

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: September 13, 2007 Time: 1:50 P.M.		Agenda Item No.: 7
Project Description: General Development Plan and Combined Development Permit consisting of: 1) A Use Permit for a 2,845 square foot auto repair shop; and 2) A Use Permit for a landscaping installation and supply business to include: (A) a 1,500 square foot landscaping and supply building; (B) Conversion of 2/3 of a three-car garage to a one-car garage in order to construct a 400 square foot landscaping business office; (C) a 2,000 square foot retail landscape outdoor sales area; and (D) a 4,000 square foot landscape contractor's yard.		
Project Location: 11575 Merritt Street, Castroville		APN: 030-255-007-000
Planning File Number: PLN050373		Name: Jose L. Andrade, Property Owner; Alex Reynoso c/o In-Studio Architecture, Agent
Plan Area: North County Area Plan		Flagged and staked: No
Zoning Designation: : "LC-Z" [Light Commercial Zoning District, Regulations for Improvement Zoning District]		
CEQA Action: Categorically Exempt per Section 15303 (c)- New Construction or Conversion of Small Structures		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator approve the General Development Plan and Combined Development Permit based on the Findings and Evidence (**Exhibit C**) and subject to the recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

See attached Discussion in **Exhibit B**.

OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Sheriff's Office
- ✓ Housing and Redevelopment Office

The above checked agencies and departments have reviewed this project. Conditions recommended by the RMA- Planning Department, North County Fire Protection District, Public Works Department, Environmental Health Division, Water Resources Agency and the Sheriff's Office have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was not referred to the North County Non-Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions; the project does not involve ridgeline/viewshed development; the project is exempt from CEQA per Section 15303 (c); and the project does not involve a variance.

The project was referred to the Castroville Citizens Advisory Committee (CAC) meeting. The CAC recommended approval of the project with several recommendations, which have been incorporated in the condition compliance reporting plan (**Exhibit D**).

Note: The decision on this project is appealable to the Planning Commission.

Nadia Amador, Assistant Planner
(831) 755-5114, amadorn@co.monterey.ca.us
August 16, 2007

cc: Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Housing and Redevelopment Office; Sheriff's Office; Laura Lawrence, Planning & Building Services Manager; Nadia Amador, Planner; Carol Allen, Jose L. Andrade, Owner; In Studio Architecture c/o Alex Reynoso, Agent; Planning File PLN050373.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Overview/Discussion
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	General Development Plan Statement
	Exhibit F	Recommendations of the Castroville Citizens Advisory Committee
	Exhibit G	Site Plan, Elevations, Floor Plans

This report was reviewed by Laura Lawrence, Planning and Building Service Manager.

EXHIBIT B

DISCUSSION

Project Setting

The project site 36,800 square foot parcel located at 11575 Merritt Street in Castroville. The project site is relatively flat with the exception of a 50% downward slope at the rear of the property that is 155 wide by 13 feet deep. No development is proposed on this section. The property is zoned Light Commercial with Regulations for Improvement Zoning District (LC-Z). The property has an existing 2,845 square foot warehouse structure located at the west side of the parcel which was established in 1941 as Nicolalaides Iron and Steel Shop, a 1,688 square feet two-story single family residence with an attached 3-car garage located to the east of the warehouse structure and an existing 180 square foot tool shed at the rear of the warehouse and single family residence. The property is predominantly vacant on the east side of the property. The surrounding properties immediately to the north, east, west and south are also zoned Light Commercial with Regulations for Improvement Zoning District (LC-Z). The parcel located to the east of the subject property is currently vacant (APN 030-255-006-000). An alley next to the subject property exists on the west side. This alley serves residences adjacent to the subject lot. To the rear of the subject property, single family residences are also located. Although the surrounding areas are zoned Light Commercial, several of the adjacent homes are located within this zoning designation.

Proposed Project and Site Development Standards

The applicant is proposing a commercial operation on this Light Commercial parcel. The proposal includes the following: A General Development Plan and Combined Development Permit consisting of:

- 1) A Use Permit for a 2,845 square foot auto repair shop; and
- 2) A Use Permit for a landscaping installation and supply business to include:
 - (A) a 1,500 square foot landscaping and supply building;
 - (B) Conversion of 2/3 of a three-car garage to a one-car garage in order to construct a 400 square foot landscaping business office;
 - (C) a 2,000 square foot retail landscape outdoor sales area; and
 - (D) a 4,000 square foot landscape contractor's yard

A General Development Plan is required per Monterey County Zoning Ordinance, Section 21.18.030 because there is no prior General Development Permit on the project site and the development proposes more than one use. An auto repair facility is an allowed use subject to a Use Permit per Monterey County Zoning Ordinance Section 21.18.060. BB and the landscaping installation and supply business which will include a landscape and supply building, an office, and a landscape contractor's yard are allowed uses per Section 21.18.060.F, P, and CC. An existing 180 square foot shed located on the west side of the parcel will be demolished. The proposed project will be developed in three phases and will require an incorporated signage program as a condition of approval for the review and approval of the different business signs for each use (see *General Development Plan/Operation* section).

Proposed site improvements include: installing landscaping and a trash enclosure, new driveways and abandonment of existing driveway, new fence layout, remodeling of existing storage unit into an auto repair shop, and new paved parking area.

The project meets the parking requirements. The required number of spaces is 25 stalls. The project proposes the establishment of 27 stalls including 2 ADA stalls and 1 loading stall. No grading or tree removal is proposed.

The project meets the Light Commercial Zoning District Site Development Standards. The proposed lot coverage is 17.5%, which is less than the maximum allowed of 50%. The maximum height of a structure in the Light Commercial Zoning District ("LC") is 35 feet. The new proposed landscaping supply building is 28 feet in height. Setbacks for development where a General Development Plan is required shall be established given based on surrounding land use, provision of adequate parking and landscaping and other design standards. In this particular case, the proposed project's setbacks are consistent with other surrounding commercial properties, the project is providing adequate parking spaces and the project will be consistent with the minimum 10% landscaping covering requirement. Furthermore, the project was referred to all applicable agencies for review and comment, including the North County Fire District. There were no comments from these agencies that the project's setbacks conflicted with any ordinances or codes. Based on this information, the proposed development has adequate setbacks.

County resource maps identify the subject parcel within an area of High Archaeological Sensitivity Zone. An Archaeological Policy Compliance Waiver was approved on August 17, 2005 based on the following: 1) Staff field check verifying that no artifacts or archaeological site exists on the property; and 2) Evidence that prior disturbance has destroyed any possible recovery of information of archaeological historical or paleontological resources which will be affected by the proposed project.

County resource maps identify the subject parcel within a Seismic VI Geological Hazard Area. A Geotechnical Investigation was prepared for the project which identified that the proposed site was suitable for the proposed use subject to geotechnical considerations. These have been incorporated into the conditions of approval.

Castroville Redevelopment Area Citizen's Advisory Subcommittee (CAC)

On January 31, 2007 and July 18, 2007 presentations were made to the Castroville CAC. At the latter meeting, the CAC accepted the project subject to the following recommended conditions of approval and/or comments:

1. **Landscaping**: Emphasis should be given to ensuring that the site is attractively landscaped. A row of evergreen trees should be required to be installed along the rear property line to provide visual screening from the existing residential units located to the east of the site. The proposed parking lot should be landscaped with trees and shrubs to present an attractive image from Merritt Street. The Use Permit should require proper maintenance of the landscaping.
2. **Lighting**: The final lighting plan should be reviewed to ensure that the lighting is directed downward and does not impact surrounding properties.
3. **Operations**: The Use Permit should contain a specific condition that prohibits parking of vehicles in the alley located on the north side of the project site. The Use Permit should also prohibit the stockpiling of loose landscape materials, such as soil and mulch, that could result in dust impacts.
4. **Signage**: The applicant indicated that he would be replacing the existing signage that is located on the site with new signage. The CAC is requesting that a coordinated signage program be adopted with the project approval with particular emphasis on an attractive monument sign.

These recommended conditions have been incorporated to the conditions of approval (**Exhibit D**).

General Development Plan/Operation

The General Development Plan and Combined Development Permit consist of the following:

- 1) A Use Permit for a 2,845 square foot auto repair shop; and
- 2) A Use Permit for a landscaping installation and supply business to include:
 - (A) a 1,500 square foot landscaping and supply building;
 - (B) Conversion of 2/3 of a three-car garage to a one-car garage in order to construct a 400 square foot landscaping business office;
 - (C) a 2,000 square foot retail landscape outdoor sales area; and
 - (D) a 4,000 square foot landscape contractor's yard.

The proposed project will be implemented in the following three phases:

Phase I consists of an auto repair shop business in an existing warehouse building, to be implemented as soon as possible. The business will employ 2-3 employees between the hours of 9 a.m. to 6 p.m. Monday through Saturday.

Phase II consists of landscaping contracting services to be conducted off-site and an on-site retail landscape supply business open to the public. This phase will be immediately constructed after Phase I is complete. It will include: (1) conversion of 2/3 of a three-car garage to a one-car garage in order to accommodate for a 400 square foot office; (2) a 2,000 square foot retail landscape outdoor sales area; (3) a 4,000 square foot outdoor landscape contractor's yard. The business will employ 3 employees between the hours of 9 a.m. to 6 p.m. Monday through Saturday.

Phase III is intended to be implemented within two years of implementing Phase I. This phase involves the construction of a 1,500 square foot landscaping & supply display building. This building is intended to support the proposed landscape businesses. The hours of operation shall be 9 a.m. to 6 p.m. Monday through Saturday and it will employ one (1) employee.

Any replacement or new signs shall conform to Monterey County Code Section 21.60 *Regulations for Signs*. The applicant will submit a coordinated signage program addressing all signs for each proposed commercial use on the property. A monument sign shall also be incorporated. The signs shall be unobtrusive and attractive.

CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15303 (c), categorically exempts a store, motel, office restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The proposed General Development Plan and Combined Development Permit meets all of the above criteria in the following manner:

- The proposed General Development Plan and Combined Development Permit is located in the urbanized town of Castroville;
- The proposal is for a commercial operation in a commercial district where an existing 2,845 square foot auto repair shop exists, a new 400 square foot office conversion will occur, and the construction of a new 1,500 square foot landscaping and supply building is proposed. These structures total to 4,745 square feet in floor area. In addition, the project proposes a 2,000 square foot outdoor sales area and a 4,000 square foot

- contractor's yard area, but these additional uses will not involve the construction of structures. Therefore, the total amount of commercial buildings is three (3) and the total amount of commercial floor area is 4,745 square feet;
- The proposal will not involve the use of significant amounts of hazardous substances;
- The Castroville Water District will provide the project with the necessary public services such as water supply and sewage disposal;
- The project is not within and it is not surrounded by an environmentally sensitive area.

Conclusion

Based on the above discussion and staff review of the site conditions, staff believes that the necessary findings can be made for the granting of the General Development Plan and Combined Development Permit and therefore recommends that the project be granted subject to the proposed findings and evidence and recommended conditions of approval.

EXHIBIT C

RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, the Castroville Community Plan, North County Area Plan, North County Area Plan Inventory and Analysis, and the Monterey County Zoning Ordinance Title 21, which designates this area as appropriate for commercial development.

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
- (b) The property is located at 11575 Merritt Street, Castroville (Assessor's Parcel Number 030-255-007-000), North County Area Plan. The parcel is zoned Light Commercial Zoning District, Regulations for Improvement Zoning District ("LC-Z"). The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 21, and is therefore suitable for the proposed development.
- (c) The project's uses are consistent with the adopted Castroville Community Plan. The Castroville Community Plan designates this area as "mixed use".
- (d) The design of the project is consistent with the draft *Design Guidelines* and *Development Standards* contained in Appendix A and B of the Castroville Community Plan.
- (e) The project planner conducted a site inspection on January 11, 2007 and July 18, 2007 to verify that the project on the subject parcel conforms to the plans listed above.
- (f) The parcel is a legal lot of record pursuant to the 1964 Assessor's Parcel Book and Government Code Section 66499.35 (c).
- (g) The Castroville Citizens Advisory Committee (CAC) met on January 31, 2007 and on July 18, 2007. The CAC recommended approval of the project subject to incorporating conditions of approval. These conditions have been incorporated into the Condition Compliance Plan.
- (h) The project was not referred to the North County Non-Coastal Land Use Advisory Committee (LUAC) for review. Based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 04-236, this application did not warrant referral to the LUAC because the project does not involve slope restrictions; the project does not involve ridgeline/viewshed development; the project is exempt from CEQA per Section 15303 (c); and the project does not involve a variance.
- (i) 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 PLN050373.

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

EVIDENCE: (a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works, Environmental Health Division, Water Resources Agency, Office of Housing and Redevelopment and the Sheriff's Office. 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) Technical reports by outside geotechnical and traffic 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 concurs. The following reports have been prepared:

“*Geotechnical Investigation*” (LIB070391) prepared by Ali M. Oskoorouchi, Ph.D., P.E., G.E., Scotts Valley, CA, May 8, 2007.

“*Traffic Impact Fee Calculations for PLN050373*” (LIB070103) prepared by Pinnacle Traffic Engineering, Hollister, CA., January 9, 2007.

“*Supplement Data for Traffic Impact Fee Calculations for PLN050373*” (LIB070392) prepared by Pinnacle Traffic Engineering, Hollister, CA., March 1, 2007.

(c) An Archaeological Policy Compliance Waiver was approved on August 17, 2005 based on the following: 1) Staff field check verifying that no artifacts or archaeological site exists on the property; and 2) Evidence that prior disturbance has destroyed any possible recovery of information of archaeological historical or paleontological resources which will be affected by the proposed project.

(d) Staff conducted a site inspection on January 11, 2007 and July 18, 2007 to verify that the site is suitable for this use.

(e) Materials in Project File PLN050373.

3. **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 (c), categorically exempts a store, motel, office restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The proposed General Development Plan and Combined Development Permit meets all of the above criteria in the following manner:

- The proposed General Development Plan and Combined Development Permit is located in the urbanized town of Castroville;
- The proposal is for a commercial operation in a commercial district where an existing 2,845 square foot auto repair shop exists, a new 400 square foot office conversion will occur, and the construction of a new 1,500 square foot landscaping and supply building is proposed. These structures total to 4,745 square feet in floor area. In addition the project proposes a 2,000 square foot outdoor sales area and a 4,000 square foot

contractor's yard area, but these additional uses will not involve the construction of structures. Therefore, the total amount of commercial buildings is three (3) and the total amount of commercial floor area is 4,745 square feet;

- The proposal will not involve the use of significant amounts of hazardous substances;
- The Castroville Water District will provide the project with the necessary public services such as water supply and sewage disposal;
- The project is not within and it is not surrounded by an environmentally sensitive area.

(b) No adverse environmental effects were identified during staff review of the development application during a site visit on January 11, 2007 and July 18, 2007.

(c) The Traffic Study prepared by Pinnacles Traffic Engineering identified that the proposed project would have "little to no impact on the local street system" and therefore the project would not cause a measurable impact on the local street system.

(d) See preceding and following findings and supporting evidence.

4. **FINDING: NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.

5. **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) Preceding findings and supporting evidence.

6. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Planning Commission.

EVIDENCE: Section 21.80.040.A. Monterey County Zoning Ordinance Title 21.

<p align="center">EXHIBIT D</p> <p align="center">Monterey County Resource Management Agency</p> <p align="center">Planning Department</p> <p align="center">Condition Compliance and/or Mitigation Monitoring Reporting Plan</p>	<p>Project Name: Jose L. Andrade</p> <p>File No: PLN050373 APNs: 030-255-007-000</p> <p>Approved by: Zoning Administrator Date: September 13, 2007</p>
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.		<p>PD001 - SPECIFIC USES ONLY</p> <p>This General Development Plan and Combined Development Permit (PLN050373) consisting of: 1) a Use Permit for a 2,845 square foot auto repair shop; and 2) a Use Permit for a landscaping installation and supply business to include: (A) a 1,500 square foot landscaping and supply building; (B) conversion of 2/3 of a three-car garage to a one-car garage and a 400 square foot landscaping business office; (C) a 2,000 square foot retail landscaping outdoor sales area; and (D) a 4,000 square foot landscape contractor's yard. The proposed project will be implemented in the following three phases:</p> <p>Phase I consists of an auto repair shop business in an existing warehouse building. The business will employ 2-3 employees between the hours of 9 a.m. to 6 p.m. Monday through Saturday;</p> <p>Phase II consists of landscaping contracting services to be conducted off-site and an on-site retail landscape supply business open to the public. It will include: (1) conversion of 2/3 of a three-car garage to a one-car garage in order to accommodate for a 400 square foot office; (2) a 2,000 square foot retail landscape outdoor sales area; (3) a 4,000 square foot outdoor landscape contractor's yard. The business will employ 3 employees between the hours of 9 a.m. to 6 p.m.</p>	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		<p>Monday through Saturday;</p> <p>Phase III consists of the construction of a 1,500 square foot landscaping & supply display building. This building is intended to support the proposed landscape businesses. The hours of operation shall be 9 a.m. to 6 p.m. Monday through Saturday and it will employ one (1) employee. Any replacement or new signs shall conform to Monterey County Code Section 21.60 <i>Regulations for Signs</i>. The applicant will submit a coordinated signage program addressing all signs for each proposed commercial use on the property. A monument sign shall also be incorporated. The signs shall be unobtrusive and attractive. The property is located at 11575 Merritt Street, Castroville (Assessor's Parcel Number 030-255-007-000), North County Non-Coastal Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey 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 Department)</p>				

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2.		<p>PD002 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number 030-255-007-000 on September 13, 2007. The permit was granted subject to 31 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)</p>	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend,</p>	Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the	

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		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. (RMA - Planning Department)	Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.		issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
5.		PD005a – NOTICE OF EXEMPTION Pursuant to CEQA Guidelines § 15062, a Notice of Exemption shall be filed for this project. The filing fee shall be submitted prior to filing the Notice of Exemption.	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	After project approval	
6.		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
7.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
8.		PDSP001- LANDSCAPE PLAN AND MAINTENANCE WITH ADDED REQUIREMENTS BY THE CASTROVILLE CITIZENS ADVISORY COMMITTEE (NON-STANDARD) The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscape plan shall also incorporate the added requirements of the Castroville Citizens Advisory Committee (CAC) which included that a row of evergreen trees be planted along the rear property line to provide visual screening from the existing residential units located	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	At least three (3) weeks prior to final inspection or occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	

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		to the east of the site. In addition, the parking lot shall be landscaped with trees and shrubs to present an attractive image from Merritt Street. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)				
9.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN 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 applicant shall submit 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 the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits.	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
10.		PDSP002 – NOTICE OF REPORTS (NON-STANDARD) Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: “The following reports have been prepared for APN 030-255-007-000): 1) A Geotechnical Investigation Report prepared by Ali M. Oskoorouchi, Ph.D., P.E., G.E., dated May 8, 2007, Library No. 070391; 2) A Traffic Impact Fee Calculation Report prepared by Pinnacle Traffic Engineering, dated January 9, 2007, Library No. 070103; and 3) A Supplement Data Traffic Impact Fee Calculation Report, dated March 1, 2007,	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits.	

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		Library No. 070392. These reports are on file with the Monterey County RMA - Planning Department. All development shall be in accordance with these reports." (RMA – Planning Department)				
11.		PD026 - BANNERS, FLAGS, PENNANTS There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property. (RMA – Planning Department)	Submit evidence which demonstrates that there are no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property.	Owner/ Applicant	Prior to use/ Ongoing	
12.		PD035 - UTILITIES - UNDERGROUND All new utility and distribution lines shall be placed underground. (RMA - Planning Department; Public Works)	Install and maintain utility and distribution lines underground.	Owner/ Applicant	Ongoing	
13.		PDSP003- UNPERMITTED PARKING AREA (NON-STANDARD) There shall be no parking of vehicles in the alley located on the north side of the project site. The applicant shall install “NO PARKING” signs on the building walls facing the alley way. (RMA - Planning Department)	Submit evidence which demonstrates that there is “NO PARKING” signs affixed to the wall of the commercial building along the alley way. The signs shall be reviewed and approved by the RMA-Planning Dept.	Owner/ Applicant	Prior to commen- cement of use	
			Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing	
14.		PDSP004- PROHIBITION OF STOCKPILING LOOSE MATERIALS (NON-STANDARD) In order to avoid dust impacts to the surrounding parcels, there shall be no stockpiling of loose landscape materials, including but not limited to soils and mulch. All loose materials shall be enclosed inside structures or placed in sacks. (RMA - Planning Department)	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing	

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15.		PDSP005- SIGNS (NON-STANDARD) Any replacement or new signs shall conform to Monterey County Code Section 21.60 <i>Regulations for Signs</i> . The applicant shall submit a coordinated signage program addressing all signs for each proposed commercial use on the property. A monument sign shall also be incorporated. The signs shall be unobtrusive and attractive. (RMA - Planning Department)	Submit two copies of coordinated signage program and incorporate signs onto the building plans for the review and approval of the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance building permits.	
			The signs shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to Occupancy / Ongoing	
16.		PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)	Applicant's engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance	
17.		PWSP001-ENCROACHMENT PERMIT (NON-STANDARD) Applicant shall obtain an encroachment permit from Caltrans for any work on the driveways to Merritt Street. (Public Works)	Applicant shall obtain an encroachment permit from Caltrans for any work on the driveways to Merritt Street prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
18.		PWSP002-CASTROVILLE TRAFFIC FEES (NON-STANDARD) Prior to issuance of building permits for each phase, and in accordance with the recommendations of the traffic report prepared by Pinnacle Traffic Engineering, applicant shall pay the County Castroville area traffic mitigation fees in the following amounts: Phase 1 - \$21,999 for Merritt Street improvements Phase 2 - \$29,332 for Merritt Street improvements	Applicant shall pay to DPW the required Castroville Traffic Fees.	Owner/ Applicant	Prior to Building Permits Issuance	

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		Phase 3 - \$7,333 for Merritt Street improvements and \$473 for non-Merritt Street improvements (Public Works)				
19.		PWSP003- TAMC FEES (NON-STANDARD) Prior to issuance of building permits, applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works)	Applicant shall pay to TAMC the required traffic mitigation fee and submit evidence to the DPW that this was done.	Owner/ Applicant	Prior to Building Permits Issuance	
20.		WR40 - WATER CONSERVATION MEASURES 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)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/ occupancy	
21.		WRSP001-DRAINAGE PLAN (NON-STANDARD) Prior to issuance of grading or building permits, a drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, to include oil-grease water separators for the	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to the issuance of any grading and/or	

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		paved parking area. Necessary improvements shall be constructed in accordance with approved plans. (Water Resources Agency)			building permits	
22.		EH33 - VEHICLES/PARTS IMPERVIOUS SURFACE All vehicles or parts stored for longer than 72 hours that contain gasoline, oils, lubricants, coolants, or any other hazardous materials/wastes shall be stored in impervious areas properly graded and bermed for surface drainage into an approved oil/water separator. (Environmental Health)	Submit plans to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits or commencement of operations	
23.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (North County Fire District)				
24.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

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		posted prior to requesting final clearance. (North County Fire District)				
25.		FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. (North County Fire District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit	
26.		FIRE028 - ROOF CONSTRUCTION - All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (North County Fire District)	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit	
27.		FIRES001 – PROHIBITED PARKING (NON-STANDARD) Parking is PROHIBITED in the alley way adjacent to the proposed auto repair shop. This alley way provides access to the apartments at the end of the driveway. (North County Fire District)	Adhere to conditions and uses specified in the permit.	Applicant or owner	Ongoing	
28.		FIRES002 – CHEMICAL INVENTORIES AND MATERIAL SAFETY DATA (NON-STANDARD) Provide chemical inventories and material safety data sheets (MSDS) for chemical products to be located in the landscaping and supply building and landscape supply areas. (North County Fire District)	Provide chemical inventories and MSDS for review and approval by the North County Fire District.	Applicant or owner	Prior to commencement of use	

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29.		FIRES003 – OILS AND SOLVENTS (NON-STANDARD) Provide inventory amounts, descriptions and material safety data sheets for oils and solvents to be located in the auto repair shop, landscaping business office and landscaping and supply building. (North County Fire District)	Provide inventory amounts descriptions and material safety data sheets (MSDS) for review and approval by the North County Fire District.	Applicant or owner	Prior to commen- cement of use	
30.		FIRES004 – “KNOX” ENTRY SYSTEM (NON-STANDARD) Install a “Knox” Entry System Box that would store keys in order to provide emergency access to fire district personnel. (North County Fire District)	Applicant shall install a “Knox” Entry System Box on-site and complete and submit the required form to the North County Fire District.	Owner/ Applicant	Prior to final building inspection	
31.		SOSP001- PUBLIC SAFETY AND SECURITY (NON-STANDARD CONDITION) Prior to occupancy, the applicant shall comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff’s Department. The project site shall meet the required conditions regarding security measures, addressing, doors, windows, locks, lighting, rooftops, and landscaping. (Sheriff-Marshal-Coroner-Public Administrator Department)	Applicant shall incorporate specifications into the design of the project. Applicant shall prepare a security plan for the review and approval of the Monterey County Sheriff.	Owner/ Applicant	Prior to occu- pancy/ com- mence- ment of opera- tions	