

Exhibit B

Draft Resolution to certify the
Final Environmental Impact Report

The Redevelopment Agency of
Monterey County

The Monterey-Salinas Bus
Maintenance and
Administrative Facility and
Whispering Oaks Business Park
PLN090071

Appeal PLN110231
Board of Supervisors
June 14, 2011

**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

The Redevelopment Agency of Monterey County (PLN110231)

RESOLUTION NO.

Resolution by the Monterey County Board of Supervisors Certifying the Final Environmental Impact Report prepared for the Monterey-Salinas Transit/Whispering Oaks Business Park project
(Monterey-Salinas Transit Bus Maintenance and Operations Facility and Whispering Oaks Business Park – PLN110231/Redevelopment Agency of Monterey County, Former Army Landfill site, Fort Ord Master Plan area)

The Monterey-Salinas Transit and Whispering Oaks Business Park application and Environmental Impact Report (PLN110231) came on for public hearing before the Monterey County Board of Supervisors on June 14, 2011. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS

1. **FINDING:** **CEQA (EIR)** - The County of Monterey has completed a Final Environmental Impact Report (EIR) in compliance with CEQA. The Final EIR was presented to the Board Of Supervisors of Monterey County, and the Board of Supervisors has reviewed and considered the information contained in the Final EIR prior to approving the project. The Final EIR reflects the County of Monterey's independent judgment and analysis.

- EVIDENCE:** a) The California Environmental Quality Act (CEQA) requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.
- b) The Monterey County Planning Department determined that an EIR was clearly required for the project because of potentially significant effects to biological and tree resources, traffic and circulation patterns, and greenhouse gas emission contributing to global warming. Therefore an environmental impact report was prepared.
- c) Issues that were analyzed in the EIR include aesthetic resources, air quality, biological resources, geology and soils, hazards/hazardous materials, hydrology/water quality, land use and planning, noise, traffic and transportation, utilities and service systems, and greenhouse gases. The EIR address all aspects of the proposed project including the

Zoning Amendment, the Combined Development Permit and the disposition and development agreement

- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan" as a condition of project approval.
- e) The Draft Environmental Impact Report ("DEIR") for the project (PLN090071) was prepared in accordance with CEQA and circulated for public review from July 13, 2010 through August 27, 2010 (SCH#: 2009121049). The Fort Ord Base Reuse Plan EIR was used as a Master EIR for this project.
- f) Evidence that has been received and considered includes: the application, technical studies/reports, staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN090071) and are hereby incorporated herein by reference.
- g) Recirculation of the EIR is not required pursuant to Section 15088.5 of CEQA. Comments received on the Draft EIR have been considered and responded to. No new information or substantial changes to circumstances or substantial increase in the severity of the impacts were identified after public review of the Draft EIR. Changes made to the DEIR in response to comments clarify and amplify issues already discussed in the DEIR.
- h) Comments have been submitted by CSUMB outside the EIR comment period but prior to the Planning Commission hearing on March 29, 2011. CSUMB claimed that the EIR is inadequate because of the methodology of trip distribution assignments and the traffic report conclusions regarding impacts on specific intersections and roadways within the campus. Specifically, the letter contains information which CSUMB contends supports their argument that *"it is reasonable to assume that at least some of the MST/WO project trips would also use the same campus routes to get to and from the project site."*
The following information is relied on to support the conclusions in the EIR in light of the CSUMB comments:

1. The traffic report for the EIR has been prepared by a licensed traffic engineer who has justified and defended his methodology and conclusions.
2. The traffic report was peer-reviewed by an independent outside traffic engineer (Hexagon). The peer-review letter made a general note that trip distributions could be more evenly distributed among the possible routes, although the revised numbers would be minimal and not likely change the impact conclusions. Hexagon has confirmed that the stated reasoning of the project traffic engineer to assign trips around campus seemed reasonable and appropriate.

3. The report and EIR have been reviewed by Public Works and deemed adequate.
- i) The County prepared "Responses to Comments on the Monterey-Salinas Transit/Whispering Oaks Business Park Draft EIR". The Responses relate to chapters of the DEIR that were not recirculated. The Response to Comments document was released to the public on February 24, 2011 and responds to all significant environmental points raised by persons and organizations that commented on the DEIR. The County has considered the comments received during the public review period for the draft EIR, and in the Responses document responds to the comments received. Together, the DEIR and Responses to Comments constitute the Final EIR on the project. Several mitigations were substituted for mitigations that are equivalent or more effective in mitigating or avoiding potential significant effects. The substituted mitigations are described further in the Evidence j) through n) following.
 - j) Mitigation Measure BIO-1 required fencing for avoidance of sand gilia and Monterey ceanothus. The mitigation has been updated to reflect a more comprehensive fencing plan mitigation (BIO 13) and to reflect the 2081 permit from the Department of Fish and Game that is being considered for impacts to sand gilia.
 - k) Mitigation Measure BIO-3 required surveys prior to ground disturbance for off-site improvements. The mitigation has been updated to reflect surveys done at the site that found impacts to species from off-site development can be avoided. Also, there is an existing take permit applicable to the UCSC property where Engineer's Equipment Road will be improved. The new mitigation reflects in more detail the plan to avoid impacts to protected species in the off-site improvements, thereby more effectively mitigating potential impacts.
 - l) Mitigation Measure BIO-4 required protocol level surveys and/or permitting for take of California Tiger Salamander (CTS) on Lots 12-16. The Department of Fish and Game has commented on the issue of CTS and revisions are suggested to the mitigation based on those comments. The revisions include more restrictive requirements on Phases 1 and 2 including the need for a biological monitor. Requirements for Lots 12-16 would remain unchanged.
 - m) Traffic Mitigation. The traffic mitigation measures were revised slightly to allow flexibility on "who" pays the impacts fees which is anticipated to be negotiated through the Disposition and Development Agreement and to ensure enforceability with the appropriate timing. Mitigation for impacts on City of Marina intersections have been amended so that the applicant will pay a fair-share contribution for the impacted intersections rather than paying the City of Marina traffic impact fee. This change only provides a different method of mitigating impacts on the City of Marina intersections and the effect of the mitigation has not been changed.
 - n) Mitigation CC-1 The Greenhouse Gas Emissions Reduction mitigation has been revised to reflect the changes to the Whispering Oaks General Development Plan that included incorporating some of the measures previously contained in the Draft EIR mitigation language. Since

mitigation is incorporated by design the repetitive aspect of the condition language was not needed and has been deleted.

- o) Staff analysis contained in the record as a whole indicates the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

The site supports Sand Gilia, Sandmat Manzanita, and Monterey Spineflower. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the EIR to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project applicant is required to pay the State fee of \$2,839.25 plus a fee of \$50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).

- p) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to certify the EIR is based.

2. **FINDING: EIR-ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** - The project would result in significant and potentially significant impacts that would be mitigated to a less than significant level due to incorporation of mitigation measures from the EIR into the conditions of project approval. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen significant environmental effects identified in the EIR.

EVIDENCE:

- a) Potential Impacts were identified to Air Quality however with incorporation of Mitigation Measures-AQ1 and AQ2 these impacts would be reduced to a less than significant level.
- b) Potential Impacts were identified to Biological Resources however with incorporation of Mitigation Measures BIO1 through BIO13 and the mitigation applied in the Fort Ord Base Reuse Plan EIR, the impacts would be reduced to a less than significant level.
- c) Potential Impacts were identified to Geology and Soils however with incorporation of Mitigation Measures GEO1 through GEO3 the impacts would be reduced to a less than significant level.
- d) Potential Impacts were identified to Hazards and Hazardous Materials however with incorporation of Mitigation Measures H1 and H2 the impacts would be reduced to a less than significant level.
- e) Potential Impacts were identified to Hydrology and Water Quality however with incorporation of Mitigation Measures HY1 through HY3 the impacts would be reduced to a less than significant level.
- f) As designed, the project was found to have no impact or a less than significant impact on all other Environmental resource categories contained in appendix G of the CEQA guidelines not mentioned above,

except for the significant unavoidable impacts discussed in Finding 3 below.

3. **FINDING: EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval, as further described in this finding. Specific economic, legal, social, technological, or other considerations make infeasible mitigation that would reduce these impacts to a level of insignificance, and some changes and alterations are within the responsibility and jurisdiction of another agency and not the County.

- EVIDENCE:** a) Significant impacts to traffic based on Monterey County thresholds of significance have been identified through environmental review. The main impact that could not be mitigated was the addition of traffic trips to the north and southbound off-ramps at State Route 1 at Imjin Parkway which would operate at a deficient level of service (LOS) under background conditions. Roads and interchanges under the control and jurisdiction of the California State Department of Transportation (CalTrans) cannot be feasibly and reliably be mitigated because improvements to these roads require approval of CalTrans which is not guaranteed. An improvement project that would address the intersection deficiencies has been identified and mitigation is required to contribute a fair-share contribution towards this improvement; however, until the project is approved and constructed by CalTrans, there will be a significant unavoidable impact on traffic at this location.
- b) The project will contribute to the cumulative greenhouse gas emissions which lead to climate change. Design considerations including meeting LEED standards and incorporating policies to minimize greenhouse gas emissions have been incorporated in the proposed General Development Plan for Whispering Oaks Business Park and the MST facility. However, the project does not help to accomplish the ultimate goal of a reduction in greenhouse gases from current conditions but it is an improvement from business as usual. A Carbon sequestration report has been prepared in response to comments on the DEIR. The report estimates the amount of Carbon that would be released to the atmosphere from loss of sequestration through the removal of trees and vegetation at the site. The project would release Carbon and without thresholds with which to measure the significance, the project is assumed to have a significant unavoidable impact. However, the project does propose to replace all Oak Trees removed from the site on a one to one basis which will provide some level of mitigation in the short term and will have a beneficial impact on carbon sequestration in the long term (50-100 years into the future).
- c) The Board is adopting a statement of overriding considerations as required prior to approving a project with significant unavoidable environmental impacts. (see Finding 5D)

4. **FINDING: EIR-CEQA ALTERNATIVES TO THE PROPOSED PROJECT -**
The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the following alternatives as more fully described in the DEIR. Specific economic, legal, social, technological, or other considerations make these project alternatives infeasible for reasons described below.

- EVIDENCE:** a) No Project Alternative. The No Project Alternative would leave the site in its current condition and no development would occur and no land would be subdivided. The No Project Alternative would have fewer impacts to the environmental issues and resources than the proposed project would. However, the No Project Alternative would not meet the project objective as no new jobs would be created and the Monterey-Salinas Transit could not develop their centralized operations facility along the future multi-modal corridor or have the ability at their existing facilities to expand their operations.
- b) MST Facility Only. This alternative would allow the development of the MST facility only, without the Whispering Oaks business park. Overall, the MST Facility Only Alternative would have fewer impacts to the environment than the proposed project. However, the MST Facility Only alternative would not meet the project objective of the Redevelopment Agency to create jobs by developing a new commercial/industrial park. It should also be noted that appropriate uses of the site are limited due to the project location near the former Army landfill. Residential uses, Hospitals, Schools, and other similar uses would be prohibited.
- c) Alternative Project Location. Per the CEQA Guidelines, Section 15126.6 (f)(2), an alternative project location need only be analyzed if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. The project will require a Disposition and Development Agreement to transfer Lot 1 of the recommended subdivision from the current property owner (the Redevelopment Agency of Monterey County) to Monterey-Salinas Transit (MST). MST was transferred property through the base closure at Seventh Avenue and Giggling. Two alternatives were considered under this section.
- The first alternative considered constructing the new MST facility at the Seventh and Giggling location rather than Lot 1 of the proposed subdivision and creating a business park on the entire development area of the project site off Inter-Garrison Road. This alternative would have greater impact on the environment than the proposed project, yet could accomplish the project objectives.
- The second alternative considered includes constructing the MST facility at Seventh and Giggling rather than Lot 1 of the proposed subdivision and creation of open space and recreation at the subject site off Inter-Garrison Road (consistent with the Marina General Plan designation). This alternative would have a similar impact to the "MST facility only" alternative described in Evidence b above. Development of the MST facility at the Giggling location would require closure of 7th and 8th Avenue to develop the site, would still require removal of large

numbers of trees, would still be located adjacent to CSUMB (but not on the future multi-modal corridor) and not fit well with planned development in the area. Recreation and Open space at the subject property would also not achieve the goals of the Redevelopment Agency to create jobs and financially support maintenance of the former landfill parcel.

- d) Environmentally Superior Alternative. When all the alternatives were considered, the No Project Alternative is considered to be the Environmentally Superior Alternative because only the No Project Alternative avoided all the impacts related to the proposed project. However, Section 15126.6(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, than another alternative must be identified amongst the alternatives considered. Therefore, the MST facility at Seventh and Gigling with Recreation at the project site alternative is considered to be the Environmentally Superior Alternative because it meets one of the two project objectives with incrementally less environmental impacts to biology, forest resources, traffic, aesthetics, and green house gas emission than the proposed project, none of which remain significant after mitigation.
- e) Economic factors exist that make adoption of the alternatives presented financially impractical. The proposed project is the joint effort of the Monterey-Salinas Transit and the Redevelopment Agency of Monterey County. MST is relying on grant funds to pay for the development of their proposed bus maintenance and operations facility. If approval of the currently proposed project is not secured the grant funds may be lost and the significant investment in project design and permitting of the proposal will be lost. Additionally, if the project is allowed to move forward the costs of infrastructure improvements and other development related costs will be distributed among the two agencies through a disposition and development agreement making a financially feasible project for both. If approved the project will provide economic benefits by creating hundreds of new jobs. Furthermore, the current MST property is located within the jurisdiction of Monterey County. The subject application involves a disposition and development agreement that would include a land exchange between the County and MST. It would be impractical for MST to exchange their land within the County's jurisdiction to a jurisdiction other than the County. The Local Agency Formation Committee has not considered jurisdictional/boundary changes that may be involved if the MST land is transferred to a jurisdiction other than Monterey County.

5. **FINDING:** **EIR-STATEMENT OF OVERRIDING CONSIDERATIONS** - In accordance with Section 15093 of the CEQA Guidelines, the County has evaluated the economic, legal, social, technological, or other benefits, including region-wide or state-wide environmental benefits, of the project against its unavoidable significant environmental impacts in determining whether to approve the project, and has determined that the benefits of the project outweigh its unavoidable, adverse environmental impacts so that the identified significant unavoidable impact(s) may be considered acceptable.

- EVIDENCE:** a) The project will result in significant unavoidable impacts by contribution to traffic at the North bound and South bound on/off ramps at Highway 1 and Imjin Parkway and by contributing to greenhouse gases through removal of trees and development of new structures and uses. Impacts to traffic are mitigated to the extent feasible and contributions toward a traffic improvement project that would address the impacted intersection are required; however the short-term impact and the feasibility of the improvement project due to jurisdictional control dictate the determination that there may be a significant impact at this location. The project will contribute toward greenhouse gases through the removal of trees and vegetation and construction of new structures and reasonably foreseeable on-going operations within those structures. With design and mitigation applied, on a large scale, the impact on global warming and greenhouse gases of the project is miniscule; however, without thresholds by which to measure, the contribution of greenhouse gases from the project is considered significant.
- b) The proposed project will result in development that will provide benefits described herein to the surrounding community and the County has a whole.
- c) The project allows continued growth and efficiency of MST with a centralized location on the future Multi Modal corridor. The central location provides easy access to Salinas and the Monterey Peninsula. Expanded and efficient mass transit operations are a key method in reducing both traffic congestion and greenhouse gas emissions. Mass transit is a key component in reducing vehicle miles traveled which is one of the key methods of achieving a reduction in greenhouse gas emissions by 2020 as mandated by Senate Bill 375.
- d) The project will centralize two existing MST operations in the City of Salinas and the City of Monterey to a new efficient and "green" location thus reducing MST greenhouse gas emissions from current levels. The MST facility would be centrally located with easy access to regional roadways and the future multi-modal corridor and would also be centrally located near existing and planned housing. This provides for more efficient service.
- e) The project will provide economic benefits through the creation of jobs within the Whispering Oaks Business Park. Additionally, the Whispering Oaks Business Park is intended to serve as a location for research and operations of "green business products" promoting the reduction of greenhouse gas emissions from current levels.
- f) The Whispering Oaks Business Park will provide a location for supportive business enterprises serving the Fort Ord area, CSUMB, and MST.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby certify the Environmental Impact Report prepared for the Monterey-Salinas Transit and Whispering Oaks Business Park project which is on file with the Clerk of the Board of

Supervisors and incorporated herein by reference, adopt the CEQA findings herein, and adopt the statement of overriding considerations herein.

PASSED AND ADOPTED this 14th day of June, 2011 upon motion of _____,
seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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 ____ for the meeting on _____.

Dated:

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

By _____
Deputy

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

Project Name: Monterey-Salinas Transit and Whispering Oaks Business Park
File No: PLN110231 **APNs:** 031-101-041-000 and 031-101-056-000
Approved by: Board of Supervisors **Date:** June 14, 2011

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

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. If not applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
RMA - Planning Department						
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN110231) allows: 1) A Standard Subdivision Phased Vesting Tentative Map dividing two parcels of 30.3 acres and 85.2 acres (Assessor's Parcel Numbers 031-101-041-000 and 031-101-056-000) into 16 buildable lots including a 24.4 acre lot and 15 smaller lots ranging in size from 1 acre to 3 acres, a roadway parcel (approximately 7.4 acres), a drainage detention and percolation parcel (approximately 1.7 acres), and two Open Space parcels (approximately 49 acres and 8.7 acres); 2) A General Development Plan establishing Allowed Uses, Conditional Uses allowed, and site development standards and design criteria for the proposed Whispering Oaks Business Park; 3) A General Development Plan and Use Permit to allow development of the Monterey-Salinas Transit (MST) administrative and maintenance facility containing the following: A) a 36,000 square foot three-story administrative building; B) a 96,450 square foot two-story bus maintenance building; C) an 18,620 square foot fuel/brake/tire	Adhere to conditions and uses specified in the permit. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the County Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.	Owner/ Applicant RMA - Planning WRA RMA - Planning	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		building with underground tanks attached by a canopy to an 8,373 square foot bus wash/steam cleaning building; and D) approximately 15 acres of paved parking to accommodate up to 281 busses and 388 automobiles; 4) A Use Permit to allow the removal of approximately 2,400 Coast Live Oak trees on Lot 1 (MST parcel); 5) A Use Permit to allow the removal of approximately 1,000 Coast Live Oaks on Lots 2 through 16, and for infrastructure improvements; and 6) An Administrative Permit and Design Approval for development within the Site Plan Review ("S") zoning district. The property is located on a portion of the former Army Landfill site in Fort Ord (Assessor's Parcel Number's: 031-101-041-000 & 031-101-056-000), Fort Ord Master Plan area. The applicant is the Redevelopment Agency of Monterey County (RDA) who is responsible for compliance with these conditions unless otherwise noted. In the case that RDA transfers lots to a developer, (Lot 1 is anticipated to be transferred to MST for development) the developer shall be responsible for compliance with these conditions unless otherwise noted. 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. "MST Use Permit" conditions noted herein are conditions of the Use Permit and shall remain in effect throughout the life of the Use Permit, including following recordation of the final map. (RMA-Planning Department)				

Permit Cond. Number	Mitig. Number	Conditions of Approval/Condition Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed, where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Combined Development Permit (Resolution _____) was approved by the Board of Supervisors for Assessor's Parcel Number's 031-101-041-000 & 031-101-056-000 on June 14, 2011. The Combined Development Permit was granted subject to 83 conditions of approval which run with the land. A copy of the Combined Development Permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to recordation of final maps.	
3.		PD003(A) - CULTURAL RESOURCES - NEGATIVE ARCHAEOLOGICAL REPORT (ALL PHASES) A policy shall be added to both the MST and the Whispering Oaks Business Park General Development Plans stating "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society 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." (RMA - Planning Department)	Condition of Development- Add a policy to the General Development Plan stating the condition language and comply with condition during all ground disturbing activities.	Owner/ Applicant/ Archaeologist	Prior to recordation of the Final Map/ On-going	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4.		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)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	
5.		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)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval, prior to recordation of the final map or prior to the issuance of grading and building permits, whichever occurs first.	
6.		PD011 - TREE AND ROOT PROTECTION (MST - PHASE 1) 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)	MST Use Permit - Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant/ MST	Prior to the issuance of grading and/or building permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party (City/County Department)	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be acceptable.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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)	MST Use Permit - 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.	Owner/ Applicant/ Arborist/ MST	During Construc- tion	
			MST Use Permit - 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.	Owner/ Applicant/ MST	Prior to final inspection	
7.		PD012(G) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING) (PHASE I) 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 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, growing condition. (RMA – Planning Department)	MST Use Permit - 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.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect/ MST	Prior to issuance of Building Permits	
			MST Use Permit - The landscaping shall be installed and inspected.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect/ MST	Prior to Occupancy	

Permit Cond. Number	Mitig. Number	Conditions of Approval/Exemption, Mitigation Measures and Responsible Final Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
			Condition of Permits – A note shall be included in the General Development Plan that requires: "All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition."	Owner/ Applicant	Prior to recordation of the final map/ Ongoing	
8.		PD013 – LIGHTING - STREET LIGHTS (ALL PHASES WHERE APPLICABLE) In order to minimize impacts from street lighting and comply with the County dark sky requirements, all street lights in the development shall be approved by the Director of the RMA - Planning Department. (RMA – Planning Department)	Subdivision - 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. Subdivision - The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to the recordation of final maps where applicable. Ongoing	
9.		PD015 - NOTE ON MAP-STUDIES (MST – PHASE I GENERAL DEVELOPMENT PLAN) A note shall be placed on the Phase I final map or a separate sheet to be recorded with the final map stating that: "A General Development Plan dated February 3, 2010, has been prepared on the Monterey-Salinas Transit property by AECOM. The approved plan is on file in the Monterey County RMA - Planning Department (LIB100235). The development standards contained in the General Development Plan shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)	Subdivision – an updated General Development Plan containing all the policies required by the conditions of approval shall be submitted with the final map. The Final recorded map, with the General Development Plan notes, shall be submitted to the RMA - Planning Department and Public Works for review and approval.	Owner/ Applicant	Prior to recordation of final maps	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Action to be performed. The applicable certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/date)
10.		PD015 – NOTE ON MAP-STUDIES (WHISPERING OAKS PHASES 2 & 3 GENERAL DEVELOPMENT PLAN) Prior to recordation of the final maps for Phase 2 and 3, the Whispering Oaks General Development Plan shall be updated to include all of the policies required by the conditions of approval for the project in addition to a policy that offers the ability to accommodate a 10 foot – wide trail along the northern boundary of the business park for future trail planning purposes. Once updated, a note shall be placed on the Phase 2 and Phase 3 final maps or a separate sheet to be recorded with the final maps stating that: "A General Development Plan dated October 19, 2010 and updated (<i>insert date</i>) has been prepared on the Whispering Oaks Business Park by RBF Consulting. The approved plan is on file in the Monterey County RMA - Planning Department (LJB100239). The development standards contained in the General Development Plan shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA – Planning Department)	Subdivision – The General Development Plan shall be updated and the updated GDP shall be submitted to the RMA – Planning Department for review and approval.	Owner/Applicant	Prior to recordation of final maps	
			Subdivision - The Final recorded maps, with notes, shall be submitted to the RMA - Planning Department and Public Works for review and approval.	Owner/Applicant	Prior to recordation of final maps	
11.		PD022(A) – EASEMENT – CONSERVATION AND SCENIC (PHASE 1) A conservation and scenic easement shall be conveyed to the County over Parcels C of the Vesting Tentative Map. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. (RMA – Planning	Subdivision - Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.	Owner/Applicant/Certified Professional	Prior to recordation of the final map for Phase 2	

Permit Cond. Number	Meeting Number	Conditions of Approval/for Mitigation Measures and Responsible Entities/ Department	Complete or Mitigation Actions to be performed. When applicable, verified professionals required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Department)	<u>Subdivision</u> - Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant	Prior to final map	
12.		PD036 – UTILITIES – SUBDIVISION (ALL PHASES) A note shall be placed on the final maps or a separate sheet to be recorded with the final maps indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to filing the final maps. The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works. (RMA – Planning Department)	<u>Subdivision</u> - Place note on map or a separate sheet and submit to the RMA - Planning Department for review and approval. Install or bond for the underground utility facilities.	Owner/ Applicant	Prior to the recordation of final map.	
13.		PDSP003 – PROOF OF ACCESS (PRIOR TO PHASE 1) In order to provide legal access, the developer of Phase 1 shall do one of the following: a) Obtain easements from the owners of underlying property for Intergarrison Road and Engineer's Equipment Road to allow public access to the site and to allow all necessary frontage and road improvements; or b) MST may condemn right-of-way or access to the project and provide legal proof of access to the RMA Planning and Public Works Department; or	<u>Subdivision</u> – Prior to recordation of the final map for any phase the applicant shall acquire necessary right of way to provide public access and allow for necessary improvements. <u>Subdivision</u> – The applicant agrees to construct the necessary road improvements at the applicant's expense.	Owner/ Applicant/ Surveyor	Prior to recordation of the final map for Phase 1	
				Owner/ Applicant	Prior to recordation of the final map for Phase 1	

Permit Cond. Number	Mitig. Number	Conditions of Approval under Mitigation Measures and Responsible Agency/Department	Compliance or Mitigation Actions to be performed. Where applicable, a certified map, statement or equivalent action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		c) If access cannot be obtained and the County condemns the rights-of-way pursuant to California Government Code Section 66462.5 of the Subdivision Map Act the applicant shall pay all expenses of any such condemnation. The developer of Phase 1 shall fully fund and/or construct necessary improvements along Intergarrison Road and Engineer's Equipment Road. Engineer's Equipment Road shall be constructed to its ultimate configuration as part of Phase I improvements. (RMA – Planning Department and Public Works Department)	Subdivision – If necessary condemnation of property for access will be at the expense of the applicant.	Owner/ Applicant/	Prior to recordation of the final map for Phase 1	
14.		PDSP004 – FIELD LOCATE ENGINEER'S EQUIPMENT ROAD (NON-STANDARD) (PHASE 2) In order to preserve oak trees at the intersection of Engineer's Equipment Road and Intergarrison Road, the applicant shall develop improvement plans for Engineer's Equipment Road in consultation with the RMA – Planning Department. The Planning Department shall visit the site and review the conceptual plans with the applicant. The Planning Department shall have the ability to modify the location of Engineer's Equipment Road to maximize tree protection where feasible. (RMA – Planning Department)	Subdivision Improvements – The applicant shall arrange a meeting with the planner to locate Engineer's Equipment Road improvements in the field, prior to acceptance of improvement plans for Phase 1. Subdivision Improvements - The improvement plans for Engineer's Equipment Road shall be submitted to the RMA - Planning Department for review and approval. Subdivision Improvements - Improvements shall be carried-out in accordance with the approved plans	Owner/ Applicant/ Architect/ Contractor	Prior to recordation of the final map for Phase 1	
15.		PD004 – SUBDIVISION FENCING PLAN APPROVAL (ALL PHASES) In order to protect trees at the site, the property owner shall prepare a fencing plan for subdivision improvements	Subdivision - Submit fencing plan to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Architect/ Contractor	Prior to the recordation of final map.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional's approval or action to be depicted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		to be approved by the Director of the RMA - Planning Department. The fencing plan shall: (1) establish maximum grading limits; (2) identify natural vegetation that should be retained; and (3) Incorporate the requirements of the California Department of Fish & Game 2081 Permit and all avoidance and protection measures required by fencing related conditions of approval and mitigation measures (e.g. BIO- 3 and BIO - 13). Separate plans may be submitted for subdivision improvements and MST-site improvements. The fencing shall remain in place throughout construction of subdivision improvements. (RMA – Planning Department)	Subdivision –Prior to commencement of grading activities, protective fencing shall be in place.	Owner/ Applicant/ Contractor/ Forester	Prior to issuance of grading permits	
Public Works						
16.		PW0011 – SEWER (MRWPCA) (ALL PHASES) Obtain sewer permits from the Monterey Regional Water Pollution Control Agency, and Marina Coast Water District and pay all applicable fees. (Public Works)	Condition of Permits - Applicant shall obtain permits from Monterey Regional Water Pollution Control Agency, and Marina Coast Water District.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
17.		PW0014 – DRAINAGE IMPROVEMENT STUDY – ROAD DRAINAGE (ALL PHASES) Provide an on-site/off-site drainage improvement study for all road improvements, prepared by a registered Civil Engineer. Study to be approved by Public Works Department and the Water Resources Agency and shall be incorporated in the improvement plans. (Public Works)	Subdivision - Applicant's Engineer shall prepare drainage study and improvement plans for review and approval by DPW.	Owner/ Applicant/ Engineer	Prior to Building/ Grading Permits Issuance or Recordation of Final Map	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party (See Department)	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
18.		PW0015 – UTILITY'S COMMENTS (PRIOR TO PHASE 1) Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works)	Subdivision - Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW	Owner/Applicant	Prior to Recordation of Map	
19.		PW0016 – MAINTENANCE OF SUBDIVISIONS (ONGOING) Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other entity with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)	Subdivision – A note shall be included on the final maps stating that the subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.	Subdivider	Prior to recordation of the final maps/ on-going	
20.		PW0020 – PRIVATE ROADS (ALL PHASES) Designate on the final maps, any roads that are to be retained in private ownership as "Private Roads". (Public Works)	Subdivision - Subdivider's Surveyor shall designate private roads on final map.	Subdivider	Prior to recordation of the Final Map	
21.		PW0021 – ROAD NAMES (PRIOR TO PHASE 1) Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works)	Subdivision - Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.	Subdivider	Prior to Recordation of Final Map	
22.		PW0028 – GEOTECHNICAL REPORT (PHASES 2 & 3) A geotechnical report evaluating areas for roadways and other structures within the public right-of-way will be required before recording final maps. (Public Works)	Subdivision - Subdivider shall have geotechnical report prepared and submitted to DPW	Subdivider	Prior to Recordation of Final Map for Phases 2 & 3	

Permit Cond. Number	Maple Number	Conditions of Approval/Standard Mitigation Measures and Responsible Land Use Department	Compliance - Monitoring - Plans to be implemented after approval of the application/conditional application action to be completed	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
23.		PWSP001 – ENCROACHMENT (NON-STANDARD) (ALL PHASES WHERE APPLICABLE) All Road improvements and driveway encroachments shall conform to the design standards of the Monterey County Department of Public Works, or other applicable agency. All road improvements shall be installed to the standards applied to public County Roads. (Public Works)	Condition of Permits and Subdivision Improvements - The applicant shall design and install road improvements to in accordance with the design standards of the Monterey County Department of Public Works or the standards of the applicable agency in which the improvements are constructed. Applicant is responsible to obtain all permits and environmental clearances.	Applicant/ Owner	Prior to Building/ Grading Permit Issuance	
24.		PWSP002 - IMPROVEMENT AGREEMENT (NON-STANDARD) (ALL PHASES WHERE APPLICABLE) Enter into an agreement with the County of Monterey to install Engineer's Equipment Road and all required on-site and off-site improvements. (Public Works)	Subdivision – The applicant shall enter into an agreement in the form and manner prescribed by the Department of Public Works to install Engineer's Equipment Road and all required on-site and off-site improvements.	Applicant/ Owner/ Subdivider	Prior to Recordatio n of the Final Maps	
25.		PWSP003 - IMPROVEMENT PLANS (NON-STANDARD) (ALL PHASES) Provide improvement plans for approval of the Department of Public Works. (Public Works)	Subdivision – The applicant shall submit subdivision improvement plans containing information required by conditions of approval for this project, where applicable, to the Public Works Department and the Planning Department for Review and approval	Applicant/ Owner/ Subdivider/ Engineer	Prior to Recordatio n of the Final Map	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Actions to be performed. When applicant and certified professional is required for action to be accepted.	Responsible Party for Compliance	Filing	Verification of Compliance (name/date)
26.		PWSP004 - NON-ACCESS STRIP (NON-STANDARD) (PRIOR TO PHASE 1) A one-foot wide non-access strip shall be dedicated to the County of Monterey in the following locations: 1. along the Inter-Garrison Road frontage of Lots 1, 7-14, and Parcel D except for those locations identified as access driveways for Lot 1; 2. along the Engineer's Equipment Road frontage for Lots 1, 2, 3, 7, and 8 except for those locations identified as access driveways for Lot 1; and 3. Along the Whispering Oaks Way frontage for Lots 11 and 12. The non-access strips shall be reflected in the final map. (Public Works)	Subdivision - The easements shall be shown on the final map(s).	Applicant/ Owner/ Subdivider/ Engineer	Prior to Recordatio n of the Final Map	
27.		PWSP005 - DEDICATION (NON-STANDARD) Dedicate to the County of Monterey, Engineers Equipment Road for street and right-of-way purposes. (Public Works)	Subdivision - Subdivider's Surveyor shall include dedication of public roads on final map.	Subdivider	Prior to Recordatio n of the Final Map	
Health Department Environmental Health Bureau						

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Entity (by Department)	Compliance and Monitoring (What to be performed, how compliance can be verified, standards, equipment prior to completion)	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
28.		EH28 - HAZ MAT BUSINESS RESPONSE PLAN (PHASE I) Comply with Title 19 of the California Code of Regulations and Chapter 6.95 of the California Health and Safety Code (Hazardous Material Registration and Business Response Plans) as approved by the Director of Environmental Health. (Environmental Health)	MST Use Permit - Submit the signed BRP MOU (form available from EHD) that specifies the requirements of Chapter 6.95 of the California Health and Safety Code. An approved BRP must be on file with HMMS prior to bringing hazardous materials on site and/or commencement of operation. Once approved, the applicant shall maintain an up-to-date BRP	Owner/ Applicant/ MST	Prior to recordation of final maps/ on- going	
29.		EH30 - HAZARDOUS WASTE CONTROL (PHASE I) Comply with Title 22, Division 4.5 of the California Code of Regulations and Chapter 6.50 of the California Health and Safety Code (Hazardous Waste Control) as approved by the Director of Environmental Health. (Environmental Health)	MST Use Permit - Contact the Hazardous Materials Program of the Division of Environmental Health.	Owner/ Applicant/ MST	Prior to recordation of final maps/ ongoing as needed	
30.		EH33 - VEHICLES/PARTS IMPERVIOUS SURFACE (PHASE I) All vehicles or parts stored for longer than 72 hours that contain gasoline, oils, lubricants, coolants, or any other hazardous materials/wastes shall be stored indoors. (Environmental Health)	MST Use Permit - Submit plans to the Division of Environmental Health for review and approval.	Owner/ Applicant/ MST	Prior to recordation of the final map.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Goals to be performed. Where applicable, a written professional statement for actions to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
31.		EH34 - HAZ MAT SPCC (PHASE I) Submit a site Spill Prevention Control Countermeasure (SPCC) Plan to the California Regional Water Quality Control Board for storage of petroleum products (i.e. diesel, oil, and gasoline) in above ground storage tanks greater than 650-gallon capacity or for cumulative storage of more than 1,320 gallons. The Plan shall meet the standards as per Title 26, Division 22, Article 3, Sections 66264.30-66264.56 (Preparedness and Prevention). (Environmental Health)	MST Use Permit - Submit plan to the Hazardous Materials Program of the Division of Environmental Health for review and approval.	Owner/ Applicant/ MST	Prior to recordation of the final map.	
32.		EHSP001 -LANDFILL BUFFER REQUIREMENTS (NON-STANDARD) Prior to the issuance of any building permit, the applicant or parcel owner shall retain an independent licensed professional engineer familiar with land fill gas controls to design the specific land fill gas protection features appropriate to the structures proposed. The design shall consider the possibility that an on-site subsurface wastewater disposal system may act as a gas collector and pathway into the structures. The final design should be consistent with California Code of Regulations, Title 27, Section 21190 Post closure Land Use. The building plans shall be submitted to Environmental Health Bureau (EHB) for review and approval. (Environmental Health)	MST Use Permit - Submit specific land fill gas protection design from an independent licensed professional engineer to EHB for review and approval.	Owner/ Applicant/ MST	Prior to the issuance of grading/ building	
Monterey County Water Resources Agency						

Permit Contd. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsibilities Lateral Erosion Department	Compliance or Monitoring Actions to be performed. This is applicable to all projects, and is required for action to be assigned.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
33.		WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS (ALL PHASES) A note shall be placed on the final map or a separate sheet to be recorded with the final map stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." The note shall be located in a conspicuous manner subject to the approval of the Director of Public Works and the Water Resources Agency for approval. (Water Resources Agency)	Subdivision - Place note on map or a separate sheet and submit to the RMA - Planning Department and the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to the recordation of final map.	
34.		WRSP001 - DRAINAGE NOTE (NON-STANDARD) (WHISPERING OAKS - PHASES 2 & 3) A note shall be recorded on the final map stating: "Impervious surface stormwater runoff shall be directed to the stormwater drainage system for the Whispering Oaks Subdivision. If stormwater runoff from an individual lot cannot be directed to the subdivision drainage improvements, a drainage plan shall be prepared by a registered civil engineer or architect prior to issuance of any related grading or building permits. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency." The applicant shall provide the Water Resources Agency a copy of the map to be recorded. (Water Resources Agency)	Subdivision - Submit a copy of the final map to be recorded, with appropriate note, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to recordation of the final map	

Permit Cond. Number	Mitig. Number	Condition of Approval, including Mitigation Measures, and Responsibilities and Use Determinations	Compliance to be performed by the applicant, or a qualified professional as required for action to be accepted	Responsibility Party for Compliance	Timing	Verification of Compliance (name/date)
35.		WRSP002 - COMPLETION CERTIFICATION (NON-STANDARD) (ALL PHASES) A note shall be added to the General Development Plans for MST and Whispering Oaks Business Park requiring that certification be provided to the Water Resources Agency, from a registered civil engineer or licensed contractor, that the stormwater retention/detention facilities required for each phase have been constructed in accordance with plans approved pursuant to Condition #69.	Condition of Permits – A note shall be added to the General Development Plans requiring submittal of a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plans.	Owner/ Applicant	Prior to recordation of final maps/ Prior to issuance of any building permits	
Fire Agency (Monterey County Regional Fire District)						
36.		FIRE008 - GATES (ALL PHASES WHERE APPLICABLE) 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 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 District)	Condition of General Development Plans - Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" in the General Development Plan.	Applicant or owner/ MST	Prior to recordation of final maps/ Notes shall also be included on building plans prior to issuance of Building permits for MST	
			MST Use Permit - Applicant shall schedule fire dept. clearance inspection	Applicant or owner/ MST	Prior to final building inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party (see Department)	Compliance Monitoring (to be performed by applicant or certified professional in accordance with the approved plan)	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
37.		FIRE010 - ROAD SIGNS (ALL PHASES WHERE APPLICABLE) All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, 1/2-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. (Monterey County Regional Fire District)	Subdivision - Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on improvement plans.	Applicant or owner	Prior to filing of final map.	
			Subdivision - Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Completion of Mitigation Measures to be performed. Where applicable, a certification of successful completion for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
38.		FIRE011 - ADDRESSES FOR BUILDINGS (PHASE I) 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 District)	MST Use Permit - Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner/ MST	Prior to issuance of building permit.	
				Applicant or owner/ MST	Prior to final building inspection	
39.		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) (PHASE I) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s).	MST Use Permit - Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner/ MST	Prior to issuance of building permit.	

Permit Cond. Number	Mitig. Number	Conditions of Approval/Installation - Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring - Conditions of Approval/Installation - Mitigation Measures and Responsible Professional to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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 District)	MST Use Permit - Applicant shall schedule fire dept. rough sprinkler inspection MST Use Permit - Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner/ MST	Prior to framing inspection Prior to final building inspection	
40.		FIRE023 - FIRE ALARM SYSTEM - (COMMERCIAL) (PAHSE I) 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 Regional Fire District)	MST Use Permit - Applicant shall enumerate as "Fire Dept. Notes" on plans. MST Use Permit - Applicant shall submit fire alarm plans and obtain approval. MST Use Permit - Applicant shall schedule fire alarm system acceptance test. MST Use Permit - Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner/ MST	Prior to issuance of building permit. Prior to rough sprinkler or framing inspection Prior to final building inspection	
41.		FIRE026 - ROOF CONSTRUCTION (STANDARD) (PHASE I) 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 District)		Applicant or owner/ MST	Prior to issuance of building permit.	
42.		FIRE030 - NON-STANDARD CONDITIONS ROAD ACCESS (PHASE I) Access roads shall be required for every building when any portion of the exterior wall of the first story is	MST Use Permit - Applicant shall obtain fire district's approval of the subdivision improvement plans.	Applicant or owner/ MST	Prior to the approval of the final map.	

Permit Cond. Number	Minig Number	Conditions of Approval and/or Other Fire Mitigation Responsibilities with City or Department	Compliance or Mitigation Actions to be performed. Fire responsible or other department responsible and other actions to be suggested	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
		located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum width of 24 feet 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 District	<u>MST Use Permit</u> - Applicant shall enumerate this condition as a "Fire Dept. Note" on the final map when improvements are to be bonded. <u>MST Use Permit</u> - Applicant shall obtain fire code official's approval of the roadway construction.	Applicant or owner/ MST	Prior to the approval of the final map. Prior to issuance of any subsequent construction permit within the development	
			<u>MST Use Permit</u> - Applicant shall obtain fire code official's approval of the Lot 1 site improvement plans.	Applicant or owner/ MST	Prior to issuance of construction permit.	
			<u>MST Use Permit</u> - Applicant shall enumerate this condition as a "Fire Dept. Note" on the construction plans.	Applicant or owner/ MST	Prior to the issuance of construction permit	
			<u>MST Use Permit</u> - Applicant shall obtain fire code official's approval of the on-site roadway construction.	Applicant or owner/ MST	Prior to issuance of any subsequent construction permit within the development	
43.		FIRE030 – NON-STANDARD CONDITIONS - FIRE ALARM SYSTEM - (COMMERCIAL) (PHASE I) Any sprinklered building having 100 or more fire sprinklers shall be fully protected with an approved	<u>MST Use Permit</u> - Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner/ MST	Prior to issuance of construction permit.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Action to be performed. When applicable, a certified professional's approval for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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 Regional Fire District	MST Use Permit - Applicant shall submit fire alarm plans to the fire district and obtain approval. MST Use Permit - Applicant shall obtain fire department approval of the fire alarm system final inspection and acceptance test.	Applicant or owner/ MST Applicant or owner/ MST	Prior to rough sprinkler or framing inspection Prior to occupancy	
44.		FIRE030 –NON-STANDARD CONDITIONS – HYDRANTS AND FIRE FLOW- (ALL PHASES) Hydrants for fire protection shall be provided at locations approved by the Monterey County Regional Fire District and shall conform to the following requirements: FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow requirement for 91,000 square foot commercial facilities built with Type IIB construction is 6,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 4 hours. Fire flow for facilities protected with automatic fire sprinkler systems may be reduced to 3,250 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 4 hours. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. HYDRANT/FIRE VALVE (ADDITION) – A new hydrant shall be installed. HYDRANT/FIRE VALVE (LOCATION) - The	Subdivision - Applicant shall obtain fire code official's approval of the subdivision water system improvement plans. Subdivision - Applicant shall enumerate this condition as a "Fire Dept. Note" on the final map when improvements are to be bonded. Subdivision - Applicant shall obtain fire code official's approval of the water system construction.	Applicant or owner Applicant or owner Applicant or owner	Prior to the approval of the final map. Prior to the approval of the final map. Prior to issuance of any subsequent construction permit within the development.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Completion of Monitoring - Action to be performed when applicable, a certificate of completion required for completion of the project	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		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. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix C and in accordance with the following specifications: HYDRANT SIZE - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9. <i>SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.</i> Monterey County Regional Fire District	<u>MST Use Permit</u> - Applicant shall obtain fire code official's approval of the on-site private water system improvement plans.	Applicant or owner/ MST	Prior to issuance of construction permit.	
			<u>MST Use Permit</u> - Applicant shall enumerate this condition as a "Fire Dept. Note" on the building construction plans.	Applicant or owner/ MST	Prior to issuance of construction permit.	
			<u>MST Use Permit</u> - Applicant shall obtain fire code official's approval of the on-site private water system construction.	Applicant or owner/ MST	Prior to occupancy.	
45.		FIRE030 -NON-STANDARD CONDITIONS - EMERGENCY ACCESS KEYBOX (PHASE I) Emergency access keybox shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access keybox can be maintained with current keys. Monterey County Regional Fire District	<u>MST Use Permit</u> - Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner/ MST	Prior to issuance of construction permit.	
			<u>MST Use Permit</u> - Applicant shall install the emergency access keybox and obtain approval of a final fire dept. inspection.	Applicant or owner/ MST	Prior to final building inspection.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Agency/Department	Compliance or Mitigation Actions to be completed	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
46.		FIRE030 – NON-STANDARD CONDITIONS – PORTABLE FIRE EXTINGUISHERS (PHASE I) Portable fire extinguishers shall be installed and maintained in accordance with NFPA Standard 10. Monterey County Regional Fire District	MST Use Permit - Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. MST Use Permit - Applicant shall install the portable fire extinguishers and obtain approval of a final fire dept. inspection.	Applicant or owner/ MST Applicant or owner/ MST	Prior to issuance of building permit. Prior to final building inspection.	
Sheriff's Department						
47.		SHERIFFSP001 – PUBLIC SAFETY AND SECURITY GUIDELINES (NON-STANDARD) (ALL PHASES) Prior to issuance of building permits for MST the applicant or developer must comply with the Monterey County Public Safety and Security Guidelines to the satisfaction of the Monterey County Sheriff's Office. These guidelines require the applicant to work with the Sheriff's Office to implement satisfactory public safety and security measures in new development both private and commercial. The Sheriff has the discretion to modify requirements on a case-by case basis to suit the needs of individual applicants and the community. (Sheriff's Department)	MST Use Permit – The developer must submit plans to the Sheriff's Office for review and approval.	Owner/ Applicant/ MST	Prior to recordation of final maps.	
Mitigation Measures						

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Local Use Department	Compliance Monitoring Items to be performed. When applicable, a certified professional is required for action to be completed.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
48.	AQ-1.	MM001 – DUST CONTROL PLAN (ALL PHASES) Prior to issuance of the tree removal, grading, or building permits, the applicant shall prepare a dust control plan for submittal to and approval of the Monterey County planning director. The dust control plan shall be implemented for all construction sites when total project area under grading exceeds 2.2 acres per day. The dust control plan shall limit onsite construction emissions to 82 pounds per day. As more detailed construction information becomes available, emissions from grading activities should be reassessed to determine if the area of grading could be increased. The following measures shall be included in the dust control plan: 1. Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to existing businesses should be kept damp at all times. If necessary, during windy period, watering is to occur on all days of the week regardless of onsite activities. 2. Cover all trucks hauling trucks or maintain at least two feet of freeboard. 3. Pavement, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. 4. Sweep daily all paved access roads, parking areas and staging areas at construction sites. 5. Sweep streets daily if visible soil material is deposited onto the adjacent roads. 6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). 7. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles.	Condition of Permits and Subdivision Improvements - The applicant shall submit a dust control plan to the RMA – Planning Department for review and approval.	Applicant/ Developer/ Contractor	Prior to issuance of the tree removal, grading, or building permits or prior to recordation of the final map whichever occurs first	
			Condition of Permits and Subdivision Improvements - The contractor shall appoint a qualified site monitor to ensure that the dust control plan is implemented.	Applicant/ Developer/ Contractor	Prior to commencement of construction activities	
			Condition of Permits and Subdivision Improvements - The applicant shall submit reports to the RMA – Planning Department for review and approval, describing actions taken during construction in compliance with the dust control plan	Applicant/ Developer/ Contractor	Monthly during grading and construction activities	

Permit Cond. Number	Mitig. Number	Conditions of approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Mitigation Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		8. Limit traffic speeds on unpaved roads to 15 mph. 9. Replant vegetation in disturbed areas as quickly as possible. 10. Suspend excavation and grading activity when hourly-average winds exceed 15 mph and visible dust clouds cannot be contained within the site. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements – A note shall be added to the final map stating that “A dust control plan has been approved by the RMA – Planning Department and all grading shall be done in accordance with the approved plan.”	Applicant/ Developer/ MST	Prior to Recordation of the final map	
49.	AQ-2.	MM002 – DIESEL EQUIPMENT AND PARTICULATE MATTER (ALL PHASES) All off-road construction vehicles/equipment greater than 100 horsepower that will be used on site for more than one week shall: 1) be manufactured during or after 1996, and 2) shall meet the NOX emissions standard of 6.9 grams per brake-horsepower hour. Alternatively, the project shall implement a combination of the following emission reduction measures on some or all of the above described vehicles and equipment, subject to approval by the MBUAPCD: 1. Use alternative fuels (such as biodiesel blends); 2. Require diesel particulate matter filters on equipment; 3. Require diesel oxidation catalyst on equipment; 4. Install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors). 5. Enforce state required idle restrictions (e.g., post signs). Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or	Condition of Permits and Subdivision Improvements - The applicant shall require in construction contracts that all off-road construction vehicles comply with the specifications outlined in the mitigation measure, and shall submit a report to the Planning Department demonstrating compliance.	Applicant/ Developer/ Contractor	Prior to building or grading permits or recordation of final maps whichever occurs first	
		1. Use alternative fuels (such as biodiesel blends); 2. Require diesel particulate matter filters on equipment; 3. Require diesel oxidation catalyst on equipment; 4. Install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors). 5. Enforce state required idle restrictions (e.g., post signs). Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or	Condition of Permits and Subdivision Improvements - The project proponent shall submit a written roster of equipment anticipated to be used on the project site, including fuel use information on each to the RMA – Planning Department and MBUAPCD.	Applicant/ Developer/ Contractor	Prior to commencement of grading	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		other bulk materials. Rotating drum concrete trucks may keep their engines running continuously as long as they were onsite and staged away from residential areas. 6. Properly tune and maintain equipment for low emissions. 7. Stage large diesel-powered equipment at least 100 feet from any active land uses (e.g., residences). 8. Limit the hours of operation for heavy-duty equipment to daytime periods. (RMA- Planning Department and MBUAPCD)	Condition of Permits and Subdivision Improvements - The contractor shall keep a certified daily log of each activity performed during construction including date and photographs, as necessary. Monthly reports shall be submitted to the Monterey County Planning and Building Inspection Department. Failure to submit a report, or failure to comply with the requirements of the mitigation measure, shall cause all work to be stopped until the report is received and approved by the Monterey County Planning Department.	Applicant/ Developer/ Contractor	Monthly During grading and construction activities	
50.	BIO-1.	MM003 – AVOIDANCE AND PROTECTION OF LISTED PLANT SPECIES (ALL PHASES) Disturbance or relocation of sand Gilia shall be done in conformance with an approved 2081 Permit from the California Department of Fish and Game. The Monterey Ceanothus shall be flagged for avoidance and fenced off as described in BIO-13. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements - Obtain Section 2081 permit from CDFG to allow for disturbance in areas known to support sand gilia.	Applicant/ Developer/ Biologist	Prior to tree removal or grading activities or recordation of the Final Map whichever occurs first	
			MST – Flag and fence Monterey Ceanothus prior to any construction activity.	Applicant/ Developer/ Biologist/ MST	Prior to Construction	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance and Monitoring Plans to be performed, where applicable, by certified professional(s) prior to action to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
			Condition of Permits and Subdivision Improvements - Reports documenting compliance with mitigation requirements shall be submitted RMA- Planning for review.	Applicant/ Developer/ Biologist	Monthly during grading activities	
51.	BIO-2.	MM004 – 2081 (“TAKE”) PERMIT REQUIRED (ALL PHASES) The County of Monterey has consulted with the CDFG regarding the potential for take of sand gillia within the entire landfill site and the agencies have agreed upon an acceptable mitigation strategy for the proposed impacts. Under this mitigation strategy, none of the project site would need to be preserved or restored, and the site could be developed in its entirety. However, the County has not obtained a permit for incidental take of sand gillia on the landfill parcel, including the project site, at this time. Therefore, no vegetation removal, grading, or other ground-disturbing construction activities that may result in take of the sand gillia populations shall occur prior to the issuance of a Section 2081 permit. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements - The applicant shall provide evidence of the issuance of a Section 2081 permit.	Applicant/ Developer	Prior to grading permits or recordation of final maps whichever occurs first	
			Condition of Permits and Subdivision Improvements - Reports documenting compliance with mitigation requirements shall be submitted to Monterey County Department of Planning and Building Inspection.	Applicant/ Developer	Weekly during grading activities	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. What applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
52.	BIO-3.	MM005 – AVOIDANCE OF PROTECTED PLANT SPECIES OFF-SITE IMPROVEMENTS (PHASE 1 & 2 – OFF-SITE IMPROVEMENTS) The applicant shall have a qualified biologist develop a species protection plan for each species found at the site. The species protection plan shall include the following: - Avoidance criteria necessary for plant protection; - Fencing Plan - Monitoring; and - Follow-up surveys and reports. The plan shall be submitted to the RMA – Planning Department for Review and approval. If species are found and cannot be avoided, the applicant shall consult with the United States Fish and Wildlife Service and the California Department of Fish and Game to determine the appropriate course of action. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements - Surveys for Monterey spineflower, sand gilia, coast wallflower, and Kellogg's horkelia shall occur during the blooming period in spring. Additional surveys for Yadon's rein orchid shall occur during the blooming period in the summer. If individuals of this species are found, the United States Fish and Wildlife Service and the California Department of Fish and Game shall be consulted to determine the appropriate course of action.	Applicant/ Developer/ Biologist	Prior to Ground Disturbance or recordation of the final maps whichever occurs first	
			Condition of Permits and Subdivision Improvements - If surveys find the presence of the species of concern, the applicant shall have a qualified biologist prepare a species protection plan demonstrating avoidance of all the subject species. The plan shall be submitted to the RMA Planning Department for review and approval.	Applicant/ Developer/ Biologist	Prior to Ground Disturbance or recordation of final maps whichever occurs first	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Party (as a Department)	Compliance or Monitoring Status (as a Department) (When applicable, a certified biologist must accompany report) (date accepted)	Responsible Party for Compliance	Finding	Verification of Compliance (name/date)
53.	BIO-4.	MM006 – CALIFORNIA TIGER SALAMANDER TAKE AUTHORIZATION For development of Lot 1, off-site drainage improvements, and road improvements to Intergarrison Road and Engineer's Equipment Road (Phase 1) and development of Lots 2, 3, 7, and 8 with improvement to Whispering Oaks Drive (part of Phase 2): All development shall be monitored by a qualified biologist consistent with Mitigation Measure BIO-5. If at any time California Tiger Salamanders are found in the development area, all construction shall cease, and the Department of Fish & Game and U.S. Fish & Wildlife shall be consulted. Development may not resume until clearance from Fish & Game and Fish & Wildlife is secured. For the remaining improvements in Phase 2 (Lots 4, 5, 6, and 10, Parcel B, and the remaining Whispering Oaks Drive improvements) and all of Phase 3 (Lots 12 – 16): Prior to the initiation of any ground-disturbing activities, including vegetation removal and grading, the applicant shall comply with one of the following three approaches: 1. Conduct protocol surveys to determine the presence or absence of California tiger salamander within Lots 4, 5, 6, 10, 12-16, and Parcel B. Protocol surveys conducted in compliance with the protocols outlined	Condition of Permits and Subdivision Improvements – A note shall be included on the final map or separate sheet to be recorded with the final map that: all development shall be monitored by a qualified Biologist consistent with Mitigation Measure BIO-5, including monitoring and reporting indicating that the biologist was on-site during vegetation removal and grading activities and explaining any observations of California Tiger Salamander. Condition of Permits and Subdivision Improvements - Provide evidence to the RMA – Planning Department that criteria for a Negative Finding have been met, or that the requirements of the ESA or HCP will be implemented.	Applicant/ Developer/ Biologist	Prior to recordation of Final Maps/ During all ground disturbing and vegetation removal activities.	
				Applicant/ Developer/ Biologist	Prior to ground disturbance outside the area fenced in accordance with part 1 of this condition	

Permit- Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsibilities and/or Department	Compliance or Monitoring Action to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		in the /Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (USFWS October 2003). Two consecutive years of upland drift fence studies are required. Fencing arrays shall be installed and approved by USFWS prior to October 15 of each survey year. Surveys shall continue until individuals are found or the criteria for a Negative Finding are met. If individuals are found, either approach 2 or 3 shall be implemented; 2. If the presence of California tiger salamander is documented or the applicant chooses to assume the species is present, the project shall comply with the ESA and CESA and obtain Incidental Take Authorization from the USFWS and CDFG for the loss of California tiger salamander individuals and upland habitat associated with construction and operation of the project; or 3. Following adoption of the Fort Ord HCP and issuance of base-wide federal and state incidental take permits, all applicable conditions of the HCP shall be followed and individual incidental take permits are not required. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements - Contract with a qualified biologist to provide reports for submittal to the RMA – Planning Department as may be required by conditions of the Incidental Take Permit or Fort Ord HCP.	Applicant/ Developer/ Biologist	During construction outside the area fenced in accordance with part 1 of this condition.	
54.	BIO-5.	MM007 – BIOLOGICAL MONITOR AND CONTRACTOR/EMPLOYEE EDUCATION (ALL PHASES) For all development areas: prior to construction activities, project proponents shall retain a qualified biologist to monitor construction. The biological monitor shall conduct an Employee Education Program for the construction crew. The biologist shall meet with the construction crew at the project site at the onset of construction to educate the construction crew on the following: • A review of the project boundaries including those	Condition of Permits and Subdivision Improvements - Conduct an Employee Education Program for the construction crew on the points listed in the mitigation measure. Submit evidence of training to Monterey County RMA - Planning Department. A note shall be added to the General Development Plans requiring compliance with this condition.	Applicant/ Developer/ Biologist	Prior to recordation of final maps/ Prior to issuance of grading permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Entity (see Department)	Compliance or Monitoring Actions to be performed. Where applicable, certified professionals required for action to be accepted	Responsible Party for Compliance	Filing	Verification of Compliance (name/date)
		established under Condition 15; - All special-status species that may be present, their habitat, and proper identification; - The specific mitigation measures and success criteria that will be incorporated into the construction effort (Measures BIO-6 through BIO-9); - The general provisions and protections afforded by the USFWS and CDFG; and - The proper procedures if a special-status animal is encountered within the project site. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements - Submit a monitoring report following completion of grading activities prepared by a qualified biologist demonstrating compliance with the biological mitigations for the project.	Applicant/ Developer/ Biologist	Prior to foundation inspection	
55.	BIO-6.	MM008 – BIOLOGICAL MONITOR DUTIES AND AUTHORITY (ALL PHASES) For all development areas: The biological monitor shall be onsite during initial grading and vegetation removal activities to protect any special-status species encountered. The qualified biologist shall identify and explain the protection methods during the Employer Education Program as described in Mitigation Measure BIO-5. These methods could include, but are not limited to, stopping work in the area where the animal is encountered until it has moved, on its own outside the project site or take appropriate action consistent with the DFG “take” authorization requirements. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements – A policy shall be added to the General Development Plans stating that a biological monitor shall be onsite during grading activities to stop work and take appropriate action consistent with the DFG “take” authorization requirements and the conditions of project approval.	Applicant/ Developer/ Contractors / Biologist/ MST	Prior to recordation of Final Maps/ During construction activities	
			Condition of Permits and Subdivision Improvements - Reports documenting compliance with biological mitigation requirements, prepared by the biological monitor, shall be submitted to Monterey County RMA - Planning Department monthly during construction activities.	Applicant/ Developer/ Contractors /Biologist/ MST	Monthly during construction	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Earth Use Department	Compliance Monitoring Actions to be performed. When completed, a certified professional is required to action to be documented.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
56.		MM009 – DUSKY FOOTED WOODRAT (ALL PHASES) For all development areas: To avoid and reduce impacts to the Monterey dusky footed woodrat, project proponents shall retain a qualified, CDFG approved biologist to conduct pre construction surveys within three day prior to construction for woodrat nests within the project area and in a buffer zone 100 feet out from the limit of disturbance. All woodrat nests shall be flagged for avoidance of direct construction impacts, where feasible. Any active nests that will not be in areas of grading or vegetation removal will be avoided and protected during project activities with a minimum 25 foot buffer. Nests that cannot be avoided shall be manually deconstructed prior to land clearing activities to allow animals to escape harm and to reestablish territories for the next breeding season. Nests shall be dismantled during the non-breeding 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 letter of young is found or suspected, nest material shall be replaced, and the nest left alone for three weeks before rechecking the nest to verify that young are capable of independent survival before proceeding with nest dismantling.	Condition of Permits and Subdivision Improvements – Retain a qualified biologist to conduct focused pre-construction survey for dusky footed woodrat nests in all areas proposed for construction, ground disturbance, or staging two weeks prior to construction. Provide evidence of the survey and the results to the RMA – Planning Department prior to construction activities.	Applicant/ Developer/ Biologist/ MST	Prior to grading or vegetation removal	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Requisite Environmental Department	Compliance Monitoring - Actions to be performed when applicable - only for professionals (not staff) action to be recorded	Responsible Party for Compliance	Timing	Verification of Compliance (date/date)
57.	BIO-8.	MM010 – AMERICAN BADGER (ALL PHASES) For all development areas: To avoid and reduce impacts to the American badger, project proponents shall retain a qualified biologist to conduct focused pre-construction surveys for badger dens in all areas proposed for construction, ground disturbance, or staging no more than two weeks prior to construction. If no potential badger dens are present, no further mitigation is required. If potential dens are observed, the following measures are required to avoid potential significant impacts to the American badger: • If the qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel to prevent badgers from re-using them during construction. • If the qualified biologist determines that potential dens may be active, the entrances of the dens shall be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance. The den entrances shall be blocked to an incrementally greater degree over the three to five day period. After the qualified biologist determines that badgers have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel to prevent re-use during construction. (RMA – Planning Department & DFG)	Condition of Permits and Subdivision Improvements - Retain a qualified biologist to conduct focused pre-construction survey for badger dens in all areas proposed for construction, ground disturbance, or staging two weeks prior to construction. Provide evidence of the survey and the results to the RMA – Planning Department prior to construction activities.	Applicant/ Developer/ Biologist	Survey/ report no more than two weeks prior to construction	
			Condition of Permits and Subdivision Improvements - The biological monitor shall be onsite to stop work and cease work until the animal leaves the site on it's own.	Applicant/ Developer/ Biologist	Ongoing during grading and construction activities	

Permit Cond. Number	Mulg. Number	Condition of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Actions to be performed. When compliance is certified professional is authorized for action to be taken.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
58.	BIO-9.	MM011 – WHITE-TAILED KITE (ALL PHASES) For all development areas: To avoid impacts to the white-tailed kite and other nesting raptors, construction activities can be timed to avoid the nesting season period. Specifically, tree removal can be scheduled after September 1 and before January 31 to avoid impacts to these species. Alternatively, if avoidance of the nesting period is not feasible, pre-construction surveys shall be conducted for nesting raptors within 300 feet of proposed construction activities if construction is to be initiated between February 1 and August 31. Pre-construction surveys shall be conducted no more than 30 days prior to the start of construction. If nesting raptors are identified during the pre-construction surveys, the CDFG shall be contacted and an appropriate no-disturbance buffer imposed within which no construction activities or disturbance shall take place (generally 300 feet in all directions for raptors) until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival, as determined by a qualified biologist and the CDFG. (RMA - Planning Department)	Condition of Permits and Subdivision Improvements - The applicant shall time construction activities to avoid the nesting season period. If construction cannot be timed outside of the nesting period, pre-construction surveys shall be conducted for nesting raptors within 300 feet of proposed construction activities if construction. Reports documenting compliance with mitigation requirements shall be submitted to Monterey County RMA - Planning Department.	Applicant/ Developer/ Biologist	Survey/ report no more than 30 days prior to the start of construction	
			Condition of Permits and Subdivision Improvements - Establish buffers in conjunction with CDFG if necessary.	Applicant/ Developer/ Biologist	Prior to issuance of grading or building permits	
			Condition of Permits and Subdivision Improvements - Submit evidence of CDFG compliance	Applicant/ Developer/ Biologist	Prior to issuance of grading or building permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Entity (City/Department)	Compliance or Mitigation Measures to be performed. Where applicable, recalling that some measures require action to be successful.	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
59.	BIO-10.	MM012 – FOREST MANAGEMENT PLAN COMPLIANCE (ALL PHASES) The applicant shall comply with the measures included in the Forest Management Plans that were prepared for the MST and Whispering Oaks Business Park sites. The Forest Management Plans include measures to avoid tree removal and/or transplant trees whenever possible as well as suitable mitigation ratios and planting areas. If off-site improvements result in disturbance to oak trees, the provisions of the MST Forest Management Plan shall apply to that off-site location. The applicant shall also comply with the Oak tree preservation and recovery strategy prepared in compliance with the recommendation of the Forest Management Plan for effective implementation. (RMA – Planning Department)	<u>Condition of Permits and Subdivision Improvements</u> – A note shall be included with the final map stating that a Forest Management Plan has been prepared for the MST site and the Whispering Oaks Business Park. All development shall be in accordance with the applicable Forest Management Plan. A policy shall also be added to the General Development Plans to the same effect. <u>Condition of Permits and Subdivision Improvements</u> - Construction supervisors shall review the Forest Management Plans and Oak tree preservation and recovery strategy to identify and prepare mitigation directed Consistent with these reports. <u>Condition of Permits and Subdivision Improvements</u> - Protect, Preserve, and replant trees in accordance with the reports.	Applicant/ Developer/ Contractors /MST	Prior to grading or vegetation removal or Recordation of the Final Map whichever occurs first	
				Applicant/ Developer/ Contractors /MST	Prior to grading or vegetation removal	
				Owner/ Applicant	Prior to removal of trees.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Entity's Department	Compliance Monitoring - Status Will be performed until compliance is achieved or certified professionals required for action take accepted	Responsible Party for Compliance	Timing	Verification of Compliance (Name/Date)
60.	BIO-11.	MM013 – OAK WOODLAND HABITAT MITIGATION PLAN COMPLIANCE (ALL PHASES) For both projects, in order to minimize impacts to Oak woodlands and in compliance with PRC 21083.4: The appropriate strategy for compliance, as identified in the Oak Tree Preservation-Recovery Strategy for this project is as follows: • Pay FORA impact fees for maintenance of permanent open space in the Fort Ord area. • The maximum amount of native oak trees as feasible for screening and habitat purposes shall be retained in coordination with a qualified arborist, the General Development Plans, and Condition # 15. • Trees shall be replanted in the landscaping areas, the street frontages, the buffer areas, and within Parcel D. • Off-site replanting and habitat management or payment of equivalent in-lieu fees to the Parks Department will occur. The Youth Camp parcel has been identified as an appropriate off-site mitigation area to achieve a minimum 1:1 replacement. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements – A note shall be included with the final map stating that a Oak Woodland Habitat Mitigation Plan has been prepared for the MST Whispering Oaks Business Park project. All tree removal and replanting shall be done in accordance with the plan. A policy shall also be added to the General Development Plans to the same effect. Condition of Permits and Subdivision Improvements - A qualified arborist shall be consulted as necessary regarding the best removal, protection, transplanting, planting and irrigation methods as construction proceeds. Condition of Permits and Subdivision Improvements - Submit a report to the RMA – Planning Department demonstrating compliance with the report and mitigation requirements	Applicant/ Developer/ Contractors /MST	Prior to grading or vegetation removal or Recordation of the Final Map whichever occurs first	
				Applicant/ Developer/ Contractors /MST	During Construction	
				Applicant/ Developer/ Contractors	Prior to final building inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
61.	BIO-12.	MM014 – TREE REPLACEMENT AND MONITORING (ALL PHASES) Two, five, and eight years following mitigation plantings, the applicant shall arrange for a qualified arborist to inspect replacement tree plantings following project completion. Any trees that have died or are in poor condition in the judgment of the arborist shall be replaced and inspected on a two, five and eight year schedule beginning with the next inspection on the original schedule, and with the same replacement location requirements.	Condition of Permits and Subdivision Improvements - A qualified arborist shall inspect replacement tree plantings following project completion. Reports documenting compliance with mitigation requirements shall be submitted to Monterey County RMA – Planning Department for review.	Applicant/ Developer	Two, five, and eight years following mitigation plantings and as needed thereafter.	
62.	BIO-13.	MM015 – MARITIME CHAPARRAL AVOIDANCE AND PROTECTION (PHASES 1 & 2) For the MST project, gas line realignment, Lots 2-11, Engineer's Equipment Road, and off-site drainage improvements: The maritime chaparral vegetation immediately adjacent to the construction area shall be protected during construction. This includes the use of exclusionary fencing of herbaceous and shrubby vegetation, such as hay bales and protective wood barriers for trees. Only certified weed-free straw shall be used to avoid the introduction of non-native, invasive species. A biological monitor shall supervise the installation of protective fencing. The monitor shall remain on-site during the initial grading activities and vegetation removal. After these activities are completed, the biological monitor shall check at least once per week until	Condition of Permits and Subdivision Improvements - Protect the maritime chaparral vegetation immediately adjacent to the project site using an appropriate barrier. Condition of Permits and Subdivision Improvements - After initial grading and vegetation removal activities are completed, the biological monitor shall check that the protective fencing remains intact and that all construction work is maintained within the limits of construction at least once per week until the construction is complete.	Applicant/ Developer/ Biologist	Prior to issuance of building or grading permits	

Permit Cond. Number	Mitig. Number	Condition of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. When compliance certified professional is required for approval, it is accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		the construction is complete that the protective fencing remains intact and that all construction work is maintained within the limits of construction. This fencing requirement shall be incorporated into a comprehensive fencing plan as described in Condition # 15. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements - Standard erosion control techniques to minimize erosion and sedimentation to native vegetation shall be utilized in consultation with a qualified hydrologist, engineer, or erosion control specialist.	Applicant/ Developer/ Biologist	During construction activities	
63.	GEO-1.	MM016 – GEOTECHNICAL REPORT AND SEISMIC DESIGN REQUIREMENTS (ALL PHASES) All future development within the project site shall be designed using the parameters for code-based design listed in the Fugro West report. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements - The applicant shall design all development using the parameters for code-based design listed in the Fugro West report and according to Seismic Design Category "D".	Applicant/ Developer	Prior to approval of grading or building plans.	
64.	GEO-2.	MM017 – BUILDING CODE COMPLIANCE AND ADDITIONAL SOILS REPORTING (SEE TEXT) All future development within the project site shall be designed consistent with the latest edition of the California Building Code as adopted by Monterey County and its related seismic standards, as well as any additional standards required as standard conditions of approval by the County of Monterey. Future development on the MST site shall incorporate all recommendations from the geotechnical report, and if necessary, a supplemental exploration may be required depending on the final layout	Condition of Permits and Subdivision Improvements – A note shall be added to the Whispering Oaks General Development Plan requiring preparation of a geotechnical report to inform design and engineering for development within the Whispering Oaks Business Park.	Applicant/ Developer/ Geotechnical Engineer	Prior to Recordation of the Final Map/ Prior to the issuance of a grading or building permits for phases 2 & 3.	

Permit Cond. Number	Mitig. Number	Conditions of Approval, Erosion Control Measures and Responsible Planning Department	Conditions of Monitoring, Actions to be Performed, What constitutes a verified professional's signature or actions to be performed	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		of the proposed structures and facilities. A geotechnical report shall be required prior to development on any lot within the Whispering Oaks Business Park. Final improvement plans and building plans shall be based on recommendations in the geotechnical report, and subject to review and approval of Monterey County prior to issuance of a grading or building permit. A geotechnical report may be prepared to apply to more than one lot. (RMA – Planning Department)	Condition of Permits and Subdivision Improvements - Design all development within the project site to be consistent with the latest edition of the California Building Code as adopted by Monterey County and its related seismic standards, and well as any additional standards required as standard conditions of approval by the County of Monterey.	Applicant/ Developer/ Geotechnical Engineer	Prior to the issuance of a grading or building permit	
65.	GEO-3.	MM018 – EROSION CONTROL (ALL PHASES) Each applicant shall prepare an erosion control plan consistent with the requirements of Monterey County Code Chapter 16.12 prior to approval of tree removal, grading, or building permits. All erosion control measures required by the approved erosion control plan shall be in place until work is completed. Grading, excavating, and other activities that involve substantial soil disturbance shall be planned and carried out in consultation with a qualified hydrologist, engineer, or erosion control specialist, and shall utilize standard erosion control techniques to minimize erosion and sedimentation to native vegetation. Prior to the issuance of an occupancy	Condition of Permits and Subdivision Improvements - A qualified engineer shall prepare an erosion control plan, including but not limited to the methods outlined in the mitigation measure. The erosion control plan shall be submitted to the Monterey County Planning Department and the Water Resources Agency for review and approval, based on conformance with the methods outlined in the mitigation measure and consistent with the requirements of Monterey County Code Chapter 16.12.	Applicant/ Developer/ Contractor/ Geotechnical Engineer	Prior to the approval of permits for tree removal, grading, or other site improvements	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. (If applicable, as certified professionals required, or action to be taken)	Responsible Party for Compliance	Timing	Verification of Compliance (time/date)
		permit, permanent erosion control measures shall be in place and approved by the Resource Management Agency and the Water Resources Agency. An erosion control plan may be prepared to apply to more than one lot or for related projects at different sites. (RMA – Planning and Water Resources Agency)	Condition of Permits and Subdivision Improvements - The contractor shall submit a letter report and/or photographs from a qualified soils engineer to the Monterey County Planning Department and Water Resources Agency documenting the ongoing maintenance and the condition of the erosion control fencing and other erosion control measures. The Monterey County Planning Department and Water Resources Agency shall review the reports for conformance with the methods outlined in the mitigation measure. Failure to submit a report showing that the proposed project is in conformance with the methods outlined in the mitigation measure shall cause all work to be stopped until conformance is confirmed and the report is received by the Monterey County Planning Department and Water Resources Agency. The project proponent shall be responsible for correcting any violations immediately. Frequency of the reporting may be decreased at the discretion of the Monterey County Planning Department and Water Resources Agency if there is no active grading.	Applicant/ Developer/ Contractor/ Geotechnical Engineer	Monthly between October 15 and April 15	

Permit Card Number	Map Number	Obtaining (SO) - Must be noted on the permit card as to how the permit was obtained. If possible, write the appropriate code.	When the permit is obtained, the permit card must be filled out and the permit card must be filed in the permit card file. The permit card must be filed in the permit card file.	Responsible Party for compliance	Timing of compliance	Verification of compliance (date)
			Condition of Permits and Subdivision Improvements - The project proponent shall demonstrate to the Monterey County Planning Department and Water Resources Agency that the applicable provisions of the approved landscape, re-vegetation, and erosion control plans have been implemented. The report shall briefly explain why measures not employed are not necessary or applicable.	Applicant/ Developer/ Contractor/ Geotechnical Engineer	Prior to final inspection of grading permits	
			Condition of Permits and Subdivision Improvements - The applicant shall submit to Monterey County Planning Department and Water Resources Agency a certified report from a qualified soils engineer regarding how each post-construction erosion control measure has been implemented at the subject lot.	Applicant/ Developer/ Contractor/ Geotechnical Engineer	Prior to issuance of each occupancy permit	

Permit Cond. Number	Mitig. Number	Condition of Permit (If Mitigation Measures are Required, the Applicant shall submit a plan to the County Planning Department and Water Resources Agency for review and approval.)	Condition of Permit (If Mitigation Measures are Required, the Applicant shall submit a plan to the County Planning Department and Water Resources Agency for review and approval.)	Responsible Party (Name)	Prior to final inspection of grading permits	Verification of Compliance (Name/Date)
			<u>Condition of Permits and Subdivision Improvements</u> - The project proponent shall demonstrate to the Monterey County Planning Department and Water Resources Agency that the applicable provisions of the approved landscape, re-vegetation, and erosion control plans have been implemented. The report shall briefly explain why measures not employed are not necessary or applicable.	Applicant/ Developer/ Contractor/ Geotechnical Engineer	Prior to final inspection of grading permits	
			<u>Condition of Permits and Subdivision Improvements</u> - The applicant shall submit to Monterey County Planning Department and Water Resources Agency a certified report from a qualified soils engineer regarding how each post-construction erosion control measure has been implemented at the subject lot.	Applicant/ Developer/ Contractor/ Geotechnical Engineer	Prior to issuance of each occupancy permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required in action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
71.	T-1.	MM024 – TRAFFIC IMPACT FEES (PHASE 1) In order to mitigate impacts from additional trips added by Phase I to intersections already operating at LOS E or F. Prior to recordation the final map for Phase I, the fees listed below (fair share costs for project-level impacts based on estimated 2010 project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index) shall be paid. - County of Monterey fair share costs for improvements at the following intersections: - Davis Road/Reservation Road (1.3% of \$1,825,600 = \$23,389) - Blanco Road/Reservation Road (2.0% of \$263,400 = \$5,288). - City of Marina fair share costs for lane improvements at the following intersection: - Imjin Road/Imjin Parkway – eastbound right	Subdivision - Pay fees to the appropriate jurisdiction and submit evidence to the RMA - Planning Department.	Applicant/ Developer	Prior to the issuance of Building Permits for Phase 1	

Permit Cont. Number	Mitig. Number	Completion of Mitigation Measure and Responsible Party's Signature	Publication - Review of Mitigation Measure	Publication - Review of Mitigation Measure	Publication of Compliance (Name/Date)
		(17.5% of \$466,888 = \$81,791) Note: this fee would be reimbursable to Whispering Oaks Business Park – see Mitigation Measure T-6. - City of Marina fair share costs for two lane improvements at the following intersection: - Imjin Parkway/Reservation Road (1.7% of \$222,700 = \$3,764). - City of Seaside fair share costs for improvements at the following intersections: - General Jim Moore Boulevard/Broadway Avenue (0.4% of \$300,000 = \$1,054) - Caltrans fair share costs for improvements at the following intersections: - Northbound State Route 1/Imjin Parkway (0.7% of \$151,428 = \$1,012) - Southbound State Route 1/Imjin Parkway (0.8% of \$965,308 = \$7,562) (RMA – Planning Department and Public Works)			
72.	T-2	MM025 – ROAD IMPROVEMENTS (PHASE 1) In order to mitigate potential safety impacts from left-turn queues exceeding the left-turn lane storage capacity at Imjin Parkway and Imjin Road, phase I improvements shall include: Construction of a second westbound left-turn lane at the intersection of Imjin Road and Imjin Parkway. (RMA – Planning and Public Works)	Subdivision - Submit improvement plans for the identified off-site improvements to the City of Marina public works department for review and approval.	Applicant/ Developers	Prior to recording of final maps for Phase I

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		- City of Marina fair share costs for two lane improvements at the following intersection: - Imjin Parkway/Reservation Road (4.1% of \$222,700 = \$9,207). - City of Seaside fair share costs for improvements at the following intersection: - General Jim Moore Boulevard/Broadway Avenue (4.0% of \$300,000 = \$12,119) - Caltrans fair share costs for improvements at the following intersections: - Northbound State Route 1/Imjin Parkway (3.2% of \$151,428 = \$4,797) - Southbound State Route 1/Imjin Parkway (2.6% of \$965,308 = \$24,759) (RMA – Planning and Public Works)				
74.	T-4.	MM027 – ROAD IMPROVEMENTS (PHASE 2) In order to mitigate impacts resulting in an unacceptable LOS at the intersection of Imjin Road and Eighth Street, Phase II improvements shall include: - Signalizing intersection of Imjin Road/Eighth Street and adding a southbound Imjin Road left turn lane, and corresponding second eastbound Eighth Street receiving lane, or - Constructing the re-alignment of Imjin Road between	Subdivision - Submit improvement plans for the identified off-site improvements to the City of Marina public works department for review and approval.	Applicant/Developer	Prior to recordation of final maps for Phase 2	

Permit Cond. Number	Mitig. Number	Conditions of Approval/Land Use Department Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Imjin Parkway and Eighth Street, realigning Imjin Road as a fourth approach to the Sixth Avenue/Eighth Street-Engineer's Equipment Road intersection. (RMA – Planning and Public Works)	<u>Subdivision</u> - Construct listed improvements in accordance with approved plans and submit evidence of completion to the RMA-Planning Department.	Applicant/ Developer	Prior to occupancy permits.	
75.	T-5.	MM028 – ROAD IMPROVEMENTS (PHASE 3) In order to mitigate impacts resulting in an unacceptable LOS at the intersection of Imjin Road and Eight Street, Phase III improvements shall include: • Adding a westbound right-turn lane at the Imjin Road/Eighth Street intersection, or • Constructing the re-alignment of Imjin Road between Imjin Parkway and Eighth Street, realigning Imjin Road as a fourth approach to the Sixth Avenue/Eighth Street-Engineer's Equipment Road intersection. (RMA – Planning and Public Works)	<u>Subdivision</u> - Submit improvement plans for the identified off-site improvements to the City of Marina public works department for review and approval.	Applicant/ Developer	Prior to recordation of final maps for Phase 3	
			<u>Subdivision</u> - Construct listed improvements in accordance with approved plans and submit evidence of completion to the RMA-Planning Department.	Applicant/ Developer	Prior to occupancy permits.	

Permit Cont. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. When applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
76.	T-6.	MM029 – ROAD IMPROVEMENTS (PHASE 2) In order to mitigate potential safety impacts from right-turn queues exceeding the right-turn lane storage capacity at Imjin Parkway and Imjin Road, phase II road improvements shall include: Constructing an eastbound right-turn lane at the intersection of Imjin Road and Imjin Parkway. (RMA – Planning and Public Works)	Subdivision - Submit improvement plans for the identified off-site improvements to the City of Marina public works department for review and approval. Subdivision - Construct listed improvements in accordance with approved plans and submit evidence of completion to the RMA-Planning Department.	Applicant/ Developer	Prior to approval of a final maps for Phase 2	
77.	T-7	MM030 – ROAD IMPROVEMENTS (PHASE 3) In order to mitigate impacts resulting in an unacceptable LOS at the intersection of Engineer's Equipment Road and Inter-Garrison Road, phase III road improvements shall include: - Signalization of the intersection of Whispering Oaks Drive/Engineer's Equipment Road. The signal light shall be coordinated with the signal light at Engineer's Equipment Road and Inter-Garrison Road. - Construction of northbound and southbound left turn lanes. - Construction of eastbound and westbound right turn lanes. (RMA – Planning and Public Works)	Subdivision - Submit improvement plans for the identified off-site improvements for review and approval to the RMA – Public Works Department for review and approval. Subdivision - Construct listed improvements in accordance with approved plans.	Applicant/ Developer	Prior to recordation of final maps for Phase 3	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required or action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
78.	T-8	MM031 – BUS CIRCULATION (MST – PHASE 1) MST shall include a policy in the General Development Plan to require out-of-service buses traveling to and from the beginning or ends of their day's runs to use routes that avoid the following streets within the CSUMB campus core area: Inter-Garrison Road/Third Street (Sixth Avenue to General Jim Moore Boulevard) and Divarty Street (east of General Jim Moore Boulevard). The restriction shall not apply to routes serving CSUMB. (RMA – Planning Department)	Condition of Permits - A policy shall be added to the GDP or condition placed upon the approval to require the policy prior to project development.	County/MS T	Prior to approval of the MST GDP	
79.	T-9	MM032 – TRAFFIC IMPACT FEES (CUMULATIVE – MST) In order to mitigate the Phase 1 portion of the cumulative impact of the proposed subdivision, prior to issuance of building permits, evidence of payment of the fees listed below (fair share costs for cumulative impacts based on estimated 2010 project costs to be adjusted annually on July 1 by the Engineering Record's Construction Cost Index) shall be submitted to the RMA-Planning Department. - FORA development impact fees. County of Monterey fair share costs for improvements at the following intersections: - Inter-Garrison Road/Reservation Road (1.8% of \$612,100 = \$11,056) - Engineer's Equipment Road/Whispering Oaks Way (17.8% of \$300,000 = \$53,251) - Engineer's Equipment Road/Inter-Garrison Road (3.6% of \$300,000 = \$10,827)	Condition of Permits - Submit the required fees to the appropriate jurisdiction and provide evidence of fee payment to the RMA – Planning Department.	Applicant/ Developer	Prior to the issuance of a building permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Mitigation Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		City of Marina fair share costs for reimbursement to Whispering Oaks Business Park at the following intersection (a per-tip equivalent payment can also satisfy this requirement): - Imjin Road/Eighth Street (21.8% of \$1,136,064 = \$247,689) - Fifth Avenue – California Avenue/Imjin Parkway (1.7% of \$390,111 = \$6,632) - Third Avenue/Imjin Parkway (1.1% of \$543,000 = \$6,110), Second Avenue/Imjin Parkway (0.7% of \$42,000 = \$307) - Abrams Drive/Imjin Parkway (1.6 % of \$1,304,596 = \$20,770) and - Imjin Parkway/southbound State Route 1 ramp (1.1% of \$488,582 = \$5,207) - Imjin Parkway/northbound State Route 1 ramp (0.9% of \$488,582 = \$4,563) (RMA – Planning and Public Works)				

Permit Cond. Number	Mitig. Number	Conditions of Approval/Condition Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
80.	T-10	MM033 – TRAFFIC IMPACT FEES (CUMULATIVE – PHASES 2 & 3) In order to mitigate the Phase 2 & 3 portions of the cumulative impact of the proposed subdivision, prior to issuance of building permits, evidence of payment of the fees listed below (fair share costs for cumulative impacts based on estimated 2010 project costs to adjusted annually on July 1 by the Engineering Record's Construction Cost Index) shall be submitted to the RMA - Planning Department. - FORA development impact fees. City of Marina fair-share contributions for improvements at the following intersections (a per-tip equivalent payment can also satisfy this requirement): - Fifth Avenue – California Avenue/Imjin Parkway (4.1% of \$390,111 = \$16,168) - Third Avenue/Imjin Parkway (3.7% of \$543,000 = \$19,857) - Second Avenue/Imjin Parkway (2.4% of \$42,000 = \$997) - Abrams Drive/Imjin Parkway (4.3% of \$1,304,596 = \$55,574) - Imjin Parkway/southbound State Route 1 ramp (3.5% of \$488,582 = \$17,299) - Imjin Parkway/northbound State Route 1 ramp (3.0% of \$488,582 = \$14,830) County of Monterey fair share costs for improvements at the following intersections:	Subdivision - Submit the required fees to the appropriate jurisdiction and provide evidence of fee payment to the RMA – Planning Department.	Applicant/ Developer	Prior to issuance of building permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Completion of Mitigating Actions to be performed, where applicable, by certified professionals required to design to be accepted	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		- Inter-Garrison Road/Reservation Road (3.3% of \$612,100 = \$20,468) - Engineer's Equipment Road/Whispering Oaks Way (82.2% of \$300,000 = \$248,749) - Engineer's Equipment Road/Inter-Garrison Road (7.8% of \$300,000 = \$23,298) City of Seaside fair share costs for improvements at the following intersections: - General Jim Moore Boulevard/Light Fighter Drive (1.1% of \$654,185 = \$7,416) - Second Avenue/Light Fighter Drive (0.9% of \$18,000 = \$159) - First Avenue/Light Fighter Drive (1.1% of \$102,600 = \$1,141) (RMA – Planning and Public Works)				
81.	T-11	MM034 – ROAD IMPROVEMENTS (CUMULATIVE – PHASE 3) In order to mitigate impacts resulting in unacceptable LOS at Phase 3 under the cumulative conditions, the following improvements shall be constructed prior to acceptance of Phase 3 (lots 13-16) improvements at the intersection of Whispering Oaks Way and Intergarrison Road:	Subdivision - Submit improvement plans for the identified improvements for review and approval.	Applicant/Developer	Prior to recordation of final maps for Phase 3	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. What applicant or certified professional is required to action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		- Construct a southbound Whispering Oaks right turn lane; - Construct an eastbound Inter-Garrison Road left turn lane; - Construct a westbound Inter-Garrison Road right turn lane; - Construct second eastbound and second westbound Inter-Garrison Road through lanes; and - Construct a median left turn acceleration lane on Inter-Garrison Road. (RMA – Planning and Public Works)	Subdivision - Provide evidence of completion and acceptance of off-site improvements to the RMA – Planning Department	Applicant/ Developer	Prior to acceptance of subdivision improvements for Phase 3	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
82.	CC-1	MM035 – GREENHOUSE GAS EMISSIONS REDUCTION PLAN (ALL PHASES) The project applicant and/or succeeding developers shall follow the greenhouse gas reduction measures contained in the General Development Plans prepared for the sites. In addition, the following specific measures shall be implemented as part of the general development plan, development agreement, final map, and/or development plans as applicable: 1. MST shall analyze future bus routes and modify these routes to effectively reduce daily vehicle miles traveled. For near term, the proposed project is expected to result in an average of 1,959 miles of additional travel each day to serve existing routes that are served by the two existing transit facilities. This assessment uses a worst case analysis that this mileage would increase proportionally with new bus routes in the future. However, MST has outgrown their existing facilities, so new facilities would be necessary to serve the future transit demands. Potential reductions: 20 percent of the daily increased vehicle miles travelled. This 20 percent reduction would equate to a reduction of 392 miles when the project first becomes operational (assuming 186 daily bus trips). 2. MST and Whispering Oaks employees and visitors shall be provided opportunities for using transit that would reduce travel to the site. Potential reductions: up to 15 percent according to the URBEMIS2007 model. This reduction is based solely on the transit service at the site (e.g., frequency of buses within one-quarter mile and regional transit service within ½ mile). With future transit routes, the project could	Condition of Permits - Prepare a project-wide greenhouse gas reduction plan for the review and recommendation of RMA – Planning Department and include applicable measures from the greenhouse gas reduction plan in the general development plan and development agreement.	Applicant/ Developer	Prior to Board of Supervisors approval of the development agreement or general development plan	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for petition to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		achieve a 10 percent reduction in mobile (non-bus) GHG emissions. 3. MST and Whispering Oaks employees shall be provided incentives to use transit, such as discounted transit passes. Potential reductions: five percent of employee mobile source emissions. 4. Provide local retail uses. Retail services, such as restaurants, markets, and automatic teller machines located in proximity could substantially reduce employee vehicle miles travelled during the day (lunch period). The Whispering Oaks General Development Plan shall allow for local retail and food service uses. Potential reductions: two percent of employee mobile source emissions according to the URBEMIS2007 model. 5. Provide amenities for bicycle and pedestrian modes of travel. Sidewalks and bicycle lanes shall be provided on both sides of all streets to serve the project site (except sidewalks on the north side of Engineer's Equipment Road where it abuts open space). In addition, secure employee bicycle facilities, along with lockers and showers shall be provided at each lot, and at least one public bicycle parking space shall be provided at each lot. Signal light sensors shall be set to respond to bicycle traffic, and an automatic walk signal shall be provided with green lights. Potential reductions: up to nine percent of employee mobile source emissions, depending on the network of bicycle lanes and sidewalks serving the project site, according to the URBEMIS2007 model. An additional two percent could be achieved with on-site amenities that would encourage employees to bike or walk to work. The total combined reductions for these	Subdivision - The applicant/developer shall include applicable measures from the project-wide greenhouse reduction plan on the final map, subject to the review and approval of the RMA - Planning Department.	Applicant/ developer	Prior to approval of a final map	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		measures could reach 10 percent, depending on the network of developed sidewalks and bicycle lanes in the future. Note: this measure shall not be required on interim access driveways built within street rights-of-way. 6. LEED credits shall focus to the extent feasible on approaches that directly or indirectly reduce greenhouse gas emissions. Potential reductions: 20 percent or more by meeting LEED Silver design level. The project applicant and/or succeeding developers may elect to utilize other measures not specifically listed, including measures to reduce dependence on gas or electrical space or water heating, and additional means to encourage forms of transportation that reduce greenhouse gas emissions. Use of other methods may be credited toward fulfilling this measure based on anticipated emissions reductions. (RMA – Planning Department)	The applicant/developer shall comply with the greenhouse gas reduction measures incorporated in the Whispering Oaks General Development Plan.	Applicant/ developer	As stated in the condition of approval.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance of Monitoring Actions to be performed when applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
83.		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 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. The Property owner in this case refers to the Redevelopment Agency and Monterey-Salinas Transit. (RMA - Planning Department)	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.	Owner/ Applicant	Upon demand of County Counsel or concurrent with the filing of the final map, whichever occurs first	