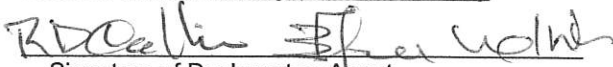


When recorded return to:
MONTEREY COUNTY RESOURCE
MANAGEMENT AGENCY
PLANNING DEPARTMENT
Attn: **Son Pham-Gallardo**
1441 Schilling Pl 2nd Floor
Salinas, CA 93901
(831) 755-5025

Space above for Recorder's Use

Permit No.: PLN090347
Resolution No.: 090347
Owner Name: Robert and Fabienne Collier
Project Planner: Son Pham-Gallardo
APN: 133-211-008-000

The Undersigned Grantor(s) Declare(s):
DOCUMENTARY TRANSFER TAX OF \$ 0
☐ computed on the consideration or full value of
property conveyed, OR
☐ computed on the consideration or full value less
value of liens and/or encumbrances remaining at
time of sale,
☐ unincorporated area; and
☒ Exempt from transfer tax,
Reason: Transfer to a governmental entity


Signature of Declarant or Agent

CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

THIS DEED made this 15th day of July, 2018 by and between Robert
and Fabienne Collier as Grantor, and the COUNTY OF MONTEREY, a political
subdivision of the State of California, as Grantee,

WITNESSETH:

WHEREAS, said Grantor is the owner in fee of the real property more particularly
described in Exhibit "A" attached hereto and made a part hereof, situated in Monterey
County, California (hereinafter the "Property"); and

WHEREAS, the Property of said Grantor has certain natural scenic beauty and
existing openness; and

WHEREAS, the Grantor and the Grantee desire to preserve and conserve for the public benefit the great natural scenic beauty and existing openness, natural condition and present state of use of the Property of the Grantor; and

WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as the "Act") requires that any coastal development permit approved by the County must be consistent with the provisions of the certified Local Coastal Program (LCP); and

WHEREAS, pursuant to the Act, and the LCP, Grantor applied to the County for a permit to undertake development as defined in the LCP; and

WHEREAS, A Minor and Trivial Amendment to a previously approved Combined Development Permit (PLN010126) consisting of: 1) a Coastal Administrative Permit to allow a change of use within an existing commercial building; 2) a Coastal Development Permit to allow a residential unit on the existing second floor of a commercial building; 3) a Variance to allow exterior modifications not in keeping with the Moss Landing Design Standards to an existing commercial building; 4) the construction of a 6-foot high wall within the parking area; 5) the reduction of the approved 18-space parking area to 8 in the front and 9 in the rear; 6) and Design Approval. Approval of the project will abate a portion of a Code Enforcement violation (CE020245) and bring the project in compliance. (File Number **PLN090347**) (hereinafter referred to as the "Permit") was granted on **4th of June 2010** by the Monterey County **Director of Planning** pursuant to the Findings, Evidence and Conditions contained in Resolution No. **090347** That resolution is attached hereto as Exhibit "B" (without sketches) and hereby incorporated by reference, (hereinafter the "Resolution") subject to the following condition(s): **Condition No. 11** Pursuant to Section 20.144.040.C.2.d of the Regulations for Development in the North County Coastal Land Use Plan, an Open Space easement that covers a 100 foot setback from the landward edge of vegetation associated with coastal wetlands shall be conveyed to the County. No permanent structures, beyond the existing development, shall be built within the Open Space easement area conveyed to the County.

WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in the Resolution granted the Permit to the Grantor upon condition (hereinafter the "Condition") described above requiring inter alia, that the Grantor record a conservation and scenic easement

(hereinafter "easement") over the Property as shown in Exhibit "C" attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the Property so as to preserve the open space, scenic, and/or natural resource values present on the Property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the Property were not restricted in accordance with this easement; and

WHEREAS, the County has placed the Condition on the permit because a finding must be made under the law that the proposed development is in conformity with the provisions of the certified Local Coastal Program and that in the absence of the protections provided by the Condition said finding could not be made; and

WHEREAS, Grantor has elected to comply with the Condition and execute this easement so as to enable Grantor to undertake the development authorized by the Permit; and

WHEREAS, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and

WHEREAS, the said Grantor is willing to grant to the County of Monterey the conservation and scenic use as herein expressed of the Property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the Property by the Grantor through the imposition of the conditions hereinafter expressed;

NOW, THEREFORE, the Grantor does hereby grant and convey unto the County of Monterey an estate, interest, and conservation and scenic easement in said real property of Grantor of the nature and character and to the extent hereinafter expressed, which estate, interest, and easement will result from the restrictions hereby imposed upon the use of said Property by said Grantor, and to that end and for the purposes of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors, and assigns, with the said Grantee, its successors and assigns, to do and refrain from doing severally and collectively upon the Grantor's Property the various acts hereinafter mentioned.

A. PROPERTY SUBJECT TO EASEMENT. The Property of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in

the County of Monterey, State of California, and is particularly described and depicted in Exhibit "C", attached hereto, and made a part hereof, hereinafter referred to as the "Conservation and Scenic Easement Area".

B. RESTRICTIONS. The restrictions hereby imposed upon the use of the Conservation and Scenic Easement Area by the Grantor and the acts which said Grantor shall refrain from doing upon the Conservation and Scenic Easement Area in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said Conservation and Scenic Easement Area.
2. That no advertising of any kind or nature shall be located on or within the Conservation and Scenic Easement Area.
3. That the Grantor shall not plant nor permit to be planted any vegetation upon the Conservation and Scenic Easement Area.
4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, and pre-existing development within the 100' setback from the landward edge of vegetation associated with coastal wetlands. General topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.
5. That no use of the Conservation and Scenic Easement Area which will or does materially alter the landscape or other attractive scenic features of said Property other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor to be implemented consistent with the objectives, purposes and conditions of this easement:

1. The right to maintain all existing private roads, bridges, trails and structures upon the Conservation and Scenic Easement Area.
2. The use and occupancy of the Conservation and Scenic Easement Area not inconsistent with the conditions and restrictions herein imposed.
3. Management of vegetation within the Conservation and Scenic Easement Area in accordance with the Fuel Management Plan approved with the Permit on file with the Monterey County Planning Department.

D. SUBJECT TO APPLICABLE LAWS. Land uses permitted or reserved to the Grantor by this instrument shall be subject to all applicable laws regulating the use of land.

E. BENEFIT AND BURDEN. This grant of conservation and scenic easement shall run with and burden the Property, and all obligations, terms, conditions, and restrictions hereby imposed shall be deemed to be covenants and restrictions running with the land and shall be effective limitations on the use of the Property from the date of recordation of this document and shall bind the Grantor and all of its successors and assigns. This grant shall benefit the County of Monterey and its successors and assigns forever.

F. RIGHT OF ENTRY. The Grantee or its agent may enter onto the Property to ascertain whether the use restrictions set forth above are being observed at times reasonably acceptable to the Grantor.

G. ENFORCEMENT. Any act or any conveyance, contract, or authorization whether written or oral by the Grantor which uses or would cause to be used or would permit use of the Property contrary to the terms of this grant of easement will be deemed a breach hereof. The Grantee may bring any action in court necessary to enforce this grant of easement, including, but not limited to, injunction to terminate a breaching activity and to force the restoration of all damage done by such activity, or an action to enforce the terms and provisions hereof by specific performance. It is understood and agreed that the Grantee may pursue any appropriate legal and equitable remedies. The Grantee shall have sole discretion to determine under what circumstances an action to enforce the terms and conditions of this grant of easement shall be brought in law or in equity. Any forbearance on the part of the Grantee to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of Grantee's rights regarding any subsequent breach.

H. MAINTENANCE. The Grantee shall not be obligated to maintain, improve, or otherwise expend any funds in connection with the Property or any interest or easement created by this grant of easement. All costs and expenses for such maintenance, improvement use, or possession shall be borne by the Grantor, except for costs incurred by Grantee for monitoring compliance with the terms of this easement.

I. LIABILITY AND INDEMNIFICATION. This conveyance is made and accepted upon the express condition that the Grantee, its agencies, departments, officers, agents, and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, from any cause or causes whatsoever, except matters arising out of the sole negligence of the Grantee, while in, upon, or in any way connected with the Property, Grantor hereby covenanting and agreeing to indemnify and hold harmless the Grantee, its agencies, departments, officers, agents, and employees from all liability, loss, cost, and obligations on account of or arising out of such injuries or losses however occurring. The Grantee shall have no right of control over, nor duties and responsibilities with respect to the Property which would subject the Grantee to any liability occurring upon the Property by virtue of the fact that the right of the Grantee to enter the Property or Conservation and Scenic Easement Area is strictly limited to preventing uses inconsistent with the interest granted, the Property is not "property of a public entity" or "public property," and Grantee's rights herein do not include the right to enter the Property or Conservation and Scenic Easement Area for the purposes of correcting any "dangerous condition" as those terms are defined by California Government Code Section 830.

J. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this conveyance shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

K. SEVERABILITY. If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 18 day of JULY 2018 at WARRENVILLE California.

By: Robert D. Collier
(Signature)

By: Fabienne B. Collier
(Signature)

Robert D. Collier

Fabienne B. Collier

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

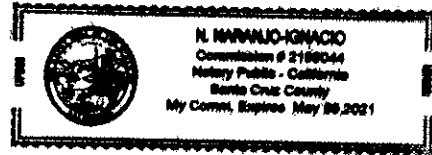
COUNTY OF MONTEREY)

On 7/18/2018 before me, N. Naranjo Ignacio, a Notary Public, personally appeared Robert Decker Collier, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature N. Naranjo Ignacio



(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF MONTEREY)

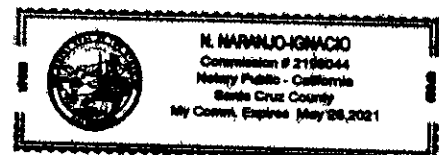
On 7/18/2018 before me, N. Naranjo Ignacio, a Notary Public, personally appeared Fabienne Boulougne-Collier, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature N. Naranjo Ignacio

(Seal)



DATED: 7/00

Exhibit "A"

Legal description:

Certain real property situate in the Rancho Bolsa Nueva Y Moro Cojo, in the County of Monterey, State of California, being a part of those certain parcels of land described in Deed from J.W. Woolsey, et ux to Bruna Bandoni, et al, dated October 17, 1961 and recorded in Volume 2209 of Official Records, at Page 67, Records of said County, said part being particularly described as follows:

Beginning in the Southeasterly line of Moss Landing Road (a County Road 60 feet wide) at a 1-½" diameter iron pipe standing at the Westerly corner of "Parcel 1" in said Deed and running thence along the Southerly boundary of said "Parcel 1" to and along the Southerly boundary of "Parcel 2" in said Deed

(1) S. 79° 54' 36" E., 303.6 feet, at 61.71 feet to a 1" diameter iron pipe, at 125.89 feet a 1-½" diameter iron pipe, top 18" underground with a 2" x 3" redwood post on top, at 171.56 feet a 1-½" diameter iron pipe, at 208 feet, more or less, the edge of the water in the Moro Cojo Slough, 303.6 feet to the Southerly corner of said "Parcel 2" thence along the Easterly boundary of said "Parcel 12"

(2) N. 19° 40' 46" boundary and running E., 58.41 feet; thence leave last mentioned

(3) N. 69° 48' 50" W., 254.34 feet, at 84 feet, more or less, the edge of the water in said Moro Cojo Slough, at 98.91 feet a 1-½" diameter iron pipe, at 169.51 feet a 1-½" diameter iron pipe, at 254.34 feet to a 1-½" diameter iron pipe standing in the line common to said Moss Landing Road and said "Parcel 1"; thence along said common line

(4) S. 41° 42' 24" W., 120.0 feet to the place of beginning. Courses on California Zone IV meridian.

APN: 133-211-008

Exhibit A

Page 1 of 1 Pages

Before the Director of Planning in and for the
County of Monterey, State of California

In the matter of the application of:

Collier (PLN090347)

RESOLUTION NO. 090347

Resolution by the Monterey County Director of Planning Approving a Minor and Trivial Amendment (PLN090347) to a Combined Development Permit (PLN010126) which allows 1) a Coastal Administrative Permit to allow a change of use within an existing commercial building from the approved photography studio to a shop for tradesmen; 2) a Coastal Development Permit to allow a residential unit on the existing second floor of a commercial building; 3) a Variance to allow exterior modifications not in keeping with the Moss Landing Design Standards to an existing commercial building; 4) the construction of a 6-foot high wall within the parking area; 5) the modification of the approved 18-space parking area to: 8 spaces for the retail building, 9 spaces for the shop, and 1 uncovered and 2 covered spaces within the shop building for the residence; 6) and Design Approval. Approval of the project will abate a portion of a code enforcement violation (Case No. CE020245) and bring the project in compliance. The property is located at 7951 Moss Landing Road, Moss Landing (Assessor's Parcel Number 133-211-008-000).

The Director of the Resource Management Agency-Planning Department, having considered the application and all the written and documentary evidence presented relating thereto, finds and decides as follows:

FINDINGS AND EVIDENCE

1. **FINDING:** The County has received and processed an amendment to (PLN010126).
EVIDENCE: (a) An application for a Minor and Trivial Amendment was submitted on February 18, 2010.
(b) The property is located at 7951 Moss Landing Road, Moss Landing (Assessor's Parcel Number 133-211-008-000). The property is zoned Moss Landing Commercial, Coastal Zone and Resource Conservation, Coastal Zone [MLC(CZ) & RC(CZ)].
(c) On March 27, 2003, the Zoning Administrator approved a Combined Development Permit (PLN010126) which allowed: 1) a Coastal Administrative Permit to allow a change of use within an existing commercial building; 2) a Coastal Development Permit to allow a residential unit on the existing second floor of a commercial building; 3) a Variance to allow exterior modifications not in

keeping with the Moss Landing Design Standards to an existing commercial building; 4) and Design Approval.

- (d) The applicant proposed to change the approved use within the commercial space on the first floor from a photography studio to a shop for tradesmen, amend the approved parking plan, and construct a 6 foot wall within the parking area. Therefore, a Minor and Trivial Amendment is required to deviate from the approved project. These modifications shall be in addition to the previously applied findings, evidence and conditions of the Combined Development Permit (PLN010126) incorporated into Exhibit 1.
- (e) Approval of the Minor and Trivial Amendment will result in the approval of: 1) a Coastal Administrative Permit to allow a change of use within an existing commercial building from the approved photography studio to a shop for tradesmen; 2) a Coastal Development Permit to allow a residential unit on the existing second floor of a commercial building; 3) a Variance to allow exterior modifications not in keeping with the Moss Landing Design Standards to an existing commercial building; 4) the construction of a 6-foot high wall within the parking area; 5) the modification of the approved 18-space parking area to: 8 spaces for the retail building, 9 spaces for the shop, and 1 uncovered and 2 covered spaces within the shop building for the residence; 6) and Design Approval. Approval of the project will abate a portion of a code enforcement violation (Case No. CE020245) and bring the project in compliance.
- (f) Previous conditions required for PLN010126 have been incorporated with the Minor and Trivial Amendment. Condition Nos. 6, 7, 9, 10, 11, 12, and 13 have been satisfied and Condition No. 16 is ongoing. Condition No. 8 has been partially approved. Therefore, compliance with Condition No. 8, in addition to Nos. 14, and 15, has not yet occurred.
- (g) The Minor and Trivial Amendment was presented at the North County Coastal Land Use Advisory Committee on April 6, 2010. The LUAC did not find any issues with the proposed amendment and recommended approval with a vote of 3 to 1 with 1 member absent.
- (h) New Conditions of Approval are incorporated in Exhibit 1.
- (i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project Files PLN010126 and PLN090347.

2. FINDING: The project as proposed is consistent with the previously approved permit(s) pursuant to Monterey County Code Section 20.70.105.A and does not cause impacts not already assessed in original permit action. As approved and amended, permit number PLN090347 will become and be referred to as the approved permit.

EVIDENCE: (a) The change in use within the commercial portion of the first floor is

consistent with the previously approved project. In fact, the original permit approved a photography studio, which is a more intensive use as to customer traffic, than the proposed shop for tradesmen. In addition, the current business is more similar to a shop for tradesmen than a photography studio.

- (b) The applicant constructed a six foot wall, creating a separation between the front and rear portions of the buildings and placed a temporary membrane structure (fabric structure used for covered parking) in the northern portion of the parking area. An after-the-fact Design Approval (DA090246) and Building Permit (BP091510) was issued and finalized for the construction. Condition No. 4 requires the applicant to remove the membrane structure by the date agreed to by Code Enforcement.
- (c) Construction of the wall reduced the approved amount of parking and segregated the two sections. The applicant has submitted a tentative revised parking plan indicating 8 spaces in the front, 10 spaces in the rear of the parking lot, and two covered spaces within the shop building. The revised parking plan meets the requirements set forth in Section 20.58 of the Monterey County Zoning Ordinance. See Table below.

Proposed Occupancy	Required Spaces	Proposed Spaces
General Retail	7.6	8
Shop	4.6	9
Residential	1 covered, 1 uncovered	2 covered, 1 uncovered
<i>Total Amount of Spaces: 18 uncovered, 2 covered</i>		

As a condition of approval (Condition No. 5) the applicant is required to submit a revised parking plan for review and approval by the Director of the RMA-Planning Department.

- (d) The proposed modifications listed in Evidence b and c do not include substantial changes that create an impact not previously addressed in the Combined Development Permit PLN010126.
- (e) The original project, PLN010126, was considered to be exempt from environmental review pursuant to CEQA Guidelines Sections 15300.2, Exceptions, and 15301, Existing Facilities. Changes within the proposed minor and trivial amendment will not cause a significant affect on the environment and therefore the project exempt from CEQA review.
- (f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project Files PLN010126 and PLN090347.

3. FINDING: Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 20.84.040.A of Monterey

County Code Title 20 (Zoning).

- EVIDENCE:** (a) On May 18, 2010, one notice was posted at the front door of 7951 Moss Landing Road, one notice was posted on a bulletin board at the Moss Landing Post Office, and one notice was posted at 7902 Moss Landing Road, the Haute Enchilada Café. In addition, on May 18, 2010, notices were sent out to owners and occupants of all addresses within 300 feet of the subject property.
- (b) No objections were received during the notification period from May 19, 2010 to June 3, 2010.
- (c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project Files PLN010126 and PLN090347.

5. **FINDING:** The project, as approved, is appealable to the Zoning Administrator and to the California Coastal Commission.

- EVIDENCE:** (a) Monterey County Code Section 20.70.105.B states that if objections are received, the amendment shall be considered by the original decision making body.
- (b) No objections were received during the notification period from May 19, 2010 to June 3, 2010.
- (c) Monterey County Code Section 20.86.080.A.3.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Director of the Resource Management Agency – Planning Department does hereby:

Approve a Minor and Trivial Amendment (PLN090347) to a Combined Development Permit (PLN010126) consisting of: 1) a Coastal Administrative Permit to allow a change of use within an existing commercial building from the approved photography studio to a shop for tradesmen; 2) a Coastal Development Permit to allow a residential unit on the existing second floor of a commercial building; 3) a Variance to allow exterior modifications not in keeping with the Moss Landing Design Standards to an existing commercial building; 4) the construction of a 6-foot high wall within the parking area; 5) the modification of the approved 18-space parking area to: 8 spaces for the retail building, 9 spaces for the shop, and 1 uncovered and 2 covered spaces within the shop building for the residence; 6) and Design Approval. Approval of the project will abate a portion of a code enforcement violation (Case No. CE020245) and bring the project in compliance. The property is located at 7951 Moss Landing Road, Moss Landing (Assessor's Parcel Number 133-211-008-000) northeast of the intersection with Sandholt Road, Coastal Zone.

PASSED AND ADOPTED this 4th day of June, 2010.



MIKE NOVO, DIRECTOR
RMA – PLANNING DEPARTMENT

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT AND THE CALIFORNIA COASTAL COMMISSION ON

THIS APPLICATION IS ALSO APPEALABLE TO THE **COASTAL COMMISSION**. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE DIRECTOR OF PLANNING, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA 95060.

NOTE:

1. You may need a building and/or grading permit and must comply with the Monterey County Resource Management Agency-Building Services Department 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 working days after the mailing of the 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 an appeal.

Do not start any construction or occupy any building until you have obtained the

necessary permits and use clearances from the Monterey County Resource Management Agency - Planning Department.

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

Monterey County RMA Planning

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

PLN090347

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

This Minor and Trivial Amendment (PLN090347) to a previously approved Combined Development Permit (PLN010126) allows 1) a Coastal Administrative Permit to allow a change of use within an existing commercial building; 2) a Coastal Development Permit to allow a residential unit on the existing second floor of a commercial building; 3) a Variance to allow exterior modifications not in keeping with the Moss Landing Design Standards to an existing commercial building; 4) the construction of a 6-foot high wall within the parking area; 5) the reduction of the approved 18-space parking area to 8 in the front and 9 in the rear; 6) and Design Approval. Approval of the project will abate a portion of a Code Enforcement violation (CE020245) and bring the project in compliance. The property is located at 7951 Moss Landing Road, Moss Landing (Assessor's Parcel number 133-211-008-000), northeast of the intersection with Sandholt Road, Moss Landing Community Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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 RMA - Planning. 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. (RMA - Planning)

**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: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:

"A Minor and Trivial Amendment (Resolution Number 090347) was approved by the Director of Planning for Assessor's Parcel Number 133-211-008-000 on June 4, 2010. The permit was granted subject to 19 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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.

3. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 2 years, to expire on June 10, 2012 unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

4. PDSP001 - REMOVAL OF MEMBRANE STRUCTURE (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall remove the temporary membrane structure located within the northern portion of the parking area by June 1, 2010. Evidence of removal shall be submitted to the RMA-Planning Department and Code Enforcement as part of abatement of Code Enforcement Case No. CE020245.

Compliance or Monitoring Action to be Performed: By June 1, 2010, the Owner/Applicant shall remove the temporary membrane structure from the property. The applicant shall submit evidence of removal to RMA-Planning.

5. PDSP002 - SUBMITTAL OF REVISED PARKING PLAN (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The parking layout (including a handicapped space and a loading space) & circulation plan shall offer the maximum number of parking spaces possible within the existing parking area. Prior to the issuance of building permits, the applicant shall submit a revised parking plan for review and approval by the Director of the RMA-Planning Department.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits for the residence, the Owner/Applicant shall submit a revised parking plan. The plan shall have at least: 8 uncovered parking spaces in the front portion, 10 uncovered parking spaces in the rear, and 2 covered parking spaces within the commercial area.

6. WR031 - FLOODPLAIN NOTICE

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide 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." (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a signed and notarized floodplain notice to the Water Resources Agency for review and approval. When approved, the applicant shall record the notice.

A copy of the standard notice can be obtained at the Water Resources Agency or online at: www.mcwra.co.monterey.ca.us.

7. WR042 - SUBSTANTIAL IMPROVEMENT DETERMINATION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a substantial improvement determination determination to the Water Resources Agency that includes an appraisal of the market value of the structure and a cost estimate for the proposed project. If the proposed project equals or exceeds 50 percent of the market value of the structure, the existing structure and addition shall be elevated in accordance with Chapter 16.16 of the Monterey County Code. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit the substantial improvement determination to the Water Resources Agency for review and approval.

8. WRSP001 - SUBSTANTIAL IMPROVEMENT/REPAIR AFFIDAVITS (NON-STANDARD)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide Owner and Contractor/ Architect/Civil Engineer Improvement/Repair affidavit, attesting that all proposed construction, additions, improvements, and repairs are included in the construction plans and documents submitted to the Water Resources Agency

Compliance or Monitoring Action to be Performed: Prior to issuance of any building permits, the Owner/Applicant shall submit the signed and notarized original Affidavits with supporting documentation to the Water Resources Agency for review and approval.

(A copy of the County's standard affidavits can be obtained at the Water Resources Agency.)

9. PSDP003-DESIGN APPROVAL (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall submit an exterior design proposal in full compliance with the Moss Landing Road Design Standards for the existing commercial building. The Director's approval of the exterior design proposal shall be required prior to the removal of code violation #CE020245. No building permits may be issued until the code violation is resolved.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/ shall submit a Design Approval application for the exterior of building showing full compliance with the Moss Landing Road Design Standards. The application shall be reviewed and approved by the Director of the RMA-Planning Department.

10. PDSP004-DEED NOTIFICATION (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a deed notice which states as follows:

A. Pursuant to Title 20 Section 20.20.050.A, a Coastal Administrative Permit is required for any change of commercial uses within the structure provided the new use will not change the nature or intensity of the use of the structure.

B. Pursuant to Title 20 Section 20.20.060.J, a Coastal Development Permit is required to extend the legal non-conforming use of a portion of a structure throughout the structure.

C. Pursuant to Title 20 Section 20.20.060.K, a Coastal Development Permit is required to change a legal non-conforming use to a use of a similar or more restricted nature.

D. Pursuant to Title 20 Section 20.20.070.F, signing for all development shall be established pursuant to Chapter 20.60 of Title 20.

E. Pursuant to Section 20.144.140.B.4.a of the Regulations for Development in the North County Coastal Land Use Plan, existing commercial development, where applying for renewal of an unexpired or expired permit, shall be required to meet the policies of the North County Land Use Plan and the standards of this ordinance. A development's inability to substantially comply with the plan or ordinance requirements may be cause for denial of the permit renewal. Where needed and able to assure compliance, conditions of approval of the renewed permit shall be applied.

Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits and/or commencement of the use.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits and/or commencement of use, the Owner/Applicant shall submit proof of recordation of this notice to the Director of Planning and Building Inspection.

11. PDSP005 OPEN SPACE EASEMENT (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to Section 20.144.040.C.2.d of the Regulations for Development in the North County Coastal Land Use Plan, an Open Space easement that covers a 100 foot setback from the landward edge of vegetation associated with coastal wetlands shall be conveyed to the County. No permanent structures, beyond the existing development, shall be built within the Open Space easement area conveyed to the County.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/ Applicant/ Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.

12. PDSP006-WETLANDS DELINEATION (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A biological survey shall be performed by a qualified biologist specializing in wetlands delineation in order to establish the 100 foot setback required by Condition 8, above. The biologist's survey shall be submitted together with the easement deed forms and shall be subject to the approval by the Director of Planning and Building Inspection prior to conveyance of the easement to the County.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant shall submit a biological survey which establishes the 100 foot setback line for review by the Director of the RMA-Planning Department.

13. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the issuance of building permits.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

14. WRSP001-APPRAISAL FOR EACH STRUCTURE (NON-STANDARD)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: Prior to the issuance of grading or building permits, the applicant shall provide the County Water Resources Agency an appraisal of the market value and cost estimate for each structure in the proposed project. If the proposed project equals or exceeds 50 percent of the market value of the structure, the structure shall be floodproofed in accordance with County Ordinance #3272.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit an appraisal for each structure in the proposed project to the Water Resources Agency.

15. WRSP002-APPRAISAL FOR EACH STRUCTURE (NON-STANDARD)

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The lowest floor arid attendant utilities, for any substantially improved structure, shall be elevated to a minimum of feet mean sea level (NGVD 1929). To provide for the floodproofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector.

Compliance or Monitoring Action to be Performed:

16. WR40-WATER CONSERVATION MEASURES

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: 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:

a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.

b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.

Compliance or Monitoring Action to be Performed: Prior to final building inspection/ occupancy, Compliance to be verified by building inspector at final inspection.

17. FIRESPP001-CHANGE IN OCCUPANCY (NON-STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Any change in occupancy classification in existing buildings requires compliance with all of this [Fire] code for new occupancy classification (Section 102.2.1, Uniform Fire Code). (North County FPD)

CONDITION MET FIRE SPRINKLERS ADDED- JOEL MENDOZA

Compliance or Monitoring Action to be Performed: Prior to issuance of any building permits for residential occupancy, the Owner/Applicant must submit building plans which show compliance with the Fire Code for residential occupancy.

18. FIRES002 -FIRE ALARM (NON-STANDARD)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The addition of the proposed residence above will require a commercial fire alarm system per NFPA 72 (1996 edition) throughout the building. (North County FPD)

FIRE ALARM ADDED- JOEL MENDOZA

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Owner/Applicant shall enumerate as "Fire Dept. Note" on plans.

Prior to rough sprinkler or framing inspection, the Owner/Applicant shall submit fire alarm plans and obtain approval.

Prior to final building inspection, the Owner/Applicant shall schedule a fire alarm acceptance test.

19. PDSP007 -ADDITIONAL PERMIT REQUIREMENT (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection.

Compliance or Monitoring Action to be Performed: On an on-going basis, prior to any installation, the Owner/Applicant shall apply for any required permits for antennas, satellite dishes, towers, and similar appurtenances.

LANDS OF ROBERT COLLIER, ETUX.
OPEN SPACE EASEMENT

SITUATE in the Rancho Bolsa Nueva Y Moro Cojo and

BEING an easement for open space purposes over a portion of that certain 0.526 acre parcel shown on the map entitled, "Record of Survey of Division of APN:133-211-02", recorded June 16, 1965 in Volume X-3 of Surveys, at Page 214 Monterey County Records and being more particularly bounded and described as follows:

BEGINNING at southeast corner of the above mentioned 0.526-acre parcel; thence from said point of beginning along the southern boundary of said parcel

1. North 79° 54' 36" West 111.02 feet; thence leaving said southern boundary
2. North 29° 22' 28" East 43.69 feet; thence
3. North 25° 39' 03" East 35.02 feet to the northern boundary of said 0.526 acre parcel; thence along said northern boundary
4. South 69° 48' 50" East 98.39 feet to the northeastern corner thereof; thence
5. South 19° 40' 46" West 58.41 feet to the point of beginning.

SURVEYED MAY, 2003 BY MID COAST ENGINEERS, JOB NO. 03101


Stanley O. Nielsen, L.S. 3233



