



Monterey County Board of Supervisors

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Upon motion of Supervisor Phillips, seconded by Supervisor Parker and carried by those members present, the Board of Supervisors hereby:

Held Public Hearing continued from March 17, 2015 and adopted Resolution 15-076 to:

- a. Denying an appeal by Dr. Eugene J. Guglielmo from the decision of the Zoning Administrator to approve a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage;
- b. Finding the project exempt from CEQA per Section 15303 of the CEQA Guidelines; and
- c. Approving a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage.

(Appeal of Coastal Administrative Permit - PLN140143/Howerton, 5 Bayview Road, Castroville, North County Land Use Plan)

PASSED AND ADOPTED on this 24th day of March 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on March 24, 2015.

Dated: March 26, 2015
File ID: RES 15-029

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

By Denise Hancock
Deputy

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

In the matter of the application of:

**GRANT & AMELIA HOWERTON (PLN140143)
RESOLUTION NO. 15 -076**

Resolution by the Monterey County Board of Supervisors:

- a. Denying the appeal from the decision of the Zoning Administrator to approve a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage;
- b. Finding the project exempt from CEQA per Section 15303 of the CEQA Guidelines; and
- c. Approving a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage.....

[PLN140143, Grant & Amelia Howerton, 5 Bayview Road, Castroville, North County Land Use Plan, Coastal Zone (APN: 131-101-055-000)]

The Appeal by Dr. Eugene J. Guglielmo from the discretionary decision by the Zoning Administrator to approve a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage (Howerton application - PLN140143) came on for public hearing before the Monterey County Board of Supervisors on March 17 and March 24, 2015. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **PROCESS** – The subject Coastal Administrative Permit (PLN140143/Howerton) (“project”) complies with all applicable procedural requirements.
- EVIDENCE:** a) On August 12, 2014, pursuant to Monterey County Code (MCC) Section 20.76, Grant and Amelia Howerton filed an application for a discretionary permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage on a parcel located at 5 Bayview Road, Castroville (Assessor's Parcel Number 131-101-055-000), North County Land Use Plan,

Coastal Zone.

- b) The Howerton application was scheduled for administrative hearing before the Director of RMA – Planning on November 26, 2014; however, on November 24, 2014, a group of neighbors submitted a letter to the Director of RMA – Planning requesting a public hearing. Pursuant to MCC Section 20.76.060.A, the Director of RMA – Planning referred the application to the Zoning Administrator for further consideration, and the Howerton application was scheduled for public hearing before the Zoning Administrator on January 8, 2015.
- c) On January 8, 2015, after review of the application and submitted documents, and a duly noticed public hearing, the Zoning Administrator approved a Coastal Administrative Permit (RMA-Planning File No. PLN140143) to allow the proposed development.
- d) Dr. Eugene J. Guglielmo (Appellant), pursuant to MCC Section 20.86.030.A, filed an appeal from the January 8, 2015, decision of the Zoning Administrator. The appeal challenged the Zoning Administrator’s approval of the Coastal Administrative Permit, and contended that there was a lack of fair or impartial hearing, and the findings or decision or conditions are not supported by the evidence. See Finding No. 9 for the text of the Appellants’ contentions and the County responses to the appeal.
- e) Pursuant to MCC Sections 20.86.030.C and E, an appeal shall be filed with the Clerk of the Board of Supervisors within 10 days after written notice of the decision of the Appropriate Authority (i.e., Zoning Administrator Resolution No. 15-004) has been mailed to the Applicant, and no appeal shall be accepted until the notice of decision has been given (i.e., mailed). Said appeal was filed with the Clerk of the Board of Supervisors on February 2, 2015, one day before the written notice of decision was mailed to the Applicant and before the 10-day time prescribed by Monterey County Code Section 20.86.030.C. Although filed one day early, the County finds the appeal on file is valid because it is not prejudicial (California Government Code Section 65945.7). Also, the appeal hearing is de novo, and preserves the right for all members of the public to express their concerns with the project. A complete copy of the appeal is on file with the Clerk of the Board, and is attached to the March 17, 2015, staff report to the Board of Supervisors as Attachment C.
- f) Said appeal was timely brought to a duly-noticed public hearing before the Monterey County Board of Supervisors on March 17, 2015. Notice of the hearing was published on March 5, 2015, in the Monterey County Weekly; notices were mailed on March 6, 2015, to all property owners and tenants within 300 feet of the project site; and 3 notices were posted at and near the project site on March 1, 2015.
- g) At the hearing on March 17, the Board of Supervisors continued the public hearing to March 24, 2015.
- h) Pursuant to MCC Section 20.86.030.E, an interested party is required to request notice of the decision, in writing, at the hearing on the application. No such request was submitted; therefore, other interested

proposed development found in Project File PLN140143.

4. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, North County Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Consultation with Meg Clovis, Cultural Affairs Manager (Monterey County Parks Department), Salinas, CA October 20, 2014 (LIB140386), after review of documentation submitted by the Applicant, concluded that the existing residence and foundations of two buildings are not considered historically significant.
5. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, North County Fire Protection District, Parks, RMA - Public Works, Environmental Health Bureau, RMA – Environmental Services, and Water Resources Agency. 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. The Environmental Health Bureau determined that the parcel will be served by Bayview Road Water System #7, an existing water system. An existing septic system will be demolished, and the parcel will be served by the construction of a new septic system with location, design, layout, and size specifications approved by Environmental Health Bureau (Condition Nos. 15 & 16).
 - c) The North County Fire Protection District (NCFPD) reviewed the proposed project application and did not impose any conditions of approval. In addition, the NCFPD worked with the Applicant to ensure applicable fire suppression requirements were incorporated into the proposed plans. The NCFPD will also review the building plans and conduct inspections during construction to ensure the structures meet current applicable fire code requirements. In addition, RMA-Planning staff will review the final landscape plan (Condition No. 7) to ensure the landscaping on the Applicant’s parcel is consistent with fire clearance requirements.
 - d) Communication between RMA-Planning, EHB, and North County Fire Protection District (NCFPD) staff on March 6, 2015, confirmed there

- parties were not denied their right to file a timely appeal.
- i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140143.

2. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage.

EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140143.

3. **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 1982 Monterey County General Plan;
- North County Land Use Plan;
- Monterey County Coastal Implementation Plan, Part 2; and
- Monterey County Zoning Ordinance (Title 20).

No conflicts were found to exist. The County did receive communications not supporting the project during the course of review of the project; however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents above.

- b) The property is located at 5 Bayview Road, Castroville, (Assessor's Parcel Number 131-101-055-000), North County Land Use Plan. The parcel is zoned "LDR/2.5 (CZ) [Low Density Residential, 2.5 acres per unit (Coastal Zone)]", which allows the construction of a residence and accessory structure on the property subject to a Coastal Administrative Permit. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted a site inspection on June 11, 2014 to verify that the project on the subject parcel conforms to the plans listed above.
- d) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because in the opinion of the RMA – Director of Planning neighbors concerns raised issues that necessitated review prior to a public hearing. The LUAC, at a public meeting on December 16, 2014, reviewed the Howerton application. Two motions resulted in two tie votes; therefore, the LUAC did not adopt a recommendation regarding the project.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the

are no issues or concerns with the project as proposed and conditioned.

6. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on June 11, 2014 to verify that the site has no violations.
 - c) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140143.
7. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303 categorically exempts the construction of one single-family residence in a residential zone.
 - b) The subject parcel is zoned LDR or Low Density Residential of which the construction of a residence and accessory structure is an allowed use for the property subject to a Coastal Administrative Permit.
 - c) No adverse environmental effects were identified during staff review of the development application during a site visit on June 11, 2014.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact.
 - e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140143.
8. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resource Code) and the County's certified Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project, as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 6 in the North County Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the

existence of historic public use or trust rights over this property.

9. **FINDING:** **APPEAL** – Upon consideration of the documentary evidence, the staff report, the oral and written testimony, and all other evidence in the record as a whole, the Board responds as follows, to the Appellant’s contentions:
- EVIDENCE:** a) Appellant’s Contention No. 1: The Appellant contends that the Zoning Administrator’s hearing on January 8, 2015, was not fair or impartial, contending that the hearing focused on the project at 5 Bayview Road and did not analyze the impacts to the neighborhood, specifically with regard to the firefighting resources available in the vicinity. The Appellant stated: *“In regards to the first reason checked, the hearing focused on the merits of construction at a single property at 5 Bayview Road. A bias was introduced as one component, 5 Bayview, was analyzed in isolation to its impact on the bigger system, the neighborhood, which does not possess the ability to fight a house fire nor to contain it from spreading onto or from 5 Bayview.”* The Appellant also contends that *“In regards to Concern 1, again the Staff’s response was that NCFPD was not available to comment in regards to the Water System for fire protection and building fire protection systems. The fault, however, does not reside solely with 5 Bayview, but with the Water System and its members, which exceeds the regulatory scope of Environmental Health in its present form.”*
- Response No. 1: The Applicant proposes to demolish an existing single-family dwelling and wastewater treatment system, and construct a new single-family dwelling and wastewater treatment system. The subject property is served by an existing 4-connection water system (Bayview Road Water System No. 7), and the project does not involve the expansion of the water system or an increase to the number of system connections. The Monterey County Environmental Health Bureau (EHB) reviewed the application and determined that the subject parcel is served by the existing permitted water system. The project involves no expansion of the existing water system, and EHB only applied conditions of approval to require the demolition of the existing wastewater treatment system and construction of a new system to accommodate the new residence (Condition Nos. 15 and 16). In addition, the North County Fire Protection District (NCFPD) reviewed the proposed project application during the County’s Inter-Departmental Review (IDR) period, and did not impose any conditions of approval. The NCFPD will also review the building plans and conduct inspections during construction to ensure the structures meet current applicable fire code requirements. The County finds that the unavailability of the NCFPD to comment on the firefighting capacity of the neighborhood water systems did not introduce a bias into the decision of the Zoning Administrator. The NCFPD reviewed the proposed plans and worked with the Applicant to ensure applicable fire suppression requirements were incorporated. In addition, RMA-Planning staff will review the final landscape plan (Condition No. 7) to ensure the landscaping on the Applicant’s parcel is consistent with fire clearance requirements.

- b) Appellant's Contention No. 2: The Appellant contends that the Zoning Administrator's decision and findings are not supported by the evidence, contending that the steel-finished exterior of the proposed Howerton residence is not appropriate for the neighborhood and that the proposed landscape plan would cause loss of views of the Monterey Bay and Elkhorn Slough for properties located above (i.e., east) of the Applicant's property at 5 Bayview Road. The Appellant stated: "*As for the second reason checked, the Staff responded that North County Fire Protection District (NCFPD) was not available to comment. Hence, any evidence to dismiss fire protection as being a non-issue was never brought to bear on the decision. Evidence was provided to Planning and Environmental Health on Mon 26 Jan 2015 at 8 AM for analysis which lead to filing this Appeal. Further details are attached.*" The Appellant also contends that "*As for Concern 2, the Staff responded that this is not a Design Control area, and it is not an area identified as being in the Critical Regulatory Viewshed. The concern is more so on the viewshed and fire, which if not controlled properly, adversely affects 43 homes on Bayview Road and Kenwood Place. Hence, escalation using this Appeal is necessary when neighbors put at risk the health, life, and property of neighbors. Again, specific details were provided to Planning and Environmental Health on Monday 26, 2015 at 8 AM for analysis. Further details are attached.*"

Response No. 2:

Regarding the issue of fire protection and firefighting capability, see staff's response to contention no. 1 in Evidence a. Regarding the design and viewshed impact of the proposed single-family dwelling, the subject parcel is zoned LDR/2.5 (CZ) [Low Density Residential, 2.5 acres per unit (Coastal Zone)]. This zoning designation is intended to accommodate low density and intensity uses in the rural and suburban areas of Monterey County. The construction of a single-family dwelling with an attached garage is a principally-allowed use under the zoning designation, subject to securing a Coastal Administrative Permit, and the proposed structures are located on the parcel in compliance with all applicable site development standards. The subject parcel does not have a Design Control District zoning overlay; therefore, a Design Approval is not a required entitlement for the proposed structures. Furthermore, the County finds the project consistent with the applicable policies of the North County Land Use Plan (LUP) regarding visual resources. While the LUP Visual Resources policies protect public views, they do not protect private views. Specifically, the proposed location of the structures is consistent with LUP Policy 2.2.2 .4, which directs location of structures on the least visually obtrusive portion of a parcel. Location of the structures near the eastern boundary of the property reduces their visibility from Elkhorn Road. In addition, the Appellant suggests the County impose a requirement on the Applicant to remove vegetation on adjacent properties to restore views from 5 to 41 Bayview Road. The other properties on Bayview Road are not a party to this application and private views are not

protected; therefore, the Appellant's proposed requirement is not relevant to the subject project.

10. **FINDING:** **APPEALABILITY** - The decision on this project is final.
- EVIDENCE:**
- a) Section 20.86.070.D of the Monterey County Zoning Ordinance (Title 20) states that the decision of the appeal authority (Board of Supervisors) shall be final, unless appealable pursuant to Section 20.86.080.
 - b) California Coastal Commission: Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20). The project is not subject to appeal by/to the California Coastal Commission because it does not involve development between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance; or development within 300 feet of the top of the seaward face of any coastal bluff; or development involving a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby:

- a. Deny an appeal by Dr. Eugene J. Guglielmo from the decision of the Zoning Administrator to approve a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage;
- b. Find the project exempt from CEQA per Section 15303 of the CEQA Guidelines; and
- c. Approve a Coastal Administrative Permit to allow the demolition of an existing 1,016 square foot single-family dwelling and the construction of a 2,230 square foot two-story single-family dwelling with an attached 986 square foot garage, based on the findings and evidence, and subject to the attached conditions of approval and in general conformance with the attached plans, incorporated herein by reference.

PASSED AND ADOPTED upon motion of Supervisor Phillips seconded by Supervisor Parker and carried this 24th day of March 2015, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on March 24, 2015.

Dated: March 26, 2015
File Number: RES 15-029

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

By 
Deputy

Monterey County RMA Planning

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

PLN140143

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Coastal Administrative Permit (PLN140143) allows the demolition of an existing 1,016 square foot single family dwelling and the construction of a 2,230 square foot two-story single family dwelling with an attached 986 square foot garage. The property is located at 5 Bayview Road, Castroville (Assessor's Parcel Number 131-101-055-000), North County Land Use Plan, Coastal Zone. 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 Director of RMA - 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Coastal Administrative Permit (Resolution Number 15-076) was approved by the Board of Supervisors for Assessor's Parcel Number 131-101-055-000 on March 24, 2015. The permit was granted subject to twenty-one (21) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

3. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: A copy of the Resolution of Approval (Resolution No. 15-) for the Coastal Administrative Permit (Planning File No. PLN140143) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner 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 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its 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 property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

5. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

6. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

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

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from RMA - Planning. (RMA - 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 RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey 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. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: RMA-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 RMA - Planning, prior to the issuance of building permits. (RMA - 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 RMA - 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.

9. PD032(A) - PERMIT EXPIRATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on March 17, 2018, unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

10. PD035 - UTILITIES UNDERGROUND

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (RMA - Planning and RMA- Public Works)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

11. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22 - August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

12. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA - Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

13. INSPECTION-PRIOR TO LAND DISTURBANCE (DURING THE RAINY SEASON)

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County stormwater regulations. (RMA - Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance during the rainy season (October 15 - April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

14. STORMWATER CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Control Plan prepared by a registered professional engineer, along with supporting calculations, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a Stormwater Control Plan with supporting calculations, to RMA-Environmental Services for review and approval.

15. EHSP01 - DEMOLISH EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Submit a plot plan to the Division of Environmental Health showing the location of the existing onsite wastewater treatment system (OWTS) on the property. Demolish the OWTS under permit by EHB. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall submit plans for demolition to the Environmental Health Bureau for review and approval. Septic contractor shall obtain a demolition permit. EHB must witness demolition or approve submitted evidence of demolition.

16. EHSP02 - ONSITE WASTEWATER TREATMENT SYSTEM DESIGN (NON-STANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health has determined that adequate area exists for an onsite wastewater treatment system for the proposed development. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board. (Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

17. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan identifying the proposed methods to control runoff and erosion. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

18. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed Geotechnical Engineer that all development has been constructed in accordance with the recommendations in the project Geotechnical Report. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

19. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations from the project Geotechnical Report. The Grading Plan shall be stamped by a licensed Geotechnical Engineer. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a Grading Plan to RMA-Environmental Services for review and approval.

20. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

21. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:

1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;
2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;
3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.

All Air District standards shall be enforced by the Air District. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor shall incorporate a "Demolition/Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.

During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition activities as required by the Air District.

Parcel Size 4.05474 Acres
 General Plan Land Use Designation:
 Single Family Dwelling

Proposed Demolition of
 Existing Structure = 1016 SQ FT

Lot Coverage
 Lot Size = 176624 SQ FT
 Proposed SFD Coverage = 3216 SQ FT
 3216 / 176624 = 0.0182081710299846
 Lot Coverage = 1.8%

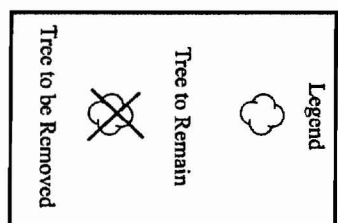
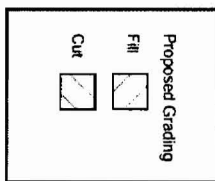
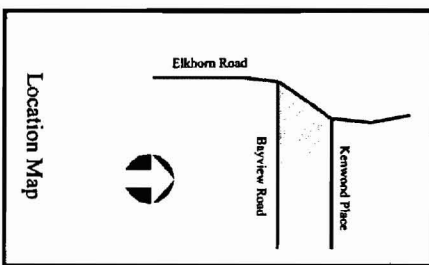
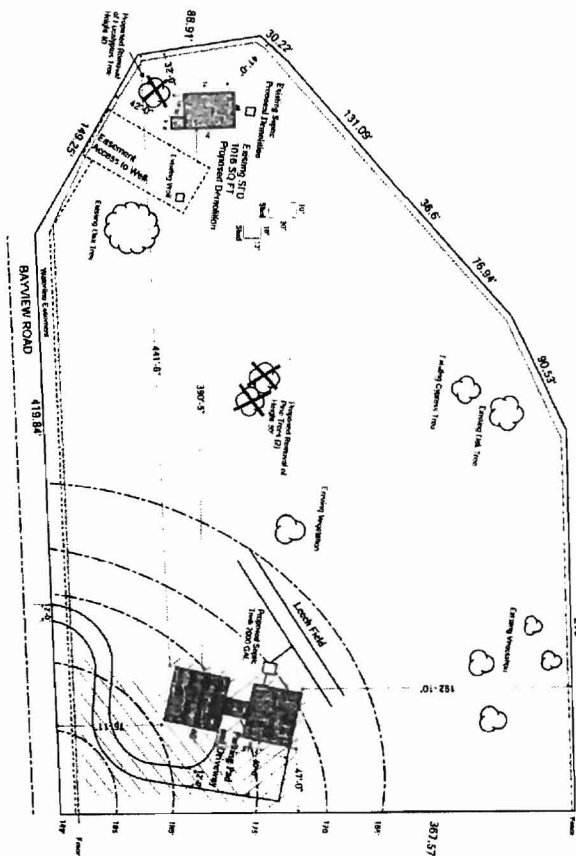
Floor Area Ratio
 Lot Size = 176624 SQ FT
 Proposed SFD Floor Area = 3737 SQ FT
 3737 / 176624 = 0.0211579400307999
 Floor Area Ratio = 2.1%


Grading
 Estimated Maximum Cut:
 61,093 Cubic Feet (2,263 Cubic Yards)
 Estimated Fill:
 45,209 Cubic Feet (1,674 Cubic Yards)

Impervious Coverage
 Total Area Covered by Structures
 Lot Size = 176624 SQ FT
 Proposed SFD Coverage = 3216 SQ FT
 Other Impervious Surfaces = 320 SQ FT
 3536 / 176624 = 0.0200199293414259
 Impervious Surface Coverage = 2%

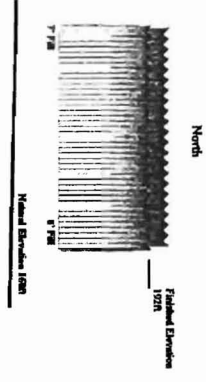
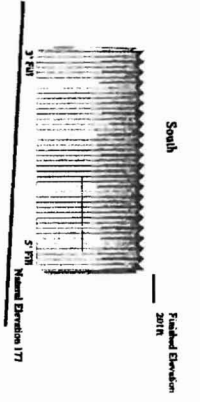
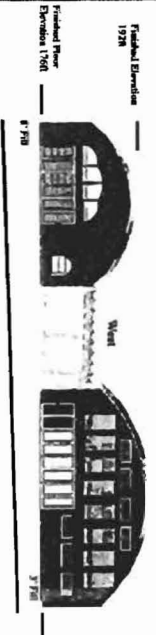
Total Area Covered by Impervious Surfaces
 Lot Size = 176624 SQ FT
 Proposed SFD Coverage = 3216 SQ FT
 Other Impervious Surfaces = 320 SQ FT
 3536 / 176624 = 0.0200199293414259
 Impervious Surface Coverage = 2%

Average Natural Grade = 9%



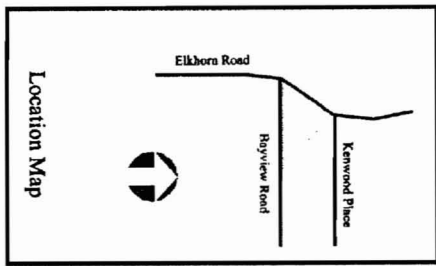
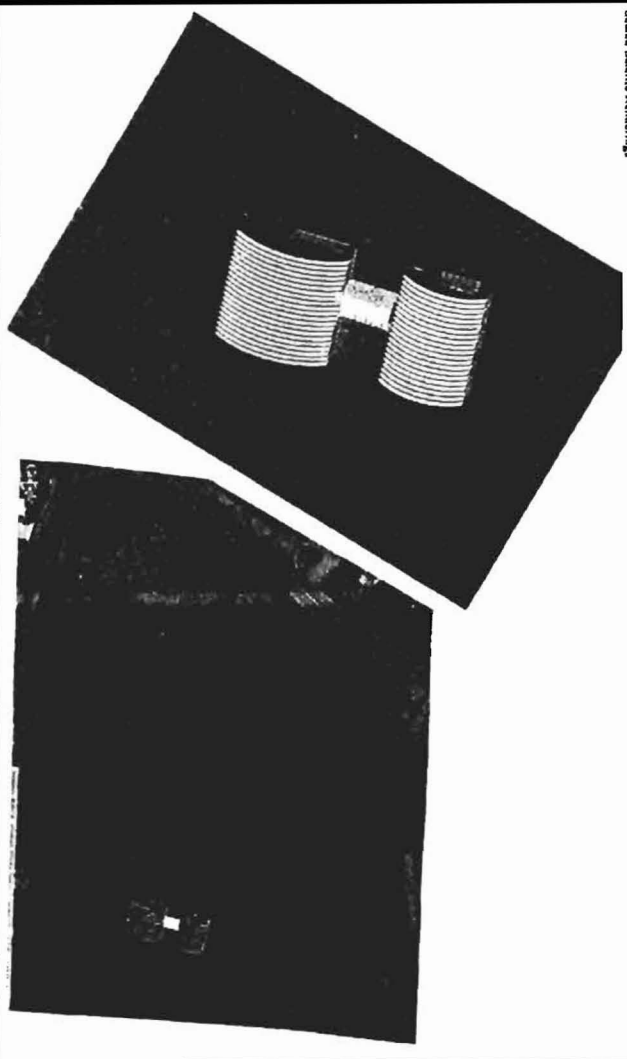
North  Scale: 1" = 40' Contour Interval 5'	PLN 140143 Demolition of Old Home and Construction of New Home	APN 131-101-055 Grant and Amelia Howerton
		5 Bayview Road Castroville, CA 95012 559-360-2043 CaptainHowerton@gmail.com

Elevations




Scale 1"=10'

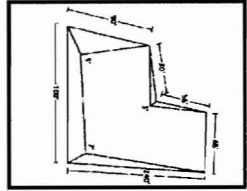
Scaled Satellite Renderings



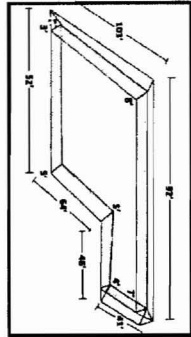
Roofing Material/Color
 Endwall Color: Dark Blue
 Material: Vynyl Siding

 North	PLN 140143	APN 131-101-055
	Demolition of Old Home and Construction of New Home	Grant and Amelia Howerton
	5 Bayview Road Castroville, CA 95012 559-360-2043 CaptainHowerton@gmail.com	

Grading Plan



Cut Estimate



Fill Estimate

Estimate purpose of grading is to create level area for new single family dwelling.

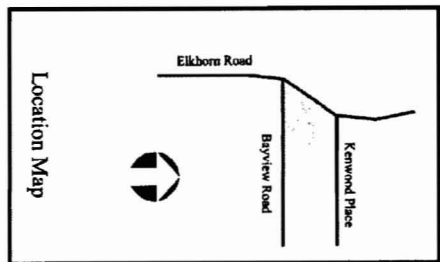
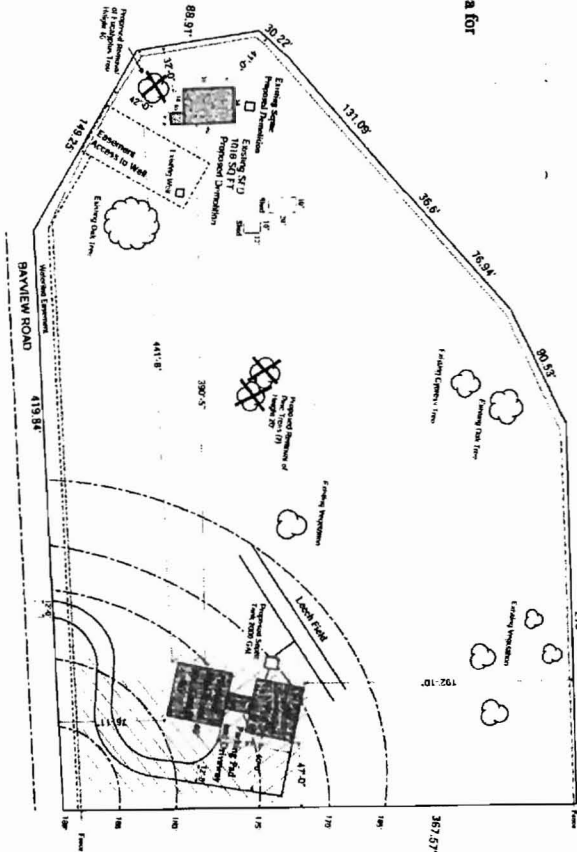
Grading

Estimated Maximum Cut: 61,093 Cubic Feet (2,263 Cubic Yards)

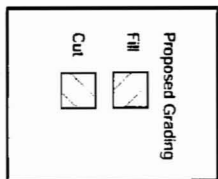
Estimated Fill: 45,209 Cubic Feet (1,674 Cubic Yards)

Erosion Control:
Erosion will be controlled through growth of natural vegetation.

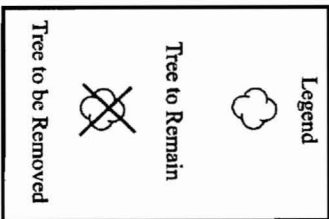
Land with 25%+ Slope: 0 sqft



Location Map



Proposed Grading



Legend

Tree to Remain

Tree to be Removed



North

Scale: 1" = 40'

Contour Interval 5'

PLN 140143

Demolition of Old Home and Construction of New Home

APN 131-101-055

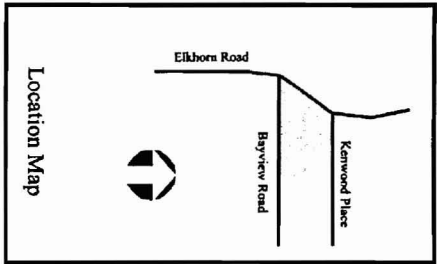
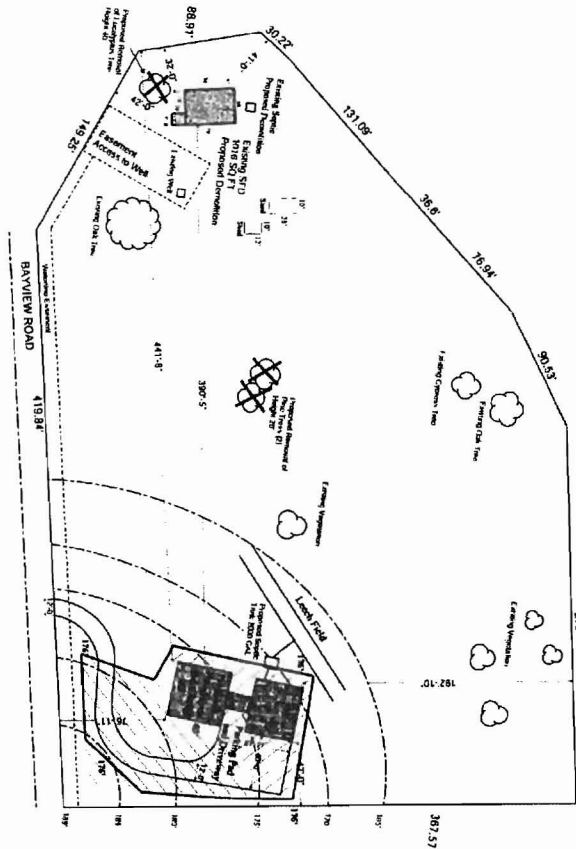
Grant and Amelia Howerton

5 Bayview Road Castroville, CA 95012

559-360-2043 CaptainHowerton@gmail.com

Drainage Plan


This is the final record of proposed drainage for project. Customers are necessary to verify the accuracy of proposed drainage plan.
 No design over 20%
 No future performance liability for hydrological forecasting, flood risk, flood damage or project success.
 No warranty, liability, or other third party liability.



Proposed Grading
 Fill
 Cut

Contour Lines
 Existing Contour
 Proposed Contour

Proposed Grading to be made
 level space for proposed structure.

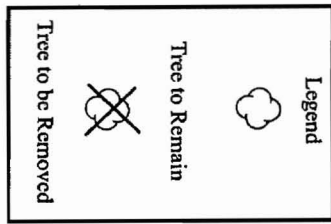
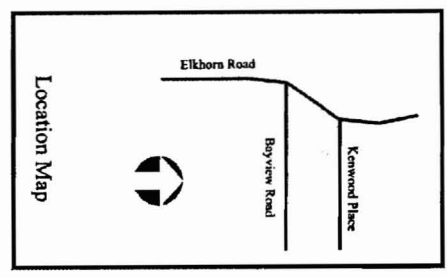
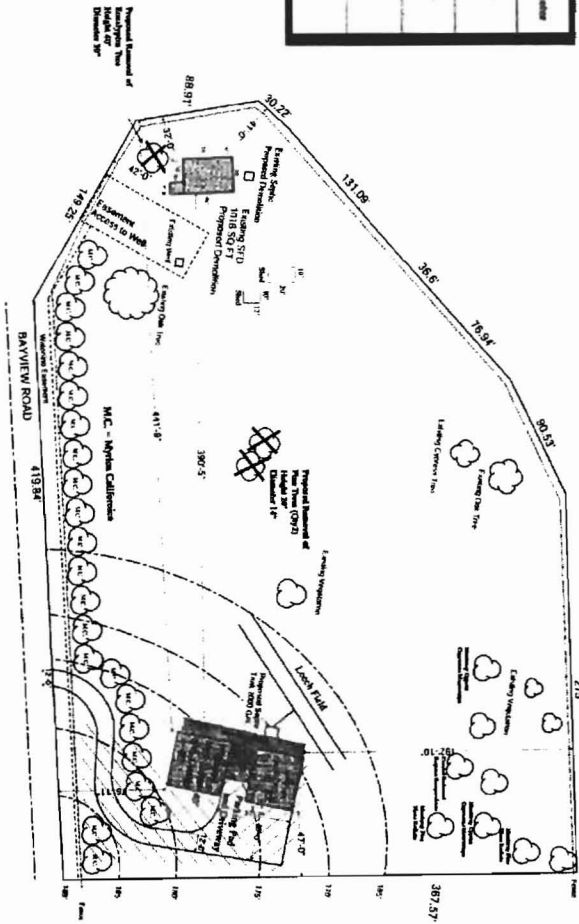
<p>North</p>  <p>Scale: 1" = 40'</p> <p>Contour Interval 5'</p>	<p>PLN 140143</p>	<p>APN 131-101-055</p>
	<p>Demolition of Old Home and Construction of New Home</p>	<p>Grant and Amelia Howerton</p>
	<p>5 Bayview Road Castroville, CA 95012</p>	<p>559-360-2043 CaptainHowerton@gmail.com</p>
	<p></p>	<p></p>


Plant Name	Quantity	Size
Sesuvium Portulacastrum	1	300R
Cyperus Macrocarpa	2	120R
Pinus Radiata	2	98R
Myrica Californica	23	10-30R

Estimated Water Use:
8 Gallons Weekly X 52 Weeks = 416 Gallons Yearly

Temporary Watering Scheme For Native Plants:
Hand water weekly until plants are established.

Tree Removal	Height	Diameter
Eucalyptus	40'	30"
Pine	20'	14"



North 

Scale: 1" = 40'

Contour Interval 5'

PLN 140143

Demolition of Old Home and Construction of New Home

APN 131-101-055

Grant and Amelia Howerton

5 Bayview Road Castroville, CA 95012

559-360-2043 CaptainHowerton@gmail.com