

**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

REVISED

RESOLUTION NO. 02005

A.P. # 133-221-001-000

FINDINGS AND DECISION

In the matter of the application of

Dennis Keith Family Limited Partnership (PLN000468)

To allow an amendment to a previously approved Coastal Development Permit in accordance with Title 20.1 (Monterey County Coastal Implementation Plan Ordinances) Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow demolition of an existing specialty retail, commercial structure and construction of a new, commercial facility, including the following: (1) single story, 4,444 square foot retail convenience market with 800 square feet of produce/fruit stands and related infrastructure; (2) 61 parking spaces; (3) trash enclosures; (4) 500 cubic yards of cut and 920 cubic yards of fill; and Design Approval, located at 7902E Highway One, fronting on and westerly of Highway One, Moss Landing area, came on regularly for hearing before the Planning Commission on January 30, 2002.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING:** The subject Coastal Development Permit and Design Approval (file no. PLN000468), as described in condition #1 and as conditioned, conforms with the plans, policies, requirements and standards of the Local Coastal Program (LCP). The LCP for this site consists of the North County Land Use Plan, North County Coastal Implementation Plan (Part 2), Part 6 of the Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20). The property is located at 7902E Highway One (Assessor's Parcel Number 133-221-001-000), fronting on and westerly of Highway One, in the Moss Landing area of the Coastal Zone.

The parcel, zoned Visitor Serving and Commercial ("VSC-CZ") is considered consistent with the development standards for said zoning district pursuant to Title 20, Monterey County Coastal Implementation Plan (Part 1). Further, the project fronts on Highway One, a Scenic Visual Corridor, and is considered a visual improvement to the present visual blight at the site.

The site is physically suitable for the use proposed and is in accordance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4). Public access is already designated at the site, and no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 20, and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified North County Land Use Plan, with special attention to Chapter 5, the Moss Landing Community Plan.
- b) The certified Monterey County Coastal Implementation Plan regulations for Visitor Serving Commercial ("VSC") and Resource Conservation ("RC") Districts in the Coastal Zone, and

- c) Chapter 20.22, sections 20.22.030, 20.22.040, 20.22.060 and 20.22.070, and Chapter 20.36, sections 20.36.030 E. of the Monterey County Coastal Implementation Plan regulations for development in North County Land Use Plan.

EVIDENCE: The proposed development has been reviewed by the California Department of Transportation (“Caltrans”), Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Division, Parks and Recreation Department, and North County Fire Department. There has been no indication from these agencies that the site is not suitable for the proposed development. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property. Each agency has recommended conditions for improvements.

EVIDENCE: Design Approval request form, with recommendation for approval of the project by the North County Coastal Land Use Advisory Committee on June 18, 2001, by two votes of 8 ayes, 0 noes and 0 abstentions to approve the project in general, and then to change the roof color from a green to a blue color.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Planning Commission.

EVIDENCE: A Geologic Report prepared for the larger, approved project by John Kingsley, in July 1995, contained in File No. PC95086

EVIDENCE: The staking and flagging of the proposed structures at the site to determine the impact on a visually sensitive public viewing area.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

EVIDENCE: The subject property already has a dedicated area where the Local Coastal Program requires access that is in the form of a 10' wide trail paralleling the Moro Cojo Open Space Conservation Easement, pursuant to Section 20.70.050.B.4.c.i and ii of the Coastal Implementation Plan.

2. **FINDING:** The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights as required by Section 20.70.050.B.4 of the Coastal Implementation Plan. The property consists already of a dedicated public access consistent with Section 30212 of the Coastal Act and Constitutional protections pursuant to Sections 20.70.050.B. 4.b and c of the Coastal Implementation Plan. Also, the specialty retail commercial use of the property has been the historic public use of the property.

EVIDENCE: Monterey County has considered and approved the cumulative impact of a larger development at the site on visual and public access to Moss Landing tidelands and recreational areas by the Negative Declaration filed on November 16, 1995 (file no. PC95086). It was determined that despite the intensification of uses on the project site, implementation of the proposed project would improve existing conditions by providing a buffer between two relatively incompatible uses--commercial retail and resource conservation uses--by providing an area for travelers and residents of the area to enjoy.

EVIDENCE: The applicant has historically used the property for a specialty retail commercial venture. The

Coastal Development Permit for proposed intensification of that use by the same owner was approved by the Planning Commission in January of 1996 (file no. PC95086), since expired. The applicant had already dedicated a portion of their property to the Moro Cojo Open Space Conservation Easement that includes the 10' public access trail prior to the 1996 permit approval.

3. **FINDING:** The proposed project would not impact the coastal wetland, substantiated by the fact that the proposed project will be located more than 150 feet from the slough, and does not have the potential to negatively impact the long-term maintenance of the habitat.
- EVIDENCE:** Staff has verified that the project is consistent with Section 20.144.040 C. 2. d. of the North County Coastal Implementation Plan that states that all development shall be set a minimum of 100 feet back from the landward edge of vegetation associated with coastal wetlands, including Moro Cojo Slough.
- EVIDENCE:** Design specifications have eliminated the previously proposed back row of parking spaces fronting on the Moro Cojo Open Space Conservation Easement that, together with the proposed landscaping along the public access easement, better reduce the chance for runoff from the site into the coastal wetland.
- EVIDENCE:** Staff awaits a field investigation by a consultant biologist that will assist in recommendation of any landscaping that borders the Moro Cojo Slough Open Space Conservation Easement be compatible with the natural vegetation.
- EVIDENCE:** The Monterey County Water Recourses Agency has placed a condition of approval consistent with Section 20.144.040 C. g. of the North County Coastal Implementation Plan that a drainage plan prepared by a registered civil engineer or architect address on-site and off-site impacts including routing stormwater runoff from the paved parking areas to an oil-grease/water separator to mitigate the impact of impervious surface stormwater runoff.
- EVIDENCE:** Condition no. 7.
4. **FINDING:** The proposed historical use as a retail produce stand, intensified by the larger scale development, will increase automobile traffic in the area. Caltrans anticipates that the project will generate a number of new trips at the SR 1/Moss Landing Road North intersection, but that the conditions of approval for the project will address increased traffic. The Negative Declaration originally approved for the project anticipates this increased traffic, but recognizes project specifications related to design and periods of operation that find these impacts to be less than significant. There is no indication from the appropriate reviewing agencies that the site is not suitable with the conditions of approval for improved traffic egress/ingress at the site.
- EVIDENCE:** The proposed project has been reviewed by the California Department of Transportation and the Monterey County Department of Public Works, and both agencies have placed conditions of approval on the project to assure safe ingress and egress from the site.
- EVIDENCE:** A Traffic Report was prepared for the original approved project, PC95086, by Keith B. Higgins and Associates, Inc. on August 10, 1995. Based on Caltrans staff evaluation of the current re-application, no further traffic analysis is required at this time. Chris Shaeffer of Caltrans communicated by email on January 10, 2002 that traffic issues are satisfied at the site as long as the property owner limits access to the entire property frontage to two driveways, right turn-in and right turn-out only. Upon obtaining an encroachment permit from Caltrans, the property owner will be subject to staff review of issues pertaining to hydrology and driveway/shoulder improvement design.

EVIDENCE: Parking for seasonal sales activities are limited to specified time periods as was originally conditioned by the Planning Commission in 1996. Condition 29 requires no parking signs along the outdoor sales area frontage to Highway One to assure that the seasonal sales activities do not contribute to traffic congestion on Highway One.

EVIDENCE: Conditions 7, 11, and 28.

5. **FINDING:** The proposed project, including all permits and approvals, will not have any significant adverse impacts on the environment. A Negative Declaration for a larger scale design at the site was adopted by the Planning Commission on December 13, 1995 (file no. PC95086). An updated Initial Environmental Study was not required for re-application of the project because staff considers that potential environmental effects have been addressed and previously approved for a larger proposed project at the site. Further, the same agencies and consultants have reviewed the current project and have not made major changes to the conditions for approval. There is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the original Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process.

Studies, data, and reports prepared by staff from Caltrans and various County departments, including Planning and Building Inspection, Public Works, Environmental Health, and the Water Resources Agency, supported the adoption of a Negative Declaration for the project. The custodian of the documents and materials that constitute the record of proceedings upon which the adoption of the Negative Declaration is based is the Monterey County Planning and Building Inspection Department, Coastal Office, 2620 First Avenue, Marina. No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts has been submitted that refute the conclusions reached by these studies, data, and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

EVIDENCE: County staff prepared an Initial Study for the originally approved project (PC95086) in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. No mitigation measures are required apart from the standard conditions placed on the project that meet Monterey County and State Government Codes for construction and encroachment permits.

A Negative Declaration was filed with the County Clerk on November 16, 1995 and noticed for public review. All comments received on the Initial Study have were considered as well as all evidence in the record, which includes studies, data, and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. The studies, data, and reports of the original Initial Study were analyzed and conditions for approval updated by Caltrans and the various County agencies as part of the original environmental determination.

Tunstall Engineering, the original consulting engineer for the 1996 project, has been retained to prepare the revised plans consistent with the Geologic Report prepared for the project by *John Kingsley, Geologist* in July 1995, found in file no. PC95086.

Keith B. Higgins and Associates, Inc., Traffic Engineers, prepared a Traffic report for the larger- scale version of the project on August 10, 1995, found in file no. PC95086. Caltrans staff considers that no further traffic analysis is needed at this time as expressed by e-mail to the project planner by Chris Shaeffer of Caltrans on January 10, 2002 and verified by the County Public Works Department.

6. **FINDING:** The project is located in the public viewshed as defined in Section 20.144.030 of the Coastal Implementation Plan for the North County Land Use Plan. The revised project was evaluated in terms of the impact upon the public viewshed from Highway One and Moss Landing Road. The revised project is consistent with Section 20.60.100 A of the Monterey County Coastal Implementation Plan, and Section 5.6.3., Policy 6 of the Moss Landing Community Plan dealing with visual resources within the public viewshed. The current proposal reduces the height of the central structure and does not include the originally proposed 50 foot flagpole rejected by the Planning Commission in 1996.

EVIDENCE: The application, plans and photo materials submitted for a Coastal Development Permit, as found in file PLN000468.

EVIDENCE: The on-site investigation by the project planner, pursuant to Chapter 20.144.030 A of the Monterey County Coastal Implementation Plan.

7. **FINDING:** There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage 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: Ordinance #4005 of the County of Monterey adds Chapter 18.51 to the Monterey County Code to establish a Water Impact Fee for development in the North Monterey County Area to assist in financing a study and management plans relating to the safe yield of the North Monterey County aquifers.

8. **FINDING:** The project site is located partially in Zone A, 100 year floodplain of Moro Cojo Slough on FEMA Flood Insurance Rate Map 060195-0055 F (Map Revised August 5, 1986). The Monterey County Water Resources Agency accepts 8 FT MSL as the base flood elevation for Moro Cojo Slough as the result of the Corps of Engineers letter dated March 19, 1980.

EVIDENCE: The project was reviewed by the Water Resources Agency for conformity with applicable provisions of the County Code. Appropriate recommendations for the project are contained in Planning and Building Inspection Department File No. PLN000468.

EVIDENCE: Conditions 4, 5, 6 and 7.

9. **FINDING:** The proposed project is consistent with Section 20.144.110 (Archaeological Resources Development Standards) of the Coastal Implementation Plan with regard to development in areas of archaeological sensitivity. The project site has been developed and does not contain surface evidence of potentially significant cultural resources. However, a condition has been added to stop work in the event that any archaeological resources are found during construction of the proposed project.
- EVIDENCE:** Appendix 2a, Resource Maps, of the Monterey County coastal Implementation Plan.
- EVIDENCE:** The on-site inspection of the subject parcel by the project planner determined the project conforms with Section 20.144.110 of the Monterey County Coastal Implementation Plan as found in File No. PLN000468.
- EVIDENCE:** Condition Number 19 has been added to require that work be stopped in the event that any archaeological resources are found on site.
10. **FINDING:** The proposed project is consistent with policies of the Section 20.144.100 of the Coastal Implementation Plan dealing with development in hazardous areas. The site is located in a hazardous geologic zone and a geologic report has been prepared for the site by *John Kingsley, Geologist* in July 1995, consistent with the "Guidelines for Geologic/Seismic Reports" of the California Divisions of Mines and Geology. The report concludes that the proposed project can proceed with conditions of approval as contained in the report.
- EVIDENCE:** Appendix 2a, Resource Maps, of the Monterey County Coastal Implementation Plan.
- EVIDENCE:** Geologic Report prepared for the project by *John Kinglsey, Geologist* in July 1995, contained in File No PLN000468.
- EVIDENCE:** Conditions 16 and 17.
11. **FINDING:** The proposed project is consistent with Section 20.144.120 (Transportation Development Standards) of the Coastal Implementation Plan regarding development with the potential to significantly impact the service level of or traffic safety along Highway One.
- EVIDENCE:** The project site fronts westerly of Highway One in the Moss Landing area of Monterey County. A Traffic Report was prepared by *Keith B. Higgins and Associates, Inc.* on August 10, 1995 for the larger scaled design that included 94 parking spaces. The project was then estimated to generate about 40.67 trip ends per day per 1,000 square feet, about 1.22 trips per 1,000 square feet in the morning peak hour and about 4.93 trips per 1,000 square feet in the evening peak hour. The rate applied to the existing use as well as the proposed facility. Therefore, the larger project was estimated to generate about 228 daily trips with about 7 during the morning peak hour and 28 during the evening peak hour. Virtually all the existing project traffic is generated by persons already on Highway One. The project, therefore, currently does not result in any additional traffic on Highway One. The report concludes that the proposed project will generate a net increase of two trips during the morning peak hour and seven trips during the evening peak hour, and that development on the project site will not result in any quantitative change in traffic operation on Highway One along the project frontage.
- EVIDENCE:** Traffic Report prepared for the project by *Keith B. Higgins and Associates, Inc.* on August 10, 1995, contained in File No. PC95086.
12. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood,

or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, the applicable Fire Department, 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.

EVIDENCE: File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.

14. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application be granted as shown on the attached sketch, subject to the following conditions:

1. The subject Combined Development Permit consists of demolition and replacement of an existing 4,230 square foot specialty retail commercial structure with an improved commercial facility, including the following: (1) a central, single story, 4,444 square foot retail convenience market with two wings of produce/fruit stands totaling 800 square feet; (2) 61 parking spaces; (3) trash enclosures; (4) 500 cubic yards of cut and 920 cubic yards of fill; an approximately 0.47 acre area that will serve seasonal outside sales; and (4) Design Approval. The proposed project also includes landscaping immediate to the structure and paralleling the designated Moro Cojo Open Space Scenic Easement. The property is located at 7902E Highway One (Assessor's Parcel Number 133-221-001-000), fronting on and westerly of Highway One, Moss Landing area, in the Coastal Zone.

The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. **(Planning and Building Inspection)**

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 113-221-001-000 on January 30, 2002. The permit was granted subject to 31 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**
3. Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**

4. Lowest floor and attendant utilities shall be constructed at least 8 feet above mean sea level (NGVD 1929). To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**
5. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**
6. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency and Caltrans Encroachment Permit requirement)**
7. The applicant shall provide to the Planning and Building Inspection Department a grading and erosion control plan for review in order that any development permit issued will comply with the drainage and erosion control provisions of the Monterey County Coastal Implementation Plan. **(Planning and Building Inspection Department)**
8. Provide a hydrant, James Jones Model 3760 or equivalent, at the light standard island on the northeast corner, between parking space numbers 28 and 29. **(North County Fire District)**
9. Provide evidence of fire flow at 1500 gallons per minute for two hours with 20 psi residual or to the satisfaction of the North County Fire District. **(North County Fire District)**
10. Obtain an encroachment permit from the California Department of Transportation (“Caltrans”), and construct an eight-foot (8’) shoulder along the project frontage on State Highway One with two defined access driveways. **(Public Works)**
11. That the internal circulation and parking plan be approved by the Department of Public Works prior to issuance of a building permit. **(Public Works)**
12. Obtain all necessary permits from the Moss Landing Sanitation District and pay all fees prior to issuance of a building permit. **(Public Works)**
13. Improvements for the retail convenience market shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. **(Environmental Health)**
14. That new utility and distribution lines shall be placed underground. **(Planning and Building Inspection; Public Works)**

15. Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geological Report has been prepared for this parcel by *John Kingsley, Geologist* dated July 1995, and is on record in the Monterey County Planning and Building Department. All development shall be in accordance with this geological report, as approved by the Director of Planning and Building Inspection." **(Planning and Building Inspection Department)**
16. All development (e.g. foundations and structures) shall be constructed in conformance with the standards and regulations contained in the latest edition of the Uniform Building Code. **(Planning and Building Inspection)**
17. If, during the course of construction, cultural, archaeological, historical or palentological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection Department)**
18. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. **(Planning and Building Inspection Department)**
19. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
20. The applicant shall obtain a grading permit from the Building Inspection Division. **(Planning and Building Inspection)**
21. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion in coordination with a consulting biologist, subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
22. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
23. That a notice be recorded with the Monterey County Recorder which states: "The 0.47 acre area at the southern most area of the parcel, identified on the original approved General Development Plan (file no. PC95086), shall be used exclusively for seasonal sales activities at specified time periods, restricted to the following:

USE	TIME PERIOD
Farmers Market	2 weekends per quarter
Easter/Spring promotion	Week between Palm Sunday/Easter
Flower sale	Memorial Day holiday

Chili cook-off	July 4 th
Chrome show	Labor Day holiday/Laguna Seca races
Pumpkin sales	October/November
Christmas tree sales	November/December
Fisherman's Grotto	To correspond with Fisherman's Grotto in Monterey
Antique/Flea Market	To correspond with Moss Landing Flea Market
Artichoke celebration	To correspond with Castroville Artichoke Festival

No other sales activities shall be permitted in this area without obtaining a Coastal Development Permit from the Monterey County Department of Planning and Building Inspection. This notice shall be recorded prior to issuance of building or grading permits. **(Planning and Building Inspection)**

Prior to Final Building Inspection/Occupancy:

24. The applicant shall comply with Ordinance No. 3932 of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per 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.
 - 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 & Planning and Building Inspection)**
25. That the applicant provide a fire apparatus access roadway to all structures on the project site that meets the requirements of the 1991 Uniform Fire Code and approved by the North county Fire Protection district prior to a final inspection and approval of the project by the Fire Marshall. **(North County Fire Protection District)**
26. That all plans for the building construction, fire sprinkler system, water system, and alarm system be approved by the North County Fire Protection District prior to a final inspection and approval of the project by a Fire Marshall. **(North County Fire Protection District)**
27. That the applicant post "No Parking" signs along the outdoor sales area frontage to Highway One, subject to the review and approval by the Planning and Building Inspection Department, Public Works and Caltrans prior to final inspection. **(Planning and Building Inspection)**
28. The site shall be landscaped. The landscaping at the rear of the property paralleling and transitioning into the Moro Cojo Open Space Conservation Area shall follow the recommendations of consulting biologist, Ed Mercurio, including the removal of the naturalized non-native plants and the replacement with native plants of local origin (see letter of January 29, 2002, found in file no. PLN000468). At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of

the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. **(Planning and Building Inspection)**

29. The exterior colors and roofing material shall be subject to the approval of the Director of Planning and Building Inspection prior to final building permit sign off. **(Planning and Building Inspection Department)**

Continuous Permit Conditions:

30. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
31. All landscaped areas shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. **(Planning and Building Inspection)**

PASSED AND ADOPTED this 30th day of January, 2002, by the following vote:

AYES: Errea, Hawkins, Parsons, Brennan, Diehl, Hernandez, Lacy, Wilmot
NOES: None
ABSENT: Sanchez, Pitt-Derdivanis

Original Signed By:

DALE ELLIS, SECRETARY

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE FEBRUARY 22, 2002.

This project is located in the Coastal Zone and is appealable to the Board of Supervisors and the California Coastal Commission.

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 and Building Inspection Department office in Salinas.

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