

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

RESOLUTION NO. 08037

A.P.# 189-311-011-000

In the matter of the application of  
**Kenneth M Blackwell Inc. (PLN070425)**

**FINDINGS & DECISION**

for a **Use Permit** in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, and Design Approval to allow the renovation and restoration of Rosie's Cracker Barrel, a designated historical structure. Renovation and restoration scope of work includes: (1) excavation around building perimeter and the installation of a concrete foundation in sections; (2) raise roof plate line at west end (rear of building) 8 inches to allow for head clearance and reinforcement of over-stressed rafters and beams; and (3) modify front door, interior doors, and restrooms to allow for compliance with the Americans with Disabilities Act (ADA) requirements. The property is located at 1 Esquiline Road, Carmel Valley, Carmel Valley Master Plan, and came on regularly for hearing before the Planning Commission on September 10, 2008.

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

**FINDINGS OF FACT**

- 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, Carmel Valley Master Plan, and the Monterey County Zoning Ordinance (Title 21), 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. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - (b) The property is located at 1 Esquiline Road, Carmel Valley (Assessor's Parcel Number 189-311-011-000), Carmel Valley Master Plan Area. The parcel is zoned Light Commercial, Historic Resources with Design Control, and Site Plan Review zoning overlays "LC-HR-D-S". The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
  - (c) Historic Resource or "HR" zoning regulations, Chapter 21.54 of the Monterey County Zoning Ordinance (Title 21), require review of the alteration of historical structures. Pursuant to Section 21.54.080.A a Use Permit is required to allow alterations to designated historical structures such as the renovation and restoration of Rosie's Cracker Barrel. See Historic Resources Finding No. 3.
  - (d) Design Control or "D" zoning regulations, Chapter 21.44 of the Monterey County Zoning Ordinance (Title 21), require design review of structures and fences to assure the protection of the public viewshed, neighborhood character, and the visual integrity of certain developments without imposing undue restrictions on private property. As such, a Design Approval has been required. The materials and colors that will be used to renovate and restore Rosie's Cracker Barrel will match the existing historical structure.
  - (e) Site Plan Review or "S" zoning regulations require review of development in those areas of the County of Monterey where development, by reason of its location, has the potential to adversely affect or be adversely affected by natural resources or site constraints,

without imposing undue restrictions on private property. As provided by Section 21.45.040.C of the Monterey County Zoning Ordinance (Title 21), an Administrative Permit is not required to allow and construct the proposed changes as described in Condition No. 1.

- (f) In 1999, the Planning Commission approved a Combined Development Permit (Resolution No. 99032 attached as Exhibit J of the September 10, 2008 Planning Commission Staff Report) consisting of: (1) an Administrative Permit for a convenience market; (2) a Use Permit for the on-site sale of alcoholic beverages; and (3) a Design Approval for development in the "HR" District. A subsequent court order resulted in the addition of conditions of approval. Board of Supervisors Resolution No. 99-012 (attached as Exhibit I of the September 10, 2008 Planning Commission Staff Report) approved a letter of public convenience for the sale of alcohol on-site. The conditions of approval of the Combined Development Permit and those added to the permit by court order run with the land in perpetuity. The subject development application is approved to rehabilitate the structure by reconstructing the damaged portions of the building. This development project application does not request to amend, modify, or involve, or contribute to, the expansion or intensification of approved uses, and therefore is consistent with those approvals.
- (g) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the Use Permit and Design Approval on September 4, 2007. At that meeting, the Committee expressed concerns regarding previously approved uses and the relationship to the proposed changes. Staff provided the committee with additional information regarding the scope of work of this permit and previously approved uses. The item returned to the committee on September 17, 2007 and was recommended for approval with a 4 to 0 vote with one member absent. The minutes are attached to the September 10, 2008 Planning Commission Staff Report as Exhibit E.
- (h) The project was referred to the Historical Resources Review Board for review on September 6, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance (Title 21). The Board's review and recommendation ensures compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Board unanimously recommended approval. The HRRB minutes are attached as Exhibits I to the September 10, 2008 Planning Commission Staff Report.
- (i) The project planner conducted site inspections on September 9, 2007 and July 3, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (j) 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 PLN070425.

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

**EVIDENCE:** (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Valley Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- (b) According to Monterey County Resource Maps, the parcel is located within an area of "high" archeological sensitivity. The project involves the restoration of an existing

structure. No significant land disturbance is proposed. As such, an Archeological Reconnaissance was not prepared for this project. A standard condition of approval, Condition No. 3, has been incorporated requiring that work stop should any archeological resources or human remains be discovered during construction.

- (c) The site is located within a VI or "very high" landslide and erosion susceptibility zone and within an IV or "moderately high" seismic hazard zone. Condition No. 6 has been incorporated requiring that geotechnical certification be submitted to the Director of the RMA - Planning Department for review and approval prior to final building inspection.
- (d) In 1993, Rosie's Cracker Barrel was listed on the Historic Resource Inventory of Monterey County. It is a structure of local historical importance. On July 23, 2005 a speeding driver crashed into the southeast side of the 80-year old structure causing major structural damage and a considerable loss of the original building fabric. Construction to the historical structure is intended to repair and/or replace the existing deteriorated state of the structure as well as to reconstruct a portion of the structure which was severely damaged by the car accident. A Historical and Architectural Evaluation dated June 30, 2008 (LIB080453), attached as Exhibit I to the September 10, 2008 Planning Commission Staff Report, evaluated the damages and recommends that the structure be rehabilitated. Conditions No. 7 and 8 have been incorporated requiring that the applicants communicate regularly and receive progress inspections with the project historian throughout construction activities. These conditions ensure that the construction activities adhere to the scope of work as approved and listed in Condition No. 8 for the rehabilitation of the structure and compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- (e) The project was referred to the Historical Resources Review Board for review on September 6, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. The Board unanimously recommended approval. The HRRB minutes are attached as Exhibit H to the September 10, 2008 Planning Commission Staff Report.
- (f) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the Use Permit and Design Approval application on September 4, 2007 and September 17, 2007. The Committee recommended approval with a 4 to 0 vote with one member absent indicating that the LUAC finds that the site is suitable for the proposed project. The minutes are attached to the September 10, 2008 Planning Commission Staff Report as Exhibit E.
- (g) Staff conducted site inspections on September 9, 2007 and July 3, 2008 to verify that the site is suitable for this use.
- (h) Materials in Project File PLN070425.

**3. FINDING: HISTORIC RESOURCES** – In order to grant the Use Permit for the proposed modifications and/or alterations to the historical structure in a designated Historic Resources zoning district, the Planning Commission shall make the following findings pursuant to Section 21.54.060.E of the Monterey County Zoning Ordinance (Title 21):

1. With regard to a designated resource, the proposed work is found to be consistent with the purposes of this Chapter and will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site.

2. With regard to any property located within an historic district, the proposed work is found to be consistent with the purposes of the Regulations for Historic Resources zoning districts, Chapter 21.54 of the Monterey County Zoning Ordinance (Title 21) and conforms to the prescriptive standards and design guidelines for the district adopted by the Board of Supervisors and does not adversely affect the character of the district.
3. The case of construction of a new improvement, addition, building, or structure upon a designated historic resource site, the use and exterior of such improvements will neither adversely affect nor be incompatible with the use and exterior of existing designated historical resources, improvements, buildings, natural features, and structures on such site.
4. The action proposed is necessary to correct an unsafe or dangerous condition on the property and such unsafe or dangerous condition has not been ordered to be corrected pursuant to Section 18.25.160 of Monterey County Code.

- EVIDENCE:** (a) In 1993, Rosie's Cracker Barrel was listed on the Historic Resource Inventory of Monterey County. It is a structure of local historical importance. On July 23, 2005 a speeding driver crashed into the southeast side of the 80-year old structure causing major structural damage and a considerable loss of the original building fabric. Construction to the historical structure is intended to repair and/or replace the existing deteriorated state of the structure as well as to reconstruct a portion of the structure which was severely damaged by the car accident. A Historical and Architectural Evaluation dated June 30, 2008 (LIB080453), attached as Exhibit I to the September 10, 2008 Planning Commission Staff Report, evaluated the damages and recommends that the structure be rehabilitated.
- (b) In 1999, the Planning Commission approved a Combined Development Permit (Resolution No. 99032 attached as Exhibit J of the September 10, 2008 Planning Commission Staff Report) consisting of: (1) an Administrative Permit for a convenience market; (2) a Use Permit for the on-site sale of alcoholic beverages; and (3) a Design Approval for development in the "HR" District. A subsequent court order resulted in the addition of conditions of approval. Board of Supervisors Resolution No. 99-012 (attached as Exhibit I of the September 10, 2008 Planning Commission Staff Report) approved a letter of public convenience for the sale of alcohol on-site. The conditions of approval of the Combined Development Permit and those added to the permit by court order run with the land in perpetuity. The subject development application is approved to rehabilitate the structure by reconstructing the damaged portions of the building. This development project application does not request to amend, modify, or involve, or contribute to, the expansion or intensification of approved uses.
- (c) The project was referred to the Historical Resources Review Board for review on September 6, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. The Board unanimously recommended approval. The HRRB minutes are attached as Exhibit H to the September 10, 2008 Planning Commission Staff Report.
- (d) Section 21.54.080.F of the Monterey County Zoning Ordinance (Title 21), requires that "feasible mitigation measures recommended by the Historic Resources Review Board or contained in any required historic or archaeological survey report prepared for the project shall be made conditions of approval." Conditions No. 7 and 8 have been incorporated into the approval of the project to ensure that the construction activities adhere to the scope of work as approved by the Planning Commission.

- (e) The Carmel Valley Land Use Advisory Committee (LUAC) reviewed the Use Permit and Design Approval on September 4, 2007. At that meeting, the Committee expressed concerns regarding previously approved uses and the relationship to the proposed changes. Staff provided the committee with additional information regarding the scope of work of this permit and previously approved uses. The item returned to the committee on September 17, 2007 and was approved with a 4 to 0 vote with one member absent. The minutes are attached to the September 10, 2008 Planning Commission Staff Report as Exhibit E.
- (f) Staff conducted site inspections on September 9, 2007 and July 3, 2008.
- (g) The application and plans submitted for the use permit and design approval in project file PLN070425 at the Monterey County Resource Management Agency - Planning Department.

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

- EVIDENCE:**
- (a) California Environmental Quality Act (CEQA) Guidelines Section 15331 (Class 31) exempts "projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings (1995)" to be exempted from further environmental review.
  - (b) In 1993, Rosie's Cracker Barrel was listed on the Historic Resource Inventory of Monterey County. It is a structure of local historical importance. On July 23, 2005 a speeding driver crashed into the southeast side of the 80-year old structure causing major structural damage and a considerable loss of the original building fabric. Construction to the historical structure is intended to repair and/or replace the existing deteriorated state of the structure as well as to reconstruct a portion of the structure which was severely damaged by the car accident. A Historical and Architectural Evaluation dated June 30, 2008 (LIB080453), attached as Exhibit I to the September 10, 2008 Planning Commission Staff Report, evaluated the damages and recommends that the structure be rehabilitated. The evaluation confirms that the modifications proposed to the structure are limited to those repairs necessary for the rehabilitation and restoration of the structure and do not amend, modify, or involve, or contribute to, the expansion or intensification of approved uses.
  - (c) The Secretary of the Interior's Standards for the Treatment of Historic Properties identify four primary treatment approaches to historic buildings: Restoration, Preservation, Reconstruction, and Rehabilitation. The Historical and Architectural Evaluation dated June 30, 2008 (LIB080453), attached as Exhibit I to the September 10, 2008 Planning Commission Staff Report, evaluated the damages sustained by the structure and recommends that the structure be rehabilitated. An abbreviated version of the renovation and restoration work required for the rehabilitation, which is elaborated in the historical evaluation and at Condition No. 8, includes: (1) Excavation around building perimeter and the installation of a concrete foundation in sections; (2) Raise roof plate line at west end (rear of building) 8 inches to allow for head clearance and reinforcement of overstressed rafters and beams; and (3) Modify front door, interior doors, and restrooms to allow for compliance with the Americans with Disabilities Act (ADA) requirements.

- (d) The project was referred to the Historical Resources Review Board for review on September 6, 2007 pursuant to Section 21.54.040 of the Monterey County Zoning Ordinance. The Board unanimously recommended approval. The HRRB minutes are attached as Exhibit H to the September 10, 2008 Planning Commission Staff Report.
- (e) The HRRB may prescribe mitigations and/or recommendations for compliance with these standards. Section 21.54.080.F of the Monterey County Zoning Ordinance (Title 21), requires that "feasible mitigation measures recommended by the Historic Resources Review Board or contained in any required historic or archaeological survey report prepared for the project shall be made conditions of approval." As such, the applicants have incorporated appropriate measures into the project design as recommended by the HRRB and as described by the historical evaluation to ensure compliance with the Secretary of the Interior's Standards for the rehabilitation of historical structures. Conditions No. 7 and 8 have been incorporated into the approval of the project to ensure that the construction activities adhere to the scope of work as approved by the Planning Commission.
- (f) In 1999, the Planning Commission approved a Combined Development Permit (Resolution No. 99032 attached as Exhibit J of the September 10, 2008 Planning Commission Staff Report) consisting of: (1) an Administrative Permit for a convenience market; (2) a Use Permit for the on-site sale of alcoholic beverages; and (3) a Design Approval for development in the "HR" District. A subsequent court order resulted in the addition of conditions of approval. Board of Supervisors Resolution No. 99-012 (attached as Exhibit I of the September 10, 2008 Planning Commission Staff Report) approved a letter of public convenience for the sale of alcohol on-site. The conditions of approval of the Combined Development Permit and those added to the permit by court order run with the land in perpetuity. The subject development application is approved to rehabilitate the structure by reconstructing the damaged portions of the building. This development project application does not request to amend, modify, or involve, or contribute to, the expansion or intensification of approved uses.
- (g) Staff conducted site inspections on September 9, 2007 and July 3, 2008.
- (h) No significant adverse environmental effects were identified during staff review of the development application during a site visit on September 9, 2007.
- (i) The application and plans submitted for the use permit and design approval in project file PLN070425 at the Monterey County Resource Management Agency - Planning Department.

**5. 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.

**6. 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:** Preceding findings and supporting evidence.

**7. FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors.

**EVIDENCE:** Sections 21.80.040(D) of the Monterey County Zoning Ordinance (Title 21).

### DECISION

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

**PASSED AND ADOPTED** this 10th day of **September, 2008**, by the following vote:

**AYES:** Diehl, Rochester, Isakson, Ottone, Sanchez, Padilla, Vandever

**NOES:** None

**ABSENT:** Brown, Pessagno, Salazar

  
MIKE NOVO, SECRETARY

**COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON SEP 16 2008**

**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 SEP 26 2008**

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 90<sup>th</sup> 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 two years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Resource Management Agency  
 Planning Department  
 Condition Compliance and/or Mitigation Monitoring  
 Reporting Plan**

**Project Name:** Kenneth M Blackwell Inc.

**File No:** PLN070425

**APN:** 189-311-011-000

**Approved by:** Planning Commission

**Date:** September 10, 2008

*\*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><b>PD001 - SPECIFIC USES ONLY</b>                      This Use Permit and Design Approval permit (PLN070425) allows the renovation and restoration of Rosie's Cracker Barrel, a designated historical structure. Renovation and restoration scope of work includes: (1) excavation around building perimeter and the installation of a concrete foundation in sections; (2) raise roof plate line at west end (rear of building) 8 inches to allow for head clearance and reinforcement of over-stressed rafters and beams; and (3) modify front door, interior doors, and restrooms to allow for compliance with the Americans with Disabilities Act (ADA) requirements. The property is located at 1 Esquiline Road, Carmel Valley (Assessor's Parcel Number 189-311-011-000), Carmel Valley Master Plan Area. 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</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	



		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. <b>(RMA - Planning Department)</b>			
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice, which states: "A permit (Resolution 08037) was approved by the <b>Planning Commission</b> for Assessor's Parcel Number 189-311-011-000 on <b>September 10, 2008</b> . The permit was granted subject to <b>20</b> 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. <b>(RMA - Planning Department)</b>	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.		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</b> If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. <b>(RMA - Planning Department)</b>	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.		<b>PDSP002 - COMPLIANCE WITH PREVIOUS PERMITS (NON-STANDARD)</b> This permit does not modify or amend any previous conditions applied to the subject property as contained within Planning Commission Resolution No. 99032 and Supplemental Conditions pursuant to the Settlement Agreement in Rosenthal v. County of Monterey (Superior Court Case No. M44772), and Board of Supervisors Resolution No. 99-012. Conditions prescribed by those resolutions are in full force and effect. (RMA - Planning Department)	Ongoing	Owner/ Applicant	Ongoing	
5.		<b>PD035 - UTILITIES - UNDERGROUND</b> All new utility and distribution lines shall be placed underground. (RMA – Planning Department; Public Works)	None	Applicant/ Owner	Ongoing	
6.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
7.		<b>PDSP001 – COMPLIANCE WITH SECRETARY OF INTERIOR STANDARDS FOR HISTORICAL STRUCTURES (NON-STANDARD)</b> To assure compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties the approved building rehabilitation shall be completed per the recommendations of the Historical and Architectural Evaluation (LIB080453) prepared for the project. To achieve compliance with said standards the applicant,	1) Prior to issuance of building permit the applicants shall post a 100% performance bond to guarantee the completion of the construction in the amount of , or in excess of, the cost of rehabilitating the structure to be determined by a professional construction estimator or by submitting construction budget.	Owner/ Applicant	Prior to issuance of building permits.	

		<p>owners and/or applicant shall:</p> <ol style="list-style-type: none"> <li>1. Reuse as much of the historic building materials of the subject property as feasible in the rehabilitation.</li> <li>2. Prepare a set of measured drawing to the Historical American Building Survey standards for the subject property. The drawings shall include detailed drawings of any elements proposed for alteration, in order to return them to their original form and integrity if desired in the future.</li> </ol> <p>To ensure compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the applicant shall schedule an on-site preconstruction meeting with Owner, Applicant, Architect, Planning Dept Staff, Building Dept. Staff, Construct-ion crew, &amp; Historian, to establish parameters that would ensure that the project stays within the approved scope of work. Upon submission of the letter report establishing parameters for the approved scope of work, periodic inspection reports shall be submitted to the RMA-Planning Department by a qualified professional historian to document the progression of the restoration efforts and to ensure compliance with the rehabilitation of the historical structure for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.</p> <p><b>(RMA – Planning Department, RMA – Building Department and Parks Department)</b></p>	<p>2) Schedule and complete an on-site preconstruction meeting with the Building and Planning Departments to review scope of work, establish guidelines for construction practices, and parameters which confine construction to the scope of work as approved by this permit (Condition No. 8).</p>	<p>Owner, Applicant, Architect, Construct-ion crew, &amp; Historian</p>	<p>Prior to issuance of building permits.</p>	
			<p>3) A qualified historian shall prepare and submit to the RMA – Director of Planning for review and approval a letter summarizing on-site preconstruction meeting discussion, parameters to ensure compliance with the approved scope of work, and any recommendations and/or schedule of additional reporting that would be necessary to ensure compliance with Condition No. 7.</p>	<p>Historian</p>	<p>Prior to issuance of building permits.</p>	
			<p>4) Owner/applicant shall provide a schedule of periodic inspections for important phases of the construction activities prepared in consultation with a qualified professional historian to be reviewed and approved by the Director of the RMA – Planning Department and Director of the RMA – Building Department.</p>	<p>Owner/ Applicant / Historian</p>	<p>Prior to issuance of building permits.</p>	
			<p>5) If, during the course of construction, impacts to the significance of the resource are identified by the project historian, work shall be halted immediately. The applicant shall</p>	<p>Owner, Architect, Planner, &amp; Historian</p>	<p>Ongoing</p>	

			<p>immediately contact the Monterey County RMA - Planning Department. When contacted, the RMA – Planning Department staff and the qualified professional historian shall visit the site to determine the extent of the impacts and to develop proper measures required to address the impacts.</p>			
			<p>6) If, during the course of construction, previously unidentified impacts to the historical structure are identified, work shall be halted immediately until a qualified professional historian can evaluate them. The qualified professional historian shall be immediately contacted by the responsible individual present on-site. The professional historian shall conduct an inspection to determine the extent of the impacts to the historical resource and propose to the RMA-Planning Department proper additional mitigation measures required for compliance with Secretary of the Interior’s Standards for the Treatment of Historic Properties.</p>			
			<p>7) Submit for review and approval by the RMA-Planning Department certification by a qualified professional historian to the RMA – Building Services Department showing project’s compliance with the Historical and Architectural Evaluation dated June 30, 2008 prepared by Kent Seavy.</p>	Owner/ Applicant/ qualified professional historian	Prior to final inspection	

8.	<p><b>PDSP002 – PROJECT SCOPE OF WORK (NON-STANDARD)</b></p> <p>This project consists of the renovation and restoration of Rosie's Cracker Barrel, a designated historical structure. The scope of work approved by this permit, (<b>Resolution No. 08037</b>) was approved by the Planning Commission on September 10, 2008 includes:</p> <ol style="list-style-type: none"> <li>1. Installation of a new concrete foundation because its deteriorated condition and differential settlement.</li> <li>2. Remove section of interior flooring in order to replace rotted wood floor joists and boards as needed to stabilize the floor system.</li> <li>3. Add wood stud sections with plywood sheathing as required by code for seismic bracing.</li> <li>4. Keep building walls and floor in place- repair and/or replace as needed rotted exterior boards and trim.</li> <li>5. Add roof structure over main room areas by sistering new members to existing to reinforce over-stressed rafters and beams. Sister new rafters to the existing to reinforce. Raise roof plate line at west end of the main store room 10 inches for head clearance code compliance, and provide for new header above the existing window for structural strengthening.</li> <li>6. Add plywood sheathing on roof and replace existing composition shingles and roofing materials in kind.</li> <li>7. Repair and/or replace in kind, deteriorated windows, doors and trim as needed. Replace damaged wood windows along south side-elevation matching the existing windows in kind.</li> <li>8. Make front door, interior doors and bathroom door ADA accessible. Raise existing floor 6 inches in the bathroom to provide ADA access from the main store area.</li> <li>9. Add a doorway in the wooden wall on the north side of the main store building connecting it to the</li> </ol>	Adhere to the scope of work listed in this condition.	Applicant/ Owner	Ongoing	
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		<p>Quonset hut by the oak tree in order to provide access to the rear courtyard.</p> <p>10. Rebuild existing brick stoop at front door and raise 6 inches for ADA access. Ramp paving at south side for maximum 5% ramp access to new brick stoop.</p> <p>11. Pour concrete slab floor inside of Quonset hut storage unit.</p> <p>Minor deviations from the approved scope of work may be allowed if such deviations are approved by a qualified professional as in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties for the Rehabilitation of historical structures and are approved by the RMA-Planning Department. <b>(RMA - Planning Department, RMA - Building Department, and Parks Department)</b></p>				
9.		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b></p> <p>All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

		provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Carmel Valley Fire Protection District)</b>				
10.		<b>FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)</b> Remove combustible vegetation from within a minimum of <b>100 feet</b> from all structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. <b>(Carmel Valley Fire Protection District)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
11.		<b>FIRE028 - ROOF CONSTRUCTION - (CARMEL VALLEY FPD)</b> All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. <b>(Carmel Valley Fire Protection District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	
12.		<b>FIRE030 - FIRE EXTINGUISHER - (NON-STANDARD)</b> Fire extinguishers are required to be installed and maintained pursuant to Fire Code as applicable to the Carmel Valley area. <b>(Carmel Valley Fire Protection District)</b>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

13.	<b>PW0007 – PARKING STD</b> The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. <b>(Public Works)</b>	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
14.	<b>PWSP001 – ACCESS (NON-STANDARD)</b> That the access be approved by the Department of Public Works. This will require that the locations of the driveway be clearly defined by approved barriers (dike, low growing landscaping, etc.). <b>(Public Works)</b>		Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
15.	<b>EH12 - EXISTING SEPTIC SYSTEM</b> Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property. Any sewage disposal system or part thereof which crosses property lines or does not meet the setback requirements specified in Monterey County Code, Chapter 15.20 will require proper abandonment and replacement with an approved system. A permit for the system replacement shall be obtained from the Monterey County Health Department. <b>(Environmental Health)</b>	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of a building permit	
16.	<b>EH35 - CURFFL</b> All improvements 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. <b>(Environmental Health)</b>	Submit plans and necessary review fees to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
17.	<b>WR22 - FLOODPLAIN RECORDATION</b> The owner shall provide the Water Resources Agency a recorded Floodplain Notice stating: "The property is located within or partially within a floodplain and may be subject to building and/or land use restrictions." <b>(Water Resources Agency)</b>	Submit the recorded floodplain notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water	Owner/ Applicant	Prior to issuance of any grading or building permits	



			Resources Agency.)			
18.		<p><b>WR40 - WATER CONSERVATION MEASURES</b></p> <p>The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:</p> <p>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.</p> <p>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.</p> <p><b>(Water Resources Agency)</b></p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
19.		<p><b>WR43 - WATER AVAILABILITY CERTIFICATION</b></p> <p>The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b></p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	

20.		<p><b>PD004 - INDEMNIFICATION AGREEMENT</b></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, 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. <b>(RMA - Planning Department)</b></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 prior to issuance of building permits	
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END OF CONDITIONS



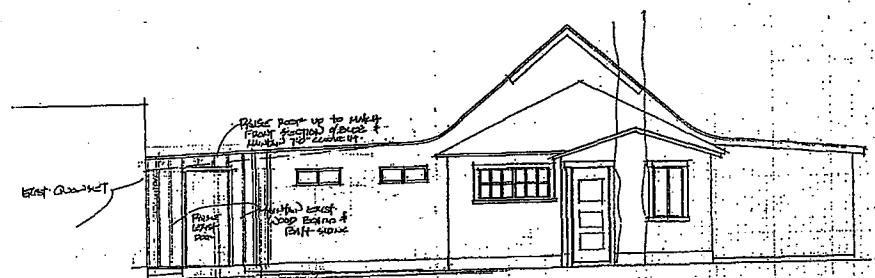


Project / Owner  
**ROSIE'S  
 CRACKER  
 BARREL**  
 115 SOULINE ROAD  
 CARMEL VALLEY, CA

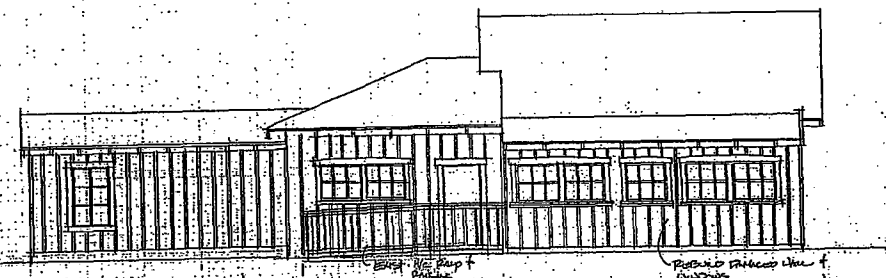
ARCH: 1894331-011  
 CARMEL VALLEY  
 HOSPITALITY, INC.  
 659-3785

**THE  
 PAUL DAVIS  
 PARTNERSHIP**  
 ARCHITECTS & PLANNERS

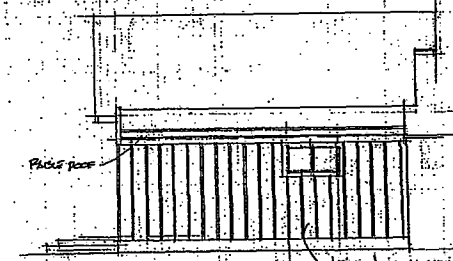
285 Edwards Street - Monterey, CA 93940  
 Telephone: (831) 774-2788 - FAX: (831) 774-2429



SOUTH-REAR ELEVATION 14'-10"



EAST-SIDE ELEVATION 14'-10"



WEST-SIDE ELEVATION 14'-10"

Drawn By: JFD  
 Drawing Date: 1/6/88  
 Date Issued for Construction:

The use of these plans and specifications is restricted to the site/location for which they were prepared and published hereof. It is expressly intended to not be used for any other location or publication by any means in whole or in part is prohibited. This is the plan and specifications provided with the contract, and shall remain with them throughout the project term unless otherwise indicated in the contract.

Sheet Title: **CRACKER BARREL**

Sheet Number:  
**A30**




# CARMEL VALLEY

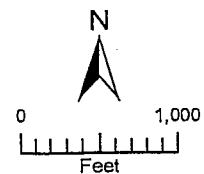


APPLICANT: KENNETH M BLACKWELL INC

APN: 189-331-011-000

FILE # PLN070425

 300' Limit    2500' Limit    City Limits



PLANNER: MANUGUERRA