

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

RESOLUTION NO. 04019

A.P. # 420-021-007-000-M

In the matter of the application of
State of California (PLN030620)

FINDINGS & DECISION

for a Coastal Development Permit in accordance with Chapter 20.140 (Coastal Development Permits) of the Monterey County Code, to allow the removal of 4,516 exotic trees (eucalyptus) and shrubs near environmentally sensitive habitat and on slopes exceeding 30% at Julia Pfeiffer-Burns State Park, Highway One, Big Sur, Coastal Zone, came on regularly for hearing before the Planning Commission on May 12, 2004.

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

FINDINGS OF FACT

- 1. FINDING: CONSISTENCY:** The Project, as conditioned, is consistent with applicable plans and policies, Big Sur Coast Land Use Plan, Coastal Implementation Plan (Part 3), and the Monterey County Zoning Ordinance (Title 20) which designates this area as appropriate for residential development.
- EVIDENCE:** (a) Land Use. Julia Pfeiffer-Burns State Park extends over 3,762 acres along the Big Sur coast. This Park stretches along both sides of Highway One generally between Partington Point/Creek on the north end and the John Little State Reserve on the south end. The landscape maintenance project would take place within a 35-acre portion of the park located around the Waterfall House (Lathrop and Helen Hooper Brown) and South Garden above McWay Cove.
- (b) Zoning. The park is zoned Watershed Scenic Conservation with a 40-acre minimum lot size [WSC/40(CZ)] and Open Space Recreation with a Design Control Overlay [OR-D(CZ)], Coastal Zone (CZ).
- (c) Plan/Code Conformance. The Planning and Building Inspection Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with the:
- (1) Big Sur Coast Land Use Plan
 - (2) Monterey County Coastal Implementation Plan - Part 3 (Chapter 20.145); and
 - (3) Monterey County Coastal Implementation Plan – Part 1 (Zoning Ordinance - Title 20), which establishes regulations for:
 - Watershed Scenic Conservation (Chapter 20.17).
 - Open Space Recreation (Chapter 20.38).
 - Design Control (Chapter 20.44).
 - Development on Slopes in excess of 30% (Chapter 20.64.230).
 - Development in Environmentally Sensitive Habitat (Chapter 20.66.020).

With the recommended conditions, there would be no conflict or inconsistencies with the

regulations of these plans or policies. These conditions generally require mitigation above what is designed into the project in order to address specific policy thresholds related to visual resources, environmentally sensitive habitat, and hazards as detailed in the following findings and evidence.

(d) Permits. Although removal of exotic vegetation such as eucalyptus trees is not regulated, Coastal Development Permits are required since tree removal is development and development on slopes in excess of 30% and/or within 100 feet of environmentally sensitive habitat are non-exempt types of development.

(e) Visual Resources. Removal of non-native trees (e.g. eucalyptus) as part of resource management is an exception to the critical viewshed regulations provided such removal does not result in exposing structures within the critical viewshed (Section 20.145.030.B.8 CIP). About ½ of the trees scheduled for removal along the coastline have already been removed. The Waterfall House is not visible and the removal has improved the public view of the coastline in this area.

(f) Environmentally Sensitive Habitat (ESHA). As conditioned, the proposed project is consistent with regulations for development adjacent to environmentally sensitive habitats (Section 20.145.040 CIP). The following biological assessments were prepared for the subject site in accordance with Section 20.145.040.A CIP:

(1) Letter Regarding Eucalyptus Removal at Julia Pfeiffer-Burns State Park. Prepared by John Gilchrist, Restoration Ecologist/Licensed Erosion Control Specialist, John Gilchrist & Associates. February 28, 2003.

(2) Biological Assessment Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park. Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. May 15 2003.

(3) Report for Smith's Blue Butterfly and Monarch Overwintering Habitat. Prepared by Richard A. Arnold, Ph.D., Entomological Consulting Services, Ltd. November 11, 2003.

(4) Resource Management Plan, Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park. Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. April 5, 2003 and updated December 4, 2003.

(5) Letter from State Parks Department in response to Gilchrist letter. Prepared by Tom Moss, Senior State Parks Resource Ecologist. January 30, 2004.

(6) Memorandum from State of California Department of Fish and Game. Comments on proposed project prepared by Robert W. Floerke, Regional Manager. January 23, 2004.

Although buckwheat plants and eucalyptus trees themselves are not protected, they provide habitat for Smith's blue and Monarch butterflies respectively. In addition, some trees scheduled for removal are located closer than 100 feet from riparian corridors. The various reports submitted and reviewed have established some guidelines to avoid impact to any sensitive habitat/species. Proposed removal of exotics and revegetation with native plants will enhance the natural conditions for this area. As a public park, the site does not require a conservation easement (20.145.040.B.2 CIP) to preserve these areas.

(g) Hazardous Area. The site is located in a high hazard zone for Fire and erosion according to Resource Maps, of the Monterey County Big Sur Coast Land Use Plan. Technical

reports have been provided with recommended conditions and modifications that provide additional assurances regarding project safety:

(1) Erosion Control Plan, Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park. Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. December 5, 2003.

(2) Forest Maintenance Plan, Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park. Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. December 3, 2003.

The proposed project is consistent with policies of the Big Sur Coastal Implementation Plan dealing with development in hazardous areas (Section 20.145.080 CIP).

(h) Land Use Advisory Committee: The Big Sur Coast Land Use Advisory Committee voted 6-0 to recommend approval of the project with two conditions/changes:

- All exotics (landmark and historic) should be considered for eventual removal. This is currently not part of the project proposed by State Parks. The County could entertain this recommendation if State Parks makes this part of a project future.

- A clear monitoring and follow-up maintenance program should be defined and implemented (Condition #8).

LUAC meeting minutes dated January 5, 2004.

(i) Site Visits. County staff and Coastal Commission staff conducted on-site inspections to review impacts from work that was completed in September 2002 and that the subject parcel conforms to the plans listed above.

(j) Application. 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 Project File PLN030620. Staff notes are provided in Project File PLN030620 and PD020094.

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

EVIDENCE: (a) Site Inspection. The project planner conducted an on-site inspection to assess work completed prior to issuance of a permit and remaining work to be completed.

(b) Agency Review. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Agriculture Commissioner, Parks Department, and Environmental Health Department. The project has also been reviewed by California Department of Forestry (CDF), Department of Fish and Game, and Coastal Commission. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.

(c) Professional Reports. Reports by a certified Ecologists and an Entomologist indicate that there are no physical or environmental constraints that would indicate the site is not suitable for the proposed use.

3. FINDING: VIOLATION: The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. A violation exists on the property; however, if approved, the proposed project will remove the violation. Zoning violation abatement cost, if any, have been paid.

- EVIDENCE:** (a) Monterey County Code Section 20.90.130 requires restoration of land before an application is deemed complete. The Director of Planning and Building Inspection may require restoration of the property to its pre-violation state if it is found necessary to correct the violation.
- (b) Coastal Commission Letter. On October 4, 2002, the California Coastal Commission issued a letter to State Parks staff indicating that development consisting of tree removal had occurred at Julia Pfeiffer-Burns State Park. This letter notes that although tree removal is considered development, removal of eucalyptus trees is exempted. However, a decision if this specific project is exempted is subject to County interpretation.
- (c) On October 9, 2002, County staff notified the property owner, State Department of Parks and Recreation (State Parks), of a violation (PD020094). Per direction, State Parks halted work and began working with County staff. Due to their responsiveness and willingness to work with staff, no violation was formally recorded against the property. An application for the project was submitted on December 5, 2003 (PLN030620).
- (d) Gilchrist Letter. On February 28, 2003 Mr. John Gilchrist, ecologist hired by a neighboring property owner, submitted a letter to the County identifying multiple potential impacts to the environment that may have/would occur as a result of the tree removal project.
- (e) For erosion control, the applicant was required to replant the areas where trees were removed. The County did not require removal of felled trees on slopes where the work could create environmental and/or erosion damage. Since full restoration in this case would involve adding invasive plants where the Big Sur Land Use Plan encourages their removal, staff allowed the application to proceed to hearing for consideration by the Planning Commission.
- (f) Approval of PLN030620 will remove any violation from the subject property. These permits apply as appropriate to the after-the-fact development consisting of removing approximately 2,000 exotic tree and shrubs. Recommended conditions require the applicant to restore the site to pre-violation conditions in compliance with all applicable requirements of the Big Sur Coastal Implementation Plan Chapter 20.145 of Title 20.

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

- EVIDENCE:** (a) Background. This project is part of a larger “Big Sur Native Landscape Recovery Project” that received an Environmental Enhancement Mitigation Program grant administered by the State of California Resource Agency. This grant is specifically directed towards subduing the invasion of exotic pest plants that threaten the ecological and scenic integrity of the Big Sur coast. Prior to beginning work at Julia Pfeiffer-Burns Park, State Parks staff completed a detailed project plan in April 2002 (“Waterfall House Landscape Maintenance Project”) and filed a Notice of Exemption (Class 1/Section 15301, Categorical Exemption) on June 4, 2002. There was no opposition presented in response to the exemption; however,
- (b) Gilchrist Letter. Mr. John Gilchrist (an ecologist representing an outside interest) prepared a letter (dated February 28, 2003) identifying a number of environmental concerns resulting from the Phase I work completed in September 2002. The initial study prepared for

this project addresses the following issues raised by Mr. Gilchrist:

(1) Seacliff buckwheat (understory) and Smith's blue butterfly. A report was prepared by Richard A. Arnold, Ph.D, president of Entomological Consulting Services to address this concern. The report finds that the buckwheat habitat was limited since the trees removed and scheduled for removal shade the understory and the buckwheat plants need exposure to direct sunlight. In addition, the Smith's blue butterfly is cold blooded and needs sunlight to warm up and be active. Therefore, Mr. Arnold concludes that it is unlikely that Smith's Blue occurred in this area and that the proposed project will improve the overall habitat quality. The California Department of Fish and Game (DFG) also reviewed the materials associated with the proposed project. Mitigation Measure #3 provides protection of existing buckwheat plants as recommended by DFG.

(2) Monarch butterfly that use eucalyptus to roost during winter migration. A report was prepared by Richard A. Arnold, Ph.D, president of Entomological Consulting Services to address this concern. The report finds that clusters of Monarchs were previously observed at a eucalyptus grove east of the project site in McWay Canyon, but this grove of trees was removed once in 1984 and again in 1999. Since then Monarchs have not been seen on this site or within the project site despite surveys by various biologists. The location of the trees felled in September 2002 was located along the coastal bluff. Since this condition provided no protection from topography or other vegetation and exposed these trees, Monarchs were not likely to use them as over-wintering roosts.

(3) Raptor nests in tall eucalyptus trees. The California Department of Fish and Game (DFG) found that tree removal is scheduled to commence in June 2004, which is the bird-nesting season (March 1- July 31 annually). The program includes having a qualified biologist survey the trees for nests prior to commencing removal. If nests are found, the program notes that those trees will not be disturbed until the birds have fledged. Mitigation Measure #2 provides added protection since tall trees such as eucalyptus are difficult to survey. DFG's preference would be to remove trees outside of the nesting season. If this is not feasible due to project funding, DFG has determined that a 150-foot buffer around known nests/trees would be sufficient to reduce impacts.

(4) Intertidal zone, Nearshore Zone, and Marine Resources impacted from sediment and felled trees on slopes that are allowed to reach the ocean. Trees felled on steep slopes above McWay Cove could slide down over time and drift into the ocean. Logs and debris in the near shore environment could adversely impact the organisms and species in this area. The Gilchrist letter notes it is likely trees will reach the intertidal zone. This site was reviewed by Coastal Commission staff in December 2002 shortly following completion of Phase I. There was no evidence found that damage occurred. The applicant submitted a response to the Gilchrist letter that explains their monitoring program that has been established as part of the project. The new vegetation planted after completion of Phase I has taken hold, so removal of trees at this point could result in greater impacts to the tide waters from erosion. Mitigation Measure #4 requires the applicant to continue monitoring this area and remove any tree that nears the beach and re-vegetate bare areas.

(c) Initial Study. As part Monterey County Planning and Building Inspection Department's permit process, staff prepared an Initial Study pursuant to CEQA. The Initial Study identified potentially significant effects to biological resources, but applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the office of PB&I and is hereby incorporated by reference. (PLN030620/Julia Pfeiffer-Burns State Park). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval.

(d) Mitigated Negative Declaration. On March 8, 2004, County staff completed an Initial Study for the project (PLN030620/Julia Pfeiffer-Burns State Park) in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provides substantial evidence that the project, with the addition of Mitigation Measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk March 10, 2004, noticed for public review, and circulated to the State Clearinghouse from March 10, 2003 to April 13, 2004. The evidence in the record 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. Among the studies, data, and reports analyzed as part of the environmental determination are the following:

1. Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park, Photographic History (1929-2003). Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. May 20, 2003.
2. Letter Regarding Eucalyptus Removal at Julia Pfeiffer-Burns State Park. Prepared by John Gilchrist, Restoration Ecologist/Licensed Erosion Control Specialist, John Gilchrist & Associates. February 28, 2003.
3. Biological Assessment Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park. Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. May 15 2003.
4. Report for Smith's Blue Butterfly and Monarch Overwintering Habitat. Prepared by Richard A. Arnold, Pd.D., Entomological Consulting Services, Ltd. November 11, 2003.
5. Forest Maintenance Plan, Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park. Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. December 3, 2003.
6. Resource Management Plan, Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park. Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. April 5, 2003 and updated December 4, 2003.
7. Erosion Control Plan, Waterfall House Landscape Maintenance Project Julia Pfeiffer-Burns State Park. Prepared by Thomas K. Moss, Senior State Park Resource Ecologist, Monterey District. December 5, 2003.

8. Memorandum from State of California Department of Fish and Game. Comments on proposed project prepared by Robert W. Floerke, Regional Manager. January 23, 2004.
9. Email correspondence from Monterey County Agricultural Commissioner. Comments on proposed project by Robert Roach. December 16, 2003.
10. Letter from State Parks Department in response to Gilchrist letter. Prepared by Tom Moss, Senior State Parks Resource Ecologist. January 30, 2004.
11. Natural Heritage Stewardship Program Resource Management Plan Grant Application. Plant Community Restoration – Exotic Species Control. Prepared by Ken Gray, District Ecologist. September 1993.

The Planning Commission determines that although the project could have significant impacts, mitigation can reduce these potential impacts to a level of insignificance. Therefore, a Mitigated Negative Declaration is hereby adopted by the Planning Commission.

(e) Mitigation Monitoring Program. A Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation. The applicant/owner must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan” as a condition of project approval.

(f) Comments. A letter was received on April 13, 2004 and these issues were also verbally expressed at the Planning Commission hearing on April 14, 2004. The County has considered these comments and respond as follows:

INTRODUCTION. The project description identifies the entitlements required by the County. The Summary of Environmental Evaluation clearly states that the Initial Study/Mitigated Negative Declaration (IS/MND) addresses after-the-fact impacts from work already completed in addition to impacts from work proposed for Phase II. Therefore, the IS/MND adequately identifies and assesses the whole project.

FAIR ARGUMENT. State Parks prepared a Categorical Exemption for the project when they applied for funding. There were no comments submitted on the project at that time and a Notice of Exemption was filed in accordance with CEQA. Monterey County required an initial study as a result of the February 2003 letter submitted by Mr. Gilchrist. This letter identified a controversy and included qualified expert opinion that needed to be assessed. The applicant provided additional information to assess the issues raised in the Gilchrist letter. These documents were peer reviewed by experts separate from the State Parks Department (Department of Fish and Game, Agricultural Commissioner, Coastal Commission, US Fish and Wildlife).

The April 2004 letter by Mr. Gilchrist reiterates potential impacts that are identified in the

IS/MND. There is nothing in the Gilchrist letters that suggests the impacts from either Phase I (after-the-fact) or Phase II have/cannot be mitigated. There is substantial evidence in the record that all impacts can be mitigated to a level of insignificance and that the applicant has agreed to mitigation and/or modifications to the project that reduce impacts to a point where clearly no significant adverse impact would occur. As conditioned and mitigated, the project meets the policies of the Big Sur Land Use Plan that establish the thresholds of significance. After reviewing all of the available materials, including the April 2004 letter from Mr. Gilchrist, the Monterey County Planning Commission concludes that the project does not meet the test for requiring an EIR pursuant to Section 15064 CEQA.

BIOLOGICAL IMPACTS. Although state and local agency staff are considered experts under CEQA, they are not included on the County list because they are not available for hire by private citizens. As a State Agency with qualified experts in ecology, State Parks prepared their own documents (Biological, Forest Management, Erosion Control, etc.). In the case of the entomology report, this was prepared by an outside expert and not by State Parks staff. All of the documents were peer reviewed by other agencies such as the Department of Fish and Game, Coastal Commission, Water Resources Agency, Environmental Health, Department of Forestry, and the County Agricultural Commissioner. Although the project documents were forwarded to the US Fish and Wildlife Service, we have not received any written response (pro or con). Conditions and mitigations recommended by these agencies have been incorporated.

SMITH'S BLUE BUTTERFLY. The buckwheat plant itself is not endangered. Common practice allows removal provided the butterflies are not present and replacement is provided at a 1:1 ratio (minimum). The period to avoid removal or dust nearby the host plants is between June 1st and August 15th of each year. Removal of the trees occurred in September after the Smith's blue butterfly would have been present. Although the opponents identify a handful of plants that may have been impacted, the applicants have installed 115 new buckwheat plants as part of their re-vegetation program following the removal of the trees in Phase I. This is clearly much higher than a 1:1 replacement ratio. Based on substantial evidence in the record, there is no fair argument to suggest that a significant impact did or will occur as a result of any part of this project.

MONARCH BUTTERFLY. The applicant hired an entomologist to assess this situation. This report concludes that there was/is no significant impact by removing the trees. The eucalyptus tree itself is not endangered, but is viewed as a source of habitat for Monarch butterflies. The Big Sur Land Use Plan policies establish a threshold of significance that encourages removal of eucalyptus trees. As such, removal is allowed provided the trees are removed when the butterflies are not present. Replacement for removal is not generally required since this is an invasive, non-native plant for this area. Monarch butterflies have proven their ability to adapt by moving into eucalyptus groves that were not there before and would be able to find other groves to roost if these trees are removed. Based on substantial evidence in the record, there is no fair argument to suggest that a significant impact did or will occur as a result of any part of this project. If this project was not on 30% slope or near riparian habitat, no County permit would

be required. This is supported by a letter from the California Coastal Commission.

INTER-TIDAL. Aerial photos from prior to Phase I show that this slope did not have much vegetation prior to the Phase I tree removal. This was likely due to the steep grade of the slope. The IS/MND acknowledges trees were felled onto this slope and the potential impact to the inter-tidal area if any logs reach the water. At the same time, the IS/MND concludes that removing trees from the slope could create a significant impact by uncovering bare soil that could then erode into the ocean. In order to address this issue, the applicant proposed/agreed to revisions that include monitoring and removing trees as the approach the beach. They have also agreed that bare areas on the slope will be replanted if/when a log slides down the hill. Mitigation Measure 4/Condition 9 has been amended to require monitoring in perpetuity as long as felled logs remain on the slope. As mitigated, this will clearly avoid any impact to the tidal area as well as reduce impact on the slope.

GEOLOGY. This plan was reviewed and accepted by the County Water Resources Agency, the Agricultural Commissioner, and Fish and Game. Condition #8 requires landscaping to be installed in accordance with the project's Resource Management Plan/Maintenance Plan.

HYDROLOGY. This condition currently exists with debris from all the eucalyptus trees in the area. Staff finds that removing the trees and the method proposed for the tree removal does not add eucalyptus foliage beyond pre-project (pre-Phase I) conditions. Therefore, this project would not create any adverse impact on beach inter-tidal organisms. By removing the trees, this condition will improve over time.

FAILURE TO ADDRESS IMPACTS FROM REMOVAL OF TREES ALREADY FELLED. The IS/MND does in fact address impacts of trees already felled. Review of the whole record, and consultation with agencies such as Fish and Game as well as the Coastal Commission found no evidence that any logs already felled had created any impact. The Gilchrist letter states this may create an impact if it did occur and the IS/MND reflects this observation. However, the IS/MND determines that based on the record as a whole, this impact is mitigated through monitoring as noted in the inter-tidal response above.

All comments received on the IS/MND have been considered. No issues remain.

(g) Public Testimony. The Planning Commission considered public testimony and the initial study at hearings on April 14 and May 12, 2004.

5. **FINDING: FISH & GAME FEE:** For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends.
- EVIDENCE:** (a) De Minimus Finding. The site includes five rare plant communities; five plant plus 24 animal taxa of special concern; and riparian corridors in three major creeks. Biological assessments determine that there is no potential change because the habitats are degraded due to the invasion of exotic plants. The proposed tree removal and replanting is designed to improve the resources listed A-G listed above as reviewed and agreed by the State Department

of Fish and Game and the U.S. Department of Fish and Wildlife. Therefore, the project is not De Minimus and is subject to the required fee.

(b) Initial Study and Negative Declaration contained in File No. PLN030620/Julia Pfeiffer-Burns State Park.

- 6. FINDING: PUBLIC ACCESS:** 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 (see 20.70.050.B.4). The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.145.150 of the Big Sur Coastal Land Use Plan and Coastal Implementation Plan.

EVIDENCE: (a) Part of the site is located seaward of the first public road (Highway One). Public access to, and along, the water edge exists within the Julia Pfeiffer-Burns State Park. Said access areas will not be impacted by the propose project.

- 7. FINDING: APPEAL:** 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.
(b) Coastal Commission. Section 20.86.080.A of the Monterey County Zoning Ordinance.

DECISION

THEREFORE, it is the decision of said Planning Commission that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 12th day of May 2004, by the following vote:

AYES: Errea, Parsons, Hawkins, Padilla, Vandever, Diehl, Salazar, Rochester, Wilmot
NOES: None
ABSENT: Sanchez

Original Signed By:

JEFF MAIN, 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

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, 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 Planning Commission 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 two years after the above date of granting thereof unless construction or use is started within this period.