

Exhibit A

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**EXHIBIT A
DRAFT RESOLUTION**

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

In the matter of the application of:

ELKHORN SLOUGH FOUNDATION THE (PLN210117)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding that the demolition of an abandoned structure and restoration qualifies for Class 33 Categorical Exemption pursuant to CEQA Guidelines section 15333, and there are no exceptions pursuant to section 15300.2; and
- 2) Approving a Combined Development Permit consisting of:
 - a. A Coastal Administrative Permit to allow the demolition of an existing substandard 1,625 square foot single family dwelling (mobile home) and clear Code Enforcement violation (18CE00312), abandonment of a septic tank and restoration of approximately 17,000 square feet of pre-developed area; and
 - b. Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat area (ESHA).

[PLN210117, Elkhorn Slough Foundation, 74 Strawberry Road, Royal Oaks, North County Land Use Plan, Coastal Zone (Assessor's Parcel Number: 131-111-014-000)]

The ELKHORN SLOUGH FOUNDATION application (PLN210117) came on for a public hearing before the Monterey County Zoning Administrator on December 14, 2023. 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** – 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 (NCLUP);
- Coastal Implementation Plan Part 2 (CIP); and
- Monterey County Zoning Ordinance (Title 20).

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) Allowed Use. The property is located at 74 Strawberry Road, Royal Oaks, North County Land Use Plan, Coastal Zone, (Assessor's Parcel Number: 131-111-014-000). The parcel is zoned Rural Density Residential with a maximum gross density of 5 acres per unit in the Coastal Zone or "RDR/5(CZ)". The purpose of the RDR zone is to provide a district to accommodate rural density and intensity uses in the rural and suburban areas of the County of Monterey. The project includes the demolition of an existing 1,625 square foot abandoned single family dwelling and the demolition of an existing onsite wastewater treatment system. The project proposes to restore the pre-developed areas with native and drought-tolerant vegetation. The RDR zone does not specifically list restoration of a property or vacant parcels as an allowed use, the project is consistent with the purpose of the district and therefore, is an allowed land use for this site.
- c) Lot Legality. The subject parcel is shown as being a part of the Rancho Bolsa Nyeve Y Moro Cojo, and also a portion of Lot 3 as shown on the map entitled Tract 161 Locke-Pardon Colony No. 17 filed on June 15, 1940, in Volume 5 of cities and Towns, Page 15. Therefore, the County recognizes the property as a legal lot of record.
- d) Development Standards. The project results in a vacant parcel that will function as a buffer to protect the high-quality wetlands of Strawberry Marsh located downstream, and possibly serve as an important dispersal and summer habitat for endangered amphibians that use the wetlands for breeding. Therefore, development standards for the RDR zoning district do not apply in this case.
- e) Biological Resources. Monterey County GIS data indicates the potential for biological resources onsite. As demonstrated in Finding 6 and supporting evidence, the project is consistent with NCLUP policies and CIP regulations for the protection of biological resources.
- f) Cultural Resources. The project site is in an area identified in County records as having a low archaeological sensitivity; therefore, a Preliminary Archaeological Report was not required. However, the southern portion of the property is located within a positive archaeological buffer. The project proposes to demolish an abandoned manufactured dwelling unit and on-site wastewater treatment system within areas that have previously been disturbed by development and which are located outside of the buffer area. The County's standard project condition (Condition No. 3) which requires the contractor to stop work if previously unidentified resources are discovered during construction was applied. Also see Finding 5, Evidence "b" below.
- g) Public Access. The project will not conflict with an existing access point to the coastline and does not require new access pursuant to

standards in the North County Coastal Land Use Plan and CIP. See Finding No. 7.

- h) Land Use Advisory Committee (LUAC) Review. 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 because the project does not require the granting of a Design Approval at a public hearing.
- i) The project planner conducted a site inspection on November 21, 2023 to verify that the project on the subject parcel conforms to the plans listed above.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN210117.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and the North County Fire Prevention District (FPD). County staff reviewed the application materials and plans to verify that the project on the subject site conforms to the applicable plans and regulations, and there has been no indication from these departments/agencies that the site is not suitable for development. Conditions recommended by HCD-Planning have been incorporated.
 - b) Staff identified potential impacts on biological resources. The following report has been prepared:
 - “Biological Assessment” (LIB230283) prepared by the Elkhorn Slough Foundation, Watsonville, CA, July 7, 2023.County staff independently reviewed this report and concurred with its conclusions. There are no physical or environmental constraints that would indicate that the site is not suitable for the use. The project has been conditioned requiring the owner/applicant record a Notice of Report which states that all development shall be in accordance with the biological report.
 - c) Staff conducted a site inspection on November 21, 2023 to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN210117.

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

- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD- Engineering Services, HCD-Environmental Services, Environmental Health Bureau,

and the North County Fire Protection District (FPD). 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 facilities have existed to serve the existing single family dwelling. The property is served by a domestic well located southwest of the driveway access from Strawberry Road. The existing on-site wastewater treatment system will be abandoned according to the Environmental Health Bureau standards.
- c) The subject parcel is located within a State Responsibility Area classified as having a high fire hazard. Demolition of the abandoned manufactured dwelling unit and restoration of the site with native vegetation will be maintained by the Elkhorn Slough Foundation to reduce fire risk to neighboring properties.
- d) Staff conducted a site inspection on November 21, 2023 to verify that the site is suitable for this use.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN210117.

4. FINDING: **VIOLATION** – 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. A violation (18CE00312) exists on the property currently and approval of this permit will abate the violation.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is aware of a previous violation existing on the subject property. In July 2018, a complaint was received regarding an abandoned substandard manufactured home and overgrown vegetation on the property (18CE00312). Code Enforcement investigated the complaint and issued an administrative citation to the property owner. The property owner is proposing to demolish the abandoned structure and restore the site with native vegetation. Approval of this permit will abate the zoning violation.
 - b) Staff conducted a site inspection on November 21, 2023 and researched County records to assess if any violation exists on the subject property.
 - c) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN210117.

5. FINDING: **CEQA** – 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 15333 for a Class 33 categorical exemption allows restoration of small habitat areas under 5 acres. As proposed, the project includes the demolition of an existing substandard 1,625 square foot single family dwelling to clear Code Enforcement violation (18CE00312) and the abandonment of a septic tank on a 1.2-acre lot along with the restoration of approximately 17,000 square feet of pre-developed area. Therefore,

the proposed development is consistent with CEQA Guidelines section 15333.

- b) None of the exceptions under CEQA Guidelines section 15300.2 apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. The project does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, and does not cause any unusual circumstances that would result in a significant effect or development that would result in a cumulative significant impact. There is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact. See Finding Nos. 1, 2 and 6, and supporting evidence.
- c) No adverse environmental effects were identified during staff review of the development application during a site visit on November 21, 2023.
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN210117.

6. FINDING: DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA) - The project minimizes impacts on environmentally sensitive habitat areas (ESHA) in accordance with the applicable goals and policies of the 1982 Monterey County General Plan (1982 GP) and North County Land Use Plan (NCLUP) as well as the regulations contained in the Monterey County Coastal Implementation Plan, Part 2 (CIP) and Part 1 (Title 20).

- EVIDENCE:**
- a) The project includes development within 100 feet of ESHA and in accordance with the Monterey County Zoning Code (Title 20), a Coastal Development Permit.
 - b) NCLUP Section 2.3 includes policies for development in and adjacent to ESHA. Corresponding implementing regulations are contained in CIP Section 20.144.040. The project could potentially impact coastal wetland areas which are designated as ESHA in the NCLUP. In this case, the development is required to properly remove an abandoned manufactured dwelling unit and on-site wastewater treatment system. The development must occur within the proposed location and protection and restoration of the existing degraded habitat is possible under the circumstances in this case (Policy 2.3.1). The removal of an abandoned manufactured dwelling unit and on-site wastewater treatment system in ESHA is limited to an area of land that was previously disturbed by residential development. This is the minimum disturbance necessary for the proposed development (Policy 2.3.2.8).
 - c) A biological report has been prepared for the proposed development (See Finding No. 2, Evidence b) in accordance with North County Land Use Plan Policy 2.3.2.4, and as proposed, conditioned, and mitigated, the project is compatible with the long-term maintenance of the resources (Policy 2.3.2.3). On August 8, 2022, and May 23, 2023, the subject property was surveyed by a qualified biologist for the possible

occurrence of sensitive or rare animal and plant species. The report found the project site to be a highly degraded habitat and no impacts to sensitive species or habitats are likely to occur. However, the site has the potential to provide temporary cover for California tiger salamander or Santa Cruz long-toed salamander. Therefore, the biologist recommended: 1) work occur outside of amphibian migration season (from first 1.5" of rain during wet season, through the end of July); 2) a qualified biologist surveyed for amphibians within a maximum of 72 hours before commencing work; 3) prior to moving vehicles and equipment each morning, onsite personnel will look under vehicles and equipment for special status amphibians; 4) a qualified biologist monitor earth moving activities, such as removing foundation or septic tank; 5) areas of bare soil be covered with weed-free rice straw to prevent erosion and escape of sediment to downstream wetlands; and 6) if a California tiger salamander or Santa Cruz long-toed salamander is observed during project activities, work that could impact the species will cease and the U.S. Fish and Wildlife Service immediately contacted.

- d) The project includes removing a manufactured dwelling unit and on-site wastewater treatment system. The property to the west of the project site is owned by the California Department of Fish and Wildlife and is part of the Elkhorn Slough National Estuarine Research Reserve (ESNERR). The purpose of the proposed project is to restore the site and transfer the property to ESNERR. Although the property does not contain an identified wetland, it would function as a buffer to protect the high-quality wetlands of Strawberry Marsh downstream, and possibly serve as an important dispersal and summer habitat for endangered amphibians that use the wetlands for breeding. The purpose and objective of the proposed development are consistent with the goals and policies for ESHA resource protection contained in the NCLUP. Therefore, the project was not conditioned to require a permanent conservation easement pursuant to NCLUP Policy 2.3.2.6 and CIP Section 20.144.040.B.6.
- e) The project planner completed site inspections on November 21, 2023 to verify that the plans reflect conditions on the ground.
- f) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN210117.

- 7. **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 Resources Code) and applicable Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
 - a) No public 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 North County CIP can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

- c) The subject property is not described as an area where the Local Coastal Program requires visual or physical public access (Figure 6, North County General Plan Shoreline Access/Trails, in North County Land Use Plan).
- d) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning found in Project File PLN210117.

8. FINDING: **APPEALABILITY** – The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Pursuant to Title 20 section 20.86.030, 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) Pursuant to Title 20 section 20.86.080.A.3, the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

DECISION

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

1. Find that the demolition of an abandoned structure and restoration qualifies for Class 33 Categorical Exemption pursuant to CEQA Guidelines section 15333, and there are no exceptions pursuant to section 15300.2; and
2. Approve a Combined Development Permit consisting of:
 - a. A Coastal Administrative Permit to allow the demolition of an existing substandard 1,625 square foot single family dwelling (mobile home) and clear Code Enforcement violation (18CE00312), abandonment of a septic tank and restoration of approximately 17,000 square feet of pre-developed area; and
 - b. Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habitat area (ESHA).

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

PASSED AND ADOPTED this 14th day of December 2023.

Mike Novo, AICP
Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

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

_____.
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.

NOTES

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

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

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

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

County of Monterey HCD Planning

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

PLN210117

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

**Condition/Mitigation
Monitoring Measure:**

This Combined Development Permit (PLN210117) allows a Coastal Administrative Permit to allow the demolition of an existing substandard 1,625 square foot single family dwelling (mobile home) and clear Code Enforcement violation (18CE00312), abandonment of a septic tank and restoration of approximately 17,000 square feet of pre-developed area; and Coastal Development Permit to allow development within 100 feet of an environmentally sensitive habit area (ESHA). The property is located at 74 Strawberry Road, Royal Oaks, (Assessor's Parcel Number 131-111-014-000), North County Land Use 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 Director of HCD - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (HCD - Planning)

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

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

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

Monitoring Measure: "A Combined Development Permit (Resolution Number _____) was approved by the Zoning Administrator for Assessor's Parcel Number 131-111-014-000 on December 14, 2023. The permit was granted subject to 6 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

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

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

Responsible Department: Planning

Condition/Mitigation If, 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 qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(HCD - Planning)

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

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

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

4. PD033 -RESTORATION NATURAL MATERIALS

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of HCD - Planning. Plans for such restoration shall be submitted to and approved by the Director of the HCD - Planning Department prior to commencement of use. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of use, the Owner/Applicant shall submit restoration plans to HCD - Planning for review and approval.

5. PD016 - NOTICE OF REPORT

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to the issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A Biological Assessment (Library No. LIB230283), was prepared by the Elkhorn Slough Foundation on July 7, 2023, and is on file in Monterey County HCD - Planning. All development shall be in accordance with this report."
(HCD - Planning)

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

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

6. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: 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.

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.

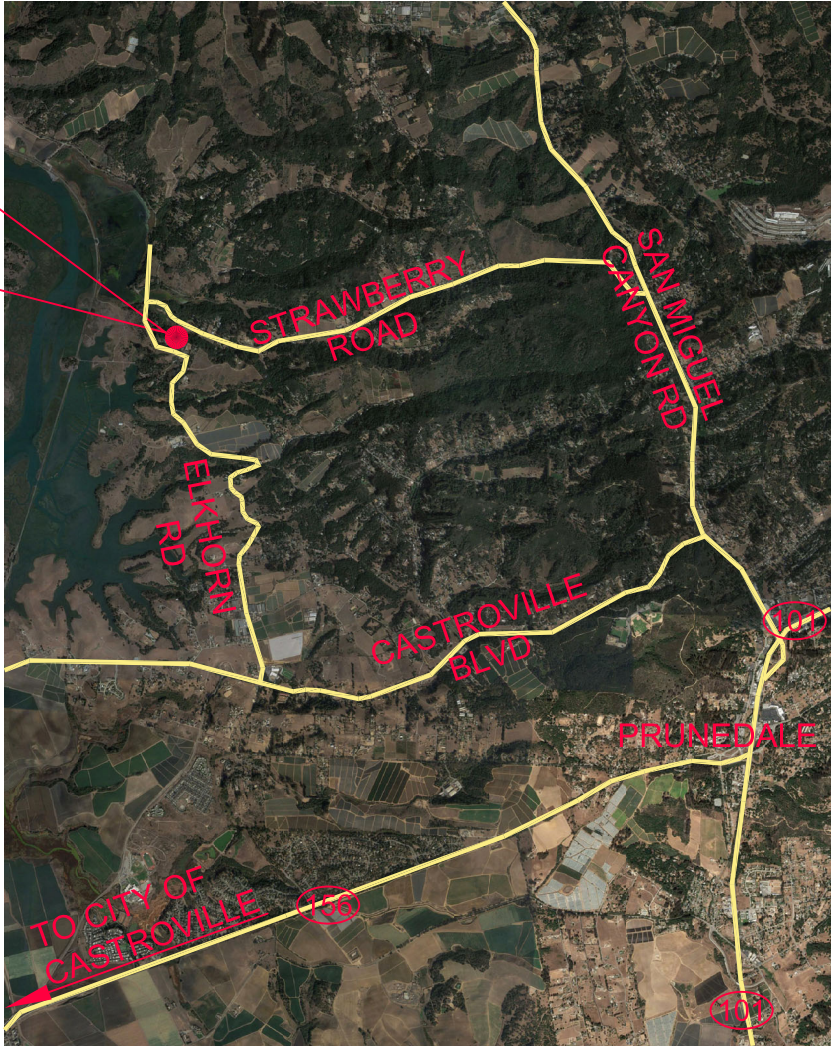
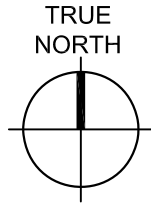
DEMO PLAN:



OWNER:
ELKHORN SLOUGH FOUNDATION
PO BOX 267
MOSS LANDING, CA 95039

VICINITY MAP:

PROJECT
LOCATION



PROJECT SCOPE:

1. DEMOLITION OF EXISTING 1,700 S.F. MODULAR HOME.
2. DEMOLITION OF EXISTING SEPTIC TANK

PROJECT LOCATION:
74 STRAWBERRY ROAD
ROYAL OAKS, CA 95076
APN: 131-111-014

**HENNINGSEN
CONSTRUCTION
COMPANY, INC.**

DEMOLITION - EXCAVATION
LANDCLEARING SERVICE

12 Spreckels Lane
Salinas, CA 93908
Tel: (831) 455-2377
Fax: (831) 455-2434

LIC. NO. 279354

PROJECT:
**MODULAR HOME
DEMOLITION**

**74 STRAWBERRY ROAD
ROYAL OAKS, CA 95076
APN: 131-111-014**

JOB NO.:

2021-15

SET ISSUED:

2021-04-13 DEMO PERMIT

SHEET NAME:

**DEMOLITION
PLAN**

SHEET NO.:

D100

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