

Exhibit G
Board Resolution
(7/13/2004)
with
Condition Matrix

REF100047
Carmel Cottages

Planning Commission
February 9, 2011

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

Resolution No. 04-253

Grant the appeal of Elvira Gamboa and approve a)
Mitigated Negative Declaration, Mitigation Monitoring)
Program, and Combined Development Permit (PLN000357/)
Gamboa) consisting of: a Use Permit to allow a quasi-public)
use in the low density residential zone including Site Plan)
and Design Review for development of a 64-suite, 78-bed,)
assisted care living facility consisting of three buildings totaling)
43,400 square feet, 35 parking spaces, balanced grading)
(3,000 cy cut/3,000 cy fill), access and parking improvements)
across a neighboring lot (APN: 015-021-003-000) to Carmel)
Rancho Boulevard, improvements to Val Verde Drive for)
emergency access, an underground graywater and cistern system,)
and on-site water detention ponds; a Use Permit to allow)
development on slopes exceeding 30%, and allocate 4.8 acre)
feet of water to the project. This is a 4.5 acre, vacant parcel)
located at the southwest corner of Carmel Valley Road and)
Val Verde Drive, east of Carmel Rancho Boulevard,)
Carmel Valley (APN: 015-021-036-000).....)

The above-captioned matter came on for hearing before the Board of Supervisors of the County of Monterey on July 13, 2004. Having considered all the written and documentary information submitted, the staff reports, oral testimony, and other evidence presented before the Board of Supervisors, the Board of Supervisors hereby finds and decides as follows:

FINDINGS

1) **FINDING – COMPLY WITH REGULATIONS:** The subject Combined Development Permit (PLN000357-Gamboa) complies with all applicable requirements.

EVIDENCE:

- a. On December 7, 2000, Elvira Gamboa in conjunction with Sunrise Development Incorporated filed an application for a Use Permit and Design Approval (PLN000357) requesting to allow a 64 suite, 78 bed assisted care living facility consisting of a 3-building complex totaling 43,400 square feet, 35 space parking lot including four handicap-accessible spaces and to widen, improve and extend Val Verde Drive from Rio Road to the subject parcel. This is a 4.5 acre, vacant parcel located at the southwest corner of Carmel Valley Road and Val Verde Drive, east of Carmel Rancho Boulevard in the Carmel Valley Master Plan Area (Assessor's Parcel Number: 015-021-036-000).
- b. On August 22, 2002, an initial study and draft mitigated negative declaration were distributed to responsible agencies and interested parties including the State Clearinghouse (SCH#: 2002081124) in accordance with the California Environmental Quality Act (CEQA). The comment period for this document was from August 25, 2002 to September 25, 2002.
- c. On September 9, 2002, the Carmel Valley Land Use Advisory Committee voted 7-0 to recommend denial of the proposed Use Permit and Design Approval (PLN000357).
- d. On October 9, 2002, the Monterey County Planning Commission held a duly noticed public hearing on the proposed project (PLN000357/Gamboa). The Commission voted 6-2 to adopt a Resolution of "Intent to Deny" the project and directed staff to return with findings and evidence for this action relative to issues concerning traffic, land use, housing,

water, hydrology and services. On November 13, 2002, the Planning Commission voted 6-2-2 to deny the project.

e. Administrative record; Planning Commission Resolution #: 02065.

f. On November 21, 2002, Elvira Gamboa in conjunction with Sunrise Development Incorporated filed an appeal with the Board of Supervisors from the Planning Commission decision on PLN000357. A hearing on the appeal was noticed for January 14, 2003 before the Monterey County Board of Supervisors. Without opening the public hearing, the Board, with concurrence of the applicant, voted 5-0 to continue the item for 90-days (until April 22, 2003) and directed staff to consider additional permit requirements, address several additional land use and environmental issues, revise/re-circulate an initial study, and present the new material to the Planning Commission for their recommendation. This Board also acknowledged the intent to allocate 4.8-acre feet of water to the subject project.

g. Administrative record; Minutes of the Board of Supervisors meeting of January 14, 2003.

h. On February 18, 2003, the applicant amended the application to include a use permit for development on 30% slope. The Site Plan was amended to avoid impacting any oak trees, thereby also negating the need for a tree removal permit. On February 21, 2003, staff revised the initial study/draft mitigated negative declaration to address the changes to the project and issues raised through the public hearing process and distributed the document to responsible agencies and interested parties including the State Clearinghouse (SCH#: 2003021119) in accordance with the California Environmental Quality Act (CEQA). The public comment period for this document was from February 21, 2003 to March 25, 2003.

i. On March 26, 2003, the Planning Commission held a duly noticed public hearing on the proposed project (PLN000357/Gamboa) to make recommendations to the Board in light of the revisions to the project and revised, recirculated Mitigated Negative Declaration. The Commission voted 8-1 to adopt a Resolution of Intent to recommend denial of the project and directed staff to return with findings and evidence for this action relative to issues concerning water, traffic, access, land use, housing, and hydrology. On April 9, 2003, the Planning Commission recommended that the Board of Supervisors deny the project.

j. Planning Commission Resolution 03019, adopted April 9, 2003; administrative record.

k. At the continued hearing on the appeal before the Board of Supervisors on April 22, 2003, the Monterey County Board of Supervisors continued the public hearing to May 13, 2003 at the request of the applicant. The Board of Supervisors held a hearing on the project on May 13, 2003 and, at the request of applicant, the Board continued the hearing to a date uncertain. The Board directed staff to address enumerated issues, including issues related to allocation of water, water demand, use of graywater system, and access to the project, and to bring back a proposed timetable and process for hearing the issues.

l. On August 23, 2003, staff provided a status report to the Board, and the Board gave further direction to staff. On or about September 8, 2003, staff requested the applicant to provide clarification and information regarding applicant's proposal. In or about April 2004, applicant responded with changes, including proposing a graywater system and changing access from Val Verde Drive to Carmel Rancho Boulevard.

m. Minutes of the Board of Supervisors' meetings of April 22, 2003; May 13, 2003, and August 23, 2003; Planning and Building Inspection Department file PLN000357-Gamboa; administrative record.

n. On or about June 16, 2004, staff prepared a revised initial study and draft mitigated negative declaration to assess impacts and mitigation for project changes that include adding a graywater system and revising the project to take access through a neighboring commercial center. This document was distributed to responsible agencies and interested parties including the State Clearinghouse in accordance with the California Environmental Quality

Act (CEQA). The public comment period for this document was from June 21, 2004 to July 12, 2004.

o. Planning and Building Inspection Department file PLN00357-Gamboia; administrative record.

p. On July 13, 2004, the Monterey County Board of Supervisors held a duly noticed public hearing on applicant's appeal from the Planning Commission's denial of the project, the revised Mitigated Negative Declaration and associated Mitigation Monitoring Program, the application, as most recently revised, for a Combined Development Permit (PLN000357/Gamboia) in the Carmel Valley Master Plan Area, and allocation of water to the project.

2) **FINDING – CONSISTENT WITH PLANS/POLICIES:** The subject Combined Development Permit (PLN000357-Gamboia) conforms to the plans, policies, requirements and standards of the adopted Monterey County General Plan, Carmel Valley Master Plan (CVMP) and Zoning Codes.

EVIDENCE:

a. **Project Site.** The project site consists of a 4.5-acre, undeveloped parcel located at the southwest corner of Carmel Valley Road and Val Verde Drive, east of Carmel Rancho Boulevard (Assessor's Parcel Number 015-021-036-000). The project area includes the Val Verde Drive right-of-way from Carmel Valley Road to Rio Road.

b. **Zoning.** The project site is zoned "LDR/B-6-D-S" or Low Density Residential, design and site plan review required. This parcel is currently restricted from further subdivision and is located within the Carmel Valley Master Plan area.

c. **Plan Conformance.** The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

1. Monterey County General Plan (GP).
2. Carmel Valley Master Plan (CVMP)
3. Title 21 of the Monterey County Codes – Zoning Ordinance (MCC)
 - Chapter 21.14 - Low Density Residential Zoning District.
 - Chapter 21.42 - Building Site Zoning District.
 - Chapter 21.42 – Public/Quasi-Public Regulations.
 - Chapter 21.44 - Design Control District.
 - Chapter 21.45 - Site Plan Review Zoning District.
 - Chapter 21.64.130 - Land Use in the Carmel Valley Floodplain.
 - Chapter 21.64.230 - Development on Slopes in Excess of 30%.
 - Chapter 21.64.260 - Preservation of Oak and Other Protected Trees.
 - Chapter 21.74 - Use Permits.
 - Chapter 21.76 - Combined Development Permits.
 - Chapter 21.80 - Appeals.

With the recommended conditions, there would be no conflict or inconsistencies with the regulations of these plans or policies.

d. **Land Use.** Policy 31.1.3.1 CVMP allows Public/Quasi-Public or Special uses (such as schools, churches, hospitals, convalescent homes, rehabilitation centers, hospice facilities, etc) may be considered in any land use category provided that they meet five criteria (low visibility, safe and unobtrusive access away from pedestrian traffic areas, low noise impact on surrounding uses, development should follow a rural architectural theme with design review, conform to all other Plan requirements). The proposed assisted care facility fits within the public/quasi-public or special use classification within the meaning of Policy 31.1.3.1 CVMP because it is of a similar nature, density and intensity to a convalescent home or hospice facility listed in the policy as a permissible use (Chapter 21.40.050.F MCC). Because public/quasi-public or special uses are allowed in a low density residential

zone with a use permit (21.14.050.B MCC), it is consistent with the Carmel Valley Master Plan (Policy 26.1.33 CVMP). The project meets all of the other enumerated criteria based on the evidence described below. The Board of Supervisors hereby determines that an assisted care facility is "similar in nature" to these types of uses and therefore, qualifies as a public/quasi-public use because it meets a demonstrated current and future need by offering enhanced specialty care of the elderly and is available to the public at large.

e. **Visibility.** Policies 7.2.1.3 and 7.2.2.1 (CVMP) indicate a desire to use natural vegetation in conjunction with appropriate site design. A key element for the visual character is linked to native vegetation associations and their aesthetic value, which also provides habitat for the wildlife. Detention ponds will be re-vegetated with arroyo willows and/or riparian vegetation to resemble current conditions along the south end of the site (Condition 48). Condition 48 also requires preservation of an existing pine and oak trees along the north, east and south property lines to help lower visibility of the proposed structures.

f. **Traffic/Parking.** Urban services are adjacent to the project (CVMP Policy 37.4.1) and this nearby commercial center will provide some basic services. Public transit facilities are nearby (CVMP Policy 38.1.4.1 and 41.1.2.1). Payment of fees for off-site major thoroughfares is required as a permit condition (CVMP Policy 39.1.7). Non-emergency access to Carmel Valley Road is not proposed as part of this project (CVMP Policy 39.2.5.1). A traffic report (Higgins & Associates) and peer review (Hexagon Transportation Consultants, Inc.) conclude that assisted living facilities are among the lowest trip generating developments and with modest restrictions peak hour trips could be avoided entirely. At least 35 off-street parking spaces are proposed as part of this project (CVMP Policy 39.2.5.2). Parking requirements are established in Section 21.58.040 of Monterey County Code and assisted care facilities are not a listed use. The proposed facility includes 36 parking spaces total, which is the average between two standards in this Code Section. Section 21.58.050 of the Monterey County Zoning Code authorizes the decision making body to modify these standards through a Use Permit. The 36 spaces proposed for this facility is part of the Use Permit allowing a quasi-public use in the low density residential zone. A parking demand analysis prepared by Keith Higgins and Associates dated December 6, 2000 determined that the proposed use requires one parking space per three beds, which totals a minimum of 26 spaces; the applicant proposes 36 spaces including four handicapped accessible spaces.

g. **Access.** CMVP Policies 37.4.1 and 39.2.5.1 encourage land use patterns and design to reduce the need to travel and avoid access to Carmel Valley Road. Access has been designed to pass through the commercial center west of the site to Carmel Rancho Road, which also provides a pedestrian connection to the adjacent commercial services. Secured gates would be located at both ends of the project in order to restrict use of Val Verde Drive to emergency access only. Val Verde Drive is currently a 12-foot wide, unimproved, private road within a 60-foot wide right of way. Carmel Valley Master Plan Policy 39.3.1.4 lists a number of controlled emergency access roads that may be established, but does not exclude the possibility of adding other connections. Although the proposed access lane from Val Verde Drive is not part of the adopted list, access through Val Verde was created in response to concerns raised relative to increased traffic having an alternate route out of the area in the case of an emergency. Monterey County Public Works, Fire, Sheriff, and Office of Emergency Services all reviewed the project and conclude that the access would be appropriate in this case. Therefore, to protect the health and safety of the residents and/or neighbors as well as employees of the facility, the Board determines that the Val Verde emergency access should be allowed with the increased population associated with an assisted care facility.

h. **Noise.** Conditions are included to restrict operations that would create noise sources. Condition 14 limits construction activities to the hours of 8:00 to 5:00 PM, M-F (CVMP

Policy 22.2.4.1). In addition, no outdoor public address system or other noise generating devices would be allowed (Condition 57).

i. **Character/Design.** Development within the "D" Design Control zoning district is subject to visual control pursuant to Chapter 21.44 MCC. Development within the "S" Site Plan Review zoning district is subject to reviewing the location of development pursuant to Chapter 21.45 MCC. There are no "hillsides" on the site and grading will generally conform to existing topography (CVMP Policies 26.1.24 and 26.1.25). The structures will be visible from Carmel Valley Road; however, the project minimizes the bulk by natural and man-made vertical-horizontal screening and trellises which are incorporated in the garden area (CVMP Policy 26.1.28). The proposed project meets these regulations as follows:

- 1) Maximum height allowed in the "LDR" district is 30 feet. Each building proposed is 20 feet in height.
- 2) Maximum lot coverage on this parcel is 35 percent. The proposed project totals approximately 22 percent.
- 3) The project complies with the required setbacks including, but not limited to, the 100-foot setback from Carmel Valley Road (CVMP Policy 40.2.1.1).
- 4) The design of the buildings and building materials, coupled with the landscaping, is consistent with the design of the school to the east and commercial center immediately west of the site (Policies 26.1.21 and 26.1.26 CVMP). Structures are clustered with open space and landscaping around the project area (CVMP Policy 26.1.32). Building materials and colors are compatible with the natural colors and earth tones of the area (CVMP Policy 26.1.31). Landscaping includes a proposed orchard within the front 100-foot set back to resemble other properties along Carmel Valley Road. Implementation of an approved landscaping plan is required as a condition of this permit, and the landscape and outdoor pathways must be designed to blend in with the built environment (CVMP Policy 26.1.23).
- 5) All utility lines shall be underground (CVMP Policy 40.2.1.4).
- 6) No street lighting is required for safety purposes (CVMP Policy 56.2.3) and an exterior lighting plan is required to ensure that off-site glare does not occur (Condition 35).
- 7) No off-site outdoor advertising is allowed (CVMP Policies 26.1.27).
- 8) As designed, improvement of Val Verde does not significantly change the character of this area (CVMP Policy 39.2.2.1).

j. **Area Development.** Carmel Valley Master Plan (CVMP) Policies 27.3.8B and 27.3.9 establish density limits for residential development on Val Verde Drive. The application requests to develop 64 units (78 Beds) on 4.5 acres (14.2 units/acre). Although the application request exceeds densities listed in these residential policies of the Carmel Valley Master Plan, the proposed project does not need to meet residential land use density policies because quasi-public uses are allowed in all land use districts (Policy 31.1.3.1 CVMP) subject to approval of a discretionary use permit that considers an appropriate density in the context of the underlying zoning district and surrounding uses. Allowing a public quasi-public use/special use on Val Verde Drive is consistent with other recent permit approvals, such as the Community Life Center (PLN965481).

k. **Water.** CVMP Policies 26.1.22 and 54.1.7 require reducing impacts to resources especially water supply. Findings #4 and 5 address water supply and demand.

l. **Protected Trees.** Policy 7.2.2.5 discourages removal of oaks. Original plans to improve Val Verde Drive were revised to avoid impact to any oak tree within the right-of-way. No other trees within this development (e.g. eucalyptus, Monterey pine, Monterey cypress) are considered protected trees; however, there are some mature pine and cypress trees along the project borders that could be retained with proper design (see conditions). Section 21.64.260 MCC requires a tree removal permit for any oak tree over 6-inches in diameter measured two feet above the ground. The improvements to Val Verde Drive have

been re-designed to avoid all oak trees located within the right-of-way. Conditions have been included to assure protection of these trees.

m. **Vegetation.** Policies 7.1.1.1 (preserve areas of biological significance as open space), 7.1.1.2 (preserve critical habitat as open space), and 7.2.1.2 (maintain existing vegetation as much as possible) of the Carmel Valley Master Plan restrict development in environmentally sensitive areas. Vegetation in the southeast corner of the project area, as well as where Rio Road and Val Verde Drive meet, contain riparian habitat that would be impacted by the proposed road improvements. Impacts from road improvements for the entire length of Val Verde have been evaluated as part of the project scope, and conditions are included that require replanting riparian vegetation around the proposed detention ponds.

n. **Fire.** This project has been reviewed by the Cypress Fire Protection District. Permit conditions recommended by the Fire District are included in this permit. (CVMP Policies 15.1.16; 15.1.17; 16.2.2.1; 16.2.3.1; 16.2.6.1; 17.3.1.1; 17.4.1.1; 17.4.13; 17.4.14; 17.4.15; 17.4.16 and 17.4.17). A fire hydrant shall be located near the project (CVMP Policy 39.3.3).

o. **Geological.** Structural and geological constraints are addressed in the Kleinfelder Geotechnical Report (December 2000) for this project.

p. **Floodplain.** The Federal Emergency Management Agency (FEMA) map for this area is Panel 180 of 1025, Community-Panel Number 060195 180E, which was amended August 5, 1986. Based on this map, the subject property is located mostly in a Zone B (500-year flood) and partly in Zone A8 (100-year flood). CVMP Policy 16.2.11 restricts new development in the flood prone area. The base flood elevation shown on the FEMA map is 34-35 feet within Zone A8 and there are two drainage channels shown in the Zone B portion of the project site. Although the plans note the flood elevation line to be 35.1 feet (southwest corner), the subject property is not located within the area where a use permit is required (Section 21.64.130 MCC). Development in this area consists of a 2-foot tall retaining wall for one of the detention ponds (Policy 16.2.12 CVMP). Flood control measures will be incorporated in a drainage plan that is required as a condition of approval. No additional runoff, erosion or sedimentation will occur based on the project specifications, design and geotechnical report (CVMP Policy 35.1.3). Monterey County Water Resources Agency has determined that the proposed development within the floodplain is minimal and will not impact the flooding conditions within this area.

q. **30% Slope.** There is an area at the southern end of the site where the slope exceeds 30%. Policy 26.1.10.1 (CVMP) prohibits development on 30% slopes except where said development would further the goals and policies of the Carmel Valley Master Plan. An exception to allow development in this area requires a separate use permit in accordance with Section 21.64.230 MCC. Section 21.64.230.E.1 MCC establishes required findings for allowing development on slopes of 30% or more (*See Finding #4*).

r. **Archaeological Resources.** The Preliminary Cultural Resources Reconnaissance prepared by Archaeological Consulting (6/28/88) concludes that there is no evidence of archeological resources on the site. Permit conditions state that if archaeological resources are found on-site procedures shall be followed which require project modification, relocation or on-site mitigation (CVMP Policy 12.1.7.1).

s. Staff reports for, and materials in, file PLN00357-Gamboa; administrative record.

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

EVIDENCE:

a. Planning staff conducted on-site inspections in July, September, and November 2002 plus January 2003.

b. **Utilities.** Utilities such as phone, gas, electricity, cable and sanitary sewer service are accessible and can be provided to the site. Detention ponds will limit runoff and a storm drain is available via an inlet at the southwest corner of the site that drains through the commercial development. The project will be served by sewer in order to meet Carmel Valley Master

Plan Policies 21.3.6 and 21.3.7. **Condition 12** requires that the applicant provide a letter to verify that this site can and will be served by the Carmel Area Wastewater District.

c. **Review.** The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works, Water Resources Agency, Environmental Health, Sheriff's Department, Parks Department, Cypress Fire Protection District and the Monterey Peninsula Water Management District. The State Clearinghouse distributed copies of the environmental documents for review and comment to the California Highway Patrol; Caltrans - District 5; Department of Fish and Game - Region 3; Department of Parks and Recreation; Association of Monterey Bay Area Governments (AMBAG), Department of Toxic Substances Control; State Department of Water Resources; Native American Heritage Commission; Regional Water Quality Control Board - Region 3; State Resources Agency and the State Lands Commission. There has been no indication from the above agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar constraints that would indicate the site is not suitable for the use proposed.

d. **Land Use.** The parcel is generally flat. Residential, quasi-public and commercial development is located in proximity to the site, along Carmel Valley Road and Val Verde Drive. The residential neighborhood is intermixed with agricultural uses. Prior approval was granted for a quasi-public land use on Val Verde Drive (Community Life Center), and the Carmel Middle School is located immediately east of the Val Verde area along Carmel Valley Road. A 2-story business complex is adjacent to the site on the west side of the property along Carmel Rancho Boulevard and Carmel Valley Road.

e. **Drainage.** A geotechnical investigation for this project concludes that the site is suitable for the proposed development. In addition, Philip Williams & Associates completed a report for flooding impacts within County Service Area (CSA) #50. Although the subject property is not included as part of CSA#50, the location uphill could impact the area under CSA#50. **Condition 29** requires that drainage improvements and grading activities be designed and monitored by a qualified professional. Monterey County Water Resource Agency has reviewed preliminary drainage concepts and will review the final plans to assure there are no new impacts on downhill properties.

f. **Water.** Questions and concerns have been identified relative to the quantity of water available for such uses, and the ability of a project this size to operate within the limits of water availability. No additional water is available if the project cannot operate within 4.8 acre feet of water per year or any subsequent allocation level set by the Board. The Board has determined that the project, as conditioned, will not use more than the allotted water and has conditioned the project so that water use does not exceed the maximum amount allotted by the Board. *See Findings #5 and 6 and the supporting evidence.*

g. **Traffic.** This neighborhood, including the subject property, currently has access via Val Verde Drive (currently a 1-lane dirt road) from Rio Road to the south. In order to avoid traffic through the neighborhood, the project has obtained and designed access from Carmel Rancho Boulevard through the commercial center west of the project site. Mitigation to reduce traffic congestion in this area is required as a condition of project approval, including no peak hour trips for employees and services, which peak hours are defined as 7:00-9:00 AM and 4:00-6:00 PM (**Condition 53**). Improvements to Val Verde Drive would consist of restricted (gated) emergency access only.

4) **FINDING – 30% SLOPE/NO ALTERNATIVE:** There is no feasible alternative which would allow development to occur on slopes of less than 30%, and the proposed development on slopes greater than 30 % furthers the policies of the Carmel Valley Master Plan.

EVIDENCE.

a. County staff investigated an alternative design to the project that consists of placing parking and detention pond improvements in the front of the site near Carmel Valley Road.

b. Since the site slopes away from Carmel Valley Road, placing a detention pond uphill would create greater impacts than those of the proposed plan. In addition, a parking lot in the front set back would detract from the rural character of the area and increase the visibility of the project. These actions would be contrary to the visual character policies established for Carmel Valley Road and therefore the alternative is found to be infeasible.

5) **FINDING – WATER ALLOCATION:** The proposed project qualifies for allocation of water based on the system established by Monterey County and the Monterey Peninsula Water Management District.

EVIDENCE:

a. Development of properties located in the Monterey Peninsula Water Management District (“District”) depends in large part on the availability of water pursuant to an allotment system established by the District based on pro-rationing of the known water supply for each of the jurisdictions served by the California-American Water Service Company.

b. In 1993, the Board of Supervisors adopted a water allocation plan (63.71 acre feet) for the unincorporated areas of Monterey County based upon the Monterey Peninsula Water Management District’s water allotment system within its jurisdiction. Said water was set aside out of an allocation to Monterey County from the Peralta well when this facility became operational.

c. On December 11, 2001, the Board of Supervisors adopted Resolution No. 01-497 amending the water allocation plan’s list of priority land uses to include assisted care living facilities as follows:

1. Remodels/additions to single family units and commercial projects.
2. First units on existing residential and commercial lots of record.
3. Affordable Housing.
4. Senior Citizen/Caretaker Units.
5. Assisted Care Living Facilities.
6. Special Projects.

Section 2 of Resolution 01-497 states that “Nothing in this Resolution is intended to endorse, approve or otherwise affect any particular project or proposal for the creation of an Assisted Care Living Facility”.

d. On November 22, 1994 the Board of Supervisors allocated 4.8-acre feet of water from this program to 24 affordable senior housing units proposed as part of the Carmel Greens project. (Resolution No. 94-468.) In 1997, the Board of Supervisors denied the Carmel Greens project due to insufficient water for the remaining, market-rate units.

e. Staff researched historical documents on this matter, and determined that this 4.8-acre feet is available for allocation to any project that qualifies under the County’s adopted Water Allocation Plan. The proposed project (PLN000357/Gamboia) consists of a senior, assisted care living facility, which qualifies under the Water Allocation Plan as amended by Resolution No. 01-497.

f. On January 14, 2003, the Monterey County Board of Supervisors acknowledged intent to allocate this 4.8-acre feet of water to the subject project (PLN000357/Gamboia).

g. On July 13, 2004, the Monterey County Board of Supervisors held a public hearing on the project and voted to allocate 4.8-acre feet for the subject 78-bed, senior assisted care project (PLN000357/Gamboia).

6) **FINDING – WATER QUANTITY:** There is sufficient water available to supply the proposed project, with the limitation that the project is conditioned to use no more than 4.8 acre feet of water to be allocated by the Board from the 1993 Monterey County water allocation plan for up to 78 beds in the proposed Assisted Care Living Facility.

EVIDENCE:

- a. The standard water demand factor used by the Monterey Peninsula Water Management District (MPWMD) for this type of use is 0.085 acre-feet/bed/year. Staff determined that this factor includes water for exterior landscaping based on the facilities used by the MPWMD to establish their factor.
- b. Using this factor, the proposed project with 78 beds would require 6.63 acre feet of water per year. Using the factor and maximum available water supply of 4.8 acre feet of water, there is an adequate water supply for development of a 56-bed facility.
- c. In April 2004, the applicant submitted revised plans showing a design to install a cistern-graywater system as part of the project. The proposed graywater system has the capability to produce approximately 1.52 acre feet of water to irrigate the exterior landscape and reduce the water demand for the project. Using the MPWMD demand factor of 0.085 acre feet per bed per year, staff calculates that a gray water system would allow an increase of 18 beds to the project for a total of 74 beds.
- d. Axiom Engineers prepared a water demand report on March 20, 2001 that assesses the effectiveness of proposed water conservation devices that would provide additional savings above devices used in facilities used to calculate the MPWMD water demand factor. This report was updated February 20, 2003 to address questions and comments raised by County staff and the public. These reports conclude that a 78-bed facility, using the proposed conservation devices, can operate using less than 4.8 acre feet of water. Monterey County's Division of Environmental Health has reviewed a report prepared by Axiom Engineers (February 2003) that analyzes the expected water use for the proposed facility. The Axiom report uses the 0.085 factor as their starting point of reference. This analysis identifies conservation devices and methods that could reduce the demand for water from this facility by as much as 1.94 acre feet of water per year. Without a determination from the District regarding the efficacy of conservation devices, County action is based on the water demand factor (0.085 acre feet per bed per year) and a graywater system. Any credit for conservation devices above the MPWMD water demand factor must be evaluated and approved by the MPWMD Board (Conditions 9, 24 and 25).
- e. A letter from the MPWMD, dated March 18, 2003, notes that the MPWMD would be required to make a finding of *special circumstance* (Rule 24-G) to allow a water connection permit to be issued for a 78-bed assisted care facility using an estimated annual demand of 4.8 acre-feet. Because the MPWMD will not address the *special circumstance* until the applicant provides assurance that Monterey County has allocated water for the project, the County can only approve a 74 bed facility based on current information and absent a determination by the MPWMD. However, conditions of approval allow up to 78 beds if the MPWMD grants a "special circumstance" and finds that the proposed facility can operate up to 78 beds within the maximum 4.8 acre feet of water. County conditions allow approval for up to 78 beds since a letter from the MPWMD dated June 2001 indicates that they would consider applying a "special circumstance" to this project based on the proposed conservation devices.
- f. The MPWMD has indicated that a finding of *special circumstance* by the MPWMD could be conditioned to require the County to agree that the MPWMD is authorized to debit automatically the County's water allocation should the project use more than the 4.8 acre-feet permitted to the project. According to the County's Water Resources Agency, if the project were to exceed the 4.8 acre foot limit, the County has no additional water available above what has been assigned to approved projects. Therefore, if a *special circumstance* were authorized, the MPWMD were to attach its standard condition, and the Gamboa/Sunrise Assisted Living project (PLN000357) were to use more than 4.8 acre feet, the result could be taking water away from other projects on the allocation Waiting List. In response, Condition 54 monitors and provides actions to require the applicant to reduce water demand in order to avoid overusing the amount of water available to the project.

Also, Condition 25 requires reducing the size of the facility if the MPWMD determines that a 78-bed facility cannot operate within the allocated 4.8 acre feet of water.

g. See *Finding #6* and the supporting evidence; materials in file PLN00357-Gamboa; administrative record.

7) **FINDING- HEALTH, SAFETY, AND WELFARE:** The establishment, maintenance, or operation of the use and buildings will, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.

EVIDENCE:

a. The proposed graywater system has the capability to produce approximately 1.52 acre feet of water to irrigate the exterior landscape and reduce the water demand for the project. This system includes sand filtration, rainwater (cistern) to flush the system, and ozone treatment to treat the water to an acceptable level. Graywater produced above a 1-day need would be diverted to the sewer so that there is no storage on-site. Ozone would be generated on-site so that there is no hazardous material stored. Condition 47 requires that the person(s) operating and maintaining this system are properly trained.

b. Water from the proposed project would drain to an existing storm drain system located under the commercial center west of the project site, which would carry the water to the Carmel River. Detention ponds are sized to avoid any water runoff exceeding current levels.

c. The project is designed to access the site from Carmel Rancho Boulevard through a commercial parking lot. This design allows safe pedestrian and equestrian activity on Val Verde Drive south of the project site. Emergency gates along Val Verde Drive provide access for emergency vehicles as well as egress for residents on Val Verde Drive in the case of an emergency.

d. Preceding findings and supporting evidence.

e. All applicable County agencies and departments have reviewed the project and concur with this finding; materials in file PLN00357-Gamboa; administrative record.

8) **FINDING - CEQA/MITIGATED NEGATIVE DECLARATION:** On the basis of the whole record before the Board of Supervisors there is no fair argument on the basis of substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The mitigated negative declaration reflects the independent judgment and analysis of the County.

EVIDENCE:

a. **Notices.** County staff prepared an Initial Study to analyze potential environmental impacts for development of a 78-bed assisted care facility project (PLN00357/Gamboa) in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. A Notice of Intent to adopt a Mitigated Negative Declaration (MND) was filed with the State Clearinghouse and the County Clerk on August 22, 2002 for a 30-day comment period which ended September 25, 2002 (SCH#: 2002081124). In light of new information and the public review process, County staff revised the Initial Study. A new Notice of Intent to adopt a revised MND was filed with the County Clerk February 21, 2003, mailed to interested parties and circulated to the State Clearinghouse from February 24 to March 26, 2003 (SCH#: 2003021119). In April 2004, the applicant submitted modifications that included adding a graywater system and amending the circulation design. A new Notice of Intent to adopt a revised MND was filed with the County Clerk June 16, 2004, mailed to interested parties and circulated to the State Clearinghouse from June 21 to July 12, 2004.

b. **Substantial Evidence.** All comments received on the Initial Study have been considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the

Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the following referenced studies, data, and reports; application materials; and expert testimony (including County staff):

- 1) Sunrise Assisted Living Project Traffic and Parking Evaluation. K.B. Higgins (CE, TE) with Higgins Associates. December 6, 2000 with addendum dated May 13, 2004.
- 2) Peer Review of Gamboa/Sunrise Assisted Living Project Traffic Study. Gary K. Black with Hexagon Transportation Consultants, Inc. March 13, 2002.
- 3) Carmel Rancho Boulevard Access. Letter by Keith Higgins assessing circulation design changes. May 13, 2004.
- 4) Gamboa Project for Lombardo and Gilles (PLN000357). Water Demand Report. Raymond Cole, PE with Axiom Engineers, Inc. January 24, 2003.
- 5) Graywater Treatment System. System Diagrams by Axiom Engineers. May 12, 2004.
- 6) Monterey Peninsula Survey of Senior Assisted Living Facilities. Richard C. Shermer, Sr. with R.C. Shermer Company. Revised July 25, 2001.
- 7) Lower Carmel River Flood Control Project Final Report. For County Service Area #50. Philip Williams & Associates, Ltd. August 9, 2002.
- 8) Phase I Environmental Site Assessment. Nathan A. Stoops, R.G. 6607 with Kleinfelder, Inc. December 2000.
- 9) Geotechnical Investigation Proposed Sunrise of Carmel Valley. Robert Hasseler (CE 58488) and Chalerm Liang (GE) with Klienfelder Inc. December 6, 2000.
- 10) Biological Assessment for the Proposed Senior Assisted Living Facility on the Gamboa Property APN 015-021-036. Dale Hameister, Rana Creek Habitat Restoration. January 23, 2003.
- 11) Preliminary Cultural Resources Reconnaissance of a Proposed Development on Via Verde Way, Carmel Valley, Monterey California. Anna Runnings, MA, and Gary S. Breshini, SOPA with Archaeological Consulting. June 28, 1988.

c. **Biology.** A stand of trees (willows, oaks, pines) is located within the project area including the Val Verde Drive right-of-way. This right-of-way also serves as drainage for the area. A biological assessment was performed by Dale Hameister of Rana Creek in January 2003 to investigate and evaluate potential impacts. This report recommends a number of mitigation measures to reduce potential impacts to a level of insignificance. As a result, the report concludes that there would be no significant biological impact resulting from the proposed project.

d. **Hydrology.** The proposed project proposed to develop a detention pond within an area identified as part of the 100-year floodplain. Cisterns and detention ponds are design to prevent any new runoff from the project site. Monterey County's Water Resources Agency has determined that the proposed project would not significantly impact the flooding conditions in this area. A final drainage plan will be required as a condition of approval to address the drainage needs for this project.

e. **Hazards-Graywater.** A graywater system is proposed for irrigation to the exterior landscape. Responsible County agencies have reviewed initial plans to assure the proposed system would work given the layout of the project site. These plans include sand filtration and ozone to treat the graywater to an acceptable level before it is distributed to the

landscaping. Ozone would be generated and not stored on-site. The County's Environmental Health Division has reviewed the proposed system as it relates to health requirements and finds that potential impacts associated with this project can be mitigated to a level of insignificance.

f. **Traffic.** Impacts to neighbors along Val Verde Drive are reduced by re-designing the project to use Carmel Rancho Boulevard as the primary access for this project. The Department of Public works has reviewed the traffic reports for this project and determined that any potential traffic impacts to Carmel Valley Road, Carmel Rancho Boulevard, Rio Road, and Highway One are reduced to a level of insignificance through mitigation fees.

g. **Utilities – Water.** A maximum of 4.8 acre feet of water is available for the project. Although exceeding the allocation would become a significant impact, the project is designed and conditioned to stay within the 4.8 acre foot allocation limit.

h. **Mitigation.** A total of 29 mitigation measures are included. Although the project has the potential to impact environmental resources, all potential project impacts are mitigated to a level of insignificance.

9) **FINDING - FISH & GAME/NEGATIVE DECLARATION:** The design of the proposed improvements are not likely to cause substantial environmental damage or substantial or unavoidable injury to fish or wildlife or their habitat.

EVIDENCE:

a. The site could support suitable habitat for the Federally-listed endangered red-legged frog if ponding occurs. Nests from the Dusky-footed woodrat were found within the project area. These nests require specific handling prior to construction. There is suitable habitat for migratory birds and raptors to nest on the site so precautions are necessary to avoid potential impacts. Drainage for the site runs into the Carmel River, which includes steel head. A few non-native Monterey Pine trees are located within the project area and would be impacted by this project.

b. Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Therefore, this project is not subject to a de minimus exemption and the applicant is required to pay the Fish and Game fee.

c. Initial Study and Mitigated Negative Declaration contained in File No. PLN000357/Gamboa.

10) **FINDING –APPEAL:** An appeal of the November 13, 2002 action of the Planning Commission, issued November 15, 2002, denying the Gamboa Combined Development Permit (PLN000357) was timely filed on November 21, 2002 and was timely brought to public hearing before the Board of Supervisors on January 14, , April 22, May 13, , and August 23, 2003, and July 13, 2004.

EVIDENCE:

a. The property that is the subject of this appeal is located at the southwest corner of Carmel Valley Road and Val Verde Drive (private road), east of Carmel Rancho Boulevard (Assessor's Parcel Number: 015-021-036-000) in the County of Monterey ("the property").

b. In December 2000, appellant filed with the County of Monterey an application for a use permit to allow an assisted care facility on "the property".

c. Monterey County Planning Commission denied the project on November 13, 2002 (Resolution No. 02065).

d. Appellant filed an appeal from the decision of the Planning Commission on the grounds that (1) there was a lack of fair or impartial hearing; (2) the findings, conditions, or the decision of the Planning Commission were not supported by the evidence; and (3) that the decision was contrary to law. Said appeal has been filed with the Clerk of the Board of

Supervisors within the time prescribed by Monterey County pursuant to Zoning Ordinance Chapter 21.80.

e. Said appeal was determined to be complete.

f. Minutes and other records of the Planning Commission meetings of October 9, November 13, 2002 and March 26, 2003, in the files of the Planning and Building Inspection Department.

g. Minutes and other records of the Board of Supervisors' meetings of January 14, April 22, May 13, and August 26, 2003, and July 13, 2004 in the files of the Clerk of the Board of Supervisors and Planning and Building Inspection Department.

h. Following the series of hearings in 2003, the applicant modified the project design.

11) **FINDING:** Upon consideration of the documentary information in the files, the staff reports, the oral and written testimony and other evidence presented before the Board of Supervisors, the Board grants the appeal, based on the following responses to appellant's contentions:

APPELLANT CONTENTION: *DECISION CONTRARY TO LAW.*

Appellant's Statement:

By basing this denial on a finding that the project is inconsistent with the Carmel Valley Master Plan, Planning Commission made an error of law constituting an abuse of discretion.

a. *As indicated in the Initial Study and project description (page 3, paragraph 5 of the initial study) Carmel Valley Master Plan Policy 31.1.3.1 allows an assisted care living facility with a use permit and the analysis contained therein indicates its compatibility thereto.*

b. *The property owners and applicants in this case submitted a request for a General Plan Amendment at the direction of the County staff, which continues to remain on file, but for which the Planning Commission was not advised.*

Response:

The Board of Supervisors determines that the proposed project, as modified April 2004, is consistent with the policies of the Carmel Valley Master Plan. The Board finds that an assisted care facility is "similar in nature" to quasi-public uses listed in Chapter 21.40 of the Monterey County Zoning Code. As a quasi-public use, this project is not subject to the residential density policy (Policy 27.3.8B) of the Carmel Valley Master Plan. This project site is considered to be an appropriate location for an assisted care living facility due to its close proximity to commercial services plus other public/quasi-public uses developed and/or approved for development in the surrounding area.

APPELLANT CONTENTION: *LACK OF FAIR AND IMPARTIAL HEARING.*

Appellants' Statement

The Planning Department staff advised the Planning Commission that water was not available for the project (page 5 of Planning Department Staff Report) and that the Board of Supervisors "did not specifically allocate water to this project." The Monterey County Board of Supervisors did review the issue of whether or not the 4.8 acre feet of water could remain on this specific site and be allocated to a senior assisted living facility project. The issue of whether there was a need for the senior assisted living facility in this particular portion of the County was

referred to the Planning Commission and the Planning Commission failed to address the issue raised by the Board of Supervisors and, instead, indicated that regardless of the irrefutable evidence of a need for assisted living facilities in this area of the County, that their opinion was that low income housing was more important. The Board of Supervisors added senior assisted care living facilities to the County's water allocation program, so that the 4.8 acre feet of water allocated to this specific site could be used for an assisted living facility, which the Planning Commission denied.

Response:

The proposed senior assisted care facility does qualify under the Water Allocation Plan and there is 4.8-acre feet of water available for the Board of Supervisors to allocate to any project that qualifies under the Water Allocation Plan. In 1994, the Board allocated 4.8 acre feet of water "to accommodate the 24 affordable Senior Citizen units" that were included as part of the Carmel Greens project. Since the Carmel Greens project was denied in 1997, no formal action has been taken to allocate this water to any project. Resolution 01-497 (Water Allocation Plan) states that the addition of assisted care living facilities to the list of priority land uses did not approve any particular project or proposal. On January 14, 2003, the Board acknowledged intent to allocate 4.8 acre feet of water to the Gamboa project. However, there was no hearing and no formal action taken by the Board at that time. The Board, in its discretion, may allocate the 4.8 acre feet to the project at its hearing on the project on July 13, 2004.

APPELLANT CONTENTION: FINDINGS AND DECISIONS ARE NOT SUPPORTED BY THE EVIDENCE.

Appellants' Statement

Finding 2 (Plan Policy Inconsistency): The finding suggests that the proposed one-story facilities do not meet the criteria of Carmel Valley Master Plan Policy 31.1.3.1. Evidence of the project's compliance with the criteria is stated on pages 4 & 5 of the Monterey County Planning and Building Inspection Department' staff report to the Planning Commission for the October 9, 2002 hearing.

Response:

Based on evidence in the record, including information received following the filing of this appeal, staff finds that the proposed project is consistent with Policies of the CVMP (See *Finding 2*).

Finding 3 (Site Suitability): This finding suggests that the site is not suitable for the proposed use without evidence to support the finding. The project meets all required setbacks contained in the Zoning Ordinance and the County local agencies, including the Health Department, Water Resource Agency, Fire Department and Public Works Department, all conditioned the project to ensure that the project is suitable for this site. The staff report to the Planning Commission for the October 9th hearing is also replete with evidence to support a finding that this site is suitable for the proposed use.

Response:

Based on evidence in the record, including information received following the filing of this appeal, staff finds that the proposed project is suitable and is consistent with local regulations (See *Finding 3*).

Finding 4 (Water Allocation): This finding alleges that the applicant failed to provide proof that there is adequate water for the project. The record shows that the Board of Supervisors has allocated 4.8 acre feet of water to this project and there is irrefutable expert opinion contained in the record supporting the fact that this project will use no more than 4.8 acre feet of water.

This finding alleges that 4.8 acre feet is not an adequate quantity of water for the proposed project. The finding further contradicts itself by stating that the Monterey Peninsula Water Management District Water Demand Manager estimated that the water for the proposed facility would be between 4.25 and 4.44 acre feet per year and there is a water analysis prepared by a professional contained in the file which indicates that the project will use less than 4.8 acre feet of water.

Response:

Based on evidence in the record, including information and revisions to the project received following the filing of this appeal, staff finds that 4.8 acre feet of water can be used to operate a 74 bed assisted care living facility with a graywater system for exterior landscape (See Findings 4 and 5). Although a report by Axiom Engineers concludes that proposed conservation devices could reduce demand further, credit for conservation devices is subject to review and approval of the Monterey Peninsula Water Management District (MPWMD). ~~Conditions 9, 24 and 25~~ require the applicant to obtain MPWMD approval for a 78-bed facility.

Finding 6 (Health, Safety and Welfare): This finding alleges that converting a one-lane dirt road to a 12-foot wide emergency paved access lane would be detrimental to the health, safety and welfare of the neighborhood. There is no evidence contained in the record that paving a one-lane dirt road to a 12-foot wide emergency access with a 60-foot right-of-way would be detrimental to the health, safety, peace, morals and comfort or the general welfare of other persons residing or working in the neighborhood.

Response:

The applicant revised the project to take access from Carmel Rancho Boulevard and avoid the southern portion of Val Verde Drive, except for emergency access. This modification has removed the issues expressed relative to circulation. The project, as revised, will not be detrimental to the health, safety, and welfare of the surrounding neighborhood (See *Finding 7*).

Finding 7 (CEQA): The Planning Department staff has prepared an Initial Study and recommended that the Planning Commission adopt a mitigated negative declaration, which was circulated in the legally required manner. The Board of Supervisors may legally adopt this mitigated negative declaration as presented to Monterey County Planning Commission.

Response:

County staff prepared a revised initial study/mitigated negative declaration (IS/MND) to address project changes through April 2004. Responsible agencies have reviewed the document along with technical reports submitted in conjunction with the proposed project. All issues raised through the public review process have been addressed in the IS/MND. The IS/MND finds that all potential impacts can be mitigated to a level of insignificance (See *Finding 8*).

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors hereby renders the following decisions:

1. The Board of Supervisors adopts the Mitigated Negative Declaration for the Sunrise Senior Assisted Living Care project (Gamboa – PLN000357) and associated Mitigation Monitoring Program.
2. The Board of Supervisors hereby allocates water in an amount not to exceed 4.8 acre feet from the County's adopted Water Allocation Plan for the Combined Development Permit (Gamboa – PLN000357). The County of Monterey has a maximum of 4.8 acre feet of water available for the priority uses identified in Resolution 01-497 (adopted December 11, 2001). An assisted care living facility for seniors meets two priority land uses listed in the resolution.
3. The Board of Supervisors grants the appeal and approves the application for a Combined Development Permit (Gamboa – PLN000357) subject to 60 conditions as listed in the matrix attached hereto as Exhibit A and incorporated herein by reference.

PASSED AND ADOPTED on this 13th day of July 2004, upon motion of Supervisor Armenta, seconded by Supervisor Johnsen, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Johnsen, Potter
NOES: None
ABSENT: None

I, Sally R. Reed, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 72, on June 13, 2005.

Dated: July 14, 2004

Sally R. Reed, Clerk of the Board of Supervisors,
County of Monterey, State of California.

By Ann O. Anderson
Deputy

S-6
(Revised 7/13/04)

Exhibit A-Resolution 04-253 Monterey County Planning and Building Inspection Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>Gamboa/Sunrise Assisted Living</u> File No: <u>PLN000357</u> APNs: <u>015-021-036-000</u> Approval by: <u>Board of Supervisors</u> Date: <u>July 13, 2004</u>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitg. 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)
1		<p>PHD029 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN000357/Gamboa) consists of: a Use Permit to allow a quasi-public use in the low density residential zone including Site Plan and Design Review for development of a 64-suite, 78-bed, assisted care living facility consisting of three buildings totaling 43,400 square feet, 35 parking spaces, balanced grading (3,000 cy cut/3,000 cy fill), access and parking improvements across a neighboring lot (APN: 015-021-003-000) to Carmel Rancho Boulevard, improvements to Val Verde Drive for emergency access, an underground graywater and cistern system, and on-site water detention ponds; a Use Permit to allow development on slopes exceeding 30%; and allocation of 4.8 acre feet of water to the project. This is a 4.5 acre, vacant parcel located at the southwest corner of Carmel Valley Road and Val Verde Drive, east of Carmel Rancho Boulevard, Carmel Valley (APN: 015-021-036-000). This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. References in these conditions of approval to "property owner" or "owner" shall include Elvira Gamboa and any and all of her successors in interest or assignees, and references to "applicant" shall include any lessee or operator of the facility approved hereto, including Sunrise</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant PBI	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Classroom Improvement, and any and all other easements in interest or assignees.				
2		PBD025 - NOTICE-PERMIT APPROVAL The applicant and owner shall record a notice which states: "A permit (Resolution _____) was approved by the Board of Supervisors for Assessor's Parcel Number 015-021-036-000 on July 13, 2004 . The permit was granted subject to 60 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use.	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant PBI	Prior to Issuance of grading and building permits or start of use.	
3		PBD016 - INDEMNIFICATION AGREEMENT The property owner and applicant agree as a condition and in consideration of the approval of this discretionary development permit that the property owner and applicant will enter into an agreement with the County to defend, indemnify and hold harmless the County of Monterey and 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. The property owner and applicant 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 the property owner and applicant of their 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	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.	Owner/ Applicant PBI	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	

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)
		property, or 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.				
4		PBD012 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) calendar days of project approval – prior to filing of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid.	Proof of payment (\$1,275) shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first.	Owner/ Applicant PBI	Prior to issuance of building and grading permits.	
5		PBD022 - MITIGATION MONITORING PROGRAM The property owner and applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code	Enter into agreement with the County to implement a Mitigation Monitoring Program.	Owner/ Applicant PBI	Prior to issuance of grading and 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)
		and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner/applicant submits the signed mitigation monitoring agreement.	Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.			
6	5	MMRP – BIOLOGY IMPACT 2 In order to allow the Dusky-footed woodrat to escape and find new homes outside of the building area, the applicant/owner shall consult with a qualified biologist to dismantle any nest found in or near the project area before any heavy equipment is used to clear the site.	A qualified biologist shall provide a report to the Director of Planning and Building Inspection that certifies the proper removal of all Dusky-footed woodrat nests within the project area.	Biologist PBI	Prior to issuance of grading permits or any heavy equipment allowed on site	
7	6	MMRP – BIOLOGY IMPACT 3 In order to assure that no nesting birds are disturbed, the developer shall consult with a qualified biologist to survey trees on or near the project area for nesting birds, particularly if tree removal and grading are scheduled to begin prior to August 1 st . If nesting birds are discovered on or near the project area, the applicant shall contact the California Department of Fish and Game regarding measures to avoid impacts.	A qualified biologist shall provide a report to the Director of Planning and Building Inspection that certifies the proper removal of all nesting birds within the project area.	Biologist PBI	Prior to any tree removal and/or grading	
8		PBD – CIRCULATION PLAN (NON STANDARD) The applicant shall submit a parking and interior circulation plan for the entire project, including access/pedestrian improvements from the site to Carmel Rancho Boulevard for review and approval of the Director of Planning and Building Inspection and the Director of Public Works.	Submit a Parking/Circulation Plan for review and approval.	Owner/ Applicant PBI PW	Prior to issuance of 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)
9		WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form.	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant WRA	Prior to issuance of any building permits	
10		WR22 - FLOODPLAIN RECORDATION The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions.	Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant WRA	Prior to issuance of any grading or building permits	
11		EH6 - WATER SERVICE CAN/WILL SERVE Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that <u>California American Water Company</u> can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards.	Submit written certification to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant EH	Prior to issuance of a building permit	
12		EH24 - SEWER SERVICE CAN/WILL SERVE Provide certification to the Division of Environmental Health that <u>Carmel Area Wastewater Management District</u> can and will provide sewer service for the proposed property/project.	Submit certification to Environmental Health for review and approval.	Owner/ Applicant EH	Prior to issuance of a building permit.	
13		FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction.	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner Cypress FPD	Prior to issuance of building permit.	

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)
14	14	MIMRF – NOISE IMPACT 2 To reduce noise impacts during construction, construction activities shall be restricted between the hours of 8:00 a.m. and 5:00 p.m. No work may occur on weekends or holidays, unless pre-approved for unique circumstances in writing by the Director of Planning and Building Inspection. Violation of these restrictions may result in a stop of work for up to 48 hours for each violation.	Place a note on the grading and construction plans identifying the restricted times of construction. Project Violation of these restrictions may result in a stop of work for up to 48 hours for each violation. Manager/Contractor shall certify compliance by signed letter	Applicant/ Owner Contractor PBI	Prior to issuance of any permits During Construction Upon completion of project construction.	
15	17	MMRP – TRAFFIC IMPACT 1 Since all projects in the area are subject to the Carmel Valley Road Traffic Impact Fees, the applicant shall pay the applicable Mitigation Fee in effect at the time the building permit is issued. Said fee shall be based on floor area as required for commercial development.	Provide the Director of Planning and Building Inspection with written clearance from Public Works that the required Carmel Valley Road Traffic Impact Fee has paid.	Applicant/ Owner PBI PW	Prior to issuance of a building permit	
16	18	MMRP – TRAFFIC IMPACT 2A Since all trips to be generated by the proposed project (13 trips per hour) would utilize the Rio Road/Carmel Rancho Boulevard intersection, the applicant shall contribute their proportional share of the total cost (2.7% or \$4,050) towards installing future traffic signals at this intersection.	Provide the Director of Planning and Building Inspection with written clearance from Public Works that the required Rio Road/Carmel Rancho Boulevard intersection improvement mitigation fee has been paid.	Applicant/ Owner PBI PW	Prior to issuance of a building permit	
17	19	MMRP – TRAFFIC IMPACT 2B Since the project will generate 13 peak hour trips along Rio Road during the cumulative peak evening hours, the applicant shall contribute their proportional share of the total cost (3.0% or \$225) towards the retiming of traffic signals along Rio Road.	Provide the Director of Planning and Building Inspection with written clearance from Public Works that the required Rio Road Signal Retiming mitigation fee has been paid.	Applicant/ Owner PBI	Prior to issuance of a building permit	

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				PW		
18	20	MMRP – TRAFFIC IMPACT 3 In order to reduce congestion in the area, the applicant/owner shall contribute their proportional share of the total cost (2.8% or \$3,500) toward a second northbound right turn lane on Carmel Rancho Boulevard at Carmel Valley Road.	Provide the Director of Planning and Building Inspection with written clearance from Public Works that the required Carmel Rancho Boulevard at Carmel Valley Road turn lane mitigation fee has been paid.	Applicant/ Owner PBI PW	Prior to issuance of a building permit	
19	21	MMRP – TRAFFIC IMPACT 4 In order to encourage the use of mass transit and avoid peak hour traffic trips, the applicant/owner shall contribute their proportional share of the total cost (3.3% or \$2,640) toward a bus turnout and shelter on the south side of Carmel Valley Road, in front of the proposed facility.	Provide the Director of Planning and Building Inspection with written clearance from Public Works that the required Bus Turnout mitigation fee has been paid.	Applicant/ Owner PBI PW	Prior to issuance of a building permit	
20	22	MMRP – TRAFFIC IMPACT 5 In order to address the project's proportional share of impact to Carmel Valley Road, the applicant/owner shall pay their proportional share (0.2% or \$9,800) of the County/State program to address LOS deficiencies.	Provide the Director of Planning and Building Inspection with written clearance from Public Works that the required LOS Deficiency mitigation fee has been paid.	Applicant/ Owner PBI PW	Prior to issuance of a building permit	
21	23	MMRP – TRAFFIC IMPACT 6 In order to address the project's proportional share of impact to Highway One, the applicant/owner shall contribute \$51,025 as the project's pro-rata share of the cost of constructing the State Highway One long-term improvement project in the Transportation Agency for Monterey County (TAMC) Project Study Report dated December 19, 2001. The calculation of this	Provide the Director of Planning and Building Inspection with written clearance from Public Works that the TAMC mitigation fee has been paid.	Applicant/ Owner PBI PW	Prior to issuance of a building permit	

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		contribution may be adjusted annually based on the Engineering News Record Construction Cost Index.				
22	26	MMRP –TRAFFIC IMPACT 9 In order to reduce long term traffic impacts on Highway One from added trips for a graywater system maintenance employee/service and potential off-site laundry services, the applicant owner shall pay an additional mitigation fee of \$1,632.80 (0.8 trips * \$2,041/trip).	Provide the Director of Planning and Building Inspection with written clearance from Public Works that the mitigation fee for added trips relating to a graywater system maintenance employee and/or off-site laundry services has been paid.	Applicant/ Owner PBI PW	Prior to issuance of a building permit	
23		EH35 - CURFFL All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection.	Submit plans and necessary review fees to the Division of Environmental Health for review and approval.	Owner/ Applicant EH	Prior to issuance of building permits.	
24	28	MMRP –UTILITY IMPACT 2 In order to verify that the California-American Water Company has adequate water capacity to serve the proposed project the applicant shall submit proof of approval from the Monterey Peninsula Water Management District.	Demonstrate that the California-American Water Company has adequate capacity to serve the project as follows: <ul style="list-style-type: none"> - Submit a can and will serve letter from the California-American Water Company to the Director of Environmental Health. - Obtain all necessary approvals for a water connection permit from the Monterey Peninsula Water Management District (MPWMD) for not more than the amount of water allocated in the Board of Supervisors resolution for project approval. - Obtain approval from the Board of Supervisors adding or amending any 	Applicant/ Owner MCHD PBI WRA MPWMD CalAm	Prior to issuance of any permits.	

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			<p>permit conditions if necessitated by any subsequent water connection permit issued by the MPWMD Board.</p>			
			<p>If the MPWMD determines that the amount of water allocated (4.8 afy) is insufficient for the project as approved, the project shall be reduced in unit size to correspond to the number of units for which MPWMD determines the 4.8 afy water supply is sufficient, with any amended design subject to the approval of the Director of Planning and Building Inspection, the General Manager of the Water Resources Agency and the General Manager of the Monterey Peninsula Water Management District, or subject to approval by the Board of Supervisors subject to a referral from Planning or Water Resources pursuant to their discretion. If the actions by the MPWMD necessitate changes to the project or conditions of approval other than design, such changes shall require approval by the Board of Supervisors.</p>			
			<p>Submit to the Director of Planning and Building Inspection a plan for the annual monitoring of water use. The plan shall include but not be limited to monitoring methods, schedules and contingency plans for the reduction in water use should the monitoring report indicate the project used or is projected to use more than the allocated amount of water in any 12- month period. The plan shall be approved by the General Manager of the Water Resources Agency and the General Manager of the Monterey Peninsula Water Management District.</p>			

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25	29	<p>MWRP - UTILITY IMPACT 5</p> <p>Due to a maximum water allocation of 4.8-acre feet per year, the facility would be limited to a maximum of 74 beds based on 0.085 acre feet per bed and the inclusion of a graywater/ozone filter system for the exterior landscape irrigation (subject to the final allocation amount of the 4.8 acre feet of water available by the Board of Supervisors). The facility could be allowed up to 78 beds subject to the approval of "special circumstance" credits for conservation devices by the Monterey Peninsula Water Management District (MPWMD).</p>	<p>Provide evidence of approval by the MPWMD for a senior, assisted living facility not to exceed 78 beds. The facility shall be limited to the maximum number of beds allowed by the MPWMD based on a maximum water allocation/use of 4.8 acre feet of water per year.</p> <p>If either the Board of Supervisors or the MPWMD approves an amount of water that reduces the beds allowed below 78, the applicant shall submit amended plans consistent with the bed reduction and obtain approval.</p>	<p>Applicant/ Owner PBI</p>	<p>Prior to issuance of any permits</p> <p>Ongoing</p>	
26	7	<p>MWRP - BIOLOGY IMPACT 4</p> <p>To avoid attracting frogs during development, no vegetation removal shall take place while it is raining and precautions should be taken to prevent puddles on site. Following any rain activity, the Monterey County Planning and Building Inspection Department and a qualified biologist shall be immediately contacted by the responsible individual on-site. When contacted, the project planner and the biologist shall immediately visit the site to determine if any "at risk" amphibians are present. If any "at risk" amphibians are discovered, the biologist shall contact the California Department of Fish and Game to identify appropriate measures to avoid impacts before continuing operations.</p>	<p>Monitor the site to remove puddles of water. Following any rain activity, the responsible project manager/contract shall halt all grading activity and contact the Monterey County Planning and Building Inspection Department and the project biologist who will visit the site and determine proper mitigation based on the findings. Project Manager/Contractor shall certify compliance by signed letter upon completion of project construction.</p>	<p>Applicant PBI Inspectors Biologist</p>	<p>During Site Preparation and Grading</p>	

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27	4	<p>MMRP - BIOLOGY IMPACT 1</p> <p>In order to avoid impact to significant oak trees protected under the Carmel Valley Master Plan, the applicant/owner shall provide plans to improve Val Verde Drive that include protection and avoidance of all significant oak trees in the project area to the satisfaction of the Director of Planning and Building Inspection. The applicant/owner shall install fencing along the edge of the drip line of the oaks trees to avoid impacting said trees during grading activity.</p>	<p>A. Submit Improvement Plans including the accurate location of the trunk and drip lines of all significant oak trees both within the site and within the right of way for Val Verde Drive and Carmel Valley Road to the Director of Planning and Building Inspection and the Director of Public Works.</p>	<p>Applicant/ Owner PBI PW</p>	<p>Prior to issuance of grading permits</p>	
			<p>B. Install fencing around the drip line of all significant oak trees to be maintained during construction to the satisfaction of the Director of Planning and Building Inspection. Project Manager/Contractor shall certify compliance by signed letter upon completion of project construction.</p>	<p>Applicant/ Owner PBI</p>	<p>Prior to issuance of grading permits</p>	
28	12	<p>MMRP - HYDROLOGY IMPACT 1</p> <p>To prevent runoff from moving soil off-site and to prevent post construction erosion, appropriate Best Management Practices shall be implemented and the soil shall be re-vegetated within 60 days of completing construction.</p>	<p>Contact the Planning and Building Inspection Department for a representative to inspect the project area relative to compliance with Mitigation Measure 12.</p>	<p>Applicant/ Owner PBI</p>	<p>Prior to Final Permit Approval</p>	

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20	13	<p>MMRP – HYDROLOGY IMPACT 2</p> <p>In order to address water runoff for the project, the applicant/owner shall submit a detailed drainage plan to the Monterey County Water Resources Agency prior to issuance of any permit. Said plan shall include:</p> <ul style="list-style-type: none"> - Design data identifying, and evaluating impacts to, the 100-year flood elevation, flood height, and the Rio Road tie back levee. - Routing natural drainage around the proposed development in a manner that does not impact down slope development. Routing of downstream flows shall be shown along with any new appurtenant drainage structures, erosion protection of existing structures or watercourses, and need for additional right-of-way. - Routing storm water runoff from the paved, vehicle areas to an oil/grease/water separator before discharge into a detention pond. - Construction of storm water detention facilities to limit impervious surface storm water runoff to the 10-year predevelopment rate and store the difference between the 100-year post-development and 10-year pre-development runoff. Any detention design requires showing engineering details for the containment structure; including any berms that would create shallow detention using parking areas. An erosion protected spillway shall be designed into the berm to provide a predictable overflow point. - Fencing of detention ponds for public safety. - Maintenance and cleaning schedules for oil/grease traps, detention ponds, and the graywater system in accordance with County regulations to insure that all drainage systems are properly maintained and functioning. - Installation of oil/grease traps adjacent to roadways and parking lots that are designed to remove at least 90% of 	<p>A. Submit a detailed drainage plan prepared by a registered civil engineer to the satisfaction of the Monterey County Water Resources Agency and Public Works Department. Impacts identified during the review of said plans shall be fully mitigated through construction and/or "fair-share" mitigation fees to be determined by the Monterey County Public Works Department and Water Resources Agency.</p>	<p>Applicant/ Owner</p> <p>Civil Engineer</p> <p>WRA</p> <p>PW</p>	<p>Prior to issuance of any permit</p>	

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		<p>all storm water contaminants during the first rains.</p> <ul style="list-style-type: none"> - Any roadside improvements that could prevent erosion (e.g. curb/gutter or paved swale) and which down slope properties may be affected before water need to be analyzed. - "Best Management Practices" to prevent reaches the river, degradation of water quality in the Carmel River. - Designing the proposed detention ponds (with the exception of the proposed cistern) to increase infiltration rates for runoff such that the detention ponds function as percolation ponds. - Operation and maintenance procedures for the proposed water cistern to assure long-term viability. <p>The applicant shall implement all on-site and off-site improvements related to drainage as determined necessary by the Monterey County Public Works Department and Water Resources Agency.</p>	<p>B. Submit weekly activity reports, including photographs and activity logs where applicable, that document how all construction Best Management Practices and recommended mitigations measures were followed during project construction and these conditions. Said reports shall be submitted to the Director of Planning and Building Inspection by the end of the working day on Monday. Project Manager/Contractor shall certify compliance by signed letter upon completion of project construction.</p>	<p>Applicant/ Owner PBI</p>	<p>During grading</p>	
30		<p>WR36 – MAINTENANCE AGREEMENT (NON-STANDARD) The property owner, Monterey County and the Monterey County Water Resources Agency shall enter into a maintenance agreement, which shall provide for the maintenance of roads, drainage facilities, and open spaces. The agreement shall be approved by the Director of Public Works, the Director of Planning and Building Inspection, and the General Manager of the Monterey County Water Resources Agency and shall be recorded by the property owner, prior to issuance of grading and/or building permits.</p>	<p>A. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.</p>	<p>Applicant/ Owner Civil Engineer PBI WRA</p>	<p>Prior to issuance of grading permit</p>	

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		The agreement shall run with the land and shall include provisions for regular monitoring and maintenance of the road and drainage facilities. The agreement shall also require a yearly report by a registered Civil Engineer that identifies needed/performed maintenance and/or certifies that the roads and drainage facilities are operating as designed.	B. Submit Annual Report to WRA for review and approval.	PW	Annually following completion	
31	3	<p>MMRP – AIR QUALITY IMPACT 1</p> <p>To reduce short-term, localized air quality impacts due to dust generated during site preparation/construction and exhaust from construction vehicles, the applicant shall submit a program for how air quality control measures will be implemented during construction activities. Said plan shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> - Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil condition, and wind exposure. - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. - Pave, apply water three times daily, or apply (non- 	A. Submit a program with the grading and building plans identifying how all air quality control measures will be implemented throughout construction. Said plan shall be subject to review and approval of the Planning and Building Inspection Department.	Applicant/ Owner PBI	Prior to issuance of a grading permit	

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		<p>toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites to the satisfaction of the Director of Planning and Building Inspection.</p> <ul style="list-style-type: none"> - Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites. - Cover stockpiles of debris, soil, sand or other materials that may be blown by the wind. - Sweep construction areas and adjacent streets of all mud and dust daily or as needed. - Landscape or cover completed portions of the site as soon as construction is complete in that area. - Grading activity shall not exceed 2.2 acres of excavation or 8.1 acres of grading per day. 	B. Implement all air quality control measures to the satisfaction of the Planning and Building Inspection Department. Project Manager/Contractor shall certify compliance by signed letter upon completion of project construction.		During Construction	
32		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS- FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans</p>	A. Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner Cypress FPD	Prior to issuance of building permit.	

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		for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.	B. Applicant shall schedule fire dept. rough sprinkler inspection		Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection		Prior to final building inspection	
33		FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection	A. Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner Cypress FPD	Prior to issuance of building permit.	
			B. Applicant shall submit fire alarm plans and obtain approval.		Prior to rough sprinkler or framing inspection	
			C. Applicant shall schedule fire alarm system acceptance test.		Prior to final building inspection	

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34	10	<p>MMRP - GEOLOGIC IMPACT 1</p> <p>In order to address geotechnical conditions identified for the project site, the applicant/owner shall submit grading plans that incorporate all recommendations of the Kleinfelder Geotechnical Investigation onto said grading plans as specifications for the proposed project. In order to monitor geotechnical conditions identified for the project site, the applicant shall submit reports from a certified geotechnical engineer that inspect, test and approve all geotechnical aspects of the project construction including, but not limited to: site preparation and grading, site drainage improvements, foundation and retaining wall excavations prior to placement of steel and concrete, location and design of graywater system, and excavations for utilities prior to placement of conduits. Grading plans and reports shall be subject to review and approval by the Direction of Planning and Building Inspection.</p>	<p>A. Submit grading plans stamped by a certified geotechnical engineer and completed in accordance with geotechnical recommendations to the satisfaction of the Planning and Building Inspection Director. The Director shall verify the existence of said recommendations as specifications on the Grading Plans prior to issuance of the grading permit.</p> <p>B. A certified geotechnical engineer shall inspect, test and approve all geotechnical aspects of the project construction and report all findings to the Director of Planning and Building Inspections. Project geotechnical engineer shall certify compliance with all geotechnical recommendations by signed letter prior to final grading approval</p>	<p>Applicant/ Owner Engineer PBI</p>	<p>Prior to issuance of a grading permit</p> <p>Prior to final grading approval</p>	

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			C. A certified geotechnical engineer shall inspect and approve all cut slopes and all key way excavations, if any, and report all findings to the Director of Planning and Building Inspections.		Prior to placement of engineered fill	
35	2	<p>MMRP – AESTHETIC IMPACT 3</p> <p>In order to reduce lighting impacts and preserve the nighttime views of the area, the applicant shall submit a Lighting Plan including photometrics for the site for review and approval by the Director of Planning and Building Inspection and the Monterey County Sheriff. Said plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> - Low intensity lighting with 90-degree cut-off shields for all exterior light fixtures. - No light source shall extend beyond the project boundary. - Parking lot lights shall not exceed 14 feet in height. - Incorporate landscaping to screen glare from surrounding areas and meet Sheriff Department standards for Crime Prevention through Environmental Design (CPTED). 	A: Submit a Lighting Plan for review and approval of the Director of Planning and Building Inspection and Monterey County Sheriff.	Applicant/ Owner PBI Sheriff	Prior to issuance of any building permit	

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			R. Install lighting in accordance with the approved Lighting Plan to the satisfaction of the Director of Planning and Building Inspection.	Applicant/ Owner PBI	Prior to occupancy	
36		FIRE001 - ROAD ACCESS Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name.	A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. B. Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner Cypress FPD	Prior to issuance of grading and/or building permit. Prior to final building inspection.	
37		FIRE002 - ROADWAY ENGINEERING The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways,	A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner Cypress FPD	Prior to issuance of grading and/or building permit.	

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		exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.	R. Applicant shall schedule fire dept. clearance inspection for each phase of development.		Prior to final building inspection	
38		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17	A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner Cypress FPD	Prior to issuance of grading and/or building permit.	

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		<p>feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.</p>	<p>B. Applicant shall schedule fire dept. clearance inspection</p>		<p>Prior to final building inspection</p>	
39		<p>FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet</p>	<p>A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Owner/ Applicant Cypress FPD</p>	<p>Prior to issuance of grading and/or building permit.</p>	

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		wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.	B. Applicant shall schedule fire dept. clearance inspection		Prior to final building inspection	
40		FIRE010 -ROAD SIGNS All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road	A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans.	Applicant or owner Cypress FPD	Prior to issuance of building permit(s)	

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		<p>signs shall be a minimum 4-inch letter height, 1/4-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority</p>	R. Applicant shall schedule fire dept. clearance inspection for each phase of development.		Prior to final building inspection	
41		<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately</p>	A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner Cypress FPD	Prior to issuance of building permit.	

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		identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance	B. Applicant shall schedule fire dept. clearance inspection		Prior to final building inspection	
42		FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL) For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available.	A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. B. Applicant shall schedule fire dept. clearance inspection	Applicant or owner Cypress FPD	Prior to issuance of grading and/or building permit. Prior to final building inspection	

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43		FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the "State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways", May 1988.	A. Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. B. Applicant shall schedule fire dept. clearance inspection	Applicant or owner Cypress FPD	Prior to issuance of grading and/or building permit. Prior to final building inspection	
44		EH38 - SEPARATE RECYCLABLES All persons shall separate all recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility (MCC 10.41.020.B).	Submit a plan to the Division of Environmental Health for review and approval.	Owner/ Applicant EH	Prior to issuance of building permits/ Continuous condition	

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45		<p>EH40 - MEDICAL WASTE</p> <p>Storage, transportation, and disposal of biohazardous/medical wastes shall be in compliance with of Title 22, Division 20, Chapter 6.1 of the California Code of Regulations.</p>	The operation shall register and shall maintain a valid permit from the Division of Environmental Health.	Owner/ Applicant EH	Prior to issuance of building permits/ Continuous condition	
46	9	<p>MMRP – CULTURAL IMPACT I</p> <p>If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 150 feet of the find until a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archeologist (i.e.; an archeological registered with the Society of Professional Archeologists) shall be immediately contacted by the responsible individual on-site. When contacted, the project planner and the archeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	Monitor the site for cultural materials in the soils. If any materials are found, the responsible individual on-site shall halt all grading activity within 150 feet of the find and immediately contact the Monterey County Planning and Building Inspection Department and the project archeologist who will visit the site and determine proper mitigation based on the findings.	Applicant PBI Inspectors	During Grading	

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47	11	<p>MMRP – HAZARD IMPACT 2</p> <p>Because the MCHD has never evaluated the actual performance of graywater technology in a facility of this type, this graywater system will be treated as a pilot project that shall be monitored for the life of the use permit. All services, testing, and modifications required by the Director of Health shall be in accordance with and subject to any amendments of Monterey County Code Chapter 15.20. The provisions of this mitigation shall be at the owner's expense.</p>	<p>A. Submit an operation and maintenance training plan/schedule (either in-house or by the manufacturer) to MCHD for review and approval.</p>	<p>Applicant/ Owner Maint. Company MCHD</p>	<p>Prior to issuance of any permits</p>	
Resolution BoS, 07/13/2004 Gamboa Appeal (PLN000357)			Page 44			

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible LULU 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>ii. Submit detailed plans of the proposed graywater system to MCHD for review and approval. In order to minimize the possibility for an assisted care living facility generating graywater with substances that are not of a quality consistent with the intent of Appendix G (Section G 13) of the California Plumbing Code, the system shall be designed as follows:</p> <ul style="list-style-type: none"> - All unused or expired pharmaceuticals shall be disposed of in accordance with the Medical Waste Management Act, Section 117600 through 118360 of the California Health & Safety Code. No pharmaceuticals shall be discharged down any fixture connected to the graywater system. - No laundry that includes soiled diapers may be included with the graywater for the facility. - Only resident bathroom lavatories, showers and bathtubs, restroom lavatories, and laundry fixtures shall be connected to the graywater system. All other building fixtures shall be connected to the sanitary sewer system. - No chemicals, disinfectants, and/or wastewater prohibited by Appendix G (Sections G 2 and G 13) shall be discharged into fixtures connected to the graywater system. Separate fixtures that do not connect to the graywater system shall be installed for disposing of cleaning chemicals, disinfectants, and/or wastewater. Fixtures connected to the graywater system may use minimal amounts of institutional chemicals or disinfectants for cleaning of those fixtures only. - This graywater system shall incorporate sand filtration and ozone disinfection of the graywater (as proposed by the applicant) prior to distribution for irrigation. 		Prior to issuance of any permits	

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			C. Provide documentation demonstrating that the company and/or staff responsible for maintaining and operating the graywater system has the technical and managerial skills necessary in the maintenance and operation of all components of the system (plumbing cistern, ozone, etc).		Prior to occupanc y of the facility	
			D. MCHD staff will inspect the system two (2) times per year.		For the first five (5) years after installati on	
			E. MCHD shall perform a final evaluation of the system and the technology with the potential for permanent approval should the technology prove itself.		On- Going after Year Five	

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			F. Submit a report completed by the person(s) responsible for maintenance and operation of the graywater system to the Director of Health for review and approval. Said report shall record and report all diversions of the graywater to the sewer as a result of ponding/surfacing of graywater, system back up, system overflow, and the reason for said diversion.		By Dec. 1 st of each year following completion	
48		PBD018(B) - LANDSCAPE PLAN AND MAINTENANCE (NON-STANDARD) The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant PBI Sheriff	At least 60 days prior to final inspection or occupancy	

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		<p>be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. Said plans shall be prepared by a licensed Landscape Architect and must:</p> <ul style="list-style-type: none"> - Identify the location, species and size of the proposed landscaping material. - Include species that are botanically appropriate to the area, including but not limited to native species such as Monterey Pine, Cypress, and Oak trees. - Include planting of arroyo willows and other riparian associated species around both detention ponds. - Identify all existing trees within the project area including the site, Val Verde Drive right-of-way, and along Carmel Valley Road. Indicate all trees to be removed. - Retain the 26-inch pine along the south property lines plus all of the mature trees along Carmel Valley Road. - Provide a mix of mature plants and species to screen or soften the visual impact of new development. - Provide notes on the plans to eradicate invasive vegetation for areas on or near the project area including on-site, within the right-of way adjacent to the project site, along the Carmel Valley Road frontage, and along Rio Road. <p>Address Sheriff Department standards for Crime Prevention through Environmental Design (CPTED).</p>	<p>All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition</p>	<p>Owner/ Applicant PBI</p>	<p>Ongoing</p>	

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40	1	<p>MMRP – AESTHETIC IMPACT 2</p> <p>In order to reduce lighting impacts and preserve the visual character of the area, the developer shall submit Landscape Plans prepared by a licensed Landscape Architect that:</p> <ul style="list-style-type: none"> - Identify the location, species and size of the proposed landscaping material. - Include species that are botanically appropriate to the area, including but not limited to Monterey Pine, Cypress, and Oak trees. - Include planting of arroyo willows and other riparian associated species around both detention ponds. - Identify all existing trees within the project area including the site, Val Verde Drive right-of-way, and along Carmel Valley Road. Indicate all trees to be removed. 	A: Submit a Landscape and Irrigation Plan, with the required review fee, for review and approval	Applicant/ Owner PBI Sheriff	At least three weeks prior to occupancy	
		<ul style="list-style-type: none"> - Retain the 26-inch pine along the south property lines plus all of the mature trees along Carmel Valley Road. - Provide a mix of mature plants and species to screen or soften the visual impact of new development. - Provide notes on the plans to eradicate invasive vegetation for areas on or near the project area including on-site, within the right-of way adjacent to the project site, along the Carmel Valley Road frontage, and along Rio Road. - Address Sheriff Department standards for Crime Prevention through Environmental Design (CPTED). 				

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			<p>B: Install landscaping in accordance with the approved Landscape and Irrigation Plan to the satisfaction of the Director of Planning and Building Inspection.</p> <p>C: Maintain landscaping in accordance with the approved Landscape and Irrigation Plan to the satisfaction of the Director of Planning and Building Inspection. The applicant shall submit a report every 5 years for the next 15 years demonstrating long term compliance with the Landscape and Irrigation plan.</p>	<p>Applicant/ Owner PBI</p> <p>Applicant/ Owner PBI</p>	<p>Prior to occupancy</p> <p>On going</p>	
50		<p>WR8 - COMPLETION CERTIFICATION The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with approved plans.</p>	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	<p>Owner/ Applicant/ Engineer/ Contractor WRA</p>	Prior to final inspection	
51		<p>WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per</p>	Compliance to be verified by building inspector at final inspection.	<p>Owner/ Applicant WRA</p>	Prior to final building inspection/ occupancy	

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		<p>minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices</p>				
52	24	<p>MMRP –TRAFFIC IMPACT 7</p> <p>In order to provide adequate emergency access and reduce the impact of emergency vehicle traffic on Val Verde Drive, the applicant shall:</p> <ul style="list-style-type: none"> - Improve Val Verde Drive to a width of 12 feet (maximum) from the northern most project entry to Carmel Valley Road; - Install posting/restrictions along this segment for emergency access only; - Install an emergency gate on Val Verde Drive at the intersection with Carmel Valley Road that is secured from general vehicle traffic; - Install an emergency gate at the southeast corner of 	<p>Provide the Director of Planning and Building Inspection with written verification that appropriate restrictions are in place for the emergency access segment to the satisfaction of the local fire jurisdiction, Monterey County Sheriff's Department, and the Department of Public Works.</p>	<p>Applicant/ Owner</p> <p>PBI</p> <p>Sheriff</p> <p>PW</p>	Prior to occupancy	

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		<p>the subject property that is not within the right-of-way of, and is secured from general vehicle traffic using, Val Verde Drive;</p> <ul style="list-style-type: none"> - Design the project with general access from Carmel Rancho Boulevard only; - Provide evidence that the applicant has obtained authorization from the neighboring property owner allowing improvements for access through to Carmel Rancho Boulevard; and - Install an emergency vehicle pre-empt system on the signal at the intersection of the Brinton's driveway with Carmel Rancho Boulevard subject to the approval of the Department of Public Work. 	Provide plans showing the design providing access the project from Carmel Rancho Boulevard along with documents verifying authority for said access and necessary improvements.		Prior to issuance of permits	
53	25	<p>MMRP -TRAFFIC IMPACT 8</p> <p>In order to reduce impacts of generating traffic at peak times, the applicant shall schedule employee arrivals/shift changes at non-peak hours (7:00-9:00 AM and 4:00-6:00 PM) and also coordinate this to vary from the peak operation times of the Community Life Center. Deliveries may occur only between the hours of 10:00 am and 3:00 pm.</p>	Submit an operation plan that identifies peak traffic periods for the area and Community Life Center and based on such establishes employee schedules (shift changes) and delivery schedules that will not impact these peak periods. Said plan shall be submitted to review and approval of the Director of Planning and Building Inspection.	Applicant/ Owner PBI	Prior to occupancy	

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54	27	<p>MMRP - UTILITY IMPACT 1</p> <p>To ensure that the project does not exceed the 4.8-acre foot water allocation, or an alternative lesser allocation approved by the Board which could cause a significant impact to the local water supply, the applicant/owner shall contract with an approved qualified engineer to monitor and provide water use reports. The engineer shall be approved by, and reports shall be submitted to the Director of Planning and Building and the General Manager of Water Resources Agency consistent with the schedule in the following monitoring actions. Said reports shall identify the actual water use of the facility at various stages of occupancy with recommended action(s) if the facility is nearing its water limit as directed in the following monitoring actions.</p>	<p>A: During the first two years of operation after approval of building permits, submit monthly reports to the Director of Planning and Building Inspection and the General Manager of Water Resources Agency prepared by a qualified engineer that identifies the actual water use of the facility. If any report finds that this facility is operating at or over their proportional capacity, Mitigation Number 27C below shall be implemented accordingly based on these findings.</p>	<p>Qualified Engineer PBI WRA</p>	<p>1st day of each month immediately following occupancy and for the first two years of operation</p>	

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			<p>B: During Years 3-5 of operation, submit semi-annual reports to the Director of Planning and Building Inspection and the General Manager of Water Resources Agency prepared by a qualified engineer that identifies the actual water use of the facility. If the facility is not at full buildout and operation during years 3-5, then these semi-annual reports shall continue to be required until the facility is operating at full build out for two years. If any report finds that this facility is operating at, near, or over their proportional capacity, Mitigation Number 27C below shall be implemented accordingly based on these findings.</p>		<p>Jan 1st and July 1st each year during years 3-5 of operation</p>	

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			<p>C. In the event that the project at any time exceeds the water allocation approved by the Board, the consultant engineer shall recommend implementation of and applicant shall implement one or more actions to reduce water consumption to the satisfaction of the Water Resources Agency. Said action may include, but are not limited to:</p> <ul style="list-style-type: none"> - Remove on-site laundry and provide off-site laundry service only. - Implement further staff/client water saving measures through review of water use practices in conjunction with client attrition to reduce the number of beds occupied. - Reduce the allowed number of beds that may be occupied. If the facility is operating with a reduced occupancy (e.g.; 65 beds) when the reports noted in Mitigation Measures 27A or 27B find the facility is nearing its proportional capacity, then that level of occupancy shall be the new limit of occupancy until a future report identifies available water to use for additional beds. 		If any report directed by Monitoring Action 27A or 27B identifies that the facility has used more than 90% of the allocation for any calendar year	
55	8	<p>MMRP – BIOLOGY IMPACT 5 To replace the habitat of the arroyo willows that will be removed, arroyo willows and/or other riparian associated species shall be planted around the detention ponds to the satisfaction of the Director of Planning and Building Inspection.</p>	<p>A. Contact the Planning and Building Inspection Department for a representative to inspect the project area relative to compliance with Mitigation Measure 8.</p>	<p>Applicant PBI</p>	<p>Prior to Occupancy</p>	

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			B. A qualified biologist shall review the project site and provide the Director of Planning and Building Inspection with a report of site conditions relative to successful establishment of the riparian habitat around the detention ponds. Said report shall include recommended remediation where tree planting is unsuccessful. If remediation is determined to be necessary, the monitoring timeframe shall be extended another two years and consistent with the monitoring action above, the biologist shall verify the completion and effectiveness of said remediation in a manner consistent with this mitigation monitoring action. Subsequent remediation measures and extended monitoring actions may be required until full mitigation is achieved pursuant to approval from the Director of Planning and Building Inspection.	Biologist PBI	Two years following occupancy	
56	15	MMRP – NOISE IMPACT 3 To reduce the long term ambient noise, the applicant shall prepare an emergency response plan that limits use of sirens for emergency services for this facility. Said plan shall be subject to review and approval of the Monterey County Sheriff Department and Cypress Fire Protection District.	Submit an emergency response plan for review and approval of the Monterey County Sheriff Department and Cypress Fire Protection District.	Applicant/ Owner Sheriff Cypress FPD	Prior to occupancy	

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57	16	MMRP – NOISE IMPACT 4 To reduce long-term noise impacts, the facility shall not install or use any exterior sound devices, including a public address system, bull horn and other similar equipment at any time. No outdoor activities may take place after 10:00 pm on the subject site.	Place a note on the building plans that the facility may not install or use any exterior sound devices at any time. No outdoor activities may take place after 10:00 pm on the subject site.	Applicant PBI	On-going	
58		WR37- DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT (NON STANDARD) The Maintenance Agreement described in Condition 29 shall provide that if the property owner fails to properly maintain, repair, or operate the roads, drainage and/or flood control facilities for the project, the County of Monterey and the Monterey County Water Resources Agency shall have the right to enter any and all portions of the property to perform repairs, maintenance, or improvements necessary to properly maintain or operate the drainage and flood control facilities in the project. The County of Monterey and the Monterey County Water Resources Agency shall have the right to collect costs for said repairs. Said costs shall be included upon their property tax bills, upon a noticed hearing by the Board of Supervisors as to the appropriateness of the cost.	Properly maintain, repair, or operate the roads, drainage and/or flood control facilities for the project in accordance with recorded Maintenance Agreement.	Applicant Owner WRA	On-Going	
59		PBD030 - STOP WORK - RESOURCES FOUND If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist PBI	Ongoing	

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60		EH2R - HAZ. MAT BUSINESS RESPONSE PLAN Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health.	Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant EH	Continuo us	