

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> August 13, 2009	<b>Time:</b> P.M	<b>Agenda Item No.:</b>
<b>Project Description:</b> Combined Development Permit consisting of: 1) a Coastal Development Permit to allow development within the Critical Viewshed for the installation of horizontal drains into the slope east of Highway 1 at post-miles 46.9 and 50.0; 2) a Coastal Development Permit to allow development on slope greater than 30 percent; 3) Design Approval; and grading consisting of approximately 215 cubic yards of cut and 70 cubic yards of fill.		
<b>Project Location:</b> Post-Miles 46.9 and 50.0, Highway 1, Big Sur	<b>APNs:</b> 419-031-002-000 (PM 46.9) and 159-021-007-000 (PM 50.0)	
<b>Planning File Number:</b> PLN090137	<b>Owner:</b> Caltrans <b>Agent:</b> Rylene Leverett	
<b>Planning Area:</b> Big Sur Coast Land Use Plan	<b>Flagged and staked:</b> No	
<b>Zoning Designation:</b> OR-D (CZ) [Open Space Recreation, with a Design Control overlay (Coastal Zone)]		
<b>CEQA Action:</b> Categorically Exempt per Section 15301 (c) of the CEQA Guidelines		
<b>Department:</b> RMA - Planning Department		

### RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit B**) to:

- 1) Categorically exempt PLN090137 per Section 15301 (c) of the CEQA Guidelines, and
- 2) Approve PLN090137, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

### PROJECT OVERVIEW:

The applicant proposes to install horizontal drains into the slope east of Highway 1 at post-miles 46.9 and 50.0. These drains will reduce the potential of highway closure due to hillside material sloughing onto the highway.

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

- RMA - Public Works Department
- Environmental Health Division
- Water Resources Agency
- California Coastal Commission

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the RMA-Planning Department have been incorporated into the Condition Compliance Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit B**).

The project was referred to the Big Sur Coast 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 it involves a Design Approval subject to review by the Zoning Administrator. The Big Sur Coast LUAC unanimously recommended approval at a public meeting held on June 23, 2009.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

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July 17, 2009

cc: Front Counter Copy; Zoning Administrator; Big Sur VFB; Cal-Fire Coastal (Fire Protection District); Public Works Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; Caltrans, District 5 (Ryelle Leverett), Owner/Agent; Planning File PLN090137

Attachments: Exhibit A Project Data Sheet  
Exhibit B Draft Resolution, including:  
1. Conditions of Approval  
2. Site Plans  
Exhibit C Vicinity Map  
Exhibit D Advisory Committee Minutes  
Exhibit E Technical Reports  
1. Natural Environment Study  
2. Visual Impact Study

This report was reviewed by Laura Lawrence, Planning Services Manager.

**EXHIBIT B  
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the  
County of Monterey, State of California**

In the matter of the application of:

**CALTRANS (PLN090137)**

**RESOLUTION NO. 090137**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Categorically exempting PLN090097 per Sections 15301 (c) of the CEQA Guidelines, and
- 2) Approving a Combined Development Permit consisting of a Coastal Development Permit to allow development within the Critical Viewshed for the installation of horizontal drains into the slope east of Highway 1 at post-miles 46.9 and 50.0, a Coastal Development Permit to allow development on slope greater than 30 percent, a Design Approval, and grading consisting of approximately 215 cubic yards of cut and 70 cubic yards of fill.

(PLN090137, Caltrans, Highway 1 PM 46.9 and PM 50.0, Big Sur, Big Sur Coast Land Use Plan, APNs: 419-031-002-000 [PM 46.9] and 159-021-007-000 [PM 50.0])

**The Caltrans application (PLN090137) came on for public hearing before the Monterey County Zoning Administrator on August 13, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator 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,
  - Big Sur Coast Land Use Plan,
  - Big Sur Coast Coastal Implementation Plan,
  - Monterey County Zoning Ordinance (Title 20)

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 project sites are located within the Caltrans right-of-way on Highway 1, at post-miles 46.9 and 50.0, Big Sur (Assessor's Parcel Numbers 419-031-002-000 (PM 46.9) and 159-021-007-000 (PM 50.0),

Big Sur Coast Land Use Plan. The parcels are zoned Open Space Recreation, with a Design Control District Overlay, Coastal Zone [“OD-D (CZ)”], which requires a coastal development permit for development within the Critical Viewshed and on slope greater than 30 percent. Therefore, the project is an allowed land use for this site.

- c) The project planner conducted a site inspection on June 23, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
- d) Historic Resources and Highway 1. Policies in Chapter 3.10 of the Big Sur Coast LUP are directed at maintaining, protecting, enhancing, and restoring the cultural heritage of the County. The project, as proposed, is consistent with County, State, and Federal policies and guidelines regarding the protection of cultural and historical resources. Policies in Chapter 4 of the Big Sur Coast LUP are directed at maintaining and enhancing the highway’s aesthetic beauty and to protect its primary function as a recreational route. The Big Sur Coast LUP promotes improvements for safety and traffic capacity (Policies 4.1.2.1, 4.1.3.A.1, and 4.1.3.A.2). The project, as proposed, is a safety improvement; therefore, it is consistent with County policies.
- e) Big Sur Critical Viewshed. See Finding 7.
- f) The project was referred to the Big Sur Coast 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 it involves a Design Approval subject to review by the Zoning Administrator. The Big Sur Coast LUAC unanimously recommended approval at a public meeting held on June 23, 2009.
- 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 PLN090137.

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, Public Works Department, 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) Staff identified potential impacts to Biological Resources and Scenic Resources. The project is consistent with applicable policies and regulations. Technical reports by an outside agency (Caltrans) 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:
    - Natural Environment Study (LIB090338) prepared by Caltrans District 5, San Luis Obispo, California, February 4, 2009.
    - Visual Impact Study (LIB090339) prepared by Caltrans District 5, San Luis Obispo, California, March 5, 2009.

- c) Staff conducted a site inspection on June 23, 2009, 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 PLN090137.

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 - Planning Department, Public Works Department, 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) Preceding findings and supporting evidence for PLN090137.

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 properties.

**EVIDENCE:** a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on the subject properties.

b) Staff conducted a site inspection on June 23, 2009, and researched County records to assess if any violation exists on the subject property.

c) There are no known violations on the subject parcels.

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 PLN090137.

5. **FINDING: CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

**EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15301 (c) (Class 1) categorically exempts the minor alteration of existing public or private ... topographical features, involving negligible or no expansion of use....

b) The project, as proposed, consists of the installation of horizontal drains into the slope east of Highway 1 at post-miles 46.9 and 50.0, and grading of approximately 215 cubic yards of cut and 70 cubic yards of fill. The project is consistent with the Class 1 categorical exemption per Evidence 5a above.

c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 23, 2009.

- d) Exceptions to exemptions listed in Section 15300.2.a-f are inapplicable. The project does not involve: alterations to a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment. Although the project involves development located near or within view of a scenic highway, the exception is not applicable (i.e., the categorical exemption is valid) because the project will not result in damage to scenic resources.
- e) See preceding and following findings and supporting evidence.

6. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3, Trails Plan, in the Big Sur Coast Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - 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 PLN090137.
  - e) The project planner conducted a site inspection on June 23, 2009.

7. **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 critical viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
  - b) Staff conducted a site visit on June 23, 2009, to assess the potential viewshed impacts of the project and ensure consistency with applicable LUP policies. LUP Policy 3.2.5.C.1 allows exceptions to the Scenic Resources Key Policy involving safety improvements to Highway 1 facilities, provided they are consistent with LUP Sections 4.1.1, 4.1.2., and 4.1.3. Key Policy 4.1.1 states that the County’s objective is to maintain and enhance the highway’s aesthetic beauty and to protect its primary function as a recreational route. General Policy 4.1.2.1 directs that improvements to Highway 1 shall be undertaken in order to increase its service capacity and safety, consistent with its retention as a scenic two-lane road. The project is a safety improvement that, as proposed, will restore the disturbed areas, and will use colors that match the existing soils and native vegetation in order to blend with the

surrounding environment. The project, as proposed and conditioned, is consistent with the policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the Critical Viewshed.

- 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 PLN090137.
- d) The project planner conducted site inspections on June 23, 2009, to verify that the project minimizes development within the viewshed and to identify methods to further minimize the visibility of the development.

8. **FINDING: DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

**EVIDENCE:** a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.

- b) The project includes an application for development on slopes exceeding 30% to allow the installation of horizontal drains approximately 25 feet into the adjacent embankments in order to stabilize the two slopes from sloughing. The project will involve approximately 215 cubic yards of cut and 70 cubic yards of fill.
- c) The project, as proposed, is the least amount of work and/or disturbance necessary to alleviate the sloughing, and there is no feasible alternative which would allow development to occur on slopes of less than 30%.
- d) The Zoning Administrator shall require such conditions and changes in the development as it may deem necessary to assure compliance with Section 20.64.230.E.1 of the Monterey County Code (Condition Nos. 3, 4, and 6).
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090137.
- f) The project planner conducted a site inspection on June 23, 2009.
- g) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

9. **FINDING: APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
  - b) Coastal Commission: Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title 20). Approved projects involving development in the underlying zone as a conditional use, are appealable to the Coastal Commission.

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Categorically exempt PLN090137 per CEQA Guidelines Sections 15301 (c),
- B. Approve a Combined Development Permit consisting of a Coastal Development Permit to allow development within the Critical Viewshed for the installation of horizontal drains into the slope east of Highway 1 at post-miles 46.9 and 50.0, a Coastal Development Permit to allow development on slope greater than 30 percent, a Design Approval, and grading consisting of approximately 215 cubic yards of cut and 70 cubic yards of fill, 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.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of August, 2009.

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MIKE NOVO, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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 090137 - EXHIBIT 1  
Monterey County Resource Management Agency  
Planning Department  
Condition Compliance Reporting Plan**

**Project Name: Caltrans**

**File No: PLN090137**

**APNs: 419-031-002-000 (PM 46.9) and  
159-021-007-000 (PM 50.0)**

**Approved by: Zoning Administrator Date: August 13, 2009**

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

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
<b>RMA – Planning Department</b>						
1.		<p><b>PD001 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN090137) allows development within the Critical Viewshed for the installation of horizontal drains into the slope east of Highway 1 at post-miles 46.9 and 50.0, development on slope greater than 30 percent, Design Approval, and grading consisting of approximately 215 cubic yards of cut and 70 cubic yards of fill. The project sites are located at Highway 1 PM 46.9 and PM 50.0, Big Sur (Assessor’s Parcel Numbers 419-031-002-000 and 159-021-007-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(RMA-Planning Department)</b></p>	<p>Adhere to conditions and uses specified in the permit.</p>	Owner/ Applicant	Ongoing, unless otherwise stated.	
			<p>Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department.</p>	RMA - Planning		
			<p>To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.</p>	WRA  RMA - Planning		

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution 090137) was approved by the Zoning Administrator for Assessor's Parcel Numbers 419-031-002-000 and 159-021-007-000 on August 13, 2009. The permit was granted subject to six (6) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b>	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant  RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD007 - GRADING-WINTER RESTRICTION</b> No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. <b>(RMA – Planning Department and Building Services Department)</b>	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner / Applicant	Ongoing	
4.		<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. <b>(RMA - Planning Department and RMA - Building Services Department)</b>	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.	Owner / Applicant	Prior to the issuance of grading and building permits.	
			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.	Owner / Applicant	Ongoing	
			Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department.	Owner / Applicant	Prior to final inspection.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 4 years, to expire on August 13, 2013, unless use of the property or actual construction has begun within this period. <b>(RMA – Planning Department)</b>	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner / Applicant	As stated in the conditions of approval.	
6.		<b>PD033 - RESTORATION OF NATURAL MATERIALS</b> Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. <b>(RMA – Planning Department)</b>	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner / Applicant	Prior to commencement of use.	

**END OF CONDITIONS**