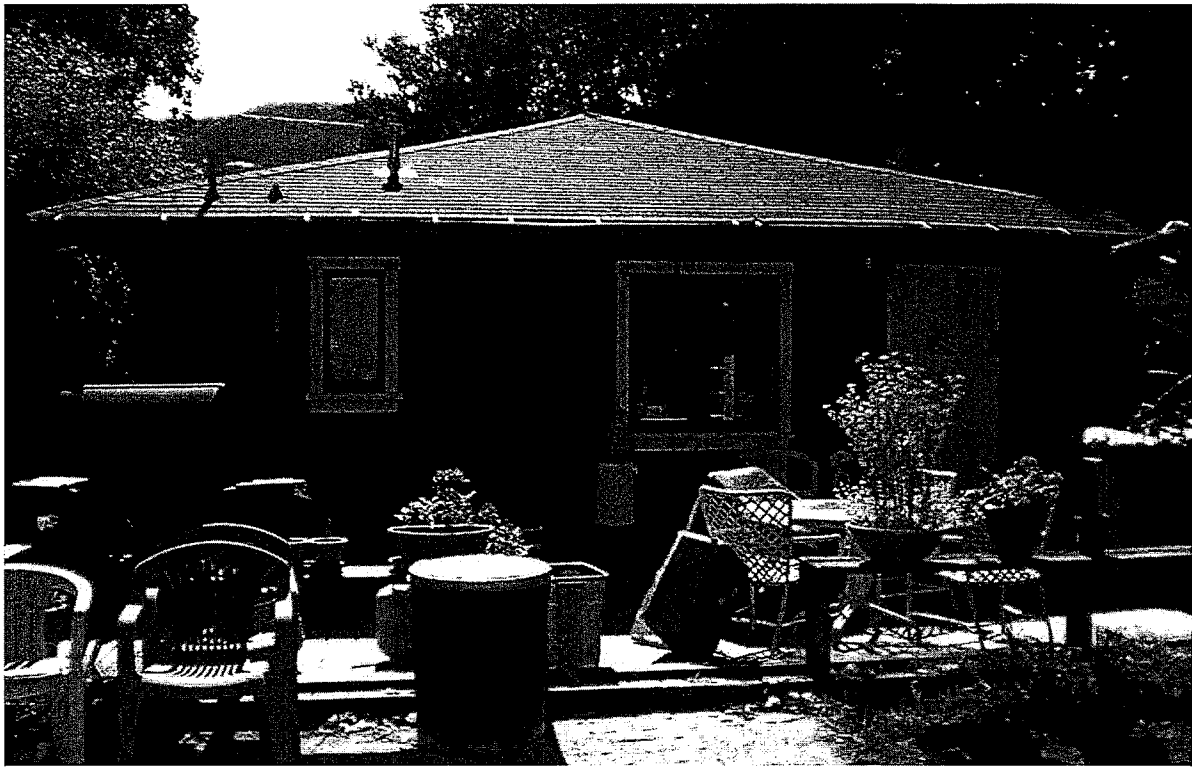




House - South Elevation



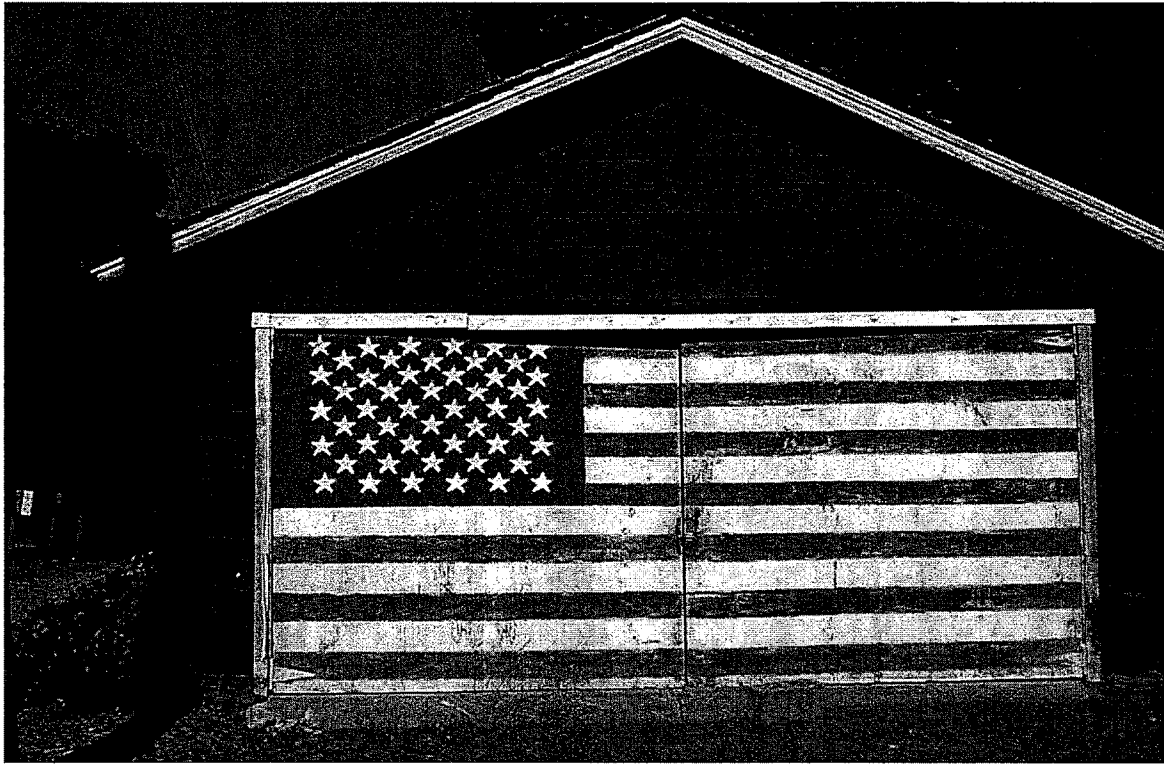
House - East Elevation



House - North Elevation



House - West Elevation



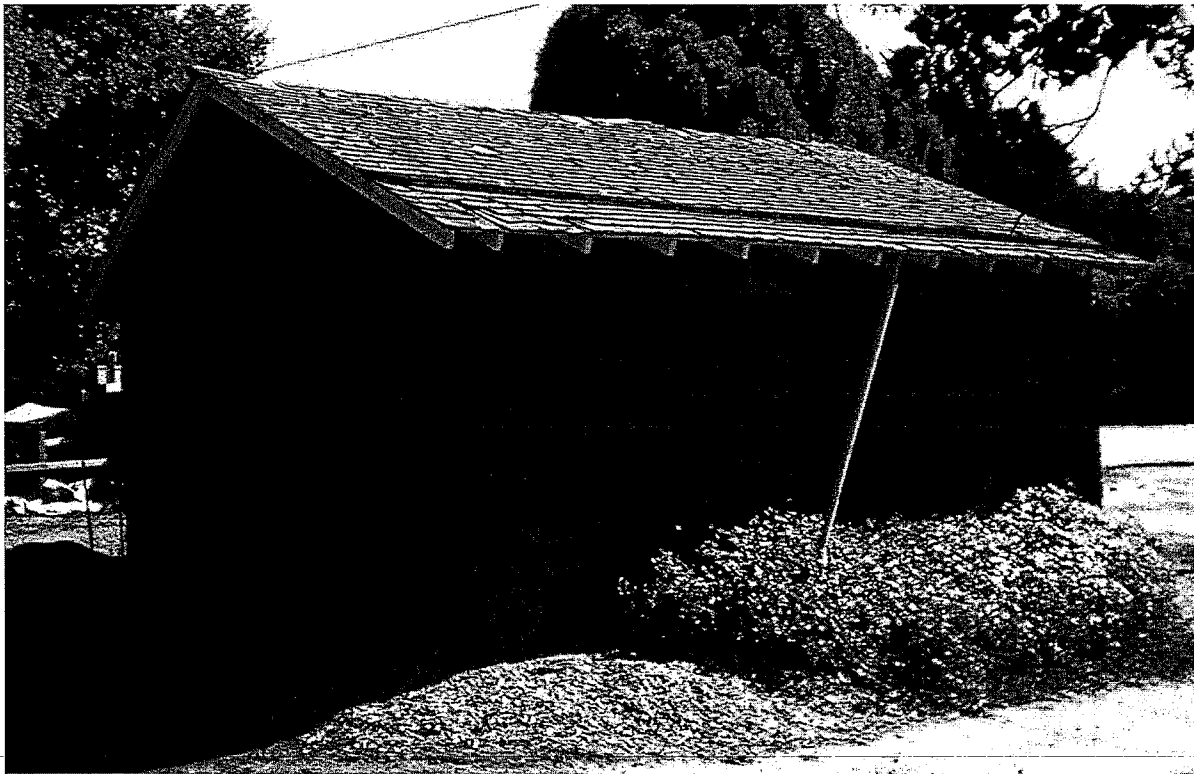
Garage - South Elevation



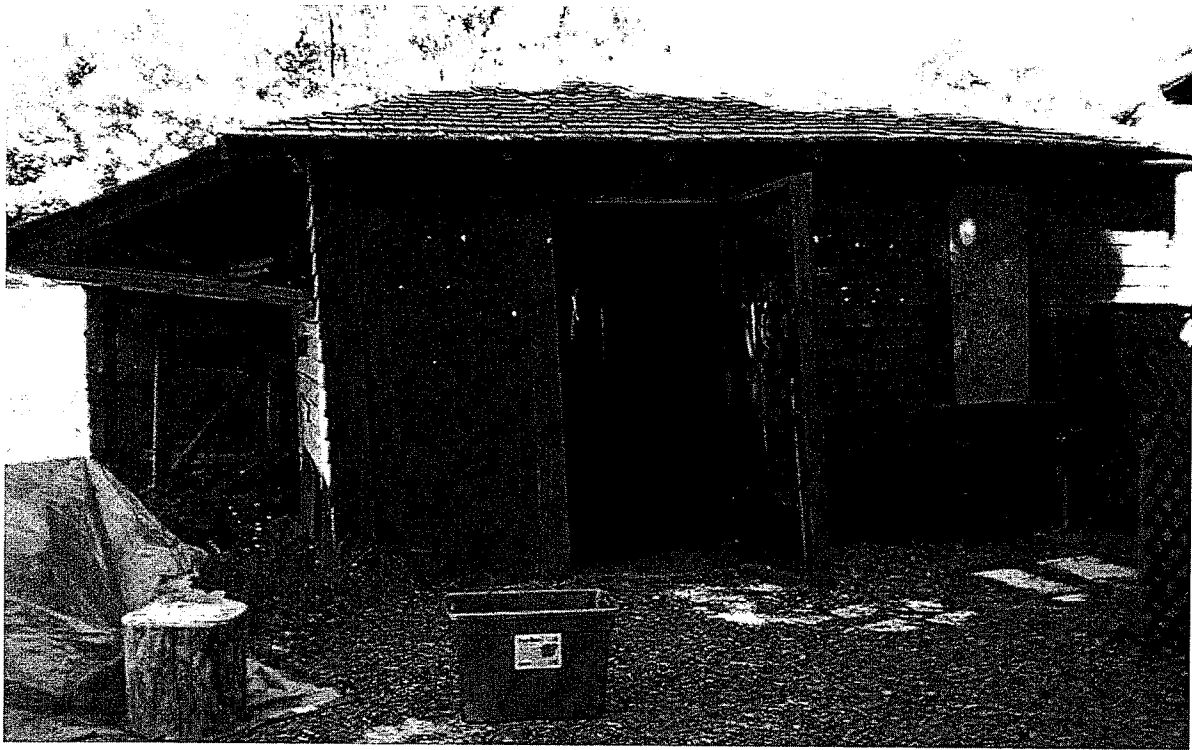
Garage - East Elevation



Garage - North Elevation



Garage - West Elevation



Shed - South Elevation



Shed - East Elevation



Shed - North Elevation



Shed - East Elevation

Old Carmel School on parcel dedicated
in 1905 James Meadows Tract Map

Subject Property at
8450 CV Road

Low Density Residential



Church

Fire Station

Modern School

Elder Care

Neighboring Development

EXHIBIT H

LETTER FROM:
LAW OFFICES OF
MICHAEL W. STAMP DATED
MAY 3, 2010

LAW OFFICES OF
MICHAEL W. STAMP

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Monterey, California 93940

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(831) 373-1214

May 3, 2010

Via Facsimile and Email

Eric Snider, Planner
Mike Novo, Planning Director
Monterey County Planning Department
168 West Alisal
Salinas, CA 93901

Subject: GPZ090003, 8455 Carmel Valley Road, Mid Carmel Valley;
general plan amendment, rezoning, and subdivision; initial studies

Dear Mr. Snider and Mr. Novo:

This Office represents Patricia Bernardi. Under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), our client has significant concerns about the environmental documentation prepared by the County for this project.

The County has prepared two initial studies for this project: (1) for a general plan amendment to LDR designation, filed November 17, 2009; and (2) for a general plan amendment to VO designation, filed April 13, 2010. The initial studies are inaccurate, and the proposed negative declarations are inappropriate. (See CEQA Guidelines §§ 15060, 15071.) They also are inconsistent with statements and findings made by the County staff, the County Land Use Advisory Committee, and the County Planning Commission in its unanimous denial. As the January 2010 County staff report states,

Analysis of this project reveals that significant land use issues exist with this proposal. The Planning Commission adopted staff's recommendation for denial of this project for the following reasons:

- The project is inconsistent with the General Plan, Carmel Valley Master Plan and the Zoning Ordinance,
- The project objectives are not consistent with either the PQP or LDR, land use or zoning.
- Parcel 1 would be in violation of Environmental Health regulations relating to minimum lot size requirements and maximum septic flow requirements.
- The lot design is not consistent with the Lot Design Standards of Section 19.10.030 of the Monterey County Code. (Subdivision Ordinance)

- The site is not suitable for the proposed project including the type and density of the development.
- The LDR Zoning District requires all lots to be a minimum of one acre. Parcel 1 is proposed at .35 acres which does not conform to the minimum lot size requirements of the zone.

A negative declaration is appropriate only where the project has no potential to cause significant adverse impacts. Here, the County's initial studies fail to identify the adverse impacts identified about or the severely nonconforming nature of the proposed project. The initial studies also fail to address the proposed project's inconsistencies with the General Plan, master plan, and zoning ordinance.

In the category of "Project Consistency with Other Applicable Local and State Plans" (p. 5), the initial studies fail to mention the Carmel Valley Master Plan or the applicable Plan policies to this project. This is a fatal flaw of the County's environmental review. We incorporate the Carmel Valley Master Plan, as amended, into our comments, and into the record of proceedings. We believe you have a copy of the Plan in your County files. If you do not have a copy and would like us to provide one to you, please let us know and we will provide one.

As one example, the initial studies fail to state that the Carmel Valley Master Plan requires a 100 foot setback from Carmel Valley Road.

40.2.1.1 (CV) An appropriate setback at a minimum of 100 feet shall be established along Carmel Valley Road without causing existing structures to become nonconforming and without rendering existing lots of record unbuildable.

The project is inconsistent with that policy, as County records show.

As another example, the initial studies fail to state the Carmel Valley Master Plan policy on wastewater.

54.1.5 (CV) Development shall be limited to that which can be safely accommodated by on-site sewage disposal, or in the case of the Lower Valley, by the Carmel Sanitary District. Consideration may be given to package plants operated under supervision of a county service district.

The project is inconsistent with that policy, as County records show.

As another example, the initial study fails to state the Carmel Valley Master Plan policy on historic resources.

12.1.10.1 (CV) . . . Development rights for known sites of archaeological, historic or ethnographic nature shall be acquired by the County of Monterey as follows:

Historic sites shall be required to be rezoned to the HR District as a condition of permit approval for any development impacting such sites. Any Use Permit required by the HR zone shall require preservation of the integrity of historic sites and/or structures. Appropriate mitigation measures shall be implemented as conditions of the permit.

The project is inconsistent with that policy. The proposed permit approval triggers the application of this policy. The definition of "development" includes "the subdivision of land" according to County Code section 21.06.310. There is no condition that requires rezoning to the HR District as a condition of permit approval. There is no condition requiring preservation of the historic structures. There is no mitigation that addresses the project's inconsistency with this Master Plan policy. Further, the initial studies fail to analyze the project under Public Resources Code section 21084.1.

The initial studies fail to discuss the subdivision cap placed on subdivisions by the Carmel Valley Master Plan. As the Master Plan states, "Both standard and minor residential subdivisions shall be subject to the allocation system." (Master Plan, p. 45.) The required scoring system (*id.*, p. 46) was not used. Perhaps this is because if the scoring system were used it would show clearly the incompatibility of the proposed project with the Master Plan?

If a General Development Plan is proposed for a new VO use, then it must be a condition of approval, and a mitigation. However, the initial study for VO designation does not propose it as a mitigation. If the Plan is intended to mitigate significant effects of the project, the initial study must disclose the impacts and discuss possible mitigation measures.

As to visitor serving/professional office designation, "The purpose of this [VO District] Chapter is to provide a district to establish areas necessary to service the needs of visitors and professional Services to Monterey County." (County Code, § 21.22.010.) Under County Code section 21.22.060, VO uses include:

- A. Hotels, motels, hostels, inns (ZA);
- B. Restaurants (ZA);
- C. Service stations (ZA);

- D. Recreational vehicle parks (ZA); . . .
- F. Professional offices (ZA); . . .
- H. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);

None of these uses are allowed in the PQP zone, the current designation of the site. All of them would be permissible in the proposed VO zone. The initial study fails to identify these impacts of the changed designation. The initial study also fails to discuss the impacts of allowing these kind of permissible uses at this project location. The project location is important because it is (1) adjacent to a fire station, (2) adjacent to a low density residential zone, (3) adjacent to a historic property, (4) adjacent to a senior citizens' housing complex, and (5) adjacent to Carmel Valley Road, the primary thoroughfare in Carmel Valley, that is two lanes at the project site, with a center turning lane. These new potential uses would have traffic impacts, parking impacts, commercial signage impacts, water impacts, and wastewater impacts, among others. None of these impacts would be possible if the general plan designation and zoning were unchanged.

The historic report concludes that "care has been taken" to address septic leach field, future building expansion, and buffer zone. There is no evidence to support the conclusion that "care has been taken" to address those adverse impacts. The County records are inconsistent with those conclusions. The County has failed to propose or circulate mitigations or conditions with regard to septic leach field, future building expansion, and buffer zone. The County cannot rely upon any such claimed "care" with regard to those adverse impacts. It is foreseeable that the existing residence on the project site would be proposed for demolition or expansion. The initial studies and proposed negative declarations are inadequate for that reason, as well. Future demolition or expansion, both of which are foreseeable under the proposed changed zoning, could have adverse impacts on septic issues, setbacks, historic resources, and other environmental concerns. Because the existing residence is a nonconforming land use under the current land use designation, it could not be expanded.

As to the historic aspects of the property, the County's second initial study incorrectly cites the historic report's conclusions as to the project impacts. The initial study claims that the report concludes that the project would have beneficial impacts. That is incorrect. That report conclusion was for a project that would designate the property as low density residential (LDR), which was the subject of the first initial study. That conclusion does not apply to possible designation as visitor serving/office (VO), which is the purpose of the second initial study.

The initial studies conclude that the rezoning would be consistent with the various surrounding land uses and designations. These are unsupported conclusions,

Eric Snider and Mike Novo
May 3, 2010
Page 5


and inconsistent with County records. The surrounding land use is primarily residential with a density of 2.5 acres per parcel. The creation of a new 0.35-acre parcel that would allow new or more intense uses than currently exist could have a potentially significant impact on this low-density residential area. The County has failed to perform an adequate CEQA analysis of the possible impacts of the proposed rezoning and general plan amendments. No conditions or mitigations are proposed.

The County analysis is also inadequate because it fails to discuss this project's lack of qualification for a variance under longstanding legal principles applicable to variances. This project also would be precedent setting. The creation of a severely nonconforming lot in Carmel Valley is inconsistent with Carmel Valley Master Plan policies, Title 19 (the County Subdivision Ordinance), and the County Zoning Ordinance.

Please place this Office on the notification and distribution lists for everything to do with this project. This request includes all staff reports, agendas, public hearings, public notices, and all notification under Public Resources Code section 21092.2.

Thank you for the opportunity to comment.

Very truly yours,


Moly Erickson