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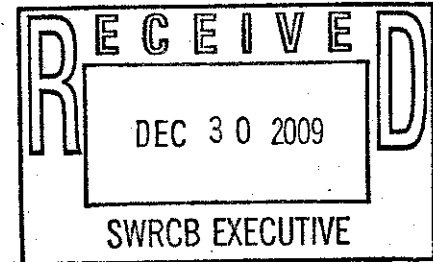
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File No. 00458.004

December 30, 2009

VIA E-MAIL



Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100

Re: **Baylaurel, LLC Comments on Order Denying Reconsideration**

Dear Ms. Townsend:

On behalf of Baylaurel, LLC, the owner and operator of Bernardus Lodge, we respectfully submit the following written comments on the draft "Order Denying Reconsideration of Cease and Desist Order 2009-006" that the State Water Resources Control Board is scheduled to consider on January 5, 2010:

1. Contrary to staff's representations in Section 5.0, Bernardus Lodge submitted comments on the draft CDO that explained and documented the basis for its vested water credit and the CDO's adverse affect on these vested property rights. These comments were submitted to the SWRCB on September 30, 2009. Accordingly, the Petition is not defective and no affidavit explaining why this information and documentation could not have been produced is required. This information is part of the evidentiary record.
2. Section 5.3 of the draft Order states that the Petition "does not state that Petitioner has any need or plan for using the water credit other than for an unspecified use." As Carole Forest, President and CFO of Baylaurel, LLC explains in her declaration, Baylaurel, LLC intends to use this credit for its recently approved expansion of Bernardus Lodge, which includes 16 additional rooms and a 3,000 square foot maintenance, storage and office building ("Lodge Expansion Project"). Exhibit A, paragraph 5. The County of Monterey approved the Lodge Expansion Project on July 29, 2009. Exhibit B. As noted in the Planning Commission Resolution approving the Lodge Expansion Project, the expansion will use all but .33 acre feet of the 3.41 AFA water credit that Baylaurel obtained from the removal of the on-site laundry facilities. Exhibit B, Finding 3 (b), p. 6.

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Clerk to the Board
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3. Section 5.4.1 of the draft Order disingenuously and incorrectly states that "Order WR 2009-0060 does not deprive petitioners of water credits." However, the CDO clearly prohibits Cal-Am from providing new service connections or allowing an increase in water use at an existing service connection without providing any exception for connections that rely on MPWMD approved water credits or allocations. This moratorium on service connections remains in effect until such time as Cal-Am substitutes its excess Carmel River diversion for an alternative water source. Moreover, the draft Order states that MPWMD water credits are not a valid basis for Cal Am to divert water from the Carmel River. Draft Order, p. 12. Accordingly, the CDO effectively prevents Cal-Am from diverting water to new connections or to increase water use at existing service connections based on an MPWMD-approved water credit.

In addition, in Section 5.4.3, the draft Order goes out of its way to justify the CDO's exemption from the new service connection moratorium for "PBC entitlement based service connections" and its failure to recognize other valid water credit based connections. The draft Order states that the CDO carved out an exception for PBC connections based on SWRCB assurances that the SWRCB would not use its enforcement discretion to penalize Cal-Am for illegal diversions to satisfy PBC water entitlements. The draft Order then suggests that had Baylaurel provided evidence of similar assurances relative to its water credit, such assurances could provide a basis for a similar exemption for other MPWMD water credit holders.

For the last 14 years, the SWRCB never exercised its enforcement discretion to order Cal-Am to stop servicing new connections based on other, non-PBC, MPWMD-approved water credits, nor did it compel MPWMD to stop issuing water credits pursuant to Rule 25.5. Accordingly, Baylaurel and other similarly situated property owners implemented and invested in significant water savings projects to obtain water credits.

Baylaurel detrimentally relied on SWRCB's inaction and the regulatory assurances provided by Rule 25.5 and subsequent approvals from MPWMD that its water credit would be available for future use at Bernardus Lodge by undertaking work and incurring significant costs to establish these water entitlements. Baylaurel spent approximately \$140,000.00 to remove the permanent laundry facility and spends an additional \$80,000.00 per year to transport and service the laundry needs of Bernardus Lodge at an off-site Salinas location. Exhibit A, paragraphs 2 and 3. In addition and in reliance on this water credit, Baylaurel spent approximately \$450,000.00 on architects, engineers, attorneys and planning professionals to obtain the County of Monterey's approval of the Lodge Expansion Project. Exhibit A, paragraph 5. Baylaurel would not have incurred the significant cost to abandon their on-site laundry facility or pursue an application for the Lodge Expansion Project in the absence of this water credit. Exhibit A, paragraphs 4 and 7.

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Baylaurel again respectfully requests that the SWRCB reconsider the new connection moratorium set forth in Condition No. 2 to expressly exclude future connections at Bernardus Lodge that are based upon previously approved water allocations and water credit.

Sincerely,

Lombardo & Gilles, LLP



Jason S. Retterer

JSR:ncs

Enclosures

cc: Ms. Carole Forest

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9 STATE OF CALIFORNIA
10 BEFORE THE STATE WATER RESOURCES CONTROL BOARD

11 IN THE MATTER OF CALIFORNIA
12 AMERICAN WATER COMPANY
13 CEASE & DESIST ORDER WR 2009-
14 0060

CAROLE FOREST DECLARATION IN
SUPPORT OF BAYLAUREL PETITION
FOR RECONSIDERATION

15 I, Carole Forest, declare as follows:

16 1. I am the President and Chief Financial Officer of Baylaurel LLC ("Baylaurel"),
17 which owns and operates Bernardus Lodge, located at 5 West Carmel Valley Road, in Carmel
18 Valley, California. Bernardus Lodge is within the jurisdictional boundaries of the Monterey
19 Peninsula Water Management District ("MPWMD") and receives water from the California-
20 American Water Company ("Cal-Am").

21 2. In 2008, Baylaurel spent approximately \$140,000 to permanently dismantle and
22 remove an on-site laundry facility from Bernardus Lodge in order to obtain a water credit of
23 3.740 AFA in accordance and in reliance on MPWMD Rule 25.5, which authorizes MPWMD
24 to issue water credits based on the permanent abandonment of water use at a property. As a
25 condition of issuance of the water credit, MPWMD required Baylaurel to record a Deed
26 Restriction on the property, which forever prohibits a laundry facility at Bernardus Lodge.

27 3. In December 2007, prior to the dismantling of its on-site laundry facility,
28 Baylaurel entered into a 5 year lease agreement at a cost of approximately \$50,000 per year
for an off site laundry facility, which is located in Salinas, outside of the Cal-Am service area

1 boundary. In addition to the annual cost of leasing the facility, Baylaurel spends
2 approximately \$192,000 per year (or \$16,000 per month) to transport and service its laundry
3 at the Salinas facility. I estimate that Baylaurel's annual cost to service laundry at this off-site
4 facility is approximately \$80,000 more than servicing the laundry at the on-site laundry
5 facility.

6 4. Baylaurel would not have incurred the significant cost in dismantling its on-site
7 laundry facility and the ongoing and significant additional expense of transporting and
8 servicing its laundry at the Salinas facility without the appropriate regulatory assurances that a
9 water credit would be available for a future expansion of Bernardus Lodge.

10 5. In reliance on this water credit, Baylaurel applied to the County of Monterey for
11 a Combined Development Permit consisting of an Administrative Permit, General
12 Development Plan and Design Approval for construction of 16 additional hotel units, and a
13 3,000 square foot, two story maintenance, storage and office building at Bernardus Lodge
14 ("Lodge Expansion Project"). In conjunction with the application process, Baylaurel incurred
15 significant expenses, including approximately \$7,000.00 in County of Monterey application
16 fees, and approximately \$450,000 on the architecture firm, AXIS Architecture and Design, to
17 prepare architectural renderings and site plans for the application, engineering, legal, and
18 planning consulting fees.

19 6. On July 29, 2009, the County of Monterey Planning Commission approved the
20 Lodge Expansion Project. However, prior to obtaining a building permit for the project,
21 Baylaurel must satisfy numerous conditions of approval of the project and obtain a water
22 connection permit from MPWMD and Cal-Am. Accordingly, Baylaurel can not proceed with
23 the Lodge Expansion Project without a water permit that is based on the previously MPWMD-
24 approved water credit.

25 7. Baylaurel would not have submitted the application for the Lodge Expansion
26 Project or incurred the significant application costs without the prior regulatory assurance that
27 a water service connection would be available based on the MPWMD approved water credit.
28

1 8. I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that I could and would competently testify thereto if called as a
3 witness in this matter.

4 Dated: December 29, 2009

BAYLAUREL LLC

5 By: 

6 Carole Forest
7 President/CFO
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**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:
Bay Laurel, LLC (PLN020398)

RESOLUTION NO. 09037

Resolution by the Monterey County Planning
Commission:

- 1) Adopt the Mitigated Negative Declaration;
- 2) Approving Combined Development Permit (PLN020398 Bay Laurel, LLC) consisting of an Administrative Permit, General Development Plan and Design Approval for construction of 16 additional hotel units, and a 3,000 square-foot, two-story maintenance, storage and office building at the existing 57-unit Bernardus Lodge and including the demolition of two existing structures originally built as single family dwellings, construction of retaining walls and associated grading of 1,521 cubic yards of cut and 1,521 cubic yards of fill. Materials and colors to match existing. The property is located at 415 Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 187-131-044-000) Carmel Valley Master Plan area;
- 3) Adopt the Mitigation Monitoring and Reporting Program (Exhibit 1).

The Bay Laurel, LLC application (PLN020398) came on for public hearing before the Monterey County Planning Commission on July 29, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

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

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

- the Monterey County General Plan,
- the Greater Monterey Peninsula Area Plan,
- the Greater Monterey Peninsula Area Plan, Inventory and Analysis,
- Monterey County Zoning Ordinance (Title 21),
- Carmel Valley Master Plan

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies

EXHIBIT B

- with the text, policies, and regulations in these documents.
- b) The property is located at 415 Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 187-131-044-000), Carmel Valley Master Plan. The parcel is zoned "LDR/2.5-D-S" & "VO-D-S" & "PQP-D-S &" (Low Density Residential, 2.5 acres per unit, Visitor Serving/Professional Office, and Public-Quasi Public with Design Control, and Site Plan Review Overlays). Although the subject property is comprised of six separate parcels, it is identified by one Assessor's Parcel Number and one address. The proposed development will take place on three of the parcels designated with the VO zoning designation, which allows for hotels and motels subject to a Use Permit. The subject property has been used historically as a hotel facility, the Carmel Valley Inn. In 1998, the County of Monterey approved an administrative permit (PLN980033) to allow the replacement of the 57 unit resort with a new 57 unit resort; which is now the Bernardus Lodge. The proposed project to expand the existing hotel with an additional 16 units and a maintenance, storage, and office building; is consistent with the provisions of the zoning district.
 - c) The "D" (Design Control) overlay district requires that applications for development include design approval to allow review of the size, configuration, materials, and colors of the proposed structures, and to assure protection of the public viewshed, neighborhood character, and visual integrity of the area. Proposed materials and colors include board and batten exterior siding, stucco exterior siding, wood accents, and beige and light terra cotta colors to match the existing. The project will not affect the public viewshed, neighborhood character, and therefore is consistent with the provisions of the Design Control overlay.
 - d) The project as designed is consistent with Policy No. 26.1.3.2 of the Carmel Valley Master Plan, the applicant will use muted neutral tones which will blend into the natural environment of Carmel Valley. The site plan review overlay district requires the County to review development for the potential to adversely affect or be adversely affected by natural resources or site constraints, and requires an Administrative Permit for the proposed development.
 - e) The development includes removal of 23 trees. Section 21.64.260 requires a permit to remove any oak, redwood, or madrones which are greater than 6 inches at breast height. The trees slated for removal are Pine, Eucalyptus, and various fruit trees (Biological Report date July 2008, LIB080658). Therefore, no permit is required for their removal. However, the removal of trees has the potential to impact nesting birds. A mitigation measure has been added to ensure that the impact will be less than significant (see Finding No. 5, Evidence e). As additional tree protection, the project has been conditioned to require that trees within close proximity of construction activities be fenced off and protected.
 - f) Erosion Control – Policy Nos. 3.1.1.1 of the Greater Monterey Peninsula Area Plan and 3.1.1.2; 3.1.1.3; 3.1.9; 3.1.15; and 35.1.3 of the Carmel Valley Master Plan require that new development implement erosion control measures during grading and construction activities as well as ongoing maintenance of erosion control measures. In addition, the Geological and Soils Engineering report has identified a potential

for highly erodible soils; therefore, the project has been mitigated (see Mitigation Measure No. 3) to require the applicant to submit an erosion control plan for review and approval by the RMA Building Department and the RMA Planning Department prior to issuance of any grading or building permit. The condition also requires that the applicant submit ongoing evidence of compliance with the implemented schedule.

- g) Archaeological resources – Policy Nos. 12.1.4.1 of the Greater Monterey Peninsula Area Plan and 12.1.6.1; and 12.1.8 of the Carmel Valley Master Plan require properties located within high archaeological zones to submit an archaeological report prior to development the subject properties. Figure 8 of the Greater Monterey Area Plan delineates the subject property to be located within a high archaeological sensitivity zone; therefore, a Preliminary Archaeological Reconnaissance (LIB090308) dated March 24, 2003 was submitted with the application. The report concludes that no materials frequently associated with prehistoric cultural resources were found onsite and no evidence of historic archaeological resources was noted during the archaeologist's reconnaissance. However, due to the high archaeological sensitivity of the site, the project has been conditioned to halt work if archaeological, historical, or paleontological resources are uncovered during the course of construction, and to have those materials evaluated by a qualified archeologist. (Condition No. 4) Therefore, the project is consistent with these policies.
- h) Fire hazards – Policy Nos. 17.3.1.1 of the Greater Monterey Peninsula Area Plan and 17.3.1.1; and 17.4.1.2 of the Carmel Valley Master Plan require that the project be evaluated by the appropriate fire district and that adequate equipment and roads for fire protection exist. The project was reviewed by the Carmel Valley Fire Protection District and conditions have been applied to the project to assure compliance with the policies of the area plan as well as the fire department regulations. (Condition Nos. 24-31)
- i) Visual sensitivity – Policy Nos. 40.2.9 of the Greater Monterey Peninsula Area Plan and 26.1.26 of the Carmel Valley Master Plan require that development in areas designated as visually sensitive on the "Visual Sensitivity and Scenic Routes" (Figure 17 of the Greater Monterey Peninsula Area Plan) shall be compatible with the visual character of the area using appropriate siting, design, materials, and landscaping. The site is located within the rear portion of the property, set back more than 100 feet from Carmel Valley Road, materials and colors will match the existing and vineyards will be planted in the foreground. The project is also conditioned (see Condition No. 14) to plant landscape screening near Carmel Valley Road in order to break up the mass of the proposed buildings.
- j) Rural character of Carmel Valley – Policy No. 4.2.2 of the Carmel Valley Master Plan encourages the rural agricultural nature of the Valley. The proposed project includes building material such as board and batten siding as well as planting of vineyards in the open area between the proposed buildings and Carmel Valley Road.
- k) Drainage – Policy No. 3.1.11 of the Carmel Valley Master Plan encourages all development projects to have on-site stormwater

retention and infiltration basins. The proposed project has been reviewed by the Water Resources Agency and a condition (Condition No. 22) has been applied which require the applicant to submit a drainage plan to the Water Resources Agency for review and approval prior to the issuance of any grading or building permits. The drainage plan shall be prepared by a registered civil engineer to address both on-site and off-site impacts. Stormwater collected from the proposed buildings shall be routed to the existing detention facilities on the subject property. The civil engineer shall also analyze the capacity of the existing facilities to determine the ability to detain the additional runoff. In addition, condition No. 23 requires the applicant to provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that the drainage improvements have been constructed in accordance with the approved drainage plan.

- l) Visitor Serving Units in Carmel Valley – Policy No. 28.1.25 and of the Carmel Valley Master Plan states that expansions of hotels should be favored over the development of new project. The proposed project is consistent with this policy. Policy No. 28.1.27 of the Carmel Valley Master Plan requires a maximum of 250 additional visitor accommodation units east of Via Mallorca and that the overall density shall not be in excess of 10 units per acre. As of June 24, 2009, 164 visitor serving units have been approved in the area east of Via Mallorca and approval of the proposed development will result in 70 units remaining. The resulting density of the existing Bernardus Lodge and the proposed expansion will be 2.88 units per acre. The project as proposed is consistent with this policy.
- m) The project was referred to the Carmel Valley Land Use Advisory Committee (CVLUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the proposed project requires California Environmental Quality Act (CEQA) review and the project has the potential to raise significant land use issues that necessitate review prior to a public hearing. On February 2, 2009 the CVLUAC conducted a publicly noticed site visit as well as had a regular meeting (see minutes attached as Exhibit E of July 29, 2009 staff report). Issues and concerns from the public include: environmental review, screening of light from inside of the rooms, the increased size of Bernardus Lodge, additional employees, changes in amenities and events, runoff, traffic, and the use of energy efficient products and materials such as solar panels. The applicant and County Staff were present at the meeting and addressed the public's concerns. In addition, the CVLUAC had concerns regarding traffic, visual impact, water, and height and recommended the following based on those concerns: provide a turn lane off of Carmel Valley Road into Bernardus Lodge, shift the brighter colors of the buildings so that they are less visible from the south, the on-site use of runoff, and reduction of height by reducing the slope of the roofs. Traffic has been analyzed in the Mitigated Negative Declaration (see Finding 5, Evidence h) as well as by Public Works staff (see Finding 3, Evidence d). Stormwater runoff has been analyzed by the Water Resources

Agency (see Finding 1, Evidence j). Colors and materials used for the expansion will match existing and the proposed height of the structures meets the height limit of 35 feet. However, the applicant has submitted revised plans removing the ventilation windows and reducing the two-story structures from 28 feet to 25 feet. The CVLUAC voted in support of the project with a vote of 6 ayes and 1 absent with recommended changes.

- n) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN020398.
- o) The project planner conducted a site inspection on November 12, 2008 to verify that the project on the subject parcel conforms to the plans listed above.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended by the Carmel Valley Fire Protection District, Public Works, Environmental Health, and Water Resources have been incorporated.

b) Staff identified potential impacts to archaeological resources, biological resources, geological hazards, historical resources, and traffic. The project is consistent with the applicable policies as stated in Finding 1 above. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- "Archaeological Reconnaissance" (LIB090308) prepared by Archaeological Consultants, Salinas, CA, March 24, 2003.
- "Bernardus Lodge Villas Biological Assessment" (LIB080658) prepared by Rana Creek Environmental Planning, Carmel Valley, CA, July 2008.
- "Geologic and Soil Engineering Report" (LIB080659) prepared by LandSet Engineers, Inc., Salinas, CA, March 2009.
- "Historical Analysis" (LIB090238) prepared by Kent Seavey, Pacific Grove, CA, dated March 12, 2003.
- "Traffic Report" (LIB080657) prepared by Higgins Associates, Gilroy, CA, September 15, 2008.

- c) Staff conducted a site inspection on November 12, 2008 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN020398.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA-Public Works Department, Environmental Health Division, Water Resources Agency, Carmel Valley Fire Protection District, the Monterey County Parks Department, and the Monterey County Sheriffs Department. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The proposed hotel expansion will be served by an existing water purveyor, California American Water Company. When Bernardus Lodge was approved for development (File No. PLN980033) the resort included installation of on-site laundry facilities. In April 2008, the laundry facilities were removed from the subject property and a deed restriction was subsequently filed with the Monterey Peninsula Water Management District (MPWMD), reflecting the permanent abandonment of the laundry facilities. This resulted in a water credit of 3,740 acre feet. A MPWMD Water Release Form, dated February 11, 2009, has been submitted to the Water Resources Agency and subsequently approved. The Water Release Form indicates that the applicant plans to use 1.65 acre feet for the expansion, using the "Motel/B&B" water use factor, with a remaining credit of 2.09 acre feet. However, staff from the RMA - Planning Department has determined that the proposed hotel rooms will be the equivalent of the "Luxury Hotel" use factor. Using that figure, the expansion will use approximately 3.41 acre feet of water, leaving a remaining credit of approximately .33 acre feet. The applicant will not receive a Water Permit from MPWMD until the building permit process; therefore, these figures are approximations and will not be exact until that time.
 - c) The proposed hotel expansion will be served by the existing wastewater system. On April 9, 1999, the Bernardus Lodge was issued Water Quality Order No. 97-10-DWQ by the California Regional Water Quality Control Board. The order allowed the operation of their domestic wastewater treatment and disposal system up to a maximum average daily flow of 20,000 gallons per day. Staff from the Division of Environmental Health has received a letter from Carmel Lahaina Utility Services, Inc. stating the anticipated wastewater flows, the actual flow records, as well as the anticipated increase generated by the proposed expansion. The letter concludes that the wastewater facility is capable of receiving the additional flows. The Environmental Health Division has recommended a condition of approval (Condition No. 19), requiring the owner or wastewater treatment operator ensure that all wastewater treatment system operation comply with the original Water

Quality Order No. 97-10 and Water Code Section 13267. Should a violation occur, the owner or wastewater treatment operator may be subject to civil liability.

- d) Review by the Public Works Department of the proposed project identified concerns regarding sight and safety for ingress and egress into the site. Public Works staff has verified that a warrant analysis determined that left turn channelization is required based on the cumulative traffic volumes and the Left Turn Channelization Policy adopted by Monterey County, using the "Two Lane Undivided Channelization Guidelines" nomograph. Therefore, the Public Works Department has required conditions of approval as follows: the first condition (Condition No. 16) requires the applicant to obtain an encroachment permit and construct a left turn channelization (turn pocket) at the intersection of Laureles Grade and the Bernardus driveway prior to the issuance of any building permits; and the second condition (Condition No. 18) requires the applicant to obtain an encroachment permit and construct a new two-way left turn lane along the frontage of Carmel Valley Road. The installation of the dedicated turn lanes will enhance safety and traffic operations along the roadways accessing the project site.
- e) See Finding Nos. 1 and 2, 5 and supporting evidence for PLN020398.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 12, 2009 and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN020398.

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

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN020398).
 - c) The Initial Study identified several potentially significant effects, but

the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (see Exhibit G of the July 29, 2009 staff report).

- d) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetic resources, air quality, biological resources, geology and soils, hazards/hazardous materials, hydrology/water quality, land use and planning, noise, traffic and transportation, utilities and service systems. Aesthetics, air quality, hydrology/water quality, land use planning, noise, and utilities/service systems were found to be less than significant and biological resources, geology/soils, hazards/hazardous materials, and transportation/traffic were found to be potentially significant.
- e) Biological Resources – A biological survey was conducted by Rana Creek Environmental Planning on July 2, 2008. Although no nesting birds were present during the time of the survey, the trees slated for removal have the potential to provide habitat for nesting birds. Therefore, in order to comply with the Federal Migratory Bird Treaty Act, the project has been mitigated to require a preconstruction survey if tree removal and grading were to occur during nesting periods, between February 1st and July 30th. Therefore, the project will have a less than significant impact on biological resources with mitigations incorporated.
- f) Geology/Soils – A Geological and Soils Engineering Report, by LandSet Engineers Inc., dated March 2009, was submitted by the applicant. The report concluded that there is an active Foothill segment of the Tularcitos fault located adjacent and parallel to the northeastern property line of the subject property. In order to reduce to potential of exposing life or structures to a known geological hazard, the project has been mitigated to require that a geologist review the site grading and construction plans. The plans submitted for the grading and building permit shall have either a stamp or an accompanying letter acknowledging the review by the geologist and that the project plans conform to the recommendations found within the Geological Report. Due to a potential for highly erodible soils, the applicant is also required mitigate construction activities by including stringent erosion control measures recommended by the geotechnical engineer. Therefore, when built, the project will have a less than significant impact caused by geological hazard with mitigations incorporated.
- g) Hazards/Hazardous Materials – Due to the age of the structures to be demolished, there is a potential to expose people to hazardous materials such as lead and asbestos. Therefore, the project has been mitigated to require an asbestos survey conducted by a Certified Asbestos Consultant prior to the demolition of the structures. Thus the project will have a less than significant impact on hazards and hazardous materials with mitigations incorporated.
- h) Transportation/Traffic – A Traffic Impact Analysis, by Higgins Associates, dated September 15, 2008 was submitted by the applicant.

The Traffic Analysis concluded that the proposed project will contribute to the cumulative conditions to the Laureles Grade and Carmel Valley Road intersection; and therefore, in order to mitigate that impact, the applicant is required to pay Carmel Valley Master Plan Area Traffic Mitigation fee. The project is also required to mitigate impacts to regional traffic by paying a Transportation Agency for Monterey County (TAMC) Traffic Impact fee. In addition to the mitigations identified in the MND, the applicant is required to comply with conditions required by the Public Works Department (see Finding 3, Evidence d). Therefore, the project will have a less than significant impact on transportation and traffic with conditions and mitigations incorporated.

- i) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as Exhibit 1. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition No. 7).
- j) The Draft Mitigated Negative Declaration ("MND") for PLN020398 was prepared in accordance with CEQA. Pursuant to CEQA Guidelines Section 15105, the public review period for a proposed MND shall not be less than 20 days when a project is not submitted to the State Clearinghouse for review by state agencies; therefore, the MND was circulated for public review from June 10, 2009 through July 1, 2009. Although the MND was not circulated to any state agencies during the review period, staff contacted the Regional Water Quality Control Board and the Department of Fish and Game with regards to the project. No comments were made, nor were there any issues brought up by the agencies. Issues that were analyzed in the Draft MND include aesthetic resources, air quality, biological resources, geology and soils, hydrology and water quality, land use and planning, traffic and transportation and utilities and service systems.
- k) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding No. 2), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN020398) and are hereby incorporated herein by reference.
- l) 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 (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site has the potential to support migratory birds. For purposes of the

Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee of \$1876.75 plus a fee of \$50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- m) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration. Comments were received from the Monterey Bay Unified Air Pollution Control District, the Carmel Valley Association, LandWatch Monterey County, and from a neighboring property owner.
- n) Comments from the Monterey Bay Unified Air Pollution Control District (MBUAPCD) - The project is a non-residential population-related project and therefore, consistency with the AQMP must be evaluated on a case-by-case basis. The 16 new units are accommodated in the August 2008 AQMP and are therefore consistent. The comment letter from the MBUAPCD is attached to the MND as evidence. There is also a comment on project specific construction impacts to air quality. Staff has evaluated impacts using URBEMIS 2007 and rough estimations of a construction schedule for the project. The unmitigated totals for PM₁₀, NO_x, CO, and SO₂ caused by the project were well under the thresholds of significance and therefore will not have a significant impact on air quality.
- o) Comments from the Carmel Valley Association - Comments received include: parking, additional employees, traffic, the wastewater system capacity, water availability and water use, extension of the vineyard, use of pesticides on the vineyards, potential erosion, stormwater runoff, the number of special events, tree removal, potential use of solar energy, visibility, colors and materials, noise, the use of a right of way for employee parking, zoning, size of the development, lighting. These comments have been addressed within Findings 1, 2, 3, 4, 5, 6 and associated Evidence.
- p) Comments from LandWatch Monterey County - Comments received include: 1) addressing consistency of the project with the Carmel Valley Master Plan and 2) the cumulative traffic mitigation for the intersection of Carmel Valley Road and Los Laureles Grade. The project's consistency with the Carmel Valley Master Plan is identified in Section VI. 9 of the MND as well as Finding No. 1. The traffic mitigation identified in the MND for cumulative impacts to the intersection of Carmel Valley Road and Los Laureles Grade, require payment of a traffic mitigation fee. This fee is for the collection of a fair share fee, as part of the traffic impact fee ordinance (Board of Supervisors Resolution No. 95-140, adopted September 12, 1995), adopted for Carmel Valley Road which will address the projects cumulative impact identified resulting from the project. This is a sufficient mitigation pursuant to Article 15130.a.3 of the CEQA Guidelines.

- q) Comment from neighboring property owner – A comment letter received from a neighboring property owner identified concerns regarding surface drainage and a natural creek adjacent to the neighboring property. The Water Resources Agency reviewed the project and no significant impacts were identified; however the project has been conditioned to address stormwater runoff (see No. Finding 1, Evidence k). Based on staff's correspondence with the Water Resources Agency, the project meets the County setback requirement from a river and watercourse and the drainage plan submitted by the applicant will address on-site and off-site impacts.
- r) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **SUBSTITUTION OF MITIGATION MEASURES** - The new mitigation measure is equivalent or more effective in mitigating or avoiding potential significant effects and that itself will not cause any potentially significant effect on the environment.

EVIDENCE: a) Mitigation Measure 1 has been revised as follows: "In order to minimize potential impact to nesting birds through construction activities, a preconstruction survey shall be conducted by a qualified biologist prior to disturbance within the development area, particularly if tree removal and grading are to occur between February 1st and July 30th August 31st. The survey shall primarily determine if there is a presence of nesting birds. If nesting birds are discovered on or near the building site, work shall be suspended and the California Department of Fish and Game should be consulted regarding measures to avoid impact. This change reflects the Department of Fish and Game's (DFG) standard recommendation for nesting birds. The DFG considers the breeding season to extend from February 1st through August to account for late broods and to reduce any impacts to fledglings that may be dependant on the nest site.

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

EVIDENCE: a) Zoning Ordinance, Section 21.22.030 in a VO zoning district. The proposed project meets the size and number of uses criteria; therefore, a GDP is required to be approved by the Planning Commission prior to new development, changes in use, expansion of use, or physical improvement of the site.

b) The project as described in the application and accompanying materials was reviewed by the Planning Department, Carmel Valley Fire Protection District, Parks Department, Public Works Department, Environmental Health Division, Sheriff, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate,

to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the county in general.

- c) A General Development Plan has been developed that identifies the existing development at Bernardus Lodge, the proposed expansion project, number of employees, parking, sign program, materials and colors, landscaping, exterior lighting, and trash and recycling. The GDP is attached hereto as **Exhibit 3** of this resolution and incorporated herein by reference. (See Condition No. 14).
- d) Staff conducted a site inspection on February 2, 2009, to verify that the proposed GDP and project are consistent with allowed uses for the VO zoning district and the existing use of the site.
- e) Materials in Planning File PLN020398.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** Section 21.80.040.D Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

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

- A. Adopt the Mitigated Negative Declaration;
- B. Approve the Combined Development Permit (PLN020398 Bay Laurel, LLC) consisting of an Administrative Permit, General Development Plan (**Exhibit 3**) and Design Approval for construction of 16 additional hotel units, and a 3,000 square foot, two-story maintenance, storage and office building at the existing 57-unit Bernardus Lodge. The project includes demolition of two existing structures originally built as single family dwellings, construction of retaining walls and associated grading of 1,521 cubic yards of cut and 1,521 cubic yards of fill. Materials and colors to match existing; in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.
- C. Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**)

PASSED AND ADOPTED this 29th day of July, 2009 by the following vote:

AYES: Brown, Isakson, Salazar, Vandevere, Sanchez, Diehl, Rochester, Ottone
NOES: None
ABSTAIN: None
ABSENT: Pessagno, Padilla



CARL HOLM, ACTING SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON AUG 21 2009

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

AUG 31 2009

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

NOTES

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

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

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

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

RESOLUTION 09037 - EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Bay Laurel, LLC
 File No: PLN020398 APNs: 187-131-044-000
 Approved by: Planning Commission Date: July 29, 2009

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Permit Number	Project Name	Responsible Agency	Reporting Agency	Reporting Period
1.	<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN020398) Bay Laurel, LLC) consisting of an Administrative Permit, General Development Plan and Design Approval which allows the construction of 16 additional hotel units, and a 3,000 square foot, two-story maintenance, storage and office building at the existing 57-unit Bernardus Lodge. The project includes demolition of two existing structures originally built as single family dwellings, construction of retaining walls and associated grading of 1,521 cubic yards of cut and 1,521 cubic yards of fill. Materials and colors to match existing. The property is located at 415 Carmel Valley Road, Carmel Valley (Assessor's Parcel Number 187-131-044-000), Carmel Valley Master Plan area. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the</p>	<p>WRA - Planning</p>	<p>WRA - Planning</p>	<p>Ongoing unless otherwise stated</p>

2.	<p>appropriate authorities. (RMA-Planning Department)</p> <p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 09037) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 187-131-044-000 on July 29, 2009. The permit was granted subject to 31 conditions of approval and 6 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)</p>	<p>Obtain appropriate form from the RMA-Planning Department.</p> <p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	<p>Owner/ Applicant RMA- Planning</p>	<p>Prior to the issuance of grading and building permits or commencement of use</p>
3.	<p>PD032(A) - PERMIT EXPIRATION</p> <p>The permit shall be granted for a time period of 4 years, to expire on July 29, 2013 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)</p>	<p>The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.</p>	<p>Owner/ Applicant</p>	<p>As stated in the conditions of approval</p>
4.	<p>PD003(A) - CULTURAL RESOURCES - NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and develop proper</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>

<p>County of Monterey Planning Department 1000 North Main Street Salinas, CA 95370 Phone: (831) 438-2200 Fax: (831) 438-2201 www.montereycounty.gov</p>	<p>5.</p>	<p>mitigation measures required for the discovery. (RMA - Planning Department)</p> <p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA -- Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA -- Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Upon demand of County Counsel or concurrent with the issuance of building permits</p>
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Item No.	Description	Requirements	Owner/Applicant	Timeline
6.	<p>PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	Owner/Applicant	Within 5 working days of project approval
7.	<p>PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)</p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	Owner/Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first
8	<p>PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)</p>	<p>Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.</p>	Owner/Applicant/Geotechnical Consultant	Prior to final inspection
9.	<p>PD011 - TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective</p>	<p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p>	Owner/Applicant	Prior to the issuance of grading and/or building permits

<p>materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA -- Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)</p>	<p>Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p>	<p>Owner/ Applicant/ Arborist</p>	<p>During Construction</p>
<p>10. PD012(E) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. Prior to issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA -- Planning Department)</p>	<p>Submit photos of the trees on the property to the RMA -- Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.</p>	<p>Owner/ Applicant</p>	<p>Prior to final inspection</p>
<p>10. PD012(E) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. Prior to issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA -- Planning Department)</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p>	<p>Prior to issuance of Building Permits</p>
<p>10. PD012(E) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. Prior to issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA -- Planning Department)</p>	<p>Submit one (1) set landscape plans of approved by the RMA -- Planning Department, Maximum Applied Water Allowance (MAWA) calculation, and a completed "Non-Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p>	<p>Prior to issuance of Building Permits</p>
<p>10. PD012(E) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (OTHER THAN SINGLE FAMILY DWELLING) The site shall be landscaped. Prior to issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA -- Planning Department)</p>	<p>Submit an approved water permit from the MPWMD to the RMA -- Building Permit</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor</p>	<p>Prior to issuance of Building Permits</p>

Item Number	Description	Requirements	Professional/Trade License	Timing
11.	<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN</p> <p>All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	<p>The landscaping shall be installed and inspected.</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>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to Occupancy</p> <p>Ongoing</p> <p>Prior to the issuance of building permits</p> <p>Prior to Occupancy / Ongoing</p>
12.	<p>PD035 - UTILITIES - UNDERGROUND</p> <p>All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)</p>	<p>Install and maintain utility and distribution lines underground.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>

<p>13.</p>	<p>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439) In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:</p> <ol style="list-style-type: none"> 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process; 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building; 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. <p>All Air District standards shall be enforced by the Air District. (RMA – Planning Department)</p>	<p>Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.</p>	<p>Contractor/ Owner/ Applicant</p>	<p>Prior to the issuance of a demolition permit</p>
<p>14.</p>	<p>PDSP01 – CARMEL VALLEY ROAD LANDSCAPE SCREENING PLAN AND MAINTENANCE (NON-STANDARD) The buildings shall be screened from Carmel Valley Road. Prior to the issuance of grading and/or building permits, the applicant shall submit (3) copies of a landscape screening plan to the Director of the RMA – Planning Department for review and approval. The landscape screening plan shall be in sufficient detail to identify the location (along Carmel Valley Road), species, and size of the trees and shall include an irrigation plan. The landscaping screening shall be installed and inspected prior to occupancy or final. All areas along Carmel Valley Road shall be continuously maintained by the applicant and the trees screening the buildings shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p>	<p>Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.</p>	<p>Contractor/ Owner/ Applicant/ Air District</p>	<p>During demolition</p>
<p>14.</p>	<p>PDSP01 – CARMEL VALLEY ROAD LANDSCAPE SCREENING PLAN AND MAINTENANCE (NON-STANDARD) The buildings shall be screened from Carmel Valley Road. Prior to the issuance of grading and/or building permits, the applicant shall submit (3) copies of a landscape screening plan to the Director of the RMA – Planning Department for review and approval. The landscape screening plan shall be in sufficient detail to identify the location (along Carmel Valley Road), species, and size of the trees and shall include an irrigation plan. The landscaping screening shall be installed and inspected prior to occupancy or final. All areas along Carmel Valley Road shall be continuously maintained by the applicant and the trees screening the buildings shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)</p>	<p>Submit 3 copies of a landscape screening plan to the RMA – Planning Department for review and approval. The landscape plan shall identify trees to be planted along Carmel Valley Road and shall include the species and size of the trees.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p>	<p>Prior to the issuance of grading and/or building permits</p>
<p>14.</p>	<p>The area along Carmel Valley Road shall be continuously maintained by the applicant and the trees screening the buildings shall be continuously maintained in a litter-free, weed-free, healthy, growing condition</p>	<p>The area along Carmel Valley Road shall be continuously maintained by the applicant and the trees screening the buildings shall be continuously maintained in a litter-free, weed-free, healthy, growing condition</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>

Item No.	Description	Department	Owner/Applicant	Timing
15.	<p>PDSP02 – GENERAL DEVELOPMENT PLAN – NOTICE (NON STANDARD) A General Development Plan has been approved for the project and prior to the issuance of grading or building permits, the applicant shall be record a notice with the Monterey County Recorder's Office. The General Development Plan shall be attached in it's entirety as an exhibit. (RMA – Planning Department)</p>	<p>RMA - Planning Department</p>	<p>Owner/Applicant</p>	<p>Prior to the issuance of grading or building permits</p>
16.	<p>PW0002 – ENCROACHMENT (TURN) Prior to occupancy, the applicant shall submit a roadway design to the Department of Public Works for review and approval, as well as obtain an encroachment permit from the Department of Public Works, for the construction of a left turn channelization at the intersection of Laureles Grade and project driveway if and as required by the Director of Public Works. (Public Works)</p>	<p>RMA - Public Works Department</p>	<p>Owner/Applicant</p>	<p>Prior to occupancy</p>
17	<p>PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)</p>	<p>RMA - Public Works Department</p>	<p>Owner/Applicant/Engineer</p>	<p>Prior to issuance of building or grading permits</p>
18.	<p>PWSP0001 – ENCROACHMENT (NON-STANDARD) Prior to occupancy, the applicant shall submit a roadway design to the Department of Public Works for review and approval, as well as obtain an encroachment permit from the Department of Public Works, for the construction of a two left turn lane along the project frontage of Carmel Valley Road, including any necessary driveway</p>	<p>RMA - Public Works Department</p>	<p>Owner/Applicant/Engineer</p>	<p>Prior to occupancy</p>

Project Name	Project Location	Project Description	Permitting Authority	Project Status	Project Contact
		modifications, if and as required by the Director of Public Works. The length of the two way left turn lane shall be approved by the Department of Public Works. (Public Works)	permits and environmental clearances.		
Health Department					
Environment & Health Division					
19.		EHSP01 - WASTEWATER TREATMENT SYSTEM (NON-STANDARD) Pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board - Central Coast Region (RWQCB), this property is subject to RWQCB regulation. General waste discharge requirements for discharges to land by small domestic wastewater treatment systems were issued for this property under Water Quality Order No. 97-10 - Bernardus Lodge, Monterey County.	Prior to the issuance of a building permit, the Wastewater Treatment Operator shall submit verification that the waste water treatment system is in compliance with order 97-10 and Water Code Section 13267 to the Director of Environmental Health for review and approval.	Owner/ Wastewater Treatment Operator	Prior to the issuance of building permits
		Ensure that all operations comply with Order No. 97-10 and Water Code Section 13267.	Ensure that all wastewater treatment system operations comply with Order No. 97-10 and Water Code Section 13267.	Owner/ Wastewater Treatment Operator	Ongoing
Monterey County Water Resources Agency					
20.		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	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy

<p>shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</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. (Water Resources Agency)</p>	<p>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. (Water Resources Agency)</p>	<p>Submit the Water Release Form to the Water Resources Agency for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of any building permits</p>
<p>WRSP01 - DRAINAGE PLAN (NON-STANDARD) A drainage plan shall be prepared by a registered civil engineer to address on-site and off-site impacts and stormwater from the proposed project shall be routed to the existing detention facilities on the property. The capacity of the existing detention facilities shall be analyzed to determine the ability to detain additional runoff. Drainage improvements shall be construction in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	<p>WRSP02 - COMPLETION CERTIFICATION (NON - STANDARD) The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that drainage improvements have been constructed in accordance with approved plans. (Water Resources Agency)</p>	<p>Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of any grading or building permits</p>
<p>WRSP02 - COMPLETION CERTIFICATION (NON - STANDARD) The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that drainage improvements have been constructed in accordance with approved plans. (Water Resources Agency)</p>	<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>	<p>Owner/ Applicant</p>	<p>Prior to final inspection</p>	

<p>24.</p>	<p>FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to issuance of grading and/or building permit</p> <p>Prior to final building inspection</p>	
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25.	<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 wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of grading and/or building permit</p>
26.	<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of building permit</p>

	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection</p>
<p>27.</p>	<p>Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Carmel Valley Fire Protection District)</p> <p>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</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Owner/ Applicant</p> <p>Prior to issuance of grading and/or building permit</p>

	<p>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. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection</p>
<p>28.</p>	<p>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of grading and/or building permit</p>
<p>29</p>	<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) 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 for fire sprinkler systems must be submitted by a</p>	<p>Applicant shall schedule fire dept. rough sprinkler inspection</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection</p>
		<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of building permit</p>
		<p>Applicant shall schedule fire dept. rough sprinkler inspection</p>	<p>Owner/ Applicant</p>	<p>Prior to framing inspection</p>

Section	Applicant/Contractor	Mitigation Measures	Applicant/Contractor	Prior to final building inspection
30.	<p>California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Carmel Valley Fire Protection District)</p> <p>FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)</p> <p>The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall schedule fire dept. final sprinkler inspection</p>	Owner/Applicant	Prior to final building inspection
31.	<p>FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD)</p> <p>All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Carmel Valley Fire Protection District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall submit fire alarm plans and obtain approval.</p> <p>Applicant shall schedule fire alarm system acceptance test.</p> <p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	Owner/Applicant	Prior to issuance of building permit
Mitigation Measures				
1.	<p>PDSP02 - MITIGATION MEASURE 1 - TREE REMOVAL</p> <p>In order to minimize potential impact to nesting birds through construction activities, a preconstruction survey shall be conducted by a qualified biologist prior to disturbance within the development area, particularly if</p>	<p>Should tree removal and/or grading activities occur between February 1st and July 30th, the applicant shall submit a preconstruction survey conducted by a qualified biologist prior to commencement of these activities to the</p>	Owner/Applicant/Contractor	Prior to commencement of tree removal and or

<p>tree removal and grading are to occur between February 1st and August 31st. The survey shall primarily determine if there is a presence of nesting birds. If nesting birds are discovered on or near the building site, work shall be suspended and the California Department of Fish and Game should be consulted regarding measures to avoid impact. (RMA - Planning Department)</p>	<p>RMA-Planning Department for review and approval. The survey shall be conducted no more than two days previous to the onset of activities. Should the report conclude that nesting birds are discovered on or near the building site and active nests are located, work shall be suspended and the California Department of Fish and Game shall be consulted regarding measures to avoid impacts.</p>	<p>grading activities</p>
<p>2. PDSP03 - MITIGATION MEASURE 2 - GEOLOGICAL HAZARDS The active Foothill segment of the Tularcitos fault is located adjacent and parallel to the northeastern property line of the subject property. In order to reduce the potential of exposing life or structure to the rupture of a known earthquake fault and/or seismic hazard to a less than significant impact, the project geologist shall review the site grading and construction plans and their potential impacts by the identified geologic hazards. This shall be done prior to submitting the plans to the County. Per recommendation of the geologist, the applicant shall submit 50 foot wide setback from the Foothill segment to any habitable structure. Structures which are for human occupancy shall be designed for horizontal ground acceleration of 0.845g. (RMA - Planning Department)</p>	<p>Prior to submitting grading and construction plans to the County, the project geologist shall review the potential impacts on the identified geologic hazards. The plans shall be submitted to the County for review with either a stamp acknowledging review by the geologist or accompanied by a letter stating that the review of the plans has occurred and that they conform to the recommendations found within the Geological and Soil Engineering report by LandSet Engineers, Inc., dated March 12, 2009.</p> <p>Prior to the issuance of grading and building permits, the grading and construction plans shall be reviewed by the RMA-Planning Department to verify there is a 50 foot setback from the Foothill segment to any habitable structures as delineated on sheet 1 of the project plans. The plans an/or accompanying engineering reports shall</p>	<p>Owner/ Applicant/ Geological Engineer</p>
	<p>Owner/ Applicant/ Geological Engineer</p>	<p>Prior to the issuance of grading and building permits</p>

		<p>also indicate that structures intended for human occupancy are designed according to the current edition of the California Building Code (CBC) and are designed for horizontal ground acceleration of 0.845g.</p>	
<p>3.</p>	<p>PDSP04 – MITIGATION MEASURE 3 – EROSION CONTROL Grading and construction plans for the proposed project shall include stringent erosion control measures recommended by the geotechnical engineer and shall be in compliance Chapter 16.12 of the Monterey County Code (Erosion Control). (RMA – Planning Department)</p>	<p>Prior to the issuance of grading and/or building permits, the grading and construction plans shall include an erosion control plan. The erosion control plan shall include stringent erosion control measures recommended by the geotechnical engineer and shall be in compliance with Chapter 16.12 of the Monterey County Code. The plans shall be reviewed by the Monterey County RMA-Planning Department and the Monterey County Building Services Department, Grading Division, for compliance.</p>	<p>Owner/ Applicant/ Geological Engineer</p>
<p>4.</p>	<p>PDSP05 – MITIGATION MEASURE 4 – HAZARDS/DEMOLITION Due to the age of the structures proposed for demolition, the applicant shall have a Certified Asbestos Consultant conduct and asbestos survey of the structures to be demolished. A report shall be prepared and submitted to the Monterey Bay Unified Air Pollution Control District for review and approval a minimum of the (10) working days prior to commencing asbestos removal, or if no asbestos is present, a minimum of ten (10) working days prior to demolition. (RMA – Planning Department)</p>	<p>Prior to the issuance of the demolition permit, the applicant shall submit an asbestos survey of the structures to be demolished to the Monterey Bay Unified Air Pollution Control District. The survey shall be reviewed and approved a minimum of ten (10) working days prior to commencing asbestos removal, or if no asbestos is present, a minimum of ten (10) working days prior to demolition. The applicant shall submit proof of approval of the demolition by the Monterey Bay Unified Air Pollution Control District to the Monterey County Planning Department.</p>	<p>Owner/ Applicant/ Contractor</p>

5.	<p>PDSP06 – MITIGATION MEASURE 5 – CARMEL VALLEY TRAFFIC IMPACT In order for the project to reduce its impact to the cumulative traffic conditions in the Carmel Valley Area, the applicant shall pay the Carmel Valley Master Plan Traffic Impact fee. (RMA – Planning Department)</p>	<p>Prior to issuance of building permits, the applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995.</p>	Owner/ Applicant	Prior to the issuance of building permits	
6.	<p>PDSP07 – MITIGATION MEASURE 6 – REGIONAL TRAFFIC IMPACT In order for the project to reduce its impact to regional traffic, the applicant is required to pay Transportation Agency for Monterey County (TAMC) Traffic Impact Fee. (RMA – Planning Department)</p>	<p>Prior to the issuance of building permits, the applicant shall contribute to County of Monterey an amount determined by the applicant's traffic engineer and approved by the Department of Public Works as payment of the project's pro rata share of the cost of short-term operational improvements to State Highway One.</p>	Owner/ Applicant	Prior to the issuance of building permits	

END OF CONDITIONS

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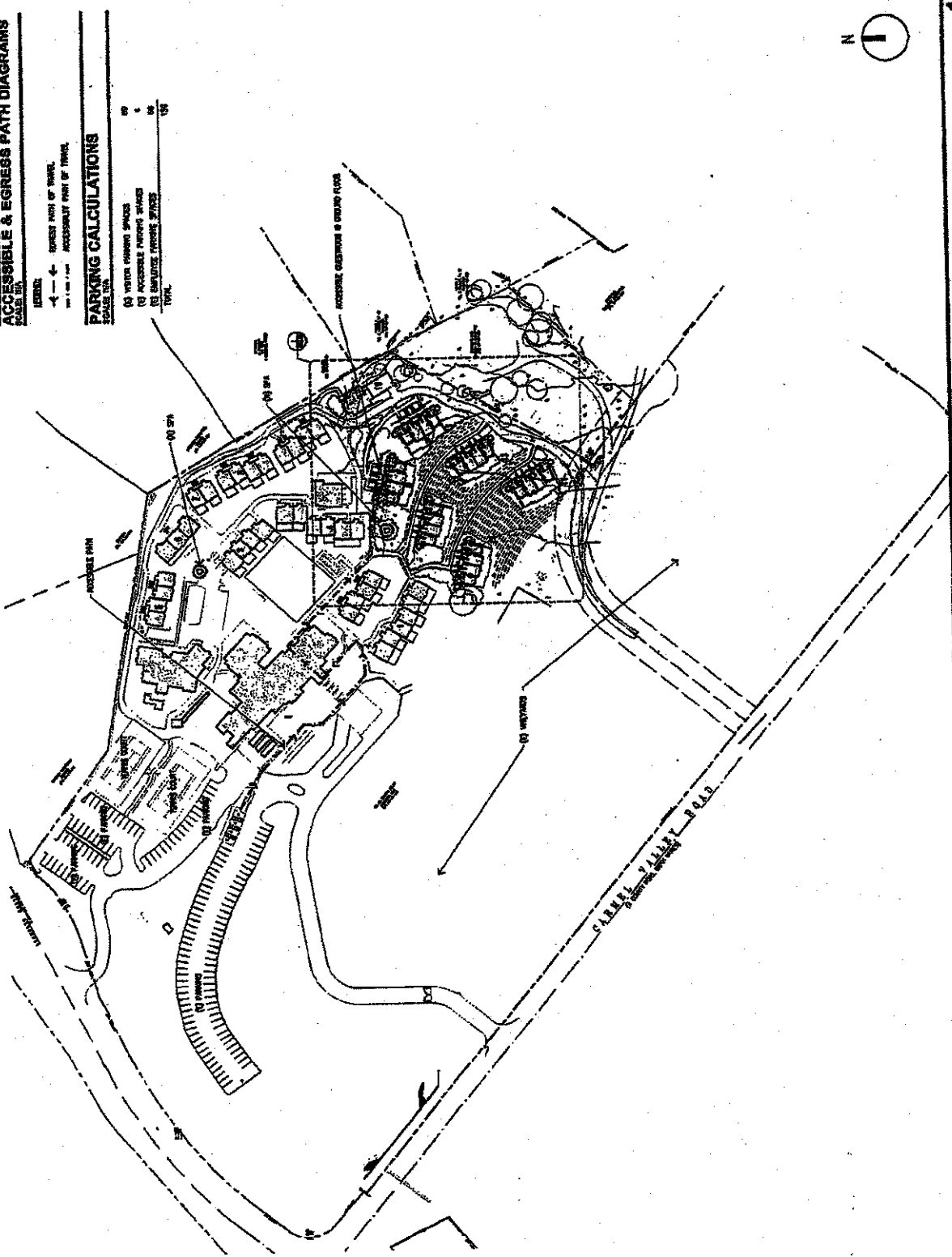
415 Camino Valley Road
Camino Valley, CA
93924

APR 187-131-044

NO. DATE	REVISIONS
1	11/11/04
2	11/11/04
3	11/11/04
4	11/11/04
5	11/11/04
6	11/11/04
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100	11/11/04

ACCESSIBLE & EGRESS PATH DIAGRAMS

- LEGEND
- ACCESSIBLE PATH OF TRAVEL
 - - - ACCESSIBLE PATH OF TRAVEL
 - ACCESSIBLE PATH OF TRAVEL
- PARKING CALCULATIONS
- | | |
|-------------------------------|----|
| NO. VEHICLES CURRENT SPACES | 10 |
| NO. ACCESSIBLE PARKING SPACES | 1 |
| NO. MINIMUM PARKING SPACES | 10 |
| TOTAL | 11 |



SITE PLAN
SCALE: 1/8" = 1'-0"

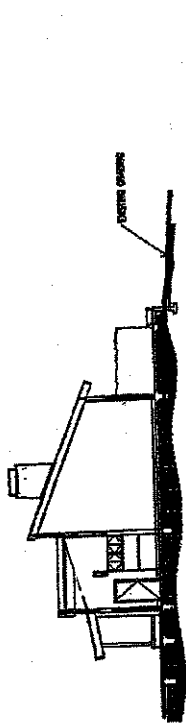
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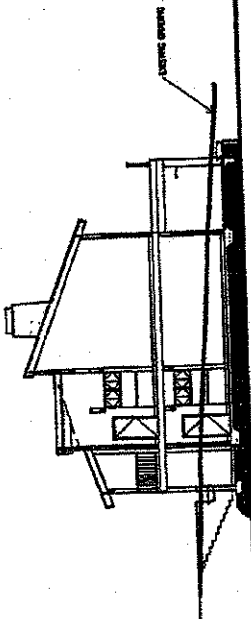
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415 Carmel Valley Road
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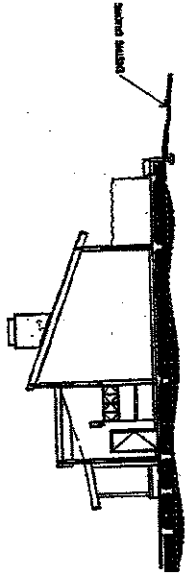
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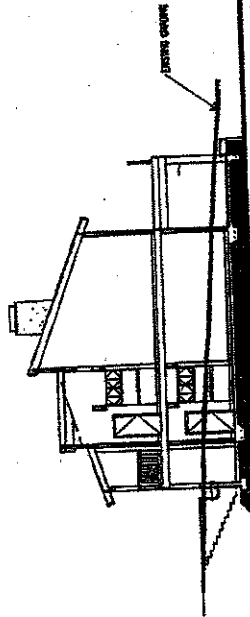
5 BUILDING 11
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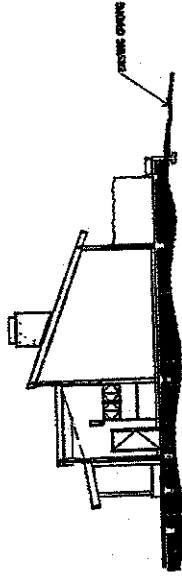
BUILDING 14
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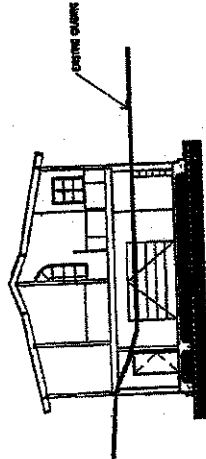
6 BUILDING 10
 SCALE: 1/8" = 1'-0"



BUILDING 16
 SCALE: 1/8" = 1'-0"



7 BUILDING 13
 SCALE: 1/8" = 1'-0"



BUILDING 12
 SCALE: 1/8" = 1'-0"

NO. DATE REVISION/DESCRIPTION BY

1. INITIAL DEVELOPMENT APPROVAL
2. REVISIONS PER APPROVAL COMMENTS

DATE: _____
 SCALE: _____
 DRAWN BY: _____
 PROJECT NUMBER: _____
 SHEET TITLE: _____

SITE SECTIONS

PROJECT NUMBER: _____

A00.06

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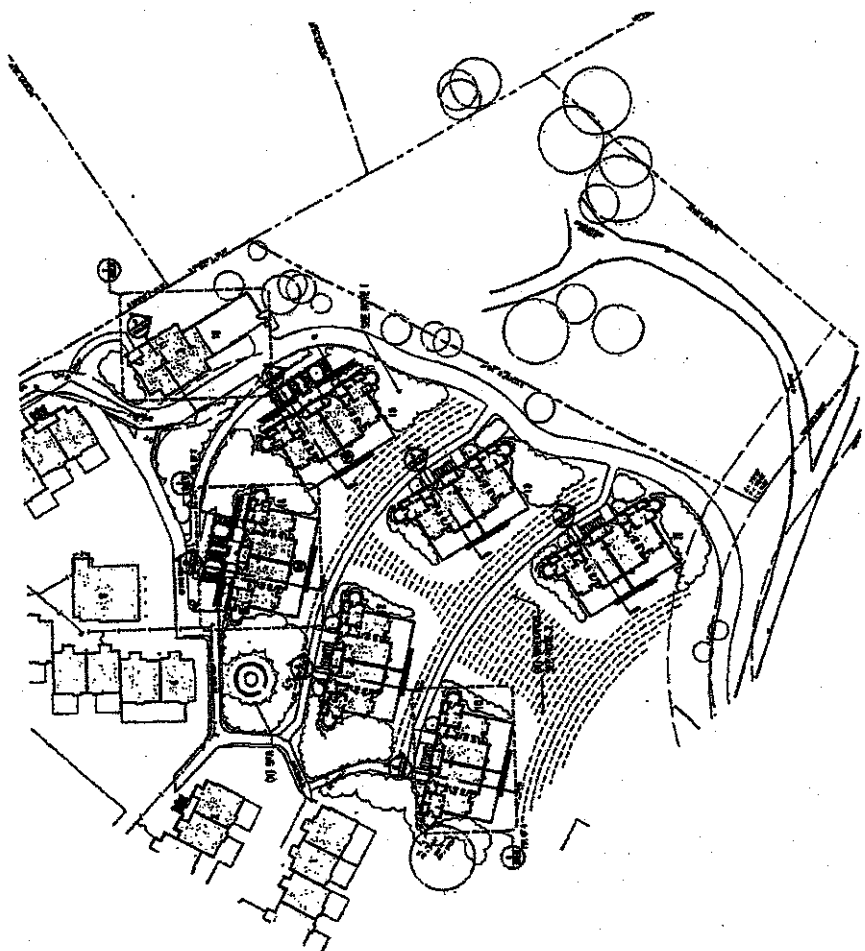
AP#: 187-131-044

ALLOWABLE HEIGHT TABLE

BUILDING	MIN. LOFT	MAX. LOFT	Avg. Max. CHANG	MAX. CHANG	MAX. CHANG	MAX. CHANG
11	21'0"	28'0"	24'0"	28'0"	28'0"	28'0"
10	21'0"	27'0"	24'0"	27'0"	27'0"	27'0"
13	18'0"	24'0"	21'0"	24'0"	24'0"	24'0"
12	18'0"	24'0"	21'0"	24'0"	24'0"	24'0"
14	18'0"	24'0"	21'0"	24'0"	24'0"	24'0"
15	18'0"	24'0"	21'0"	24'0"	24'0"	24'0"



- ### SHEET NOTES
- ALL LANDSCAPE PLANTING WILL BE SHOWN IN THE LANDSCAPE PLAN AND NOTED IN THE GENERAL DEVELOPMENT PLAN.
 - EXISTING APPROPRIATE UTILITIES WILL BE SHOWN FROM THE UTILITY PLAN AND NOTED IN THE GENERAL DEVELOPMENT PLAN.
 - ALL NEW UTILITIES LOCATIONS WILL MATCH EXISTING LOCATIONS AND NOTED IN THE GENERAL DEVELOPMENT PLAN.
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 - ALL NEW UTILITIES LOCATIONS WILL MATCH EXISTING LOCATIONS AND NOTED IN THE GENERAL DEVELOPMENT PLAN.



SITE PLAN
SCALE: 1/8" = 1'-0"

NO.	DATE	DESCRIPTION
1	01/15/2024	ISSUED FOR PERMITTING
2	01/15/2024	ISSUED FOR PERMITTING
3	01/15/2024	ISSUED FOR PERMITTING
4	01/15/2024	ISSUED FOR PERMITTING
5	01/15/2024	ISSUED FOR PERMITTING
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PARTIAL SITE PLAN

A02.00

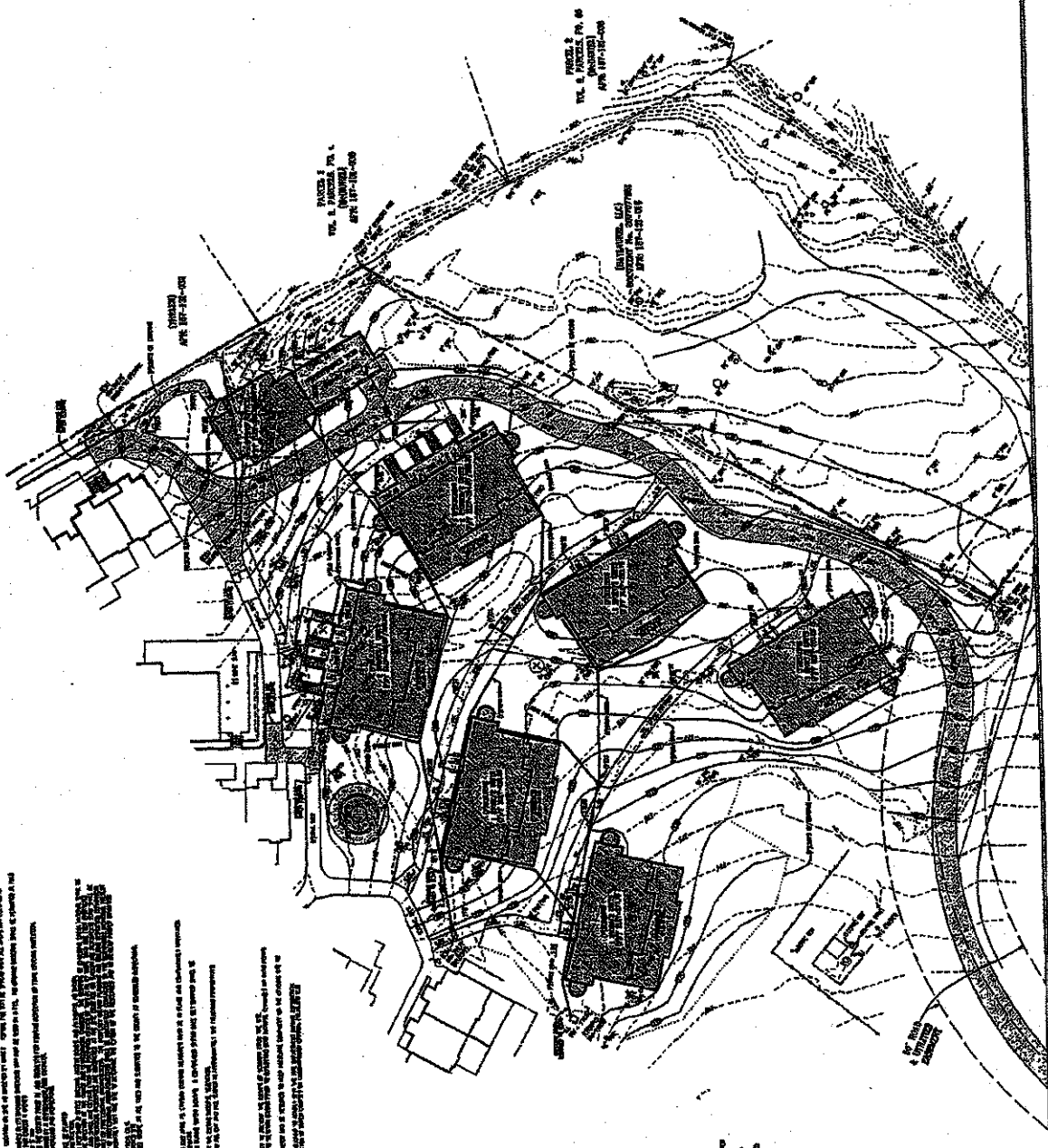
DATE: 01/15/2024
PROJECT NUMBER: 187-131-044
SHEET TITLE: PARTIAL SITE PLAN
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

NOTICE TO CONTRACTORS

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE AND FEDERAL GOVERNMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE AND FEDERAL GOVERNMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE AND FEDERAL GOVERNMENT.

GENERAL NOTES

1. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, AS APPLICABLE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE AND FEDERAL GOVERNMENT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE AND FEDERAL GOVERNMENT.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE AND FEDERAL GOVERNMENT.



MONTEREY BAY ROYALTY, INC.

1000 MONTEREY BAY AVENUE
MONTEREY, CALIFORNIA 93940

TELEPHONE: (408) 345-1234

FAX: (408) 345-5678

PROJECT: MONTEREY BAY ROYALTY, INC. PROJECT NO. 12345

DATE: 12/31/2023

SCALE: AS SHOWN

BY: [Signature]

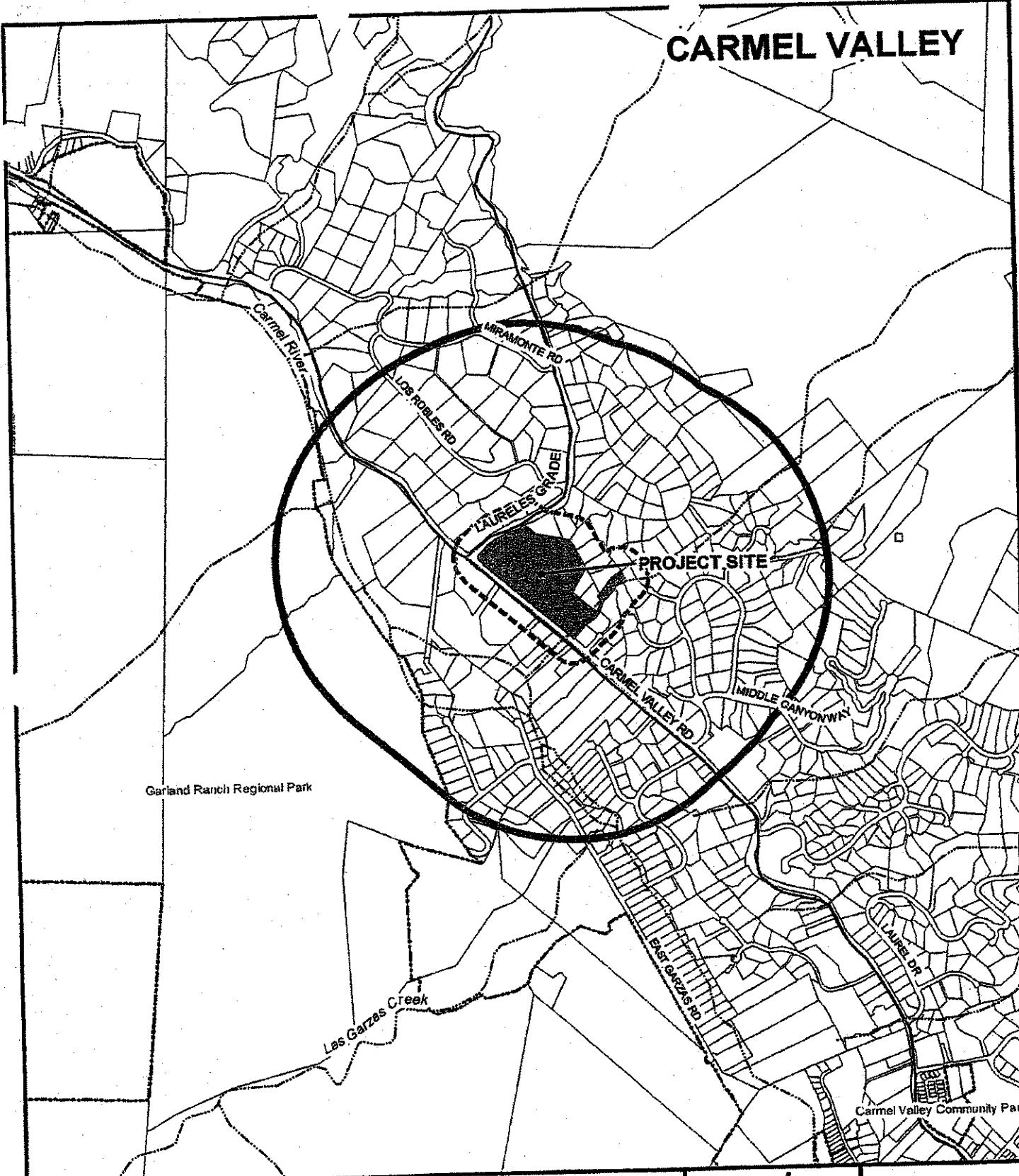
CHECKED: [Signature]

APPROVED: [Signature]

LEGEND

1. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, AS APPLICABLE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE AND FEDERAL GOVERNMENT.
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5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE AND FEDERAL GOVERNMENT.

CARMEL VALLEY



APPLICANT: BAY LAUREL DBA BERNARDUS LODGE

APN: 187-131-044-000

FILE # PLN020398

 300' Limit

 2500' Limit

EXHIBIT Limits **B**

