

Attachment B

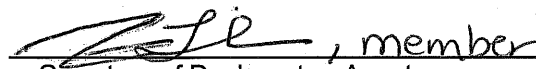
This page intentionally left blank.

When recorded return to:
COUNTY OF MONTEREY HOUSING
AND COMMUNITY DEVELOPMENT
DEPARTMENT - PLANNING
Attn: **KAYLA NELSON**
1441 Schilling Pl 2nd Floor
Salinas, CA 93901
(831) 755-4800

Space above for Recorder's Use

Owner Name: CASTROVILLE SELF
STORAGE LLC
Permit No.: PLN220122
Resolution No.: 24-037 (Planning Commission)
APN: 030-156-004-000
Project Planner: Kayla Nelson

The Undersigned Grantor(s) Declare(s):
DOCUMENTARY TRANSFER TAX OF \$ 0
☐ computed on the consideration or full value of
property conveyed, OR
☐ computed on the consideration or full value less
value of liens and/or encumbrances remaining at
time of sale,
☐ unincorporated area; and
☒ Exempt from transfer tax,
Reason: Transfer to governmental entity



Signature of Declarant or Agent
Castroville Self Storage, LLC

RESOURCE CONSERVATION EASEMENT DEED AGRICULTURAL BUFFER

THIS RESOURCE CONSERVATION AGRICULTURAL BUFFER EASEMENT DEED (the Easement Deed) is made by and between CASTROVILLE SELF STORAGE, LLC, a California limited liability company (Owner) and the County of Monterey (the County), a political subdivision of the State of California, with reference to the following facts:

WITNESSETH:

WHEREAS, Owner owns the real property more particularly described in Exhibit "A" attached hereto and made a part hereof, in Monterey County, California (the Property); and

WHEREAS, the Property of Owner is adjacent to agricultural land uses on farmlands designated as Prime, of Statewide Importance, Unique, or Local Importance; and

WHEREAS, because the Property is adjacent to farmlands designated as Prime, of Statewide Importance, Unique ,or Local Importance, the Owner is required to provide a well-defined agricultural buffer and easement as partial mitigation for new non-agricultural development proposals to be located; and

WHEREAS, a Use Permit (File Number PLN220122) (the Permit) was granted on December 11, 2024, by the Planning Commission, in and for the County of Monterey, pursuant to the Findings, Evidence, and Conditions contained in Resolution No. 24-037. Planning Commission Resolution No. 24-037 is on file with the Department of Housing and Community Development – Planning (HCD Planning) and attached hereto as Exhibit “B” (without sketches) and hereby incorporated by this reference, (the Resolution). The Resolution is subject to 26 Conditions of Approval; and

WHEREAS, this Easement Deed has been prepared and executed pursuant to Condition No. 20 (RESOURCE CONSERVATION EASEMENT), which states:

Condition No. 20.

Responsible Department: Planning

Condition/Mitigation Monitoring Measure:

A resource conservation easement shall be conveyed to the County over those portions of the property where environmentally sensitive habitats or known archaeological sites exist. The easement shall also serve to buffer neighboring agricultural fields pursuant to the 2010 General Plan Agricultural Element Policy AG-1.2 which calls for an Agricultural Buffer between agricultural and non-agricultural uses. A proposed easement deed shall be submitted to, and approved by, the Director of HCD - Planning and the Agricultural Commissioner's Office and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits.

Condition or Monitoring Action to be Performed:

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the appropriate conservation easement deed to the HCD and the Agricultural Commissioner's Office for review and approval.

Prior to final inspection the Owner/Applicant shall record the deed and map showing the approved easement. Submit a copy of the recorded deed and map to HCD – Planning; and

WHEREAS, Monterey County Code section 21.66.030.F. provides:

21.66.030.F. General Development Standards.

1. Subdivision of parcels located in "F" (Farmlands), "PG" (Permanent Grazing) or "RG" (Rural Grazing), or any land under Williamson Act contract, shall only be permitted when such subdivision does not adversely affect the land's long-term agricultural viability. Each subdivided parcel must be capable of remaining a viable agricultural unit, as determined through the agricultural viability report prepared for the project.

2. New development adjacent to agricultural areas shall be required to establish a well-defined buffer zone within the area to be developed. The area to be utilized as a buffer shall be placed in an easement, required as a condition of project approval. Requirements for the easement are as follows:

a. The easement width shall be sufficient to protect agriculture from impacts of new residential or other incompatible development and to mitigate against the effects of agricultural operations on the proposed uses. For development adjacent to "F", "PG" or "RG" Zoning Districts, the easement shall be a width of two hundred (200) feet, or wider where necessary to mitigate adverse impacts between agricultural and adjacent land uses. In all other zoning districts, the easement may be reduced to a width of not less than fifty (50) feet.

b. The easement shall extend the full length of the boundaries between the property to be developed and adjacent agricultural lands. Permanent roads which have been established by a dedicated road easement, or which have been paved, or which are a public road, may serve as part of this easement.

c. Land within the easement may not be used for recreational areas as part of housing projects or public facilities. Minor storage structures or sheds associated with the residential uses may be permitted within the

easement area. Specific permitted and prohibited uses shall be stipulated in the easement document; and

WHEREAS, the 2010 General Plan Policy AG-1.2 requires well-defined buffer areas of 200 feet or wider pursuant to Title 21 section 21.66.030.F be provided as partial mitigation for new non-agricultural development proposals that are located adjacent to agricultural land uses on farmlands designated as Prime, of Statewide Importance, Unique, or Local Importance; and

WHEREAS, the County, acting on behalf of the People of the State of California and in accordance with the Findings, Evidence, and Conditions contained in the Resolution, granted said Permit subject to Condition No. 20 (hereinafter the "Condition") described above which required recordation of a 32 foot in width Agricultural Buffer Easement and Deed (hereinafter "easement") over the Property, in addition to a 40 foot wide buffer consisting of the Tembladero Slough for a total of 72 feet in width distance for the commercial development from the adjacent farmland, and the onsite residential unit exceeds the 200 foot distance from the adjacent farmland, as shown in Exhibit "C" attached hereto and hereby incorporated by this reference, to restrict and prohibit structural development and recreational uses within the agricultural buffer area, and prohibited uses within the easement area; and

WHEREAS, the Agricultural Buffer Easement shall be the responsibility of the Owner, including all liability, maintenance, restrictions, and applicable laws, and shall be enforceable by the County of Monterey; and

WHEREAS, the Owner has elected to comply with the Condition and execute this easement; and

WHEREAS, it is intended that this easement shall run with the land; and

WHEREAS, if this agricultural buffer easement is no longer required due to changed circumstances; such as, if the adjacent farmland is legally converted into a non-agricultural use, the Owner or their successor in interest, shall notify the County of Monterey and request that said easement be extinguished.

NOW, THEREFORE, the Owner agrees to record this Easement Deed as shown in Exhibit C, which is attached and incorporated by this reference, and to that end and for the purposes of accomplishing the intent of the easement and General Plan Policy No. AG-1.2, which is to provide sufficient width to protect agriculture from the impacts of new residential or incompatible development and to mitigate against the effects of agricultural

operations on the proposed uses (2010 General Plan Policy No. AG-1.2), Owner agrees to the terms and conditions set forth below.

A. PROPERTY SUBJECT TO EASEMENT. The Property is situated in the County of Monterey, State of California, and is particularly described in Exhibit "C", attached hereto, and made a part hereof, hereinafter referred to as the "Agricultural Buffer Easement Area."

B. RESTRICTIONS. The restrictions hereby imposed upon the use of the Agricultural Buffer Easement Area are, and shall be, as follows:

1. That no structures will be placed or erected upon the Agricultural Buffer Easement Area.
2. That no recreational uses within the agricultural buffer area are allowed.

C. SUBJECT TO APPLICABLE LAWS. Land uses permitted or reserved to the Owner by this instrument shall be subject to all applicable laws regulating the use of land.

D. BENEFIT AND BURDEN. This Easement Deed and its provisions shall be deemed to run with the land as of the date of execution.

E. ENFORCEMENT. Any act or conveyance, contract, or authorization, whether written or oral by the Owner contrary to the terms of this grant of easement will be deemed a breach hereof. County 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 County may pursue any appropriate legal and equitable remedies. The County 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 County to enforce the terms and provisions hereof in the event of a breach shall not be deemed a waiver of County's rights regarding any subsequent breach.

F. MAINTENANCE. Buffer maintenance shall be Owner's responsibility. The County shall have the right to enforce this responsibility. All costs and expenses for such maintenance, improvement, use, possession, or County enforcement shall be borne by the Owner.

G. 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 Owner and the County, whether voluntary or involuntary.

H. SEVERABILITY. If any provision of this Easement Deed is held invalid or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 10 day of February, 2025, at Salinas, California.

By: 
(Signature)

By: _____
(Signature)

Barbara French, Member
(Print or Type Name and Title)
Castroville Self Storage, LLC

(Print or Type Name and Title)

SEE ATTACHED
NOTARY CERTIFICATE

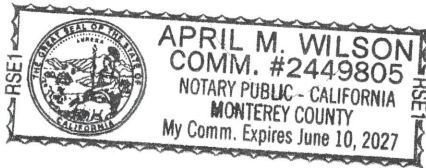
CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California
County of Monterey

On Feb. 10, 2025 before me, April M. Wilson, Notary Public
personally appeared Barbara French

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.



NOTARY SEAL

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

A handwritten signature in dark ink, appearing to read 'April M. Wilson'.

Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

Title or Description of attached document: Resource Conservation Easement

Deed

Document Date: Feb. 10, 2025 Number of Pages: - 45 -

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
☐ Partner
☐ Attorney-in-Fact
☐ Trustee
☐ Other: _____

Signer is representing _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
☐ Partner
☐ Attorney-in-Fact
☐ Trustee
☐ Other: _____

Signer is representing _____

NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons, signing on behalf of a corporation, partnership, trust, etc., please use the correct notary jurat (acknowledgment) as explained in your Notary Public Law Book.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On _____ before me, _____, a
Notary Public, personally appeared _____, 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 _____

(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On _____ before me, _____, a
Notary Public, personally appeared _____, 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 _____

(Seal)

ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated **November 11, 2022**, from **Castroville Self Storage, LLC, a California limited liability company**, to the County of Monterey, a political subdivision of the State of California (Grantee), 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: _____.

Glenn Church, Chair
Board of Supervisors, County of Monterey

ATTEST:

DATED: _____.

Valerie Ralph
Clerk of Said Board

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

[illegible]

On _____ before me, _____, a
Notary Public, personally appeared _____, 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 _____

Document Form ~~9-90~~ Acceptable:
Susan K. Blich, County Counsel

By: [Signature]

(Seal)

DATED: 27-2-20

Type/Print Name: Robert I. Brayer, Deputy County Counsel

EXHIBITS TO BE ATTACHED TO:

AGRICULTURAL BUFFER EASEMENT DEED

1. **EXHIBIT "A":** Full legal description of the entire property for which the Development Permit was granted. The legal description may be obtained from a grant deed or title report for the property. A parcel number will not be accepted as a legal description.
2. **EXHIBIT "B":** A copy of County of Monterey Planning Commission Resolution No. 24-037 granting the Development Permit (excludes project plans).
3. **EXHIBIT "C":** Agricultural Buffer Easement as shown in the development plans for PLN220122.

"ANY EXHIBIT(S) MUST BE NO LARGER THAN 8 1/2" X 14"

LEGAL DESCRIPTION

SITUATE IN UNINCORPORATED CASTROVILLE, COUNTY OF MONTEREY, STATE OF CALIFORNIA

A 32 FOOT WIDE RESOURCE CONSERVATION EASEMENT OVER AND ACROSS A PORTION OF THE PROPERTY DESCRIBED AS PARCELS I & II IN DOCUMENT #2022037288, BEING PORTIONS OF LOTS 1, 2 AND 3 IN BLOCK 4 TOGETHER WITH A PORTION OF SPEEGLE STREET AS SHOWN ON "PLAT OF PORTION OF ALLA C. MCCARTHY PROPERTY FOR ASSESSMENT" FILED MARCH 4, 1935 IN VOLUME 3 OF "SURVEYS" AT PAGE 152, OFFICIAL RECORDS OF MONTEREY, CALIFORNIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLYMOST CORNER OF SAID PARCEL I; THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID PARCEL I,

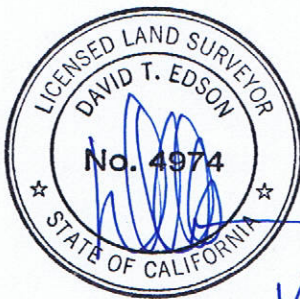
1) NORTH 42°52' EAST, 36.33 FEET; THENCE DEPARTING SAID NORTHWESTERLY BOUNDARY,

2) SOUTH 75°23' EAST, 379.72 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF PARCEL II OF SAID DOCUMENT; THENCE ALONG SAID SOUTHEASTERLY BOUNDARY,

3) SOUTH 42°52' WEST, 36.33 FEET TO THE SOUTHERLYMOST CORNER OF SAID PARCEL II; THENCE ALONG THE SOUTHERLY BOUNDARIES OF PARCELS I & II,

4) NORTH 42°52' WEST, 379.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,151 SQUARE FEET, MORE OR LESS.



1/9/25

**Before the Planning Commission
in and for the County of Monterey, State of California**

In the matter of the application of:

CASTROVILLE SELF STORAGE LLC (PLN220122)

RESOLUTION NO. 24-037

Resolution by the County of Monterey Planning
Commission:

- 1) Adopting a Mitigated Negative Declaration
(State Clearinghouse No. 2024100983)
pursuant to Section 15074 of the California
Environmental Quality Act (CEQA)
Guidelines; and
- 2) Approving a Use Permit and Design
Approval to allow construction of a 54,409
square foot mini-warehouse storage facility
(9 single-story buildings) and a two-story
mixed-use building consisting of a 1,294
square foot office on the first floor, a 1,294
square foot residential unit on the second
floor, and associated site improvements.
Colors and materials include light and dark
gray and light green concrete and metal.
Project requires up to 16,000 cubic yards of
grading/imported fill; and
- 3) Adopting a Condition Compliance and
Mitigation Monitoring and Reporting Plan.
[PLN220122, Castroville Self Storage LLC, 10520
Tembladera Street, Castroville, Castroville
Community Plan (Accessor's Parcel Number: 030-
156-004-000)]

The CASTROVILLE SELF STORAGE LLC application (PLN220122) came on for a public hearing before the County of Monterey Planning Commission on December 11, 2024. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - North County Area Plan;
 - Castroville Community Plan (CCP); and

- Monterey County Zoning Ordinance (Title 21).

No conflicts were found to exist. Some communications were received during the course of review of the project indicating minor inconsistencies with the text, policies, and regulations in these documents. These potential inconsistencies are discussed in Finding 1.

- b) The project involves the construction of a 54,409 square foot mini-warehouse storage facility in the form of 9 single story buildings with a two-story mixed-use building consisting of a 1,294 square foot office on the first floor and a 1,294 square foot residential unit on the second floor. The project requires associated drainage improvements, driveway, landscaping and fencing improvements. Grading consists of approximately 16,000 cubic yards of imported fill.
- c) Allowed Use. The property is located at 10520 Tembladera Street, Castroville, Castroville Community Plan, North County Area Plan (Accessor's Parcel Number: 030-156-004-000). Within the CCP, a land use classification designation system is used to identify appropriate land uses rather than referring to Zoning Districts. The site encompasses designations for "Mixed-Use and Resource Conservation" in the CCP. The parcel is predominately classified as Mixed-Use-Castroville or "MU-C" which allows mini-warehouse storage facilities and residential units not to exceed 15-30 dwelling units per acre. Along the southern property line and adjacent to the Tembladero Slough, the land is classified as Resource Conservation or "RC" which allows for very low intensity uses and open space amenities for the entire community. This portion of the property will be put into a conservation and agricultural buffer easement. Therefore, the project is an allowed land use for this site.
- d) Lot Legality. The subject vacant parcel (3.03 acres) is shown in its current configuration as Lots 1, 2, and 3, in Block 4 as shown in the Records of Survey Map filed March 4, 1935 (Book 3 of Surveys, at Page 152) in the County of Monterey Records Office. The lots were subsequently combined by deeds transferring the land. Therefore, the County recognizes the parcel as a legal lot of record.
- e) Design/Neighborhood and Community Character. Pursuant to Appendix A, Design Guidelines of the CCP, the project includes a Design Approval to allow for the proposed development. As demonstrated in Finding No. 4 and supporting evidence, the new mini-warehouse storage facility and two-story mixed-use building consisting of an office on the first floor and a residential unit on the second floor are consistent with the purpose and regulations of Appendix A, Design Guidelines.
- f) Development Standards. The development standards for MU-C district are identified in the CCP Appendix B under Table B-6. Required setbacks are zero feet from the front, side, and rear property lines with a 10 foot minimum distance between structures. The maximum allowed height is 42 feet. As proposed, the mini-warehouse storage facility and two-story mixed-use building will be 9 feet 10 inches (front), 3 to 16 feet (sides), and 32 feet 5 inches (rear) with a minimum 10 foot distance between structures. Height of the proposed two-story building will be 21 feet and one inch which is below the maximum allowed. The project

has complied with all development standards, setbacks, and height requirements pursuant to the CCP Appendix B.

- g) Site Coverage. Pursuant to the CCP development standards in Appendix B under Table B-6, the maximum building site coverage is 50 percent on lots that allow Mixed-Use (MU) development. The property is 3.03 acres or 132,029 square feet, which allows site coverage of 66,014 square feet. The proposed project results in site coverage of 55,703 square feet which equals 42 percent. Therefore, as proposed, the project meets the required coverage limitations.
- h) Parking. Pursuant to the CCP guidelines for MU and Commercial parking, guideline 7.2 encourages on-site parking to be located to minimize visibility from the sidewalk and placed behind buildings, if possible, accessed from the rear of the property on parcels with alleys, so that it does not interrupt the storefront continuity along the sidewalk. Due to the site constraints of the subject parcel, an alley and rear parking is not possible. The project parking is consistent with guideline 7.2 in that off-street parking is located to minimize conflicts with pedestrians and to minimize the physical and visual impact to the traditional streetscape appearance, designed with security in mind, and the parking area is not between sidewalk and the front of the building, but rather it is beside the building in front of the gate and behind the gate. Bike parking is discussed in guideline 7.2, but bike parking is not offered as part of this project given the nature of the use. The project complies with Title 21 parking regulations listed in Section 21.58.040. Residential units are required to have 2 parking spaces and mini-storage facilities to provide 2 spaces for the manager plus 2 customer spaces. As proposed, the project would include one covered and one uncovered parking space for employees, one Americans with Disabilities Act (ADA) parking space with a side aisle, and two parking spaces for customers. Therefore, the project does not strongly conflict with CCP parking guidelines for the MU-C district and meets the parking requirements of Title 21.
- i) Biological Resources. The project is located along the Tembladero Slough which has a potential for wetland habitat and sensitive biological resources. Pursuant to Title 21 Section 21.66.020, a Biological Report was prepared by qualified biologist Ed Mercurio (HCD-Planning Document No. LIB230194). On May 10, 2023, and June 23, 2023, Mercurio surveyed the site for sensitive biological resources. The report concluded that no sensitive habitat, or sensitive plant and animal species were observed on the property during the two biological surveys. However, the possibility that wetland environmental conditions existed on the subject property was a concern. In the May 2023 report, Mercurio concluded that the presence of patches of willow weed (*Persicaria lapathifolia*) may give the false appearance that some wetland vegetation is present on parts of the project area. The “Persicarias” are familiar plants that commonly occur in wetlands and some species are obligate wetland plants, which means that they can only grow in wetlands. Mercurio clarified that willow weed, although it looks superficially like some of the obligate wetland Persicarias, grows in both wetlands and non-wetland environments. Mercurio stated that

some willow weed is present, but no wetland is on the project area of the Castroville Self Storage Property. Furthermore, Mercurio determined that no special status plant or wildlife species had been found to occur on or very close to the property from current California Department of Fish and Wildlife Natural Diversity Data Base (“CNDDDB”) records for the Prunedale and Moss Landing Quadrangles and surrounding areas. Suitable terrestrial upland habitat for California red-legged frog (*Rana draytonii*) usually contain burrows of rodents such as California ground squirrel (*Spermophilus beecheyi*) and sometimes valley pocket gophers (*Thomomys bottae*). Very few rodent burrows were observed on the subject parcel and the few observed by Mercurio were too small and shallow to be the right type of burrow and “probably from mice or voles.” Mercurio found no evidence of the presence of these or other adult amphibians during parcel surveys. Mercurio also found that the project site consists primarily of highly disturbed non-native grassland. For the protection and reduced impacts to habitat and biological resources, the biologist recommended pre-construction surveys and the installation of exclusionary/protective fencing to be implemented prior to construction. The report recommended that any potential impacts to the degraded habitat on the slough by the construction of the project could be mitigated by restoration of native habitat along the slough (Condition No. 7). Mercurio also noted that some nesting birds may be disturbed by construction activity and therefore recommended a bird nest survey be conducted by a qualified biologist within 14 days of the start of construction if construction is started between March 1 and August 31 (Condition No. 26). These Mitigation Measures (BIO-1 through BIO-3) and conditions were found acceptable by the applicant and are incorporated into the project. See also Finding No. 6, Evidence “j”.

- j) Cultural Resources. County records identify the project site is within an area of high sensitivity for archaeological resources. Pursuant to Title 21 Section 21.66.050, a Phase I Archaeological Report (HCD-Planning Document No. LIB230193) was prepared by Ruben G. Mendoza and Jennifer A. Lucido with Archives and Archaeology dated May 8, 2022. The report concluded no evidence that cultural resources were found on the project site. However, on May 14, 2024, the Ohlone/Costanoan-Esselen Nation (OCEN) held a consultation meeting with HCD-Planning pursuant to California Assembly Bill 52. During the consultation, OCEN requested tribal monitoring during construction activities. Although the Phase I Archaeological Report was negative for cultural resources during a pedestrian survey, HCD-Planning found the request reasonable because the project location is within the floodplain fringe where resources could have been covered by flood-borne materials during a 100-year flood. To minimize potential impacts to archaeological and tribal cultural resources, the project has been mitigated to include tribal monitoring (Mitigation Measure TCR-1) during ground-disturbing activities and conditioned to include a note on the project plans to stop work immediately in the event a cultural, archaeological, historical, or paleontological resource is uncovered during construction (Condition No. 3). See Finding No. 6, Evidence “k.”

- k) Floodplain Fringe. The project site is located north of the Tembladero Slough which is within the 100-year Federal Emergency Management Agency (FEMA) Flood Zone AE. Pursuant to Title 16 Section 16.16.050, new construction in the AE Zone is required to be one foot above the base flood elevation. Additionally, setbacks from the top bank of a watercourse are 50 feet. As proposed, the project will include approximately 16,000 cubic yards of fill to achieve the one foot above base flood elevation requirement and maintain a minimum setback of 50 feet from the Tembladero Slough. HCD-Environmental Services staff assessed the available data and reporting and found the fill would not negatively affect flood patterns in the area, while protecting the development from harm. No FEMA map update is required, either. Therefore, the project is compliant with the Title 16 provisions for flood hazard reduction and can proceed as proposed. See Finding No. 3, Evidence “c.”
- l) Landscaping. The project includes a landscape plan since the zoning regulations for Mixed Use and Commercial uses require the site to be landscaped with a minimum of 10% of the parcel size (3.03 acres). The project proposes approximately 9,985 square feet of irrigated landscaping. Landscaping would be located along the perimeter of the proposed development and consist of 7 trees, 116 shrubs, and ground cover consisting of rock mulch and erosion control blanket. To ensure the landscaping added within 200 feet of the neighboring Unique and Prime farmland does not negatively impact the farming operations, the project would utilize species approved by the Monterey County Agricultural Commission’s office. Additionally, the species selected will be water-efficient and California natives. Irrigation for landscaping will be “smart controlled” to reduce water use and metered separately from the rest of the project site (Condition Nos. 7 and 8).
- m) Agricultural Buffer Easement. The 2010 General Plan *Policy AG-1.2* requires new non-agricultural development located adjacent to agricultural land uses to have a minimum 200 foot buffer. The area within the established buffer is also required to be placed within an agricultural easement. Furthermore, Title 21 Section 21.66.030, provides regulations for establishing an agricultural buffer easement. The Tembladero Slough passes between the commercial site and the adjacent agricultural land which functions as an approximate 40 foot wide natural barrier between the adjacent parcels. The proposed 32 foot agricultural buffer easement within the mini-storage parcel would further increase the buffer distance to 72 feet. The proposed office and residential unit will be at a greater distance (over 200 feet) from the adjacent agricultural fields. This distance, combined with appropriate perimeter landscaping on the side of the project closest to the slough, was found by the Agricultural Commissioner’s Office and HCD-Planning to meet the buffer requirements of Title 21 Section 21.66.030. Due to the proximity to agricultural lands, the project would be required to comply with an HCD-Planning/Agricultural Commissioner’s Office pair of conditions for a Landscape Plan with Biologist review and appropriate perimeter landscaping next to agriculture (Condition Nos. 7 and 8). These conditions would ensure that development, and more

specifically landscaping, would not negatively impact surrounding agricultural crops. The Agricultural Advisory Committee (AAC) of Monterey County reviewed the proposed landscape plan with this agricultural buffer as the focus of their review on January 25, 2024. The AAC found the proposed landscaping to serve the needs of required buffering. Therefore, the project meets the 2010 General Plan policy, and the regulations outlined in Title 21.

- n) Sign. Consistent with the CCP Mixed Use and Commercial sign guidelines, 7.6.1 sign type, the project proposes a recommended type of sign, a wall signs are flush-mounted and attached to the building façade, as shown in the 3D rendering within the project plan set. The project site is located within the CCP which is designated as a Design Control or “D” District. Pursuant to Title 21 Section 21.60.110, commercial projects located within a “D” District shall be allowed an aggregate 35 square feet of signage. The one proposed project sign is 32 square feet surface area flush-mounted on the top wall of the façade of the two story building consisting of 17-inch letters in LED-illuminated light green. Therefore, the project meets the regulations for signage established in Title 21.
- o) Land Use and Planning. The Project application was reviewed by all required groups within the Housing and Community Development Department, the North County Fire Protection District, the Environmental Health Bureau, and the Agricultural Commissioner’s Office for consistency with local, State and Federal regulations. These offices found that the project overall is generally designed in accordance with all applicable development standards and 2010 General Plan (GP) Policies. Public Services *Policy PS-2.3* requires new development to connect to existing water service providers with a “will serve” letter submitted from the Castroville Community Services District. Consistent with 2010 GP Land Use *Policy LU-1.11*, this development is consistent with the GP Land Use Map designation of the subject property and the policies of the 2010 GP, pursuant to Figure LU8, North County. 2010 GP Land Use *Policy LU-2.20* requires that the preferred location and priority for development in the County shall be in Community Areas such as Castroville, and that a mix of uses in Community Areas shall be supported. As a mixed-use project in MU-C zoned district (within the CCP area), this project is consistent. As a commercial business with office and one residential unit, the project is also consistent with 2010 GP *Policy LU-2.22* – Community Areas shall be designed to achieve a sustainable, balanced, and integrated community offering opportunities for workers to live near jobs. GP Policy AG- 1.2, discussed above in Evidence “n,” creates a conflict with a CCP vision for a linear park along the Tembladero Slough with picnic areas and a developed trail. Agricultural buffers such as the perimeter of landscaping would not allow these developments. Furthermore, Merritt Street Opportunity Area Goal 5 is to “continue to protect and enhance the community’s important natural and manmade resources,” and Policy 5.1 expands on this to require slough habitat improvement and protection. As designed and conditioned, the project is generally consistent with CCP Merritt Street Opportunity Area Goals 1 through 5,

while there remains a conflict between Goals (pathways and picnic areas vs. habitat improvement and agricultural buffering) for the edge of the slough. Conflicts exist between the adopted CCP vision for a linear park along the slough and the 2010 GP Agricultural Element prescribed treatment of lands between agricultural operations and non-agricultural zoning districts. Overall, the project conforms with land use and planning anticipated for the Merritt Street Opportunity Area. 2010 GP Public Services Policy PS-2.3 requires new development to connect to existing water service providers with a “will serve” letter submitted from the Castroville Community Services District. This project is low-water use by design. The only fixtures are in the two-bedroom unit (0.146 acre-feet per year, or AFY) and the office bathroom (0.090 AFY), for an anticipated total water usage of 0.236 AFY. This parcel is within the County Water Resource Agency’s Zone 2C water service area and therefore the specific project does not have to prove long-term sustainable water supply (2010 GP Policy PS-3.1). There are no conflicts with the 2010 GP including the North County Area Plan, or the policies and regulations of Title 15, Title 16, or Title 21 which relate to development of this type and at this location.

- p) Agricultural Advisory Committee (AAC) Review. The project was referred to the AAC pursuant to 2010 General Plan Policy AG–1.2 because the neighboring parcels across the Tembladero Slough are in the Farmland zoning district. The project was agendaized at the January 25, 2024 meeting. The committee members unanimously recommended continuing the project to a date uncertain to allow time for the circulation of the Initial Study by a vote of 9 ayes to 0 noes with 3 members absent.

On October 24, 2024, the project returned to the AAC for their recommendation. Concerns were raised regarding potential flooding from the Tembladero Slough and the CCP plan for a linear park including a pedestrian trail along the slough in the RC zoned side of the subject parcel. Staff and the applicant addressed these concerns by highlighting hydrology analysis of the site and the proposed installation of a stormwater drainage system to reduce flooding issues. Staff also stated that trail facilities are not allowable within the required agricultural buffer easement for this project. The AAC voted 6 ayes to 2 noes with 4 members absent to recommend approval of the project with a comment to the Planning Commission that if a trail is to be considered in the future, said trail shall be on the urban side of the slough. The Agricultural Commissioner later clarified to HCD staff that a pedestrian trail is not feasible due to food safety and Title 21 regulations. The meeting minutes from October 24th will not be approved until the next AAC meeting in January 2025. Therefore, staff has summarized the actions made in this report to reflect the AAC recommendation.

- q) Castroville Land Use Advisory Committee (LUAC) Review. The project was referred to the Castroville Land Use Advisory Committee pursuant to the Board of Supervisors adopted LUAC Guidelines on November 7, 2023. The committee reviewed the project and had no objections to the design, or the concept of a community mural painted

on the side of the building. The project was unanimously recommended for approval by a vote of 3 ayes to 0 noes with 2 members absent.

- r) During project review in the Planning Commission hearing, it was agreed that there would not be an alarm system in the storage units and that the Construction Management Plan (Condition No. 18) would be updated to avoid trucks used for the grading and construction permit phases to travel to and from the site via Highway 1.
- s) The project planner conducted site inspections on August 8, 2023, and October 17, 2023, to verify that the project on the subject parcel conforms to the plans listed above.
- t) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning can be found in Project File PLN220122.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, North County Fire Protection District (FPD), and the Agricultural Commissioner’s Office. County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for the development. Conditions recommended have been incorporated.

b) Staff identified potential impacts to archaeological resources, biological resources, soil resources, and traffic. The following reports have been prepared:

- “Biological Report” (HCD-Planning Library Document No. LIB230194) prepared by Ed Mercurio, Salinas, California, June 26, 2023; Revised January 31, 2024.
- “Geotechnical Report” (HCD-Planning Library Document No. LIB230195) prepared by Belinda A. Taluban with Soil Surveys Group Inc., Salinas, California, January 5, 2023.
- “Phase I Inventory of Archaeological Resources Report” (HCD-Planning Library Document No. LIB230193) prepared by Ruben G. Mendoza and Jennifer A. Lucido with Archives and Archaeology, Salinas, California, May 8, 2022.
- “Traffic Impact Analysis Report” (HCD-Planning Library Document No. LIB230196) prepared by Keith B. Higgins, Gilroy, California, October 11, 2023; Revised April 4, 2024.

County staff independently reviewed these reports and concurs with their conclusions. An Initial Study prepared for the project concluded that there are no physical or environmental constraints caused by this project individually or cumulatively that the recommended conditions of approval and mitigations cannot effectively reduce to a *less-than-significant* level. The property has been found to be suitable for the use proposed.

- c) Staff conducted site inspections on August 8, 2023, and October 17, 2023, to verify that the site is suitable for this use.

- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning can be found in Project File PLN220122.

3. FINDING:

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

EVIDENCE:

- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, North County FPD, and the Agricultural Commissioner's Office. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities will be provided to serve the proposed development. Water and sewer connections are provided by the Castroville Community Services District (CCSD). The Environmental Health Bureau received a *Can and Will Serve* letter from CCSD dated October 10, 2022, which indicated available water and sewer connections to the project site.
- c) The project is located within the 100-year FEMA Floodway of the Tembladero Slough. HCD-Environmental Services reviewed the Geotechnical Report (HCD-Planning Document No. LIB230195) submitted for the proposed project. The natural drainage of the subject parcel is sheet flow over the land surface into the Slough. Site improvements would include the installation of a stormwater drainage system that would include five infiltration chambers, subdrains, area drains, drop inlets with media filters, and downspouts. Stormwater collected by these features would be transported through subsurface stormwater pipes before being captured in an isolator row. Overflow of stormwater would be released to the Slough through a subsurface pipe in the southwest corner of the site. The project would be required to comply with an Operation and Maintenance Agreement (Condition No. 13) as well as an Operation and Maintenance Plan (Condition No. 14) which would ensure stormwater control measures are adequately functioning and being maintained during operation. Additionally, the project does not propose to construct vertical development in the floodplain of the Tembladero Slough.
- d) Staff conducted site inspections on August 8, 2023, and October 17, 2023, to verify that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning can be found in Project File PLN220122.

4. **FINDING:** **DESIGN** – The design of the proposed project assures protection of the public viewshed, is consistent with neighborhood character, and assures visual integrity without imposing undue restrictions on private property.
- EVIDENCE:**
- a) Design standards for the MU-C district are identified in CCP, Appendix A which is intended to regulate the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character.
 - b) Neighborhood Character. The 446-unit mini-warehouse storage facility including 9 single-story buildings and two-story mixed-use building would have a comparatively similar layout to other mixed-use facilities in the vicinity. The proposed development fills a vacant lot which is adjacent to a roofing supply warehouse to the northwest and a boat and trailer storage facility to the southeast. There is an auto repair shop across the street. As proposed, the visible structure will remain comparable to the character of other development in the surrounding neighborhood.
 - c) Form, Mass and Scale. The proposed architecture conforms with the CCP Mixed Use and Commercial architectural design guideline 7.3.1 for form, mass and scale by proposing a simple rectangular form accented with a strong roofline. The upper floor windows are divided into units instead of a continuous stream of glass, and there is a clear visual division between the street level and upper floor incorporated through the change of materials, colors, and a short canopy (consistent with guidelines 7.3.1 and 7.3.4, window treatments). Consistent with guidelines 7.3.2 for façade treatment and 7.3.3 for mixed use storefronts, traditional patterns are delineated both vertically and horizontally, and the light gray colored perimeter walls have columns of dark gray incorporated. Consistent with guideline 7.3.5 for building entrances as well as direction given in guideline 7.1.3 for site access, the primary entrance is clearly identified, conveys a sense of human scale and is oriented toward the street. Pursuant to this guideline, the entrance is welcoming because it is a narrow beige articulated overhang above the entrance and creating a separation between the first and second floor of the mixed use building façade (see Plans elevations on sheet A2.1). Consistent with guideline 7.3.6 for awnings, the awning is not the predominate feature of the façade but an accent. As discussed in Finding 1, Evidence “o,” in relation to Merritt Street Opportunity Area goals, and in relation to the Mixed Use and Commercial design guidelines, the project conforms with the existing bulk, mass and types of use in the immediate vicinity and therefore assures visual integrity.
 - d) Material and Color Finishes. The proposed exterior colors and materials are consistent with the area’s setting and surrounding buildings. The project is consistent with CCP Mixed Use and Commercial architectural design guideline 7.3.8 for building materials, colors and finishes in that the materials are similar to those used by the adjacent and neighborhood warehouses, contrasting colors accent architectural details and the finishes are matte (not shiny paint and windows are not mirrored). The mini-warehouse storage facility will be constructed with materials that include gray steel siding, light and dark gray concrete masonry units (CMU) block walls, gray standing seam metal roof, and light green

sectional metal roll-up doors with beige steel headers. The two-story mixed-use building would include an office on the first floor with one restroom, and a two bedroom, two bath residential unit on the second floor. Similar in architectural design, the office and residential unit will be constructed using gray and beige stucco, dark gray metal door and window frames, and dark gray metal garage door. The project has been conditioned to include an exterior lighting plan as part of the construction plan set to ensure the project complies with CCP Mixed Use and Commercial architectural design guideline 7.4 for lighting and the Monterey County lighting ordinance (Condition No. 6). The applicant submitted a preliminary lighting plan which includes down-lit, shielded lighting fixtures which are compatible with and complement the building's design and architectural style. The proposed exterior lighting is consistent with other commercial buildings in the neighborhood and the overall design is compatible with the neighborhood.

- e) Visual Resources. This property is not located within a visually sensitive area. However, the CCP does specify design guidelines to help maintain visual integrity of the Merritt Street Opportunity Area (Figure 6 of the CCP). Merritt Street Opportunity Area Goal 5 is to “continue to protect and enhance the community’s important natural and manmade resources,” and Policy 5.1 expands that “new private and public development shall 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.” As discussed in Finding 1, Evidence “i,” habitat improvement is proposed through restoration and preservation of the subject parcel in RC zoning. Also, CCP Mixed Use and Commercial architectural design 7.4 for zoning landscaping encourages landscaping to be used to soften the impact of large expanses of blank wall or fencing. Therefore, although the project is not proposed with a zero front setback, the use of landscaping in the small front setback (9 feet, 10 inches) both enlivens the sidewalk level, provides some green space and softens the impact of the long wall of Building H (201 feet long on the front property line). The proposed project site is located approximately 0.25 miles north of State Route 1 (SR 1), which is a State designated eligible scenic highway, and 0.55 miles north of SR 156 which is a County and State designated scenic highway. However, views of the project site would be limited from SR 1 and SR 156 due to topography, vegetation, and existing development in the vicinity of the project. The proposed development also does not have a significant impact on a public viewshed because of distance and topography, as well as the existing two-story development on three sides of the parcel. As proposed and conditioned, the project assures slough enhancement efforts to improve habitat, is consistent with neighborhood character, and assures visual integrity.
- f) The project planner conducted site inspections on August 8, 2023, and October 17, 2023, to verify that the project on the subject parcel conforms to the plans listed above. Based on the evidence described

above, the proposed structure and use are consistent with the surrounding residential neighborhood character and the CCP (i.e., structural design features, colors, and material finishes).

- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD-Planning for the proposed development can be found in Project File PLN220122.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is not aware of any violations existing on subject property.
 - b) Staff conducted site inspections on August 8, 2023, and October 17, 2023, and researched County records to assess if any violation exists on the subject property.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning can be found in Project File PLN220122.

6. **FINDING:** **CEQA (Mitigated Negative Declaration)** – On the basis of the whole record before the County of Monterey Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, would have a significant effect on the environment. The Mitigated Negative Declaration (MND) reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Pursuant to Public Resources Code Section 21083, and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), the Lead Agency shall conduct environmental review in the form of an Initial Study to determine if the project may have a significant effect on the environment, and shall prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.
 - b) The County prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of HCD-Planning and is hereby incorporated by reference (HCD-Planning File No. PLN220122).
 - c) There is no substantial evidence, based upon the whole record, that the project may have a significant effect on the environment. The Initial Study identified a few potentially significant effects. Based upon the analysis of the Initial Study, HCD-Planning prepared a draft MND. The applicant has agreed to the proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) The Initial Study and draft MND for HCD-Planning File No. PLN220122 was prepared in accordance with the CEQA Guidelines; filed with the County Clerk on October 22, 2024; and circulated for public review from October 22 through November 21, 2024 (State Clearinghouse No. 2024100983).

- e) Pursuant to Public Resources Code Section 21080.3.1, HCD-Planning staff initiated consultation notification on May 10, 2024 with the Ohlone/Costanoan-Esselen Nation (OCEN). On May 14, 2024, OCEN requested consultation for the proposed project. Potential tribal cultural resources were identified through the consultation. The tribal representative requested mitigation related to these resources are required (see subsequent Evidence “k”).
- f) Resource areas that were analyzed in the Initial Study/draft MND included: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, tribal cultural resources, utilities and service systems, and wildfire.
- g) Evidence that has been received and considered includes the application, technical studies/reports, staff reports that reflect the County’s independent judgment, and information and testimony presented during tribal cultural consultation, public meetings and public comments letters.
- h) The County identified no impacts to mineral resources, population and housing, public services, and wildfire.
- i) The County identified less than significant impacts to aesthetics, agricultural and forest resources, air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, recreation, transportation, utilities and service systems. Mitigation measures will not be required for these resource areas because the regulatory environment for the project brings any potential impacts to a level of *less-than-significant*.
- j) The County identified potentially significant impacts to biological resources. The Initial Study and draft MND recommended three Mitigation Measures that would reduce the identified impacts to a level of *less-than-significant*. Mitigation Measures BIO-1 through BIO-3 (Condition Nos. 21 through 23) would reduce the potentially significant impacts to sensitive animal and plant species including the California red-legged frog, California tiger salamander, the Santa Cruz long-toed salamander, Congdon’s tarplant, Monterey spineflower, Seaside Bird’s Beak, and the Saline clover through implementation of a pre-construction survey and protective fencing by a qualified biologist. The measures include regular reporting to the HCD-Planning department, as well as reporting to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife if any protected animal species are encountered during construction. Mitigation for potential disturbance to the freshwater marsh habitat through the installation of protective fencing will ensure construction workers and vehicles do not impact the habitat area during construction. A biological monitor shall supervise the installation of protective fencing and check it weekly during the construction phase. Mitigation is also in the form of restoration of the vegetative community near the slough and

preservation through the establishment of a resource conservation easement over the freshwater marsh habitat of the Tembladero Slough (Condition Nos. 7 and 20). The mitigation measures and conditions of approval will reduce the impacts to biological resources to a *less-than-significant* level.

- k) The County identified potentially significant impacts to tribal cultural resources. Due to the nature of the potential impacts, staff consulted with the tribal cultural representative of OCEN prior to the preparation of the Initial Study. A Phase I Archaeological Report was prepared and reviewed by the County and the tribal cultural representative for OCEN. OCEN found the location along the slough increased the likelihood that tribal cultural resources could be disturbed in the construction phase of the project. As a result, the Initial Study and draft MND recommended one Mitigation Measure for potential impacts to tribal cultural resources which reduces the identified impact to a *less-than-significant* level. Mitigation Measure TCR-1 (Condition No. 24) addresses the potentially significant impact to unknown tribal cultural resources disturbed during construction by requiring monitoring by a contracted Tribal Cultural Monitor.
- l) The County received comments on the Initial Study and draft MND during the public review period from Caltrans District 5 and the Monterey Bay Air Resources District (Exhibit F of the December 11, 2024, Planning Commission staff report). Proposed edits to the Transportation section of the IS/MND were requested by Caltrans. During public review of the IS/MND, the County received comments from Caltrans District 5 and the Monterey Bay Air Resources District (MBARD) (Exhibit F). The comment letter from Caltrans shared that the Castroville Improvement Project will be under construction near the proposed project and that if any future work is completed in the State's right-of-way it will require an encroachment permit from Caltrans. Also, the engineer requested underlying collision data in a Traffic Report which was a source for the Transportation section of the IS/MND to be updated. Collision data was slightly inaccurate but was mentioned as an in the discussion section after more central arguments pertaining to VMT. A change to the collision data would not alter the conclusion of the MND, and the information is not central to the analysis of VMT. As a responsive edit, the sentence containing information about collision data is shown struck out. The comment letter from MBARD recommended the project adhere with dust controls which are standard requirements for grading and construction permits from HCD-Building Services. County staff reviewed the comments received based on the specific circumstances of this project and determined that they do not alter the conclusions in the IS.
- m) Recirculation of the IS/MND was not warranted pursuant to CEQA Guidelines Section 15073.5.a and b. One sentence on page 67 is shown struck out in the redline version of the IS/MND to address public comment through clarification. It is this version of the IS/MND that the Planning Commission adopts.
- n) Analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in

Section 753.5(d) of the CDFW regulations. The project is subject to a State filing fee plus the County recording fee. The Initial Study was sent to the CDFW CEQA office for review and comment and no written comments were received. The applicant will pay the State fee but only the processing fee payable to the County of Monterey Clerk/Recorder for posting the Notice of Determination (Condition No. 25).

- o) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and Reporting Plan has been prepared in accordance with the County of Monterey regulations which is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant shall enter into an “Agreement to Implement a Mitigation and Monitoring and Reporting Plan” as a condition of project approval (Condition No. 4).
- p) The County of Monterey Planning Commission considered the MND, along with the Use Permit and Design Approval, at a duly noticed public hearing held on December 11, 2024.
- q) County of Monterey HCD-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the MND is based.

7. FINDING: **APPEALABILITY** – The decision on this project may be appealed to the County of Monterey Board of Supervisors.

- EVIDENCE:**
- a) Pursuant to Title 21 Section 21.80.040.D, the Board of Supervisors is the appeal authority to consider appeals from the discretionary decisions of the Planning Commission.
 - b) Pursuant to CEQA Guidelines Section 15074(f), when a non-elected decision-making body within a local lead agency adopts an MND, that adoption may be appealed to the agency’s elected decision-making body.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission of the County of Monterey does hereby:

1. Adopt a Mitigated Negative Declaration (State Clearinghouse No. 2024100983) pursuant to Section 15074 of the California Environmental Quality Act (CEQA) Guidelines;
2. Approve a Use Permit and Design Approval to allow construction of a 54,409 square foot mini-warehouse storage facility (9 single-story buildings) and a two-story mixed-use building consisting of a 1,294 square foot office on the first floor, a 1,294 square foot residential unit on the second floor, and associated site improvements. Colors and materials include light and dark gray and light green concrete and metal. Project requires up to 16,000 cubic yards of grading/ imported fill; and
3. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

All of which are in general conformance with the attached sketch and subject to the attached conditions and mitigation measures, all being attached hereto and incorporated herein by reference.

PASSED and ADOPTED upon motion of Commissioner Shaw, seconded by Commissioner Gonzalez, and carried this day of December 11, 2024, by the following vote:

AYES: Getzelman, Work, Gonzalez, Monsalve, Gomez, Diehl, Roberts, Daniels, Shaw

NOES: None

ABSTAIN: None

ABSENT: Mendoza

DocuSigned by:

Melanie Beretti

FBC3AC03D7864E...
Melanie Beretti, AICP

Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **DECEMBER 17, 2024.**

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE **DECEMBER 27, 2024.**

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

NOTES

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

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

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

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

County of Monterey HCD Planning

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

PLN220122

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

This Use Permit and Design Approval (PLN220122) allows construction of a 54,409 square foot mini-warehouse storage facility (9 single-story buildings) and a two-story mixed-use building consisting of a 1,294 square foot office on the first floor, a 1,294 square foot residential unit on the second floor, and associated site improvements. Grading of approximately 16,000 cubic yards of imported fill. The property is located at 10520 Tembladera Street, Castroville, (Assessor's Parcel Number 030-156-004-000), Castroville Community Plan Area. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the HCD Chief of Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

**Compliance or
Monitoring
Action to be
Performed:**

The Owner/Applicant shall adhere to conditions and uses specified in the permit on an on-going basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Use Permit and Design Approval (Resolution Number 24-037) was approved by the County of Monterey Planning Commission for Assessor's Parcel Number 030-156-004-000 on December 11, 2024. The permit was granted subject to 26 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

Proof of recordation of this notice shall be furnished to the Director of HCD - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the HCD - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning

Condition/Mitigation If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (HCD - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County HCD - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. In the project hearing on December 11, 2024 as part of the motion of approval, the Planning Commission required that the storage units not be alarmed. Therefore, this shall be made explicit in the COAMMRP Agreement. (HCD- Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan. In the project hearing on December 11, 2024 as part of the motion of approval, the Planning Commission required that the storage units not be alarmed. Therefore, this shall be made explicit in the COAMMRP Agreement. The agreement shall be recorded.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to HCD-Planning.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:

- "Biological Report" (LIB230194) prepared by Ed Mercurio, Salinas, California, June 26, 2023; Revised January 31, 2024.
- "Geotechnical Report" (LIB230195) prepared by Belinda A. Taluban with Soil Surveys Group Inc., Salinas, California, January 5, 2023.
- "Phase I Inventory of Archaeological Resources Report" (LIB230193) prepared by Ruben G. Mendoza and Jennifer A. Lucido with Archives and Archaeology, Salinas, California, May 8, 2022.
- "Traffic Impact Analysis Report" (LIB230196) prepared by Keith B. Higgins, Gilroy, California, October 11, 2023; Revised April 4, 2024; and are on file in Monterey County HCD - Planning. All development shall be in accordance with these reports."

(HCD - Planning)

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

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

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

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

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. The landscape palette shall use native species consistent with the project-specific Biological Survey by Ed Mercurio dated June 26, 2023 (HCD-Planning Library Document LIB230194) such that resulting vegetation is at least 60 percent native plants of local origin after heavy growths of naturalized, non-native plants are removed. The Biological Survey includes a list of suggested plant species. A list of appropriate native plant species are also identified in Attachments #2 and #3 of the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from HCD - Planning. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the HCD - Planning and the Agricultural Commissioner's Office for review and approval. Landscaping plans shall include the recommendations from the Biological Survey by Ed Mercurio dated June 26, 2023 (HCD-Planning Library Document LIB230194) and the Agricultural Commissioner (pursuant to Condition No. 8) as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

8. APPROPRIATE PERIMETER LANDSCAPING NEXT TO AGRICULTURE

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: PRIOR TO CONSIDERATION OF THE FINAL LANDSCAPING PLAN FOR THE PROJECT BY HCD-PLANNING, CONSULT WITH THE COUNTY OF MONTEREY COUNTY AGRICULTURAL COMMISSIONER'S OFFICE ON THE APPROPRIATE PERIMETER LANDSCAPING THAT WOULD NOT NEGATIVELY IMPACT SURROUNDING AGRICULTURAL CROPS. THE RECOMMENDATION OF THE APPROPRIATE PERIMETER LANDSCAPING BY THE MONTEREY COUNTY AGRICULTURAL COMMISSIONER SHALL BE INCORPORATED IN THE LANDSCAPING PLANS.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the HCD - Planning and the Agricultural Commissioner's Office for review and approval. Landscaping plans shall include the recommendations from the Biological Survey by Ed Mercurio dated June 26, 2023 (HCD-Planning Library Document LIB230194) and the Agricultural Commissioner. No landscaping plants that are known to negatively impact agricultural crops shall be included in the final landscape plan.

9. REGULATIONS FOR FLOODPLAINS IN MONTEREY COUNTY

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: Promote the public health, safety, and general welfare, and minimize public and private losses due to flood conditions in specific areas by implementing provisions, methods designed to reduce flood losses in order to accomplish its purpose.

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit required documentation complying with Regulations For Floodplains In Monterey County.

10. STORMWATER CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Control Plan and Stormwater Control Report prepared by a registered professional engineer, to HCD-Environmental Services for review and approval. The plan and report shall address the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The plan shall include retention/detention facilities designed to limit post-development runoff rates to pre-development rates for the 2, 5, 10, 25, 50, and 100-year 24-hour design storms. The plan shall include the location of the drainage facilities, construction details and construction inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date.

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the Stormwater Control Plan for conformance with their geotechnical recommendations.

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permits, the applicant shall submit a Stormwater Control Report and a Stormwater Control Plan to HCD-Environmental Services for review and approval.

11. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) including the Waste Discharger Identification (WDID) number, to HCD-Environmental Services. In lieu of a SWPPP, a letter of exemption or erosivity waiver from the Central Coast Regional Water Quality Control Board may be provided.

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permits, the applicant shall submit a SWPPP including the WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.

12. GEOTECHNICAL REPORT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a project specific geotechnical report that includes data regarding the nature, distribution, and strength of existing soils, as well as a description of the site geology and any applicable geologic hazards. The geotechnical report shall analyze the suitability of the subsurface materials for stormwater retention/detention including any potential impacts to the building foundations, driveway, parking areas. The geotechnical report shall include project specific recommendations and conclusions regarding design criteria and grading procedures.

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or construction permits, the applicant shall submit a Geotechnical Report to HCD-Environmental Services for review and approval.

13. OPERATION AND MAINTENANCE AGREEMENT

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall enter into a Maintenance Agreement (Agreement) that clearly identifies the responsible party for ongoing maintenance of structural Stormwater Control Measures. The Agreement shall contain provisions for an annual drainage system report, prepared by a registered Professional Engineer, that includes the status of all structural stormwater control measures and maintenance recommendations. The annual report shall be submitted to HCD-Environmental Services, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of the same year. If maintenance is required, certification shall be provided that all recommended maintenance has been completed before the start of the rainy season.

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit the signed and notarized Agreement to HCD-Environmental Services for review and approval. The approved Agreement shall be recorded, and a copy of the recorded document shall be provided to HCD-Environmental Services.

14. OPERATION AND MAINTENANCE PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Operation and Maintenance Plan prepared by a registered Professional Engineer that includes, at a minimum, the following:

- A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.
- O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietary devices.

The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit the O&M Plan to HCD-Environmental Services for review and approval.

15. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: Owner/Applicant agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code section 66474.9, defend, indemnify, and hold harmless the County of Monterey and/or its agents, officers, and/or employees from any claim, action, or proceeding against the County and/or its agents, officers, and/or or employees to attack, set aside, void, or annul this approval and/or related subsequent approvals, including, but not limited to, design approvals, which action is brought within the time provided for under law .

Owner/Applicant shall reimburse the County for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action.

The County shall notify Owner/Applicant of any such claim, action, and/or proceeding as expeditiously as possible. The County may, at its sole discretion, participate in the defense of such action. However, such participation shall not relieve Owner/Applicant of his/her/its obligations under this condition. Regardless, the County shall cooperate fully in defense of the claim, action, and/or proceeding.

Owner/Applicant shall execute and cause to be notarized an agreement to this effect concurrent with the issuance of building permits, use of the property, filing of the final map, recordation of the certificates of compliance, or demand of the County Counsel's office, whichever occurs first and as applicable. Owner/Applicant shall submit such signed and notarized Indemnification Agreement to Housing and Community Development – Planning for the County's review and signatures. (County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits , the Owner/Applicant shall submit such signed and notarized Indemnification Agreement to Housing and Community Development – Planning for the County's review and signatures.

Owner/Applicant shall execute and cause to be notarized an agreement to this effect concurrent with the issuance of building permits, use of the property, filing of the final map, recordation of the certificates of compliance, or demand of the County Counsel's office, whichever occurs first and as applicable.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the HCD and Office of County Counsel-Risk Management.

16. PW0008 – DEDICATION (STREET AND RIGHT-OF-WAY)

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Dedicate to the County of Monterey a right-of-way along the frontage of Tembladera Street for road right-of-way purposes.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, the Applicant's surveyor shall prepare the description of area to be dedicated and submit to the County for review, approval, and acceptance.

17. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works

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

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

18. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to HCD-Planning and HCD-Engineering Services for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project.

CMP shall include, at a minimum, duration of the construction, hours of operation, truck routes, estimated number of truck trips that will be generated, number of construction workers, and on-site/off-site parking areas for equipment and workers and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project.

As part of the motion of approval for the project in the December 11, 2024 Planning Commission hearing, this condition was amended to specify that hauling truck routes are prohibited from using Highway 1 for the grading and construction phase of the project.

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of the Grading Permit or Building Permit, Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the HCD-Planning and HCD- Engineering Services for review and approval.

2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

3. During the grading and construction phase of the project, truck routes are prohibited from using Highway 1.

19. PW0045 – COUNTYWIDE TRAFFIC FEE

Responsible Department: Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

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

20. PD044 - RESOURCE CONSERVATION EASEMENT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A resource conservation easement shall be conveyed to the County over those portions of the property where environmentally sensitive habitats or known archaeological sites exist. The easement shall also serve to buffer neighboring agricultural fields pursuant to the 2010 General Plan Agricultural Element Policy AG-1.2 which calls for an Agricultural Buffer between agricultural and non-agricultural uses. A proposed easement deed shall be submitted to, and approved by, the Director of HCD - Planning and the Agricultural Commissioner's Office and accepted by the Board of Supervisors prior to recording the parcel/final map or prior to the issuance of grading and building permits. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the appropriate conservation easement deed to the HCD and the Agricultural Commissioner's Office for review and approval..

Prior to final inspection the Owner/Applicant shall record the deed and map showing the approved easement. Submit a copy of the recorded deed and map to HCD – Planning.

21. MITIGATION MEASURE BIO-1 - AMPHIBIAN PRE-CONSTRUCTION SURVEY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure BIO-1. Although results of the project biologist's site surveys in 2023 were negative for California red-legged frog (*Rana draytonii*), which is federally listed as threatened and is a state species of special concern, California tiger salamander (*Ambystoma californiense*), which is federally listed as threatened and state listed as threatened, or the Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*), due to the proximity of the Tembladero lough, there is potential for individuals of these protected species to enter the site during the construction phase and be harmed. The aim of this measure is to avoid harm by avoiding construction in any areas with sensitive animal species present. Therefore, the owner/applicant shall cause a qualified biologist to conduct a wildlife preconstruction survey of permanent and temporary impact areas for special wildlife that could occur on the property within 14 days prior to the start of vegetation removal or grading. The report shall be provided to the Chief of Planning prior to construction permit issuance. If any individuals are found within the construction impact area or would otherwise be at risk during construction, work activities shall be delayed in that particular area and the animal allowed to leave the work zone on its own volition. Individuals can be relocated outside of the work area if authorization is provided by CDFW, or USFWS for federally listed species. If the individuals do not leave the area by their own volition and the biologist is not authorized to move them, the biologist shall continue the stop work, employ BMPs to protect the individuals from harm and consult with the appropriate regulating agencies. If it is necessary to pursue appropriate permits from these agencies, the owner/applicant shall ensure this is done. The biologist shall monitor the area to determine when individuals of special status species have left, and work can commence. The biologist shall submit a report detailing the methods and results of the wildlife preconstruction survey to the County. The report should detail any sensitive species found during the survey and measures taken for their avoidance. Observations of special status species shall be submitted to the CNDDB.

Compliance or Monitoring Action to be Performed: Mitigation Monitoring Action BIO-1.a: Prior to the issuance of any construction permit, the Applicant shall submit the results of the preconstruction survey done by a qualified biologist no more than 14 days prior to vegetation removal or grading to HCD – Planning for review and approval.

Mitigation Monitoring Action BIO-1.b: A qualified biologist shall monitor the construction area during all grading, fill and building activities. If any special status species are discovered, the biologist shall create the temporary no-work zone barrier and determine when individuals of special status species have left, and work can commence.

Mitigation Monitoring Action BIO-1.c: After temporary no-work zone barrier is constructed, if individuals of special status species have not left of their own volition after what the biologist deems a reasonable time, a qualified biologist may relocate the individuals outside of the work area if and when authorization is provided by CDFW, or USFWS for federally listed species.

Mitigation Monitoring Action BIO-1.d: On a monthly basis starting at the first day of ground disturbing activity, the biologist responsible for monitoring shall provide to the Chief of Planning a detailed report on any sensitive species found during the month and measures taken for their avoidance. The Chief of Planning may require additional information and evidence pertaining to monitoring activities and results prior to approving the report(s). All observations of special status species shall be submitted to the CNDDDB.

22. MITIGATION MEASURE BIO-2 PRE-CONSTRUCTION PLANT SURVEY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure BIO-2. Although the results of the project biologist's site surveys in 2023 were negative for sensitive plant species, there remains the potential for four sensitive plant species to be impacted by the grading and construction phase of the Project. These plants are Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), Monterey spineflower (*Chorizanthe pungens* var. *pungens*), Seaside Bird's Beak (*Cordylanthus rigidus* ssp. *littoralis*), and Saline clover (*Trifolium hydrophilum*). Therefore, the owner/applicant shall cause a qualified biologist to conduct a plant preconstruction survey and avoid construction in any areas with sensitive plant species. Within 14 days prior to the start of vegetation removal or grading, a qualified biologist shall survey permanent and temporary impact areas for special plant species that could occur on the property. If special status plants are not identified, no additional mitigation is required. If special plant species are identified and can be avoided by project design, they shall be fenced or flagged for avoidance prior to ground -disturbing activities. A biological monitor shall supervise the installation of protective fencing and shall monitor the site at least once per week until construction is complete to ensure that protective fencing remains intact. If avoidance of all individuals is not possible, a Revegetation Plan shall be prepared by a qualified biologist prior to construction and shall be implemented following construction. The plan shall include the species and number of individual special-status plants that are expected to be impacted by development and a detailed description of revegetation areas, plant source material, planting specifications, and a monitoring program that describes annual monitoring efforts which incorporate success criteria and contingency plans if success criteria are not met. If special status plant species that require take authorization from the Service and/or CDFW are identified during surveys and cannot be avoided by the project, the project proponent shall comply with the ESA and/or CESA and obtain necessary authorizations prior to construction.

Compliance or Monitoring Action to be Performed: Mitigation Monitoring Action BIO-2a: Prior to the issuance of any construction permit, the owner/applicant shall submit the results of the preconstruction survey to HCD – Planning for review and approval.

If required, Mitigation Monitoring Action BIO-2b: Prior to the issuance of any construction permit, the owner/applicant shall submit a proposed project redesign that accommodates the retention of special plant species. The Chief of Planning shall determine whether the redesign requires a project amendment hearing, or if the project's construction level plans are in general conformance with the proposed project. If the owner/applicant, in consultation with the project biologist, finds that redesign to accommodate the special status plants is not feasible, then they shall cause a Revegetation Plan as described in MM BIO-2 to be prepared by a qualified biologist prior to construction and it shall be implemented following construction. In that case, the owner/applicant shall submit the Revegetation Plan to the Chief of Planning for review and approval. If special status plant species that require take authorization from the Service and/or CDFW are identified during surveys and cannot be avoided by the project, the project proponent shall comply with the ESA and/or CESA and obtain necessary authorizations prior to construction. In that case, the Revegetation Plan shall adhere with the regulatory agency(ies)' recommendations.

23. MITIGATION MEASURE BIO-3 - PROTECTIVE FENCING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Mitigation Measure BIO-3. The project biological reports identified potential impacts during the construction phase in the form of accidental degradation of the breeding habitat of rare, threatened and endangered birds and protected amphibian breeding habitat. Therefore, the project is required to include protective measures to avoid impacts to these biological resources. No fill, soil dislodged through construction activities, or any other debris shall enter areas of freshwater marsh habitat. Plastic sheet barrier fencing (silt/exclusion fencing) shall be erected before the start of construction between the area of construction and the freshwater marsh habitat. The area between the development and the freshwater marsh habitat of Tembladero Slough shall be protected and will not be used as access, storage, or staging areas for construction. Protective fencing (i.e., silt/exclusion fencing) shall be installed by a qualified biologist and checked weekly during construction.

Compliance or Monitoring Action to be Performed: Mitigation Monitoring Action BIO-3: Prior to the issuance of any construction permit, the owner/applicant shall submit the final Site Plans that illustrate the location of protective fencing, identify the location of staging within the development site, and illustrate the design of curbs onsite consistent with the recommendations found in the project biologist, Ed Mercurio's Revised Biological Assessment dated January 31, 2024.

Prior to construction permit issuance, photographic evidence that protective fencing has been installed shall be collected and provided to the Chief of Planning for review and approval. The owner/applicant shall maintain records of protective measures throughout the duration of construction and operation and shall provide copies to the Chief of Planning upon request.

24. MITIGATION MEASURE TCR-1 - TRIBAL MONITORING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Mitigation Measures TCR-1: To minimize potential impacts to previously unknown or subsurface Tribal Cultural Resources (TCR), culturally affiliated Native American tribes shall be notified prior to ground-disturbing activities. Prior to the issuance of any permit for ground-disturbing activities, the owner/applicant shall submit evidence (i.e., a contract) to the Chief of Planning demonstrating that the owner/applicant has retained a Tribal Cultural Monitor (TCM) to monitor initial ground-disturbing activities. The TCM shall be responsible for preparing daily monitoring reports and shall prepare a final report following the completion of ground-disturbing activities. The final report, along with the daily monitoring reports, shall be submitted to the Chief of Planning for review within 60 days following the completion of ground-disturbing activities. All work shall stop if a TCR is discovered during construction. In accordance with Condition No. 3, Cultural Resources Negative Archaeological Report, an archaeologist will be contacted at the time of the finding to evaluate the resource to determine whether the finding is significant. The archaeologist shall be required to consult with the TCM as part of the evaluation. If the finding is a historical resource or unique TCR, avoidance measures or appropriate mitigation shall be implemented. Work will cease in the immediate vicinity of the find until mitigation can be implemented (in accordance with Condition No. 3, Cultural Resources Negative Archaeological Report). In accordance with CEQA Guidelines Section 15064.5(f), work may continue in other parts of the project site during the implementation of potential resource mitigation (if necessary). The TCM and archaeologist shall provide a mitigation plan for review and approval by the Chief of Planning prior to the resumption of ground-disturbing activities. All tribal resources shall be returned to the affected Native American tribe or reburied onsite following the recommendations of the mitigation plan.

Compliance or Monitoring Action to be Performed: Mitigation Monitoring Action TCR-1.a: Prior to the issuance of any construction permit, the owner/applicant shall submit evidence (i.e., contract) to the Chief of Planning for review and approval demonstrating that the owner/applicant has retained a Tribal Cultural Monitor (TCM) to monitor ground-disturbing activities and that the TCM has been informed of the construction calendar. The TCM shall prepare daily monitoring reports that shall be available upon request by the Chief of Planning. A final report, including all of the daily monitoring reports, shall be submitted to the Chief of Planning for review and approval within 60 days of completion of ground-disturbing activities.

Mitigation Monitoring Action TCR-1.b: In the event that TCR is discovered during construction, work will be stopped pursuant to Condition No. 3, Cultural Resources Negative Archaeological Report. The TCM shall consult with an archaeologist who will be contacted at the time of the finding to evaluate the resource to determine whether the finding is significant. If the finding is a historical resource or unique TCR, avoidance measures or appropriate mitigation shall be implemented. The TCM and archaeologist shall provide a mitigation plan for review and approval by the Chief of Planning prior to the resumption of ground-disturbing activities. All tribal resources shall be returned to the affected Native American tribe or reburied onsite following the recommendations of the mitigation plan.

25. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

26. PDSP001: BIRD NEST SURVEY

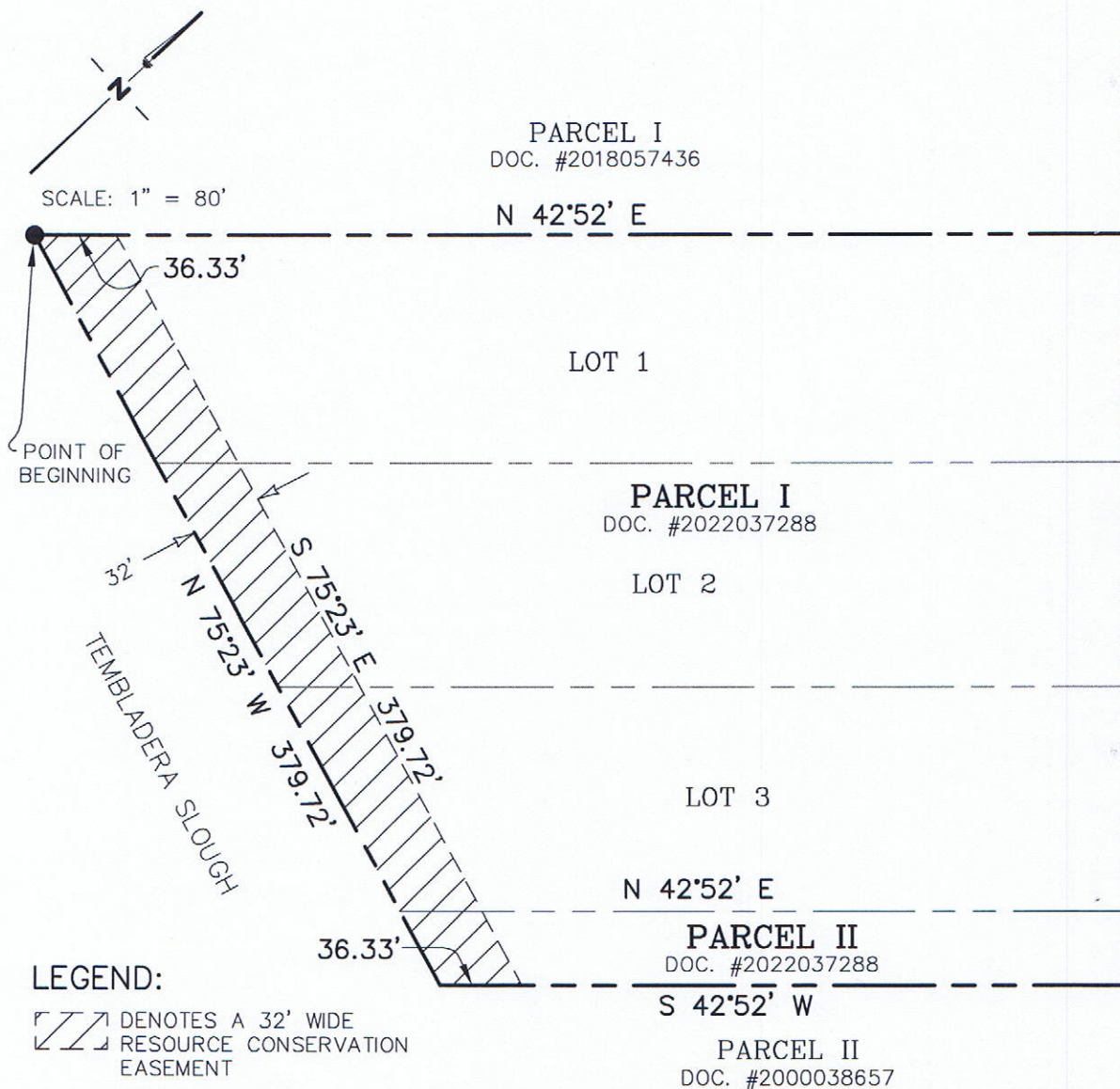
Responsible Department: Planning

Condition/Mitigation Monitoring Measure: A preconstruction survey, primarily for the presence of sensitive species of amphibians, is required for this project pursuant to the biologist Ed Mercurio's Revised Biological Assessment dated January 31, 2024 (LIB230194). The biologist also recommended a pre-construction survey be required to assess possible impacts to breeding birds if construction is to start between March 1 and August 31. The bird nest survey will be conducted by a qualified biologist within 14 days of the start of construction (for ground-nesting and other nesting birds within 150 feet of the construction site). If nests are found, the biologist shall develop measures such as buffering with fencing or adjustments to construction schedule which the biologist finds adequate to protect nesting birds. The specific measures shall be included in a report to the owner/applicant within one week of the preconstruction survey and the applicant shall cause the measures to be followed. A copy of the bird nest survey report shall be made available to HCD-Planning. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to construction permits, the owner/applicant shall provide a scope of work for a biologist for review and approval by HCD-Planning which includes the text of this condition.

A note shall be included in the construction plans which includes the text of this condition.

Within one month of the start of construction, the owner/applicant shall cause the results of the preconstruction survey and a brief report on any measures that were executed to comply with the biologist's recommendations to HCD-Planning for review and approval.



NOTE:

ALL DISTANCES SHOWN HEREON ARE
EXPRESSED IN FEET AND DECIMALS THEREOF.

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION OF
A RESOURCE CONSERVATION EASEMENT OVER
AND ACROSS THE PARCELS DESCRIBED IN
DOCUMENT #2022037288, BEING PORTIONS OF
LOTS 1, 2 & 3 IN BLOCK 4 AS SHOWN ON THE
MAP FILED IN VOL. 3 OF "SURVEYS" AT PG.
152, TOGETHER WITH A PORTION OF SPEEGLE
STREET AS SHOWN ON THE MAP FILED IN
VOL. 1, "CITIES & TOWNS", PG. 53
OFFICIAL RECORDS OF MONTEREY COUNTY

CASTROVILLE COUNTY OF MONTEREY STATE OF CALIFORNIA

BY

CENTRAL COAST SURVEYORS

5 HARRIS COURT, SUITE N-11 MONTEREY, CALIFORNIA 93940
Phone: (831) 394-4930 Fax: (831) 394-4931

SCALE: 1" = 80' JOB No. 22-137 JANUARY 2025

PREPARER: DRZ

This page intentionally left blank