

MONTEREY COUNTY PLANNING COMMISSION

Meeting: January 9, 2008 Time: 9:00 A.M.	Agenda Item No.: 1
Project Description: Combined Development Permit consisting of 1) a Coastal Development Permit to allow safety improvements at the entrance to Pfeiffer Big Sur State Park; 2) a Coastal Development Permit to allow the removal of seven trees; including five Redwood, one White Alder, and one Bay Laurel; 3) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat (ESHA); 4) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; and 5) a Design Approval.	
Project Location: Highway One [At the entrance to Pfeiffer Big Sur State Park, between post-miles 46.6 and 47.1]	APN: 000-000-000-000 [The project site is surrounded by Pfeiffer Big Sur State Park, APN 419-031-002-000]
Planning File Number: PLN070431	Name: California Department of Transportation (CALTRANS), Property Owner/Agent
Plan Area: Big Sur Coast Land Use Plan	Flagged and staked: No
Zoning Designation: N/A [The project site is surrounded by Pfeiffer Big Sur State Park, which is zoned OR-D (CZ) (Open Space Recreation, with a Design Control Overlay) (Coastal Zone).]	
CEQA Action: Mitigated Negative Declaration, per CEQA Guidelines Section 15070(b).	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends the Planning Commission:

- 1) Consider the Mitigated Negative Declaration and associated Mitigation and Monitoring Program adopted by CALTRANS on May 24, 2007; and
- 2) Approve a Combined Development Permit (PLN070431/CALTRANS) as described above based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT SUMMARY:

CALTRANS has applied for a Combined Development Permit for construction of safety improvements at the entrance to Pfeiffer Big Sur State Park. The safety improvements include installing a left-turn lane for southbound vehicles entering the Pfeiffer Big Sur State Park driveway entrance at post-mile 46.8 along State Highway One. This safety improvement would remove southbound vehicles from the through lane, reducing the higher-than-average occurrence of rear-end collisions at this location. A more detailed discussion of this project is included at **Exhibit B**.

OTHER AGENCY INVOLVEMENT:

- ✓ California Department of Forestry (Coastal Office) [Fire Protection District]
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Monterey County Sheriff (Coastal Patrol Station, Monterey)
- ✓ Big Sur Coast Land Use Advisory Committee
- ✓ Monterey County Historic Resources Review Board

The above checked agencies and departments have reviewed this project. Conditions recommended by the Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The Big Sur Coast Land Use Advisory Committee unanimously recommended approval, at a public hearing held on November 27, 2007 (**Exhibit E**).

The Monterey County Historic Resources Review Board unanimously recommended approval, at a public hearing held on December 6, 2007 (**Exhibit F**).

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

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December 19, 2007

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; California Department of Forestry, Coastal Office (Fire Protection District); Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Monterey County Sheriff, Coastal Patrol Station – Monterey; Monterey County Historic Resources Review Board; Big Sur Coast LUAC; Laura Lawrence, Planning & Building Services Manager; Joseph Sidor, Planner; Carol Allen; CALTRANS, Applicant; File PLN070431.

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval
Exhibit E Big Sur Coast LUAC Minutes (November 27, 2007)
Exhibit F HRRB Resolution No. PLN070431 (December 6, 2007)
Exhibit G Site Plan
Exhibit H Initial Study and Compensatory Mitigation and Monitoring Program

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

EXHIBIT B

PROJECT DISCUSSION

Project Overview and History

CALTRANS proposes to improve safety by installing a left-turn lane for southbound vehicles entering the Pfeiffer Big Sur State Park driveway entrance at post-mile 46.8 along State Highway One. This safety improvement would remove southbound vehicles from the through lane, reducing the higher-than-average occurrence of rear-end collisions at this location.

This project is related to PLN030010/Pfeiffer Big Sur State Park, approved by the Planning Commission on May 26, 2004 (Resolution No. 04021). PLN030010, submitted by the California Department of Parks and Recreation, proposed multiple improvements to Pfeiffer Big Sur State Park. These improvements were part of the goals required to implement the Pfeiffer Big Sur State Park General Plan, adopted by the State Park and Recreation Commission in October 1999. This General Plan identified major tree removal, grading, and improvements in wetlands. The staff report for PLN030010 also included a discussion of the Park entry at Highway One, which included a provision for the development of a left-turn lane into Pfeiffer Big Sur State Park. At that time, CALTRANS was investigating a design, and a specific proposal was not yet prepared. In the report's discussion, staff recommended approval of the Highway One access improvements, even though it would impact wetland habitat because there was no feasible, less environmentally damaging alternative. In addition, the Big Sur LUAC recommended approval of PLN030010 at its meeting of October 14, 2003, subject to the condition that a left-turn lane be added into the entrance.

The State Historical Preservation Office, Monterey County Historical Resources Review Board, and the Big Sur Land Use Advisory Committee (LUAC) have reviewed and recommended approval of PLN070431 as proposed. The Big Sur LUAC, at its meeting on November 27, 2007, expressed one area of concern related to CALTRANS standards regarding site distance at the entrance (**EXHIBIT E**). CALTRANS was aware of this issue and had proactively requested a design exception to site distance standards for this project in order to reduce the project's area of impact. If the project were built according to standards, then it would have had a larger footprint and impacted both sides of the highway. CALTRANS, in approving the exception is not making the existing situation any worse, as site distance will remain as present at the entrance.

Project Impacts

The Park's driveway entrance would be relocated approximately 66 feet to the south, in order to accommodate the turning movements of northbound trucks and busses. Two existing culverts would be extended to accommodate the roadway widening. Two utility poles, one light pole, and the Park's Landmark sign would also require relocation, and seven trees would require removal. All proposed highway improvements will occur to the east of the existing highway centerline.

Mitigation for tree removal will consist of planting fifteen (15) Coast Redwoods and five (5) Alder near the removal locations. Wetland impacts will be mitigated at a 3:1 ratio by enhancing habitat in an existing drainage feature within the project limits. Wetland enhancement will include grading in the channel to improve retention of water, removal of existing weeds, and planting of appropriate native riparian/wetland species.

CEQA Review

CALTRANS, as Lead Agency, prepared an Initial Study and Compensatory Mitigation and Monitoring Program for this project (**Exhibit H**). As the Lead Agency, CALTRANS is required to prepare and certify environmental documents pursuant to the California Environmental Quality Act (CEQA). The draft Initial Study was circulated for public review and comment from April 2 to May 1, 2007. During this public review period, the County of Monterey submitted comments to CALTRANS, which were incorporated into the final document. This document addresses issues relative to Aesthetics, Biological Resources, and Public Services. Findings conclude that with the proposed mitigation measures, all potential impacts will be reduced to a level less than significant. CALTRANS certified the Initial Study and Mitigated Negative Declaration on May 24, 2007. A Notice of Determination was filed on July 10, 2007. No unresolved issues remain.

Due to our permitting authority, the County is a Responsible Agency under CEQA. A Responsible Agency shall confirm that its decision-making body (Monterey County Planning Commission) reviewed and considered the information contained in the Initial Study and Compensatory Mitigation and Monitoring Plan for the project. This action affirms the conclusions of the CALTRANS environmental documents prior to acting upon or approving the project, so no separate CEQA action is required by the County.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Big Sur Coast Land Use Plan (LUP), Monterey County Zoning Ordinance (Title 20) Part 1, and Monterey County Zoning Ordinance (Title 20) Part 3 (Coastal Implementation Plan for the Big Sur Coast), which designates this area as appropriate for development.

EVIDENCE: (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. As conditioned and mitigated, 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) Project Site. The property is located at the entrance to the Pfeiffer-Big Sur State Park, between post-miles 46.6 and 47.1 (Assessor's Parcel Number 000-000-000-000), Big Sur Coast LUP, Coastal Zone. The project site does not have a zoning designation. However, the proposed project is consistent with the Big Sur Coast LUP, General Policy 4.1.2.1, which states "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." Therefore, the property is suitable for the proposed development.
- (c) Environmentally Sensitive Habitat Area (ESHA). The project includes a Coastal Development Permit to allow development within 100 feet of ESHA. Policies in Chapter 3.3 of the Big Sur Coast LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As conditioned and mitigated, the project is consistent with County policies regarding protection and restoration of ESHA. (See Finding #3)
- (d) Tree Removal. The project includes a Coastal Development Permit for the removal of seven trees in accordance with the applicable policies of the Big Sur Coast LUP and the Monterey County Zoning Ordinance (Title 20, Part 3). (See Finding #6)
- (e) Public Access. See Finding #7.
- (f) Visual Resources/Critical Viewshed. The project includes a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. The Big Sur Coast LUP, Section 3.2.5.C.1, allows an exception for safety improvements to Highway 1, provided they are consistent with Sections 4.1.1, 4.1.2, and 4.1.3 of the Big Sur Coast LUP. The required sections have been reviewed, and the project is consistent with the subject policies.
- (g) Historical Resources. Policies in Chapter 3.10 of the 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 (See Exhibit F of the January 9, 2008 staff report). The following report has been prepared:
- i. "*Historic Property Survey Report*" (LIB070643) prepared by the State of California Department of Transportation, September 2006.

- (h) Highway One. 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 LUP). The project, as proposed, is a safety improvement; therefore, it is consistent with County policies. (See also Finding #5)
- (i) The project planner conducted a site inspection on December 11, 2007, to verify that the project on the subject parcel conforms to the plans listed above.
- (j) The project was referred to the Big Sur Coast Land Use Advisory Committee (LUAC) for review. The LUAC, at its meeting on November 27, 2007, recommended project approval by a vote of 6-0.
 - i. In addition, the LUAC discussed a related project (PLN030010/Pfeiffer Big Sur State Park) at their meetings of August 26, September 9, September 23, and October 14, 2003. On October 14, 2003, the LUAC voted 7-0 to recommend approval of PLN030010 subject to the condition that required the addition of a left turn lane into the entrance.
- (k) 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 PLN070431.
- (l) Related materials and reports in Project File PLN030010.

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, California Department of Forestry - Coastal Office (Fire Protection District), Parks, Public Works, Environmental Health Division, Water Resources Agency, and the Monterey County Sheriff – Coastal Patrol Station (Monterey). 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) Technical reports by outside historical, biological, and archaeological consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff concurs. The following reports have been prepared:
 - i. "*Natural Environment Study*" (LIB070646) prepared by the State of California Department of Transportation, January 2007.
 - ii. "*Archaeological Survey Report*" (LIB070644) prepared by the State of California Department of Transportation, April 2006.
 - iii. "*Historic Property Survey Report*" (LIB070643) prepared by the State of California Department of Transportation, September 2006.
 - (c) The Initial Study prepared for this project identified potentially significant impacts in the following areas: Aesthetics, Biological Resources, and Public Services. The Initial Study includes mitigation measures to reduce these impacts to less than significant levels.
 - (d) The Initial Study did not identify any significant unavoidable impacts for the project.
 - (e) Staff conducted a site inspection on December 11, 2007, to verify that the site is suitable for this use.
 - (f) Materials in Project File PLN070431.

3. **FINDING: CEQA:** 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 County, as the decision-making body of a Responsible Agency, hereby confirms that it reviewed and considered the information contained in the Lead Agency's (CALTRANS) Initial Study and Mitigation Monitoring Program prior to acting upon or approving the project.

- EVIDENCE:**
- (a) The Lead Agency distributed the draft Initial Study to responsible agencies, trustee agencies, and interested parties, including the State Clearinghouse (SCH# 2007041011). The public review and comment period for this document was from April 2 to May 1, 2007.
 - (b) The County, a Responsible Agency, submitted comments during the review period, which the Lead Agency incorporated into the final document. This document addresses issues relative to Aesthetics, Biological Resources, and Public Services. Findings conclude that with the proposed mitigation measures, all potential impacts will be reduced to a level less than significant.
 - (c) The Lead Agency certified the Initial Study and Mitigated Negative Declaration for this project on May 24, 2007, per Section 15070(b) of the CEQA Guidelines. A Notice of Determination was filed on July 10, 2007.
 - (d) A Mitigation Monitoring Program was adopted by CALTRANS to ensure compliance during project implementation. CALTRANS, as Lead Agency, will be responsible to implement this program. As a Responsible Agency for permitting, the County has conditioned the project whereas CALTRANS must provide evidence that these measures are implemented and have the intended effect (Condition 5). Mitigation measures identified in the Initial Study and the Compensatory Mitigation and Monitoring Plan are incorporated by reference into the County of Monterey Resource Management Agency - Planning Department Condition Compliance and Mitigation Monitoring Reporting Plan.
 - (e) The evidence in the record includes studies, data, and reports supporting the Initial Study; 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 following reports were analyzed as part of the environmental determination in addition to the environmental documents identified in subsection (a) above:
 - i. "*Natural Environment Study*" (LIB070646) prepared by the State of California Department of Transportation, January 2007.
 - ii. "*Archaeological Survey Report*" (LIB070644) prepared by the State of California Department of Transportation, April 2006.
 - iii. "*Historic Property Survey Report*" (LIB070643) prepared by the State of California Department of Transportation, September 2006.
 - (f) In addition, the following documents are on file in the office of the Planning Department and are hereby incorporated by reference (PLN030010/Pfeiffer Big Sur State Park):
 - i. Pfeiffer Big Sur State Park General Development Plan. October 1999.
 - ii. Final Environmental Impact Report, Entrance and Day Use Improvements, Pfeiffer Big Sur State Park, SCH#2002021133, June 2002.
 - iii. Mitigation Monitoring and Reporting Program, Entrance and Day

- Use Improvements, Pfeiffer Big Sur State Park, SCH#2002021133, June 2002.
 - iv. Notice of Determination, Entrance and Day Use Improvements, Pfeiffer Big Sur State Park, dated July 8, 2002.
 - v. Pfeiffer Big Sur State Park, Cultural Resource Management Plan. June 25, 2001.
 - vi. Cultural Resource Inventory of Pfeiffer Big Sur State Park. February 9, 1990.
 - vii. Pfeiffer Big Sur State Park: Biotic Survey for Entrance and Day-Use Redevelopment Project. May 23, 2003.
 - viii. Pfeiffer Big Sur State Park Entrance and Day Use Improvements, Geologic Report for Coastal Development Permit. June 18, 2003.
 - ix. Subsurface Exploration Workplan, Pfeiffer Big Sur State Park Entrance and Day Use Project. Winzler & Kelly. August 26, 2002.
- (g) This project involves permanently impacting approximately 0.022 acres of wetland habitat. The Mitigated Negative Declaration adopted with this project requires mitigation to replace the loss of this wetland habitat. Mitigation measures adopted reduce impacts to the wetland habitat (Policies 3.3.1, 3.3.2.1, 3.3.2.4, 3.3.2.5 of the Big Sur Coast LUP). Impacts will be mitigated by restoring the vegetation types at a 3:1 ratio. The Mitigation Monitoring Program identifies sites with sufficient acreage within the project footprint for restoration of this habitat.
- (h) Construction of roads shall not be permitted in the wetland habitat area if it results in any potential disruption of habitat value. To approve development within any of these habitats, the County must find that disruption of a habitat caused by the development is not significant (Policy 3.3.2.1 Big Sur Coast LUP). Staff finds that this safety improvement is for an incidental public service purpose and there is no feasible, less environmentally damaging alternative for the Highway One access improvement (Section 30233 Coastal Act).
- (i) The Lead Agency forwarded the required impact fees to the California Department of Fish and Game on November 6, 2007.
- (j) The Planning Commission considered the Initial Study, Mitigated Negative Declaration, and Compensatory Mitigation and Monitoring Plan at a duly noticed public hearing held on January 9, 2008. The County is serving as a Responsible Agency for this project. The materials upon which the County's decision is based are located in the Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA.
- (k) No new information of substantial importance has been presented, which was not known and could not have been known with the exercise of reasonable diligence at the time the Initial Study and Mitigated Negative Declaration was certified by the Lead Agency. All identified potential impacts have been mitigated to a level less than significant, and no unresolved issues remain. There are no changes in the project or unusual circumstances that exist which would necessitate additional environmental review by the County of Monterey.

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

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building

Services Department records and is not aware of any violations existing on subject property.

5. **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) Preceding findings and supporting evidence.

- (b) The project, as proposed, is a safety improvement. Therefore, it is consistent with the Big Sur Coast LUP, Policy 4.1.2.1, which states “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.” It is also consistent with LUP Policy 4.1.3.A.1, which states “A program of constructing left-turn lanes, and other improvements shall be undertaken to improve traffic capacity and safety.”

6. **FINDING: TREE REMOVAL** – The project includes a Coastal Development Permit for the removal of seven trees (five Coast Redwood, one White Alder, and one Bay Laurel). The required finding in order to grant the permit for tree removal has been met.

EVIDENCE: (a) The Monterey County Zoning Ordinance Title 20, Part 3 (Coastal Implementation Plan for the Big Sur Coast Land Use Plan), Section 20.145.060.D.1 states “An exception may be granted by the decision-making body for removal of a landmark tree within the public right-of-way or area to be purchased for the right-of-way where no feasible and prudent alternatives to such removal are available, subject to obtaining a Coastal Development Permit.” The proposed removal is limited to what is necessary for the proposed access (Section 20.145.060.D.3). A Forest Management Plan was prepared (Section 20.145.060.D.4), and trees proposed for removal will be replaced at a 2:1 ratio (Section 20.145.060.D.6).

- (b) The project planner conducted a site visit on December 11, 2007, to verify that no alternatives exist whereby tree removal can be avoided.

- (c) Technical reports in Project File PLN070431. The following report has been prepared:

i. “Natural Environment Study” (LIB070646) prepared by the State of California Department of Transportation, January 2007.

- (d) Technical reports in Project File PLN030010. Specifically, “Pfeiffer Big Sur State Park Vegetation Management Plan (Forest Management Plan) for Entrance and Day Use Redevelopment Project. May 28, 2003 with Addendum One August 19, 2003, revised September 4, 2003.

7. **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, Chapter 6 of the Big Sur Coast Land Use Plan, and Section 20.145.150 of the Monterey County Zoning Ordinance (Part 3 – Coastal Implementation Plan).

EVIDENCE: Materials in Project File PLN070431.

8. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Board of Supervisors: Section 20.86.020 of the Monterey County Zoning Ordinance.

(b) California Coastal Commission: Section 20.86.080 of the Monterey County Zoning Ordinance.

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: California Department of Transportation (CALTRANS) File No.: PLN070431 APN: 000-000-000-000 Approved by: Planning Commission Date: January 9, 2008
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**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>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This Combined Development Permit (PLN070431) allows the construction of safety improvements at the entrance to Pfeiffer Big Sur State Park. The project site is located on Highway One, between post-miles 46.6 and 47.1 (Assessor's Parcel Number 000-000-000-000), 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. 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. 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. 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> <p>(RMA - Planning Department)</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<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.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution PLN070431) was approved by the Planning Commission for Assessor's Parcel Number 000-000-000-000 (State Highway One between post-miles 46.6 and 47.1) on January 9, 2008. The permit was granted subject to five (5) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to,</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property,	

<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>
		Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)			filing of the final map, whichever occurs first and as applicable	
5.		PD006 - MITIGATION MONITORING PROGRAM (NON-STANDARD) The applicant shall provide evidence to the Director of Planning that the mitigation measures adopted as part of the Initial Study for the Left-Turn Channelization Project (SCH# 2007041011) have been implemented. (RMA - Planning Department)	The applicant shall provide a report to the Director of Planning that summarizes compliance activity relative to the associated August 2007 Compensatory Mitigation and Monitoring Plan.	Owner/ Applicant	Prior to final inspection.	