Exhibit C
Conservation & Scenic Easement Deed

Chapin-Axtell
PLN080039

Board of Supervisors
June 28, 2011
CONSERVATION AND SCENIC EASEMENT DEED (COASTAL)

THIS DEED made this 10th day of June, 2010, by and between Donald D. Jr. and Barbara Chapin, individuals and Donald D. Chapin, Jr. and Barbara A. Chapin, as Co-Trustees of the Chapin Living Trust dated April 27, 1999 as Grantor, and the COUNTY OF MONTEREY, a political subdivision of the State of California, as Grantee,

WITNESSETH:

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

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

WHEREAS, a combined development permit (Permit No. PLN080039) was granted on March 17, 2009, by the County in accordance with the provisions of the Staff Recommendation and Findings, attached hereto as Exhibit “B” and hereby incorporated by reference, subject to the following condition(s): An open space and conservation easement shall be conveyed to the County over the entirety of the coastal portion of Parcel H in perpetuity. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits.

WHEREAS, the County, acting on behalf of the People of the State of California and pursuant to the Act, and in accordance with the findings contained in Resolution No. 09-185 attached hereto as Exhibit “C” and hereby incorporated by reference, granted the permit to the Grantor upon condition (hereinafter the “Condition”) requiring inter alia, that the Grantor record a conservation and scenic easement over the property as shown in Exhibit “D” attached hereto and hereby incorporated by reference, and agree to restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the property were not restricted in accordance with this easement; and

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

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

WHEREAS, it is intended that this easement is irrevocable and shall constitute enforceable restrictions within the meaning of Article XIII, Section 8, of the California Constitution and that said easement shall thereby qualify as an enforceable restriction under the provision of the California Revenue and Taxation Code, Section 402.1; and
WHEREAS, the said Grantor is willing to grant to the County of Monterey the scenic use as herein expressed of the said land, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of said property by the Grantor through the imposition of the conditions hereinafter expressed;

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

A. LAND SUBJECT TO EASEMENT. The land of the Grantor hereinabove referred to and to which the provisions of this instrument apply is situated in the County of Monterey, State of California, and is particularly described in Exhibit "D", attached hereto, and made a part hereof.

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

1. That no structures will be placed or erected upon said described premises.

2. That no advertising of any kind or nature shall be located on or within said property.

3. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises.

4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.
5. That no use of said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered.

C. EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor:

1. The right to maintain all existing private roads, bridges, trails and structures upon said land.

2. The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.

D. SUBJECT TO ORDINANCES. Land uses permitted or reserved to the Grantor by this instrument shall be subject to the ordinances of Grantee regulating the use of land.

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

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

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

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

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

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

K. **CONSTRUCTION OF VALIDITY.** If any provision of this conservation and scenic easement is held to be invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.
Executed this 10 day of JUNE 2011, at SACINAS, California.

Signed: [Signature]

Donald D. Chapin, Jr.
Type or print name of above - GRANTOR

Signed: [Signature]

Barbara Chapin
Type or print name of above - GRANTOR
Executed this 20 day of JULY 2011, at SACRAMENTO, California.

Signed: Donald D. Chapin, Jr., co-trustee of the Chapin Living Trust dated April 27, 1999

Signed: Barbara A. Chapin, co-trustee of the Chapin Living Trust dated April 27, 1999

STATE OF CALIFORNIA )
COUNTY OF MONTEREY ) SS.

On June 20, 2011 before me, Darla A. Smith, a Notary Public, personally appeared Donald D. and Barbara A. Chapin, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature Darla A. Smith

(Seal)
STATE OF CALIFORNIA  

COUNTY OF MONTEREY 

On ___________ before me, Darla A. Smith, a Notary Public, personally appeared Donald D. and Barbara A. Chapin, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: Darla A. Smith

(Seal)

This is to certify that the interest in real property conveyed by the deed or grant dated ___________ from _______________ to the County of Monterey, a political corporation and/or governmental agency is hereby accepted by order of the Board of Supervisors on ___________, (or by the undersigned officer or agent on behalf of the County of Monterey pursuant to authority conferred by resolution of the Board of Supervisors adopted on _______________), and the grantee consents to recordation thereof by its duly authorized officer.

DATED: ___________.

Jane Parker
Chair, Monterey County Board of Supervisors

ATTEST:
DATED: ___________.

Gail T. Borkowski
Clerk of Said Board

Document Form/Content Acceptable:

Charles, J. McKee, County Counsel

By: ___________.

Type/Print Name: Leslie J. Brad

Asst. Deputy County Counsel

DATED: ___________.

RMA: Planning Department

By: ___________.

Type/Print Name: Louriana Bernal

DATED: ___________.

8
LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HERENI BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

Lot 3, in Block XXXII, as shown on the map entitled, "Map of the Town of Castroville, Monterey County, the property of Juan B. Castro, et al, June 1887", etc. filed September 2, 1887 in Volume 1, "Cities and Towns", at Page 55, Monterey County Records.

PARCEL I(A):

The Southeasterly one-half of Speegle Street (now abandoned) lying contiguous to Lot 3, Block XXXII as apportioned to said Lot 3 pursuant to that Order of Abandonment recorded October 24, 1956 in Volume 1745, Page 527, Official Records.

PARCEL II:

That portion of Lot 6, in Block XXXII, as said Lot and Block are shown and designated on that certain Map entitled, "Map of the Town of Castroville", filed September 2, 1887 in Volume 1 of Cities and Towns at Page 55, Records of Monterey County, California, described as follows:

Beginning in the Southeasterly line of said Lot 6 at the most Easterly corner of that certain parcel of land described in the Deed to Luz Arroyo, recorded September 14, 1954 in Volume 1552 of Official Records at Page 126, Records of said County; thence from said point of beginning along said Southeasterly lot line:

(1) N. 42° 54' E., 50 feet; thence leave said lot line and running

(2) N. 47° 03-1/2' W., 100 feet, more or less, to a point in the Northwesterly boundary of said Lot 6; thence along las mentioned boundary

(3) S. 42° 54' W., 50 feet to the most Northerly corner of said parcel of land: thence leave last mentioned boundary and running along the Northeasterly boundary of said parcel of land

(4) S. 47° 03-1/2 E., 100 feet, more or less, to the point of beginning.

PARCEL III:

Lots 4 and 5, in Block XXXII, as shown on the map entitled, "Map of the Town of Castroville, Monterey County, the property of Juan B. Castro, et al, June 1887", etc. filed September 2, 1887 in Volume 1, "Cities and Towns", at Page 55, Monterey County Records.

Together with that portion of the Southwesterly one-half of Davis Street, title to which would pass by a conveyance describing said lot.

PARCEL III(A):

The Southeasterly one-half of Speegle Street (now abandoned) lying contiguous to Lot 4, Block XXXII as apportioned to said Lot 4 pursuant to that Order of Abandonment recorded October 24, 1956 in Volume 1745, Page 527, Official Records.

PARCEL IV:

That certain 3.024 acre parcel of land shown and so designated of that certain "Record of Survey" map filed for record January 30, 1958 in Volume X-1 of Surveys at page 159, records of Monterey County.
EXHIBIT "A" (continued)

Excepting therefrom all that property described in Grant Deed executed by Frank Abern, a single man, to
Pedro Muna, et ux, recorded January 26, 1970 in Reel 637 of Official Records of Monterey County, California,
at page 127.

More particularly described as follows:

Beginning at the northwesterly terminus of Course (1) of "Parcel 1" as said parcel is described and so
designated in "Exhibit A" of that certain "Restatement of Legal Description" recorded November 24, 2009,
Instrument No. 2009075662, Official Records, Monterey County and running,

1) S. 42° 54' 00" W., 25.00 feet; thence running along the northeasterly right-of-way of Davis Street

2) N. 47° 03' 30" W., 183.08 feet to the southeasterly corner of Tract No. 1264, Chapin Affordable Housing
Project, as said subdivision is shown and recorded in Volume 19 of Cities and Towns at Page 18, records of
Monterey County, California thence leaving said northeasterly right-of-way of Davis Street and running along
said southeasterly boundary of said subdivision

3) N 42° 54' 00" E., 364.27 feet; thence leaving said southeasterly boundary of said subdivision

4) S. 47° 03' 30" E., 183.08 feet to the northeasterly boundary of "Parcel 1" as said parcel is described and so
designated in "Exhibit A" of that certain "Restatement of Legal Description" recorded November 24, 2009,
Instrument No. 2009075662, Official Records, Monterey County; thence running along the common boundary
between "Parcel 1" and "Parcel 2" as said parcels are described in the above referenced document.

5) S. 42° 54' 00" W., 339.27 feet to the Point of Beginning.

Said property is described as "Parcel 2" in that certain "Restatement of Legal Description" recorded November

PARCEL IV(A):

An easement for drainage and the construction and maintenance of slopes, 25 feet in width, lying immediately
adjacent to and southeasterly of the following described line:

Beginning at the most southerly corner of that certain 3.024 acre parcel, as said parcel is shown on that
certain map entitled, "Record of Survey of a Portion of Block XL, etc.", recorded in Volume X-1 of Surveys at
Page 159, records of Monterey County, California, and running thence N 42° 54' E., 25.00 feet to the True
point of beginning; thence

1) N 42° 54' E., 337.83 feet to a 1-1/2" iron pipe.

PARCEL V:

A portion of Lot 6, in Block XXXII, as shown on the map entitled, "Town of Castroville," filed September 2, 1887
in the Office of the County Recorder of the County of Monterey, State of California, in Volume 1 of Maps, Cities
and Towns, at Page 55, more particularly described as follows:

BEGINNING at the most Southerly corner of said Lot 6 and running thence along the Southeasternly boundary
of said Lot in a Northeasterly direction, a distance of 50 feet; thence leave said Southeastely boundary in a
Northwesterly direction, parallel to the Southwesternly boundary of said Lot, a distance of 100 feet to a point on
the Northwesterly boundary of said Lot 6; thence along said Northwesterly boundary in a Southwesternly
direction, a distance of 50 feet to the most Westerly corner of said Lot 6; thence along the Southwesternly
boundary of said Lot in a Southeastely direction, a distance of 100 feet to the point of beginning.

PARCEL VI:

Lot 1, in Block XXXII, as shown on the map entitled, "Map of the Town of Castroville, Monterey County; the
property of Juan B. Castro, et al, June 1887", etc. filed September 2, 1887 in Volume 1, "Cities and Towns", at
Page 55, Monterey County Records.

PARCEL VII:
A portion of Rancho Bolsa Nueva Y Moro Cojo, being a part of that certain tract of land conveyed to Charles Rizzo, et ux, by Deed dated September 3, 1948, recorded in Book 1087 of Official Records at Page 413, Monterey County Records, said part being more particularly described as follows:

Beginning at the intersection of the center line of Davis Street, 50 feet wide, with the center line of Preston Street, 66 feet wide, as said streets are shown on the Map of the Town of Castroville, filed March 26, 1869 in Map Book One, Cities and Towns, at Page 54 therein, Monterey County Records; thence from said place of beginning along said center line of Preston Street between Block XI and XXXIX, as said Blocks are shown on said filed map

1. N. 42° 27' E., 364.0 feet; thence leaving last mentioned center line

2. N. 47° 28' W., 151.0 feet, at 33.0 feet intersect the Southeasterly boundary of said Block XI, 151.0 feet to a point; thence

3. S. 42° 27' W., 364.0 feet at 161.45 feet a 3/4" diameter iron pipe, at 339.0 feet a 3/4" diameter iron pipe standing in said Southwesterly line of said Block XI, 364.0 feet to a point in said center line of Davis Street, thence along last mentioned center line

4. S. 47° 28' E., 151.0 feet to the place of beginning.

Excepting therefrom that portion of said land lying within Davis Street and Preston Street as the same existed September 3, 1948.

PARCEL VII(A):

The westerly half of Preston Street, lying Northernly of Davis Street as disclosed by Resolution No. 85-285, recorded May 28, 1985 in Reel 1842 of Official Records, at Page 708.

APN: 030-041-008 (Parcel I, IA), 030-041-003 (Parcel II), 030-041-001 (Parcel III, IIIA), 030-041-004 (Parcel V), 030-041-005 (Parcel VI), 030-011-009 (Parcel IV), 030-011-011 (Parcel VII)
MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: March 17, 2009 10:30 a.m.  
AGENDA NO:

SUBJECT: Public hearing to:

a. Consider the certified Environmental Impact Report for the Castroville Community Plan and an Addendum to the EIR;

b. Consider adoption of an Ordinance amending Title 21 (Zoning Code) to rezone portions of the property northeast of the Davis Street right of way from MDR/1-Z (Medium Density Residential) to HDR/18 (High Density Residential, 18 units per acre);

c. Consider adopting a resolution approving a Combined Development Permit and General Development Plan for the Chapin Project (PLN080039) consisting of Standard Subdivision Vesting Tentative Map to allow the merger and re-subdivision of eight parcels into eight parcels ranging in size, with a conservation easement over the entire coastal portion, and one well parcel; and a Use Permit to allow the construction of a 59 unit apartment complex, based on the Findings and Evidence and subject to the recommended Conditions of Approval; and

d. Adopt the Mitigation Monitoring Reporting Program.

(Rezone/Combined Development Permit – PLN080039/Don Chapin, Axtell Street, Preston Street and Davis Street, Castroville, Castroville Community Plan)

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<th>Project Location:</th>
<th>Northern corner of Axtell Street and Preston Street and areas north and west of Davis Street, Castroville</th>
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<td>APN:</td>
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<th>PLN080039</th>
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<tr>
<td>Name:</td>
<td>Don Chapin</td>
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<th>Plan Area:</th>
<th>Castroville Community Plan</th>
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<td>Zoning Designation:</td>
<td>HDR/#Z; MDR/1; and RC(CZ)</td>
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<td>CEQA Action:</td>
<td>Addendum to Certified EIR</td>
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<td>DEPARTMENT:</td>
<td>RMA – Planning Department</td>
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RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Consider the certified Environmental Impact Report for the Castroville Community Plan and an Addendum to the EIR (Exhibit I);

b. Consider adoption of an Ordinance amending Title 21 (Zoning Code) to rezone portions of the property northeast of the Davis Street right of way from MDR/1-Z (Medium Density Residential) to HDR/18 (High Density Residential, 18 units per acre) (Exhibit C);

c. Consider adopting a resolution (Exhibit D) approving a Combined Development Permit and General Development Plan for the Chapin Project (PLN080039) consisting of Standard Subdivision Vesting Tentative Map to allow the merger and re-subdivision of eight parcels into eight parcels ranging in size, with a conservation easement over the entire coastal portion, and one well parcel; and a Use Permit to allow the construction of a 59 unit
apartment complex, based on the Findings and Evidence and subject to the recommended
Conditions of Approval (Attachment 1 to Exhibit D); and
d. Adopt the Mitigation Monitoring Reporting Program (Attachment 1 to Exhibit D).

SUMMARY:
The subject properties consist of eight lots totaling approximately 4.814 acres located at the
northern corner of Axtell Street and Preston Street and areas north and west of Davis Street,
Castroville. The proposed project includes rezoning a portion of the site to be consistent with the
Community Plan and re-subdividing the property into eight new parcels and a well lot. The
project is conditioned to require the applicant to place a permanent conservation easement over
the entire coastal portion of the project area. The Use Permit will allow the construction of a 59
unit apartment complex consisting of 58 units, a manager’s unit, and a Residents’ Center. An
Addendum to the certified Environmental Impact Report (EIR) for the Castroville Community
Plan has been prepared for the proposed project. The EIR, as amended, reflects the independent
judgment and analysis of the County and staff recommends that the Board of Supervisors
consider the Addendum to and the EIR prior to taking action on the zoning ordinance and project
application.

The Planning Commission considered the development proposal on January 28, 2009. At that
hearing, the commission raised a question as to whether a Coastal Development Permit was
required for the creation of the remainder parcel within the Coastal Zone. Initially staff
determined that a coastal permit was not required because under the Subdivision Map Act a
remainder parcel is not part of the subdivision and the entire lot was offered to be placed into a
permanent conservation easement. Based on further research and consultation with Coastal
Commission staff, staff has conditioned the project to require the applicant to expand parcel H to
combine Parcel H and the parcel that was denoted a remainder parcel. To ensure development
would occur only on the inland portion of the parcel, the applicant is also required to convey an
open space and conservation easement over the portion of Parcel H that lies in the coastal zone.
(See conditions 10 and 61). Because all of the development on Parcel H will therefore occur on
the inland portion of Parcel H, a Coastal Development Permit is not required for the subdivision.
Staff has modified the project description, findings and evidence, and conditions of approval
accordingly. The Planning Commission recommended, with a vote of seven to zero with one
member absent and one member rescued, that the Board of Supervisors consider the Addendum
to the Certified EIR, adopt the ordinance to rezone a portion of the property, and approve the
Combined Development Permit and General Development Plan.

DISCUSSION:
Detailed discussion is provided in Exhibit B.

OTHER AGENCY INVOLVEMENT:
The following agencies have reviewed the project and those that are checked ("✓") have
comments and/or recommended conditions:
✓ Environmental Health Division
✓ Public Works Department
✓ Water Resources Agency
FINANCING:
The applicant has paid fees to process this application. Therefore, the project will have no impact on the General Fund.

Prepared by:  
Ansa V. Guenga, Assistant Planner
755-5175; quengaav@co.monterey.ca.us

Approved by:  
Mike Novo, RMA Planning Director

cc: Front Counter Copy; Board of Supervisor’s (30); County Counsel; Environmental Health Division; Public Works; Monterey County Water Resources Agency; North County Fire Protection District; Alana Knaster; Mike Novo; Carl Holm; Jacqueline Onciano, Planning Services Manager; Agent, Fenton and Keller; Owner Donald and Barbara Chapin; Project File PLN080039

Attachments:  
Exhibit A Project Data Sheet
Exhibit B Discussion of Proposed Project
Exhibit C Draft Ordinance Amending Section 21.08.060
Exhibit D Resolution approving the Combined Development Permit and Recommended Conditions of Approval (Matrix) and Mitigation Monitoring and Reporting Plan (Attachment 1 to Exhibit D)
Exhibit E Planning Commission Resolution No. 09008 and 09009
Exhibit F CAC Meeting Minutes
Exhibit G Project Location Map
Exhibit H Project Plans
Exhibit I Addendum to the Certified EIR
Exhibit J Consistency Analysis
EXHIBIT A

Project Information for PLN080039

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<th>Project Title:</th>
<th>CHAPIN DONALD D JR &amp; BARBARA</th>
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<tr>
<td>Location:</td>
<td>PRESTON ST &amp; AXTELL ST CASTROVILL</td>
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<td>Applicable Plan:</td>
<td>North County Area Plan</td>
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<td>Final Action Deadline (884):</td>
<td>4/19/2009</td>
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Project Site Data:

| Lot Size: | 4.814 AC |
| Existing Structures (a0): | N/A |
| Proposed Structures (a0): | N/A |
| Total Sq. Ft.: | 31,243 |
| Coverage Allowed: | 60% |
| Coverage Proposed: | 41.5% |
| Height Allowed: | 35' |
| Height Proposed: | 24' |
| FAR Allowed: | N/A |
| FAR Proposed: | N/A |

Resource Zones and Reports:

| Environmentally Sensitive Habitat: | No |
| Biological Report #: | LIB080407 |
| Forest Management Rd. #: | N/A |
| Archaeological Sensitivity Zone: | HIGH |
| Archaeological Report #: | LIB080406 |
| Erosion Hazard Zone: | HIGH |
| Soils Report #: | LIB080405 |
| Geologic Hazard Zone: | VI |
| Geologic Report #: | LIB080408 |
| Traffic Report #: | LIB080451 |
| Fire Hazard Zone: | URBAN/AG |

Other Information:

| Water Source: | WATER SYSTEM |
| Water DistCo: | CCSD |
| Fire District: | NORHT COUNTY FPD |
| Tree Removal: | N/A |
| Sewage Disposal (method): | SEWER |
| Sewer District Name: | CCSD |
| Grading (cubic yds.): | 14,300.0 |

Exhibit B

Page 4 of 31 Pages
EXHIBIT B
DISCUSSION

Summary of the Monterey County Planning Commission Hearing and Recommendation
The proposed project was brought before the Monterey County Planning Commission on January 28, 2009. The Planning Commission recommended, with a vote of seven to zero with one member absent and one member recused, that the Board of Supervisors consider the Addendum to the Certified EIR, adopt the ordinance to rezone a portion of the property, and approve the Combined Development Permit and General Development Plan.

At that hearing, the Planning Commission raised a question as to why the RMA Planning Department did not require a Coastal Development Permit for the creation of the Remainder Parcel within the Coastal Zone. Based on further research and consultation with the California Coastal Commission (CCC) staff, staff came to the conclusion that with modifications to the map, Findings and Evidence and Conditions of Approval, the project would not require a Coastal Development Permit. The area referred to as the Remainder Parcel within the project description is located within the coastal zone and is approximately 0.466 acres. Staff has conditioned the project to require the applicant to expand Parcel H to combine Parcel H with the parcel that was denoted a remainder parcel. To ensure development would occur only on the inland portion of the parcel, the applicant is also required to convey an open space and conservation easement over the portion of Parcel H that lies in the coastal zone. (See conditions 10, 61.) County staff believes that the project not require a coastal permit if Parcel H is combined with the remainder to make one larger Parcel H with no remainder parcel and if the coastal portion of this parcel is placed in easement. The creation of a lot which includes both coastal and inland areas does not constitute development within the coastal zone in this case because the potential for development is only within the inland area. Because the project does not include proposed or potential future development within the coastal zone, a Coastal Development Permit is not required (See Section 20.70.115 and 20.70.120.F of Title 20 (Part 1 of the Coastal Implementation Plan).

Staff has confirmed with the CCC staff that this alternative will not require a coastal permit. The applicant has agreed to add Condition 61 which requires the final map to be modified by combining both Parcel H and the Remainder Parcel. Thus, Parcel H will total to approximately .591 acres and there will be no Remainder Parcel. The coastal portion of the resulting Parcel H will be required to be placed within a scenic easement (Condition No. 10) to ensure that all development take place only within the inland area and result in no intensification to the coastal area.

Project Site Information
The subject properties consist of seven lots of record (Assessor's Parcel Numbers 030-041-001-000, 030-041-003-000, 030-041-004-000, 030-041-005-000, 030-041-008-000, 030-011-009-000 and 030-011-011-000) plus one separate road parcel which are located on the northern corner of Axtell Street and Preston Street and areas north and west of Davis Street, Castroville, with a total area of approximately 4.814 acres. A request for road abandonment went before the Board of Supervisors on March 17, 1970, was considered and denied. It was found that the County had no interest in the parcel; therefore, there was nothing to abandon and the lot can be consolidated (See Resolution No. 85-285 recorded May 28, 1985 in Reel 1842 of Official Records at Page
Grading has occurred in the past (grading permit file No. GP020075) and documented fill has been placed on the property.

Vegetation is comprised of highly disturbed non-native invasive species including poison hemlock, wild radish, and curly dock. A segment of the northeastern portion of the subject property is located within the Coastal Boundary and is close to the Castroville Slough which is essentially an agricultural ditch. However, this area is highly disturbed and does not contain any environmentally sensitive habitat.

The properties to the northwest, south, and southeast contain single family homes and the area to the northeast is fallow agricultural land bordered by agricultural land which is currently in production. The surrounding land use designations are residential to the west and agricultural towards the east.
Project Information
The proposed project includes the rezone from Medium Density Residential, 1 unit per acre (MDR/1-Z) to the designation High Density Residential, 18 units per acre (HDR/18) for northeast portions of the Davis Street right of way. The result of the rezone will allow the lots within the subdivision to be consistent with the land use designations of the Castroville Community Plan (CCP).

The project also includes a Combined Development Permit and General Development Plan to allow a Vesting Tentative Map to allow the consolidation and re-subdivision of eight lots. The resulting subdivision consists of a new configuration of eight parcels which are for residential
development; one parcel (Parcel B) for a 59 unit apartment complex, six parcels (approximately 0.125 acre each) for single family lots, and one parcel to separate an existing single family dwelling. The subdivision will also create one well lot (0.046 acre).

The project does not include the construction of single family dwellings for the six of the proposed residential lots (Parcel’s C, D, E, F, G and H); therefore, impacts caused by specific development on those lots were not analyzed. However, the proposed lot size is consistent with the Castroville Community Plan guidelines. The resulting Parcel A contains a single family dwelling and no other development is proposed. One of the six single family lots (Parcel H) will contain .466 acres within the coastal zone. To ensure that development occur only on the inland portion of the parcel, the applicant is also required to convey an open space and conservation easement over the portion of Parcel H that lies in the coastal zone. (See conditions 10, 61.)

A Use Permit is required to allow the construction of a 59 unit apartment complex consisting of 58 apartments and an additional structure with a 1,415 square foot Resident’s Center on the first floor and a 935 square foot manager’s unit on the second floor. Grading for site improvement will require approximately 3,500 cubic yards of cut and 10,800 cubic yards of fill.

Castroville Community Plan
The Castroville Community Plan (CCP) was adopted by the Board of Supervisors on April 10, 2007 (Resolution Nos. 07-101, 07-102, and 07-103). The CCP includes land use designations, infrastructure improvements, public facilities, and an economic development strategy specific to the area within the Community Plan Boundary. Although the CCP has been adopted, the implementation of the Castroville Community Plan zoning classification has not. The RMA-Planning Department has been tasked to amend the Monterey County Zoning Code (Title 21) to include: the Castroville Community Plan zoning classifications, the Community Plan Design Guidelines (Appendix A of the CCP), and the Community Plan Development Standards (Appendix B of the CCP). It is expected that the amendment to Title 21 will be completed and adopted in the spring of 2009. Therefore, projects within the Community Plan boundaries and submitted before the Title 21 amendment will be required to be consistent with both the CCP as well as Title 21.

Consistency with the Castroville Community Plan Land Use
The southwest of the Davis Street right of way (Assessor Parcel Numbers: 030-041-001-000, 030-041-003-000, 030-041-004-000, 030-041-005-000, and 030-041-008-000) has a current zoning of HDR/*Z which allows a maximum density of 15 units per acre. The portion of the project in this area has a density of 14.8 dwelling units per acre. In the Community Plan, MDR-C allows a density of up to 20 dwelling units per acre for clustered residential development. Therefore, the project as proposed will be consistent with both the current zoning as the portions zoned HDR/*Z and the zoning designation of the Castroville Community Plan.

In order for the proposed development to be consistent with the CCP, rezoning of the properties within the development will be required. The applicant proposes to rezone portions northeast of the Davis Street right of way (Assessor’s Parcel Numbers 030-011-009-000 and 030-011-011-000) from MDR/1-Z to the designation of High Density Residential, 18 units per acre (HDR/18).
The current zoning allows for one unit per acre, which is inconsistent with the proposed project as the density within the portions zoned MDR/1-Z is 20 units per acre.

Combining the total amount of acreage and the total amount of units within the development, the resulting density is 17.4 units per acre. Therefore, it is proposed that the two existing zoning districts be combined and rezoned to HDR/18. The project then would be consistent with both Title 21 and the zoning classification within the CCP which is HDR-C and allows a maximum density of 20 dwelling units per acre. [See Figure 4, Proposed Land Uses, of the Castroville Community Plan and Finding No. 4, Evidence (i) and (u) of Exhibit C.]

The land use designation in the CCP for the coastal parcel is RC(CZ) or Resource Conservation, Coastal Zone which is consistent with the current zoning. Therefore, rezoning of this portion is not necessary for consistency.

Consistency with Policies of the Castroville Community Plan *

The project application was submitted following the adoption of the CCP. Policy 1.2 of the CCP requires that new development be consistent with the Community Plan Design Guidelines (Appendix A) and Development Standards (Appendix B). The project as proposed is consistent with CCP Policies pertaining to the project and project site; such as meeting urban infrastructure and service standards, contributing to the cost of infrastructure and service, flood control improvements that reduce the threat of flooding to the existing community and provide opportunities for new development in areas currently subject to flood hazards, and providing adequate park and recreational facilities that meet the needs of the community. (See Finding No. 4 of Exhibit C.)

The proposed multi-family unit apartment, contained within Parcel B, is consistent with the uses allowed within the HDR-C land use designation in the Community Plan and consistent with the 13,500 square foot minimum lot size. The proposed height is approximately 2-stories/26 feet, the front setback from Preston Street is 10 feet, the front setback from Axtell Street is 15 feet, the rear setback is 12 feet, the side setback is 10 feet, and the setback from sidewalk to community open space is 10 feet which is consistent with the Site Development Standards listed within the HDR-C zoning district. Parking regulations outlined within the Section 3.2.3.e of the CCP requires that two spaces be provided for every two and three bedroom unit and that one guest parking space be provided for every four residential units. Handicapped parking regulations are not outlined within the CCP. Thus, items contained within the Zoning Ordinance but not addressed within the CCP remain as requirements. Therefore, the project shall meet the handicapped parking regulations outlined in Section 21.58.050.G of the Monterey County Zoning Ordinance (Title 21) which requires that the project provide four handicapped spaces. The project proposes a total of 133 (five of which are handicapped), meeting the amount required. [For a breakdown of parking spaces, see the table found in Exhibit (y) of Finding 4]

The proposed single family lots (Parcel’s C, D, E, F, G and H) are considered “small lot single family” and the proposed project meets the required minimum building site of 3,000 square feet, the minimum width of 30 feet, and the maximum density of 12 units per acre. There is no

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* A simplified table can be found within Exhibit J of the staff report.
proposal for construction with this project; however, when construction begins, the developer will be required to meet the Design Guidelines and Development Standards within the Community Plan.

No further development is proposed within the coastal zone. The applicant agrees, as a condition of approval, to consolidate the previously proposed remainder parcel with Parcel H and to place an open space conservation easement within the coastal portion of the property (see condition Nos. 10 and 61). Because the Coastal Commission has not certified the CCP as applied to the coastal zone, consistency for the coastal portion is analyzed by examining the North County Land Use Plan without amendment by the CCP. Protection of sensitive resources, plant communities, and animal habitats is emphasized in the areas designated as Resource Conservation. The North County Land Use Plan requires that only minimum level of facilities essential to the support of recreational, educational, scientific, or aquacultural use of Resource Conservation area shall be permitted. Since the area will be conveyed in an open space and conservation easement, no development will occur; and therefore will be consistent with the goals and policies of the North County Land Use Plan.

Specific Project Analysis and Issues
During analysis of the subject property and proposed project, staff identified potential issues: unsuitable soil conditions and development within the floodplain of the Castroville Slough.

The applicant submitted a Geologic and Soil Engineering Report dated June 2002, prepared by LandSet Engineers, Inc. (Library No. LIB080408) as well as an Updated Seismic Design Criteria letter dated March 13, 2008 (Library No. L080405). Some areas within the project site were found to have unsuitable soil and will required over-excavation. Condition No. 13 has been included to guarantee that the applicant submit grading plans that have been reviewed and approved by a registered geotechnical engineer, and verified as consistent with the special recommendations of the Geology and Soils Engineering Report. In addition, accompanying the grading plans shall be a letter prepared by the consulting registered geotechnical engineer stating that the plans are consistent with the recommendations described in Condition No. 13 to be reviewed by the RMA-Director of Planning for compliance. Furthermore, Condition No. 13 will ensure that all development occurs in accordance with both the report and updated design criteria. A section of the northeastern portion of the project site is within the 100 year floodplain for the Castroville slough. In order to bring the elevation above the base flood elevation (BFE), fill will have to brought in (the total amount of fill for the project is 10,800 cubic yards). The reports recommends that fill material be slowly and deliberately placed over period of not less than 18 months prior to achieving subgrade elevation. Once subgrade elevation has been obtained the embankment fill should be allowed to surcharge for a period of not less than six months prior to foundation construction to limit the potential of differential settlement. The applicant has submitted a progress report from LandSet Engineers, Inc. dated January 5, 2009. The report demonstrates that grading activities which have already occurred in this area have been done in compliance with timing for the surcharge requirements.

Policy No. 10.5 of the Castroville Community Plan requires the implementation of flood control improvements in order to reduce the threat of flooding to the existing community and provide opportunities for new development in areas currently subject to flood hazards. A portion of the
northeast section is located within the 100 year floodplain of the Castroville Slough and the community accepted Base Flood Elevation (BFE) is 8 feet MSL (NGVD 1929). Based off of mitigation measures identified within the EIR for the CCP, prior to the issuance of the grading permit, the applicant is required to submit a Condition Letter of Map Revision (CLOMR) application to the Federal Emergency Management Agency (FEMA) which shows how the applicant will raise the elevation of the site above the BFE and prior to the final inspection of the grading permit, the applicant is required to submit copies of the FEMA Letter of Map Revision (LOMR). The applicant has prepared a FEMA LOMR-F application that includes certification that the lowest lot elevation is 10.0 feet mean sea level (NGVD 1929). A community Acknowledgement Form was signed by the Monterey County Water Resources Agency staff on June 30, 2008.

In conclusion, the proposed project and the subject property has no unresolved issues regarding demolition of existing structures and its potential as a historic resource; potential parking issues; the potential for biological resources on the property; liquefaction, undocumented fill and organic material; and development within the floodplain of the Castroville Slough.

CEQA and Addendum to the Adopted EIR
During the review process of the Castroville Community Plan (CCP), an EIR was prepared to evaluate environmental impacts and the Final EIR was certified in November 2006. Environmental impacts caused by the implementation of the CCP were analyzed, therefore mitigations requiring conditions of approval that pertain to the Chapin project have been incorporated; specifically for Aesthetics, Air Quality, Hazards/Hazardous Materials, Hydrology/Water Quality, and Utilities. This EIR is considered a program-level EIR and pursuant to Section 15164 of the CEQA Guidelines, an Addendum was prepared in order to address project specific issues that were not previously examined in the program EIR. No new potentially significant impacts were identified and no impacts were found to be more severe during analysis of the project. Therefore, none of the findings listed under Section 15162 of the CEQA Guidelines can be made, and preparation of an Addendum is appropriate. Therefore, staff requests that the Board of Supervisors consider both the Addendum and the EIR. A digital copy of the EIR can be found at: http://www.co.monterey.ca.us/housing/Redevelopment/Castroville/castrov.htm and a hard copy can be reviewed at the front count of the RMA-Planning Department located at 168 W. Alisal Street, Second Floor, Salinas. Further discussions regarding specific impacts and conditions are found within the Finding No. 5 of Exhibit D and the Addendum (Exhibit J).

During the January 7th Castroville Advisory Committee meeting, a member of the school district brought up concerns regarding the project creating an impact to the Castroville Schools. Members of the school district stated that the projection of students for the 2008-2009 school year were way under the actual population numbers. During the creation of the CCP and the EIR for the CCP, Redevelopment staff worked closely with the school district. The North Monterey County Unified School District (NMCUSD) is in the process of preparing a Schools Master plan for the school district which includes a plan for anticipated increases in enrollment as a result of new development. The applicant will be required to pay school district fees prior to the issuance of the building permit. Section 65996(3)(h) of the California Government Code states

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that payment of the developer fees "is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property...". Therefore, the project will have a less than significant impact on the school district.
ORDINANCE NO. __


County Counsel Summary

This ordinance amends Section 21-104 of the Sectional District Maps of Section 21.08.060 of Title 21 (Zoning) of the Monterey County Code to change the zoning designation of the southern 1.238 acres of a 1.531 acre parcel (APN 030-011-009-000/CHAPIN) from MDR/1 to HDR/18, with .293 acres to remain RC(CZ); and to change the zoning designation of the southern 1.001 acres of a 1.176-acre parcel (APN 030-011-011-000/CHAPIN) from MDR/1 to HDR/18, with .176 acres to remain RC(CZ).

These properties are generally located northeast of the Davis Street right of way.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Section 21-104 of the Sectional District Maps of Section 21.08.060 of the Monterey County Code is hereby amended to change the underlying zoning designation of the southern 1.238 acres of a 1.531 acre parcel (APN 030-011-009-000/CHAPIN) from Medium Density Residential, one unit per acre (MDR/1) to High Density Residential, 18 units per acre (HDR/18), with .293 acres to remain Resource Conservation, Coastal Zone [RC(CZ)]; and to change the underlying zoning designation of the southern 1.001 acres of a 1.176-acre parcel (APN 030-011-011-000/CHAPIN) from Medium Density Residential, one unit per acre (MDR/1) to High Density Residential, 18 units per acre (HDR/18), with .176 acres to remain Resource Conservation, Coastal Zone [RC(CZ)], as shown on the map attached hereto as Attachment 1 and incorporated herein by reference.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption.
PASSED AND ADOPTED this ___ day of __________, 2009 by the following vote:

AYES: Supervisors
NOES:
ABSENT:
ABSTAIN:

Attest:
Gail T. Borkowski, Clerk
of the Board of Supervisors

By: _______________________
Deputy

Louis R. Calcagno, Chair
Monterey County Board of Supervisors

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel

Exhibit 3
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ATTACHMENT 1 OF EXHIBIT "C"

TO BE REZONED FROM "MDR/1-Z" TO "HDR/18-Z"

CASTROVILLE

REZONING: SECTION 21-104, TITLE 21

APN: 030-011-009-000 & 030-011-011-000

FILE # PLN080039, CHAPIN

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EXHIBIT D

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

Resolution No. ________

a. Consider the certified Environmental Impact Report for the Castroville Community Plan and an Addendum to the EIR;

b. Consider adopting a resolution approving a Combined Development Permit and General Development Plan for the Chapin Project (PLN080039) consisting of Standard Subdivision Vesting Tentative Map to allow the merger and re-subdivision of eight parcels into eight parcels ranging in size, with a conservation easement over the entire coastal portion, and one well parcel; and a Use Permit to allow the construction of a 59 unit apartment complex, based on the Findings and Evidence and subject to the recommended Conditions of Approval; and

c. Adopt the Mitigation Monitoring Reporting Program.
(PLN080039/Don Chapin)

The application of PLN080039 (Chapin) came on for public hearing before the Monterey County Board of Supervisors on March 17, 2009. The application consists of a request to consider the certified Environmental Impact Report for the Castroville Community Plan and an Addendum to the EIR and approve a Combined Development Permit and General Development Plan consisting of Standard Subdivision Vesting Tentative Map to allow the merger and re-subdivision of eight parcels into eight parcels with a conservation easement over the entire coastal portion and one well parcel; and a Use Permit to allow the construction of a 59 unit apartment complex, hereafter referred to as “the project”.

Having considered all of the written and documentary evidence, the administrative record, the staff report, the oral testimony, and other evidence presented, the Board of Supervisors hereby finds and decides as follows:

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, guidelines, and standards of the Castroville Community Plan (CCP), North County Area Plan, North County Area Plan Inventory and Analysis, Certified North County Land Use Plan, North County Coastal Implementation Plan (Part 2), Monterey County Zoning Ordinance (Title 21), and the Monterey County Subdivision Ordinance (Title 19) which designates this area as appropriate for the proposed 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. Specific consistency
findings for the Castroville Community Plan can be found within Findings
and Evidence 4.

(b) The properties are located at the northern corner of the intersection of
Axtell and Preston Streets; and areas north and west of Davis Street,
Castroville (Assessor’s Parcel Numbers 030-041-001-000, 030-041-003-
000, 030-041-004-000, 030-041-005-000, 030-041-008-000, 030-011-009-
000 and 030-011-011-000), Castroville Community Plan area. The
parcels are zoned High Density Residential or “HDR/*Z”, Medium
Density Residential or “MDR/1”, and Resource Conservation (Coastal
Zone) or “RC(CZ)”.

(e) The applicant proposes to rezone portions northeast of the Davis Street
right of way (Assessor’s Parcel Numbers 030-011-009-000 and 030-011-
011-000) from MDR/1-Z to the designation of High Density Residential,
18 units per acre (HDR/18). The current zoning allows for one unit per
acre, which is inconsistent with the proposed project as the density within
the portions zoned MDR/1-Z is 20 units per acre. [See Figure 4, Proposed
Land Uses, of the Castroville Community Plan and Finding No. 4,
Evidence (b) and (c).]

(f) The coastal portion of Parcel H is consistent with the goals and policies of
the North County Land Use Plan and the North County Coastal
Implementation Plan. [See Finding 3, Evidence (c)]

(g) The project planner conducted a site inspection on August 4, 2008 to
verify that the project on the subject parcel conforms to the plans listed
above.

(h) The project is consistent with the Design Guidelines and Development
Standards of the CCP (see Finding No. 4).

(i) Pursuant to Policy No. 2.3 of the CCP, the project was referred to the
Castroville Advisory Committee (CAC) for review on November 20, 2008
and January 7, 2009. [For further information see Finding No. 4,
Evidence (g).]

(j) The project was brought before the Monterey County Standard Subdivision
Committee on December 11, 2008. The Committee recommended that the
Planning Commission recommend approval of the project to the Board of
Supervisors approve the rezone.

(k) The Planning Commission considered the development proposal on
January 28, 2009. and recommended, with a vote of seven to zero with
one member absent and one member recused, that the Board of
Supervisors consider the Addendum to the Certified EIR , adopt the
ordinance to rezone a portion of the property, and approve the Combined
Development Permit and General Development Plan.
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 PLN080039.

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
Rural Fire Protection District, Parks, Public Works, Environmental Health
Division, Water Resources Agency and Housing and Redevelopment.
There has been no indication from these departments/agencies that the site
is not suitable for the proposed development. Recommended conditions
have been incorporated.

(b) Technical reports by outside archaeological, biological, geological and
traffic consultants indicate 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:
1. “Preliminary Cultural Resources Reconnaissance” (LIB080406)
prepared by Archaeological Consulting, Salinas, CA, August 1,
2002.

2. “Biological Assessment” (LIB080407) prepared by Rana Creek Habitat

3. “Geologic and Soil Engineering Report” (LIB080408) prepared by
LandSet Engineers, Salinas, CA, June 2002.

4. “Updated Seismic Design Criteria” (LIB080405) prepared by LandSet
Engineers, Salinas, CA March 13, 2008

5. “Traffic Impact Fee Calculation” (LIB080039) prepared by Earth

6. “Traffic Analysis” (LIB070315) prepared by Higgins Associates,

(c) Staff conducted a site inspection on August 4, 2008 to verify that the site
is suitable for this use.

(d) Materials in Project File PLN080039.

3. FINDING: REQUIREMENT OF A COASTAL DEVELOPMENT PERMIT- The
creation of Parcel H does not require a Coastal Development Permit and the
proposed lot is consistent with the North County Land Use Plan, North
County Coastal Implementation Plan (Part 2), Monterey County Coastal
Implementation Plan, Part 1 (Title 20).

(a) The area which was initially proposed as the “Remainder Parcel” within
the project description is located within the coastal zone and is
approximately .466 acres. Initially, staff determined that a coastal permit
was not required because under the Subdivision Map Act a remainder
parcel is not part of the subdivision and the entire lot was offered to be
placed into a permanent conservation easement. Based on further research
and consultation with Coastal Commission staff, staff has conditioned the
project to require the applicant to expand parcel H to combine Parcel H

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and the parcel that was denoted a remainder parcel. To ensure development would occur only on the inland portion of the parcel, the applicant is also required to convey an open space and conservation easement over the portion of Parcel H that lies in the coastal zone. (See conditions 10, 61]). Because all of the development on Parcel H will therefore occur on the inland portion of Parcel H, a Coastal Development Permit is not required for the subdivision. Staff has modified the project description, findings and evidence, and conditions of approval accordingly.

(b) A condition of approval (Condition No. 61) requires that the final map be submitted with a modification to combine both Parcel H and the Remainder Parcel. Thus, Parcel H will total to approximately 0.591 acres and subsequently, there will be no Remainder Parcel and any future development on Parcel H will be required take place entirely within the inland area.

(c) The applicant has submitted a letter to the RMA Planning Department, dated March 3, 2009. The letter states that the applicant has “no intention, now or in the future, to sell, lease, or finance” the coastal portion of the subject property. The applicant also acknowledges that future uses which may potentially be allowed are economically viable and that the applicant waives any potential future takings or inverse condemnation claim. Therefore, the applicant is in agreement to place the coastal portion of Parcel H with a scenic conservation easement. The current zoning for this portion is RC(CZ) and the scenic easement is consistent with the purpose of the Resource Conservation District and the allowed uses. Because the Coastal Commission has not certified the CCP as applied to the coastal zone, consistency for the coastal portion is analyzed by examining the North County Land Use Plan without amendment by the CCP. Protection of sensitive resources, plant communities, and animal habitats is emphasized in the areas designated as Resource Conservation. The North County Land Use Plan requires that only minimum level of facilities essential to the support of recreational, educational, scientific, or aquacultural use of Resource Conservation area shall be permitted. Since the area will be conveyed in an open space and conservation easement, no development will occur; and therefore will be consistent with the goals and policies of the North County Land Use Plan.

(d) The creation of a lot which includes both coastal and inland areas does not constitute development with in the coastal zone in this case because the only potential for development is within the inland area. Therefore, if the project does not include development within the coastal zone, a Coastal Development Permit is not required [See Section 20.70.115 and 20.70.120.F of Part 1 of the Coastal Implementation Plan (Title 20)].

(e) The buildable area of Parcel H is consistent with the proposed rezone from MDR/1 to HDR/18 as well as the land use designation of the Castroville Community Plan, HDR-C. [See Finding No. 1 Evidence (e)].

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4. FINDING: COMPLIANCE WITH THE CASTROVILLE COMMUNITY PLAN
(CCP) – The project application was submitted following the adoption of the
CCP as applicable in the unincorporated inland portion of the County. Policy
1.2 of the CCP requires that new development be consistent with the
Community Plan Design Guidelines and Development Standards. The project
is in compliance with all the applicable policies of the CCP and meets the
criteria within the Design Guidelines. (A simplified table is included as
Exhibit J of the Board of Supervisors staff report dated March 17, 2009.)

EVIDENCE: (a) Portions southwest of the Davis Street right of way (Assessor Parcel
Numbers: 030-041-001-000, 030-041-003-000, 030-041-004-000, 030-
041-005-000, and 030-041-008-000) are zoned HDR/*Z which allows a
maximum density of 15 units per acre. The portion of the project in this
area has a density of 14.8 dwelling units per acre. In the Community Plan,
MDR-C allows a density of up to 12 dwelling units per acre. The average
density of the whole development is consistent with the combined density
of the MDR-C and HDR-C land designations. Therefore, the project as
proposed will be consistent with both the current zoning HDR/*Z and the
land use designation of the Castroville Community Plan.

(b) The applicant proposes to rezone portions northeast of the Davis Street
right of way (Assessor’s Parcel Numbers 030-011-009-000 and 030-011-
011-000) from MDR/1-Z to the designation of High Density Residential,
18 units per acre (HDR/18). The current zoning allows for one unit per
acre, which is inconsistent with the proposed project as the density within
the portions zoned MDR/1-Z is 20 units per acre. Combining the total
amount of acreage and the total amount of units within the development,
the resulting density is 17.4 units per acre. Therefore, the Planning
Commission recommended that the Board of Supervisors consider the
Addendum to the Certified EIR, adopt the ordinance to rezone a portion of
the property, and approve the Combined Development Permit and General
Development Plan (see Planning Commission Resolution No. 080039).
Prior to the Board taking this action, the Board adopted a zoning
ordinance to change the zoning of the portion of the property designated as
MDR/1 to HDR/18. When the zoning ordinance takes effect, the project
would be consistent with both Title 21 and the zoning classification within
the CCP which is HDR-C and allows a maximum density of 20 dwelling
units per acre.

(d) Policy No. 1.3 requires design features in new development projects such
as banners, entrance signs, and advertising shall be created to incorporate
themes that reflect the community’s agricultural and cultural history. The
proposed location and design of all entry signs have not been submitted by
the applicant; however, the project is conditioned to require the applicant
to submit a sign plan to the RMA-Planning Department for review for
consistency with the CCP guidelines and approval prior to the issuance of
any building permits. (See Condition No. 17.)

(e) Policy No. 1.5 requires development to incorporate the Design Guidelines
and Development Standards to ensure that the scale and design enhances
the safe, attractive small town character desired. The proposed project orientss mostly to the interior with efficient use of parking layouts with landscaped buffers between the parking and apartments. The apartments along the street have entrances facing the street with walks from the sidewalks, the interior of the projects that connect apartments with each other, the Resident's Center and recreation spaces for healthy and safe interaction.

(f) Policy No. 2.2 requires that new development, including infill development, be reviewed with the appropriate Community Plan architectural Design Guidelines (Appendix A) and Development Standards (Appendix B) to ensure quality of design and compatibility. The proposed project is similar to the existing scale of houses and apartments within the neighborhood. Both horizontal siding and plaster are used to break up the building massing and detail is simple and consistent with project's architectural style.

(g) Policy No. 2.3 requires that the Castroville Citizen's Advisory Committee (CAC) monitor and comment on development proposals within the vicinity of the community of Castroville which may have the potential to affect the community as well as ensure that new development does not negatively impact the community. The project was heard before the CAC on November 20, 2008 and January 7, 2009. The CAC found that the project was in compliance with the CCP; however, a few members of the public had questions regarding impact to the schools and project review by the North County Recreation and Parks District (NCRPD). Potential impacts to the school district are addressed in Finding 4 Evidence (i). The Monterey County Parks Department has reviewed the project and condition 26 has been incorporated within Exhibit D, requiring the applicant collaborate with the NCRPD.

(h) Policy No. 4.1 encourages a range of housing types in a mixed income format that meets the needs of Castroville's workforce and allows residents to stay within the community as their lifestyles and incomes change over the years. The proposed apartment complex will provide a total of 59 units which consists of: one manager's unit, five moderate income units, three low income units, three very low income units, four handicap accessible units; with the remaining units available as market rate. Six single family lots will be created through the subdivision. Although construction for the dwelling units is not included within this proposal, the lots will be zoned, HDR-C which allows for a range of housing types.

(i) Policy 5.1 requires that new private development work with local and regional organizations to enhance the sloughs in the vicinity of Castroville as part of the ongoing regional slough enhancement efforts to improve habitat, provide open space, and create attractive amenities for the entire community. The Castroville Slough, located northeast of the project site, is essentially a drainage ditch for agricultural land runoff. This portion is not included within Appendix G of the Community Plan, Slough Enhancement Sections, and the applicant does not propose any
development within this area. However, the northeastern portion of the subject property (located within the Coastal Zone and adjacent to the slough) will be created as a remainder parcel, does not include any development, and will be dedicated as visual open space. Condition No. 10 has been added to dedicate the remainder parcel within a conservation easement as visual openspace.

(j) Policy 5.2 encourages compatible infill development and compact new development within the Community Plan area as well as the efficient use of land resources. The proposed development is located within an infill site surrounded by existing residential developments towards the north, east, and south; and agricultural land located towards the west. The proposed development is compatible with the surrounding uses.

(k) Policy No. 10.1 requires development meet urban infrastructure and service standards. A can and will serve letter from the Castroville Community Services District was provided by the applicant and water service connections will be made available for both the 58 unit multi-family apartments complex with a manager’s unit and residents center and the seven single family lots. A can and will serve letter from the Castroville Community Services District was provide by the applicant which also verifies the sewer service connections will be made available for both the 58 unit multi-family apartments complex with a manager’s unit and residents center and the seven single family lots.

(l) Policy No. 10.2 requires development contribute to the cost of infrastructure and service. The project is required to pay district connection fees for water and sewer service as well as pay a fair share cost for local and regional transportation improvement (see Condition Nos. 34, 35, and 59).

(m) Policy No. 10.3 requires that new development work closely with the affected school district to ensure that impact on schools serving the Castroville community by providing required school facilities and contributing to the cost of maintaining quality service. As part of the building permit process, the applicant will be required to pay school district developer fees to the North Monterey County Unified School District.

(n) Policy No. 10.4 requires new development to work with all service providers to ensure adequate levels of service are provided to the community and meet the needs of Castroville residents and businesses. There has been no indication from service providers that the project will impact services; therefore, it is assumed that adequate levels of service exist.

(o) Policy No. 10.5 requires the implementation of flood control improvements in order to reduce the threat of flooding to the existing community and provide opportunities for new development in areas currently subject to flood hazards. A portion of the northeast section is located within the 100 year floodplain of the Castroville Slough and the community accepted Base Flood Elevation (BFE) is 8 feet MSL (NGVD
(p) Policy No. 10.6 requires that development provide adequate park and recreational facilities which meet the needs of the community. The project was reviewed by the Monterey County Parks Department and as a condition of approval (see Condition No. 26), the applicant will provide on-site recreation areas by dedicating land and recreation improvements for park and recreation purposes as well as a possible contribution to other local neighborhood or community parks and recreational facilities within the North County Recreation District located in Castroville.

(q) Site Design – Compatibility and Good Neighbor Considerations. Proposed structures shall meet the minimum front yard setback specified in the Development Standards section and should be compatible with front yard setbacks of adjacent properties. The privacy of adjacent properties should not be obstructed with the design and placement of proposed building height and second-floor windows, balconies, and decks that should not have a direct view of those properties. The proposed front yard setback along Preston Street is 10 feet from the road right of way to the nearest point of the structure; which is the minimum allowed. The proposed front setback along Axtell Street is 15 feet and is consistent with the existing development along Axtell. Most units are placed for minimal affect on the adjacent residential windows of the existing single family dwellings and proposed new units and are facing toward streets, parking or open space. Retaining walls are proposed to be placed between the new construction and the existing single family dwellings.

(r) Architectural Elements – Building Mass, Front Porches, Roof Lines, Angles, Projections, and Architectural Details. The proposed height for the new buildings is approximately 26 feet (2-stories) which is similar in scale and massing to surrounding houses and apartments. One-story roof projections are located at the entry of townhouses and at each pedestrian unit off Axtell and Preston Streets. Roof forms are compatible with adjacent structures and contain interesting gables to break up roof elements. Architectural details including porch columns, decorative door and window designs, roof overhangs with decorative brackets and rafter tails, exterior molding, porch and balcony railings, exterior siding and
(s) Lighting — Exterior lighting will be positioned at entries and be down light with no direct light extending into neighboring properties. Parking is interior to project and lighting will be the minimum as required for safety and be down light with cut off to reduce glare. A lighting condition has been included to ensure that lighting within the apartment complex will be in compliance with the guidelines. (See Condition No. 16)

(t) Landscaping – Design, Permeable Surfaces, Placement of Mechanical Equipment and Trash Enclosures, Building Surfaces, Fences, and Walls. Landscaping will be compatible with the structures with visual openness. Maintained, permeable surfaces will be maximized and drought tolerant plants utilized. Trash enclosure will be screened and out of public view. A landscaping condition has been included to ensure that landscaping within the apartment complex will be in compliance with the guidelines. (See Condition No. 15)

(u) HDR-C Land Use Designation – The six new single family lots are intended for detached single family dwellings; however, there is no proposal for construction with this project. When construction begins, the developer will be required to meet the design guidelines and standards within the Community Plan.

(v) MDR-C Site Development Standards – Under the CCP, the proposed MDR-C lots are considered “small lot single family”. The proposed project meets the minimum 3,000 square foot building site, the minimum width of 30 feet, and the maximum density of 12 units per acre.

(w) HDR-C Land Use Designation - The proposed multi-family unit apartment is consistent with the uses allowed within the HDR-C land use designation.

(x) HDR-C Site Development Standards – The proposed lot size for Parcel B, which contains the 59 unit apartment complex, is 147,695 square feet and the project proposes a density of 17.4 units per acre which is consistent with the 13,500 minimum lot size and maximum 20 units per acre limit of the HDR-C zoning district. The proposed height is approximately 2-stories/26 feet, the front setback from Preston Street is 10 feet, the front setback from Axtell Street is 15, the rear setback is 12 feet, the side setback is 10 feet, and the setback from sidewalk to community open space is 10 feet. The proposed development is consistent with the Site Development Standards listed within the HDR-C zoning district.

(y) Parking regulations outlined within the Section 3.2.3.e of the CCP requires that two spaces be provided for every two and three bedroom unit and that one guest parking space be provided for every four residential units. Handicapped parking regulations are not outlined within the CCP. Thus, items contained within the Zoning Ordinance but not addressed within the CCP remain as requirements. Therefore, the project shall meet the handicapped parking regulations outlined in Section 21.58.050.G of the Monterey County Zoning Ordinance (Title 21) which requires that at least four handicapped spaces are provided for every 121-160 spaces. The

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Condition No. 28 has been included by the Public Works Department to ensure that the applicant comply with the parking regulations. The applicant has indicated that they will voluntarily required occupants to place a parking permit within their vehicle.

5. FINDING: CEQA – An Addendum to the certified Environmental Impact Report EIR (SCH# 2005061132) for the Castroville Community Plan for the proposed project has been prepared. The EIR and Addendum reflect the independent judgment and analysis of the County. None of the findings listed within Section 15162 requiring a subsequent EIR can be made. No substantial changes are proposed in the project which will require major revisions to the EIR, no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions to the EIR, no new information of substantial importance has been found.

EVIDENCE: (a) During the review process of the Castroville Community Plan (CCP), an EIR was prepared to evaluate environmental impacts and the Final EIR was certified in November 2006. Environmental impacts caused by the implementation of the CCP were analyzed, and mitigation measures that pertain to the Chapin project have been incorporated as conditions of approval; specifically for Aesthetics, Air Quality, Hazards/Hazardous Materials, Hydrology/Water Quality, and Utilities. Pursuant to Section 15164 of the CEQA Guidelines, an Addendum was prepared in order to address project specific issues that were not previously examined in the EIR. Further discussions regarding specific impacts and conditions are found within the Addendum (Exhibit I of the Board of Supervisors staff report dated March 17, 2009).

(b) Air Quality – The EIR analyzed potential air quality impacts caused by construction activities associated with the implementation of the CCP. It was found that construction activities would generate temporary emissions of criteria pollutants that could exceed Monterey Bay Unified Air Pollution Control District’s significance thresholds and create a potentially significant impact on air quality. In order to mitigate the potentially significant impact to less than significant, mitigation measures No. 3.3-1a, 3.3-1b, and 3.32 were identified. These mitigations have been incorporated as conditions of approval (Condition Nos. 52, 53, and 54) and will require the applicant to implement best-available control
measures (BACM) to reduce emissions of toxic are contaminants and reduce criteria air pollutants of ROG, NOx, CO and PM10 as recommended by the Monterey Bay Unified Air Pollution Control District and in accordance with Policy 20.25.5 of the Monterey County General Plan. Therefore, temporary construction related impacts cause by the proposed project will be less than significant.

(c) Biology – Mitigation measure No. 3.4-1 of the EIR for the CCP requires that a qualified biologist conduct a biological assessment of the area proposed for development in order to identify potential impacts to special status plant species, steelhead trout, migratory bird species, California red legged from and/or California Tiger Salamander, Least Bell’s Vireo, or burrowing owl habitat. A Biological report, dated September 5, 2002 prepared by Rana Creek Habitat Restoration (Library No. LIB080407) was submitted by the applicant. The report concludes that the project area contains little or no habitat value and is dominated by non-native plants. No rare, threatened, or endangered species were found on the property. Therefore, no mitigations for biological resources are required.

(d) Archaeology – Mitigation Measure No. 3.5-1a of the EIR requires that a certified archaeologist perform an archaeological evaluation in accordance with the Monterey County General Plan Policy 12.1.3. According to the Monterey County Resource Maps, the parcel is located within an area of “high” archeological sensitivity. If no resources are identified, no further action would be required. Therefore, an archaeological report, dated August 1, 2002 prepared by Archaeological Consulting (Library No. LIB080406) did not reveal any of the indicators normally found on a prehistoric site in this region. The archaeologist concludes that based upon field and background research, the project parcel contains no surface evidence of significant archaeological resources and the project should not be delayed for archaeological reasons.

(e) Geology – Mitigation measure No. 3.6-1 requires that a registered geologist prepare a preliminary seismic and geologic hazard report. Implementation of this mitigation will reduce impacts by requiring site-specific geotechnical reports, Monterey County approval of final engineering and improvement plans, and adherence to the California Building Code. The applicant submitted a Geologic and Soil Engineering Report dated June 2002, prepared by LandSet Engineers, Inc. (Library No. LIB080408) as well as an Updated Seismic Design Criteria letter dated March 13, 2008 (Library No. L080405). Some areas within the project site were found to have unsuitable soil and will required overexcavation. Condition No. 13 has been included to guarantee that the applicant submit grading plans that have been reviewed and approved by a registered geotechnical engineer, and verified as consistent with the special recommendations of the Geology and Soils Engineering Report. In addition, accompanying the grading plans shall be a letter prepared by the consulting registered geotechnical engineer stating that the plans are consistent with the recommendations described in Condition No. 13 to be
reviewed by the RMA-Director of Planning for compliance. Furthermore, Condition No. 13 will ensure that all development occurs in accordance with both the report and updated design criteria. A section of the northeastern portion of the project site is within the 100 year floodplain for the Castroville slough. In order to bring the elevation above the base flood elevation (BFE), fill will have to brought in (the total amount of fill for the project is 10,800 cubic yards). The reports recommends that fill material be slowly and deliberately placed over period of not less than 18 months prior to achieving subgrade elevation. Once subgrade elevation has been obtained the embankment fill should be allowed to surcharge for a period of not less than six months prior to foundation construction to limit the potential of differential settlement. The applicant has submitted a progress report from LandSet Engineers, Inc. dated January 5, 2009. The report demonstrates that grading activities which have already occurred in this area have been done in compliance with timing for the surcharge requirements. However, the condition remains as to ensure that certification occurs at the completion of all grading activity.

(f) Hazards – Potential hazards expected during project construction which include: exposure to small amounts of flammable materials, moving equipment, and noise. However, these potential impacts are considered less than significant because of safety measures incorporated into the project design and construction operations. Although there are no recorded hazardous materials sites located within the community of Castroville, implementation of the CCP may result in previously unknown hazardous materials being discovered during construction activities. As a result, the EIR identified mitigation measure No. 3.7-1 which will reduce potential impacts from hazardous materials contamination to a less than significant level by requiring the assessment of soil through a site-specific Phase I environmental Site Assessment. This mitigation has been included as Condition 55.

(g) Surface Water Hydrology, Water Runoff – The project has the potential to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Mitigations have been incorporated to reduce the potential to low by requiring the compliance with a NPDES General Permit, the submission of a SWPP and the installation of a storm drain facility. This will ensure that grading and construction activities occur in accordance with current state regulations and that urban runoff contaminants and sediment are minimized. (See Condition No. 56)

(h) Surface Water Hydrology, Flood Hazard Area – The subject property is partially located within Zone A, 100-year Floodplain of the Castroville Slough, as shown on FEMA Flood Insurance map, 0600195-0055 F, dated August 5, 1986. The Base Floodplain Elevation (BFE) is 8 ft. MSL which represents the water surface elevation corresponding to a flood having a one percent probability of being equaled or exceeded in one given year.
Based off of mitigation measure No. 3.9.4b identified within the EIR for the CCP, prior to the issuance of the grading permit, the applicant is required to submit a Condition Letter of Map Revision (CLOMR) application to the Federal Emergency Management Agency (FEMA) which shows how the applicant will raise the elevation of the site above the BFE and prior to the final inspection of the grading permit, the applicant is required to submit copies of the FEMA Letter of Map Revision (LOMR). The applicant has prepared a FEMA LOMR-F application that includes certification that the lowest lot elevation is 10.0 feet mean sea level (NGVD 1929). A community Acknowledgement Form was signed by the Monterey County Water Resources Agency staff on June 30, 2008. However, the FEMA process will not be satisfied until the grading activities completed. Therefore, condition 57 is required.

(i) Public Services - During the creation of the CCP and the EIR for the CCP, Redevelopment staff worked closely with the school district. The North Monterey County Unified School District (NMCUSD) is in the progress of preparing a Schools Master plan for the school district which includes a plan for anticipated increases in enrollment as a result of new development. The applicant will be required to pay the applicable school district fees prior to the issuance of the building permit. Section 65966(3)(h) of the California Government Code states that payment of the developer fees “is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property...”. Therefore, the project will have a less than significant impact on the school district.

(j) Traffic - The project will result in additional vehicle trips which will result in impacts to the Merritt Street Corridor. However, the project was assumed within the overall trip generation and traffic volumes within the community, and therefore has been accounted for within the Final EIR as certified. The project will be required to pay all applicable impact fees, including fees for programmed cumulative improvements within Castroville consisting of roadway improvements, intersection improvements, traffic signals and timing, and traffic/pedestrian safety improvements along the Merritt Street Corridor. Therefore, condition Nos. 34 and 35 have been incorporated which requires the applicant to pay both Community Plan and the Regional Development Impact fees prior to the issuance of building permits.

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

6. FINDING: SUBDIVISION ORDINANCE (TITLE 19) SOURCE CAPACITY AND WATER QUALITY - The source capacity and water quality for the proposed lots created through the subdivision meet all the requirements of all applicable health and safety regulations contained in Section 19.05.040.L of Title 19.

EVIDENCE: Public health and safety impacts associated with the water use for the subdivision have been evaluated. A can and will serve letter was provided by

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the applicant from the Castroville Community Services District and the required new service connections will be made available. [See Finding 10, Evidence (b) and (d)]

7. FINDING: SUBDIVISION ORDINANCE (TITLE 19) – None of the denial findings found in Section 19.04.025.I of the Subdivision Ordinance can be made.

EVIDENCE: (a) Section 19.04.025.I requires that the subdivision be denied if any one of the findings can be made. Planning staff has analyzed the project against the findings for denial outlined in this section:

1. The proposed map is not consistent with the general plan, area plan, coastal land use plan, or specific plan.

   The Project is consistent with the Castroville Community Plan (see Finding No. 4) in that the project area is designated for High Density Residential uses with a maximum density of 20 dwelling units per acre and Medium Density Residential uses with a maximum density of 12 dwelling units per acre. The average density of the whole development is consistent with the combined density of the MDR-C and HDR-C land designations. The proposed subdivision map will provide for residential development with lots that range in size from 5,435 square feet to 3.39 acres.

2. That the design or improvements of the proposed subdivision is not consistent the applicable general plan, area plan, coastal land use plan, master Plan or specific plan.

   The design and improvements of the proposed Chapin Standard Subdivision have been reviewed by the RMA-Planning staff and as conditioned, will be consistent with the Castroville Community Plan.

3. That the site is not physically suitable for the type of development.

   The site is physically suitable for residential development in that the property will be served by the Castroville Community Services District for water and sewer services for the proposed Standard Subdivision (see Finding No. 10). The project was reviewed by the applicable agencies and no unresolved issues remain (see Finding No. 2). Environmental analysis did not reveal potential impacts to aesthetics, biological resources, cultural resources, geology/soils, hydrology/water quality, transportation/traffic, and utilities/service systems. The appropriate mitigations identified within the EIR for the CCP have been incorporated as conditions of approval (Exhibit D). Also see and Finding No. 5 for more information.

4. That the site is not physically suitable for the proposed density of development.

   The site is physically suited for the proposed density of development. The Castroville Community Plan requires high density residential lots to have a density between 12 to 20 dwelling units per acre and medium density residential lots to have a density between 8 to 12 dwelling units per acre. The project as proposed is 17 dwelling units per acre in the high density areas and 14.8 dwelling units per acre in the medium density areas. The average density of the whole

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development is consistent with the combined density of the MDR-C and HDR-C land designations. See Findings 1 and 4.

5. That the design of the subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. 
*No fish, wildlife, or their habitat has been identified within the project area. See Finding No. 5 Evidence (c).*

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems. 
*The design of the subdivision or type of improvements is not likely to cause serious public health problems. The application has been referred to all appropriate land use department and no comments have been received indicating that the proposed project will cause health and safety issues. See Finding 10.*

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. 
*The project will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision. An existing road parcel will be consolidated and re-subdivided in the subdivision; however, it has been found by the Board of Supervisors that the County has no interest in that right of way.*

8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title (Title 19).

*The proposed subdivision map meets the requirements and conditions of the California Subdivision Map Act and Monterey County Subdivision Ordinance (Title 19) in that the map has been prepared by the applicant according to the required form and contents of the Act and Ordinance and conditions of approval have been proposed by staff to assure compliance with codes.*

As none of these findings requiring denial can be made for the Chapin Subdivision proposal, the project is supportable under the Monterey County Subdivision Ordinance.

(b) The application, project plans, and related support materials submitted by project applicant to the Monterey County Resource Management Agency-Planning Department for the proposed development found in Project File PLN080039.

8. FINDING: INCLUSIONARY HOUSING REQUIREMENT – Subdivisions in Monterey County are subject to review by the Resource Management Agency – Housing and Redevelopment Office for conformance to the Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code. The proposed project complies with the requirements of the County’s Inclusionary Housing Ordinance under the provisions of Section 18.040.010.
EVIDENCE: The Inclusionary Housing requirements for this project are based on the creation of 59 new rental units and five new single family lots (the three existing units are exempt). The applicant is required to provide 20% of the total number of lot/new units as Inclusionary. Therefore, the applicant is required to supply a contribution equal to 12.6 Inclusionary Units. The project proposes that 11 of the apartments are dedicated as Inclusionary housing (five moderate, three low, and three very low income units) and the remaining 1.6 units will be subtracted form the applicant’s Inclusionary Credits from previous projects [0.04 moderate credit from Chapin Village project (PC96043), 0.78 low credit and 0.78 very low credit from Rogge Commons (PLN030065)]. (See Condition No. 37.)

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

EVIDENCE: 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.

10. 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.
(b) Water Service for the seven single family lots within the subdivision will be provided by the Castroville Community Services District. A “can and will serve” letter dated May 22, 2008 was submitted and is located in the project file.
(c) Sewer Service for the seven single family lots within the subdivision will be provided by the Castroville Community Services District. A “can and will serve” letter dated May 22, 2008 was submitted and is located in the project file.
(d) Water connections for the 58 unit multi-family apartment complex, the manager’s unit, and resident center within the subdivision will be provided by the Castroville Community Services District. A “can and will serve” letter dated April 7, 2008 was submitted and is located in the project file.
(e) Sewer connections for the 59 58 unit multi-family apartment complex, the manager’s unit, and resident center within the subdivision will be provided by the Castroville Community Services District. A “can and will serve” letter dated April 7, 2008 was submitted and is located in the project file.
(f) Solid waste will be collected by the Carmel Marina Corporation (Waste Management, Inc.).
(g) See preceding Findings and Evidence.
NOW, THEREFORE, based on the foregoing findings and evidence and having considered the certified Environmental Impact Report for the Castroville Community Plan and an Addendum to the EIR, the Board of Supervisors hereby:

1. Approves the application for a Combined Development Permit and General Development Plan for the Chapin Project (PLN080039) consisting of Standard Subdivision Vesting Tentative Map to allow the merger and re-subdivision of eight parcels into eight parcels ranging in size with a conservation easement over the entire coastal portion, and one well parcel; and a Use Permit to allow the construction of a 59 unit apartment complex., subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and
2. Adopts a Mitigation Monitoring Program

PASSED AND ADOPTED on this 17th day of March, 2009, upon motion of Supervisor ____________, seconded by Supervisor ____________, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book ___ for the meeting on ____________.

Dated: ____________________________
Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By ________________________________
Deputy
Resolution No: 09 – 185

a. Consider the certified Environmental Impact Report for the Castroville Community Plan and an Addendum to the EIR;

b. Consider adopting a resolution approving a Combined Development Permit and General Development Plan for the Chapin Project (PLN080039) consisting of Standard Subdivision Vesting Tentative Map to allow the merger and re-subdivision of eight parcels into eight parcels ranging in size, with a conservation easement over the entire coastal portion, and one well parcel; and a Use Permit to allow the construction of a 59 unit apartment complex, based on the Findings and Evidence and subject to the recommended Conditions of Approval; and

c. Adopt the Mitigation Monitoring Reporting Program.

(PLN080039/Don Chapin)

The application of PLN080039 (Chapin) came on for public hearing before the Monterey County Board of Supervisors on March 17, 2009. The application consists of a request to consider the certified Environmental Impact Report for the Castroville Community Plan and an Addendum to the EIR and approve a Combined Development Permit and General Development Plan consisting of a Standard Subdivision Vesting Tentative Map to allow the merger and re-subdivision of eight parcels into eight parcels with a conservation easement over the entire coastal portion and one well parcel; and a Use Permit to allow the construction of a 59 unit apartment complex, hereafter referred to as “the project”.

Having considered all of the written and documentary evidence, the administrative record, the staff report, the oral testimony, and other evidence presented, the Board of Supervisors hereby finds and decides as follows:

1. FINDING: CONSISTENCY – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, guidelines, and standards of the Castroville Community Plan (CCP), North County Area Plan, North County Area Plan Inventory and Analysis, Certified North County Land Use Plan, North County Coastal Implementation Plan (Part 2), Monterey County Zoning Ordinance (Title 21), and the Monterey County Subdivision Ordinance (Title 19) which designates this area as appropriate for the proposed 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. Specific consistency findings for the Castroville Community Plan can be found within Findings and Evidence 4.
(b) The properties are located at the northern corner of the intersection of Axtell and Preston Streets; and areas north and west of Davis Street, Castroville (Assessors Parcel Numbers 030-041-001-000, 030-041-003-000, 030-041-004-000, 030-041-005-000, 030-041-008-000, 030-011-009-000 and 030-011-011-000), Castroville Community Plan area. The parcels are zoned High Density Residential or “HDR/*Z”, Medium Density Residential or “MDR/1”, and Resource Conservation (Coastal Zone) or “RC(CZ)”.

(c) The applicant proposes to rezone portions northeast of the Davis Street right of way (Assessor’s Parcel Numbers 030-011-009-000 and 030-011-011-000) from MDR/1-Z to the designation of High Density Residential, 18 units per acre (HDR/18). The current zoning allows for one unit per acre, which is inconsistent with the proposed project as the density within the portions zoned MDR/1-Z is 20 units per acre. [See Figure No. 4, Proposed Land Uses, of the Castroville Community Plan and Finding No. 4, Evidence (b) and (c).]

(d) The coastal portion of Parcel H is consistent with the goals and policies of the North County Land Use Plan and the North County Coastal Implementation Plan. [See Finding No. 3, Evidence (c)]

(e) The project planner conducted a site inspection on August 4, 2008 to verify that the project on the subject parcel conforms to the plans listed above.

(f) The project is consistent with the Design Guidelines and Development Standards of the CCP (see Finding No. 4).

(g) Pursuant to Policy No. 2.3 of the CCP, the project was referred to the Castroville Advisory Committee (CAC) for review on November 20, 2008 and January 7, 2009. [For further information see Finding No. 4, Evidence (g).]

(h) The project was brought before the Monterey County Standard Subdivision Committee on December 11, 2008. The Committee recommended that the Planning Commission recommend approval of the project to the Board of Supervisors to approve the rezone.

(i) The Planning Commission considered the development proposal on January 28, 2009 and recommended, with a vote of seven to zero with one member absent and one member recused, that the Board of Supervisors consider the Addendum to the Certified EIR, adopt the ordinance to rezone a portion of the property, and approve the Combined Development Permit and General Development Plan.

(j) 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 PLN080039.

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 Rural Fire Protection District, Parks, Public Works, Environmental Health Division, Water Resources Agency and Housing and Redevelopment.
There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Recommended conditions have been incorporated.

(b) Technical reports by outside archaeological, biological, geological and traffic consultants indicate 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:

1. “Preliminary Cultural Resources Reconnaissance” (LIB080406) prepared by Archaeological Consulting, Salinas, CA, August 1, 2002.
4. “Updated Seismic Design Criteria” (LIB080405) prepared by LandSet Engineers, Salinas, CA March 13, 2008

(c) Staff conducted a site inspection on August 4, 2008 to verify that the site is suitable for this use.

(d) Materials in Project File PLN080039.

3. FINDING: REQUIREMENT OF A COASTAL DEVELOPMENT PERMIT- The creation of Parcel H does not require a Coastal Development Permit and the proposed lot is consistent with the North County Land Use Plan, North County Coastal Implementation Plan (Part 2), Castroville Community Plan, Monterey County Coastal Implementation Plan, Part 1 (Title 20).

(a) The area which was initially proposed as the “Remainder Parcel” within the project description is located within the coastal zone and is approximately .466 acres. Initially, staff determined that a coastal permit was not required because under the Subdivision Map Act a remainder parcel is not part of the subdivision and the entire lot was offered to be placed into a permanent conservation easement. Based on further research and consultation with Coastal Commission staff, staff has conditioned the project to require the applicant to expand parcel H to combine Parcel H and the parcel that was denoted a remainder parcel. To ensure development would occur only on the inland portion of the parcel, the applicant is also required to convey an open space and conservation easement over the portion of Parcel H that lies in the coastal zone. (See conditions 10, 61). Because all of the development on Parcel H will therefore occur on the inland portion of Parcel H, a Coastal Development Permit is not required for the subdivision. Staff has modified the project
description, findings and evidence, and conditions of approval accordingly.

(b) A condition of approval (Condition No. 61) requires that the final map be submitted with a modification to combine both Parcel H and the Remainder Parcel. Thus, Parcel H will total to approximately .591 acres and subsequently, there will be no Remainder Parcel and any future development on Parcel H will be required to take place entirely within the inland area.

(c) The applicant has submitted a letter to the RMA Planning Department, dated March 3, 2009. The letter states that the applicant has “no intention, now or in the future, to sell, lease, or finance” the coastal portion of the subject property. The applicant also acknowledges that future uses which may potentially be allowed are economically viable and that the applicant waives any potential future takings or inverse condemnation claim. Therefore, the applicant is in agreement to place the coastal portion of Parcel H with a scenic conservation easement. The current zoning for this portion is Resource Conservation or “RC(CZ)” and the scenic easement is consistent with the purpose of the Resource Conservation District and the allowed uses. Because the Coastal Commission has not certified the CCP as applied to the coastal zone, consistency for the coastal portion is analyzed by examining the North County Land Use Plan without amendment by the CCP. Protection of sensitive resources, plant communities, and animal habitats is emphasized in the areas designated as Resource Conservation. The North County Land Use Plan requires that only minimum level of facilities essential to the support of recreational, educational, scientific, or aquacultural use of Resource Conservation area shall be permitted. Since the area will be conveyed in an open space and conservation easement, no development will occur; and therefore will be consistent with the goals and policies of the North County Land Use Plan.

(d) The creation of a lot which includes both coastal and inland areas does not constitute development with in the coastal zone in this case because the only potential for development is within the inland area. Therefore, if the project does not include development within the coastal zone, a Coastal Development Permit is not required [See Section 20.70.115 and 20.70.120.F of Part 1 of the Coastal Implementation Plan (Title 20)].

(e) The buildable area of Parcel H is consistent with the proposed rezone from MDR/1 to HDR/18 as well as the land use designation of the Castroville Community Plan, HDR-C. [See Finding No. 1 Evidence (e)].

4. FINDING: COMPLIANCE WITH THE CASTROVILLE COMMUNITY PLAN (CCP) – The project application was submitted following the adoption of the CCP as applicable in the unincorporated inland portion of the County. Policy 1.2 of the CCP requires that new development be consistent with the Community Plan Design Guidelines and Development Standards. The project is in compliance with all the applicable policies of the CCP and meets the
criteria within the Design Guidelines. (A simplified table is included as Exhibit I of the Board of Supervisors staff report dated March 17, 2009.)

**EVIDENCE:** (a) Portions southwest of the Davis Street right of way (Assessor Parcel Numbers: 030-041-001-000, 030-041-003-000, 030-041-004-000, 030-041-005-000, and 030-041-008-000) are zoned HDR/*/Z which allows a maximum density of 15 units per acre. The portion of the project in this area has a density of 14.8 dwelling units per acre. In the Community Plan, MDR-C allows a density of up to 12 dwelling units per acre. The average density of the whole development is consistent with the combined density of the MDR-C and HDR-C land designations. Therefore, the project as proposed will be consistent with both the current zoning HDR/*/Z and the land use designation of the Castroville Community Plan.

(b) The applicant proposes to rezone portions northeast of the Davis Street right of way (Assessor’s Parcel Numbers 030-011-009-000 and 030-011-011-000) from MDR/1-Z to the designation of High Density Residential, 18 units per acre (HDR/18). The current zoning allows for one unit per acre, which is inconsistent with the proposed project as the density within the portions zoned MDR/1-Z is 20 units per acre. Combining the total amount of acreage and the total amount of units within the development, the resulting density is 17.4 units per acre. Therefore, the Planning Commission recommended that the Board of Supervisors consider the Addendum to the Certified EIR, adopt the ordinance to rezone a portion of the property, and approve the Combined Development Permit and General Development Plan (see Planning Commission Resolution Nos. 09008 and 09009). Prior to the Board taking this action, the Board adopted a zoning ordinance to change the zoning of the portion of the property designated as MDR/1 to HDR/18. When the zoning ordinance takes effect, the project would be consistent with both Title 21 and the zoning classification within the CCP which is HDR-C and allows a maximum density of 20 dwelling units per acre.

(c) Policy No. 1.3 requires design features in new development projects such as banners, entrance signs, and advertising shall be created to incorporate themes that reflect the community’s agricultural and cultural history. The proposed location and design of all entry signs have not been submitted by the applicant; however, the project is conditioned to require the applicant to submit a sign plan to the RMA-Planning Department for review for consistency with the CCP guidelines and approval prior to the issuance of any building permits. (See Condition No. 17.)

(d) Policy No. 1.5 requires development to incorporate the Design Guidelines and Development Standards to ensure that the scale and design enhances the safe, attractive small town character desired. The proposed project orients mostly to the interior with efficient use of parking layouts with landscaped buffers between the parking and apartments. The apartments along the street have entrances facing the street with walks from the sidewalks, the interior of the projects that connect apartments with each
other, the Resident’s Center and recreation spaces for healthy and safe interaction.

(c) Policy No. 2.2 requires that new development, including infill development, be reviewed with the appropriate Community Plan architectural Design Guidelines (Appendix A) and Development Standards (Appendix B) to ensure quality of design and compatibility. The proposed project is similar to the existing scale of houses and apartments within the neighborhood. Both horizontal siding and plaster are used to break up the building massing and detail is simple and consistent with project’s architectural style.

(f) Policy No. 2.3 requires that the Castroville Citizen’s Advisory Committee (CAC) monitor and comment on development proposals within the vicinity of the community of Castroville which may have the potential to affect the community as well as ensure that new development does not negatively impact the community. The project was heard before the CAC on November 20, 2008 and January 7, 2009. The CAC found that the project was in compliance with the CCP; however, a few members of the public had questions regarding impact to the schools and project review by the North County Recreation and Parks District (NCRPD). Potential impacts to the school district are addressed in Finding 4 Evidence (i). The Monterey County Parks Department has reviewed the project and condition 26 has been incorporated, requiring the applicant collaborate with the NCRPD.

(g) Policy No. 4.1 encourages a range of housing types in a mixed income format that meets the needs of Castroville’s workforce and allows residents to stay within the community as their lifestyles and incomes change over the years. The proposed apartment complex will provide a total of 59 units which consists of: one managers unit, five moderate income units, three low income units, three very low income units, four handicap accessible units; with the remaining units available as market rate. Six single family lots will be created through the subdivision. Although construction for the dwelling units is not included within this proposal, the lots will be zoned. HDR-C which allows for a range of housing types.

(h) Policy No. 5.1 requires that new private development work with local and regional organizations to enhance the sloughs in the vicinity of Castroville as part of the ongoing regional slough enhancement efforts to improve habitat, provide open space, and create attractive amenities for the entire community. The Castroville Slough, located northeast of the project site, is essentially a drainage ditch for agricultural land runoff. This portion is not included within Appendix G of the Community Plan, Slough Enhancement Sections, and the applicant does not propose any development within this area. However, the northeastern portion of the subject property (located within the Coastal Zone and adjacent to the slough), does not include any development, and will be dedicated as visual open space. Condition No. 10 has been added to dedicate a portion of Parcel 4 parcel within a conservation easement as visual openspace.
(i) Policy No. 5.2 encourages compatible infill development and compact new development within the Community Plan area as well as the efficient use of land resources. The proposed development is located within an infill site surrounded by existing residential developments towards the north, east, and south; and agricultural land located towards the west. The proposed development is compatible with the surrounding uses.

(j) Policy No. 10.1 requires development meet urban infrastructure and service standards. A can and will serve letter from the Castroville Community Services District was provided by the applicant and water service connections will be made available for both the 58 unit multi-family apartments complex with a manager's unit and residents center and the seven single family lots. A can and will serve letter from the Castroville Community Services District was provide by the applicant which also verifies the sewer service connections will be made available for both the 58 unit multi-family apartments complex with a manager's unit and residents center and the seven single family lots.

(k) Policy No. 10.2 requires development contribute to the cost of infrastructure and service. The project is required to pay district connection fees for water and sewer service as well as pay a fair share cost for local and regional transportation improvement (see Condition Nos. 34, 35, and 59).

(l) Policy No. 10.3 requires that new development work closely with the affected school district to ensure that impact on schools serving the Castroville community by providing required school facilities and contributing to the cost of maintaining quality service. As part of the building permit process, the applicant will be required to pay school district developer fees to the North Monterey County Unified School District.

(m) Policy No. 10.4 requires new development to work with all service providers to ensure adequate levels of service are provided to the community and meet the needs of Castroville residents and businesses. There has been no indication from service providers that the project will impact services; therefore, it is assumed that adequate levels of service exist.

(n) Policy No. 10.5 requires the implementation of flood control improvements in order to reduce the threat of flooding to the existing community and provide opportunities for new development in areas currently subject to flood hazards. A portion of the northeast section is located within the 100 year floodplain of the Castroville Slough and the community accepted Base Flood Elevation (BFE) is 8 feet MSL (NGVD 1929). Based off of mitigation measures identified within the EIR for the CCP, prior to the issuance of the grading permit, the applicant is required to submit a Condition Letter of Map Revision (CLOMR) application to the Federal Emergency Management Agency (FEMA) which shows how the applicant will raise the elevation of the site above the BFE and prior to the final inspection of the grading permit, the applicant is required to submit
copies of the FEMA Letter of Map Revision (LOMR). The applicant has prepared a FEMA LOMR-F application that includes certification that the lowest lot elevation is 10.0 feet mean sea level (NGVD 1929). A community Acknowledgement Form was signed by the Monterey County Water Resources Agency staff on June 30, 2008. However, the FEMA process will not be satisfied until the grading activities have been completed. Therefore, Condition No. 57 is required.

(o) Policy No. 10.6 requires that development provide adequate park and recreational facilities which meet the needs of the community. The project was reviewed by the Monterey County Parks Department and as a condition of approval (see Condition No. 26), the applicant will provide on-site recreation areas by dedicating land and recreation improvements for park and recreation purposes as well as a possible contribution to other local neighborhood or community parks and recreational facilities within the North County Recreation District located in Castroville.

(p) Site Design – Compatibility and Good Neighbor Considerations. Proposed structures shall meet the minimum front yard setback specified in the Development Standards section and should be compatible with front yard setbacks of adjacent properties. The privacy of adjacent properties should not be obstructed with the design and placement of proposed building height and second-floor windows, balconies, and decks that should not have a direct view of those properties. The proposed front yard setback along Preston Street is 10 feet from the road right of way to the nearest point of the structure; which is the minimum allowed. The proposed front setback along Axtell Street is 15 feet and is consistent with the existing development along Axtell. Most units are placed for minimal affect on the adjacent residential windows of the existing single family dwellings and proposed new units and are facing toward streets, parking or open space. Retaining walls are proposed to be placed between the new construction and the existing single family dwellings.

(q) Architectural Elements – Building Mass, Front Porches, Roof Lines, Angles, Projections, and Architectural Details. The proposed height for the new buildings is approximately 26 feet (2-stories) which is similar in scale and massing to surrounding houses and apartments. One-story roof projections are located at the entry of townhouses and at each pedestrian unit off Axtell and Preston Streets. Roof forms are compatible with adjacent structures and contain interesting gables to break up roof elements. Architectural details including porch columns, decorative door and window designs, roof overhangs with decorative brackets and rafter tails, exterior molding, porch and balcony railings, exterior siding and lighting fixtures should be consistent with the project’s architectural style. Detail is simple and consistent with project’s architectural style. Both horizontal siding and plaster are used to break up the building massing.

(r) Lighting – Exterior lighting will be positioned at entries and be down light with no direct light extending into neighboring properties. Parking is interior to project and lighting will be the minimum as required for safety
and be down light with cut off to reduce glare. A lighting condition has been included to ensure that lighting within the apartment complex will be in compliance with the guidelines. (See Condition No. 16)

(s) Landscaping – Design, Permeable Surfaces, Placement of Mechanical Equipment and Trash Enclosures, Building Surfaces, Fences, and Walls. Landscaping will be compatible with the structures with visual openness. Maintained, permeable surfaces will be maximized and drought tolerant plants utilized. Trash enclosure will be screened and out of public view. A landscaping condition has been included to ensure that landscaping within the apartment complex will be in compliance with the guidelines. (See Condition No. 15)

(t) HDR-C Land Use Designation – The six new single family lots are intended for detached single family dwellings; however, there is no proposal for construction with this project. When construction begins, the developer will be required to meet the design guidelines and standards within the Community Plan.

(u) MDR-C Site Development Standards – Under the CCP, the proposed MDR-C lots are considered “small lot single family”. The proposed project meets the minimum 3,000 square foot building site, the minimum width of 30 feet, and the maximum density of 12 units per acre.

(v) HDR-C Land Use Designation - The proposed multi-family unit apartment is consistent on these lots with the uses allowed within the HDR-C land use designation.

(w) HDR-C Site Development Standards – The proposed lot size for Parcel B, which contains the 59 unit apartment complex, is 147,695 square feet and the project proposes a density of 17.4 units per acre which is consistent with the 13,500 minimum lot size and maximum 20 units per acre limit of the HDR-C zoning district. The proposed height is approximately 2-stories/26 feet, the front setback from Preston Street is 10 feet, the front setback from Axtell Street is 15, the rear setback is 12 feet, the side setback is 10 feet, and the setback from sidewalk to community open space is 10 feet. The proposed development is consistent with the Site Development Standards listed within the HDR-C zoning district.

(x) Parking regulations outlined within the Section 3.2.3.e of the CCP requires that two spaces be provided for every two and three bedroom unit and that one guest parking space be provided for every four residential units. Handicapped parking regulations are not outlined within the CCP. Thus, items contained within the Zoning Ordinance but not addressed within the CCP remain as requirements. Therefore, the project shall meet the handicapped parking regulations outlined in Section 21.58.050.G of the Monterey County Zoning Ordinance (Title 21) which requires that at least four handicapped spaces are provided for every 121-160 spaces. The project proposes to provide a total of 133 spaces, meeting the amount required. For a breakdown of parking spaces, see the table below:

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<thead>
<tr>
<th></th>
<th>Required</th>
<th>Provided</th>
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<tbody>
<tr>
<td>32 two bedroom units</td>
<td>64</td>
<td>64</td>
</tr>
<tr>
<td>26 three bedroom units</td>
<td>52</td>
<td>52</td>
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</tbody>
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Manager unit
Guest parking
Handicapped Parking (Included in the total.)

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<tr>
<td>15</td>
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<td>4</td>
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</tbody>
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Condition No. 28 has been included by the Public Works Department to ensure that the applicant comply with the parking regulations. The applicant has indicated that they will voluntarily required occupants to place a parking permit within their vehicle.

5. FINDING: CEQA — An Addendum to the certified Environmental Impact Report EIR (SCH# 2005061132) for the Castroville Community Plan for the proposed project has been prepared. The EIR and Addendum reflect the independent judgment and analysis of the County. None of the findings listed within Section 15162 requiring a subsequent EIR can be made. No substantial changes are proposed in the project which will require major revisions to the EIR; no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions to the EIR, no new information of substantial importance has been found.

EVIDENCE: (a) During the review process of the Castroville Community Plan (CCP), an EIR was prepared to evaluate environmental impacts and the Final EIR was certified in November 2006. Environmental impacts caused by the implementation of the CCP were analyzed, and mitigation measures that pertain to the Chapin project have been incorporated as conditions of approval; specifically for Aesthetics, Air Quality, Hazards/Hazardous Materials, Hydrology/Water Quality, and Utilities. Pursuant to Section 15164 of the CEQA Guidelines, an Addendum was prepared in order to address project specific issues that were not previously examined in the EIR. Further discussions regarding specific impacts and conditions are found within the Addendum (Exhibit I of the Board of Supervisors staff report dated March 17, 2009).

(b) Air Quality – The EIR analyzed potential air quality impacts caused by construction activities associated with the implementation of the CCP. It was found that construction activities would generate temporary emissions of criteria pollutants that could exceed Monterey Bay Unified Air Pollution Control District’s significance thresholds and create a potentially significant impact on air quality. In order to mitigate the potentially significant impact to less than significant, mitigation measures No. 3.3-1a, 3.3-1b, and 3.32 were identified. These mitigations have been incorporated as conditions of approval (Condition Nos. 52, 53, and 54) and will require the applicant to implement best-available control measures (BACM) to reduce emissions of toxic are contaminants and reduce criteria air pollutants of ROG, NOx, CO and PM10 as recommended by the Monterey Bay Unified Air Pollution Control District and in accordance with Policy 20.25.5 of the Monterey County General Plan. Therefore, temporary construction related impacts cause by the proposed project will be less than significant.
(c) Biology – Mitigation measure No. 3.4-1 of the EIR for the CCP requires that a qualified biologist conduct a biological assessment of the area proposed for development in order to identify potential impacts to special status plant species, steelhead trout, migratory bird species, California red-legged from and/or California Tiger Salamander, Least Bell’s Vireo, or burrowing owl habitat. A Biological report, dated September 5, 2002 prepared by Rana Creek Habitat Restoration (Library No. LlB080407) was submitted by the applicant. The report concludes that the project area contains little or no habitat value and is dominated by non-native plants. No rare, threatened, or endangered species were found on the property. Therefore, no mitigations for biological resources are required.

(d) Archaeology – Mitigation Measure No. 3.5-1a of the EIR requires that a certified archaeologist perform an archaeological evaluation in accordance with the Monterey County General Plan Policy 12.1.3. According to the Monterey County Resource Maps, the parcel is located within an area of “high” archeological sensitivity. If no resources are identified, no further action would be required. Therefore, an archaeological report, dated August 1, 2002 prepared by Archaeological Consulting (Library No. LIB080406) did not reveal any of the indicators normally found on a prehistoric site in this region. The archaeologist concludes that based upon field and background research, the project parcel contains no surface evidence of significant archaeological resources and the project should not be delayed for archaeological reasons.

(e) Geology – Mitigation measure No. 3.6-1 requires that a registered geologist prepare a preliminary seismic and geologic hazard report. Implementation of this mitigation will reduce impacts by requiring site-specific geotechnical reports, Monterey County approval of final engineering and improvement plans, and adherence to the California Building Code. The applicant submitted a Geologic and Soil Engineering Report dated June 2002, prepared by LandSet Engineers, Inc. (Library No. LIB080408) as well as an Updated Seismic Design Criteria letter dated March 13, 2008 (Library No. LIB080405). Some areas within the project site were found to have unsuitable soil and will required overexcavation. Condition No. 13 has been included to guarantee that the applicant submit grading plans that have been reviewed and approved by a registered geotechnical engineer, and verified as consistent with the special recommendations of the Geology and Soils Engineering Report. In addition, accompanying the grading plans shall be a letter prepared by the consulting registered geotechnical engineer stating that the plans are consistent with the recommendations described in Condition No. 13 to be reviewed by the RMA-Director of Planning for compliance. Furthermore, Condition No. 13 will ensure that all development occurs in accordance with both the report and updated design criteria. A section of the northeastern portion of the project site is within the 100 year floodplain for the Castroville slough. In order to bring the elevation above the base flood elevation (BFE), fill will have to brought in (the total

EXHIBIT C
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amount of fill for the project is 10,800 cubic yards). The reports recommend that fill material be slowly and deliberately placed over a period of not less than 18 months prior to achieving subgrade elevation. Once subgrade elevation has been obtained the embankment fill should be allowed to surcharge for a period of not less than six months prior to foundation construction to limit the potential of differential settlement. The applicant has submitted a progress report from LandSet Engineers, Inc. dated January 5, 2009. The report demonstrates that grading activities which have already occurred in this area have been done in compliance with timing for the surcharge requirements. However, the condition remains as to ensure that certification occurs at the completion of all grading activity.

(f) Hazards – Potential hazards expected during project construction which include: exposure to small amounts of flammable materials, moving equipment, and noise. However, these potential impacts are considered less than significant because of safety measures incorporated into the project design and construction operations. Although there are no recorded hazardous materials sites located within the community of Castroville, implementation of the CCP may result in previously unknown hazardous materials being discovered during construction activities. As a result, the EIR identified mitigation measure no. 3.7-1 which will reduce potential impacts from hazardous materials contamination to a less than significant level by requiring the assessment of soil through a site-specific Phase I environmental Site Assessment. This mitigation has been included as Condition 55.

(g) Surface Water Hydrology, Water Runoff – The project has the potential to create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Mitigations have been incorporated to reduce the potential to low by requiring the compliance with a NPDES General Permit, the submission of a SWPP and the installation of a storm drain facility. This will ensure that grading and construction activities occur in accordance with current state regulations and that urban runoff contaminants and sediment are minimized. (See Condition No. 56)

(h) Surface Water Hydrology, Flood Hazard Area – The subject property is partially located within Zone A, 100-year Floodplain of the Castroville Slough, as shown on FEMA Flood Insurance map, 0600195-0055 F, dated August 5, 1986. The Base Floodplain Elevation (BFE) is 8 ft. MSL which represents the water surface elevation corresponding to a flood having a one percent probability of being equaled or exceeded in one given year. Based off of mitigation measure No. 3.9.4b identified within the EIR for the CCP, prior to the issuance of the grading permit, the applicant is required to submit a Condition Letter of Map Revision (CLOMR) application to the Federal Emergency Management Agency (FEMA) which shows how the applicant will raise the elevation of the site above the BFE and prior to the final inspection of the grading permit, the
applicant is required to submit copies of the FEMA Letter of Map Revision (LOMR). The applicant has prepared a FEMA LOMR-F application that includes certification that the lowest lot elevation is 10.0 feet mean sea level (NGVD 1929). A community Acknowledgement Form was signed by the Monterey County Water Resources Agency staff on June 30, 2008. However, the FEMA process will not be satisfied until the grading activities completed. Therefore, condition 57 is required.

(i) Public Services - During the creation of the CCP and the EIR for the CCP, Redevelopment staff worked closely with the school district. The North Monterey County Unified School District (NMCUSD) is in the progress of preparing a Schools Master plan for the school district which includes a plan for anticipated increases in enrollment as a result of new development. The applicant will be required to pay the applicable school district fees prior to the issuance of the building permit. Section 65996(3)(h) of the California Government Code states that payment of the developer fees "is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property...". Therefore, the project will have a less than significant impact on the school district.

(j) Traffic - The project will result in additional vehicle trips which will result in impacts to the Merritt Street Corridor. However, the project was assumed within the overall trip generation and traffic volumes within the community, and therefore has been accounted for within the Final EIR as certified. The project will be required to pay all applicable impact fees, including fees for programmed cumulative improvements within Castroville consisting of roadway improvements, intersection improvements, traffic signals and timing, and traffic/pedestrian safety improvements along the Merritt Street Corridor. Therefore, condition Nos. 34 and 35 have been incorporated which requires the applicant to pay both Community Plan and the Regional Development Impact fees prior to the issuance of building permits.

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

6. FINDING: SUBDIVISION ORDINANCE (TITLE 19) SOURCE CAPACITY AND WATER QUALITY- The source capacity and water quality for the proposed lots created through the subdivision meet all the requirements of all applicable health and safety regulations contained in Section 19.05.040.L of Title 19.

EVIDENCE: Public health and safety impacts associated with the water use for the subdivision have been evaluated. A can and will serve letter was provided by the applicant from the Castroville Community Services District and the required new service connections will be made available. [See Finding 10, Evidence (b) and (d)]

7. FINDING: SUBDIVISION ORDINANCE (TITLE 19) – None of the denial findings found in Section 19.04.025.1 of the Subdivision Ordinance can be made.
EVIDENCE: (a) Section 19.04.025.I requires that the subdivision be denied if any one of the findings can be made. Planning staff has analyzed the project against the findings for denial outlined in this section:

1. The proposed map is not consistent with the general plan, area plan, coastal land use plan, or specific plan.
   The Project is consistent with the Castroville Community Plan (see Finding No. 4) in that the project area is designated for High Density Residential uses with a maximum density of 20 dwelling units per acre and Medium Density Residential uses with a maximum density of 12 dwelling units per acre. The average density of the whole development is consistent with the combined density of the MDR-C and HDR-C land designations. The proposed subdivision map will provide for residential development with lots that range in size from 5,435 square feet to 3.39 acres.

2. That the design or improvements of the proposed subdivision is not consistent the applicable general plan, area plan, coastal land use plan, master Plan or specific plan.
   The design and improvements of the proposed Chapin Standard Subdivision have been reviewed by the RMA-Planning staff and as conditioned, will be consistent with the Castroville Community Plan.

3. That the site is not physically suitable for the type of development.
   The site is physically suitable for residential development in that the property will be served by the Castroville Community Services District for water and sewer services for the proposed Standard Subdivision (see Finding No. 10). The project was reviewed by the applicable agencies and no unresolved issues remain (see Finding No. 2). Environmental analysis did not reveal potential impacts to aesthetics, biological resources, cultural resources, geology/soils, hydrology/water quality, transportation/traffic, and utilities/service systems. The appropriate mitigations identified within the EIR for the CCP have been incorporated as conditions of approval (Exhibit D). Also see and Finding No. 5 for more information.

4. That the site is not physically suitable for the proposed density of development.
   The site is physically suited for the proposed density of development. The Castroville Community Plan requires high density residential lots to have a density between 12 to 20 dwelling units per acre and medium density residential lots to have a density between 8 to 12 dwelling units per acre. The project as proposed is 17 dwelling units per acre in the high density areas and 14.8 dwelling units per acre in the medium density areas. The average density of the whole development is consistent with the combined density of the MDR-C and HDR-C land designations. See Findings 1 and 4.

5. That the design of the subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
No fish, wildlife, or their habitat has been identified within the project area. See Finding No. 5 Evidence (c).

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The design of the subdivision or type of improvements is not likely to cause serious public health problems. The application has been referred to all appropriate land use department and no comments have been received indicating that the proposed project will cause health and safety issues. See Finding 10.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The project will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision. An existing road parcel will be consolidated and re-subdivided in the subdivision; however, it has been found by the Board of Supervisors that the County has no interest in that right of way.

8. That the subdivision fails to meet any of the requirements or conditions imposed by the Subdivision Map Act or this Title (Title 19).

The proposed subdivision map meets the requirements and conditions of the California Subdivision Map Act and Monterey County Subdivision Ordinance (Title 19) in that the map has been prepared by the applicant according to the required form and contents of the Act and Ordinance and conditions of approval have been proposed by staff to assure compliance with codes.

As none of these findings requiring denial can be made for the Chapin Subdivision proposal, the project is supportable under the Monterey County Subdivision Ordinance.

(b) The application, project plans, and related support materials submitted by project applicant to the Monterey County Resource Management Agency-Planning Department for the proposed development found in Project File PLN080039.

8. FINDING: INCLUSIONARY HOUSING REQUIREMENT – Subdivisions in Monterey County are subject to review by the Resource Management Agency – Housing and Redevelopment Office for conformance to the Inclusionary Housing Ordinance as codified in Chapter 18.40 of the Monterey County Code. The proposed project complies with the requirements of the County’s Inclusionary Housing Ordinance under the provisions of Section 18.040.010.

EVIDENCE: The Inclusionary Housing requirements for this project are based on the creation of 59 new rental units and five new single family lots (the three existing units are exempt. The applicant is required to provide 20% of the total number of lot/new units as Inclusionary. Therefore, the applicant is required to supply a contribution equal to 12.6 Inclusionary Units. The
project proposes that 11 of the apartments are dedicated as Inclusionary housing (five moderate, three low, and three very low income units) and the remaining 1.6 units will be subtracted from the applicant’s Inclusionary Credits from previous projects [0.04 moderate credit from Chapin Village project (PC96043), 0.78 low credit and 0.78 very low credit from Rogge Commons (PLN030065)]. (See Condition No. 37.)

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

EVIDENCE: 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.

10. 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.
(b) Water Service for the seven single family lots within the subdivision will be provided by the Castroville Community Services District. A “can and will serve” letter dated May 22, 2008 was submitted and is located in the project file.
(c) Sewer Service for the seven single family lots within the subdivision will be provided by the Castroville Community Services District. A “can and will serve” letter dated May 22, 2008 was submitted and is located in the project file.
(d) Water connections for the 58 unit multi-family apartment complex, the manager’s unit, and resident center within the subdivision will be provided by the Castroville Community Services District. A “can and will serve” letter dated April 7, 2008 was submitted and is located in the project file.
(e) Sewer connections for the 59 58 unit multi-family apartment complex, the manager’s unit, and resident center within the subdivision will be provided by the Castroville Community Services District. A “can and will serve” letter dated April 7, 2008 was submitted and is located in the project file.
(f) Solid waste will be collected by the Carmel Marina Corporation (Waste Management, Inc.).
(g) See preceding Findings and Evidence.

NOW, THEREFORE, based on the foregoing findings and evidence and having considered the certified Environmental Impact Report for the Castroville Community Plan and an Addendum to the EIR, the Board of Supervisors hereby:
1. Approves the application for a Combined Development Permit and General Development Plan for the Chapin Project (PLN080039) consisting of Standard Subdivision Vesting Tentative Map to allow the merger and re-subdivision of eight parcels into eight parcels ranging in size with a conservation easement over the entire coastal portion, and one well parcel; and a Use Permit to allow the construction of a 59 unit apartment complex., subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

2. Adopts a Mitigation Monitoring Program

PASSED AND ADOPTED on this 17th day of March, 2009, upon motion of Supervisor Armenta, seconded by Supervisor Salinas, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 74 for the meeting on March 17, 2009.

Dated: March 19, 2009

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By: Deputy
<table>
<thead>
<tr>
<th>Permit</th>
<th>Number</th>
<th>Condition of Approval and Mitigation Measures and Responsible Party/Department</th>
<th>Compliance of Monitoring Action Performed Where Applicable or Indicated</th>
<th>Monitoring Required</th>
<th>Certification of Compliance Achieved</th>
<th>Project Name</th>
<th>APNs</th>
</tr>
</thead>
<tbody>
<tr>
<td>PD001</td>
<td>SPECIFIC USES ONLY</td>
<td>This permit allows a Combined Development Permit and General Development Plan consisting of: 1) a Vesting Tentative Map to allow the merger and re-subdivision of eight developable parcels ranging in size from 0.115 to 1.531 acres, respectively: one parcel (approximately 3.391 acres) for a 59 unit apartment complex, five parcels (approximately 5,445 square feet each) for single family residences, one 0.591 acre parcel with .466 acres located within the coastal zone and dedicated as a scenic conservation easement (Parcel II), one parcel to separate/subdivide an existing single family dwelling; and a well lot (0.046 acre); and 2) a Use Permit to allow the construction of a 59 unit apartment complex consisting of 58 apartment units with a 935 square foot managers unit and a 1,415 square foot Resident's Center on Parcel B and grading for site improvements (approximately 3,500 cubic yards of cut and 10,800 cubic yards of fill). The properties are located at the northern corner of Axtell Street and Preston Street and areas north and west of Davis Street, Castroville (Assessor's Parcel Numbers 030-041-001-000, 030-041-004-000, 030-041-005-000, 030-041-008-000, 030-01-009-000, and 030-011-011-000).</td>
<td>Adhere to conditions and uses specified in the permit.</td>
<td>Owner/Applicant</td>
<td>Ongoing unless otherwise stated</td>
<td>Chapin</td>
<td>030-041-001-000, 030-041-003-000, 030-041-004-000, 030-041-005-000, 030-041-008-000, 030-01-009-000, 030-011-011-000</td>
</tr>
<tr>
<td>Permit ID</td>
<td>Permit ID</td>
<td>Conditions of Approval/ Mitigation Activities and Compliant with the Land Use</td>
<td>Complainant/Owner</td>
<td>Monitoring/Other Consideration</td>
<td>Responsible Party/Person/Company</td>
<td>Notice of Compliance</td>
<td>Date of Notice</td>
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<td>PD002</td>
<td>000, 030-041-003-000, 030-041-004-000, 030-041-005-000, 030-041-008-000, 030-011-009-000 and 030-011-011-000</td>
<td>Castroville Community Plan area. 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)</td>
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2. **PD002 - NOTICE-PERMIT APPROVAL**
The applicant shall record a notice which states: "A Combined Development Permit (Resolution 080039) was approved by the Board of Supervisors for Assessor Parcel Number's 030-041-001-000, 030-041-003-000, 030-041-004-000, 030-041-005-000, 030-041-008-000, 030-011-009-000 and 030-011-011-000 on March 17, 2009. The Combined Development Permit was granted subject to 61 conditions of approval which run with the land. A 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.
<table>
<thead>
<tr>
<th>Condition of Approval or Variance Measure and Responsible Code or Department</th>
<th>Compliance or Monitoring Required to be Performed Where Applicable</th>
<th>Responsible Party or Employee</th>
<th>Term</th>
<th>Verification or Certification of Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>copy of the rezone and Combined Development 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)</td>
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<td><strong>3. PD004 - INDEMNIFICATION AGREEMENT</strong></td>
<td>Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County. Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA - Planning Department.</td>
<td>Owner/ Applicant</td>
<td>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.</td>
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<tr>
<td>Permit Item</td>
<td>Allowable Uses</td>
<td>Condition of Approval</td>
<td>Action in the Event of Non-Compliance</td>
<td>Responsible Party for Compliance</td>
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<td>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. <em>(RMA - Planning Department)</em></td>
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<td>4. PD010 - EROSION CONTROL PLAN AND SCHEDULE</td>
<td>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 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. <em>(RMA - Planning Department and RMA - Building Services Department)</em></td>
<td>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.</td>
<td>Owner/Applicant</td>
<td>Prior to the issuance of grading and building permits</td>
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<td>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.</td>
<td>Owner/Applicant</td>
<td>Ongoing</td>
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<td>Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department</td>
<td>Owner/Applicant</td>
<td>Prior to final inspection</td>
</tr>
<tr>
<td>Field Civic Number</td>
<td>Conditions of Approval-Other Mitigation Measures and Responsible Party &amp; Department</td>
<td>Conditions or Monitoring Actions to be performed. Where applicable, to be performed at professional &amp; quality levels indicated.</td>
<td>Responsible Party for Compliance</td>
<td>Timing</td>
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<td>5.</td>
<td>PD013 - LIGHTING - STREET LIGHTS All street lights in the development shall be approved by the Director of the RMA - Planning Department. (RMA – Planning Department)</td>
<td>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.</td>
<td>Owner/Applicant</td>
<td>Prior to the issuance of grading or building permits for street lights.</td>
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<td>The lighting shall be installed and maintained in accordance with the approved plan.</td>
<td>Owner/Applicant</td>
<td>Prior to Occupancy / Ongoing</td>
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<tr>
<td>6.</td>
<td>PD015 - NOTE ON MAP-STUDIES A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: &quot;A Biological report dated July 22, 2008, has been prepared on this property by Rana Creek Habitat Restoration, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property.&quot; The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)</td>
<td>Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.</td>
<td>Owner/Applicant</td>
<td>Prior to recordation of final map</td>
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<tr>
<td>Code Number</td>
<td>Title Number</td>
<td>Conditions of Approval or Mitigation Measures and Responsible Agency/Department</td>
<td>Compliance of Mitigation/Contribution with Applicable Mitigation Measures</td>
<td>Responsible Party for Compliance</td>
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<td>PD015</td>
<td>NOTE ON MAP-STUDIES</td>
<td>A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: &quot;A Traffic Analysis dated April 24, 2008, has been prepared on this property by Higgins Associates, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property.&quot; The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)</td>
<td>Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.</td>
<td>Owner/Applicant</td>
</tr>
<tr>
<td>PD015</td>
<td>NOTE ON MAP-STUDIES</td>
<td>A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: &quot;A Geological and Soil Engineering report dated June 2002 and Updated Seismic Design Criteria dated March 13, 2008 has been prepared on this property by LandSet Engineers, Inc., and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property.&quot; The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)</td>
<td>Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.</td>
<td>Owner/Applicant</td>
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<tr>
<td>Permit</td>
<td>County Number</td>
<td>Conditions of Approval – Mitigation Map(s) and Responsible Party for Application</td>
<td>Conditions of Approval – Mitigation Map(s) and Responsible Party for Application</td>
<td>Responsible Party for Compliance</td>
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<td>PD015</td>
<td>9.</td>
<td><strong>NOTE ON MAP-STUDIES</strong>&lt;br&gt;A note shall be placed on the final map or a separate sheet to be recorded with the final map stating that: &quot;A Preliminary Archaeological Reconnaissance dated August 1, 2002, has been prepared on this property by Archaeological Consulting, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property.&quot; The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)</td>
<td>Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.</td>
<td>Owner/Applicant</td>
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<tr>
<td>PD022(A)</td>
<td>10.</td>
<td><strong>EASEMENT – OPEN SPACE AND CONSERVATION (NON-STANDARD)</strong>&lt;br&gt;An open space and conservation easement shall be conveyed to the County over the entirety of the coastal portion of Parcel H in perpetuity. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. (RMA – Planning Department)</td>
<td>Submit the open space and conservation easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bounds description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.</td>
<td>Owner/Applicant/Certified Professional</td>
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<td>Record the deed and map showing the approved open space and conservation easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.</td>
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<td>Owner/Applicant</td>
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</tbody>
</table>
| Permit Code Number | Map Number | Conditions of Approval and Mitigation Measures and Responsible Party/Agency | Compliance of Mitigation Measures and Responsible Party/Agency Required for Final and Recored Map | Responsible Party/Agency | Final | Certification of Completion Immediate
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<td>11. PD036 – UTILITIES – SUBDIVISION</td>
<td>A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that &quot;Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code.&quot; Such facilities shall be installed or bonded prior to filing the final map. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (RMA – Planning Department)</td>
<td>Place note on map or a separate sheet and submit to the RMA - Planning Department for review and approval. Install or bond for the underground utility facilities.</td>
<td>Owner/Applicant</td>
<td>Prior to the recordation of final map.</td>
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<tr>
<td>12. PD034 – SUBDIVISION SITE PLAN APPROVAL</td>
<td>The property owner shall prepare a site plan for the Chapin Subdivision to be approved by the Director of the RMA - Planning Department. The site plan shall: (1) define the building site; (2) establish maximum building dimensions; (3) identify natural vegetation that should be retained; (4) identify landscape screening as appropriate. A note shall be placed on the final map stating that a site plan has been prepared for this subdivision and that the property may be subject to building and/or use restrictions. (RMA – Planning Department)</td>
<td>Submit site plan to the RMA - Planning Department for review and approval.</td>
<td>Owner/Applicant</td>
<td>Prior to the recordation of final map.</td>
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<tr>
<td>Permit Number</td>
<td>Action</td>
<td>Conditions of Approval and Mitigation Measures and Responsibilities for Land Use and Zoning</td>
<td>Compliance Monitoring Actions to be Performed Where Applicable (Include professional and qualified personnel to perform any action to be accomplished)</td>
<td>Responsible Party for Compliance</td>
<td>Verification of Compliance Required</td>
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| 13. PDSP01 - GEOTECHNICAL CERTIFICATION (NON-STANDARD) | The applicant shall adhere to the recommendations contained in the Geology and Soils Engineering Report dated May 31, 2007 and the Updated Seismic Design Criteria dated March 13, 2008 prepared by LandSet Engineers, Inc. Specifically, the following shall occur:  
- The upper one foot of native soil should be overexcavated in Subsites 1, 3, & 4. | The applicant shall submit grading plans that have been reviewed and approved by a registered geotechnical engineer, and verified as consistent with the special recommendations of the Geology and Soils Engineering Report. Accompanying the grading plans shall be a letter prepared by the consulting registered geotechnical engineer stating that the plans are consistent with the recommendations described in Condition No. 13 to be reviewed by the RMA-Director of Planning for compliance. | Owner/ Applicant/ Geotechnical Consultant | Prior to the issuance of grading permits |
<p>| 14. PDSP03 – CONSTRUCTION MANAGEMENT PLAN (NON-STANDARD) | The applicant shall submit a Construction Management Plan (CMP) for review and approval to the Director of | The applicant shall submit the CMP to the Director of the RMA-Planning Department and Public Works Department for review and approval. | Owner/ Applicant/ Contractor | Prior to the issuance of grading or building permits. |</p>
<table>
<thead>
<tr>
<th>Permit Item Number</th>
<th>Permit Item Title</th>
<th>Conditions Applicable to Monitoring, Mitigation, Measures and Responsible Agency/Department</th>
<th>Compliance &amp; Monitoring Notes</th>
<th>Responsible Party for Compliance</th>
<th>Timing</th>
<th>Certification of Compliance</th>
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<tr>
<td>RMA-Public Works Department including the following:</td>
<td></td>
<td>The project contractor shall submit monthly reports certifying compliance with this monitoring action for review and approval by the Director of the RMA-Planning Department. Should the contractor fail to submit compliance reports, the Director of the RMA-Planning Department may halt work until verification.</td>
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<td>Owner/Applicant/Contractor</td>
<td>Ongoing until final</td>
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<td>Approved measures included in the CMP shall be implemented by the applicant during the entire construction/grading phase of the project. The project contractor shall submit monthly reports certifying compliance with this monitoring action for review and approval by the Director of the RMA-Planning Department. (RMA – Planning Department)</td>
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<tr>
<td>Deed Code Number</td>
<td>Street Number</td>
<td>Conditions of Approval under Mitigation Measures and Responsible Party (if any)</td>
<td>Compliance or Regulatory Action Required for Permit or Approval</td>
<td>Responsible Party for Compliance</td>
<td>Time</td>
<td>Certification of Compliance Expiration</td>
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<td>PDSP04 - LANDSCAPE PLAN AND MAINTENANCE FOR PARCEL B (NON-STANDARD)</td>
<td>Final recorded map with notes shall be submitted to RMA-Planning Department &amp; Public Works for review and approval.</td>
<td>Owner/ Applicant</td>
<td>Prior to recordation of final map.</td>
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<td>A note shall be placed on the final map stating “Parcel B shall be landscaped. At least 60 days 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 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. This vegetation shall also be kept in healthy growing condition and be maintained by the owner of the apartment complex. (RMA – Planning Department)</td>
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<td>Submit landscape plans and contractor’s estimate to the RMA - Planning Department for review and approval. The landscape plans shall be in compliance with the Landscape Characteristics listed within the Design Guidelines (Appendix A) of the Castroville Community Plan.</td>
<td></td>
<td>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</td>
<td>At least 60 days prior to final inspection or occupancy</td>
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<td>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. The vegetation shall be kept in healthy growing condition and shall be maintained by the owner of the apartment complex.</td>
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<td>Owner/ Applicant</td>
<td>Ongoing</td>
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</tbody>
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PLN080039
Exhibit D
<table>
<thead>
<tr>
<th>Permit Case Number</th>
<th>Case Number</th>
<th>Conditions of Approval and Regulatory Standards and Responsible Local Agency Department</th>
<th>Compliance with Monitoring Actions to be performed, where applicable, a certified professional is required for return to be requested</th>
<th>Responsible Party for Compliance</th>
<th>Status</th>
<th>Application for Compliance (if appropriate)</th>
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<tr>
<td>16.</td>
<td>PDSP05</td>
<td>LIGHTING – EXTERIOR LIGHTING PLAN FOR THE APARTMENT COMPLEX (NON-STANDARD)</td>
<td>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. The lighting plan shall demonstrate compliance with the lighting guidelines within the Design Guidelines (Appendix A) of the Castroville Community Plan. Approved lighting plans shall be incorporated into final building plans.</td>
<td>Owner/ Applicant</td>
<td>Prior to the issuance of building permits.</td>
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<td>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)</td>
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<td>17.</td>
<td>PDSP06</td>
<td>SIGNAGE FOR APARTMENT COMPLEX</td>
<td>Submit an application for a sign permit to the RMA-Planning Department and the RMA-Building Services Department. No flags, pennants, or other attention getting devices, other than approved signs, on the property. (RMA – Planning Department)</td>
<td>Owner/ Applicant</td>
<td>Prior to use/ Ongoing</td>
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<td>The applicant shall comply with the sign regulations of the Monterey County Zoning Ordinance (Title 21) and the Design Guideline of the Castroville Community Plan (Appendix A). There shall be no flags, pennants, or other attention getting devices, other than approved signs, on the property.</td>
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</tbody>
</table>
| Permit Code  Number | Permit Type Description | Conditions of Approval or Mitigation Measures for Responsible Official/Department | Compliance with Monitoring, Testing and Reporting Requirements | Responsibility Party or Corporate Entity of Record | Final Action | Verification Date
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<td>18. PDSP07 - NOTE ON MAP-STUDIES FOR CONDITIONS (NON-STANDARD)</td>
<td>The following conditions shall be placed on the final map or separate sheet to be recorded with the final map: 1, 11, 12, 13, 46, 49, 50, 51, 53, and 54. The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)</td>
<td>Final recorded map with notes shall be submitted to the RMA - Planning Department and Public Works for review and approval.</td>
<td>Subdivider / Owner / Applicant</td>
<td>Prior to recordation of final map</td>
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<td>19. WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS</td>
<td>A notice shall be recorded on the deed for each lot stating: “All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932.” Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</td>
<td>Submit a recorded notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)</td>
<td>Owner / Applicant</td>
<td>Recordation of the notice shall occur concurrently with the final map</td>
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<tr>
<td>20. WR42 - LANDSCAPING REQUIREMENTS</td>
<td>A notice shall be recorded on the deed for each lot stating: “The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems.” Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</td>
<td>Submit the recorded notice to the Water Resources Agency for review and approval. (A copy of the County’s standard notice can be obtained at the Water Resources Agency.)</td>
<td>Owner / Applicant</td>
<td>Recordation of the notice shall occur concurrently with the final map</td>
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<tr>
<td>21. WRSP01 - STORMWATER DETENTION (NON-STANDARD)</td>
<td>A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts, which</td>
<td>Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.</td>
<td>Owner / Applicant</td>
<td>Prior to filing of final map</td>
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<tr>
<td>Permit Condition Number</td>
<td>Mile Mark</td>
<td>Condition of Stormwater Management</td>
<td>Concentration of Stormwater</td>
<td>Responsibility for Compliance</td>
<td>Timing</td>
<td>Certification of Compliance Completed</td>
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<td>Includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <em>(Water Resources Agency)</em></td>
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<td>22.</td>
<td></td>
<td>WRSP03 — COMPLETION CERTIFICATION <em>(NON-STANDARD)</em></td>
<td>Prior to final inspection of any residential building permits, the applicant shall provide the Water Resources agency certification from a registered civil engineer or licensed contractor that the stormwater detention/retention facilities have been constructed in accordance with approved plans. <em>(Water Resources Agency)</em></td>
<td>Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.</td>
<td>Owner/Applicant</td>
<td>Prior to final inspection of any residential building permits.</td>
</tr>
<tr>
<td>23.</td>
<td></td>
<td>WRSP06 — ROAD AND DRAINAGE AGREEMENT <em>(NON-STANDARD)</em></td>
<td>Developer shall have the sole responsibility for the care, maintenance, and repair of the road and drainage improvements installed as a condition of approval of the subdivision. Upon each conveyance of each lot in the subdivision, developer shall be jointly obligated with the succeeding owners to perform such obligation prorated on the basis of the remaining number of lots still owned by the developer. Developer's obligation shall cease upon the conveyance of the last lot in the subdivision. The agreement shall contain provisions for an annual drainage report, to be prepared by a registered civil engineer, which includes the monitoring of drainage impacts and maintenance of drainage facilities. The report shall submitted to the Water Resources</td>
<td>Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation.</td>
<td>Owner/Applicant</td>
<td>Concurrent with the final map</td>
</tr>
<tr>
<td>Permit Code Number</td>
<td>Rule Number</td>
<td>Conditions of Approval and/or Monitoring, Mass Balance, and Responsible Party for Department</td>
<td>Compliance or Monitoring Actions to be Performed, Where applicable, a Healthcare Professional &amp; Required for Action to be Accepted</td>
<td>Responsible Party for Compliance</td>
<td>Proceed</td>
<td>Certification of Compliance Granted</td>
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<td>24.</td>
<td>EH37</td>
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Agency for review and approval no later than April 15th of each year. Prior to filing the final map, a copy of a signed and notarized *Road and Drainage Agreement* shall be provided to the Water Resources Agency for approval. The agreement shall be recorded concurrently with the final map. *(Water Resources Agency)*
|                   |            | Submit a plan to the Division of Environmental Health for review and approval.          | Owner/Applicant
Prior to issuance of building permits. |
| 25.               | EH38       | 
All persons shall separate all recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility *(MCC 10.41.020.B)*. *(Environmental Health)*
|                   |            | Submit a plan to the Division of Environmental Health for review and approval.          | Owner/Applicant
Prior to issuance of building permits/ Continuous condition |
<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Column Number</th>
<th>Table</th>
<th>Land Dedication Notes</th>
<th>Requirement Notes</th>
<th>Responsible Party</th>
<th>Notes</th>
</tr>
</thead>
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<tr>
<td>26.</td>
<td></td>
<td></td>
<td>PKSSP01 – RECREATION REQUIREMENTS/LAND DEDICATION (NON-STANDARD)</td>
<td>The applicant shall submit a recreation plan to: Judy Burditt and/or Scott Harvey, c/o North County Recreation District, 11261 Crane Street, Castroville, CA 95012, for review of the proposed on-site recreation plan and possible contribution to other local neighborhood or community parks and recreational facilities within the North County Recreation District located in Castroville. The applicant shall submit a recreation plan and cost estimate for the improvements to be made on the dedicated parcel(s) to Parks Department for review and approval.</td>
<td>Owner/Applicant</td>
<td>Prior to the Recordation of the Final Map</td>
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</table>
| Permit          | Number | Conditions of Approval and a Statement | Responsible Party | Verification of Compliance
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<tr>
<td>PW0003 – ENTRANCE (CURB, ETC)</td>
<td>Obtain an encroachment permit from the Department of Public Works and construct curb, gutter, sidewalk and pave-out along the frontage of Preston and Axtell Streets. (Public Works)</td>
<td>Owner/Applicant</td>
<td>Prior to recording of the final map</td>
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<tr>
<td>PW0007 – PARKING STD</td>
<td>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)</td>
<td>Owner/Applicant/Engineer</td>
<td>Prior to Building/Grading Permits Issuance</td>
<td></td>
</tr>
<tr>
<td>PW0008 - DEDICATION</td>
<td>Dedicate to the County of Monterey, 30’ from the centerline of Axtell Street for street and right-of-way purposes. (Public Works)</td>
<td>Owner/Applicant/Surveyor</td>
<td>Concurrent with recording of the final map</td>
<td></td>
</tr>
<tr>
<td>PW0015 – UTILITY’S COMMENTS</td>
<td>Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works)</td>
<td>Owner/Applicant</td>
<td>Prior to Recordation of Map</td>
<td></td>
</tr>
<tr>
<td>PW0023 – IMPROVEMENT PLANS</td>
<td>Provide improvement plans for approval of the Department of Public Works and that the roads are constructed in accordance with the typical section shown on the tentative map. (Public Works)</td>
<td>Subdivider</td>
<td>Prior to Recordation of Final Map</td>
<td></td>
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<tr>
<td>Parcel Civil Unit</td>
<td>Permit Number</td>
<td>Conditions of Approval and Mitigation Measures and Responsible Party (Permit)</td>
<td>Compliance with Mitigation Measures and Responsible Party (Permit)</td>
<td>Responsible Party/Committee</td>
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| 32.               | PW0032        | AS BUILT PLANS
A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance. (Public Works) | Subdivider's Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval. | Subdivider/Engineer | Prior to Release of Bonds |
| 33.               | PW0036        | EXISTING EASEMENTS AND ROW
Provide for all existing and required easements or rights of way. (Public Works) | Subdivider's Surveyor shall include all existing and required easements or rights of way on Parcel Map. | Subdivider/Surveyor | Prior to Recordation of Final Map |
| 34.               | PWSP01        | CASTROVILLE COMMUNITY PLAN TRAFFIC MITIGATION FEES (NON-STANDARD)
Prior to issuance of building permits the applicant shall contribute $207,746 to the County as payment of the project's pro rata share of the cost of improvements to future roadways improvements identified in the Castroville Community Plan. (Public Works) | Prior to the recordation of the final map the applicant shall submit proof of payment of the Castroville Traffic Mitigation Fee to the Director of Public Works for review and approval. | Owner/Applicant | Prior to issuance of building permits. |
| 35.               | PWSP02        | TMC FEES
Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works) | Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. | Owner/Applicant | Prior to issuance of building permits |
<table>
<thead>
<tr>
<th>Permit Number</th>
<th>SHFFSP01 - COMPLIANCE WITH GENERAL GUIDELINES</th>
<th>Compliance and Monitoring</th>
<th>Responsible Party</th>
<th>Purpose of Compliance</th>
<th>Status</th>
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<tbody>
<tr>
<td>36.</td>
<td>Prior to occupancy and as an ongoing condition, the applicant shall comply with all conditions listed with the Monterey County Sheriff's General Public Safety and Security Guidelines. <em>(Monterey County Sheriff's Department)</em></td>
<td>The applicant shall contact the Community Services Representative assigned to the Castroville area. The general conditions within the guidelines require that the applicant work with the Sheriff's Office to implement satisfactory public safety and security measures in the proposed development. All applicable notes shall be indicated on the building permit plans. The owners shall comply with all guidelines set forth within the Monterey County Sheriff's General Public Safety and Security Guidelines.</td>
<td>Applicant or owner</td>
<td>Prior to occupancy</td>
<td>Owner</td>
</tr>
<tr>
<td>Permit #</td>
<td>Permit Number</td>
<td>Permit Type</td>
<td>Description</td>
<td>Action Required</td>
<td>Responsible Party</td>
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<td>37.</td>
<td>RDV&amp;HSSP01</td>
<td>Exclusionary Housing (NON-STANDARD)</td>
<td>The project application is subject to the County’s Inclusionary Ordinance #04183 which requires that the project make a contribution equal to 12.6 Inclusionary Units, consistent with the provisions contained in Ordinance #04183 and with the adopted Inclusionary Housing Administrative Manual. Prior to the recordation of the Final Map and/or issuance and a use permit, which ever comes first, the applicant shall comply by execution an Inclusionary Housing Agreement with the County, in a form acceptable to the County, that specifies that at least eleven Inclusionary Rental Units shall be provided on the project site and that existing Inclusionary Credits held by the applicant may be used for the remaining 1.6 unit obligation. The Agreement shall address, but not limited to, the number of units and affordability levels, the type and size of the units, the location of the units, pricing, selection of tenants, and the phasing of the Inclusionary unit construction related to the release of the building permits for the market rate unit, and the use of Inclusionary Credits. (RMA-Redevelopment and Housing)</td>
<td>The applicant shall execute an Inclusionary Housing Agreement with the County which specifies that at least eleven Inclusionary Rental Units will be provided on the project site and that existing Inclusionary Credits held by the applicant may be used for the remaining 1.6 unit obligation.</td>
<td>Owner/ Applicant</td>
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<td>38.</td>
<td>FIRE001</td>
<td>Road Access</td>
<td>Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical</td>
<td>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</td>
<td>Applicant or owner</td>
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<tr>
<td>Permit or Certificate Number</td>
<td>Conditions or Approval &amp; Mitigation Measures and Responsible Party or the Department</td>
<td>Monitoring Activities to be Performed Where Applicable &amp; Questions to Be Addressed</td>
<td>Responsible Party or the Department</td>
<td>Timing</td>
<td>Certification of Compliance</td>
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<td>clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (North County Rural Fire District)</td>
<td>Applicant shall schedule fire dept. clearance inspection for each phase of development.</td>
<td>Applicant or owner</td>
<td>Prior to final building inspection</td>
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<td>FIRE002 - ROADWAY ENGINEERING</td>
<td>The grade for all roads shall not exceed 15 percent. Where road grades exceed 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 length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. (North County Rural Fire District)</td>
<td>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</td>
<td>Applicant or owner</td>
<td>Prior to issuance of grading and/or building permit.</td>
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<tr>
<td>Applicant shall schedule fire dept. clearance inspection for each phase of development.</td>
<td>Applicant or owner</td>
<td>Prior to final building inspection</td>
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<tr>
<td>Permit Code</td>
<td>Name</td>
<td>Conditions of Approval</td>
<td>Mitigation Measures and Responsible Party</td>
<td>Compliance Period</td>
<td>Verification</td>
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<td>FIRE004</td>
<td>DEAD-END ROADS (2)</td>
<td>For parcels greater than 1 acre and not exceeding 5 acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 1320 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the &quot;T&quot; shall be a minimum of 60 feet in length. (North County Rural Fire District)</td>
<td>Applicant shall incorporate specification into design and enumerate as &quot;Fire Dept. Notes&quot; on plans.</td>
<td>Applicant or owner</td>
<td>Prior to issuance of grading and/or building permit.</td>
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<tr>
<td>FIRE008</td>
<td>GATES</td>
<td>All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (North County Rural Fire District)</td>
<td>Applicant shall incorporate specification into design and enumerate as &quot;Fire Dept. Notes&quot; on plans.</td>
<td>Applicant or owner</td>
<td>Prior to issuance of grading and/or building permit.</td>
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<td>Applicant shall schedule fire dept. clearance inspection</td>
<td>Applicant or owner</td>
<td>Prior to final building inspection</td>
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<td>Applicant shall schedule fire dept. clearance inspection</td>
<td>Applicant or owner</td>
<td>Prior to final building inspection</td>
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<tr>
<td>Permit Serial Number</td>
<td>Main Name</td>
<td>Condition of approval to monitor Measure and Responsible Party to Department</td>
<td>Compliance or Monitoring activity to be performed when applicable or one-time inspection is completed</td>
<td>Responsible Party for compliance</td>
<td>Filing</td>
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<tr>
<td>42.</td>
<td>FIRE010 - ROAD SIGNS</td>
<td>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on improvement plans.</td>
<td></td>
<td>Applicant</td>
<td>Prior to filing of final map.</td>
</tr>
<tr>
<td>Permit Code</td>
<td>Title</td>
<td>Conditions of Improvement, Mitigation Measures, and Responsible Parties</td>
<td>Reporting Criteria</td>
<td>Timings</td>
<td>Additional Information</td>
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<td>43</td>
<td>FIRE011 - ADDRESSES FOR BUILDINGS</td>
<td>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 posted prior to requesting final clearance. (North County Rural Fire District)</td>
<td>Applicant shall schedule fire dept. clearance inspection for each phase of development.</td>
<td>Applicant or owner</td>
<td>Prior to issuance of building permit(s) for development of individual lots within the phase of the subdivision.</td>
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44. FIRE015 - FIRE HYDRANTS/FIRE VALVES
A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal’s Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. (North County Rural Fire District)

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<tr>
<th>Responsible Party for Compliance</th>
<th>Applicant shall schedule fire dept. clearance inspection</th>
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<tr>
<td>Applicant</td>
<td>Prior to final building inspection</td>
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45. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)
Remove combustible vegetation from within a minimum of 30 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or

<table>
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<tr>
<th>Responsible Party for Compliance</th>
<th>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</th>
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<tr>
<td>Applicant</td>
<td>Prior to issuance of grading and/or building permit.</td>
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Applicant or owner
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<tr>
<th>Item</th>
<th>Code</th>
<th>Description</th>
<th>Compliance Authority Action Required</th>
<th>Responsible Party / Date</th>
<th>Details</th>
</tr>
</thead>
</table>
| 46.  | FIRE021 | FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)  
The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (North County Rural Fire District) | Applicant shall schedule fire dept. clearance inspection | Applicant or owner | Prior to final building inspection |
| 47.  | FIRE025 | SMOKE ALARMS – (SINGLE FAMILY DWELLING)  
Where a household fire warning system or combination fire/burglar alarm system is installed in lieu of single-station smoke alarms required by the Uniform Building Code the alarm panel shall be required to be placarded as permanent building equipment. (North County Rural Fire District) | Applicant shall enumerate as “Fire Dept. Notes” on plans. | Applicant or owner | Prior to issuance of building permit. |
| 48.  | FIRE026 | ROOF CONSTRUCTION (STANDARD)  
All new structures, and all existing structures receiving rough sprinkler inspection | Applicant shall schedule fire dept. rough sprinkler inspection | Applicant or owner | Prior to framing inspection |
<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Fire Number</th>
<th>Conditions of Approval</th>
<th>Monitoring / Actions Required</th>
<th>Responsible Party / Contact</th>
<th>Verification of Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>49</td>
<td>FIRE030 – SUBMITTAL OF COPY OF FINAL MAP (NON-STANDARD)</td>
<td>Applicant shall enumerate as “Fire Dept. Notes” on plans.</td>
<td>Applicant or owner</td>
<td>Prior to issuance of building permit.</td>
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<tr>
<td></td>
<td>49</td>
<td>Electronic Media Submittal - Prior to the filing of the final map, an electronic copy of the final map shall be submitted to the North County Fire District. The final map shall be drawn using AutoCAD 14 or newer or an approved equal. The submitted map shall, at a minimum, contain the following entities: Property Lines, Parcel Numbers, Roads, streets and driveways, Fire Hydrants, Assessors parcel numbers, Building envelopes. Approved media form shall be either CD or e-mail. Files shall be in either *.dwg or *.dxf format only. Electronic mail will be accepted at <a href="mailto:AA@ncfpd.org">AA@ncfpd.org</a>. (North County Rural Fire District)</td>
<td>Applicant or owner</td>
<td>Prior to issuance of building permit.</td>
<td></td>
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<td></td>
<td>50</td>
<td>FIRE031 – DRIVEWAY AND ROADS (NON-STANDARD)</td>
<td>The applicant shall work with the North County Fire Department for specific requirements for driveway and roadway painting and installation of signs. Work must be completed prior to the final of the building permit for</td>
<td>Applicant or owner</td>
<td>Prior to final building inspection</td>
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<td></td>
<td>49</td>
<td>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 Rural Fire District)</td>
<td>Applicant shall schedule fire dept. final sprinkler inspection</td>
<td>Applicant or owner</td>
<td>Prior to final building inspection</td>
</tr>
<tr>
<td></td>
<td>49</td>
<td>Applicant shall enumerate as “Fire Dept. Notes” on plans.</td>
<td>Applicant or owner</td>
<td>Prior to issuance of building permit.</td>
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</tr>
<tr>
<td>Permit Condition Number</td>
<td>Main Number</td>
<td>Conditions or Approvals, Mitigation Measures, and Requirements for Responsible Rural Fire District</td>
<td>Conditions Required by the Castroville Community Plan EIR</td>
<td>Certification of Compliance Provided by</td>
<td>Responsible Official for Compliance</td>
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<tr>
<td>51.</td>
<td>MM# 3.1-3b</td>
<td>Department for specific requirements. (North County Rural Fire District) the apartment complex.</td>
<td>The applicant shall provide color and material samples to the RMA-Planning Department for review and approval of RMA-Director of Planning.</td>
<td>Subdivider / Owner / Applicant</td>
<td>Prior to approval of building permits.</td>
</tr>
<tr>
<td>52.</td>
<td>MM# 3.3-1a</td>
<td>CCP002 - CASTROVILLE COMMUNITY PLAN REQUIRED CONDITION – AIR QUALITY (NON-STANDARD) The County of Monterey shall require that the project applicant(s), for General Development Plans and other development approvals associated with the proposed Community Plan restrict the use of reflective materials to minimize daytime glare within the proposed planning area. (RMA – Planning Department)</td>
<td>The applicant shall provide proof of implementation of best-available control measures (BACM) reducing emissions of particulate matter during construction activities. Should measures not be met, or are not successful, the RMA-Director of Planning shall require work to be halted until required measures are in place to reduce emissions of particulate matter during construction activities.</td>
<td>Subdivider / Owner / Applicant</td>
<td>During constructio n activities associated with all discretionar y approvals.</td>
</tr>
</tbody>
</table>
| Permit Code Number | Mine Number | Conditions of Approval or Mitigation Measures and Responsible Land Use Department | Compliance of Monitoring/Other Activities | Responsible Party for Compliance | Notes | Verification of Compliance

<table>
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<tr>
<th>construction projects that are unused for at least four consecutive days;</th>
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<tbody>
<tr>
<td>- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;</td>
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<tr>
<td>- Cover all trucks hauling soil, sand, and other loose materials or required all trucks to maintain at least 6 inches of freeboard;</td>
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<tr>
<td>- Replant vegetation in disturbed areas as quickly as possible;</td>
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<td>- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles, such as dirt, sand, etc;</td>
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<td>- Sweep daily, with water sweepers, if visible soil materials are carried onto adjacent public streets;</td>
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<td>- Limit traffic speeds on unpaved roads to 15 mph;</td>
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<tr>
<td>- Install sandbags or other erosion control measures to prevent silt runoff to public roadways; ad</td>
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<td>- Limit areas of active disturbance to no more than 2.2 acres per day for initial site preparation activities that involve extensive earth-moving activities (grubbing, excavation, rough grading), or 8.1 acres per day for activities that involve minimal earth Moving (e.g., finish grading)</td>
</tr>
</tbody>
</table>

(RMA – Planning Department)

<p>| MM# 3.3-1b | CCP003 - CASTROVILLE COMMUNITY PLAN REQUIRED CONDITION – AIR QUALITY (NON-STANDARD) | The applicant shall implement best-available control measures (BACM) to reduce emissions of toxic air | Subdivider / Owner / Applicant | During construction activities associated with all |</p>
<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Permit Status</th>
<th>Conditions of Approval: Mitigation Measures and Responsible Party/Department</th>
<th>Compliance Delays: Activities to be performed. Where applicable, specify professional or construction team to complete</th>
<th>Responsible for Approval</th>
<th>Remedy</th>
<th>Institution of Action/Compliance Comments</th>
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<td>contaminants, as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan during construction activities. Examples of BACM typically recommended by the MBUAPCD include, but are not limited to, the following: Diesel equipment used onsite should be year 2003, or newer, equipped with emission control technology (e.g., diesel-oxidation catalyst), or use alternative fuels (e.g., biodiesel) that sufficiently reduces diesel-exhaust emissions at nearby receptors to within acceptable levels, as defined by the MBUAPCD. For equipment retrofitted to operate with diesel exhaust emissions control technology, the CERP shall include verification of installation or presence of these devices for review by the MBUAPCD. Additional controls may be required, such as restrictions on equipment use/location, construction phasing, and/or hours of construction, to be determined on a project-by-project basis. (RMA – Planning Department)</td>
<td>Should measures not be met, or are not successful, the RMA-Director of Planning shall require work to be halted until required measures are in place to reduce emissions of toxic air contaminants during construction activities.</td>
<td>discretionarily approved.</td>
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<td>Permit Case Number</td>
<td>Mile Number</td>
<td>Condition of Approval or Mitigation Measures and Responsibility Land Use Department</td>
<td>Compliance Monitoring Plan: Affidavit, If applicable; certified professional is required for Affidavit is needed</td>
<td>Responsible Party for Compliance</td>
<td>Timing</td>
<td>Verification of Compliance</td>
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| 54. MM# 3.3-2     |             | **CCP004 - CASTROVILLE COMMUNITY PLAN REQUIRED CONDITION – AIR QUALITY (NON-STANDARD)** | The applicant shall provide proof of implementation of best-available control measures (BACM) measures to reduce criteria air pollutants of ROG, NO\textsubscript{X}, CO and PM\textsubscript{10} as recommended by the MBUAPCD and in accordance with Policy 20.2.5 of the Monterey County General Plan (1982), during operations. Best available control measures typically recommended by the MBUAPCD include, but are not limited to, the following:  
  **Residential Uses**  
  - Use gas-fired fireplaces;  
  - Provide pedestrian sidewalks and bicycle paths that link to adjacent land uses and external networks; and  
  - Incorporate energy-efficient appliance into residential uses.  
  **All Uses**  
  - Orient buildings to minimize heating and cooling needs;  
  - Provide shade trees to reduce cooling needs;  
  - Include energy-efficient lighting systems;  
  - Include solar water heaters or centralized water heating systems; and  
  Increase insulation beyond Title 24 requirements to minimize heating and cooling needs.  
  *(RMA – Planning Department)* | Subdivider / Owner/ Applicant | During operations associated with all discretionar y approvals. |
<table>
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<tr>
<th>Permit</th>
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<tr>
<td>55.</td>
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<td>MM# 3.7-1</td>
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<p>| 56.    |
| MM# 3.9-2 | CCP006 – HYDROLOGY AND WATER QUALITY (NON-STANDARD) |
|        | In order to reduce impacts caused by stormwater runoff, the applicant shall obtain coverage under the NPDES General Permit, in accordance with current state regulations. The applicant shall provide the Water Resources Agency with a drainage plan prepared by a registered civil engineer addressing on-site and off-site |
|        | The applicant shall obtain coverage under the NPDES General Permit, in accordance with the current state regulations. The applicant shall submit proof of the permit to the RMA-Director of Planning. |
|        | Prior to filing the final map. |
|        | Subdivider / Owner/ Applicant |</p>
<table>
<thead>
<tr>
<th>Permit Condition</th>
<th>MM#</th>
<th>Requirement</th>
<th>Compliance or Verification of Requirement</th>
<th>Responsible Party for Compliance</th>
<th>Certification of Compliance Achieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>57.</td>
<td>MM# 3.9-4b</td>
<td>CCP007 - CASTROVILLE COMMUNITY PLAN REQUIRED CONDITION - HYDROLOGY AND WATER QUALITY (NON-STANDARD)</td>
<td>The applicant shall require that the project applicant(s), for General Development Plans and other discretionary approvals associated with the proposed Community Plan and within Special Flood Hazard Area,</td>
<td>Subdivider / Owner/Applicant</td>
<td>Prior to issuance of grading permits.</td>
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<td>impacts. Concurrent with preparation of drainage plan and prior to issuance of grading permit, the project applicant(s) shall prepare a Stormwater Pollution Prevention Plan (SWPPP) that documents best management practices to ensure that urban runoff contaminants and sediment are minimized. The SWPPP shall document best management practices (filters, traps, bio-filtration swales, etc.) to ensure that urban runoff contaminants and sediment are minimized. The erosion and sediment control plan shall specify which erosion control measures necessary to control runoff shall be in place during the rainy season (November 1 through April 15) and which measures shall be in place year round. The SWPPP shall be consistent with CCWQCB standards. (RMA – Planning Department)</td>
<td>Prior to filing of the final map, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer addressing on-site and off-site impact with supporting calculations and construction details. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff. Drainage improvement shall be constructed in accordance with plans approved by the Water Resources Agency.</td>
<td>Subdivider / Owner/Applicant</td>
<td>Prior to filing the final map.</td>
</tr>
</tbody>
</table>

The applicant shall provide the Water Resources Agency certification from a registered civil engineer or license contractor that the stormwater detention/retention facilities have been constructed in accordance with approved plans.

The applicant shall submit copies of FEMA Conditional Letter of Map Revision (CLOMR) application including all supporting documentation to Monterey County Water Resources Agency.
<table>
<thead>
<tr>
<th>Permit Number</th>
<th>MM# 3.15-1b</th>
<th>Condition or Required Condition - Utilities (Non-Standard)</th>
<th>Subdivider / Owner / Applicant</th>
<th>Prior to final grading inspection.</th>
</tr>
</thead>
<tbody>
<tr>
<td>58.</td>
<td>CCP008 - CASTROVILLE COMMUNITY PLAN REQUIRED CONDITION - UTILITIES (NON-STANDARD)</td>
<td>The applicant shall contract with a certified engineer to prepare wastewater system plans in accordance with CSA-14 guidelines. These plans shall confirm that the estimated amount of wastewater flow generated by proposed development does not exceed the projected 0.64 MGD of additional flow to the Castroville Regional Pump Station. (RMA – Planning Department)</td>
<td>Subdivider / Owner / Applicant</td>
<td>Prior to approval of site improvement plans.</td>
</tr>
</tbody>
</table>

Submit copies of FEMA Letter of Map Revision (LOMR) and supporting documentation to Monterey County Water Resources Agency.
<table>
<thead>
<tr>
<th>Permit Code</th>
<th>Miles Number</th>
<th>Condition of Approval and/or Mitigation Measures and Responsible Agency/Fee Department</th>
<th>Compliance Action to be performed after approval and responsible party required to act, if not to be rejected</th>
<th>Responsible Party/Compliance</th>
<th>Timing</th>
<th>Certification of Compliance (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>59. MM# 3.15-1c</td>
<td>CCP009 - CASTROVILLE COMMUNITY PLAN REQUIRED CONDITION - UTILITIES (NON-STANDARD)</td>
<td>The applicant shall pay connection fees to Monterey Regional Water Pollution Control Agency and Castroville Water District. The MRWPCA connection fees are based on type of use. The CWD fees are to be determined during the wastewater system master planning level analysis to be prepared by Castroville Water District. (RMA – Planning Department)</td>
<td>The applicant shall pay connection fees to Monterey Regional Water Pollution Control Agency and Castroville Water District.</td>
<td>Subdivider / Owner/ Applicant</td>
<td>Prior to issuance of building permits.</td>
<td>/</td>
</tr>
<tr>
<td>60. MM# 3.15-2</td>
<td>CCP010 - CASTROVILLE COMMUNITY PLAN REQUIRED CONDITION - UTILITIES (NON-STANDARD)</td>
<td>The applicant shall contract with a certified engineer to determine the amount of water supply, and water treatment and distribution improvements required by proposed development to meet the requirements of Castroville Water District and North County Fire Protection District. (RMA – Planning Department)</td>
<td>The applicant shall contract with a certified engineer to determine the amount of water supply, and water treatment and distribution improvements required by proposed development to meet the requirements of Castroville Water District and North County Fire Protection District.</td>
<td>Subdivider / Owner/ Applicant</td>
<td>Prior to approval of site improvement plans.</td>
<td>/</td>
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<tr>
<td>61.</td>
<td>PDSP08 – CONSOLIDATION OF PARCEL H AND THE REMAINDER PARCEL (NON-STANDARD)</td>
<td>Prior to the recordation of the final map, the applicant shall submit a revised final map to include the consolidation of Parcel H (.125 acres) and the Remainder Parcel (.466 acres) denoted within the project description. (RMA – Planning Department)</td>
<td>The applicant shall submit a revised final map to the RMA Planning Department for review and approval. The Vesting Tentative Map shall include a reconfigured Parcel H which will include the area designated as the Remainder Parcel within the project description.</td>
<td>Subdivider / Owner/ Applicant</td>
<td>Prior to the recordation of the final map</td>
<td>/</td>
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</tbody>
</table>
EXHIBIT D

Certain real property, situate in the Town of Castroville, County of Monterey, State of California, being portions of Parcel 1 and Parcel 2 as said parcels are described and recorded in Recorder’s Series Document #2009075662, Monterey County Records, particularly described as follows:

An easement for conservation and scenic purposes, more particularly described as follows:

Beginning at the most southerly corner of said Parcel 1, said point also being the intersection of the centerline of Preston Street, a county road, and the northeasterly right-of-way line of Davis Street, a county road, said centerline and right-of-way as shown on that certain map entitled “Map of the Town of Castroville, Monterey County, Cal., etc.”, recorded in Volume 1 of Cities and Towns at Page 55, Monterey County Records, thence running along the southeasterly boundary of said Parcel 1, N 42° 54' 00" E, 288.60 feet to intersection with the Coastal Zone Boundary and the TRUE POINT OF BEGINNING, ; thence leaving said southeasterly boundary of Parcel 1 and running along said Coastal Zone Boundary:

(1) N 47° 06' 00" W, 151.04 feet to the intersection with the common boundary between said Parcels 1 and 2; thence continuing along said Coastal Zone Boundary

(2) N 47° 06' 00" W, 51.66 feet; thence

(3) N 68° 51' 00" W, 141.50 feet to the intersection with the southeasterly boundary of Tract No. 1264, entitled, “Chapin Affordable Housing Project” as said Tract is shown and so designated on that certain map filed in Volume 19 of Cities and Towns at Page 18, Monterey County Records; thence leaving said Coastal Zone Boundary and running along the southeasterly boundary of said subdivision

(4) N 42° 54' 00" E, 103.34 feet to the intersection of the northeasterly boundary of said Parcel 2; thence leaving said southeasterly boundary of said subdivision and running along the northeasterly boundary of said Parcel 2

(5) S 47° 03' 30" E, 183.08 feet to the common boundary between said Parcels 1 and 2; thence running along the northeasterly boundary of Parcel 1

(6) S 47° 03' 30" E, 151.04 feet to the southeasterly boundary of said Parcel 1; thence running along the southeasterly boundary of said Parcel 1

(7) S 42° 54' 00" W, 50.66 feet to the TRUE POINT OF BEGINNING.
Said conservation and scenic easement containing 0.469 acres, more or less.

END OF DESCRIPTION
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature:

Date: 12/11/09