

# Exhibit J

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

In the matter of the application of:

**CVR HSGE LLC (PLN150751)**

**RESOLUTION NO. 16-008**

Resolution by the Monterey County Planning  
Commission:

- 1) Finding a previously adopted Mitigated Negative Declaration adequately addresses potential environmental impacts (CEQA Section 15162); and
- 2) Approving a three (3) year Extension Request for a previously approved Combined Development Permit (PLN020280 - BOS Resolution No. 06-366) which consisted of: 1) Vesting Tentative Map for the subdivision of an 218-acre parcel into 12 residential lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately 99 acres; 2) Use Permit for development on slopes greater than 30% for the construction of an access road; 3) Use Permit for the removal of approximately 193 protected oak trees; 4) Zoning reclassification to reclassify 11 existing lots in the Oakshire subdivision of Carmel Valley Ranch from "MDR/5-D-S" (Medium Density Residential, 5 Units per acre, with Design and Site Review overlays) to "O-D-S" (Open Space with Design and Site Review overlays); and 5) Assignment of the "LDR/B-6-D-S" zoning classification (Low Density Residential with Building Site, Design and Site Review overlays) to the residential portion of the proposed subdivision and the "O-D-S" (Open Space with Design and Site Review overlays) to the open space portions of the subdivision.

[PLN150751, CVR HSGE LLC, 1 Old Ranch Road, Carmel Valley, Carmel Valley Master Plan (APN: 416-522-020-000 and 416-522-017-000)]

**The CVR HSGE LLC application (PLN150751) came on for public hearing before the Monterey County Planning Commission on March 9, 2016. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **PROJECT DESCRIPTION** - The County has received and processed a three (3) year Extension Request for a previously approved Combined Development Permit (PLN020280 - BOS Resolution No. 06-366) which consisted of: 1) Vesting Tentative Map for the subdivision of an 218-acre parcel into 12 residential

lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately 99 acres; 2) Use Permit for development on slopes greater than 30% for the construction of an access road; 3) Use Permit for the removal of approximately 193 protected oak trees; 4) Zoning reclassification to reclassify 11 existing lots in the Oakshire subdivision of Carmel Valley Ranch from “MDR/5-D-S” (Medium Density Residential, 5 Units per acre, with Design and Site Review overlays) to “O-D-S” (Open Space with Design and Site Review overlays); and 5) Assignment of the “LDR/B-6-D-S” zoning classification (Low Density Residential with Building Site, Design and Site Review overlays) to the residential portion of the proposed subdivision and the “O-D-S” (Open Space with Design and Site Review overlays) to the open space portions of the subdivision.

- EVIDENCE:** (a) An application for a Permit Extension (PLN150751) was submitted on October 22, 2015, prior to the expiration date of April 19, 2016.
- (b) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN020280 and PLN150751.

**2. FINDING:** **CONSISTENCY** - The Permit Extension includes no changed circumstances from the previously approved permit(s). As approved and amended, permit number PLN150751 will become and be referred to as the approved permit.

- EVIDENCE:** (a) The application for Combined Development Permit (PLN020280) including the Subdivision Vesting Tentative Map, was filed on February 25, 2003.
- (b) The Board of Supervisors adopted a Mitigated Negative Declaration and approved the application on July 13, 2004.
- (c) A lawsuit was filed against the approval of the project on August 24, 2004, 42 days after approval of the project.
- (d) The Superior Court ruled in favor of the County on October 4, 2005.
- (e) Due to the introduction of new evidence after its ruling, the Superior Court remanded the application to the Board of Supervisors for reconsideration on December 5, 2005.
- (f) The applicant requested of the approval period of the Vesting Tentative Map per the provisions of the Subdivision Map Act on July 19, 2006.
- (g) On December 19, 2006, the Board of Supervisors reconsidered and re-approved the project, which included a confirmation of the October 23, 2007 expiration date of the Vesting Tentative Map.
- (h) Pursuant to the Board’s re-approval of the project, the Superior Court considered the re-approval and ruled in favor of the County and Judgement was filed and entered on June 15, 2007.
- (i) On July 24, 2007, the Board of Supervisors issued Resolution No. 07-287 (Exhibit D) clarifying that the expiration date for the VTM was “688 days after the current litigation is no longer pending or subject to appeal before the Court of competent jurisdiction.” The

688 days correctly accounted for the time during which the project was in litigation. Counting the 688 days from June 15, 2007, the VTM expiration date was moved to April 19, 2009.

- (j) Section 66452.21 of the Subdivision Map Act (2009) states: “*The expiration of any tentative or vesting tentative subdivision map or parcel map, for which a tentative or vesting tentative map has been approved and that has not expired on the date that the act that added the section became effective and that will expire before January 11, 2011, shall be extended by 12 months*”. In this particular case, the map was valid at the time Section 66452.21 was enacted (2008); therefore the map was extended 12 months and set to expire on April 19, 2010.
- (k) Section 66452.22 of the Subdivision Map Act (2010) states: “*The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on July 15, 2009, and that will expire before January 1, 2012, shall be extended by 24 months*”. In this particular case, the map was valid after July 15, 2009, and was set to expire before January 1, 2012; therefore the map was extended and set to expire on April 19, 2012.
- (l) Section 66452.23 of the Subdivision Map Act (2011) states: “*The expiration of any tentative map, vesting tentative map, or parcel map, for which a tentative map or vesting tentative map, as the case may be, has been approved that has not expired on or before the date that the act that added this section became effective, and that will expire before January 1, 2014, shall be extended by 24 months*”. In this particular case, the map was valid at the time Section 66452.23 was enacted (2011) and was set to before prior to January 2014; therefore the map was extended 24 months and set to expire on April 19, 2014.
- (m) Section 66452.24 of the Subdivision Map Act (2013) states: “*The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2000, and that has not expired on or before the effective date of this act that added this section, shall be extended by 24 months.*” In this particular case, the map was approved after January 1, 2000, and had not expired at the time this section became effective; therefore the map was extended 24 months and set to expire on April 19, 2016.
- (n) Section 66463.5 of the Subdivision Map Act and Section 19.05.065 of Monterey County Code state: “*Prior to the expiration of an approved or conditionally approved vesting tentative map, upon an application by the subdivider to extend the approval of the map, the map approval shall automatically be extended for sixty (60) days or until the extension is approved, conditionally approved, or denied, whichever occurs first.*” This particular case, the map was set to expire on April 19, 2016; however the extension request application was filed on October 22, 2015; therefore the map extension date can be tolled until the request is either approved, conditionally approved, or denied.

- (o) All applicable conditions of approval from PLN020280 have been carried forward to this permit PLN150751.
- (p) The findings and evidence from PLN020280 (Board Resolution No. 06-366) are been carried forward to this permit PLN150751.
- (q) See preceding and following Findings and Evidence.

**3. FINDING:**

**CEQA -** The Permit Extension does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. The original CEQA action on the project was a Mitigated Negative Declaration.

**EVIDENCE:**

- (a) A Revised Mitigated Negative Declaration (MND) was prepared for PLN020280 at the time the vesting tentative map was re-approved by the Board of Supervisors. The Revised MND was circulated for public review from September 29, 2006 to October 18, 2006.
- (b) The project complies with the provisions contained with CEQA Section 15162 because no substantial changes are proposed to the project or map which require major revisions of MND; no substantial changes have occurred with respect to circumstances under which the project was undertaken that require major revisions to the MND; and no new information of substantial importance has been submitted to the County of Monterey.
- (c) The original project (PLN020280) consisted of Combined Development Permit which consisted of: 1) Vesting Tentative Map for the subdivision of an 218-acre parcel into 12 residential lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately 99 acres; 2) Use Permit for development on slopes greater than 30% for the construction of an access road; 3) Use Permit for the removal of approximately 193 protected oak trees; 4) Zoning reclassification to reclassify 11 existing lots in the Oakshire subdivision of Carmel Valley Ranch from "MDR/5-D-S" (Medium Density Residential, 5 Units per acre, with Design and Site Review overlays) to "O-D-S" (Open Space with Design and Site Review overlays); and 5) Assignment of the "LDR/B-6-D-S" zoning classification (Low Density Residential with Building Site, Design and Site Review overlays) to the residential portion of the proposed subdivision and the "O-D-S" (Open Space with Design and Site Review overlays) to the open space portions of the subdivision..
- (d) The Revised Mitigated Negative Declaration (MND) identified potential significant impacts related to aesthetics and geology/soils, and recommended mitigation measures requiring the staking/flagging and visibility analysis of the proposed building envelope on Lot No. 2 prior to final delineation (aesthetics); and revisions to the building envelopes on all lots ensuring that envelopes are located to at least 100 feet from slopes greater than 30% and match the "geologically suitable building envelope" areas identified the Preliminary Geologic Investigation (geology/soils) These mitigation measures have been carried forward with the three (3) year map extension, and are included in the proposed conditions of approval.

- (e) The VTM (PLN020280) involved a transfer of development rights from 11 existing and undeveloped lots in the Oakshire area and one lot in the “Land Reserve” area of the Carmel Valley Ranch to 12 new lots. No new lots were created through the VTM and the number of lots within the area of the Carmel Valley Ranch and Carmel Valley Master Plan did not increase. Based on the transfer of development right, the Revised Mitigated Negative Declaration (Section 15 – Transportation/Traffic) determined that the VTM application would not result in an adverse impact on any of the nearby intersections or Carmel Valley Road segments. The VTM was subject to the Carmel Valley Road improvements impact fee, which was adopted to fund needed improvements to Carmel Valley Road in response to actual and anticipated traffic increases. The extension request will not result in additional lots or additional traffic than what was previously anticipated and/or generated. The extension request will carry forward the condition/requirement to pay the applicable Carmel Valley Road improvement impact fees.
- (f) The Revised Mitigated Negative Declaration contains an exhaustive review of the history of the existence of water availability resources (Section 16 – Utilities and Service Systems). The review/analysis of the water availability for the VTM shows in substantial detail that the proposed water sources for the VTM are valid and how they were maintained and allocated to the project through the years. The Revised Mitigated Negative Declaration contained a table identified as “Table 16.1 – Water Credit Summary” which demonstrated that the Carmel Valley Ranch maintained 8.807 acre feet/year of water availability, which is sufficient to serve this VTM application. While the VTM has remained valid, these particular water credits have also remained valid and allocated to the VTM application.
- (g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed amendment found in Project Files PLN020280 and PLN150751.

4. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
- EVIDENCE:** a) Section 19.16.020 of the Monterey County Subdivision Ordinance states that the proposed project is appealable to the Board of Supervisors.

### **DECISION**

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

1. Find a previously adopted Mitigated Negative Declaration adequately addresses potential environmental impacts (CEQA Section 15162); and
2. Approve a three (3) year Extension Request for a previously approved Combined Development Permit (PLN020280 - BOS Resolution No. 06-366) which consisted of: 1) Vesting Tentative Map for the subdivision of an 218-acre parcel into 12 residential lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately

99 acres; 2) Use Permit for development on slopes greater than 30% for the construction of an access road; 3) Use Permit for the removal of approximately 193 protected oak trees; 4) Zoning reclassification to reclassify 11 existing lots in the Oakshire subdivision of Carmel Valley Ranch from "MDR/5-D-S" (Medium Density Residential, 5 Units per acre, with Design and Site Review overlays) to "O-D-S" (Open Space with Design and Site Review overlays); and 5) Assignment of the "LDR/B-6-D-S" zoning classification (Low Density Residential with Building Site, Design and Site Review overlays) to the residential portion of the proposed subdivision and the "O-D-S" (Open Space with Design and Site Review overlays) to the open space portions of the subdivision.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of March, 2016 upon motion of Commissioner Diehl, seconded by Commissioner Rochester, by the following vote:

AYES: Vandever, Getzelman, Rochester, Ambriz, Padilla, Roberts, Hert, Diehl  
NOES: None  
ABSENT: Duflock, Mendez  
ABSTAIN: None



Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON MAR 10 2016

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE MAR 21 2016

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

#### NOTES

1. This permit expires 3 years after the above date of granting, unless subsequent extensions are applied for and granted.



# Monterey County RMA Planning

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

PLN150751

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

This Permit Extension (PLN150751) is for a previously approved Combined Development Permit (PLN020280 - BOS Resolution No. 06-366) which consisted of: 1) Vesting Tentative Map for the subdivision of an 218-acre parcel into 12 residential lots of approximately 6.8 acres to 16.9 acres in size and 4 open space parcels totaling approximately 99 acres; 2) Use Permit for development on slopes greater than 30% for the construction of an access road; 3) Use Permit for the removal of approximately 193 protected oak trees. The property is located at 1 Old Ranch Road (Assessor's Parcel Numbers 416-522-020-000 & 416-522-017-000), Carmel Valley 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.

## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:**

"A three (3) year Permit Extension (Resolution Number 16-008) was approved by the Monterey County Planning Commission for Assessor's Parcel Numbers 416-522-020-000 & 416-522-017-000 on March 9, 2016. The permit was granted subject to 60 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 grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

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

Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

## 3. 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. (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, or recordation of Certificates of Compliance, 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.

#### 4. PB – SLOPE RESTORATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A Slope Restoration and Erosion Control Plan shall be prepared by the consulting engineer to mitigate short-term impacts from construction of main access road and the long-term impacts on the stability of all disturbed slopes. The plan shall be incorporated into the project plans and specifications. The plan shall contain the following:

a) Appropriate erosion control measure to protect bare soil areas and slopes within the project site during the duration of the project. Cut slopes shall not exceed 1 1/2 to 1 except as specifically approved. Slope rounding shall be a minimum of 10 feet by 10 feet to include replacement of top soil.

b) A Revegetation and Landscaping Plan for the restoration of all bare road shoulders, reconfigured slopes along the road alignment and any other areas disturbed as a result of the construction of the project. The plan shall be prepared by a consulting biologist and shall contain a planting palette of appropriate native plants and grasses to be used, success criteria, and contingency planning if those criteria are not met. The plan shall also include a monitoring schedule for a minimum period of three years. A plan review fee in effect at the time of submittal shall be paid. All revegetation/landscaping plant material shall be installed prior to issuance of a final grading permit. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading permit for construction of the road, the Applicant shall submit a slope restoration and erosion control plan as part of the grading permit application for construction of the main access road.

#### 5. PBD008 – CONSERVATION EASEMENT (AREAS OF BIOLOGICAL SIGNIFICANCE)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A conservation easement shall be conveyed to the County over those portions of Lot Nos. 1 and 12 containing areas of Nassella Grassland; and over the portion of Lot No. 5 containing a Redwood stand. An easement deed shall be prepared for the individual lots describing the area covered by the easements and containing specific provisions to guarantee their long-term maintenance. The deeds shall be submitted to and approved by the Director of RMA - Planning. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit conservation easement deeds for individual lots to RMA - Planning for review and approval.

## 6. PB – WETLAND PROTECTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The boundary between proposed Lot No. 1 and Open Space Parcel A shall be realigned in the area of the identified wetland so that the wetland is fully included in Parcel A. The boundary realignment shall allow for a buffer area of at least 50 feet from the wetland. In addition, the Conservation Easement Deed required for Parcel A under condition No. 5 shall contain specific provisions designed by a professional biologist for the long-term protection and maintenance of the wetland area. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall ensure the realigned boundary between Lot No. 1 and Parcel A shall be delineated in the Final Map and approved by RMA - Planning for review and approval.

## 7. PBD010 – EASEMENT (SLOPE PROTECTION)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A scenic and conservation easement shall be conveyed to the County over those portions of the property where slopes exceed 30 percent. A scenic and conservation easement deed shall be prepared for the individual lots and open space parcels. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit scenic easement deeds for individual lots and parcels to RMA - Planning for review and approval.

## 8. PBD024 – NOTE ON MAP (BIOLOGICAL REPORT)

**Responsible Department:** RMA-Planning

**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 that: "A Biological Assessment dated May 30, 2003, has been prepared on this property by Rana Creek Habitat Restoration, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (Planning and Building Department)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit the Final Map with note to RMA - Planning for review and approval.

## 9. PD – PROTECTION OF SPECIES OF CONCERN

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** All dusty-footed rat nests on the property shall be identified prior to construction of the main access road and prior to any development on the individual lots. Any nest to be affected by development shall be removed by hand under the supervision of a professional biologist at a time deemed appropriate by the biologist. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of the grading permit for the main road and prior to the issuance of building permits for individual lots, the Professional Biologist/Owner/Applicant shall submit a map of the proposed subdivision that identifies the locations of all dusky-footed rats and specific measures & recommendations for their removal. The map shall be prepared, signed and dated by a professional biologist.

## 10. PB – REDUCED BUILDING ENVELOPES (TREE REMOVAL REDUCTION)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** In order to further reduce the amount of oak tree removal, the proposed building envelopes for Lot Nos. 4, 5, 6, and 7 shall be revised to exclude from the Oak woodland areas located in the northern portions of these lots. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall ensure revised building envelopes for Lot Nos. 4, 5, 6 and 7 shall be delineated on the Final Map and approved by RMA - Planning.

## 11. PBD032 – TREE PROTECTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Oak trees identified for removal in the Forest Management Plan for construction of the main access road shall be flagged prior to grading of the road and the final road alignment adjusted to the maximum extent possible to further reduce tree removal. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall ensure trees to be flagged and grading permit to be submitted for review and approval by RMA - Planning.

Final road alignment and tree removal shall be approved prior to the recordation of the Final Map.

## 12. PBD024 – NOTE ON MAP (FOREST MANAGEMENT)

**Responsible Department:** RMA-Planning

**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 that: "A Forest Management Plan dated February 2003, has been prepared on this property by Staub Forestry and Environmental Consulting, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property and the newly created lots." 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 the Final Map, the Applicant shall submit the Final Map with note to RMA - PLANNING for review and approval.

### 13. PBD – NOTE ON MAP (COMPLIANCE WITH CARMEL VALLEY RANCH SPECIFIC PLAN)

**Responsible Department:** RMA-Planning

**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 that: "All development on the proposed lots must comply with all housing, circulation, open space and natural resource conservation standards of the Carmel Valley Ranch Specific Plan" (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit the Final map with note to RMA - Planning for review and approval.

### 14. PBD024 - NOTE ON MAP (GEOLOGIC REPORT)

**Responsible Department:** RMA-Planning

**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 that: "A Preliminary Geologic Investigation dated February 17, 2003 has been prepared for the project by Rogers E, Johnson & Associates, and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit the Final Map with note to RMA - PLANNING and Public Works for review and approval.

### 15. PBD024 – NOTE ON MAP (GEOTECHNICAL REPORT)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A note shall be placed on the final map or a separate sheet of paper to be recorded with the final map stating that: "A Preliminary Geotechnical Report dated February 2003, has been prepared on this property by Haro, Kasunich and Associates, Inc., and is on file in the Monterey County RMA - Planning Department. The recommendations contained in said report shall be followed in all further development of this property." The note shall be located in a conspicuous location, subject to the approval of the County Surveyor. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit the Final Map with note to RMA - Planning and Public Works for review and approval.

### 16. PBD – GEOLOGIC HAZARDS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The proposed building envelope on Lot No. 5 shall be revised to exclude the Debris Fan area identified in the Preliminary Geologic Investigation prepared for the project and dated February 17, 2003. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map the Applicant shall ensure the revised building envelope for Lot No. 5 shall be delineated in the Final Map and approved by RMA - Planning.

## 17. PB – ACCESSORY STRUCTURE DEVELOPMENT LIMITATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A deed restriction shall be included in the title for each lot within the subdivision stating: "No caretaker units or senior citizen units are allowed in these lots until capacity improvements are completed on Carmel Valley Road and Highway One that would allow additional vehicular traffic from such units without further decreasing the traffic levels of service, or until the Board of Supervisors has determined that such improvements are not further necessary and additional traffic is allowed." (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall ensure deed restriction language is submitted to and approved by RMA - Planning.

## 18. PD – INCLUSIONARY HOUSING REQUIREMENTS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall comply with the requirements of the Inclusionary Housing Ordinance as may apply to the proposed project. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall provide evidence of compliance from the Environmental Resources Policy Division.

## 19. PBD – FIRE DISTRICT COMPLIANCE

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The subdivider shall provide evidence that the final map complies with the requirements of Ordinance 3600 and other requirements related to the provision of water storage, fire breaks, green belts and defensible space and that the proposed access road complies with accessibility requirements of the Carmel Valley Fire Protection District. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall provide evidence of compliance from the Carmel Valley Fire Protection District.

## 20. PBD033 – UTILITIES – SUBDIVISION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A note shall be placed on the final map or a separate sheet to be recorded with the final map indicating that "Underground utilities are required in this subdivision in accordance with Chapter 19.10.095, Title 19 of the Monterey County Code." Such facilities shall be installed or bonded prior to recordation of the Final Map. The note shall be located in a conspicuous location, subject to the approval of the Director of Public Works. (RMA - Planning/RMA - Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall place the note on the map or separate sheet and submit it to RMA - PLANNING for review and approval.

## 21. PBD – WATER TANK LOCATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The location and color of any water storage tanks required by the Carmel Valley Fire Protection District for firefighting shall be subject to all applicable zoning regulations and approved by the Director of RMA - Planning. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall ensure that the Carmel Valley Fire Protection District determines if storage tanks are necessary and determines their location.

## 22. PBD – PEDESTRIAN, HIKING AND BRIDLE TRAIL EASEMENT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall offer to dedicate a 20-foot trail easement generally following the existing fire access road up to the point of intersection with the proposed subdivision road, at which point said easement shall parallel and be aligned within the proposed 50-foot subdivision road right-of-way and separated from the paved road surface. The applicant shall construct the section paralleling and within the 50-foot proposed subdivision road right-of-way to Monterey Peninsula Regional Park District Standards. Contemporaneous with this offer, the Monterey Peninsula Regional Park District shall abandon the exacted and dedicated easement of 1976. The Monterey Peninsula Regional Park District shall provide written evidence that the Final Map contains the full length and delineation of the proposed new public pedestrian, hiking and bridle trail on the property over which the District has operation and access rights. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit written evidence in the form of a letter from the Park District stating that the District has reviewed the Final Map and that the Map contains the full length and delineation of the proposed new pedestrian, hiking and bridle trail.

## 23. PBD024 – NOTE ON MAP (CONSTRUCTION OUTSIDE BUILDING ENVELOPES)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** A note shall be placed on the final map or a separate sheet to be recorded to with the final map stating that: "No grading, structure or road development (except in accordance with the recorded subdivision map), animal grazing, vegetation removal (except as required by the Fire District and approved by RMA - Planning), or other activities may take place outside of the designated building envelopes in the lots within the subdivision that may result in environmental impacts." This note shall also be included on all improvement plans and permits. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit the Final Map with note to RMA - PLANNING for review and approval.



#### 24. PBD – COMPLIANCE WITH REQUIREMENTS OF CV RANCH SPECIFIC PLAN

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Final Map shall include all easements and rights-of-way required as part of the original approval of the Carmel Valley Ranch Specific Plan for the area designated as the Land Reserve Area. Any changes to these easements and rights-of-way would require amendments to the Carmel Valley Ranch Specific Plan. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit the Final Map with certification from a Civil Engineer that the map contains all easements and rights-of-way to RMA - Planning for review and approval.

#### 25. PBD – ROAD LIGHTING PLAN

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall prepare and submit a lighting plan for the access road. The plan shall indicate the number, type, height and location of the lighting fixtures for the road. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall prepare and submit a plan for approval by staff from RMA - Planning.

#### 26. PBD – SCENIC & CONSERVATION EASEMENT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The existing 11 lots of record in the Oakshire area of the Carmel Valley Ranch shall be placed in an irrevocable scenic and conservation easement. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall prepare and submit a scenic and conservation easement deed for each of the 11 existing lots. Deeds are to be approved by RMA - Planning and County Counsel and recorded by the applicant.

#### 27. PBD – ANNEXATION TO CAL AM

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Assessor's Parcel Number 416-522-020-000 shall be annexed into the California American Water Company (Cal Am) service area via approval of an amendment to the Cal Am Water Distribution System by the Monterey Peninsula Water Management District. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the applicant shall provide proof in the form of an official memorandum from the Monterey Peninsula Water Management District that the parcel has been annexed and that the amendment to the distribution system has been approved.

## 28. WR – DRAINAGE NOTE

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A note shall be recorded on the Final Map stating that "Any future development on these parcels will require a drainage plan to be prepared by a civil engineer or architect; Parcel unable to tie into the subdivision drainage improvements will require on-site retention facilities." (Water Resources)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall ensure that the note is recorded on the Final Map.

## 29. WR – DRAINAGE PLAN

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that include road improvements and construction of stormwater detention facilities to mitigate the impact of impervious surface stormwater runoff. The detention ponds shall be fenced for public safety. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall ensure a drainage plan is prepared by a registered civil engineer.

## 30. WR22 – HOMEOWNERS ASSOCIATION CC&R'S

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A homeowners association shall be formed for the maintenance of roads, drainage facilities, and open spaces. The Director of Public Works, the Director of RMA - Planning, and the County Water Resources Agency shall approve documents for formation of the association. The covenants, conditions and restrictions (CC&R's) shall include provisions for a yearly report by a registered civil engineer and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County 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 the CC&R's to the Water Resources Agency for review and approval.

### 31. WR23 –DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** If the homeowners association after notice and hearing fails to properly maintain, repair or operate the drainage and flood control facilities in the project, Monterey County Water Resources Agency shall be granted the right by property owners to enter any and all portions of the property to perform repairs, maintenance or improvements necessary to properly operate the drainage and flood control facilities in the project. The County Water Resources Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. An agreement to this effect shall be entered into concurrent with the filing the final map of the first phase of the subdivision. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall record the Agreement concurrently with the Final Map and submit the signed and notarized original Agreement to the Water Resources Agency for review and approval. (A copy of the County's standard agreement can be obtained at the Water Resources Agency)

### 32. WR32 – NOTICE OF WATER CONSERVATION REQUIREMENTS

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." Prior to recordation of the final map, a copy of the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall record a notice concurrent with the recordation of the Final Map and submit it to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency).

### 33. WR33 – LANDSCAPING REQUIREMENTS

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy of the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall record the notice concurrently with the final map and submit the recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)

#### 34. WR – WATER USE INFORMATION

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on property. Any proposed increase in the water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Owner/Applicant shall provide a water balance analysis to the Water Resources Agency.

#### 35. WR437 – CC&R WATER CONSERVATION PROVISIONS

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall provide the Water Resources Agency with a copy of the subdivision Covenants, Conditions and Restrictions containing the following provisions from Monterey County Ordinance No. 3932: "All new construction shall incorporate the use of low water use plumbing fixtures including, where applicable, hot water recirculation systems; the front yards of all homes shall be landscaped at the time of constructions; low water use or drought tolerant plants shall be used together with water efficient irrigation systems; leak repair is the property owner's responsibility; vehicle and building washing shall use hoses equipped with shutoff nozzles; no potable water to be used for sidewalk washing; no water spillage into streets, curbs, and gutters; no emptying or refilling of swimming pools except for structural repairs or if required for public health regulations; no fountains unless water is recycled within the fountain." (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Owner/Applicant shall submit the CC&R's to the Water Resources Agency for review and approval.

#### 36. WR – COMPLETION CERTIFICATION

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** Certification that stormwater detention facilities have been constructed in accordance with approved plans shall be provided to the Water Resources Agency by a registered civil engineer or licensed contractor that constructed the facilities. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Owner/Applicant shall submit certification to the Water Resources Agency.

### 37. PARKS DEPARTMENT

**Responsible Department:** Parks Enforcement

**Condition/Mitigation Monitoring Measure:** 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 Section 19.12.010 (D) (Monterey County Parks)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall provide evidence of in-lieu fee payment.

### 38. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall file the Final Map with the Office of the County Surveyor (Public Works)

**Compliance or Monitoring Action to be Performed:** After recordation of the Final Map, the Applicant shall file the Final Map with the County Surveyor.

### 39. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The subdivider shall submit three copies of the approved Tentative Map to each of the following utility companies: Pacific Gas and Electric Company and SBC. Utility companies shall submit their recommendations, if any, to the Director of Public Works for all required easements.

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall submit copies of the approved Tentative Map to each of the utility companies.

The Applicant shall implement any changes to the map recommended by utility companies.

### 40. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** All natural drainage channels shall be designated on the Final Map by easements labeled "Natural Drainage Easement." (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to the recordation of the Final Map, the Applicant shall label natural drainage channels as "Natural Drainage Easement" on the Final Map.

#### 41. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The subdivider shall pay for all maintenance and operation of private roads, fire hydrants, street lights and storm drainage facilities from the time of installation until acceptance of improvements for the subdivision by the Board of Supervisors, as compelled in accordance with the 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. (Public Works)

**Compliance or Monitoring Action to be Performed:** On an ongoing basis, the subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.

#### 42. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** All streets and driveways within the subdivision shall be inspected by a registered Civil Engineer and certified as in conformance with the improvement plans. (Public Works)

**Compliance or Monitoring Action to be Performed:** Prior to the release of bonds, the Subdivider's Engineer shall provide inspection of improvements and certification to DPW.

#### 43. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Cut slopes required for road construction shall not exceed 1 1/2 to 1 except as specifically approved in concurrence with the erosion control report and as shown on the erosion control plan. Slope rounding shall be a minimum of 10 feet by 10 feet to include replacement of top soil (Also see Item A in Condition No. 12)

**Compliance or Monitoring Action to be Performed:** Prior to the recordation of the Final Map, the Subdivider's Engineer shall include notes on Improvement Plans which shall be approved prior to recordation.

#### 44. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The improvement and grading plans shall include the specific plan and implementation schedule of measures for the prevention of erosion, siltation, and dust during and immediately following construction and until erosion planting becomes established. The Director of RMA - Planning shall approve the program.

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final map, the Subdivider/Engineer shall include notes on improvement and grading plans.

#### 45. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** All streets and driveways shall be constructed in accordance with the typical section and local fire jurisdiction standards. All turnarounds shall have a minimum paved radius of 40 feet.

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

#### 46. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The County Surveyor shall approve the location of all walkways and pathways.

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Subdivider shall submit a plan showing locations of proposed walkways and pathways.

#### 47. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The Director of RMA - Planning and the local fire jurisdiction shall approve internal circulation and parking.

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Subdivider shall submit a parking plan to RMA - Planning

#### 48. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation Fee pursuant to Board of Supervisors Resolution No. 95-140, adopted September 12, 1995 (Fees are updated annually based on CCI)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits in the individual lots, the individual lot owners shall ensure the fee is paid for each lot.

#### 49. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall pay to the Monterey County the project's pro rata share of the cost of future long-term operational improvements to State Highway One.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits in the individual lots, the individual lot owners shall ensure the fee is paid for each lot.

## 50. PUBLIC WORKS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** The applicant shall pay to the Monterey County the project's pro rata share of the cost of future short-term operational improvements to State Highway One.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits in the individual lots, the individual lot owners shall ensure the fee is paid for each lot.

## 51. EH25 – INSTALL/BOND SEWER SYSTEM IMPROVEMENTS

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The developer shall install the sewer system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the sewer system improvements and provide security guaranteeing the performance of the Agreement. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to filing the Final Map, the Owner/Applicant shall submit evidence to the Division of Environmental Health that the sewer system improvement installation has been accepted by the regulating agency or that the developer has entered into a Subdivision Improvement Agreement and has provided security acceptable to the County.

## 52. EH5 – INSTALL/BOND WATER SYSTEM IMPROVEMENTS

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the agreement. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to filing the Final Map, the CA Licensed Engineer/Owner/Applicant shall ensure that the developer installs the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.

## 53. EH3 – WATER SYSTEM IMPROVEMENTS (STATE PERMITTED SYSTEM)

**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. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to filing the Final Map, the CA Licensed Engineer/Owner/Applicant shall submit engineered plans to \_\_\_\_\_ for review and approval. Submit evidence to the Director of Environmental Health that the proposed water system improvements have been approved by \_\_\_\_\_ prior to installing or bonding the improvements.



#### 54. EH27 – SEWER SYSTEM IMPROVEMENTS

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the appropriate sewer service district. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to filing the Final Map, the Owner/Applicant shall submit written verification to the Division of Environmental Health that plans have been reviewed and approved.

#### 55. EH24 – SEWER SERVICE CAN/WILL SERVE

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Provide certification to the Division of Environmental Health that California American Water Company can and will provide sewer service for the proposed property/project. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to filing the Final Map, the Owner/Applicant shall submit certification to Environmental Health for review and approval.

#### 56. PBD – AIR POLLUTION (FUGITIVE DUST MEASURES)

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The following set of measures shall be implemented during development to reduce impacts of fugitive dust from construction activities:

- Limit grading to 8.1 acres per day, and grading and excavation to 2.2 acres per day
- Water graded/excavated areas at least twice daily. Frequency should be based on the type of operations, soil and wind exposure.
- Prohibit all grading activities during periods of high wind (over 15 mph)
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days)
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Pave all roads at construction sites, as practicable.

Impacts of Diesel Exhaust during Grading and Construction:

Please contact the District to determine if a diesel risk assessment should be done for the project.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading permits and throughout the duration of grading, the Applicant shall include notes on the grading plans stating the requirements of the Air Pollution Control District and implement the measures during grading activities.

#### 57. EH6 – WATER SERVICE CAN/WILL SERVE

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies, that California American Water Company can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to filing the Final Map the CA Licensed Engineer/Owner/Applicant shall submit written certification to the Division of Environmental health for review and approval.

#### 58. MITIGATION MEASURE #1

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The final delineation of the building envelope for proposed Lot No. 2 shall be staked, viewed and agreed upon by staff from the Planning and Building Department. If determined necessary by staff, the building envelope shall be revised to avoid any future ridgeline development on the lot or any development that would result in significant visibility and visual impacts to public viewing areas. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall revise the Final Map per direction from staff if necessary.

#### 59. MITIGATION MEASURE #2

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The proposed building envelopes on Lot Nos. 3, 7 & 8 shall be revised to match the "geologically suitable building envelope" areas designated for those lots in Plate No. 1 of the Preliminary Geologic Investigation prepared by Roger E. Johnson & Associates, dated February 17, 2003. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to recordation of the Final Map, the Applicant shall ensure that the Final Map is revised to reflect "geologically suitable building envelope" as building envelopes.

## 60. MITIGATION MEASURE #3

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The proposed building envelopes on Lot Nos. 1, 2, 4, 6, 9, 10, 11 & 12 shall be revised to provide a 100-foot setback from all areas containing areas with slopes greater than 305. Where such setback cannot be provided to allow for a reasonable building area, a detailed design-level geologic/geotechnical investigation shall be prepared for each of these lots by the respective property owners, addressing the specific lot issues contained in the preliminary Geologic Investigation prepared for the project, and containing specific recommendation for foundation design, soil treatment and stormwater runoff dispersion. If the detailed design-level geologic/geotechnical investigation concludes that development within these 100-foot setbacks is unfeasible or constraints unmitigable, the lot layout or proposed building envelopes shall be revised to provide building areas where development is feasible. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Before recordation of the Final map, the Applicant shall ensure:

1. Building envelope areas to be revised provide a 100-foot setback where possible
2. Where a setback cannot be provided, a lot-specific geologic/geotechnical investigation is to be prepared, per the preliminary Geologic Investigation.

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