

Exhibit K

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RESOLUTION NO. 04-029

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

Approve a Use Permit and Design Approval (**Mirabito, PLN980301**) for a two-story mini-storage warehouse development proposed to be constructed in two phases. Phase One: 1,109 square foot office and 29,916 square feet of mini-storage; Phase Two: 33,574 square feet of mini-storage; total project size: 64,599 square feet; and a 35 square foot Monument sign. The property is located at 9640 and 9680 Carmel Valley Road, Carmel (Assessor's Parcel Numbers 169-131-002-000 and 169-131-003-000), west of the intersection of Carmel Valley Road and Robinson Canyon Road, Carmel Valley area.

In the matter of the application of PLN980301 (Mirabito)

WHEREAS: The Monterey County Board of Supervisors pursuant to regulations established by local ordinance and state law, has considered, at public hearing, an application for a Use Permit and Design Approval (Mirabito, PLN980301) for a two-story mini-storage warehouse development proposed to be constructed in two phases. Phase One: 1,109 square foot office and 29,916 square feet of mini-storage; Phase Two: 33,574 square feet of mini-storage; total project size: 64,599 square feet; and a 35 square foot Monument sign. The property is located at 9640 and 9680 Carmel Valley Road, Carmel (Assessor's Parcel Numbers 169-131-002-000 and 169-131-003-000), west of the intersection of Carmel Valley Road and Robinson Canyon Road, Carmel Valley area.

NOW, THEREFORE, the Board of Supervisors finds as follows:

- 1 **FINDING:** The subject Use Permit, (**PLN980301**) as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the Monterey County General Plan, Carmel Valley Master Plan and the Monterey County Zoning Ordinance (Title 21). The property is located at 9640 and 9680 Carmel Valley Road, Carmel Valley. The parcel is zoned "HC-D-S" (Heavy Commercial, with Design Control and Site Plan Review). The site is physically suitable for the use proposed. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21, and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Monterey County General Plan

- b) The Carmel Valley Master Plan
- c) Chapter 21.20 of Monterey County Zoning Ordinance (Regulations for the "HC" Zoning District)

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Health Department, Parks Department and Carmel Valley Fire Protection District. There has been no indication from these agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property, as conditioned. Each agency has reviewed the application and some have recommended conditions of approval.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Planning Commission and Board of Supervisors

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in project file PLN980301

EVIDENCE: The on-site inspections by the project planner to verify that the proposed project complies with the Carmel Valley Master Plan.

EVIDENCE: Chapter 21.20 of Title 21 permits mini-storage facilities in the HC (Heavy Commercial) zoning district with a Use Permit.

EVIDENCE: The Public Works Department has reviewed the revised access design for the project and has determined that the access design provides for adequate vehicle maneuvering safety, and also allows for vehicle towing trailers to pull completely off the road before encountering the gate controller. The potential exists for vehicles to attempt access to the facility outside the operational hours of 7:00 a.m. to 7:00 p.m. daily, when the gate cannot be opened (except for emergency access). Should this occur, the Public Works Department has determined the empty parking spaces flanking the driveway will provide adequate area to allow vehicles to turn around and exit the site facing forward. A condition of approval is included requiring signs to be posted stating parked vehicles will be towed during closed hours, to ensure adequate maneuvering area remains available.

EVIDENCE: Findings and Evidence for 5, below

2. **FINDING:** County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on

August 28, 2003. . The following evidence has been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

1. Project Application/Plans/Interdepartmental Review Forms/Personal Communication
2. Monterey County General Plan, 1983 and as amended
3. Carmel Valley Master Plan, December 1986, and as amended
4. 2000 Air Quality Management Plan (Monterey Bay Unified Air Pollution Control District)
5. Geotechnical and Septic System Investigation, Soil Surveys, April 23, 1996
6. Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Numbers 169-131-002 and 003, Archaeological Consulting. (Salinas, CA), July 17, 1998
7. July 22, 1999 letter Archaeological Consulting letter to Todd Bessire
8. Carmel Valley Self-Storage Traffic Study, Hexagon Transportation Consultants, Inc., July 8, 2003
9. March 3, 2000 Monterey Peninsula Water Management District letter to Jeff Main
10. Monterey Bay Unified Air Pollution Control District CEQA Guidelines. October 1995, and as revised.
11. Soil Survey of Monterey County, April, 1978. United States Department of Agriculture, Soil Conservation Service
12. Monterey County Master Drainage Plan Lower Carmel Valley Watersheds, June 1975
13. Planner Site Visit on January 28, 2003
14. Personal communication with Nick Nichols, Public Works, August 26, 2003
15. Monterey County ARC-IMS Geographic Information System.
16. April 14, 2003 Public Works Memorandum to project planner.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions

reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

3. **FINDING:** That adequate sewage disposal and water supply facilities exist or are readily available to the site, as approved by the Director of Environmental Health.

EVIDENCE: The water use of the existing house and potters studio on the property was determined to be 0.301 acre-feet annually. Because the project will have only two water fixtures, including the toilet and sink for the manager's office and only minimal additional landscaping, water use will not exceed that of the existing uses on site.

EVIDENCE: Materials in file PLN980301.

4. **FINDING:** Adequate road and transportation facilities exist for the use.

EVIDENCE: The property is located on Carmel Valley Road, which is the main access road to the site.

EVIDENCE: Carmel Valley Self-Storage Traffic Study, Hexagon Transportation Consultants, Inc., July 8, 2003

EVIDENCE: April 14, 2003 Public Works Memorandum to project planner

EVIDENCE: The Public Works Department reviewed the proposed project, and has indicated no adverse traffic impacts will occur.

EVIDENCE: Materials in file PLN980301

5. **FINDING:** The proposed self-storage facility will conform to Policies 28.1.20A(CV), 26.1.31(CV) and 28.1.9(CV) of the Carmel Valley Master Plan, requiring rural architectural design; colors and materials compatible with the rural character of the valley and surrounding uses; and controlling mass and bulk of structures, respectively.

EVIDENCE: The front perimeter façade will consist of front and side elevations of three separate buildings, each of which incorporates varying rooflines, high-relief board and baton siding, true divided light, grid pane windows and other features which will divide the building mass into various elements of appropriate scale, comparable to that of the adjacent Farm Center buildings. The front elevation of the interior building incorporates this same treatment onto a taller structure set back from the lower, perimeter building, resulting in

both horizontal and vertical massing articulation for the combined front elevation. These measures are consistent with policy 28.1.9(CV).

EVIDENCE: Window shutters and faux sliding wooden doors with diagonal timbers similar to those found on barns give the structure an agricultural character appropriate to Carmel Valley, consistent with policy 28.1.20A(CV).

EVIDENCE: Much of the existing, dense landscaping within the front setback area will be retained as a result of the increased setback, which will visually buffer the structures from Carmel Valley Road.

EVIDENCE: The color scheme calls for a subdued, warm-gray, exterior with dark green trim, and a rust-colored roof. These receding colors will cause the building to blend with the existing natural and manmade environment, consistent with policy 26.1.31(CV).

EVIDENCE: Plans and materials contained in file PLN980301

EVIDENCE: Planner site visits

6. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to 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 improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, Water Resources Agency, Parks Department and Carmel Valley Fire Protection District. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: Because the project will have only two water fixtures, including the toilet and sink for the manager's office and only minimal additional landscaping, water use will not exceed that of the existing uses on site.

EVIDENCE: Condition 18 in Exhibit D requires the project landscape plan to not exceed the water use demand factor established by the Monterey Peninsula Water Management District for self storage uses. This factor includes provision for minimal landscaping, per March 3, 2000 letter from Stephani Pintar, MPWMD, to Jeff Main, PBI.

EVIDENCE: Findings and Evidence for 2-5, above.

FINDINGS FOR THE APPEAL

7. **FINDING** An appeal of the October 8, 2003 action of the Planning Commission approving a Use Permit and Design Approval (Mirabito, PLN980301) for a two-story mini-storage warehouse development proposed to be constructed in two phases. Phase One: 1,109 square foot office and 29,916 square feet of mini-storage; Phase Two: 33,574 square feet of mini-storage; total project size: 64,599 square feet; and a 35 square foot Monument sign was filed by Steve Mirabito. The appeal was timely filed on October 20, 2003.

EVIDENCE: Said appeal has been filed with the Clerk of the Board of Supervisors within the time prescribed by Monterey County pursuant to Zoning Ordinance Chapter 20.86;

EVIDENCE: Said appeal has been determined to be complete;

EVIDENCE: The Board of Supervisors has reviewed, evaluated, and considered the appeal and responds as follows:

Contention 1: Lack of fair and impartial hearing

Appellant alleges that despite extensive efforts to redesign the project to conform to county regulations and policies, and evidence in the record indicating the project has adequate site distance to operate safely, the Planning Commission had already made up their minds to deny the project. Appellant cites a statement by a commissioner during the project hearing as evidence of this intent.

Board Response: This portion of the appeal should be denied. The Planning Commission held a duly notice, fair and impartial hearing for the project. The basis for the determination of the Planning Commission to deny the project is embodied in the findings and evidence of the denial resolution for the project, not upon a statement made by any individual commissioner. The findings and evidence reflect the reasons for the denial of the project, as discussed by the Commission during the hearing.

Contention 2: Findings and decisions not supported by the evidence

Appellant states Finding 2 erroneously concludes the project design does not follow a rural architectural theme. The project was redesigned so that all portions of the project visible from a public viewing area follows a rural architectural theme, and that remaining portions will be screened by landscaping and vegetation. Finally, the density, mass and scale of development on adjacent lots is greater than that of the proposed development.

Board Response: The finding is based on the assessment of the Commission. The Board determination of the project is based on the discussion in the staff report and discussion during the public hearing.

Appellant challenges supporting evidence for Finding 3.

Board Response: The finding and evidence are based on the assessment of the Commission. The Board determination of the project is based on the discussion in the staff report discussion during the public hearing.

Contention 3: Decision contrary to law

Inverse Condemnation

Appellant alleges that “the Planning Commission’s decision to deny self-storage on this commercially-zoned site, at a density consistent with the site constraints and zoning regulations, deprives substantially all reasonable use of appellant’s property and is a violation of the Fifth Amendment of the United States Constitution, which states that ‘Nor shall private property be taken for public use, without just compensation.’ With the exception of self-storage, there are very few, if any, commercial uses for this site that will operate within the available water supply and capture traffic and reduce the number of trips at the intersection of Highway One and Carmel Valley Road.”

Board Response: Although staff continues to recommend approval of the project, denial of this project does not deprive the owner of all economically viable use of the property, and would not constitute a takings.

Discrimination

Appellant alleges “by denying appellant’s project, where similarly-situated properties have been approved for development, the Commission acted contrary to law. If the County imposes land use restriction in such a manner as to discriminate against an individual or an individual’s property, the County has exercised its police power in an unlawful manner. Kissinger vs. City of Los Angeles (1958) 161 Cal.App.2d.454. In this case, the County Planning Commission has singled out the subject property for denial, where the County has approved more intensive, less rural in character, and much more visible development along Carmel Valley Road, thereby clearly discriminating against appellant and the property.

Board Response: The reasons for the denial of the Commission are embodied in the denial resolution for the project. These factors are unique to the project, and are arrived at on a case-by-case basis, through the Use Permit process. See Board responses to contentions 1 and 2 above.

Arbitrary

Appellant alleges "The Planning Commission's finding that the project conflicts with the rural character of the valley and immediately surrounding areas is also arbitrary and capricious. The immediate neighborhood consists of a Safeway, offices, a bank and other commercial uses for which the architecture is not rural in character." The project has been modified to comply with county regulations and policies.

Board Response: The reasons for the denial of the Commission are embodied in the denial resolution for the project. These factors are unique to the project, and are arrived at on a case-by-case basis, through the Use Permit process.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors does hereby approve the Mirabito application (PLN980301) subject to the following conditions:

1. The subject Use Permit (PLN980301) is for a two-story mini-storage warehouse development proposed to be constructed in two phases. Phase One will include a 1,110 square foot office, 29,916 square feet of mini-storage and 33,574 square feet of open storage for boats and RVs. Phase Two will consist of 33,574 square feet of mini-storage to replace the outdoor storage, for a total project size of 64,599 square feet. The project is located 9640 and 9680 Carmel Valley Road (Assessor's Parcel Numbers 169-131-002 and 169-131-003), Carmel Valley. The project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use 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 Planning and Building Inspection. 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. **(Planning and Building Inspection)**
2. The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Board of Supervisors for Assessor's Parcel Numbers 169-131-002 and 169-131-003 on January 13, 2004. The permit was granted subject to 37 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. **(Planning and Building Inspection)**

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. **(Planning and Building Inspection Department)**

4. The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21.08.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. **(Planning and Building Inspection Department)**
5. Phase One of the project shall be reduced in size by 215 square feet to match the existing water demand on the site, as determined by the Monterey Peninsula Water Management District (MPWAMD), unless otherwise approved by the MPWAMD through a water release form. **(Planning and Building Inspection Department)**
6. No building permits shall be issued for Phase Two of the project until a water release form is issued for Phase Two by the Monterey Peninsula Water Management District. **(Planning and Building Inspection Department)**
7. Construction hours of operation or movement of heavy construction equipment shall be limited to between 8:00 a.m. and 6:00 p.m., Monday through Saturday. Said operations shall not occur on Sundays or holidays. All equipment operating in place on the site shall be equipped with mufflers. These limitations shall be printed conspicuously on the project construction drawings. **(Planning and Building Inspection)**
8. Any exterior signs shall be subject to Design Approval, in accordance with Section 21.60.070 (Signs in "D" Districts, and Section 21.44 (structures in "D" districts), and shall be compatible with the architectural design of the facility. **(Planning and Building Inspection)**

Prior to Issuance of Building or Grading Permits:

9. The existing septic systems on Assessors Parcel Numbers 169-313-002 and 169-313-003 shall be destroyed under permit of the Division of Environmental Health. **(Environmental Health)**
10. If deemed necessary by the Division of Environmental Health, abandoned wells on Assessors Parcel Numbers 169-313-002 and 169-313-003 shall be destroyed under permit of the Division of Environmental Health. **(Environmental Health)**
11. The owner shall record a notice stating: *All exterior colors and materials for the self-storage facility shall remain in accordance with the Color and Materials board dated June 27, 2003, on file with the Monterey County Planning and Building Inspection Department, for the life of the structures. All architectural features and elements shall remain as shown on the approved project plans. Any changes to said colors, materials or features shall be subject to Design Approval by the Planning Director to ensure consistency with Policies 26.1.31 and 28.1.20A of the Carmel Valley Master Plan, or similar superceding documents or policies, with regard to compatibility of colors and materials with the surrounding natural and manmade environment, and consistency with a rural architectural theme.*
12. An exterior lighting plan shall be submitted to the Planning Department for review and approval. All exterior lighting shall be designed to direct light downward only. Security flood lighting shall be mounted only within the interior of the project, below the roofline of the perimeter building. **(Planning and Building Inspection)**
13. The applicant shall contract with an archaeological monitor, who shall be present on the site during initial earth moving activities for all proposed disturbances on these parcels. Evidence of a contract with the archaeological monitor shall be submitted to the Planning Department prior to issuance of grading or building permits. If during the course of construction activity on the subject property, cultural, archaeological, historical, 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 it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection 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. **(Planning and Building Inspection)**
14. The applicant shall provide the Director of Planning and Building Inspection certification from a qualified geotechnical engineer that all development, including the septic system, has been designed in accordance with the recommendations of the April 23, 1996 geotechnical report prepared by Soil Surveys, Inc., as updated on August 6, 1998. **(Planning and Building Inspection)**

15. Foundation plans shall be prepared by a structural engineer, for review and approval by the Planning and Building Inspection Department. **(Planning and Building Inspection)**
16. Prior to the issuance of a building permit, the applicant shall obtain from the Monterey County Water Resources Agency proof of water availability on the property in the form of an approved Water Release form. **(Water Resources Agency)**
7. The applicant shall provide to the MCWRA information on the water system to serve the project, including the location of all water wells on the property, any well logs available, and the number of current hookups. **(Water Resources Agency)**
18. The top of bank, as defined in County Floodplain Ordinance #3272, shall be determined by a registered civil engineer or licensed land surveyor and delineated on the site plan. The proposed buildings shall be setback 200 feet from the top of bank. **(Water Resources Agency)**
19. Drainage improvements shall be constructed in accordance with plans by a registered civil engineer addressing on-site and off-site impacts, and the design of stormwater detention/sediment facilities. If, after engineering calculations, sufficient detention storage volume is not available (as shown on the preliminary plan by Sierra Pacific Engineering, 8/3/98), then combined detention/percolation or percolation alone, on-site, shall be explored as alternative drainage mitigation measures. Stormwater from paved driving surfaces shall be routed to oil-grease/water separators before discharge to either detention or percolation. **(Water Resources Agency)**

Prior to Granting of Final Occupancy:

20. The project landscape plan shall not exceed the water use demand factor established by the Monterey Peninsula Water Management District for self storage uses. **(Planning and Building Inspection)**
21. Additional native shrubs in the front setback area shall be planted to compensate for any significant loss of screening function as a result of weed removal, subject to determination by, and approval of the Planning Director. **(Planning and Building Inspection)**
22. Signs shall be posted at the head of each parking stall stating all vehicles parked from 7:00 p.m. to 7:00 a.m. will be towed. **(Public Works and Planning and Building Inspection)**
23. Certification that stormwater retention facility has been constructed in accordance with approved plans shall be provided to the County Water Resources Agency by a registered civil engineer or licensed contractor who constructed the facility. **(Water Resources Agency)**
24. 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. **(Water Resources Agency)**

25. Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site. **(Fire District)**

26. The building(s) shall be fully protected with automatic fire sprinkler system(s). The following notation is required on the plans when a building permit is applied for:

"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code Standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection." (Fire District)

27. The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 - 1993 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing jurisdiction prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be in accordance with Chapter 7 of NFPA 72 - 1993. **(Fire District)**

Continuous Permit Conditions:

28. Landscaping shall remain in conformance with the approved landscape plan. The existing landscaping within the front yard area shall be continuously maintained as shown on, and in substantial conformance with, the project landscape plan. **(Planning and Building Inspection Department)**

29. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. **(Planning and Building Inspection Department)**

30. Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m. daily. **(Planning and Building Inspection)**

31. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. **(Fire District)**
32. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. **(Fire District)**
33. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. **(Fire District)**
34. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. **(Fire District)**
35. Where gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. **(Fire District)**
36. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. **(Fire District)**
37. All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface, shall require a minimum of Class B roof construction. **(Fire District)**

PASSED AND ADOPTED on this 13th day of January, 2004, upon motion of Supervisor Lindley, seconded by Supervisor Johnsen, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Johnsen
NOES: Supervisor Potter
ABSENT: None

I, Sally R. Reed, 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 72, on January 13, 2004.

Dated: January 23, 2004

Sally R. Reed, Clerk of the Board of Supervisors,
County of Monterey, State of California.

By Ann D. Anderson
Deputy

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