

Attachment B
Indemnification Agreement with
Exhibit A
(Legal Description) and
Exhibit B
(Planning Commission Resolution No.
01036)

Leonard McIntosh
Monterey Design Group, LLC
Cornett Investments, LLC (Current Owner)
PLN000413

Recording Requested by and
When Recorded, Mail To:
Monterey County Planning and
Building Inspection Department
Post Office Box 1208
Salinas, CA 93902

Joseph F. Pitta
Monterey County Recorder
Recorded at the request of
County of Monterey

CROLIE
9/28/2001
11:59:59

DOCUMENT: 2001079620



2001079620

Titles: 1/ Pages: 21

Fees.... 68.00
Taxes...
Other...
AMT PAID \$68.00

Space above for Recorder's Use

File No: PLN000413
Project Title: McIntosh, Leonard
Resolution No: 01036
Applicant Name: Monterey Design Group, LLC
Project Planner: Garrison

INDEMNIFICATION AGREEMENT

THIS AGREEMENT, made and entered into by and between the County of Monterey, a political subdivision of the State of California, hereinafter called "County" and the Monterey Design Group, LLC, hereinafter called Owner(s),

WITNESSETH:

WHEREAS, Owner(s) is/are the record owner(s) of the real property described in Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as the subject property; and

WHEREAS, the subject property is located within the boundaries of the Greater Monterey Peninsula Area Plan of Monterey County; and

WHEREAS, pursuant to the Plan and other applicable regulations of Monterey County and the State of California, Owner(s) applied to Monterey County for a Combined Development Permit for the development of the subject property; and

WHEREAS, the Combined Development Permit No. PLN000413 was granted on June 27, 2001 by the Monterey County Planning Commission pursuant to the Findings contained in Resolution No. 01036 attached hereto as Exhibit "B", and hereby incorporated by reference; and

WHEREAS, Permit No. PLN000413 was subject to certain conditions including but not limited to the following:

The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in

the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (Planning and Building Inspection Department)

WHEREAS, Owner(s) has/have elected to comply with the aforesaid condition imposed by Permit No. PLN000413 so as to enable Owner(s) to undertake the development authorized by the permit,

NOW, THEREFORE, in consideration of the granting of Permit No. PLN000413 to the Owner(s) by Monterey County, Owner(s), for himself/herself and for his/her heirs, assigns, and successors in interest, covenants and agrees as follows:

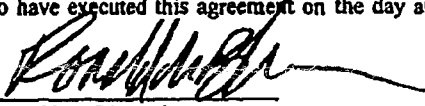
1. INDEMNIFICATION. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (Planning and Building Inspection Department)

2. BINDING EFFECT. This agreement shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

3. RECORDATION. Upon execution of this agreement, Owner(s) shall cause recordation thereof with the County Recorder's Office.

4. NEGOTIATED AGREEMENT. It is agreed and understood by the parties hereto, that this agreement has been arrived at through negotiations and that neither party is to be deemed the party which prepared this agreement within the meaning of Civil Code Section 1654.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year set out opposite their respective signatures.

Dated: 20 Aug 2002 Signed: 
Ronald M. Blue, Manager
(Print or Type Name)
Owner(s)

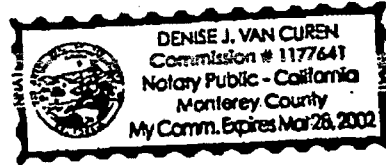
Dated: _____ Signed: _____
(Print or Type Name)
Owner(s)

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On Aug. 20, 2001 before me, Denise J. Van Curen, Notary Public, personally appeared Ronald M. Blue, personally known to me (or 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/het/their authorized capacity(ies), and that by his/het/their signature(s) on the instrument the person(s); or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Denise J. Van Curen
(Seal)



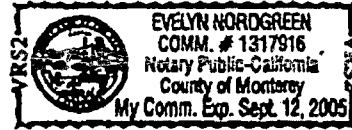
(This page for County use only)

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On Sept. 19, 2001 before me, Evelyn Nordgreen, Notary Public, personally appeared Scott Hennessey, personally known to me (or 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.

WITNESS my hand and official seal.

Signature Scott Hennessey (Seal)



COUNTY OF MONTEREY

Dated: 9/19/01
Scott Hennessey
Director of Land Use Programs

By Evelyn Nordgreen

APPROVED AS TO FORM:
Adrienne M. Grover, County Counsel

By Adrienne M. Grover 9/17/01
Deputy County Counsel

"ANY EXHIBIT(S) MUST BE NO LARGER OR SMALLER THAN 8 1/2" X 11"

EXHIBIT "A"

The land referred to is situated in the County of Monterey, in the unincorporated area, State of California, and is described as follows:

PARCEL I:

Lot 10 in tract No. 1068, Laguna Seca Office Park as shown on Map filed for record in the Monterey County Recorder's Office on January 22, 1988 in Volume 16 of Maps of "Cities and Towns", at Page 32.

PARCEL II:

A non-exclusive easement for road and utilities over and across that portion of Lot 1 designated "60' Wide Road and Utilities Easement" as shown on the map referred to in Parcel I above.

Assessor's Parcel Number: 173-121-010

EXHIBIT "B"
PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 01036

A. P. # 173-121-010-000

FINDINGS AND DECISION

In the matter of the application of
Leonard McIntosh (PLN000413)

7-11-01

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 9681 Blue Larkspur Lane (Lot 10), Salinas, in the Laguna Seca Office Park, north of Blue Larkspur Lane, approximately 300 feet east of York Road, came on regularly for hearing before the Planning Commission on June 27, 2001.

WHEREAS: Said proposal includes:

1. General Development Plan.
2. Use Permit to allow the construction of two approximately 7,200 sq. ft. office buildings and associated parking lots, requiring 3,746 cubic yards of grading, and
3. Tree Removal Permit allowing the removal of 3 oak trees (8", 12" and 18")

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto.

FINDINGS OF FACT

1. FINDING: The subject Combined Development Permit consisting of a General Development Plan, Use Permit and Design Approval to allow the construction of two 8,064 square foot office buildings, 61 space parking lot, 3,746 cu. yds. of grading and a Tree Removal Permit allowing the removal of 3 oak trees as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the General Plan, Greater Monterey Peninsula Area Plan, and the Monterey County Zoning Ordinance (Title 21). The parcel is located in a "Visitor Serving/Professional Office" (VO) zoning district. The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21.

EVIDENCE: The Monterey County Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Greater Monterey Peninsula Area Plan
- b) Chapters 21.22, 21.42, 21.44, 21.45, 21.50, 21.58, 21.64.260 and 21.74 of the Monterey County Zoning Ordinance.

EVIDENCE: The project is physically suitable for the proposed use as described in the project file. The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Sheriff's Department, Parks Department, Salinas Rural Fire District, and the Greater Monterey Peninsula Land Use Advisory Committee (Voted

for approval 2-0). There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: The proposed use is consistent with the development standards of Chapters 21.22, 21.42, 21.44, 21.45, 21.50, 21.58, 21.64.260 and 21.74 pursuant to Title 21. of the Monterey County Zoning Ordinance.

EVIDENCE: The application, plans and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: The on-site inspection by the project planner on March 28, 2000 to verify that the proposed project complies with the Zoning District, the General Plan, and the Greater Monterey Peninsula Area Plan.

EVIDENCE: Sections VI, VII and VIII of the Initial Study prepared for the project.

2. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file in the Department of Planning and Building Inspection. All mitigation measures identified in the Initial Study and Mitigated Negative Declaration and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter "the Program") has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit "E" and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, located at 240 Church Street, Room 116, Salinas is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on May 23, 2001. The following evidence has been received and considered: All comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

1. Final Environmental Impact Report – General Plan Amendment for the Laguna Seca Office Park, March 1983.
2. Initial Study, Archer Project. Monterey County Planning & Building Inspection Department, September 2000.
3. Laguna Seca Condominium Office Buildings Site Development Feasibility, LandSet Engineers, Inc. February 8, 2001.
4. Environmental Noise Analysis: Bishop Ranch Subdivision. Brown-Buntin Associates, October 27, 1994.
5. Initial Study, McIntosh Project. Monterey County Planning & Building Inspection Department, August 2000.

EVIDENCE: The Program for Monitoring and/or Reporting on Conditions of Approval, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: No facts, reasonable assumptions predicated on facts, testimony supported by adequate factual foundation, or expert opinion supported by facts, have been submitted that refute the conclusions reached by these studies, data and reports. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data and reports.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

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

EVIDENCE: The site has been found to be physically suitable for the proposed development, subject to the conditions cited in a Site Development Feasibility report prepared by Landset Engineers, Inc., dated February 8, 2001.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Sheriff's Department, Parks Department, Salinas Rural Fire District, and the Greater Monterey Peninsula Land Use Advisory Committee (Voted for approval 2-0). There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: Final Environmental Impact Report - General Plan Amendment for the Laguna Seca Office Park Development, March 1983.

4. **FINDING:** The project is appealable to the Board of Supervisors.

EVIDENCE: Section 21.80 of the Monterey County Zoning Ordinance (Title 21).

5. **FINDING:** Adequate services are available to serve the proposed project.

EVIDENCE: The proposed development has been reviewed by the Monterey County Planning and Building Inspection Department, Public Works Department, Water Resources Agency, Environmental Health Division, Sheriff's Department, Parks Department and Salinas Rural Fire District. There has been no indication from these agencies that the site is unsuitable for the proposed development. Each agency has recommended conditions for project approval.

EVIDENCE: Water service is provided to the office park by Cal Am Water Company, and sewer

service is provided by Monterey County (CSA #10).

6. **FINDING:** The proposed project will not create a substantially adverse visual impact when viewed from a common public viewing area.
- EVIDENCE:** The applicant flagged and staked the proposed buildings. Staff performed a site visit and determined that although the building will be seen from Highway 68 for a brief moment by the traveling public, the mature trees and vegetation within the buffer area significantly screen the building from Highway 68 and will not create a substantial adverse visual impact. The project will not be visible from any other public viewing areas.
7. **FINDING:** The establishment, maintenance, or operation of the use and building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood, or to the general welfare of the County.
- EVIDENCE:** The project as described in the application and the accompanying materials was reviewed by the Planning and Building Inspection Department, Health Department, Public Works Department, Water Resources Agency, the County Sheriff, Salinas Rural Fire Protection District and Greater Monterey Peninsula Land Use Advisory Committee. These departments and 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, or the County in general.

DECISION

THEREFORE, it is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. This permit is a Combined Development Permit (PLN000413), consisting of a General Development Plan, Use Permit, Design Approval and Tree Removal Permit, allowing the construction and use of two 8,064 sq. ft offices buildings, a 61 space parking lot, 3,746 cu. yds. of grading and the removal of three oak trees (8, 12 and 18 inch diameter) for development in the VO/B-6-UR-D-S District, in accordance with County ordinances and land use regulations, and subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. 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. **(Planning and Building Inspection)**

Prior to Issuance of Building or Grading Permits

2. The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which

action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees that the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. **(Planning and Building Inspection)**

3. The applicant shall obtain a grading permit from the Building Inspection Department. All cut and/or fill slopes exposed during the course of construction shall be covered, seeded with native grasses or otherwise treated to control erosion subject to the approval of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
4. Minimum fire flow shall be 2,250 gallons per minute for two hours with a residual pressure of 20 psi. However, due to the required installation of an approved automatic fire sprinkler system, the fire flow may be reduced to 1500 gallons per minute for two hours with a residual pressure of 20 psi. **(Salinas Rural Fire District)**
5. The building shall be fully protected with automatic fire sprinkler systems. The following note is required on the plans when a building permit is applied for:
"The building shall be fully protected with an automatic fire sprinkler system. Installation, approval and maintenance shall be in compliance with applicable National Fire Protection Association and/or Uniform Building Code standards, the editions of which shall be determined by the enforcing jurisdiction. Four (4) sets of plans for fire sprinkler systems must be submitted and approved prior to installation. Rough-in inspections must be completed prior to requesting a framing inspection."
(Salinas Rural Fire District)
6. The building shall be fully protected with an approved central station, proprietary station or remote station automatic fire alarm system as defined by National Fire Protection Association Standard 72 – 1996 Edition. Plans and specifications for the fire alarm system must be submitted and approved by the enforcing agency prior to requesting a framing inspection. All fire alarm system inspections and acceptance testing shall be done in accordance with Chapter 7 of NFPA 72 – 1996. **(Salinas Rural Fire District)**
7. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical surface of not less than 13 feet 6 inches. **(Salinas Rural Fire District)**
8. Roof construction shall be Class A or Class B, with fire resistive materials, or as approved by the Reviewing Authority. This requirement shall apply to all new construction and existing roofs that are repaired so as to affect 50 percent or more of the roof. **(Salinas Rural Fire District)**
9. All roads shall be constructed to provide a minimum of twenty feet width driving surface providing two-way traffic flow, unless other standards or additional requirements are mandated by local jurisdiction or local subdivision requirements. **(Salinas Rural Fire District)**

10. Roadway turnarounds shall be required on driveways and dead-ends in excess of 150 feet of surface length. Required turnarounds on access roads shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the centerline of the road. If a hammerhead 'T' is used, the top of the "T" shall be a minimum of 60 feet in length. **(Salinas Rural Fire District)**
11. Each dead-end road shall have a turnaround constructed at its terminus. **(Salinas Rural Fire District)**
12. Unobstructed vertical clearance shall be not less than 15 feet for all access roads. **(Salinas Rural Fire District)**
13. Developer shall obtain a sewer connection permit from County Service Area #10 and pay all associated fees. **(Public Works)**
14. Provide offstreet parking. Layout to be approved by the Planning and Building Inspection Department **(Public Works and Planning and Building Inspection)**
15. The project shall conform to the recommended erosion control, grading and foundation specifications contained in the report entitled Laguna Seca Condominium Office Buildings, lot 10, Laguna Seca Office Park, Blue Larkspur Lane, Monterey County, California, prepared by Landset Engineers, Inc., dated February 8, 2001. **(Planning and Building Insp)**
16. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting shall be to the satisfaction of the Director of Planning and Building Inspection. **(Planning and Building Inspection)**
17. Applicant shall perform the following measures to reduce construction related erosion impacts:
 - Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil and wind exposure.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - Minimize the length of time of excavation, grading, and construction.
 - Post the project at two locations with a publicly visible sign during construction operations that specify the telephone number and person to contact for complaints and/or injuries on dust generation and other air quality problems resulting from project construction. **(Planning and Building Inspection MM#1)**
18. The project shall be sited to minimize tree removal on the project site. All protected trees removed shall be replaced at a 1:1 ratio. In accordance with the Monterey County Code, Section 21.64.260, replacement coast live oaks of at least five-gallon container size shall be planted and maintained on the site. The replacement trees shall be included on a landscape plan, subject to approval of the Planning and Building Inspection Department prior to a final inspection on the buildings. The trees shall be planted and maintained in a healthy manner. An annual report on the health of the trees shall be submitted by the

property owner to the Planning and Building Inspection Department for five years from the final inspection date for the landscaping. Should any of the trees require replacement prior to that date due to poor health or death of any tree(s), the tree(s) shall be replaced as approved by the Department and a new five-year annual report period start with the replacement planting. **(Planning and Building Inspection MM#2)**

19. The following mitigation measure shall be implemented to reduce archaeological/cultural related impacts to a less than significant level:

If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 1. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 2. If the coroner determines the remains to be Native American:
 10. The coroner shall contact the Native American Heritage Commission within 24 hours.
 11. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American.
 12. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public resources Code Section 5097.98, or
 1. Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance and shall place said location in a deed restricted easement.
 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 2. The descendent identified fails to make a recommendation; or
 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. **(Planning and Building Inspection MM#3)**
20. The applicant shall remove and compact the top one-foot of native soil for site preparation. This requirement shall be shown on the grading plans submitted for approval and verified by the grading inspector after construction. Verification may include a requirement that the project's geotechnical engineer verify that the compaction was completed as demonstrated on the approved plans. **(Planning and Building Insp. MM# 4)**

21. A grading plan shall be submitted for approval by the Planning and Building Inspection Department. The grading plan shall include stringent erosion control measures to provide surface stability of graded cut/fill slopes. The grading inspector shall ensure that all erosion control measures shown on the approved plan are implemented during construction. (**Planning and Building Insp. Mitigation Measure 5**)
22. Building foundations shall be setback from slopes in accordance with Chapter 18, Section 1806.5 and Figure 18-I-1 of the 1997 edition of the Uniform Building Code. These setbacks shall be shown on the building plans submitted for construction of the buildings and verified in the field. The contractor shall demonstrate these setbacks in the field prior to pouring the foundation. (**Planning and Building Inspection Dept. MM# 6**)
23. The applicant shall provide to the Director of Environmental Health written certification and any necessary certification from State agencies that California Water Service Company can and will supply sufficient water flow and pressure to comply with both County Health Department and fire flow standards. (**Environmental Health**)
24. The applicant shall provide certification to the Division of Environmental Health that County Service Area No. 10 can and will provide sewer service for the property and project. (**Environmental Health**)
25. A drainage plan shall be prepared by a registered civil engineer or architect addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator to mitigate the impact of impervious surface stormwater runoff. Necessary improvements shall be constructed in accordance with approved plans. (**Water Resources Agency**)
Julie Felice - 755.4877
26. The applicant shall obtain from the Monterey County Water Resources Agency proof of water availability on the property, in the form of an approved Water Release Form. (**Water Resources Agency**)
MWMO 1,
27. The applicant shall record a notice which states: "A Permit (Resolution # _____) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 173-121-014 on (June 27, 2001). The permit was granted subject to 41 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (**Planning and Building Inspection**)
28. Before construction begins, temporary or permanent address numbers shall be posted. Permanent address numbers shall be posted prior to requesting final clearance. All address numbers (permanent and temporary) shall be posted on the property so as to be clearly visible from the road. Where visibility cannot be provided, a post or sign bearing the address numbers shall be Arabic, not Roman or written out in words. Address numbers posted shall be a minimum height of 3 inches with a 3/8-inch stroke, and contrasting with the background colors of the sign. (**Salinas Rural Fire District**)
29. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. (**Salinas Rural Fire District**)

30. Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Engineering report has been prepared for this parcel by Landset Engineers (February 8, 2001) and is on record in the Monterey County Planning and Building Inspection Department File No. PLN000413. All development shall be in accordance with this report." (Planning and Building Inspection Department)
31. Native trees which are located close to the construction site shall be protected from inadvertent damage from construction equipment by wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees. Said protection shall be demonstrated prior to issuance of building permits subject to the approval of the Director of Planning and Building Inspection. (Planning and Building Inspection Department)
32. A space shall be provided for the Environmental Services Manager's signature for final plan review and approval. The Environmental Service Manager or his/her designee only shall sign on this line. The plans shall not be considered approved without this signature. (Public Works)
33. The developer/owner shall obtain a "Can and Will Serve" letter from ES prior to final approval plan approvals and issuance of any sanitation permits. (Public Works)

Track Clifford 755. 4982

Jesse Filice

Prior to Final Inspection/Occupancy:

34. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flow toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than 10 feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)
35. Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. (Salinas Rural Fire District)
36. The roadway surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting the imposed load of fire apparatus. (Salinas Rural Fire District)
37. Where road grades exceed 8 percent, a minimum structural roadway surface thickness of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. (Salinas Rural Fire District)
38. The grade for all roads, streets, private lanes and driveways shall not exceed 15 percent. (Salinas Rural Fire District)
39. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. (Salinas Rural Fire District)

- 40. The site shall be landscaped. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. The project will be subject to a landscape plan review fee which shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (Planning and Building Inspection Department)
- 41. Prior to final inspection, the geologic consultant shall provide certification that all development has been in accordance with the geologic report. (Planning and Building Inspection Department)

PASSED AND ADOPTED this 27th day of June, 2001 by the following vote:

AYES: Errea, Sanchez, Hawkins, Parsons, Brennan, Pitt-Derdivanis, Diehl, Hernandez, Lacy, Wilmot
 NOES: None
 ABSENT: None



 DALE ELLIS, SECRETARY

Copy of this decision mailed to applicant on JUL 10 2001

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 20 2001

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

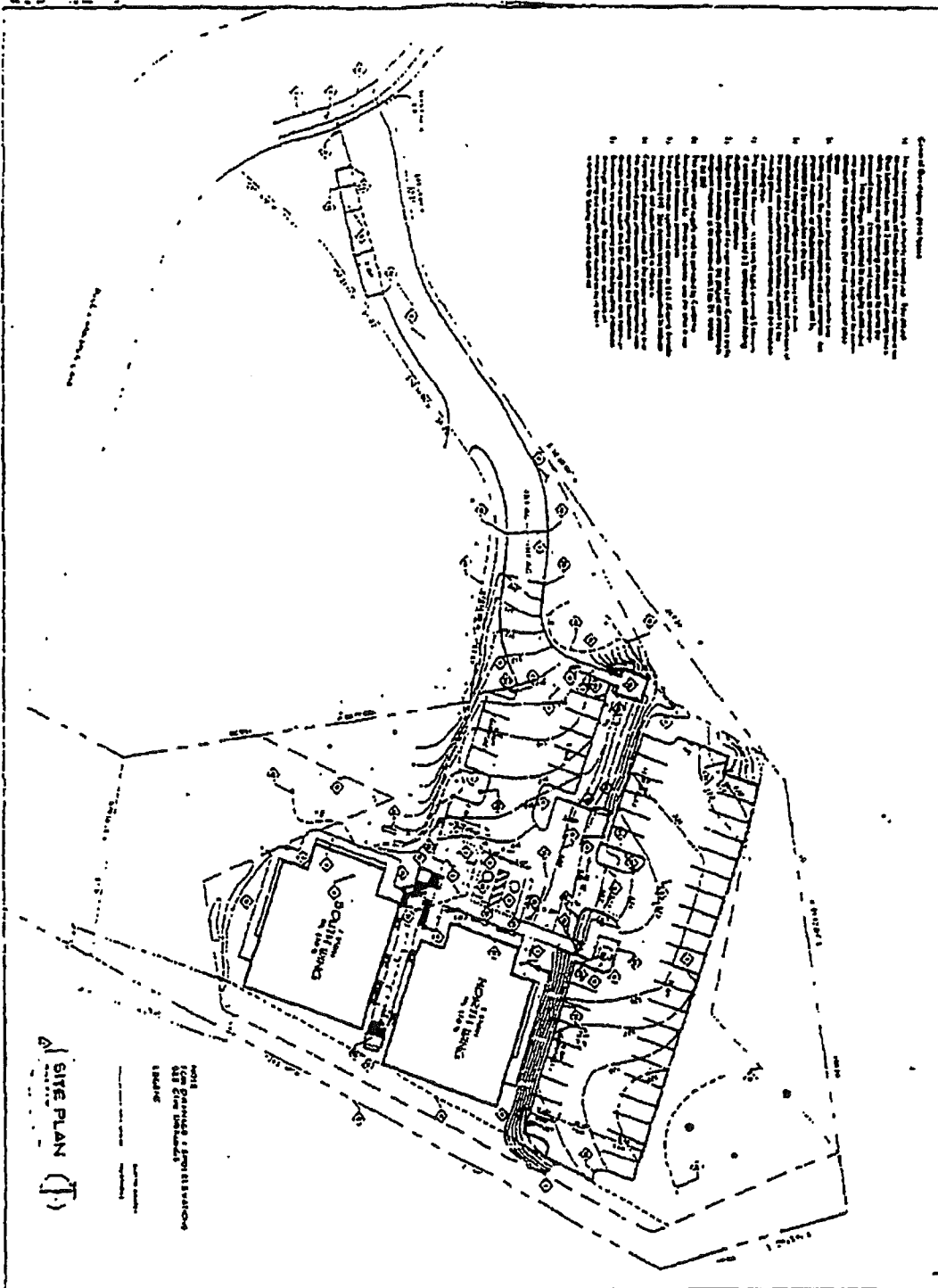
NOTES

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

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

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

- 2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.



1. The applicant has provided a detailed site plan showing the proposed layout of the project. The plan includes building footprints, parking lots, and site boundaries. The plan also shows the location of the project relative to the surrounding area.


2. The applicant has provided a detailed description of the project. The project consists of the construction and operation of a new building. The building will be used for office space. The building will be located on a lot of approximately 10,000 square feet.


3. The applicant has provided a detailed description of the project. The project consists of the construction and operation of a new building. The building will be used for office space. The building will be located on a lot of approximately 10,000 square feet.

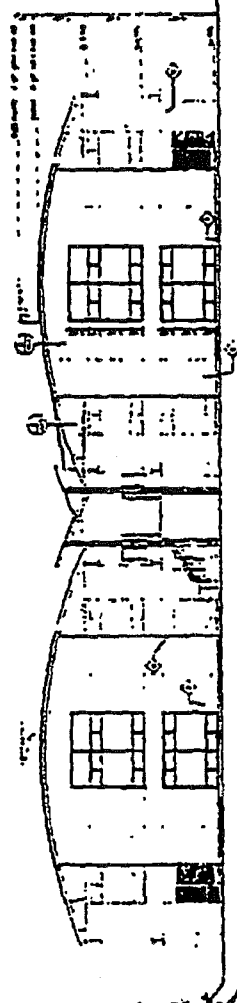
4. The applicant has provided a detailed description of the project. The project consists of the construction and operation of a new building. The building will be used for office space. The building will be located on a lot of approximately 10,000 square feet.

SITE PLAN (T)

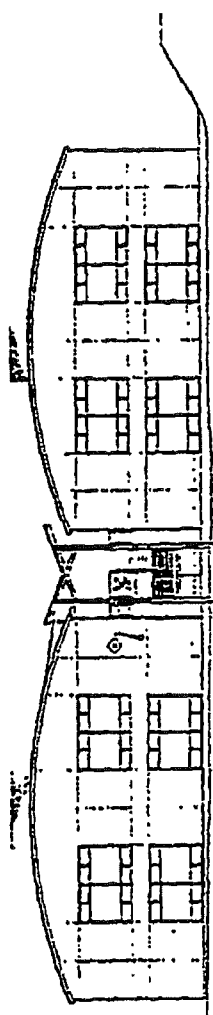
1001
 1001
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<p> MONTEREY DESIGN GROUP </p>	<p> USE PERMIT SET </p>
	<p> 42700118 </p> <p> 1. The applicant has provided a detailed site plan showing the proposed layout of the project. The plan includes building footprints, parking lots, and site boundaries. The plan also shows the location of the project relative to the surrounding area. </p> <p> 2. The applicant has provided a detailed description of the project. The project consists of the construction and operation of a new building. The building will be used for office space. The building will be located on a lot of approximately 10,000 square feet. </p> <p> 3. The applicant has provided a detailed description of the project. The project consists of the construction and operation of a new building. The building will be used for office space. The building will be located on a lot of approximately 10,000 square feet. </p> <p> 4. The applicant has provided a detailed description of the project. The project consists of the construction and operation of a new building. The building will be used for office space. The building will be located on a lot of approximately 10,000 square feet. </p>
<p> GDP </p>	<p> 1001 </p>

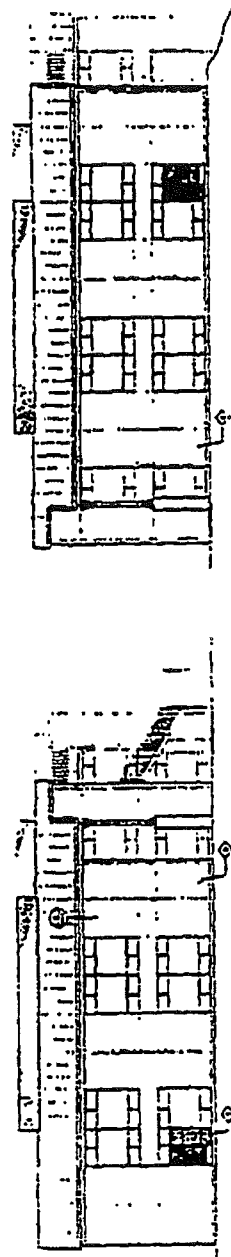
<p>MONTEREY DESIGN GROUP</p>		<p>USE PERMIT SET</p> <p>DETAILS</p> <p>1. EXTERIOR FINISHES TO BE AS SHOWN ON ARCHITECTURAL DRAWINGS.</p> <p>2. ALL MATERIALS TO BE APPROVED BY THE CITY ENGINEER.</p> <p>3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.</p> <p>4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.</p> <p>5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.</p> <p>6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.</p> <p>7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.</p> <p>8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.</p> <p>9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.</p> <p>10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY ENGINEER'S REQUIREMENTS.</p>
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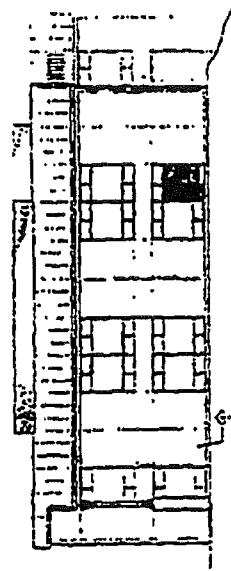
WEST ELEVATION
SCALE 1/8"=1'-0"
DATE 10-10-12



EAST ELEVATION
SCALE 1/8"=1'-0"
DATE 10-10-12

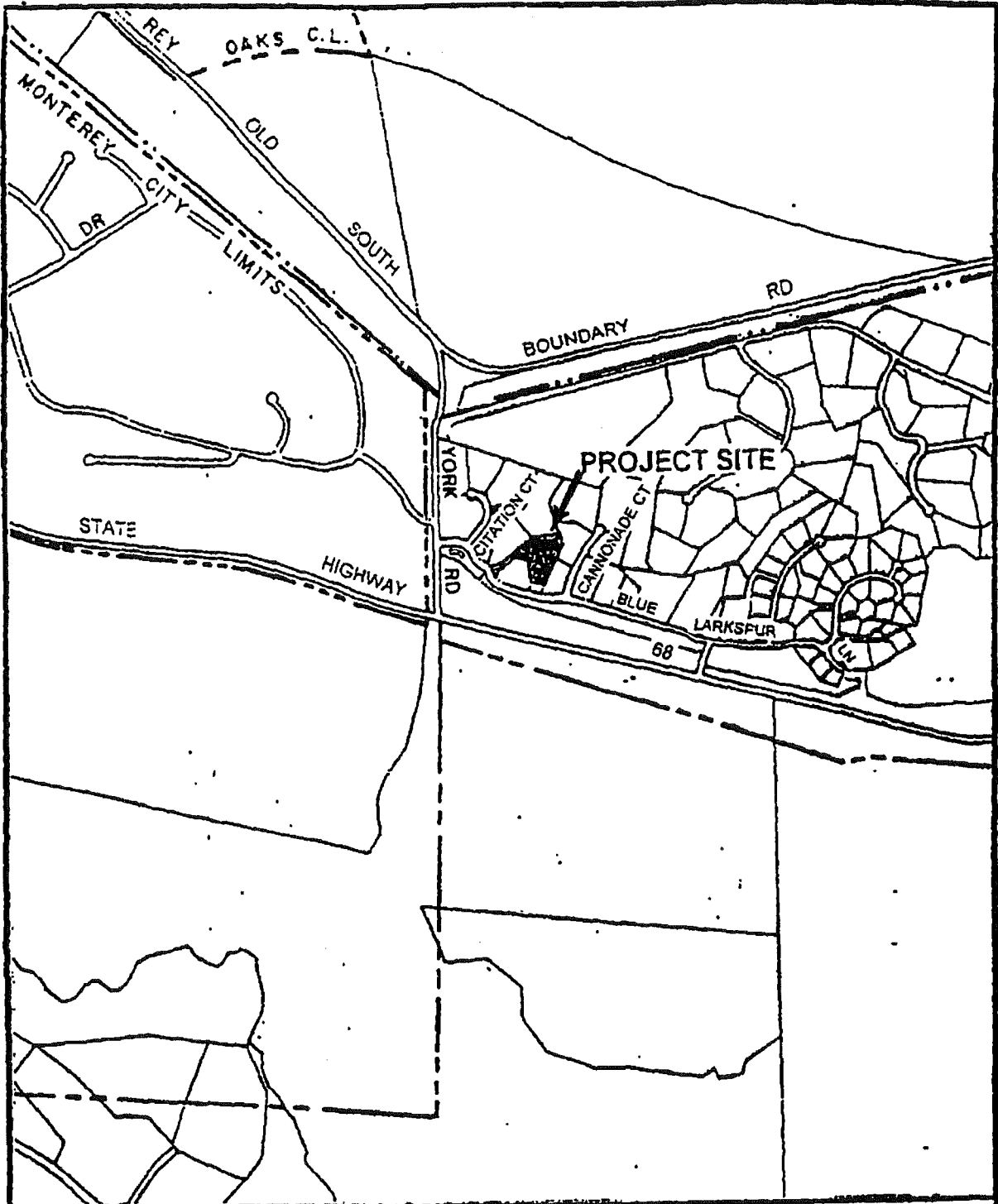


NORTH ELEVATION
SCALE 1/8"=1'-0"
DATE 10-10-12

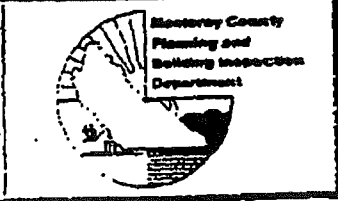
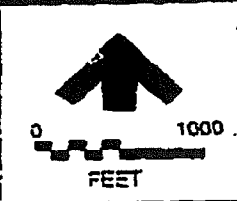


SOUTH ELEVATION
SCALE 1/8"=1'-0"
DATE 10-10-12

<p>PROJECT LOCATION</p> <p>OFFICE BUILDING 1000 MONTEREY DESIGN GROUP 1000 MONTEREY DESIGN GROUP MONTEREY COUNTY, CA 94026</p>	<p>ELEV</p>
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APPLICANT: McINTOSH
APN: 173-121-010-000 FILE#: 000413
300' LIMIT: _____
3,500' LIMIT: _____



DATE: 01/00/00

**Monterey County Planning & Building Inspection
Program for Monitoring or Reporting* on
Conditions of Approval**

Project Name: LAGUNA SECA OFFICE PARK (LOT 10)

File No: PLN000413 **APN:** 173-121-010-00

Approval by: Planning Commission **Date:** 6/13/2001

LEGEND

- PBI Planning & Building Inspection
- FD Fire District
- CC County Counsel
- WR-A Water Resources Agency
- PW Public Works
- MMR Mitigation Monitoring Reporting Team
- EIR Environmental Health
- RA Redevelopment Agency
- CE Code Enforcement
- AG Ag Commissioner
- PD Parks Department
- Other State which agency

*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.

Final Signoff Date	Standard	Orig. Dept. or Agency (PBI)	Schedule (Prior to/Continuous) (Report due?) Fill in timeframe Prior to/Final	Person/Agency responsible for Inspections/Monitoring/Review (What is to be reviewed? Who is the preparer?)
	<p>1. Project construction shall comply with all Monterey Bay Unified Air Pollution Control District (MBUAPCD) rules and regulations. Dust-reducing measures shall include the basic control measures (measures obtained from page 8-2 and Table 8-2 of the MBUAPCD CEQA Guidelines, October 1995), as follows:</p> <ol style="list-style-type: none"> 1. Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure. 2. Cover all trucks hauling soil, sand, and other loose materials off site, or require all trucks to maintain at least two feet of freeboard. 3. Pave, apply waxer three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. 4. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites. 5. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. <p>These measures shall be incorporated into all grading and building plans submitted for this project. The County grading and building inspectors will assure compliance with these measures.</p> <p>2. The project shall be sited to minimize tree removal on the project site. All protected trees removed shall be replaced at a 1:1 ratio. In accordance with the Monterey County Code, Section 21.64.260, replacement coast live oaks of at least five-gallon container size shall be planted and maintained on the site. The replacement trees shall be included on a landscape plan, subject to approval of the Planning and Building Inspection Department prior to a final inspection on the buildings. The trees shall be planted and maintained in a healthy manner. An annual report on the health of the trees shall be submitted by the property owner to the Planning and Building Inspection Department for five years from the final</p>		Prior to Final	Applicant shall retain a qualified botanist to perform annual review. Report submitted to PBI&C.

Final Signoff Date	Standard	Orig. Dept. or Agency	Schedule (Prior to continuous) (Report due?) Fill in timeframe	Person/Agency responsible for Inspection/Monitoring/Review What is to be reviewed? Who is the preparer?
	<p>inspection date for the landscaping. Should any of the trees require replacement prior to that date due to poor health or death of any trees), the tree(s) shall be replaced as approved by the Department and a new five-year annual report period start with the replacement planting.</p> <p>3. If archeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ol style="list-style-type: none"> The coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> The coroner shall contact the Native American Heritage Commission and Planning and Building Inspection Department within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5197.98 or <p>2. Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <ol style="list-style-type: none"> The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission. The descendant identified fails to make a recommendation, or The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. <p>4. The applicant shall remove and compact the top one-foot of native soil for site preparation. This requirement shall be shown on the grading plans submitted for approval and verified by the grading inspector after construction. Verification may include a requirement that the project's geotechnical engineer verify that the compaction was completed as demonstrated on the approved plans.</p> <p>5. A grading plan shall be submitted for approval by the Planning and Building Inspection Department. The grading plan shall include stringent erosion control measures to provide surface stability of graded cutfill slopes. The grading inspector shall ensure that all erosion control measures shown on the approved</p>	P&A	Final	Applicant shall notify P&A
		P&A	Prior to issuance/ and Final	Grading Inspector shall review plans and grading activities
		P&A	Prior to issuance/ and Final	Grading Inspector shall review plans and grading activities

Final Signoff Date		Standard	Orig. Dept or Agency	Schedule (Prior not continuous) (Report due?) Fill in timeframe	Person/Agency responsible for Inspection/Monitoring/Review What is to be reviewed? Who is the preparer?
	<p>plan are implemented during construction</p> <p>6. Building foundations shall be setback from slopes in accordance with Chapter 18, Section 1806.5 and Figure 18-1-1 of the 1997 edition of the Uniform Building Code. These setbacks shall be shown on the building plans submitted for construction of the buildings and verified in the field. The contractor shall demonstrate these setbacks in the field prior to pouring the foundation.</p>		PARC	<p>Prior to Issuance Prior to construction</p>	<p>Building inspection staff shall review plans and construction activities.</p>

END OF DOCUMENT