

Monterey County RMA Planning
DRAFT Conditions of Approval/Implementation Plan/Mitigation
Monitoring and Reporting Plan

PLN160776

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure:	This Combined Development Permit (PLN160776) allows construction of a new professional, office building approximately 11,260 square feet, removal of up to 17 protected oak trees and development in a Site Plan Review zoning district. The property is located at 9601 Blue Larkspur Lane, Monterey (Assessor's Parcel Number 173-121-002-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of 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 Monitoring Measure:	<p>The applicant shall record a Permit Approval Notice. This notice shall state:</p> <p>"A Combined Development Permit (Resolution Number_____) was approved by the Planning Commission for Assessor's Parcel Number 173-121-002-000 on 30 January 2019. The permit was granted subject to 22 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."</p> <p>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)</p>
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. 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.

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

Responsible Department: RMA-Planning

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

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

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

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

5. PD011 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning)

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

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

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

6. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

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

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

7. PD048 - TREE REPLACEMENT/RELOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Within 60 days of permit approval, the applicant shall replace and or relocate each tree approved for removal as follows:

- Replacement ratio: 1:1

- Replacement ratio recommended by arborist: Frank Ono, Tree Resource Assessment, 5-10-16: 1:1

- Other by arborist: Frank Ono, Tree Resource Assessment, 5-10-16, 17 five gallon container or larger oak trees.

Replacement tree(s) shall be located within the same general location as the tree being removed. (RMA - Planning)

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

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

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

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

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping and shall include an irrigation plan. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

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

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

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

9. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

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

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

10. PD007- GRADING WINTER RESTRICTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

11. 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.

12. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

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

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

13. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

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

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

Compliance or Monitoring Action to be Performed: 1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA for review and approval.

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

14. WRSP1 - STORMWATER MANAGEMENT PLAN

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall incorporate drainage and stormwater control measures to limit post-development, off-site peak flow drainage from the area being developed to pre-development conditions. New development shall include measures to collect and conduct runoff from paved parking areas to drainage areas/devices capable of minimizing runoff and allowing for stormwater infiltration (e.g., bioretention filters, vegetated swales, etc). These facilities will have adequate volume to treat stormwater discharge events up to the 85th percentile 24-hour rainfall event as determined by local rainfall data. Additionally, the project shall include detention facilities to limit the 100-year post-development runoff rate to the 10-year pre-development rate. An overflow or high flow bypass system shall be provided. A registered civil engineer shall design a stormwater management plan in conformance with the drainage and water quality and supply policies set forth in the 2010 General Plan (Goals S-3 & PS-2). (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permits, the Owner/Applicant shall submit a stormwater management plan with measures to minimize runoff and allow for stormwater infiltration to the Water Resources Agency for review and approval.

15. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Grading Plan incorporating the recommendations from the project Soil Engineering Investigation prepared by Landset Engineers. The Grading Plan shall include contour intervals and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. The Grading Plan shall include the geotechnical inspection schedule that identifies when the inspections will be completed, who will conduct the inspection (i.e., PG, PE, and/or Special Inspector), a description of the required inspection, inspector name, and the completion date. The applicant shall also provide certification from the licensed practitioner that the Grading Plan incorporates their geotechnical recommendations. (RMA-Environmental Services)

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

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed practitioner that they have reviewed the Grading Plan for conformance with the geotechnical recommendations.

16. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan in conformance with the requirements of Monterey County Code Chapter 16.12. The Erosion Control Plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. (RMA-Environmental Services)

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

17. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County regulations. This inspection requirement shall be noted on the Erosion Control Plan. (RMA – Environmental Services)

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

18. INSPECTION-DURING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to inspect drainage device installation, review the maintenance and effectiveness of BMPs installed, and to verify that pollutants of concern are not discharged from the site. At the time of the inspection, the applicant shall provide certification that all necessary geotechnical inspections have been completed to that point. This inspection requirement shall be noted on the Erosion Control Plan.(RMA – Environmental Services)

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

19. GEOTECHNICAL CERTIFICATION

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall provide certification from a licensed practitioner that all development has been constructed in accordance with the recommendations in the project Soil Engineering Investigation. (RMA- Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the owner/applicant shall provide RMA-Environmental Services a letter from a licensed practitioner.

20. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

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

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

21. PDSP001 - MONTEREY DUSKY FOOTED WOODRAT PRE-CONSTRUCTION SURVEY FOR MAIN STRUCTURE (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Monterey Dusky Footed Woodrat (WDFW) is a California Department of Fish & Wildlife (CDFW) species of special concern that is endemic to the Monterey Peninsula. This is a sub-species of the dusky-footed woodrat (*Neotoma Macrodis*) which is common to oak woodlands and other forest types throughout California.

Active woodrat nests should be avoided during the breeding season specifically during the month of January to September. If woodrat nests cannot be avoided during this time, the nest (s) shall be flagged and a 10-foot buffer shall be maintained between the nests and construction activities.

If the nest (s) will need to be removed as part of the project, a qualified biologist knowledgeable on woodrats with current State Scientific Collection/MOU, shall be retained by the Owner/Applicant to assess the habitat and safely trap and relocate the woodrat (s) and nest (s) if necessary.

Compliance or Monitoring Action to be Performed: If the Monterey Dusky Footed Woodrat is still listed as a Species of Concern (by checking the CDFW website), the following shall apply:

30 days prior to the start of ground-disturbing activities for tree removal, construction or grading, the Owner/Applicant shall retain a qualified biologist to conduct a pre-construction survey to confirm and identify the location of active Monterey Dusky Footed Woodrat nest (s) within the project boundary. A copy of the survey and report shall be provided to RMA Planning Department for review.

Prior to the issuance of grading or building permits, the retained biologist shall flag the active nest site (s) and delineate a buffer no less than 10 feet between the nest (s) and construction activities. The owner/Applicant shall submit written and video or photographic evidence demonstrating that the nest (s) was flagged and buffers maintained according to the biologist's recommendation.

If it is not possible to avoid the MDWF nest (s), CDWF shall be contacted for guidance. CDFW may require live-trapping and releasing the woodrats into artificial shelters on or offsite. Live trapping, if required, should be conducted from mid-July through September.

22. PDSP002 - ASSIGN DEDICATED CARPOOL PARKING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The General Development Plan (GDP) for the business office building on Lot 2 requires occupancy of no more than 100 employees and a total of 45 parking spaces (43 parking stalls and 2 blue-zoned accessible parking stalls) on-site. As an incentive to encourage the practice of alternative transportation commuting to the worksite, the GDP shall assign a minimum of five (5) dedicated carpool/vanpool parking spaces, out of the 43 parking stalls on-site.

Prior to final inspection, the Owner/Applicant shall submit to RMA Planning a GDP that includes assignment of a minimum of five (5) dedicated carpool/vanpool parking stalls on-site.

Compliance or Monitoring Action to be Performed:

23. EHSP01 - SEPARATE RECYCLABLES (NONSTANDARD)

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: EHSP01 - SEPARATE RECYCLABLES (NONSTANDARD)
All persons shall separate recyclables from other solid waste generated at their premises and shall place such recyclables into a different approved container to facilitate segregation at a solid waste facility pursuant to California Assembly Bill AB 341 and Monterey County Code, Chapter 10.41.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits, the applicant shall submit to the Environmental Health Bureau for review and approval a descriptive plan on how recyclables will be collected and stored throughout the site. Solid waste and recycling container enclosures shall be sized appropriately and located on the site plan.

24. EHSP02 - TENANT AGREEMENTS

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: EHSP02 - TENANT AGREEMENTS -FOOD FACILITY, HAZARDOUS MATERIALS, MEDICAL AND SOLID WASTE COMPLIANCE (NONSTANDARD)

The owner of the property is responsible to ensure that all uses are in compliance with Local, State and Federal requirements. Future tenants/uses of the property are unknown at this time. The lease agreement (or lease addendum) between the property owner and the tenant shall indicate the following:

All new tenants shall contact Environmental Health Bureau prior to commencement of operations to ensure all proper Health permits are obtained. Permits are required for: Retail Food Facilities, Hazardous Material Handling/ Storage/Hazardous Waste Generation, and Solid waste related activities such as medical waste generation, recycling, materials recovery, waste tire storage, transfer/processing, and processing of construction/demolition debris.

The tenant/applicant shall pay all applicable fees to EHB prior to commencement of operations.

Compliance or Monitoring Action to be Performed:

Prior to final inspection of the construction permit for the professional office building, the applicant is to submit a template of the lease agreement to EHB. The lease agreement (or lease addendum) between the property owner and the tenant shall indicate the following:

All new tenants shall contact Environmental Health Bureau prior to commencement of operations to ensure all proper Health permits are obtained. Permits are required for: Retail Food Facilities, Hazardous Material Handling/ Storage/Hazardous Waste Generation, and Solid waste related activities such as recycling, materials recovery, waste tire storage, transfer/processing, and processing of construction/demolition debris.

The tenant/applicant shall pay all applicable fees to EHB prior to commencement of operations.

This condition is on-going.