

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: March 12, 2009	Time: 1:35P.M	Agenda Item No.: 2.
Project Description: Initial Study for an additional 28,020 cubic yards of grading for grading application (GP080013) total grading is 49,805 cubic yards cut, 3,950 fill, 45,855 to be exported off-road and off-site to Cathrein Estates and Design Approval.		
Project Location: 560 Crazy Horse Canyon Road, Salinas		APN: 125-621-024-000, 125-621-011-000 and 125-291-001-000
Planning File Number: PLN080271		Name: Donald D. Chapin Jr. and Barbara A., Property Owners
Plan Area: North County		Flagged and staked: No
Zoning Designation: : LI-D (Light Industrial, Design Control zoning district overlay) and RDR/5.01 and RDR 5.1 (Rural Density Residential, 5.01 and 5.1 units per acre)		
CEQA Action: Mitigated Negative Declaration, per Section 15070		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt the Mitigated Negative Declaration and approve the Grading Permit based on Findings and Evidence (**Exhibit C**) and subject to recommended Conditions (**Exhibit D**).

PROJECT OVERVIEW:

The project involves the analysis of an additional 28,020 cubic yards of grading for Grading Permit application (GP080013) for Lot 2 in Hidden Canyon Ranch Subdivision that was not previously analyzed in the Hidden Canyon Ranch Subdivision. The total grading analyzed is 49,805 cubic yards including 3,950 cubic yards fill and 45,855 cubic yards to be exported off-road to the adjacent Cathrein Estates Subdivision. Also included to prepare the site are extensive retaining walls fronting on Hidden Canyon Road and the perimeters of the two proposed building pads and required Design Approval. See Exhibit B Discussion.

OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District
- ✓ Public Works Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Monterey Bay Unified Air Pollution Control District

The above checked agencies and departments have reviewed this project. A Mitigation Measure has been required for the project by the Monterey Bay Unified Air Pollution Control District and is incorporated into the Condition Compliance and Mitigation Monitoring Reporting Plan (**Exhibit D**).

The project was referred to the North County Land Use Advisory Committee (LUAC) for review, based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338. The members voted unanimously to support the project with the following recommendations: 1) allow an emergency corridor access from Pesante Road to Crazy Horse Canyon Road for fire etc.; and 2) restrict hours of operation to 7:30 to 3:30. The construction operation hours has been incorporated a condition of approval.

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

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February 25, 2009

cc: Front Counter Copy; Zoning Administrator; North County Fire Protection District; Public Works Department; Environmental Health Division; Water Resources Agency; Monterey Bay Unified Air Pollution Control District; Planning Services Manager; Taven Kinison Brown; Planner, Paula Bradley; Senior Secretary, Carol Allen; Owner; Sue Putnam, Agent; North County LUAC; Planning File PLN080271

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Recommended Findings and Evidence
Exhibit D Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program
Exhibit E Vicinity Map and Assessor's Parcel Maps
Exhibit F Mitigated Negative Declaration
Exhibit G Comments on Mitigated Negative Declaration
Exhibit H LUAC Minutes
Exhibit I Site Plan, and Elevations
Exhibit J Design Approval Application

This report was reviewed by Taven Kinison Brown, Planning Services Manager

EXHIBIT B DISCUSSION

Project Description and Setting

The subject Initial Study for Grading Permit (GP080013) involves the analysis of 28,020 cubic yards of grading to prepare two level building pads Industrial Lot 2, that exceeds the quantity of grading previously analyzed as part of the Hidden Canyon Subdivision. A total of 45,000 cubic yards of export can be accommodated in the adjacent Cathrein Estates Subdivision for subdivision improvements, which has an approved Grading Permit (GP070168). To prepare the site, retaining walls are proposed fronting on Hidden Canyon Road and on the perimeters of the two proposed building pads which requires Design Approval.

There is a remaining 19,030 cubic yards of grading that was previously analyzed for the Hidden Canyon Ranch Subdivision. The subject Grading Permit (GP080013) proposes to excavate approximately 47,050 cubic yards of dirt, including the 28,020 cubic yards of dirt (47,050-19,030 = 28,020). The total proposed grading is 49,805 cubic yards including 3,950 cubic yards fill, and 45,855 cubic yards to be exported off-road to the adjacent Cathrein Estates Subdivision. A 50-foot wide easement on a residential adjacent parcel to the west (APN 125-621-011-000) will allow grading and maintenance of the upper retaining wall and storm drainage system. An easement has been executed for the construction and maintenance on this parcel and will be required to be recorded as a condition of approval.

Access to Lot 2 (Assessor's Parcel Number 125-621-024) is from an existing paved driveway and parking lot for the existing office building off Hidden Canyon Road. A 20-foot unimproved Public Trail Easement (PTE) and Storm Water Drainage easement (SDE) (formerly the Pesante Road County right of way) separates the two subdivisions. Dirt will be moved by off-road trucks on private property and along the existing Public Trail Easement and Storm Drainage Easement to the west, and enter into Cathrein Estates subdivision (APN 125-291-001-000) through an existing gate. No dirt will be moved on any private or public road. The SDE includes an existing dirt ranch road and an existing storm drain line along the west property line to the detention pond on Crazy Horse Canyon Road.

Adjacent land uses are an industrial contractor yard to the northwest, a large-lot residential development to the west and south, and grazing to the east across Crazy Horse Canyon Road. The nine-acre Lot 2 is L-shaped and is developed with a 23,464 square foot contractor's office building and parking lot and site improvements in the northeast corner. The lot gently slopes from west to east towards Crazy Horse Canyon Road and north towards the existing office building parking lot. In the southeast corner is a detention pond facility for the existing storm-water runoff system constructed for the Hidden Canyon Ranch Subdivision. The project does not involve soil disturbance on slopes in excess of 30%, vegetation or tree removal.

Background

The 145 acre Hidden Canyon Ranch Subdivision (PC96043) and Final Map included 22 residential lots and two industrial lots and associated entitlements. Approximately 25,000 cubic yards of grading was analyzed as part of the project. A General Development Plan allows "Light Industrial" uses totaling 60,500 square feet on Lot 2.

Cathrein Estates is adjacent and to the southwest of the Hidden Canyon Ranch Subdivision and is an approved Tentative Map for 142 acres into 23 lots (PLN990330). The dirt from the Hidden Canyon subdivision Lot 2 would be utilized for subdivision improvements including road construction. The timely issuance of the grading permit (GP070168) for the subdivision

improvements will accommodate 45,000 cubic yards of soil, avoiding the need to transport the dirt to other locations throughout the County, reducing potential truck trips and air impacts.

Design Approval

A Design Approval is required for the development consisting of 1.5 to 10.5 foot high retaining walls constructed with the “Redi-Rock” retaining wall system and topographical changes due to earthwork. The walls will be constructed of freestanding, stacked, 18-inch high, by 41-inch, one-ton concrete blocks, with a stamped and stained surface to appear like natural sandstone. The concrete is an innovative reuse of excess concrete that would otherwise be a waste material from the owner’s nearby concrete operation. The proposed walls are the same as those are constructed for the parking areas around the existing contractor office building.

Project Issues

The quantity of grading proposed for the Grading Permit (GP080013) was not previously analyzed in the Hidden Canyon Ranch Subdivision and therefore required an Initial Study. The Initial Study/Mitigated Negative Declaration determined three issues to be less than significant with mitigation and conditions: Aesthetics, Air Quality and Noise, discussed in more detail below.

Environmental Review

A Draft Initial Study/Mitigated Negative Declaration was completed and circulated for public review from February 5, 2009, February 24, 2009. The Initial Study/Mitigated Negative Declaration determined that there are no issues concerning grading or potential impacts to Aesthetics, Air quality or Noise. One Mitigation Measure for standard Best Management Practices was required for the project to avoid impacts to Air Quality.

Comment Letters

One comment letter was received from the Monterey Bay Unified Air Pollution Control District, dated February 7, 2009. The letter required one of the Best Management Practices items to be revised in Mitigation Measure No. 1: “Prohibit all grading activities during periods of high wind (over 15 mph)”. The Mitigation Measure was revised accordingly.

Mitigation Measures

One Mitigation Monitoring Measure is proposed to address short-term construction related air quality impacts and is required to be included as notes on the plans. Grading activities will be limited to two acres or less per day to ensure thresholds for construction related air impacts are not exceeded. The Mitigation Measure is the Air District’s standard Best Management Practices applied to all grading operations. The applicant has agreed to the measure and has already included it on their revised grading plans.

Aesthetics

Crazy Horse Canyon Road is a proposed County Scenic Route according to the North County Area Plan. The Area Plan does not have policies prohibiting the visibility of structures from public areas and it is not a ridgeline development. The site is visible from Crazy Horse Canyon Road, however it is partially screened by trees and other vegetation and with conditions incorporated into the project, staff determined that it does not create a significant visual impact. Two stepped, level building pads are proposed into the sloped topography reducing the aesthetic impact to the natural topography and reducing the quantity of grading. Proposed are 1.5 to 10.5 foot high retaining walls along the public road frontage that will be visible from the public road. A Design Approval is required for construction of the “Redi-Rock” retaining wall system consisting of freestanding, stacked, 18-inch high, by 41-inch, one-ton concrete blocks, with a

stamped and stained surface to appear like natural sandstone. A County standard condition will require that the project obtain approval of a landscape plan to partially screen the wall along Crazy Horse Canyon Road, similar to that installed along the frontage of Industrial Lot 1. Landscaping is required by the General Development Plan (PC96043) for future development. Standard requirements for erosion control plans for the grading permit (GP080013) include hydro-seeding all areas of disturbed soil.

Air Quality

Potential short-term construction impacts to air quality are addressed by a mitigation measure requiring standard Best Management Practices. A Storm Water Pollution Prevention Plan (SWPPP) is required (for projects involving more than one acre of total soil disturbance) as part of the grading permit (GP080013). The SWPPP and the Erosion Control Plan serves to control dirt, dust, sediment and includes Best Management Practices (BMP's) including daily monitoring for erosion control including soil tracking and wind erosion. The Catherine Estates Subdivision includes a Mitigation Measure that similarly avoids any potential impacts to air and storm water quality and is a requirement of the grading permit (GP070168). The project is required to have a designated construction contractor monitor and log grading and construction activities on a daily basis to ensure that these measures are implemented. County staff will inspect the daily logs upon their scheduled inspection for compliance with grading and SWPPP BMP requirements.

Noise

The proposed project may cause a temporary or periodic increase in ambient noise levels within the project vicinity due to construction and grading operations. All development activities are required to adhere to the County's Noise Control Ordinance (Chapter 10.60 of the Monterey County Code) and standard Conditions of Approval limiting noise and construction hours of operation. The North County LUAC recommended construction hours restricted to 7:30 a.m. to 3:30 p.m. and this will be required as a note on the grading plans. The owner/contractors daily works hours are from 7 a.m. to 3 p.m. This will limit nearby resident's exposure to construction noise which is also somewhat buffered from existing hilly topography and vegetation.

Conclusion

The project involves grading to create building pads on an industrial lot in an approved subdivision for structures regulated by an approved General Development Plan. Issuance of the grading permit will allow site development of two level building pads for future Light Industrial development approved as part of the Hidden Canyon Ranch Subdivision. The Initial Study/Mitigated Negative Declaration determined that there are no issues concerning grading or potential impacts to Aesthetics, Air Quality or Noise, or any other resource that have not been addressed by mitigations and conditions of approval. Based on resource information contained in the application materials and site visits, the project is consistent with the plans, policies and ordinances.

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, 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 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 560 Crazy Horse Canyon Road, Salinas CA. (Assessor's Parcel Number 125-621-024-000, 125-621-011-000 and 125-291-001-000), North County Area Plan. The parcel is zoned LI-D and (Light Industrial, Design Control zoning district overlay) which allows industrial development and the adjacent parcels are zoned RDR/5.01 and RDR/5.1 (Rural Density Residential, 5.01 and 5.1 units per acre). Therefore, the property is suitable for the proposed development.

(c) The project planner conducted a site inspection on November 12, 2008 and January 5, 2009 to verify that the project on the subject parcel conforms to the plans listed above.

(d) The subject parcel is a legal lot. The Hidden Hills Canyon Ranch Subdivision (Planning File No. PC96043) allowed the division of a 145-acre parcel (Assessor's Parcel Numbers 125-282-003-000, 125-282-021-000, 125-272-010-000, 125-272-031-000, 125-272-033-000, 125-272-038-000 & 125-272-039-000) into 24 parcels. The subject parcel is one of these 29 parcels. The Cathrein Acres Subdivision (Planning File No. PLN990330) approved Tentative Map for a 142 acres into 23 lots.

(e) The project was referred to the North County Land Use Advisory Committee (LUAC) for review, based on the current review guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338. The members voted unanimously to support the project with the following recommendations: 1) allow an emergency corridor access from Pesante Road to Crazy Horse Canyon Road for fire, etc.; and 2) restrict hours of operation to 7:30 to 3:30.

(f) North County Area Plan Policy No. 26.1.6.1 (NC) states that "Where new development is permitted in sensitive or highly sensitive areas as shown on the Scenic Highways and Visual Sensitivity Map, the landscaping, building design and siting of the development shall be critically reviewed to maintain the scenic value of the area. Potential impacts to Aesthetics were analyzed as part of the CEQA review, see CEQA Finding No. 3. A Design Approval is required for construction of retaining walls for the project and topographical changes due to earthwork, see Finding No. 5.

(g) 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 PLN080271.

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, and Water Resources Agency and the Monterey Bay Unified Air Pollution Control District. 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 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:
- i. A “Change of Soils Engineer or Record with Updated Recommendations Hidden Canyon Ranch, Industrial Lot 2 (APN 125-621-024)” (LIB090039) was prepared by Land Set Engineers, Salinas, CA, February 4, 2008.
- (c) Staff conducted a site inspection on November 12, 2008 and January 5, 2009 to verify that the site is suitable for this use.
- (d) Materials in Project File PLN080271.
3. **FINDING: CEQA** – On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned, and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:** (a) The proposed project is subject to environmental review due to the potential for significant environmental effects pursuant to CEQA Guidelines Section 15070 (Decision to Prepare a Negative or Mitigated Negative Declaration).
- (b) Potentially adverse environmental effects were identified during staff review of the development application.
- (c) Monterey County prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the office of the RMA – Planning Department and is hereby incorporated by reference (File No. PLN080271). All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. The Initial Study identified potentially significant effects relative to Aesthetics, Air Quality and Noise. Substantial evidence supports the conclusion that impacts will be less than significant with mitigation incorporated for these issues.
- (d) Aesthetics: Crazy Horse Canyon Road is a proposed County Scenic Route according to the North County Area Plan. The Area Plan does not have policies prohibiting the visibility of structures from public areas and it is not a ridgeline development. The site is visible from Crazy Horse Canyon Road, however it is partially screened by trees and other vegetation and with conditions incorporated into the project, staff determined that it does not create a significant visual impact. Two stepped-building pads are proposed into the sloped topography reducing the aesthetic impact to natural topography and reducing grading. Proposed 1.5-1.5 foot high retaining walls along the public road frontage will be visible from the

public road. A Design Approval is required for construction of the “Redi-Rock” retaining wall system consisting of freestanding, stacked, 18-inch high, by 41-inch, one-ton concrete blocks, with a stamped and stained surface to appear like natural sandstone. A County standard condition will require that the project obtain approval of a landscaping plan to partially screen the wall along Crazy Horse Canyon Road similar to that installed along the frontage of Industrial Lot 1. Landscaping is required by the General Development Plan (PC96043) for future development. Standard requirements for erosion control plans for the grading permit (GP080013) include hydro-seeding all areas of disturbed soil.

- (e) **Air Quality:** Potential short-term construction impacts to air quality are addressed by a mitigation measure requiring standard Best Management Practices. A Storm Water Pollution Prevention Plan (SWPPP) is required (for projects involving more than one acre of total soil disturbance) as part of the grading permit (GP080013). The Catherine Estates Subdivision includes a Mitigation Measure that similarly avoids any potential impacts to air and storm water quality and is a requirement of the grading permit (GP070168). The SWPPP and the Erosion Control Plan serves to control dirt, dust, sediment and includes Best Management Practices (BMP’s) including daily monitoring for erosion control including soil tracking and wind erosion. The project is required to have a designated construction contractor monitor grading and construction activities on a daily basis to ensure that these measures are implemented. County staff will inspect the daily logs upon their scheduled inspection for compliance with grading and SWPPP BMP requirements.
- (f) **Noise:** The proposed project may cause a temporary or periodic increase in ambient noise levels within the project vicinity due to construction and grading operations. All development activities would be required to adhere to the County’s Noise Control Ordinance (Chapter 10.60 of the Monterey County Code) and Condition of Approval limiting noise and hours of construction, required as a note on the grading plans. This will limit nearby residences’ exposure to construction noise and would also be somewhat buffered from existing hilly topography and vegetation.
- (g) The Mitigated Negative Declaration was circulated for public review from February 5, 2009, February 24, 2009.

4. **FINDING: CEQA** – Comments received on the project did not present substantial evidence of any unmitigated significant environmental effects.

EVIDENCE: (a) One comment letter was received from the Monterey Bay Unified Air Pollution Control District, dated February 7, 2009. The letter added two additional items to Condition No. and Mitigation Measure No. 1: 1) Suspend grading activities when winds exceed 25 miles per hour (mph) and visible dust clouds cannot be prevented from extending beyond active construction area; and 2) Prohibit all grading activities during periods of high wind (over 15 mph). The first items was previously included, the second item was added to the Mitigation Measure.

(b) See above and following Findings and Evidence.

5. **FINDING: DESIGN APPROVAL** – Design Approval Section 21.44.030 requires that the location, size, configuration, material and colors of the new structures is designed to fit in with the public viewshed, neighborhood character and assure

the visual integrity of the development without imposing undue restrictions on private property.

EVIDENCE: (a) A Design Approval is required for development consisting of retaining walls constructed with the “Redi-Rock” retaining wall system consisting of freestanding, stacked, 18-inch high, by 41-inch, one-ton concrete blocks, with a stamped and stained surface to appear like natural sandstone. The Redi-Rock retaining walls are the same as those are constructed for the parking areas around the existing contractor office building.

6. **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.

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

EVIDENCE: (a) Above Findings and Evidence.

8. **FINDING:** **APPEALABILITY** - The decision on this project is appealable to the Planning Commission and not the California Coastal Commission.

EVIDENCE: Section 21.80.040(B) Monterey County Zoning Ordinance (Title 21).

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Chapin File No: <u>PLN080281</u> APN's: <u>125-621-024-000, 125-621-011-000 and 125-291-001-000</u> Approved by: Zoning Administrator Date: March 12, 2009
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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.		PD001 - SPECIFIC USES ONLY This Initial Study (PLN080271) was completed for additional 28,020 cubic yards of grading for grading application (GP080013), total grading is 49,805 cubic yards cut, 3,950 fill, 45,855 to be exported off-road and off-site to Cathrein Estates and Design Approval. The property is located at is located at 560 Crazy Horse Canyon Road, Salinas, Industrial Lot 2 of the Hidden Canyon Subdivision (Assessor's Parcel Number 125-621-024-000, 125-621-011-000 and 125-291-001-000) North County 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	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>
		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)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Zoning Administrator for Assessor's Parcel Number PLN080271 and GP080013 on March 12, 2009. The permit was granted subject to 19 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)	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.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT 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	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	

<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>
		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)				
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, 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</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	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	

<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>
		thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)				
5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
				Owner/ Applicant	Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
6.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first	

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7.		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	
8.		PD008 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (RMA - Planning Department)	Submit certification by the geotechnical consultant to the RMA - Planning Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
9.		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	
10.		PD010 - EROSION CONTROL PLAN AND SCHEDULE The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of 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 Director of RMA - Building Services. The improvement and grading plans shall include an	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			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 Director of RMA - Building Services.	Owner/ Applicant	Ongoing	

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		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 Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)	Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department	Owner/ Applicant	Prior to final inspection	
11.		PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) NONSTANDARD The site shall be landscaped. Prior to the issuance of building permits, 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 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)	Submit landscape plans and contractor’s estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. The plans shall include landscaping to partially screen the wall along Crazy Horse Canyon Road similar to that installed along the frontage of Industrial Lot 1.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			The landscaping shall be installed and inspected.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to 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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12.		PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: A " Change of Soils Engineer or Record with Updated Recommendations Hidden Canyon Ranch, Industrial Lot 2 (APN 125-621-024)" report has been prepared for this parcel by Land Set Engineers, Salinas, CA, dated February 4, 2008, and is on record in the Monterey County RMA - Planning Department, Library No. 090039. All development shall be in accordance with this report." (RMA – Planning Department)	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	
13.		PD029 - HOURS OF OPERATION Construction hours of operation shall be 7:30 a.m. to 3:30 p.m. Monday through Friday. (RMA – Planning Department)	Demonstrate compliance with the hours of operation to the Director of RMA – Planning Department.	Owner/ Applicant	Prior to use/ Ongoing	
14.		PD041 – HEIGHT VERIFICATION The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA – Planning Department and Building Services Department)	1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection 2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant or Civil Engineer Owner/ Applicant or Civil engineer	Prior to the issuance of grading or building permits Prior to final inspection	

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15.		PD0SP001 CONSTRUCTION HOURS (NONSTANDARD) – Construction hours shall be restricted to 7 a.m. to 4 p.m. (the company’s daily work hours) and shall be required as a note on the grading and construction plans. (RMA – Planning Department and Building Services Department)	A note shall be shown on the plans.	Owner/ Applicant	Prior to the issuance of grading or building permits	
16.		PDSP002 – EASEMENT – GRADING AND MAINTENANCE (NONSTANDARD) Record the 50-foot wide easement on the separately owned residential adjacent parcel to the west (APN 125-621-011-000) to allow grading and maintenance of the upper retaining wall and storm drainage system. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and/or building permits. (RMA – Planning Department)	Record the deed showing the approved easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant/ Certified Professional	Prior to issuance of grading and/or building permits	
17.		EHSP001 - NO DISPOSAL FIELDS IN FILL GRADING NONSTANDARD PLN080271 authorizes grading and exportation of cut material from AP# 125-621-024-000 to AP# 125-291-001-000 (site of Cathrein Estates Subdivision, PLN990330). Cathrein Estates will utilize onsite wastewater treatment systems (OWTS) for sewage disposal. Installation of an OWTS disposal field in fill material is not permitted; disposal fields shall be installed in undisturbed earth, pursuant to Monterey County Code 15.20.070F. The Environmental Health Division (EHD) must verify that export material has not been spread over approved septic envelopes for Cathrein Estates. In the event that a septic envelope is impacted by grading authorized under GP070168 (application not reviewed by EHD), further OWTS feasibility analysis will be required to the satisfaction of EHD	Submit an approved vesting tentative map of the Cathrein Estates Subdivision to EHD for review and approval indicating the: <ul style="list-style-type: none"> • Location of Fill • Depth of Fill / Change in Elevation in each area that export material is spread on AP# 125-291-001-000.	Owner/ Applicant/ Engineer	Prior to issuance of building permits for lots created by PLN990330	

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		for each affected lot. (Environmental Health)				
18.		PD032 - PERMIT TIME/YEAR & DATE The permit shall be granted for a time period of 4 years, to expire on March 11, 2013 (RMA – Planning Department)	None	Owner/ Applicant	As stated in the conditions of approval	
<i>Mitigation Measures</i>						
19.	MM-1	AIR QUALITY In order to minimize short-term construction emissions, the project shall implement the following mitigation measures during grading and retaining wall construction activities. <ul style="list-style-type: none"> • Contractor shall be responsible for implementing the approved plans to ensure control of PM10 emissions during construction. • On-site grading and construction activities will be limited to two-acres or less per day to ensure that thresholds for construction-related air impacts are not exceeded. • During the grading and construction phase of the Project, the active grading and construction areas shall be watered at least twice daily or more often when conditions warrant. Frequency shall be based on the type of operation, soil and wind conditions. • Haul trucks shall maintain a minimum 6 inches 	Prior to issuance of grading permits, the applicant shall incorporate the above note on the grading plans that includes, but is not limited to, the measures set forth in Mitigation Measure #1. During and prior to grading operations, the contractor shall obtain any required Air District permits and conduct all grading and construction activities as required by the Air District. As part of the grading permit (GP080013), the SWPPP (dated 4/28/08) and the Erosion Control Plan serve to control dirt, dust, sediment and includes Best Management Practices (BMP's) including daily monitoring for erosion control including soil tracking and wind erosion. The Catherine Estates	Owner/ Applicant/ Contractor	Prior to the issuance of grading or building permits and ongoing during construction	

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		<p>of freeboard and either be covered or sprinkled with water in such a manner that visible dust will not be emitted during transportation.</p> <ul style="list-style-type: none"> • Apply water three times daily or apply non-toxic stabilizer on all unpaved access roads, parking areas and staging areas at construction site. • Sweep access road, and parking area daily. Sweep street daily if visible debris is carried onto adjacent private road. • Seed or apply non-toxic stabilizer to inactive construction areas. • Enclose, cover, water twice daily or apply non-toxic soil binder to exposed stockpiles of sand, dirt, etc. • Limit traffic speeds to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. • All exit points to the site used by construction vehicles shall be lined with clean gravel or cobblestones so that debris can be removed. The gravel or cobblestone beds shall be maintained and adjacent roadways will be kept clean of tracked materials using street sweepers. If necessary wheels of vehicles exiting the site shall be washed to ensure that debris is not tracked on roadway. • Post a publicly visible sign at the Project site which specifies the telephone number and person to contact regarding complaints related to air pollution. This person shall respond to complaints and take necessary corrective actions 	<p>Subdivision includes a Mitigation Measure (MM#5) restricting grading activities requires a designated construction contractor monitor grading and construction activities on a daily basis to ensure that these measures are implemented. County staff will inspect the daily logs upon their scheduled inspection for compliance with grading and SWPPP BMP requirements.</p>			

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		<p>within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District (MBUAPCD) shall be visible on the sign to ensure compliance with Rule 402 (Nuisance).</p> <ul style="list-style-type: none"> • Limit the area subject to excavation, grading and other construction activity at any time. • Prohibit all grading activities during periods of high wind (over 15 mph). <p>In order to reduce diesel particulate emissions from on-site construction equipment the following shall be incorporated into the project.</p> <ul style="list-style-type: none"> • Use off-road construction equipment, manufactured during or after 2003. • Use off-road construction equipment, manufactured during or after 1996 or use biodiesel. • Retrofit off-road construction equipment older than 2003 with diesel oxidation catalyst filters. • Properly maintain all construction equipment. • Minimize equipment idling time to 5 minutes or less. 				

END OF CONDITIONS