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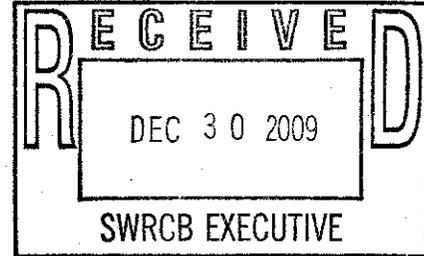
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File No. 04116.002

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: **CVR HSGE, LLC Comments on Order Denying Reconsideration**

Dear Ms. Townsend:

On behalf of CVR HSGE, LLC. ("CVR"), the owner and operator of Carmel Valley Ranch Resort, 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, CVR submitted comments on the draft CDO that explained and documented the basis for its vested water credit and the adverse effect of Order WR 2009-0060 on these vested property right. 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 5.2 of the draft Order states that the Petition "does not state how or when the 8.807 afa of credits were obtained." To clarify, CVR currently has a water allocation, not water credit, of 8.807 afa that is presently being held by the County and reserved for an un-built 12-lot subdivision at Carmel Valley Ranch. See Petition for Reconsideration, Exhibit A. The 8.807 afa water allocation is generated from twenty-five undeveloped lots within an original 89-lot subdivision that County of Monterey approved in 1985 on a portion Carmel Valley Ranch known as Area F. The draft Order correctly notes that CVR has obtained an additional water credit based on the re-landscaping that occurred at the Ranch, including the replacement of an older irrigation system with a more efficient and sophisticated irrigation system. CVR also voluntarily removed 29 spas from the hotel and replaced 192 toilets to secure additional water credits.
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

Ms. Jeanine Townsend  
Clerk to the Board  
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existing service connection without providing any exception for connections that rely on MPWMD 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 a MPWMD-approved water credit.

In addition, in Section 5.4.3, the draft Order goes out 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 CVR provided evidence of similar assurances relative to its water credit, that 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's to stop issuing water credits pursuant to Rule 25.5. Accordingly, CVR and its predecessor owners and other similarly situated property owners implemented and invested in significant water savings projects to obtain these water credits.

CVR and its predecessor owners detrimentally relied on the 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 CVR by undertaking work and incurring significant costs to establish these water entitlements. As David Hunter, Director of Engineering at CVR, explains in the attached declaration, the Ranch spent approximately \$650,000.00 to replace the old irrigation system with a sophisticated, more water efficient, irrigation system and to replant and re-landscape an approximately 5 acre area at CVR. Exhibit A, paragraph 2. This investment secured a 7.245 afa water credit for future use at CVR. In addition, CVR spent approximately \$200,000.00 to remove 29 spas and replace 192 toilets to secure a water credit.

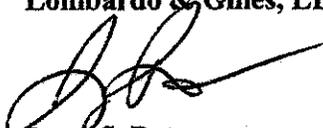
In addition, on December 9, 2009, the County of Monterey approved various improvements to CVR that rely on these water credits. Exhibit B. These improvements include, for example, a new fitness/spa facility that rely on these water credits. CVR would not have incurred the significant cost and expense of hiring architects and engineers in pursuit of these entitlements in the absence of these water credits.

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Clerk to the Board  
State Water Resources Control Board  
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CVR respectfully requests that the SWRCB reconsider the new connection moratorium set forth in Condition No. 2 to expressly exclude future connections at CVR that are based upon previously approved water allocations and water credit.

Sincerely,

**Lombardo & Gilles, LLP**



Jason S. Retterer

JSR:ncs

Enclosures

cc: Mr. Dan Korn

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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

15 DAVID HUNTER DECLARATION IN  
16 SUPPORT OF CARMEL VALLEY  
17 RANCH RESORT PETITION FOR  
18 RECONSIDERATION

19 I, David Hunter, declare as follows:

20 1. I am the Director of Engineering at the Carmel Valley Ranch Resort ("the  
21 Resort"), which is located at 1 Old Ranch Road, in Carmel, California. The Resort is within  
22 the jurisdictional boundaries of the Monterey Peninsula Water Management District  
23 ("MPWMD") and receives water from the California-American Water Company ("Cal-Am").

24 2. In 2007 and 2008, I was responsible for overseeing the Resort's replacement of  
25 its irrigation system and re-landscaping of the approximately five acre area surrounding the  
26 Resort. The Resort spent approximately \$650,000.00 on the re-landscaping project and  
27 irrigation system replacement. As part of this project, the old irrigation system which included  
28 full spray heads and was far less water efficient was replaced with a drip and small spray  
irrigation system. In addition, the various exotic plants at the Resort were replaced with  
drought resistant landscaping.

3. In 2007, I was responsible for overseeing the removal of spa tubs in 24 of the  
Resort rooms and one spa in the pool area. In addition, in November, 2009, I oversaw the  
removal of four additional public spas that were located outside the individual rooms but within

**EXHIBIT A**

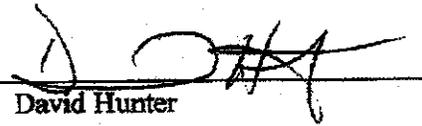
1 the Resort property. Collectively, the Resort spent approximately \$150,000.00 to remove  
2 these 29 spas.

3 4. In 2009, I was responsible for overseeing the removal and replacement of 192  
4 toilets. The 1.6 gallon flush toilets were replaced with a 1.0 gallon per flush toilet. The total  
5 cost of the toilet retrofit at the Resort was approximately \$50,000.00.

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

9 Dated: December 29, 2009

CARMEL VALLEY RANCH RESORT

10 By:   
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David Hunter

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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:

**CARMEL VALLEY RANCH HSGE LLC (PLN090322)**

**RESOLUTION NO. 09054**

Resolution by the Monterey County Planning Commission:

- 1) Adopt an addendum to a previously adopted Mitigated Negative Declaration;
- 2) Approving an amendment to a previously approved Use Permit (PLN070350 an amendment to PLN060056) and Design Approval to modify the main lodge adding 88 square feet of building area and converting five existing lodge units into a 4,410 square foot fitness/spa facility, and add 1252 square feet of building area with the remodel 2,322 square feet of building area to create a 3,574 square foot fitness/dressing area and a 480 square foot deck, and modify the tennis center to install a new 5,280 square foot fitness building, a new 2,625 square foot pool with slide, a new children's wading pool with fountain area, a new 200 square foot Jacuzzi, a new terrace; remodel to include addition of an exterior door, to an existing historic farmhouse to facilitate a café, reception area, retail sales, and the removal of two tennis courts, existing pool, existing spa and two ancillary sheds of 414 square feet and 211 square feet.

(PLN090322, Carmel Valley Ranch HSGE LLC, One Old Ranch Road, Carmel, CA, Carmel Valley Master Plan (APN: 416-522-004-000 & 416-522-010-000

**The Carmel Valley Ranch Resort application (PLN090322) came on for public hearing before the Monterey County Planning Commission on December 9, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

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

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the Monterey County General Plan,
  - Greater Monterey Peninsula Area Plan
  - Greater Monterey Peninsula Area Plan ,Inventory and Analysis,
  - Carmel Valley Master Plan,
  - Monterey County Zoning Ordinance (Title 21)
  - Carmel Valley Ranch Specific Plan

**EXHIBIT B**

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at One Old Ranch Road, Carmel, CA (Assessor's Parcel Number 416-522-004-000 & 416-522-010-000, Carmel Valley Master Plan. The parcels have are respectively zoned: 416-522-004-000 – "O-D-S" [Open Space with Design Control, and Site Plan Review Overlays District] & 416-522-010-000 – "VO-D-S" [Visitor Serving/Professional Office with Design Control, and Site Plan Review Overlays District] the proposed structures and uses are allowed and have been previously approved. Therefore, the project is an allowed land use for this site.
- c) A previous Use Permit (PLN060056) was approved on October 26, 2006 (Resolution No. 060056). The Use Permit allowed: a 4,956 square foot spa and yoga studio addition to the Lodge building, the addition of a 17 space parking lot, the removal of two oak trees, and the conversion of hotel room No. 244 into a temporary sales office. This project was not undertaken and was superseded by PLN070350.
- d) The project (PLN060056) was amended by PLN070350 which allowed the relocation of the spa adjacent to the existing fitness center and reception and dressing building; reduce the size of the spa to 3,170 square-feet; and add 729 square-feet to the existing dressing and reception building; and remodel the fitness center including the addition of 155 square-feet to make the restrooms compliant with the Americans with Disabilities Act (ADA).
- e) This project would amend and supersede PLN070350, to include modification of the main lodge adding 88 square feet of building area and converting five existing lodge units into a 4,410 square foot fitness/spa facility, and add 1252 square feet of building area with the remodel 2,322 square feet of building area to create a 3,574 square foot fitness/dressing area and a 480 square foot deck, and modify the tennis center to install a new 5,280 square foot fitness building, a new 2,625 square foot pool with slide, a new children's wading pool with fountain area, a new 200 square foot Jacuzzi, a new terrace; remodel to include addition of an exterior door, to an existing historic farmhouse to facilitate a café, reception area, retail sales, and the removal of two tennis courts, existing pool, existing spa and two ancillary sheds of 414 square feet and 211 square feet.
- f) The project planner conducted a site inspection on September 16, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the proposed development includes is associated with a previously approved Mitigated Negative Declaration.
- h) The project was referred to the Monterey County Historic Resources Review Board (HRRB) on November 5, 2009. The HRRB unanimously recommended approval the project with four recommended conditions

- of approval.
- i) 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 PLN090322.

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, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) All proposed construction would be on previously disturbed sites. Minor demolition and grading of the site would be necessary to facilitate the proposed construction.
- c) Carmel Valley Ranch Resort has provided an updated Parking Analysis. Staff has reviewed the document and determined that the analysis is adequate and consistent with the County of Monterey parking regulations in Title 21.58. This analysis shows that required parking is provided and available on-site.
- d) Staff identified potential impacts to Historical Resources, and protected trees. (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:
- "Phase I and II Historical Analysis" (LIB080417) prepared by Kent Seavey, Pacific Grove, CA, (August 20, 2007).
  - "Addendum to Historical and Architectural Evaluation of Carmel Valley Ranch" (LIB090490) prepared by Kent Seavey, Pacific Grove, CA, (August 20, 2009).
  - "Tree Protection Measures" (LIB090495) prepared by Matt Horowitz, Carmel, CA (November 21, 2009).
- e) The proposed spa conversion at the Main Lodge area would be located near and under the dripline of several protected oaks. The Applicant has provided tree protection measures to assure any impact to the trees are minimized. Conditions have been included to further assure that the Tree Protection Measures are adhered to.
- f) Staff conducted a site inspection on September 16, 2009 to verify that the site is suitable for this use.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090322.

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 RMA - Planning Department, Carmel Valley Fire Protection District, Public Works, Environmental Health Division, and Water Resources Agency. 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 project will be serviced by Cal-Am for water and the Carmel Valley Sanitation District for sewer services.
- c) The uses proposed on the site are consistent with present uses and would pose no adverse risk to public health, safety or welfare.
- d) Preceding findings and supporting evidence for PLN090322.

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

- EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on September 16, 2009 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) 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 PLN090322.

5. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously certified Mitigated Negative Declaration was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

- EVIDENCE:** a) A MND for Carmel Valley Ranch Resort was prepared and certified by the Zoning Administrator on October 26, 2006 (Resolution 060056).
- b) An Addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in a Mitigated Negative Declaration, certified on October 26, 2006, by Zoning Administrator Resolution No. 060056. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred. There are no substantial changes proposed in the project that would require major revisions to the prior MND. The project involves minor changes and additions to the previously approved project and would create no additional significant environmental.
- c) The original project consisted of a proposed addition of 4,956 square

foot spa, yoga studio and parking lot at the Carmel Valley Ranch Resort; conversion of existing Carmel Valley Ranch Resort hotel room #244 to a temporary sales office; and proposed Vesting Tentative Map for the conversion of 144 existing hotels rooms to 144 individually owned condominium hotel units. The initial study analyzed two separate applications 1) File no. PLN060056 (Spa and Yoga Studio Addition, Parking Lot & Temporary Sales Office); and 2) File No. PLN060360 (Hotel Conversion).

- d) The subject application PLN090322 changes the previously approved proposal (PLN060056) by modifying the main lodge area and tennis facility. The project now proposes to add 88 square feet of building area and converting five existing lodge units into a 4,410 square foot fitness/spa facility, and to add 1,252 square feet of building area with the remodel 2,322 square feet of building area to create a 3,574 square foot fitness/dressing area and a 480 square foot deck, and modify the tennis center to install a new 5,280 square foot fitness building, a new 2,625 square foot pool with slide, a new children's wading pool with fountain area, a new 200 square foot jacuzzi, a new terrace; remodel to include addition of an exterior door to an existing historic farmhouse to facilitate a café, reception area, retail sales and the removal of two tennis courts, existing pool, existing jacuzzi and two ancillary sheds of 414 and 211 square feet.
- e) The Carmel Valley Spa Addition, Parking Lot, Temporary Sales Office & Hotel Conversion; Initial Study identified no significant effects or impacts. Documentation has been provided by the Monterey Peninsula Water Management District quantifying the availability of existing water credits to facilitate the proposed increase in water usage at the Carmel Valley Ranch Resort. This additional Hydrological Resource assessment confirms that the proposed modifications to the project would not involve a significant environmental effect.
- f) Section 15164(b) states that an addendum to an adopted negative declaration may be prepared if none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration have occurred. The project involves minor changes and additions which are in **substantial conformance** to the additions and impacts assessed in the initial MND for the previously approved project. The project would not create additional significant environmental effects. This has been verified by the Monterey Peninsula Water Management District.
- g) The project would not result in a significant increase in capacity of the lodge and does not expand into areas that have not previously been disturbed by development.
- h) No adverse environmental effects were identified during staff review of the development application and during a site visit on September 16, 2009.
- i) See preceding and following findings and supporting evidence.

6. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:** a) The project includes application for development within a public viewshed. The area has not been identified as *critically sensitive or significant but non-critical*. In accordance with the applicable policies of the Carmel Valley Master Plan and the Monterey County Zoning Ordinance.
- b) Parcel 416-522-004-000 is visible from Carmel Valley Road. A proposed 5,280 square foot building would be located on this site. The building would replace an existing tennis court and its perimeter fencing. The building has been designed/oriented to minimize its visibility from Carmel Valley Road and is buffered by a well established row of redwood trees on the parcel.
- c) The proposed project has been designed to reduce any visual impact.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090322.
- e) The project planner conducted a site inspection on September 16, 2009 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

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

- EVIDENCE:** a) The proposed project would be provided water service by California-American Water Company. Cal-Am obtains water for its service area from groundwater resources.
- b) The proposed project would increase water usage on the site. This intensification would be offset/mitigated through the usage of existing water credits retained by the applicant Carmel Valley Ranch. The applicant has submitted documentation from the Monterey Peninsula Water Management District, citing an outstanding Water Use Credit of 6.158 acre feet.
- c) MPWMD Rule 25.5(c), states, "A Water Use Credit may be applied to and shall allow future water use on that Site at anytime within a period of 60 months. "Documentation of Water Use Credit- Carmel Valley Ranch," indicates that the water credit cited (6.158 acre feet of water) may be applied to future use on the site at any time within a period of 60 months from November 25, 2007. The District (MPWMD) defines a 'Site' as "Any unit of land which qualifies as a Parcel or lot under the Subdivision Map Act, and shall include all units of land: (1) which are contiguous to any other Parcel (or separated only by a road or easement), and (2) which have identical owners, and (3) which have an identical present use." MPWMD Rule 25.5(g), furthers that, "A valid Water Use Credit may provide the basis for the General Manager to issue a Water Permit for new, modified, or Intensified Water Use on that Site." Therefore, the water credits identified and certified by the District can be applied to the proposed intensification of use associated with the application PLN090322.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the

proposed development are found in Project File PLN090322.

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

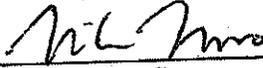
### DECISION

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

- A. Adopt an addendum to a previously adopted Mitigated Negative Declaration;
- B. Approve Approving an amendment to a previously approved Use Permit (PLN070350 an amendment to PLN060056) and Design Approval to modify the main lodge adding 88 square feet of building area and converting five existing lodge units into a 4,410 square foot fitness/spa facility, and add 1252 square feet of building area with the remodel 2,322 square feet of building area to create a 3,574 square foot fitness/dressing area and a 480 square foot deck, and modify the tennis center to install a new 5,280 square foot fitness building, a new 2,625 square foot pool with slide, a new children's wading pool with fountain area, a new 200 square foot Jacuzzi, a new terrace; remodel to include addition of an exterior door, to an existing historic farmhouse to facilitate a café, reception area, retail sales, and the removal of two tennis courts, existing pool, existing spa and two ancillary sheds of 414 square feet and 211 square feet, in general conformance with the attached sketch and subject to the conditions (**Exhibit 1**), attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 9th day of December, 2009 upon motion of Commissioner Diehl, seconded by Commissioner Padilla, by the following vote:

**AYES:** Getzelman, Brown, Rochester, Salazar, Vandever, Diehl, Padilla  
**NOES:** None  
**ABSENT:** Isakson, Sanchez, Ottone  
**ABSTAIN:** None

  
Mike Novo, Secretary, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON **DEC 15 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 **DEC 25 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.

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

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

NOTES

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

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

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

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

**RESOLUTION 09054 - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

Project Name: Carmel Valley Ranch Resort  
 File No: PLN090322 APNs: 416-522-004-000 & 416-522-010-000  
 Approved by: Planning Commission Date: December 9, 2009

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

Item Number	Condition Compliance and Mitigation Monitoring Reporting Plan	Responsible Party for Condition Compliance Monitoring	Owner/Applicant	Ongoing unless otherwise stated
1.	<p><b>PD001 - SPECIFIC USES ONLY</b></p> <p>This Use Permit Amendment and Design Approval (PLN090322) allows an amendment to a previously approved Use Permit (PLN070350 an amendment to PLN060056) and Design Approval to modify the main lodge adding 88 square feet of building area and converting five existing lodge units into a 4,410 square foot fitness/spa facility, and add 1252 square feet of building area with the remodel 2,322 square feet of building area to create a 3,574 square foot fitness/dressing area and a 480 square foot deck, and modify the tennis center to install a new 5,280 square foot fitness building, a new 2,625 square foot pool with slide, a new children's wading pool with fountain area, a new 200 square foot Jacuzzi, a new terrace; remodel to include addition of an exterior door, to an existing historic farmhouse to facilitate a café, reception area, retail sales, and the removal of two tennis courts, existing pool, existing spa and two ancillary sheds of 414 square feet and 211 square feet. The property is located at One Old Ranch Road, Carmel, CA (Assessor's Parcel Number 416-522-004-000 &amp; 416-522-010-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use</p>	RMA - Planning Department	<p>RMA - Planning</p> <p>WRA RMA - Planning</p>	

<p>regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)</p>	<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 09054) was approved by the Planning Commission for Assessor's Parcel Number 416-522-004-000 &amp; 416-522-010-000 on December 9, 2009. The permit was granted subject to 21 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)</p>	<p>Obtain appropriate form from the RMA-Planning Department.  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>2.</p>	<p>PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval 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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.  Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>
			<p>Prior to the issuance of grading and building permits or commencement of use.</p>
			<p>Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final/parcel map, whichever occurs first and as applicable</p>

Plan Number	Condition of Issuance	Description of Work	Timing	Responsible Party	Remarks
		<p>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>			
4.		<p><b>PD011 - TREE AND ROOT PROTECTION</b> 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 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 evidence of tree protection to the RMA - Planning Department for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and/or building permits</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>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>

5.	<p><b>PD032(A) - PERMIT EXPIRATION</b>          The permit shall be granted for a time period of 4 years, to expire on December 9, 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>	Owner/ Applicant	As stated in the conditions of approval
6.	<p><b>PD003(A) - CULTURAL RESOURCES - NEGATIVE ARCHAEOLOGICAL REPORT</b>          If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p> <ol style="list-style-type: none"> <li>1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</li> <li>2. The descendent identified fails to make a recommendation; or</li> <li>3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</li> </ol> <p>(RMA - Planning Department)</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>	Owner/ Applicant/ Archaeologist	Ongoing
		<p>The requirements of this condition shall be included as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&amp;Rs, and shall be included as a note on an additional sheet of the final map.</p>	Owner/ Applicant	Prior to the issuance of grading or building permits and/or prior to recordation of the final/parcel map.

Permit Condition Number	Permit Condition Number	Permit Condition Number	Permit Condition Number	Permit Condition Number
7.	<p><b>PD006 - MITIGATION MONITORING PROGRAM</b> 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. Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p> <p>2)</p>	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.
8.	<p><b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)</p>	<p>An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.</p> <p>Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.</p> <p>Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department</p>	Owner/ Applicant	<p>Prior to the issuance of grading and building permits</p> <p>Ongoing</p> <p>Prior to final inspection</p>
9.	<p><b>PD012(E) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (OTHER THAN SINGLE FAMILY DWELLING)</b></p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall</p>	Owner/ Applicant/ Licensed Landscape	Prior to issuance of Building Permits

		<p>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>include the recommendations from the Forest Management Plan or Biological Survey as applicable</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>Submit an approved water permit from the MPWMD to the RMA - Building Permit</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>Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant/ Licensed Landscape Contractor</p> <p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant</p>	<p>Prior to issuance of Building Permits</p> <p>Prior to issuance of Building Permits</p> <p>Prior to Occupancy</p> <p>Ongoing</p>
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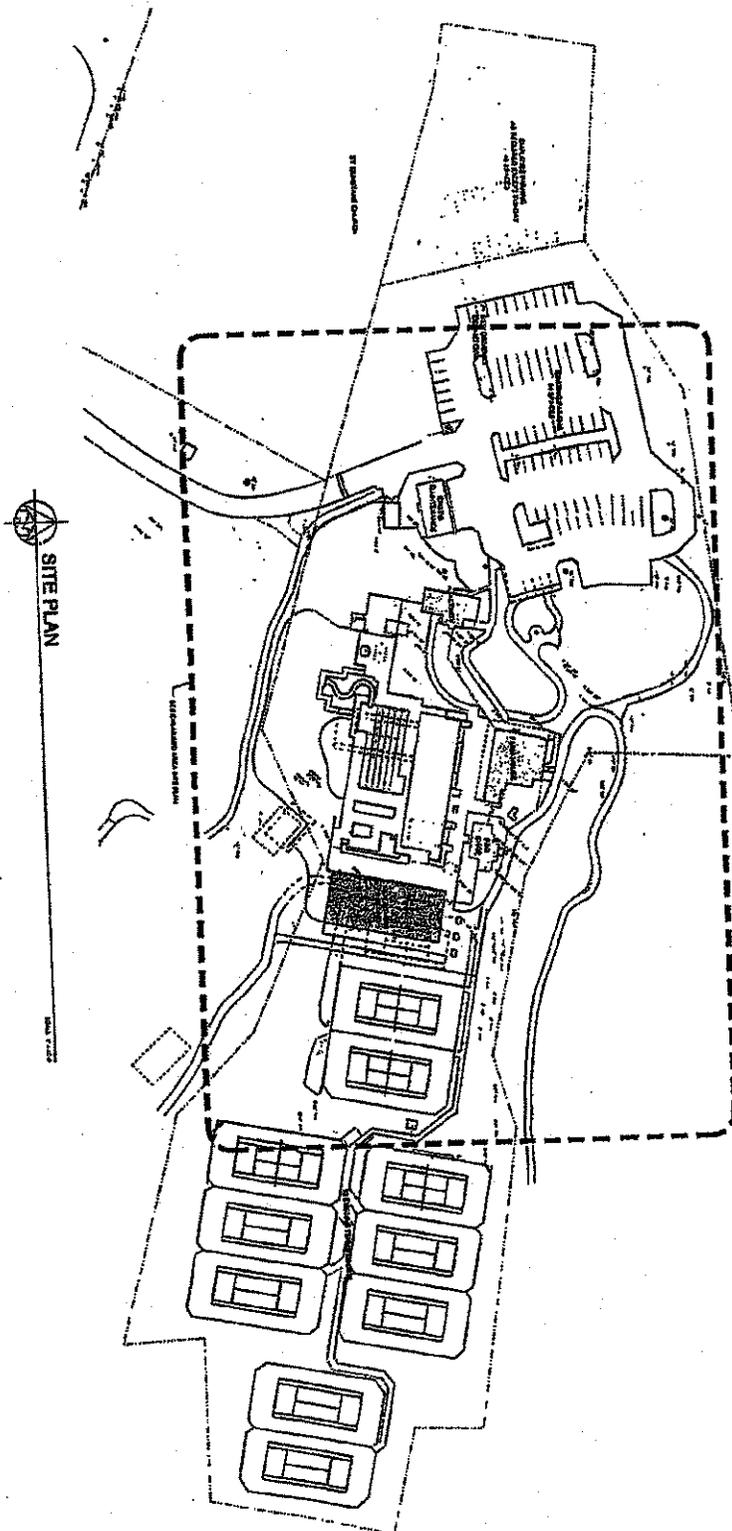
Item No.	Description	Action	Owner/Applicant	Ongoing
10.	<p><b>PD0SP01 - LANDSCAPING CONDITION (SPECIFIC)</b>            A minimum of three screening trees shall be planted between the residence and Court 6. The landscaping plan shall be designed by a landscape architect to create a visual barrier between the residences and the tennis courts. (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>	Owner/Applicant	Ongoing
11.	<p><b>PD013 - LIGHTING - STREET LIGHTS</b>            All street lights in the development shall be approved by the Director of the RMA - Planning Department. (RMA - Planning Department)</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>	Owner/Applicant	Prior to the issuance of grading or building permits for street lights.
12.	<p><b>PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN</b>            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 lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/Applicant	Prior to Occupancy/On-going
13.	<p><b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b>            Pursuant to the State Public Resources Code § 753.5, State</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>	Owner/Applicant	Prior to the issuance of building permits.
		<p>The lighting shall be installed and maintained in accordance with the approved plan</p>	Owner/Applicant	Prior to Occupancy/On-going
		<p>The applicant shall submit a check, payable to the County of Monterey, to the</p>	Owner/Applicant	Within 5 working

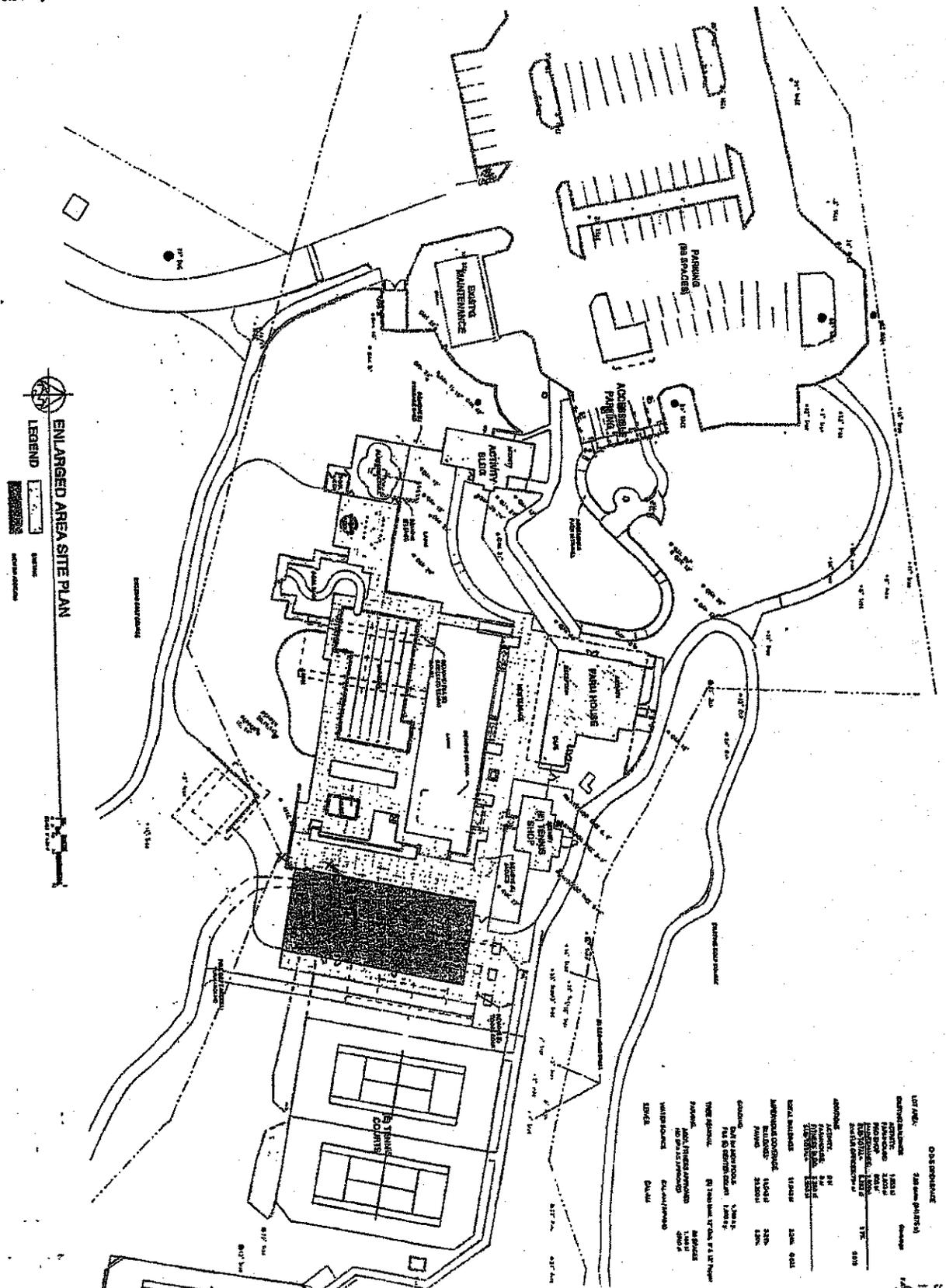
Item	Description	Director of the RMA - Planning Department	days of project approval	
	Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination 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)	If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department	Owner/ Applicant	Prior to the recordation of the final/parcel map, the start of use or the issuance of building or grading permits
<b>RMA - Public Works Department</b>				
14.	<b>PW0006 - CARMEL VALLEY</b> The Applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI). (Public Works)	Applicant shall pay to FBI the required traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance
15.	<b>PW0043 - REGIONAL DEVELOPMENT IMPACT FEE</b> Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to the Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)	Applicant shall pay Monterey County Building Services Department the traffic mitigation fee.	Owner/ Applicant	Prior to Building Permits Issuance
<b>Health Department Environmental Health Division</b>				
16.	<b>EH36 - POOLS/SPAS</b> Plans for public pools/spas shall be approved by the Division of Environmental Health. (Environmental Health)	Submit plans to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to Building Permits Issuance

Item No.	Description	Water Resources Agency	Owner/Applicant	Prior to Building Permits Issuance
17.	<p><b>WR43 - WATER AVAILABILITY CERTIFICATION</b></p> <p>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>Monterey County 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 Building Permits Issuance</p>
18.	<p><b>FIRE022 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)</b></p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Responsible Land Use Department: Monterey County Regional Fire District.)</p>	<p>Monterey County Regional Fire District</p> <p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to final building inspection</p> <p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p>
19.	<p><b>FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL)</b></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</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 or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to rough sprinkler</p>

Plan Sheet Number	Description of Work	Inspection Requirements	Inspection Timing	Inspection Frequency
	contractor and approved prior to requesting a rough sprinkler or framing inspection. (Responsible Land Use Department: Monterey County Regional Fire District.)	Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	or framing inspection
20.	<b>FIRE028 - ROOF CONSTRUCTION -</b> 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. . (Responsible Land Use Department: Monterey County Regional Fire District.)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to final building inspection  Prior to issuance of building permit.
21.	<b>FIRE030 - NON-STANDARD CONDITIONS</b> (MANUAL DRY STAND PIPE SYSTEM, CLASS I) A Fire Department Connection (FDC) and dry standpipes with fire valves are required. The locations are to be determined by the Fire District. A minimum of four sets of plans for the FDC, and the dry standpipes must be submitted and approved by the authority having jurisdiction prior to installation. An underground inspection is required before pipes can be covered. The dry standpipe system must be designed and maintained according to NFPA standards. (Responsible Land Use Department: Monterey County Regional Fire District.)			

END OF CONDITIONS

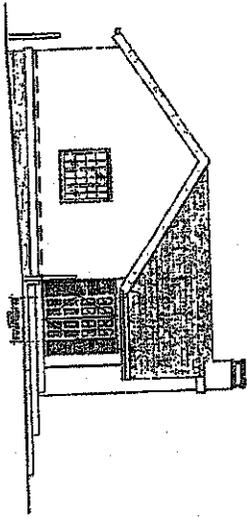




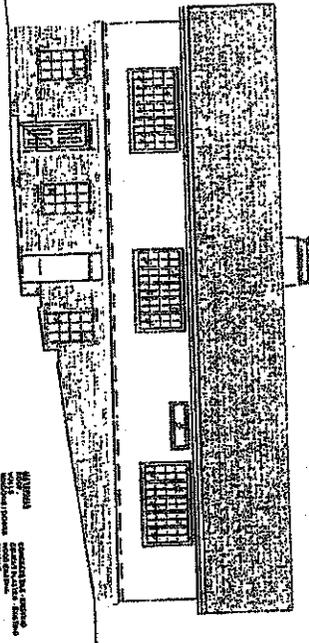
ENLARGED AREA SITE PLAN  
LEGEND

DESCRIPTION	AMOUNT	UNIT	PRICE	TOTAL
CONCRETE	1000	YD	120	120000
STEEL	1000	YD	120	120000
BRICK	1000	YD	120	120000
PAVING	1000	YD	120	120000
LANDSCAPING	1000	YD	120	120000
UTILITIES	1000	YD	120	120000
LABOR	1000	YD	120	120000
PERMITS	1000	YD	120	120000
INSURANCE	1000	YD	120	120000
CONTINGENCY	1000	YD	120	120000
TOTAL	10000	YD	120	1200000

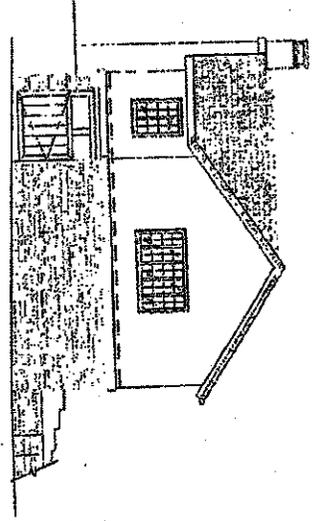
SOUTH ELEVATION



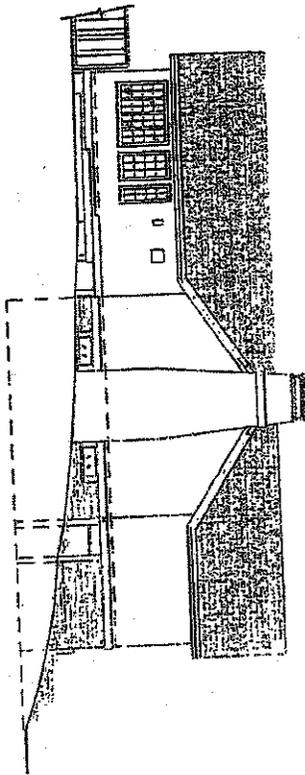
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

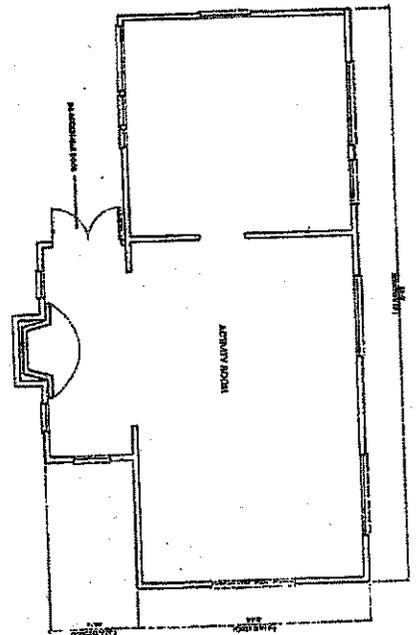


1 ST FLOOR PLAN

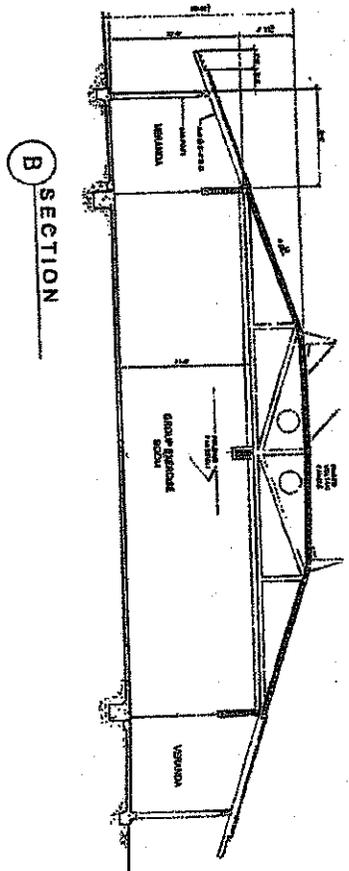
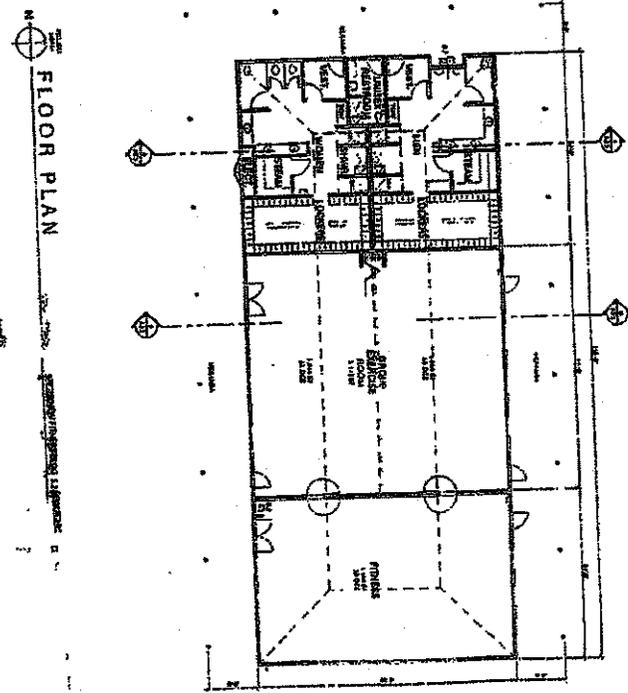
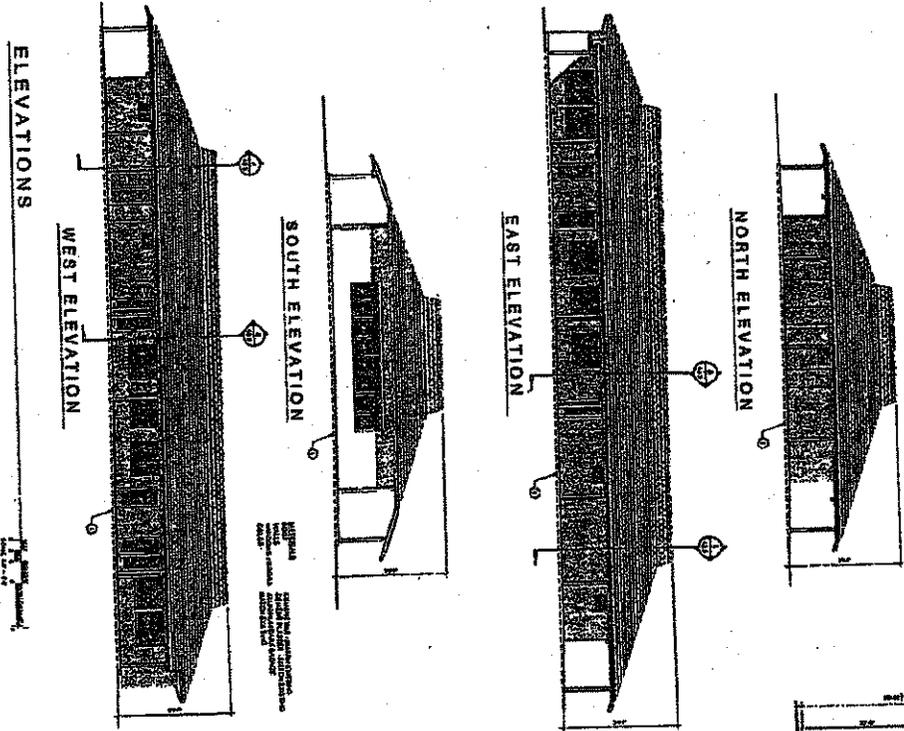
SCALE: 1/8" = 1'-0"

DATE: 11/16/09

PROJECT: CVRR ACTIVITY CENTER

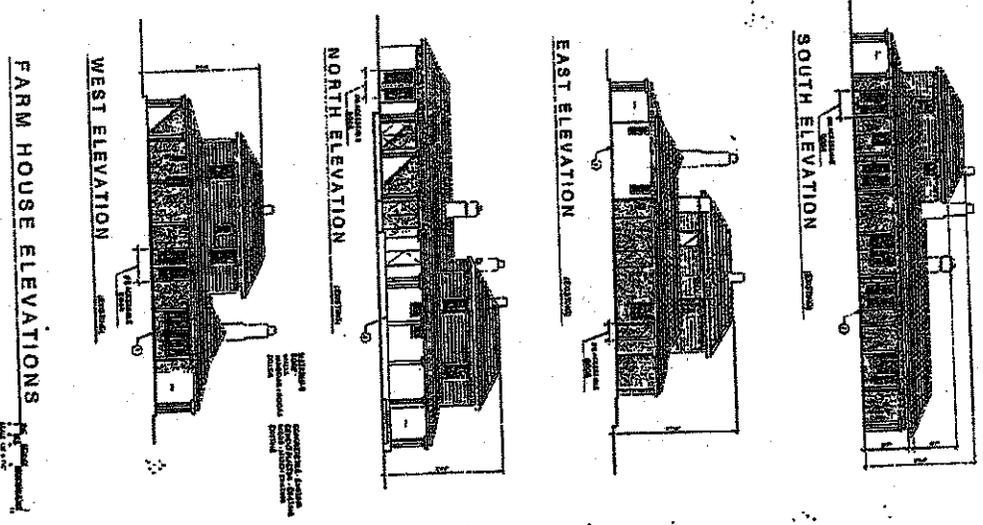


WALL LEGEND  
 --- EXTERIOR WALL TO SHOWN

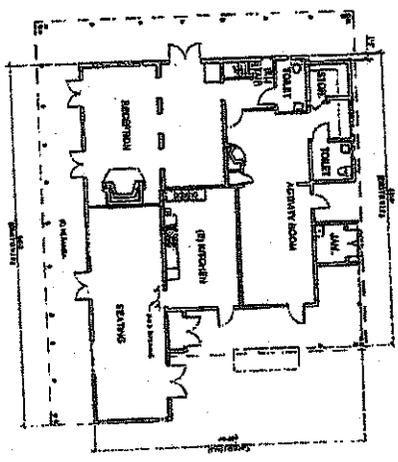


**0 SHEET NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

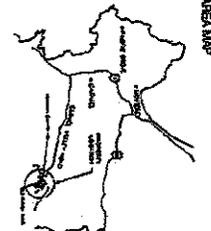
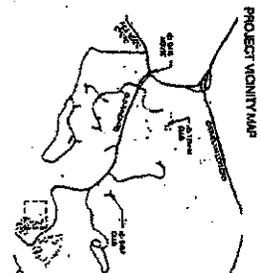
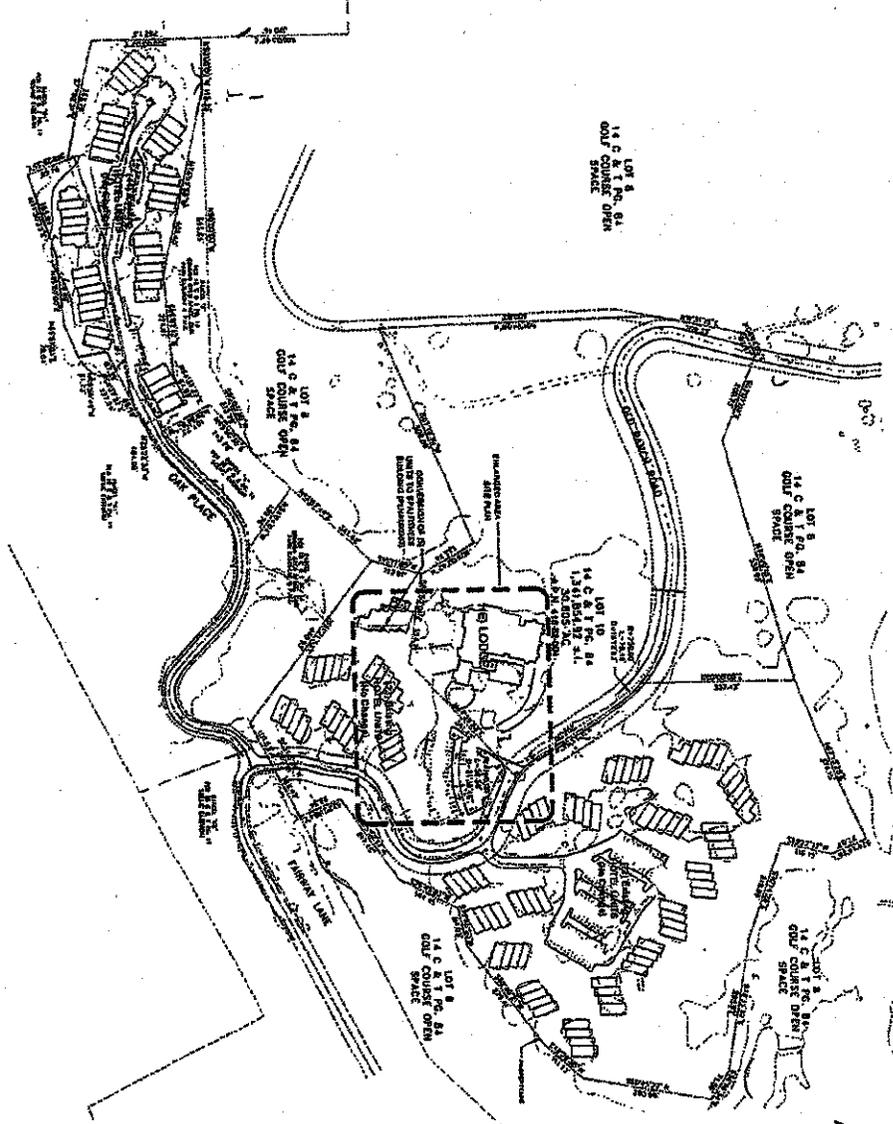


**10000**  
**ST. FLOOR PLAN** (SCALE: 1/8"=1'-0")



**WALL LEGEND**  
 BRICK  
 STUCCO  
 SHINGLES  
 METAL ROOFING  
 WOOD SIDING  
 VINYL SIDING  
 ASPHALT ROOFING  
 CONCRETE

**SHEET NOTE**  
 \* Material not shown is assumed.

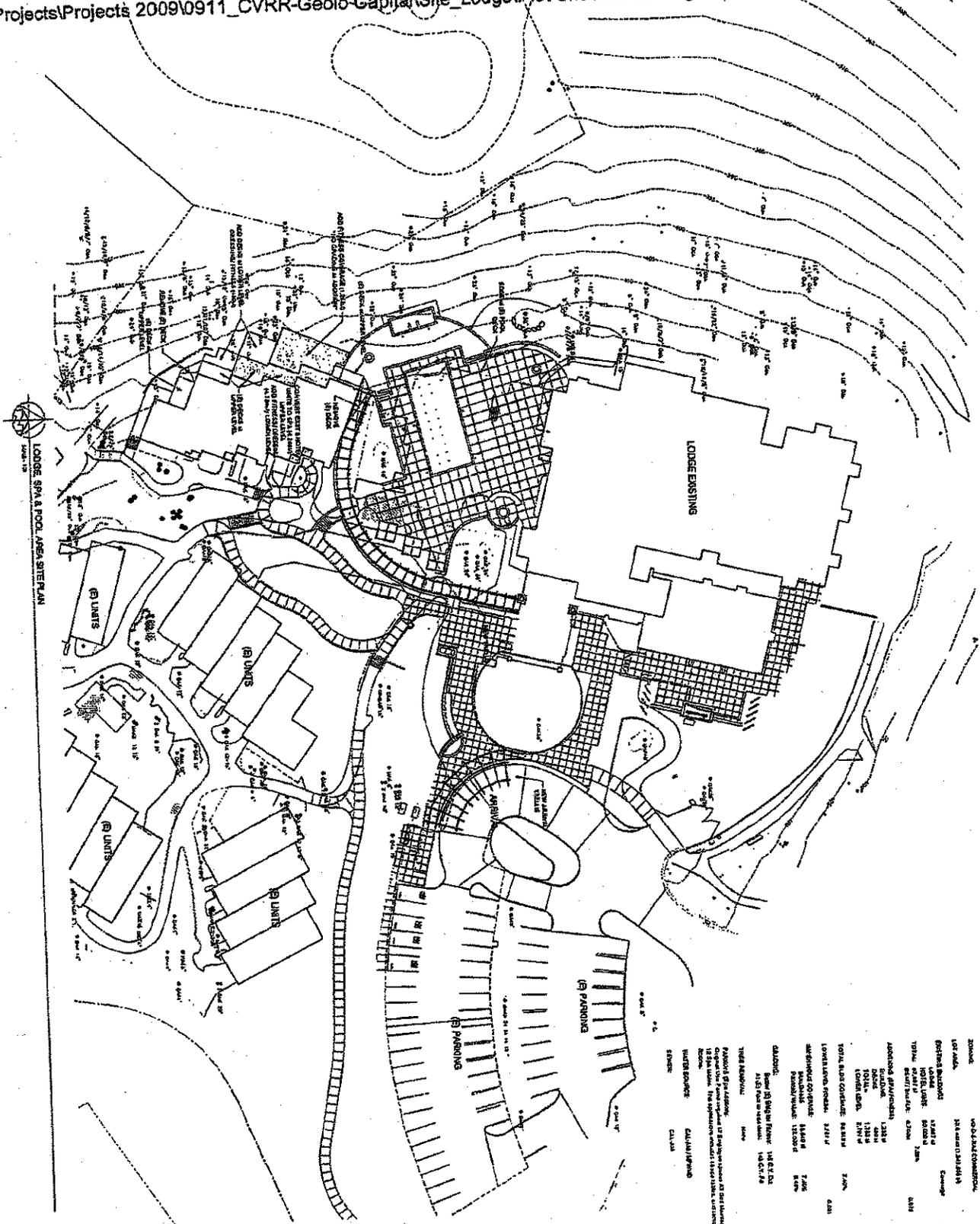


ORIGINAL SITE PLAN  
SPT/PLM/090283

**THE PAUL DAVIS PARTNERSHIP**  
ARCHITECTS & ENGINEERS  
11111 RICHMOND AVENUE, SUITE 100  
DENVER, COLORADO 80232  
TEL: 303.755.1111  
WWW.PAULDAVISPARTNERSHIP.COM

Map 1 of 1  
Lodge & Spa Area  
SITE  
IMPROVEMENTS  
Central Valley Ranch  
© 2009 PDA

A1.1



LODGE SPA & POOL AREA SITE PLAN

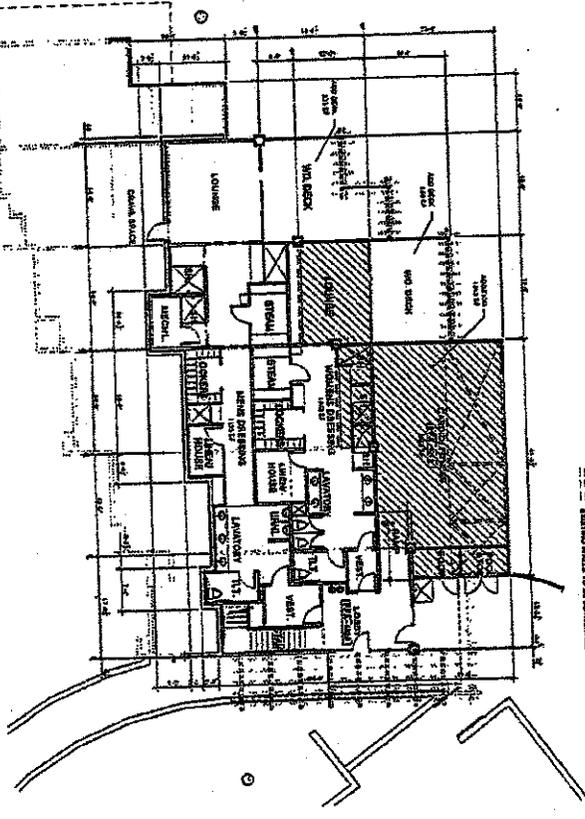
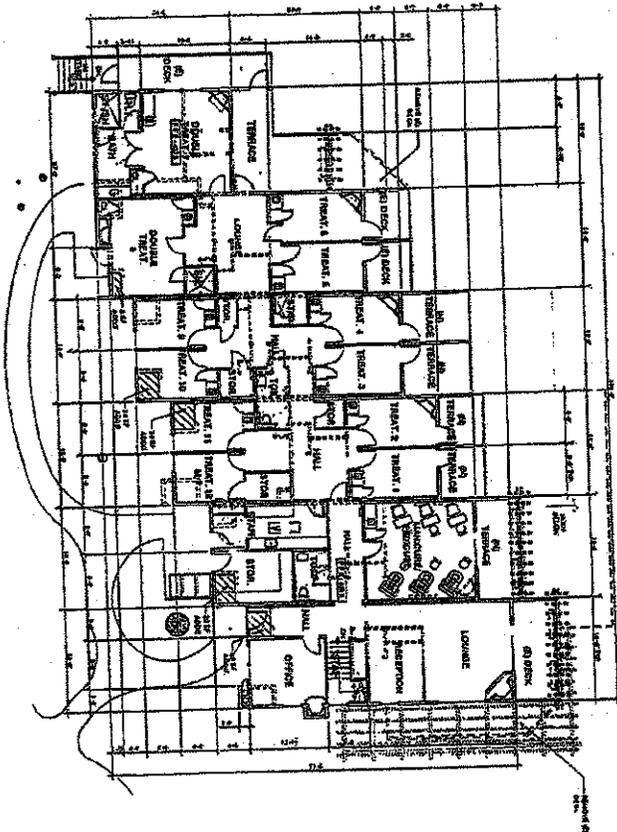
**UPPER SITE LODGE/HOTEL**

AREA	64,870 sq ft
USE	LODGE/HOTEL
2000	100,000 sq ft
LOT AREA	200,000 sq ft
LOT COVER	32.4%
LOT AREA	200,000 sq ft
LOT COVER	32.4%
LOT AREA	200,000 sq ft
LOT COVER	32.4%
LOT AREA	200,000 sq ft
LOT COVER	32.4%

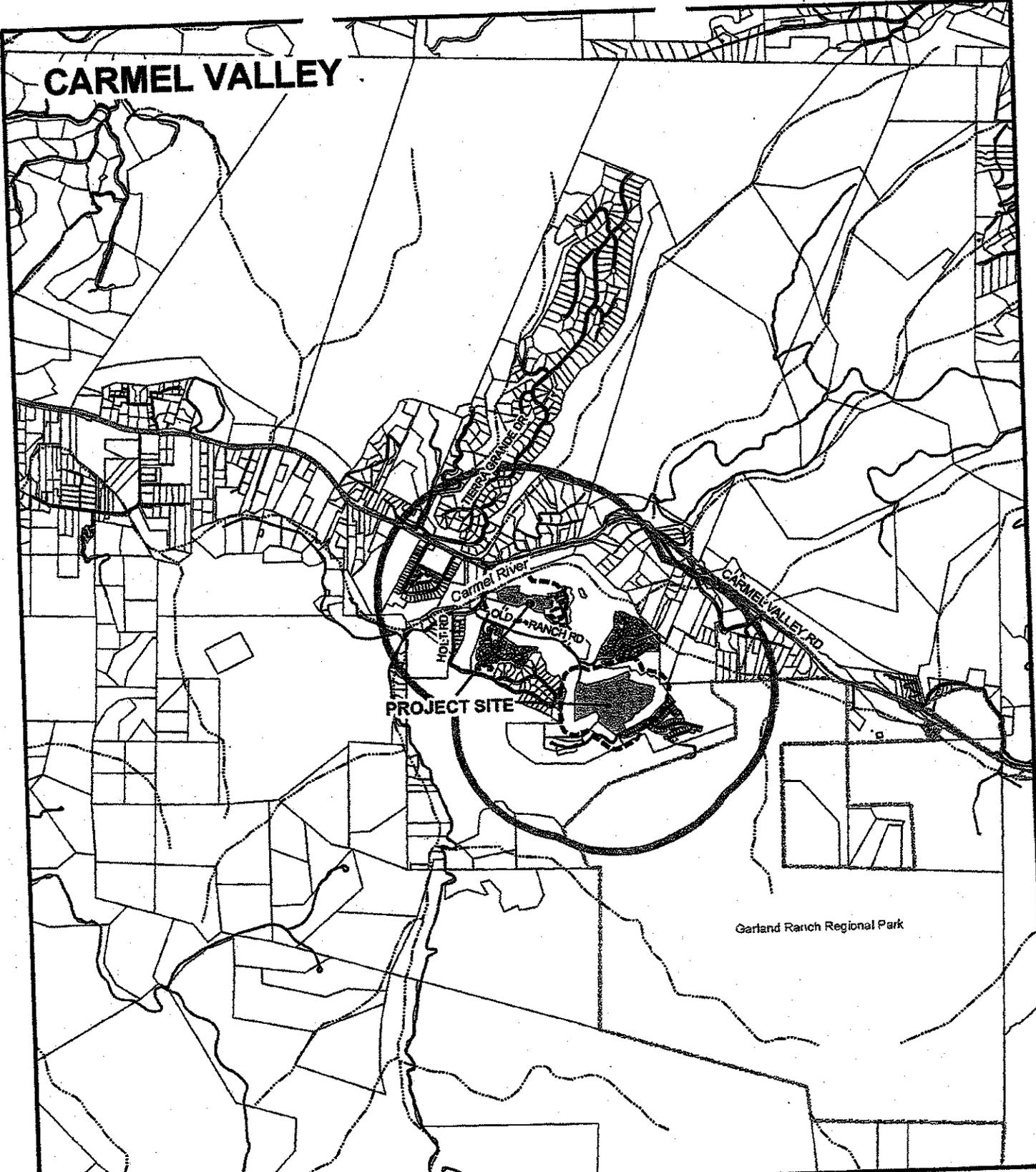
**ADDITIONAL INFORMATION**

DATE	11/16/09
PROJECT	UPPER SITE LODGE/HOTEL
DESIGNER	PAUL DAY PARTNERSHIP
SCALE	AS SHOWN

**THE PAUL DAY PARTNERSHIP**  
 10000 N. 10th Street, Suite 100  
 Scottsdale, AZ 85254  
 (480) 344-1111  
 www.paulday.com



# CARMEL VALLEY



APPLICANT: CARMEL VALLEY RANCH HSGE LLC

APN: 416-522-010-000 & 416-522-004-000

FILE # PLN090322

 300' Limit

 2500' Limit

 City Limits

 Water

