

## Exhibit B

This page intentionally left blank.

## **EXHIBIT B DRAFT RESOLUTION**

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

In the matter of the application of:

**LOBOS RIDGE (PLN150805)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Adopting a Mitigated Negative Declaration; and
- 2) Approving a Combined Development Permit,  
including:
  - a. Coastal Administrative Permit to establish three possible building areas where future residential and ancillary development could occur (i.e. Accessory Dwelling Unit (ADU), guesthouse, garage, non-habitable accessory structures, septic and leach field system, etc.), subject to a condition where only one area would be identified as the building site and the other two areas will be placed into scenic/conservation easement with the balance of the property;
  - b. Coastal Development Permit for development within 100 feet of ESHA;
  - c. Coastal Development Permit for development on slopes exceeding 30% (within the established building areas)
  - d. Coastal Development Permit for a well (Currently there is a Coastal Administrative Permit [PLN170175] for a test well).
- 3) Adopting the attached Mitigation Monitoring and Reporting Program.  
[PLN150805 Lobos Ridge, 3400 Red Wolf Drive, Carmel (APN: 416-011-007-000)] Carmel Area Land Use Plan

**The Combined Development Permit application (PLN150805) came on for public hearing before the Monterey County Planning Commission on February 28, 2018. 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:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Carmel Area Land Use Plan;
- Monterey County Coastal Implementation Plan Part 4;
- Monterey County Zoning Ordinance (Title 20);

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 3400 Red Wolf Drive, Carmel (Assessor's Parcel Number 416-011-007-000), Carmel Area Land Use Plan. The parcel is zoned "WSC/80-D (CZ)" [Watershed and Scenic Conservation, 80 acre minimum, Design Control District, (Coastal Zone)], which allows development in the more remote areas of the Coastal Zone while protecting the significant and substantial resources of these areas such as viewshed. The future proposed development shall be designed and sited to be consistent with the Carmel Area Land Use Plan policies, Design Approval criteria and site development standards required of this district. Therefore, the project is an allowed land use for this site.
- c) Proposal. The Establishment of a Conservation Easement on a portion of 27.9-acre parcel that will establish two areas on the Property. One area will be considered for residential development and the other will have restricted defined development:
  - 1) Area A – Habitat Conservation Area – Limited Development (Approximately 7.9 acres); and 2)
  - 2) Area B – Habitat Conservation Area – Restricted/Defined Development (Approximately 20 acres).
  - **Area A – Habitat Conservation Area – Limited Development.**
  - Area A, would allow limited development, per a Coastal Development Permit and Design Approval within one of three designated areas: Area 1 - 34,600 square feet, Area 2 -54,500 square feet, or Area 3-53,250 square feet. Building area, 1, 2, and 3 have been selected based on topography and potential for impacts to Monterey pine and Environmentally Sensitive Habitat Areas (ESHA); all three building areas are located wholly within Area A in areas with less than 30 percent slopes with avoidance to trees. Future property owners/buyers would have the ability to propose residential development in one of the three building areas. The proposed residential development, not to exceed 10,000 square feet along with associated support facilities including a driveway, driveway turnaround, parking, and domestic well within the selected building area, would be subject to securing the applicable land use entitlements. A 100-foot fire clearance would be maintained around all buildings. Additionally, the application would consider the construction of a 16,800square foot septic leachfield outside of the building area, but within Area A. Area A contains environmentally sensitive habitat. Development within any of the building area options (1, 2 or 3) would require proper analysis to minimize impacts to

ESHA. A portion of Area A will be subject to prohibited uses and restrictions provided in a conservation easement for the protection of ESHA to be held in perpetuity by the Big Sur Land Trust (BSLT). All undeveloped portions of Area A will be preserved by the imposition of habitat conservation easements

- Area B: Habitat Conservation Area – Restricted/Defined Development (Approximately 20 acres). No new development, other than future proposed improvements to an existing cell tower within the easement for that facility, would be allowed in Area B. No cell tower improvements are proposed or included in this project description. All of Area B will be subject to prohibited uses and restrictions provided in the conservation easement.

d) Entitlements. Combined Development Permit consisting of:

- Coastal Administrative Permit to establish building areas for future residential and ancillary development (i.e. Accessory Dwelling Unit (ADU), guesthouse, garage, non-habitable accessory structures, septic and leach field system, etc.);
- Coastal Development Permit for development within 100 feet of ESHA;
- Coastal Development Permit for development on slopes exceeding 30% (within the established building areas)
- Coastal Development Permit for a well (Currently there is a Coastal Administrative Permit [PLN170175] for a test well.

Because no structures are proposed at this time, a perspective property owner/buyer will need to secure the applicable Coastal entitlements (Coastal Administrative Permit [CAP] or Coastal Development Permit [CDP] and Design Approval) for all residential development and associated support facilities proposed. Septic will be evaluated as part of the application.

e) Design Approval. Future development will be required to be consistent with the design guidelines of Monterey County Code, Title 20, and the Carmel Area Land Use Plan Key Policy 2.2.2, the protect scenic resources, all future development within the viewshed must harmonize and be clearly subordinate to the area's natural scenic character of the area. The Carmel Area Land Use Plan Specific Policies also call for proper siting and design control measures to ensure protection of the Carmel area's scenic resources. (CLUP 2.2.4)

f) ESHA. The subject property supports maritime chaparral, which is considered ESHA by the California Department of Fish and Wildlife and the Carmel Area Land Use Plan. In addition, there is a stand of native Monterey pine on the subject property, also a protected tree in the Carmel Area Land Use Plan. Development within any of the building areas would avoid impacts to native pine but would impact maritime chaparral. Impact areas are conservatively assumed to be the total square footage of each building areas option plus the septic area which would be a 51,400 square foot impact area for Area Option 1, a 71,300 square foot impact area for Area Option 2, or a 70,050 square foot impact area for Area Option 3. However, impacts would likely be less than the total assumed impact square footage as the areas actually

impacted would include up to 10,000 square feet of building area (plus 100 foot fire clearance around those buildings), driveway, driveway turnaround, parking, domestic well, and 16,800 square foot septic area. Land uses adjacent to locations of environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource. New land uses are considered compatible only in a situation in which the proposed incorporates necessary site planning and design features which protect habitat impacts (CIP 20.146.040.B.3). The future development will be analyzed for protection and long term maintenance of the resource. The initial study also requires that a biologist quantify and mitigate all impacted maritime chaparral habitat prior to issuance of any grading or building permits in order to preserve the sensitive habitat on site. (*See Finding 5*).

- g) **No Violations.** The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.
- h) **LUAC.** The project was heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee on December 21, 2015. They were concerned with the allowable square footage of the buildings proposed and the siting of the proposed buildings. They recommended the County critically review the proposed project and recommended approval (4-0 vote). Staff informed them an Initial Study would be required to analyze the proposal.
- i) The project planner conducted site inspection on February 4, 2016 to verify that the project on the subject parcel conforms to the plans listed above.
- j) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN150805.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Carmel Highlands Fire, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) The following updated reports were prepared for the project:
    - “Biological Constraints Analysis” (LIB160074) prepared by EMC Planning Group, Monterey, September 23, 2014;
    - “Preliminary Archaeological Reconnaissance: (LIB160076) prepared by Archaeological Consulting, Salinas, CA, June 5, 2014;
    - “Septic and Geotechnical Feasibility Reconnaissance Letter” (LIB160075) prepared by Haro, Kasunich and Associates, Inc., Watsonville, CA, July 1, 2015.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would

indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, Carmel Highlands Fire; Public Works, RMA Environmental Services, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities will be provided by a new septic leach field system and conversion of an existing test well (PLN170175) to a permanent well.
4. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN150805).
  - c) The Initial Study identified potentially significant effects, but proposed mitigation measures shall avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
  - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition # 6).
  - e) A Draft Mitigated Negative Declaration (MND) was prepared in accordance with CEQA and circulated for public review from November 20, 2017 to December 20, 2017. (SCH#:2017111076)

- f) Issues that were analyzed in the Mitigated Negative Declaration include: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning and Transportation/Traffic.
- g) Mitigation Measures include identifying impacts to acreage of affected maritime chaparral habitat and required mitigation; implementing special-status plant species propagation/salvage/installation activities in identified restoration/mitigation areas. Other mitigation measures include percolation testing and determining if a standard leach field disposal of wastewater is feasible on the project site or if an alternative wastewater treatment system is required to meet Monterey County Health Department standards for the construction, maintenance and operations of residential wastewater treatment and disposal facilities.
- h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN150805) and are hereby incorporated herein by reference.
- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources (Condition #5).
- j) Two comment letters were received during the circulation period with respect to the Initial Study. One letter from the BSLT was a response to the State Parks and Recreation District. They are all attached to this staff report.
  - The State of California Parks and Recreation District recommends:
    - The alternative which sets the most development out of the viewshed from Pt. Lobos State natural reserve with the use of orange netting prior to development;
    - The use of natural colored building materials and low lighting; landscaping of non-invasive plants;
    - Property lines shall be well surveyed and staked so there is no confusion of state Park boundary;
    - A mitigation plan should be developed for protection of special status species.

The recommendations from State Parks and Recreation District have been incorporated as mitigation measures or will be required as conditions of approval with the land use entitlements with the residential development. Additional recommendations include a deed restriction and modified wording within the proposed conservation easement. BSLT will incorporate and address these issues in its conservation easement, and disclose development limitations to the prospective buyers.



The BSLT President/CEO submitted a letter questioning the accuracy of a statement in the Initial Study stating that the property has not been properly analyzed for residential development. The County would agree that the Initial Study appropriately analyzes the Option Areas proposed for development, however, development cannot be analyzed until such time subsequent entitlements are obtained. Understanding the BSLT's desire to allow a potential buyer the most flexibility, while preserving the potentially visible and environmentally sensitive areas of the parcel, future development within the Option Areas can only be analyzed when it is submitted.

Also, the BSLT obtained the well construction permit (Permit #14-12429) and a 72 hour constant rate well pumping and aquifer recovery test was completed in September, 2017. Document findings were more than adequate for serving the proposed development.

- k) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based.

5. -

**FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- l) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
  - m) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 Public Access Plan in the Carmel Area Land Use Plan).
  - n) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission

- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
  - b) Section 20.86.080 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project proposes an underlying conditional use, Coastal Development Permit.

### **DECISION**

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

1. Adopt a Mitigated Negative Declaration;
2. Approve a Combined Development Permit that includes the following:

- a. Coastal Administrative Permit to establish three possible building areas where future residential and ancillary development could occur (i.e. Accessory Dwelling Unit (ADU), guesthouse, garage, non-habitable accessory structures, septic and leach field system, etc.), subject to a condition where only one area would be identified as the building site and the other two areas will be placed into scenic/conservation easement with the balance of the property;
  - b. Coastal Development Permit for development within 100 feet of ESHA;
  - c. Coastal Development Permit for development on slopes exceeding 30% (within the established building areas);
  - d. Coastal Development Permit for a well (Currently there is a Coastal Administrative Permit [PLN170175] for a test well).
3. Adopt a Mitigation Monitoring and Reporting Program, including 17 conditions and 7 mitigation measures.

Approval shall be in general conformance with the attached sketch and subject to the attached conditions/mitigations, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 28th day of February, 2017 upon motion of \_\_\_\_\_, seconded by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jacqueline R. Onciano, Secretary to the Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

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 \_\_\_\_\_.

(Coastal Projects)

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

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. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

Form Rev. 5-14-2014

# Monterey County RMA Planning

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

PLN150805

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN150805) allows a. Coastal Administrative Permit to establish building areas for future residential and ancillary development (i.e. Accessory Dwelling Unit (ADU), guesthouse, garage, non-habitable accessory structures, septic and leach field system, etc.); b. Coastal Development Permit for development within 100 feet of ESHA; c. Coastal Development Permit for development on slopes exceeding 30% (within the established building areas); d. Coastal Development Permit for a well (Currently there is a Coastal Administrative Permit [PLN170175] for a test well). The property is located at 3400 Red Wolf Drive, Carmel (Assessor's Parcel Number 416-011-007-000), Carmel Area Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

## 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 Combined Development Permit (Resolution Number \_\_\_\_ ) was approved by the Planning Commission Assessor's Parcel Number 416-011-007-000 on February 28, 2018. The permit was granted subject to 24 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** Prior to the issuance of grading and building permits, certificates of compliance, or  
**Monitoring** commencement of use, whichever occurs first and as applicable, the Owner/Applicant  
**Action to be Performed:** shall provide proof of recordation of this notice to the RMA - Planning.

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

**Responsible Department:** RMA-Planning

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

**Compliance or** The Owner/Applicant shall adhere to this condition on an on-going basis.  
**Monitoring**

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

When contacted, the project planner and the archaeologist shall immediately visit the  
site to determine the extent of the resources and to develop proper mitigation  
measures required for the discovery.

#### 4. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** County Counsel

**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, 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 County Counsel for review and signature by the County.

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

#### 5. 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.

## 6. 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.

## 7. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

**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 materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

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

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by RMA-Planning, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to RMA-Building Services.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to Monterey County RMA - Planning.

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



## 8. 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.

## 9. SPPD001 - MITIGATION MEASURE #1

**Responsible Department:** RMA-Planning

**Condition/Mitigation** Mitigation Measure #1:

**Monitoring Measure:**

Prior to issuance of any grading or building permit, all impacted maritime chaparral habitat (including vegetation removal areas required for fire clearance) shall be quantified and mitigated at a minimum 1:1 acreage ratio by preserving this sensitive habitat on the site.

If full on-site mitigation of maritime chaparral habitat is not feasible and off-site mitigation is necessary, a minimum 2:1 acreage mitigation ratio for off-site mitigation shall be required. Off-site areas will be located in the vicinity of the site and shall be selected in coordination with a Monterey County-approved biologist and reported to the Monterey County Resource Management Agency for their files.

The mitigation area(s) shall be capable of supporting high quality maritime habitat. Sensitive habitat mitigation for maritime chaparral and special status plant impacts can be accomplished in the same mitigation area(s).

The applicant or property owner shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Resource Management Agency.

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

Monitoring Action #1. Prior to issuance of any grading or building permit, the applicant or property owner with the assistance of a County approved biologist, shall determine the impact acreage of affected maritime chaparral habitat and shall identify the required mitigation acreage on or off the site as set forth in Mitigation Measure BIO-4. Prior to final approval of the building permit, the applicant, or property owner shall report the mitigation area and acreage to the Monterey County Resource Management Agency.

**Special-Status Species.** Special-status species are those listed as Endangered, Threatened, or Rare, or as candidates for listing by the U.S. Fish and Wildlife Service (USFWS) and/or CDFW; or those listed as Rare Plant Rank 1B or 2B species by the California Native Plant Society (CNPS). This designation also includes CDFW Species of Special Concern and Fully Protected species. Special-status species are generally rare, restricted in distribution, declining throughout their range, or have a critical, vulnerable stage in their life cycle that warrants monitoring.

A search of the CDFW California Natural Diversity Database was conducted for the Monterey, Marina, Seaside, Mount Carmel, and Soberanes Point USGS quadrangles in order to evaluate potentially occurring special-status species in the project vicinity. Records of occurrence for special-status plants were reviewed for those same USGS quadrangles in the CNPS Inventory of Rare and Endangered Plants. A USFWS threatened and endangered species list was also generated for Monterey County.

**Special-Status Plants.** Three CNPS Rare Plant Rank 1B species occur on the site: Hooker's manzanita, Monterey cypress (*Hesperocyparis macrocarpa*), and Monterey pine; numerous Hooker's manzanita shrubs and Monterey pine trees are present, along with an occasional small Monterey cypress. According to the Carmel Area Land Use Plan (LUP), the CNPS "watch list" species Monterey ceanothus is a locally rare special-status plant; it also occurs on the site.

Several federally and/or state-listed Endangered or Threatened species have potential to occur on the site, including Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*), Monterey spineflower (*Chorizanthe pungens* var. *pungens*), robust spineflower (*Chorizanthe robusta* var. *robusta*), seaside bird's-beak (*Cordylanthus rigidus* ssp. *littoralis*), and Yadon's rein orchid (*Piperia yadonii*). Several additional CNPS Rare Plant Rank 1B species have potential to occur on the site, including Eastwood's goldenbush (*Ericameria fasciculata*), Hickman's onion (*Allium hickmanii*), Hutchinson's larkspur (*Delphinium hutchinsoniae*), Kellogg's horkelia (*Horkelia cuneata* var. *sericea*), Pajaro manzanita (*Arctostaphylos pajaroensis*), pine rose (*Rosa pinetorum*), Pinnacles buckwheat (*Eriogonum nortonii*), sand-loving wallflower (*Erysimum ammophilum*), sandmat manzanita (*Arctostaphylos pumila*), and Toro manzanita (*Arctostaphylos montereyensis*). Given the high endemism of rare plants in the region, and the high quality native habitat existing on the site, there is low potential for other special-status plant species to occur on the site.

Direct loss of special-status plants due to ground disturbance associated with future development of the proposed improvements within Options 1, 2, or 3 of Area A is assumed and is, therefore, considered a potentially significant impact. Implementation of the voluntary conservation easement over the entire property, as well as specific on-site and off-site habitat mitigation set-aside as detailed in Mitigation Measure BIO-1 in conjunction with the following mitigation measures would reduce this impact to a less-than-significant level.

## 10. SPPD002 - MITIGATION MEASURE #2

**Responsible Department:** RMA-Planning

**Condition/Mitigation** Mitigation Measure #2:

**Monitoring Measure:**

To protect special-status plants, the presence of special-status plant species with potential to occur in proposed development impact areas (including required fuel reduction/fire clearance areas) is assumed.

The applicant shall retain a Monterey County-approved biologist to prepare a restoration plan for the project that includes special-status plants known to occur in the vicinity. The restoration plan shall be prepared and provided to the Monterey County Resource Management Agency prior to issuance of any grading or building permit. This restoration plan shall be prepared separately and in addition to the landscaping plan required in AES-1.

The restoration site(s) shall be located within on-site native landscaping portions of the limited development area, within on-site previously disturbed areas of the strict conservation area, or within an off-site maritime chaparral habitat location in the vicinity of the project site that is placed under a conservation easement for these mitigation purposes. The mitigation site(s) shall be selected in coordination with a Monterey County-approved biologist and reported to the Monterey County Resource Management Agency.

The restoration plan shall identify the size and location of the mitigation site(s), determine appropriate restoration techniques including native seed/plant sources and transplantation/propagation methods, describe long-term site maintenance activities, establish restoration success criteria, define an adequate long-term restoration monitoring program, and provide an implementation schedule.

The applicant or property owner shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Resource Management Agency and native plant materials shall be installed at the mitigation site(s) per the restoration plan specifications at the property owner's expense.

**Mitigation Measure #2b:**

To mitigate for impacts to special-status plants, the project restoration plan described in Mitigation Measure Bio-2a shall be implemented within one year from the start of construction/initiation of site preparation and disturbance activities, and shall continue for as long as the specified maintenance and monitoring activities are required by the restoration plan.

The applicant shall contract with a County approved qualified biologist or native plant specialist to collect seed from or salvage special-status plants located within impact areas prior to initiation of ground disturbance activities, as specified by the restoration plan. If needed to supplement plant replacement efforts, container plants grown from a local seed source may be obtained from a native plant nursery.

The mitigation site(s) shall be preserved in perpetuity by conservation easement.

The applicant or property owner shall be responsible for the implementation of this mitigation measure, and shall provide monitoring reports to the Monterey County Resource Management Agency for their files.

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

Monitoring Action #2. Prior to issuance of any grading or building permit, the applicant or property owner with the assistance of a County approved biologist, shall prepare a restoration plan to implement special-status plant species propagation/salvage/installation activities in identified restoration/mitigation areas. The restoration plan shall be submitted to the Monterey County Resource Management Agency prior to issuance of any grading or building permits and implementation of the plan shall be monitored and reported to the agency as described by the plan.

**11. SPPD003 - MITIGATION MEASURE #3**

**Responsible Department:** RMA-Planning

**Condition/Mitigation  
Monitoring Measure:**

Mitigation Measure #3:

If construction activities begin during the bird nesting season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, then the applicant shall retain a Monterey County-approved biologist to conduct pre-construction surveys for nesting birds. The surveys shall be performed within suitable nesting habitat areas in and adjacent to the site to ensure that no active nests would be disturbed during project implementation.

Surveys shall be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and a plan for active bird nest avoidance (if needed) shall be completed by the project biologist and submitted to the Monterey County Resource Management Agency for review and approval prior to construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 50-300 feet, determined at the discretion of the project biologist.

To ensure that no inadvertent impacts to an active bird nest shall occur, no construction activities shall occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the project biologist.

The applicant or future developer(s) shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Resource Management Agency.

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

Monitoring Action #3. Prior to construction activities that will begin or recommence during the bird nesting season (February 1 to September 15), the applicant or future owner, with assistance from a County approved biologist, shall implement the pre-construction nesting bird survey and active nest avoidance and protection requirements set forth in Mitigation Measure BIO-3. This includes preparation of a results report to be provided to the Monterey County Resource Management Agency prior to construction.

## 12. SPPD004 - MITIGATION MEASURE #4

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure #4:

During any initial ground disturbance activities such as vegetation removal and site preparation/grading, the applicant shall retain a Monterey County-approved biologist to perform biological construction monitoring for potentially occurring special-status coast horned lizards, and silvery legless lizards.

If any special-status wildlife species are observed within the impact areas by the project biologist, work in the immediate vicinity of the observation shall be halted until the wildlife safely moves away from construction activities on its own. The project biologist will not handle or relocate any individuals unless CDFW approval to do so has been obtained for the project.

The applicant, or future developer(s), shall be responsible for the implementation of this mitigation measure, subject to monitoring by the Monterey County Resource Management Agency.

**Compliance or Monitoring Action to be Performed:** Monitoring Action #4. During any initial ground disturbance activities, the applicant or future developer(s) shall implement the special-status reptile monitoring and avoidance requirements set forth in Mitigation Measure BIO-4.

## 13. SPPD005 - MITIGATION MEASURE #5

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Mitigation #5:

A percolation test shall be conducted by the future developer or property owner to determine if soils are capable of supporting the use of a standard septic system and leach field for the purpose of disposing wastewater from the single-family residence. (RMA PLANNING)

**Compliance or Monitoring Action to be Performed:** Monitoring Action #5 Prior to the onset of grading activity, the percolation test results and shall be submitted for review and approval by RMA Planning Department, RMA Environmental Services and Environmental Health Bureau. Should very low rates result or there is insufficient space relative to setbacks, an alternative shallow treated drip system design shall be prepared and submitted to the Monterey County Environmental Health Department for review and approval.

#### 14. SPPD006 - MITIGATION MEASURE #6

**Responsible Department:** RMA-Planning

**Condition/Mitigation** Mitigation Measure #6:

**Monitoring Measure:**

The developer or property owner shall identify on the proposed site plan for the single-family residence, the final location(s) of the proposed leach field in compliance with LUP policy 2.4.4.B.6, which states "Dual leach fields shall be required for any new development in Carmel Highlands and other areas in the Carmel Coastal Segment which are not expected to be served by sewers or package treatment plants". The site plan shall be submitted to the Monterey County Health Department for review and approval. If the results of the percolation testing required by Mitigation Measure #5 (geology) indicate that a standard leach field disposal of wastewater is infeasible on the project site, the developer or property owner shall prepare an alternative wastewater treatment system that meets Monterey County Health Department standards for the construction, maintenance and operations of residential wastewater treatment and disposal facilities. (RMA PLANNING)

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

Mitigation Monitoring #6 Prior to the future development entitlements, final location(s) of the design and type of sewage disposal system shall be approved by the Monterey County Environmental Health Bureau.

Ongoing maintenance, or lack thereof, of access roads across both Area A and Area B could lead to erosion impacts over the long term. Grading activities associated with maintenance of unpaved roads could result of transportation of sediment and silt into both drainages during wet weather. Limiting grading related to road maintenance activities to dry weather would minimize transportation of sediments into the streambeds and ensure that these impacts would be less than significant.

Construction-related water quality degradation is regulated by the National Pollutant Discharge Elimination System (NPDES) program, which was established by the Clean Water Act. In California, the Regional Water Quality Control Board (RWQCB) administers the NPDES program. Projects that would disturb more than one acre of land during construction are required to file a notice of intent to be covered under the State NPDES General Construction Permit for discharge of storm water associated with construction activities. Although project-specific information is not yet available to define the duration and/or extent of proposed construction activities, for the purposes of this analysis, it is assumed that more than one acre of land would be disturbed during the construction of the proposed improvements and thus a NPDES Construction General Permit would be required by the County as a standard condition of approval. Best management practices (BMPs) would be implemented to reduce water quality impacts on downstream water bodies, including certain activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs could include use of temporary erosion management measures such as silt fences, stacked straw bales, and sandbag dikes as well as longer-term measures, such as establishment of grass and other vegetative cover as soon as possible following disturbance. Additional BMPs may also be required for fuel and construction material storage during construction. BMPs also include treatment requirements and operating procedures. Additionally, new development is subject to the preparation of erosion control plans per the County Erosion Control Ordinance, County Code Chapter 16.08 through 16.12. Ongoing maintenance of unpaved roads on all areas of the project site is subject to conformance to the County's Erosion control Ordinance.

To ensure that the future development associated with the proposed project is consistent with the Carmel Area LUP policies, the NPDES program, and the County's Erosion Control ordinance, and thereby reducing potential construction water quality impacts to a less-than-significant level, the following mitigation measure will be implemented:



## 15. SPPD007 - MITIGATION MEASURE #7

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Mitigation Measure #7:

The property owner or developer shall prepare and file a Notice of Intent (NOI) to the RWQCB and submit a Storm Water Pollution Prevention Plan (SWPPP) to the County Resource Management Agency prior to grading activities. The future developer or property owner shall implement control measures that are consistent with the State Construction Storm Water General Permit and with recommendations and policies of the local agency and the Regional Water Quality Control Board. The SWPPP required by the State Construction Storm Water General Permit shall include storm water BMPs to control runoff, erosion and sedimentation from the site. The SWPPP will describe how to achieve two major objectives:

- a. To help identify the sources of sediments and other pollutants that affect the quality of storm water discharges; and
- b. To describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges.

The SWPPP must include Best Management Practices, which address source reduction and, if necessary, shall include practices that require treatment. It should be consistent with the terms of the State Construction Storm Water General Permit policies and recommendations of the County's urban runoff program and recommendations of the RWQCB. (RMA PLANNING)

**Compliance or Monitoring Action to be Performed:** Monitoring Action #7: Prior to issuance of a grading permit for grading activities, the future developer or owner shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the County Resource Management Agency for review and approval.

## 16. EHSP001 - WATER WELL CONSTRUCTION PERMIT

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Obtain a water well construction permit from the Environmental Health Bureau pursuant to Monterey County Code Chapter 15.08, Water Wells

**Compliance or Monitoring Action to be Performed:** Prior to drilling the well, a CA-licensed well drilling contractor shall obtain a water well construction permit from the Environmental Health Bureau on behalf of the owner.

## 17. EHSP002 – NEW WELL SOURCE CAPACITY TEST IN BEDROCK FORMATION

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** All new or rehabilitated wells, completed in bedrock formations, to be added to a potable water distribution system shall first undergo a minimum of a 72-hour continuous source capacity test, witnessed by the Environmental Health Bureau (EHB), to determine the yield of the well in order to demonstrate compliance with Section 601.1 of the Uniform Plumbing Code. The test shall conform to Source Capacity Test Procedure, available from the EHB. The source capacity test must yield a sufficient quantity (determined by EHB) to support the proposed development. The source capacity test(s) shall be made no earlier than August 1 of each year and no later than the first significant rainfall event of the wet season or Oct 31st. The applicant shall pay all associated fees to EHB.

**Compliance or Monitoring Action to be Performed:** Prior to Environmental Health Bureau (EHB) accepting this well as a domestic water source for future development, contact Drinking Water Protection Services of EHB to schedule a Source Capacity Test and obtain procedure guidelines. A qualified professional shall perform test and prepare report as detailed by the EHB Source Capacity Testing Procedures. Submit Report to Environmental Health for review and approval.

## 18. EHSP003 - NEW WELL WATER QUALITY ANALYSIS

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** A residential building shall be provided with an adequate supply of potable water pursuant to Section 601.1 of the Uniform Plumbing Code. In order to demonstrate a potable supply, a new domestic well shall first undergo water quality testing. Sample collection shall be done after development of the well and shall include analysis of coliform bacteria, and primary inorganics and secondary compounds including Perchlorate, as listed in Tables 64431-A and 64449-A&B in Title 22 of the California Code of Regulations. Waivers for asbestos, MTBE, and thiobencarb may be available upon request. Sample collection shall be done by a person approved by EHB and shall be analyzed by a laboratory certified by the Environmental Laboratory Accreditation Program (ELAP). If water quality results indicate that the well exceeds a primary drinking water standard(s), a Point-of-Entry treatment system shall installed before a building is occupied and the applicant shall record a deed restriction indicating that treatment is necessary for the well water to meet Title 22, CCR primary drinking water standards.

**Compliance or Monitoring Action to be Performed:** Prior to the EHB accepting this well as a domestic water source for future development, the applicant shall submit water quality analysis results to EHB for review. If EHB determines that the water quality is adequate, no further action is required.

If EHB determines that treatment is necessary:

- Prior to issuance of a construction permit, the applicant shall provide plans prepared by a qualified individual for point-of-entry treatment to EHB for review and approval.
- Prior to occupancy of a building, the applicant shall provide to EHB for review and approval as-built plans prepared by a qualified individual for point-of-entry treatment and water quality analysis for a treatment effluent sample that demonstrates the treatment system is able to reduce the contaminant(s) to Title 22,CCR primary standards.

The applicant shall submit a draft deed restriction for review and approval by EHB and County Counsel.

The applicant shall provide proof of recordation of the approved deed restriction to EHB and Planning Department.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable

## 19. EHSP004 - LONG-TERM WATER SUPPLY DEED RESTRICTION

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a deed restriction stating: "Well yields in fractured rock aquifer systems have been shown to decline significantly over time due to meager ability of fractured rock to store and transmit water. Therefore, with the intrinsic uncertainties regarding the long-term sustainability of an on-site well proposed to provide a source of domestic potable water on this parcel, the present and any future owners of this property are hereby given notice that additional water sources may be required in the future."

**Compliance or Monitoring Action to be Performed:** Prior to issuance of building permits, the applicant shall submit a draft deed restriction for review and approval by the Environmental Health Bureau and County Counsel.

Once approved, the applicant shall provide proof of recordation of the deed restriction to the Environmental Health Bureau and Planning Department.

If the applicant chooses not to pursue utilizing the well as a source for domestic use, this condition shall not be applicable.

## 20. FIRE001 - ROAD ACCESS

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name.

Responsible Land Use Department: \_\_\_\_\_ Fire District

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the roadway 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 roadway improvements and obtain fire department approval the final fire inspection.

## 21. FIRE002 - ROADWAY ENGINEERING

**Responsible Department:** Fire

**Condition/Mitigation  
Monitoring Measure:**

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

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

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

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

## 22. 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. Responsible Land Use Department: \_\_\_\_\_ Fire District

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

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the 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.

## 23. FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, the standards shown in Table 2 of the Monterey County General Plan, NFPA Standard 1142, or other adopted standards. The quantity of water required pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available Responsible Land Use Department: \_\_\_\_\_ Fire District

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

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

## 24. FIRE021 - FIRE PROTECTION- SPRINKLER SYSTEM (STANDARD)

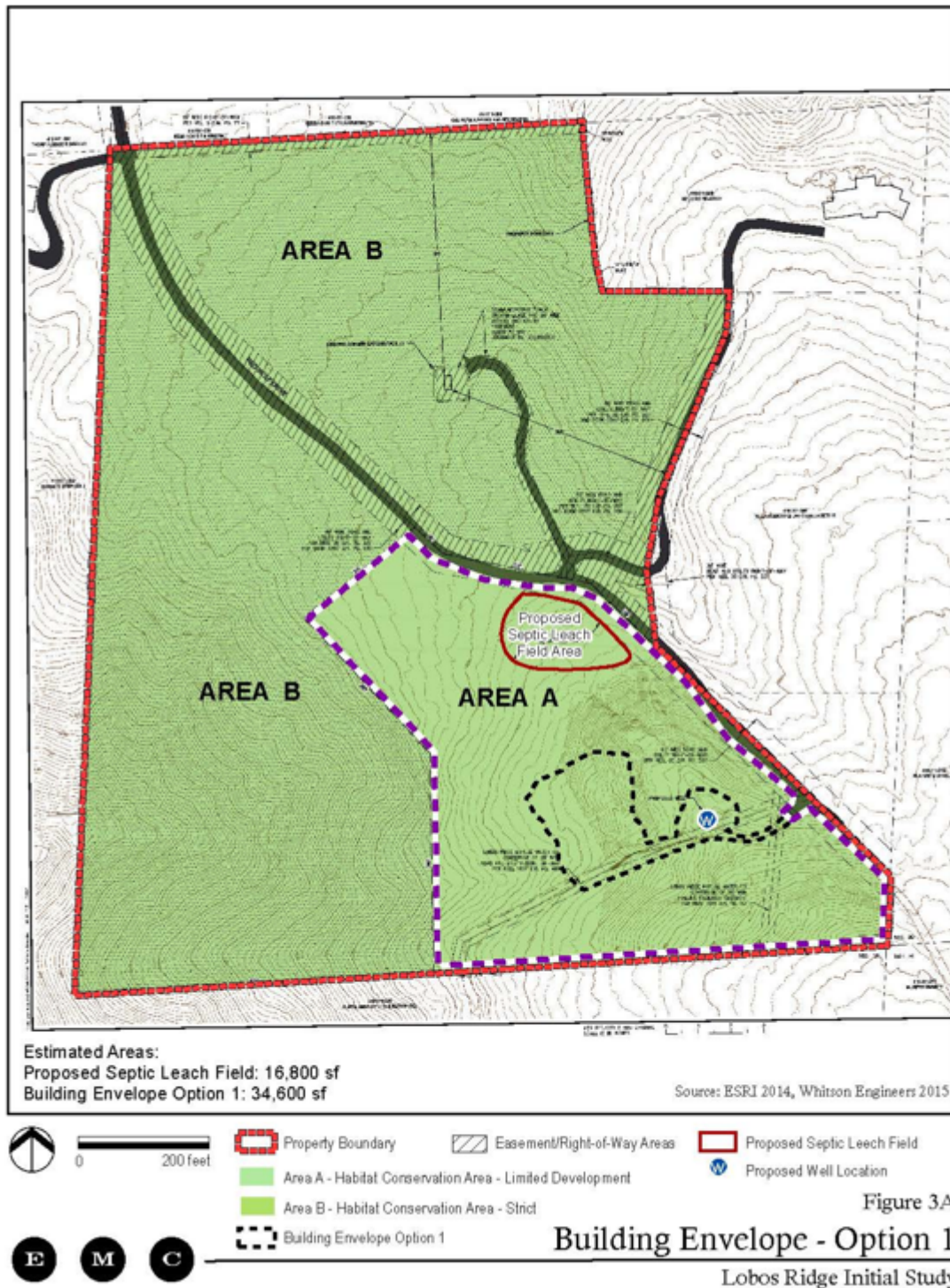
**Responsible Department:** Fire

**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. Responsible Land Use Department: \_\_\_\_\_ Fire District

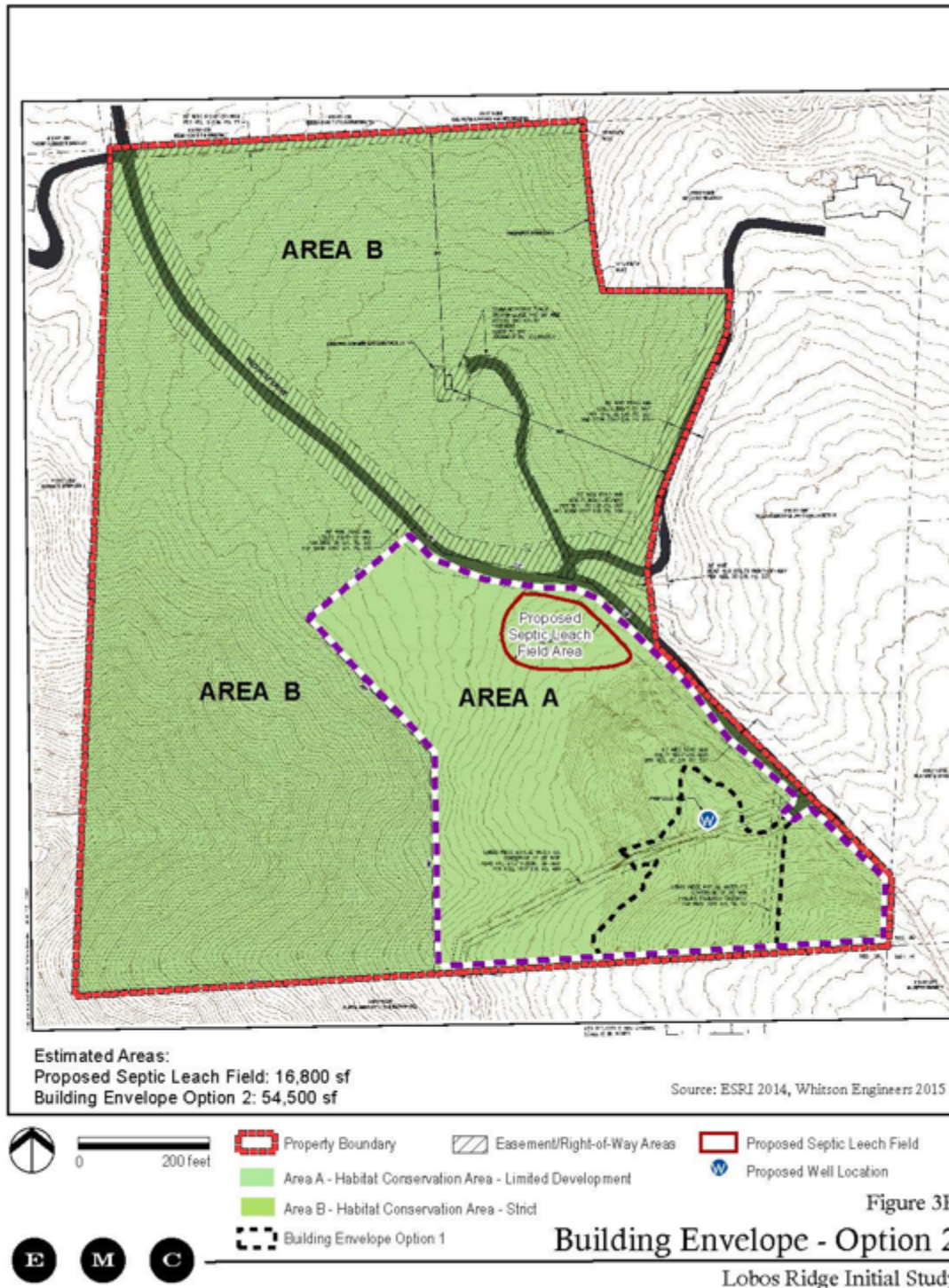
**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

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.







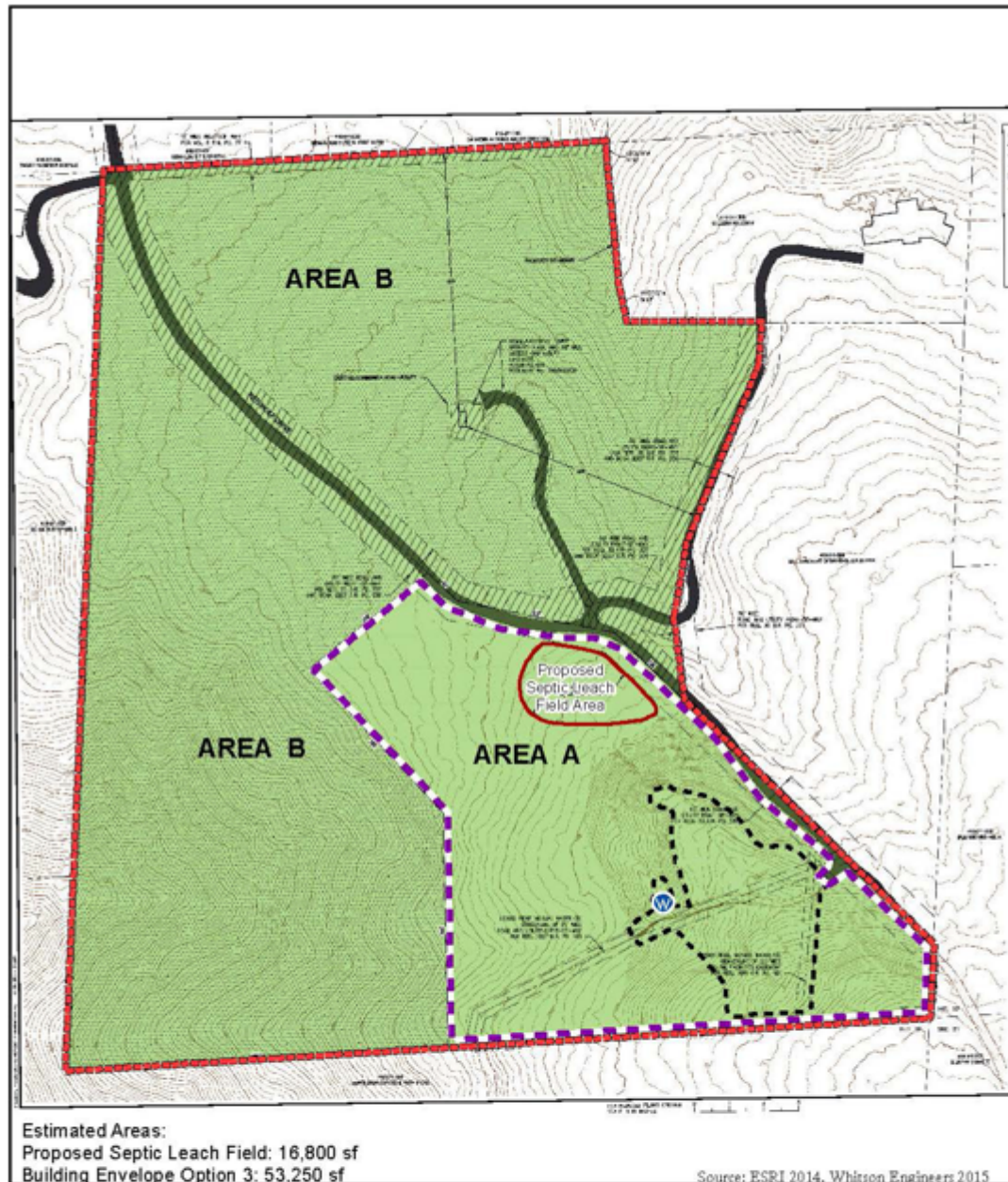


Figure 3C

Building Envelope - Option 3