Exhibit A

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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: North Monterey County Unified School District (PLN150535) **RESOLUTION NO. 16 -**Resolution by the Monterey County Zoning Administrator: 1) Finding the project categorically exempt per Section 15302 of the CEQA Guidelines; and 2) Approving a Combined Development Permit consisting of a Coastal Administrative Permit to allow the demolition and reconstruction of athletic facilities at the North Monterey County High School, a Coastal Administrative Permit to allow modification of previously graded slopes greater than 25 percent, and a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat subject to 15 conditions of approval. 13990 Castroville Boulevard, Castroville, North County Land Use Plan, Coastal Zone (APN: 133-092-007-000)

The North Monterey County Unified School District application (PLN150535) came on for public hearing before the Monterey County Zoning Administrator on July 28, 2016. 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

1. FINDING: **CONSISTENCY / SITE SUITABILITY / NO VIOLATIONS -**The proposed project and/or use, as conditioned, is consistent with the policies of the North County Local Coastal Program (LCP) and other County health, safety, and welfare ordinances related to land use development. The site is physically suitable for the development and use proposed, and no violations exist on the property. NMCUSD proposes to modernize and improve existing North **EVIDENCE:** a) Monterey County High School campus and athletic facilities on the existing developed footprint to bring them into conformance with current federal and state standards. The improvements include upgrades to the football/soccer and track stadium, softball and practice fields, and campus access and security. Specific improvements include: replacement of stadium and practice field bleachers; replacement of the stadium press box; replacement and expansion of the track and field surfaces; improvement of roadway

access for emergency vehicles and general traffic; replacement of stadium and sports field lighting; improvement of utility and drainage facilities; installation of security lighting and fencing around the campus; and construction of an approximately 1,600-square-foot concession/restroom building. The proposed demolition and reconstruction of athletic facilities at the North Monterey County High School would also involve modification (re-grading) of previously graded slopes greater than 25 percent, and development within 100 feet of environmentally sensitive habitat (the adjacent wetland and upland habitat area that will be restored and enhanced under a coastal development permit – RMA-Planning File No. PLN150247). No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 13990 Castroville Boulevard, Castroville (Assessor's Parcel Number 133-092-007-000), North County Land Use Plan, Coastal Zone. The parcel is zoned Public/Quasi-Public (Coastal Zone) [PQP (CZ)]. PQP zoning allows the demolition and reconstruction of athletic facilities, grading on slopes greater than 25 percent, and development within 100 feet of environmentally sensitive habitat with the granting of applicable coastal development permits.
- c) Monterey County RMA-Planning and RMA-Building Services records were reviewed, and the County is not aware of any active violations existing on the subject property.
- d) <u>Public Access</u>. The project site is located east of Highway 1, and is not described as an area where the LCP requires public access (Figure 6, Shoreline Access/Trails, in the North County Land Use Plan). As proposed, the project is in conformance with the public access and public recreation policies of the Coastal Act and LCP, does not interfere with any form of historic public use or trust rights, and no evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- e) The project has been reviewed for site suitability by the following departments and agencies: RMA-Planning, North Monterey County Fire Protection District, 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.

The following reports have been prepared:

- Preliminary Archaeological Reconnaissance (LIB130263) prepared by Archaeological Consulting, Salinas, California, June 28, 2006; and
- Biotic Report (LIB160027) prepared by John Gilchrist & Associates, Santa Cruz, California, September 2007.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- f) <u>Cultural Resources</u>. County records identify the project site is within an area of high sensitivity for prehistoric cultural resources; however, an archaeological survey prepared for the project site (LIB130263) did not identify evidence for potential impacts to prehistoric cultural resources during ground disturbance activities. Therefore, the potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of a County standard condition (Condition No. 3).
- g) 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.
- h) The project was not referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application did not warrant referral to the LUAC because the project does not involve any of the following: development requiring CEQA review, a lot line adjustment involving conflicts, a variance, or a Design Approval subject to review by the Zoning Administrator or Planning Commission.
- i) 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 PLN150535.
- 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) NMCUSD proposes to modernize and improve existing North Monterey County High School athletic facilities on the existing developed footprint to bring them into conformance with current federal and state standards.
 - b) The project was reviewed by RMA-Planning, North Monterey County Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, 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.

- c) Necessary public facilities are available and adequate. The property has existing public utility connections for both water and sewer, and no additional utility facilities are required.
- 3. **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 15302 categorically exempts replacement of existing school facilities where the new structure will be located on the same site and have substantially the same purpose and capacity as the structure replaced.
 - b) NMCUSD proposes to modernize and improve existing North Monterey County High School athletic facilities on the existing developed footprint. Therefore, the proposed development is consistent with CEQA Guidelines Section 15302.
 - 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.
- 4. **FINDING: APPEALABILITY -** The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission. **EVIDENCE:** a) Board of Supervisors. Section 20.86.030 of the Monterey County
 - a) <u>Board of Supervisors</u>. Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20). An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) <u>Coastal Commission</u>. Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development identified in the underlying zone as a conditional use and within 100 feet of a wetland. The project does not involve: development located 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 line of the sea; development located on tidelands, submerged lands, public trust lands, within 100 feet of any estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

DECISION

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

A. Find the project categorically exempt from CEQA per Section 15302 of the CEQA Guidelines; and

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B. Approve a Combined Development Permit consisting of a Coastal Administrative Permit for demolition and reconstruction of athletic facilities at the North Monterey County High School, a Coastal Administrative Permit to allow modification of previously graded slopes greater than 25 percent, and a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat, in general conformance with the attached plans and subject to the fifteen (15) conditions of approval, both being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 28th day of July 2016 upon the motion of:

Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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.

<u>NOTES</u>

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 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/or use clearances from the Monterey County RMA-Planning office 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

PLN150535

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Combined Development (PLN150535) allows This Permit the demolition and **Monitoring Measure:** reconstruction of athletic facilities at the North Monterey County High School, modification of previously graded slopes greater than 25 percent, and development within 100 feet of environmentally sensitive habitat. The property is located at 13990 Castroville Boulevard, Castroville (Assessor's Parcel Number 133-092-007-000), 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 No use or construction other than that specified by this subsequent legal action. additional permit is allowed unless 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: Compliance or Monitoring Action to be Performed: Compliance or Monitoring Action to be Performed:

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
Combined Development Permit (Resolution Number 16 -) was approved by the
Zoning Administrator for Assessor's Parcel Number 133-092-007-000 on July 28,
2016. The permit was granted subject to fifteen (15) 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 grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Prior to the commencement of work, the Owner/Applicant shall provide proof of Monitoring recordation of this notice to the RMA - Planning.

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

Responsible Department: RMA-Planning

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

Compliance or The Owner/Applicant shall adhere to this condition on an on-going basis.

Action to be Performed:

The Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

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

4. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation submit a Construction Management applicant shall Plan the The (CMP) to Monitoring Measure: RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project. (RMA-Public Works)

Compliance or
Monitoring1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/
Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning
Department and the Department of Public Works for review and approval.

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

5. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Responsible Department:	Environmental Services		
Condition/Mitigation Monitoring Measure:	The applicant shall submit a Waste Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)		
Compliance or Monitoring Action to be Performed:	Prior to start of construction, the applicant shall submit a WDID number certifying the project is covered under the California Construction General Permit or a letter of exemption from the Central Coast Regional Water Quality Control Board.		

6. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. (RMA-Environmental Services)

Compliance or Prior to start of construction, the applicant shall submit an erosion control plan to Monitoring RMA-Environmental Services for review and approval.

7. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation The applicant shall submit a grading plan, prepared by a registered Professional Monitoring Measure: Engineer, incorporating the recommendations the project Geotechnical in Investigation and Geologic Hazards Report prepared by Pacific Crest Engineering Inc. The grading plan shall include a geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection, a description of the required inspection, inspector name and the completion date. The applicant shall provide certification from the licensed practitioner that the grading plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

Compliance or Prior to start of construction, the applicant shall submit a grading plan to Monitoring Action to be Performed: Monitoring

Prior to start of construction, the applicant shall submit certification from a licensed practitioner that they have reviewed the grading plan for conformance with the geotechnical recommendations.

8. STORMWATER CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation The applicant shall submit a Stormwater Control Plan, prepared by a registered Monitoring Measure: professional engineer, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The plan shall include the location of the drainage facilities and construction details. Α report with supporting calculations shall also be provided. The Stormwater Control Plan shall be reviewed by a licensed practitioner to ensure conformance with the Geotechnical Investigation or Engineering Geology Report. (RMA-Environmental Services)

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

Prior to start of construction, the applicant shall submit certification from a licensed practitioner that they have reviewed and approved the Stormwater Control Plan for conformance with the geotechnical recommendations.

9. OPERATION AND MAINTENANCE PLAN

Responsible Department: Environmental Services

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

a) Site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.

b) O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices.

c) The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance. (RMA – Environmental Services)

Compliance or Prior to final, the owner/applicant shall submit the O&M Plan to RMA-Environmental Monitoring Action to be Performed:

10. MAINTENANCE AGREEMENT

Responsible Department: Environmental Services

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

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

A copy of the standard Agreement can be obtained at RMA – Environmental Services.

11. INSPECTION-PRIOR TO LAND DISTURBANCE

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 regulations. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

Compliance or Prior to commencement of any land disturbance, the owner/applicant shall schedule Monitoring Action to be Performed:

12. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

Compliance or During construction, the applicant shall schedule an inspection with Monitoring Action to be Performed:

13. 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. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

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

14. FIELD VERIFICATION OF POST-CONSTRUCTION STORMWATER CONTROL MEASURES

Responsible Department: Environmental Services

Condition/Mitigation The applicant shall provide certification from a registered Professional Engineer that the stormwater control facilities have been constructed in accordance with the approved Stormwater Control Plan. (RMA – Environmental Services)

Compliance or Prior to final inspection, the owner/applicant shall submit a letter to Monitoring Action to be Performed: Monitoring

15. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

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

Compliance or Prior to final inspection, the owner/applicant shall provide RMA-Environmental Monitoring Action to be Performed:

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