

Exhibit 1
to
Attachment B

This page intentionally left blank.

Monterey County RMA Planning

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

PLN130447

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN130447) allows the construction of 24 affordable housing units and a manager's office building; the removal of approximately 725 trees; and associated grading for structural, utility, and access improvements. The project site is located along SFB Morse Drive, just south of the intersection with Ortega Road and adjacent to the City of Pacific Grove, Pebble Beach (a portion of Assessor's Parcel Number 008-041-009-000 also known as Area D), Del Monte Forest, Greater Monterey Peninsula 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 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)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A Combined Development Permit (Resolution Number 16 -) was approved by the Board of Supervisors for a portion of Assessor's Parcel Number 008-041-009-000 on August 23, 2016. The permit was granted subject to forty-seven (47) 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 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 Department.

3. PD003(A) - CULTURAL RESOURCES - INADVERTENT DISCOVERY (NON-STANDARD)

Responsible Department: RMA-Planning

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 the discovery. (RMA - Planning)

Compliance or Monitoring Action to be Performed:

4. PD003(B) - CULTURAL RESOURCES - HUMAN REMAINS (NON-STANDARD)

Responsible Department: RMA-Planning

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 remains are discovered must be contacted to determine that no investigation of the cause of death is required, and 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 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)

Compliance or Monitoring Action to be Performed:

5. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

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. (County Counsel)

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 County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to County Counsel.

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

Responsible Department: RMA-Planning

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.

7. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

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.

8. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

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.

9. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

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.

10. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

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.

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

Responsible Department: RMA-Planning

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.

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

Responsible Department: RMA-Planning

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.

13. EDDSP01 - REGULATORY AGREEMENT (NON-STANDARD)

Responsible Department: Economic Development

Condition/Mitigation Monitoring Measure: Prior to issuance of the Certificate of Occupancy for the Project, the applicant shall comply with the County's Inclusionary Housing Ordinance No. 5175 (Chapter 18.40 of the Monterey County Code) by entering into a Regulatory Agreement and Declaration of Restrictive Covenants ("Regulatory Agreement") with the County, which shall be recorded against the subject property, to the satisfaction of the Economic Development Director, and consistent with the adopted Inclusionary Housing Administrative Manual in effect as of the date the application was approved as well as the certain Inclusionary Housing Agreement, recorded in the Office of the Recorder of the County of Monterey on July 15, 2014 as Document No. 2014032617 ("Inclusionary Housing Agreement").

The level of affordability for the Project units shall be as follows: 30% of the units shall be rented to Very Low Income Households, 30% of the units shall be rented to Low Income Households, and 40% of the units shall be rented to Moderate Income Households as calculated pursuant to Section 1(b) of the Inclusionary Housing Agreement. This shall restrict the units as follows: seven (7) units shall be restricted to rents that meet the requirement for Very Low Income Households earning no more than 50% of the Area Median Income (AMI); seven (7) units shall be restricted to rents that meet the requirement for Low Income Households earning no more than 80% of the Area Median Income (AMI); and ten (10) units shall be restricted to rents that meet the requirement for Moderate Income Households earning no more than 120% of the Area Median Income (AMI). These affordability requirements shall be set forth in the Regulatory Agreement to be recorded against the Property pursuant to Sections 7 and 10 of the Inclusionary Housing Agreement. The developer may increase the number of very low and low income units but, under no circumstances, shall the Developer increase the number of moderate income units without the approval of the County Board of Supervisors. The affordability requirements shall continue as restrictions on the units in perpetuity.

If the applicant elects to increase the number of new lots from 90 to 100 (by creating 10 lots rather than choosing the hotel option at Spyglass Hill), applicant shall, in addition to the above requirements, pay an In Lieu fee equal to one additional unit. The In Lieu fee shall be calculated based on the adopted Inclusionary Housing Administrative Manual in effect as of the date the application was approved. (Economic Development Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a Certificate of Occupancy for the property, the applicant shall enter into a Regulatory Agreement which shall be notarized and recorded. Applicant shall submit proof of recordation of the document to the Director of Economic Development.

14. PD027 - DEBRIS REMOVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of a building permit, recordation of a final map or parcel map or initiation of the use, applicant shall cause to be removed from the property all junk, including scrap metals, scrap materials, dismantled or wrecked vehicles or machinery, garbage, debris or similar materials. (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 compliance to RMA - Planning.

15. PD033 -RESTORATION NATURAL MATERIALS

Responsible Department: RMA-Planning

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

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

16. PD035 - UTILITIES UNDERGROUND

Responsible Department: RMA-Planning

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.

17. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Within 60 days of completion of construction, and in conjunction with the landscape requirement, the applicant shall replace and or relocate each tree approved for removal as specified by the County. Replacement tree(s) shall be located within the general location as shown on the approved landscape plan. (RMA - Planning)

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.

18. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 1- September 15), 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.

19. EHSP001 RECYCLABLES IN RENTAL HOUSING

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Recyclables must be separated from refuse, collected, stored and properly recycled for each of the multifamily rental housing units. All persons shall separate recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility pursuant to Monterey County Code 10.41

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, submit a written plan on how recyclables will be collected and stored for each of the multifamily rental housing units to Recycling and Resource Recovery Services of Environmental Health Bureau for review and approval.

20. EHSP02 EMPLOYEE HOUSING

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Comply with Employee Housing Regulations found in the California Health and Safety Code Section 17000-17062.5 and the California Code of Regulations Title 25, Division 1, Chapter 1, Subchapter 3 Sections 600-940.

Compliance or Monitoring Action to be Performed: Prior to occupancy, obtain a health permit for the Employee Housing from the Environmental Health Bureau.

21. FIRE007 - DRIVEWAYS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 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 driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Pebble Beach Community Services 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 driveway into design and print the text of this condition as "Fire Department Notes" on plans.

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

22. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

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.

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

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.

24. FIRE024 - FIRE ALARM SYSTEM - (SINGLE FAMILY DWELLING)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The residence shall be fully protected with an approved household fire warning system as defined by NFPA Standard 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the Uniform Building Code shall be required to be placarded as permanent building equipment. (Pebble Beach Community Services District)

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

Prior to requesting a framing inspection, Applicant shall obtain fire department approval of the fire alarm system plans.

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

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

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.

26. WR008 - STORMWATER DETENTION

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. The property owner shall maintain the approved stormwater drainage system to insure the facilities are operating as designed. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

27. WR010 - COMPLETION CERTIFICATION

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 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.

28. WR049 - WATER AVAILABILITY CERTIFICATION

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.

29. MM AES-B1: INCORPORATE NATIVE INFILL PLANTINGS IN AREAS OUTSIDE OF THE DEVELOPMENT FOOTPRINT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM AES-B1: INCORPORATE NATIVE INFILL PLANTINGS IN AREAS OUTSIDE OF THE DEVELOPMENT FOOTPRINT

Prior to Project construction, the applicant shall incorporate native infill plantings into the Project landscaping plans around the development footprint to maximize screening of public views from roadways. Additional native shrubs shall be placed in the following areas: 1) west of the development site, between SFB Morse Drive and the new buildings (but not in a manner that blocks vehicular line of site at the driveways), and 2) east of the development site, between the Pacific Grove/Pebble Beach boundary and the development footprint where gaps allow for infill plantings. Evergreen species such as shaggy-barked manzanita (*Arctostaphylos tomentosa* subsp. *tomentosa*), coyote brush (*Baccharis pilularis*), California coffeeberry (*Frangula californica* subsp. *californica*), and toyon (*Heteromeles arbutifolia*) shall be used. Plants shall be spaced irregularly so that the plantings appear compatible with the existing vegetation in this area, yet at a density that shall ensure effective understory screening. The specific plant species, location and distance apart will be determined in coordination with and approved by the Project biologist and landscape architect analyst, who will sign the plans or approve in memorandum format. It is estimated that there could be 20-50 new native shrubs placed 5 to 10 feet apart depending on the species. Under no circumstances shall any invasive plant species be used at any location. In addition, this measure shall conform to the standards set forth for the 30-foot Lean, Clean and Green Zone and the 70-foot Reduced Fuel Zone established in the Preliminary Fuel Management Plan.

The applicant shall be responsible for maintaining and monitoring the infill plantings during the plant establishment period set forth in the resource management plan developed for the Project (refer to Mitigation Measure 1 BIO-A1, Develop and implement one site-specific resource management plan for the Project's open space preservation area). For a minimum of 20 years after Project construction, the applicant shall submit an annual monitoring report documenting the implementation of this measure.

Compliance or Monitoring Action to be Performed: Prior to issuing the first construction permit, Monterey County RMA-Planning will review and approve the final landscape plans. After construction and prior to occupancy, the Monterey County RMA-Planning or a qualified landscape architect on the County's behalf will visit the site to ensure the landscaping has been planted in accordance with the approved landscape plans. After occupancy, Monterey County RMA-Planning will review the applicant's annual monitoring report documenting the implementation of this measure for 20 years.

30. MM BIO-A1 - DEVELOP AND IMPLEMENT A SITE-SPECIFIC RESOURCE MANAGEMENT PLAN FOR THE PROJECT'S OPE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM BIO-A1: DEVELOP AND IMPLEMENT A SITE-SPECIFIC RESOURCE MANAGEMENT PLAN FOR THE PROJECT'S OPEN SPACE PRESERVATION AREA IN AREA D

The applicant shall be required to develop and implement a site-specific resource management plan (RMP) for the 10.5-acre open space preservation area on the Project site. The objective of the RMP will be to increase the functions and values of the preserved forest habitat to offset the loss of habitat functions and values and to minimize indirect impacts resulting from Project implementation. Additionally, the site-specific RMP will include native infill plantings to replace the trees removed for the Project. (See attached page for the full text of Mitigation Measure BIO-A1.)

Compliance or Monitoring Action to be Performed: Prior to issuing the first construction permit, Monterey County RMA-Planning shall review and approve the site-specific RMPs. After construction, annually for a minimum of 20 years, Monterey County RMA-Planning, or a qualified biologist on the County's behalf, will visit the sites to ensure the measures in the RMPs are being implemented.

Full Text of Mitigation Measure BIO-A1 (Condition of Approval No. 30):

Mitigation Measure BIO-A1. Develop and implement a site-specific resource management plan for the Project's open space preservation area in Area D.

The applicant shall be required to develop and implement a site-specific resource management plan (RMP) for the 10.5-acre open space preservation area on the Project site. The objective of the RMP will be to increase the functions and values of the preserved forest habitat to offset the loss of habitat functions and values and to minimize indirect impacts resulting from Project implementation. Additionally, the site-specific RMP will include native infill plantings to replace the trees removed for the Project.

The draft site-specific RMP shall be developed by a qualified third-party biologist under contract to the County prior to issuance of the first Project construction permit, and it shall be reviewed and approved by the County RMA-Planning. The site-specific RMP shall be based on the guidance and framework provided in the County-approved Master RMP for the Pebble Beach Company Project (also called the buildout project). The Master RMP is included in Appendix J of this EIR (it was previously included in Appendix C of the Pebble Beach Company Project EIR, which was certified by Monterey County in 2012).

The site-specific RMP for the Area D preservation area shall include planting of replacement trees per the requirements of the Tree Ordinance. The applicant shall be required to establish 590 coast live oak trees and 135 Monterey pine trees as replacement. The first priority for tree planting shall be on the proposed preservation areas within the 13.2-acre Project site, unless the qualified biologist determines it is preferable for overall forest health to plant the replacement trees within nearby areas dedicated to preservation, such as HHNHA or SFB Morse Preserve, or other areas, where appropriate to the site-specific RMPs for such areas.

- Removal and planting of Monterey pines shall employ removal and disposal techniques following the guidelines from the Pitch Canker Task Force and Monterey pine forest planting stock shall include pitch canker resistant individuals from a diverse genetic background.
- Prior to tree removal, assessment shall be conducted for the symptoms of sudden oak death and the presence of the pathogen *Phytophthora ramorum*. If infection is identified within development areas, the maximum 1 retention of uninfected coast live oaks will be incorporated into the site-specific RMP. If any infected oaks are identified within areas of oak removal, removal and disposal activity and techniques shall incorporate current best management and control recommendations for pathogen control from the California Oak Mortality Task Force and as directed by the County Agricultural Commissioner.

The site-specific RMP for the Area D preservation area shall comply with California Public Resources Code Section 4291 et seq., which mandates 100 feet of "defensible space" by vegetation reduction and treatment around all homes and buildings to help protect from wildland fire hazards. This includes creating a 30-foot Lean, Clean and Green Zone and a 70-foot Reduced Fuel Zone, as established in the Preliminary Fuel Management Plan. Surface litter removal shall leave litter that is less than 3 inches in depth in place (e.g., removal is only to manage litter so that it does not exceed 3 inches in depth. Fuel separation and treatment options in preserve areas shall use the minimum vertical clearance method to provide for a continuous tree canopy where there is an existing continuous tree canopy but horizontal clearance may be used where the tree canopy is not continuous.

The site-specific RMP for the Area D preservation area shall identify existing unofficial trails to be either 1) retained for pedestrian access through the open space preservation area or 2) closed for restoration. The following general guiding principles apply to the site-specific RMP for Area D.

- Formalize one or more existing trails to provide pedestrian access through the open space preservation area and to connect to other formal trails offsite as follows:
 - Formalize the existing informal trail along the 20-foot drainage easement south of the project development site from Shafter Avenue to SFB Morse Drive.
 - Create a trail connection from the 20-foot drainage easement southward to SFB Morse Drive east of Congress Road at a point across the road from the existing formal trail within the HHNHA. This trail connection shall use areas disturbed by existing informal trails as much as feasible. The crossing of Sawmill Gulch shall be provided by a small clear-span bridge. Signage shall be placed along SFB Morse Drive indicating to motorists of a trail crossing and at the trail road crossing should be striped. The trail shall be routed to minimize vegetation removal. Any necessary vegetation removal for formal trail establishment shall be compensated by planting on a 1:1 basis as part of management of the remaining preserve area.
 - Wooden fence barriers shall be placed at the end of Lincoln, Miles, and Lawton avenues with signage saying “Forest Preserve: Do Not Enter” or equivalent language.
 - Signage shall be placed on the new trails indicating that no motorized vehicles are allowed and bicycles must be walked.
- Close all remaining existing informal trails for restoration and to minimize foot traffic near residences. The dirt bike trail and any associated bike ramps or other bike improvements shall be removed and the disturbed area restored.
- Provide signage and barriers to guide pedestrians to formal trails and away from closed trails, and to educate them about the sensitivity of the Monterey pine forest habitat.

The site-specific RMP for Area D shall include specific management measures for the following biological resources in the preservation area.

- Monterey pine forest.
- California red-legged frog.
- Nesting raptors and bird species regulated under Migratory Bird Treaty Act.
- Pallid bat (standing dead trees throughout the Project site).

The following sections of the Master RMP specifically apply to the resource management of the portions of Area D to be preserved as part of this project: Chapter 1, Chapter 2, Section 3.1 in regard to Monterey Pine Forest, Section 3.4 in regard to Wetland and Riparian Habitat, Section 4.2 in regard to California red-legged frog and pallid bat, and Section 5.4 in regard to Huckleberry Hill Natural Habitat Area and Contiguous Areas.

For each resource being protected, the RMP for the Area D preserve shall include the following elements.

- A description of the resource and a detailed description of the management measures to protect the resource.
- Specific protection, restoration, and management methods, including timing and personnel.

- Monitoring methods, success criteria, and reporting procedures, including timing and personnel.
- Adaptive management plan (including weed control).

The RMP for the Area D preserve shall incorporate the following measures to control and minimize human use impacts.

- Implement an annual program of erosion control and trail maintenance for the formal trails.
- Provide environmental education (e.g., onsite signage, distribution of pamphlets) about the Monterey pine forest for new residents and existing adjacent residents. Educational signage and materials should specify measures that individuals can implement to lower their impact, such as staying on existing trails, crossing drainages only at existing crossings, and avoiding the introduction of invasive species. The education material shall also include information about the impact of outdoor cats on native wildlife and encourage indoor cats instead. If residents have outdoor cats, the material will include information that some think that bells or brightly colored collars may lower cat predation effectiveness, but others question its effectiveness. The material will also emphasize that control of outdoor foodstuffs and trash will help to reduce attraction of raccoons and skunks which will help protect human health and native wildlife health.
- Monitor closed trails and informal “social” trail creation, bike jumps, encampments, etc. and close or remove them as appropriate. Monitor trail crossings of Sawmill Gulch during the wet season, and install erosion control measures along trails if monitoring identifies that a substantial erosion potential exists. Conduct periodic maintenance as necessary to prevent soil erosion and sedimentation from subsequent storm events. The applicant shall develop a protocol for implementing periodic monitoring and maintenance that shall be incorporated into the RMP for the Project site.
- Conduct at least annual (and more frequent if necessary) invasive weed control surveys both along trails and off trails and use manual, mechanical, and appropriate chemical or other means of control where infestation of noxious weeds is identified. Continued use of goat grazing may be determined appropriate for weed control.

The RMP for the Area D preserve will include native infill plantings around the development footprint to maximize screening of public views from roadways (refer to Mitigation Measure AES-B1, Incorporate native infill plantings in areas outside of the development footprint).

The RMP shall include an annual work plan and monitoring report to be approved by the County. The work plan shall include an education program for maintenance staff whereby a qualified biologist shall provide information on special-status plant and wildlife species. The applicant shall ensure that the measures are implemented by monitoring for a minimum period of 20 years.

Mitigation Monitoring: Prior to issuing the first construction permit, Monterey County RMA-Planning shall review and approve the site-specific RMPs. After construction, annually for a minimum of 20 years, Monterey County RMA-Planning, or a qualified biologist on the County’s behalf, will visit the sites to ensure the measures in the RMPs are being implemented. ///

31. MM BIO-A2: DEDICATE CONSERVATION EASEMENT TO THE DEL MONTE FOREST CONSERVANCY, ETC.

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM BIO-A2: DEDICATE CONSERVATION EASEMENT TO THE DEL MONTE FOREST CONSERVANCY FOR THE OPEN SPACE PRESERVATION AREA IN AREA D. DEDICATE CONSERVATION EASEMENT TO A SUITABLE CONSERVATION AGENCY, FOR THE ADDITIONAL AREA OF OLD CAPITOL SITE

Prior to Project occupancy, the applicant shall be required to dedicate a conservation easement to the Del Monte Forest Conservancy or other approved entity for the entire open space preservation area (10.5 acres), including 4 acres west of SFB Morse Drive and 6.5 acres east of SFB Morse Drive, as shown in Figure 2-3 in the EIR.

The conservation easement shall incorporate specific development prohibitions based on the protection measures outlined in the Master RMP (Monterey County 2011/2012) and the site-specific RMP to be developed in accordance with Mitigation Measure BIO-A1. The conservation easement shall contain specific restrictive language that permanently prohibits all future development in the preservation areas, including the creation or expansion of trails, with the following exceptions.

- Existing trails in Area D to be retained, as identified in the site-specific RMP per the requirements of Mitigation Measure BIO-A1.
- Existing utility uses and their maintenance, as identified in the site-specific RMP.

The conservation easement shall also contain the following provisions:

- A guarantee of full funding for implementation and monitoring by the applicant of all agency-approved resource management methods established in all agreements and memoranda of understanding.
- A statement that these dedicated areas cannot be used for the mitigation of any other past, present, or future projects.

The intent of this language is to prevent the possibility of later revision, amendment, or interpretive disputes concerning the conservation easements that might directly or indirectly result in the loss of habitat area and quality that is intended and required solely as mitigation for this Project's effects. The intent is also to ensure the implementation of proposed resource management activities that are intrinsic to enhancing and maintaining the forest's ecological values, such as implementation of resource and wildfire management practices.

The applicant shall also be required to dedicate the 135-acre Old Capitol Site for the purposes of permanent preservation and management of Monterey pine forest and supported habitat in perpetuity.

Compliance or Monitoring Action to be Performed: Prior to Project occupancy, Monterey County RMA-Planning shall review and approve the conservation easements to the Del Monte Forest Conservancy or other approved entity.

32. MM BIO-B1 - AVOID, MINIMIZE, AND/OR COMPENSATE FOR DEGRADATION OF WATER QUALITY AND LOSS OF WATER

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM BIO-B1: AVOID, MINIMIZE, AND/OR COMPENSATE FOR DEGRADATION OF WATER QUALITY AND LOSS OF WATERS; AND IMPLEMENT RESOURCE MANAGEMENT MEASURES TO MAINTAIN WATERS AND WATER QUALITY IN THE PROJECT PRESERVE AREAS

During Project construction, the applicant shall minimize disturbance of the drainage ravine leading to Sawmill Gulch and any associated riparian vegetation due to the construction of the storm drain outfall to the drainage ravine. The outfall shall be constructed so that it shall not result in erosion of the drainage bed or bank through use of energy dissipating rock or other structure. The applicant shall restore any temporary disturbance areas. The applicant shall compensate for the loss of waters through restoration actions along the drainage ravine leading to Sawmill Gulch within the proposed preserve areas. These restoration actions shall include replanting of vegetation to compensate for any permanent loss of riparian vegetation due to outfall installation and restoration of drainage bed or bank at a minimum ratio of 1:1 for any permanent areas of disturbance of the drainage ravine leading to Sawmill Gulch. The amount of compensation included in this mitigation is a minimum requirement; additional compensation may be required as permit conditions from the USACE, RWQCB or CDFW, as appropriate.

In addition to the above requirements, the drainage ravine leading to Sawmill Gulch shall be managed for its habitat as part of the site-specific RMP required pursuant to Mitigation Measure BIO-A1 above, including removal of invasive species, stabilization of any unnatural areas of erosion that may be causing sedimentation of the creek, and removal of any unnatural fills not necessary to roadway or utility infrastructure.

Compliance or Monitoring Action to be Performed: During Project construction, Monterey County RMA-Planning, or a qualified biologist on the County's behalf, shall ensure that the applicant minimizes disturbance to the drainage ravine leading to Sawmill Gulch and shall restore any areas that are temporarily disturbed.

33. MM BIO-C1 - CONDUCT PRE-CONSTRUCTION SURVEYS FOR CRLF, IMPLEMENT PROTECTION MEASURES IF FOUND, A

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM BIO-C1: CONDUCT PRE-CONSTRUCTION SURVEYS FOR CRLF, IMPLEMENT PROTECTION MEASURES IF FOUND, AND CONDUCT CONSTRUCTION MONITORING

Prior to issuance of the first Project construction permit, the applicant shall hire a qualified biologist and ensure the following measures are incorporated into construction specifications and implemented to protect CRLF.

- The qualified biologist shall conduct pre-construction surveys up to 3 days prior to initial grading and ground disturbing activities in all upland areas within 300 feet of the drainage ravine leading to Sawmill Gulch in areas proposed for temporary or permanent disturbance in the Project site. During rain conditions, the pre-construction survey shall be conducted the same day as grading and ground disturbing activities.

- If CRLF are found within an area to be disturbed, no ground disturbance shall occur until a USFWS-approved biologist has captured and relocated any individuals to nearby suitable habitat within a preservation area. All relocation shall be completed following a relocation plan approved by the USFWS and CDFW, including the preservation area to which the CRLF shall be relocated.

- If CRLF are found within the project site and relocated out of the project site, then biologist shall supervise installation of barrier fencing around construction areas within 300 feet from the drainage ravine leading to Sawmill Gulch to minimize the potential for CRLF to enter construction areas.

- Once barrier fencing is installed, the biologist will instruct the construction foreman on how to inspect the fence each morning, prior to the start of work activities, to make sure the fence is still intact and that no animals are stuck at the fence.

Compliance or Monitoring Action to be Performed: Prior to the issuance of the first Project construction permit, Monterey County RMA-Planning shall ensure the CRLF protection measures are incorporated into construction specifications.

During construction, Monterey County RMA-Planning shall verify the protection measures are being implemented by having a construction monitor visit the site or review and approve monitoring reports prepared by the qualified biologist monitoring construction.

34. MM BIO-C3 - CONDUCT PRE-CONSTRUCTION SURVEYS FOR BAT ROOSTS, AND IMPLEMENT CONSTRUCTION MONITC

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM BIO-1 C3: CONDUCT PRE-CONSTRUCTION SURVEYS FOR BAT ROOSTS, AND IMPLEMENT CONSTRUCTION MONITORING DURING TREE REMOVAL ACTIVITIES

Prior to issuance of the first Project construction permit, the applicant shall hire a qualified biologist and ensure the following measures are incorporated into the construction specifications and implemented to protect pallid bats.

- The qualified biologist shall conduct pre-construction surveys for pallid bats no more than 48 hours before tree removal activities in or near the proposed development area. This survey shall include: 1) systematic roost searching throughout the development area where there is potential for bats to be located and, if found, 2) monitoring of an occupied tree during initial disturbance confirming bats have vacated prior to tree removal.

If bats are confirmed using the trees on site as roosts, the biologist shall be present during tree removal activities and shall have the authority to temporarily stop construction activities if pallid bats are found, and until such bats have left the occupied tree. If bats are not found roosting in the trees then no additional monitoring is necessary during tree removal, unless required by other mitigation measures.

Compliance or Monitoring Action to be Performed: Prior to the issuance of the first Project construction permit, Monterey County RMA-Planning shall ensure the pallid bat protection measures are incorporated into the construction specifications.

During construction, Monterey County RMA-Planning shall verify the protection measures are being implemented by having a construction monitor visit the site or review and approve monitoring reports prepared by the qualified biologist monitoring construction.

35. MM CC-A1 - IMPLEMENT BEST MANAGEMENT PRACTICES FOR GHG EMISSIONS DURING CONSTRUCTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM CC-A1: IMPLEMENT BEST MANAGEMENT PRACTICES FOR GHG EMISSIONS DURING CONSTRUCTION

Prior to starting construction activities, the applicant shall ensure the construction contractor includes the following best management practices (BMPs) in the construction specifications, to the extent feasible, to reduce construction-related GHG emissions:

- Use alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment for at least 15% of the fleet.
- Use local building materials where reasonably available (i.e., within the general Monterey Bay area defined as Monterey County, Santa Cruz County, and San Benito County).
- Recycle at least 50% of construction waste or demolition materials.

The applicant shall submit to Monterey County for review and approval a report of construction specifications demonstrating implementation of BMPs.

Compliance or Monitoring Action to be Performed: Prior to starting construction activities, Monterey County RMA-Planning shall ensure that the construction specifications include best management practices to reduce construction-related GHG emissions.

Prior to the issuance of grading or building permits, Monterey County RMA-Planning shall review and approve construction specifications demonstrating implementation of BMPs.

36. MM CC-A2a - REDUCE ANNUAL GREENHOUSE GAS EMISSIONS TO BELOW THE EFFICIENCY STANDARD OF 4.5 MTCO₂e

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM CC-A2a: REDUCE ANNUAL GREENHOUSE GAS EMISSIONS TO BELOW THE EFFICIENCY STANDARD OF 4.5 MTCO₂e/SERVICE POPULATION USING A COMBINATION OF DESIGN FEATURES, REPLANTING, AND/OR OFFSET PURCHASES

Prior to issuance of the first Project construction permit, the applicant shall develop and implement a GHG Reduction Plan to reduce annual emissions to below the efficiency threshold of 4.5 MTCO₂e/Service Population. With the presumed project residents (78), this would mean reducing GHG emissions to approximately 351 MTCO₂e/year. The GHG Reduction Plan shall be provided to Monterey County for review and approval prior to grading, or ground disturbance or vegetation removal for any phase of the proposed project. The GHG Reduction Plan shall identify the specific design measures proposed to reduce GHG emissions from the proposed project, their timing, and the responsible party. The effect of state measures, as applied to project development, may be counted toward the mitigated level. (See attached page for the full text of Mitigation Measure CC-A2a.)

Compliance or Monitoring Action to be Performed: Prior to issuance of the first Project construction permit, Monterey County RMA-Planning shall review and approve the GHG Reduction Plan developed by the applicant.

Full Text of Mitigation Measure CC-A2a (Condition of Approval No. 36):

Mitigation Measure CC-A2a: Reduce annual greenhouse gas emissions to below the efficiency standard of 4.5 MTCO₂e/Service Population using a combination of design features, replanting, and/or offset purchases.

Prior to issuance of the first Project construction permit, the applicant shall develop and implement a GHG Reduction Plan to reduce annual emissions to below the efficiency threshold of 4.5 MTCO₂e/Service Population. With the presumed project residents (78), this would mean reducing GHG emissions to approximately 351 MTCO₂e/year. The GHG Reduction Plan shall be provided to Monterey County for review and approval prior to grading, or ground disturbance or vegetation removal for any phase of the proposed project. The GHG Reduction Plan shall identify the specific design measures proposed to reduce GHG emissions from the proposed project, their timing, and the responsible party. The effect of state measures, as applied to project development, may be counted toward the mitigated level.

The GHG Reduction Plan shall demonstrate how the project-specific measures and the state measures will result in 2020 project emissions of no more than 351 MT CO₂e.

The following potential measures could be used in the GHG Reduction Plan.

Building Energy Use

- Exceed Title 24 building envelope energy efficiency standards (applicable at the time of the building permit issuance) by 20%.
- Install programmable thermostat timers and smart meters.
- Obtain third-party heating, ventilation, and air conditioning commissioning and verification of energy savings.
- Install energy-efficient appliances.
- Require cool roof materials.⁸
- Install green roofs.
- Install solar water heaters.
- Install tankless water heaters.
- Install solar panels.
- HVAC duct sealing.
- Increase roof/ceiling insulation.

Alternative Energy Generation

- Install onsite solar facilities.

Lighting

- Install high-efficiency area lighting.
- Limit outdoor lighting.
- Maximize interior day light.

Transportation

- Provide electric vehicle charging stations.
- Provide local shuttle service to and from employment facilities in Pebble Beach.

⁸ Per EPA ENERGY STAR requirements, cool roofs should have albedo ≥ 0.25 for sloped roofs and ≥ 0.65 for low-slope roofs.

Water

- Install low-flow water fixtures.
- Design water-efficient landscapes and landscape irrigation systems.
- Install rainwater collection systems.
- Install low-water use appliances and fixtures.
- Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces.

Area Landscaping

- Use only electric-powered landscaping equipment (not gas powered).

Solid Waste

- Institute or extend recycling and composting services.

Carbon Sequestration

- Plant additional trees beyond those already proposed.

Off-Site Mitigation

- Off-site mitigation could take many forms, including:
 - Paying for energy-efficiency upgrades of existing homes and business.
 - Installing off-site renewable energy.
 - Paying for off-site water efficiency.
 - Paying for off-site waste reduction.
 - Other methods.
- Off-site mitigation must be maintained in perpetuity to match the length of project operations to provide ongoing annual emission reductions.

Carbon Offsets

- Purchase offsets from a validated source⁹ to offset annual GHG emissions.
- Purchase offsets from a validated source to offset one-time carbon stock GHG emissions.

The GHG Reduction Plan shall consist of the measures described below unless the applicant demonstrates that alternative measures will collectively meet the overall performance standard. The applicant shall document the application of all final measures to proposed new development and demonstrate their effectiveness.

- State measures that will lower project emissions:
 - Renewable Portfolio Standard.
 - Vehicle efficiency measures (Pavley/Advanced Clean Cars).
 - Low Carbon Fuel Standard.
- Project measures that could lower project emissions:
 - Features and measures to exceed Title 24 standards by 20%.
 - Installation of low-flow water fixtures and irrigation systems.

⁹ Validated sources are carbon offset sources that follow approved protocols and use third-party verification. At this time, appropriate offset providers include only those that have been validated using the protocols and methods of the Climate Action Registry, the Gold Standard, or the Clean Development Mechanism (CDM) of the Kyoto Protocol. Credits from other sources will not be allowed unless they are shown to be validated by protocols and methods equivalent to or more stringent than the CDM standards.

- Expanding recycling and composting services to ensure recycling of 50% of materials.
- Replanting of additional trees beyond those currently proposed.

Mitigation Monitoring: Prior to issuance of the first Project construction permit, Monterey County RMA-Planning shall review and approve the GHG Reduction Plan developed by the applicant.

37. MM CC-A2b - VALIDATE THE GREENHOUSE GAS EMISSION OFFSET VALUE OF PRESERVING MONTEREY PINE FORES'

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM CC-A2b: VALIDATE THE GREENHOUSE GAS EMISSION OFFSET VALUE OF PRESERVING MONTEREY PINE FOREST ON THE OLD CAPITOL SITE USING THE CLIMATE ACTION REGISTRY FOREST PROJECT PROTOCOL AND PRESERVE THE LANDS IN PERPETUITY

In order for this mitigation to be valid, the applicant shall be required to submit an application to the Climate Action Reserve for the proposed preservation areas following the Forest Practices Protocol and shall obtain third-party verification per the protocol to validate the use of such lands for mitigation credit. If the Reserve validates an amount of GHG mitigation offset greater than or equal to the predicted emissions of the proposed project described above, the County shall accept preservation of land as mitigation of GHG emissions. If the applicant is unable to validate the preservation, the applicant shall be required to implement Mitigation Measure CC-A2a.

If validated, the project applicant shall establish preservation areas to prohibit a minimum of 75 acres of Monterey pine forest on the Old Capitol Site from being developed into non-forested land. The preservation area established by the project applicant shall be consistent with the Climate Action Reserve's Forest Project Protocol and shall ensure that the preservation area is maintained for a minimum of 100 years.

Compliance or Monitoring Action to be Performed: Prior to issuance of the first Project construction permit, the applicant shall submit evidence to Monterey County RMA-Planning of a submitted application to the Climate Action Reserve for the proposed preservation areas following the Forest Practices Protocol and will obtain third-party verification per the protocol to validate the use of such lands for mitigation credit. If validated, Monterey County RMA-Planning shall ensure that the preservation area established is consistent with the Climate Action Reserve's Forest Project Protocol and will ensure that the preservation area is maintained for a minimum of 100 years.

38. MM GSS-D1 - DURING PROJECT CONSTRUCTION, DEWATER WHERE EXCAVATION ACTIVITIES WOULD BE 5 FEET OR

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: MM GSS-D1: DURING PROJECT CONSTRUCTION, DEWATER WHERE EXCAVATION ACTIVITIES WOULD BE 5 FEET OR GREATER AND SHORE TEMPORARY CUTS

The applicant shall ensure construction specifications identify areas where excavation is planned to be 5 feet or greater, including utility installation (6 feet deep), and identify the groundwater depths at those locations. During construction, where groundwater will potentially be encountered, the construction contractor shall implement dewatering (water removal) and shoring methods as necessary to handle drainage and potential excavation wall stability during excavation. These shall be included as notes on construction plans.

Compliance or Monitoring Action to be Performed: Prior to issuance of the first construction permit, Monterey County RMA-Building Services shall review and approve the construction plans to ensure they identify areas where excavation could be 5 feet or greater and groundwater could be encountered, and include dewatering and shoring activities.

39. MM NOI-B1 - IMPLEMENT NOISE CONTROL MEASURES TO REDUCE CONSTRUCTION NOISE DURING PROJECT CONST

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: MM NOI-B1 - IMPLEMENT NOISE CONTROL MEASURES TO REDUCE CONSTRUCTION NOISE DURING PROJECT CONSTRUCTION

The applicant shall ensure the construction contractor includes the following measures as notes on the construction plans and implements the measures during construction of the Project.

- Monitor the effectiveness of noise attenuation measures by taking noise measurements during construction activities to evaluate noise levels and determine the need for mitigation to reduce noise below 85 dBA, Lmax at a distance of 50 feet from construction activities.
- Equipment and trucks used for Project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds), wherever feasible.
- Construction contractors, to the maximum extent feasible, shall be required to use "quiet" gasoline-powered compressors or other electric-powered compressors, and use electric rather than gasoline or diesel powered forklifts for small lifting.
- Stationary noise sources, such as temporary generators, shall be located as far from nearby receptors as possible, and they shall be muffled and enclosed within temporary enclosures and shielded by barriers, or other measures to the extent feasible.
- Install temporary noise barriers eight feet in height around the construction site to reduce construction noise to 85 dBA as measured at the applicable property lines of the adjacent uses, unless an acoustical engineer submits documentation that confirms that the barriers are not necessary to achieve the attenuation levels.
- Trucks shall be prohibited from idling along streets serving the construction site.
- Monitor the effectiveness of noise attenuation measures by taking noise measurements during construction activities.
- The applicant shall ensure a monitoring report is prepared that documents the noise measurements and the implementation of the noise-reduction measures.

Compliance or Monitoring Action to be Performed: Prior to issuance of the first construction permit, the Monterey County Environmental Health Bureau shall review and approve the construction plans for noise control measures to be implemented throughout Project construction.

During Project construction, Monterey County Environmental Health Bureau shall review and approve the applicant's monitoring report.

40. MM NOI-C1 - IDENTIFY SPECIFIC TIMEFRAME FOR CONSTRUCTION ACTIVITIES THAT RESULT IN VIBRATION AND PRO

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: MM NOI-C1: IDENTIFY SPECIFIC TIMEFRAME FOR CONSTRUCTION ACTIVITIES THAT RESULT IN VIBRATION AND PROVIDE ADVANCE NOTICE TO ADJACENT RESIDENTS; CONDUCT VIBRATION TESTING, AND OFFER TEMPORARY RELOCATION TO SELECT RESIDENTS IF VIBRATION LEVELS EXCEED FEDERAL TRANSIT ADMINISTRATION VIBRATION THRESHOLDS

Prior to and during Project construction, the applicant and construction contractor shall ensure that construction scheduling identifies the times and duration of vibration-causing effects associated with earth-moving and grading activities. These construction activities shall be limited to a specified period during the day, as determined by the applicant and construction contractor with approval from Monterey County RMA-Planning. The applicant shall provide advance notice to adjacent residents within 100 feet of vibration-causing activities, and also send a copy of the notice to Monterey County Environmental Health Bureau.

Additionally, the applicant and construction contractor shall conduct vibration testing to determine if earth-moving and grading activities result in vibration levels that exceed the Federal Transit Administration recommended ground-borne vibration threshold of 83 VdB and ground-borne noise threshold of 48 dBA. If ground-borne vibration or noise levels exceed the thresholds, the applicant shall offer to temporarily relocate residents who will be exposed to vibration levels exceeding threshold levels during grading and excavation activities, and notify the Monterey County Environmental Health Bureau.

These requirements shall be included in all relevant construction contracts and shown on construction plans.

Compliance or Monitoring Action to be Performed: Prior to issuance of the first construction permit, the Monterey County Environmental Health Bureau shall review and approve the construction plans to ensure that construction scheduling identifies the times and duration of vibration-causing effects associated with earth-moving and grading activities.

Additionally, the Monterey County Environmental Health Bureau shall ensure that the applicant and construction contractor conduct vibration testing to determine if construction activities will result in vibration levels in excess of FTA's recommended thresholds.

41. MM TRA-A1 - DEVELOP AND IMPLEMENT A CONSTRUCTION TRAFFIC CONTROL PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM TRA-A1: DEVELOP AND IMPLEMENT A CONSTRUCTION TRAFFIC CONTROL PLAN

Prior to issuance of grading or building permits, a traffic control plan, including a comprehensive set of traffic control measures, shall be prepared by the construction contractor and submitted to Monterey County RMA – Public Works for review and approval. The plan shall be implemented throughout the course of Project construction and may include, but shall not be limited to, the following elements:

- Limit construction activities to between 8 a.m. and 6 p.m., Monday through Saturday, per the Del Monte Forest Architectural Board Design Guidelines (Pebble Beach Company 2002) imposed on development within Pebble Beach. No work shall be permitted on Sundays or holidays. Workers may be on-site before 8 a.m. and after 6 p.m., but no work shall be performed that will disturb neighboring residents. (The applicant's proposed construction hours are consistent with this measure.)
- Require that written notification be provided to contractors regarding appropriate routes to and from the Project site, and the weight and speed limits on local roads used to access the Project site. Wherever possible, construction truck travel shall occur on collector and arterial roads, not on local or residential streets. (The applicant proposes to limit major construction truck activity to key collector roads in Pebble Beach, and construction truck access to the Project site would be via the SFB Morse Gate.)
- Repair or restore any damage attributable to haul trucks on haul routes to the satisfaction of the appropriate agency.
- Require traffic controls on SFB Morse Drive and the Project entrance driveway, including flag persons wearing bright orange or red vests and using a "Stop/Slow" paddle to control oncoming traffic.
- Lane closure procedures, including signs, cones, and other warning devices for drivers, shall be identified as appropriate.
- Use of steel plates to maintain through-traffic on roads shall be considered, and construction access routes shall be identified.
- Construction staging is anticipated to occur on-site for all Project components and shall be verified by the County.
- Provide adequate on-site parking for all construction workers to minimize the impact on area roads. When on-site parking cannot be provided, alternative parking and shuttle systems shall be developed and verified by the County.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading or building permits, Monterey County RMA-Public Works shall review and approve a traffic control plan to be implemented throughout the course of Project construction.

During construction, Monterey County RMA – Public Works shall periodically monitor construction activities to ensure the traffic control plan is being implemented.

42. MM TRA-C1 - FAIR-SHARE CONTRIBUTION - SR 68/SKYLINE FOREST DRIVE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM TRA-C1: FAIR-SHARE CONTRIBUTION TO BE CALCULATED BASED ON AN IMPROVEMENT AT SR 68/SKYLINE FOREST DRIVE, BUT COUNTY TO CREDIT FAIR-SHARE AMOUNT AS PARTIAL REPAYMENT OF APPLICANT'S EXCESS FUNDING COMMITMENT FOR THE SR1/SR68 ROUNDABOUT PROJECT IN EXCESS OF ITS OVERALL FAIR SHARE

The applicant's fair-share contribution shall be based on a conceptual improvement for a traffic signal at the intersection of SR 68/Skyline Forest Drive and to widen the intersection to four lanes. The widening is conceptually designed to accommodate traffic signal operations and minimize vehicle queues; it would generally occur within 500 to 600 feet on either side of Skyline Forest Drive.

Based on the Project's contribution to this intersection over the total with project traffic (4 trips over 1,254 total in the PM peak hour as the intersection is deficient today), the Project's estimated share of impact is 0.32%. The estimated cost of this mitigation is \$2,444,000 (Monterey County 2011/2012). Thus, the estimated mitigation fair-share fee for this impact is \$7,821.

This physical improvement at the SR68/Skyline Forest Drive is not included in any existing local or regional traffic improvement program. The County intends to instead credit PBC's fair-share contributions under this measure as partial repayment of the excess funding commitment by the Applicant for the SR1/SR68 roundabout project beyond its fair-share.

Compliance or Monitoring Action to be Performed: The Applicant is not required to actually make the fair-share contribution. The County shall notify the Applicant in writing prior to issuance of the building permit for the inclusionary project that the fair-share contributions from the inclusionary project will reduce the Applicant's funding of the SR1/SR68 roundabout in excess of its overall fair-share.

43. MM TRA-C2 - FAIR-SHARE TRAFFIC IMPACT FEE - TAMC REGIONAL DEVELOPMENT IMPACT FEE PROGRAM

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM TRA-C2: FAIR-SHARE TRAFFIC IMPACT FEE BASED ON THE FEE SCHEDULE IN TAMC'S REGIONAL DEVELOPMENT IMPACT FEE PROGRAM

The Project applicant shall make a contribution to the TAMC Regional Development Impact Fee Program based on the program requirements. The contribution shall be made prior to issuance of the building permit. Based on the 2013 TAMC fee schedule, the estimated fee for moderate income apartment units is \$2,411.29 per unit and the total fee would be \$57,871. The County does not have the authority to redirect TAMC fees, but will recommend to TAMC that if possible, TAMC should consider crediting a portion of this fair-share amount as partial repayment of Applicant's excess funding commitment for the SR1/SR68 roundabout project in excess of its fair-share.

Compliance or Monitoring Action to be Performed: If TAMC determines that it will allow redirection of the fair-share fee as partial repayment to the Applicant for the excess funding of the SR1/SR68 roundabout project, then the Applicant is not required to actually make the fair-share contribution.

If TAMC does not allow such redirection, then the Applicant shall confirm in writing prior to issuance of the building permit for the inclusionary project that it has paid the fair-share mitigation fees to TAMC.

44. MM TRA-D2 - EXTEND DECOMPOSED GRANITE WALKWAY SOUTHWARD ALONG SFB MORSE DRIVE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM TRA-D2: EXTEND DECOMPOSED GRANITE WALKWAY SOUTHWARD ALONG SFB MORSE DRIVE

Prior to issuance of grading permits, the applicant shall revise the site design plans to extend the decomposed granite walkway southward along SFB Morse Drive to connect to the two Project driveways. The revised design plan shall be provided to Monterey County RMA – Planning for review and approval prior to grading.

Compliance or Monitoring Action to be Performed: Prior to issuance of grading permits, Monterey County RMA-Planning and Monterey County RMA-Public Works shall review and approve the design plans to ensure there is an extended decomposed granite walkway along SFB Morse Drive connecting the two Project driveways.

45. MM TRA-C3(C) - FAIR-SHARE CONTRIBUTION - SUNSET DRIVE/CONGRESS AVENUE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM TRA-C3(C): FAIR-SHARE CONTRIBUTION TO BE BASED ON AN IMPROVEMENT AT SUNSET DRIVE/CONGRESS AVENUE, BUT COUNTY MAY CREDIT FAIR-SHARE AMOUNT AS PARTIAL REPAYMENT OF THE APPLICANT'S EXCESS FUNDING COMMITMENT TO THE SR1/SR68 ROUNDABOUT PROJECT.

A fair-share contribution shall be estimated based on a conceptual design to restripe the westbound approach at the Sunset Drive/Congress Avenue intersection to provide a left-turn pocket. The applicant is responsible for its fair-share contribution to this mitigation based on new traffic growth because the intersection operates at acceptable levels under existing conditions.

Based on the Project's contribution to this intersection over cumulative new traffic growth, the Project's estimated share of impact is 0.62%. The estimated cost of this mitigation is \$4,200 (Monterey County 2011/2012). Thus, the estimated mitigation fair-share fee for this impact is \$26.

This physical improvement is not included in any existing local or regional traffic improvement program. Due to the extremely small fair share contribution, there are unlikely to be adequate funds to actually implement the improvement itself. Thus, the County may instead credit the fair-share amount as partial repayment of the Applicant's excess funding commitment for the SR1/SR68 roundabout project.

Compliance or Monitoring Action to be Performed: The Applicant may not be required to actually make the fair-share contribution. The County shall either obtain the fair-share from the Applicant or shall notify the Applicant in writing prior to issuance of the building permit for the inclusionary project that the fair-share contributions from the inclusionary project will reduce the Applicant's funding of the SR1/SR68 roundabout in excess of its overall fair-share.

46. MM TRA-C4(C) - FAIR-SHARE CONTRIBUTION - SR 68/AGUAJITO ROAD

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM TRA-C4(C): FAIR-SHARE CONTRIBUTION TO BE BASED ON IMPROVEMENT AT SR68/AGUAJITO ROAD, BUT COUNTY MAY CREDIT THE FAIR-SHARE AMOUNT AS PARTIAL REPAYMENT OF THE APPLICANT'S EXCESS FUNDING COMMITMENT TO THE SR1/SR68 ROUNDABOUT PROJECT

A fair-share contribution shall be based on a conceptual improvement plan to construct a refuge lane on SR 68 for traffic turning left out of the Aguajito Road intersection with SR 68. The applicant is responsible for its fair-share contribution to this mitigation based on new traffic because the intersection operates at acceptable levels under existing conditions.

Based on the Project's contribution to this intersection over cumulative traffic increase over existing, the Project's estimated share of impact is 0.13%. The estimated cost of this mitigation is \$201,400 (Monterey County 2011/ 1 2012). Thus, the estimated mitigation fair-share fee for this impact is \$262.

This improvement is not included in any existing local or regional traffic improvement program. Due to the extremely small fair share contribution, there are unlikely to be adequate funds to actually implement the improvement itself. Thus, the County may instead credit the fair-share amount as partial repayment of the Applicant's excess funding commitment for the SR1/SR68 roundabout project.

Compliance or Monitoring Action to be Performed: The Applicant may not be required to actually make the fair-share contribution. The County shall either require the fair-share contribution or shall notify the Applicant in writing prior to issuance of the building permit for the inclusionary project that the fair-share contributions from the inclusionary project will reduce the Applicant's funding of the SR1/SR68 roundabout in excess of its overall fair-share.

47. MM TRA-C5(C) - FAIR-SHARE CONTRIBUTION - SR 1 NORTHBOUND MERGE AT SR 68 (WEST)

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: MM TRA-C5(C): FAIR-SHARE CONTRIBUTION TO BE BASED ON AN IMPROVEMENT TO THE SR 1 NORTHBOUND MERGE AT SR 68 (WEST), BUT COUNTY MAY CREDIT FAIR-SHARE AMOUNT AS PARTIAL REPAYMENT OF APPLICANT'S EXCESS FUNDING COMMITMENT TO THE SR1/SR68 ROUNDABOUT PROJECT

A fair-share contribution shall be based on a conceptual improvement to replace the SR 1 northbound merge at SR 68 (west) with an auxiliary lane between SR 68 (west) and Munras Avenue. An auxiliary lane between SR 68 (west) and Munras Avenue will alleviate operational problems in the future with the merge.

Based on the project's contribution to this segment over the cumulative total traffic with project (as the merge is currently deficient), the project's estimated share of impact is 0.04%. The estimated cost of this mitigation is \$5,584,800 (Monterey County 2011/2012). Thus, the estimated mitigation fair-share fee for this impact is \$2,234.

This mitigation measure is not included in any existing local or regional traffic improvement program. Due to the extremely small fair share contribution, there are unlikely to be adequate funds to actually implement the improvement itself. Thus, the County may credit the fair-share amount as partial repayment of the Applicant's excess funding commitment for the SR1/SR68 roundabout project.

Compliance or Monitoring Action to be Performed: The Applicant may not be required to actually make the fair-share contribution. The County shall either require the fair-share contribution or shall notify the Applicant in writing prior to issuance of the building permit for the inclusionary project that the fair-share contributions from the inclusionary project will reduce the Applicant's funding of the SR1/SR68 roundabout in excess of its overall fair-share.

This page intentionally left blank