

Attachment D

This page intentionally left blank.

Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN040758

(as of 03/02/2015)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Combined Development Permit (PLN040758) consists of: 1) Standard Subdivision Vesting Tentative Map for the subdivision of approximately 870 acres into 185 lots including 168 market rate single family residential lots and 17 moderate income lots for Inclusionary Housing units; three Open Space parcels of approximately 700 acres (Parcels A, B, & C), and parcel for the future development of a visitor center (Parcel D); 2) Use Permit for removal of up to 921 protected Oak trees; and 3) Use Permit for development on slopes exceeding 30 percent. The property is located on and southerly of State Highway 68, encompassing two areas separated by Toro Regional Park. The eastern portion is bound by River Road and the western portion is bound by San Benancio Road (Assessor's Parcel Number 161-011-019-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-011-084-000; 161-031-016-000, and 161-031-017-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Comments By Staff

Last Update on:

Updated By:

3/2/2015 12:54:00PM

LAWRENCEL

Condition Compliance Status Report for PLN040758

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 14-371 was approved by the Monterey County Board of Supervisors for Assessor's Parcel Number's: 161-011-019-000, 161-011-030-000, 161-011-039-000, 161-011-057-000, 161-011-058-000, 161-011-059-000, 161-011-078-000, 161-011-084-000; 161-031-016-000, and 161-031-017-000 on December 16, 2014. The permit was granted subject to 138 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

Comments By Staff

Last Update on:

Updated By:

2/13/15: Called Gina from Lombardo & Associates; per her instructions, the document is available for pick up at the front counter under Lombardo and Associates. (Monique Kakimoto)

2/13/2015 3:40:11PM

KAKIMOTOM

Condition Compliance Status Report for PLN040758

3. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and RMA - Planning within 24 hours.

- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.

- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.

2. The descendant identified fails to make a recommendation; or

3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist for on-call archaeological services should resources be discovered during construction activities. Submit the letter to the Director of the RMA – Planning for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

Prior to Final, the Owner/Applicant, per the Archaeologist, shall submit a report or letter from the archaeologist summarizing their methods, findings, and recommendations if their services are needed during construction or if no resources were found.

Condition Compliance Status Report for PLN040758

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

4. PD004 - INDEMNIFICATION AGREEMENT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

Comments By Staff

Last Update on:

Updated By:

2/13/15: Called Gina from Lombardo & Associates; per her instructions, the document is available for pick up at the front counter under Lombardo and Associates. (Monique Kakimoto)

2/13/2015 3:40:25PM

KAKIMOTOM

Condition Compliance Status Report for PLN040758

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

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) 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 Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

2/13/15: Called Gina from Lombardo & Associates; per her instructions, the document is available for pick up at the front counter under Lombardo and Associates. (Monique Kakimoto)

2/13/2015 3:40:47PM

KAKIMOTOM

Condition Compliance Status Report for PLN040758

7. PD006(A) - CONDITION COMPLIANCE FEE

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

8. PD011 - TREE AND ROOT PROTECTION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of 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 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)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall 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.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

9. PD011(A) - TREE REMOVAL

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

10. PD013 - STREET LIGHTING

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Street lights on poles are not permitted within the subdivision. If lighting is necessary it shall be placed on low profile bollards directing light only down on the road. Any street lights in the development shall be approved by the Director of RMA - Planning.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits for street lights, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

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

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

11. PD015 - NOTE ON MAP-STUDIES

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map or a separate sheet to be recorded with the final map stating the Name of the specified report, Date of the report, report preparer Name, that the report is on file in Monterey County RMA - Planning and that the recommendations contained in said report shall be followed in further development of this property. The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to recordation of final/parcel map, the Owner Applicant shall submit the final map with notes to the RMA - Planning and RMA - Public Works for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

12. PD048 - TREE REPLACEMENT/RELOCATION

Current Status: Not Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of grading permits, the applicant shall submit for review and approval by the RMA-Director of Planning, a tree replacement/relocation plan providing criteria and standards for required replacement and/or relocation of trees approved for removal. The plan shall contain the following information:
- Number of trees to be removed;
- Replacement ratio of trees to be replanted;
- Locations of replanting and relocations;
- Replacement trees shall be located within the same general location as the trees being removed; and
- Monitoring plan to ensure viability of replacement trees.

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

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

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

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

13. PD049 - TREE AND ROOT PROTECTION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction or tree removal, the Owner/Applicant/Tree Removal Contractor submit evidence of tree protection to RMA-Planning for review and approval.

After construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit photos of the trees on the property to RMA-Planning to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

14. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

15. PD052 - PRE-CONSTRUCTION MEETING

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the RMA-Planning Department and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact RMA-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. RMA-Planning staff shall be responsible for identifying and notifying other County Departments that should attend the meeting (if applicable).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

16. PDSP01 - ANNEXATION OF PROPERTY INTO CAL-WATER SERVICE AREA

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to recordation of any Final Map, the Applicant/Owner shall provide proof that the entirety of the project area (eastern and western portion) has been annexed into the California Water Services Company (Cal-Water) Salinas District service area.

Compliance or Monitoring Action to be Performed: The Applicant/Owner shall submit proof to the Director of RMA-Planning, demonstrating that California Water Services Company (Cal-Water) has appropriately annexed the entirety of the property (east and west portions) into the Salinas District service area.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

17. PDSP002 - LUPINE FIELD DESIGN CRITERIA

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The grading of the Lupine Field will be designed to achieve visual screening of the proposed development around the perimeter of the Lupine Field and retain the existing character of the Lupine Field by achieving the following design objectives:

1. The new berm shall be designed to retain the natural overall character of the Lupine Field, including the gentle slope of the site and preserve as large an area of visual lupine growth as possible visible from Highway 68.
2. The new high point in the Lupine Field shall be capable of completely screening new homes and associated development on lots 16-21 and 24-28 from view on Highway 68.
3. A re-vegetation plan shall be prepared by a County approved biologist to preserve the existing seedstock and re-establish the lupine field's existing quality. The re-vegetation plan shall include an assessment of the population density of the existing lupine and provide success criteria to be met on a yearly basis in re-establishing the Lupine Field. The re-vegetation plan shall remain in place until the success criteria have been met for two consecutive years.

Compliance or Monitoring Action to be Performed: Prior to issuance of any permits or recordation of the applicable Final Map, the design of the Lupine Field grading and re-vegetation plans shall be reviewed and approved by RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

18. PDSP003 RIDGELINE DEVELOPMENT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A note shall be placed on the final map that Lots 30b, 49a, and 50 are not approved for ridgeline development and the home design must not result in ridgeline development. In addition a portion of Lot 42 if developed would result in Ridgeline development and this lot either needs to be reconfigured to preclude ridgeline development or have a scenic and conservation easement placed on the rear half to preclude vertical development. Relocated lots shall be placed in areas that are either proposed for existing lots by compressing lots or in areas where slopes are less than 30 percent, such as the area behind Lot 40b and the area between lots 70 and 80, and not in areas which have sensitive biological resources.

Compliance or Monitoring Action to be Performed: These changes shall be shown on the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

19. PDSP005 - DESIGN CRITERIA

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: CC&R's shall establish design criteria for development of lots within areas of Visual Sensitivity. The County shall be made a party to the design criteria within the CC&R's and shall administer the provisions of the design criteria through review of a discretionary permit (Administrative or Use Permit) based upon visually sensitive zoning overlay criteria. The Design Criteria shall include the following provisions:

1. Building height shall not exceed 20 feet above average natural grade.
2. The structures shall be of a low profile design, using the natural topography and vegetation to minimize visibility and reduce visual impacts.
3. Structure colors shall be natural earth tones. No white colors or bright colors contrasting with the natural setting are permitted.
4. Materials shall use finishes that minimize reflective surfaces.
5. Lighting shall be carefully controlled to maintain the quality of darkness.

Compliance or Monitoring Action to be Performed: The Design Criteria shall be placed within the CC&Rs and recorded on the property with recordation of the Final Map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:49:54PM

MACKD

20. PDSP006 - BERM DESIGN

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The berms on Parcel D shall be designed and constructed to maintain the existing slopes and topographic features of the natural hillside. The berms shall appear as a continuation of the existing slopes and natural landforms. The berms shall be capable of completely screening future buildings from view. The height and design of the berms shall be demonstrated by flagging and staking in the field prior to approval of the improvement plans. The design of the berms shall be shown on the grading and improvement plans, and berms shall be installed as part of the subdivision improvements.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading permits, the design of the berms shall be shown on the improvement plans, and berms shall be installed as part of the subdivision improvements.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

21. PDSP007 - SOUND ATTENUATING WALL/BERM

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: As part of the Improvement Plans for the installation of the Highway 68 widening, the applicant/developer shall construct a sound attenuating wall or berm along the north side of Highway 68 adjacent to the area of the Highway widening. The sound attenuation shall be designed by a noise consultant to prevent an increase in noise to the residences fronting on Highway 68, above those levels existing at the time prior to the widening. The County of Monterey shall request that Caltrans allow the installation of a berm instead of wall and shall work with Caltrans to request a design exception, to the extent feasible, to allow the construction of a sound berm.

Compliance or Monitoring Action to be Performed: The sound wall/berm and modeling for the sound attenuation shall be submitted with the improvement plans and approved by the County of Monterey and California Department of Transportation (Caltrans)

Comments By Staff

Last Update on:

Updated By:

12/18/2014 3:12:22PM

MACKD

22. PDSP008 - PHASING OF FINAL MAPS

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Recording the final maps for the project and development of the project, may be phased as provided on the approved vesting tentative subdivision map of Alternative 5-PC (dated November 12, 2014). Lot 15a, shown in Phase 1, shall be allowed to use the existing driveway until the interior roadway serving the general area is installed during Phase 8. As part of the Phase 8 improvements, the existing driveway serving Lot 15a (located off Highway 68) shall be converted to a gated emergency vehicle access (EVA) road only, as shown on the Vesting Tentative Map Alternative 5-PC. After the implementation of Phase 8, access from State Highway 68 to Lot 15a shall be prohibited.

All California Tiger Salamander mitigation measures must be initiated prior to recordation of the Final Map for Phase 2. All other mitigation measures will be implemented prior to recordation of the final map for each applicable phase.

Compliance or Monitoring Action to be Performed: Applicable Final Maps shall be recorded prior to construction/development for respective lots.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 3:22:11PM

MACKD

Condition Compliance Status Report for PLN040758

23. PDSP009 - DEDICATION OF OPEN SPACE / PARCEL D

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: As part of the recordation of each applicable final map, the Open Space lands and Parcel D (Gateway/Visitor Center parcel) shall be donated to the Ag Land Trust or other conservation organization.

Compliance or Monitoring Action to be Performed: The Owner/Applicant/Developer shall provide copies of applicable documents demonstrating that the Open Space parcels and Parcel D have been dedicated to the Ag Land Trust or other conservation organization.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 3:23:00PM

MACKD

24. PDSP010 - CATTLE GRAZING FENCE REQUIREMENT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: As part of the improvements for each phase, the Owner/Applicant/Developer shall secure the cattle grazing lands with fencing that is constructed in compliance with Monterey County Code and with the concurrence of the Ag Land Trust or other conservation organization.

Compliance or Monitoring Action to be Performed: The improvement plans for each phase shall include a fencing plan reflecting the approval of the Ag Land Trust or other conservation organization.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 3:23:47PM

MACKD

25. EHSP01 WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM)

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet the standards as found in Titles 17 and 22 of the California Code of Regulations and as found in the Residential Subdivision Water Supply Standards and the California Plumbing Code.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/building permits submit engineered plans for the water system improvements to California Department of Public Health, Division of Drinking Water and Environmental Management, Monterey office (CDPH) for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by CDPH prior to installing the improvements.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

26. EHSPO2 - FIRE FLOW STANDARDS

Current Status: Not Met

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/ building permits submit plans for the proposed water system improvements to the local fire protection agency for review and approval.

Submit a set of signed or wet-stamped water system plans approved by the local fire protection agency to EHB for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

27. EHSPO3 - STANDARD SUBDIVISION - INSTALL WATER SYSTEM IMPROVEMENTS/ ENTER INTO A SUBDIVISION IMPROV

Current Status: Not Met

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 19.13 Improvement Agreements, the owner shall install the water system and improvements to and within the subdivision and any appurtenances needed.

OR

The owner shall enter into a Subdivision Improvement Agreement with the County that shall provide security guaranteeing the installation of the water system improvements.

Compliance or Monitoring Action to be Performed: Concurrently with filing final map, install the water system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from Drinking Water Protection Services of Environmental Health Bureau.

OR

Execute a Subdivision Improvement Agreement that is acceptable to EHB. Record the Subdivision Improvement Agreement with the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

28. EHSPO4 - INSTALL WASTEWATER COLLECTION SYSTEM IMPROVEMENTS/ ENTER INTO A SUBDIVISION IMPROVEMENT

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code Chapter 19.13 Improvement Agreements, the owner shall install the wastewater collection system and improvements to and within the subdivision and any appurtenances needed.

OR

The owner shall enter into a Subdivision Improvement Agreement with the County that shall provide security guaranteeing the installation of the water system improvements.

Compliance or Monitoring Action to be Performed: Concurrently with filing final map, install the wastewater collection system improvements to and within the subdivision and any appurtenances needed and obtain approval of installation from Environmental Health Review Service of Environmental Health Bureau.

OR

Execute a Subdivision Improvement Agreement that is acceptable to EHB. Record the Subdivision Improvement Agreement with the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

29. EHSPO5 - SEWER SYSTEM IMPROVEMENT DESIGN

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Engineered plans for the sewer system including all necessary redundancies and separation shall be submitted to and approved by the California Utilities (CU). Plans shall be in conformance with Monterey County Code, Chapter 19.13 and the California Plumbing Code, Title 24 part 5 of the California Code of Regulations.

Compliance or Monitoring Action to be Performed: Prior to filing the final map: 1. Submit plans to CU for review and approval. 2. Submit written verification from CU to the Environmental Health Bureau that plans have been reviewed and approved

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

30. EHSPO6 - UPDATED CAN AND WILL SERVE CAL WATER

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: An updated Can and Will Serve letter from Cal Water stating that Cal Water can and will serve the Ferrini Ranch with sufficient water flow and pressure to comply with both Health and Fire Flow standards.

Compliance or Monitoring Action to be Performed: Prior to filing the final map and or/issuance of building permits, submit written certification from Cal Water to EHB.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

31. EHSPO7 - UPDATED CAN AND WILL SERVE CAL UTILITIES

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: An updated Can and Will Serve letter from Cal Utilities stating that Cal Utilities can and will serve the Ferrini Ranch with sufficient capacity at Cal Utilities wastewater treatment facility that comply with all Federal, State and County Health and Safety standards.

Compliance or Monitoring Action to be Performed: Prior to filing the final map and or/issuance of building permits, submit written certification from Cal Utilities to EHB.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

32. INSPECTION-PRIOR TO LAND DISTURBANCE

Current Status: **Not Met**

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading, erosion control, and stormwater regulations. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

33. FIELD VERIFICATION OF POST-CONSTRUCTION STORMWATER CONTROL MEASURES

Current Status: **Not Met**

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide verification from a registered professional engineer that the stormwater control facilities have been constructed in accordance with the approved Stormwater Control Plan. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

34. GEOTECHNICAL CERTIFICATION

Current Status: **Not Met**

Responsible Department: Environmental Services

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

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

35. INSPECTION-DURING ACTIVE CONSTRUCTION

Current Status: **Not Met**

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule inspections with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the applicant shall schedule inspections with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

36. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Current Status: **Not Met**

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

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

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

37. Inclusionary Housing

Current Status: **Not Met**

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: The project application is subject to the County's Inclusionary Housing Ordinance #04185 of 2005 as codified in Chapter 18.40 and has the following requirements: For for-sale inclusionary units, eight percent (8%) of the total units in the development shall be set aside for moderate income households; six percent (6%) of the total units in the development shall be set aside for low income households; and six percent (6%) of the total units in the development shall be set aside for very low income households.

The application is for 168 new market rate residential houses. The resulting Inclusionary requirement would be 42 units (12 very low income households; 13 low income households; and 17 moderate income households). The Applicant will build 17 moderate units on site and meet the balance of the inclusionary requirement through payment of an In Lieu fee. The fee for the 25 houses not built on site would be \$4,015,250 (\$160,610 X 25).

The Inclusionary Housing agreement shall include phasing requirements establishing that the inclusionary lots be created with the initial map recordation and that 6 inclusionary units will be constructed prior to the issuance of any building permits for market rate lots, 6 additional inclusionary units be constructed prior to issuance of the 61st building permit for the market rate lots and the remaining 5 inclusionary units be constructed prior to issuance of the 122nd building permit for the market rate units.

Compliance or Monitoring Action to be Performed: Prior to the recordation of the Final Map, the applicant shall enter into an Inclusionary Agreement to build seventeen (17) moderate rate units on site.

Prior to recordation of the first residential subdivision Final Map, the Applicant shall pay the in Lieu fee

Comments By Staff

Last Update on:

Updated By:

Pending PC and BOS approval

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

38. FIRE002 - ROADWAY ENGINEERING

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Monterey County Regional Fire Protection District

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway into design and print the text of this condition as 'Fire Department Notes' on improvement plans.

Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision, the Applicant shall complete the installation of the roadway improvements and shall obtain fire dept. approval of the fire clearance inspection for each phase of development.

Prior to requesting a final building inspection, the Applicant shall complete the installation of roadway improvements and obtain fire department approval the final fire inspection.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

39. FIRE010 -ROAD SIGNS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure:

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. Responsible Land Use Department: Monterey County Regional Fire Protection District

Compliance or Monitoring Action to be Performed:

Prior to filing of the final map, the Applicant shall incorporate the road sign specification into design and print the text of this condition as "Fire Department Notes" improvement plans.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

40. FIRE011 - ADDRESSES FOR BUILDINGS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure:

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

Compliance or Monitoring Action to be Performed:

Prior to recordation of the Final Map, the Applicant shall print the text of this condition as "Fire Dept. Notes" on the Final Map and include in any CC&R's.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

41. FIRESPO1- NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW - RESIDENTIAL AREAS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure:

Hydrants for fire protection shall be provided at locations approved by the fire code official and shall conform to the following requirements:

- a. FIRE FLOW - Pursuant to California Fire Code Appendix B, the minimum fire flow requirement for one- or two-family dwellings is 1,000 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. Fire flow for residential occupancies protected with automatic fire sprinkler systems may be reduced to 500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours.
 - b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.
 - c. HYDRANT/FIRE VALVE (ADDITION) – New hydrant(s) shall be installed as determined by the fire code official.
 - d. HYDRANT/FIRE VALVE (LOCATION) - The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.
 - e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix B and in accordance with the following specifications:
 - f. 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.
 - g. 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.
- Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed:

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the water system into design and print the text of this condition as “Fire Department Notes” on water system improvement plans.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

42. FIRESPO2- NON-STANDARD CONDITION - HYDRANTS AND FIRE FLOW - COMMERCIAL AREAS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure:

Hydrants for fire protection shall be provided at locations approved by the fire code official and shall conform to the following requirements:

a. FIRE FLOW - Pursuant to California Fire Code ("CFC") Appendix B, the minimum fire flow requirement for commercial facilities built is 1,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. However, the actual fire flow requirement and duration will be determined by the size and type of construction of the individual buildings pursuant to the California Fire Code.

b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction.

c. HYDRANT/FIRE VALVE (ADDITION) – New hydrant(s) shall be installed as determined by the fire code official.

d. HYDRANT/FIRE VALVE (LOCATION) - The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway.

e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in California Fire Code Appendix B and in accordance with the following specifications:

f. 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.

g. 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.

Responsible Land Use Department: Monterey County Regional Fire District

Compliance or Monitoring Action to be Performed:

Prior to issuance of any permits or recordation of the final map, the Applicant shall incorporate the specification of the water system into design and print the text of this condition as "Fire Department Notes" on water system improvement plans.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

43. NON-STANDARD CONDITION - PROHIBITION AGAINST PRIVATE ENTRANCE INTO TORO COUNTY PARK

Current Status: **Not Met**

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: (Non-Standard Condition)

A Deed Restriction shall be provided regarding private access, which shall not be allowed from the Ferrini Ranch development into Toro County Park. The existing (barbed-wire) fencing, or other type of fencing such as a split-rail or farm type fencing at the property boundary, shall be improved and maintained in a condition to prevent grazing activities and pedestrian access from the Ferrini Ranch development into Toro County Park.

Compliance or Monitoring Action to be Performed: Prior to the recordation of the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

44. NON-STANDARD CONDITION – BICYCLE AND PEDEESTRIAN RECREATIONAL TRAIL

Current Status: **Not Met**

Responsible Department: Parks Enforcement

Condition/Mitigation Monitoring Measure: (Non-Standard Condition)

The Recreation Trail along the frontage of Toro Park shall adhere to the standards of a Caltrans Class I Bikeway (Bike Path) and comply with the Accessibility Guidelines for Outdoor Developed Areas. Parks Department shall review the placement of the Recreation Trail to avoid or minimize displacement of the existing, established cross-country trails fronting on Highway 68, to avoid or minimize grading along the parks frontage and to avoid or reduce the removal of existing vegetation and/or mature trees. The existing (galvanized) chain link fencing shall be replaced with (black) Vinyl-coated chain-link fencing and shall be relocated between the Recreation Trail and the park in an effort to restrict trail users from privately entering into the park.

The County of Monterey shall be responsible for the processing of the appropriate permits required for installation of the recreation trail on County owned lands (Toro Park).

Compliance or Monitoring Action to be Performed: Prior to the Recordation of the Final Map

Comments By Staff

Last Update on:

Updated By:

12/18/2014 3:26:54PM

MACKD

Condition Compliance Status Report for PLN040758

45. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to San Benancio Road to serve lots 1a, 1b, and 1c. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

46. PW0007 - PARKING STD

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: (NON-STANDARD CONDITION) The parking spaces shall be incorporated into the subdivision design such that guests do not need to park in the travel lane. A minimum of one (1) space for every three (3) lots shall be provided and dispersed throughout the subdivision. The parking shall be approved by the Director of Public Works and the Director of RMA-Planning.

Compliance or Monitoring Action to be Performed: Parking spaces shall be shown on the improvement plans.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

47. PW0014 - DRAINAGE IMPROVEMENT STUDY

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Provide an on-site/off-site drainage improvement study 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.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance or recordation of Final Map, Applicant's Engineer shall prepare drainage study and improvement plans for review and approval by DPW.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

48. PW0015 – UTILITY’S COMMENTS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: 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.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Map Owner/Applicant/Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

49. PW0016 - MAINTENANCE OF SUBDIVISIONS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: 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 agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services.

Compliance or Monitoring Action to be Performed: As an ongoing condition Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

50. PW0017 - NATURAL DRAINAGE EASEMENT

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Designate all natural drainage channels on the final map by easements labeled “Natural Drainage Easement”.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider’s surveyor shall include labeling as described on Final Map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

51. PW0018 - ROUGH GRADING FOR SLOPE

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Where cut or fills at property lines exceed 5 feet, driveways shall be rough graded when streets are rough graded. Positive drainage and erosion control shall be provided.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider's Engineer shall include notes on improvement plans.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

52. PW0020 - PRIVATE ROADS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Designate all subdivision roads as private roads.

Compliance or Monitoring Action to be Performed: Ongoing condition, Subdivider's Surveyor shall designate private roads on final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

53. PW0021 - ROAD NAMES

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Submit all proposed road names to the Department of Public Works for approval by County Communications.

Compliance or Monitoring Action to be Performed: Prior to Recordation of Final Map Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

54. PW0023 - IMPROVEMENT PLANS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Provide improvement plans for approval of the Department of Public Works and that the roads be constructed in accordance with County Standards.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of Final Map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

55. PW0025 - GRADING PERMIT

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: A grading permit shall be obtained from the Planning and Building Inspection Department if required.

Compliance or Monitoring Action to be Performed: Prior to commencement of Grading, Subdivider shall submit application for Grading Permit.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

56. PW0026 - PLANTING FOR GRADED AREAS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Plant and maintain all graded areas of the street right-of-way as required by the Department of Public Works to control erosion. The area planted shall include all shoulder areas and all cut and fill slopes. A report and plan prepared by a qualified person shall be submitted for approval of the Department of Public Works and include the following:

- a. That the cut and fill slopes be stabilized.
- b. Specific method of treatment and type of planting, by area, for each soil type and slope required to satisfy item (a).
- c. Type and amount of maintenance required to satisfy item (a)

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider's Engineer to include erosion control measures on improvement plans.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

57. PW0027 - CUT/FILL SLOPE (2:1)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Cut and fill slopes shall not exceed 2 to 1 except as specifically approved in concurrence with the geo-technical report.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider/Engineer shall include notes on Improvement Plans.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

58. PW0029 - NON-ACCESS STRIP

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Dedicate to the County of Monterey a one-foot non-access strip along entire frontage of Parcel A2 (except the portion of the existing driveway serving Lot 15a) and lots 1a, 1b, and 1c along San Benancio Road excepting a 30' opening at the driveway entrance to lots 1a/1c. Driveway location to be approved by the Department of Public Works.

As part of the Phase 8 improvements, the existing driveway serving Lot 15a (located off Highway 68) shall be converted to a gated emergency vehicle access (EVA) road only, as shown on the Vesting Tentative Map Alternative 5-PC. After the implementation of Phase 8, access from State Highway 68 to Lot 15a shall be prohibited.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Subdivider shall dedicate the non-access strip as described.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 3:29:45PM

MACKD

Condition Compliance Status Report for PLN040758

59. PW0030 - HOMEOWNERS ASSOCIATION

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Form a homeowners association for road and drainage maintenance. Prepare an operation and maintenance plan for all facilities. Implement a fee program to fund operation and maintenance, and have appropriate documentation recorded against each parcel within the subdivision.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map, Subdivider shall submit documentation to DPW and WRA for formation of homeowners association or other entity to maintain roads and drainage improvements.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

60. PW0031 - FINAL MAP

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: File a Final Map delineating all existing and required easements or rights-of-way and monument new lines.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map Owner/Applicant/Engineer Applicant's surveyor shall prepare Final Map submit to DPW for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

61. PW0032 - AS BUILT PLANS

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance.

Compliance or Monitoring Action to be Performed: Prior to Release of Bonds Subdivider/Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

62. PW0036 - EXISTING EASEMENTS AND ROW

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Provide for all existing and required easements or rights of way.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map, Subdivider's Surveyor shall include all existing and required easements or rights of way on Final Map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

63. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information:

Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project.

Compliance or Monitoring Action to be Performed: 1. Prior to recordation of the final map, the Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.

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

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

64. PWSP0003 - ENCROACHMENT (NON STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct intersection improvements for the relocated Torero Drive at Portola Drive. The design and construction of intersection improvements is subject to the review and approval the County of Monterey Public Works Department. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

65. PWSP001 - INTERSECTION IMPROVEMENTS (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to approval of recordation of the final map, the project applicant shall design a new intersection at the new project's access on River Road in accordance with Caltrans Highway Design Manual detail 405.7. The design and construction of all intersection improvements shall be subject to review and approval of the County of Monterey Public Works Department. All intersection improvements shall be completed prior to issuance of building or grading permits for any residential units or commercial structures. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to approval of recordation of the Final Map, the Owner/Applicant shall submit the new intersection improvements design to the Department of Public Works (DPW) for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

66. PWSP002 - ENCROACHMENT (NON STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a new intersection at the new project's access/River Road in accordance with Caltrans standards and guidelines. The design and construction of all intersection improvements shall be subject to the review and approval of the County of Monterey Public Works Department. All intersection improvements shall be completed prior to issuance of building or grading permits for any residential units or commercial structures. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

67. PWSP004 - ENCROACHMENT (NON STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works to close the relocated Torero Drive. The design and construction of road closure is subject to the review and approval the County of Monterey Public Works Department. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

68. PWSP005 - ENCROACHMENT (NON STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct intersection improvements at 117 Drive and construct new loop street. The design and construction of intersection improvements and loop street is subject to the review and approval the County of Monterey Public Works Department. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from DPW. Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

69. PWSP006 - HIGHWAY 68 IMPROVEMENTS (NON STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall design and construct a new intersection and install a traffic signal at the intersection of project's access/ Highway 68 . The design and construction of all intersection improvements shall be subject to the review and approval of California Department of Transportation (Public Works).

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall design and construct intersection improvements and install a traffic signal at the project entrance/ Hwy 68. The design and construction of all intersection improvements shall be subject to the review and approval of California Department of Transportation (Caltrans).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

70. PWSP007-HIGHWAY 68 IMPROVEMENTS AGREEMENT (NON STANDARD)

Current Status: Not Met

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall enter an agreement with the County, if the County is the Lead Agency for any Highway 68 work. The applicant shall pay all costs for the County including, but not limited to hire a consultant to process any reports, documentation, and secure all approvals from Caltrans for the necessary improvements. Also, the Owner/ Applicant shall reimburse the County for any other costs to process approvals from Caltrans, such as but not limited to, County staff time. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall enter an agreement with County.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

71. PWSP008- HIGHWAY 68 IMPROVEMENTS CALTRANS DOCUMENTATION (NON STANDARD)

Current Status: Not Met

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall submit to the California Department of Transportation (CALTRANS) for review and approval a Project Study Report (PSR) and all other required documentation to allow the construction of the a new intersection at the project's proposed access/Highway 68 and road widening improvements on Hwy 68, respectively. The acceptance of the PSR and all required documentation for the design, and construction of said improvements are subject to the approval of California Department of Transportation. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall submit to CALTRANS for review and approval a Project Study Report (PSR) and all other required documentation to allow the construction of intersection and road widening improvements at the project's proposed access/Highway 68 intersection. The acceptance of the PSR and all required documentation for the design, and construction of said improvements are subject to the approval of California Department of Transportation. The Owner/Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

72. PWSP009- CALTRANS' ENCROACHMENT PERMIT (NON STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the California Department of Transportation (CALTRANS) and construct intersection improvements at project's proposed access/Highway 68. The design and construction are subject to the approval of CALTRANS. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from CALTRANS and submit proof to the Planning and Public Works Departments. The Owner/Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

73. PWSP010 - TRAFFIC AND CIRCULATION (NON STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall widen Hwy 68 to 4 lanes from existing 4-lane section to end of Toro Estates. The applicant shall receive credit toward payment of TAMC RDIF fees in accordance with Section 12.90.050 of Monterey County Code.

Compliance or Monitoring Action to be Performed: Prior to approval of improvement plans or recordation of any final map taking access off Highway 68, the Owner/Applicant shall construct Highway 68 improvements.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

74. PWSP011 - ROADS (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to approval of recordation of the final map, the project applicant shall contract with a certified engineer to design roadway improvements to the Subdivision's private roads per the County of Monterey standards. The roadway improvement plans shall be subject to review and approval by the County of Monterey and shall be constructed prior to occupancy of any of the residential units at the project site. (Public Works)

Compliance or Monitoring Action to be Performed: 1.- Prior to Recordation of the Final Map, the Project Applicant shall obtain approval of the roadway improvement plans from the Department of Public Works.

2.- Prior to issuance of occupancy for any residential units, the Project Applicant shall construct improvements to the Subdivision's private roads in accordance with approved roadway improvement plans.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

75. PWSP014 SUBDIVISION IMPROVEMENT AGREEMENT

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an Agreement with the County of Monterey to install subdivision improvements.

Compliance or Monitoring Action to be Performed: Prior to recordation of Final Map, Owner/Applicant shall enter into an Agreement with the County to construct improvements. Improvements shall be bonded and constructed in accordance with the Agreement.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

76. PWSP015 – CALTRANS' ENCROACHMENT PERMIT (NON STANDARD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the California Department of Transportation (Caltrans) to close the relocated Torero Drive. The design and construction of road closure is subject to the review and approval of Caltrans. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Owner/Applicant shall obtain an encroachment permit from the California Department of Transportation (Caltrans). Applicant is responsible to obtain all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

77. PWSP017 - CREATION OF A TORO AREA COMMUNITY SERVICES DISTRICT (CSD)

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to recordation of the first final map, the applicant shall submit \$425,000.00 to the County of Monterey to be held in a separate fund to pay for studies for the formation of a Toro Area Community Services District (CSD) which would include the project, and would participate in the Monterey Regional Water Pollution Control Agency's (MRWPCA) wastewater recycling programs. The funds shall be used solely for the formation of the CSD.

If the CSD is not formed and if an MOU to deliver wastewater to the MRWPCA have not been completed within 30 months of the filing of the first final map, any unused funds shall be returned to the developer with any interest which has accrued.

Compliance or Monitoring Action to be Performed: Prior to recordation of the first final map, the applicant shall submit \$425,000.00 to the County of Monterey.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:50:54PM

MACKD

78. WR007 - STORMWATER DETENTION - SB

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer, addressing on-site and off-site impacts. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff. Supporting calculations and construction details shall also be provided. Pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the owner/applicant shall submit 3 copies of the drainage plan and supporting calculations to the Water Resources Agency for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

79. WR010 - COMPLETION CERTIFICATION

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a registered civil engineer or licensed contractor that stormwater detention/retention facilities have been constructed in accordance with the approved drainage plan. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to the Water Resources Agency prepared by a registered civil engineer or licensed contractor.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

80. MM 3.1-1a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: AESTHETIC/VISUAL SENSITIVITY - CRITICAL VIEWSHED RESTRICTIONS. The project applicant shall reconfigure the lot and development pattern to relocate building sites for residential lots outside of the critical viewshed areas and 100-foot scenic roadway setback. Alternative 5 Lots 83, 83A, 84, 82A, 138, 138a, and 139 shall be relocated. Where berms are currently proposed for screening and view protection along State Route 68 Scenic Corridor, the Applicant shall provide sufficient detail in the Improvement Plans with the Final Map to allow verification by the County of berm appearance and effectiveness as a screen. Relocated lots shall be placed in areas that are either proposed for existing lots by compressing lots or in areas where slopes are less than 30 percent, such as the area behind Lot 40b and the area between lots 70 and 80, and not in areas which have sensitive biological resources.

Compliance or Monitoring Action to be Performed: Prior to final map approval, the project applicant shall reconfigure the lot and development pattern to relocate building sites for residential lots outside of the critical viewshed and 100-foot setback, subject to review and approval by RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

81. MM3.1-1b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: AESTHETIC/VISUAL SENSITIVITY - SCENIC AND CONSERVATION EASEMENT. Prior to final map approval, the project applicant shall identify all open space parcels (Parcels A, B, and C) as scenic and conservation easements, subject to specific uses and conditions as defined by the Monterey County Planning Department. Easements shall be recorded in deed and title upon final map approval. In addition to all provisions and development restrictions set forth by Monterey County for scenic and conservation easements, final maps and recorded easements shall also include specific requirements and allowances for easement maintenance and rural fire protection, continued grazing and grazing operations, protection of habitat and sensitive resource areas specifically set aside as mitigation, fencing and public access, and provision and maintenance of necessary infrastructure improvements (trails, drainage facilities, detention basins, and similar).

Compliance or Monitoring Action to be Performed: Prior to final map approval, the project applicant shall identify all open space parcels (Parcels A, B, and C) as scenic and conservation easements, subject to specific uses and conditions as defined by the Monterey County Planning Department.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

82. MM3.1-1c

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: AESTHETIC/VISUAL SENSITIVITY - B-6 ZONING OVERLAY. Upon final map approval, the Monterey County Planning Department shall apply a B-6 overlay to the entire property and proposed subdivision. Implementation of the B-6 overlay would prohibit future subdivision of the project site.

Compliance or Monitoring Action to be Performed: Upon final map approval, the Monterey County Planning Department shall apply a B-6 overlay to the entire property and proposed subdivision. Implementation of the B-6 overlay would prohibit future subdivision of the project site.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

83. MM3.1-6

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: AESTHETIC/VISUAL SENSITIVITY - MESA DESIGN CRITERIA (PARCEL D). CC&R's shall establish design criteria for development of Parcel D and lots on the Mesa within the area of Visual Sensitivity. The County shall be made a party to the design criteria within the CC&R's and shall administer the provisions of the design criteria through review of a discretionary permit (Administrative or Use Permit) based upon Visually Sensitive criteria. The Design Criteria shall include the following provisions:

1. No structures shall be visible from Highway 68 or from River Road
2. Lighting shall be limited to bollard style lighting and not result in any glare or light spillover visible from Highway 68 or River Road.
3. Building Design shall preclude light spillover from internal or exterior lighting.
4. Landscaping trees shall be limited to native oak trees and shall not include ornamental trees and other landscape materials that would appear out of place at this highly visible location.
5. Building height shall not exceed 20 feet above average natural grade.

Compliance or Monitoring Action to be Performed: The Design Criteria shall be placed within the CC&Rs and recorded on the property with recordation of the Final Map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

84. MM3.2-1

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: AIR QUALITY - CONSTRUCTION EMISSIONS REDUCTIONS PLAN. The Monterey County Resource Management Agency (RMA)-Planning Department shall require that the project applicant prepare, submit and implement a construction emissions reduction plan (CERP). Implementation of the CERP will reduce construction-generated fugitive dust. The MBUAPCD shall be consulted to identify the specific measures to be implemented to minimize impacts to nearby sensitive receptors. Measures to be included in the CERP prepared for this project, as currently recommended by the MBUAPCD, include but are not limited to the following:

- Water all active construction areas at least twice daily depending on weather and soil moisture conditions. Frequency should be based on the type of operation, soil and wind exposure;
- Prohibit all grading activities during periods of high wind (sustained winds over 15 mph);
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
- Replant vegetation in disturbed areas as quickly as possible.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles, such as dirt, sand, etc.
- Sweep daily, with water sweepers, all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Construction equipment shall not be left idling for periods longer than 5 minutes when not in use in accordance with current regulations.
- Post a publicly visible sign which specifies the telephone number and person to contact regarding emissions-related complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).

Compliance or Monitoring Action to be Performed: Prior to issuance of any permits for on-site or off-site improvements, the Monterey County Resource Management Agency (RMA)-Planning Department shall require that the project applicant prepare, submit and implement a construction emissions reduction plan (CERP).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

85. MM3.3-1a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - LOT #27 CONGDON'S TAR PLANT SURVEY. Prior to grading activities on or near Lot #27, the grading area in this vicinity shall be surveyed by a qualified biologist to document the presence and distribution of Congdon's tarplant (*Centromadia* = *Hemizonia parryi* ssp. *congdonii*). If the plant is identified within or near these construction areas, the following mitigation and management steps shall be taken to reduce the loss of individual plants, avoid disturbance or removal of special-status plant species, and create or preserve additional habitat:

- 1) In locations where proposed improvements conflict with Congdon's tarplant, the improvements (including lots) shall be relocated to the extent feasible to avoid disturbance.
- 2) Disturbance of Congdon's tarplant during construction of the project shall be avoided by such means as rerouting the construction roads and/or prohibiting use of such areas as staging locations. Construction fencing shall be placed around any such locations to create a 50-foot no-disturbance buffer around this species.
- 3) Signs shall be posted that identify these buffer areas. These signs will inform construction personnel and open space users as to the presence of Congdon's tarplant so that inadvertent disturbance by individual persons traversing the project site will also be avoided.
- 4) For any impacts to Congdon's tarplant identified in the preconstruction survey that are not avoided through implementation of the above avoidance strategy, the project shall:
 - a. Allocate a portion of the southern quadrant of the eastern parcel as a Congdon's tarplant preserve. The preserve area shall contain the appropriate micro-habitats to support this species, and provide the permanent protection and management of occupied habitat at a minimum 2:1 ratio (two acres preserved for every one acre impacted).
 - b. Relocate any tarplant that could not be avoided to this preserve; and
 - c. Plant additional tarplants in the preserve at a ratio of 1:1 for every relocated tarplant.
 - d. The transplantation/creation/restoration action shall be described in a Rare Plant Restoration and Management Plan as part of the project's Open Space Management Plan. The plan shall detail location, methods, and plant success criteria that will be utilized to restore and maintain populations of Congdon's tarplant within the protected open space or additional preserve sites. The plan shall be subject to review by the Monterey County Resource Management Agency (RMA) as part of the project's condition compliance, and the CDFW, if necessary. Restoration success will be determined by the restored population having a greater number of individuals than the number of individuals of the impacted populations(s), in an area greater than or equal to the size of the impacted populations(s) for at least three (3) consecutive years of normal or above normal rainfall without irrigation, weeding, or other manipulation of the restoration site other than grazing occurring in the open space area. Annual monitoring reports shall be submitted to the County of Monterey and the CDFW, if necessary.
 - e. The applicant shall be responsible for obtaining approvals from the resource agencies as necessary to implement the above mitigation measures. The applicant shall be responsible for implementing any additional measures resulting from these

Condition Compliance Status Report for PLN040758

approvals.

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

Prior to grading activities on or near Lot #27, the grading area in this vicinity shall be surveyed by a qualified biologist to document the presence and distribution of Congdon's tarplant (*Centromadia* = *Hemizonia parryi* ssp. *congdonii*).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

86. MM3.3-1b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - PACIFIC GROVE CLOVER SURVEY. Prior to grading activities near Lots #27, #65, #81, #82, #83, #95, #105, #113, and #114 and in roadway development areas near Lots #27, #65, #81, #82, and #83 and scheduled to correspond to the time of year most appropriate for identification of individual Pacific Grove clover (*Trifolium tridentatum* var. *polyodon*, syn. *Trifolium polyodon*), a preconstruction survey will be conducted to determine the extent and distribution of plants in the vicinity of the project. The survey will follow the protocols for rare plant surveys as recommended by the CDFW.

1) In locations where proposed improvements conflict with Pacific Grove clover, the improvements (including lots) shall be relocated to the extent feasible to avoid disturbance.

2) Disturbance of Pacific Grove clover plants during construction of the project shall be avoided by such means as rerouting the construction roads and/or avoiding use of such areas as staging locations. Construction fencing shall be placed around any such locations to create a 50-foot no-disturbance buffer around this species.

3) Signs shall be posted that identify these buffer areas. These signs will inform construction personnel and recreationalists as to the presence of Pacific Grove clover so that inadvertent disturbance by individual persons traversing the project site will also be avoided.

4) For impacts to Pacific Grove clover identified in the preconstruction survey that cannot be avoided through implementation of the above mitigation measures, the project shall:

a. Restore or create suitable habitat where Pacific Grove clover can be established. The habitat preservation area shall contain the appropriate micro-habitats to support this species, and provide the permanent protection and management of occupied habitat at a minimum 2:1 ratio (two acres preserved for every one acre impacted).

b. The creation/restoration action shall be described in a Rare Plant Restoration and Management Plan as part of the project's Open Space Management Plan. The plan shall detail location, methods, and plant success criteria that will be utilized to restore and maintain populations' within the protected opens or additional preserve sites. The plan shall be subject to review by the Monterey County Resource Management Agency (RMA) as part of the project's condition compliance and the CDFW, if necessary. Restoration success will be determined by the restored population having a greater number of individuals than the number of individuals of the impacted populations(s), in an area greater than or equal to the size of the impacted populations(s) for at least three (3) consecutive years of normal or above normal rainfall without irrigation, weeding, or other manipulation of the restoration site other than grazing occurring in the open space area. Annual monitoring reports shall be submitted to the County of Monterey and CDFW, if necessary

Compliance or Monitoring Action to be Performed:

Prior to grading activities near Lots #27, #65, #81, #82, #83, #95, #105, #113, and #114 and in roadway development areas near Lots #27, #65, #81, #82, and #83 and scheduled to correspond to the time of year most appropriate for identification of individual Pacific Grove clover (*Trifolium tridentatum* var. *polyodon*, syn. *Trifolium polyodon*), a preconstruction survey will be conducted to determine the extent and distribution of plants in the vicinity of the project. The survey will follow the protocols for rare plant surveys as recommended by the CDFW

Condition Compliance Status Report for PLN040758

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

87. MM3.3-2a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - CTS (DESIGN). The County of Monterey shall require the implementation of the following mitigation measures:

Design:

- 1) The design of the subdivision shall be modified to avoid direct effects to Pond 18. Pond 18, the area adjacent to Pond 18, and the undeveloped open space area contiguous with Pond 18 shall be protected during construction by installation of temporary exclusion fencing and by providing an appropriate buffer (to be determined by a qualified biologist) from areas of disturbance. As per MM 3.3-2b, the development of Lots #130 through #137 (or as numbered in an approved alternative) shall be contingent on the successful use of the created breeding pond as identified in MM 3.3-2b by CTS. Successful use shall be defined as the breeding pond containing water for 4 months during a normal rainy season and a finding of larval salamanders within the pond for at least two consecutive years out of five years. Monitoring, sampling and reporting shall occur annually. The survey methodology shall include successive weeks of sampling in the pond, sufficient to identify metamorphs successfully exiting the pond and/or installation of drift fence arrays adjacent to the created pond to identify surviving metamorphs dispersing into the surrounding upland habitat. The final map for lots #130 through #137 shall not be recorded and no subdivision improvements shall be completed in the area of Lots #130 through #137 until these performance criteria are met. Upon completion of the mitigation monitoring the final map can be recorded, and subdivision improvements installed.
- 2) The project will employ permanent barrier fences specifically designed to exclude CTS at Lots #131 through #137. These fences will be incorporated into Lots #131 through #137 facing Pond 18 to exclude CTS from these areas and direct them to open space areas or undercrossings. Fencing on Lots #100 through #130 shall allow for the passage of CTS to open space areas surrounding and within the undeveloped portions of the lots. All wildlife permeable fencing will consist of four-wire fencing, with the top and bottom wires smooth and only the middle wires barbed the bottom smooth wire shall be at least 16 inches off the ground.
- 3) The project's main access roads will be made permeable for CTS dispersal through the use of undercrossings combined with vertical curbs and/or fences (see Figure 3.3-7). The design and location of the undercrossings will be determined in consultation with a qualified biologist and any incidental take permit requirements, if an Incidental Take Permit is required. Cattle fencing that will be installed adjacent to the main access roads will be designed with amphibian barrier fencing at the bottom of the fence to direct animals to the location of the culverts. Fencing to keep people from accessing Pond 18 will be installed around the pond. Except as provided in mitigation measure MM 3.3-2(a)(1), above, the fencing around Pond 18 will be permeable to CTS and other wildlife.

Compliance or Monitoring Action to be Performed: Comply with the mitigation measure prior to recordation of the final map or include as part of the Subdivision Improvement Agreement.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

88. MM3.3-2a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - CTS (CONSTRUCTION). The County of Monterey shall require the implementation of the following mitigation measures:

Construction:

4) Construction best management practices (BMPs) shall be implemented for work near Harper Creek, including working in the dry season, keeping heavy equipment out of the streambed, refueling and maintaining equipment outside the floodplain, stockpiling soils outside the floodplain, tree removal only as necessary to complete improvements, hydromulch and straw bales to be installed prior to October 15, and other measures as identified by the US Army Corps of Engineers. The project applicant shall ensure that work is done within the creek only when the creek is dry.

5) All construction personnel shall receive training sessions, conducted by a qualified biologist and in accordance with any Incidental Take Permit requirements, as may be relevant, that describes the California tiger salamander and its habitat, the specific measures that are being implemented to conserve the species and habitat, and the boundaries of the area of permitted disturbance.

6) Before beginning construction activities, the project applicant shall construct a temporary barrier along the limits of grading and disturbance. This barrier shall consist of silt fencing at least 2 feet tall and buried to a depth of at least 6 inches below the soil surface. A qualified biologist shall inspect this area prior to installation of this barrier. The barrier shall be designed to allow California tiger salamanders to leave the construction site and prevent them from entering the construction site, and shall remain in place until all development activities have been completed. The development area including all burrows shall be inspected by the qualified biologist daily; if CTS are found within the limits of grading, no construction work in the surrounding area shall proceed until the CTS has left on its own volition or the CTS is removed consistent with any federal and state incidental take permits, including a collection and transplant plan that has been submitted to the USFWS and the CDFW for review and approval. A final report of the project applicant's compliance with the collection and transplant plan shall be submitted to the County within 90 days of the completion of all planned development on the project site.

7) The project applicant shall terminate construction work involving ground disturbance 30 minutes before sunset and shall not resume ground disturbance work until 30 minutes after sunrise during the CTS migration/active season from November 1 to June 15 within those areas considered aestivation habitat.

Compliance or Monitoring Action to be Performed: Prior to and during construction activities, comply with the mitigation measure as noted. Mitigation measure shall be placed as a note on the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

89. MM3.3-2a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - CTS (OPERATION). The County of Monterey shall require the implementation of the following mitigation measures:

Operation:

8) Codes, Covenants and Restrictions (CCRs) will be established that provide the following compliance requirements:

a. All sources of trash that may attract predators of California tiger salamanders shall be properly contained at each residence. No pets shall be permitted within Pond 18 and any other designated CTS breeding areas and portions of the open space area preserved and managed for the benefit of CTS as provided in mitigation measure MM 3.3-2b.

b. Signage shall be installed and maintained identifying areas of protected habitat to inform, residents, and recreationalists as to the presence of protected species, its habitat, and the importance of preservation.

c. High intensity lighting shall be avoided within or adjacent to designated CTS breeding or aestivation habitat. Downcast lighting with cutoffs and minimal spill shall be used for outdoor areas to avoid negative effects to CTS.

d. Fencing to keep people from accessing Pond 18 will be installed around the pond. Except as provided in mitigation measure MM3.3-2(a)(1), the fencing around Pond 18 will be permeable to CTS and other wildlife.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, CC&Rs shall include the text of this mitigation measure and shall be submitted to RMA-Planning for review and approval.

This mitigation measure shall be placed as a note on the final map.

This mitigation measure is ongoing for the life of the project.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

90. MM3.3-2b

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - NEW CTS POND. The applicant will construct a new breeding pond in the open space area and preserve and manage the new pond and suitable aestivation habitat within a conservation area for CTS to be provided within the open space area within the northeastern parcel. The determination of the acreage of aestivation habitat to be included in the conservation area shall be based on providing 2:1 mitigation for any potential aestivation habitat impacted by roads or development for the proposed project within 562 meters of known or potential breeding ponds and 1:1 mitigation for potential aestivation habitat between 562 meters and 2,092 meters. Based on this calculation, 210 acres of open space land will be included within the CTS conservation area and shall include the open space lands contiguous with Pond 18 and the new breeding pond. Should it be determined that off-site Pond 1 is not occupied habitat after two years of protocol-level surveys (during average precipitation years), the amount of aestivation habitat protected will be reduced accordingly. These are conservative estimates for aestivation habitat mitigation for off-site ponds on lands separated from the project by State Route 68, which poses a limitation on the ability of CTS to move from the off-site ponds to the project site without significant mortality. The new breeding pond shall be located on-site where there is a suitable water source to sustain water within the pond for 3 to 4 months. The pond will be dry or drained during the summer and fall to prevent the establishment of non-native predator species. The applicant, with authorization and necessary permits from the CDFW and the USFWS as required under state and federal laws, will transfer any CTS that are collected during preconstruction monitoring to the new breeding pond (MM 3.3-2a(12)). The development of Lots #131 through #137 shall be contingent on the successful use of the new breeding pond by CTS. Successful use shall be defined as the breeding pond containing water for 4 months during a normal rainy season and a finding of larval salamanders within the pond for 2–4 years. No development with the exception of underground utilities shall be completed in the area of Lots #131 through #137 until these performance criteria are met. The compensatory mitigation lands, including the constructed pond, will be managed for the benefit of CTS and other sensitive species under the conservation area plan. The conservation area will be deed restricted in a form approved by the County, and the conservation area may be subject to a conservation easement in a form generally consistent with the requirements as set forth in the conservation easement template used by the CDFW and the USFWS. Maintenance and management costs will be calculated based on the conservation area plan for those lands that are specifically to be managed for CTS and a Property Analyses Record (PAR analysis), and shall be committed to manage those lands to be protected for breeding ponds and aestivation habitat in perpetuity. The calculation will be submitted to the County for approval. The amount may be endowed or otherwise committed in a method approved by the County. If the project is commenced prior to the approval of the endowment or the alternative method referenced in the preceding sentence, the applicant will provide a financial assurance through a performance bond for the estimated amount of the endowment. Consistent with the requirements of this mitigation measure MM 3.3-2b and after implementing the avoidance measures in MM 3.3-2a, the applicant shall submit the final open space area management plan that includes the conservation area design and the conservation area plan to the

Condition Compliance Status Report for PLN040758

County for approval prior to construction. Alternatively, the applicant may elect to purchase equivalent habitat credits within an approved CTS mitigation bank or as in lieu fee subject to approval by the CDFW and the USFWS, as applicable.

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

The applicant will construct a new breeding pond in the open space area and preserve and manage the new pond and suitable aestivation habitat within a conservation area for CTS to be provided within the open space area within the northeastern parcel.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

91. MM3.3-2c

Current Status: **Not Met**

Responsible Department: Water Resources Agency

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - STORMWATER DETENTION BASIN CONSTRUCTION. Prior to construction of any stormwater detention basins or other water features on the project site (other than mitigation land), the County of Monterey shall require that the project applicant design detention basins to drain rapidly after a storm event so that these water features minimize attracting breeding of non-native California tiger salamanders and other invasive species, such as bullfrogs. Proposed stormwater design features and strategies shall also be subject to review and approval by the Monterey County Water Resources Agency. Stormwater system design shall be part of an approved stormwater pollution prevention program (SWPPP).

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

Prior to construction of any stormwater detention basins or other water features on the project site (other than mitigation land), the County of Monterey shall require that the project applicant design detention basins to drain rapidly after a storm event so that these water features minimize attracting breeding of non-native California tiger salamanders and other invasive species, such as bullfrogs.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

92. MM3.3-3a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - PRECONSTRUCTION SURVEY - BATS. Within 30 days prior to removal or disturbance of oak trees, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for potential bat roost sites within 100 feet of the area of site disturbance. Preconstruction surveys shall occur during the time when bats would be expected to be present and active (i.e., early April) in order to determine whether or not roosting bats are present. If no evidence exists that bats are roosting, no further action is required. Any and all survey results shall be submitted to Monterey County Planning Department to assess and verify condition compliance. If roosting bats are determined to be present, the following mitigation measure shall be implemented:

- 1) Roosting sites maintained within open space areas or that are otherwise avoidable shall be protected during construction by construction fencing, providing a minimum 100-foot buffer from areas of disturbance.
- 2) Roosting sites that would be directly affected by disturbance (within 100 feet of the roost) shall be mitigated with the installation of artificial bat boxes within the project's open space area. A minimum of five bat boxes per impacted roost site will be installed, with the type of box dependent upon the bat species.
- 3) Signage shall be provided identifying areas of protected habitat to inform construction personnel and recreationalists as to the presence of protected species and habitat and the importance of preservation.

Compliance or Monitoring Action to be Performed: Prior to removal or disturbance of oak trees, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for potential bat roost sites within 100 feet of the area of site disturbance.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

93. MM3.3-3b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - PRECONSTRUCTION SURVEY - MONTEREY DUSKY-FOOTED WOODRAT AND AMERICAN BADGER. Within 30 days prior to removal or disturbance of riparian and grassland habitat on the project site, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for the presence of the following special-status mammal species and their nesting sites: Monterey dusky-footed woodrat (and their nests) and American badger (and their dens). Preconstruction surveys shall occur during the time when these species would be expected to be present. If no evidence exists that either species is present, no further action is required. If species or nests/dens are determined to be present, the following mitigation steps shall be taken.

- 1) Nesting habitat area maintained within open space areas shall be protected during construction by construction fencing, providing a minimum 100-foot buffer from areas of disturbance.
2) For impacts to nesting habitat for Monterey dusky-footed woodrat that cannot be avoided due to engineering and site constraints, the project applicant shall contract with a qualified biologist to dismantle the nests prior to construction to ensure that no animals are taken during construction. Nest removal will only occur after any woodrat have abandoned the nest, unless otherwise approved by CDFW.
3) For impacts to natal habitat for the American badger, temporary protective buffers shall be established by a qualified biologist to avoid direct take of this mammal species.

All survey results and recommendations shall be submitted to Monterey County to assess and verify condition compliance.

Compliance or Monitoring Action to be Performed: Prior to removal or disturbance of riparian and grassland habitat on the project site, the project applicant shall contract with a qualified biologist to conduct preconstruction surveys for the presence of the following special-status mammal species and their nesting sites: Monterey dusky-footed woodrat (and their nests) and American badger (and their dens).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

94. MM3.3-4a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - RELOCATE LOTS #1-#15. Existing riparian habitat areas shall be avoided and protected where feasible and otherwise mitigated so that there will be no net loss of riparian habitat. The following performance-based mitigation and management steps shall be taken to avoid disturbance or removal of habitat and associated special-status species (plant and animal) and to create or restore additional habitat if necessary:

- 1) The site plan or final improvement plans shall be modified to relocate Lots #1 through #15 and associated improvements in order to avoid riparian habitat and to include the riparian habitat within open space easements. Any plan modifications are subject to review and approval by the Monterey County Planning Department Monterey County RMA-Planning.
- 2) During construction, avoided riparian habitat shall be protected using construction fencing, providing a minimum 200-foot buffer from areas of disturbance where feasible. No construction activity shall be allowed beyond exclusionary fence lines, and the exclusionary fences are to be monitored on a daily basis while work is being performed adjacent to these resources.
- 3) Signage shall be provided identifying protected areas to inform construction personnel and recreationalists as to the presence of the protected habitat and the importance of preservation.
- 4) Impacted habitat shall be replaced through restoration activities or mitigation bank credit purchase so that there will be no net loss of riparian habitat. Should mitigation consist of restoration, a riparian mitigation and monitoring plan shall be prepared, submitted to the County for review, and implemented during construction.

Compliance or Monitoring Action to be Performed: The site plan or final improvement plans shall be modified to relocate Lots #1 through #15 and associated improvements as shown in the vesting tentative map for Alternative 5-PC and the detailed drawings of Parcel E provided by Whitson Engineers (Whitson Engineers 12/02/2014) in order to avoid riparian habitat and to include the riparian habitat within open space easements. Any additional plan modifications are subject to review and approval by the Monterey County Planning Department Monterey County RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

95. MM3.3-4b

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - WETLAND HABITAT. Prior approval of final improvement plans on or near Lots #91 through #93, Lots #104 through #107, Ferrini Ranch Road at the north end of Parcel A, Lots #138 through #145a, and the roadway between Lots #27 and #31, the grading areas shall be resurveyed by a qualified biologist to document and confirm the area of disturbance to wetland habitat. Where wetlands or wetland habitat would be disturbed by construction activities, the following performance-based mitigation and management steps shall be taken to reduce the loss of wetland habitat, avoid disturbance or removal of associated special-status species (plant and animal) as feasible, and create additional habitat:

1) Where feasible, the site plan/improvement plans shall be modified to relocate individual lots or improvements in order to avoid wetland habitat and to include the wetland habitat within open space easements. Any plan modifications are subject to review and approval by the Monterey County Planning Department Monterey County RMA-Planning.

2) Existing wetland habitat shall be restored, maintained, and protected within open space areas and placed under conservation easements in perpetuity.

3) For impacts to non-jurisdictional wetland habitat that cannot be avoided due to engineering and site constraints, the project applicant shall identify an area of the project site as created wetland habitat, for long-term management, in an amount at least equal to the area disturbed or impacted resulting in "no net loss" of wetland area. The project applicant shall contract with a qualified biologist to prepare a wetland mitigation and management plan in accordance with the requirements of the Regional Water Quality Control Board. The wetland mitigation and management plan shall include the following:

- Target areas for creation/restoration.
- A complete biological evaluation of the existing resources on the target areas.
- Specific creation and/or restoration plans for each target area.
- Performance standards for success that will illustrate that the compensation ratios are met.
- A monitoring plan including schedule and annual report format.
- Detailed management measurements.

The project applicant shall submit the wetland mitigation and management plan to the Monterey County Planning Department Monterey County RMA-Planning for approval prior to engaging in mitigation activities (including mitigation land acquisition). The land utilized to satisfy this mitigation measure shall be protected through a fee title or conservation easement in perpetuity. Additionally, the project applicant is responsible for the cost of the conservation easement or fee title and establishment of a maintenance plan for mitigation areas. Resources within the on-site preserve can be assumed to partially fulfill this requirement when the conservation easement for this area is established. Mitigation monitoring will be continuous until the performance standards identified in the wetland mitigation and management plan are consistently met for five consecutive years.

4) During construction, protective construction fencing shall be used, providing a minimum 100-foot buffer from areas of disturbance. No construction activity shall be allowed beyond exclusionary fence lines, and the exclusionary fences are to be monitored on a daily basis while work is being performed adjacent to these

Condition Compliance Status Report for PLN040758

resources. If any soils or materials enter the riparian or wetland habitats, all construction shall be halted until the County is consulted. Construction shall re-commence upon authorization.

5) Signage shall be provided identifying protected areas to inform construction personnel and recreationalists as to the presence of the protected habitat and the importance of preservation.

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

Prior approval of final improvement plans on or near Lots #91 through #93, Lots #104 through #107, Ferrini Ranch Road at the north end of Parcel A, and Lots #138 through #145a, and the roadway between Lots #27 and #31, the grading areas shall be resurveyed by a qualified biologist to document and confirm the area of disturbance to wetland habitat.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

96. MM3.3-5

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - 404/401 PERMITS. The project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.

Compensatory mitigation may consist of (a) obtaining credits from a mitigation bank; (b) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities; these programs are generally administered by government agencies or nonprofit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants; and/or (c) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This last type of compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project proponent/permit applicant retains responsibility for the implementation and success of the mitigation project. Evidence of compliance with this mitigation measure shall be provided to Monterey County prior to construction and grading activities for the proposed project.

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

The project applicant shall ensure that the project will result in no net loss of waters of the United States by providing mitigation through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA Section 404/401 permits.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

97. MM3.3-6A

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - IMPROVEMENT PLANS REVIEWED. Prior to issuance of grading permits, improvement plans shall be reviewed by a certified arborist and County planning staff. Plans shall be field verified and modified as feasible and practicable considering engineering constraints to preserve as many healthy trees as possible and to minimize impacts on trees to be retained. Design and construction recommendations provided in the Forest Management Plan and Supplemental Forester's Report, prepared by Staub Forestry and Environmental Consulting in September 2006 and March 2010, respectively, shall be implemented during the final design of the roadways, trails, utilities, and individual building envelopes. Tree removal and replacement plans shall be prepared by a qualified professional forester or arborist and shall be subject to review and approval by the County of Monterey Planning Department. The Monterey Agricultural Commissioner's Office shall be contacted prior to removing any oak tree in order to comply with current Sudden Oak Death quarantine requirements.

The tree removal and replacement plan shall address removal of trees within any acre of land with a 5-inch dbh or greater native oak species consistent with Section 21083.4(b) of the Public Resources Code. The mitigation measures required by the County of Monterey include the following:

1) Replant on-site an appropriate number of trees for 100 percent of the direct impact at a 1:1 ratio (currently estimated at 921 trees). Maintenance and monitoring of plantings shall be kept in place by the project applicant and/or property owners association (POA) for seven years. Replanting as required by this measure may be used to restore former oak woodlands, and replanting shall be located in areas that will not be compromised by excessive tree density.

2) The project applicant shall contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements, as specified under paragraph (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife Conservation Board. Payment into the Oak Woodlands Conservation Fund mitigates 50% of the project's impact to this resource, or to approximately 7 acres of oak woodland removal.

All protected coast live oak (*Quercus agrifolia*) trees with diameters at breast height less than 24 inches that are proposed for removal shall be replaced on a 1:1 basis in accordance with Section 21.64.260 of the Monterey County Zoning Code.

Frequently, replanting at a 3:1 ratio is recommended in order to achieve a successful replacement ratio of 1:1. However, grassland habitat on the project site is considered to be at least as ecologically valuable as the oak woodland habitats. Therefore, replanting of coast live oaks at a 1:1 ratio is recommended on the project site in order to ensure there is no excessive loss of grassland habitat. Additional mitigation will be provided through a contribution to the Oaks Woodlands Conservation Fund.

Tree replacement shall be the same species as removed and should be local native stock. Existing volunteer seedlings on the project site may be transplanted to provide suitable replacement planting stock of known local origin. If replanting stock is not transplanted from on-site sources, the replanting stock shall be grown from local native seed stock in sizes no greater than 5 gallons, with 1-gallon, D40 Treepot size or smaller preferred to ensure the highest replanting success rate.

Condition Compliance Status Report for PLN040758

Trees removed shall be replanted on the same lot(s) outside areas subject to development. Trees removed due to infrastructure improvements (i.e., roadways) shall be replanted on designated open space parcels or easements.

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

Prior to issuance of grading permits, improvement plans shall be reviewed by a certified arborist and County planning staff.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

98. MM3.3-6b

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

BIOLOGICAL RESOURCES - TREE PROTECTION. Prior to commencement of construction activities, protective fencing shall be erected along the driplines of each protected tree or group of trees to be preserved. No construction activities or storage of equipment or construction materials shall occur within the protective fence line. No soil may be removed from and no fill of additional soil exceeding 2 inches shall occur within the dripline or against the base of any tree, unless it is part of approved construction and approved on the improvement plans. Implementation of the above mitigation measures would require preparation of site-specific tree removal and replacement plans prior to issuance of grading permits to ensure the loss of oak woodlands and individual coast live oak trees is minimized and that removed trees are replanted in accordance with Section 21.64.260 of the Monterey County Zoning Code and Section 21083.4 of the Public Resources Code. In addition, during construction activities, protective fencing shall be installed along the dripline of protected trees or group of trees to be preserved in order to minimize damage to remaining trees. Therefore, the impact to sensitive oak woodland habitat would be reduced to a less than significant level.

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

Prior to commencement of construction activities, protective fencing shall be erected along the driplines of each protected tree or group of trees to be preserved.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

99. MM3.3-7

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - AVIAN HABITAT. The project applicant shall conduct all construction, vegetation removal or tree removal outside the active nesting seasons (typically February 1 through August 31) to the extent feasible and practicable. In areas where construction will occur during the active nesting season, the project applicant shall retain a qualified biologist to conduct a focused survey for the presence or absence of burrowing owls and active nests of raptors and migratory birds within and in the vicinity of the construction area. Surveys shall be conducted no more than 30 days prior to ground disturbance and provided to the Monterey County Planning Department Monterey County RMA-Planning for verification of condition compliance.

If burrowing owls or other active bird nests are located during preconstruction surveys, the following mitigation steps shall be taken:

- 1) During construction, exclusion fencing shall be maintained, providing a minimum 500-foot buffer from areas where burrowing owls have been identified. Buffers will be established by qualified biologists under the guidance of CDFW. For construction activities proposed near active nests of raptors or other migratory birds, buffer/exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around the nest) shall be established or the construction schedule altered. The buffer zones shall remain in place until the nests are naturally abandoned and birds have fledged, or the biologist deems disturbance potential to be minimal. No nest avoidance activities are necessary if construction will occur during the non-breeding season (between September 15 and February 1).
- 2) Signage shall be provided identifying areas of buffers to inform construction personnel and recreationalists as to the presence of protected species and habitat and the importance of preservation.
- 3) Burrowing owl preconstruction surveys shall be conducted no more than 10 days prior to any construction startup, irrespective of season. Should burrowing owls be determined to occupy the construction site, exclusion fencing shall be maintained, providing a minimum 300-foot buffer from areas where burrowing owls have been identified. The project applicant may have a qualified biologist relocate the owls through the use of one-way doors over burrows upon approval by the CDFW during the non-nesting season (September 1 through February 1).

Compliance or Monitoring Action to be Performed: The project applicant shall conduct all construction or tree removal outside the active nesting seasons (typically February 1 through August 31) to the extent feasible and practicable.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

100. MM3.3-8a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - WILDLIFE CORRIDORS. Consistent with mitigation measure MM 3.3-4a, the project applicant shall revise the site plan in the vicinity of El Toro Creek to remove or relocate development away from the riparian corridor to allow sufficient wildlife movement and access and preserve other biological resources and habitat.

Compliance or Monitoring Action to be Performed: Consistent with mitigation measure MM 3.3-4a and the vesting tentative map for Alternative 5-PC, the project applicant shall revise the site plan and improvement plans in the vicinity of El Toro Creek to remove or relocate development away from the riparian corridor to allow sufficient wildlife movement and access and preserve other biological resources and habitat.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

101. MM3.3-8b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - LIMIT BARRIER FENCING. CC&Rs shall be established for the subdivision that limit the use and installation of solid barrier fencing beyond the building envelopes and yard areas. Fencing along State Route 68 in the vicinity of the wildlife corridor as identified in Diamond et al. (2011) will be designed to allow for wildlife movement but still contain cattle and allow for continued grazing on the open space lands. Cattle fencing along the internal road system will also be designed to allow for wildlife movement while keeping cattle off the road system.

Compliance or Monitoring Action to be Performed: CC&Rs shall be established for the subdivision that limit the use and installation of solid barrier fencing beyond the building sites and yard areas.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

102. MM3.3-8c

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - OPEN SPACE MANAGEMENT PLAN. Prior to recordation of the final map, the Monterey County Planning Department Monterey County RMA-Planning shall require the project applicant to submit for review and approval an open space management plan (OSMP). The OSMP shall identify the area to be placed under the open space easement, scenic corridor easement, B-6 zoning, allowed uses, maintenance management procedures, and timing. The plan shall identify all sensitive areas and specific management requirements for each area. This shall include, but not be limited to, maintaining open space areas located on both sides of the undercrossing and along State Route 68 in the vicinity of the undercrossing so that species moving north-south through the project site have an intact corridor through which to pass. The small portion of the project site located north of State Route 68 shall be reclassified RC VS-D-S (Resource Conservation with Visual Sensitivity, Design Control, and Site Plan review overlays), with a scenic conservation easement. All maintenance plans shall be made part of the project's OSMP. As part of the OSMP, a Property Analysis Record (PAR) shall be used to calculate the endowment required to fund the OSMP in perpetuity.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, the Monterey County Planning Department Monterey County RMA-Planning shall require the project applicant to submit for review and approval an open space management plan (OSMP).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

103. MM3.3-8d

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: BIOLOGICAL RESOURCES - CATTLE FENCING ON LOTS #27 AND #28. Cattle fencing that is permeable to wildlife movement will be installed along the road in the vicinity of Lots #27 and #28 as it traverses up the canyon in the southern portion of the site. Where appropriate to direct tiger salamander to road undercrossings, barriers along the bottom of the fence will be included to direct amphibians and small mammals to such undercrossings. Lighting will be restricted to that necessary to illuminate the road surface and will not be directed into open space areas. Any culverts or bridges over the ephemeral drainage will be designed with sufficient capacity to allow for small animal passage.

Compliance or Monitoring Action to be Performed: Fencing requirements shall be noted on the final map. All other improvements shall be implemented as part of the subdivision improvements.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

104. MM3.4-1a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - CA-MNT-661. The project applicant shall modify the proposal to avoid site CA-MNT-661 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR). Avoidance will require the relocation of roadway and utility improvements as necessary, and the site shall not be used for construction staging, material borrow, or other uses that would otherwise result in physical impacts. This site shall be placed within an archaeological easement with restricted access to ensure long-term protection. The easement shall be recorded on the project's final maps. Site CA-MNT-954 will not be impacted and warrants no specific mitigation.

Compliance or Monitoring Action to be Performed: The project applicant shall modify the proposal to avoid site CA-MNT-661 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

105. MM3.4-1b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - CA-MNT-3. The project applicant shall modify the proposal to avoid disturbance to site CA-MNT-3 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR). Avoidance will require the relocation of several residential lots and all project infrastructure (roadways, berms and utility improvements). The site shall not be used for construction staging, material borrow, or other uses that would otherwise result in physical impacts. This site shall be placed within an archaeological easement with restricted access to ensure long-term protection. The easement shall be recorded on the project's final maps.

Full avoidance is considered the most effective mitigation strategy for this site. However, this impact can also be mitigated by a combination of full avoidance of the primary deposit, plus implementation of the detailed data recovery, analysis, and monitoring plan as specified within the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR) for the secondary deposit.

Compliance or Monitoring Action to be Performed: Prior to recordation of the Final Map or issuance of any permits, the project applicant shall modify the proposal to avoid disturbance to site CA-MNT-3 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

106. MM3.4-1c

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - CA-MNT-4/267. The project applicant shall modify the proposal to avoid disturbance to site CA-MNT-4/267 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR). Avoidance will require the relocation of several residential lots and roadway and utility improvements as necessary, and the site shall not be used for construction staging, material borrow, or other uses that would otherwise result in physical impacts. This site shall be placed within an archaeological easement with restricted access to ensure long-term protection. The easement shall be recorded on the project's final maps. Full avoidance is considered the most effective mitigation strategy for this site. However, impacts to this site can also be mitigated by a combination of relocation of lots within primary deposit, plus relocation of the access road and other improvements such that excavation into the deposit is not required and the site is effectively capped. Any mitigation other than full avoidance also requires implementation of the detailed data recovery, analysis and monitoring plan.

Compliance or Monitoring Action to be Performed: The project applicant shall modify the proposal to avoid disturbance to site CA-MNT-4/267 in accordance with the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

107. MM3.4-1d

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - CA-MNT-3 AND/OR CA-MNT-4/267. If it is not feasible to fully avoid CA-MNT-3 and/or CA-MNT-4/267 and if physical development is to be considered by the applicant and Monterey County on any portion of these sites, the project applicant shall implement the detailed data recovery, analysis, and monitoring plan as specified within the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR). The data recovery and mitigation plan identifies specific measures and techniques for professional analysis and recordation of excavated resources. Any reports resulting from the data recovery, analysis, and monitoring efforts shall be submitted to the County of Monterey Planning Department and any affected Native American representatives.

Compliance or Monitoring Action to be Performed: If it is not feasible to fully avoid CA-MNT-3 and/or CA-MNT-4/267 and if physical development is to be considered by the applicant and Monterey County on any portion of these sites, the project applicant shall implement the detailed data recovery, analysis, and monitoring plan as specified within the Cultural Resources Mitigation and Monitoring Plan for the Proposed Ferrini Ranch Development, South of Salinas, Monterey County, California, prepared by Archaeological Consulting in November 2007 (Appendix D of this Draft EIR).

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

108. MM3.4-3a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - STOP WORK. If, during the course of construction and implementing the proposed project, cultural resources (i.e., prehistoric sites, historic sites, or isolated artifacts and features) are discovered work shall be halted immediately within 50 feet of the discovery, the Monterey County Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards and Guidelines in archaeology and/or history shall be retained to determine the significance of the discovery.

The Monterey County RMA - Planning Department and the project applicant shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards and Guidelines in archaeology and/or history for any unanticipated discoveries. The Monterey County RMA - Planning Department and the project applicant shall consult and agree upon implementation of a measure or measures that they deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.

Compliance or Monitoring Action to be Performed: If, during the course of construction and implementing the proposed project, cultural resources (i.e., prehistoric sites, historic sites, or isolated artifacts and features) are discovered work shall be halted immediately within 50 feet of the discovery, the Monterey County Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards and Guidelines in archaeology and/or history shall be retained to determine the significance of the discovery.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

109. MM3.4-3b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: CULTURAL RESOURCES - NOTIFICATION OF ARCH. SENSITIVITY. The project applicant shall include in their construction contract document notification to the construction staff of the archaeological sensitivity of the project site. All construction staff shall also be informed of all appropriate mitigation measures during a pre-construction meeting or other appropriate format prior to implementation of ground disturbing activity associated with the proposed project.

Compliance or Monitoring Action to be Performed: The project applicant shall include in their construction contract document notification to the construction staff of the archaeological sensitivity of the project site

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

110. MM3.5-1

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: GEOLOGY/SOILS - SEISMIC. A note shall be recorded on the final map stating "The project applicant shall design buildings according to the most current California Building Code, as well as the seismic coefficients identified by Soil Surveys in the December 31, 2007, geotechnical investigation or any subsequent updates prepared for the project. All recommended specifications in Section X of Soil Surveys' geotechnical investigation shall be incorporated into the design and construction of the project in accordance with Policy 15.1.11 of the Monterey County General Plan."

During the course of construction of subdivision improvements, the project applicant shall contract with a qualified engineering geologist to be on-site during grading operations to make on-site remediation and recommendations as needed, and perform required tests, observations, and consultation as specified in the preliminary geologic and geotechnical report prepared by Kleinfelder and the geotechnical investigation prepared by Soil Surveys. Prior to final inspection, the project applicant shall provide certification from a qualified professional that all development has been constructed in accordance with all applicable geologic and geotechnical reports.

Compliance or Monitoring Action to be Performed: This mitigation measure shall be placed as a note on the final map. Prior to issuance of any permits, the developer shall provide evidence of a contract.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

111. MM3.5-2a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: GEOLOGY/SOILS - GEOTECHNICAL INVESTIGATION. A note shall be recorded on the final map stating "Recommendations provided in the Soil Systems, Inc. Geotechnical Investigation shall be incorporated into the design and construction of the project in accordance with Policy 15.1.11 of the Monterey County General Plan. Debris flow walls upslope of Lot #23 and the small clustered PUD sites are required. Evaluation of final building site locations shall occur by a qualified professional to determine if debris flow walls are required for Lots #23, #27, #28, #48, #103-105, #138 through #145a.

Compliance or Monitoring Action to be Performed: A note shall be recorded on the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

112. MM3.5-2b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: GEOLOGY/SOILS - SOIL CONDITIONS DURING GRADING. During grading activities, the project applicant shall contract with a qualified Engineering Geologist to observe soil conditions during rough grading operations on all lots and make remediation recommendations as necessary.

Compliance or Monitoring Action to be Performed: During grading activities, the project applicant shall contract with a qualified Engineering Geologist to observe soil conditions during rough grading operations on all lots and make remediation recommendations as necessary.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

113. MM3.5-6

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

GEOLOGY/SOILS - EXPANSIVE SOILS. A note shall be placed on the final map stating "Prior to issuance of building permits for Lots #138 through #145a and #80 and #80a, and any additional lots determined necessary by the retained qualified professional, the following is required:

- Spread footings shall be constructed a minimum of 18-inches below finished inside pad soil grade, measured from the low side of the footing, for both one and two story portions of the new buildings, and continuous footings at all building sites shall be reinforced with a minimum of two #4 reinforcing bars placed near the bottom of the footing.
- Foundation excavations shall be flooded with three to four inches of water at least 24 hours prior to pouring concrete, and subgrade for building slabs and foundations shall be brought to the low plastic limit range of moisture for a depth of at least eight inches prior to pouring concrete.
- Concrete floor slabs-on-grade shall be at least five inches thick and shall be reinforced with a minimum of #4 steel rebars placed 18 inches on center, both ways, at the sites having expansive near surface soil conditions.
- No new tree or high water using shrub shall be placed within 15-feet of any building foundation.
- Any lawns and landscaped strips near the buildings shall be well watered and maintained after completion of the project
- Roof and site water should be directed away from all building foundations; positive drainage shall be established away from the buildings toward driveways or down-slope of the buildings toward one of the adjacent drainage swales.

Compliance or Monitoring Action to be Performed:

This mitigation measure shall be placed as a note on the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

114. MM3.6-2a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: GROUNDWATER RESOURCES/HYDROLOGY - WATER INTENSIVE USES PROHIBITED. Prior to filing the final map, the project applicant shall submit CC&Rs for review and approval by the Director of Planning that prohibit water-intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, and washing of hard surfaces such as streets, gutters, sidewalks, and driveways in any portion of the proposed lots, open space parcels, or Parcel D.

Compliance or Monitoring Action to be Performed: Prior to filing the final map, the project applicant shall submit CC&Rs for review and approval by the Director of Planning that prohibit water-intensive uses, including but not limited to vineyards, ornamental fountains that do not recirculate water, and washing of hard surfaces such as streets, gutters, sidewalks, and driveways in any portion of the proposed lots, open space parcels, or Parcel D.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

115. MM3.6-2b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: GROUNDWATER RESOURCES/HYDROLOGY - LANDSCAPING. A note shall be recorded on the final map stating "The project applicant shall submit for review and approval by the Director of Planning a Landscape Documentation Package that includes a water-efficient landscape sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan. The Landscape Documentation Package shall demonstrate compliance with the substantive requirements of the Department of Water Resources' Model Water Efficient Landscape Ordinance, Title 23, California Code of Regulations, Sections 490–495, or any subsequent water conservation Ordinance adopted by the County for the same purpose. The final map and each site plan shall indicate that submittal and approval of the Landscape Documentation Package for each lot is required for development of the lot prior to issuance of building permits. Building permits shall specify ongoing compliance with the ordinances in place at the time of issuance.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the project applicant shall submit for review and approval by the Director of Planning a Landscape Documentation Package that includes a water-efficient landscape sheet, soil management report, landscape design plan, irrigation design plan, and grading design plan.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

116. MM3.6-2c

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: GROUNDWATER RESOURCES/HYDROLOGY - HIGH EFFICIENCY TOILETS. Prior to final map approval, the project applicant shall submit for review and approval by the Director of the Planning Department CC&Rs that contain language requiring that all toilets installed on the project site meet the requirements of the U.S. Environmental Protection Agency's specifications for Water Sense Tank-Type High-Efficiency Toilets and ultra low flow devices, respectively.

Compliance or Monitoring Action to be Performed: Prior to final map approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

117. MM3.7-3a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

WATER QUALITY - STORMWATER BMPS. In order to reduce pollutant loads, the proposed project shall comply with Monterey County grading, erosion control, and stormwater regulations. Prior to recordation of the final map, the following information shall be submitted to RMA-Environmental Services for review and approval.

- The applicant shall submit and implement a grading plan prepared by a licensed professional engineer incorporating Monterey County Code Chapter 16.08 requirements and the Geotechnical Investigation Report recommendations. The grading plan shall be stamped by a licensed geotechnical engineer certifying compliance with the recommendations in the Geotechnical Investigation Report prepared by Soil Surveys, Inc.
- The applicant shall submit and implement an erosion control plan, in conformance with Monterey County Code Chapter 16.12, identifying the proposed methods to control runoff and erosion including the location and details for all selected erosion control measures. The erosion control plan may be incorporated into other required plans provided it is clearly identified.
- The applicant shall submit and implement a stormwater control plan with supporting calculations prepared by a licensed professional engineer. The plan shall address the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region.
- The applicant shall submit and implement an operation and maintenance plan prepared by a registered professional engineer that includes, at a minimum, the following:
 - o A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.
 - o O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices.
 - o The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.

The applicant shall submit a Waster Discharger Identification (WDID) number certifying the project is covered under the California Construction General Permit.

Compliance or Monitoring Action to be Performed:

Prior to recordation of the final map, the applicant shall submit a grading plan, erosion control plan, stormwater control plan, operation and maintenance plan, and WDID number to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

118. MM3.7-3b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: WATER QUALITY - DRAINAGE/FLOOD CONTROL SYSTEMS AGREEMENT. The applicant shall enter into a Maintenance Agreement (Agreement) with Monterey County and the Monterey County Water Resources Agency to identify the responsible party for ongoing maintenance of drainage and flood control facilities. The Agreement shall contain provisions for an annual report to be prepared by a registered professional engineer. The annual report shall be submitted to RMA-Environmental Services and the Water Resources Agency, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of the same year. Certification shall be provided that all recommended maintenance has been completed before the start of the rainy season.

If the responsible party identified in the agreement, after notice and hearing, fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County and the Monterey County Water Resources Agency shall be granted the right by the property owners to enter any and all portions of the project site to perform repairs, maintenance, and improvements. Monterey County and the Monterey County Water Resources Agency shall have the right to collect the cost of said repairs, maintenance, or improvements from the property owners on their property tax bills.

Compliance or Monitoring Action to be Performed: Prior to filing the final map, the project applicant shall enter into an agreement with Monterey County and the Monterey County Water Resources Agency.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

119. MM3.7-4

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: WATER QUALITY - 50 FEET FROM TOP OF BANK. Residential lots shall be located at least 50-feet from the "top of bank" of the San Benancio Gulch, as defined in Chapter 16.16 of the Monterey County Code.

Compliance or Monitoring Action to be Performed: Prior to approval of final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

120. MM3.8-1a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: HAZARDS/HAZARDOUS MATERIALS - DEBRIS PILE/CONSTRUCTION YARD SITE. Prior to issuance of a grading permit for the areas involving the debris pile, and construction yard sites the Monterey County Planning Department shall require that the project applicant hire qualified environmental professionals (hazardous materials abatement and archaeologist) to observe the removal of the debris pile located at the residence and to conduct a follow-up site visit to the construction yard located at San Benancio Road and State Route 68 upon removal of the materials to assess the presence of recognized environmental concerns. Prior to removal, a Phase II ESA shall be conducted at these locations. If soil samples from the Phase II investigation identify remnant contamination or hazardous materials, the project applicant shall have contaminated soil and/or materials removed, transported, disposed of at an authorized landfill, or otherwise abated and remediated by a certified professional in accordance with local, state, and federal regulations. Removal of contaminated materials will be observed by an environmental specialist and a qualified archaeological consultant, and all findings will be catalogued. Any remediation will be conducted pursuant to the Department of Toxic Substances Control's Proven Technologies and Remedies (PT&R) for the identified contaminant. A post-cleanup report will be provided to the County documenting the materials found, and how they were disposed. The presence of the archaeologist is due to the proximity of known cultural resources in this general location.

Compliance or Monitoring Action to be Performed: Prior to issuance of a grading permit for the areas involving the debris pile, and construction yard sites the Monterey County Planning Department shall require that the project applicant hire qualified environmental professionals (hazardous materials abatement and archaeologist) to observe the removal of the debris pile located at the residence and to conduct a follow-up site visit to the construction yard located at San Benancio Road and State Route 68 upon removal of the materials to assess the presence of recognized environmental concerns.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

121. MM3.8-1b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: HAZARDS/HAZARDOUS MATERIALS - FUEL TANKS. Prior to issuance of a grading permit for the area involving the immediate vicinity of the Ferrini Ranch complex, the Monterey County Planning Department shall require that the project applicant hire a qualified environmental professional to conduct a subsurface investigation for evidence of fuel tanks and/or fuel tank equipment in the vicinity. This investigation may be accomplished through probing, electromagnetic surveying, or digging. Any fuel tank or associated equipment identified during the investigation shall be properly abated and disposed of by a qualified professional. If unidentified fuel tanks, fuel lines, or other associated equipment are discovered during grading activities, all work shall halt in that area and a qualified professional shall be contacted for abatement. This will ensure that potential exposure to fuel-related hazards is reduced.

Compliance or Monitoring Action to be Performed: Prior to issuance of a grading permit for the area involving the immediate vicinity of the Ferrini Ranch complex, the Monterey County Planning Department shall require that the project applicant hire a qualified environmental professional to conduct a subsurface investigation for evidence of fuel tanks and/or fuel tank equipment in the vicinity.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

122. MM3.10-3

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: PUBLIC SERVICES/UTILITIES - RECREATION REQUIREMENTS/FEES. The Applicant shall comply with Section 19.12.010 - Recreation Requirements, of the Subdivision Ordinance, Title 19, Monterey County Code, by paying a fee in lieu of land dedication. The Parks Department shall determine the fee in accordance with provisions contained in Section 19.12.010(D) (Parks Department)

Compliance or Monitoring Action to be Performed: Comply with the requirements of the mitigation measure prior to recording the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

123. MM3.10-4c

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: PUBLIC SERVICES/UTILITIES - CONTROLLING ACCESS TO TORO PARK. Prior to approval of final improvement plans, the project applicant shall include measures to ensure that illegal or uncontrolled access to park property is minimized to the extent feasible. The CC&Rs for the subdivision shall clearly identify that unauthorized access to park property or park use outside of operating hours is a violation.

Compliance or Monitoring Action to be Performed: Prior to approval of final improvement plans, the project applicant shall include measures to ensure that illegal or uncontrolled access to park property is minimized to the extent feasible.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

124. MM3.11-1a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

NOISE - CONSTRUCTION NOISE ATTENUATION. Prior to commencement of construction activities, the project applicant(s) shall submit for review and approval by the Director of the Planning Department, final construction documents and improvement plans that identifies the specific measures will be implemented to reduce noise levels generated during construction. During the course of construction of on-site and off-site improvements, the project applicant shall implement mitigation measures to reduce significant noise impacts to noise-sensitive land uses. Measures for attenuating noise during construction include, but not limited to, the following:

- Noise-generating construction operations (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to the hours between 7 a.m. to 7 p.m. Monday through Friday.
- Construction equipment and equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.
- Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- When not in use, motorized construction equipment shall not be left idling.
- The noise reduction measures demonstrated on final improvement plans will be based on the ultimate location and timing of construction relative to the school. Any combination of measures is acceptable as long as they demonstrate compliance with County noise standards.

Compliance or Monitoring Action to be Performed:

Prior to commencement of construction activities, the project applicant(s) shall submit for review and approval by the Director of the Planning Department, final construction documents and improvement plans that identifies the specific measures will be implemented to reduce noise levels generated during construction.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

125. MM3.11-1b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: NOISE - CONSTRUCTION NOISE NOTIFICATION. Prior to issuance of a building or grading permit for on-site and off-site improvements, the applicant shall provide the Monterey County Planning Department with the name and telephone number of the individual empowered to manage construction noise generated by the proposed project. This information shall also be included in the final construction documents and improvement plans required through implementation of mitigation measure MM 3.11-1a. An information sign shall be posted at the construction site entrance that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive noise levels. The designated construction contact shall record all noise complaints received and actions taken in response, and submit this record to Monterey County Planning Department upon request.

Compliance or Monitoring Action to be Performed: Prior to issuance of a building or grading permit for on-site and off-site improvements, the applicant shall provide the Monterey County Planning Department with the name and telephone number of the individual empowered to manage construction noise generated by the proposed project.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

126. MM3.11-1c

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation
Monitoring Measure:

NOISE - CONSTRUCTION NOISE - ADJACENT TO SAN BENANCIO MIDDLE SCHOOL. Prior to the start of on- and off-site grading activities and during the course of construction of Road D, Lots #6 through #12, Lots #12 through #22, park alterations, and the western portion of the multipurpose trail, the project applicant shall either:

- 1) Install temporary barriers to reduce significant noise impacts to San Benancio Middle School, if work is to be performed while school is in session. The temporary barriers shall be constructed along the nearest project site boundary to San Benancio Middle School in order to interrupt the line of sight between heavy-duty equipment operating at the construction site and San Benancio Middle School. Based on the analysis and modeling conducted, the temporary barriers shall be constructed to a minimum height of 8 feet above ground surface with no visible air gaps between construction panels or at the ground surface. Barrier construction materials may consist of, but are not necessarily limited to, the use of sound-rated curtains and/or wood panels; or
- 2) As an alternative to temporary barriers, the applicant may utilize permanent barriers (such as boundary fences and walls) that are part of the project. Any such permanent feature must prove at least as effective as a temporary barrier, and must not cause secondary noise impacts in its construction or placement; or
- 3) Prior to construction in the areas specified, the applicant shall submit to the Director of Planning for review and approval a site-specific acoustical analysis based on the final improvement plans and construction equipment to be used. The findings of any such analysis shall identify estimated noise levels at nearest sensitive receptors, and provide effective attenuation measures that are at least as effective as options a) and b), and achieve compliance with Monterey County noise standards.

Compliance or
Monitoring
Action to be Performed:

Construction noise mitigation shall be implemented as provisions of the subdivision improvement plans and construction management plan.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

127. MM3.11-1d

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: NOISE - CONSTRUCTION NOISE NOTIFICATION. A minimum of one week prior to commencing on-site and off-site construction activities within the areas specified in mitigation measure MM 3.11-1c, the project applicant shall provide written notification to San Benancio Middle School so that any necessary precautions (such as rescheduling or relocation of interior noise-sensitive activities) can be implemented. The written notice shall include the name and telephone number of the individual empowered to manage construction noise from the project.

Compliance or Monitoring Action to be Performed: Notice and receipt of notice shall be provided to RMA-Planning prior to the issuance of any permits.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

128. MM3.11-2

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: NOISE - ACOUSTICAL ANALYSIS. Prior to construction of the booster pumps and sanitary lift stations, the project applicant shall submit for review and approval by the Director of the Planning Department, an acoustical analysis for the proposed booster pumps and sanitary lift stations. The acoustical analysis shall demonstrate that pump station design will reduce operational noise levels sufficient to achieve applicable Monterey County noise standards, which is currently identified as 85 dBA at 50 feet away. Measures may include, but are not necessarily limited to, the use of sound barriers, equipment enclosures, and incorporation of noise-reduction site/facility design features.

The acoustical analysis shall demonstrate that placement of the pump shall be sited to ensure that the an operational noise standard of 55 dBA Leq for the daytime hours (i.e., 7 A.M. to 10 P.M.) and 50 dBA Leq for the nighttime hours (i.e., 10 P.M. to 7 A.M.) will not be exceeded at the property line of nearby sensitive noise receptors (i.e. Lots #66, #67, #84, #44, and #144). The recommended noise criteria are intended to ensure that operational noise levels would not exceed commonly applied noise levels for the maintenance of speech communication within exterior/interior environments of receiving land uses and, in the event that operations would occur continuously over a 24-hour period, would not exceed the commonly applied exterior and interior noise criteria for the protection of activity interference (i.e., 60 and 45 dBA CNEL/Ldn, respectively).

Compliance or Monitoring Action to be Performed: Submit the required acoustical analysis prior to approval of improvement plans or prior to recordation of the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

129. MM3.11-4a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: NOISE - NOISE ATTENUATION THROUGH CONSTRUCTION. The following requirements shall be included as a note on the final map and incorporated into the CC&Rs: The project applicant(s) shall incorporate into the final building design and improvement plans measures to reduce exposure to cumulative increases in ambient noise levels generated from mobile sources. Measures that would reduce the ambient noise levels to acceptable levels include, but are not limited to, the following:

1) The final design of residential dwellings on Lots #1a, Lots #16 and #17, Lots #59, #59a, #60, Lots #74 through #78a, Lots #132 through #134, and Lot #146 shall include additional noise insulation features such as sealed door frames, caulked or insulated exterior pipes, ducts, and sheathing panels, insulation in cavity spaces. Exterior ducts and vents shall be located away from noise sources.

Compliance or Monitoring Action to be Performed: The requirements above shall be included as a note on the final map and incorporated into the CC&Rs.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

130. MM3.11-4b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: NOISE - NOISE ATTENUATION THROUGH DESIGN. A note shall be placed on the final map stating that buildings on Lots #1 through #17, Lots #59 through #60, Lot #74 through #78a, Lots #132 through #134, and Lot #146 shall require the following design elements:

1) Exterior walls shall have a sound-transmission-class rating of STC-39, or better; and

2) Windows and exterior doors shall have a sound-transmission-class rating of at least STC 32 for stucco or brick homes, and STC 38 for siding homes.

Construction of homes in compliance with the California Building Code should address most of these noise protection measures.

Compliance or Monitoring Action to be Performed: This mitigation measure shall be placed as a note on the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

131. MM3.11-4d

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: NOISE - NOISE ATTENUATION FOR EXTERIOR AREAS. A note on the final map stating that prior to issuance of building permits for residential dwelling units on Lot #1, Lots #15a through #17, Lots #59a through #60, Lots #74 through #78a, Lot #84, Lot #85, Lots #132 through #134 and Lot #146, the project applicant(s) shall submit a lot-specific acoustical analysis for review and approval by the Director of Planning. The findings of any such analysis shall identify estimated noise levels at the lot's exterior and interior spaces, and for any projected exceedance of acceptable noise levels, provide effective attenuation measures to achieve compliance with Monterey County noise standards.

Compliance or Monitoring Action to be Performed: This mitigation measure shall be placed as a note on the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

132. MM3.11-4e

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: NOISE - LAGUNA SECA RACEWAY. Prior to or concurrent with recordation of the final subdivision map, the project applicant shall prepare and record a notification agreement disclosing to all future residents at the project site of the presence of the Mazda Raceway at Laguna Seca and the potential for elevated noise levels during events at the raceway. All future residents shall be notified of the potential noise exposure prior to entering into an agreement to purchase a residential lot within the project site.

Compliance or Monitoring Action to be Performed: Prior to or concurrent with recordation of the final subdivision map, the project applicant shall prepare and record a notification agreement disclosing to all future residents at the project site of the presence of the Mazda Raceway at Laguna Seca and the potential for elevated noise levels during events at the raceway.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

133. MM 3.12-1a

Current Status: **Not Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: TRANSPORTATION/CIRCULATION - TAMC RDIF - STATE ROUTE 68
Prior to recordation of each final map, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey County Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. The applicant shall receive credits toward their fee for any work done as part of a fee program project per Monterey County Code Section 12.90.050.

Compliance or Monitoring Action to be Performed: Prior to recordation of each final map, the project applicant(s) shall contribute their proportionate fair share, as calculated by the County, towards the "State Route 68 Commuter Improvements" through payment of the TAMC Regional Development Impact Fee (RDIF) in effect at that time. Applicable credits shall be applied as detailed in MCC 12.90.050.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

134. MM3.12-1b

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: TRANSPORTATION/CIRCULATION - CITY OF SALINAS TRAFFIC IMPACT FEE.
Prior to issuance of building permits, the project applicant shall pay their fair share toward the City of Salinas Traffic Impact Fee Ordinance.

Compliance or Monitoring Action to be Performed: A Note shall be placed on the Final Map stating the text above.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

135. MM3.12-2a

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: TRANSPORTATION/CIRCULATION - SIGHT DISTANCE. Prior to filing the final subdivision map, the project applicant shall submit engineering-level design drawings of the project access points demonstrating adequate sight distance in accordance with Monterey County and Caltrans standards. Assessment of sight distance and channelization needs shall be performed in the project design phase. The design of all intersection improvements shall be submitted for review and approval by the County of Monterey and/or Caltrans, as applicable. All safety improvements will be incorporated into the final improvement plans prior to final map approval. Any widening of roadways necessary to implement access and sight distance improvements would be required to encroach onto the project site. The physical impacts of constructing points of project access have been assessed based on the project footprint as proposed on the Vesting Tentative Map. Any and all mitigation measures identified in the Draft EIR to reduce impacts to natural resources are also applicable to construction of these improvements.

Compliance or Monitoring Action to be Performed: Prior to filing the final subdivision map, the project applicant shall submit engineering-level design drawings of the project access points demonstrating adequate sight distance in accordance with Monterey County and Caltrans standards.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Condition Compliance Status Report for PLN040758

136. MM3.13-1

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: GREENHOUSE GASES - REDUCE EMISSIONS. Prior to recordation of the final map, Monterey County RMA-Planning shall require that project applicant(s) implement the following measures to reduce short-term and long-term emissions of GHGs associated with construction and operation of the proposed project:

Construction

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) to the extent practical.
- Low- or No-VOC paints, adhesives and sealants shall be used during the construction of all proposed onsite structures.
- Environmentally preferable and low-emitting materials shall be used for interior finishes and flooring materials of proposed onsite structures.
- CC&Rs for the project shall specify that all newly constructed homes shall be pre-wired with a dedicated 240-volt line to the garage specifically for the purpose of electric vehicle charging.

Operation

- Bicycle parking facilities and preferential parking for carpooling and alternative-fueled vehicles shall be provided at locations (such as the winery facility) determined by the County of Monterey Planning Director. This measure encourages use of alternative transportation by employees and helps to reduce the amount of vehicle miles traveled by the project.
- An alternative transportation plan shall be prepared by the project proponent and reviewed by the Transportation Authority of Monterey County and submitted to the County of Monterey Planning Department RMA-Planning before issuance of construction permits. Feasible alternative transportation measures from among those recommended by TAMC and MBUAPCD include those identified in Table 3.13-13 source (http://www.tamcmonterey.org/programs/envrev/alternate_measures.html)
- Proposed commercial (winery related) uses shall provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- Commercial buildings shall employ energy-efficient technology unless technical feasibility of safety concerns take precedent. Examples of such systems would include use of T5HO fluorescent fixtures with electronic ballast, occupancy sensor lighting controls, light emitting diodes, external lighting controls and timers, and other similar measures.
- Indoor and outdoor water conservation measures shall be incorporated, such as use of low-flow toilets, shower heads, faucets and water efficient irrigation.
- Wood-burning fireplaces and stoves shall be prohibited.
- Proposed residential land uses shall provide a minimum of one exterior electrical outlet at rear, side, and front yard locations to promote/allow the use of electric landscape maintenance equipment.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map, Monterey County RMA-Planning shall require that an appropriate plan be developed for the construction phases. All other requirements shall be included as notes on the map for future development.

Condition Compliance Status Report for PLN040758

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

137. PDSP011 - RECORDATION OF CONDITIONS WITHIN CC&R'S AND FINAL MAP

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to recordation of the first phase final map, the Owner/Applicant/Developer shall ensure that the requirement of the following conditions are listed in the CC&R's and a note on an additional sheet of the final map: Conditions 3, 6, 8, 9, 12-15, 32, 40, 43, 46, 49, 56, 59, 83, 85-95, 97, 99, 101-103, 108-111, 113-118, 123, 126, 127, 129-132, 134, and 136.

Compliance or Monitoring Action to be Performed: Prior to recordation of the first phase final map, the Applicant/Owner shall submit evidence to RMA-Planning demonstrating that appropriate conditions are listed in the CC&R's and on a sheet of the final map.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

138. PDSP012 - PUBLIC ACCESS OF BIKE TRAIL

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to recordation of the final map for phase 2, the bike path shall be constructed by the applicant as a Class 1 bike path with an easement to the County for public access, and provisions for maintenance by the Home Owners Association (HOA), or the bike path shall be constructed by the Applicant as a Class 1 bike path and shall be offered to the County along with a funding mechanism to pay for on-going maintenance.

Compliance or Monitoring Action to be Performed: Prior to recordation of the final map for Phase 2, the Applicant/Owner shall provide evidence that an public access easement over the area of the bike trail has been dedicated to the County, along with provisions for maintenance by the HOA; or that the bike trail has been dedicated to the County along with a funding mechanism for on-going maintenance.

Comments By Staff

Last Update on:

Updated By:

12/18/2014 2:48:54PM

MACKD

Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN120802

(as of 03/02/2015)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The term "applicant" as used in these conditions means Telespan Communications LLC and its successors and assigns. This Combined Development Permit (PLN120802) consists of: 1) Coastal Development Permit to allow the development of a wireless telecommunications "Co-location Facility". The facility includes a 150 foot high monopole that will support up to four commercial telecommunication providers, two 240 square foot equipment shelters, two 50 foot emergency generators and two 100 square foot areas for future equipment shelters for commercial telecommunication providers. The facility would be located in a 3,500 square foot fenced in area. The project includes approximately 1,730 cubic yards of grading (865 cubic yards of cut and 865 cubic yards of fill) for site improvements including a new access road and will require the removal of two Pajaro Manzanita scrubs; 2) Coastal Development Permit to allow the removal of 14 trees (five Oaks, two Pines, and seven Cottonwoods); 3) Coastal Development Permit to allow ridgeline development; and 4) Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat area. The property is located 1/2 mile south of the Hall Road and San Miguel Canyon Road Intersection, Royal Oaks (Assessor's Parcel Number 181-061-012-000), North County Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Comments By Staff

Last Update on:

Updated By:

1/219/2014: On-going condition

4/10/2014 8:33:49AM

LISTERDM

Condition Compliance Status Report for PLN120802

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 14-007) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 181-061-012-000 on January 29, 2014. The permit was granted subject to 22 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

Comments By Staff

Last Update on:

Updated By:

Documents sent to Applicant on Tuesday, February 18, 2014.

5/1/2014 9:29:26AM

LISTERDM

4/9/2014: Permit Approval Notice, Documnet No. 2014015759

Condition Compliance Status Report for PLN120802

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

Current Status: **On-Going**

Responsible Department: Planning Department

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

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

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Comments By Staff

Last Update on:

Updated By:

1/29/2014: On-going condition

4/10/2014 8:34:15AM

LISTERDM

Condition Compliance Status Report for PLN120802

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

Current Status: **Met**

Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

January 29, 2014: Notice of Determination filed with the County Clerks office: Doc. No. 2014-0010

2/3/2014 10:18:21AM

LISTERDM

5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) 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 Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

4/17/14: signed and notarized Mitigation Monitoring Agreement forwarded to County Counsel for Approval.

4/24/2014 2:38:14PM

LISTERDM

4/24/2014: Document No. 2014018422

Condition Compliance Status Report for PLN120802

6. PD010 - EROSION CONTROL PLAN

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of RMA - Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

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

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

Prior to final inspection, the Applicant shall provide evidence of compliance with the Implementation Schedule to RMA - Planning Department and RMA - Building Services.

Comments By Staff

Last Update on:

Updated By:

3/18/2014: Erosion Control Plan submitted. Staff is waiting for the Building Services Department/Environmental Team to review and approve plans.

5/1/2014 9:28:27AM

LISTERDM

4/29/2014: Karen Riley-Olms (RMA -Building Services Dept.) review and approved the erosion control plans.

Condition Compliance Status Report for PLN120802

7. PD016 - NOTICE OF REPORT

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, the Applicant shall record a notice with the Monterey County Recorder which states:
"A Forest Management Plan (Assessment and Recommendations) for Telespan Communications Tower (Library No. LIB130241), was prepared by Cassady Bill Vaughan of Vaughan Forestry and Land Management on May 7, 2013 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."

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

Prior to Building Final, the Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

Comments By Staff

Last Update on:

Updated By:

Documents sent to Applicant on Tuesday, February 18, 2014.

10/13/2014 9:51:54AM

LISTERDM

4/9/2014: Document No. 2014015758

10/10/2014: Letter from Vaughan Forestry & Land Management was received stating that work has been completed consistent with the Forest Management Plan (LIB130241). Recommended in the report is monitoring of the replacement trees for three years. A report will be submitted at the end of the three years.

8. PD032(A) - PERMIT EXPIRATION

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on January 29, 2017 unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

Comments By Staff

Last Update on:

Updated By:

1/29/2014: On-going condition

4/10/2014 8:35:40AM

LISTERDM

Condition Compliance Status Report for PLN120802

9. PD039(A) - WIRELESS INDEMNIFICATION

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant agrees as a condition and in consideration of the approval of the permit to enter into an indemnification agreement with the County whereby the applicant agrees to defend, indemnify, and hold harmless the County, its officers, agents and employees from actions or claims of any description brought on account of any injury or damages sustained by any person or property resulting from the issuance of the permit and conduct of the activities authorized under said permit. Applicant shall obtain the permission of the owner on which the wireless communication facility is located to allow the recordation of said indemnification agreement, and the applicant shall cause said indemnification agreement to be recorded by the County Recorder as a prerequisite to the issuance of the building and/or grading permit. The County shall promptly notify the applicant of any such claim, action, or proceeding and the County shall cooperate fully in the defense thereof. The County may, at its sole discretion, participate in the defense of such action, but such participation shall not relieve applicant of its obligations under this condition. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Prior to the issuance of grading or building permits, the Owner/Applicant shall submit proof of recordation of the Indemnification Agreement, as outlined, to RMA-Planning.

Comments By Staff	Last Update on:	Updated By:
<i>4/17/14: signed and notarized Mitigation Monitoring Agreement forwarded to County Counsel for Approval.</i>	<i>4/28/2014 11:17:47AM</i>	<i>LISTERDM</i>

Documents sent to Applicant on Tuesday, February 18, 2014.

4/28/2014: Document No. 2014018742

10. PD039(B) - WIRELESS REDUCE VISUAL IMPACTS

Current Status: On-Going

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall agree in writing that if future technological advances allow for reducing the visual impacts of the telecommunication facility, the applicant shall make modifications to the facility accordingly to reduce the visual impact as part of the facility's normal replacement schedule. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Applicant shall submit, in writing, a declaration agreeing to comply with the terms of this condition RMA - Planning for review and approval.

Comments By Staff	Last Update on:	Updated By:
<i>3/14/2014: Applicant submitted letter agreeing to comply with said condition. On-going condition</i>	<i>4/10/2014 9:06:30AM</i>	<i>LISTERDM</i>

Condition Compliance Status Report for PLN120802

11. PD039(D) - WIRELESS REMOVAL

Current Status: On-Going

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If the applicant abandons the facility or terminates the use, the applicant shall remove the monopole, panel antennas, and equipment shelter. Upon such termination or abandonment, the applicant shall enter into a site restoration agreement subject to the approval of the Director of RMA - Planning and County Counsel. The site shall be restored to its natural state within six (6) months of the termination of use or abandonment of the site.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: If the applicant abandons the facility or terminates the use, prior to the issuance of grading or building permits or on an on-going basis, the Applicant shall submit a site restoration agreement to RMA - Planning subject to the approval of the RMA - Director of Planning and County Counsel.

Within 6 months of termination of use or abandonment of the site, the Applicant shall restore the site to its natural state.

Comments By Staff

Last Update on:

Updated By:

3/13/2014: Letter from applicant received agreeing with the condition. On-going condition

4/10/2014 9:05:58AM

LISTERDM

12. PD039(E) - WIRELESS EMISSION

Current Status: Partially Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The facility must comply with Federal Communications Commission (FCC) emission standards. If the facility is in violation of FCC emission standards, the Director of RMA - Planning shall set a public hearing before the Appropriate Authority whereupon the appropriate authority may, upon a finding based on substantial evidence that the facility is in violation of the then existing FCC emission standards, revoke the permit or modify the conditions of the permit. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of use and on an on-going basis, the Applicant shall submit documentation demonstrating compliance with the FCC emission standards to the Director of RMA-Planning for review and approval.

On an on-going basis, if the facility is in violation of FCC emission standards, the Director of RMA-Planning shall set a public hearing before the Appropriate Authority to consider revocation or modification of the permit.

Comments By Staff

Last Update on:

Updated By:

1/27/2015: Wireless Emissions survey submitted for Verizon Wireless

1/28/2015 8:59:27AM

LISTERDM

Condition Compliance Status Report for PLN120802

13. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

Comments By Staff

Last Update on:

Updated By:

5/2/2014: A letter was received by biologist, Scott Hennessey stating that no active nesting was observed on the property.

5/2/2014 4:08:01PM

LISTERDM

14. PD009 - GEOTECHNICAL CERTIFICATION

Current Status: **Met**

Responsible Department: Planning Department

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

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

Comments By Staff

Last Update on:

Updated By:

10/6/2014: Final Report prepared by Earth Systems Pacific, dated 9/10/14. The report verifies that the project was constructed consistent with geotechnical recommendations of the geotechnical report. RMA - Building Services concurs with the certification.

10/13/2014 9:58:18AM

LISTERDM

Condition Compliance Status Report for PLN120802

15. PD029 - HOURS OF OPERATION

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Hours of operation shall be 8AM to 4:30PM, Monday through Friday. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of use and on an on-going basis, the Applicant shall demonstrate compliance with the hours of operation to the Director of RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

1/29/2014: On-going condition

4/10/2014 9:14:48AM

LISTERDM

16. PDSP001 - INVASIVE PLANT SPECIES

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: During the construction of the access road and project site, all invasive non-native vegetation on-site shall be removed. Prior to construction permit issuance, the applicant shall submit a landscaping plan indicating the location of invasive species within the project site and provide measures to properly remove invasive species. Once construction has ceased, the applicant shall continue to maintain the site to ensure vegetation remains free of invasive plant species. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to construction permit issuance, the Applicant shall submit a landscaping plan indicating the location of invasive species within the project site and provide measures to properly remove invasive species. The plan shall be reviewed and approved by a qualified professional biologist prior to submitted the plan to RMA - Planning for review and approval.

On and on-going basis, the applicant shall maintain the project site by removing invasive species, as approved in the landscaping plan.

Comments By Staff

Last Update on:

Updated By:

3/18/2014: A invasive species removal plan has been submitted and approved. On-going condition

4/10/2014 10:19:52AM

LISTERDM

Condition Compliance Status Report for PLN120802

17. PDSP002 - STORMWATER CONTROL PLAN

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall provide a Stormwater Control Plan with a completed Site Design and Runoff Reduction Checklist identifying the design strategies and design measures proposed to minimize stormwater runoff, as defined in Monterey County Code Chapter 16.14 and adopted by the California Regional Water Quality Control Board on July 12, 2013, Resolution No. R3-2013-0032. The Stormwater Control Plan shall be submitted to RMA - Planning and RMA - Building Services for review and approval.

Compliance or Monitoring Action to be Performed: 1) Prior to the issuance of any construction permits, the Applicant must submit a Stormwater Control Plan to RMA - Planning and RMA - Building Services for review and approval.

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

Prior to final inspection, the Applicant shall provide evidence of compliance with the Implementation Schedule to RMA - Planning Department and RMA - Building Services.

Comments By Staff

Last Update on:

Updated By:

3/18/2014: RMA - Planning received Stormwater Control Plans. Staff is waiting for the Building Services Department/Stormwater Team to review and approve said plans.

5/1/2014 9:31:46AM

LISTERDM

4/29/2014: Karen-Riley Olms (RMA Building Services Dept) reviewed the project and determined that a stormwater control plan was not required.

18. PDSP003 - AIR DISTRICT PERMIT (BACKUP GENERATORS)

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: An Air District Permit from the Monterey Bay Unified Air Pollution Control District (MBUAPCD) is requirements for the two diesel backup generators. A copy of the permit shall or written confirmation from MBUAPCD shall be submitted to RMA - Planning for review and approval. The Applicant shall obtain the permit prior to Building Final. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to Building Final, the Applicant shall obtain an Air District Permit for the two diesel backup generators. A copy of the permit or written confirmation from MBUAPCD shall be submitted to RMA - Planning for review and approval.

Comments By Staff

Last Update on:

Updated By:

5/01/2014: Verizon submitted a letter which states that an Air District Permit is not required.

1/12/2015 12:41:54PM

LISTERDM

10/6/2014: According to an e-mail from MBUAPCD, the backup generator used by Verizon is exempt from an Air District Permit.

Condition Compliance Status Report for PLN120802

19. MM1: MITIGATION MEASURE: PAJARO MANZANITA REPLANTING

Current Status: Partially Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE: PAJARO MANZANITA REPLANTING

Pursuant to the Biotic Survey prepared by Scott Hennessy (LIB130240), replacement of the Pajaro manzanita shall be at a ratio of 3:1. A qualified professional biologist shall submit a replanting and monitoring plan which identifies the replanting area which shall be located next to existing thriving chaparral species on-site and shall provide maintenance recommendations that shall occur during the three-years of monitoring. The approved replanting area must be surveyed and placed in a Scenic and Conservation Easement to protect the replanting area and existing chaparral species near the replacement planting in perpetuity. At the end of the three year monitoring, a qualified professional biologist shall submit a report containing to the status of the replanting. If replanting fails, the biologist shall recommend additional replanting, maintenance measures and monitoring.

Compliance or Monitoring Action to be Performed:

a) Prior to the issuance of any construction permits, the owner/applicant shall submit a replanting and monitoring plan prepared by a qualified professional biologist to RMA - Planning for review and approval.

b) Prior to the issuance of any construction permit, the owner/applicant must submit a request for a Scenic and Conservation Easement to be placed over the approved replanting area to RMA - Planning to be processed. The request shall include a survey of the replanting area, legal description of the easement/replanting area and any associated fees for the processing of the easement.

c) After three years of monitoring, a qualified professional biologist shall submit a report pertaining to the status of the replanting. If replanting fails, the biologist shall recommend additional replanting, maintenance measures and monitoring.

Comments By Staff

Last Update on:

Updated By:

3/18/2014: Invasive Species Removal and Manzanita Replanting Plan submitted with a stamped and sign conservation easement survey and legal description. Staff is still waiting for signed and notarized scenic and conservation easement document with attachments.

1/9/2015 3:11:56PM

LISTERDM

4/17/2014: Scenic and Conservation Easement reviewed by County Counsel. The Scenic and Conservation Easement was sent to California Coastal Commission.

10/1/2014: Photo was submitted showing that three (3) Pajara Manzanita species have been planted. The three years of require monitoring begins, as of September 24, 2014 when the photos were submitted

1/9/2015: Revised Scenic and Conservation Easement was review and signed by County Counsel and the Director of RMA-Planning. The Easement has been schedule for adoption by the Board of Supervisors.

Condition Compliance Status Report for PLN120802

20. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Current Status: **Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to San Miguel Canyon Road.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

Encroachment Permit issued on 4/25/2014, permit number 14EP0524. (For Dennis Esteban)

4/25/2014 5:10:34PM

HERNANDEZJ

21. PWSP01 - NON-STANDARD

Current Status: **Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall enter into a road maintenance agreement with the County of Monterey, Department of Public Works for maintenance and liability of the entire access road from the San Miguel Canyon Road to the cell site.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall submit executed agreement to DPW for review and approval.

Comments By Staff

Last Update on:

Updated By:

Road Maintenance Agreement executed by applicant submitted on 4/9/2014 to DPW for review and approval.

4/11/2014 3:26:48PM

HERNANDEZJ

Condition Compliance Status Report for PLN120802

22. EHSP01 - HAZARDOUS MATERIALS BUSINESS RESPONSE PLAN (NON-STANDARD)

Current Status: **Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory).
(Environmental Health)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading/building permits, the applicant shall submit a Hazardous Materials Questionnaire and the signed Business Response Plan – Memorandum of Understanding (form available from EHB) that specifies an approved Business Response Plan must be on file with Hazardous Materials Management Services prior to bringing hazardous materials on site and/or commencement of operation. Once approved, the applicant shall maintain an up-to-date Business Response Plan.

Comments By Staff

Last Update on:

Updated By:

04/03/2014: EHB RECEIVED COMPLETED MOU/BRP FROM APPLICANT. THE DOCUMENT IS DATED 04/02/2014, SIGNED BY RANDALL SCHWABACHER FOR AT&T MOBILITY. VCCNC FORM WITH ATTACHED MOU IS LINKED IN THE DOCUMENTS MODULE.

4/3/2014 8:54:13AM

TREFFRYPT

Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN120627

(as of 03/02/2015)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit is a Combined Development Permit consisting of: 1) a Coastal Administrative Permit and Design Approval to allow construction of a 425 square foot guesthouse that will be attached to an existing single family residence by a wall that will be approximately 10 feet long and 7 feet tall, extension of an existing fence that will attach to guesthouse and restoration of 702 square feet of paved areas to native dune habitat; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and 3) a Coastal Development Permit to allow development within 750 feet of known archaeological resources. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Comments By Staff

Last Update on:

Updated By:

5/22/14-This condition is on-going during the life of the permit. (Fernando Vargas-Permit Technician II).

9/19/2014 4:15:08PM

VARGASF

Condition Compliance Status Report for PLN120627

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 14-006) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 008-012-006-000 and 008-012-009-000 on January 29, 2014. The permit was granted subject to 20 conditions of approval, including 3 mitigation measures, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."

Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

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

Comments By Staff

Last Update on:

Updated By:

10/7/14-Received from Recorder's Office original recorded notice; recorded on 9/3/14, Doc #:2014041353 (3-pages). This condition is met. (Fernando Vargas-Pemit Technician II).

10/9/2014 8:38:10AM

VARGASF

10/7/14-Received from Recorder's Office original recorded notice; recorded on 5/21/14, Doc #:2014023464. (3-pages). This condition is met. (Fernando Vargas-Pemit Technician II).

5/22/14 --On 5/22/14, Jay Auburn submitted a copy of recorded notice; recorded on 5/21/14, Doc #:2014023464. (3-pages). This condition is met. (Fernando Vargas-Pemit Technician II).

Condition Compliance Status Report for PLN120627

3. PD004 - INDEMNIFICATION AGREEMENT

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

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

Comments By Staff

Last Update on:

Updated By:

10/8/14-Received from Recorder's Office original recorded Indemnification Agreement; recorded on August 28, 2014, Doc #: 2014040512 (35-pages). This condition is met. (Fernando Vargas-permit Technician II)

10/8/2014 12:11:31PM

VARGASF

8/28/14-On August 28, 2014, Jay Auburn submitted a copy of the recorded Indemnification Agreement; recorded on August 28, 2014, Doc #: 2014040512 (35-pages). This condition is met. (Fernando Vargas-permit Technician II)

5/27/14: County Counsel signed Indemnification Agreement and forwarded to Director of RMA - Planning. kakimoto

5/22/14: Indemnification Agreement was given to Clerical Team (Monique Kakimoto) to send to County Counsel for approval. (Fernando Vargas-Permit Technician II)

Condition Compliance Status Report for PLN120627

4. PD002(A) - ATTACH RESOLUTION TO CONSTRUCTION PLANS

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A copy of the Resolution of Approval (Resolution No. 14-006) for the Combined Development Permit (Planning File No.: PLN120627) shall be incorporated onto the construction plans for the project prior to the issuance of a grading or building permit. The Contractor/Owner/Applicant shall be responsible for compliance with all conditions of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall submit evidence to RMA-Planning for review and approval, that the Resolution of Approval, for the project, has been incorporated onto the construction plans for the project/approved development.

Ongoing throughout construction and until all Conditions of Approval and/or Mitigation Measures have been complied with, the Contractor/Owner/Applicant shall provide evidence of compliance with Conditions of Approval to the Responsible Land Use Department as specified in the "Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan."

Comments By Staff

Last Update on:

Updated By:

8/29/14-Resolution (notes) Attached to Construction Permit 14CP00830. This condition is ongoing- (Fernando Vargas-Permit Technician II)

10/8/2014 12:07:19PM

VARGASF

Condition Compliance Status Report for PLN120627

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

Current Status: On-Going

Responsible Department: Planning Department

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

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

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Comments By Staff

Last Update on:

Updated By:

8/29/14-The cultural resources condition is noted on the construction plans (CP# 14CP00830. This condition is on-going during the life of the permit. (Fernando Vargas-Permit Technician II)

9/19/2014 4:07:06PM

VARGASF

Condition Compliance Status Report for PLN120627

6. PD052 - PRE-CONSTRUCTION MEETING

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the commencement of any grading or construction activities, a pre-construction meeting shall be held on the site. The meeting shall include representatives of each of the selected contractors, any consultant who will conduct required monitoring, the Owner/Applicant, the RMA-Planning Department and any other appropriate County Departments. The purpose of the meeting is to review the conditions of approval that are applicable to the grading and construction of the approved development. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to commencement of any grading or construction activities, the Owner/Applicant shall contact RMA-Planning to schedule a pre-construction meeting prior to commencement of any grading or construction activities. The Owner/Applicant shall be responsible for ensuring that all appropriate contractors and technical consultants are in attendance. RMA-Planning staff shall be responsible for identifying and notifying other County Departments that should attend the meeting (if applicable).

Comments By Staff

Last Update on:

Updated By:

10/07/2014: On October 7, 2014; Planner Delinda Robinson met on the site with contractor (Hunt Brothers Construction), construction crew and Bryan Mori (Black legged lizard biologist). Went over all conditions of approval and discussed actions to be taken during and at the end of construction. (Delinda Robinson-Planner)

10/8/2014 12:12:14PM

VARGASF

7. PD032(A) - PERMIT EXPIRATION

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on January 29, 2017 unless use of the property or actual construction has begun within this period. (RMA-Planning) (Fernando Vargas-Permit Technician II).

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

Comments By Staff

Last Update on:

Updated By:

10/10/2014 2:05:38PM

VARGASF

Condition Compliance Status Report for PLN120627

8. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:

- Only 1 guesthouse shall be allowed per lot.
- Detached guesthouses shall be located in close proximity to the principal residence.
- Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.
- The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.
- The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.
- The guesthouse shall not exceed 425 square feet of livable floor area.
- The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
- Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.
- The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.
- The guesthouse height shall not exceed 12 feet nor be more than one story.

(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

10/8/14-Received from Recorder;s Office original recorded Deed Restriction; recorded on August 28, 2014, Doc #: 2014040513. This condition is met. (Fernando Vargas-permit Technician II).

10/8/2014 12:17:39PM

VARGASF

8/28/14-On August 28, 2014, Jay Auburn submitted a copy of the recorded Deed Restriction; recorded on August 28, 2014, Doc #: 2014040513. This condition is met. (Fernando Vargas-permit Technician II).

5/22/14- On 5/21/14, Jay Auburn submitted the executed and notarized Deed Restriction. (Fernando Vargas-Permit Technician II).

5/22/14 -On 5/22/14, the Deed Restriction was given to the Clerical Team(Monique Kakimoto) to send to County Counsel for their review and approval.

Condition Compliance Status Report for PLN120627

9. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Current Status: Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) 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 Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
2) Fees shall be submitted at the time the property owner submits the signed Agreement.
3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

8/28/14-On 8/28/14, Jay Auburn submitted the executed and notarized Condition of Approval/Mitigation Monitoring Plan and the required fees. Document # 2014040512 (16-pages) This condition is met- (Fernando Vargas-Permit Technician II).

10/8/2014 12:23:15PM

VARGASF

On , Office Assistant, Monique Kakimoto mailed/e-mailed/hand delivered the (Mitigation Monitoring Agreement to Jay Auburn. (Fernando Vargas-Permit Technician II)

On 5/22/14, the Mitigation and Monitoring Agreement was given to Clerical Team to send to County Counsel for their review and approval. (Fernando Vargas-Permit Technician II)

Condition Compliance Status Report for PLN120627

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

Current Status: **Met**

Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

NOD FILED (CLERK RECORDR'S #2014-0012) AND FEE PAID (RECEIPT #130441) ON JANUARY 30, 2014. SEE DOCUMENTS FOR COPIES. CLEARED BY D ROBINSON ON JANUARY 30, 2014.

1/30/2014 4:10:06PM

ROBINSOND

Condition Compliance Status Report for PLN120627

11. PD010 - EROSION CONTROL PLAN

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of RMA - Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

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

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

Prior to final inspection, the Owner/Applicant shall provide evidence of compliance with the Implementation Schedule to RMA - Planning Department and RMA - Building Services.

Comments By Staff

Last Update on:

Updated By:

08/29/2014
Received and approved Erosion Control plan submittal under 14CP00830.
(Karen Riley-Olms, RMA-Environmental Services)

8/29/2014 3:55:13PM

RILEYKA

Condition Compliance Status Report for PLN120627

12. WR049 - WATER AVAILABILITY CERTIFICATION

Current Status: **Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:
www.mcwra.co.monterey.ca.us.

Comments By Staff

Last Update on:

Updated By:

- CONDITION MET 05/09/2014.
- VCCNC FORM WITH WRA CLEARING MEMO IN DOCUMENTS MODULE.
- CONDITION CLEARED BY MIKE LOGSDON.

5/9/2014 12:52:30PM

LOGSDONM

Condition Compliance Status Report for PLN120627

13. FIRE011 - ADDRESSES FOR BUILDINGS

Current Status: Met

Responsible Department: Fire

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

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

Comments By Staff

Last Update on:

Updated By:

On 05/15/14, Applicant did install the required address signage and shall obtain fire department approval of the fire department final inspection.

9/29/2014 2:54:47PM

YOUNGS

On 03/09/13, Applicant did incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Condition Compliance Status Report for PLN120627

14. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

Current Status: Met

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Manage combustible vegetation from within a minimum of 100 feet of structures, or to the property line, whichever is closer. Trim tree limbs to a minimum height of 6 feet from the ground. Remove tree limbs from within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a final building inspection, the Applicant shall complete the vegetation management and shall obtain fire department approval of the final fire inspection.

Comments By Staff

Last Update on:

Updated By:

On 05/12/14 Prior to requesting a final building inspection, the Applicant did complete the vegetation management and shall obtain fire department approval of the final fire inspection.

9/29/2014 2:55:57PM

YOUNGS

15. FIRE021 - FIRE PROTECTION- SPRINKLER SYSTEM (STANDARD)

Current Status: Met

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

Comments By Staff

Last Update on:

Updated By:

On 05/12/14, Prior to requesting a final building inspection, the Applicant did complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection

9/29/2014 2:56:56PM

YOUNGS

Condition Compliance Status Report for PLN120627

16. FIRE029 - ROOF CONSTRUCTION - (CYPRESS/PEBBLE BEACH)

Current Status: **Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Pebble Beach Community Services District)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Comments By Staff

Last Update on:

Updated By:

On 05/12/14, Prior to issuance of building permit, the Applicant did print the text of this condition as "Fire Dept. Notes" on construction plans.

9/29/2014 2:57:33PM

YOUNGS

Condition Compliance Status Report for PLN120627

17. MM NO. 1: PROTECTION OF BLACK LEGLESS LIZARDS

Current Status: **Partially Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Mitigation Measure No. 1: In order to prevent impacts to Black legless lizards, prior to the issuance of a building or grading permit, a qualified biologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), prepare a Black Legless Lizard Management Plan (BLLMP), which shall be implemented throughout the construction period. A copy of the BLLMP and evidence that CDFW concurs with the contents of the plan shall be submitted to the RMA-Planning Department for review and approval. At a minimum, the plan shall include the following requirements: 1) A qualified biologist shall be present on the site during all ground disturbing activities to monitor for the presence of Black legless lizards. 2) If Black legless lizards are located within an area of active construction, the biologist shall have the authority to stop work until the animal has left the area or appropriate measures as approved in the plan have been taken. 3) Prior to the initiation of construction activities, all construction workers who will be working on the site will be trained regarding habitat sensitivity, identification of Black legless lizards and required practices. The training shall include a brief review of the biology of the species, the general measures that are being implemented to conserve the species as they relate to the project, guidelines to avoid impacts to the species during the construction period, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information shall be prepared and distributed to all of the workers onsite. Upon completion of training, employees shall sign a form stating that they attended the training and understand all the conservation and protection measures and provide a copy to the RMA-Planning Department.

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

Monitoring Action No. 1: Prior to the issuance of a building or grading permit, the applicant/owner shall submit a BLLMP and evidence of CDFW concurrence with the contents of the plan to the RMA-Planning Department for review and approval.
Monitoring Action No. 2: Prior to the issuance of a building or grading permit, the applicant/owner shall submit a copy of a contract with a qualified biologist to perform required the training and monitoring.
Monitoring Action No. 3: Prior to the initiation of construction activities, the applicant/owner shall submit a copy of the training materials and the signed acknowledgements from the workers who attended the training.
Monitoring Action No. 4: The approved BLLMP shall be implemented throughout the construction phase of the project.

Comments By Staff

Last Update on:

Updated By:

Condition Compliance Status Report for PLN120627

10/7/14-On October 6, 2014; Planner Delinda Robinson submitted copy of the training material and one contractors log signed by workers whom attended the BLLMP training. This Condition is partially met. (Fernando Vargas-Permit Technician II)

10/8/2014 12:06:06PM

VARGASF

ACCEPTABLE BLACK LEGLESS LIZARD MANAGEMENT PLAN AND E-MAIL CONCURRENCE FROM BRANDON SANDERSON (CDFW) THAT PLAN IS ACCEPTABLE TO CDFW RECEIVED BY E-MAIL ON 09/19/2014. CONDITION PARTIALLY CLEARED BY D ROBINSON ON 10/03/2014.

APPLICANT NEEDS TO SUBMIT CONTRACT WITH A QUALIFIED BIOLOGIST TO PERFORM REQUIRED TRAINING AND MONITORING PRIOR TO ISSUANCE OF CONSTRUCTION PERMIT.

10/07/2014: MET ON SITE WITH BIOLOGIST BRYAN MORI. MORI PROVIDE SIGN IN SHEET FOR TRAINING AND COPY OF BLACK LEGLESS LIZARD HANDOUT THAT WAS PROVIDED TO CONSTRUCTION WORKERS. MONITORING ACTION NO. 3 HAS BEEN COMPLETED. PARTIALLY CLEARED BY DELINDA ROBINSON 10/07/2014.

MMA MAILED TO AGENT ON 3/11/14

Condition Compliance Status Report for PLN120627

18. MM NO. 2: CONSERVATION AND SCENIC EASEMENT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 2: In order to prevent impacts to environmentally sensitive dune habitat adjacent to the proposed project, a conservation and scenic easement shall be conveyed to the Del Monte Forest Conservancy over the areas of pavement being restored to dune habitat and those areas east of the driveway where environmentally sensitive habitats and remnant native sand dune habitats exist (all undeveloped land) in accordance with the procedures in Monterey County Code § 20.64.280.A. The easement shall be developed in consultation with a certified professional and the Del Monte Forest Conservancy. A Subordination Agreement shall be required, where necessary. These instruments shall be subject to approval by the County as to form and content, shall provide for enforcement, if need be, by the County or other appropriate agency, and name the County as beneficiary in event the Conservancy is unable to adequately manage these easements for the intended purpose of scenic and visual resource protection. An easement deed shall be submitted to, reviewed and approved by the Director of RMA - Planning and the Executive Director of the California Coastal Commission, and accepted by the Board of Supervisors prior to the issuance of grading and building permits.

Compliance or Monitoring Action to be Performed: Monitoring Action No. 1: Prior to the issuance of a construction permit, the applicant/owner shall 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 Del Monte Forest Conservancy and the RMA-Planning Department for review and approval.
Monitoring Action No. 2: Prior to the issuance of a construction permit, the applicant/owner shall submit a signed and notarized Subordination Agreement (if required) to RMA - Planning for review and approval.
Monitoring Action No. 3: Prior to final inspection, the applicant/owner shall record the deed and map showing the approved conservation and scenic easement and Subordination Agreement (if required). Submit a copy of the recorded deed and map to RMA – Planning.

Comments By Staff

Last Update on:

Updated By:

10/7/14-On September 2, 2014; Permit Technician Fernando Vargas received via e-mail, from Jay Auburn a copy of the legal description and a map of the proposed Scenic Easement. This condition is partially met. (Fernando Vargas-Permit Technician II)

10/8/2014 12:06:43PM

VARGASF

9/26/14: Copy of document sent to Coastal Commission Headquarters for review. monique kakimoto

9/12/14: Document prepared and mailed to Agent, Jay Auburn. kakimoto

3/11/14: MMA MAILED TO AGENT

Condition Compliance Status Report for PLN120627

19. MM NO. 3: DUNE RESTORATION PLAN REQUIRED

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation Measure No. 3: In order to reduce impacts to environmentally sensitive dune habitat to less than significant, the applicant/owner shall have a qualified biologist from the County's list of approved biological consultants prepare and implement a dune restoration plan (DRP) for the conservation and scenic easement area required by Mitigation Measure No. 1. The DRP shall include at a minimum: 1) removal of invasive and non-native plant species and replanting with appropriate native dune species; 2) a planting plan in sufficient detail to identify the location, species and size of the proposed plant materials; 3) success criteria; and 4) monitoring of the Dune Restoration Plan area for a minimum of 3 years or until the success criteria have been met, whichever occurs later.

Compliance or Monitoring Action to be Performed: Monitoring Action No. 1: Prior to the issuance of a construction permit, the applicant/owner shall submit the dune restoration plan to the RMA-Planning Department for review and approval.

Monitoring Action No. 2: Prior to the issuance of a construction permit, the applicant/owner shall submit a copy of a contract with a qualified biologist to implement and monitor the DRP.

Monitoring Action No. 3: Prior to final inspection, the applicant/ shall either: 1) submit evidence that the DRP has been fully implemented and that the required monitoring has been completed; or 2) post a bond in the amount necessary to complete all installation and monitoring of the DRP. If a bond is to be posted, the applicant/owner shall submit an estimate of the cost of installation of the remainder of the DRP and associated monitoring prepared by the project biologist.

Comments By Staff

Last Update on:

Updated By:

10/8/14-On October 8, 2014; contractor Todd Hunt submitted via e-mail, Biologist contract approved and signed by Mr. Berolzheimer (2-pages). This condition is partially met. (Fernando Vargas-Permit Technician II)

10/8/2014 12:05:39PM

VARGASF

MMA MAILED TO AGENT ON 3/11/14

10/06/2014: ACCEPTABLE DUNE RESTORATION PLAN PREPARED BY FRED BALLERINI SUBMITTED BY JAY AUBURN BY E-MAIL ON 10/03/2014. COPY OF DUNE RESTORATION PLAN IS SAVED INTO DOCUMENTS. CONDITION IS PARTIALLY CLEARED BY DELINDA ROBINSON.

Condition Compliance Status Report for PLN120627

20. PDSP001 - OFFSITE DUNE HABITAT RESTORATION

Current Status: **Partially Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Prior to the issuance of a building or grading permit, the applicant/owner shall submit to the RMA-Planning Department for review and approval an offsite dune habitat restoration plan that provides for restoration of dune habitat within the Asilomar Dunes system at a ratio of 2:1 for any new structural coverage within potential dune habitat over existing conditions (i.e. for any new areas of the site that are being converted from dune habitat to residential uses). The plan shall clearly identify each type of new dune habitat coverage (structural and non-structural) in site plan view with accompanying square footage calculations.

If the applicant provides off-site dune habitat restoration in situ, prior to final inspection the applicant shall provide evidence to the RMA-Planning Department for review and approval that the approved restoration plan has been implemented. In lieu of providing for off-site dune habitat restoration in-situ, the applicant may submit to the RMA-Planning Department for review and approval evidence of payment of an in-lieu fee, based on the increase in structural coverage within potential dune habitat over existing conditions, that has been deposited with the City of Pacific Grove for the existing program established and managed by the City of Pacific Grove for the sole purpose of financing dune habitat restoration and maintenance within the Asilomar Dunes system. All of the funds and any accrued interest shall be used for the above-stated purpose.

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

Prior to issuance of building or grading permit, applicant/owner shall submit to the RMA-Planning Department a dune habitat restoration plan which provides for either in-situ restoration or evidence that in-lieu payment has been made to the City of Pacific Grove.

Prior to final inspection, if the applicant provides off-site dune restoration in situ, provide evidence to the RMA-Planning Department that the approved restoration plan has been implemented.

Comments By Staff

Last Update on:

Updated By:

10-8/14-On October 6, 2014 Jay Auburn submitted via e-mail, a copy of a payment to the City of Pacific Grove for the amount of \$861.12 Dollars; receipt # 02000084961; Dated October 6, 2014 (1-page). This in-lieu payment is for the City of Pacific Grove Dunes restoration and maintenance plan. This condition is partially met. (Fernando Vargas-Permit Technician II)

10/8/2014 12:38:33PM

VARGASF

APPLICANT TO PAY \$861.12 TO CITY OF PACIFIC GROVE ENVIRONMENTAL ENHANCEMENT FUND (FUND 5). CONDITION CAN BE CLEARED WHEN RECEIPT FOR PAYMENT IS SUBMITTED.

Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN080527

(as of 03/02/2015)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The term "Applicant" or "Owner/Applicant" as used in these conditions means California-American Water (Cal-Am) and its successors and assigns.

This Combined Development Permit consisting of a: 1) Use Permit for the replacement of two existing 55,000 gallon water storage tanks with two 200,000 gallon water storage tanks; 2) Administrative Permit for development within a Visual Sensitivity (VS) Zoning District; 3) Use Permit for development on slopes in excess of 25%; and 4) Tree Removal Permit to allow the removal of two Oak (8" and 20") trees. The property is located off of Paseo Privado, Salinas (Assessor's Parcel Number 161-211-013-000), Toro Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Comments By Staff

Last Update on:

Updated By:

3/2/2015 12:56:03PM

LAWRENCEL

Condition Compliance Status Report for PLN080527

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 14-020) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 161-211-013-000 on April 30, 2014. The permit was granted subject to 25 conditions (including 3 mitigations) of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

Comments By Staff

Last Update on:

Updated By:

5/9/2014 2:55:48PM

ALLENC

Condition Compliance Status Report for PLN080527

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

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

Action to be Performed: Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

4. PD004 - INDEMNIFICATION AGREEMENT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

5. PD008 - GEOLOGIC CERTIFICATION

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

6. PD010 - EROSION CONTROL PLAN

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.
(RMA - Planning Department and RMA - Building Services Department)

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

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

7. PD011 - TREE AND ROOT PROTECTION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of 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 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)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall 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.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

8. PD011(A) - TREE REMOVAL

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

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

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

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

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 RMA - Planning. 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)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be installed and inspected.

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

11. PD009 - GEOTECHNICAL CERTIFICATION

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

12. PD001 - NON STANDARD HOURS OF OPERATION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: In order to reduce the impacts of noise related to construction activities, the hours of operation will be between the hours of 8-5, Monday through Friday.

Compliance or Monitoring Action to be Performed: Priro to final of the building permit, the applicant shall submit evidence from the general contractor stating the hours of operation were adhered to during construction activities.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

13. PD014(B) - LIGHTING-EXTERIOR LIGHTING PLAN (VS & RIDGELINE)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lighting shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 21.06.195, are prohibited. The applicant shall submit three (3) copies of exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to issuance of building permits.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

14. PD032(A) - PERMIT EXPIRATION

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on April 30, 2017, unless use of the property or actual construction has begun within this period. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

15. PD041 - HEIGHT VERIFICATION

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

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

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

16. SPPD001 - Biological Resources (Jolon Clarkia)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation 1 (Jolon clarkia): To ensure impacts to Jolon clarkia are less than significant a focused botanical survey shall be conducted during the appropriate blooming period (April-June) to locate any Jolon clarkia present within the project site prior to the issuance of building or grading permits. The biologist shall prepare a report that provides the results of the survey, including a description of the baseline habitat conditions, and, if found, the number of individuals and location of the populations identified within the area of impact. If no individuals are found, no further mitigation is necessary. If individuals are found a Rare Plant Restoration Plan shall be submitted prior to issuance of building or grading permits and must include the following:

- a) Individuals shall be avoided to the maximum extent possible; or
- b) If avoidance is not possible, the species shall be replaced at a 1:1 ratio for the number of individuals impacted (Rare Plant Restoration shall be prepared). The applicant shall submit a site plan under the direction of a qualified Biologist to the RMA – Director of Planning prior to issuance of a grading permit, showing Jolon clarkia replacement.

Rare Plant Restoration Plan shall include, but is not limited to: 1) A description of the baseline conditions of the habitats within the area of impact, including the presence of any special-status species, their locations, and densities; 2) Procedures to control non-native species invasion and elimination of existing non-native species within the area of impact; 3) Provisions to ensure compliance with the requirements of the plan; 4) A detailed description of on-site and off-site restoration areas, salvage of seed and/or soil bank, plant salvage, seeding and planting specifications, including, if appropriate, increased planting ratio to ensure the 1:1 success ratio. Specifically, seed shall be collected from on-site Jolon clarkia that will be impacted and grown in a local greenhouse, then transplanted within the mitigation area. Plants shall be transplanted while young seedlings in order to develop a good root system. Alternatively, the mitigation area may be broadcast seeded in fall; however, if this method is used, some seed shall be retained in the event that the seeding fails to produce viable plants and contingency measures need to be employed.

The Rare Plant Restoration Plan shall span a minimum of 3-years and specify specific methods of vegetation monitoring, data collection and analysis, exclusionary fencing methods, restoration goals and objectives, success criteria, adaptive management if the criteria are not met, reporting protocols, and a funding mechanism. If re-planting is unsuccessful, a second Rare Plant Restoration Plan shall begin with a minimum of 3-years and specify specific methods of vegetation monitoring, data collection and analysis, exclusionary fencing methods, restoration goals and objectives, success criteria, adaptive management if the criteria are not met, reporting protocols, and a funding mechanism. Said Rare Plant Restoration Plan shall continue until 1:1 ratio of plant success ratio is met.

The Rare Plant Restoration Plan mitigation area shall be preserved within the existing water tank easement under the direction of the biologist. Exclusionary fencing shall be installed around the mitigation area to prevent disturbance. The

Condition Compliance Status Report for PLN080527

water tank easement provide sufficient habitat and space for on-site restoration of the Jolon clarkia. Additional land area (See Section VI.10 for further discussion) will foster a larger area for potential restoration. The existing Conservation and Scenic easement deed will be amended to include said area (See Section VI.10).

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

Prior to the issuance of building or grading permits, the applicant shall submit a focused botanical survey conducted during the appropriate blooming period (April-June) to locate any Jolon clarkia present within the project site. If individuals are found a Rare Plant Restoration Plan shall be submitted prior to issuance of building or grading permits, in accordance with actions listed in the specified Rare Plant Restoration Plan.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

17. SPPD02 - Biological Resources (Status species, Monterey Dusky footed woodrat)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation 2 (Biological Monitor (Special Status species, Monterey Dusky footed woodrat) & Employee Education Program): To avoid and reduce impacts to the Monterey dusky-footed woodrat, the project proponent shall:

1) Retain a qualified biologist to conduct pre-construction surveys within three days prior to construction for presence of Monterey Dusky footed woodrat nests;
a) Specific measures for the Monterey dusky-footed woodrat include that all woodrat nests should be flagged for avoidance of direct construction impacts, where feasible. All nests within 25 feet of the project site shall be avoided and protected during project activities. Nests that cannot be avoided shall be manually deconstructed prior to land clearing activities to allow animals to escape harm. If a litter of young is found or suspected, nest material shall be replaced, and the nest left alone for 2-3 weeks before a re-check to verify that young are capable of independent survival before proceeding with nest dismantling

2) The biological monitor shall remain on site prior to construction and during the construction process. The biological monitor shall closely observe initial grading activities for the presence of any special status species;

3) Prior to the start of construction the biologist shall conduct an Employee Education Program for the construction. The Employee Education Program shall also include stopping work in the area where the animal is encountered, contacting the biologist to advise of the occurrence and stopping work until the animal has been moved on its own, outside of the project boundaries. The Employee Education Program shall include.

a) The biologist meeting date and notes of consultation with the construction crew at the project site to educate the construction crew on the following:

- 1) Identification of the project boundaries;
- 2) Identification of potential special status species (photos for visual) that may be present, their habitat, and proper identification;
- 3) Specific mitigation measures that will be incorporated into the construction effort if special status species are found;
- 4) Identification of the general provisions and protections afforded; and
- 5) The proper procedures if a special-status animal is encountered within the project site. If the biologist concurs and under the guidance of the biologist, measures may include moving individuals outside of the project site to adjacent appropriate habitat.

Compliance or Monitoring Action to be Performed: A copy of the Employee Education Program shall be submitted to the RMA – Planning Director for review and approval prior to the issuance of grading or building permits are issued.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

18. SPPD03 - Biological Resources (Nesting wildlife)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation 3 (Nesting wildlife): To ensure impacts to nesting raptors (including the Cooper's hawk) are less than significant, construction activities must be timed outside of the nesting season.
1) Tree removal must be scheduled after September 1 and before January 31;
a. If avoidance of the nesting period is not feasible a pre-construction surveys shall be conducted for nesting raptors within 300 feet of proposed construction activities. The survey shall be done 30 days prior to the start of construction. If nesting raptors are identified during the pre-construction surveys, the DFG 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 DFG.

Compliance or Monitoring Action to be Performed: If nesting raptors are identified during the pre-construction surveys, the DFG 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 DFG. The applicant shall submit evidence to the RMA - Director of Planning showing adherence to said mitigation measure. If no nesting raptors are found, the applicant shall submit evidence of the pre-construction survey.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

19. SPPD004 - AMENDED WATER TANK EASEMENT (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: An amended Water Tank Easement shall be prepared, showing the final configuration of the expanded lease area. This easement shall be recorded on the property.

Compliance or Monitoring Action to be Performed: Prior to issuance of any building and/or grading permits, the easement shall be recorded on the subject property. A copy of the recorded easement shall be provided to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

20. SPPD005 - WATER TANK LANDSCAPE SCREENING (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Landscape screening shall be installed, capable of screening the new water tanks from common public viewing areas. Landscape screening shall consist of native, drought-tolerant plants and trees, and shall be placed in a manner to decrease visibility of the tanks from the nearest common public viewing area. For the purposes of this condition, the equestrian/hiking trail in/around the Meadows Community development, is not considered a public viewing area.

Compliance or Monitoring Action to be Performed: Prior to issuance of a building and/or grading permit, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit a landscape plan, along with contractor's estimate to RMA-Planning for review and approval. The screening plan shall be signed and stamped by a licensed professional under the following statement, "I certify that this landscape/screening plan complies with all Monterey County landscaping requirements, including use of native, drought-tolerant, non-invasive species; and low-flow, water conserving irrigation fixtures."

Prior to Planning final the landscape screening shall be installed and inspected by RMA-Planning to ensure that prior screening has been achieved.

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

Comments By Staff

Last Update on:

Updated By:

5/2/2014 1:12:56PM

MACKD

21. EHSP01 - CDPH WATER TANK PERMIT (NON-STANDARD)

Current Status: **Not Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The tank plans must be reviewed by California Department of Public Health (CDPH) Drinking Water for compliance to California Water Works Standards. CDPH issues water tank permits for tanks greater than 100,000 gallons. Please contact CDPH to begin the review process:
CDPH District 05-Monterey
1 Lower Ragsdale Dr.
Bldg. 1, Suite 120
Monterey, CA 93940
(831) 655-6939

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits the applicant shall:
- Submit plans to CDPH for review and approval.
- Submit documentation to the Environmental Health Bureau that CDPH has reviewed and approved the water tank plans.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

22. FIRE003 - DEAD-END ROADS (1)

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: For parcels less than 1 acre, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 800 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the ζ T ζ shall be a minimum of 60 feet in length. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as ζ Fire Dept. Notes ζ on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection for each phase of development.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

23. FIRE008 - GATES

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as ζ Fire Dept. Notes ζ on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

24. FIRE011 - ADDRESSES FOR BUILDINGS

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure:

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

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of building permit, the applicant or owner shall incorporate specification into design and enumerate as ¿Fire Dept. Notes¿ on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Condition Compliance Status Report for PLN080527

25. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)

Current Status: **Not Met**

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Monterey County Regional Fire District)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as ¿Fire Dept. Notes¿ on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

Comments By Staff

Last Update on:

Updated By:

5/2/2014 10:44:28AM

MACKD

Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN140126

(as of 03/02/2015)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Administrative Permit (PLN140126) allows renovations and improvements to the Quail Lodge Golf Course. Renovations include: 1) Reconstruction of five (5) water features and the removal of three (3) water features; 2) Tee and bunker improvements; 3) New swale contour to be added to Holes #1, 2, & 3 ; 4) Improvements to cart path; 5) Installation of a new irrigation system; and 6) Shortening of Hole #10 and lengthening of Hole #11. The project requires approximately 49,054 cubic yards of grading (26,671 cubic yards cut, 22,383 cubic yards fill). The remaining soils (4,287 cubic yards) will be balanced on-site. The properties are located along Valley Greens Drive, Carmel (Assessor's Parcel Numbers 157-031-011-000, 157-031-012-000, 157-031-015-000, 157-031-016-000, 157-031-017-000, 157-031-020-000, 157-031-023-000, and 157-031-026-000), Carmel Valley Master Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Comments By Staff

Last Update on:

Updated By:

9/23/14: This condition is on-going during the life of the permit. (Joanne Leon, Permit Technician II)

9/23/2014 1:27:47PM

LEONJ

Condition Compliance Status Report for PLN140126

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"An Administrative permit (Resolution Number 14-028) was approved by the Zoning Administrator for Assessor's Parcel Numbers 157-031-011-000, 157-031-012-000, 157-031-015-000, 157-031-016-000, 157-031-017-000, 157-031-020-000, 157-031-023-000, & 157-031-026-000 on August 14, 2014. The permit was granted subject to 21 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

Comments By Staff

Last Update on:

Updated By:

9/23/14: On 9/12/14, Gail Hatter-Crawford submitted recorded Permit Approval Notice recorded on 9/16/14; Doc # 2014043830. A copy of the 3 page document is in the project file. This condition is met. (Joanne Leon, Permit Technician II)

9/23/2014 1:29:49PM

LEONJ

9/16/14: Signed and recorded copy submitted via hand delivery by Agent, Gail Hatter-Crawford. kakimotom

8/21/14: Prepared and kept on file until Indemnification Agreement returns from County Counsel for review. kakimotom

Condition Compliance Status Report for PLN140126

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

Current Status: **Met**

Responsible Department: Planning Department

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

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

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

Comments By Staff

Last Update on:

Updated By:

9/24/14: Gail Hatter-Crawford posted note on grading plans (13CP02132). This condition is met. (Joanne Leon, Permit Technician II)

9/24/2014 12:05:32PM

LEONJ

9/23/14: Condition not noted on grading plans (13CP02132). condition is not met. (Joanne Leon, Permit Technician II)

Condition Compliance Status Report for PLN140126

4. PD004 - INDEMNIFICATION AGREEMENT

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

Comments By Staff

Last Update on:

Updated By:

9/23/14: Indemnification Agreement (44 pages) was recorded on 9/19/14; Doc #2014044778. A copy of the 44 page document is in the project file. This condition is met. (Joanne Leon, Permit Technician II)

2/4/2015 3:42:23PM

LEONJ

9/19/14: Picked up by Agent to be recorded. Monique Kakimoto

9/16/14: Signed and notarized document hand delivered by Agent and forwarded to County Counsel for approval. kakimoto

8/25/14: Received from County Counsel. Ready to be signed by Owners/Applicants. kakimoto

8/21/14: Prepared and sent to County Counsel for review. kakimoto

Condition Compliance Status Report for PLN140126

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

Current Status: **Met**

Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

2/4/15: Noticed of Determination was filed on 8/20/14; Doc #: 2014-0082 and copy of receipt in project file (PLN140126). (Joanne Leon, Permit Technician II)

2/4/2015 3:44:29PM

LEONJ

9/24/14: Gail Hatter-Crawford submitted copy of File Notice of Determination. The one page document is in the project file. This condition is met. (Joanne Leon, Permit Technician II)

9/23/14: Project notes indicate the Fish and Game fee was filed. A copy of the Notice is not in the project file. Applicant to provide a copy to document project file. This condition is met. (Joanne Leon, Permit Technician II)

8/20/2014: Notice of Determination with Fish & Game fees were filed with the County Clerk.

Condition Compliance Status Report for PLN140126

6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) 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 Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

9/24/14: Gail Hatter-Crawford re-submitted check for the mitigation monitoring. This condition is met. (Joanne Leon, Permit Technician II)

2/4/2015 3:42:38PM

LEONJ

9/23/14: Mitigation Monitoring Agreement (16 pages) was recorded on 9/19/14; Doc #2014044777. A copy of recorded 16 page document is in the project file by representative/applicant. This condition is met. (Joanne Leon, Permit Technician II)

9/19/14: Picked up by Agent to be recorded, fee payment pending. Monique Kakimoto

9/16/14: Signed and notarized document hand delivered by Agent and forwarded to County Counsel for approval. kakimotom

Condition Compliance Status Report for PLN140126

7. PD011 - TREE AND ROOT PROTECTION

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of 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 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)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall 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.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

Comments By Staff

Last Update on:

Updated By:

9/24/14: The project did not require an arborist report for the project. Per discussion with the Project Planner, Dan Lister; he imposed the tree protection condition based upon the biological report. Therefore, this condition shall be met with the submitall of the "pre-construction survey" to be submitted prior to commencement of grading. The survey shall include the tree protection with photos and site plan referencing locations of tree protection. This condition is partially met to issue grading permit with pre-construction survey to follow. (Joanne Leon, Permit Technician II)

9/24/2014 10:30:47AM

LEONJ

9/23/14: On 9/16/14, Gail Hatter-Crawford submitted photos of tree protection. No site plan submitted to show location of tree protection. An e-mail sent to the biologist to verify compliance; or applicant to submit site plan to verify location of photos with a site visit to verify compliance. This condition is partially met but not to issue permit. (Joanne Leon, Permit Technician II)

Condition Compliance Status Report for PLN140126

8. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Current Status: **Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct standard temporary driveway connection to Valley Greens Drive.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

Encroachment permit 14EP0685 to construct temporary construction entrances (4) was issued on 9-18-14 and Condition #8 was cleared by Robert Palomino on 9-22-14.

9/22/2014 11:40:23AM

PALOMINOR

9. CALIFORNIA CONSTRUCTION GENERAL PERMIT

Current Status: **Met**

Responsible Department: Building

Condition/Mitigation Monitoring Measure: The applicant shall submit a WDID# certifying the project is covered under the California Construction General Permit. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a WDID# certifying the project is covered under the California Construction General Permit.

Comments By Staff

Last Update on:

Updated By:

09/24/2014

9/24/2014 10:49:34AM

LOMELIE

The applicant submitted a WDID number to Karen Riley-Olms on 9/3/14 and was verified on the SMARTS website.

(Emily Lomeli, RMA-Environmental Services)

Condition Compliance Status Report for PLN140126

10. EROSION CONTROL PLAN

Current Status: **Met**

Responsible Department: Building

Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan that addresses the requirements of Monterey County Code Chapter 16.08. The plan shall identify the proposed methods to control runoff and erosion, and the location and details for all selected erosion control measures shall be included. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

08/29/2014

Received and approved with building permit plan submittal, 13CP02132.
(Karen Riley-Olms, RMA-Environmental Services)

8/29/2014 4:19:46PM

RILEYKA

11. GEOTECHNICAL CERTIFICATION

Current Status: **Not Met**

Responsible Department: Building

Condition/Mitigation Monitoring Measure: The applicant shall provide RMA-Environmental Services certification from a licensed Geotechnical Engineer that all development has been constructed in accordance with recommendations included in the Geotechnical Engineering Report prepared for the project. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall provide a letter from a licensed Geotechnical Engineer, to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

8/5/2014 3:13:03PM

LISTERDM

Condition Compliance Status Report for PLN140126

12. GEOTECHNICAL REPORT

Current Status: **Met**

Responsible Department: Building

Condition/Mitigation Monitoring Measure: The applicant shall submit a Geotechnical Report, for the project, prepared by a licenced Geotechnical Engineer. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a Geotechnical Report to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

08/29/2014

Received and approved with construction permit plan submittal, 13CP02132.
(Karen Riley-Olms, RMA-Environmental Services)

8/29/2014 4:23:21PM

RILEYKA

13. GRADING PLAN

Current Status: **Met**

Responsible Department: Building

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan incorporating the recommendations included in a Geotechnical Engineering Report that was prepared for the project. The Grading Plan shall be stamped by a California licensed Geotechnical Engineer. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a Grading Plan to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

08/29/2014

Received and approved with construction permit plan submittal, 13CP02132.
(Karen Riley-Olms, RMA-Environmental Services)

8/29/2014 4:23:02PM

RILEYKA

14. INSPECTION-DURING ACTIVE CONSTRUCTION

Current Status: **Not Met**

Responsible Department: Building

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, The applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

8/5/2014 3:13:03PM

LISTERDM

Condition Compliance Status Report for PLN140126

15. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Current Status: **Not Met**

Responsible Department: Building

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

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

Comments By Staff

Last Update on:

Updated By:

8/5/2014 3:13:03PM

LISTERDM

16. INSPECTION-PRIOR TO LAND DISTURBANCE (DURING THE RAINY SEASON)

Current Status: **Met**

Responsible Department: Building

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading, erosion control & stormwater regulations. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

10/07/2014

10/7/2014 9:02:05AM

LOMELIE

A pre-construction meeting for 13CP02132 was scheduled and approved on 10/01/2014.

(Emily Lomeli, RMA-Environmental Services, X.5681)

Condition Compliance Status Report for PLN140126

17. WRSP1 - ZONE AE / FLOODWAY GRADING REQUIREMENTS

Current Status: **Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall submit grading plans, with supporting hydraulic calculations, prepared by a registered civil engineer, proving the proposed grading activity will not result in any increase in flood levels during the occurrence of the base flood discharge. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit grading plans and supporting calculations, prepared by a registered civil engineer, to the Water Resources Agency for review and approval.

Comments By Staff

Last Update on:

Updated By:

WRA received golf course improvement plans with supporting cross-sections, prepared by Monterey Bay Engineers, dated 2/13/2014, that show the proposed amount of cut is greater than the proposed amount of fill for all grading activity located within the FEMA-defined floodway. This certifies the proposed project will not result in any increase to the base flood elevation. Condition no. 17 is met.

9/3/2014 12:31:22PM

BODENSTEINERJM

18. WRSP2 - COMPLETION CERTIFICATION

Current Status: **Not Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a registered civil engineer that the grading activity was completed in accordance with the approved grading plans. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to the Water Resources Agency prepared by a registered civil engineer.

Comments By Staff

Last Update on:

Updated By:

8/5/2014 3:13:03PM

LISTERDM

Condition Compliance Status Report for PLN140126

19. EHSP01 – ESTABLISH ONSITE WASTEWATER TREATMENT SYSTEM EASEMENT (NON-STANDARD)

Current Status: **Partially Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Quail Lodge Resort and Golf Club is located on Assessor’s Parcel No. (APN) 157-031-014-000 owned by Green Meadows, Inc. The existing onsite wastewater treatment system (OWTS) (Environmental Health [EHB] OWTS Permit No. A-6430) that serves Quail Lodge Resort and Golf Club is located on an adjacent parcel, APN 157-032-023-000 owned by Quail Lodge, Inc. An Easement and Deed Restriction shall be established to provide Quail Lodge Resort and Golf Club with permanent access to and rights for continued use of the existing OWTS located on APN 157-032-023-000 owned by Quail Lodge, Inc.

Compliance or Monitoring Action to be Performed: The Property Owner(s) of Record (Owner) of Assessor’s Parcel No. 157-032-023-000 shall submit an Easement and Deed Restriction to provide Quail Lodge Resort & Golf Club (APN 157-031-014-000) with permanent access to and rights for continued use of the existing OWTS located on APN 157-032-023-000. Said Easement and Deed Restriction shall be recorded on APN 157-032-023-000 owned by Quail Lodge, Inc and shall be dedicated to APN 157-031-014-000 owned by Green Meadows, Inc. and shall be submitted for review and approval by EHB and the Office of the County Counsel.

The County approved Easement and Deed Restriction shall be recorded with the Monterey County Recorder’s Office prior to issuance of grading and/or construction permits, whichever occurs first. Proof of recordation shall be provided to EHB and to the Resource Management Agency (RMA) Planning Department.

Comments By Staff

Last Update on:

Updated By:

DEED RESTRICTION IS IN PROCESS OF BEING COMPLETED

9/24/2014 9:27:05AM

VANHORN RW

Condition Compliance Status Report for PLN140126

20. EHSP02 – DEED RESTRICTION: ONSITE WASTEWATER TREATMENT SYSTEM ENVELOPES (NON-STANDARD)

Current Status: **Partially Met**

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Fairway #3, Fairway #7 and Fairway #14 each accommodate onsite wastewater treatment system(s) that serve structures on adjacent parcels. A Deed Restriction shall be recorded for APN 157-031-011-000 (Fairway #3) owned by Green Meadows, Inc., APN 157-031-002-000 (Fairway #7) owned by Green Meadows, Inc., and APN 157-031-023-000 (Fairway #14) owned by Quail Lodge, Inc., to indicate that any OWTS (septic) envelope located on the referenced parcels shall be restricted to prevent the construction of any structure or subsurface improvement greater than 12” below ground surface, i.e. sand trap, water feature, etc., within the existing OWTS (septic) system easement.

Compliance or Monitoring Action to be Performed: The Property Owner(s) of Record (Owners) for APN 157-031-011-000 (Fairway #3) owned by Green Meadows, Inc., APN 157-031-002-000 (Fairway #7) owned by Green Meadows, Inc., and APN 157-031-023-000 (Fairway #14) owned by Quail Lodge, Inc. shall contact EHB for the specific language for said Deed Restriction. Owners shall then submit the required Deed Restriction for review and approval by EHB and the Office of the County Counsel.

The County approved Deed Restriction shall be recorded with the Monterey County Recorder’s Office prior to issuance of grading and/or construction permits, whichever occurs first. Proof of recordation shall be provided to EHB and to the RMA - Planning Department.

Comments By Staff

Last Update on:

Updated By:

DEED RESTRICTION IS IN PROCESS OF BEING COMPLETED

9/24/2014 9:28:21AM

VANHORN RW

Condition Compliance Status Report for PLN140126

21. MMRP001 - MITIGATION MEASURE: BIOLOGICAL RESOURCES

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: As recommended by the biological assessment prepared by Regan Biology and Horticultural Consulting on March 1, 2014, the following measure shall be implemented during construction activities:

a) A qualified professional biological consultant shall be hired to monitor all renovation activities on-site. The biologist shall ensure all measures are implemented. Upon completion of renovation work, a survey shall be complete by the biologist, to identify post-renovation conditions and to ensure all measures were met. The following measure shall be implemented by the hired biologist:

i. All grading work (tee boxes, swales, hole lengthening, and pathways) shall occur outside of breeding and nesting season, between August 15 and November 15, to reduce potential impacts to migratory birds and special-status species.

ii. Water feature work (grading and improvements) shall not occur until they naturally dry down, or outside breeding and bird-nesting season (between August 15 and November 15). If water remains standing in any pond after August 15, no work shall begin until water features completely dry down, and after they have been inspected and found that the water features are free of any wildlife creature by the hired biologist.

iii. Out of abundance of caution, renovation work to each water features shall be preceded by a survey of the water feature and nearby surrounds before commencing work on that particular water feature. If any special-status species is encountered, the biologist shall contact the USFWS, and CDFW, and the project shall be halted until the USFWS and CDFW provides guidance on how to proceed. If other wildlife species are encountered, they may be moved from the construction area to the riparian zone along the Carmel River by on-site biologist, in possession of a valid scientific collecting permit. Non-native wildlife, such as American bullfrogs or Red-eared slider turtles, may be removed from the site or dispatched as appropriate.

iv. Special-status species recognition training shall be conducted for all on-site construction personnel prior to the commencement of renovation activities. Training components shall include training on appropriate avoidance methods including species identification, daily preconstruction surveys, and protocol for contracting biologist and USFWS in the event of a sighting. Handouts shall be prepared and provided to all construction personnel including color photographs for species identification, protocols and contact phone numbers.

b. The Pond Management Plan, prepared by Regan Biology and Horticultural Consulting, provides recommendations for pond management and annual biological monitoring in perpetuity. On an on-going basis, the Plan shall be applied to the management of the water features.

(RMA-Planning)

Condition Compliance Status Report for PLN140126

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

- a) Prior to the issuance of a grading permit, the Owner/Applicant must submit to RMA - Planning an monitoring agreement between the property owner and a qualified professional biologist.

- b) Prior to the commencement of grading activities, the Owner/Applicant shall submit a pre-construction survey, prepared by the hired qualified biologist. The survey must show that the project site is in compliance with all recommended measures.

- c) Prior to grading permit final, the Owner/Applicant shall submit a post-construction survey, prepared by the hired qualified biologist. The survey must identify the outcome of the grading work and that the project site remains in compliance with all recommended measures.

- d) On an on-going basis, the Pond Management Plan shall be applied to the management of all water features on the golf course.

Comments By Staff

Last Update on:

Updated By:

10/28/2014: A Pond Management Plan was submitted which incorporates measures required by US Fish & Wildlife. THIS PLAN IS CONFIDENTIAL! (Dan Lister)

2/4/2015 3:41:38PM

LEONJ

10/8/2014: Meeting on-site with US Fish & Wildlife to discuss additional construction and post-construction program for California Red-Legged Frog. (Dan Lister)

9/30/2014: Pre-construction survey submitted by biologist Pat Regan accompanied with information given to allow workers on-site as part of the pre-construction training. (Dan Lister)

9/23/14: Mitigation Monitoring Agreement requires a pre-construction survey, prepared by the hired qualified biologist to be submitted prior to commencement of grading activities. This report shall be submitted prior to issuance of grading permit.

To date; no record of pre-construction survey was submitted. This condition is partially met, but not met to issue permit. (Joanne Leon, Permit Technician II)

9/19/14: Picked up by Agent to be recorded, fee payment pending. Monique Kakimoto

8/26/2014: A monitoring agreement was submitted.

11/4/2014: Staff received an email from US Fish & Wildlife which states that US Fish & Wildlife is satisfied with the submitted Pond Management Plan.

Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN140244

(as of 03/02/2015)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:** This Combined Development Permit (PLN140244) allows:

1) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 1,056 square foot, single family dwelling and detached guesthouse and the construction of a 1,558 square foot, two-story, single family dwelling with a 238 square foot garage and 882 square foot basement; and 2) Coastal Development Permit to allow development within 750 feet of a known archaeological zone

The property is located at 26378 Isabella Avenue, Carmel (Assessor's Parcel Number 009-441-025-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

**Compliance or
Monitoring
Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Comments By Staff

Last Update on:

Updated By:

1/12/15-This condition is on-going during the life of the permit. (Fernando Vargas-Permit Technician II).

1/21/2015 2:21:16PM

VARGASF

Condition Compliance Status Report for PLN140244

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 14-038) was approved by the Zoning Administrator for Assessor's Parcel Number 009-441-025-000 on October 30, 2014. The permit was granted subject to 23 conditions of approval and 1 mitigation measure which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

Comments By Staff

Last Update on:

Updated By:

1/12/15- On January 12, 2015, Adam Jeselnick submitted a copy of the recorded notice; recorded on January 12, 2015; Doc #: 2015001384 (1-page). This condition is met.

1/21/2015 2:06:04PM

VARGASF

Document mailed to Agent on December 16, 2014 by Melissa McDougal

Condition Compliance Status Report for PLN140244

3. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and RMA - Planning within 24 hours.

- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.

- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.

2. The descendant identified fails to make a recommendation; or

3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist for on-call archaeological services should resources be discovered during construction activities. Submit the letter to the Director of the RMA – Planning for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

Prior to Final, the Owner/Applicant, per the Archaeologist, shall submit a report or letter from the archaeologist summarizing their methods, findings, and recommendations if their services are needed during construction or if no resources were found.

Condition Compliance Status Report for PLN140244

Comments By Staff

Last Update on:

Updated By:

2/2/15-Received via e-mail copy of page A0.3 that shown the Archaeological notes printed on the plans (1-page). This condition is partially met. (Fernando Vargas-Permit Technician II).

2/3/2015 10:25:46AM

VARGASF

4. PD004 - INDEMNIFICATION AGREEMENT

Current Status: **Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The 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. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance 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. (RMA - Planning)

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

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

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

Comments By Staff

Last Update on:

Updated By:

2/11/15-Received from the Recorder's Office original document of the recorded Indemnification Agreement; recorded on January 16, 2015, Doc #2015002362 (32-pages). This condition is met. (Fernando Vargas-Permit Technician II)

2/11/2015 3:59:39PM

VARGASF

1/16/15-On January 16, 2015, Adam Jeselnick submitted a copy of the recorded Indemnification Agreement; recorded on January 16, 2015, Doc #2015002362 (1-page). This condition is met. (Fernando Vargas-Permit Technician II)

Document mailed to Agent on December 16, 2014 by Melissa McDougal

12/10/14 Sent to County Counsel for Review by Melissa McDougal

Condition Compliance Status Report for PLN140244

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

Current Status: **Met**

Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

2/3/15 - Notice of Determination (NOD) filed with County Clerk (Receipt # 2015-0011)
[Entered by Michele Friedrich]

2/6/2015 3:40:30PM

FRIEDRICHM

1/30/15 - Adam Jeselnick brought a check for \$2,260.00 to pay the Notice of Determination fee (Entered by Fernando Vargas)

Condition Compliance Status Report for PLN140244

6. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) 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 Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

2/11/15-Received from the Recorder's Office original document of the recorded Mitigation Monitoring and Reporting Plan; recorded on January 16, 2015, Doc #2015002363 (19-pages). This condition is met. (Fernando Vargas-Permit Technician II)

2/11/2015 3:59:21PM

VARGASF

1/30/15-Adam Jeselnick submitted a payment of \$9350.99 to pay for the Mitigation Measures Plan fee. This Condition is met. (Fernando Vargas-Permit Technician II)

1/16/15- On January 12 ,2015, Adam Jeselnick submitted a copy of the recorded Mitigation/Monitoring and Reporting Plan; recorded on January 16, 2015; Doc #: 2015002363 (1-page). This condition is partially met.

Document mailed to Agent on December 16, 2014 by Melissa McDougal

12/10/14 Sent to County Counsel for Review by Melissa McDougal

Condition Compliance Status Report for PLN140244

7. PD007- GRADING WINTER RESTRICTION

Current Status: On-Going

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

Comments By Staff

Last Update on:

Updated By:

1-22-15-This condition is on-going during the construction of the permit. Should the construction commence between October 15 and April 15 owner/applicant shall obtain approval by the Director of RMA - Building Services. (Fernando Vargas-Permit Technician II).

1/22/2015 1:38:58PM

VARGASF

8. PD011 - TREE AND ROOT PROTECTION

Current Status: Partially Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of 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 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)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to RMA - Planning for review and approval.

During construction, the Owner/Applicant/Arborist shall 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.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to RMA-Planning after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

Comments By Staff

Last Update on:

Updated By:

2/18/15-Ok per management to waive the arborist report, only one non-native tree is close to the construction site. The contractor install orange netting around the drip line of the tree canopy. This condition is partially met. (Fernando Vargas-Permit Technician II).

2/18/2015 2:53:09PM

VARGASF

Condition Compliance Status Report for PLN140244

9. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: 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 RMA - Planning . 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 materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning. 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. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by RMA-Planning, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit to RMA-Planning approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to RMA-Building Services.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to Monterey County RMA - Planning.

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

Condition Compliance Status Report for PLN140244

Comments By Staff

Last Update on:

Updated By:

2/2/15-On February 4, 2015, Adam Jeselnick submitted the three (3) copies of the landscape plans and landscape cost estimate and paid the landscape submittal fee in the amount of \$244.52. This condition is partially met. (Fernando Vargas-Permit Technician II).

2/4/2015 4:00:34PM

VARGASF

2/4/15-The plans were approved on February 4, 2015. This condition is partially met. (Fernando Vargas-Permit Technician II)

2/4/15-On February 4, 2015, Adam Jeselnick was given one (1) set of approved plans to route to the Water Resources Agency and Monterey Peninsula Water Management District for their review and approval. This condition is partially met. (Fernando Vargas-Permit Technician II).

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

Current Status: Partially Met

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure:

All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the issuance of building permits.
(RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

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

Comments By Staff

Last Update on:

Updated By:

2/12/15-On February 12, 2015, the exterior lighting plans were approved. This condition is partially met. (Fernando Vargas-Permit Technician II).

2/18/2015 3:03:39PM

VARGASF

2/12/15-On February 12, 2015, the three (3) sets of exterior lighting plans were submitted. (Fernando Vargas-Permit Technician II).

Condition Compliance Status Report for PLN140244

11. PD016 - NOTICE OF REPORT

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"An Archaeological Report (Library No. LIB140167), was prepared by Archaeological Consulting on April 25, 2014, and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."
(RMA - Planning)

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

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

Comments By Staff

Last Update on:

Updated By:

2/9/15-The Notice of Report was recorded as document number 2015005325 (1-pages) this document replaced document 2015001385 (3-pages) that was recorded missing project information (1-page). This condition is partially met. (Fernando Vargas-Permit Technician II).

2/9/2015 9:45:49AM

VARGASF

12. PD032(A) - PERMIT EXPIRATION

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The permit shall be granted for a time period of 3 years, to expire on October 30, 2017, unless use of the property or actual construction has begun within this period.
(RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

Comments By Staff

Last Update on:

Updated By:

2/9/2015 9:46:32AM

VARGASF

Condition Compliance Status Report for PLN140244

13. PD035 - UTILITIES UNDERGROUND

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All new utility and distribution lines shall be placed underground. (RMA - Planning and RMA- Public Works)

Compliance or Monitoring Action to be Performed: On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.

Comments By Staff

Last Update on:

Updated By:

1/22/15- Prior to Final-This condition is Ongoing (Fernando Vargas-Permit Technician II).

1/22/2015 1:53:06PM

VARGASF

14. PD041 - HEIGHT VERIFICATION

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

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

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

Comments By Staff

Last Update on:

Updated By:

1/22/2015 1:56:41PM

VARGASF

Condition Compliance Status Report for PLN140244

15. EROSION CONTROL PLAN

Current Status: **Met**

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan addressing the requirements of Monterey County Code Chapter 16.12. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit an Erosion Control Plan to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

1/30/15-Adan Jeselnick brought 3-set of Erosion control plans routed to Emiliy Lomeli for revision via transmittal letter. (Fernando Vargas-Permit Technician II).

3/2/2015 8:38:17AM

LOMELIE

3/2/15- Environmental Services received an acceptable Erosion Control Plan submitted with 14CP00998. (Emily Lomeli, RMA-Environmental Services, X.5681).

16. GEOTECHNICAL CERTIFICATION

Current Status: **On-Going**

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide RMA-Environmental Services certification from a licensed Geotechnical Engineer that all development has been constructed in accordance with recommendations included in the Geotechnical Report prepared for the project. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

Geotechnical Certification to be collected at Final Environmental Services 310 inspection on 14CP00998(Emily Lomeli, RMA-Environmental Services, X.5681).

3/2/2015 8:41:47AM

LOMELIE

Condition Compliance Status Report for PLN140244

17. GRADING PLAN

Current Status: Met

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Grading Plan, incorporating the recommendations in the project Geotechnical Report. (RMA-Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to issuance of any grading or building permits, the applicant shall submit a Grading Plan to RMA-Environmental Services for review and approval.

Comments By Staff

Last Update on:

Updated By:

1/30/15-Adan Jeselnick brought 3-set of grading plans routed to Emily Lomeli for revision via transmittal letter. (Fernando Vargas-Permit Technician II).

3/2/2015 8:38:48AM

LOMELIE

3/2/15- Environmental Services received an acceptable Grading Plan submitted with 14CP00998. (Emily Lomeli, RMA-Environmental Services, X.5681).

18. INSPECTION-DURING ACTIVE CONSTRUCTION

Current Status: On-Going

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: During construction, the applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

Inspection to be conducted on 14CP00998.
(Emily Lomeli, RMA-Environmental Services, X.5681)

3/2/2015 8:42:36AM

LOMELIE

19. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Current Status: On-Going

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all disturbed areas have been stabilized and all temporary erosion and sediment control measures that are no longer needed have been removed. (RMA – Environmental Services)

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

Comments By Staff

Last Update on:

Updated By:

Inspection to be conducted on 14CP00998.
(Emily Lomeli, RMA-Environmental Services, X.5681)

3/2/2015 8:42:47AM

LOMELIE

Condition Compliance Status Report for PLN140244

20. INSPECTION-PRIOR TO LAND DISTURBANCE

Current Status: **On-Going**

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County grading, erosion control, and stormwater regulations. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

Comments By Staff

Last Update on:

Updated By:

*Inspection to be conducted on 14CP00998.
(Emily Lomeli, RMA-Environmental Services, X.5681)*

3/2/2015 8:42:55AM

LOMELIE

21. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)

Current Status: **Partially Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:

1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;
2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;
3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.

All Air District standards shall be enforced by the Air District.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor shall incorporate a "Demolition/Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.

During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition activities as required by the Air District.

Comments By Staff

Last Update on:

Updated By:

2/9/15-Adam Jeselnick submitted copy of page A0.3 showing demolition/deconstruction notes printed. This condition is partially met. (Fernando Vargas-Permit Technician II).

2/18/2015 3:05:00PM

VARGASF

Condition Compliance Status Report for PLN140244

22. PW0005 - ENCROACHMENT (STD DRIVEWAY)

Current Status: **Met**

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Isabella Ave.

Compliance or Monitoring Action to be Performed: Prior to Building/Grading Permits Issuance, Owner/Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible in obtaining all permits and environmental clearances.

Comments By Staff

Last Update on:

Updated By:

On 8-20-14 the applicant obtained encroachment permit 14EP0649 to construct an asphalt drive approach. Condition 22 was signed off by Robert Palomino, Engineering Technician on 2-4-15.

2/4/2015 8:51:21AM

PALOMINOR

23. WR049 - WATER AVAILABILITY CERTIFICATION

Current Status: **Met**

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:
www.mcwra.co.monterey.ca.us.

Comments By Staff

Last Update on:

Updated By:

- CONDITION MET 02/12/2015.
- CCF FORM WITH WRA CLEARING MEMO IN DOCUMENTS MODULE.
- CONDITION CLEARED BY MIKE LOGSDON, MCWRA, (831) 755-4876.

2/12/2015 1:11:47PM

LOGSDONM

Condition Compliance Status Report for PLN140244

24. MM-01 CULTURAL RESOURCE MITIGATIONS

Current Status: **Not Met**

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:** Mitigation Measures:

1. A qualified archaeological monitor shall be present during soil disturbing activities, such as grading, foundation excavations, etc. If, at any time, potentially significant archaeological resources or intact features are discovered, the monitor should be authorized to temporarily halt work on the parcel until the find can be evaluated by the monitor and/or the principal archaeologist. If the find is determined to be significant, work should remain halted until mitigation measures have been formulated, with the concurrence of the Lead Agency, and implemented.

2. Random samplings of excavated soil shall be screened through 1/8" mesh during monitoring in order to facilitate recovery of smaller midden components, such as beads or lithic debitage.

3. If cultural materials, such as beads, obsidian or other debitage, are recovered in sufficient quantity, professional analyses shall be performed.

4. If, at any time, human remains are identified, the Monterey County Coroner must be notified and, if it is determined that the remains are likely to be Native American, the Native American Heritage Commission must be notified, as required by law. The designated Most Likely Descendant will be authorized to provide recommendations for the disposition of the Native American human remains.

5. A Final Technical Report, which includes the results of all analyses, shall be completed within 60 days of the final building inspection. This report should be submitted to the Lead Agency (Monterey County Planning Department) and to the Northwest Information Center at Sonoma State University.

6. All materials recovered during the project shall be processed and curated in the public domain at a suitable research facility. Artifacts shall not be turned over to Native American groups or other special interests unless specifically required under the provisions of the Public Resources Code.

**Compliance or
Monitoring
Action to be Performed:** As described in "MM-01 CULTURAL RESOURCE MITIGATIONS" in the October 30, 2014 staff report for PLN140244.

Comments By Staff

Last Update on:

Updated By:

1/22/2015 1:56:24PM

VARGASF

Monterey County Resource Management Agency Planning Department

Condition Compliance Status Report for PLN130590

(as of 03/02/2015)

1. PD001 - SPECIFIC USES ONLY

Current Status: **On-Going**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit for a 1) Coastal Development Permit to allow development with a positive archaeological report and 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat in order to install underground utilities and associated infrastructure throughout the community of Moss Landing. The project includes generally the southern extent of the Moss Landing Community Plan of the North County Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

Comments By Staff

Last Update on:

Updated By:

3/2/2015 12:51:03PM

LAWRENCEL

Condition Compliance Status Report for PLN130590

2. PD002 - NOTICE PERMIT APPROVAL

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state:
"A Combined Development Permit (Resolution Number 14-041) was approved by the Zoning Administrator for Assessor's Parcel Numbers are Various on December 11, 2014. The permit was granted subject to 16 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

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

Comments By Staff

Last Update on:

Updated By:

12/17/2014 10:21:17AM

ALLEN C

Condition Compliance Status Report for PLN130590

3. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and RMA - Planning within 24 hours.

- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.

- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.

2. The descendant identified fails to make a recommendation; or

3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA - Planning)

Compliance or Monitoring Action to be Performed:

Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist for on-call archaeological services should resources be discovered during construction activities. Submit the letter to the Director of the RMA – Planning for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

Prior to Final, the Owner/Applicant, per the Archaeologist, shall submit a report or letter from the archaeologist summarizing their methods, findings, and recommendations if their services are needed during construction or if no resources were found.

Condition Compliance Status Report for PLN130590

Comments By Staff

Last Update on:

Updated By:

12/5/2014 10:56:08AM

GONZALESE

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

Current Status: **Not Met**

Responsible Department: Planning Department

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

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

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

Comments By Staff

Last Update on:

Updated By:

Feb. 12, 2015 - Public Works is awaiting a check for the fish and Game fees.

2/12/2015 3:20:35PM

GONZALESE

Condition Compliance Status Report for PLN130590

5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Current Status: **Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) 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 Agreement. The agreement shall be recorded. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

2/19/2015: The is a project undertaken by the County. Pursuant to Section III.A.2 of the December 16, 2014 Condition of Approval and Mitigation Monitoring and Reporting Program, projects that are directly undertaken by the County (such as those listed in CEQA Guidelines section 15378(a)(1)) and that are subject to mitigation measures stemming from a MND or EIR, the County is not required to enter into an Agreement but shall monitor implementation of mitigation measures. The condition is met. (Laura Lawrence, RMA Services Manager)

2/18/2015 1:19:46PM

LAWRENCEL

Feb. 12, 2015 - Public Works is currently getting the necessary signatures for the MMRP-estimated time Tuesday, Feb. 17th. (Liz Gonzales, Associate Planner)

Condition Compliance Status Report for PLN130590

6. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Current Status: **Not Met**

Responsible Department: Public Works Department

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

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval. 2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

Comments By Staff

Last Update on:

Updated By:

12/5/2014 10:56:08AM

GONZALESE

Condition Compliance Status Report for PLN130590

7. MITIGATION MEASURE #1 (BIOLOGICAL)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE #1

Preconstruction surveys to identify active bird nests and/or burrowing owl burrows shall be conducted by a qualified biologist within 14 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purpose of determining the presence/absence of active nest/burrow sites within the proposed impact area and a 200-foot buffer. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days.

If any evidence of occupation of the project site by special-status animal species is observed, a buffer shall be established by a qualified biologist that results in sufficient avoidance to comply with applicable regulations. If sufficient avoidance cannot be established, the CDFW and the USFWS shall be contacted for further guidance and consultation on additional measures.

The following buffer distances shall be established prior to construction activities:

- Burrowing owl burrows outside of breeding season (February 1–August 31): as recommended by the Staff Report on Burrowing Owl Mitigation (CDFG 2012)
- Burrowing owl burrows during breeding season: as recommended by the Staff Report on Burrowing Owl Mitigation (CDFG 2012)
- Other protected raptor/migratory bird nests during breeding season (March 15–August 15): as recommended by qualified biologist

(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: MONITORING ACTION #1:

The applicant shall submit evidence of preconstruction surveys prior to construction activities to the Director of RMA-Planning.

Should buffer distances be needed, evidence in the form of photos shall be submitted to the Director of RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

12/5/2014 10:56:08AM

GONZALESE

Condition Compliance Status Report for PLN130590

8. MITIGATION MEASURE #2 (BIOLOGICAL)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE #2:
Should project-related activities result in the temporary fill or disturbance of roadside drainage ditches and/or other waterways, they shall be replaced at a 1:1 ratio. This shall include returning to the original grade and contour, as well as revegetating with a native seed mix. (RMA- Planning Department)

Compliance or Monitoring Action to be Performed: MONITORING ACTION: #2
The applicant shall submit evidence of replacement at a 1:1 ratio of any disturbance of roadside drainage ditches to the RMA-Planning Department.

Evidence of purchase of native seed mix and photos of reseeded shall be submitted to the RMA Planning Department.

Comments By Staff

Last Update on:

Updated By:

12/5/2014 10:56:08AM

GONZALESE

Condition Compliance Status Report for PLN130590

9. MITIGATION MEASURE #3 (ARCHAEOLOGICAL)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE #3:

The utility provider or County shall retain a professional archaeologist on an on-call basis to provide consultation during the pre-construction and construction phases of the project. Prior to initiating construction, final improvement, excavation, or grading plans shall delineate the horizontal and vertical area of potential effect (APE) for review by the consulting archaeologist and the County. Identification of the APE shall be used as the basis of preconstruction recommendations to minimize the potential for impacts to nearby or unknown resources. The preconstruction recommendations shall be attached as notes to the permit issued for the project. In addition, the project shall employ an on-site monitor to oversee all trenching and undergrounding activities during project construction. The on-site monitor shall report directly to a designated County official regarding the undergrounding process. Further, construction contractors and in-field operators shall participate in cultural resources sensitivity training to establish protocols in the event of a potential discovery. The archaeologist's recommendations may include additional measures such as monitoring of subsurface construction, spot-checking of disturbed areas, or development of a treatment plan to address exposure of potential historic or prehistoric resources, as conditions warrant. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed:

MONITORING ACTION #3:
The Applicant shall submit evidence of a contract between the applicant and an archaeological consultant to provide: 1) consultation at the preconstruction stage; 2) recommendations to put on the construction plans; and 3) on site monitoring during construction. This evidence shall be submitted and approved by the Director of RMA-Planning.

Comments By Staff

Last Update on:

Updated By:

12/5/2014 10:56:08AM

GONZALESE

Condition Compliance Status Report for PLN130590

10. MITIGATION MEASURE #4 (ARCHAEOLOGICAL)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE #4:

Should any archaeological resources be found once project construction is under way, all work in the immediate vicinity shall cease and the Monterey County RMA-Public Works Department and County RMA-Planning Department shall be immediately notified by the utility provider/contractor. A qualified archeologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered archaeological resources. The County and the utility provider shall consider the mitigation recommendations of the qualified archaeologist. The County and the utility provider shall consult and agree on implementation of a measure or measures that the County and the utility provider deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, or other appropriate measures. (RMA - Planning Department and RMA Public Works)

Compliance or Monitoring Action to be Performed: MONITORING ACTION #4:

The applicant shall stop work immediately and contact the RMA - Planning Department and RMA - Public Works should any archaeological resources be found during construction.

Comments By Staff

Last Update on:

Updated By:

12/11/2014 1:06:24PM

GONZALESE

11. MITIGATION MEASURE #5 (ARCHAEOLOGICAL)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE #5:

Should any paleontological resources (i.e., fossils) be found once project construction is under way, all work in the immediate vicinity shall cease and the Monterey County RMA-Public Works Department and County Planning Department shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. The County and the utility provider shall consider the mitigation recommendations of the qualified paleontologist. The County and the utility provider shall consult and agree on implementation of a measure or measures that the County and the utility provider deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, or other appropriate measures. (RMA - Planning Department and RMA- Public Works)

Compliance or Monitoring Action to be Performed: MONITORING ACTION #5:

The applicant shall stop work immediately and contact the RMA - Planning Department and RMA Public Works should any paleontological resources be found during construction.

Comments By Staff

Last Update on:

Updated By:

12/11/2014 1:38:17PM

GONZALESE

Condition Compliance Status Report for PLN130590

12. MITIGATION MEASURE #6 (ARCHAEOLOGICAL)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE #6:

In the event that human remains are discovered, all work shall cease in the immediate vicinity of the find and the Monterey County RMA-Public Works Department, County Planning Department, and County Coroner shall be notified, according to California Health and Safety Code Section 7050.5. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, and the procedures outlined in CEQA Guidelines Section 15064.5(d) and (e) shall be followed. (RMA - Planning Department and PMA Public Works)

Compliance or Monitoring Action to be Performed: MONITORING ACTION #6:

The applicant shall stop work immediately and contact the RMA - Planning Department, RMA Public Works and the County Coroner should any human remains be found during construction.

Comments By Staff

Last Update on:

Updated By:

12/11/2014 1:38:17PM

GONZALESE

13. MITIGATION MEASURE #7 (PRE-CONSTRUCTION MEETING)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation Measure #7:

An on-site pre-construction meeting shall be held between the applicant, the archaeologist and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations. (RMA Planning Department)

Compliance or Monitoring Action to be Performed: Monitoring Action #7:

Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA – Planning Department. Evidence shall consist of a letter summarizing what was discussed.

Comments By Staff

Last Update on:

Updated By:

12/11/2014 1:38:17PM

GONZALESE

Condition Compliance Status Report for PLN130590

14. MITIGATION MEASURE #8 (ON SITE MONITORING)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation Measure #8:

An agreement between the applicant and a professional archaeologist shall be executed stating that the archaeologist shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, footings and utilities, etc. The monitor shall be authorized to determine the level of monitoring, i.e., intermittent or continuous, as well as the appropriate end of such oversight. (RMA Planning Department)

Compliance or Monitoring Action to be Performed: Monitoring Action #8:

A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Comments By Staff

Last Update on:

Updated By:

12/11/2014 1:38:17PM

GONZALESE

Condition Compliance Status Report for PLN130590

15. MITIGATION MEASURE #9 (IF RESOURCES FOUND)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation Measure #9:

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. If human remains are accidentally discovered during construction, the following steps will be taken:

- (a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- (b) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- (c) If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costanoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or

Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendent identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA Planning Department)

Compliance or Monitoring Action to be Performed: Monitoring Action #9:

Upon evidence of archaeological resources found on site, the applicant shall submit the contracts with a Registered Professional Archaeologist, and a representative of the Ohlone Costanoane Esselen Nation to the Director of the RMA – Planning Department for review and approval.

Comments By Staff

Last Update on:

Updated By:

12/11/2014 1:38:17PM

GONZALESE

Condition Compliance Status Report for PLN130590

16. MITIGATION MEASURE #10 (POSTED ON CONSTRUCTION PLANS)

Current Status: **Not Met**

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All mitigation measures (#1 - #9) shall be put on all construction plans and maintained at the project site for the duration of construction. (RMA Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building/grading permits, evidence that all mitigation measures are posted on the construction plans for the archaeologist, contractor's and subcontractor's use.

Comments By Staff

Last Update on:

Updated By:

12/11/2014 1:38:17PM

GONZALESE