

Attachment D

This page intentionally left blank.

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

In the matter of the application of: Omni Resources Inc. (PLN110077 Appeal of PLN020344)

RESOLUTION NO. 12-040

Resolution by the Monterey County Board of Supervisors denying the appeal by Omni Resources LLC from the January 26, 2011 decision of the Monterey County Planning Commission and approving the Combined Development Permit for the project consisting of 1) Use Permit 2) General Development Plan; and 3) Design Approval for development of a 99,970 square foot retail center known as the Corral de Tierra Neighborhood Retail Village and 4) Lot Line Adjustment to modify the lot line between two existing parcels (5.6 acres and 5.38 acres in area) to create Parcel A (1.12 acres) and Parcel B (9.86 acres) (PLN110077 an appeal of PLN020344), Omni Resources LLC, 5 Corral de Tierra Road).....

The OMNI Resources LLC (Phelps) application (PLN110077 appeal of PLN020344) came on for public hearing before the Monterey County Board of Supervisors on March 29, April 12, May 17, July 12, August 30, October 4, November 8, 2011, January 10, 2012, and February 7, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors find and decide as follows:

FINDINGS

APPROVAL OF COMBINED DEVELOPMENT PERMIT AND GENERAL DEVELOPMENT PLAN

- 1 FINDING: CONSISTENCY - The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development. a) The project has been amended to consist of a 99,970 square foot shopping center, consisting of 10 buildings (9 single story buildings, and a two story building). All buildings will maintain a 100 foot setback from Corral de Tierra and Highway 68. A storm water collection system and ground water recharge system are included within the project design. The site will comply with LEED Silver construction standards. References in this resolution to the "Project" are to the project as herein described. b) APPLICABLE PLAN AND APPLICABLE ZONING ORDINANCES During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- 2010 Monterey County General Plan
- Toro Area Plan,
- 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.

c) **SITE DESCRIPTION**

The Site is located at 5 Corral de Tierra Road (Assessor's Parcel Numbers 161-571-003-000 and 161-581-001-000), within the Toro Area Plan. The Site is an 11-acre property designated as Commercial in the Land Use Plan of the General Plan. The approved project is a shopping center consistent with this land use designation.

d) **SITE DESCRIPTION (ZONING)**

The parcel is zoned "LC-B-8-D", which allows the development of a shopping center with a Use Permit and General Development Plan. Mitigation measures and conditions of approval have been required that make the approved project fully comply with the requirements of the zoning district.

e) **LAND USE ADVISORY COMMITTEE**

Earlier versions of the project were referred to the Toro Land Use Advisory Committee (LUAC) twice for review. The LUAC reviewed the project on August 26, 2002 prior to the preparation of the Environmental Impact Report (EIR) whereby the LUAC recommended denial of the application citing numerous factors which were later evaluated in the EIR. The LUAC again reviewed the project on July 26, 2010 after the preparation of the EIR. Based on the LUAC Procedures adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, the second review by the LUAC was asked to focus on review of visual resources, building and parking layout, architectural design, landscaping and accessibility to public transit. The LUAC recommended approval of the application and recommended further analysis and possible reduction of the height of the proposed 50-foot-high tower, increased accessibility to public transit and the requirement of sufficient tree and plant coverage. These recommendations have been addressed in the 99,970 square foot redesign submitted by the applicant.

- f) 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 PLN020344.

2. **FINDING:** "B-8" ZONING REGULATIONS - The approved project would be consistent with the B-8 zoning on the subject property.

EVIDENCE a) On September 7, 1993 the Board of Supervisors adopted Ordinance No. 3704 amending the original B-8 provisions relative to development of commercial uses. These provisions are found in Zoning Ordinance (Title 21 of the Monterey County Code) Section 21.42.030 H (1) which states that the "B-8" District does not affect the "*construction or expansion of commercial uses where such construction or expansion can be found to not adversely affect the constraints which caused the 'B-8' district to be applied to the property.*" The approved project would collect storm water and direct it to a groundwater recharge system that will result in a positive water balance. The

project will not use more water than is directed to the groundwater basin. To insure that the water balance is maintained, limitations have been placed on the project to restrict the amount of water used. Therefore, the project would not adversely affect the constraints which caused the "B-8" district to be applied to the property.

- b) The subject site's B-8 Zoning overlay includes the following language in section 21.42.030.H.2: "The minimum building site shall be that which is recognized as an existing legal lot at the time the "B-8" Zoning District is imposed on the property, or lots that are created by minor or standard subdivision for which an application was received by the Monterey County Planning Department prior to the imposition of the "B-8" Zoning District on the property." The proposed lot line adjustment would result in a lot being reduced in size from 5.38 acres to 1.12 acres. The purpose of the "B-8" Zoning District is to restrict development and/or intensification of land use in areas where, due to water supply, constraints, additional development and/or intensification of land use would be detrimental to the health, safety, and welfare of the residents of the area, or the County as a whole. "Intensification" means "the change in the use of a building site which increases the demand on the constraint(s) which caused the "B-8" District to be applied over that use existing at that time the "B-8" district is applied to the property." (MCC section 21.42.030.H.1)

The County interprets these provisions to mean that no new parcels may be created in the B-8 zoning district, but does not interpret these provisions to restrict the adjustment of lot lines where there is no intensification of the use. In this case the Center has been conditioned to maintain a water balance between the water used and the water diverted into the groundwater. The water balance considers the amount of water used, and the amount of storm water which will be diverted into the groundwater. The Center has been conditioned to maintain a maximum water use limit of 9 acre feet per year. The condition applies to both parcels, regardless of their configuration. In addition the Lot Line Adjustment will not impact the amount of water directed into the ground water. This is a function of center design. The lot line adjustment would not result in an intensification of the use of ground water, and is thus consistent with the B-8 zoning overlay.

3. FINDING: CONSISTENCY – 2010 GENERAL PLAN

The approved project has been determined to be consistent with Policy Nos. T-3.1, T-3.3 and C-1.3 of the 2010 General Plan.

- EVIDENCE:** a) Policy C-1.3 of the 2010 General Plan requires that circulation improvements that mitigate Traffic Tier 1 direct on-site and off-site project impacts be constructed concurrently with new development; and requires that off-site circulation improvements that mitigate Traffic Tier 2 or Traffic Tier 3 impacts be constructed concurrently with new development or by fair share payment pursuant to Policy C-1.8, Policy C-1.11 and/or other applicable traffic fee programs that shall be made at the discretion of the County. The approved project has been conditioned to comply with this Policy through improvements required on Corral de Tierra Road and through payment of TAMC fees.

- b) **CONSISTENCY - 2010 MONTEREY COUNTY GENERAL PLAN POLICY T-3.1.** Policy T-3.1 states: *Within areas designated as "visually sensitive" on the Toro Scenic Highway Corridors and Visual Sensitivity Map (Figure 16), landscaping or new development may be permitted if the development is located and designed (building design, exterior lighting, and siting) in such a manner that will enhance the scenic value of the area. Architectural design consistent with the rural nature of the Plan area shall be encouraged.*

The Project's design has been reduced to 99,970 square feet and contains the following elements which are consistent with the Site's location in the critical viewshed: 1) A village component with strong internal pedestrian orientation; 2) parking around the perimeter on the eastern boundary to minimize parking and asphalt visible from the scenic corridors; and 3) architectural building design that is predominantly single story with variation in the pattern of building location providing visual interest. The revised design also includes increased perimeter landscaping along the scenic frontages using native plant material and berming. The combination of the site layout, architectural design of the center and a strong native landscape palette will enhance the scenic value of the area and be consistent with the rural character of this location. The applicant orally testified that he would remove the gas station; a condition of approval has been added to require that the gas station be removed prior to construction of the project.

- c) **CONSISTENCY - 2010 MONTEREY COUNTY GENERAL PLAN POLICY T-3.3**

The approved project is consistent with the provisions of Policy T-3.3 which requires: *"Portions of County and State designated scenic routes shall be designated as critical viewshed as shown on the Toro Scenic Highway Corridors and Visual Sensitivity Map. Except for driveways, pedestrian walkways, and paths, a 100-foot building setback shall be required on all lots adjacent to these routes to provide open space and landscape buffers. This setback may be reduced for existing lots of record that have no developable area outside the setback and to accommodate additions to existing structures that become non-conforming due to this policy. New development shall dedicate open space easements over setback areas established by this policy."*

The proposed project includes development within a designated critical viewshed and area of visual sensitivity. The DEIR concluded that the proposed project would result in significant potential impacts on visual resources and on the designated scenic corridors on Corral de Tierra Road and State Route 68 and the designated critical viewshed. The approved project includes a redesign to maintain all buildings outside of the 100 foot building setback and includes significant landscape buffer areas along the frontages on Corral de Tierra Road and State Route 68. The DEIR included a mitigation measure to expand the landscape areas along the road frontages for the proposed 126,523 square foot project. The 99,970 square foot project proposed by the applicant achieves or exceeds the mitigation measures contained in the DEIR. Therefore, the 99,970 square foot project is consistent with this Policy.

4. **FINDING:** **GENERAL PLAN POLICY T-2.6**
 The approved project is consistent with the provisions of this Policy, which require that *"Improvements to Corral de Tierra and San Benancio Roads shall be designed to accommodate bicycles, horses and people."*
- EVIDENCE:** The project will provide sidewalks and bicycle lanes along the frontages of Highway 68 and Corral de Tierra Road.
5. **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 County Regional Fire Protection District, RMA- 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 conducted various site inspections during the review of the project to verify that the site is suitable for this use.
- c) The application, plans of the approved project, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN020344.
6. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:** a) The project was reviewed by the RMA-Planning Department, Environmental Health Bureau, RMA-Public Works Department, Monterey County Water Resources Agency and the Monterey County Regional Fire District. 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 or will be provided. Water will be provided by California American Water through the Ambler Park Water System. The applicant is required to verify that the California Utility Services wastewater treatment plant has sufficient capacity prior to issuance of any building permits for the Project. The mitigation measures contained in the Traffic/Transportation Chapter of the EIR require construction of road improvements that would provide adequate vehicular access to the Site.
- c) Preceding findings and supporting evidence for PLN020344.
7. **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 various site inspections 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) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
- e) The clean up of contaminated soils and groundwater on the corner gas station parcel are not a violation of the Monterey County Code. The Monterey County Environmental Health Bureau and the Regional Water Quality Control Board are requiring remediation. A condition of approval has been added requiring remediation prior to issuance of any construction permits; however the contamination is not a violation of the County Code that prohibits issuance of the Combined Development Permit for the Shopping Center.
- f) 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 PLN020344.

8. **FINDING:** **GENERAL DEVELOPMENT PLAN** –Monterey County Code requires a General Development Plan (GDP) prior to the establishment of uses/development if there is no prior approved GDP, and if: 1) the lot is in excess of one acre; or, 2) the development proposed includes more than one use; or, 3) the development includes any form of subdivision.

- EVIDENCE:**
- a) Zoning Ordinance, Chapter 21.18 (Regulations for Light Commercial Zoning Districts). The approved project meets the size and number of uses criteria; therefore, a GDP is required to be approved prior to new development, changes in use, expansion of use, or physical improvement of the site.
 - b) The project and General Development Plan as described in the plans for the approved project and accompanying materials were reviewed by the RMA-Planning Department, Monterey County Regional Fire Protection District, RMA-Public Works Department, Environmental Health Bureau, and the Water Resources Agency. The respective departments 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; or the county in general.
 - c) A General Development Plan has been approved that establishes the uses allowed; establishes parameters for site design issues such as scenic corridors, vehicle circulation, landscaping and building design; and assures water availability for the allowed uses and future changes in the use of the buildings.
 - d) The General Development Plan allows staff review of proposed changes to the use of the buildings and to verify that the proposed changes are consistent with the overall intent of the approval of commercial uses and consistent with the water use limitations of the site.
 - e) Materials in Planning File PLN020344.

9. **FINDING:** **WATER SUPPLY** – The project has an adequate long-term water supply and manages development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human

consumption.

- EVIDENCE:** a) The existing groundwater basin in the El Toro area is in overdraft and this has resulted in the placement of the "B-8" Zoning Overlay District in an area of the Toro Area Plan including the project site. The project would use a maximum of 9.0 acre-feet per year (AFY) of water and the underground water recharge system approved for the 99,970 square foot project would return 9.66 AFY of water to the underground basin which results in a net positive water balance.
- b) The project has been conditioned to ensure that the water use is limited and maintained at 9.0 AFY. The Planning Director and General Manager of the Water Resources Agency have been given the authority through the conditions of approval to monitor the use of water at the site in order to ensure that the positive water balance is achieved and maintained.
- c) The "B-8" District regulations allow the commercial development of the site provided that the development can be found to not adversely affect the constraints which caused the "B-8" District to be applied to the property.
- d) Water for the development would be provided by the Ambler Park Water System.

- 10 FINDING:** **LOT LINE ADJUSTMENT** – Pursuant to Section 66412 of the California Government Code (Subdivision Map Act) lot line adjustments may be granted where among other things:
1. The lot line adjustment is between four or fewer existing adjoining parcels;
 2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
 3. The parcels resulting from the lot line adjustment conforms to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:** a) The parcel is zoned LC-B-8-D (Light Commercial with a Building Site and Design Control overlays).
- b) The project area has a total of 10.98 acres. The proposal would adjust the lot line between two existing parcels (5.6 acres and 5.38 acres in area) to create Parcel A (1.12 acres) and Parcel B (9.86 acres).
- c) The lot line adjustment is between more than one and less than four existing adjacent parcels. The two existing parcels are located along the east side of Corral de Tierra Road south of Highway 68.
- d) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be adjusted and two contiguous separate legal parcels of record will result from the adjustment. No new parcels will be created.
- e) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 21). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property and that no violations exist on the property. The light commercial zoning designation does not have a minimum parcel size. The Proposed Lot Line Adjustment will not create any lots that would require a variance from any Zoning Ordinance Standard.
- f) The Proposed Lot Line Adjustment is consistent with the B-8 District as

discussed under Finding and Evidence 2 (above).

- g) **SEWER/WATER/ACCESS**
The subject site is served by an approved water system and sewer system. The site will have access from both Corral de Tierra and Highway 68.
- h) **RECIPROCAL ACCESS**
A condition of approval requires that a legal instrument be recorded on both properties to require that the properties provide shared access and parking for the newly configured lots. This will allow development of both parcels without adding to the number of driveways.
- i) As an exclusion to the Subdivision Map Act, no final map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a standard condition of approval in **Exhibit 1**.
- j) The project planner conducted various site inspections to verify that the project would not conflict with zoning or building ordinances.
- k) 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 PLN110077 appeal of PLN020344.

11 **FINDING:** **APPEAL.** The application for a Combined Development Permit comes to the Board of Supervisors on appeal from a January 26, 2011 decision of the Monterey County Planning Commission. The applicant, Omni Resources LLC timely filed the appeal on February 3, 2011. The Board of Supervisors conducted a duly noticed public hearing on the appeal and the project application on March 29, April 12, May 17, July 12, August 30, October 4, November 8, 2011, January 10, 2012, and February 7, 2012. The Appellant/Applicant contend that: the Planning Commission's decision did not provide Fair and Impartial Hearing because the Commission failed to reach a decision; that the decision is not supported by the evidence because the applicant disagrees with Finding 2, Evidence f; that the decision is contrary to law because the Appropriate Authority failed to reach a decision on the application; and that the applicant disagrees with Finding 2. Upon consideration of the documentary information in the file, the staff report, the oral and written testimony, and all other evidence presented before the Board of Supervisors, the Board responds as follows to the Appellants' contentions:

EVIDENCE: a) *Appellants' Contention 1 The Lack of a Fair or Impartial Hearing because the Planning Commission failed to reach a decision on the application (Deadlock).*

Response: The facts do not support this contention because the Planning Commission did reach a decision. That decision was to adopt a resolution stating that they were deadlocked and could not develop a motion that would receive a positive vote to either approve or deny the application. This decision came about after the Planning Commission received staff's presentation and recommendation, received the applicant's presentation, and held the public hearing. A motion was made to approve the 112,000 square foot Reduced Density LEED Alternative, which did not pass on a 5-5 vote. Then the Planning Commission considered a motion to deny the project based upon Findings and Evidence, which failed with a 4-4 vote. The decision of the Planning Commission to determine that they were deadlocked

came after lengthy deliberation on the Project and these two motions, neither of which passed.

- b) Appellant's Contention 2. The Findings, Decision or Conditions are not supported by Evidence. Evidence (f) in Finding 2 states " half the Commission felt that the size and scale of the project was not appropriate for the site"

Response: The Commission adopted Resolution #11-004A reflecting that they were deadlocked. That resolution includes the finding that they were deadlocked and that half the commission felt the project was too large. The initial motion to approve the 112,000 Reduced Density LEED failed with a 5-5 vote. After that motion failed there was additional deliberation by the Commission. The comments from those who voted no on the motion primarily related to the size and scale of the project. The motion made to deny the project also failed with a tie vote (4-4). This again reflects a split with half the commission voting for the project and half against. The Planning Commission adopted the resolution with this evidence point.

- c) Appellant's Contention 3. The decision is contrary to law because the Planning Commission failed to reach a decision on the application (deadlock).

Response: The Commission did reach a decision in accordance with their duly adopted Rules for the Transaction of Business. The decision was that they were deadlocked. Since the commission was unable to develop a motion with a substantive recommendation on the project that would garner an affirmative vote, the Planning Commission prepared findings documenting that they were deadlocked in accordance with the Rules for the Transaction of Business of the Planning Commission for the County of Monterey (Rule 10.1). Those Rules have been duly adopted pursuant to section 2.48.040.C of the Monterey County Code. Rule 10.1 provides that in the event of an unbreakable tie vote, the Chair of the Planning Commission is to solicit findings for both sides for the record. The Planning Commission acted in accordance with Rule 10.1 in adopting its resolution.

- d) Appellant's Contention 4. Finding 2. Evidence f which states: "... half the Commission felt that the size and scale of the project was not appropriate for the site." Although half the Commission members failed to vote to support the application, the record does not reflect that half the Commissioners felt that the size and scale of the project was not appropriate.

Response: This was the finding and evidence voted on by the Commission in their resolution; the resolution speaks for the Commission. The primary concerns articulated by Commissioners in voting to not approve the project related to size and scale, and this concern is reflected in the resolution adopted by the Commission.

In sum, because appellant's contentions are procedural and the Planning Commission's process was fair and compliant with law, the Board of Supervisors denies the appeal.

12. FINDING

CEQA –The County has complied with the California Environmental Quality Act.

EVIDENCE

Prior to approval of this Combined Development Permit, the Monterey

County Board of Supervisors adopted Resolution No. 12-039 certifying the Final Environmental Impact Report prepared for the project, adopting Statements of Overriding Consideration, and making the required CEQA findings prior to approving the project. In addition, per this resolution, the Board of Supervisors is adopting the Mitigation Monitoring and Reporting Plan for implementation of the Mitigation Measures contained in the EIR.

DECISION

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

- A. Deny the Appeal by Omni Resources LLC from the January 26, 2011 decision of the Monterey County Planning Commission; and
- B. Approve the Combined Development Permit for the project consisting of 1) Use Permit; 2) General Development Plan; 3) Design Approval for development of a 99,970 square foot retail center known as the Corral de Tierra Neighborhood Retail Village; and 4) Lot Line Adjustment to modify the lot line between two existing parcels (5.6 acres and 5.38 acres in area) to create Parcel A (1.12 acres) and Parcel B (9.86 acres), as shown on the Plans included in Attachments 2 and 3, based upon the Findings and Evidence and subject to the conditions of approval contained in the attached Mitigation Monitoring and Reporting/Condition Compliance Plan attached hereto as Exhibit 1 and incorporated herein by reference;
- C. Adopt the Mitigation Monitoring and Reporting/Condition Compliance Plan (Attachment 1)

PASSED AND ADOPTED on this 7th day of February, 2012, upon motion of Supervisor Salinas, seconded by Supervisor Armenta, and carried by those members present by the following vote, to-wit:

AYES: Supervisors Armenta, Supervisor Calcagno, Salinas

NOES: Supervisors Parker and Potter

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on February 7, 2012.

Dated: February 9, 2012

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

By *Denise Hancock*
Deputy

RESOLUTION 12-040 - ATTACHMENT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Corral de Tierra Shopping Village (OMNILTD)
 File No: PLN110077 appeal of PLN020344
 APNs: 161-571-003-000 & 161-581-001-000
 Approved by: Board of Supervisors Date: February 7, 2012

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

RMA - Planning Department		
Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated
<p>PD001 - SPECIFIC USES ONLY This Combined Development Permit includes a Use Permit, General Development Plan and Design Approval (PLN110077 appeal of PLN020344) to allow construction of a 99,970 square foot commercial/ retail center. The property is located at 5 Corral de Tierra Road (Assessor's Parcel Numbers 161-571-003-000 & 161-581-001-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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. For purposes of these conditions, reference to the "applicant" means "owner" and the term "owner" means Omni Resources LLC and its successors and assigns. (RMA-Planning Department)</p>	<p>RMA - Planning</p>	<p></p>
<p>PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 12-040) was approved by the Board of</p>	<p>WRA RMA - Planning</p>	<p>Prior to the issuance of grading</p>

	<p>Supervisors for Assessor's Parcel Numbers 161-571-003-000 and 161-581-001-000 on February 7, 2012. The permit was granted subject to 105 conditions of approval including 37 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)</p>	<p>The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.</p>	<p>RMA-Planning</p>	<p>and building permits or commence ment of use.</p>
<p>3.</p>	<p>PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 7 years, to expire on February 7, 2019 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)</p>	<p>The 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.</p>	<p>Owner/ Applicant</p>	<p>As stated in the conditions of approval</p>
<p>4.</p>	<p>PD004 - INDEMNIFICATION AGREEMENT The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. 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 the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the</p>	<p>Submit 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.</p>	<p>Owner/ Applicant</p>	<p>Upon demand of County Counsel, prior to recordation of the final map, or concurrent with the issuance of the first grading and/or building permits, whichever occurs first.</p>

	<p>property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>							
<p>5.</p>	<p>PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 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)</p>	<p>The applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.</p> <p>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.</p>	<p>Owner/ Applicant</p>	<p>Within 5 working days of project approval.</p>	<p>Prior to the recordation of the issuance of building or grading permits</p>			
<p>6.</p>	<p>PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation-monitoring-agreement. (RMA - Planning Department)</p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	<p>Owner/ Applicant</p>	<p>Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.</p>				
<p>7.</p>	<p>PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department.</p>	<p>Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>				

	<p>(RMA - Planning Department and Building Services Department)</p>		
<p>8.</p>	<p>PD011 - TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)</p>	<p>Submit evidence of tree protection to the RMA - Planning Department for review and approval.</p> <p>Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.</p> <p>Submit photos of the trees on the property to the RMA - Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant/ Arborist</p> <p>Owner/ Applicant</p> <p>Prior to the issuance of grading and/or building permits</p> <p>During Construction</p> <p>Prior to final inspection</p>
<p>9.</p>	<p>PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) (NON-STANDARD) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall include landscaping for the buffer areas required as part of the General Development Plan for the approved project and shall include mounding/berming and sufficient buffering plant/tree species to reduce the visibility of the project from the scenic corridors. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and</p>	<p>Submit landscape 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.</p> <p>The landscaping shall be installed and inspected.</p> <p>All landscaped areas and fences shall be</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect</p> <p>Owner/ Applicant</p> <p>Prior to issuance of Building Permits</p> <p>Prior to Occupancy</p> <p>Ongoing</p>

	<p>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)</p>	<p>continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>	<p>Applicant</p>		
<p>10.</p>	<p>PDSF001 - LIGHTING - EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT/TORO AREA) (NON-STANDARD) 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. Exterior lights shall have recessed lighting elements. All exterior/outdoor lights shall comply with Policy T-3.5 of the 2010 Monterey County General Plan, and shall be located, designed, and enforced to minimize light sources and preserve the quality of darkness; street lights shall be as unobtrusive as practicable and shall be consistent in intensity throughout the Toro area. Exterior light sources that would be directly visible when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited. The applicant shall submit 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)</p>	<p>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. The lighting shall be installed and maintained in accordance with the approved plan.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of building permits.</p>	
<p>11.</p>	<p>PD041 - HEIGHT VERIFICATION The 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. The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department.</p>	<p>1) The 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 2) The applicant shall provide evidence from a licensed civil engineer or</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits</p>	<p>Prior to the foundation</p>

S-7

	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)	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.		pre-pour inspection	
		3) 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.	Owner/ Applicant/ Engineer	Prior to the final inspection	
12.	PDSP002 - UNDERGROUND UTILITY LINES (NON-STANDARD) (FEIR 4.1.6) Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that plan specifications include notes specifying that all new utilities shall be placed underground. (RMA - Planning Department)	The County of Monterey RMA - Planning Department and Public Works Department shall ensure that plan specifications include notes specifying that all utilities shall be placed underground.	County of Monterey RMA- Planning Department and Public Works Department	Prior to issuance of a grading permit	
13.	PD047 - DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439) In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards: 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process; 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building; 3. Commencement of deconstruction or demolition	Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition. Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.	Contractor /Owner/ Applicant	Prior to the issuance of a demolition permit During demolition	

<p>14.</p>	<p>activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. All Air District standards shall be enforced by the Air District. (RMA - Planning Department) PDSP003 - PARTICULATE MATTER (NON-STANDARD) (FEIR 4.2.1) Prior to issuance of a grading permit, the County of Monterey RMA - Planning Department shall verify that the construction plans and specifications include the following measures to reduce particulate matter during construction operations:</p> <ul style="list-style-type: none"> • Water all active construction sites at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure. • Prohibit all grading activities during periods of high wind (over 15 mph). • Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). • Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area. • Haul trucks shall maintain at least 2'0" of freeboard. • Cover all trucks hauling dirt, sand, or loose materials. • Plant vegetative ground cover in disturbed areas as soon as possible. • Cover inactive storage piles. • Install wheel washers at the entrance to construction sites for all existing trucks. • Sweep streets if visible soil material is carried out from the construction site. • Post a publicly visible sign with the telephone 	<p>The County of Monterey RMA-Planning Department shall ensure that plan specifications include notes specifying that all particulate matter be reduced as required.</p>	<p>County of Monterey RMA-Planning Department</p>	<p>Prior to issuance of a grading permit</p>
------------	---	--	---	--

		<p>number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall also be visible to ensure compliance with Rule 402.</p> <ul style="list-style-type: none"> Require that the Project Applicant limit construction impacts to levels within the Monterey Bay Unified Air Pollution Control District thresholds of significance provided in Table 4.2E of the EIR. (RMA – Planning Department) 			
<p>15.</p>	<p>PDSP004 - DIESEL EMISSIONS (NON-STANDARD) (FEIR 4.2.2) Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall verify that the construction plans and specifications include the following measures to reduce diesel emissions during construction operations:</p> <ul style="list-style-type: none"> All diesel equipment shall comply with applicable State (Air Resources Board) regulations; and All equipment shall comply with Title 13, California Code of Regulations, Section 2485(c)(1) regarding idling of commercial vehicles, as outlined below: 	<p>California Code of Regulations Title 13, § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles. (b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes: (1) California-based vehicles; and (2) Non-California-based</p>		<p>County of Monterey RMA-Planning Department</p>	<p>Prior to issuance of a grading permit</p>

<p>16.</p>	<p>vehicles. (c) Requirements. On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d). (RMA - Planning Department) PDSP005 - HISTORICAL OR ARCHEOLOGICAL MATERIALS (NON-STANDARD) (FEIR 4.4.1) Ground-disturbance associated with project activities shall be monitored by a qualified archaeologist. Archaeological monitors must be empowered to halt construction activities at the location of the discovery to review possible archaeological materials and to protect the resource while the finds are being evaluated. Monitoring would continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. If archaeological materials are discovered while an archaeological monitor is not on-site, these shall be treated in accordance with the County of Monterey's standard condition for the accidental discovery of archaeological materials, as described in Standard Condition 4.4.2 below.</p>	<p>All work shall be monitored by a qualified on-site archaeologist. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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.</p>	<p>Owner/Applicant/Archaeologist</p>	<p>On-Going</p>	
------------	---	--	--------------------------------------	-----------------	--

		<p>discovery should be redirected until the archaeological monitor assesses the situation, consults with agencies as appropriate, and provides recommendations for the treatment of the discovery. It is recommended that adverse effects to such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their eligibility for listing in the National and California registers. If the resources are not eligible, avoidance is not necessary. If the resources are eligible, they would need to be avoided by adverse effects or such effects must be mitigated.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. This report shall be submitted to the County of Monterey RMA-Planning Department, the project proponent, and the Northwest Information Center. (RMA - Planning Department)</p>	
17.	<p>FDSP006 - HUMAN REMAINS (NON-STANDARD) (FEIR 4.4.2) Ground disturbing activities associated with project activities shall be monitored by a qualified archeologist. If human remains are encountered, these remains shall be treated in accordance with California Health and Safety Code Section 7050.5.</p> <p>If human remains are encountered by project activities, construction activities shall be halted and the construction supervisor shall notify the County of Monterey Coroner immediately. If the remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall be contacted to assess the situation. The NAHC shall identify a Native American Most</p>	<p>All work shall be monitored by a qualified on-site archaeologist. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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.</p>	<p>Owner/Applicant/Archaeologist</p> <p>On-Going</p>

<p>18.</p>	<p>Likely Descendent (MLD) to inspect the Site and provide recommendations for the proper treatment of the remains and associated grave goods. The County of Monterey shall ensure that the treatment recommendations of the consulting archaeologist and MLD are implemented prior to project construction or actions that could adversely affect the remains in question. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations regarding the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. This report shall be submitted to the County of Monterey RMA-Planning Department, the project proponent, and the Northwest Information Center. (RMA - Planning Department)</p>	<p>All work shall be monitored by a qualified on-site archaeologist. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department 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.</p>	<p>Owner/Applicant/Archaeologist</p>	<p>On-Going</p>	
	<p>PDSP0007 - ARCHEOLOGICAL SITES (NON-STANDARD) (FEIR 4.4.3) "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 Resource Management Agency (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 the discovery." The preferred mitigation measure shall be avoidance of the resource. If the resource cannot be avoided, it shall be evaluated for its California Register of Historical Resources eligibility. If the resource is not eligible,</p>				

	<p>avoidance is not necessary, and work may proceed without further study or protection of the resource. If the resource is eligible, adverse effects on the deposit must be avoided or such effects must be mitigated. Mitigation can include archaeological excavation of the deposit, laboratory analysis of materials, and preparation of a report of findings for distribution to the County of Monterey RMA-Planning Department and the Northwest Information Center; curation of materials to allow for future scientific research; presentation of findings at a professional conference; and an interpretive display of recovered archaeological materials at a local library, museum, or school. (RMA - Planning Department)</p>		
<p>19.</p>	<p>PDSP008 - EMERGENCY ACCESS AND EVACUATION PLANS (NON-STANDARD) (FEIR 4.6.3) Prior to issuance of a grading or building permit, the applicant shall prepare emergency access and evacuation plans for construction and operation of the Project for review and approval by the County of Monterey RMA-Planning Department. (RMA - Planning Department)</p>	<p>Submit plan to the RMA - Planning Department for review and approval.</p>	<p>Owner/Applicant/Developer</p> <p>Prior to issuance of grading permits</p>
<p>20.</p>	<p>PDSP009 - STORM WATER POLLUTION PREVENTION PLAN (NON-STANDARD) (FEIR 4.6.2) Prior to issuance of a grading permit, the applicant shall prepare a Stormwater Pollution Prevention Plan, to be reviewed and approved by the County of Monterey RMA - Planning Department, that would specify Best Management Practices (BMPs) for the safe management of hazardous materials to prevent potential spills and stormwater contamination. The applicant shall file a notice of intent with the Regional Water Quality Control Board (RWQCB) to comply with the requirements of the General Construction Stormwater National Pollution Discharge Elimination System (NPDES) Permit. In addition, if fuel storage at the Site exceeds threshold planning quantities specified in 40 CFR Part 112 (1,320</p>	<p>Submit plans to RMA - Planning Department for review and approval. File a notice of intent with the Regional Water Quality Control Board (RWQCB). Submit Spill Prevention Control Plan and Countermeasures to the RMA-Planning Department and Environmental Health Bureau for review and approval, if fuel storage exceeds specified thresholds.</p>	<p>Owner/Applicant/Engineer/Developer</p> <p>Prior to issuance of grading permits</p>

	<p>gallons), a Spill Prevention, Control and Countermeasures (SPCC) Plan shall be prepared for the Site, which would be reviewed and approved by the County of Monterey. The SPCC must contain an assessment of the Site's spill hazard, methods of spill and overflow prevention, spill containment and spill response, and site responsibilities and training requirements. (RMA - Planning Department)</p>				
<p>21.</p>	<p>PDSP010 - STORM WATER POLLUTION PREVENTION PLAN (NON-STANDARD) (FEIR 4.7.1) Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that construction plans for the Project include features meeting the applicable construction activity Best Management Practices (BMPs) and erosion and sediment control BMPs published in the <i>California Storm water BMP Handbook—Construction Activity</i> or equivalent. The applicant shall submit a construction and operating Storm Water Pollution Prevention Plan (SWPPP) to the County of Monterey that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and would be reviewed and approved by the County Building Official prior to the issuance of any grading or building permits. The SWPPP shall reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the Site. (RMA - Planning Department)</p>	<p>Submit a construction and operating SWPPP to the RMA - Planning Department showing adequate BMPs as listed in California Stormwater BMP handbook or the equivalent measures. SWPPP shall be prepared by a civil or environmental engineer.</p>	<p>Civil or Environmental Engineer</p>	<p>Prior to issuance of grading permit</p>	
<p>22.</p>	<p>PDSP011 - GENERAL CONSTRUCTION STORM WATER NPDES PERMIT COVERAGE (NON-STANDARD) (FEIR 4.7.2) Prior to issuance of a grading permit, the applicant shall demonstrate to the County of Monterey RMA-Planning Department that coverage has been obtained under the General Construction Storm water National Pollution</p>	<p>Provide copy of Notice of Intent submitted to State Water Resources Control Board showing that coverage has been obtained under the General Construction Storm water NPDES Permit to the RMA - Planning Department.</p>	<p>Owner/Applicant/Developer</p>	<p>Prior to issuance of grading permit.</p>	

	<p>Discharge Elimination System (NPDES) Permit by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board. During demolition, grading, and construction, the applicant shall ensure that the Project complies with the requirements of the State General Construction Activity NPDES Permit. (RMA - Planning Department)</p>		
<p>23.</p>	<p>PDSP012 - STORM WATER NPDES PERMIT COVERAGE (NON-STANDARD) (FEIR 4.7.3) The applicant shall comply with the provisions of the National Pollution Discharge Elimination System (NPDES) General Permit and Waste Discharge Requirements for the Storm Water Discharges from Small Municipal Separate Storm Sewer Systems Order No. 2003-0005-DWQ NPDES No. CAS000004 as they relate to construction activities for the Project. This shall include submittal of a Notification of Construction to the Central Coast Regional Water Quality Control Board (RWQCB) at least 30 days prior to the start of construction, preparation, and implementation of a Storm Water Pollution Prevention Plan (SWPPP) (Standard Condition 4.7.1) and a Notice of Completion to the Central Coast RWQCB upon completion of construction and stabilization of the Site. (RMA - Planning Department)</p>	<p>Provide copy of Notification of Construction submitted to Central Coast Regional Water Quality Control Board (RWQCB) showing compliance with NPDES and Order No. 2003-00005-DWQ NPDES No. CAS0000004 to the RMA - Planning Department. Submit copy of Notice of Completion submitted to the RWQCB to the RMA - Planning Department.</p>	<p>Owner/Applicant/Developer Owner/Applicant/Developer 30 days prior to start of construction and Prior to issuance of grading Permit. Upon completion of construction activities.</p>
<p>24.</p>	<p>PDSP013 - EROSION CONTROL PLAN (NON-STANDARD) (FEIR 4.7.4) Prior to issuance of a grading permit, an erosion control plan indicating proposed methods for the control of runoff, erosion, and sediment movement shall be submitted by the applicant to the County of Monterey RMA-Planning Department for approval. Erosion control plans may also be required for other types of applications where erosion can reasonably be expected to occur. The erosion control plan may be incorporated into other required plans, provided it is identified as such. Erosion control plans shall include as a minimum the measures required under Sections 16.12.070,</p>	<p>An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits. 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.</p>	<p>Owner/Applicant Owner/Applicant Prior to the issuance of grading and building permits Ongoing</p>

	<p>16.12.090, and 16.12.110 of the County of Monterey Ordinance. No grading or clearing may take place on the Site prior to approval of an erosion control plan for that activity. Final certification of Project completion may be delayed pending proper installation of measures identified in the approved erosion control plan. (RMA - Planning Department)</p>		
<p>25.</p>	<p>PDSP014 - NOTICE OF WATER CREDIT - STORMWATER RUNOFF (NON-STANDARD) (FEIR 4.7.9) The applicant shall record a Notice stating that "Any development plans that may be approved in the future for the service station site (APN 161-571-002-000) adjacent to the Project Site, also owned by the applicant, shall not receive any credit for stormwater runoff from the site being applied to or counted in a water balance analysis for development of that site." (RMA - Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	<p>Owner/ Applicant</p> <p>Prior to the issuance of grading permits.</p>
<p>26.</p>	<p>PDSP015 - SOUND MUFFLING (NON-STANDARD) (FEIR 4.9.1a) Prior to issuance of a grading permit, the County of Monterey RMA - Planning Department shall verify that the construction plans and specifications state that all construction equipment used on-site is equipped with appropriate sound muffling equipment, is properly maintained, and is used at all times such equipment is in operation. (RMA - Planning Department)</p>	<p>The County of Monterey RMA- Planning Department shall ensure that plan specifications include notes specifying that all construction equipment used on site shall be equipped with sound muffling equipment as required.</p>	<p>Owner/ Applicant</p> <p>Prior to the issuance of grading permits.</p>
<p>27.</p>	<p>PDSP016 - STATIONARY EQUIPMENT (NON-STANDARD) (FEIR 4.9.1b) Prior to issuance of a grading permit, the County of Monterey RMA - Planning Department shall verify that the construction plans and specifications state that the construction contractor shall place all on-site stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Site as much as is reasonably feasible. (RMA - Planning Department)</p>	<p>The County of Monterey RMA- Planning Department shall ensure that plan specifications include notes specifying that the stationary construction equipment be placed to direct noise away from sensitive receptors as required.</p>	<p>Owner/ Applicant</p> <p>Prior to the issuance of grading permits.</p>
<p>28.</p>	<p>PDSP017 - EQUIPMENT STAGING AREAS (NON-</p>	<p>The County of Monterey RMA-</p>	<p>Owner/ Applicant</p> <p>Prior to the issuance of grading permits.</p>

	<p>STANDARD) (FEIR 4.9.1c) Prior to issuance of a grading permit, the County of Monterey RMA - Planning Department shall verify that the construction plans and specifications state that the construction contractor shall locate equipment staging in areas that would create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors nearest the Site during all project construction. (RMA - Planning Department)</p>	<p>Planning Department shall ensure that plan specifications include notes specifying that the equipment be located in appropriate areas as required.</p>	<p>Applicant</p>	<p>issuance of grading permits.</p>
<p>29.</p>	<p>PDSP018 - CONSTRUCTION ACTIVITY HOURS (NON-STANDARD) (FEIR 4.9.1d) Prior to issuance of a grading permit, the County of Monterey RMA - Planning Department shall verify that the construction plans and specifications state that the construction contractor shall ensure that noise producing construction activities shall be restricted to the daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, 8 a.m. to 4 p.m. on Saturday, and not permitted at all on Sundays or holidays. (RMA - Planning Department)</p>	<p>The County of Monterey RMA- Planning Department shall ensure that plan specifications include notes specifying that noise producing construction activities be restricted to appropriate hours as required.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading permits.</p>
<p>30.</p>	<p>PDSP019 - BUILDING COLORS AND MATERIALS (NON-STANDARD) The colors and materials are approved as presented in the Architectural Design Direction. The Director of the RMA- Planning Department shall review the colors and materials to determine that they are consistent with the approved Architectural and Design Direction.</p>	<p>Submit the color/materials for each building to the RMA - Planning Department for review and approval. Approved color/material samples shall be incorporated into the final building permits for each individual building.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of building permits for each individual building.</p>
<p>31.</p>	<p>PDSP020 - GENERAL DEVELOPMENT PLAN AND USES ALLOWED The General Development Plan is approved for retail, commercial and offices uses that are intended to serve the local community. Large department stores (Larger than 75,000 square feet) that attract customers on a regional basis are not permitted unless the General Development Plan is modified. In addition the following operational standards apply to the retail center: A. All delivery truck traffic shall enter the site through the southern most driveway on Corral de Tierra.</p>	<p>The owner shall be responsible for implementing the General Development Plan</p>	<p>Owner/ Applicant/ Proprietor of proposed use</p>	<p>Prior to the initiation of any use of individual tenant spaces.</p>

	<p>Delivery traffic shall not enter through the main driveway on Corral de Tierra or the driveway on Highway 68.</p> <p>B. All landscaping shall be maintained to achieve the screening concepts presented in the plans prepared by Hart Howerton dated August 2011. Trees shall not be pruned to increase visibility of signage or the center. Dead plant material shall be replaced with live plants consistent with the approved landscape plan.</p>			
<p>32.</p>	<p>PDSP020 – GENERAL DEVELOPMENT PLAN – MODIFICATIONS TO PLANS. In addition to project changes required by Mitigation Measures, the following changes shall be made to the Project Plans: a. The maximum size of the Center shall be 99,970 square feet b. The tree wells in the parking area shall be enlarged to a minimum of 49 square feet. c. Building footprints shall be modified to preserve the trees that are shown to be preserved and protected on the Revised Hybrid LEED Alternative Plan dated August 2011. There shall be no building encroachment into the dripline of protected trees. Improved surfaces within the dripline of protected trees shall be permeable.</p>	<p>Project modifications shall be shown on plans submitted for Building Permits</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of any permits</p>
<p>33.</p>	<p>PDSP020 – SIGNAGE PLAN (NON-STANDARD) Signage shall comply with Ordinance No. 5099 and Chapter 21.60 of Monterey County Code, regulating size and height limits, location, and number of signs except that no freestanding and/or monument signs shall be permitted, unless the General Development Plan is amended to provide a comprehensive signage plan approved by the Planning Commission including subsequent amendments.</p>	<p>The applicant/owner shall submit a comprehensive signage plan for the development to the RMA- Planning Department for review. Approval of any signage plan shall be at the discretion of the Monterey County Planning Commission.</p>	<p>Owner/ Applicant</p>	<p>Prior to commencement of development and/or prior to issuance of building permits.</p>
<p>34.</p>	<p>PD045 – CERTIFICATES OF COMPLIANCE</p>	<p>The Surveyor hired by the owner shall</p>	<p>Owner/</p>	<p>Concurrent</p>

S-7

	(LOT LINE ADJUSTMENTS) The applicant shall request unconditional certificates of compliance for the newly configured parcels. (RMA - Planning Department)	prepare legal descriptions for each newly configured parcel. The legal descriptions shall be entitled "Exhibit A". The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the <i>Monterey County Recorder</i> , for the appropriate fees to record the certificates.	Applicant/ Surveyor	with recording the Record of Survey
35.	PW0035 - RECORD OF SURVEY File a Record of Survey showing the new line and its monumentation. (Public Works)	Owner's Surveyor to prepare record of survey and submit to DPW for review and approval.	Owner/ Surveyor	Prior to Recordation of Record of Survey
36.	PDSP021 - RECIPROCAL ACCESS AND PARKING. The owner shall record legal instrument to provide reciprocal parking and access between Parcels A and B and provide access to the corner parcel (APN 161-571-002-000). The form of the legal instrument shall be to the satisfaction of the Planning Director and County Counsel.	The applicant/developer shall prepare a reciprocal parking and access easement in a form acceptable to the County which shall be recorded over the entire project area (Parcels A and B).	Owner/ Applicant	Prior to issuance of any permits.
RMA - Public Works Department				
37.	PWSP001 - ENCROACHMENT (NON-STANDARD) Obtain an encroachment permit from the Department of Public Works and construct a commercial driveway connection to Corral de Tierra. The Design and construction is subject to the approval of the Public Works Director. (Public Works)	Applicant shall obtain an encroachment permit from DPW prior to issuance of grading permits and complete improvements prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances and shall submit documentation to DPW	Owner/ Applicant	Prior to Grading Permit Issuance.
38.	PWSP002 - ROAD IMPROVEMENT AGREEMENT (NON-STANDARD) Enter into a Road Improvement agreement with the County of Monterey to install curb, gutter, sidewalk and	Applicant shall obtain an encroachment permit from DPW prior to issuance of grading permits and complete improvements prior to occupying or	Owner/ Applicant	Prior to Grading Permit Issuance

			all other improvements along the frontage of Corral de Tierra identified in MM 4.12.2 (Public Works)		commencement of use. Applicant is responsible to obtain all permits and environmental clearances and shall submit documentation to DPW.			
39.		PW007 - PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning. (Public Works)			The parking plan shall be consistent with the Revised Hybrid LEED Alternative Plan dated August 2011, prepared by Hart Howerton	Owner/ Applicant/ Engineer	Prior to Grading Permits Issuance	
40.		PWSP003 - DEDICATION (NON-STANDARD) Dedicate to the County of Monterey right-of-way along the east side of Corral de Tierra sufficient to provide street and frontage improvements as stated in condition 90 (Mitigation Measure 4.12.2). (Public Works)			Applicant's surveyor shall prepare description of area to be dedicated	Owner/ Applicant	Prior to Grading Permit Issuance	
41.		PWSP004 - UTILITIES COMMENTS (NON STANDARD) Provide underground utility plans for approval by affected utility companies. (Public Works)			Applicant shall provide underground utility plans for approval by affected utility companies for review. Applicant shall submit approved utility plans to DPW.	Owner/ Applicant	Prior to approval of improve nt plans	
42.		PWSP005 - IMPROVEMENT PLANS (NON-STANDARD) Provide improvement plans for approval of the Department of Public Works. (Public Works)			Applicant shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to issuance of grading permit.	Subdivider	Prior to issuance of grading permit	
43.		PWSP006 - CONSTRUCTION MANAGEMENT PLAN (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 during the construction/grading phase of the project and shall provide the following information: Duration of the contraction, hours of operation an estimate of the number of truck trips that will be generated, trucks routes, number of construction workers, parking areas for both equipment and workers, locations of truck staging area, and maintain the parking			Applicant shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval. The approved measure shall be implemented during the construction/grading phase of the project.	Owner/ Applicant/ Contractor	Prior to issuance of the Grading Permit or Building Permit	
						Owner/ Applicant/ Contractor	On going through construction phases	

		and circulation areas in mud-free and dust free condition. Approved measures included in the CMP shall be implemented by the applicant during the construction/ grading phase of the project. (Public Works)				
Health Department Environmental Health Bureau						
44.	EH1 - WATER SYSTEM PERMIT Obtain a new or amended water system permit from the Division of Environmental Health if required. (Environmental Health)	Submit necessary application, reports and testing results to EH for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of grading/ building permits		
45.	EH4 - FIRE FLOW STANDARDS Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)	Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.	CA Licensed Engineer /Owner/ Applicant	Prior to installing water system improvements		
46.	EH5 - INSTALL WATER SYSTEM IMPROVEMENTS If a water system permit is obtained, the developer shall install the water system improvements to and within the development and any appurtenances. (Environmental Health)	The developer shall install the water system improvements to and within the project and any appurtenances needed.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of first building and/or grading permit.		
47.	EH6 - WATER SERVICE CAN/WILL SERVE Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that California American Water - Ambler Park can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)	Submit written certification to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of a building permit		
48.	EH24 - SEWER SERVICE CAN/WILL SERVE Provide certification to the Division of Environmental Health that California Utility Services can and will	Submit certification to Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of a building permit.		

	provide sewer service for the proposed property/project. (Environmental Health)				
49.	EH35 - CURFFL All improvements shall comply with the California Uniform Food Facilities Law as approved by the Director of Environmental Health. If necessary, submit plans and necessary review fees for review and approval prior to obtaining a building permit/final inspection. (Environmental Health)	Submit plans and necessary review fees to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
50.	EH37 - RECYCLABLES IN RENTAL BUSINESS PARK (NON-STANDARD) Submit a written plan on how recyclables will be collected and stored for each of the individual business units. (Environmental Health)	Submit a plan to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits.	
51.	EH38 - SEPARATE RECYCLABLES All persons shall separate all recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility (MCC 10.41.020.B). (Environmental Health)	Submit a plan to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits/ Continuous condition	
52.	EH40 - MEDICAL WASTE Storage, transportation, and disposal of biohazardous/medical wastes shall be in compliance with of Title 22, Division 20, Chapter 6.1 of the California Code of Regulations. (Environmental Health)	The operation shall register and shall maintain a valid permit from the Division of Environmental Health.	Owner/ Applicant	Prior to issuance of building permits/ Continuous condition	
53.	EBSP001 - SEWER SYSTEM INFRASTRUCTURE AND WASTEWATER TREATMENT CAPACITY Prior to issuance of building permits, the project applicant shall prepare and submit for review and approval wastewater collection improvement plans and calculations prepared by a registered engineer that demonstrate adequate capacity. The wastewater collection improvement plans shall be subject to	Project applicant shall submit to EHB, CUS and MBUAPCD wastewater collection improvement plans prepared by a registered civil engineer that meet the requirements of the CUS, EHB and MBUAPCD. Project applicant and CUS shall enter	Owner/ Applicant/ Engineer	Prior to issuance of building permits.	

	<p>approval by Cal Utility Service (CUS), Monterey Bay Unified Air Pollution Control District (MBAPCD) and Monterey County Environmental Health Bureau (EHB.) Upon review of the design and approval, the project applicant shall be required to enter into a water wastewater main extension agreement with CUS.</p> <p>In addition, prior to approval of any building permits, the applicant shall verify that there is sufficient treatment capacity at CUS's treatment facility to address the wastewater needs of the proposed project. The project applicant shall submit proof to EHB that the existing wastewater treatment plant is meeting the current effluent limitations as required per the RWQCB's Waste Discharge Requirement Order No. R3-2007-0008. If the project would cause CUS facility to exceed its permitted capacity, then the County of Monterey would not issue any building permits until such time as CUS has attained a revised permit from RWQCB.</p> <p>(Environmental Health)</p>	<p>into a wastewater main extension agreement.</p> <p>Project applicant shall submit to EHB proof that CUS is meeting all the requirements set forth in the RWQCB Waste Discharge Order No. R3-2007-0008.</p>		
<p>54.</p>	<p>EHSP002 - HAZARDOUS MATERIALS BUSINESS PLAN (NON-STANDARD) (FEIR 4.6.1)</p> <p>Prior to issuance of a building permit, the applicant shall file a Hazardous Materials Business Plan, including an Emergency Response and Contingency Plan and a Hazardous Materials inventory with the County of Monterey, Environmental Health Department and obtain a permit for hazardous materials handling if necessary. Such facilities are required to follow safe handling and storage practices, implement training and emergency response procedures and are subject to annual inspection. Facilities that generate hazardous waste are required to follow a similar set of procedures, and are also required to register as hazardous generators and comply with federal and State hazardous waste storage regulations, training requirements and contingency planning requirements. Hazardous</p>	<p>Contact the Hazardous Materials Program of the Bureau of Environmental Health. Submit plan to the Hazardous Materials Program of the Bureau of Environmental Health for review and approval.</p>	<p>Owner/ Applicant</p>	<p>Prior to commence ment of operation / Continuous</p>

		materials facilities with air emissions are required to obtain permits from the local Air Pollution Control District and comply with emission limits and any specified monitoring, maintenance and record keeping requirements in their permits.			
		Future potential use, storage, transport or disposal of reportable quantities of hazardous materials (as listed in 40 CFR Ch.1 Section 117.3) or quantities exceeding threshold planning quantities would be required to follow the same procedures. (Environmental Health)			
Monterey County Water Resources Agency					
55.		SPVRA001 - COMPLETION CERTIFICATION (NON-STANDARD) The Applicant shall provide the Water Resources Agency contractor that storm water detention/retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)	Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan.	Owner/ Applicant	Prior to issuance of any building permits
Monterey County Regional Fire Protection District					
56.		FIRE001 - ROAD ACCESS Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. (Monterey County Regional Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to issuance of grading and/or building permit. Prior to final building inspection
57.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or

	<p>traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Monterey County Regional Fire Protection District)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>building permit. Prior to final building inspection.</p>
58.	<p>FIRE011 - ADDRESSES FOR BUILDINGS 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 and visible 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. (Monterey County Regional Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner Applicant or owner</p>	<p>Prior to issuance of building permit. Prior to final building inspection</p>
59.	<p>FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading</p>

<p>and/or building permit.</p>	<p>Prior to final building inspection</p>	<p>Applicant or owner</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>
<p>Prior to issuance of grading and/or building permit.</p>	<p>Prior to final building inspection</p>	<p>Applicant or owner</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>
<p>Prior to final building inspection</p>	<p>Applicant or owner</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (Monterey County Regional Fire Protection District)</p> <p>FIRE015 - FIRE HYDRANTS/FIRE VALVES A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire</p>

60.

61.	<p>Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (Monterey County Regional Fire Protection District)</p> <p>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Manage combustible vegetation within a minimum of 30 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Monterey County Regional Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	
62.	<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Monterey County Regional Fire Protection District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	
63.	<p>FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) The building(s) shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C-10 contractor and approved prior to requesting a rough sprinkler or framing inspection. (Monterey County</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall submit fire alarm plans and obtain approval.</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to rough sprinkler or framing inspection</p>	

	Regional Fire Protection District)	Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection
64.	<p>FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. (Monterey County Regional Fire Protection District)</p> <p>FIRE030 - PORTABLE FIRE EXTINGUISHERS (NON-STANDARD) Portable Fire extinguishers shall be installed and maintained in accordance with Uniform Fire Code Standards. Locations of fire all fire extinguishers shall be reviewed and approved prior to installation. (Monterey County Regional Fire Protection District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.
65.	<p>FIRE030 - EMERGENCY ACCESS (KEY BOX) (NON-STANDARD) Where common areas, tenant spaces, or gates are to be locked, the Reviewing Authority having jurisdiction may require installation of a key box or other acceptable means to immediate access for emergency equipment. Locations for all key boxes shall be reviewed and approved prior to installation. (Monterey County Regional Fire Protection District)</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.
66.	<p>PDSP004 - SOIL REMEDIATION Prior to issuance of any permits for the shopping center, other than permits required for site remediation, site soil and groundwater contamination on the adjacent gas station site (APN 161-571-002) ("Gas Station Site") shall be addressed through one of the following options: A. Complete Soil Remediation and No Existing or Detectable Groundwater Contamination. All contaminated soils shall be removed from the Gas Station Site. The soils shall be removed to the</p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of any permit other than permits for site remediation.
67.				

S-7

	<p>satisfaction of the Monterey County Environmental Health Bureau ("EHB"). If the California Regional Water Quality Control Board ("Regional Board") determines that no groundwater contamination exists or is not detectable on the Gas Station Site, a risk assessment shall not be required;</p> <p>Or</p> <p>B. Complete Soil Remediation but Existing or Detectable Groundwater Contamination.</p> <p>All contaminated soils shall be removed from the Gas Station Site. The soils shall be removed to the satisfaction of the EHB. If the Regional Board determines that any groundwater contamination exists or is detectable on the Gas Station Site, remediation of any such groundwater contamination shall be in accordance with the directions and to the satisfaction of the Regional Board. Any groundwater remediation measures that may be required by the Regional Board shall be implemented and successfully functioning for one month if the remediation is an ongoing process. A risk assessment shall be performed by a licensed professional experienced in groundwater contamination transport and modeling demonstrating to the satisfaction of the EHB that any such groundwater contamination on the Gas Station Site will not pose a hazard to public health and safety particularly as a result of the operation of the proposed groundwater recharge system;</p> <p>Or</p> <p>C. Residual Soil Contamination and Existing or Detectable Groundwater Contamination.</p> <p>Contaminated soil on the Gas Station Site shall be</p>	<p>Site and no groundwater contamination exists or is detected. No risk assessment is required.</p> <p>(For Option B) All contaminated soils shall be removed from the Gas Station Site, and any required groundwater remediation measures shall be successfully functioning for a month prior to issuance of permits. A risk assessment shall also be prepared and submitted to the EHB that demonstrates to the satisfaction of EHB that any groundwater contamination, if determined to exist or is detected, will not pose a hazard to public health and safety.</p> <p>(For option C) Remediation of soil on</p>	
--	---	---	--

	<p>remediated below Monterey County Action Levels for all contaminants. The soil remediation shall be completed to the satisfaction of the EHB. If the Regional Board determines that any groundwater contamination exists or is detectable on the Gas Station Site, remediation of any such groundwater contamination shall be in accordance with the directions and to the satisfaction of the Regional Board. Any groundwater remediation measures that may be required by the Regional Board shall be implemented and successfully functioning for one month if the remediation is an ongoing process. A risk assessment shall be performed by a licensed professional experienced in groundwater contamination transport and modeling demonstrating to the satisfaction of the EHB that any residual contaminants in the soil on the Gas Station Site, or any groundwater contamination on the Gas Station Site, will not pose a hazard to public health and safety particularly as a result of the operation of the proposed groundwater recharge system.</p>	<p>the Gas Station Site shall be completed consistent with Title 23 California Code of Regulations Chapter 16 Article 11 and any required groundwater remediation measures shall be successfully functioning for a month prior to issuance of permits. A risk assessment shall also be prepared and submitted to the EHB that demonstrates to the satisfaction of EHB that neither any groundwater contamination, if determined to exist or is detected, nor residual soil contamination will pose a hazard to public health and safety.</p>	
68.	<p>PDSP005 REMOVAL OF GAS STATION The Gas Station on the corner parcel shall be removed and the site shall be cleared of all buildings, asphalt, and other structures or improvements not associated with a project approved subsequent to the date of approval for this project. Once the existing improvements and structures have been removed, storage of materials, vehicles or other items is not permitted.</p>	<p>The owner/applicant shall obtain a demolition permit to remove the improvements on site, and the site shall be inspected by the County Planning Department to insure that all structures and improvements have been removed from the site.</p>	<p>Owner/ Applicant</p> <p>Prior to issuance of Building Permit.</p>
69.	<p>MM3 (FEIR 4.1.3)</p> <p>BUILDING AESTHETICS/HARDSCAPE ELEMENTS. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the building and overall project design exterior construction materials, colors and style blend and are consistent with the surrounding natural setting and rural ranch properties of the Corral de Tierra area</p>	<p>The County of Monterey RMA-Planning Department shall ensure that the building and overall project design colors and style blend and are consistent with the surrounding Corral de Tierra area</p>	<p>Applicant or owner</p> <p>Prior to issuance of a grading permit</p>

		<p>Specific design components for the project parking lots shall include materials such as light colored asphalt, light colored interlocking pavers, and/or reinforced gravel products to mimic the existing landscape colors; dark green paint for space striping and recycled plastic vehicle stops.</p>				
<p>70.</p>	<p>MM4 (FEIR 4.1.4)</p>	<p>LANDSCAPE PLAN. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the landscaping plan is consistent with the August 2011 Landscape Concept Plan prepared by Hart/Howerton. The plan shall include appropriate tree species to provide maximum shading in the parking areas; shall include native drought-tolerant and rapid growth shrub and tree species to buffer the visibility of the project from the scenic corridors; xeriscape principles; and shall include such techniques and materials as low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. The plans shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping 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 condition.</p>	<p>The County of Monterey RMA-Planning Department shall ensure that the landscaping plan is consistent with the submitted plan.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of a grading permit</p>	
<p>71.</p>	<p>MM5 (FEIR 4.1.5)</p>	<p>LIGHTING PLAN SPECIFICATIONS. A Final Lighting Plan for the Project shall be submitted for review to the County of Monterey RMA-Planning Department prior to issuance of any building permit. The plan would be reviewed for adequacy and its ability to reduce lighting impacts. 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. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible</p>	<p>The County of Monterey RMA-Planning Department shall ensure that a Final Lighting Plan for the Project is prepared such that only the Project is illuminated and off-site glare is controlled and that the Plan complies with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of building permits</p>	

		<p>when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited shall be minimized to provide only minimum safety requirements. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The plan shall include the following components to minimize adverse visual effects during nighttime:</p> <ul style="list-style-type: none"> • All exterior project light lamps shall be focused downward within the Site boundaries to avoid light spill upward to the night sky or out on adjacent properties; this includes luminaries with a distance of 2.5 times the mounting height from the property boundary; • The majority of the lighting on-site shall be limited to business hours only, with minimal lighting left on during off-business hours for security purposes. The lighting plan shall be reviewed by the County Sheriffs Department for consistency with security and safety requirements; • Project exterior luminaries with more than 1,000 initial lamp lumens shall be shielded to direct lighting downward and within the Site; and exterior luminaries with more than 3,500 initial lamp lumens shall meet the Full Cutoff IESNA (Illuminating Engineering Society of North America) Classification; • All interior project lighting shall have a maximum candle value such that the light falls within the buildings; <p>Lamps shall be rural in style to be consistent with the rural character of the Site and surrounding community.</p>			
72.	MM6 (FEIR 4.3.1)	<p>SPECIAL STATUS BAT SPECIES. Prior to issuance of grading permit the applicant shall contract with a qualified biologist to conduct preconstruction surveys for bats; such surveys shall be conducted at least 30 days before any construction or grading regardless of the time of year. Tree removal and</p>	<p>The project applicant shall have a qualified biologist conduct preconstruction surveys for bats at least 30 days prior to any construction or grading activities. In addition the County of Monterey RMA-Planning</p>	Applicant or owner	Prior to issuance of a grading permit

S-7

	<p>construction shall occur in late fall to minimize the likelihood of impacting individuals within one or more species of bats. To be in compliance with Fish and Game Code 1801, the applicant shall have a qualified biologist examine the trees within 100 feet of the development area on the Site for use by bats. If no bats, or evidence of, are found during preconstruction surveys, a survey report shall be prepared that documents the findings of the surveys, and requirements for avoidance, minimization, construction can proceed during daylight hours with no impact, so long as trees used by roosting bats are not directly impacted. In the event that trees to be removed are being used as day roosts, a plan shall be developed under the consultation of a qualified biologist to exclude bats from these areas before construction can proceed. Construction related activities shall be prohibited within the exclusion zone until the bats have abandoned the roost site. Passive exclusion measures that allow bats to leave but not return to the roost would be allowed unless the roost site supports a maternity colony. Exclusion measures would only be allowed at maternity roost sites when the young have fledged. A qualified biologist shall monitor each roost one per week in order to track the status of each roost and inform the project applicant when a roost site has been cleared for construction. Once all bats have been evicted, tree removal can resume. Weekly monitoring reports shall be prepared by the bat biologist and submitted to the County of Monterey RMA-Planning Department.</p>	<p>Department shall approve the contract with the biologist.</p>		
<p>73. MM7 (FEIR 4.3.2)</p>	<p>NESTING BIRDS. The following measures shall be implemented to mitigate for potential impacts to nesting birds (including but not limited to Northern Harrier, white-tailed kite,</p>	<p>The project applicant shall have a qualified biologist conduct preconstruction surveys for nesting birds. In addition the County of</p>	<p>Applicant or owner</p>	<p>Prior to issuance of a grading permit or</p>

	<p>California homed lark; and loggerhead shrike): Prior to issuance of any grading permits, the County shall verify that the project applicant has retained a qualified biologist to ensure that avoidance and minimization measures for raptor and other bird nests are in place.</p> <p>1) If possible, all trees, brush and other potential nesting habitat that would be impacted by project construction shall be removed during the non-nesting season (September 15 through January 31).</p> <p>2) If suitable nesting habitat cannot be removed during the non-nesting season and project construction is to begin during the nesting season (February 16 through August 31), all suitable nesting habitat within the limits of work and a 250-foot buffer shall be surveyed by a qualified biologist prior to initiating construction related activities. The qualified biologist shall conduct preconstruction nesting surveys prior to tree pruning, tree removal, ground disturbing activities, or construction activities to locate any active nests within 250 feet of the footprint of development. Surveys shall be conducted no more than 30 days prior to the start of work. If an active nest is discovered, a buffer shall be established on the project site around the nest and delineated using orange construction fence or equivalent. Buffers for raptor nests shall be 250 feet. The buffer shall be maintained in place until the end of the breeding season or until the young have fledged, and the young birds are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist. The active nest sites within the exclusion zone shall be monitored by the qualified biologist on a weekly basis throughout the nesting season to identify any signs of disturbance. A report shall be prepared at the end of the construction season detailing the results of the preconstruction surveys. The report shall be submitted the California</p>	<p>Monterey RMA-Planning Department shall approve the contract with the biologist.</p>	<p>ground disturbing activities</p>	
--	---	--	-------------------------------------	--

		<p>Department of Fish and Game (CDFG) by November 30 of each year.</p> <p>If no nesting is discovered, construction shall begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.</p> <p>3) Alternatively, CDFG may be consulted to determine if it is appropriate to decrease the specified buffers with or without implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity).</p>	
74.	MM8 (FEIR 4.3.3)	<p>BURROWING OWL.</p> <p>Prior to issuance of a grading permit, the following measures shall be implemented to mitigate for potential impacts to burrowing owl:</p> <p>1) The applicant shall contract with a qualified biologist to conduct burrowing owl presence/absence surveys per the survey methodology developed by the California Burrowing Owl Consortium (CBOC, 1993). Since the project site contains burrows suitable for nesting burrowing owls, protocol requires four surveys during the nesting season (April 15 through July 15) and four surveys during the winter season (December 1 through January 31). If the survey results are negative, no further action is warranted.</p> <p>2) If burrowing owls are found to be occupying the project site in either season, a buffer of no less than 250 feet shall be established around occupied burrows, unless a qualified biologist approved by the CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. If it is determined that burrowing owls are found occupying the project site, eviction of owls shall be accomplished through passive relocation during the non-</p>	<p>Applicant or owner</p> <p>Prior to issuance of a grading permit</p>

	<p>breeding season (July 16 - April 14). Passive relocation shall be accomplished by installing one-way doors at burrow entrances that are left in place and monitored daily to ensure that owls have left the burrows. Burrows shall be vacant for one week prior to excavation of the burrows (CDFG, 1995). Excavation of the burrows will ensure that no burrows remain on the site as suitable nesting habitat for the owls. Construction of the site can commence once all owls on the site have been successfully relocated and not seen on the site for at least one week. A monitoring program of the relocation site shall ensure that evicted individuals are successfully using the relocation site. This monitoring program shall be implemented for the number of years that is deemed acceptable by CDFG. The monitoring program shall include provisions for success criteria, remedial measures, and an annual report to the CDFG.</p>			
75.	<p>MM9 (FEIR 4.3.4)</p> <p>(3) Should owls be found on the site during protocol-level surveys, compensation for loss of foraging and breeding habitat shall be required in accordance with the CDFG Staff Report on Burrowing Owls (CDFG, 1995). Compensation, as outlined in the report, shall consist of consultation with the CDFG to: 1) determine the appropriate amount of acreage to be protected in perpetuity to compensate for the loss of foraging and breeding habitat associated with project construction and development; 2) the appropriate level of funding for long-term management and monitoring of the protected lands; and 3) the appropriate length of time that monitoring of the protected lands shall be required. In addition, artificial burrows shall be installed on protected lands either on-site (if possible) or off-site if on-site is not possible, at a minimum ratio of 1:1 for each suitable burrow destroyed by the project.</p> <p>CALIFORNIA TIGER SALAMANDER</p> <p>Mitigation Option #1. Determination of Presence/Absence of CTS by conducting a drift-net</p>	<p>The project applicant shall have a qualified biologist conduct a CTS site assessment following USFWS 2003</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading</p>

S-7

	<p>fencing surveys. Prior to issuance of a grading permit, the applicant shall retain a qualified biologist to complete a Habitat Assessment per the <i>Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander</i> (USFWS 2003). More specifically, focused surveys of upland habitat using drift net fencing will be conducted for two years, per the methods described on page 5 of interim survey guidance. Aquatic surveys on nearby off-site breeding ponds, in combination with drift-net fencing surveys, are frequently requested by the agencies in support of a presence or absence determination. If there is not sufficient rainfall during the survey years, it is possible that CDFG would require additional year(s) of surveys to conclude that CTS are not present on the site.</p> <p>Should there be a subsequent recommendation to examine burrows on the site, the Applicant's biologist will be required to employ fiber optics rather than hand excavation.</p> <p>Avoidance and Minimization Measures.</p> <p>The applicant shall implement the following avoidance and minimization measures prior to the initiation of construction activities:</p> <ol style="list-style-type: none">1) A biologist familiar with CTS shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined here, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.2) An agency-approved biological monitor shall be present during all ground disturbing portions of the	<p>guidance. The project applicant shall have a qualified biologist ensure implementation of avoidance and minimization measures pertaining to CTS. In addition the County of Monterey RMA-Planning Department shall approve the contract with the biologist.</p>	permits or building permits	
--	--	---	-----------------------------	--

		<p>construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbances has been completed. If any CTS individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.</p>	
		<p>3) Silt fencing delineating the project activity boundaries adjacent to CTS breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.</p>	
		<p>4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.</p>	
		<p>5) During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.</p>	
		<p>6) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.</p>	
		<p>7) All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective</p>	

	<p>response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</p> <p>Should the protocol-level surveys fail to document presence of CTS on the site, and the agencies concur that the species is absent from the site, project construction may proceed without further mitigation.</p> <p>If the protocol-level surveys determine presence of CTS, the applicant shall retain a qualified biologist to prepare the application materials for a 2081 permit from CDFG and a Section 10 permit from USFWS, prior to the issuance of a grading permit. The mitigation strategy for CTS could include off-site mitigation, such as the purchase of CTS credits from the Ohlone Conservation Bank in Alameda County. Credits for CTS at this mitigation bank are currently being sold at \$45,000 per credit.</p> <p>Mitigation Option #2. Assume presence of CTS. Prior to the issuance of a grading permit, the applicant shall retain a qualified biologist to prepare the application materials for a 2081 permit from CDFG and a Section 10 permit from USFWS.</p> <p>Suitable mitigation measures, such as avoidance, minimization, and compensation shall be required as determined through consultation with and to the satisfaction of CDFG and USFWS. Avoidance, minimization, and compensation measures below shall be implemented. Furthermore, the mitigation strategy for CTS could include off-site mitigation, such as the purchase of CTS credits from the Ohlone Conservation Bank in Alameda County. Credits for CTS at this mitigation bank are currently being sold at \$45,000 per credit.</p>	
--	--	--

	<p>Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measures prior to the initiation of construction activities:</p>			
	<p>1) A biologist familiar with CTS shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined here, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.</p>			
	<p>2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbance has been completed. If any CTS individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.</p>			
	<p>3) Silt fencing delineating the project activity boundaries adjacent to CTS breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.</p>			
	<p>4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.</p>			
	<p>3) During project activities, all trash that may attract</p>			

	<p>predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.</p> <p>4) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.</p> <p>All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</p>			
<p>76. MM10 (FEIR 4.3.5)</p>	<p>CALIFORNIA RED-LEGGED FROG AND WESTERN SPADEFOOT TOAD.</p> <p>Prior to issuance of a grading permit, the project applicant shall retain a qualified biologist to first determine presence or absence of CRLF and WST. If either species is present, a mitigation strategy shall be negotiated with the agencies (USFWS and CDFG) through implementation of the following mitigation measure. The contract shall be submitted for review and approval by the County of Monterey – RMA Planning Department prior to issuance of any permits.</p> <p>Habitat Assessment and Protocol-level Surveys. The applicant shall contract with a qualified biologist to complete a Habitat Assessment for CRLF and WST on the proposed project site. If results of the Habitat Assessment indicate that CRLF and WST could be present on the site, protocol-level surveys for RLF shall be completed per the 2005 USFWS Guidance. WST</p>	<p>The project applicant shall have a qualified biologist ensure implementation of avoidance and minimization measures pertaining to CRLF and western spade foot toad. In addition the County of Monterey shall approve the contract with the biologist.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of a grading permit</p>

	<p>would be found (if present) during these RLF protocol-level surveys. Multiple surveys (up to 8) are required to determine the presence of the CRLF and WST on or near the project site. Two day surveys and four night surveys shall be required during the breeding season (February 1 through June 30). One day and one night survey shall be required during the non-breeding season (July 1 through September 30). These surveys shall consist of listening for frog calls and a visual-encounter survey. Decontamination of equipment and reporting requirements shall be followed, per the Guidance.</p>		
	<p>Should there be a recommendation to examine burrows on the site, the Applicant's biologist will be required to employ fiber optics rather than hand excavation.</p>		
	<p>Should no CRLF or WST be found on the project site during protocol-level surveys, the project shall continue as scheduled, with implementation of the avoidance and minimization measures specified below.</p>		
	<p>If CRLF and/or WST are observed within 50 feet of planned construction activities during the protocol-level day and night time surveys for CRLF and WST, all construction-related activities shall be postponed until consultation with USFWS (CRLF) and CDFG (WST) has been established.</p>		
	<p>Compensation Measures. If the protocol-level surveys result in positive findings for CRLF or WST, consultation with the USFWS (CRLF) or the CDFG (WST) shall be required. Prior to relocation of any individuals from the project site, appropriate agency approvals shall be required. Therefore, prior to issuance of a grading permit or other authorization to proceed with project construction, the project proponent shall complete all consultation requirements with USFWS pursuant to Federal Endangered Species Act for the</p>		

CRLF and with CDFG pursuant to the California Endangered Species Act for the WST, obtain all required permits, and provide approved permit documentation to the County.

As part of the permitting requirements, the applicant shall prepare a mitigation plan to address the potential impacts to CRLF and WST, and describe proposed compensatory mitigation to offset the loss of approximately 11-acres of estivation habitat resulting from project implementation. The mitigation plan shall be subject to approval by USFWS and CDFG. Compensatory mitigation for CRLF and WST habitat typically consists of habitat preservation at a minimum 2:1 ratio. Preservation of this habitat shall be accomplished through:

- a. Acquisition of suitable off-site habitat and recording a conservation easement over the property;
- b. purchasing sufficient credits at an approved conservation bank;
- c. a combination of the above methods, or other method acceptable to USFWS and CDFG.

Avoidance and Minimization Measures. The applicant shall implement the following avoidance and minimization measure prior to the initiation of construction activities:

- 1) A biologist familiar with CRLF and WST shall meet with construction supervisors and workers to provide information on the special status amphibians, discuss the minimization and avoidance measures as outlined herein, and reinforce the importance of confining the equipment and workers to identified work areas, as well as discuss the requirements to protect listed species under the federal and state Endangered Species Acts.

	<p>2) An agency-approved biological monitor shall be present during all ground disturbing portions of the construction activities. The agency-approved biologist shall be present at the work site until such time as all habitat disturbance has been completed. If any CRLF or WST individuals are encountered at any time during construction-related activities, all work shall be halted and representatives from CDFG and USFWS (as appropriate) shall be contacted to discuss further actions.</p> <p>3) Silt fencing delineating the project activity boundaries adjacent to CRLF or WST breeding habitat shall be installed prior or immediately following ground construction activities as directed by the project biologist. The silt fencing shall be maintained throughout the duration of construction related activities within and adjacent to breeding habitat.</p> <p>4) No construction related materials or equipment shall be left adjacent to habitat without a silt fence or other appropriate barrier in place to discourage individuals from harboring within the areas.</p> <p>5) During project activities, all trash that may attract predators of special status amphibians shall be properly contained, removed from the work site and regularly disposed of offsite. Following construction, all trash and construction debris shall be removed from work areas.</p> <p>6) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations.</p> <p>7) All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any water body. The construction contractor shall ensure contamination of all grassland</p>		
--	--	--	--

77.	MM11 (FEIR 4.3.6)	<p>habitat on the site does not occur during such operations. Prior to the onset of work, the construction contractor shall prepare a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</p> <p>MONTEREY DUSKY-FOOTED WOODRAT. Prior to issuance of a grading permit, a qualified biologist shall identify any active woodrat nests that may be present, deconstruct nests prior to construction, and reconstruct suitable nests within preserved lands off-site. All activities involving deconstruction and reconstruction of nests shall be approved by CDFG. Nests that cannot be avoided shall be dismantled prior to land clearing activities to allow animals to escape harm and to reestablish territories prior to the next breeding season. Nests shall be dismantled during the nonbreeding season, between October 1 and December 31. Dismantling shall be done by hand allowing any animals to escape either along existing woodrat trails or toward other available habitat. If a litter of young is found or suspected, nest material shall be replaced, and the nest left alone for 2 to 3 weeks and then resurveyed to verify that young are capable of independent survival before proceeding with nest dismantling. Active nests that are not located in areas of grading or vegetation removal shall be avoided and protected during project activities with a minimum 25-foot buffer.</p>	<p>The project applicant shall have a qualified biologist ensure implementation of avoidance and minimization measures pertaining to Monterey dusky-footed Woodrat. In addition the County of Monterey shall approve the contract with the biologist.</p>	Applicant or owner	Prior to issuance of a grading permit	
78.	MM12 (FEIR 4.5.1)	<p>UNIFORM BUILDING CODE FOR SEISMIC ZONE IV. Prior to the issuance of a building permit, the project engineer shall prepare and submit project design specifications to the County of Monterey RMA-Planning Department for review and approval. The project design specifications shall be in accordance with the requirements of the Uniform Building Code's current edition for Seismic Zone IV. The requirements state that all buildings are to be founded on undisturbed native</p>	<p>The County of Monterey RMA-Planning Department shall ensure project design specifications are in accordance with the requirements of the Uniform Building Code's current edition for Seismic Zone IV.</p>	Applicant or owner	Prior to issuance of a building permit	

79.	MM13 (FEIR 4.5.2)	<p>soils and/or accepted engineering fill to prevent resonance amplification between soils and the structure.</p> <p>GROUND LURCHING. Prior to issuance of a building permit, the applicant shall submit operation and emergency response plans to the County of Monterey, Health Department, Environmental Health Bureau for review and approval. The plans shall consider the potential for ground lurching to occur in response to seismic events, and the potential for lurching to damage lifelines, utilities, and structures. The operation and emergency response plans shall include an employee-training plan; an evacuation plan; a checklist for emergency response including responsible parties; a facility site plan; a storage map for hazardous materials; and a records management plan.</p>	<p>The project applicant shall provide the County of Monterey Health Department-Environmental Health Division an operation and emergency response plan for review and approval.</p>	Applicant or owner	Prior to issuance of a building permit	
80.	MM14 (FEIR 4.5.3)	<p>EROSION CONTROL PLAN. Prior to issuance of a grading permit, the contractor shall prepare and submit an erosion control plan to the County of Monterey RMA-Planning Department for review and approval. The erosion control plan shall include the following measures:</p> <ul style="list-style-type: none"> Graded cut and fill slopes shall be vegetated or landscaped in a manner that would reduce the potential for soil erosion following construction. <p>Site drainage shall be provided to control surface water, direct water away from slopes, and control surface water discharge.</p>	<p>The project applicant shall provide the County of Monterey RMA-Planning Department an erosion control plan for review and approval.</p>	Applicant or owner	Prior to issuance of a grading permit.	
81.	MM15 (FEIR 4.5.4)	<p>DESIGN LEVEL GEOTECHNICAL REPORT. Prior to issuance of a grading permit, the applicant shall submit a design-level Geotechnical Report to the County of Monterey RMA-Planning Department for review and approval. The Geotechnical Report should specifically address the site preparation and grading, foundation design, estimated differential settlement due to liquefaction, foundation and seismic loading, and the design of the Site's retaining walls that would support the adjacent slope.</p>	<p>The project applicant shall provide the County of Monterey RMA-Planning Department a design-level Geotechnical Report for review and approval.</p>	Applicant or owner	Prior to issuance of a grading permit.	

S-7

<p>82.</p>	<p>MM16 (FEIR 4.5.5)</p>	<p>BUILDING CONSTRUCTION PLANS. Prior to the issuance of a building permit, the project engineer shall prepare and submit project building construction plans including design specifications consistent with the design level geotechnical engineering investigation to the County of Monterey RMA-Planning Department for review and approval. The project design specifications shall detail the design and construction of the buildings and the method to be used (e.g., removing the alluvial soil that is prone to liquefaction and seismic settlement and replacing it with properly compacted (engineered) fill, deeply compacting the soils in-place, or supporting structures on deep foundations bearing below the settlement-prone soil to address impacts associated with potential liquefaction and seismic settlement associated with alluvial soils on-site.</p>	<p>The project engineer shall provide the County of Monterey -RMA Planning Department project building design specifications consistent with the design level geotechnical engineering investigation for review and approval.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of a building permit.</p>
<p>83.</p>	<p>MM17 (FEIR 4.7.5)</p>	<p>DRAINAGE PLAN. Prior to issuance of any grading or building permits, the applicant shall provide the County of Monterey Water Resources Agency, a final Drainage Plan and maintenance plan prepared by a registered civil engineer addressing on-and off-site impacts. The drainage plan shall be accompanied by a hydrologic report that would include calculations certifying that storm water detention/percolation facilities are designed to limit the 100-year post-development runoff rate to the 10-year pre-development runoff rate. The drainage plan shall include an oil-water separator/sediment trap or other appropriate BMP upstream from the retention/detention basin (Infiltration chambers) and construction details, utilizing Caltrans standards, for the proposed 24-inch storm drain line that would convey storm water to an existing box culvert under SR-68. Calculations shall be provided certifying the oil-water separator/sedimentation trap or other BMP has been sized to accommodate the flow from the Site during the County recommended storm event. Drainage</p>	<p>The project applicant shall submit to the County of Monterey Water Resources Agency a final Drainage Plan and Maintenance Plan prepared by a registered civil engineer.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading permit or building permits</p>

			<p>improvements shall be constructed in accordance with the plans approved by the County of Monterey Water Resources Agency.</p> <p>Should the drainage plans submitted by the Applicant demonstrate that there may be a need to provide additional drainage diversion to the existing culvert under SR-68 the plans shall include calculations demonstrating the adequacy of the existing culvert. If not adequate the plans shall include specifications for the modification of the culvert. The plans shall be submitted for review and approval by the Water Resources Agency and Cal Trans.</p>	
<p>84.</p>	<p>MM18 (FEIR 4.7.6)</p>	<p>DRAINAGE AND FLOOD CONTROL SYSTEMS AGREEMENT. Prior to filing the final map, a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> shall be provided by the applicant to the County of Monterey Water Resources Agency for review and approval. The agreement shall include a summary of required annual maintenance activities and provisions for the preparation of an annual drainage report. The annual report shall be prepared by a registered civil engineer and submitted to the County of Monterey Water Resources Agency for review and approval. If the applicant and/or subsequent property owners, after notice and hearing, fails to properly maintain, repair, or operate the site drainage and flood control facilities, including the infiltration chambers, the County of Monterey Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the Project. The County of Monterey Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors</p>	<p>The project applicant shall submit a signed and notarized <i>Drainage and Flood Control Systems Agreement</i> to the County of Monterey Water Resources Agency for review and approval which shall include a summary of required annual maintenance activities and provisions for the preparation of an annual drainage report.</p>	<p>Applicant or owner</p>
			<p>Prior to final map approval</p>	

		<p>as to the appropriateness of the costs. The <i>Drainage and Flood Control Systems Agreement</i> shall be recorded concurrently with the final map.</p> <p>In the design of the drainage facilities for the Project, the applicant shall incorporate any appropriate BMPs or other proposed recommendations from the Central Coast Regional Water Quality Control Board Hydromodification Control Criteria Methodology Study that are adopted by the CCRWQCB at the time of Project design. These design features shall be reviewed and approved by the County Water Resources Management Agency and Building Services Department for consistency with the BMPs and/or recommendations and with County standards.</p>				
85.	MM19 (FEIR 4.7.7)	<p>RETAINING WALLS. Prior to issuance of grading and site development permits, the applicant shall submit a design approved by a registered civil engineer for retaining walls/debris deflection walls along areas of the eastern Site boundary where evidence of slope instability has been observed or areas that pose a risk of future instability. The wall shall be adequately sized so as not to be overtopped by potential mudflows, and shall be designed to withstand the impact of any mudflows traveling down the slope. The applicant shall implement a maintenance program to remove any debris that is accumulated behind the wall after any mudflow event, and at the end of every rainy season.</p>	<p>The project applicant shall submit a design approved by a registered civil engineer to the County of Monterey RMA -Planning Department for retaining walls/debris deflection walls along areas of the eastern site boundary where evidence of slope instability has been observed or for areas that pose a risk of future instability.</p>	Applicant or owner	Prior to issuance of grading or site development permits	
86.	MM20 (FEIR 4.7.8)	<p>WATER USE LIMITATION. 1. Reporting The owner shall provide annual reports to the Director of Planning and the General Manager of the Water Resources Agency of water consumption on the site. 2. Water Cap The total amount of water which can be used on the site (both Parcels A and B) on an annual basis shall not</p>	<p>Annual reports due by January 31 of the succeeding year are required.</p> <p>Shown in Annual Reports.</p>	Owner/ applicant	Annually.	

	<p>exceed nine (9) acre feet per year [the "water use cap"]. If the annual reporting shows that the average annual water use for the three (3) most recent years [the "average annual water use"] exceeds the 9 acre feet per year water use cap, a fine of \$35,000 per acre foot of such exceedance shall be assessed against the project. If the average annual water use for the project exceeds the 9 acre feet per year water use cap for three (3) or more successive years, the amount of the fine shall be progressive for each year that the site exceeds the water cap. Starting with the third consecutive year that the average annual water use cap is exceeded, the fine will be multiplied by that number of consecutive years that the average annual water use exceeds 9 acre feet. All fines collected shall be paid to the Monterey County Water Resources Agency, and shall be used exclusively to improve water resources within the El Toro Primary Aquifer system.</p>			Permits	
	<p>3. Landscaping The shopping center shall provide a separate meter for the water conveyed to the Landscape Irrigation system. The amount of water used in the landscaping shall be included in the annual reports.</p>	<p>Metering shown on Landscape Plans approved as part of permit issuance. Annual reporting.</p>	Owner/ applicant	Prior to Issuance of Building Permits/On going	
	<p>4. Deed Restriction Prior to the issuance of the first building permit for the shopping center, the applicant shall record a deed restriction on Parcel A. The deed restriction shall state that no development of Parcel A shall be authorized unless and until the annual reports of water for the project demonstrate to the satisfaction of the General Manager of the Water Resources Agency that water use has not exceeded 9 acre feet per year for five continuous years and will not exceed 9.0 acre feet per year with the addition of the proposed development of Parcel A. The form of the deed restriction shall be reviewed and approved by County Counsel and the Planning Director.</p>	<p>Prior to issuance of any permits the Deed Restriction shall be recorded.</p>	Owner/ applicant	Prior to Issuance of Building Permits	
87.	MM21	The County of Monterey RMA-	The	Prior to	

	(FEIR 4.9.2a)	Prior to issuance of the grading permit, the County of Monterey shall review the site design to ensure that the loading dock facility is enclosed so that all adjacent noise sensitive land uses are completely shielded from a direct line of sight to the loading dock;	Planning Department shall verify that the loading dock facility on the site design is enclosed	County of Monterey RMA- Planning Department	issuance of a grading permit	
88.	MM22 (FEIR 4.9.2h)	LOADING DOCK. Prior to issuance of the grading permit, the County of Monterey shall review the site design to ensure that it includes specifications that the use of the loading dock for noise producing activities shall be restricted to the daytime hours of 7:00 a.m. to 10:00 p.m. daily.	The County of Monterey shall review the site design to ensure that it includes specifications that the use of the loading dock for noise producing activities shall be restricted to the daytime hours of 7:00 a.m. to 10:00 p.m. daily.	The County of Monterey RMA - Planning Department	Prior to issuance of a grading permit	
89.	MM23 (FEIR 4.12.1)	IMPACT FEE FOR PROJECT IMPACTS AT SR-68/SAN BENANCIO ROAD; SR-68/CORRAL DE TIERRA ROAD; AND SR-68/LAURELES GRADE. Prior to the issuance of each building permit, the owner shall pay the TAMC Regional Development Impact Fee (RDIF) in effect at that time to mitigate the project's impacts to these intersections.	The project applicant shall pay the TAMC Regional Development Impact Fee (RDIF) in effect at that.	Owner/ applicant	Prior to issuance of a building permit	
90.	MM24 (FEIR 4.12.2)	STREET FRONTAGE AND ACCESS WAYS. In order to mitigate the potentially hazardous situations created by inadequate street frontage and access improvements, prior to the issuance of grading permits, the Project applicant shall modify the Project Site Plan to the satisfaction of the County of Monterey departments of Public Works and Planning to provide the following design features on Corral de Tierra Road and SR-68: Improvements along Corral de Tierra A. Extend the twelve-foot southbound merge lane to the main entrance; B. Stripe an eleven-foot southbound through lane; C. Construct an eleven-foot southbound turn lane; D. Construct a raised center divide to prevent left turning movements; E. Restripe an eleven-foot northbound through/left turn	The project applicant shall modify the site plan to the satisfaction of the County of Monterey Department of Public Works with specific design features to address street frontage and access improvements.	The County of Monterey Department of Public Works	Prior to issuance of a grading permit	

	lane; F. Construct a twelve-foot northbound right turn lane; G. Construct a northbound four-foot Class II bicycle lane; H. Construct a five-foot sidewalk on east side of Corral de Tierra Road; I. Provide a three-foot foot utility, traffic sign, and public facilities easement behind back of walk; J. Provide a minimum 40 foot throat depth for all driveways on Corral de Tierra Road; and K. Eliminate the northernmost driveway on Corral de Tierra Road or modify the site plan to provide a driveway on the shopping center site which provides access to the corner (gas station) parcel such that the corner parcel would not have direct access onto Corral de Tierra. An easement or other instrument shall be recorded on the corner parcel to prevent future direct access to Corral de Tierra, to the satisfaction of the Public Works Director. Additionally the following modification are required on SR-68: L. Provide a 60 foot deep driveway throat on the driveway on SR-68; M. The driveway on SR-68 shall be designed and constructed to include adequate signage and other improvements to preclude left-turn ingress and egress.						
91.	MM25 (FEIR 4.12.3)	CLASS II BIKEWAY. In order to maintain consistency with the General Plan policy 37.4.1 and Toro Area Plan policy 39.2.2.2, the applicant shall install a Class II Bikeway along the Project frontage on Corral de Tierra Road.	The project applicant shall pay to the County of Monterey Department of Public Works for remittance to TAMC the Regional Development Impact Fee to mitigate the Project impact at the intersection of SR-68/San Benancio Road.	The County of Monterey Department of Public Works	Prior to issuance of a grading permit		
92.	MM26 (FEIR 4.12.4)	IMPACT FEE FOR CUMULATIVE TRAFFIC IMPACTS AT SR-68/SAN BENANCIO ROAD; SR-68/CORRAL DE TIERRA ROAD; AND SR-68/LAURELES GRADE.	The project applicant shall pay TAMC Regional Development Impact Fee (RDIF) in effect at that time.	Owner/ applicant	Prior to issuance of a grading permit		

93.	MM27 (FEIR 4.13.1)	<p>Prior to the issuance of each building permit, the owner shall pay the TAMC Regional Development Impact Fee (RDIF) in effect at that time to mitigate the project's cumulative impacts to the regional roadway system.</p> <p>PASSIVE SOLAR DESIGN ELEMENTS.</p> <p>Prior to final development map/plan approval, the applicant shall submit to the County of Monterey RMA-Planning Department for review and approval a building plan which incorporates the following passive solar design elements to the extent feasible:</p> <ul style="list-style-type: none"> • Building orientation that maximizes energy gain from the sun, shade, and wind. • Thermal mass materials, such as tile or brick, used in flooring or walls, especially south-facing walls, to store the sun's heat during the day and release it back into the building at night or when the temperature drops. • Insulation of both the ceilings and walls. • Passive solar design techniques such as large south and west-facing windows with proper window overhangs and/or reflective window film to improve heating and cooling of the building naturally, reducing the need for artificial heating or cooling mechanisms. • A daylighting system to effectively integrate daylight with electrical lighting systems to reduce electricity consumption when sufficient daylight is present within the building. 	<p>The project applicant shall submit to the County of Monterey RMA-Planning Department a building plan which incorporates passive solar design elements.</p>	<p>The County of Monterey RMA-Planning Department</p>	<p>Prior to final development map/plan approval</p>	
94.	MM28 (FEIR 4.13.2)	<p>ENERGY EFFICIENT BUILDING EQUIPMENT AND DESIGN ELEMENTS.</p> <p>Prior to the final development map/plan approval, the applicant shall submit to the County of Monterey RMA-Planning Department for review and approval a building plan which incorporates the following energy efficient building equipment and design elements to the extent feasible:</p>	<p>The project applicant shall submit to the County of Monterey RMA-Planning Department a building plan which incorporates energy efficient building design elements.</p>	<p>The County of Monterey RMA-Planning Department</p>	<p>Prior to final development map/plan approval</p>	

	<ul style="list-style-type: none"> Water heating equipment which includes integral automatic temperature controls and circulating service water system controls such as geothermal heat pumps Geothermal heat pumps provide heating, cooling, and hot water, and are generally more efficient and less expensive to operate and maintain than conventional systems. The installation of lighting systems with automatic time switch controls, occupant-sensing devices such as motion detectors, automatic daylighting controls, dimmers, indoor photo sensors, and efficient security, street, and parking lot lighting (e.g. high pressure low sodium fixtures). The use of alternative energy sources such as photovoltaic (i.e., solar electric) systems on all building rooftops to reduce the Project's electrical energy consumption. The use of alternative building materials that contain post-consumer recycled materials to the greatest extent possible. 				
95.	<p>MM29 (FEIR 4.13.3)</p> <p>ENERGY MANAGEMENT DESIGN SYSTEMS. Prior to final development map/plan approval, the applicant shall submit to the County of Monterey RMA-Planning Department for review and approval a building plan which incorporates energy management systems to control space conditioning or heating, ventilating, or air conditioning (HV AC) systems including operating hours, set point, scheduling of chillers, etc</p>			<p>The project applicant shall submit to the County of Monterey RMA-Planning Department a building plan which incorporates energy management systems</p>	<p>The County of Monterey RMA-Planning Department</p> <p>Prior to final development map/plan approval</p>
96.	<p>MM30 (FEIR 4.13.4)</p> <p>LANDSCAPE DESIGN PLAN Prior to final development map/plan approval, the applicant shall submit to the County of Monterey RMA-Planning Department for review and approval a landscape design plan which integrates heat island minimization, xeriscape principals, and native drought-tolerant plants.</p>			<p>The project applicant shall submit to the County of Monterey RMA-Planning Department a landscape design plan which integrates heat island minimization, xeriscape principals, and native drought-tolerant plants.</p>	<p>The County of Monterey RMA-Planning Department</p> <p>Prior to final development map/plan approval</p>

97.	MM31 (FEIR 4.13.5)	ALTERNATIVE TRANSPORTATION DESIGN. The applicant/developer shall improve the existing transit stop on Highway 68 to include a bench and shelter consistent with Monterey Salinas Transit Standards and shall provide a direct pedestrian connection from the transit stop to the retail center. Prior to issuance of the first building permit, the LEED COMPLIANCE.	The site plan submitted for approval of construction plans shall include the transit stop and pedestrian connection. Prior to issuance of any permits the applicant/developer shall receive approval of the transit stop from MST.	The County of Monterey RMA-Planning Department	Prior to issuance of any construction permit.
98.	MM32 (FEIR 4.13.6)	As defined by the LEED Program of the United States Green Building Council, the project design shall comply with the requirements that are consistent with a "LEED Certified" designation. As part of the application for building permits, the applicant shall provide evidence to the County of Monterey RMA-Planning Department that the Project has received a LEED Certified designation or evidence that the Project design includes sufficient elements that demonstrate consistency with the LEED Certified designation.	The project applicant shall provide the County of Monterey RMA-Planning Department evidence that a LEED Certified designation has been met.	The County of Monterey RMA-Planning Department	Prior to occupancy or use of the new project buildings
99.	MM33 (FEIR 4.13.7)	CAPACITY OF WASTEWATER TREATMENT FACILITY. Prior to approval of any building permits, the applicant shall verify that there is sufficient capacity in the California Utilities Service, Inc. (CUS) wastewater treatment facility to address the wastewater needs of the Project. If the CUS facility would exceed its permitted capacity, then the County of Monterey shall not issue a building permit until such time as the CUS wastewater treatment facility has attained a revised permit from the Regional Water Quality Control Board.	The project applicant shall verify that there is sufficient capacity in the CUS wastewater treatment facility to address the wastewater needs of the project.	The project applicant	Prior to approval of building permits
100.	MM34 (FEIR 4.14.1)	CONSTRUCTION AND BUILDING MATERIALS. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the following measures are incorporated into the design and construction of the Project: • Use locally produced and/or manufactured building materials for construction of the Project; • Recycle/reuse demolished construction material; and • Use "Green Building Materials," such as	The project applicant shall provide the County of Monterey RMA-Planning Department evidence that "green building materials" have been incorporated into the design and construction of the Project.	The County of Monterey RMA-Planning Department	Prior to issuance of a grading permit.

	<p>those materials which are resource efficient, and recycled and manufactured in an environmentally friendly way, including low Volatile Organic Compound (VOC) materials.</p>	<p>WATER CONSERVATION AND EFFICIENCY MEASURES. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the following measures are incorporated into the design and construction of the Project:</p> <ul style="list-style-type: none"> • Devise a comprehensive water conservation strategy appropriate for the Project and location. The strategy may include the following, plus other innovative measures that might be appropriate: • Water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls; • Energy-efficient irrigation systems and devices; • Water-efficient building design; • Energy-efficient and water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; • Restrictive watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff; and 0 Separate, non-potable distribution system to accommodate the potential future use of recycled water for landscape irrigation needs of large areas with irrigated landscaping. 	<p>The County of Monterey RMA-Planning Department shall ensure that a comprehensive water conservation strategy appropriate for the Project and location has been incorporated into the design and construction of the Project.</p>	<p>The County of Monterey RMA-Planning Department</p>	<p>Prior to issuance of a grading permit.</p>
<p>101.</p>	<p>MM35 (FEIR 4.1.4.2)</p>	<p>WATER CONSERVATION AND EFFICIENCY MEASURES. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the following measures are incorporated into the design and construction of the Project:</p> <ul style="list-style-type: none"> • Devise a comprehensive water conservation strategy appropriate for the Project and location. The strategy may include the following, plus other innovative measures that might be appropriate: • Water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls; • Energy-efficient irrigation systems and devices; • Water-efficient building design; • Energy-efficient and water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; • Restrictive watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff; and 0 Separate, non-potable distribution system to accommodate the potential future use of recycled water for landscape irrigation needs of large areas with irrigated landscaping. 	<p>The County of Monterey RMA-Planning Department shall ensure that a comprehensive water conservation strategy appropriate for the Project and location has been incorporated into the design and construction of the Project.</p>	<p>The County of Monterey RMA-Planning Department</p>	<p>Prior to issuance of a grading permit.</p>
<p>102.</p>	<p>MM36 (FEIR 4.1.4.3)</p>	<p>INCENTIVES FOR THE REDUCTION OF AUTOMOBILE TRIPS. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the following measures are incorporated into the design and construction of the Project: • The applicant shall designate 5% of all parking spaces within the</p>	<p>The County of Monterey RMA-Planning Department shall ensure that incentives for the reduction of automobile trips are incorporated into the design and construction of the Project.</p>	<p>The County of Monterey RMA-Planning Department</p>	<p>Prior to issuance of a grading permit.</p>

<p>103.</p>	<p>MM37 (FEIR 4.14.4)</p>	<p>development for shared employee parking (e.g., carpools and vanpools). • The applicant shall designate at least two areas in the development for bicycle parking. A minimum of 40 spaces for non-motorized vehicles shall be provided.</p> <p>WASTE DISPOSAL. Prior to issuance of a grading permit, the County of Monterey RMA-Planning Department shall ensure that the following measure is incorporated into the design and construction of the Project: The applicant shall include notes on all site plan specifications stating that all construction contracts for the Project would be required to separate all construction waste into recyclable and non-recyclable materials and that construction waste must be taken to the closest waste disposal site.</p>	<p>The County of Monterey -RMA Planning Department shall ensure that all site plan specifications state that the Project would be required to separate all construction waste into recyclable and non-recyclable materials and that construction waste must be taken to the closest waste disposal site.</p>	<p>The County of Monterey-RMA Planning Department</p>	<p>Prior to issuance of a grading permit</p>
<p>104.</p>	<p>EHSF03 UNDERGROUND RECHARGE SYSTEM TREATMENT REQUIREMENTS The storm water recharge system design shall incorporate Best Management Practices (BMP) and technology that will minimize, to the maximum extent practicable, the introduction of pollutants of concern (e.g. petroleum hydrocarbons, lead, copper), generated from site runoff of directly connected impervious areas to the storm water recharge system.</p>	<p>Submit engineered plans from a licensed professional engineer for the collection, treatment, (with the ability if needed) and recharge chambers of the storm water recharge system to the Director of Environmental Health Bureau (EHB) for review and approval. Also, submit a monitoring plan that shall include:</p> <ol style="list-style-type: none"> 1. A minimum of three collection sites located upstream of treatment BMPs, 2. A minimum of one collection site located downstream of treatment BMPs and upstream of the proposed underground recharge system. 3. Sampling shall be performed at the first flush runoff event and runoff from no less than three 	<p>Submit engineered plans from a licensed professional engineer for the collection, treatment, (with the ability if needed) and recharge chambers of the storm water recharge system to the Director of Environmental Health Bureau (EHB) for review and approval. Also, submit a monitoring plan that shall include:</p> <ol style="list-style-type: none"> 1. A minimum of three collection sites located upstream of treatment BMPs, 2. A minimum of one collection site located downstream of treatment BMPs and upstream of the proposed underground recharge system. 3. Sampling shall be performed at the first flush runoff event and runoff from no less than three 	<p>Prior to issuance of Building Permit</p>	

S-7

			<p>(3) subsequent rain events each year. A rain event shall be a precipitation event resulting in no less than one-quarter of an inch of precipitation in a 24 hour period.</p> <p>4. A water sampler approved by Environmental Health shall perform the required sampling and a state certified laboratory shall perform the analysis. Results of the sampling program shall be submitted to EHB to confirm that the BMPs are working as intended.</p> <p>A yearly fee shall be charged by EHB to the owner of the property for the review of the monitoring reports.</p>					

105.	<p>EHSP02 MONITORING WELLS</p> <p>Monitoring wells shall be constructed that will monitor water quality in the first aquifer up gradient of the recharge chambers, directly under the chambers and down gradient of the chambers. These monitoring wells shall be used to monitor groundwater for total petroleum hydrocarbons, nitrate, lead and copper.</p>	<p style="text-align: right;">S-7</p> <p>Submit engineered plans from a licensed professional engineer/geologist experienced in hydrogeology for the placement and depth of the monitoring wells to the Director of Environmental Health Bureau for review and approval. Also, submit a monitoring plan for the review and approval of the Director of Environmental Health that shall include:</p> <ol style="list-style-type: none"> 1. Schedule of monitoring 2. Sampling collection and chain of custody procedures. 3. Analytical methods and associated detection limits. <p>A water sampler approved by Environmental Health shall perform the required sampling and a state certified laboratory shall perform the analysis.</p> <p>Results of the sampling program shall be submitted to EHB to confirm that the water recharged from the system does not pose a significant threat to the quality of area drinking water wells.</p>	Prior to issuance of building permit.
------	--	--	---------------------------------------

END OF CONDITIONS