

# Exhibit A

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**EXHIBIT A  
DRAFT RESOLUTION**

**Before the Monterey County Zoning Administrator  
in and for the County of Monterey, State of California**

In the matter of the application of:

**GONZALEZ (PLN160654)**

**RESOLUTION NO. 17 -**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Finding that the project, as a replacement single-family dwelling, qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- 2) Approving an after-the-fact Administrative Permit to allow installation of a 1,288 square foot second residential unit (manufactured home more than 10 years old) per Section 21.64.040 (Title 21), and replacement of a 56 linear foot by 5-foot high wood retaining wall with a cement retaining wall.

900 Lewis Road, Royal Oaks, North County Area Plan  
(APN: 412-012-017-000)

**The Gonzalez application (PLN160654) came on for public hearing before the Monterey County Zoning Administrator on December 14, 2017. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:**

**FINDINGS AND EVIDENCE**

1. **FINDING:** **CONSISTENCY / SITE SUITABILITY** - The proposed project and/or use, as conditioned, is consistent with the policies of the 2010 Monterey County General Plan, the North County Area Plan, and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the development and use proposed.  
**EVIDENCE:**
  - a) The proposed project involves the after-the-fact installation of a 1,288-square foot second residential unit (one-story manufactured home more than 10 years old on a permanent foundation) per Section 21.64.040 (Title 21). No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and/or regulations of the Monterey County Code (MCC).
  - b) The property is located at 900 Lewis Road, Royal Oaks (Assessor's

Parcel Number 412-012-017-000), North County Area Plan. The parcel is zoned Rural Density Residential, 5.1 acres per unit (RDR/5.1). RDR zoning allows second residential units not exceeding the zoning density of the property subject to the granting of an Administrative Permit. As proposed, the project would allow a second main dwelling unit on the approximately 35-acre parcel, and would not exceed the allowed zoning density (RDR/5.1). Therefore, the project is an allowed land use for this site.

- c) Visual Resources. The subject property is not described as visually sensitive or an area where the 2010 General Plan requires public or visual access (Figure 15 - North County Visual Sensitivity Map). The area surrounding the site is heavily forested, which will substantially screen the single-family dwelling from Lewis Road.
- d) The project has been reviewed for site suitability, and there has been no indication that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- e) Review of Development Standards. The development standards for the RDR zoning district are identified in MCC Section 21.16.060. Required setbacks in the RDR district are 30 feet (front), 20 feet (rear), and 20 feet (sides). The proposed single-family dwelling would have a front setback of over 140 feet, a rear setback of over 1,000 feet, and side setbacks of over 320 feet. The maximum allowed height in the RDR district is 30 feet. The height of the proposed one-story structure is 14 feet. The site coverage maximum in the RDR district is 25 percent. The building site lot is 34.7 acres (approximately 1,511,532 square feet), which would allow site coverage of approximately 377,883 square feet. The existing and proposed single-family dwellings would result in site coverage of approximately 1,932 square feet or 0.0013 percent. Therefore, as proposed, the project meets all required development standards.

In addition to development standards, the County analyzed the siting and placement of the second residential unit to ensure the project would have been supportable had the Applicant submitted an application for an administrative permit prior to placing the home. The parcel is a large L-shaped lot, with the first residential unit placed close to Lewis Rd. The second unit was placed in the same portion of the “L”, which did not require additional road grading to access the home via an existing driveway. This placement also keeps the two septic systems within the same general vicinity, allowing for ease of maintenance. The portion of the site that both homes are placed on is free of vegetation and flat, so it was and is the ideal location for placement of the homes. The majority of the rest of the site is either heavily vegetated, farmed, or sloped so that extensive grading may have been needed to place the residence on another portion of the parcel.

- f) Material and Color Finishes. The proposed exterior colors and materials include earth-tone (grey) siding and composite sheet roofing. The proposed exterior finishes blend with the surrounding environment, and are not oppositional to the surrounding rural character. Residences in this area range in distance between 100-600 feet from each other, and are generally separated by trees and hills. Due to this, there is not necessarily a consistent neighborhood character. However, the colors and materials of this unit are consistent with other homes that can be seen in and around the area.

Additionally, the unit meets the regulations set forth in section 21.64.040 of the MCC regarding the placement of manufactured dwelling on permanent foundations. These regulations are set forth to ensure manufactured units meet the test of compatibility with areas of residential use. The colors, materials, and similarity to other residences in the immediate area all conform to subsection C of 21.64.040. As proposed, the project assures protection of the public viewshed, is consistent with the rural character, and assures visual integrity. See also Evidence c above.

- g) The parcel is identified in the 1972 APN Map Book, Volume 8, as a separate legal lot of record.
- h) The project planner reviewed the project application materials and plans, as well as the County's GIS database, to verify that the project on the subject parcel conforms to the plans listed above and that the site is suitable for this use.
- i) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the current LUAC Guidelines, this project did not warrant referral.
- j) 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 PLN160654.

2. **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 RMA-Planning, and conditions have been recommended, 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 are provided by an existing on-site well and on-site wastewater treatment system, and the replacement unit will continue to use these same connections.

- 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 PLN160654.

3. **FINDING:** **NO VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. Violations exist on the property. Construction approved by this permit will clear the violation.

- EVIDENCE:**
- a) The proposed project cures an existing violation regarding installation of a manufactured home or single-family dwelling without the required permits. When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violation (Code Enforcement File No. CE090016).
  - b) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any other active violations existing on the subject property.
  - c) The issuance of building permits, to legalize the single-family dwelling entitled by this after-the-fact Administrative Permit (RMA-Planning File No. PLN160654), will be required prior to the issuance of building permits for a wireless communications facility under RMA-Planning File No. PLN140559.
  - d) Zoning violation abatement costs have been paid.
  - e) 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 PLN160654.

4. **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 limited numbers of new, small facilities or structures.
  - b) The proposed project involves the installation of a second residential unit (mobile home) on a residentially-zoned parcel within the allowed density requirements. Therefore, the proposed development is consistent with the parameters of this Class 3 exemption and CEQA Guidelines Section 15303.
  - c) No adverse environmental effects were identified during staff review of the development application.
  - 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.

5. **FINDING:** **LONG-TERM SUSTAINABLE WATER SUPPLY AND ADEQUATE WATER SUPPLY SYSTEM** – The project has an adequate water supply system to serve the development, and the project is not required to provide proof of a Long-Term Sustainable Water Supply under Monterey County 2010 General Plan Policy PS-3.1.

- EVIDENCE:**
- a) The proposed project is not required to provide proof of a Long-Term Sustainable Water Supply under General Plan Policy PS-3.1 because the project falls under the exemption as a replacement single-family dwelling on an existing lot of record.
  - b) The development will use or require the use of water. The projected water demand is less than 3 gallons per minute (gpm), and the water source for the existing and proposed development is an on-site well that currently produces over 24 gpm.
  - f) The project planner reviewed the project application materials and plans, as well as the County’s GIS database, to verify that the project on the subject parcel conforms to the plans listed above and that the site is suitable for this use. 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 PLN160654.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Monterey County Planning Commission.

- EVIDENCE:**
- a) Pursuant to Section 21.80.040.B of the Monterey County Zoning Ordinance (Title 21), an appeal may be made to the Planning Commission by any person aggrieved by a decision of an Appropriate Authority. The Planning Commission shall consider appeals from the discretionary decisions of the Zoning Administrator. The decision of the Planning Commission would be final and may not be appealed.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Monterey County Zoning Administrator does hereby:

- A. Find that the project, as a replacement single-family dwelling, qualifies as a Class 3 Categorical Exemption pursuant to Section 15303 of the CEQA Guidelines, and there are no exceptions pursuant to Section 15300.2; and
- B. Approve an after-the-fact Administrative Permit to allow installation of a 1,288 square foot second residential unit (manufactured home more than 10 years old) per Section 21.64.040 (Title 21), and replacement of a 56 linear foot by 5-foot high wood retaining wall with a cement retaining wall, in general conformance with the attached plans and subject to four (4) conditions of approval, both being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of December, 2017.

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Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO THE APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION, ALONG WITH THE APPROPRIATE FILING FEE, ON OR BEFORE \_\_\_\_\_.

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. 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 Planning Commission in the event of appeal.

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

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

# Monterey County RMA Planning

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

PLN160654

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This after-the-fact Administrative Permit (PLN160654) allows the installation of a 1,288 square foot replacement manufactured home, and replacement of a 56 linear foot by 5-foot high wood retaining wall with a cement retaining wall. The property is located at 900 Lewis Road, Royal Oaks (Assessor's Parcel Number 412-012-017-000), North County Area Plan. 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 RMA Chief of Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (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: "An after-the-fact Administrative Permit (Resolution Number 17 - ) was approved by the Zoning Administrator for Assessor's Parcel Number 412-012-017-000 on December 14, 2017. The permit was granted subject to four (4) 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 RMA-Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA-Planning)

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

### 3. 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.

### 4. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of three (3) years, to expire on December 14, 2020, 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 Chief of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

**PROJECT DATA**

A.P.N. 412-012-017  
 ZONING : RDR/S.1  
 PARCEL SIZE : 34.70 ACRES (APPROX.)  
 OCCUPANCY GROUP : R-3 / U  
 CONSTRUCTION TYPE : V-B  
 FIRE SPRINKLERS : NONE

**EXISTING STRUCTURES**

DOUBLE WIDE MANUF. MOBILE HOME = 1,288.0 S.F.  
 SINGLE WIDE MANUF. MOBILE HOME = 644.0 S.F.

**SCOPE OF WORK**

**MAIN DWELLING**

- 1.- EXISTING 3-BEDROOM, DOUBLE WIDE MANUFACTURE MOBILE HOME TO BRING UP-TO CODE AND PULL-OUT A BUILDING PERMIT
- 2.- CONSTRUCT A 5 FT. C.M.U. RETAINING WALL AND REMOVED EXISTING WOODEN RET. WALL (56 L.F. +/-)

THIS PROJECT SHALL BE IN COMPLIANCE WITH THE COUNTY OF MONTEREY MUNICIPAL CODE AND: TITLE 24 2013 C.B.C., 2013 C.M.C., 2013 C.P.C., 2013 C.R.C. 2013 C.E.C., 2013 C.F.C., 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 CALIFORNIA EFFICIENCY STANDARD AND THE MOST CURRENT N.F.P.A. STANDARDS REQUIRED BY CURRENTLY ADOPTED CODES.

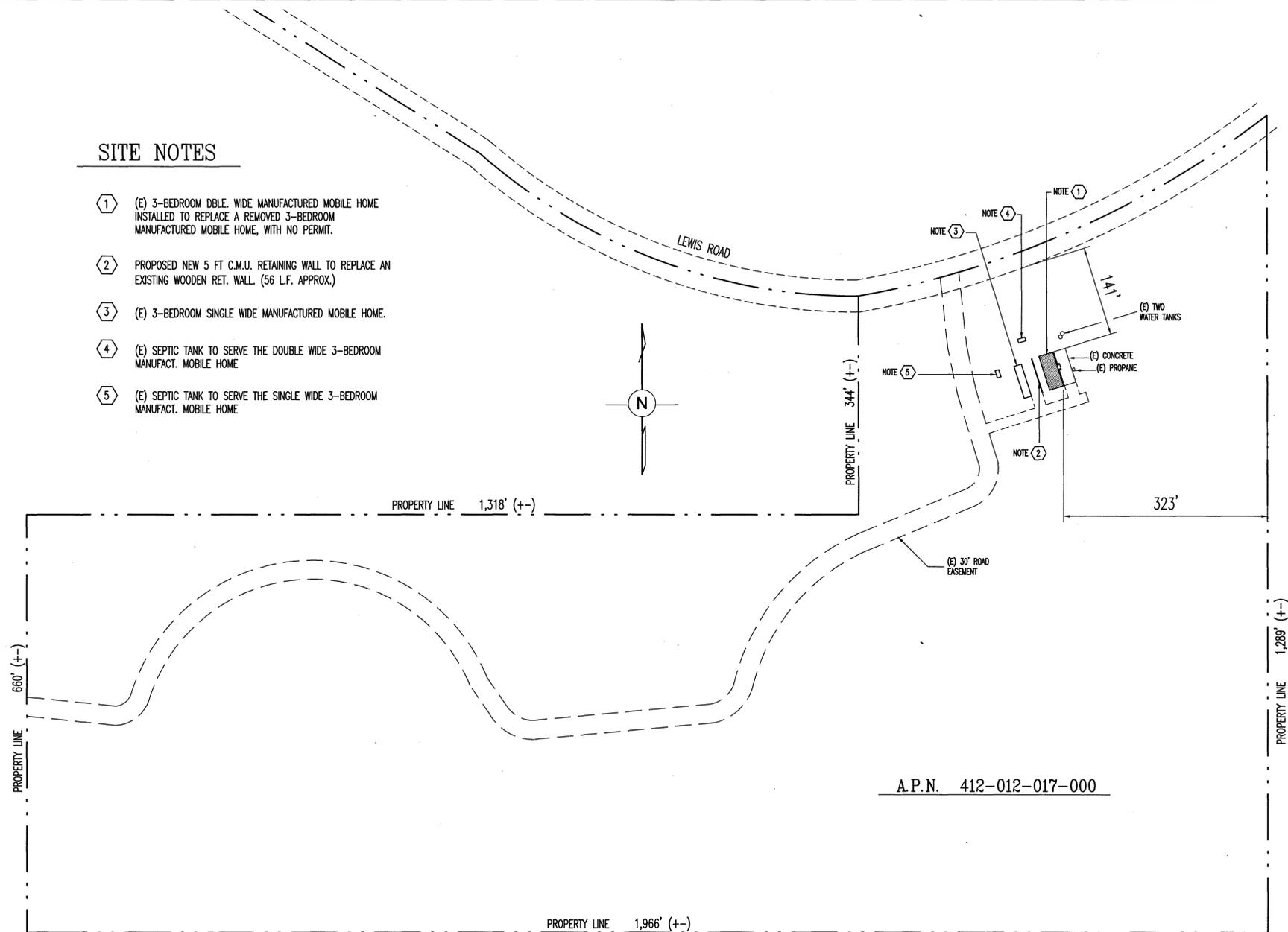
**CONSTRUCTION NOTES**

- 1.- ALL CONSTRUCTION TO CONFORM WITH 2013 EDITION OF THE C.R.C. AND ALL APPLICABLE LOCAL AND STATE CODES.
- 2.- ALL WORKMANSHIP AND MATERIALS SHALL BE GUARANTEED FOR A MINIMUM OF ONE YEAR FROM COMPLETION DATE.
- 3.- EXCAVATION: EXCAVATE FOR UTILITY TRENCHES, SEWER, DRAIN LINES AND FOOTINGS. SLOPE UTILITY TRENCHES UNIFORMLY. BACKFILL AND COMPACT FILL TO 90% COMPACTION. FOOTINGS TO REST ON FIRM UNDISTURBED SOIL OR COMPACTED FILL.
- 4.- CONCRETE: CONCRETE FOR FOOTINGS AND SLABS TO HAVE 2,500# COMPRESSIVE STRENGTH IN 28 DAYS. REINFORCING BARS TO BE DEFORMED BARS AND SHALL BE FREE OF RUST AND SCALE BARS TO LAP MINIMUM OF 32 DIAMETERS.
- 5.- LUMBER: FRAMING LUMBER SHALL BE DOUGLAS FIR IN GRADES AS FOLLOWS:
 

A) STUDS, PLATES AND BLOCKING	#2 D.F.
B) RAFTERS AND JOISTS	#2 D.F.
C) BEAMS AND POSTS	#1 D.F.
D) SILL PLATES ON CONCRETE	TREATED D.F.
E) PLYWOOD SHTG. FOR FLOORS, WALLS.	CD-X EXP-1 AND AD-X AT EXPOSED O.H.
- 6.- NAILING: FOR FRAMING LUMBER NAILING SHALL MEET THE REQUIREMENTS OF CBC TABLE R602.3(1) NAILING SCHEDULE
- 7.- THE USE OF PLUMBING PIPELINES AS AN ELECTRICAL GROUND IS PROHIBITED.
- 8.- NO PERSON MAY TAP INTO ANY FIRE HYDRANT FOR ANY PURPOSE OTHER THAN FIRE SUPPRESSION OR EMERGENCY AND, WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE WATER PURVEYOR SUPPLYING TO THE HYDRANT AND FROM THE MONTEREY COUNTY HEALTH DEPARTMENT.
- 9.- HALL HOSES USED IN CONNECTION WITH ANY CONSTRUCTION ACTIVITIES SHALL BE EQUIPPED WITH A SHUTOFF NOZZLE.
- 10.- NO POTABLE WATER MAY BE USED FOR COMPACTION OR DUST CONTROL PURPOSES IN CONSTRUCTION ACTIVITIES WHERE THERE IS A REASONABLY AVAILABLE SOURCE OF RECLAIMED OR OTHER SUB-POTABLE WATER APPROVED BY THE MONTEREY COUNTY HEALTH DEPARTMENT AND APPROPRIATE FOR SUCH USE.
- 11.- THE USE OF SOLDERS CONTAINING MORE THAN TWO TENTHS OF ONE PERCENT LEAD IN MAKING JOINTS ON PRIVATE OR PUBLIC WATER SUPPLY SYSTEM IS PROHIBITED.
- 12.- ELECTRIC: BY ELECTRICAL CONTRACTOR.
- 13.- POLLUTION PREVENTION: THE CONTRACTOR SHALL UTILIZE BEST MANAGEMENT PRACTICES TO CONFINE ALL LOOSE SEDIMENT TO THE CONSTRUCTION SITE DURING CONSTRUCTION OF THE BUILDING ADDITION.

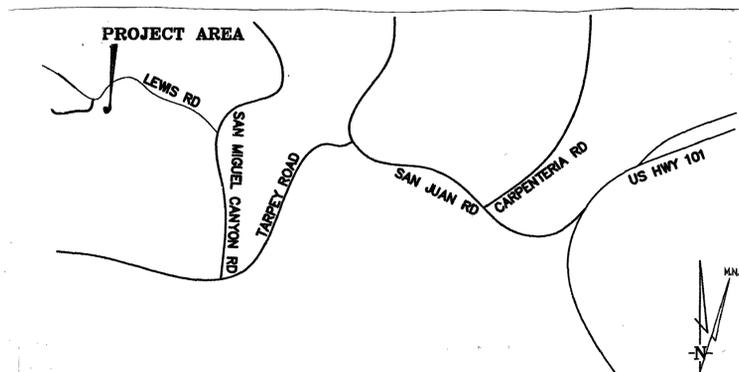
**SITE NOTES**

- 1 (E) 3-BEDROOM DBLE. WIDE MANUFACTURED MOBILE HOME INSTALLED TO REPLACE A REMOVED 3-BEDROOM MANUFACTURED MOBILE HOME, WITH NO PERMIT.
- 2 PROPOSED NEW 5 FT C.M.U. RETAINING WALL TO REPLACE AN EXISTING WOODEN RET. WALL. (56 L.F. APPROX.)
- 3 (E) 3-BEDROOM SINGLE WIDE MANUFACTURED MOBILE HOME.
- 4 (E) SEPTIC TANK TO SERVE THE DOUBLE WIDE 3-BEDROOM MANUFACT. MOBILE HOME
- 5 (E) SEPTIC TANK TO SERVE THE SINGLE WIDE 3-BEDROOM MANUFACT. MOBILE HOME



**SITE PLAN**

SC: 1" = 100'



**VICINITY MAP**

N.T.S.

REVISION DATE	KEY
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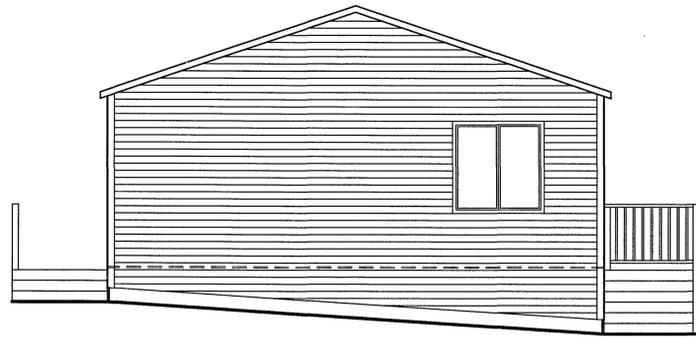
THE USE OF THESE PLANS IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY OTHER USE OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF VAAS DESIGNS IS PROHIBITED. VAAS DESIGNS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS. THE USER OF THESE PLANS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. VAAS DESIGNS SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THESE PLANS MADE BY ANY OTHER PARTY.

DESIGNER  
**VAAS DESIGNS**  
 1021 LARKIN CIR. SALINAS CA. 93907  
 TEL. (831) 753-6941 (831) 262-0440

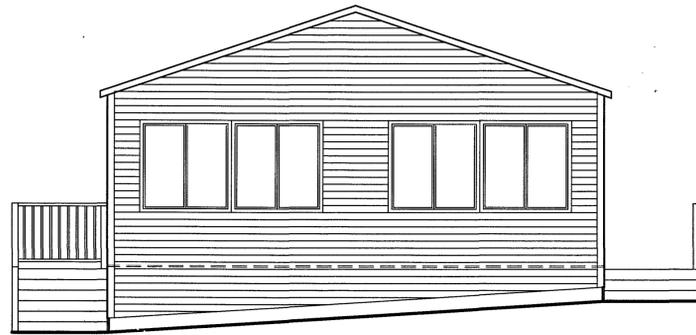
PROJECT  
**CODE ENFORCEMENT FOR A MOBILE-HOME REMOVED AND REPLACED W/NO PERMIT**  
 OWNER: MR. ALVARO GONZALEZ  
 900 LEWIS RD. ROYAL OAKS CA.

SHEET TITLE  
 SITE PLAN  
 VICINITY MAP  
 PROJECT DATA  
 CONSTRUCTION NOTES

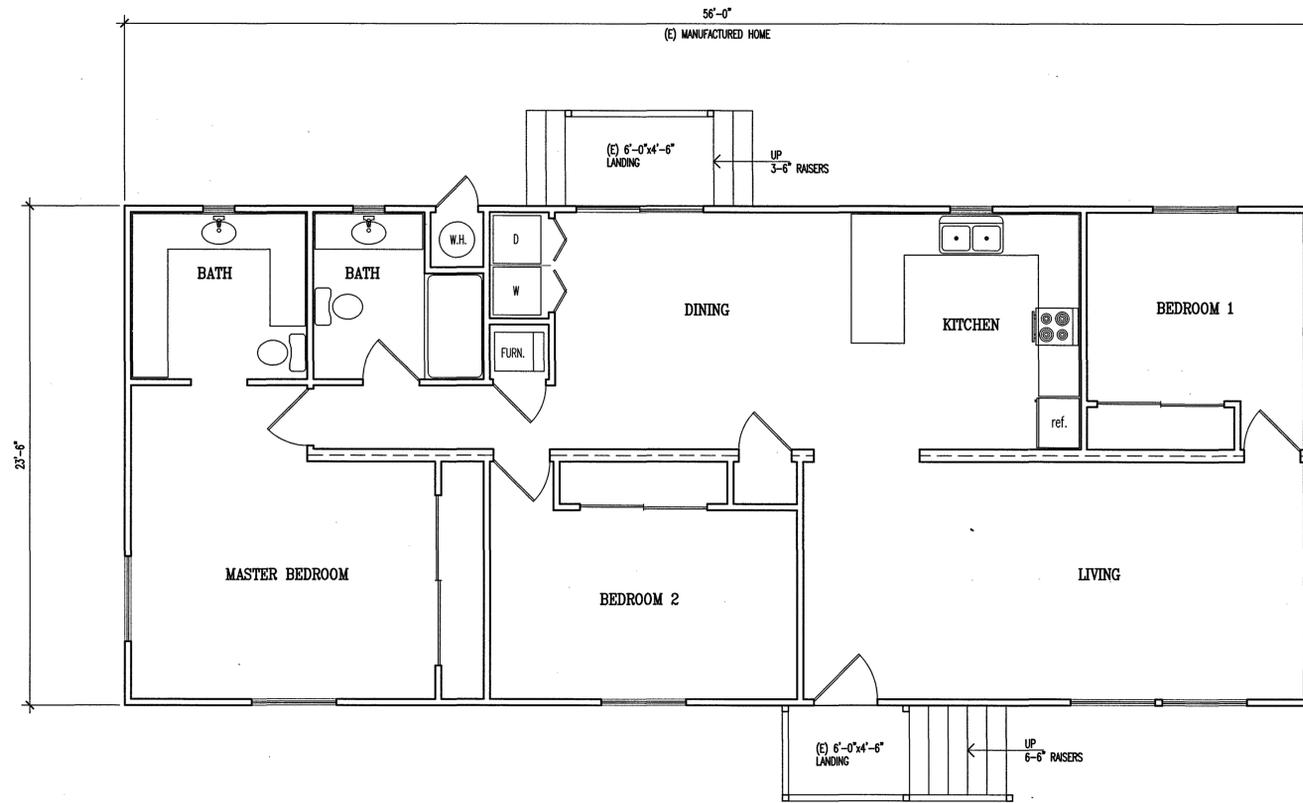
DATE	SEP-2016
SCALE	AS NOTED
DRAWN	S.V.
JOB	15-06
SHEET	A1
OF 2 SHEETS	



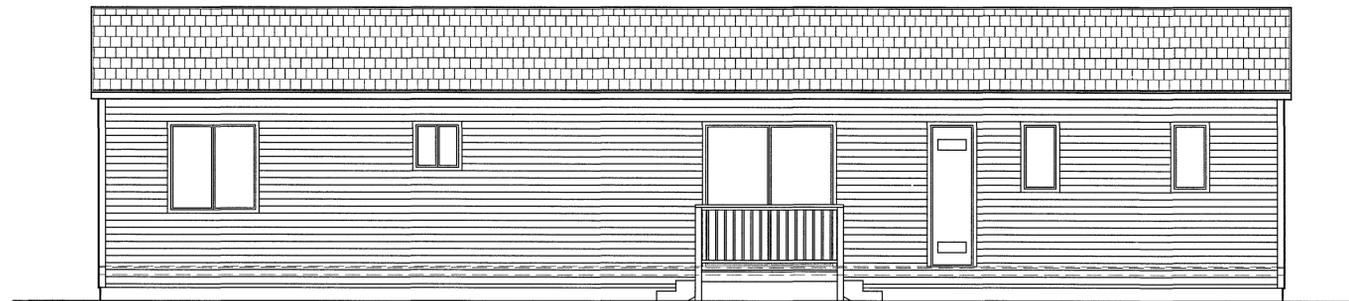
NORTH ELEVATION SC: 1/4"=1'-0"



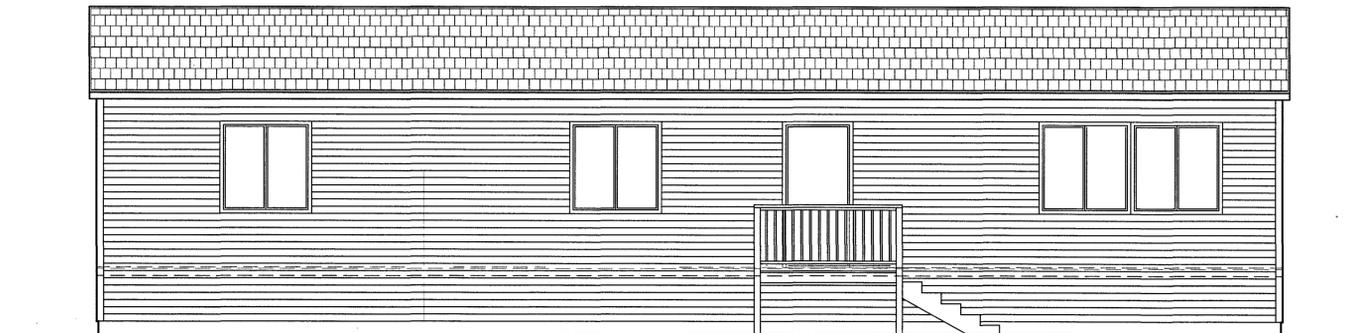
SOUTH ELEVATION SC: 1/4"=1'-0"



FLOOR PLAN SC: 1/4"=1'-0"



EAST ELEVATION SC: 1/4"=1'-0"



WEST ELEVATION SC: 1/4"=1'-0"

REVISION DATE	KEY
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THIS SET OF PLANS IS THE PROPERTY OF VAAS DESIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF VAAS DESIGNS IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THESE PLANS.

DESIGNER  
**VAAS DESIGNS**  
 1021 LARKIN CIR. SALINAS CA. 93907  
 TEL (831) 753-6941 (831) 262-0440

PROJECT  
 CODE ENFORCEMENT FOR A MOBILE-HOME  
 REMOVED AND REPLACED W/NO PERMIT  
 OWNER: MR. ALVARO GONZALEZ  
 900 LEWIS RD. ROYAL OAKS CA.

SHEET TITLE  
**FLOOR PLAN  
 ELEVATIONS**

DATE SEP-2016  
 SCALE AS NOTED  
 DRAWN S.V.  
 JOB 15-06  
 SHEET  
**A2**  
 OF 2 SHEETS