Monterey County

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Board Order

Upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Held a Public hearing continued from March 18, 2014 and adopted Resolution No. 14-092:
a. Denying the appeal by Sima Barnyard LLC from the Planning Commission's decision approving a General Development Plan to add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center, denying a Variance for added signage for the Barnyard Shopping Center and denying a Design Review Application for the construction of a new 32 square foot monument sign and a new signage plan for the Shopping Center;
b. Finding the project exempt per CEQA Guidelines Section 15301;
c. Approving a General Development Plan, Variance and Design Approval for the following:
1. Add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center
2. Water tower sign -- 48.5 square foot sign advertising the Barnyard painted on the water tower.
3. Barnyard Shopping and Dining Sign -- 39.5 square foot sign placed on the rear of the buildings advertising the Barnyard.
4. No new signage on backside of buildings facing Highway 1.
5. Reduction of new tenant signage to 15 SF; all tenants would be limited to signage of 15 square feet, to limit the overall amount of signage allowed on the buildings.
[PLN120442, Sima Barnyard, LLC., Southeastern corner of the Carmel Valley Road/Highway One intersection (APN: Portion of 015-011-005-000 & 015-012-061-000)], Greater Monterey Peninsula Area Plan/Carmel Valley Master Plan

PASSED AND ADOPTED on this 1st day of April 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on April 1, 2014.

Dated: April 3, 2014
File Number: RES 14-038

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 14-092

a. Denying the appeal by Sima Barnyard LLC from the Planning Commission's decision approving a General Development Plan to add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center, denying a Variance for added signage for the Barnyard Shopping Center and denying a Design Review Application for the construction of a new 32 square foot monument sign and a new signage plan for the Shopping Center;
b. Finding the project exempt per CEQA Guidelines Section 15301;
c. Approving a General Development Plan, Variance and Design Approval for the following:
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3. Barnyard Shopping and Dining Sign -- 39.5 square foot sign placed on the rear of the buildings advertising the Barnyard.
4. No new signage on backside of buildings facing Highway 1.
5. Reduction of new tenant signage to 15 SF; all tenants would be limited to signage of 15 square feet, to limit the overall amount of signage allowed on the buildings.
[PLN120442, Sima Barnyard, LLC., Southeastern corner of the Carmel Valley Road/Highway One intersection (APN: Portion of 015-011-005-000 & 015-012-061-000)], Greater Monterey Peninsula Area Plan/Carmel Valley Master Plan

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit including:
   1) General Development Plan to allow the addition of an approximately 2.6-acre portion of property owned by the California State Department of Parks (Portion of Assessor's Parcel Number 015-011-005-000) to the 3.5-acre site of the Barnyard Shopping Center (Assessor's Parcel Number 015-012-061-000);
   2) Design Review and Variance to allow signage for the Barnyard Shopping Center to exceed the signage allowed for center

identification.

a) Water tower sign -- 48.5 square foot sign advertising the Barnyard painted on the water tower.

b) Barnyard Shopping and Dining Sign -- 39.5 square foot sign placed on the rear of the buildings advertising the Barnyard.

c) No new signage on backside of buildings facing Highway 1.

d) Reduction of new tenant signage to 15 SF; all tenants would be limited to signage of 15 square feet. This will limit the overall amount of signage allowed on the buildings.

EVIDENCE: a) The subject properties are located generally at the southeastern corner of the Highway One/Carmel Valley Road Intersection.

EVIDENCE: b) 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 PLN120442.

2. **FINDING:** **PROCESS** – The consideration of the subject Combined Development Permit (PLN120442) complies with all applicable procedural requirements.

EVIDENCE: a) On October 1, 2012, Sima Barnyard LLC applied for a Combined Development Permit for the construction of a 32 square foot sign for the Barnyard Shopping Center.

b) On November 13, 2013 the Planning Commission partially approved and partially denied the application. Specifically, the Commission approved the General Development Plan for the addition of the 2.6 acre portion of California State Department of Parks property to the site of the Barnyard Shopping Center; denied the variance for additional signage for the Shopping Center; and denied the Design Review application for a new signage plan for the Shopping Center.

c) On December 5, 2013, Sima Barnyard LLC (Appellant) filed a timely appeal from the action by the Planning Commission on the Combined Development Permit. The appeal was submitted within ten days of the action of the Planning Commission on the application, consistent with the provisions of Chapter 21.80.050.C of the Zoning Ordinance..

d) On December 12, 2013 the Appellant waived in writing the 60-day time limit for hearing the appeal set forth in section 21.80.090.E of Title 21, and the applicant requested that the hearing on the appeal be held in February.

e) Notices of the February 25, 2014 public hearing on the appeal were published and mailed to neighbors within 300 feet pursuant to the provisions of Chapter 21.78 of the Zoning Ordinance. Notices of the public hearing were posted in three different places on or near the subject property by the Appellant.

The item was continued on February 25, 2014, and again on March 18, 2014 to allow the applicant and staff to consider options to the project

for consideration by the Board of Supervisors.

3. **FINDING:** **CONSISTENCY (1)** – The General Development Plan of the subject application allowing minor site improvements including a installation of a trash enclosure and parking spaces is consistent with the provisions of Section 21.06.830 of the Zoning Ordinance (See Finding 5), the findings for the Variance for additional on building signage can be made (See Finding 10) consistent with the policies of the General Plan and the Area Plan which designate the area of the location as "visually sensitive" and as a scenic route corridor (See Finding 4).

EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the 2010 Monterey County General Plan;
- Monterey Peninsula Area Plan
- Carmel Valley Master Plan;
- Monterey County Zoning Ordinance (Title 21);

The project was found to be inconsistent with several policies of the Area Plan and the Sign Regulations (Chapter 21.60) of the Zoning Ordinance.

b) The project was referred to the Carmel Valley Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC. The LUAC considered the application on December 3, 2012. The LUAC recommended denial of the application because "the project represents a significant expansion of the use of the property, the project sets a bad precedent for signage on Highway 1, the sign is too visible, the permit legalizes what is in fact an off-site sign."

c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA - Planning for the proposed development found in Project File PLN120442.

4. **FINDING:** **CONSISTENCY (2)** - The project is subject to the 2010 Monterey County General Plan including Figure 14 which designates Highway 1 as a Scenic Highway and requires protection of designated visually sensitive areas.

EVIDENCE: a) Policy C-5.1 of the General Plan states that "Area Plans may propose roadways, or specific segments thereof, to be considered for designation as State Scenic Highways or County Scenic Routes," and that "Existing and proposed designated scenic corridors are illustrated in Figures 13-16" [Of the General Plan]. Figures 13-16 are part of the different Area Plans of the General Plan. Figure 14 – "Scenic Highway Corridors and Visual Sensitivity Map" – of the Greater Monterey Peninsula Area Plan (GMPA) depicts scenic corridors and visually sensitive areas within both the GMPAP and the Carmel Valley Master Plan (CVMP). The site is located in the area of the CVMP and is designated as "visually sensitive" in Figure 14; the Highway One corridor is designated as a scenic route.

b) Even though the subject site is located within the Carmel Valley Master

Plan (CVMP), this Plan does not contain a "Scenic Highway Corridors and Visual Sensitivity Map" like the rest of the Area Plans. The area of the CVMP is included in the "Scenic Highway Corridors and Visual Sensitivity Map" (Figure 14) of the Greater Monterey Peninsula Area Plan (GMPAP) and therefore the policies of the GMPAP relative to the protection of these areas are applicable to the subject project.

c) Elimination of the proposed monument sign in exchange for an on-building sign identifying the shopping center is consistent with the General Plan goals and policies to protect the visually sensitive corridor along Highway 1 because it places signage on the building and does not allow any additional monument signs within the required setbacks.

d) The signage on the building facing Highway 1 will be limited to identification of the center only and no tenant signage will be allowed facing Highway 1. In addition the amount of tenant signage will be reduced so that the total sign area which will be allowed on the building will not exceed that which is currently allowed.

5. **FINDING:** **CONSISTENCY (3) - GENERAL DEVELOPMENT PLAN** – The proposed addition of the 2.6-acre portion of the State Property to the Site Plan of the approved Zoning Permit for the Barnyard Shopping Center is consistent with the pertinent provisions of the Zoning Ordinance.

EVIDENCE: Under the definition of "One Ownership" stated in Section 21.06.830 of the Zoning Ordinance, "One ownership means ownership of property or possession thereof under a contract to purchase or under a lease, the term of which is not less than 10 years, by a person or persons, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby such property is under single or unified control." Based on this definition, from a technical standpoint, both the Barnyard Parcel and the State Property already are under one ownership because the applicant has a lease for the State Property the term of which is no less than ten years. The addition of the State Property to the Site Plan of the approved Zoning Permit for the Shopping Center would in effect, treat both parcels as a single site, which would enable consideration of the sign on the State Parks property as an on-site sign, without adding or approving any commercial use within the added area nor approving the proposed 32 square foot sign. The General Development Plan includes allowing a parking area and trash enclosure on the State Property.

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

EVIDENCE:

a) The General Development Plan to allow minor parking and a trash enclosure on property zoning PQP is suitable because of the minor nature of the improvements serving as accessory improvements to the shopping center which do not detract from the scenic nature of the area.

b) The on-building signage will provide additional center identification for the traveling public without proliferation of freestanding signage consistent with the General Plan Policies protecting the scenic

resources of this area.

c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA - Planning for the proposed development found in Project File PLN120442.

7. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

EVIDENCE:

a) The project was reviewed by RMA - Planning, Cypress Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency.

b) Staff conducted several site inspections to verify that the site is suitable for the General Development Plan and on building signage.

c) See evidence for Findings 2 and 3, above.

d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120442.

8. **FINDING:** **ZONING CODE VIOLATIONS** - The subject monument sign was originally constructed without the required Planning permits, making the site not compliant with all rules and regulations pertaining to the Sign Regulations of the Zoning Ordinance and to the standards of the Zoning District. The construction of the sign was also inconsistent with the approved signage for the Barnyard Shopping Center. A "Compliance Order and Notice of Intent to Record a Notice of Violation" was sent to the property owner on March 6, and August 17, 2012. The subject application was submitted to address such Notice. Approval of the proposed sign and implementation of this permit would have eliminated the violation. The applicant has removed the sign face, but the pedestal for the sign still needs to be removed.

EVIDENCE:

a) Compliance Order and Notice of Intent to Record Notice of Violation (Code enforcement Case Number 11CE00342).

b) Code Enforcement Compliance Report dated October 30, 2013.

c) Site inspections conducted by staff from Code Enforcement and RMA-Planning.

d) A condition has been added to the GDP requiring the sign base to be removed and the area restored to its original condition. This has been a condition of the GDP and would completely resolve the code violation related to the signage.

e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120442.

9. **FINDING:** **CEQA (Exempt): -** The project is categorically exempt from environmental review.

EVIDENCE:

a) California Environmental Quality Act (CEQA) Guidelines Section 15301 categorically exempts modifications to existing facilities including the installation of on building signage.

b) Based on the definition of "One Ownership" in Section 21.06.080 of the Zoning Ordinance, the Shopping Center Parcel and the portion of the State Property added to the Shopping Center already are under one ownership because the applicant has a lease for the State Property the term of which is no less than ten years. The approval of the General Development Plan merely memorializes the addition of the 2.6-acre of the State Property to the Site Plan of the approved Zoning Permit for the Shopping Center. Such addition allows the treatment of both sites as one, consistent with the Zoning Ordinance's definition of "One Ownership." and enables the consideration of the proposed 32-square foot monument sign as an on-site sign. No development is proposed within the site that would result in environmental impacts requiring the preparation of an environmental document.

c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. Even though the proposed sign would be located within a designated Scenic Highway, the sign has been denied by the Planning Commission.

d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120442.

10. **FINDING:** **VARIANCE (SPECIAL CIRCUMSTANCES) –** The variance is granted because of special circumstances applicable to the subject property, including the location of the Center being visible from Highway 1 in a visually scenic area yet set back substantially from the highway . The strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under and under identical zoning classification.

EVIDENCE:

a) The property has a zoning designation of LC/PQP.

b) The Sign Ordinance allows a shopping center to have 35 square feet of signage identifying the name of the center.

c) The site is visible from Highway 1 but due to state park property located between the Highway and the location of the shopping center, the shopping center does not have identifiable access from Highway 1. The center signage on the building will help the public identify the location of the center without installing monument signage in a visually sensitive area.

d) Typically shopping centers are located on major transportation corridors with readily identifiable access. The Barnyard is visible from highway 1 but does not have identifiable access due to its location.

e) The application, plans and supporting materials submitted by the

project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120442

11. **FINDING:** **VARIANCE (SPECIAL PRIVILEGES)** – The variance does not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

EVIDENCE: a) The Barnyard property has a zoning designation of LC
The applicant is requesting approval of additional building signage to identify the location of the center. This is to compensate for the fact that the shopping center does not have frontage on a major transportation corridor. This signage plan for the center reduces the square footage of allowed tenant signage and limits the location of tenant signage so that the overall sign area which could be placed on the building remains consistent with what is allowed in other shopping centers and there will not be tenant signage on the building elevation facing Highway 1.
The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120442

12. **FINDING:** **VARIANCE (3)** – The granting of the variance would not authorize a use or activity not expressly authorized by the zoning regulations governing the subject parcel.

EVIDENCE: Signage is allowed on commercial buildings so the request for the variance to increase the amount of shopping center sign area does not authorize a use not authorized by the zoning regulations.

13. **FINDING:** **APPEAL:** The applicant filed an appeal of the Planning Commission's decision. While the appeal challenges only the Planning Commission's denial of the Variance and Design Approval, the appeal sets aside the Planning Commission's decision in its entirety (section 21.80.030 of Title 21), and the hearing on the appeal is de novo. The applicant contends that the findings or decision or conditions for the denial are not supported by the evidence. The Board finds that the Appellant's contentions are without merit for the reasons set out below.

EVIDENCE: ***Appellant's Contention No. 1: Staff's assertion that the project is inconsistent with the noted policies of the Greater Monterey Peninsula Area Plan (GMPAP) policies is non-applicable because the site is not located within the area of the GMPAP.***
The Appellant states that:
1) the area where the proposed sign (project) would be located is within the Carmel Valley Master Plan (Master Plan) which was included in the 2010 General Plan as the Area Plan for the particular area that it covers; and that the project is consistent with Policies CV-1.20, CV-3.3, CV- 3.5 and CV-3.6 of the Master Plan because it does not create visual clutter, it is compatible with the

built environment of the Barnyard, it is not plastic or illuminated and it does not block the views of the viewshed, the river or distant hills;
2) the project site is not designated as visually sensitive in the Carmel Valley Master Plan

County's Response No. 1: The monument sign is no longer part of the proje and thus no response is necessary

Appellant's Contention No. 2: The regulations of the Design Review ("D") Zoning District do not preclude the construction of signs.
The regulations do not require that all projects within the District be completely screened from public view; instead, they require that the Appropriate Authority consider the size, configuration, materials and colors of a proposed structure to assure compliance with the provisions of the District.

County's Response No. 2:
The monument sign is no longer part of the project and thus no response is necessary.

Appellant's Contention No. 3: The location of the proposed sign is not affected by the required 100 foot setback from Carmel Valley Road as described in the Master Plan.

County's response No. 3:
The monument sign is no longer part of the project and thus no response is necessary.

Appellant's Contention No. 4: The Appellant contends staff's assertion that a sign within the Public-Quasi Public ("PQP") Zoning District advertising a commercial entity is inconsistent with the intent of the regulations of the "PQP" District.
Section 21.60.080.C.2 of the Zoning Ordinance allows signs within the "PQP" District between 20 and 75 square feet in the aggregate appurtenant to any allowed use with an Administrative Permit. The proposed sign is 32 square feet in size appurtenant to the commercial operations of the Barnyard Shopping Center and therefore should be allowed with an Administrative Permit.

County's Response No. 4:
The monument sign is no longer part of the project and thus no response is necessary.

Appellant's Contention No. 5: The Appellant contends the language of Finding No. 4 (Site Suitability) of the Planning Commission Resolution denying the Variance and Design Approval, which states that the site is not physically suitable for the use proposed.
The appellant supports this contention on the same grounds as Contention

No. 4.

County's Response No. 5:
The monument sign is no longer part of the project and thus no response is necessary.

Appellant's Contention No. 6: The Appellant contends the language of Finding No. 5 (Health and Safety) of the Planning Commission Resolution denying the Variance and Design Approval, which states that the establishment of the project, under the circumstances of the particular case, would be detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood.
The Appellant states that there is no evidence in the record that the proposed sign is, or can be construed as detrimental to the health, safety, peace, morals, comfort and general welfare of persons or property within the vicinity of the project area. And that the site is suitable for the project as proposed and the project is consistent with the applicable policies of the Master Plan.

County's response No. 6:
The monument sign is no longer part of the project and thus no response is necessary.

Appellant's Contention No. 7: The Appellant contends the language of Finding No. 8 [Variance (1)] of the Planning Commission Resolution denying the Variance and Design Approval, which states that there are no special circumstances applicable to the project site that would make the strict application of the regulations of Title 21 to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
The Appellant states that due to the location of the shopping center and the need to provide clear directions to the site, center-wide signage is more critical to drawing visitors and increasing the revenues for the small business owners. That the Barnyard is also in a unique position of leasing property from California State Parks and that the property is located adjacent to the highway and provides an exceptional opportunity for on-site advertising.

County's Response No. 7:
The monument sign is no longer part of the project and thus no response is necessary.

Appellant's Contention No. 8: The Appellant contends the language of Finding No. 9 [Variance (2)] of the Planning Commission Resolution denying the Variance and Design Approval, which states that the granting of the variance would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and

zone in which such property is situated.
The Appellant states that each shopping center subject to the requirements of the Zoning Ordinance has the opportunity to apply for a variance to amend its sign program. That because the needs of the centers differ, a one size fits all program is inappropriate. And that because of the property's location and the existing lease with State parks, the variance would allow the Barnyard to utilize a prime advertising location to draw visitors and subsequently increase the economic vitality of the County.

County's Response No. 8:
The monument sign is no longer part of the project and thus no response is necessary.

Appellant's Contention No. 9: The Appellant contends the language of Finding No. 10 [Variance (3)] of the Planning Commission Resolution denying the Variance and Design Approval, which states that the granting of the variance would authorize a use or activity not expressly authorized by the zoning regulations governing the subject parcel.
The Appellant states that signs are allowed within the "PQP," "D" and "S" districts with the proper permit and therefore the variance would not authorize a use or activity that is not expressly authorized.

County's Response No. 9:
The monument sign is no longer part of the project and thus no response is necessary.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors of the County of Monterey does hereby:

a. Deny the appeal by Sima Barnyard LLC from the Planning Commission's decision approving a General Development Plan to add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center, denying a Variance for added signage for the Barnyard Shopping Center and denying a Design Review Application for the construction of a new 32 square foot monument sign and a new signage plan for the Shopping Center;
b. Find the project exempt per CEQA Guidelines Sections 15301;
c. Approve a General Development Plan to Add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center, attached hereto as Exhibit 1 and incorporated herein by reference
d. Approve a Variance and Design Approval for the following:
    1. Water tower sign --_48.5 square foot sign advertising the Barnyard painted on the water tower.

2. Barnyard Shopping and Dining Sign -- 39.5 square foot sign placed on the rear of the buildings advertising the Barnyard.
3. No new signage on backside of buildings facing Highway 1.
4. Reduction of new tenant signage to 15 SF; all tenants would be limited to signage of 15 square feet. This will limit the overall amount of signage allowed on the buildings.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Salinas and carried this 1st day of April 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter
NOES: None
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on April 1, 2014.

Dated: May 8, 2014
File Number: RES 14-038

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

Monterey County Planning Department

Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN120442

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit was considered by the Board of Supervisors. The Board of Supervisors Approved a General Development Plan to add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center, and approved a Variance and Design Approval for the following: 1. Water tower sign -- 48.5 square foot sign advertising the Barnyard painted on the water tower. 2. Barnyard Shopping and Dining Sign -- 39 square foot sign placed on the rear of the buildings advertising the Barnyard. 3. No new signage on backside of buildings facing Highway 1. 4. Reduction of new tenant signage to 15 SF; all tenants would be limited to signage of 15 square feet. This will limit the overall amount of signage allowed on the buildings. 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 14-092) was considered by the Monterey County Board of Supervisors for a portion of APN 015-011-005-000 & for APN 015-012-061-000) on April 1, 2014. The Board of Supervisors approved a General Development Plan to Add a 2.6-acre portion of California State Parks property to the site of the Barnyard Shopping Center and approved a Variance and Design Approval for the following: 1 Water tower sign -- 48.5 square foot sign advertising the Barnyard painted on the water tower. 2. Barnyard Shopping and Dining Sign -- 39 square foot sign placed on the rear of the buildings advertising the Barnyard. 3. No new signage on backside of buildings facing Highway 1. 4. Reduction of new tenant signage to 15 SF; all tenants would be limited to signage of 15 square feet. This will limit the overall amount of signage allowed on the buildings The permit was approved subject to 7 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)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of 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. The 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 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)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

4. PDSP001 - GENERAL DEVELOPMENT PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A General Development Plan has been approved that adds a 2.6-acre portion of property owned by the California Department of Parks and Recreation (Portion of APN 015-011-005-000) to the existing Site Plan of the Barnyard Shopping Center approved under Zoning Permit No. ZA-2035-D and includes existing parking and trash enclosure facilities on the State Property as part of the approved uses of the Shopping Center. No other improvements on the Ste property are included in the General Development Plan. The General Development Plan (Site Plan) is attached hereto and incorporated herein by reference as a condition of approval.

Compliance or Monitoring Action to be Performed: The use on the 2.6-acre portion of the State Property added to the Shopping Center shall be limited to the existing uses within the State Property. No other uses shall take place in the area without amending the General Development Plan.

5. Center Signage Plan

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A Center Signage Plan shall be submitted to the RMA Planning Department identifying the signage which has been permitted with this General Development Plan and Variance. The Center Signage Plan shall specify all signage approved for the center, and for each tenant. The plan shall demonstrate that the cummulative sign area for the center signage, and tenant signage does not exceed the signage area permitted on the building under the sign ordinance (for the cummulative center and tenant signage) with the exception that the center identification signage may exceed 35 square feet but not be more than 122.5 square feet (three center identification signs at 48.5, 39 and 35 square feet.) Tenant signs shall not be visible from Highway 1, and shall not exceed 15 square feet. If the cummulative sign area would exceed that currently allowed by the Sign Ordinance then the sizes of the signs shall be reduced to maintain the overall limit of sign area allowed on the building.

Compliance or Monitoring Action to be Performed: A Center Signage Plan shall be submitted to the RMA Planning Department prior to issuance of any permits for signage in the center.

6. Removal of Sign Base

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of any additional permits for center signage, the monument base located on the State Parks Property.

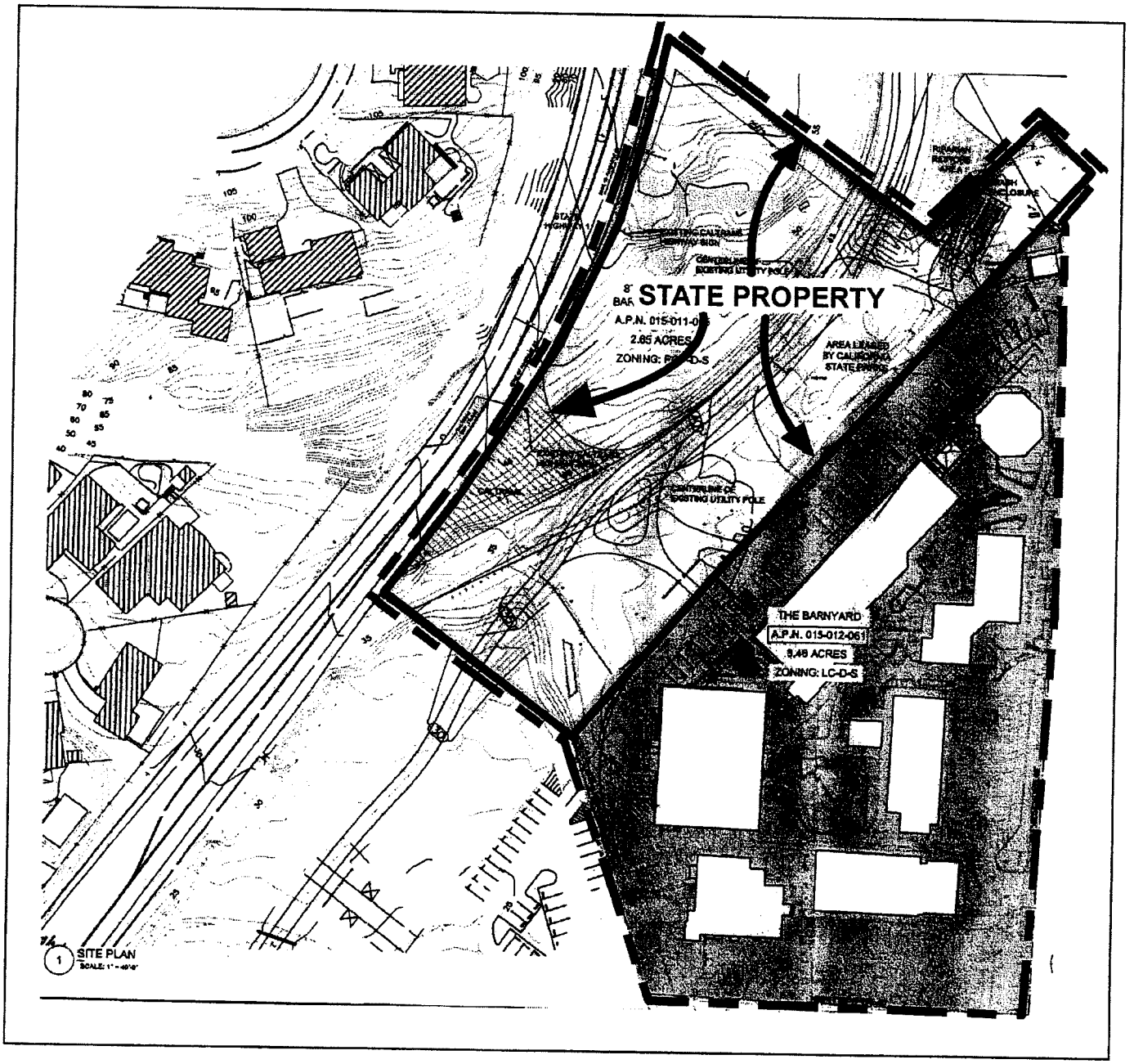
Compliance or Monitoring Action to be Performed: The applicant shall remove the base prior to issuance of any additional permits for center signage.

7. LUAC REFERRAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: At the next LUAC meeting the color, design, and material of the signs shall be reviewed by the Carmel Valley LUAC. The LUAC shall make a recommendation of the Planning Director for the final color, design and material approved for the center identification signs.

Compliance or Monitoring Action to be Performed: The color, design and materials of the signs will be reviewed at the next LUAC meeting.



Amended General Development Plan

Exhibit 1