

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: March 27, 2014 Time: 1:40 P.M.	Agenda Item No.: 2
Project Description: Consider a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow placement of a 1,760 square foot manufactured home, a wastewater disposal system, a 120 foot long by 15 foot wide driveway, and drainage improvements; and 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat.	
Project Location: 21 Paradise Road, Castroville	APN: 131-131-009-000
Planning File Number: PLN130545	Owner: Betty R Lee Agent: Edward Rinehart
Planning Area: North County Land Use Plan	Flagged and staked: Yes
Zoning Designation: Low Density Residential, with a B-6 Building Site Zoning District Overlay within the Coastal Zone or "LDR/B-6 (CZ)"	
CEQA Action: Categorically Exempt pursuant to Sections 15303 (a) and 15333 of the CEQA Guidelines	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorical Exempt from environmental review pursuant to Sections 15303 (a) and 15333 of the CEQA Guidelines; and
- 2) Approve PLN130545, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

The Applicant proposes placement of a 1,760 square foot manufactured home on an existing vacant parcel, with a wastewater disposal system, a 120 foot long by 15 foot wide driveway, and drainage improvements within 100 feet of environmentally sensitive habitat (ESHA).

The project site is located at 21 Paradise Road, Castroville, in the North County Land Use Plan (LUP) area, Coastal Zone. The parcel is bordered by residential uses to the west, north, and south. The parcel is currently undeveloped. The property is also populated with Coast Live Oak trees and Maritime Chaparral along the western half of the parcel and contains potential riparian vegetation along the eastern property line adjacent to Paradise Canyon Road.

See the attached project discussion for a detailed project overview (**Exhibit B**).

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ North County Fire Protection District
- √ RMA - Building Department (Urbanized Area)
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by RMA - Planning Department, RMA - Public Works Department, the Environmental Health

Bureau, Water Resources Agency have been incorporated into the Condition Compliance /Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was not referred to the North County Coastal 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 not warrant referral to the LUAC because the project does not involve a variance, it does not require a Design Approval subject to the approval of the Zoning Administrator or Planning Commission, and the project is exempt from CEQA.

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

/s/ Joseph Sidor 

Joseph Sidor, Associate Planner
(831) 755-5262, SidorJ@co.monterey.ca.us
March 11, 2014

cc: Front Counter Copy; Zoning Administrator; North County Fire Protection District; RMA-Public Works Department; RMA-Building Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; John Ford, Planning Services Manager; Joseph Sidor, Project Planner; Betty R Lee, Owner; Edward Rinehart, Agent; The Open Monterey Project; LandWatch; Planning File PLN130545

Attachments: Exhibit A Project Data Sheet
 Exhibit B Project Discussion
 Exhibit C Draft Resolution, including:
 • Conditions of Approval
 • Site Plan, Floor Plan and Elevations
 Exhibit D Vicinity Map

This report was reviewed by John Ford, Planning Services Manager 

EXHIBIT A

Project Information for PLN130545

Application Name: Lee Betty R
Location: 21 Paradise Rd, Castroville
Applicable Plan: North County LCP
Primary APN: 131-131-009-000
Advisory Committee: North County-Coastal Advisory Committee
Coastal Zone: Yes
Permit Type: Combined Development Permit
Final Action Deadline (884): 3/22/2014
Environmental Status: Categorical Exemption
Zoning: LDR/B-6(CZ)
Land Use Designation: Residential - Low Density

Project Site Data:

Lot Size: 5
Existing Structures (sf): 0
Proposed Structures (sf): 1760
Total Sq. Ft.: 1760
Coverage Allowed: 15%
Coverage Proposed: 1%
Height Allowed: 30'
Height Proposed: 15'
FAR Allowed: NA
FAR Proposed: NA
Special Setbacks on Parcel:

Resource Zones and Reports:

Seismic Hazard Zone: IV
Erosion Hazard Zone: High
Fire Hazard Zone: High
Flood Hazard Zone: X (unshaded)
Archaeological Sensitivity: low
Visual Sensitivity: None
Soils Report #: NA
Biological Report #: LIB140095
Forest Management Rpt. #: NA
Geologic Report #: NA
Archaeological Report #: NA
Traffic Report #: NA

Other Information:

Water Source: WELL
Water Purveyor: NA
Fire District: North County FPD
Tree Removal: 0
Grading (cubic yds.): 0
Sewage Disposal (method): SEPTIC
Sewer District Name: NA

EXHIBIT B DISCUSSION

Project Issues

Environmentally Sensitive Habitat Area (ESHA): The project includes a Coastal Development Permit to allow development within 100 feet of ESHA.

The parcel is located on an undeveloped residential parcel. Per the biological survey conducted by Ed Mercurio, the property contains various ESHA; however, the project has been designed for development within the boundaries of non-native grassland community.

Project work will occur within the mapped area of the non-native grassland, which is not designated as ESHA, but is located within 100 feet of ESHA; however, the existing driveway, which crosses over an area of potential riparian vegetation, will be improved to accommodate emergency response access. The access is existing and the driveway along with the area required for emergency response access will be re-graveled; only minimal grading will be required for the driveway and no removal of vegetation will occur.

The biological survey prepared for the project concluded that the home site is situated on a buildable area as far from the riparian vegetation as possible in order to avoid impacts to sensitive species or habitat.

The proposed manufactured home and wastewater disposal system is sited outside of the of the adjacent areas of ESHA, located east of the Coast Live Oak forest area, consistent with LUP Policy 2.3.3.A.4. No tree removal is proposed, and the County has applied Condition No. 5 to ensure protection of the Coast Live Oak forest area adjacent to the construction area. In addition, the County has applied Condition No. 9 to require restoration of the existing degraded riparian/drainage area, which is consistent with North County LUP Policies 2.3, which requires that development adjacent to ESHA shall be protected, maintained, and where possible, enhanced and restored (See Finding No 7).

Environmental Review

California Environmental Quality Act (CEQA) Guidelines Section 15303 (a), Class 3, categorically exempts one single-family residence in a residential zone. The project consist of the placement of a 1,760 square foot manufactured home, which is the first residence on the property, the construction of a wastewater disposal system, a 120 foot long by 15 foot wide driveway, and related drainage improvements in a residentially zoned district. Therefore, the project is consistent with the parameters of the Class 3 categorical exemption.

California Environmental Quality Act (CEQA) Guidelines Section 15333, Class 33, categorically exempts projects not exceeding five acres in size that assure the maintenance, restoration, enhancement, or protection of habitat. The subject property is 5 acres; the project is designed to avoid impacts to sensitive habitat, and a condition of approval which requires restoration of the existing degraded riparian/drainage area has been incorporated (See Finding No. 7). Therefore, the project is consistent with the parameters of the Class 33 categorical exemption.

Recommendation

Staff recommends the Zoning Administrator approve the project as proposed and conditioned.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

Betty R Lee (PLN130545)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Finding the project Categorically Exempt pursuant to Sections 15303 (a) and 15333 of the CEQA Guidelines; and
- 2) Approving a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow for the placement of a 1,760 square foot manufactured home, and the construction of a wastewater disposal system, a 120 foot long by 15 foot wide driveway, and drainage improvements; and 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat.

[PLN130545, Betty R Lee, 21 Paradise Road, Castroville, North County Land Use Plan (APN: 131-131-009-000)]

The Betty R Lee application (PLN130545) came on for public hearing before the Monterey County Zoning Administrator on March 27, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow for the placement of a 1,760 square foot manufactured home, a wastewater disposal system, a 120 foot long by 15 foot wide driveway, and drainage improvements; and 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat.
EVIDENCE: 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 PLN130545.

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been

reviewed for consistency with the text, policies, and regulations in:

- North County Land Use Plan
- North County Coastal Implementation Plan (Part 2)
- Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 21 Paradise Road, Castroville (Assessor's Parcel Number 131-131-009-000), North County Land Use Plan. The parcel is zoned Low Density Residential, with a B-6 Building Site Zoning District Overlay within the Coastal Zone or "LDR/B-6 (CZ)", which allows the first single family dwelling per legal lot of record, subject to a Coastal Administrative Permit. Therefore, the project is an allowed land use for this site.
- c) The parcel zoning includes a Building Site or "B-6" Zoning District overlay, which restricts any further subdivision of the parcel. The subject application does not involve a subdivision.
- d) The proposed project is consistent with applicable policies of the North County Coastal Implementation and Land Use Plans. See Finding No. 7.
- e) The subject parcel is a legal lot of record located within the Spanish Spur Subdivision. The map of the Spanish Spur Subdivision was recorded on August 16, 1974, and can be found in Volume 12, C&T, Page 66.
- f) The project was not referred to the North County Coastal 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 not warrant referral to the LUAC because the project is exempt from CEQA, does not involve a lot line adjustment, is not a variance, does not require a Design Approval subject to the approval of the Zoning Administrator or Planning Commission, and is exempt from CEQA.
- g) The project planner conducted a site inspection on August 22, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- h) 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 PLN130545.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Biological Resources. The following reports have been prepared:
 - "Biological Survey" (LIB140095) prepared by Ed

Mercurio, Salinas, CA, October 2, 2013.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) See Finding No. 7.
- d) Staff conducted a site inspection on August 22, 2013 to verify that the site is suitable for this use.
- e) 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 PLN130545.

4. **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 the RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies 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.
 - b) Necessary public facilities are available and will be provided. The Environmental Health Bureau reviewed the project application, and recommended conditions. All recommended conditions of approval have been incorporated. The Environmental Health Bureau determined there is adequate area for a primary and secondary septic system. A condition has been placed on the property for Onsite Wastewater Treatment System Design (See Condition No. 10). A source capacity test for onsite well was completed. A condition to collect a perchlorate sample prior to issuance of construction permit has been incorporated (See Condition No. 11).
 - c) See Finding Nos. 2, 3, and 5.
 - d) Staff conducted a site inspection on August 22, 2013 to verify that the site is suitable for this use.
 - e) 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 PLN130545.

5. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and

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

- b) Staff conducted a site inspection on August 22, 2013 and researched County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) 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 PLN130545.

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

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 (a), Class 3, categorically exempts one single-family residence in a residential zone.
 - b) The project consist of the placement of a 1,760 square foot manufactured home, which is the first residence on the property, the construction of a wastewater disposal system, a 120 foot long by 15 foot wide driveway, and related drainage improvements in a residentially zoned district. Therefore, the project is consistent with the parameters of the Class 3 categorical exemption.
 - c) California Environmental Quality Act (CEQA) Guidelines Section 15333, Class 33, categorically exempts projects not exceeding five acres in size that assure the maintenance, restoration, enhancement, or protection of habitat.
 - d) The subject property is 5 acres; the project is designed to avoid impacts to sensitive habitat, and a condition of approval which requires restoration of existing degraded riparian/drainage area has been incorporated (See Finding No. 7). Therefore, the project is consistent with the parameters of the Class 33 categorical exemption.
 - e) No adverse environmental effects were identified during staff review of the development application during a site visit on August 22, 2013.
 - f) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a historical resource, is not located on a scenic highway, and does not have a significant or cumulative impact on the environment.
 - g) Staff conducted a site inspection on August 22, 2013 to verify that the site is suitable for this use.
 - h) 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 PLN130545.

7. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the North County Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development

- is required and the criteria to grant said permit have been met.
- b) Pursuant to LUP Policy 2.3.2.1, the project avoids development within the identified ESHA areas. The existing access road will be improved to accommodate emergency response access.
Pursuant to LUP Policy 2.3.3.A.4, the project design avoids development on and disturbance of oak woodland and slopes in excess of 25 percent.
 - c) Pursuant to LUP Policy 2.3.3.B.1, the applicant and staff have worked with the biologist to identify the best location for development, including the driveway and wastewater disposal system; however, site limitations do not allow for a fifty foot setback from an area of potential riparian vegetation. The project has been designed to maximally protect ESHA. Condition No.9 has been applied to require restoration of the degraded riparian/drainage area located along the northeastern property line of the subject parcel.
 - d) The driveway exists, entering from Paradise Canyon Road and crossing over the potential riparian vegetation to the non-native grassland area, in which the residence will be placed and the required access road will be improved to accommodate emergency response access. Based on the biological survey and staff review, it was determined that improving the existing driveway to accommodate emergency response access would be most appropriate to minimize possible impacts to the potential riparian vegetation.
 - e) The biological survey recommends the placement of a conservation easement extending from the edge of Paradise Canyon Road to at least fifty feet into the subject property; however, the identified area is within an existing 75 foot wide drainage easement measuring from the edge of Paradise Canyon Road, and development is restricted within the easement area.
 - c) The project planner conducted a site inspection on August 22, 2013 to verify ESHA locations and potential project impacts to ESHA.
 - f) 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 PLN130545.

8. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) 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 PLN130545.

e) The project planner conducted a site inspection on August 22, 2013.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.80.A.2 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project is within County jurisdiction and is located within 100 feet of a wetland.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project Categorically Exempt pursuant to Sections 15303 (a) and 15333 of the CEQA Guidelines; and
2. Approve a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow for the placement of a 1,760 square foot manufactured home, and the construction of a wastewater disposal system, a 120 foot long by 15 foot wide driveway, and drainage improvements; and 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 27th day of March, 2014 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, 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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 11-06-2013

Monterey County Planning Department

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

PLN130545

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development permit (PLN130545) allows the placement of a 1,760 square foot manufactured home on an existing vacant parcel, and the construction of a wastewater disposal system, a 120 foot long by 15 foot wide driveway, and drainage improvements. The property is located at 21 Paradise Road, Castroville (Assessor's Parcel Number 131-131-009-000), North County Land Use Plan. 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: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number ***) was approved by Zoning Administrator for Assessor's Parcel Number 131-131-009-000 on March 27, 2014. The permit was granted subject to 15 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. 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/her/its 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, recordation of the certificates of compliance 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)

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 for review and signature by the County.

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

4. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of RMA - Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to RMA - Planning and RMA - Building Services for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and the Director of RMA - Building Services.

Prior to final inspection, the Owner/Applicant shall provide evidence of compliance with the Implementation Schedule to RMA - Planning Department and RMA - Building Services.

5. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

6. PD012(H) - LANDSCAPING PLAN (NO. COUNTY NATIVE)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from RMA - Planning. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

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

Responsible Department: Planning Department

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.

8. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A Biological Survey (Library No. LIB140095), was prepared by Ed Mercurio on October 2, 2013 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."
(RMA - Planning)

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

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

9. PD033 -RESTORATION NATURAL MATERIALS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of RMA - Planning. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading or building permit, the Owner/Applicant shall submit a draft restoration plan to RMA - Planning for review and approval.

Prior to final inspection or commencement of use, the Owner/Applicant shall begin implementation of the approved plan.

Within one year of implementation, the Owner/Applicant shall submit evidence from a qualified biologist to RMA - Planning confirming completion of the restoration plan requirements.

The Owner/Applicant shall submit annual monitoring reports from a qualified biologist to RMA - Planning for a period of two years following completion of restoration plan requirements.

10. EHSP01- ONSITE WASTEWATER TREATMENT SYSTEM

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The Environmental Health Bureau (EHB) has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system (OWTS) plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. Control Board.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permit, submit an OWTS application and design plans for review and approval by the EHB. Applicant shall obtain a permit to install the OWTS from EHB.

11. EHSP02- NEW DOMESTIC WELL WATER QUALITY ANALYSIS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: A residential building shall be provided with an adequate supply of potable water pursuant to Section 601.1 of the Uniform Plumbing Code. The water quality analysis collected on November 13, 2013 and reported by Soil Control Lab did not include the primary standard perchlorate. Perchlorate water quality analysis results shall be submitted to EHB for review and acceptance prior to issuance of a construction permit. Sample collection shall be done by a person approved by EHB and shall be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP). If water quality results indicate that the well exceeds the primary drinking water standard for perchlorate, a Point-of-Entry treatment system shall installed before a building is occupied and the applicant shall record a deed restriction indicating that treatment is necessary for the well water to meet Title 22, CCR primary drinking water standards.

Compliance or Monitoring Action to be Performed: Prior to the issuance of a construction permit, the applicant shall submit perchlorate water quality analysis results to the Environmental Health Bureau (EHB) for review. If EHB determines that the water quality is adequate, no further action is required.

If EHB determines that treatment is necessary:

- Prior to issuance of building permits, the applicant shall provide plans prepared by a qualified individual for point-of-entry treatment to EHB for review and approval.

- Prior to occupancy of a building, the applicant shall provide to EHB for review and approval as-built plans prepared by a qualified individual for point-of-entry treatment and water quality analysis for a treatment effluent sample that demonstrates the treatment system is able to reduce the contaminant(s) to Title 22,CCR primary standards.

The applicant shall submit a draft deed restriction for review and approval by EHB and County Counsel.

The applicant shall provide proof of recordation of the approved deed restriction to EHB and Planning Department.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

12. WR003 - DRAINAGE PLAN - RETENTION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts. The plan shall include stormwater retention/percolation facilities. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

13. WR010 - COMPLETION CERTIFICATION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a registered civil engineer or licensed contractor that stormwater retention facilities have been constructed in accordance with the approved drainage plan. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to the Water Resources Agency prepared by a registered civil engineer or licensed contractor.

14. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Paradise Road.

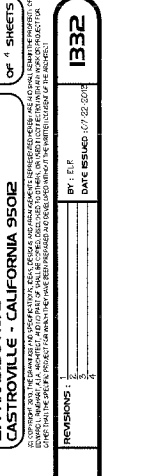
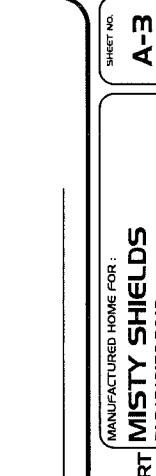
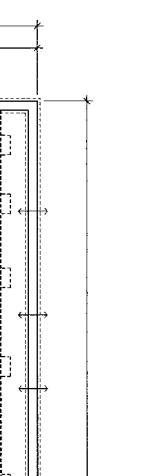
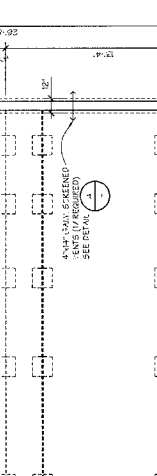
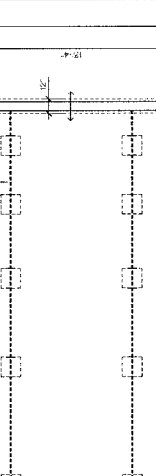
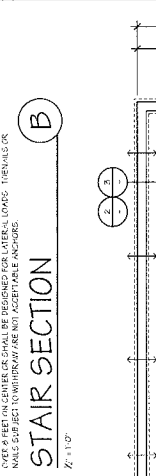
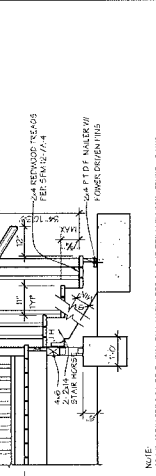
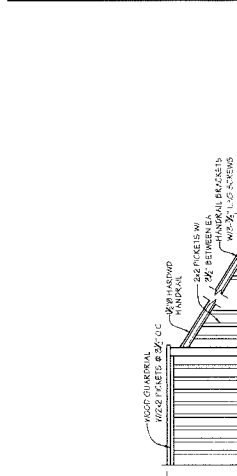
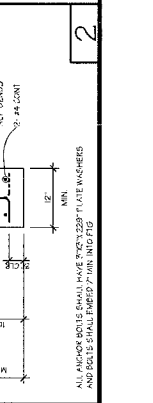
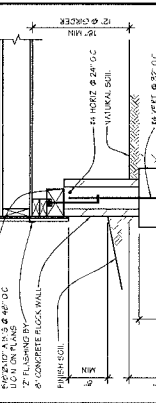
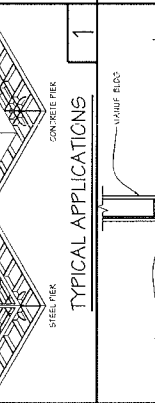
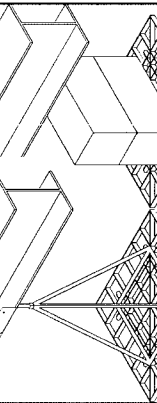
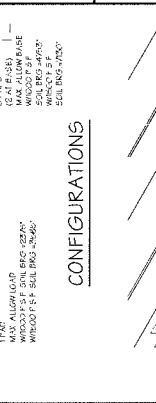
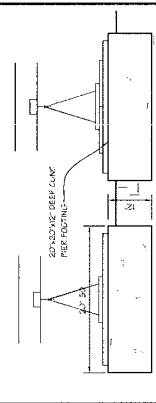
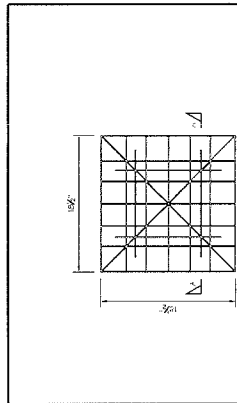
Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

15. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

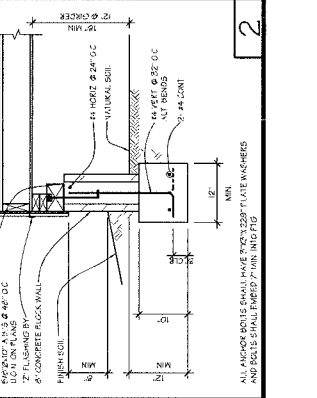
Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.



NOTES

1. THE SOIL ENGINEER SHALL INSPECT AND APPROVE THE FOUNDATION PLAN BEFORE CONSTRUCTION. A BUILDING PERMIT MUST BE OBTAINED PRIOR TO FOUNDATION INSPECTION.
2. HOLD DOWN DEVICES MUST BE SECURED IN PLACE PRIOR TO FOUNDATION INSPECTION.
3. FASTENERS IN PRESISTING PRECAST CONCRETE (ANCHOR BOLTS, NAILS, SCREWS, ETC.) EXCLUDING INTERIOR WALLS SHALL BE APPROVED GALVANNEZ OR COPIES, STAINLESS STEEL OR HOT-DIPPED ZINC-COATED STEEL (G30-2004-93).
4. PROVIDE FINAL SOILS REPORT (OF FINAL COMPACTION REFLECTOMETRY) PRIOR TO FOUNDATION INSPECTION. THIS REPORT SHALL INDICATE THAT THE SOILS MEASURED BY THE ENGINEER ARE SUITABLE FOR THE FOUNDATION. THE REPORT SHALL BE REVIEWED AND APPROVED BY THE SOIL ENGINEER.
5. SOIL ENGINEER SHALL INSPECT ALL FOUNDATION EXCAVATIONS PRIOR TO CONCRETE POURING AND OBSERVE ALL REQUIRED ANCHORS INCLUDING UNDERSLUFF ANCHORS.
6. PRIOR TO FINISHING FOUNDATION, A LIBERATED PROFESSIONAL SHALL PERFORM A FOUNDATION INSPECTION. THIS REPORT SHALL INDICATE THAT THE FOUNDATION IS AS SHOWN AND CERTIFY THAT THE CONSTRUCTION OF THE FOUNDATION IS IN ACCORDANCE WITH THE ARCHITECTURAL PLAN AND NO DEVIATION FROM THE APPROVED PLAN.

TYPICAL APPLICATIONS



MANUFACTURED HOME FOR:

MISTY SHIELDS
21 PARADISE ROAD
CASTROVILLE - CALIFORNIA 95002

EDWARD L. RINEHART
A.I.A. ARCHITECT

107 CHURCH STREET - SALINAS - CALIFORNIA 93901
PH: (831) 426-0896
FAX: (831) 426-0896
EMAIL: ed@edrhart.com

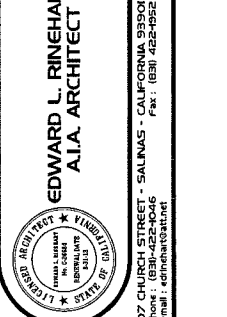
REVISIONS:

DATE ISSUED: 1-27-2012

BY: E.L.R.

DATE ISSUED: 1-27-2012

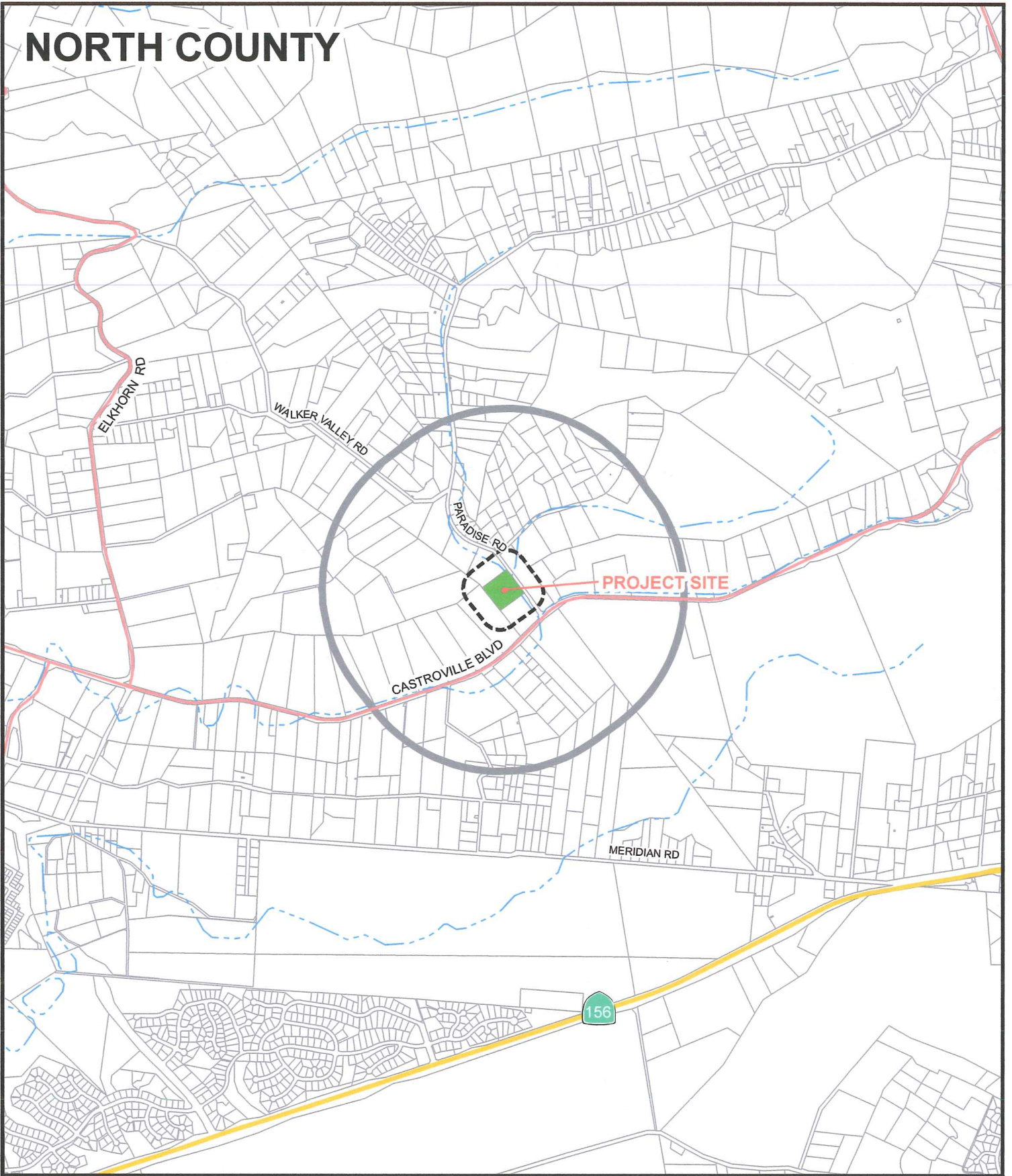
SHEET NO. **A-3** OF 4 SHEETS



UNDERSLUFF VENTILATION REQUIRED
PER 17000 - 1702.9 F
UNDERSLUFF VENTILATION REQUIRED
PER 17000 - 1702.9 F
TOTAL = 1003.3 Q IN / 144 = 7.03 Q F

SOIL INSULATION REPORT BY
LAWRENCE L. GRIZZARD
4000 BOWEN AVENUE
PH: (831) 422-3819
FAX: (831) 422-3819

NORTH COUNTY

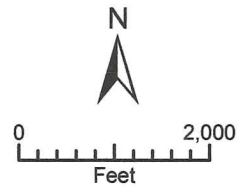


APPLICANT: LEE

APN: 131-131-009-000

FILE # PLN130545

 2500' Limit  300' Limit  Water  City Limits



PLANNER: NEGRETE