

Attachment E
Planning Commission Resolution
No. 12-015

Lewis & Katherine Richardson
PLN090087

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Lewis H. & Katherine Richardson (California
American Water Company) (PLN090087)

RESOLUTION NO. 12-015

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Negative Declaration for a Combined Development Permit (PLN090087) for a water tank replacement; and
- 2) Approving Combined Development Permit consisting of: 1) a Use Permit to place one (1) 120,000 gallon California American Company water tank at the "Upper Rimrock" site replacing two (2) 20,000 gallon tanks and Design Approval; 2) a Use Permit pursuant to 21.62.030.B in order to exceed the 15 foot height limitation of the district to allow a water tank of 18 feet high; and 3) Tree Removal Permit for the removal of a protected tree (one 8- inch oak tree).

[PLN090087, Lewis H. & Katherine Richardson
(California American Water Company), 24522
Rimrock Canyon Road, Salinas, Toro Area Plan
(APN: 416-601-011-000)]

The Lewis H. & Katherine Richardson (California American Water Company) on application (PLN090087) came on for public hearing before the Monterey County Planning Commission on April 25, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Planning Commission 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 2010 Monterey County General Plan; and
 - Toro Area Plan; and
 - Monterey County Zoning Ordinance (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 regulations in these documents.
- b) The property is located at 24522 Rimrock Canyon Road, Salinas (Assessor's Parcel Number 416-601-011-000), Toro Area Plan. The parcel is zoned LDR/B-6-D or "Low Density Residential with a Building Site and Design Review overlay", which allows water tanks. Therefore, the project is an allowed land use for this site. The subject

water tank is a replacement of an existing water tank within a designated water tank easement.

- c) The subject property is located within a Design Control District, which provides for the regulation of location, size, configuration, materials, and colors of structures to ensure protection of the public viewshed, neighborhood character, and visual integrity of structures. The project was staked for a visual assessment according to the Monterey County Staking Criteria adopted by the Board of Supervisors, Resolution No. 09-360. It was determined that the proposed project is not visible from a public road and not considered ridgeline development, which by definition in the Monterey County Code Title 21, Section 21.06.950, is defined as development which has the potential to create a silhouette on the crest of a hill when viewed from a common public viewing area.
- d) Monterey County General Plan policies T-3.1 and T-3.2 require land use, architectural, and landscaping controls be applied and to encourage sensitive site design to preserve Toro's visually sensitive areas and scenic entrances of River Road and Highway 68 intersections. In this case, the site is not visible from Highway 68 and the zoning designation already requires design review of structures to ensure development matches the neighborhood character and visual integrity of the neighborhood. The replacement tank will match the existing colors of "TNEMEC Warm Sun" (tan beige). In addition, as a standard condition of approval, the replacement tank will be painted the same as the existing tank, beige to blend with the dense vegetation surrounding the tank. A condition of approval has been added to require that prior to the issuance of grading or building permits, the applicant/owner shall submit the color of the tank along with the landscaping design. Landscaping will be required to grow taller than the 18 foot high tank.
- e) The proposed 120,000 gallon tank will be 18 feet high. Monterey County Zoning Code (Title 21) designates a district height limit for a non-habitable accessory structure of 15 feet. However, Monterey County Zoning Code Title 21 height and setback exceptions Section 21.62.030. B. provides that "towers, poles, water tanks and similar structures may be erected to a greater height than the limit established for the district" with a Use Permit. A non-standard condition of approval requiring landscaping screening vegetation to grow to a height of 18 feet high was required to reduce the impacts to surrounding aesthetic to less than significant.
- f) The project is consistent with the 2010 Monterey County General Plan, policy Section OS-3.5, which states that, where proposed development impacting slopes in excess of twenty five percent (25%) does not exceed ten percent (10%), or 500 square feet of the total development footprint (whichever is less), a discretionary permit shall not be required. The total development footprint of the proposed project is 2,273 square feet; therefore, the 10% limit equals 227 square feet. The project will only affect approximately 227 square feet and as a result complies with the rules of this exception. Therefore, no discretionary permit is required.
- g) The replacement will involve the removal of two (2) Coast live oak trees, one 8 inches in diameter, and the other 4 inches in diameter. Monterey County Code Section 21.64.260 requires a tree removal

permit for any protected tree which is 6 inches or more in diameter. Therefore, the project will include a tree removal permit for the removal of one (1) 8-inch oak tree. In order to support tree removal, the County must find that the removal is the minimum required in the circumstances of the case and that removal will not involve an adverse environmental impact. In this case, tree removal is un-avoidable (See Finding 6).

- h) The project planner conducted a site inspection on November 15, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- i) The project was referred to the Toro Land Use Advisory Committee (LUAC) for review on November 8, 2011 and then again on December 13, 2010. 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 it was development requiring CEQA review. The LUAC discussed several concerns which included the tank location above ground, the validity of the geotechnical report, the size of the proposed tanks, adequacy of the tank size, tanks usage for fire protection or future growth, construction impacts to the roads leading to the tank, and maintenance of the tanks. The LUAC supported the tank replacement if the tanks would be placed underground, only slightly infringe on 25% slopes, and guarantee no construction damage will occur on the existing roads from the tank replacement. The tank will encroach on 227 square feet, which does not require a discretionary permit in accordance with the Monterey County 2010 General Plan Policy OS 3-5. A standard condition of approval was added by Public Works requiring a Construction Management Plan (CMP). The CMP includes measures to minimize traffic impacts during the construction/grading phase of the project. The plan requires the specified duration of the construction, hours of operation, and 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. With this standard condition of approval, this impact is not considered significant. Maintenance of the tanks will not change; Cal-Am personnel will continue to inspect the tanks weekly.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090087.

2. **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 Department, Monterey Regional Fire Protection District, Public Works, 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) Staff identified potential impacts to Archaeological Resources,

Soil/Slope Stability, and Geological. 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 independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- "Geotechnical and Geological Investigation for Upper Rimrock Canyon Tank Site" (LIB100154) prepared by Pacific Coast Engineering, Watsonville, CA, March 18, 2009.
- "Preliminary Archeological Reconnaissance of Assessor's Parcel Number 416-601-011-000" (LIB100190) prepared by Archaeological Consulting, Salinas, CA, March 10, 2010.
- "Letter of Findings for a Reconnaissance Level Biological Site Assessment, Upper Rimrock Site" (LIB110081) prepared by EMC, Monterey, CA, November 5, 2010.

- c) Staff conducted a site inspection on November 15, 2010 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 the Monterey County RMA - Planning Department for the proposed development found in Project File PLN090087.

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 RMA - Planning Department, Monterey Regional Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/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 are available. The site has public water from Cal-Am. The project will not generate wastewater so a connection to public sewer is not required. The Environmental Health Bureau reviewed the project and required the applicant (Cal-Am) to submit a permit amendment application to California Department of Public Health (CDPH) including plans and specifications demonstrating compliance with California Waterworks Standards and documentation on CEQA compliance prior to construction.
 - c) Preceding findings and supporting evidence for PLN090087.

4. **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 Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 15, 2010 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090087.

5. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed and conditioned, will not have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN090087).
 - c) Revisions to the circulated Negative Declaration are incorporated herein as allowed under CEQA guidelines pursuant to Section 15073.5.(c) (4) which provides that "recirculation is not required when new information is added to the Negative Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration." The following new information is hereby incorporated into the Negative Declaration: 1) the number of units the Upper Rimrock system serves is 69, rather than 41; and 2) that the existing tanks are 20,000 gallon tanks not 25,000 gallons as stated in the environmental document. This information does not make significant modifications to the Negative Declaration or change the conclusions made in the Initial Study regarding impacts from the project; rather, it serves to correctly describe the service area identified as the Rimrock upper gradient and to clarify correctly the number of existing connection.
 - d) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
 - e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or is made conditions of approval.
 - f) The Draft Negative Declaration ("ND") for PLN090087 was prepared in accordance with CEQA and circulated for public review from January 11, 2012 to February 9, 2012 (SCH#: 2012011018).
 - g) Issues that were analyzed in the Negative Declaration include: aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, and hydrology/water quality.

Site investigations and technical reports, determined that no significant impacts would occur as a result of the proposed project.

- h) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN090087) and are hereby incorporated herein by reference.
- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports native wildlife. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the Negative Declaration to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- j) The County has considered the comments received during the public review period, (See **Exhibit H** of the April 25, 2012 staff report) and they do not alter the conclusions in the Initial Study. Staff received a comment from Mike Weaver during the 30 day public comment period.
- k) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6. **FINDING:** **TREE REMOVAL** – The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The project includes application for the removal of one 8-inch oak tree. In accordance with the applicable policies of the Toro Area Plan and the Monterey County Zoning Ordinance Title 21, a Tree Removal Permit is required and the authority to grant said permit has been met.
 - b) Monterey County Code Section 21.64.260 requires a tree removal permit for any protected tree; an oak tree which is 6-inches or more in diameter is a protected tree. The project will include a tree removal permit for the removal of one (1) 8-inch oak tree for the proposed 120,000 gallon water tank. The General Plan policy T-3.7, states that removal of healthy, native oak trees in the Toro Planning Area shall be discouraged. An ordinance shall be developed to identify required procedures for removal of these trees. To date, an ordinance has not been adopted specifically addressing the Toro Planning Area trees, therefore absent the ordinance, permit requirements and replacement

criteria, regulations for tree removal continue to be followed under Monterey County Code Title 21.

- c) Due to the small size of the 8 and 4-inch oak trees, it is unlikely that the trees would support nesting. Typically, trees 15 feet in height or larger would be considered suitable habitat for nesting raptor habitat. However, as a condition of approval, in order to avoid any potential impact to potentially nesting migratory birds, the applicant will be required to schedule tree removal outside of the breeding migratory bird nesting season (September through January 31st). If tree removal is scheduled during breeding season (February 1st to August 31st), the applicant will be required to have a qualified biologist conduct a pre-construction survey within 48 hours of commencement of ground disturbance. If nesting birds or raptors are found on the project site, an appropriate buffer plan or appropriate replacement shall be established by the project biologist.
- d) Monterey County Code Section 21.64.260.D.4, requires removal of protected trees be replaced on a one to one basis. As a condition of approval, the applicant is required to replace the removed oak tree with one oak tree.
- e) The removal will not involve a risk of adverse environmental impacts. The majority of the project site area is disturbed and void of any native vegetation.
- f) Staff conducted a site inspection on November 15, 2010 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
- g) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090087.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** Section 21.80.040.D Monterey County Zoning Ordinance (Board of Supervisors).

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Adopt a Negative Declaration for a Combined Development Permit (PLN090087); and
2. Approve the Combined Development Permit consisting of: 1) a Use Permit to place one (1) 120,000 gallon California American Company water tank at the "Upper Rimrock" site replacing two (2) 20,000 gallon tanks and Design Approval; 2) a Use Permit pursuant to 21.62.030.B in order to exceed the 15 foot height limitation of the district to allow a water tank of 18 feet high; and 3) Tree Removal Permit for the removal of a protected tree (one 8-inch oak tree), 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 25th day of April, 2012 upon motion of Commissioner moved seconded by Rochester, by the following vote:

AYES: Brown, Getzelman, Rochester, Roberts, Mendez, Padilla
NOES: Diehl
ABSENT: Vandevere, Padilla, Hert
ABSTAIN: None


Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **APR 27 2012**

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 **MAY 07 2012**

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

NOTES

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

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

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

Monterey County Planning Department

Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN090087

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit consisting of: 1) a Use Permit to place one (1) 120,000 gallon California American Company water tank at the "Upper Rimrock" site replacing two (2) 20,000 gallon tanks and Design Approval; 2) a Use Permit pursuant to 21.62.030.B in order to exceed the 15 foot height limitation of the district to allow a water tank of 18 feet high; and 3) Tree Removal Permit for the removal of a protected tree (one 8-inch oak tree) 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 the RMA - Planning Department. 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 Department)

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: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state "A Combined Development Permit, Resolution Number 12-015 was approved by the Planning Commission for Assessor's Parcel Number 416-601-011-000 on April 25, 2012. The permit was granted subject to 18 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

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 the RMA - Planning Department.

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

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or 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. The Monterey County RMA - Planning Department 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the 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 the Monterey County RMA - Planning Department 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. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on April 25, 2015 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

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 Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

5. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

6. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD CONDITION) The approved development shall incorporate the recommendations of the Erosion Control Plan best management practices for construction and grading activities include watering exposed soil to minimize the potential for dirt to become airborne through wind erosion and re-plantation of graded areas as soon as possible to stabilize grading. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

7. PD012(G) - LANDSCAPE PLAN & MAINTENANCE (OTHER)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: (NON STANDARD CONDITION) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping screening plan shall be submitted to the Director of the RMA - Planning Department. A plan review fee is required for this project. Fees shall be paid at the time of landscape screening plan submittal. The landscaping screening plan shall be in sufficient detail to identify the location, species, and size, height of the proposed landscaping screening and shall include an irrigation plan and Performance Criteria (PC) indicating the height of the screening at the time of planting with a time estimate of when the screening will achieve 100% of the required 18 foot height within 5 years of planting. The PC shall include a replacement plan in the event the screening vegetation does not survive or achieve the required 18 foot height requirement as specified in the PC or at the end of the 5th year which ever occurs first. The landscaping screening shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

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 screening plans and contractor's estimate to the RMA - Planning Department 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."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit the performance Criteria with a surety or bond for the estimated replacement cost of the landscape screening and that the landscaping shall be installed and inspected.

On an on-going basis, all landscaped screening areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

8. PD041 - HEIGHT VERIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of the RMA - Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

9. PD038 - WATER TANK APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The water tank shall be painted an earth tone color to blend into the area and landscaped (including land sculpturing and fencing, where appropriate), subject to the approval of the Director of the RMA - Planning Department, prior to the issuance of building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit proposed color of water tank and landscaping plans to the RMA - Planning Department for review and approval.

Prior to final inspection or occupancy, the Owner/Applicant shall provide evidence to the Director of the RMA - Planning Department that the water tank has been painted and the landscaping has been installed according to the plans approved by the RMA - Planning Department.

On an on-going basis, the Owner/Applicant shall continuously maintain all landscaped areas and fences; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

10. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:
- Replacement ratio: of 1:1
- Replacement tree(s) shall be located within the same general location as the tree being removed.

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall submit evidence of tree replacement to the RMA-Planning Department for review and approval. Evidence shall be a receipt for the purchase of the replacement tree(s) and photos of the replacement tree(s) being planted.

Six months after the planting of the replacement tree(s), the Owner/Applicant shall submit evidence demonstrating that the replacement tree(s) are in a healthy, growing condition.

One year after the planting of the replacement tree(s), the Owner/Applicant shall submit a letter prepared by a County-approved tree consultant reporting on the health of the replacement tree(s) and whether or not the tree replacement was successful or if follow-up remediation measures or additional permits are required.

11. PDSP0001 - CONSTRUCTION HOURS (NON STANDARD)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Construction shall be limited to Monday through Friday from the hours of 8am-5pm.

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall have a notice visible from the street posted upon the property and on the building plans as a note. The notice/note shall indicate hours of operation and shall remain visible on site until final building inspection.

12. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: Planning Department

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.

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 the RMA-Planning Department a nest survey prepare by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

13. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

14. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

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

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 the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

15. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD) The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts and Air Quality 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, locations of truck staging areas and Best Management Practices to be implemented throughout the project. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of a building or grading permit, submit Construction Management Plan (CMP) to RMA-Planning Department and RMA-Public Works Department for review and approval.

Ongoing: The CMP shall be implemented on an ongoing basis throughout the construction/grading phase of the project.

16. EHSP01 - CDPH Permit Amendment

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant (Cal-AM) shall submit a permit amendment application to California Department of Public Health (CDPH) including plans and specifications demonstrating compliance with California Waterworks Standards and documentation on CEQA compliance. CDPH must review plans before issuance of building permits.
(Environmental Health)

Compliance or Monitoring Action to be Performed:

1. Submit a permit amendment application including plans and specifications to CDPH.
2. Obtain CDPH approval of construction plans
3. Submit proof of CDPH review to Environmental Health Bureau

17. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be visible and legible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed: Prior to the issuance of a building permit the Owner/Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, the Applicant/Owner shall schedule fire department clearance inspection.

18. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The easement holder (California American Water Company) 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 easement holder 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 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, whichever occurs first and as applicable. The County shall promptly notify the easement holder 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 easement holder of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the easement holder not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - Planning Department)

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 easement holder shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

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

