

MONTEREY COUNTY SUBDIVISION COMMITTEE

Meeting: April 4, 2008 Time: 9:05 A.M	Agenda Item No.: 2
Project Description: Combined Development Permit consisting of: 1) A Coastal Development Permit to allow for the demolition of five structures (two single family dwellings, two barns, a garage), removal of two mobile homes and grading (approximately 56,850 cubic yards). 2) A Coastal Development Permit for a Lot Line Adjustment and Standard Subdivision to allow for the division of two parcels of 16.96 and 16.62 acres (total 33.58 acres) into 101 lots consisting of: 97 single family residential parcels with lot sizes ranging from 4,050 sq. ft. to 19,742 sq. ft., one .6-acre multi-family residential parcel (four units), one 1.76-acre commercial parcel, one community recreation parcel (1.9 acres), one mini park (0.1 acres) and one common area parcel (9.7 acres); 3) A Coastal Development Permit to allow the removal of 25 oak trees; and 4) A General Development Plan and Coastal Development Permit to allow for commercial or quasi-public development of the commercial parcel and the construction of a four unit apartment building on the multi-family residential parcel as voluntary Inclusionary Housing. The property is located at 100 Sill Road, Royal Oaks (assessor's parcel numbers 412-073-015 & 412-073-002-000), north of Hall Road, between Sill Road & Hall Road, Los Lomas area, north county coastal zone.	
Project Location: 100 Sill Road; North of Hall Road, Royal Oaks, CA	APNs: 412-073-015 & 412-073-002-000
Planning File Number: PLN970159	Name: Heritage Western Communities, Property Owner
Plan Area: Medium Density Residential, General Commercial	Flagged and staked: Yes
Zoning Designation: "MDR/4-D-S" Medium Density Residential, and "CGC" Coastal General Commercial (Coastal Zone)	
CEQA Action: Draft Environmental Impact Report Prepared Section 21080 (d)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Subdivision Committee

- 1) Consider the Draft EIR and Revised Draft EIR
- 2) Recommend findings, evidence and conditions to the Planning Commission for approval of a Staff Reduced Density Alternative for Rancho Los Robles Project consisting of a Combined Development Permit allowing:
 - A CDP for the lot line adjustment
 - Standard Subdivision of 33.58 acres into 68 single-family lots, four duplex lots, and one lot with four apartments for 80 total units, a 1.76-acre commercial lot, and 9.7 acres of open space including a small park of 2.5 acres along the top of the upper terrace
 - Removal of 25 trees and 0.1 acre of willow trees
 - GDP for mixed use development on 1.75 acre commercial lot including 17,000 sq ft of commercial with four apartment units above; and
 - Demolition/removal of two single-family dwellings, two barns, a garage and two mobile homes.

- Development of two access roads on Sill Road that will align with existing Roadways (Miller Road and Kinghill Road) and one access road to Hall Road. No separate access/driveways will be allowed on Sill or Hall Roads.

PROJECT DESCRIPTION(APPLICANT’S PROPOSED PROJECT)

On December 13th 3007 the Subdivision Committee held a workshop to review the proposed project. The Committee was presented three alternatives for reducing the density of the project. Staff also presented an overview of the draft EIR that was circulated from August 31st to October 29th 2007. Key environmental resource impacts identified in the project EIR were aesthetics, biological resources, geology, traffic and hydrology. A revised Draft EIR was been prepared and circulated for public comment to consider the potential effects of the project on global warming and to re-evaluate hydrologic impacts, specifically impacts to cumulative water supply in light of new information. Revised sections of the draft EIR are being re-circulated and were released on March 25st with the comment period ending on May 12th.

The revised Draft EIR also includes a variation on the Reduced Single Family Development Alternative presented in the DEIR which staff believes better addresses environmental impacts and provides site design improvements as compared to the Proposed Project and the Reduced Single Family Development Alternative. Staff recommends approval of the Reduced Density Alternative as the environmentally superior option among the EIR alternatives when compared with the original 101 unit project. Although the applicant has proposed various alternatives of the Reduced Density concept with differing unit counts, staff fids that the Reduced Density Alternative as recommended above best meets the goals and policies of the Local Coastal Program.

See Exhibit B for a more detailed description of this project.

OTHER AGENCY INVOLVEMENT:

- ✓ North County Fire Protection District
- ✓ California Department of Transportation, District 5
- ✓ Public Works Department
- ✓ Parks Department
- ✓ Housing Department
- ✓ Environmental Health Division
- ✓ Water Resources Agency
- ✓ Regional Water Quality Control Board

The above checked agencies and departments have reviewed this project. Conditions recommended by North County Fire Protection District, Public Works Department, Parks Department, Housing Department, Environmental Health and Water Resources Agency have been incorporated into the condition compliance reporting plan (**Exhibit D**).

The project was referred to the North County Land Use Advisory Committee (LUAC) for review.

Note: Recommendations from the Subdivision Committee will be forwarded to the Planning Commission who will make a recommendation to the Board of Supervisors for final action. The Board decision on this project is appealable to the Coastal Commission

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March 27, 2008

cc: Front Counter; Subdivision Committee; Zoning Administrator; North County FPD; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Housing Department; Local Agency Formation Commission; Carl Holm, Assistant Planning Director; David Greene, Planner; Carol Allen, Heritage Western Communities, Applicants; Pam Silkwood., Agent; William Yeates, Friends Artists and Neighbors of Elkhorn Slough; Planning File PLN 970159.

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Overview
	Exhibit C	Recommended Findings and Evidence
	Exhibit D	Recommended Conditions of Approval
	Exhibit E	North County Land Use Advisory Committee Minutes
	Exhibit F	Site Plan, Elevations, Floor Plans
	Exhibit G	General Development Plan- Commercial Parcel

This report was reviewed by Carl Holm, AICP, Assistant Planning Director; Alana Knaster, Chief Assistant Planning Director

EXHIBIT B PROJECT OVERVIEW

The project is located in the unincorporated town of Las Lomas in the northern Monterey County coastal zone. The site is approximately 14 miles north of Salinas, four miles southeast of Watsonville, five miles east of Monterey Bay and five miles west of Highway 101. The subdivision will convert 33.58 acres of woodland, pasture, and farmland along Sill Road into 97 single-family lots and 4 townhouses with 12,000 to 17,000 square feet of commercial fronting Hall Road. The project application was deemed complete on September 21, 2000.

A church and a single-family home are west of the project site and small single-family residences are to the north and east. Agricultural land lies to the south and preserved open spaces along Elkhorn Slough to the west and southwest. Hall District elementary school is located about two-tenths of a mile to the east, and a small store that marks the commercial center of Las Lomas is about two-tenths of a mile to the west. The general plan designates the town of Las Lomas as Medium Density Residential (MDR) and surrounding lands as Rural Density Residential (RDR) and Resource Conservation (RC). The subject property is designated as MDR, with a commercial opportunity. The proposed subdivision is part of the rural housing cluster of Las Lomas centered on Hall and Las Lomas Roads. Hall Road is the main east/west access road for Las Lomas, and provides a regional link between Highway 1 and Highway 101. Las Lomas lies within the Highlands North groundwater basin subarea.

The subject property is located at the edge of the small town, although within the area planned for urban-level development. The property is currently being used for horse boarding and grazing, and strawberry production. A hill rises from Hall Road about 30 feet to meet Sill Road on the northern side of the property, affording a level area at the southeast corner along Hall Road, and a level terrace adjacent to Sill Road. A stand of coast live oak trees is the most important site feature, dominating the western side. Two small houses, two mobile homes, two barns and coral fencing are the only structures.

The applicant is proposing to subdivide two parcels (33.58 acres) into 97 single family lots, one .6 acre lot for multi-family housing (four units) and one 1.76 acre commercial parcel. About 9.7 acres are proposed for parks and open space. The project would include removal of 25 oaks, and demotion of existing structures. A General Development Plan (GDP) and Coastal Development Permit (CDP) for commercial and multi-family development are proposed for the lower portion of the site along Hall Road. About 56,850 cubic yards of grading is proposed.

The subdivision will eliminate the current farm uses and change the land forms to allow the new housing and roads. Most of the development will be beyond the hill crest out of view from Hall Road. Trees and new commercial structures along Hall Road will hide the rest of the development from view. A wetland detention system next to the commercial uses on Hall Road will capture stormwater from the hillside. Tree planting along Hall Road will combine with the open space to reduce visibility. The challenge of

this project is to create new housing without impacting the rural qualities of Las Lomas and the valuable features of the farm property.

Housing development could result in several significant impacts: water supply; regional traffic; local circulation conflicts; loss of wetland habitat; loss of oaks; and ridgeline development and excessive grading. These are discussed in the following paragraphs.

Water supply The subject property lies within the north Monterey County hydrogeologic area. Groundwater overdraft has been of concern in this region for many years, with major studies completed in 1995 (Fugro West) and 2002 (Monterey County WRA). The overdraft of water from the aquifers has led to extensive seawater intrusion in the areas west of the project site. The groundwater basin is divided into several interconnected subareas (the subject property is within Highlands North), and the Highlands North Subbasin is in overdraft. The Revised Basin Management Plan strategies include replacement of coastal groundwater with recycled and imported water, which would allow groundwater pumping for existing and planned development without further seawater intrusion. Implementation of recycling was planned for 2007 and 2009. One key element, the import of water from the Central Valley Project, is not expected to occur in the foreseeable future and PVWMA is investigating other options to off-set groundwater withdrawals.

The County established the North County Hydrological Study Area Fee in 2001, and the project is subject to that fee (\$1,000 per lot). Pursuant to the Subdivision Map Act (Section 66474.2), subdivisions deemed complete between 11-16-1990 and 1-1-2001 are processed according to the rules in effect at the time these projects were deemed complete, including Chapter 18.51 (Water Impact Fee Program) of the Monterey County Code. The Project was deemed complete on 9-21-2000. The North County Hydrological Study Fee Program was in effect at that time. In accordance with the provisions of that Ordinance, payment of a water impact fee was required to address the County's requirement for a project to demonstrate that it has a long term sustainable supply of water. Therefore, the Project is consistent with this requirement in Title 19. A mitigation measure/condition has been imposed accordingly. Fees collected to date have been used to fund development of a comprehensive plan and projects that are identified in that plan. The fees collected from this proposed project would be applied to such projects.

However, PVWMA recently lost a court appeal regarding a key source of funds for major projects. As a result, funding for importing water and other projects is currently in question. Because of this uncertainty, and out of an abundance of caution, the Revised Draft EIR determined that the project would result in a potentially significant and unavoidable cumulative impact on regional groundwater.

Because the subject property has experienced intensive water demands associated with past agricultural uses, the proposed development would reduce historic usage on the site. The project, with significant water conservation efforts incorporated, would use less water than has historically been used on the site. Accordingly, there would be a net

benefit to the groundwater basin that could result from the use of less water on the project site.

There are localized areas of nitrate contamination in the vicinity. The project would benefit groundwater nitrate levels by removing current agricultural uses, but could negatively affect the quality of storm water run-off to Elkhorn Slough. More impermeable surfaces from residential development would increase stormwater runoff and contaminants contained in the runoff.

Regional Traffic The north Monterey County area experiences traffic congestion at several locations along Salinas Road/Hall Road/San Miguel Canyon Road and on State Route 1 through Moss Landing. The project would add more automobile trips to these congested roadways. The County has recently constructed signal lights at the Hall Road/Las Lomas Drive intersection (two-tenths of a mile to the west) and the Hall Road/San Miguel Canyon Road intersection (two miles to the east). Several more improvements will be required to accommodate build-out conditions in North County. The County collects a fair-share traffic fee on an *ad hoc* basis, which pays each development's fair share of improvement costs. However, traffic conditions will continue to deteriorate before enough funds are collected to make improvements. Caltrans will build an interchange at State Route 1/Salinas Road, but no plans to widen State Route 1 through Moss Landing. The project will pay a fair-share fee toward cumulative traffic and direct traffic; however, there is still a significant unavoidable impact for cumulative traffic on State Route 1 because of the timing of proposed traffic improvements.

Local Circulation The subject property is situated in a key location between the "center" of Las Lomas and the Hall District elementary school, and the project could influence the nature of the community to a significant extent. As currently proposed, the development does not promote cohesive community form. Although the site includes both residential and commercial uses, they are isolated from each other and from the community as a whole. Development of this site has the potential to connect Las Lomas into a focused community. Accordingly staff has recommended several Conditions that would result in a unified project design and connect the project to nearby parts of Las Lomas. With these changes, the project would promote a more cohesive community. A key measure is to provide better connectivity to the school, central Las Lomas, and within the project. Accordingly, staff recommends provision of off-site pedestrian connections to the school, and a new street within the project to better connect the commercial with residential. The new street would intersect Hall Road, about 1,000 feet west of the Hall Road/Sill Road intersection and eliminate a proposed commercial driveway in the same location. The commercial driveway would be moved to the new residential street connecting to Hall Road.

Loss of Wetland Habitat The subject property does not contain extensive wetlands; however, there are about 0.6 acres of wetlands as defined by the Coastal Act which must be protected. The proposed project will place fill and a berm in the wetland area, resulting in a raised detention basin. The detention area could serve recreational purposes as well, under the proposed project, but could affect wetland functions. Accordingly,

mitigation measures are recommended that would require a naturalized basin design that would enhance wetland function at the site. This approach not only preserves the wetlands, but promotes filtering of pollutants prior to storm water running off toward Elkhorn Slough. The recreational area would be adjacent to the wetland/basin. (See discussion of the Community Park below)

The alternative project recommended by staff would move the recreational area to the upper terrace, and allow the basin and all of the surrounding area to be fully developed as wetland habitat, thereby increasing the size of the wetland area and enhancing its biological utility and function.

The site also contains a very small isolated area of willow riparian vegetation along the eastern corner at Sill Road. The EIR permits, and staff recommends, re-establishment of this vegetation as part of a larger cohesive habitat in association with the aforementioned wetlands. An additional lot could be placed on the location of the willow riparian vegetation.

Loss of Oaks The subject property's most striking feature is the stand of large coast live oak trees at the western side. Sill Road is also lined with large oak trees. The project was initially designed to minimize loss of trees (an estimated four trees); however, more careful study of the site plan by arborists determined that a total of 25 significant trees would be lost if the project were developed. The arborist noted that many of the on-site oak trees have health or structural defects. The project provided large areas (29% of the project site) along the southern and western facing terrace slopes, with the greater concentration of the oak woodland habitat, would be preserved as open space. The project would enhance the oak woodland habitat through the cessation of grazing that would have beneficial effects for the understory allowing young oak trees to establish and increasing the age diversity of the trees. Staff has also conditioned the project to minimize the loss of oaks and enable the applicant to locate homes in the wooded part of the site.

Ridgeline Development/Site Grading Early visual analysis determined that development on the near edge of the site's upper terrace would be visible from Hall Road and would create silhouettes above the ridgeline. In response to this, the applicant proposed a berm along the top of the slope combined with removing an extensive amount (about 56,850 cubic yards) of soil behind the berm. Without the grading, additional ridgeline development would occur. Recommended Conditions (from the EIR) to reduce visibility requires single-story houses on some lots and vegetative screening prior to the issuance of building permits. The screening will eliminate most views of the proposed housing along the top of the hill from Hall Road.

The alternative project recommended by staff would replace lots along the edge of the terrace with a park. Some screening or single-story restrictions might still be required for a few lots, but the alternative would eliminate most of the lots with ridgeline development potential.

Community Park The subdivision has proposed 101 housing units that will require 0.9 acres of parkland according to Section 19.12.010 Recreation Requirements of the County Subdivision Ordinance, Title 19. The Monterey County Parks Department requires that the subdivision dedicate 0.9 acres of reasonably level land with no environmental constraints that can be used for active recreation. The Proposed Project has designated 1.9 acres adjacent to the wetlands. As currently designed, a portion of this park could be wet for several months of the year and therefore, it does not fully comply with the subdivision ordinance. The applicant has recently submitted an alternative variation on parkland dedication that would comply with the acreage requirement within the 101-lot design. This alternative park arrangement consists of three smaller park areas on the upper terrace. The applicant is also examining technological approaches that would keep the park area dry. The Park Department would prefer a large park that could be used for soccer or comparable playing area.

The recommended Staff Reduced Single Family Density Alternative would create a large park area (2.5 acres) on the edge of the upper terrace. The location and configuration of parkland is one of the design features that the Subdivision Committee will address. This Alternative would be consistent with County ordinances, function year round and avoid potential impacts to wetlands.

Conclusions The site's land use designation is MDR, with development intensity of between one and four units per acre (a range of 34 to 135 units on this site). The proposal is 34 units less than the maximum allowed, however various site constraints reduce the number of units that may feasibly fit the site without high-density clustering in the buildable locations. Site constraints include slopes in excess of 25 percent, wetlands, and the stand of oak trees. Regional water supply and traffic issues also hinder full build-out potential. Staff recommends modifications to the design to preserve wetlands and oak trees and to provide a more cohesive design that relates to the surrounding community.

Alternatives From Rancho Los Robles EIR

An Environmental Impact Report was created for the Rancho Los Robles project that measured the proposal for impacts to Aesthetics, Biological Resources, Geology and Soils, Hydrology and Water Quality, Transportation/Traffic, Air Quality, Water Service and Sewer Service. CEQA Guidelines (Section 15123) require a list of significant effects for the proposed project with proposed mitigation measures that would reduce these effects. Alternatives that would reduce or avoid significant effects are also required. The impacts of most concern are water supply, traffic volumes that will also affect air quality, biological impacts and visual impacts.

Reasonable Alternatives to the project must be considered that will attain most of the project objectives but avoid or substantially lessen significant impacts. Five alternatives were evaluated in the EIR document.

- A "No Project" Alternative would continue the existing use without change.
- A delayed "Future Project" would use the land uses and policies of the "2006 Monterey County General Plan" and North County LUP/LCP.

- The “Reduced Single-Family Development” Alternative (RSFDA) would maintain the same type of use with less density using 80 units (68 single-family, four duplex units and four apartments) with commercial on Hall Road.
- A “Mixed Density Clustered Development” would have 97 total units divided between single-family, duplex, fourplex and townhouse/condo/apartment with commercial on Hall Road.
- “Reduced Water Use” is a proposal that includes a variety of off-site water conservation and groundwater recharge strategies to minimize water use for the proposed project.

The alternatives were compared for each significant effect and given a rating. Each Alternative was measured for all of the significant impacts with adjustments for changes in density, land surface disturbance, traffic, water use, stormwater runoff, biological, geological and visual impacts. The environmentally superior Alternative was the Reduced Single-Family Development Alternative.

However, based upon input from the Subdivision Committee in a February 2008 workshop and subsequent internal staff discussions, staff determined that several modifications to the RSFDA in the DEIR would result in project with a number of preferable components and would further reduce several of identified project impacts. **This alternative--Staff Recommended Single Family Development Alternative (SRSFDA), is further described below.**

SRSFDA

The Staff Reduced Single Family Development Alternative (SRSFDA) made minor but important improvements to the Single Family Development Alternative(SFDA) analyzed in the DEIR with respect to the development for roads, lot location, park location and size, neighborhood connection, commercial entrance and apartment location. The staff modifications allow one more lot and one more entry as compared to the SFDA but reduces some impacts to seep slopes and allows better road connection. The commercial changes make the commercial proposal more accessible and reduce traffic conflicts at Hall Road.

The proposed local road that serves new houses on the eastern side of the property will connect to Hall Road by moving around the small hillside. The hillside will be preserved with a park and a road below. The road will allow residents to connect to the commercial uses on Hall Road by driving through the subdivision or walking. The road connection will also eliminate a driveway on Hall Road in favor of an intersection with pedestrian controls. Cars turning into the access road can line up to enter the commercial driveway away from Hall Road traffic.

The entry points for the new subdivision will connect to Miller and Kinghall Roads north Of Sill Road. The connections will allow more north/south linkage with Sill and Hall Roads. The new entry will not be as formal as the proposed entry that had double front lots but will allow another lot along Sill Road. An additional entry from Hall Road will improve fire access to the residential and directly serve the commercial.

The western side of the property had several properties perched on steep slopes. The new road alignment will create a shorter cul-de-sac for Oak Ridge Road to eliminate lots on steep land and move lots toward Sill Road. The small existing drainage swale will be preserved outside of development. The following comparisons were made for the SRSFDA for all of the EIR environmental categories to show how the staff alternative is environmentally superior to the original proposal and the other alternatives.

The SRSFDA (staff alternative) also minimizes several environmental impacts and provides housing opportunities for a variety of income levels. These are further described below for each of the key impact areas addressed in the DEIR. The SRSFDA would create 80 housing units with 68 single-family lots, four duplex lots and four apartments. Housing would be separated from the steep slopes and allow a park to be placed along the upper edge of the hillside that would also eliminate ridgeline development.

The SRSFDA was environmentally superior to both the mitigated and unmitigated proposed project for 16 of the 27 objectives compared by the Rancho Los Robles EIR and no worse than similar for the remaining issues. This alternative is significantly better for Aesthetics, Biological Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Air Quality with similar results for Fire Flow and ranks as the best environmental alternative.

Visual Impacts Ridgeline Development/Site Grading Visual analysis under current policy interpretation clearly showed that housing on the near edge of the site's upper terrace would create ridgeline silhouettes that must be mitigated. The project proposed a berm along the top of the slope while removing soil behind the berm (about 56,850 cubic yards). The proposed berm and grading is inconsistent with North County LUP Visual Resources 2.2.2 General Policy 5 and CIP sections 20.144.030.B.4, 20.144.030.B6, and 20.144.100 (A) (2) (c). Without the grading, additional ridgeline development would occur.

The SRSFDA will avoid ridgeline impacts. A small park is proposed for the edge of the upper terrace with housing moved back to Sill Road. Housing on the western side could be screened by existing or planted trees. Grading will be minimized, less erosion will result during construction and a desirable hillside will be maintained for residential users.

Geology and Soils The housing would be moved away from the edge of the upper terrace and away from lots of 25% slope. The proposed project would have two lots within 25% slopes, although the building envelope is outside of the 25% slope, and twenty six lots on slopes of 10-25%. The SRSFDA will have two lots within 50 feet of slopes greater than 25% and three lots with slopes of 11 to 25%. Potential for landsliding would be reduced and erosion will be less without grading near steep slopes.

Biological Resources, Loss of Wetland and Trees The 0.6 acres of wetlands as defined by the Coastal Act could be preserved by moving the park to the upper residential area. The original proposal places development on the upper terrace and calls for fill and a berm in

the wetland area, resulting in a raised detention basin. The detention area would serve as recreation at the expense of wetland functions.

The SRSFDA will place a 2.5 acre park along the upper ridgeline and reduce the need for grading to create a berm and lowering of the lots. Two small open spaces (.5 acres total) will be located on the western side of the site. The wetland will be enhanced and function more as a filter for stormwater and allow absorption by plants and trees. Fewer houses and impervious surfaces will create less runoff reducing the size of detention. Fewer trees may be removed since less housing is proposed but development still would be placed among the trees on the western side of the site. Adjustment of the streets and housing could save more trees along with tree transplanting where possible.

Consistency with County Ordinances The Staff Reduced Single-Family Development Alternative will better meet County of Monterey Land Use and Coastal Implementation Plans. The SRSFDA complies with North County Land Use Plan, Visual Resources 2.2.2 General Policy 5 and North County CIP Sections 20.144.030.B.4, 20.144.030.B6, and 20.144.100 (A) (2) (c) without the necessity for significant grading. The Reduced Single-Family Alternative also meets requirements of the North County Land Use Plan 2.3.2 General Policies 1 which restricts development in environmentally sensitive habitat areas including wetlands and 2.5.3. C. Siting New Development 3 (a.) (c.) to prevent erosion. The parkland satisfies Section 19.12.010 Recreation Requirements of the County Subdivision Ordinance, Title 19 for a subdivision of 80 units.

Community Parkland The subdivision has proposed 101 housing units that will require 0.9 acres of parkland according to Section 19.12.010 Recreation Requirements of the County Subdivision Ordinance, Title 19. Although the proposal has 1.9 acres of park space, the proposal doesn't fully comply with Title 19 for parkland on site. "Monterey County Parks Department requires that the subdivision dedicate 0.9 acres of reasonably level land with no environmental constraints that can be used for active recreation. A park would be located on the upper terrace so that no residential property is farther than one-quarter mile from the nearest park site."

The Staff Reduced Single-Family Development Alternative has the correct amount of parkland at the appropriate place within the subdivision. Small open spaces can be used for active recreation within ¼ mile of most of the existing and proposed development. The large proposed park can be used for active recreation, solves the ridgeline problems of the proposed project and creates preserved open space for the home owners. Sensitive slopes are protected from development and erosion will be reduced.

The Staff Reduced Single-Family Development Alternative (SRSFDA) would also enhance the wetland area by moving the parkland to the top of the hill and allowing the detention basin to function as a wetland. More trees could also be added to screen the detention area that would become more of a natural looking wetland. The habitat potential would also increase without recreation disturbance.

Local Circulation The SRSFDA would still reinforce Hall Road as a commercial focal point between the “center” of Las Lomas and the Hall District elementary school. The commercial property on Hall Road would influence the nature of the community to a significant extent. Cohesive community form with residential and commercial uses linked at Hall Road can still be achieved with this alternative. This site holds the opportunity to connect Las Lomas into a focused community.

Traffic and Air Quality The traffic and air quality impacts from SRSFDA would be less than the proposed subdivision. Fewer houses would create 20% less traffic with total trips reduced by 12% and less traffic for Sill Road. Cumulative impacts would be less from fewer home sites. The intersections with existing Service Levels E to F would be the most important areas of improvement. There would still be a significant unavoidable cumulative traffic impact to SR1. The connection to Hall Road will allow residents to use of the commercial without driving on Hall Road.

Hydrologic Resources Water The SRSFDA would further reduce water consumption on the site from what is estimated for the Proposed Project (101 lots). Accordingly, there would be additional benefits to the groundwater basin from the reduction in water usage as compared to baseline.

Conclusion. Staff believes that the Staff Reduced Single Family Development Alternative should be recommended by the Subcommittee to the Planning Commission for its approval. This alternative better meets County ordinances and LUP policies and further reduces some of the significant impacts identified in the DEIR.

EXHIBIT C
RECOMMENDED FINDINGS AND EVIDENCE

1. **FINDING: CONSISTENCY** - The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, North County Area Plan, North County Coastal Implementation Plan, and the Monterey County Zoning Ordinance (Title 20), which designates this area as appropriate for development.

EVIDENCE:

- (a) The text, policies, and regulations in the above referenced documents have been evaluated during the course of review of applications. As conditioned and mitigated, no conflicts are 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) Project Site. The property is located at 100 Sill Road (Assessor's Parcel Numbers 412-073-015 & 412-073-002-000), North County Area Plan. This area is identified as the unincorporated town of Las Lomas in the North Monterey County Coastal Zone. The project area consists of two lots totaling 33.58 acres with frontage on Hall Road to the south and Sill Road to the north. Existing development consists of a horse ranch that includes two barns, a riding ring, two mobile homes and two single family homes (4 units). The existing structures have all necessary public facilities and are served by two on-site wells and multiple septic systems.
- (c) Zoning. The parcels are zoned Medium Density Residential "MDR (CZ)" with an asterisk that refers to North County Land Use Plan recommendations for general commercial uses within the project site. The subject property complies with all the rules and regulations pertaining to zoning uses and any other applicable provisions of Title 20, and is therefore suitable for the proposed development.
- (d) Minimum Lot Size. The minimum building site that may be created in the MDR zone is 6,000 square feet unless otherwise approved as part of a clustered development (Section 20.12.060.A CIP). The total lot area is 33.58 acres and the area proposed for residential lots is 16.33 acres (48%). The proposed project clusters development along the upper portion of the property and lot sizes range from 4,050 to 19,742 square feet with an average lot size of 7,043 square feet.
- (e) Environmentally Sensitive Habitat Areas (ESHA). Policies in Chapter 2.3 of the LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. The North County LUP prohibits development within environmentally sensitive habitat areas including wetlands (Policy 2.3.2.1 LUP). Biological

assessments prepared for this project identified a coastal wetland within the southern portion of the project site along Hall Road (Policy 2.3.2.5 LUP). This wetland is fed by a drainage swale that carries waters received from agricultural and residential development north of the site to the Elkhorn Slough a short distance south of the site. This project is designed to use existing topography as a detention pond and seasonal recreation area (e.g.; soccer field), which constitutes development within 100 feet of ESHA (Policy 2.3.3.B.4 LUP). County Parks Department finds that this area cannot adequately be used for this type of recreation and that alternative facilities must be created on site (*See Finding #10*). The Reduced Development Alternative better meets the goal and policies of the LUP since less runoff would be created, a smaller detention basin is needed and fewer disturbances would be created for the wetland. Conditions require a naturalized basin design that would enhance wetland function at the site, which preserves the wetlands and promotes filtering of pollutants prior to storm water running off toward Elkhorn Slough. As conditioned, the area around the wetland will remain in open space with a conservation easement recorded (Policies 2.3.2.2, 2.3.2.3, and 2.3.2.6 LUP) over the southern portion of the site to ensure protection of this habitat and to help filter out pollutants before water is released downstream into Elkhorn Slough (Policies, 2.3.3.B.5, 2.3.3.B.8, and 2.3.3.C.1&2 LUP). The alternative to the proposed project incorporates a design that addresses non-point discharge and erosion before runoff reaches sensitive habitat (e.g. Elkhorn Slough). As conditioned, the Reduced Development Alternative is consistent with County and Coastal Commission policies regarding protection of wetlands.

- (f) Agriculture. Agriculture is a priority use in the Coastal Act and Chapter 2.6 establishes policies that address this resource. Although the project site was historically used for limited grazing operations, grazing is not a coastal dependant agricultural use (requires mild coastal climate) and development of the surrounding area has limited the potential for such continued agricultural use. In addition, the slopes of the property would restrict potential use for crop production (Policies 2.6.2.4 and 2.6.3.8 LUP). The Medium Density Residential land use designation of the area proposed for development is an indication that the certified Coastal Plan for North County determined that this land is not suitable for agricultural uses (Policy 2.6.3.1 LUP).
- (g) Tree Removal. The project includes a Tree Removal Permit for the removal of 25 Oak trees in accordance with the applicable policies of the North County Area Plan and the Monterey County Zoning Ordinance (Title 20). (*See Finding #9*)

- (h) Parks. The Monterey County Department of Parks and Recreation has established requirements for parkland and open space according to requirements in Title 19 Monterey County Subdivision Ordinance. The proposed subdivision will create 101 housing units that will require 0.9 acres of parkland. (*See Finding #10*). The Reduced Density Alternative will create 2.5 acres of park with room for active recreation and another .5 acres of small playground open space. The location of the open space and parkland is recommended by Parks Department because it fits their requirements for access, size and is capable of supporting active recreation outside of wetlands.
- (i) Public Access. *See Finding #11*
- (j) Visual Resources. Chapter 2.2 of the LUP establishes policies to protect views by limiting development of hills, slopes and ridgelines. A visual survey of the area (Section 20.144.030.A.1.b CIP) determined that development on the eastern portion of the project site would be located in an area that is visible from public vantage points (Policies 2.2.2.1 and 2.2.2.4 LUP). This site generally slopes up from the south (Hall Road) to a terrace in the center of the site. As a result, the vantage from Hall Road creates ridgeline development along the southern edge of the terrace. The proposed commercial will block some views from Hall Road. (*See Finding #12*). The Reduced Density Alternative eliminates all housing visible from Hall Road by placing the parkland at the edge of the upper terrace.
- (k) Slope. The proposed project includes a Coastal Development Permit to create two parcels within 25% slopes but housing may be able to locate outside of 25% slopes. (*See Finding #13*). The Reduced Density Alternative eliminates all housing along steep slopes by moving housing sites back toward Sill Road and removing housing on steep areas at the end of Oak Ridge Road.
- (l) Land Use. A Land Use Map was included as part of the LUP (Chapter 4.3) adopted to establish allowed land uses. The intent is for new development to be consistent with the protection of the area's agricultural, natural, and water resources (Key Policy 4.3.4 LUP). The property is designated for medium density residential development, four units per acre and the California Water Service Company Pajaro/Sunny Mesa Community Services District has issued a "can and will" serve letter for both water and sewer services (Policies 4.3.5.2 and 4.3.6.D.2 LUP, Sections 19.03.015.L and 19.07.020.K Monterey County Codes). The County approves a clustered design including a large area of open space around the homes and a proposed detention pond system in order to balance the site with current hydrological conditions (Policies 4.3.5.7 and 4.3.6.D.1 LUP and Section 20.144.070.E.11.b CIP). Also *See Finding #14* relative to Inclusionary Housing Needs.

- (m) Water Resources. The North County Coastal LUP establishes a building limit based on a known overdraft of aquifers in the North County area. Policies are designed to limit development in order to avoid exacerbating already over-drafted conditions. As of December 2003, the County determined that deducting the development potential of this project from the total remaining balance would not exceed the maximum buildout for the North County coastal area. (Monterey County Code Section 20.144.140(B)(3)(a).) The preferred EIR alternative limits development of residential units to 80 and phases the project based on water balance limits identified in the EIR. (*See Finding #15*) The Reduced Development Alternative uses less water and creates less runoff than the proposal due to fewer lots and also will allow less runoff to reach the drainage outlet at Hall Road due to more parkland between the housing and Hall Road.
- (n) Subdivision. Section 66474 of the California Government Code (Subdivision Map Act) and Section 19.03.025 (Title 19-Subdivision Ordinance, Coastal Zone) of the Monterey County Codes establish findings that must be made for approving a subdivision (*See Finding #16*)
- (o) LUAC. The project was referred to the North County Land Use Advisory Committee (LUAC) for consideration on July 2, 2007. The Committee voted separately on the four measures:
 - 1) NO (5 to 0) to allow a subdivision of 97 lots
 - 2) NO (5 to 0) to remove 25 trees.
 - 3) YES (5 to 0) to approve the commercial development and the four unit apartments along Hall Road and
 - 4) YES (3 to 2) to the demolition of the existing structures on the property.
- (p) Subdivision Committee. On December 13, 2007, the Subdivision Committee held a duly noticed public hearing to consider analysis of project consistency as well as a Draft EIR prepared for the subject project.
- (q) Site Visits. Various project planners have conducted multiple site inspections to verify that the project on the subject parcel conforms to the plans listed above.
- (r) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development are found in Project File PLN970159.

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 Department, North County Fire Protection District, Parks, Public Works,

Environmental Health Division, 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 EIR indicates that the Reduced Development Alternative is environmentally superior to all proposals for the site especially in reducing water demands and protecting site visual character and reducing site impacts to wetlands and trees. The park requirements could be fulfilled on site within the required proximity to the proposed housing. North County LUP and CIP ordinances would be satisfied without extensive conditions or construction. The access to surrounding development and Hall Road is also improved with a street entry to the proposed commercial along Hall Road.
- (c) Technical reports by outside engineering, arborist, archeological and geological 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 concurs, though County staff notes that portions of the site contain constraints to development, including slopes in excess of 25 percent, wetlands, and significant trees, that make development in those certain areas infeasible. The following reports have been prepared:
- “Preliminary Archeological Reconnaissance for the Oaktree Ranch, East of Hall, South of Watsonville, Monterey County, California” prepared by Archeological Consulting, December 21, 1983
 - “Water Supply Assessment Report for Rancho Los Robles, Monterey County, California”(LIB070525) prepared by California Water Service Company, June 22, 2006
 - “Natural Resource Evaluation for Rancho Los Robles” prepared by. California Wildlife Ecology, February 11, 2004.
 - “Rancho Los Robles Botanical/ Biological Report” prepared by Cowan, Bruce, Environmental Landscape Consultant, July 21, 1992.
 - “Rancho Los Robles Geology and Soils Report” prepared by E2C Inc., January 15, 2003.
 - “Transportation Impact Analysis for Rancho Los Robles” prepared by Fehr and Peers, July 30, 2003.
 - “Preliminary Geotechnical Report for Oak Tree Ranch” (LIB070436) prepared by Haro Kasunich Associates, Inc., December 28, 2004.
 - “Soil Profile and Percolation Tests Recreation Area” prepared by Haro Kasunich Associates, Inc., July 26, 2005.
 - “Technical Memorandum, Rancho Los Robles Project” prepared by. Haro Kasunich Associates, Inc., April 4, 2006.

- “Preliminary Drainage Analysis” prepared (LIB070433) by Ifland Engineers Inc., June 14, 2006.
 - “Draft Rancho Los Robles Project Specific Water Balance Study” prepared by Ifland Engineers, Inc., October 21, 2005.
 - “Preliminary Tree Resource Evaluation” (LIB060360) prepared by James P Allen Consultants, Santa Cruz, CA, July 28, 2006.
 - ”Oak Tree Ranch Subdivision Biological Assessment” prepared by Melanie Mayer Consulting, August 2000.
 - “Spring Follow Up Survey, Oak Tree Ranch Proposed Subdivision” (LIB070529) prepared by Melanie Mayer Consulting, July 16, 2001.
 - “Geologic Investigation Oak Tree Ranch Subdivision” (LIB070435) prepared by Nolan, Zinn, and Associates, November 24, 2004.
 - “Rancho Los Robles Supplemental Traffic Report” prepared by Pinnacle Transportation Engineers, May 2, 2006.
 - “Technical Memorandum, Hydrological Assessment, Rancho Los Robles EIR” prepared by Todd Engineers, September, 2002.
 - “Technical Memorandum, Peer Review Hydrologic Assessment Rancho Los Robles (Oaktree Ranch) DEIR Monterey California” prepared by Todd Engineers, October 12, 2006.
- (d) Staff conducted a site inspection on July 10, 2007 to verify that the site is suitable for this use.
- (e) Materials in Project File PLN970159.

3. **FINDING: CEQA** - The project is subject to review under Section 21080 (d) and the County of Monterey has prepared the EIR in accordance with the requirements of CEQA.

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. A draft environmental impact report (DEIR) has been prepared and has been circulated for public review from September 4, 2007 through October 29, 2007.
- (b) The EIR contains extensive analysis of the proposed development, with and without mitigations compared to a Reduced Density Alternative, a Mixed Density Alternative, a Reduced Water Use Alternative, No Project Alternative and Future Development Alternative. The Reduced Development Alternative was the best

- choice to reduce environmental impacts and traffic impacts (TABLE 30 EIR Rancho Los Robles).
- (c) CEQA Guidelines Section 15088.5 requires re-circulation of an EIR if the lead agency determines that significant new information is added to the EIR after public review but before certification, and the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental impact. The County of Monterey determined that the addition of a global warming section and classification of a cumulative hydrological impact as significant and unavoidable constituted new information under this section. A revised DEIR (RDEIR) was prepared and is being circulated for public review from March 21st to May 5th 2008.
 - (d) The Rancho Los Robles Subdivision Final EIR will respond to all persons and organizations that commented on the Draft EIR or the Revised Draft EIR, no less than ten days prior to the Board of Supervisors meeting.
 - (e) Staff reviewed the development application during a site visit on July 10, 2007.
 - (f) The Los Robles Subdivision EIR was prepared pursuant to CEQA, the CEQA Guidelines, and the Monterey County Environmental Quality Guidelines;
 - (g) The proposed project was adequately described, examined, and evaluated in the Los Robles Subdivision EIR, and no significant new information or changes in the environmental setting have occurred that would result in new or greater significant effects not studied in the Los Robles Subdivision EIR.
 - (h) The Los Robles Subdivision EIR reflects the independent judgment and analysis of the County.
 - (i) The Los Robles Subdivision EIR was adequately noticed and circulated for public review, and public comments were received and considered. The County distributed the Notice of Preparation to all Responsible Agencies on September 1, 2007. Responses to the Notice of Preparation were considered in the preparation of the EIR and included as an appendix to the EIR. The County distributed a Notice of Completion with copies of the EIR, and posted the Notice of Completion at the Monterey County Clerk's office. The County published a Notice of Availability in the Herald newspaper on September 1, 2007. During the public review period (August 31 to October 29) the County received comment letters from the Merced County Local Agency Formation Commission; Offices of William Yeates representing Friends, Artists, and Neighbors of Elkhorn Slough; Horan, Lloyd, Karachale, Dyer, Schwartz, Law, and Cook, representing the applicant; Pajaro Valley Water Management Agency; and Kenneth Walker and responded to their comments. Copies will be provided

to those that commented no less than ten days prior to project approvals. The County of Monterey received comment letters from Gary and Yvette Yoshida, Marjorie Kay and the California Coastal Commission after the close of the public review period.

- (j) The Monterey County Resource Management Agency Planning Department, located at 168 West Alisal Street, 2nd Floor in Salinas, is the custodian of the documents that constitute the record of proceedings upon which the determination to adopt the EIR is based.
- (k) Upon approval of the project analyzed in the Los Robles Subdivision EIR, the City will monitor the implementation of mitigation measures in accordance with the applicable Mitigation Monitoring Program.
- (l) See preceding and following findings and supporting evidence.

4. **FINDING: ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** - The project would result in significant and potentially significant impacts that would be mitigated to a less than significant level due to incorporation of mitigation measures from the EIR into the conditions of project approval.

EVIDENCE:

- (a) The Rancho Los Robles Subdivision Draft EIR (State Clearinghouse Number 2002091010) dated August 28, 2007 and circulated for public review from September 4, 2007 through October 29, 2007.
- (b) The Rancho Los Robles Subdivision Revised Draft EIR dated March 21, 2008 and circulated for public review from March 21, 2008 to May 5, 2008.
- (c) The Rancho Los Robles Subdivision Final EIR will be provided to all persons and organizations that commented on the Draft EIR or the Revised Draft EIR, no less than ten days prior to the Board of Supervisors meeting at which a determination was made on the project.
- (d) The Rancho Los Robles Mitigation Monitoring Program.
- (e) Administrative record maintained at the Monterey County Resources Agency, 168 West Alisal Street, Salinas, California, including material in Planning Department file PLN 970159.
- (f) Public Resources Code section 21004 and CEQA Guidelines sections 15040 and 15041 provide the authority for a lead agency to impose mitigation measures on discretionary approvals to the extent those measures are consistent with the general provisions of state law, the state constitution, and case law relating to such authority. The project is a discretionary action upon which the County can impose conditions of approval.

- (g) Monterey County General Plan; North County Land Use Plan/Local Coastal Program; Coastal Implementation Plan (Coastal Zoning Ordinance)

4a **FINDING: IMPACT TO VISUAL CHARACTER WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 1 and 2 will reduce potentially significant visual impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Effects on Project Site and Vicinity Visual Character (DEIR Chapter 2.1). The proposed project would add built elements that would be out of character with the rural visual qualities of the project site and surrounding area. These urban elements would be out of place within the predominant rural character of the surrounding land uses. Houses and backyard fences would be visible among the oak trees from Hall Road and Sill Road, and affect the character of the oak woodlands. Additionally, fences would face Sill Road for more than 1,000 feet.

Commercial and high density residential development would be visible at close range from Hall Road, and would introduce hard urban edges, including buildings, parking lots, and signs, out of character with the rural surroundings. The commercial and high density residential development would create an isolated pocket of new urban development between the open spaces of the scenic easement and recreational area to the west and north and the rural residential and agricultural areas to the east and south of the project site. Although CIP development standards establish requirements for sign materials and landscaping, other aspects of typical urban style development could be out of place with the generally rural character of the Las Lomas area.

Although the recreational area would maintain much of the project site in open space, common recreational elements such as chain link fences, restrooms or portable toilets, field lighting, and parking lots could adversely affect the rural character of the project site. The earth berms proposed in front of the storm water basin and at the top of the slope could result in a uniform and un-natural slope that is out of character with the surrounding natural features.

Mitigation Measure 1. In order to preserve the wooded character of the western portion of the project site and the rural character of the surrounding areas, final improvement plans or landscape plans for the residential areas shall include a fencing plan. Fence designs for rear fences of lots 28-32, 54-56, 87-89, and 92-97, and fences facing Sill Road on lots 5-17, 60-67, 81 and 82, shall meet the following criteria:

- a. Designs shall blend with the surrounding oak woods and rural character;
- b. Designs shall be open or partially open, such as a wood frame with welded wire, partially open slats, or split rail, and shall not exceed four feet in height from finish grade;

- c. Materials shall be of informal character, such as weathered wood, grape stakes, and/or welded wire;
- d. A minimum 15-foot landscape lot shall be provided to the street side of fences, and native and drought tolerant trees, shrubs or vines shall be used to partially screen the fences. A berm, about one-to two feet high, should be incorporated into the design at locations where such a berm would not pose a concern to the health of existing oak trees;
- e. Plants shall be those included on the County brochure Suggested Native Species Landscaping List in the North County Coastal Zone or the County brochure Drought Resistant Plants, or other appropriate native California plants as identified by a qualified landscape architect;
- f. Streets, sidewalks, pathways, fencing, and landscaping shall be designed to eliminate the removal of established trees along Sill Road.
- g. Title restrictions shall be recorded on affected lots to maintain the fence design requirements.

Mitigation Measure 2. In order to preserve the rural character of the project site and surrounding area, the applicant shall prepare design standards for the commercial, apartment, recreational, open space, and storm water basin components. The design standards shall be recorded on the titles for the affected parcels and shall apply to all site development, architectural, and landscape plans for the commercial, recreational, open space, and storm water basin components. The design standards shall conform to the following requirements:

- a. Natural materials, simulated natural materials, texturing and/or coloring shall be used for paved sidewalks, walkways, patios and similar areas, using a design that will blend with the rural character of the surrounding area. When feasible, a hard-packed paving material such as decomposed granite is preferred in lieu of poured concrete or asphalt;
- b. Building architecture shall be rural in style, featuring rustic elements drawn from barns and other early architecture, with designs and materials historically used in rural north Monterey County;
- c. Poured concrete curbs and gutters shall be eliminated or minimized to the extent feasible. If curbs are required, designs such as a rolled curb with less defined edges than standard angular curbs and gutters shall be used;
- d. Business signage shall be consolidated onto no more than two signs, and shall conform to Coastal Implementation Program requirements for design and materials;
- e. Lighting shall be limited to no more than three-quarters the height of the tallest building on the project site, or 20 feet if there are no buildings, shall be designed to limit off-site glare, and shall be designed to blend with the architecture of the buildings and/or the rural setting;
- f. Substantial vegetative screening shall be provided to obscure off-site views of built accessory elements, including trash enclosures, rest rooms, and bleachers; trash enclosures shall also be screened with a fence or wall integrated with or matching building architecture.

- g. Split rail or similar open fence designs shall be used when fences are necessary (see also Mitigation Measure 14);
- h. Partial vegetative screening, with plants approximately two to four feet in height (to preserve view angles for cars entering and exiting), shall be provided to obscure off-site views of parking areas;
- i. Partial vegetative screening of buildings shall be provided, with an average of at least one tree per 30 feet of frontage planted along Hall Road, and at least one additional tree planted within 50 feet of the west or south side of each commercial building for each 50 feet of building front on the west or south elevation;
- j. Plants shall be those included on the County brochure Suggested Native Species Landscaping List in the North County Coastal Zone or the County brochure Drought Resistant Plants, or other appropriate native California plants as identified by a qualified landscape architect; trees near the drainage basin should be predominantly species typical of wetland and riparian areas;
- k. Plants shall be allowed to grow to natural forms; trees planted beneath overhead wires should be selected with mature heights compatible with the wires;
- l. The drainage basin shall be naturalized in appearance, with a transition to native plantings except where adjacent to the recreational area; the site plan and landscaping for the entire commercial, recreational, streetscape, and open space area shall be designed to blend the built features into the natural surroundings, with elimination of curbs and sharp divisions to the extent practical;
- m. The earth berm along Hall Road shall be limited to no greater than four feet in height and contoured to achieve a non-uniform appearance;
- n. Plant material shall be planted in a non-uniform pattern along, and on top of, the earth berm, to achieve a variation in the appearance of the earth berm's height; and
- o. The site plan shall place buildings near the front of the site with parking to the side or rear.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program visual policies and Coastal Implementation Plan zoning requirements. Building flagging and a visual analysis were completed and several site visits were conducted to assess site and surrounding visual conditions and project effects.
- (b) North County Land Use Plan/Local Coastal Program Visual Resources policies 2.2.2 General Policy 3, 2.2.2 General Policy 3, and 2.2.2 General Policy 5 that require subdivisions and structures minimize visual intrusion on a site and its surroundings. Coastal Implementation Plan section 20.144.030 (B) establishes visual resources development standards for the site. The mitigation measures are consistent with these policies and ordinance and are fully enforceable by the County as conditions of project approval.
- (c) Mitigation Measure 1 requires fence designs and landscaping that will blend with and harmonize with the existing rural and

woodland character of the site. Therefore, implementation of the measure will ensure consistency with County visual polices.

- (d) Mitigation Measure 2 requires site and building design standards that ensure a rural character to all development within the commercial, apartment, recreational, open space, and storm drainage basin components of the project. Therefore, implementation of the measure will ensure consistency with County visual polices.
- (e) Monterey County requires approval of grading plans, site plans, building plans, and landscape plans prior to development of subdivisions. Design standards will be recorded on property titles and remain enforceable in perpetuity.

- 4b. **FINDING: IMPACT FROM RIDGELINE DEVELOPMENT WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 3 will reduce significant visual impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Impact from Ridgeline Development (DEIR Chapter 2.1). The project would result in several houses on new lots that would break the ridgeline when viewed from Hall Road. A preliminary visual analysis prepared by the Monterey County Planning and Building Inspection Department and staking and flagging of selected lots by the applicant indicates that the proposed project would result in ridgeline development. Changes to the project plans, including a top-of-slope earth berm, grading down of some lots, and height restrictions on some lots, would reduce the potential for ridgeline development. In addition, shielding of some lots by the fronting commercial and apartment structures is proposed. The berm would primarily benefit lots at the top of the slope, and toward the west; the grading and commercial blocking would primarily benefit lots to the east end of the project site. However, the grading and berm conflict with grading provisions of the Coastal Implementation Plan, and are an unacceptable approach to reduce ridgeline development.

Without the benefit of the berm and grading, 15 lots would result in ridgeline development. Three of these would be acceptable with one-story restrictions. Subdivision that would result in ridgeline development would be a significant environmental impact.

Mitigation Measure 3. In order to prevent ridgeline development the following measures shall be implemented:

- a. The top-of-slope berm shall be eliminated from project plans (an undulating berm up to four feet tall is acceptable as a landscaping feature), and lot cuts or fills shall be no deeper than four feet. The top of slope area shall be landscaped with oak trees and other native vegetation to provide near 100 percent screening of future houses on proposed lots. At least one 24-inch boxed (minimum) oak tree shall be planted for each 50 feet between lot 54 and the cul-de-sac at the eastern edge of the project site. ;

- b. Lots 4, 40, and 41 shall have structural height limits recorded on the property titles, with a maximum height of 18 feet above finished grade at any given contour line.
- c. Lots 1 - 3, 32 - 39, and 93, for which restrictions in height are not adequate to prevent ridgeline development, shall not have building permits issued until top of slope landscaping has been in place for no less than two years.
- d. Landscaping shall consist of shrubs and trees included on the County brochure Suggested Native Species Landscaping List in the North County Coastal Zone or the County brochure Drought Resistant Plants, or other appropriate native California plants as identified by a qualified landscape architect. At least half of the trees shall be native oak species. The landscaping shall begin at the high point of the slope, extending generally northward for a width of no less than 20 feet, be designed to screen buildings on the lots from Hall Road, and provide a natural appearance at the top of the slope. Trees shall be minimum 36-inch box, with relocated mature trees preferred if available. A portion of the oak trees should have two trunks or low branches to emulate natural oak woodland on the project site. At time of permit issuance, the County shall conduct a field visit to determine if additional planting or height restrictions are necessary, based on the effectiveness of the plantings.
- e. Lots 24-31 shall either meet the criteria in “c” and “d” or shall not be permitted until such time as the commercial building is under construction.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program visual policies and Coastal Implementation Plan zoning requirements. Building flagging and a visual analysis were completed and several site visits were conducted to assess site and surrounding visual conditions and project effects.
- (b) North County Land Use Plan/Local Coastal Program Visual Resources policies 2.2.2 General Policy 3; 2.2.2 General Policy 4; and 2.2.2 General Policy 5 require subdivisions and structures to minimize visual intrusion, grading and tree removal. Coastal Implementation Plan Section 20.144.030 (B) (7) establishes visual resources development standards for ridgeline development for the site. The mitigation measure is consistent with these policies and ordinance and is fully enforceable by the County as a condition of project approval.
- (c) Mitigation Measure 3 requires removal of the high berm from project plans, building height restrictions for some lots, landscaping that will screen new development, and concurrency for front buildings that will provide screening of back buildings. Therefore, implementation of the measure will ensure consistency with County visual polices and ridgeline development standards.
- (d) Monterey County requires approval of grading plans, site plans, building plans, and landscape plans prior to development of subdivisions. Design standards will be recorded on property titles

and remain enforceable in perpetuity. The County will enforce the conditions of approval.

- 4c. **FINDING: IMPACT ON WETLANDS WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 4a and 4b will reduce significant biological impacts to a less than significant level. The mitigation measures are implemented and enforced through permit conditions.

Effects on Wetlands (DEIR Chapter 2.2). The project site includes a wetland as defined by the Coastal Act. The hydric soils and wetland vegetation necessary for classification as jurisdictional wetlands under the U.S. Army Corps of Engineers definition are not present, but the site is periodically inundated by rainwater run-off and qualifies as a wetland under the Coastal Act definition. The wetland is defined as ESHA in the North County LUP/LCP. The proposed project would result in the removal or disturbance of ESHA during construction activities or by increased human and domestic animal activity. CIP Sections 20.144.040.B and C establish requirements for approval of subdivisions and development on parcels containing ESHA or within 100 feet of ESHA.

Mitigation Measure 4a. In order to protect the wet lowland area, the final map and related documentation shall include the following:

- a. Placement of a conservation easement over the wet lowland area, as defined by the Coastal Act, including a 50-foot setback each side of the edge of the wet lowland area. The wet lowland area shall be defined as the areas lower than 12 feet as shown on the subdivision map dated May 12, 2006; however, the boundary of this area may be modified within the same general location on the project site, provided the total area remains constant, and the storage capacity may be increased (however, refer to “b” below). The conservation easement shall prohibit vegetation removal, excavation, grading, filling, and construction of roads and structures within the wetlands easement, except as may be permitted under the conditions outlined in a Nationwide Permit under Section 404 of the Clean Water Act (Note that the wet lowland area is not currently considered a jurisdictional wetland, and therefore not subject to securing an Army Corps permit, California Department of Fish and Game Streambed Alteration Permit or Regional Water Quality Control Board Water Quality Certification). Such exceptions may include activities for watershed restoration or other activities that will ensure the long-term maintenance of the habitat. No grading, structures, roads, water tanks, surface or sub surface utility lines, animal grazing, or other activities shall be allowed except as may be necessary to reduce the potential risk of wildfires, to maintain the vigor of the habitat, to maintain the diversity and value of the habitat, to remove non-native plants, or to otherwise ensure the long-term maintenance of the habitat. Lining for use as a storm water pond shall be limited to the use of clay. Turf shall not be allowed within the wetland boundaries, but may be located within the 50-foot set-back area on one side of the wetland; chemical fertilizers and pesticides shall not be applied within the 50-foot buffer area.

- b. If disturbance to wet lowland area habitat occurs as part of the project, habitat shall be replaced at a ratio of 3:1. Creation of mitigation areas will be required to follow the restrictions identified in (a).
- c. Covenants, Conditions, and Restrictions (CC&Rs) shall be placed on the deed for lots adjacent to the setbacks listed above in order to ensure the long-term protection and maintenance of the scenic and conservation easements:
 - 1) Prohibit property owner from removing native vegetation and trees, unless approved in writing by the Monterey County Planning and Building Inspection Department and disclose to lot or home purchasers the North Monterey County landscaping requirements;
 - 2) Prohibit motor vehicle and bicycle use, pets, storage, dumping, or any other activities within the conservation easement that could adversely affect the ecological and scenic importance of these easements;
 - 3) Disclosure to lot or home purchasers of the potential for contamination of the easement area and downstream waters by their use of pesticides, herbicides, fungicides, and fertilizers on residential lots, and their responsibility to use these products sparingly and in accordance with label requirements in order to protect the easement area and downstream waters; and
 - 4) Disclose to purchasers of lots adjacent to the setbacks listed above the ecological and scenic importance of the conservation easement, the presence of special-status plants, and habitat protection measures implemented as part of the development.
- d. Sign posting of the conservation easement boundary no less than every 100 feet within the project site, and erection of a split rail or similar fence between active recreational use areas and the wetland area to minimize human and domestic animal encroachment. The fence should not preclude movement of amphibians. (see Mitigation Measure 14)

Mitigation Measure 4b. In order to protect the sensitive habitat during construction, the contractor shall install temporary fencing along the conservation easement area boundary prior to commencement of grading and construction activities. Four-foot fencing shall be fastened to t-post stakes placed at eight-foot intervals. Signs shall be installed to clearly designate sensitive habitat boundaries. Erosion control shall be installed to prevent washing of soil or materials into the wetland during construction. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the conservation easement. The fencing shall remain in place during the entire construction period. If construction is to occur within the buffer areas, protective fencing shall be placed as near the boundary of the conservation easement as possible. Permanent open-rail fencing may be installed in lieu of the temporary fencing.

Implementation of Mitigation Measure 19 in Draft EIR Chapter 2.3 Geology and Soils requiring an erosion control plan also contributes to the mitigation of this impact.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program biological resources policies and Coastal Implementation Plan zoning requirements. Several biological reports and letters were written by biological consultants during preparation of the EIR. The biologists who prepared the biological resources section of the EIR conducted site visits to ascertain site conditions.
- (b) The wetlands identified on the site do not meet the three criteria required to qualify as wetlands under the jurisdiction of the U.S. Army Corps of Engineers, because the site lacks the required hydric soils and wetland vegetation; however, the wetland is documented as being periodically under water, which qualifies it as a wetland under the definition of the Coastal Act.
- (c) North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat policies 2.3.2 General Policy 1; 2.3.2 General Policy 2; 2.3.2 General Policy 3; and 2.3.2 General Policy 6 identify wetlands as environmentally sensitive habitat, prohibit development within wetlands, and require compatibility of development with adjacent habitat, and long-term protection through deed restrictions or conservation easements. North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat Policy 2.3.2 General Policy 9 prohibits invasive plants and encourages native plants. North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat Policy 2.3.3 Specific Policy 3 restricts domestic pets within sensitive habitat areas. Coastal Implementation Plan Section 20.144.040 (B and C) establishes development standards for wetlands. The mitigation measures are consistent with these policies and ordinance and are fully enforceable by the County as conditions of project approval.
- (d) Mitigation Measure 4a requires placement of a conservation easement including a 50-foot buffer; restricts activities within the conservation area; requires CC&Rs to advise adjacent landowners of maintenance duties adjacent to the conservation areas; and requires signage and fencing around the periphery of the conservation easement. Therefore, implementation of the measure will ensure consistency with County environmentally sensitive habitat policies.
- (e) Mitigation Measure 4b requires practices to protect the habitat during construction.
- (f) Monterey County requires approval of final maps, grading plans, site plans, and landscape plans prior to development of subdivisions. CC&Rs will be recorded on property titles and remain enforceable in perpetuity. The County will enforce the conditions of approval during the review and approval of these plans.

- 4d. **FINDING: IMPACT ON WILLOW RIPARIAN HABITAT WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 5a and 5b, or Mitigation Measure 5c will reduce significant biological impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Impact to Sensitive Natural Communities (Willow Riparian) (DEIR Chapter 2.2). Willow riparian woodland is defined as ESHA in the North County LUP/LCP. Although the area of willow riparian vegetation is set aside on a small lot, the proposed project could result in the removal or disturbance of ESHA during construction activities or by increased human and domestic animal activity. CIP Sections 20.144.040.B and C establish requirements for approval of subdivisions and development on parcels containing ESHA or within 100 feet of ESHA. In this case, due to the fragmented, isolated, and monolithic nature of the willow riparian woodland, and based on site visits and analysis by the EIR consultant's biologist, the EIR determined that re-establishment of the willow to another location on the project site would be an acceptable alternative to protection of the existing habitat.

Mitigation Measure 5a. In order to protect environmentally sensitive habitats on the project site, the final map and final improvement plans shall include the following:

- a. Placement of a conservation easement over the willow riparian habitat including 10 feet from the extent of the riparian vegetation. The conservation easement shall prohibit vegetation removal, excavation, grading, filling, and construction of roads and structures within the easement;
- b. The lot plan shall be reconfigured to extend the parcel labeled "Mini Park" in the northeast corner to include the entire willow riparian area (which extends into lot number 18) and the 10-foot setback area; and
- c. Covenants, Conditions, and Restrictions (CC&Rs) shall be placed on the deed for lots adjacent to the setback listed above in order to ensure the long-term protection and maintenance of the scenic and conservation easements:
 - 1) Prohibit property owner from removing native vegetation and trees, unless approved in writing by the Monterey County Planning and Building Inspection Department and disclose to lot or home purchasers the North Monterey County landscaping requirements;
 - 2) Prohibit motor vehicle and bicycle use, pets, storage, dumping, or any other activities within the conservation easement that could adversely affect the ecological and scenic importance of these easements;
 - 3) Disclosure to lot or home purchasers of the potential for contamination of the easement area and downstream waters by their use of pesticides, herbicides, fungicides, and fertilizers on residential lots, and their responsibility to use these products sparingly and in accordance with label requirements in order to protect the easement area and downstream waters; and
 - 4) Disclose to purchasers of lots adjacent to the setbacks listed above the ecological and scenic importance of the conservation easement, the presence of

special-status plants, and habitat protection measures implemented as part of the development.

- d. Sign posting of the conservation easement boundary no less than every 100 feet within the project site (see Mitigation Measure 14).
- e. If disturbance to willow riparian habitat occurs as part of the project, habitat shall be replaced at a ratio of 3:1. Creation of mitigation areas will be required to follow the restrictions identified in (a).

Mitigation Measure 5b. In order to protect the buffer areas during construction, the contractor shall install temporary fencing along the conservation easement area boundary prior to commencement of grading and construction activities. Four-foot fencing shall be fastened to t-post stakes placed at eight-foot intervals. Signs shall be installed to clearly designate the sensitive habitat boundary. Erosion control shall be installed to prevent washing of soil or materials into the riparian area during construction. Grading shall occur within the easement only as allowed under a Streambed Alteration Agreement and/or Section 404 permit. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the conservation easement. The fencing shall remain in place during the entire construction period. Permanent open-rail fencing may be installed in lieu of the temporary fencing.

Mitigation Measure 5c. In lieu of Mitigation Measures 5a and 5b, the project proponent may elect to remove the existing riparian willow habitat for development, and re-establish willow riparian habitat at a 3:1 ratio at appropriate locations in the lower portion of the project site. An appropriate location would be along a drainage or free-draining slope or adjacent to a wetland area or pond, and outside of recognized existing wetland areas. Use of the existing on-site willow stock should be preferred in establishing the replacement habitat. A Habitat Restoration Plan shall be prepared in consultation with the California Department of Fish and Game.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program biological resources policies and Coastal Implementation Plan zoning requirements. Several biological reports and letters were written by biological consultants during preparation of the EIR, and the biologists who prepared the biological resources section of the EIR conducted several site visits to ascertain site conditions.
- (b) Willow riparian habitat occupies an area of about 5,000 square feet at the northeastern corner of the project site, and extends off-site a short distance (less than 2,000 square feet). The limits of the habitat are established by Sill Road to the north, active agricultural land to the southwest, and a driveway on property to the east (aerial photos in Figure 5 and Figure 8 in the Draft EIR). The habitat is comprised of a single species (arroyo willow) and very limited in extent.

- (c) North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat policies 2.3.2 General Policy 1; 2.3.2 General Policy 2; 2.3.2 General Policy 3; and 2.3.2 General Policy 6 identify riparian corridors as environmentally sensitive habitat, prohibit development within environmentally sensitive habitat areas, and require compatibility of development with adjacent habitat, and long-term protection through deed restrictions or conservation easements. North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat Policy 2.3.2 General Policy 9 prohibits invasive plants and encourages native plants. North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat Policy 2.3.2 Specific Policy 3 restricts domestic pets within sensitive habitat areas. Coastal Implementation Plan section 20.144.040 (C) (2) (b) establishes environmentally sensitive habitat development standards for riparian areas. The mitigation measures are consistent with these policies and ordinance and are fully enforceable by the County as conditions of project approval.
- (d) The mitigation measures allow two approaches to reducing impacts on the willow riparian habitat: protection in place with the establishment of a buffer and conservation easements (Mitigation Measures 5a and 5b); or re-establishment of the habitat at a 3:1 ratio in another location (Mitigation Measure 5c).
- (e) Mitigation Measure 5a requires placement of a conservation easement including a 10-foot buffer; restricts activities within the conservation area; requires CC&Rs to advise adjacent landowners of maintenance duties adjacent to the conservation areas; and requires signage around the periphery of the conservation easement. Therefore, implementation of the measure will ensure consistency with County environmentally sensitive habitat policies.
- (f) Mitigation Measure 5b requires practices to protect the habitat during construction.
- (g) Mitigation Measure 5c allows re-establishment of willow riparian habitat at a 3:1 ratio. Development of the project will further isolate this area of willow riparian vegetation, and replacement elsewhere on the site may improve the habitat value of the willow riparian habitat compared to leaving it at the present location. If the riparian habitat were relocated to the drainage in the southwestern portion of the site, the relocation could address erosion problems as well.
- (h) Implementation of Mitigation Measure 19 in Draft EIR Chapter 2.3 Geology and Soils requiring an erosion control plan and Mitigation Measure 11 in Draft EIR Chapter 2.2 Biological Resources requiring the grading plan to include tree protections also contributes to the mitigation of this impact.

- (i) Monterey County requires approval of final maps, grading plans, site plans, and landscape plans prior to development of subdivisions. CC&Rs will be recorded on property titles and remain enforceable in perpetuity. The County will enforce the conditions of approval during the final review of these plans.
- 4e. **FINDING: IMPACT FROM INVASIVE PLANTS WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 6 will reduce significant biological impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Impact from Invasive Non-native Plants (DEIR Chapter 2.2). Invasive, non-native plant species often appear after grading and construction activities because invasive species are able to grow and become established in disturbed areas more readily than native species, thereby displacing native species. Any deterioration of habitat quality caused by further spread of non-native, invasive plant species into native habitats off-site resulting from grading and construction activities associated with the proposed project would be a significant impact.

Mitigation Measure 6. In order to prevent the spread of invasive non-native species, the project landscape plans shall include a re-vegetation and native vegetation protection component to include the following requirements:

- a. An eradication plan for plants listed in the County brochure Invasive Plants in Monterey County and currently growing on the project site.
- b. Use of plants listed in the County brochure Invasive Plants in Monterey County shall be prohibited;
- c. Graded areas shall be planted, mulched, or covered between October 15 and the following April 15 each year, and shall be stabilized against wind or water erosion if inactive for more than 48 consecutive hours;
- d. Plant materials used in landscaping, erosion control, or habitat restoration shall consist of plants that are included on the County brochure Suggested Native Species Landscaping List in the North County Coastal Zone or the County brochure Drought Resistant Plants, or other appropriate native California plants as identified by a qualified biologist or landscape architect, except that lawns shall be allowed in accordance with Monterey County Code Section 18.44 and vegetable and flower gardens shall be allowed within fenced backyards; and
- e. To prevent erosion and conserve water, bare soil between newly installed plant materials shall be mulched, covered with jute netting, or seeded with a mix of seeds best suited for the climate and soil conditions, and native to the north Monterey County region; open space planting shall be installed in the fall to take advantage of winter rains and reduce irrigation needs, especially beneath oaks; slopes of 11 percent or more should be stabilized with netting and/or hydroseeding; protection should be installed within 24 hours of completion of planting or sooner if rain is expected; and
- f. Except as part of the re-vegetation of open space areas, no plantings shall be placed within six feet of the trunks of oak trees.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program biological resources policies and Coastal Implementation Plan zoning requirements. The biologists who prepared the biological resources section of the EIR conducted several site visits to ascertain site conditions.
- (b) North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat Policy 2.3.2 General Policy 9 prohibits invasive plants and encourages native plants. The mitigation measure is consistent with this policy and is fully enforceable by the County as a condition of project approval.
- (c) Mitigation Measure 6 requires a plan to eradicate invasive plants, exclusion of invasive plants from landscape plans, and planning requirements. Therefore, implementation of the measure will ensure consistency with County environmentally sensitive habitat policies.
- (d) Monterey County requires approval of final maps, grading plans, site plans, and landscape plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

- 4f. **FINDING: IMPACT ON SPECIAL STATUS AMPHIBIANS WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 7 will reduce potentially significant biological impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Effect on Special-Status Amphibian Species (DEIR Chapter 2.2). No special-status amphibian species were observed on the project site during surveys conducted in August 2000 and subsequent surveys conducted in March, April and June 2001. However, adult individuals may disperse across the project site.

If individuals of this species are found on the project site, construction and site preparation activities could result in the direct loss of this species through injury or mortality from being crushed by construction equipment and materials, or consumption by predators attracted to the project site. Post-construction activities associated with use of the project site could result in incidental take of these species from being killed or harassed by residents or pets or killed or injured by contamination from use of landscaping chemicals. The loss of individuals of this protected species would be a potentially significant impact.

Mitigation Measure 7. In order to avoid losses of special status species during construction or occupancy, the project proponent shall submit a Special Species Salvage and Protection Plan prepared by a qualified biologist in consultation with the California Department of Fish and Game and subject to the review and approval of the Monterey

County Planning and Building Inspection Department. The Plan shall include the following:

- a. A qualified biologist shall conduct a pre-construction worker orientation to inform workers of the amphibian's protected status and facilitate identification of the potential presence of Santa Cruz long-toed salamander, California red-legged frog, and California tiger salamander.
- b. Establish work boundaries.
- c. Identify measures to be implemented to avoid loss of these species during construction activities including but not limited to:
 - 1) Who to contact to remove individual amphibians from the project site prior to and during project grading and construction;
 - 2) How/Where to relocate them to nearby protected habitat or other suitable locations identified in the plan; and
 - 3) Appropriate measures to prevent amphibians from entering the site during construction activities.
- d. Reporting requirements to monitor the effectiveness of the Plan.
- e. Construction details to prevent entry of amphibians into private yards or onto streets or parking areas, to reduce the potential for accidental take during occupancy of the proposed project.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program biological resources policies and Coastal Implementation Plan zoning requirements. Several biological reports and letters were written by biological consultants during preparation of the EIR, and the biologists who prepared the biological resources section of the EIR conducted several site visits to ascertain site conditions.
- (b) The site is near known populations of special status amphibian species and could provide habitat for these species.
- (c) North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat policies 2.3.2 General Policy 1; 2.3.2 General Policy 2; 2.3.2 General Policy 3; and 2.3.2 General Policy 6 identify portions of the site as environmentally sensitive habitat. The mitigation measure is consistent with these policies and is fully enforceable by the County as a condition of project approval.
- (d) Mitigation Measure 7 requires construction practices be put in place to protect any special status amphibians that are discovered during construction. Therefore, implementation of the measure will ensure consistency with County environmentally sensitive habitat policies.
- (e) Implementation of Mitigation Measures 4a, 4b, 5a, 5b, 5c, and 6 in Draft EIR Chapter 2.2 Biological Resources requiring other biological protections also contributes to the mitigation of this impact.

- (f) Monterey County requires approval of grading plans, site plans, and landscape plans, and building plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4g. **FINDING: IMPACT ON NESTING RAPTORS AND LOGGERHEAD SHRIKE WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 8 will reduce significant biological impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Impacts to Nesting Raptors and Loggerhead Shrike (DEIR Chapter 2.2). A pair of red-tailed hawks were actively nesting in a large eucalyptus tree within the oak woodland habitat near the center of the property during the August 2000 field survey, and several other raptor species were observed around the oak trees on the project site. Therefore, the trees located on and adjacent to the project site have the potential to provide nesting habitat for raptors and loggerhead shrike. If active nest(s) of protected bird species exist in the trees at time of construction, any construction and site preparation activities, if conducted during the nesting season, could result in the direct loss of nests, including eggs and young, or the abandonment of an active nest by the adults. The loss of individuals of these species or abandonment of their nests would be a significant impact.

Mitigation Measure 8. In order to prevent injury or disturbance to protected birds, no more than 30 days prior to the removal of any habitat, or the commencement of construction activities that would occur during the nesting and/or breeding season of raptors and loggerhead shrike potentially nesting on the project site (generally March 1 through August 1), a field survey shall be conducted by a qualified biologist to determine if active nests are present in the construction zone or within 200 feet of the construction zone. Areas within 200 feet of the construction zone that are not within the control of the applicant shall be visually assessed from the project site. If active nests are found within the survey area, clearing and construction within 200 feet of the active nest(s) shall be postponed or halted until the nest(s) are vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, at the discretion of the biologist.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program biological resources policies and Coastal Implementation Plan zoning requirements. Several biological reports and letters were written by biological consultants during preparation of the EIR, and the biologists who prepared the biological resources section of the EIR conducted several site visits to ascertain site conditions.
- (b) The site contains oak woodland and a eucalyptus tree that provide suitable habitat for birds, and a red tail hawks were sighted on the site by a biologist.

- (c) North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat Policy 2.3.2 General Policy 10 requires construction regulations to protect bird habitat. Coastal Implementation Plan Section 20.144.040.B requires protections for birds. The mitigation measure is consistent with this policy and ordinance and is fully enforceable by the County as a condition of project approval.
- (d) Mitigation Measure 8 requires a pre-construction survey to determine if protected birds are present, and establishes construction practices including an exclusion zone, if the birds are present. Therefore, implementation of the measure will ensure consistency with County environmentally sensitive habitat policies.
- (e) Monterey County requires approval of grading plans, site plans, landscape plans, and building plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4h. **FINDING: IMPACT ON ROOSTING BATS WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 9 will reduce significant biological impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Effects on Roosting Bats_DEIR Chapter 2.2). Although no bats were observed during the surveys, oak woodland on the project site provides suitable habitat for species such as the pallid or western mastiff bat. Construction and site preparation activities conducted in the vicinity of roosting bats could result in the direct loss of young, or the abandonment of roosting sites by the adults. Implementation of the following mitigation measure would address Monterey County’s required conditions of approval for projects potentially affecting protected species and would reduce the impact to a less than significant level.

Mitigation Measure 9. Pre-construction surveys for roosting bats will be performed no more than 30 days prior to construction. If roosts are found, a Memorandum of Understanding (MOU) with the CDFG will be obtained by the contractor in order to remove bat species. Alternatively, the construction schedule will be modified to initiate construction after August 1, when young have fledged. If roosts are found, the project proponent shall consult with the CDFG to determine the appropriate construction setback based on the species, location, and number of bats found. Alternative habitat will need to be provided if bats are to be excluded from maternity roosts. If this is the case, a roost with comparable spatial and thermal characteristics will be constructed and provided. CDFG shall be consulted regarding specific designs. This mitigation measure is subject to the review and approval of the Planning Department.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program biological resources policies and

Coastal Implementation Plan zoning requirements. The biologists who prepared the biological resources section of the EIR conducted several site visits to ascertain site conditions.

- (b) The site contains oak woodlands, other trees, and buildings that provide suitable habitat for bats, which are protected species.
- (c) Mitigation Measure 9 requires a pre-construction survey to determine if protected birds are present, and establishes construction practices and contact procedure with the Department of Fish and Game if bats are present. Therefore, implementation of the measure will ensure consistency with state protections for bats.
- (d) Monterey County requires approval of demolition permits, grading plans, site plans, and building plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

- 4i. **FINDING: IMPACT ON PROTECTED TREES WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 10a, 10b, 11, 12, 13a, and 13b will reduce significant biological impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Effects on Protected Trees (DEIR Chapter 2.2). The proposed project would remove 25 protected coast live oak trees, 17 of which are considered landmark. Pavement or excess garden watering could cause the decline or death of additional protected trees once the project has been constructed. Activities that would result in the removal or damage of protected trees, disturb the root zone of protected trees, or result in grading of soil over the base of the trunk of protected trees, would result in a significant impact.

Mitigation Measure 10a. To protect oak trees during grading and road construction, prior to issuance of a grading permit for the road and lots, the grading plan shall indicate the amount of cut and fill required to construct the road, and identify potential protected oak tree removal requirements. Based on potential protected oak tree removal requirements identified in the grading plans, the road shall be adjusted within its general alignment to avoid removal or damage of any protected oak trees (i.e., oak trees greater than six inches in diameter). To minimize its width while still providing a safe street for all users, Sill Road shall be designed with no parking on either side, and improvements to Sill Road shall be placed as far to the north as possible. A sidewalk shall be provided that remains at least 0.5 feet away from the trunk of oak trees over six inches in diameter (measured two feet from the ground), or, where that separation is not possible, a raised platform sidewalk shall be constructed. Any permanent tree protection measures necessary to safeguard protected oak trees from grading or construction activities shall be indicated on the grading plan. The grading plan shall be subject to the review and approval of the Monterey County Planning and Building Inspection Department. Refer to requirements in Mitigation Measures 11 and 13. An arborist shall review improvement

plans and be on site during initial staking of the road improvements and shall adjust the location of improvements to minimize effects on oaks to the extent possible, and file a report within five days of completion of staking.

Mitigation Measure 10b. In order to provide adequate current data on the size, type, and location of protected trees, an updated forest management plan shall be completed prior to the issuance of grading permits.

Mitigation Measure 11. To protect trees and habitat on the project site from inadvertent damage by construction equipment during grading and construction activities, protected trees that are to be retained and conservation easements that are located within or adjacent to the construction zone shall be identified in grading plans, and the following methods employed to protect trees and sensitive habitat during construction.

- a. wrap trunks of protected trees with protective materials and provide protective fencing at least six feet from the trunk;
- b. bridge or tunnel under major roots where exposed. Roots should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment. Any roots damaged during grading or excavation should be exposed to sound tissue and cut cleanly;
- c. prohibit soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping or storage of materials under drip line of trees or within conservation areas;
- d. grading within the oak woodland shall be minimized to the greatest extent possible, and a biologist shall oversee staking for grading limits in and around the oak woodland; and
- e. grading shall be prohibited in the conservation easement area unless a Streambed Alteration Agreement and/or Section 404 permit has been obtained.

Mitigation Measure 12. To compensate for the loss of protected trees, each protected tree that is removed shall either be re-located within the project site or adjacent road right-of-way, or be replaced at a minimum 3:1 ratio with a tree of the same species, if native, or if non-native, with a tree from the Suggested Native Species Landscaping List in the North County Coastal Zone. Trees shall be five gallon size at minimum and not root-bound when planted out. Tree trunks and foliage shall be protected by a wire cage. To the extent feasible, trees should be planted in groups to establish or extend habitat areas. Re-location shall be preferred whenever possible.

Mitigation Measure 13a. To protect oaks during development and occupancy of homes, prior to filing of the final map for lots with protected oak trees, a building envelope and tree protection area shall be established and attached to the final map. The tree protection area shall extend 0.5-feet from the trunk per inch of trunk diameter (measured at two feet above the ground) from all oak trees of six inches in diameter or more, and the remaining areas of the lot within approved setback shall constitute the building envelope. Structures, other than raised decks, gazebos, fences, etc. on shallow piers or other non-invasive foundations or supports, shall be prohibited within the tree

protection area. Pavement, grading, and irrigation shall be prohibited within the tree protection area. The building envelope, tree protection area, and restrictions shall be recorded on the deed of each affected lot, and the restrictions included in the CC&Rs.

Mitigation Measure 13b. The scenic easement/conservation area shall be expanded to include the entire open space area (excluding the recreation area, but allowing for establishment of pathways or neighborhood park features provided those features are at least 0.5-feet from the trunk per inch trunk diameter (measured at two feet above the ground). Raised pathway structures may be constructed closer to oak trees subject to the monitoring of a qualified biologist. No private lots shall be within areas with slopes of greater than 25 percent. The homeowners' association shall be responsible for maintenance of the scenic/conservation easement.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program biological resources policies and Coastal Implementation Plan zoning requirements. Several biological reports and letters were written by biological consultants during preparation of the EIR, and the biologists who prepared the biological resources section of the EIR conducted several site visits to ascertain site conditions.
- (b) A significant portion of the site is vegetated with oak woodland, including many individual trees that are classified as protected due to their size.
- (c) Coastal Implementation Plan section 20.144.050 contains tree protection regulations for North Monterey County's coastal zone. The mitigation measures are consistent with this ordinance and are fully enforceable by the County as conditions of project approval.
- (d) Mitigation Measure 10a requires adjustments to the project design to reduce the number of trees affected by the project. This would save some of the trees expected to be lost and help reduce the impact of the project on protected trees.
- (e) Mitigation Measure 10b requires an updated forestry report to establish current data on the trees at the time grading begins. This will allow an accurate assessment of tree loss due to the project and help measure the success of mitigation measures.
- (f) Mitigation Measure 11 requires protective measures so that trees are not damaged during construction. This measure will safeguard against accidental loss of or damage to trees during construction.
- (g) Mitigation Measure 12 requires replacement of protected trees that are removed by the project on a 3:1 basis. This ensures that the trees that are lost will be replaced with new trees, and the 3:1 ratio protects against failure of some of the replacement trees to survive.

The mitigation monitoring program requires follow-up inspections and replacement of new trees that have died.

- (h) Mitigation Measure 13a requires CC&Rs that include tree protection measures on individual lots. These measures will protect the trees' root systems during house construction and occupancy and increase the rate of survival of trees on private lots.
- (i) Mitigation Measure 13b expands the conservation area to include all of the open space areas within the project and will help to protect the health of oak trees on the site.
- (j) Monterey County requires approval of final maps, grading plans, site plans, and landscape plans prior to development of subdivisions. CC&Rs will be recorded on property titles and remain enforceable in perpetuity. The County will enforce the conditions of approval during the review and approval of these plans.

- 4j. **FINDING: IMPACT FROM DOMESTIC ANIMALS WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 14 and 15 will reduce significant biological impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Effects on Domestic Activities (DEIR Chapter 2.2). People and unleashed pets wandering into the common open space area could disturb or kill wildlife species, which could include special-status species. Disturbance or death of special-status species occurring because of increased human and domestic animal activity would be a significant impact.

Mitigation Measure 14. Prior to approval of improvement plans, a signage and fencing plan shall be prepared to outline the number and location of signs and fences, the language to be included on signs, and a maintenance program for the signs and fences, to discourage people and unleashed dogs from straying into the common open space area, subject to approval by the Monterey County Planning and Building Inspection Department. The plan shall require signs and fences to be installed prior to occupancy of adjacent homes (see Mitigation Measure 2). Fences and signs shall be maintained by the homeowners' association.

Mitigation Measure 15. Concurrent with filing of final maps, Covenants, Conditions and Restrictions shall be prepared for the subdivision requiring disclosure of potentially sensitive wildlife resources occurring in the vicinity and providing a description of habitat protection measures required as part of the development.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program biological resources policies and Coastal Implementation Plan zoning requirements. The biologists

who prepared the biological resources section of the EIR conducted several site visits to ascertain site conditions.

- (b) North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat policies 2.3.2 General Policy 1 identifies environmentally sensitive habitat that occurs on the site, and North County Land Use Plan/Local Coastal Program Environmentally Sensitive Habitat Policy 2.3.3 Specific Policy 3 restricts domestic pets within sensitive habitat areas. The mitigation measures are consistent with these policies and ordinance and are fully enforceable by the County as conditions of project approval.
- (c) Mitigation Measure 14 requires signage and fencing to restrict pets from environmentally sensitive habitat within the conservation easement. Therefore, implementation of the measure will ensure consistency with County environmentally sensitive habitat policies.
- (d) Mitigation Measure 15 requires notification to homeowners to raise awareness of the value of the habitat and the importance in keeping pets out of the habitat areas.
- (e) Monterey County requires approval of final maps, site plans, and landscape plans prior to development of subdivisions. CC&Rs will be recorded on property titles and remain enforceable in perpetuity. The County will enforce the conditions of approval during the review and approval of these plans.

4k. **FINDING: INDIRECT WATER QUALITY IMPACTS ON BIOLOGICAL RESOURCES WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 19 and 21 will reduce potentially significant biological impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Indirect Effects on Off-Site Biological Resources (DEIR Chapter 2.2). The proposed project would result in additional storm water run-off, and eroded soil could be carried as sediment in surface runoff during storms. Urban runoff is often polluted with grease, oil, residues of pesticides and herbicides, heavy metals, etc. These pollutants may eventually be carried to sensitive aquatic habitats used by a diversity of native wildlife species. This is considered a potentially significant cumulative impact.

EVIDENCE:

- (a) The proposed drainage basin, and implementation of Mitigation Measure 19 in Draft EIR Chapter 2.3 Geology and Soils which requires an erosion control plan, and Mitigation Measure 23 in Draft EIR Chapter 2.4 Hydrology and Water Quality requiring water quality measures for storm water run-off, would reduce this cumulative impact to a less than significant level.

- (b) Monterey County requires approval of final maps, grading plans, site plans, and landscape plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

41. **FINDING: IMPACT FROM LANDSLIDING WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 16 and 22 will reduce significant geological impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Potential for Landsliding (DEIR Chapter 2.3). There is no recorded history of landslides at the project site resulting from either wet subsurface conditions or from strong ground motion. However, based on a slope stability analysis of the south-facing slopes across the project site, there is potential for landsliding, particularly under moist conditions. Several lots are within 50 feet of the top edge of the 25 percent slopes in the center of the project site, and could be affected by landslides.

Mitigation Measure 16. In order to limit the potential for landsliding, a registered engineer shall prepare design specifications for all structural and site improvement plans (to include houses and habitable accessory buildings, swimming pools, retaining walls, and parking pads) for residential lots within 50 feet of slopes of 25 percent or greater. The following measures shall be included at a minimum:

- a. Subdrains to reduce the amount of surface and subsurface water infiltrating the upper sands and saturating the underlying clays;
- b. Pier and grade beam foundation systems, or other foundation design reviewed and approved by a structural engineer;
- c. drainage of all surface and roof water run-off in closed conduits to the bottom of the slopes, or to locations greater than 50 feet from the top of 25 percent slopes; and
- d. prohibition of habitable structures within 50 feet of the top of 25 percent slopes.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program hazards policies. Geotechnical reports were prepared for the project, and site visits were conducted to observe site conditions.
- (b) North County Land Use Plan/Local Coastal Program Hazards Policies 2.8.2 General Policy 1 requires development to be sited and designed to avoid hazards, including geologic hazards. Coastal Implementation Plan section 20.144.100 (A) (2) (c) requires siting and design of development to minimize grading. The mitigation measures are consistent with this policy and ordinance and are fully enforceable by the County as conditions of project approval.

- (c) Mitigation Measure 16 requires a registered engineer to prepare design specifications for all structural and site improvement plans for lots within 50 feet of slopes of 25 percent or greater. Therefore, implementation of the measure will ensure consistency with County geology policies.
- (d) Monterey County Code sections 18.50 and 20.144 require use of drought tolerant landscaping and Mitigation Measure 22 would require further landscape water reductions. The measure would partially address the need to maintain soils in as dry a condition as possible, which would reduce landsliding hazards. Therefore, implementation of the measure will ensure consistency with County geology policies.
- (e) Monterey County requires approval of final maps, site plans, building plans, and landscape plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4m. **FINDING: IMPACT FROM GROUND FAILURE WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 17 and 18 will reduce significant geological impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Potential for Ground Failure (DEIR Chapter 2.3). According to the geotechnical and the geologic investigations, soils on the northeastern slope and the southeastern level area have the potential for liquefaction. No structural development is proposed on the sloped area, but commercial and townhouse buildings are proposed for the southeast corner of the project site. Liquefaction is a potentially significant effect in this area.

Mitigation Measure 17. In order to ensure that buildings constructed on the level area in the southeast corner of the project site are not susceptible to damage from liquefaction, a registered engineer shall prepare design specifications for building plans and final improvement plans for the southeast corner of the project site that shall include the following recommendations:

- a. appropriate foundation designs;
- b. pre-construction soil preparation techniques to minimize liquefaction potential, such as compaction and increased drainage;
- c. minimization of irrigation and run-off infiltration.

Mitigation Measure 18. In order to ensure that any fill soil, berm, or storm water basin is not susceptible to damage from liquefaction, a registered engineer shall prepare a geotechnical report that shall incorporate the recommendations of the April 4, 2006 Haro Kasunich Associates memorandum, including cone penetration testing of liquefaction potential to at least 50 feet below ground surface (or less if borings hit impenetrable soils), and include the following recommendations:

- a. design specifications for storm drainage basin improvement plans;
- b. appropriate fill materials;

- c. application and compacting of the fill materials; and
 - d. soil preparation techniques for underlying native soils.
- No fill is to be placed within the area identified as an existing wetland.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program hazards policies. Geotechnical reports were prepared for the project, and site visits were conducted to observe site conditions.
- (b) North County Land Use Plan/Local Coastal Program Hazards Policies 2.8.2 General Policy 1 requires development to be sited and designed to avoid hazards, including geologic hazards. Coastal Implementation Plan section 20.144.100 (A) (2) (c) requires siting and design of development to minimize grading. The mitigation measures are consistent with this policy and ordinance and are fully enforceable by the County as conditions of project approval.
- (c) Mitigation Measure 17 requires a registered engineer to prepare design specifications for all structures in the area with elevated liquefaction risk. Therefore, implementation of the measure will ensure consistency with County geology policies.
- (d) Mitigation Measure 18 requires design specifications for the drainage basin to prevent soil saturation and increased chance of liquefaction. Therefore, implementation of the measure will ensure consistency with County geology policies.
- (e) Monterey County requires approval of final maps, site plans, improvement plans and building plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

- 4n. **FINDING: IMPACT FROM EROSION WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 19 will reduce significant geological impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Potential for Soil Erosion (DEIR Chapter 2.3). Site preparation and construction activities would disturb soil, and increase its susceptibility to erosion, particularly where utility work would occur across steep slopes. This could result in erosion and the subsequent sedimentation of surrounding sensitive habitat areas, including Carneros Creek and Elkhorn Slough. Soils left bare following construction of the proposed project would be subject to erosion until landscaping has been established at the project site.

Mitigation Measure 19. In order to reduce erosion on the project site during and immediately following site preparation activities, prior to any grading or land clearance activity, the project applicant shall prepare an erosion control plan to ensure that long-

term erosion and sedimentation risks resulting from construction activities at the project site are reduced. The erosion control plan shall incorporate best management practices and include, but not be limited to, the following components:

- a. Only minor grading may occur between October 14 and April 16, and no grading shall occur during this period on slopes in excess of 11 percent;
- b. Limit disturbance of soils and vegetation removal to the minimum area necessary for access and construction;
- c. Grading limits shall be staked or fenced in the field. The stakes or fencing shall remain in place until all construction activities are complete;
- d. An erosion control fence (i.e., sedimentation control fence) shall be installed around the conservation easement area and along the tops of slopes of 11 percent or greater;
- e. Cover disturbed slopes with straw mulch or jute netting after seeding or planting;
- f. Stockpile topsoil from grading activities to be used at the project site for re-vegetation purposes;
- g. Cover or otherwise protect, such as with chemical stabilizers, stockpiled soils during periods of rainfall;
- h. Prevent storm water flow directly down unprotected slopes, devoid of vegetation, by utilizing straw bales or diversion fencing, and temporary sedimentation ponds;
- i. Ensure grading operations are observed and evaluated by a qualified soils engineer;
- j. Re-vegetate disturbed areas, especially slopes and areas where tree removal has occurred, with a mix of seeds best suited for the climate and soil conditions, and native to the north Monterey County region, or with plant materials listed in the County brochure Erosion Control Planting, or other appropriate native California plants as identified by a qualified biologist, landscape architect, or nurseryman; and
- k. Any disturbed areas within the conservation easement shall be re-vegetated with native grassland vegetation or other appropriate native vegetation as soon as feasibly possible after completion of construction activities.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program hazards policies. Geotechnical reports were prepared for the project, and site visits were conducted to observe site conditions.
- (b) North County Land Use Plan/Local Coastal Program Hazards Policy 2.8.2 General Policy 1 requires development to be sited and designed to avoid hazards, including geologic hazards. Coastal Implementation Plan section 20.144.100 (A) (2) (c) requires siting and design of development to minimize grading. The mitigation measure is consistent with this policy and ordinance and is fully enforceable by the County as conditions of project approval.

- (c) Mitigation Measure 19 requires an erosion control plan. Therefore, implementation of the measure will ensure consistency with County geology policies.
- (d) Monterey County requires approval of final maps, site plans, improvement plans, building plans, and landscape plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4o. **FINDING: DOWNSTREAM WATER QUALITY IMPACTS WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 6, 19, and 23 will reduce potentially significant water quality impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Effects on Downstream Water Quality (RDEIR Chapter 2.1). The proposed project would add development within the Elkhorn Slough watershed area. Development on the project site would require grading, the construction of additional streets and driveways, and the development of a storm drain system to accommodate runoff. Urban runoff is often polluted with grease, oil, residues of pesticides and herbicides, heavy metals, and other pollutants that may eventually be carried to sensitive wetland and aquatic habitats. Concentrated storm water run-off across the project site could carry sediments towards Carneros Creek and Elkhorn Slough. These would be potentially significant impacts on downstream water quality.

Mitigation Measure 23. The applicant shall provide a drainage plan prepared by a registered civil engineer that includes the following components:

- a. storm water detention / sediment retention basin sized to limit the 100 year post-development runoff to the 10-year pre-development rate;
- b. vegetative filter plantings at outfalls to the basin;
- c. sand filters and/or grease/oil water separators at storm drainage inlets in the parking lot(s) or equivalent filtering elsewhere in the system;

The pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency.

Mitigation Measure 23b. The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/sediment retention facilities have been constructed in accordance with approved plans.

Mitigation Measure 23c. Prior to the issuance of any grading permits, a signed and notarized Drainage and Flood Control Systems Agreement shall be provided to the Water Resources Agency (Agency) for review & approval. The agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to the Agency for review and approval no later than August 15

of each year. If the Homeowners' Association after notice and hearing fails to properly maintain, repair, or operate the drainage and flood control facilities, the Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance, or improvements necessary to properly operate the drainage and flood control facilities in the project. The Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost.

EVIDENCE:

- (a) The proposed drainage basin will detain storm water and provide an opportunity for some pollutants and silt to settle out of the water before the water is released downstream. Therefore, the water leaving the site will be cleaner than if it flowed freely off the site.
- (b) Mitigation Measure 6 in Draft EIR Chapter 2.2 Biological Resources requires soils stabilization between new plantings and a re-vegetation plan for open space areas. This measure will reduce exposed soils and risk of erosion and siltation of storm water run-off.
- (c) Mitigation Measure 19 in Draft EIR Chapter 2.3 Geology and Soils, which requires an erosion control plan, will reduce erosion and the quantity of silt entering storm water run-off.
- (d) Mitigation Measure 23 requires water quality measures for storm water run-off, such as vegetative filters, that would reduce the quantity of urban pollutants reaching downstream waters. Site design measures such as these are promoted by the U.S. Environmental Protection Agency as a useful method of maintaining clean water. The County will ensure long-term maintenance through an agreement with the applicant/Homeowners; Association.
- (e) Monterey County requires approval of final maps, grading plans, site plans, improvement plans, and landscape plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4p. **FINDING: IMPACT FROM CONSTRUCTION OF HALL ROAD IMPROVEMENTS WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 24 will reduce significant traffic impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Traffic Delays During Construction (DEIR Chapter 2.5). The proposed project would require road and sewer line improvements within the Hall Road right-of-way. The construction of these improvements could require lane closures and one-way traffic

controls that could result in significant delays and back-ups on Hall Road. This is a potentially significant impact.

Mitigation Measure 24. In order to reduce the effects of construction work within the Hall Road right-of-way on traffic flows, prior to obtaining an encroachment permit for the work, the applicant shall prepare a Traffic Control Plan, subject to the review and approval of the Monterey County Public Works Department to include the following elements:

- a. time frame and proposed schedule for construction occurring within the Hall Road right-of-way; the most disruptive stages of construction should be planned outside the peak summer period between mid June and mid August;
- b. avoidance of lane closures during peak AM and PM hours to the extent feasible;
- c. placement of barricades or barriers to separate construction activities and traffic;
- d. advance signage alerting traffic along Hall Road and traffic entering Hall Road from Las Lomas Drive;
- e. advisory bicycle and pedestrian detour signage.

EVIDENCE:

- (a) The project includes the widening of Hall Road fronting the site for the purpose of providing turn lanes and tapers at the project entrance. Hall Road is currently two lanes, and the closure of one of the two lanes would significantly disrupt traffic, since there would be no alternative lane for that direction of traffic, and there is no suitable alternate route for the high volumes of traffic that travel on Hall Road. Truck movements into or out of the construction area could also disrupt traffic. If motorized traffic is directed onto the shoulder, bicycle and pedestrian traffic could be put in danger
- (b) Mitigation Measure 24 requires preparation of a work plan to address potential areas of concern during construction of the street improvements. Therefore, implementation of the measure will ensure that traffic mitigation is in place prior to the commencement of construction.
- (c) Monterey County requires approval of final maps, improvement plans, and encroachment permits prior to development of off-site subdivision improvements. The County will enforce the conditions of approval during the review and approval of these plans and permits.

- 4q. **FINDING: IMPACT FROM ADDITIONAL TRIPS ON REGIONAL ROADWAYS MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 25 will reduce significant cumulative traffic impacts in north Monterey County to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Project and Cumulative Traffic at Congested Intersections and Road Segments (DEIR Chapter 2.5). The proposed project would add trips to several intersections along County Route G-12, which are already operating at LOS F. This would be a significant impact, considered under the County thresholds as both a project and cumulative impact.

Mitigation Measure 25. In order to mitigate for impacts to congested roads and intersections, prior to filing the Final Subdivision Map the project proponent shall pay a pro-rata share of improvements necessary to maintain acceptable levels of service at the intersections and roadway segments affected by project traffic as listed below. These pro-rata share costs shall be based on the project's contribution as a share of General Plan build-out traffic volumes as indicated in Fair-Share Percentage Calculations Table in the Rancho Los Robles Supplemental Traffic Report (Pinnacle Traffic Engineering, May 2, 2006) subject to the review and approval of the Public Works Director. In the event the Board of Supervisors adopts a regional traffic impact fee prior to project approval, the ad hoc fee for projects included in the regional impact fee program shall be counted towards and transferred to the regional traffic fee account. Fees to cover pro-rata shares of the following improvements shall be required:

- a. State Route 1 and Salinas Road - Upgrade the intersection to an interchange with a frontage road to Jensen Road;
- b. Salinas Road and Werner Road - Signalize intersection; Note that the Fehr and Peers report did not recommend signalization of this intersection, relying on gaps created by the Salinas Road and Elkhorn Road signal; this signal could be eliminated if the County Public Works Department determines that this signal is not required;
- c. Salinas Road and Elkhorn Road – Signalize intersection for northbound Salinas Road and for southbound Salinas Road to Elkhorn Road.
- d. Elkhorn Road and Werner Road – Signalize intersection and lane improvements;
- e. Hall Road and Elkhorn Road – Signalize intersection.
- f. Hall Road and Willow Road - Provide an acceleration lane on the west leg for northbound left-turns from Willow Road;
- g. San Miguel Canyon Road and Echo Valley Road - Addition of an acceleration lane for westbound left-turns; Signalize intersection;
- h. San Miguel Canyon Road and Castroville Boulevard - Addition of an acceleration lane for eastbound left-turns. Signalize intersection;
- i. San Miguel Canyon Road and Prunedale North Road (or Langely Canyon Road) - Widen and/or channelize and signalize;
- j. San Miguel Canyon Road between U. S. Highway 101 and Hall Road – Widen to four lanes;
- k. Hall Road between Elkhorn Road and San Miguel Canyon Road – Widen to four lanes;
- l. Elkhorn Road between Salinas Road and Hall Road – Widen to four lanes; and
- m. Salinas Road between State Route 1 and Pajaro – Widen to four lanes.

EVIDENCE:

- (a) Two traffic reports were prepared for the project and were utilized in the DEIR traffic analysis. The traffic reports document existing traffic conditions at 18 intersections and 14 roadway segments in north Monterey County, and indicate that 11 of the intersections and seven of the segments are currently operating at unacceptable levels of service.
- (b) The Monterey County Department of Public Works indicates that any of the following is considered a significant impact on traffic:
 - a. decrease the level of service at a signalized intersection to LOS D, LOS E, or LOS F from a better level of service;
 - b. add 0.010 or more to the critical movements volume to capacity ratio of a signalized intersection;
 - c. add any traffic to an intersection operating at LOS F;
 - d. cause an un-signalized intersection to meet or exceed traffic signal warrants;
 - e. decrease the level of service on any roadway segment from LOS A, LOS B, or LOS C to LOS D, LOS E, or LOS F;
 - f. decrease the level of service on any roadway segment from LOS D to LOS E or from LOS E to LOS F; or
 - g. Add any traffic to a roadway segment operating at LOS F.
- (c) The project would add new trips to several intersections along Hall Road that already operate at LOS F.
- (d) Mitigation Measure 25 requires the payment of an ad-hoc fee to mitigate the traffic impacts of the project to a less than significant level. The payment of pro-rata fees to reduce an impact to a less than significant level is consistent with CEQA Guidelines section 15130 (a) (3) and case law. In *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (“September Ranch”), the California Appellate Court held that fees associated with a formally adopted program could be used to mitigate cumulative or project level impacts. The Monterey County Public Works Department has been collecting traffic fees based on project share of build-out traffic for many years.
- (e) Monterey County requires approval of final maps and improvement plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4r. **FINDING: IMPACT FROM REDUCED LEVEL OF SERVICE WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 27 will reduce significant transportation impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Further Degradation of LOS D or LOS E (DEIR Chapter 2.5). The intersection of Hall Road and Sill Road would degrade from LOS E to LOS F in the AM peak period and from LOS D to LOS E in the PM peak period as a result of project traffic. Increased traffic would make use of the crosswalk more difficult. This would be a significant impact.

Mitigation Measure 27. In order to mitigate to the extent feasible for project effects on turning movements at the intersection of Hall Road and Sill Road, the project proponent shall construct the following off-site road improvements at this intersection:

- a. A second lane on the southbound Sill Road approach to Hall Road, with striping for left turns and right turns;
- b. A traffic signal; and,
- c. Relocation of the crosswalk on Hall Road to the west side of the intersection, and programming of the signal light to provide an automatic pedestrian walk phase with every southbound green light.

The project proponent shall be responsible for constructing the improvements prior to the issuance of the first occupancy permit for the proposed project. The project proponent shall enter into a reimbursement agreement with the County for a pro rata reimbursement from future developments contributing funds to north Monterey County road improvements, with the pro rata share based on a methodology acceptable to the Monterey County Public Works Department.

EVIDENCE:

- (a) The DEIR identified significant project impacts to the Hall Road/Sill Road intersection which is located about 1,000 feet east of the site and provides one of two major entries to the site from Hall Road.
- (b) Two traffic reports were prepared for the project, and the reports concur that the project will significantly affect this intersection. The traffic reports recommend the listed improvements to reduce the impact to a less than significant level.
- (c) Monterey County requires approval of final maps, site plans, and improvement plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

- 4s. **FINDING: IMPACT TO PEDESTRIAN AND BICYCLE ACCESS WILL BE MITIGATED TO LESS THAN SIGNIFICANT –** Mitigation Measure 28 will reduce significant transportation impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Effects on Pedestrian and Bicycle Access to Hall District School and the Commercial and Community Recreational Areas (DEIR Chapter 2.5). The proposed project would result in a substantial increase of traffic on Sill Road. Sill Road is narrow, but

because traffic volumes are low, provides an adequate pedestrian and bicycle route to Hall District School. The addition of project traffic would reduce the suitability of Sill Road as a pedestrian and bicycle access to Hall District School. The project provides a trail for pedestrian or bicycle access between the existing and proposed residential areas and the commercial and community recreational sections of the proposed project. However, the plan provides no detail as to the design and accessibility of the trail.

Mitigation Measure 28. In order to ensure an adequate pedestrian and bicycle connections between the residential area and nearby destinations (Hall District School, the recreation area, and the commercial area) **one** of the following sets of improvements shall be included on the tentative map and/or improvement plans:

- a.
 - 1) a roadway through the project site with sidewalks connecting the residential area directly to Hall Road, to reduce traffic volumes on Sill Road;
 - 2) minimum nine-foot lanes on Sill Road from the project site easterly to Harrington Road;
 - 3) a four-foot sidewalk or hard-surfaced pathway on the south side of Sill Road to at least the western edge of the Hall District School, with access onto the school grounds; and
 - 4) a four-foot sidewalk or hard-surfaced pathway on the north side of Hall Road to at least the western edge of the Hall District School, Sidewalks or pathways must meet Americans with Disability Act standards. At least one publicly accessible pedestrian and bicycle access easement (which can be a road and sidewalk) shall be provided to Sill Road and maintained accessible to non-project residents.
 - 5) Commercial access shall be from the connector road. No individual driveways shall access Hall Road.
- b.
 - 1) a pedestrian and bicycle access pathway connecting the residential area directly to the commercial and recreational area;
 - 2) minimum eleven-foot lanes on Sill Road from the project site easterly to Harrington Road;
 - 3) a four-foot sidewalk or hard-surfaced pathway on the south side of Sill Road to at least the western edge of the Hall District School, with access onto the school grounds;
 - 4) a four-foot sidewalk or hard-surfaced pathway on the north side of Hall Road to at least the western edge of the Hall District School,

Sidewalks or pathways must meet Americans with Disability Act standards. The pathway to the commercial and recreational area must also meet the design requirements of the Caltrans Bicycle Design Manual, must be built of a hard-surfaced material or be paved, with lighting, shielded from Hall Road, provided along the pathway during after-dark business hours at the commercial development. At least one publicly accessible pedestrian and bicycle access easement (which can be a road and sidewalk) shall be provided to Sill Road and maintained accessible to non-project residents.

The street, sidewalk, and/or pathway connecting to the school shall be completed in conjunction with project frontage improvements on Sill Road and Hall Road respectively. The street, sidewalk, and/or pathway connecting to the commercial and

recreational area shall be completed prior to completion/occupancy of either the recreational or the commercial uses (whichever is earlier).

EVIDENCE:

- (a) The mitigation measure is consistent with these policies and ordinance and is fully enforceable by the County as a condition of project approval.
- (b) Mitigation Measure 28 requires suitable pedestrian, bicycle, and/or motorized circulation improvements to accommodate pedestrian access to the school. The improvements will allow students to walk or bicycle safely between the project and the school.
- (c) Monterey County requires approval of final maps, site plans, and improvement plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

- 4t. **FINDING: IMPACT FROM INCONSISTENCY WITH TRIP REDUCTION ORDINANCE WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 29 and 30 will contribute to reducing significant traffic impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Inconsistency with Trip Reduction Ordinance (DEIR Chapter 2.5). Coastal Implementation Plan section 20.64.250 requires a trip reduction program or facilities to encourage the reduction of single-occupancy vehicle trips. The proposed project includes sidewalks, but no other trip reduction measures. This would be a significant impact. Implementation of Mitigation Measures 28 presented above, requiring pedestrian and bicycle connections to the commercial and recreational areas of the project site, and to the Hall District School and Las Lomas Drive, and the following mitigation measures, would reduce this impact to a less than significant level.

Mitigation Measure 29. In order to facilitate the use of alternative transportation and reduce single-occupancy automobile trips, final improvement plans for the commercial and recreational components shall include the following components:

- a. Bicycle racks;
- b. Bus pull-out and shelter, as described in the Monterey Salinas Transit Development Review Guidebook or subsequent publications, located at either the commercial or recreational area, with a direct and convenient sidewalk or pathway connection to the commercial buildings and residential areas;
- c. crosswalk at the commercial driveway/roadway intersection with Hall Road and minimum corner radius allowed by County improvement standards; and
- d. Dedication of five of the commercial or recreation area parking spaces for use as a park-and-ride facility.

Mitigation Measure 30. In order to facilitate telecommuting and reduce single-occupancy automobile trips, all residential floor plans shall include an office space of at least 50 square feet in a separate room or an alcove, and plan notes shall require the provision of communications wiring to the office space.

EVIDENCE:

- (a) The EIR analyzes consistency with applicable North County Land Use Plan/Local Coastal Program transportation policies and Coastal Implementation Plan zoning requirements. A traffic report was prepared for the project.
- (b) Coastal Implementation Plan Section 20.64.250 requires a trip reduction program or facilities to encourage the reduction of single-occupancy vehicle trips. The mitigation measures are consistent with these policies and ordinance and are fully enforceable by the County as conditions of project approval.
- (c) Mitigation Measure 29 requires measures at the commercial and recreational area to facilitate use of transportation alternatives to the single-occupant automobile, including measures to promote walking, bicycling, transit, and car pooling. Therefore, implementation of the measure will ensure consistency with County traffic polices.
- (d) Mitigation Measure 30 requires a suitable home office space in each house, and facilitates tele-commuting. Although not all employees will be able to take advantage of this option, the facilities will be provided for those who can, and commute trips will be reduced. Therefore, implementation of the measure will ensure consistency with County traffic polices.
- (e) Monterey County requires approval of final maps, site plans, improvement plans and building plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4u. **FINDING: IMPACT FROM CONSTRUCTION DUST WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 31 will reduce significant air quality impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Short-term Construction Dust Emissions (DEIR Chapter 2.6). Construction emissions would include onsite and offsite generation of fugitive dust. The proposed project could grade an area in excess of the 2.2-acre MBUAPCD threshold and result in a potentially significant environmental impact from fugitive dust.

Mitigation Measure 31. The project plans shall contain a dust control plan subject to review and approval by the Monterey County Planning and Building Inspection Department prior to issuance of a building permit, to include all or some (specifically if

measures (m) and (n) are employed, measures (a) through (l) would not be necessary) of the following measures, as necessary to adequately control dust:

- a. Water all active portions of the construction site at least twice daily;
- b. Suspend all excavation and grading operations when wind speeds exceed 15 miles per hour averaged over one hour, if watering activities are inadequate to control airborne dust;
- c. Replace ground cover or apply MBUAPCD-approved chemical soil stabilizers according to manufacturer's specifications to all inactive portions of the construction site (previously graded areas inactive for four days or more), when airborne dust conditions are visible;
- d. Apply water two times daily or chemical stabilizers according to manufacturer's specifications to all inactive portions of the construction site (previously graded areas inactive for four days or more), when airborne dust conditions are visible;
- e. Sufficiently water or securely cover all material transported off-site and adjust on-site loads as necessary to prevent airborne dust conditions. Haul trucks shall maintain enough freeboard to prevent airborne dust conditions;
- f. Plant vegetative ground cover in, or otherwise stabilize disturbed areas as soon as grading and construction activities in those areas are completed;
- g. Cover material stock piles that remain inactive for more than 72 consecutive hours;
- h. Provide dust free stabilized surfaces at the exit of construction sites for all exiting trucks;
- i. Mechanically sweep adjacent public streets at the end of each day if visible soil material is carried out from the construction site;
- j. Limit traffic speed on all unpaved roads to 15 miles per hour or less;
- k. Post a publicly visible sign that specifies the telephone number of the on-site contractor and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action by the end of the same day if the complaint is received by 12:00 noon and within 24 hours if the complaint is received later than 12:00 noon. The phone number of the MBUAPCD shall be visible to ensure compliance with Rule 402 (Nuisance);
- l. The grading contractor shall appoint a qualified site monitor to ensure that the plan is implemented.
- m. The grading contractor shall meet with the principal of Hall District School prior to commencement of grading, to review the dust control plan and provide information for submitting complaints;
- n. Limit the area of grading to 2.2 acres per day during earthmoving efforts (grading and excavation) and 8.1 acres per day with minimal earthmoving (finish grading). The number of acres may be increased if direct emissions of PM10 do not exceed MBUAPCD's threshold of significance based on MBUAPCD approved dispersion modeling.

EVIDENCE:

- (a) The EIR analyzes consistency with the 2000 Air Quality Management Plan. The EIR determined that the project would be consistent with the Air Quality Plan. The Monterey Bay Unified Air Pollution Control

District establishes rules to regulate air emissions. The mitigation measures are consistent with these rules and are fully enforceable by the County as conditions of project approval.

- (b) Mitigation Measure 31 requires practices during construction to reduce dust that are drawn from the recommendations of the Air District. Therefore, implementation of the measure will ensure consistency with Air District rules.
- (c) Monterey County requires approval of demolition permits and grading permits prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these permits.

4v. **FINDING: IMPACT FROM CONSTRUCTION EQUIPMENT EMISSIONS WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 32 will reduce significant air quality impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Construction Vehicle and Equipment Emissions (DEIR Chapter 2.6). Use of construction vehicles and heavy equipment would result in ROG emission levels exceeding standards established by the MBUAPCD. This would be a potentially significant impact.

Mitigation Measure 32. In order to reduce air pollutant emissions from construction equipment, the project proponent shall, to the extent feasible, use equipment powered by other than standard diesel fuel (CNG, biodiesel, ultra low sulfur diesel, water emulsion fuel, electric). If diesel-fueled equipment is used, the project proponent shall employ diesel oxidation catalyst or particulate filters or other equivalent devices to effectively reduce emissions. All equipment shall be maintained in a well-tuned condition, and idling time minimized. Prior to commencement of grading activities, the project proponent shall submit a written roster of equipment anticipated to be used on the project site, listing fuel type used, and for diesel-fueled equipment, listing measures employed to reduce emissions. Only those pieces of equipment using non-standard diesel fuels or employing emission reduction equipment shall be permitted to operate. If equipment not meeting the emission requirements is found to be operating on the project site, work shall be stopped until that equipment is removed or made to meet emission requirements.

EVIDENCE:

- (a) The EIR analyzes consistency with the 2000 Air Quality Management Plan. The EIR determined that the project would be consistent with the Air Quality Plan. The Monterey Bay Unified Air Pollution Control District establishes rules to regulate air emissions. The mitigation measures are consistent with these rules and are fully enforceable by the County as conditions of project approval.
- (b) Mitigation Measure 31 requires use of non-diesel or cleaner diesel equipment for construction of the project. The measure is drawn

from recommendation of the Air District. Therefore, implementation of the measure will ensure consistency with Air District rules.

- (c) Monterey County requires approval of demolition permits and grading permits prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these permits.

4w. **FINDING: IMPACT FROM CARBON MONOXIDE WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 27 will reduce significant air quality impacts to a less than significant level. The mitigation measure is feasible to implement and is fully enforceable through permit conditions.

Localized Emissions of Carbon Monoxide (DEIR Chapter 2.6). The intersection of Sill Road and Hall Road currently operates at LOS E and would degrade to LOS F with the proposed project. Therefore, CO emissions adjacent to Hall District School may exceed acceptable levels.

EVIDENCE:

- (a) Concentrations of carbon monoxide that are considered dangerous to human health typically result from severely congested traffic conditions, characterized as LOS E or LOS F, at locations where people are exposed. The project would increase traffic congestion at the intersection of Hall Road and Sill Road adjacent to Hall District School, thus potentially exposing students and others to high concentrations of carbon monoxide.
- (b) Mitigation Measure 27 would add lanes and signalize the intersection, providing non-congested conditions, and avoiding high concentrations of carbon monoxide. The improvements would be required prior to the first occupancy permit, so essentially no new emissions would be added to the intersection prior to the improvements. Therefore, the mitigation measure would prevent dangerous health effects from carbon monoxide.
- (c) Monterey County requires approval of final maps, site plans, and improvement plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4x. **FINDING: IMPACT FROM INADEQUATE FIRE FLOW WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measure 24 and 33 will reduce significant utilities impacts to a less than significant level. The mitigation measures are feasible to implement and are fully enforceable through permit conditions.

Potential Lack of Fire Flow Capacity (DEIR Chapter 2.7). CWSC has issued a will-serve letter for the proposed project, and is expected to be able to deliver the required quantity and quality of water from its wells and/or a new well proposed to serve the

project. Some of the existing off-site CWSC infrastructure may require upgrading to allow adequate fire flows to the proposed project. This would be a potentially significant impact due to the potential for inadequate control of fires. Construction of upgraded infrastructure could disrupt traffic on Hall Road.

Mitigation Measure 33. In order to assure adequate fire flow capacity, prior to approval of final improvement plans, the project proponent shall submit to the Monterey County Public Works Department and the North County Fire Protection District, a fire protection infrastructure plan to include the following elements:

- a. location and size of wells, water supply pipes, and storage tanks, or upgrades to existing infrastructure necessary for the provision of adequate fire flow water to the project site;
- b. location of fire hydrants and necessary distribution pipes to the hydrants within or adjacent to the project site;
- c. Calculations by a qualified engineer providing fire flow rates at each junction and hydrant along the water supply network necessary for the provision of fire flow to the project site;

The fire protection infrastructure plan shall be reviewed by the Monterey County Public Works Department and North County Fire Protection District to ensure that the plan meets the established fire flow requirements of those agencies.

EVIDENCE:

- (a) The EIR analyzes availability of utilities for the project.
- (b) Mitigation Measure 33 requires the applicant to submit a plan for fire suppression at the project, including evidence that adequate fire flow is available. Therefore, implementation of the measure will ensure consistency with County environmentally sensitive habitat polices.
- (c) Mitigation Measure 24 requiring a Traffic Mitigation Plan will address the potential for construction of utility improvements to delay traffic on Hall Road.
- (d) Monterey County requires approval of final maps, site plans, and building plans prior to development of subdivisions. The County will enforce the conditions of approval during the review and approval of these plans.

4y. FINDING: IMPACT FROM GROUNDWATER WITHDRAWALS WILL BE LESS THAN SIGNIFICANT – The project will result in less than significant impacts to groundwater withdrawals because it will lower both total withdrawals and the differential between withdrawals and recharge, based on the 20-year historic use on the project site.

(Revised Draft EIR Section 2-1) With the proposed project, withdrawals would drop from the averaged historic rate of 86.09 acre feet year to 41.61 acre feet per year and the net groundwater balance would improve

from the averaged historic rate of minus 64.67 acre feet per year to minus 31.46 acre feet per year. The California Water Service Company has provide a “Can and Will Serve” letter for the Project. In addition, the California water Service Company prepared a water supply assessment report and determined that it would be able to adequately supply the propose project with water. The proposed project will pay a free required un Monterey County Code Section 18.51 to mitigate hydrologic impacts and therefore is consistent with water supply requirements for assuring that there is a long term sustainable supply of water to serve the project.

EVIDENCE:

- (a) “Draft Rancho Los Robles Project Specific Water Balance Study” prepared by Ifland Engineers, Ind., October 21, 2005.
- (b) “Technical Memorandum, Hydrological Assessment, Rancho Los Robles EIR” prepared by Todd Engineers, September, 2002
- (c) “Technical Memorandum, Peer Review Hydrologic Assessment Rancho Los Robles (Oak tree Ranch) DEIR Monterey California” prepared by Todd Engineers, October 12, 2006.
- (d) “Water Supply Assessment Report for Rancho Los Robles, Monterey County, California” (LIBo7125) prepared by California Water service Company, June 22, 2006.
- (e) “Can and Will Serve Letter”, from the California Water Services Company, dated January 25, 1996.

5. **FINDING: ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval.

EVIDENCE:

- (a) The Rancho Los Robles Subdivision Draft EIR (State Clearinghouse Number 2002091010) dated August 28, 2007 and circulated for public review from September 4, 2007 through October 29, 2007.
- (b) The Rancho Los Robles Subdivision Revised Draft EIR circulated for public review from March 21, 2008 to May 5, 2008.
- (c) The Rancho Los Robles Subdivision Final EIR will be provided to all persons and organizations that commented on the Draft EIR or the Revised Draft EIR, no less than ten days prior to the Board of Supervisors meeting at which a determination was made on the project.
- (d) The Rancho Los Robles Mitigation Monitoring Program.

- (e) Administrative record maintained at the Monterey County Resources Agency, 168 West Alisal Street, Salinas, California, including material in Planning Department file PLN 970159.
- (f) Monterey County General Plan; North County Land Use Plan/Local Coastal Program; Coastal Implementation Plan (Coastal Zoning Ordinance)
- (g) Public Resources Code section 21004 and CEQA Guidelines sections 15040 and 15041 provide the authority for a lead agency to impose mitigation measures on discretionary approvals to the extent those measures are consistent with the general provisions of state law, the state constitution, and case law relating to such authority. The project is a discretionary action upon which the County can impose conditions of approval.
- (h) CEQA Guidelines Section 15093 requires a decision making agency to balance as applicable the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental effects. If the specific benefits are determined to outweigh the unavoidable adverse environmental effects, the decision making agency must adopt a statement of overriding considerations supported by substantial evidence in the record.
- (i) CEQA Guidelines Section 15091 allows an agency to determine that an effect cannot be mitigated to a less than significant level if responsibility for or jurisdiction over implementation of necessary measures rests with another agency.

5a. **FINDING: ADVERSE PROJECT AND CUMULATIVE ENVIRONMENTAL IMPACTS ON STATE ROUTE 1 WOULD REMAIN SIGNIFICANT AFTER CONSIDERING MITIGATING FACTORS AND MITIGATION MEASURES -**
 The project would result in significant and unavoidable project and cumulative traffic impacts on State Route 1 that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval.

Project and Cumulative Traffic on State Route 1. The proposed project would add trips to State Route 1 south of Salinas Road and north of Castroville, which is already operating at LOS F. This would be a significant impact. Improvements to this section of highway are not anticipated within the 2005-2030 timeframe, and the improvements are not within the jurisdiction of the County of Monterey. Implementation of the following mitigation measure would cover the project share of the costs for the improvements, but would not reduce this impact to a less than significant level.

Mitigation Measure 26. In order to mitigate for impacts to State Route 1 south of Salinas Road and north of Castroville, prior to filing the Final Subdivision Map the project proponent shall pay a pro-rata share of widening the highway to four lanes. These

pro-rata share costs shall be based on the project's contribution as a share of General Plan build-out traffic volumes as indicated in Fair-Share Percentage Calculations Table in the Rancho Los Robles Supplemental Traffic Report (Pinnacle Traffic Engineering, May 2, 2006). In the event the Board of Supervisors adopts a regional traffic impact fee prior to project approval, that includes this highway segment, the associated ad hoc fee shall be counted towards and transferred to the regional traffic fee account.

Statement of Overriding Considerations – The County has determined that the benefits of the project, as conditioned, outweigh the significant and unavoidable impacts of the project on State Route 1 south of Salinas Road. The project will result in development that is consistent with the adopted land use map, will provide affordable housing, convenience commercial, open space and parkland, and local circulation improvements. Project conditions require a fee payment for roads including the segment of State Route 1 south of Salinas Road, and will reduce traffic generation by requiring the facilitation of alternative modes of transportation and telecommuting. *Refer to findings 4p through 4t.*

EVIDENCE:

- (a) The Rancho Los Robles Subdivision Draft EIR considered the effects of the project on traffic in the project vicinity and the north Monterey County region, including along the segment of State Route 1 south of Salinas Road and north of Castroville. The Draft EIR utilized the information in two traffic reports that were prepared for the project.
- (b) State Route 1 south of Salinas Road and north of Castroville is a two-lane highway about seven miles in length that experiences considerable congestion (LOS F) during morning and afternoon periods. State Route 1 south of Salinas Road and north of Castroville is the only segment of State Route 1 between Santa Cruz and Monterey that has not been developed as a four or six-lane freeway. The California Department of Transportation is responsible for improvements to State Route 1. Other than planned improvements to the Salinas Road intersection, including additional lanes for about one mile south of Salinas Road, the California Department of Transportation does not have any plans to expand this segment of State Route 1.

- 5b. **FINDING: ADVERSE CUMULATIVE ENVIRONMENTAL IMPACTS ON REGIONAL GROUNDWATER WOULD REMAIN POTENTIALLY SIGNIFICANT AFTER CONSIDERING MITIGATING FACTORS AND MITIGATION MEASURES** – The project would result in significant and unavoidable cumulative regional groundwater impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval.

Cumulative Regional Groundwater Supply and Seawater Intrusion. The north Monterey County hydrogeologic area is currently in overdraft, and reductions in groundwater pumping are necessary to restore balance and halt the advance of seawater intrusion. The project site water balance would remain in deficit (as with virtually all water demanding uses). The proposed project would lower both total withdrawals and the differential between withdrawals and recharge, based on the 20-year historic water use on the project site. With the proposed project, withdrawals would drop from the averaged historic rate of 86.09 acre-feet per year to 41.61 acre-feet per year, and the net groundwater balance would improve from the averaged historic rate of minus 64.76 acre-feet per year to minus 31.46 acre-feet per year. The North Monterey County Hydrogeologic Area is in significant overdraft, and would remain so with the proposed project. A significant portion of the funding source for implementation of the Pajaro Valley Water Management Agency's (PVWMA) Revised Basin Plan was recently eliminated through court action. Because of the condition of the aquifer, uncertainty in regard to the PVWMA's major water projects, and out of an abundance of caution, the County has determined that new water demanding use in the region would potentially contribute to a significant and unavoidable cumulative hydrologic impact. The following conditions and mitigation measures will help reduce the significant impacts, but not to a level that is less than significant.

Mitigation Measure 20. In order to reduce regional groundwater overdraft, prior to issuance of the last 40 percent of residential building permits for the project, the project proponent shall have a qualified engineer prepare a water use audit of houses already constructed within the project. The study shall determine the annual amount of water used by the first 50 percent of houses for which occupancy permits were issued, based on a 12 month period following issuance of occupancy permits, and adjusted for months when the houses were not actually occupied. The report shall compare actual water use to the projected 305.2 gallons per household per day. If actual water use exceeds the amount projected, an attainment plan shall be prepared to demonstrate how total project water usage will be maintained within projected quantities. No additional residential building permits shall be issued unless the project proponent first demonstrates that water use for that house along with others built or permitted to date will remain within the water use projected in the revised water budget (July 2007). This measure shall be deemed satisfied if the Revised Basin Management Plan or substitute measures are adequately implemented by the Pajaro Valley Water Management Agency, and/or the Water Resources Agency determines that a sustainable water supply is available for the hydrogeological area. The developer shall enter into an agreement with the County to contractually set the terms of this measure.

Mitigation Measure 21. In order to reduce regional groundwater overdraft, following three years of operations, the commercial and recreational water use shall be audited to determine if water use is consistent with projections in the revised water budget (July 2007). If actual water use exceeds the amount projected, the commercial operators and the homeowners' association (for the recreational area) shall prepare an attainment plan to demonstrate how total project water usage will be maintained within

projected quantities. If water use cannot be reduced below projections, irrigation with CWSC-supplied water shall be limited to achieve compliance. The developer shall enter into an agreement with the County to contractually set the terms of this measure.

Mitigation Measure 22. In order to further reduce landscape and open space water consumption, and/or increase groundwater infiltration, the proposed project shall include a landscape water use reduction plan. The plan shall include the following components:

- a. Turf shall be planted only in areas of active recreational use, with minimal turf areas beyond play field boundaries.
- b. Open space turf areas shall utilize a low water use turf variety, and irrigation systems shall be equipped with timing devices that incorporate moisture-sensing valves.
- c. No permanent sprinkler systems shall be installed for open space, park, or commercial landscape areas (excluding turf areas). Temporary irrigation shall be used only until plantings are established and able to survive without artificial irrigation. Plantings shall be selected based on their ability to grow without artificial irrigation during the dry months. Hand watering of specific plantings or containers shall not be prohibited by this measure.
- d. Front yards and streetscape areas shall be landscaped with low water use plantings or non-plant landscape materials. No turf shall be used in front yard landscaping. CC&Rs shall prohibit front yard lawns. Landscaping shall be in place prior to issuance of occupancy permit.

Statement of Overriding Considerations – The County has determined that the benefits of the project, as conditioned, outweigh the significant and unavoidable impacts of the project on the regional groundwater and seawater intrusion. The project will result in development that is consistent with the adopted land use map, will provide affordable housing, convenience commercial, open space and parkland, and local circulation improvements. The project will reduce project site water use compared to the historic conditions on the site, and project conditions will further reduce water use. As conditioned the project will comprise fewer residential units to further reduce water demand.

EVIDENCE:

- (a) The Rancho Los Robles Subdivision Revised Draft EIR revised the information in the DEIR, including updated information on the reduced funding available for the implementation of the Revised Basin Management Plan, and a revised finding that the project would result in significant and unavoidable cumulative impacts to the regional groundwater aquifer and seawater intrusion.
- (b) North County LUP/LCP Water Resources 2.5.2 General Policy 3 requires phased build-out of the North County area, until such time as adequate water supplies are secured for the region. North County LUP/LCP Water Resources 2.5.3 Specific Policy A2 limits water use to the safe-yield level, which is equated to one-half of

build-out within the north County area. North County LUP/LCP Water Resources 4.5.5 General Policy 7 requires that new subdivision and development be phased over time until an adequate supply of water to meet long-term needs can be assured. The project was deemed complete on September 21, 2000, and is considered to be within the first half of north Monterey County's build-out.

- (c) North County LUP/LCP Water Resources 2.5.3 Specific Policy A4 requires new development to incorporate conservation methods into their design, and on-site retention of water for infiltration to groundwater. The project is subject to County ordinances that require low water use landscaping, and State and federal requirements for low-flow plumbing fixtures. Mitigation Measures 20 and 21 require water audits to ensure that the development does not exceed the usage projected in the RDEIR. Mitigation Measure 23 requires additional landscape conservation approaches. The site is underlain by a dense clay layer that prevents infiltration of water, and therefore, infiltration approaches are not considered feasible at this site.
- (d) Numerous studies of the groundwater conditions have been prepared for north Monterey County, including reports prepared by Fugro West Inc. and the Monterey County Water Resources Agency, and these reports detail the current groundwater deficit and adverse effects on the groundwater basin from historic and current groundwater pumping.
- (e) The following mitigating factors were considered in the RDEIR analysis, and serve to lessen the severity of the impact:
 - a. County requirements for water conserving landscaping, and local, state and federal low water use fixture requirements are incorporated into the assumptions for project water balance;
 - b. Recycling of wastewater for agricultural irrigation at the Watsonville wastewater treatment plant has been incorporated into the assumptions for the project water balance (see Table 12);
 - c. The Monterey County Water Resources Agency's north Monterey County hydrological impact fee (Monterey County code 18.51) applies to the proposed project and funds the study and resolution of groundwater issues in north Monterey County. Under the ordinances in effect at the time the proposed project's application was deemed complete, payment of the fee is required and is intended to off-set potential water supply impacts.
 - d. The proposed water purveyor is the California Water Service Company (CWSC), which serves many areas throughout the State, in addition to their service area in Las Lomas. CWSC operates three wells in the area, and their monitoring indicates

that the water meets water quality standards, and that their wells and other wells in the area have sustained water levels in recent years. CWSC prepared a WSA that states they are able to provide adequate water supplies to the proposed project from their existing wells and storage facilities. Because CWSC is a large water purveyor with significant resources, it should deliver long term water quality and quantity.

- e. Due to the connectivity of the Salinas Valley Groundwater Basin and the north Monterey County hydrogeological area, implementation of the Salinas Valley Water Project could have positive effects on the groundwater basin underlying the project site.
- (f) Factors that could further reduce the deficit in the groundwater balance or otherwise off-set adverse effects on groundwater are either not feasible, are not fully feasible, or are not under the control of Monterey County.
 - a. Percolation of water on-site is severely limited by the project site geology. Infiltration of water at the base of the slope at the center of the project site raises concerns with land sliding and liquefaction, and is not considered feasible. Storm water runoff would flow offsite to Carneros Creek and Elkhorn Slough.
 - b. Implementation of the Revised Basin Management Plan, which would mitigate the proposed project's effects on groundwater, is the responsibility of the Pajaro Valley Water Agency (PVWMA), and is not expected in the near future. The PVWMA oversees management of groundwater resources within the north Monterey County area, including the groundwater basin from which the project would withdraw its water. The PVWMA adopted the Revised Basin Management Plan in March 2002. Implementation of the Revised Basin Management Plan would alleviate groundwater problems through a combination of conservation, imported water, cessation of coastal pumping, and use of recycled water for agricultural irrigation in coastal regions. Although some components of the Revised Basin Management Plan have been implemented or are currently under construction, other key components, especially the imported water component, have not been realized. The Revised Basin Management Plan proposes the import of water from the Central Valley Project, but the PVWMA has not been successful in negotiating for an allocation, CVP water deliveries are often less than full allocation, and a pipeline would need to be constructed between Santa Clara County and north Monterey County. Although the PVWMA is studying alternatives to this supply of water, the outcome of that study is not known at this time, and it appears that alternatives may only partially off-set the

previously planned imported water. A key funding component for implementation of the Revised Basin Management Plan was recently ruled invalid by the Court, and funding for the remainder of the Revised Basin Management Plan components is uncertain. Management of the regional groundwater resources, including import of additional water supplies, is an issue that is beyond the jurisdiction of the County of Monterey. The PVWMA is responsible for the programs necessary to provide adequate water resources for the area. In accordance with CEQA Guidelines section 15091(a) (2), the County has determined that implementation of the Revised Basin Management Plan, which would relieve region-wide impacts on the groundwater basin, is the responsibility of another agency.

6. **FINDING: CEQA ALTERNATIVES TO THE PROPOSED PROJECT -** The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the following alternatives as more fully described in the Draft EIR.

EVIDENCE:

- (a) The Rancho Los Robles Subdivision Draft EIR (State Clearinghouse Number 2002091010) dated August 28, 2007 and circulated for public review from September 4, 2007 through October 29, 2007.
- (b) No Project Alternative. The No Project Alternative is required by CEQA Guidelines section 15126.6 (e). The No Project Alternative provides a comparison to the effects of not proceeding with the project and retaining the current land uses indefinitely, but does not serve to attain any of the project objectives. Maintaining the current use would continue current grazing and water uses that can be harmful to water quantity and quality.
- (c) No Project – Future Development. The No Project Future Development Alternative provides a comparison to the effects of not proceeding with the project and developing a project that is consistent with the policies that were proposed in the Monterey County 2006 General Plan update that was ultimately not approved by the Board of Supervisors. This alternative illustrates a development scenario for the site that allows up to 130 houses, but foresees a development of only 75 to 85 units due to resource constraints on the site.
- (d) Staff Reduced Single Family Development Alternative (SRDSFDA). This alternative consists of residential development similar to the project, but with 80 units, including four apartment

units. The recreational park would be located at the edge of the upper terrace.

- (e) Mixed Density Clustered Development Alternative. The Mixed Density Clustered Development Alternative included the same number of units within a smaller geographic area of the site. The alternative incorporated a 40-unit apartment/condominium building on 2.5 acres along Sill Road in addition to duplexes, and detached single family houses.
- (f) Reduced Water Use Alternative. In this alternative the project is developed as proposed with additional on-site and off-site water reduction strategies introduced.
- (g) Alternative Location. No alternative project location was analyzed. Any alternate location within the north Monterey County area would involve similar significant impacts in the areas of groundwater supply and traffic, and would not achieve the goal of reducing these significant impacts.
- (h) Environmentally Superior Alternative. CEQA Guidelines section 15126.6(e) requires the selection of an environmentally superior alternative. If the "no project" alternative is not the environmentally superior alternative, then the environmentally superior alternatives among the remaining alternatives must be identified.
- (i) Recommended Project. The Reduced Development project recommended by staff for approval incorporates some characteristics of the Reduced Single Family Development and Mixed Density Clustered Development Alternative. The alternative includes 80 units, including four apartment units and four duplex units, and re-locates the park to the edge of the upper terrace.
- (j) No New or More Severe Environmental Effects. The alternatives analysis in the Draft EIR concluded that neither the Reduced Single Family Development nor the Mixed Density Clustered Development Alternative would result in new or more severe environmental effects than the project studied in the EIR. These alternatives are essentially scaled-back variants of the project, and the EIR would provide adequate CEQA documentation for approval of either of these alternatives or the alternate recommended by staff.

7. **FINDING: 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. Zoning violation abatement costs, if any, have been paid.

EVIDENCE:

- (a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department Monterey County records and is not aware of any violations existing on subject property.
- (b) Staff conducted a site visit on July 10, 2007 to verify that the project on the subject parcel conforms to the plans submitted under PLN970159.
- (c) The application, plans and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN970159

8. **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:

Preceding findings and supporting evidence.

9. **FINDING: TREE REMOVAL** – The project includes a Tree Removal Permit for the removal of 25 Oak trees in accordance with the applicable policies of the North County Area Plan and the Monterey County Zoning Ordinance (Title 20). The Required Findings in order to grant the permit for tree removal have been met.

EVIDENCE:

- (a) North County Area Plan Policy 8.2.1 states “A permit shall be required for the removal of any of these native oak trees with a trunk diameter in excess of six inches, measured two feet above ground level.”
- (b) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation, bridging roots and transplanting. Road development has also been adjusted to preserve trees by changing the location of road widening and the elimination of curbs.
- (c) Forest Management Plan and supplemental reports were prepared by James P. Allen (July 28, 2006).
- (d) Site visits by planning staff and Monterey’s EIR consultant.
- (e) Draft revised EIR dated August 28, 2007, Sections 2.2 and Appendices D-H.
- (f) Mitigation Measure 10b provides for an updated Forest Management Plan. Mitigation Measure 11 provides protection for trees and habitat on the project site. Mitigation Measure 12 provides for transplanting or replacement of protected oak trees.

- (g) The tree removal under the proposed alternative involves 25 oak trees. Tree removal under the selected Reduced Development Alternative involves the removal of fewer oak trees.
- (h) The removal will not involve a risk of adverse environmental impacts.

10. **FINDING: RECREATIONAL REQUIREMENTS** – The Monterey County Department of Parks and recreation has established requirements for parkland and open space according to requirements in Title 19 Monterey County Subdivision Ordinance. The Required Findings to meet requirements for parkland have been met with conditions.

EVIDENCE:

- (a) The proposed subdivision will create 101 housing units that will require 0.9 acres of parkland according to Section 19.12.010 Recreation Requirements of the County Subdivision Ordinance, Title 19.
- (b) Monterey County Parks Department requires that the subdivision dedicate 0.9 acres of reasonably level land with no environmental constraints that can be used for active recreation.
- (c) A 1.9-acre public use recreation parcel would be located along Hall Road adjacent to the commercial parcel. The field would have an active recreation field in combination with a detention pond. The central section of the site would be open space. The preferred Reduced Development Alternative will provide 2.5 acres of flat dry open space on top of the residential terrace and .5 acres of small playground space. The Reduced Development Alternative will satisfy the requirements of the Parks Department without mitigation.
- (d) The project includes a proposed recreation field within the wetland area to be used seasonally. County Parks has determined that this area is not suitable for active recreational uses and as such does not meet Section 19.12.010 Recreation Requirements of the County Subdivision Ordinance, Title 19 for a subdivision of 101 units. The proposed plan would have to create an alternative to the wetland and detention area to satisfy the Parks Department requirement for “no environmental constraints.”
- (e) The Reduced Development Alternative for 80 units would eliminate home sites in an area where appropriate active recreational facilities could be developed.

11. **FINDING: PUBLIC ACCESS** - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. A bicycle lane and equestrian path are part of the project. Conformance with Section 20.144.150.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE:

- (a) Mitigation Measure 28 provides for pedestrian/bicycle connections along Hall Road connecting the Hall District School, recreation and commercial with the residential areas.
- (b) Sidewalks are required under Mitigation Measure 28 (b) connecting to Sill with an access easement that will meet the Americans with Disabilities Act. A 4-foot wide sidewalk will be provided on the north side of Hall Road.
- (c) Condition 40 requires compliance with the North County Trails Plan including a riding trail and bike route along Hall Road for the entire length of the property. Applicant will dedicate a public recreation trail easement over the subdivided property for the public riding and equestrian trail shown in North County Trails Plan.
- (d) The County will accept the trail easement under an Irrevocable Offer to Dedicate and assumes the responsibility for the riding and equestrian trail.

12. **FINDING: RIDGELINE DEVELOPMENT** – The project is in conformance with North County Visual Resources Development Standards CIP Section 20.144.030 that establishes Visual Resources Development Standards for the North County Planning Area, pursuant to the directives of the North County LUP/LCP.

EVIDENCE:

- (a) The project includes a Coastal Development Permit to create 20 lots that would create ridgeline development as defined in the North County Land Use Plan (Lots 1, 2, and 24-42). Original plans included significant grading (56,850 cubic yards cut and fill) to lower the natural grade levels and create a berm to reduce ridgeline development impacts of the new homes. Revised plans (dated 05/12/06, submitted June 7, 2007) minimize grading and include vegetative screening along Hall Road to avoid visual impacts from a public viewing area (Section 20.144.030.B.6 CIP); however, vegetative screening will not be effective until trees reach maturity.
- (b) Due to the close proximity to Hall Road, proposed commercial and multi-family development would extend above ridges to the north of the site. This is not considered ridgeline development because these structures are located on a level area at about the same elevation as Hall Road and are not located at a “crest of a hill” as stated in the definition of ridgeline development (Section 20.144.020.BBBB CIP).
- (c) North County LUP states to minimize grading for building sites and access roads (Visual Resources 2.2.2 General Policies 3 and 5 and CIP Sections 20.144.030.B.4 and 20.144.100.A.2.c). The proposal minimizes much of the development’s visibility for public

viewing areas by screening the proposed buildings with existing vegetation and topography (Policy 2.2.2.4 LUP). Most of the houses would be screened by the trees on site or beyond the hill top out of view. Proposed houses within the ridgeline view from Hall Road would be generally screened by grading and height restrictions.

- (d) Mitigation includes creating small earth berms (1-4 feet tall) with plant material in a non-uniform pattern along and on top of the berm to achieve a variation in the appearance of the earth berm's height. The earth berm along Hall Road shall be limited to no greater than four feet in height and contoured to achieve a non-uniform appearance. About 10 of the 20 home ridgeline sites will be screened by the commercial and multi-family development once that portion of the project is developed. The site plan shall place buildings near the front of the site with parking to the rear to allow screening of proposed houses on the edge of the hill.
- (e) The Reduced Development Alternative provides an alternative that avoids ridgeline development and minimizes grading (Section 20.144.030.B.6 CIP) by moving structures away from the ridgeline. Although the proposed project is consistent with the visual resource policies of the North County LUP, the Reduced Density Alternative best meets the goals and objectives of the Land Use Plan to avoid ridgeline development by design rather than mitigation.

13. **FINDING: DEVELOPMENT ON STEEP SLOPES GREATER THAN 25%** - The North County CIP Section 20.144.100 (A) (2) (c) requires development to be sited and designed to conform to site topography to minimize grading and site preparation activities.

EVIDENCE:

- (a) The proposed development has been designed to avoid development on slopes 25% or greater.
- (b) Proposed developable lots have been located away from the edge of the upper terrace and away from lots of 25% slope.
- (c) The North County LUP requires all new development to be placed within non-critical erosion areas where possible (Policy 2.5.3.C.3.a). The North County LUP defines critical erosion areas as having a K factor exceeding 0.4 and or slopes exceeding 25%.

14. **FINDING: HOUSING NEEDS** – That in recommending approval of the tentative map, the decision-making body has balanced the housing needs of the County against the public service needs of its residents and available fiscal and environmental resources.

EVIDENCE:

- (a) There are four existing residential units located on the subject property. The medium density residential designation requires

- developing residential units with a range of prices (Policy 4.3.6.D.2 LUP). The proposed project consists of dividing two existing lots of record into 97 lots that could be developed with one market rate unit on each new lot plus, one high density residential lot that would allow a 4-unit complex, and one commercial lot.
- (b) Monterey County requires affordable housing as a percentage of newly constructed housing. The proposed project is subject to the Inclusionary Ordinance 3419 in effect when the application was deemed complete (September 21, 2000). As such, the applicant is responsible for providing 15% of the proposed units as affordable housing. The project has proposed 101 units but is responsible for 97 due to the four high density units proposed for affordable housing. This equates to an obligation equivalent to 14.55 affordable houses. This obligation is reduced to 11.85 units (15% of 79 units) with the Reduced Density Alternative.
 - (c) Although the timing when the project was deemed complete allows the applicant to pay an in-lieu fee rather than build affordable units on site (Chapter 18.40 Monterey County Codes), affordable housing is a priority of the highest order both at the State and local level (Government Code Section 65580.a). The applicant has proposed 22 units of affordable housing for on-site and off site (in payment of in-lieu fees). The applicant proposes four rental houses for low income households and three houses for incomes between 120 to 180% of median income “workforce housing.” Conditions 38 and 39 provide for the inclusionary housing to equal four apartment units and the “workforce housing” to equal three of the single family lots. The agreement shall address pricing of homes, selection of buyers, and resale restrictions.
 - (d) Chapter 18.40 of the Monterey County Code (Inclusionary Housing Ordinance)

15. **FINDING: - WATER IMPACT/NORTH COUNTY:** There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

EVIDENCE:

- (a) The project site is currently served by an on-site well located within the Highlands North sub-basin that is part of the larger Pajaro basin managed by the Pajaro Valley Water Management Agency. Highlands North is a sub-basin that is experiencing

overdraft conditions. This project would remove two wells from Highlands North and obtain water from a public utility (California Water Service Company Pajaro Sunny Mesa) that draws water from the Highlands North sub-basin.

- (b) The North Monterey County Comprehensive Water Resources Management Plan (January 2002) identifies that there is 912,247 acre feet of water in storage in the Highlands North sub-basin. There currently is no seawater intrusion in this sub-basin and it is unlikely that seawater intrusion will occur in the future. With a current demand of 5,612 acre feet of water per year, there would be an available supply for 162.3 years. If the worst-case scenario of total buildout were reached, there would be a supply available for 119 years. State laws (SB610 and SB221) that apply to larger residential development projects require proof of an available supply of water for at least 20 years. California Water Service Company prepared a “Water Supply Assessment Report for Rancho Los Robles, Monterey County, California (LIB070525) dated June 22, 2006, pursuant to SB610 indicating that there was an available supply of water. Using this basis as a standard to define long-term supply, the County finds that there is a long-term supply of water available for this project.
- (c) Chapter 2.5 of the North County LUP establishes policies to address water availability, water quality, erosion and sediment in order to protect water quality and to preserve a sustainable water supply (Key Policy 2.5.1 LUP). Since the property is currently designated for residential use under the certified LUP and the proposed alternative would not increase water use, there would be no impact to agricultural land/uses (Policies 2.5.3.A.1 and 4.3.5.4 LUP). Each residential lot except the multi-family lot will have one residential unit with one water connection. In addition the multi-family lot would allow four units and a commercial lot would include separate water demand. California Water Service Company Pajaro Sunny Mesa has issued a can and will serve letter stating that they would be able to service this development.
- (d) A hydrologic report was prepared by Todd Engineers in order to evaluate the project impacts on the North County water supply (Section 20.144.070.D CIP). A CEQA baseline was established using an average of water use for a 20 year period (1982-2001). This baseline includes well data from 1982-1997, average water use figures from the Department of Water Resources, and domestic use estimates by Todd Engineers. During this 20-year period, the average groundwater pumping is estimated at 86.09 acre feet and infiltration is estimated at 21.33 acre feet per year. This results in a net water loss of 64.76 acre feet per year to the sub-basin.
- (e) Although the proposed project would still create a negative net recharge (water loss), the 2002 Todd Engineers study concludes

that there would be an overall reduction of groundwater withdrawal. The project would decrease withdrawal from 64.76 acre feet per year to 34.49 acre feet per year, which is a net benefit to the sub basin of 30.27 acre feet per year (46.7%). When recycling is considered, an additional 3.03 acre feet per year is saved.

- (f) The North County LUP acknowledges an overdraft condition of the groundwater basin. As a result, Policy 2.5.3.A.2 LUP establishes a safe-yield limit of 50% of the potential buildout remaining at the time the LUP was adopted/certified (2,043 unit/lots). As of August 2007, County records accounted for a total of about 680 units/lots remaining that could potentially be developed in the North County area. All of the pending projects known at this time account for about 300 additional units (including “pipeline” projects such as Pajaro Valley Golf Course), leaving a maximum of 380 units before reaching the buildout limit. Although Policy 2.5.3.A.2 allows for reducing this limit based on new information (defined in the LUP as “definitive water studies”), a LUP amendment would be required in order to adjust this limit.
- (g) Estimates on water use have been made based on product size that may vary at the time it is developed depending on the housing market. Therefore, the EIR prepared for this project establishes a 50% limit at which point the project is in balance for water used and water returned (Policy 4.3.3 LUP). Once 50% of the units are completed, an audit shall be required to assess the water demand and accuracy with water use projections of 305.2 gallons per household per day made in the project EIR. No additional permits will be issued until the project proponent demonstrates that the project will meet the overall demand estimated in the project EIR (**Condition 95**).
- (h) CEQA guidelines Section 15130(a) (3) allow for an applicant to pay a fair share fee towards projects that will address the potential project impacts (Policy 2.5.4.1 LUP). In accordance with Section 18.51.070, fees collected may be used for studies, investigations, plans and programs. The fee has been used to date for the development of comprehensive plans and subsequently for implementation of project identified in the Plan. Fees collected from the subdivision will contribute to funding these types of projects. Although the Pajaro Valley Water Management District also has plans for projects to improve the water supply, they have not secured all the necessary approvals to be considered a viable project under CEQA. Therefore, the County is implementing a phasing strategy that limits initial development to 60% to retain a hydrologic balance of the site (Policies 2.5.3.B.6 and 2.5.4.2 LUP, Section 20.144.070.E.11 CIP). In addition, studies have shown that affordable units use less water than market rate units. A water

audit required following completion of Phase I will evaluate these conditions (**Condition 95**). Selection of the Reduced Density Alternative would reduce the amount of water used and as such better meet the goals and policies of the North County Land Use Plan.

- (i) Monterey County Codes (MCC) include a North Monterey County Water Impact Fee (Chapter 18.51 MCC) that would apply to the proposed project. Under the ordinances in effect at the time the proposed project application was deemed complete, a fee is required based on the total number of new lots/units created in order to off-set potential water supply impacts. Credit may be allowed for costs associated with completing a hydrologic study. This fee cannot be utilized in the coastal zone to address long-term sustainable supply since this requirement was not included in the LCP (as amended). However, such a fee can be required separately by the County, as applicable, and is consistent with CEQA.
- (j) This project would remove multiple septic system and operate using connections to a sanitary sewer (Policies 2.5.2.5, 2.5.3.B.3 and 2.5.3.B.5 LUP). The detention pond design reduces potential pollutants and sediment from the project site as well as agricultural uses north of the site that drain to Elkhorn Slough (Policies 2.5.2.1, 2.5.2.2, and 2.5.3.B.2 LUP). Table 1 in the North County LUP indicates that Sub-watershed 20 where the project is located is not a critical erosion area (Policy 2.5.3.C LUP).
- (k) **Conditions 27-34** have been incorporated to meet Ordinance 3932 of Monterey County Water Resource Agency's Mandatory Water Conservation Regulations.
- (l) Materials in project file PLN970159.

16. **FINDING: –SUBDIVISION.** Section 66474 of the California Government Code (Subdivision Map Act) and Section 19.03.025 (Title 19-Subdivision Ordinance, Coastal Zone) of the Monterey County Codes requires that a request for subdivision be denied if any of the following findings are made:
- 1. That the proposed map is not consistent with the applicable general plan, area plan, coastal land use plan or specific plan.
 - 2. That the design or improvement of the proposed subdivision is not consistent with general plan, area plan, coastal land use plan or specific plan.
 - 3. That the site is not physically suitable for the type of development.
 - 4. That the site is not physically suitable for the proposed density of development.
 - 5. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

EVIDENCE:

Planning staff has analyzed the project against the findings for denial outlined in this section.

- (a) The map and its design and improvements are consistent with the North County Land Use Plan and Coastal Implementation Plan. No specific plan has been prepared for this area.
- (b) The site has been determined to be physically suitable for the type and density of development (**Finding 2**). The property provides for adequate building sites as evidenced by the application materials submitted for the site. The maximum number of lots is limited to 101 taking into account the entire 33.58 acre site and depending on a water use audit for any development (**Condition 90**). Open space and common area totaling 9.73 acres would have no further development potential.
- (c) The design and improvements are not likely to cause substantial environmental damage, substantially and avoidably injure fish or wildlife or their habitat, or cause serious public health problems as demonstrated in the EIR certified and adopted for this project by separate Board resolution. An EIR was prepared for Monterey County Planning and Building Inspection Department by EMC Planning Group, Inc. dated August 28, 2007. **Conditions 25-27** have been developed and incorporated requiring the applicant to construct and/or pay a fee to cover project and cumulative traffic improvements. According to CEQA Guidelines section 15130(a)(3), payment of a fair share fee towards measures necessary to mitigate cumulative impact is considered to reduce the project's contribution to the cumulative impact to a less than significant level.
- (d) Conditions have been incorporated to meet Section 20.144.030.B.9 (underground utilities) of the Coastal Implementation Plan to ensure that the public health, safety, and welfare is preserved and protected. The project is in a very high fire hazard zone as found in the resource maps of the North County Land Use Plan. The North Monterey County Fire Protection District has recommended conditions, which have been incorporated, for development in the very high fire hazard area, which will reduce potential fire risks associated with development of the project. The project will connect to a sanitary sewer system and conditions have been incorporated to meet Environmental Health Division's requirements for sanitary sewer. The Monterey County Coastal Implementation Plan designates this site as a "critical" erosion

area. **Conditions 31-34** have been incorporated to address drainage facilities, subject to the approval of the Water Resources Agency.

- (e) The design and improvements will not conflict with easements for access through or use of the property within the proposed subdivision. Planning staff reviewed the Title Report and applicable recorded documents to identify all easements and ensure that the project does not conflict with existing easements. Also see *Findings 2 and 11*.
- (f) Conditions have been incorporated to meet Section 19.12.010 (Recreation Ordinance) of the Monterey County Code to meet recreation requirements. Also see *Finding 10*.
- (g) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning Department for the proposed development, found in the project file.

17. **FINDING: APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE:

- (a) This project is appealable to the California Coastal Commission under 20.86.080 A. as described in paragraph 2.
- (b) Section 20.86.030 Monterey County Zoning Ordinance (Title 20).

EXHIBIT D Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: Rancho Los Robles Subdivision File No: PLN970159 Approved by: Subdivision Committee	APNs: 412-073-015 & 412-073-002-000 Date: March 27, 2008
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verific ation of Compl iance (name/ date)</i>
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN0970159) allows 1) Coastal Development Permit and standard subdivision to allow for the division of two parcels of 16.96 and 16.62 acres into 75 lots: 71 single family residential parcels with lot sizes ranging from 4,200 sq. ft. to 18,000 sq. ft., with four duplex lots, one .6 acre multi-family residential parcel, one 1.76 acre commercial parcel, one 1.5 acre community recreation parcel and one common area parcel; 2) Coastal Development Permit to allow the removal of 20 coastal oak trees; 3) General Development Plan and coastal development permit to allow for commercial or quasi-public development of the commercial parcel and the construction of a four unit apartment building on the multi-family residential parcel; 4) a Coastal Development Permit to allow for the demolition of two single family dwellings, two barns, a garage and the removal of two mobile homes, 5) Coastal Development Permit to allow development on slopes greater than 25%. The property is located at 100 Sill Road, Royal Oaks (Assessor's Parcel Numbers 412-073-015 & 412-073-002-000), North County Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

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		of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 970159) was approved by the (Subdivision Committee) for Assessor's Parcel Numbers 412-073-015 & 412-073-002-000 on March 25, 2008. The permit was granted subject to 100 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the	Owner/ Applicant/ Archaeologist	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
			archaeologist shall immediately visit the site to determine what resources exist and to develop proper mitigation measures for the discovery			
4.		<p>PD004 - INDEMNIFICATION AGREEMENT</p> <p>The property owner agrees as a condition and in consideration of the 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. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
5.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 735.5, 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 Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department. If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant Owner/ Applicant	Within 5 working days of project approval. Prior to the recordation of the final map, the start of use or the issuance of building or grading permits	
6.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan 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 mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.		PD009 - GEOTECHNICAL CERTIFICATION Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. (RMA – Planning Department and Building Services Department)	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project’s compliance with the geotechnical report.	Owner/ Applicant / Geotechnical Consultant	Prior to final inspection	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
8.		<p>PD010 - EROSION CONTROL PLAN AND SCHEDULE</p> <p>The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. (RMA - Planning Department and RMA - Building Services Department)</p>	<p>An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading and building permits</p>	
			<p>Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	
			<p>Evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department</p>	<p>Owner/ Applicant</p>	<p>Prior to final inspection</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
9.		<p>PD011 – TREE AND ROOT PROTECTION</p> <p>Trees which are located close to the 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 a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the 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 a 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 Department)</p>	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			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.	Owner/ Applicant/ Arborist	During Construction	
			Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
11.		<p>PD012(A) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY)</p> <p>The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. 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 Department. 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 Department)</p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor / Licensed Landscape Architect</p>	<p>At least three (3) weeks prior to final inspection or occupancy</p>	
			<p>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.</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	

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12.		<p>PD012(B) - LANDSCAPE PLAN AND MAINTENANCE (OTHER THAN SINGLE FAMILY DWELLING)</p> <p>The site shall be landscaped. At least three (3) weeks prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. 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 Department)</p>	<p>Submit landscape plans and contractor’s estimate to the RMA - Planning Department for review and approval.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor / Licensed Landscape Architect</p>	<p>At least three (3) weeks prior to final inspection or occupancy</p>	
			<p>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</p>	<p>Owner/ Applicant</p>	<p>Ongoing</p>	
13.		<p>PD012(C) - LANDSCAPING PLAN - NORTH COUNTY COASTAL NATIVE</p> <p>The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (<i>Suggested Native Species Landscaping List - North County Coastal Zone</i>) from the RMA - Planning Department. (RMA – Planning Department)</p>	<p>Submit landscape plans and contractor’s estimate to RMA - Planning Department for review and approval.</p> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	<p>Owner/ Applicant/ Licensed Landscape Contractor / Licensed Landscape Architect</p> <p>Owner/ Applicant</p>	<p>At least three weeks prior to final inspection or occupancy</p> <p>Prior to Occupancy/ Ongoing</p>	

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14.		<p>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN 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 applicant shall submit 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 the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
			<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to Occupancy /Ongoing	
15.		<p>PD016 – NOTICE OF REPORT Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A hydrologic report ("Water Supply Assessment Report" has been prepared for this parcel by California Water Service Company, dated June 22, 2006 and is on record in the Monterey County RMA - Planning Department , Library No. LIB070525. All development shall be in accordance with this report." (RMA – Planning Department)</p>	<p>Proof of recordation of this notice shall be furnished to the RMA - Planning Department.</p>	Owner/ Applicant	Prior to the issuance of grading and building permits.	

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16.		EH4 - FIRE FLOW STANDARDS Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)	Submit evidence to the Division of Environmental Health that the proposed water system improvements have been approved by the local fire protection agency.	CA Licensed Engineer /Owner/ Applicant	Prior to installing or bonding water system improvements	
17.		EH5 - INSTALL/BOND WATER SYSTEM IMPROVEMENTS The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement. (Environmental Health)	The developer shall install the water system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the water system improvements and provide security guaranteeing the performance of the Agreement.	CA Licensed Engineer /Owner/ Applicant	Prior to filing final map	

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18.		<p>EH6 - WATER SERVICE CAN/WILL SERVE Provide to the Division of Environmental Health written certification, and any necessary certification from State agencies that California Water service Company Heritage Homes <u>can</u> and <u>will</u> supply sufficient water flow and pressure to comply with both Health and fire flow standards. (Environmental Health)</p>	Submit written certification to the Division of Environmental Health for review and approval.	CA Licensed Engineer /Owner/ Applicant	Prior to filing a final map and/or issuance of a building permit	
19.		<p>EH7 - ABANDONED WELLS Destroy the existing abandoned well(s) according to the standards found in State of California Bulletin 74 and all its supplements, and Chapter 15.08 of the Monterey County Code. The well shall not be considered abandoned if satisfactory evidence is provided that the well is functional, is used on a regular basis, and does not act as a conduit for contamination of groundwater. (Environmental Health)</p>	Prior to destruction, a permit for the destruction of the well(s) shall be obtained by a CA licensed well contractor from the Division of Environmental Health. After destruction submit the Well Completion Report to the Division of Environmental Health	CA Licensed Engineer /Owner/ Applicant	Prior to filing a final map and/or issuance of a building permit	

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20.		<p>EH12 - EXISTING SEPTIC SYSTEM Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property. Any sewage disposal system or part thereof which crosses property lines or does not meet the setback requirements specified in Monterey County Code, Chapter 15.20 will require proper abandonment and replacement with an approved system. A permit for the system replacement shall be obtained from the Monterey County Health Department. (Environmental Health)</p>	Division of Environmental Health must approve plans.	CA Licensed Engineer /Owner/ Applicant	Prior to filing the final parcel map or issuance of a building permit	
21.		<p>EH24 - SEWER SERVICE CAN/WILL SERVE Provide certification to the Division of Environmental Health that Pajaro County Sanitation District #382 Sunny Mesa Water Service District can and will provide sewer service for the proposed property/project. (Environmental Health)</p>	Submit certification to Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of a building permit.	

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22.		<p>EH25 - INSTALL/BOND SEWER SYSTEM IMPROVEMENTS The developer shall install the sewer system improvements to and within the subdivision and any appurtenances needed or shall enter into a Subdivision Improvement Agreement with the County to install the sewer system improvements and provide security guaranteeing the performance of the Agreement. (Environmental Health)</p>	Submit evidence to the Division of Environmental Health that the sewer system improvement installation has been accepted by the regulating agency or that the developer has entered into a Subdivision Improvement Agreement and has provided security acceptable to the County.	Owner/ Applicant	Prior to filing the final parcel map.	
23.		<p>EH27 - SEWER SYSTEM IMPROVEMENTS Engineered plans for the sewage disposal system including all necessary redundancies shall be submitted to and approved by the appropriate sewer service district. (Environmental Health)</p>	Submit written verification to the Division of Environmental Health that plans have been reviewed and approved.	Owner/ Applicant	Prior to filing the final/parcel map or issuance of a building permit.	

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24.		<p>EH38 - SEPARATE RECYCLABLES</p> <p>All persons shall separate all 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 (MCC 10.41.020.B). (Environmental Health)</p>	Submit a plan to the Division of Environmental Health for review and approval.	Owner/ Applicant	Prior to issuance of building permits/ Continuous condition	
25.		<p>EH42 - COMPLY WITH NOISE STANDARDS</p> <p>The Project shall comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code. (Environmental Health)</p>	Comply with the Noise Element of the Monterey County General Plan and Chapter 10.60 (Noise Control) of the Monterey County Code	Owner/ Applicant	Continuous	

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26.		<p>WR36 - HOMEOWNERS ASSOCIATION CC&R'S A homeowner's association shall be formed for the maintenance of roads, drainage facilities, and open spaces. The Director of Public Works, the Director of Planning and Building Inspection, and the County Water Resources Agency shall approve documents for formation of association. The covenants, conditions and restrictions (CC&R's) shall include provisions for a yearly report by a registered civil engineer and the monitoring of impacts of drainage and maintenance of drainage facilities. Report shall be approved by the County Water Resources Agency. (Water Resources Agency and Public Works)</p>	Submit the CC&R's to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to filing of final map	
27.		<p>WR41 - NOTICE OF WATER CONSERVATION REQUIREMENTS A notice shall be recorded on the deed for each lot stating: "All new construction shall incorporate the use of low water use plumbing fixtures and drought tolerant landscaping, in accordance with County Water Resources Agency Ordinance No. 3932." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	Submit a recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recordation of the notice shall occur concurrently with the final map	
28.		<p>WR42 - LANDSCAPING REQUIREMENTS A notice shall be recorded on the deed for each lot stating: "The front yards of all homes shall be landscaped at the time of construction. Low water use or drought tolerant plants shall be used together with water efficient irrigation systems." Prior to recordation of the final map, a copy the completed notice shall be provided to the Water Resources Agency for approval. (Water Resources Agency)</p>	Submit the recorded notice to the Water Resources Agency for review and approval. (A copy of the County's standard notice can be obtained at the Water Resources Agency.)	Owner/ Applicant	Recordation of the notice shall occur concurrently with the final map	

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29.		<p>WR47 - WASTE MANAGEMENT PLAN</p> <p>The applicant shall provide the Water Resources Agency a Construction Site Waste Management Plan prepared by a registered civil engineer that addresses the proper disposal of building materials and other construction site wastes including, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary wastes. The Site Waste Management Plan must also address spill prevention, control and clean up of materials such as petroleum products, fertilizers, solvents, pesticides, paints and cleaners. (Water Resources Agency)</p>	Submit the plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
30.		<p>DRAINAGE NOTE</p> <p>A note shall be recorded on the final map stating: “Impervious surface stormwater runoff shall be directed to the stormwater drainage system for the Rancho Los Robles Subdivision. If stormwater runoff from an individual lot cannot be directed to the subdivision drainage improvements, a drainage plan shall be prepared by a registered civil engineer or architect prior to issuance of any building permits. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency.” Prior to recordation of the final map, the applicant shall provide the Water Resources Agency a copy of the map to be recorded. (Water Resources Agency)</p>	Submit a copy of the final map to be recorded, with appropriate note, to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to recordation of the final map	WRA

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31.		<p>FIRE001 - ROAD ACCESS</p> <p>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 (streets without direct access). 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. North County Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	
32.		<p>FIRE002 - ROADWAY ENGINEERING</p> <p>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. North County Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	

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33.		<p>FIRE010 -ROAD SIGNS</p> <p>All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum 4-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of Monterey County Ordinance No. 1241. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than 100 feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Reviewing Fire Authority. North County Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on improvement plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to filing of final map.</p> <p>Prior to issuance of building permit(s) for development on individual lots within the phase of the subdivision</p>	

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34.		<p>FIRE012 - EMERGENCY WATER STANDARDS - WATER SYSTEMS</p> <p>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 North County Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of permit.</p> <p>Prior to final building inspection</p>	

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35.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES</p> <p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. North County Fire District.</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p> <p>Prior to final building inspection</p>	

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36.		<p>FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</p> <p>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. (North County Fire District.)</p>	<p>Applicant shall enumerate as “Fire Dept. Notes” on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	<p>Applicant or owner</p> <p>Applicant or owner</p> <p>Applicant or owner</p>	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	

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37.		<p>FIRE030 OTHER NON-STANDARD CONDITIONS: Fire apparatus access roadways shall be a minimum of 36 feet with 15 feet vertical clearance. Cul-del-sac turnarounds shall have a minimum 40 foot radius.</p> <p>The parcel map for the subdivision shall be drawn using Auto CAD Version 14 or newer or an approved equal. The submitted map shall, at a minimum, contain the following entities:</p> <ul style="list-style-type: none"> • Property Lines • Parcel numbers • Roads, streets, and driveways • Fire hydrants • Assessor Parcel Numbers • Building Envelopes <p>Approved media form shall be either CD or email. Files shall be in either *.dwg format only. Electronic mail will be accepted at AA@ncfpd.org. (North County Fire Protection District)</p>	An electronic copy of the parcel map shall be submitted to the North County Fire District for approval.	Applicant/ Owner	Prior to the filing of a final parcel map	

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38.		<p>NON-STANDARD CONDITION HOUSING & REDEVELOPMENT</p> <p><u>INCLUSIONARY HOUSING:</u></p> <p>Developer will provide for the Inclusionary Housing obligation equal to 14.55 units. The Agreement will require that four on-site low-income Inclusionary units be provided on the multi-family parcel and that the remaining obligation of 10.44 units be provided at an off-site location and/or provided by payment of an in-lieu fee. The Agreement content and form shall be consistent with the County's current Inclusionary Housing Administrative Manual and will specifically address, but not be limited to, the specific affordability levels, design of the units, location and type of any off-site units, selection of owners and/or renters, and the timing of providing Inclusionary units relative to sale of market rate lots or issuance of building permits. (Housing and Redevelopment)</p>	The developer shall execute an Inclusionary Housing Master Developer Agreement, in a form acceptable to the County of Monterey Housing and Redevelopment Department.	Applicant or Owner	Prior to recordation of the Final Map	

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39.		<p>NON-STANDARD CONDITION HOUSING & REDEVELOPMENT WORKFORCE HOUSING: Prior to the recordation of the Final Map the developers shall execute a Workforce Housing Agreement, in a form acceptable to the County, that provides that three of the proposed single family lots be developed as Workforce Housing Units (affordable to households earning up to 180% of the County Median Income). The Agreement shall address, but not be limited to, the pricing of the units, selection of buyers, and resale restrictions. (Housing and Redevelopment)</p>	<p>Applicant shall execute a Workforce Housing Agreement with the County of Monterey Housing and Redevelopment Department which will set forth provisions for setting the sales prices and selecting the buyers.</p>	<p>Applicant or Owner</p>	<p>Prior to recordation of Final map</p>	

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40.		<p>NON-STANDARD CONDITIONS PARKS RECREATION REQUIREMENTS/LAND DEDICATION – The Applicant shall comply with Section 19.12.010- Recreation Requirements, of the County Subdivision Ordinance, Title 19, Monterey County code, by dedicating land and constructing recreation facility improvements in accordance with the provisions contained in Section 19.12.010(D) to reasonably serve the residents of the subdivision. The Applicant shall meet this requirement in the following manner:</p> <p>a) PARKLAND DEDICATION - For 80 residential units, the total park dedication shall be 0.69 acres of usable parkland (i.e., level terrain, little to no environmental constraints for active recreational facilities). This parkland shall be located within the upper terrace of the property and shall be located such that no residential parcel is farther than one-quarter mile from the nearest park site. The “Community Recreation” parcel shown on the tentative map in the lower portion of the property shall <u>not</u> count towards meeting this park dedication requirement due to the inability to develop this parcel with active recreational facilities (i.e., the size and configuration of the storm drainage detention pond renders the site unusable for soccer, little league baseball or softball fields, the typical types of active recreation uses to serve the surrounding neighborhood or residences within at least a quarter mile radius from the proposed park). Prior to filing of the first final map, the Applicant shall revise the map to meet this parkland dedication requirement and submit the revised map to the Monterey County Parks Director and Monterey County Planning Director for review and approval.</p> <p>(b) PARK AND RECREATION FACILITIES PLAN - The dedicated park parcel(s) on the upper terrace described in a) above shall be developed with active recreational facilities to meet the needs of all ages of residents within the subdivision. To meet this requirement, the Applicant shall submit a Park and Recreation Facilities Plan and cost estimate for the improvements to be made on the dedicated park parcel(s).</p>	<p>Applicant shall revise the map to meet this parkland dedication requirement and submit the revised map to the Monterey County Parks Director and Monterey County Planning Director for review and approval.</p> <p>Applicant shall submit a Park and Recreation Facilities Plan and cost estimate for the improvements to be made on the dedicated park parcel(s). The Plan shall delineate park and recreation structures, park improvement and landscaping components with a cost estimate for each park site. If the development is phased, the Park and Recreation Plan shall also indicate the phasing and construction schedule for each park site.</p>	<p>Applicant or Owner</p> <p>Applicant or Owner</p>	<p>Prior to filing of first final map</p> <p>Prior to filing of first final map, the Park and Recreation Facilities Plan shall be submitted to the Monterey County Parks Director for review and approval.</p>	

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		<p>The Plan shall delineate park and recreation structures, park improvement and landscaping components with a cost estimate for each park site. If the development is phased, the Park and Recreation Plan shall also indicate the phasing and construction schedule for each park site. Prior to filing of first final map, the Park and Recreation Facilities Plan shall be submitted to the Monterey County Parks Director for review and approval.</p> <p>(c) CONSTRUCTION OF PARK AND RECREATION IMPROVEMENTS -, The Applicant shall complete the construction of the recreation improvements delineated in the final approved Park and Recreation Facilities Plan. The Applicant shall complete the construction of the recreation improvements delineated for each phase of the subdivision in the final approved Park and Recreation Facilities Plan. If the development is phased, prior to occupancy of fifty percent (50%) of residences within each</p>	<p>Monterey County Parks Director will review recreation improvements for Park and Facilities Plan or for each phase of development that incorporates a park.</p>	<p>Applicant or Owner</p>	<p>Prior to occupancy of fifty percent (50%) of residences or two years from final map recordation, whichever occurs first</p> <p>Prior to occupancy of fifty</p>	

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		<p>phase of development that incorporates a park site or two years from the completion of the previous phase of development, whichever occurs first, the Applicant shall complete the construction of the recreation improvements delineated for that phase in the final approved Park and Recreation Facilities Plan.</p>			<p>percent of residences for each phase that incorporate s a park Or two years from completion of previous phase</p>	

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		<p>(d) PARK AND RECREATION FACILITIES PERFORMANCE BOND – The Applicant shall provide the County with adequate security in the form of a performance bond or other suitable security acceptable by the County of Monterey in the amount of one hundred percent (100%) of the costs for the recreation improvements shown in the final approved Park and Recreation Facilities Plan. This requirement shall be met or, if the development is phased, prior to recordation of the final map for each phase of development that incorporates a park site.</p> <p>(e) RECREATION FACILITIES MAINTENANCE AND OPERATIONS PLAN – The Applicant shall provide the Monterey County Parks Director with a Recreation Facilities Maintenance and Operations Plan for review and approval. The purpose of this Plan is to assure the County that the park and recreational facilities will be maintained and operated in perpetuity for the enjoyment, health and safety of the residents of the subdivision with an appropriate funding source and maintenance entity. (Parks Department)</p>	<p>A performance bond will be provided to the County of Monterey for 100% of costs for recreation improvements in Park and Recreation Plan</p> <p>Monterey County Parks Director will review a Recreation Facilities Maintenance and Operations Plan</p>	<p>Applicant or Owner</p> <p>Applicant or Owner</p>	<p>Prior to recordation of the final map</p> <p>Prior to recordation of the final map</p>	

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41.		<p>NON-STANDARD CONDITIONS PARKS</p> <p>COMPLIANCE WITH NORTH COUNTY TRAILS PLAN - The adopted North County Trails Plan shows a riding and equestrian trail and a bike route along Hall Road for the entire length of the property frontage. In order to comply with the North County Trails Plan, prior to filing of the first final map, the applicant shall submit a trails plan to the Monterey County Parks Director, Planning Director and Public Works Director for review and approval. Prior to recordation of the first final map, the Applicant shall offer to dedicate a public recreation trail easement over the subdivided property for the public riding and equestrian trail shown in the North County Trails Plan. The trail easement shall be offered to the County through an Irrevocable Offer to Dedicate Agreement, which shall set forth the terms, conditions, restrictions and subsequent use and location of the public riding and equestrian trail. The specific trail alignment shall be located entirely within the trail easement. This trail easement shall not be opened to the public for trail access until such time as the County accepts the trail easement under the terms and conditions of the Irrevocable Offer to Dedicate, and thereafter assumes the responsibility for the public riding and equestrian trail. As part of the Applicant's required road improvements to Hall Road, the Applicant shall construct the bike route within the public right-of-way of Hall Road for the entire length of the property frontage for approval by the Monterey County Public Works Director. (Parks Department)</p>	<p>Applicant shall submit a trails plan to the Monterey County Parks Director, Planning Director and Public Works Director for review and approval.</p> <p>Applicant shall submit a trails easement plan to the Monterey County Parks Director, Planning Director and Public Works Director for review and approval.</p> <p>Hall Road bike route improvements subject to approval by the Monterey County Public Works Director.</p>	<p>Applicant or Owner</p> <p>Applicant or Owner</p> <p>Applicant or Owner</p>	<p>Prior to the filing of the first final map</p> <p>Prior to recordation of the first final map</p> <p>Prior to recordation of the first final map</p>	

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42.		PW0003 – ENCROACHMENT (CURB, ETC) Obtain an encroachment permit from the Department of Public Works and construct curb, gutter, sidewalk and pave-out along the frontage of Sill Road. (Public Works)	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permit Issuance	
43.		PW0003 (MODIFIED) – ENCROACHMENT (CURB, ETC) Obtain an encroachment permit from the Department of Public Works and widen the northerly half of Hall Road to half of a major street-divided section along the project frontage of Hall Road subject to the approval of the Department of Public Works. The improvement shall include transitions from the existing two lane sections to the new widened section. A portion of the cost of this improvement will be credited to the developer toward the traffic mitigation fees required by Mitigation Measure 25. Developer shall be responsible for obtaining any required permits and environmental clearances. (Public Works)	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupying or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner/ Applicant	Prior to Building/ Grading Permit Issuance	
44.		PW0008 – HALL ROAD DEDICATION Dedicate to the County of Monterey, 55' from the centerline of Hall Road for street and right-of-way purposes. (Public Works)	Applicant's surveyor shall prepare description of area to be dedicated. DPW can prepare deed.	Owner/ Applicant/ Surveyor	Prior to Building/ Grading Permits Issuance	

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45.		PW0008 – SILL ROAD DEDICATION Dedicate to the County of Monterey, 30' from the centerline of Sill Road for street and right-of-way purposes. (Public Works)	Applicant's surveyor shall prepare description of area to be dedicated. DPW can prepare deed.	Owner/ Applicant/ Surveyor	Prior to Building/ Grading Permits Issuance	
46.		PW0010 – SEWER CONNECTION Obtain a sewer connection permit from the Department of Public Works and pay all applicable fees. (Public Works)	Applicant shall apply for permit with Department of Public Works, obtain the permit, and pay applicable fees.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
47.		PW0012 – PLAN SUBMITTAL (SEWER) Submit plans to the Department of Public Works for approval and construct all necessary sewer improvements. (Public Works)	Applicant shall submit improvement plan to Department of Public Works for approval. Sewer improvements to be constructed in compliance with approved plans.	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	
48.		PW- NON-STANDARD-ANNEXATION Applicant shall annex the property into the Pajaro County Sanitation District and pay all required fees. (Public Works)	Applicant shall record annexation and submit letter from Pajaro County Sanitation District and application from LAFCO to verify required annexation	Owner/ Applicant	Prior to Building/ Grading Permits Issuance	

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49.		PW0015 – UTILITY’S COMMENTS Submit the approved tentative map to impacted utility companies. Subdivider shall submit utility company recommendations, if any, to the Department of Public Works for all required easements. (Public Works)	Subdivider shall provide tentative map to impacted utility companies for review. Subdivider shall submit utility comments to DPW	Owner/ Applicant	Prior to Recordation of Map	
50.		PW0016 – MAINTENANCE OF SUBDIVISIONS Pay for all maintenance and operation of subdivision improvements from the time of installation until acceptance of the improvements for the Subdivision by the Board of Supervisors as completed in accordance with the subdivision improvement agreement and until a homeowners association or other agency with legal authorization to collect fees sufficient to support the services is formed to assume responsibility for the services. (Public Works)	Subdivider shall be responsible to maintain improvements until maintenance is assumed by another entity.	Subdivider	Ongoing	
51.		PW0017 – NATURAL DRAINAGE EASEMENT Designate all natural drainage channels on the final map by easements labeled “Natural Drainage Easement”. (Public Works)	Subdivider’s surveyor shall include labeling as described on Final Map.	Subdivider/ Surveyor	Prior to Recordation of Final Map	

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52.		PW0020 – PRIVATE ROADS Designate all subdivision roads as private roads. (Public Works)	Subdivider's Surveyor shall designate private roads on final map.	Subdivider	Ongoing	
53.		PW0021 – ROAD NAMES Submit all proposed road names to the Department of Public Works for approval by County Communications. (Public Works)	Subdivider shall submit proposed road names to DPW. DPW will submit to County Communications for Approval.	Subdivider	Prior to Recordation of Final Map	
54.		PW0023 – IMPROVEMENT PLANS Provide improvement plans for approval of the Department of Public Works and that the roads are constructed in accordance with the typical section shown on the tentative map. (Public Works)	Subdivider shall submit improvement plans prepared by his Engineer to DPW for approval. Improvements to be bonded prior to recordation of final map.	Subdivider	Prior to Recordation of Final Map	

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55.		PW0032 – AS BUILT PLANS A Registered Civil Engineer shall file as built plans (originals) in the Department of Public Works with a letter certifying improvements have been made in conformance to improvement plans and local ordinance. (Public Works)	Subdivider's Engineer shall submit as built plans and stamped notice of completion letter to DPW for review and approval.	Subdivider/Engineer	Prior to Release of Bonds	
56.		PW-NON-STANDARD- SEWER CAPACITY Developer shall have a study prepared analyzing the capacity of the Las Lomas and Salinas Road lift stations and sewer main. Identified improvements, resulting from the study, to accommodate the Rancho Los Robles Subdivision shall be funded by the developer. (Public Works)	Submit study to Public Works Department for approval to include analysis performed by a registered civil engineer.	Subdivider/Engineer	Prior to Building Grading Permit	
57.		PW-NON-STANDARD CONDITION- ENVIRONMENTAL SERVICES MANAGER Signature block shall be provided for the Environmental Services (ES) Manager's or his/her designee's signature for final review and approval of the improvement plans for this project. The plans shall not be finalized until and unless this signature is provided. (Public Works)	Submit Plans to Public Works or Building Inspection to verify the signature of the Environmental Services Manager	Subdivider	Prior to recordation of the final map	

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58.		<p>PW-NON-STANDARD CONDITION-REIMBURSABLE SERVICES AGREEMENT</p> <p>The current owner/developer and/or their successors shall sign a Reimbursable Services Agreement (RSA). The RSA shall include all costs and expenses incurred by ES personnel for meetings, reviews, labor, administrative costs, travel, vehicles, travel time and all costs associated with this project. The current owner/developer and/or their successors shall be billed and 100% pay for all project costs on a monthly basis. (Public Works)</p>	Applicant or Engineer shall submit signed RSA and records of payment to Director of Planning and Director of Public Works for approval.	Owner	Prior to recordation of the final map	
59.		<p>PW-NON-STANDARD CONDITION- FEE PAYMENT</p> <p>The current owner/developer and/or their successors shall pay 100% for all necessary fees and payments prior to issuance of any connection, inspections or user fees by ES. Should the current owner/developer and/or their successors sell any properties to new owner or developers in the future, the current owner and/or their successors shall advise the new owners or developers, in writing, of any and all fees or payments to be collected by ES prior to issuance of any and all ES permits. ES shall furnish copies of all these written notices as they occur. (Public Works)</p>	Applicant or Engineer shall submit records of payment of all related ES fees to Director of Planning and Public Works for approval.	Owner/ Developer	<p>Prior to recordation of the final map</p> <p>Prior to issuance of any connection, inspections or user fees by ES.</p>	

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60.	1.	<p>Aesthetics</p> <p>In order to preserve the wooded character of the western portion of the project site and the rural character of the surrounding areas, final improvement plans or landscape plans for the residential areas shall include a fencing plan. Fence designs for rear fences of lots 28-32, 54-56, 87-89, and 92-97, and fences facing Sill Road on lots 5-17, 60-67, 81 and 82, shall meet the following criteria:</p> <ul style="list-style-type: none"> a. Designs shall blend with the surrounding oak woods and rural character; b. Designs shall be open or partially open, such as a wood frame with welded wire, partially open slats, or split rail, and shall not exceed four feet in height from finish grade; c. Materials shall be of informal character, such as weathered wood, grape stakes, and/or welded wire; d. A minimum 15-foot landscape lot shall be provided to the street side of fences, and native and drought tolerant trees, shrubs or vines shall be used to partially screen the fences. A berm, about one-to two feet high, should be incorporated into the design at locations where such a berm would not pose a concern to the health of existing oak trees; 	<p>The project proponent shall have a fencing plan prepared for the review and approval of the Monterey County Planning Department based on conformance with the requirements of the mitigation measure</p> <p>The applicant shall prepare a landscape plan for the approval of the Monterey County Planning Department.</p> <p>Title restrictions in conformance with the requirements of the fencing plan shall be included on the title and shall be reviewed by the Monterey County Planning and Building Inspection Department for approval.</p>	Owner/ Architect	<p>Prior to acceptance of final improvement plans or landscape plans</p> <p>Prior to landscaping</p> <p>Prior to issuance of building permits for the residences</p>	

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		<p>e. Plants shall be those included on the County brochure <i>Suggested Native Species Landscaping List in the North County Coastal Zone</i> or the County brochure <i>Drought Resistant Plants</i>, or other appropriate native California plants as identified by a qualified landscape architect;</p> <p>f. Streets, sidewalks, pathways, fencing, and landscaping shall be designed to eliminate the removal of established trees along Sill Road.</p> <p>Title restrictions shall be recorded on affected lots to maintain the fence design requirements. (Planning Department)</p>	<p>The project proponent shall submit written and photographic evidence of completion of the fences and associated landscaping for review and approval by the Monterey County Planning and Building Inspection Department based on the designs of the approved fencing plan.</p>	<p>Owner/ Architect</p>	<p>Prior to issuance of occupancy permits for the lots included in the mitigation measure,</p>	

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61.	2	<p>Aesthetics</p> <p>In order to preserve the rural character of the project site and surrounding area, the applicant shall prepare design standards for the commercial, apartment, recreational, open space, and storm water basin components. The design standards shall be recorded on the titles for the affected parcels and shall apply to all site development, architectural, and landscape plans for the commercial, recreational, open space, and storm water basin components. The design standards shall conform to the following requirements:</p> <ul style="list-style-type: none"> a. Natural materials, simulated natural materials, texturing and/or coloring shall be used for paved sidewalks, walkways, patios and similar areas, using a design that will blend with the rural character of the surrounding area. When feasible, a hard-packed paving material such as decomposed granite is preferred in lieu of poured concrete or asphalt; b. Building architecture shall be rural in style, featuring rustic elements drawn from barns and other early architecture, with designs and materials historically used in rural north Monterey County; c. Poured concrete curbs and gutters shall be eliminated or minimized to the extent feasible. If curbs are required, designs such as a rolled curb with less defined edges than standard angular curbs and gutters shall be used; d. Business signage shall be consolidated onto no more than two signs, and shall conform to Coastal Implementation Program requirements for design and materials; 	<p>CC&Rs shall be prepared that include landscape restrictions consistent with the mitigation measure.</p> <p>The project proponent shall have design standards prepared, and shall ensure that site development, architecture, and landscape plans are prepared consistent with the standards. The design standards and related plans shall be reviewed and approved by the Monterey County Planning and Building Inspection Department based on conformance with the</p>		<p>Prior to recordation of Final Maps</p> <p>Prior to acceptance of general development plan, or final improvement plans</p>	

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		<ul style="list-style-type: none"> e. Lighting shall be limited to no more than three-quarters the height of the tallest building on the project site, or 20 feet if there are no buildings, shall be designed to limit off-site glare, and shall be designed to blend with the architecture of the buildings and/or the rural setting; f. Substantial vegetative screening shall be provided to obscure off-site views of built accessory elements, including trash enclosures, rest rooms, and bleachers; trash enclosures shall also be screened with a fence or wall integrated with or matching building architecture. g. Split rail or similar open fence designs shall be used when fences are necessary (see also Mitigation Measure 14); h. Partial vegetative screening, with plants approximately two to four feet in height (to preserve view angles for cars entering and exiting), shall be provided to obscure off-site views of parking areas; i. Partial vegetative screening of buildings shall be provided, with an average of at least one tree per 30 feet of frontage planted along Hall Road, and at least one additional tree planted within 50 feet of the west or south side of each commercial building for each 50 feet of building front on the west or south elevation; 	<p>Requirements of the mitigation measure.</p> <p>The applicant shall prepare a landscape plan for the approval of the Monterey County Planning and Building Inspection Department.</p> <p>Title restrictions in conformance with the requirements of the design standards shall be recorded on titles and shall be reviewed by the Monterey County Planning and Building Inspection Department for approval</p>		<p>Prior to landscaping</p> <p>Prior to issuance of building permits for the residences</p>	

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		<ul style="list-style-type: none"> j. Plants shall be those included on the County brochure <i>Suggested Native Species Landscaping List in the North County Coastal Zone</i> or the County brochure <i>Drought Resistant Plants</i>, or other appropriate native California plants as identified by a qualified landscape architect; trees near the drainage basin should be predominantly species typical of wetland and riparian areas; k. Plants shall be allowed to grow to natural forms; trees planted beneath overhead wires should be selected with mature heights compatible with the wires; l. The drainage basin shall be naturalized in appearance, with a transition to native plantings except where adjacent to the recreational area; the site plan and landscaping for the entire commercial, recreational, streetscape, and open space area 	<p>The project proponent shall submit written and photographic evidence of adherence to the design standards and associated plans, for review and approval by the Monterey County Planning and Building Inspection Department based on the approved design standards.</p>		<p>Prior to issuance of occupancy permits for the commercial or apartment, or sign-off on the storm water basin, recreational , or open space components,</p>	

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		<p>shall be designed to blend the built features into the natural surroundings, with elimination of curbs and sharp divisions to the extent practical.</p> <p>m. The earth berm along Hall Road shall be limited to no greater than four feet in height and contoured to achieve a non-uniform appearance;</p> <p>n. Plant material shall be planted in a non-uniform pattern along, and on top of, the earth berm, to achieve a variation in the appearance of the earth berm's height; and</p> <p>o. The site plan shall place buildings near the front of the site with parking to the side or rear. (Planning Department)</p>				

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62.	3	<p>Aesthetics</p> <p>In order to prevent ridgeline development the following measures shall be implemented:</p> <ul style="list-style-type: none"> a. The top-of-slope berm shall be eliminated from project plans (an undulating berm up to four feet tall is acceptable as a landscaping feature), and lot cuts or fills shall be no deeper than four feet. The top of slope area shall be landscaped with oak trees and other native vegetation to provide near 100 percent screening of future houses on proposed lots. At least one 24-inch boxed (minimum) oak tree shall be planted for each 50 feet between lot 54 and the cul-de-sac at the eastern edge of the project site. ; b. Lots 4, 40, and 41 shall have structural height limits recorded on the property titles, with a maximum height of 18 feet above finished grade at any given contour line. c. Lots 1 - 3, 32 – 39, and 93, for which restrictions in height are not adequate to prevent ridgeline development, shall not have building permits issued until top of slope landscaping has been in place for no less than two years. d. Landscaping shall consist of shrubs and trees included on the County brochure <i>Suggested Native Species Landscaping List in the North County Coastal Zone</i> or the County brochure <i>Drought Resistant Plants</i>, or other appropriate native California plants as identified by a qualified landscape architect. At least half of the trees shall be native oak species. The landscaping shall be begin at the high point of the slope, extending generally northward for a width of no less than 20 	<p>The project proponent shall re-design the map to remove the berm and revise the grading plans. The revised map shall be reviewed and approved by the Monterey County Planning and Building Inspection Department.</p> <p>Lots 4, 40, and 41 shall have structural height limits recorded.</p> <p>The applicant shall prepare a landscape plan for the approval of the Monterey County Planning and Building Inspection Department.</p> <p>Applicant shall provide documentation that the landscaping has been completed.</p>		<p>Prior to acceptance of the tentative map</p> <p>Prior to approval of the final map</p> <p>Prior to landscaping</p> <p>Upon planting of the landscape buffer,</p>	

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		<p>feet, be designed to screen buildings on the lots from Hall Road, and provide a natural appearance at the top of the slope. Trees shall be minimum 36-inch box, with relocated mature trees preferred if available. A portion of the oak trees should be double-trunked or low branched to emulate natural oak woodland on the project site. At time of permit issuance, the County shall conduct a field visit to determine if additional planting or height restrictions are necessary, based on the effectiveness of the plantings.</p> <p>e. Lots 24-31 shall either meet the criteria in “c” and “d” or shall not be permitted until such time as the commercial building is under construction. (Planning Department)</p>	<p>For Lots 1 - 3, 32 – 39, and 93, the Monterey County Planning and Building Inspection Department shall confirm that the required landscaping has been in place for no less than two years, and conduct a site visit to confirm the adequacy of the landscaping.</p> <p>for Lots 24 - 31, the Monterey County Planning and Building Inspection Department shall confirm that either the commercial buildings are constructed, or that the required landscaping has been in place for no less than two years, and conduct a site visit to confirm the adequacy of the landscaping.</p>		<p>Prior to approval of building permits</p> <p>Prior to approval of building permits</p>	

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63.	4a	<p>Biological In order to protect the wetlands, the final map and related documentation shall include the following:</p> <p>a. Placement of a conservation easement over the wetland area including a 50-foot setback each side of the edge of the wet lowland area. The wet lowland area shall be defined as the areas lower than 12 feet as shown on the subdivision map dated May 12, 2006; however, the boundary of this area may be modified provided the total area remains constant, and the storage capacity may be increased. The conservation easement shall prohibit vegetation removal, excavation, grading, filling, and construction of roads and structures within the wetlands easement, except as may be permitted under a Nationwide Permit under Section 404 of the Clean Water Act. Such exceptions may include activities for watershed restoration or other activities that will ensure the long-term maintenance of the habitat. No grading, structures, roads, water tanks, surface or sub surface utility lines, animal grazing, or other activities shall be allowed except as may be necessary to reduce the potential risk of wildfires, to maintain the vigor of the habitat, to maintain the diversity and value of the habitat, to remove non-native plants, or to otherwise ensure the long-term maintenance of the habitat. Lining for use as a storm water pond shall be limited to the use of clay. Turf shall not be allowed within the wetland boundaries, but may be located within the 50-foot set-back area on one side of the wetland; chemical fertilizers and pesticides shall not be applied within the 50-foot buffer area.</p>	<p>The project proponent shall revise the tentative map to exclude all development within the wetland including the 50-foot setback. A Monterey County approved biologist shall determine the setbacks delineated on the tentative map. The map shall be submitted to the Monterey County Planning and Building Inspection Department for review and approval by the Planning Commission.</p> <p>The project proponent shall prepare a conservation easement deed that includes permanent protection of the wetlands on the project site, including a 50-foot buffer.</p>	Applicant/ Owner	<p>Prior to approval of the tentative map</p> <p>Prior to recording the final map</p>	

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		<p>b. If disturbance to wetland habitat (including willow riparian habitat) occurs as part of the project, habitat shall be replaced at a ratio of 3:1. Creation of mitigation areas will be required to follow the restrictions identified in (a).</p> <p>c. Covenants, Codes, and Restrictions (CC&Rs) shall be placed on the deed for lots adjacent to the setbacks listed above in order to ensure the long-term protection and maintenance of the scenic and conservation easements:</p> <ol style="list-style-type: none"> 1) Prohibit property owner from removing native vegetation and trees, unless approved in writing by the Monterey County Planning and Building Inspection Department and disclose to lot or home purchasers the North Monterey County landscaping requirements; 2) Prohibit motor vehicle and bicycle use, pets, storage, dumping, or any other activities within the conservation easement that could adversely affect the ecological and scenic importance of these easements; 	<p>Deed restrictions shall be attached to all parcels and lots within the project that the conservation easements apply.</p> <p>The project proponent shall prepare CC&Rs that shall be submitted to Monterey County Planning Department for review and approval subject to the criteria of the mitigation measure.</p> <p>New property owners shall submit a signed affidavit acknowledging that they have read, understand, and agree to the CC&Rs applying to the property, common areas, and conservation easement areas.</p>	Applicant/ Owner	<p>Prior to recording the final map</p> <p>At transfer of property</p>	

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		<p>3) Disclosure to lot or home purchasers of the potential for contamination of the easement area and downstream waters by their use of pesticides, herbicides, fungicides, and fertilizers on residential lots, and their responsibility to use these products sparingly and in accordance with label requirements in order to protect the easement area and downstream waters; and</p> <p>4) Disclose to purchasers of lots adjacent to the setbacks listed above the ecological and scenic importance of the conservation easement, the presence of special-status plants, and habitat protection measures implemented as part of the development.</p> <p>d. Sign posting of the conservation easement boundary no less than every 100 feet within the project site, and erection of a split rail or similar fence between active recreational use areas and the wetland area to minimize human and domestic animal encroachment. The fence should not preclude movement of amphibians. (see Mitigation Measure 14)</p> <p>(Planning Department)</p>	<p>New property owners shall submit a signed affidavit acknowledging that they have read, understand, and agree to the CC&Rs applying to the property, common areas, and conservation easement areas.</p>		<p>At transfer of property</p>	

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64.	4b	<p>Biological</p> <p>In order to protect the sensitive habitat during construction, the contractor shall install temporary fencing along the conservation easement area boundary prior to commencement of grading and construction activities. Four-foot fencing shall be fastened to t-post stakes placed at eight-foot intervals. Signs shall be installed to clearly designate sensitive habitat boundaries. Erosion control shall be installed to prevent washing of soil or materials into the wetland during construction. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the conservation easement. The fencing shall remain in place during the entire construction period. If construction is to occur within the buffer areas, protective fencing shall be placed as near the boundary of the conservation easement as possible. Permanent open-rail fencing may be installed in lieu of the temporary fencing. (Planning Department)</p>	<p>The project proponent shall submit written and/or photographic verification of the appropriate installation of the exclusionary fencing.</p>	<p>Applicant/ Owner</p>	<p>Prior to commence- ment of grading</p>	

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65.	5a	<p>Biological</p> <p>In order to protect environmentally sensitive habitats on the project site, the final map and final improvement plans shall include the following:</p> <ul style="list-style-type: none"> a. Placement of a conservation easement over the willow riparian habitat including 10 feet from the extent of the riparian vegetation. The conservation easement shall prohibit vegetation removal, excavation, grading, filling, and construction of roads and structures within the easement; b. The lotting plan shall be reconfigured to extend the parcel labeled “Mini Park” in the northeast corner to include the entire willow riparian area (which extends into lot number 18) and the 10-foot setback area; and c. Covenants, Conditions, and Restrictions (CC&Rs) shall be placed on the deed for lots adjacent to the setback listed 	<p>The project proponent shall submit a final map that excludes all development within willow riparian habitat, including 10 feet from the extent of riparian vegetation. A Monterey county approved biologist shall verify the setbacks delineated on the final map. The map shall be submitted to the Monterey County Planning and Building Inspection Department for review and approval</p>	Applicant/ Biologist	Prior to recording of the final map	

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		<p>above in order to ensure the long-term protection and maintenance of the scenic and conservation easements:</p> <ol style="list-style-type: none"> 1) Prohibit property owner from removing native vegetation and trees, unless approved in writing by the Monterey County Planning and Building Inspection Department and disclose to lot or home purchasers the North Monterey County landscaping requirements; 	<p>The project proponent shall prepare a conservation easement deed that includes permanent protection of the willow riparian habitat including a 10-foot buffer from the extent of riparian vegetation</p>	<p>Applicant/ Biologist</p>	<p>Prior to recording the final map</p>	

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		<p>2) Prohibit motor vehicle and bicycle use, pets, storage, dumping, or any other activities within the conservation easement that could adversely affect the ecological and scenic importance of these easements;</p> <p>3) Disclosure to lot or home purchasers of the potential for contamination of the easement area and downstream waters by their use of pesticides, herbicides, fungicides, and fertilizers on residential lots, and their responsibility to use these products sparingly and in accordance with label requirements in order to protect the easement area and downstream waters; and</p> <p>4) Disclose to purchasers of lots adjacent to the setbacks listed above the ecological and scenic importance of the conservation easement, the presence of special-status plants, and habitat protection measures implemented as part of the development.</p> <p>d. Sign posting of the conservation easement boundary no less than every 100 feet within the project site (see Mitigation Measure 14). (Planning Department)</p>	<p>The project proponent shall prepare CC&Rs and educational brochures for distribution to home purchasers. The CC&Rs and brochure shall be submitted to Monterey County Planning Department for review and approval subject to meeting the criteria of the mitigation measure.</p> <p>New property owners shall submit a signed affidavit acknowledging that they have read, understand, and agree to the Covenants, Conditions and Restrictions applying to the property, common areas, and conservation easement areas</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to recording the final map</p> <p>At transfer of property</p>	

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66.	5b	<p>Biological</p> <p>In order to protect the buffer areas during construction, the contractor shall install temporary fencing along the conservation easement area boundary prior to commencement of grading and construction activities. Four-foot fencing shall be fastened to t-post stakes placed at eight-foot intervals. Signs shall be installed to clearly designate the sensitive habitat boundary. Erosion control shall be installed to prevent washing of soil or materials into the riparian area during construction. Grading shall occur within the easement only as allowed under a Streambed Alteration Agreement and/or Section 404 permit. Soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping of materials shall not be allowed within the conservation easement. The fencing shall remain in place during the entire construction period. Permanent open-rail fencing may be installed in lieu of the temporary fencing. (Planning Department)</p>	<p>The project proponent shall submit written and/or photographic verification of the appropriate installation of the exclusionary fencing.</p>	<p>Owner/ Applicant</p>	<p>Prior to commencement of grading</p>	

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67.	5c	<p>Biological</p> <p>In lieu of Mitigation Measures 5a and 5b, the project proponent may elect to remove the existing riparian willow habitat for development, and re-establish willow riparian habitat at a 3:1 ratio at appropriate locations in the lower portion of the project site. An appropriate location would be along a drainage or free-draining slope or adjacent to a wetland area or pond, and outside of recognized existing wetland areas. Use of the existing on-site willow stock should be preferred in establishing the replacement habitat. A Habitat Restoration Plan shall be prepared in consultation with the California Department of Fish and Game. (Planning Department)</p>	<p>The project proponent's engineer shall draw new plans showing the new lot created and planting areas for willow riparian habitat on the plans submitted to the Monterey County Planning Department</p>	<p>Project engineer/ Applicant</p>	<p>Prior to grading permit</p>	

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68.	6	<p>Biological</p> <p>In order to prevent the spread of invasive non-native species, the project landscape plans shall include a re-vegetation and native vegetation protection component to include the following requirements:</p> <ul style="list-style-type: none"> a. An eradication plan for plants listed in the County brochure <i>Invasive Plants in Monterey County</i> and currently growing on the project site. b. Use of plants listed in the County brochure <i>Invasive Plants in Monterey County</i> shall be prohibited; c. Graded areas shall be planted, mulched, or covered between October 15 and the following April 15 each year, and shall be stabilized against wind or water erosion if inactive for more than 48 consecutive hours; 	<p>The project proponent shall submit landscape and re-vegetation plans in accordance with the restrictions outlined in the mitigation measure.</p> <p>The project proponent shall ensure the landscaping restrictions outlined in the mitigation measure are recorded on the deed, and included in the Covenants, Conditions, & Restrictions, and a copy of the restrictions shall be submitted to the Monterey County Planning and Building Inspection Department.</p>	Owner/ Applicant/ Landscape Architect	<p>Prior to approval of the final map</p> <p>Concurrent with the recording of the final map</p>	

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		<p>d. Plant materials used in landscaping, erosion control, or habitat restoration shall consist of plants that are included on the County brochure <i>Suggested Native Species Landscaping List in the North County Coastal Zone</i> or the County brochure <i>Drought Resistant Plants</i>, or other appropriate native California plants as identified by a qualified biologist or landscape architect, except that lawns shall be allowed in accordance with Monterey County Code Section 18.44 and vegetable and flower gardens shall be allowed within fenced backyards; and</p> <p>e. To prevent erosion and conserve water, bare soil between newly installed plant materials shall be mulched, covered with jute netting, or seeded with a mix of seeds best suited for the climate and soil conditions, and native to the north Monterey County region; open space planting shall be installed in the fall to take advantage of winter rains and reduce irrigation needs, especially beneath oaks; slopes of 11 percent or more should be stabilized with netting and/or hydroseeding; protection should be installed within 24 hours of completion of planting or sooner if rain is expected; and</p> <p>f. Except as part of the re-vegetation of open space areas, no plantings shall be placed within six feet of the trunks of oak trees. (Planning Department)</p>	<p>The project proponent shall demonstrate that the applicable provisions of the approved landscape, re-vegetation, and erosion control plans have been implemented. The landscaping shall be inspected by the Monterey County Planning and Building Inspection Department.</p> <p>The project proponent shall demonstrate that the applicable provisions of the approved landscape, re-vegetation, and erosion control plans plan has been implemented. The landscaping shall be inspected by the Monterey County Planning and Building Inspection Department</p>	Owner/ Applicant/ Landscape Architect	<p>Prior to sign-off on a grading permit</p> <p>Prior to issuance of an occupancy permit</p>	

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69.	7	<p>Biological</p> <p>In order to avoid losses of special status species during construction or occupancy, the project proponent shall submit a Special Species Salvage and Protection Plan prepared by a qualified biologist in consultation with the California Department of Fish and Game and subject to the review and approval of the Monterey County Planning and Building Inspection Department. The Plan shall include the following:</p> <ul style="list-style-type: none"> a. A qualified biologist shall conduct a pre-construction worker orientation to inform workers of the amphibian's protected status and facilitate identification of the potential presence of Santa Cruz long-toed salamander, California red-legged frog, and California tiger salamander. b. Establish work boundaries. c. Identify measures to be implemented to avoid loss of these species during construction activities including but not limited to: <ul style="list-style-type: none"> 1) Who to contact to remove individual amphibians from the project site prior to and during project grading and construction; 2) How/Where to relocate them to nearby protected habitat or other suitable locations identified in the plan; and 	<p>The Monterey County Planning and Building Inspection Department shall review the plans for conformance with the requirements of the mitigation measure. Construction details for long-term protection of amphibians shall be included on project improvement plans. Final improvement plans shall not be approved until they conform to the requirements of the mitigation measure.</p> <p>A qualified biologist shall submit written verification of the pre-construction worker orientation, including the date of the meeting, a list of attendees, and a summary of topics discussed, to the Monterey County Planning and</p>	Owner/ Biologist	<p>Prior to approval of final improvement plans</p> <p>Prior to commencement of grading</p>	

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		<p>3) Appropriate measures to prevent amphibians from entering the site during construction activities.</p> <p>d. Reporting requirements to monitor the effectiveness of the Plan.</p> <p>e. Construction details to prevent entry of amphibians into private yards or onto streets or parking areas, to reduce the potential for accidental take during occupancy of the proposed project. (Planning Department)</p>	<p>Building Inspection Department.</p> <p>The developer shall provide weekly status reports and monthly summary reports regarding implementation of the Special Status Amphibian Salvage Plan including photographs of the site conditions to the Director of Planning and Building Inspection for review and approval.</p>		<p>During construction</p>	

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70.	8	<p>Biological</p> <p>In order to prevent injury or disturbance to protected birds, no more than 30 days prior to the removal of any habitat, or the commencement of construction activities that would occur during the nesting and/or breeding season of raptors and loggerhead shrike potentially nesting on the project site (generally March 1 through August 1), a field survey shall be conducted by a qualified biologist to determine if active nests are present in the construction zone or within 200 feet of the construction zone. Areas within 200 feet of the construction zone that are not within the control of the applicant shall be visually assessed from the project site. If active nests are found within the survey area, clearing and construction within 200 feet of the active nest(s) shall be postponed or halted until the nest(s) are vacated and juveniles have fledged and there is no evidence of a second attempt at nesting, at the discretion of the biologist. (Planning Department)</p>	<p>A qualified biologist shall conduct a site inspection to verify that no nesting raptors or loggerhead shrikes occur in or within 200 feet of the construction zone. The biologist shall submit written verification of the survey and results to the Monterey County Planning and Building Inspection Department.</p> <p>If active nests are observed on the site, the project proponent shall have temporary exclusionary fencing installed along the 200-foot setback from nesting raptor sites.</p> <p>The project proponent shall arrange for a qualified biologist to submit a letter report, map, and photos to the Monterey County Planning Department documenting the date and</p>	Certified Biologist	<p>Prior to the issuance of a grading permit, if grading or construction will occur between March 1 through August 1</p> <p>Prior to commencement of construction and during construction</p>	

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			<p>location of the fencing installation and ongoing maintenance and condition of the exclusionary fencing and protection of the fenced area. The project proponent shall be responsible for correcting any violations immediately and reporting them to the Monterey County Planning and Building Inspection Department.</p>		<p>At installation of fencing and thereafter monthly during construction</p>	

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71.	9	<p align="center">Biological</p> <p>Pre-construction surveys for roosting bats will be performed no more than 30 days prior to construction. If roosts are found, a Memorandum of Understanding (MOU) with the CDFG will be obtained by the contractor in order to remove bat species. Alternatively, the construction schedule will be modified to initiate construction after August 1, when young have fledged. If roosts are found, the project proponent shall consult with the CDFG to determine the appropriate construction setback based on the species, location, and number of bats found. Alternative habitat will need to be provided if bats are to be excluded from maternity roosts. If this is the case, a roost with comparable spatial and thermal characteristics will be constructed and provided. CDFG shall be consulted regarding specific designs. This mitigation measure is subject to the review and approval of the Planning Division. (Planning Department)</p>	<p>A qualified biologist shall conduct a site inspection to verify that no nesting or roosting occur in or within 500 feet of the construction zone. The biologist shall submit written verification of the survey and results to the Monterey County Planning and Building Inspection Department.</p> <p>If active nests are observed on the site, the project proponent shall consult with the CDFG to determine the appropriate construction setback based on the species, location, and number of bats found. Temporary exclusionary fencing shall be installed along the setback from roosting sites.</p>	Certified Biologist	<p>Prior to the issuance of a grading permit, if grading or construction will occur between March 1 through August 1</p> <p>Prior to commencement of construction and during construction</p>	

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72.	10a	<p style="text-align: center;">Biological</p> <p>To protect oak trees during grading and road construction, prior to issuance of a grading permit for the road and lots, the grading plan shall indicate the amount of cut and fill required to construct the road, and identify potential protected oak tree removal requirements. Based on potential protected oak tree removal requirements identified in the grading plans, the road shall be adjusted within its general alignment to avoid removal or damage of any protected oak trees (i.e., oak trees greater than six inches in diameter). To minimize its width while still providing a safe street for all users, Sill Road shall be designed with no parking on either side, and improvements to Sill Road shall be placed as far to the north as possible. A sidewalk shall be provided that remains at least 0.5 feet away from the trunk of oak trees over six inches in diameter (measured two feet from the ground), or, where that separation is not possible, a raised platform sidewalk shall be constructed. Any permanent tree protection measures necessary to safeguard protected oak trees from grading or construction activities shall be indicated on the grading plan. The grading plan shall be subject to the review and approval of the Monterey County Planning and Building Inspection Department. Refer to requirements in Mitigation Measures 11 and 13. An arborist shall review improvement plans and be on site during initial staking of the road improvements and shall adjust the location of improvements to minimize effects on oaks to the extent possible, and file a report within five days of completion of staking. (Planning Department)</p>	<p>The project proponent shall prepare grading plans to indicate the amount of cut and fill required to construct the road, and to identify any potential protected oak tree removal requirements. The grading plans shall be submitted to the Monterey County Planning and Building Inspection Department for review and approval. If removal of protected oak tree(s) cannot be avoided, the project proponent shall provide sufficient evidence to the Monterey County Planning and Building Inspection Department to determine that an exception can be made to the prohibition against removal of protected trees.</p>	Owner/ Applicant Engineer	Prior to issuance of a grading permit	

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			<p>The project proponent shall retain a qualified biologist or arborist to assist with location of the road to avoid damage to or removal of protected oak trees. Adjustments to the location of the road shall be made to minimize the potential for protected oak tree removal or damage, and a report shall be filed and approved by the Monterey County Planning and Building Inspection Department prior to commencement of grading.</p> <p>Trees planned for removal and those adjacent to construction requiring protection shall be clearly marked with distinctively different markings.</p>	<p>Owner/ Applicant Arborist</p> <p>Owner/ Applicant/ Arborist</p>	<p>During surveying for the road in areas identified as potentially affecting oaks</p> <p>Prior to ground disturbance</p>	

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			<p>A qualified arborist or forester shall verify that the trees are correctly marked and shall submit a written report with photo-graphic documentation to the County. If additional tree removal or tree protection measures become necessary, these shall be clearly identified in the written report.</p> <p>The project proponent shall install replacement trees in accordance with the landscape plan. The project proponent shall retain a biologist to inspect the condition of oak trees near the road, protection measures, and replacement trees, and provide a written report to the Monterey County Planning and Building Inspection Department.</p>	<p>Owner/ Applicant/ Arborist</p> <p>Owner/ Applicant</p>	<p>Following completion of the road, and prior to issuance of any building permits</p>	

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73.	10b	<p>Biological</p> <p>In order to provide adequate current data on the size, type, and location of protected trees, an updated forest management plan shall be completed prior to the issuance of grading permits. (Planning Department)</p>	<p>The project proponent shall have an updated forest management plan prepared that specifies the type, size, and location of trees to be removed.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of a grading permit</p>	

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74.	11	<p>Biological</p> <p>To protect trees and habitat on the project site from inadvertent damage by construction equipment during grading and construction activities, protected trees that are to be retained and conservation easements that are located within or adjacent to the construction zone shall be identified in grading plans, and the following methods employed to protect trees and sensitive habitat during construction.</p> <ul style="list-style-type: none"> a. wrap trunks of protected trees with protective materials and provide protective fencing at least six feet from the trunk; b. bridge or tunnel under major roots where exposed. Roots should be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root-pruning equipment. Any roots damaged during grading or excavation should be exposed to sound tissue and cut cleanly; c. prohibit soil compaction, parking of vehicles or heavy equipment, stockpiling of construction materials, and/or dumping or storage of materials under drip line of trees or within conservation areas; d. grading within the oak woodland shall be minimized to the greatest extent possible, and a biologist shall oversee staking for grading limits in and around the oak woodland; and e. grading shall be prohibited in the conservation easement area unless a Streambed Alteration Agreement and/or Section 404 permit has been obtained. (Planning Department) 	<p>The project proponent shall have a qualified biologist submit a written report and photos to Monterey County Planning and Building Inspection Department verifying installation and maintenance of the tree protection measures</p>	<p>Owner/ Applicant</p>	<p>Prior to commencement of grading or construction activities and during grading and construction activities</p>	

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75.	12	<p>Biological</p> <p>To compensate for the loss of protected trees, each protected tree that is removed shall either be re-located within the project site or adjacent road right-of-way, or be replaced at a minimum 3:1 ratio with a tree of the same species, if native, or if non-native, with a tree from the Suggested Native Species Landscaping List in the North County Coastal Zone. Trees shall be five gallon size at minimum and no more than one year of age when planted out. Trees shall be protected by a wire cage. To the extent feasible, trees should be planted in groups to establish or extend habitat areas. Re-location shall be preferred whenever possible. (Planning Department)</p>	<p>The project proponent shall have a landscape plan prepared that specifies the type, size, and location of replacement tree plantings, and deposit a bond or other assurance for the value of the trees.</p> <p>The homeowner's association shall arrange for a qualified landscape architect, arborist or biologist to inspect replacement tree plantings following occupancy. Any trees that have died or are in poor condition in the judgment of the qualified professional, shall be replaced at a 3:1 ratio, and inspected on a two, five and eight year schedule beginning with the next inspection on the original schedule, and with the same replacement requirements.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to issuance of a grading permit</p> <p>Two, five, and eight years following issuance of an occupancy permit</p>	

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76.	13a	<p>Biological</p> <p>To protect oaks during development and occupancy of homes, prior to filing of the final map for lots with protected oak trees, a building envelope and tree protection area shall be established and attached to the final map. The tree protection area shall extend 0.5-feet from the trunk per inch of trunk diameter (measured at two feet above the ground) from all oak trees of six inches in diameter or more, and the remaining areas of the lot within approved setback shall constitute the building envelope. Structures, other than raised decks, gazebos, fences, etc. on shallow piers or other non-invasive foundations or supports, shall be prohibited within the tree protection area. Pavement, grading, and irrigation shall be prohibited within the tree protection area. The building envelope, tree protection area, and restrictions shall be recorded on the deed of each affected lot, and the restrictions included in the CC&Rs. (Planning Department)</p>	<p>The project proponent shall ensure the tree protection areas and building envelopes outlined in the mitigation measure are attached to the map, recorded on the deed, and included in the CC&Rs.</p> <p>Il lot lines shall be adjusted to ensure that no lot is within an area of slopes in excess of 25 percent.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant/ Engineer</p>	<p>Concurrent with the recording of the final map</p> <p>Prior to approval of the final map</p>	

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78.	14	<p>Biological</p> <p>A signage and fencing plan shall be prepared to outline the number and location of signs and fences, the language to be included on signs, and a maintenance program for the signs and fences, to discourage people and unleashed dogs from straying into the common open space area, subject to approval by the Monterey County Planning and Building Inspection Department. The plan shall require signs and fences to be installed prior to occupancy of adjacent homes (see Mitigation Measure 2). Fences and signs shall be maintained by the homeowners' association. (Planning Department)</p>	<p>The project proponent shall submit the signage and lighting plan to the Monterey County Planning and Building Inspection Department for review and approval.</p> <p>For adjacent houses, the project proponent shall provide evidence that the signage and fencing plan has been implemented.</p>	<p>Owner/ Applicant/ Engineer</p> <p>Owner/ Applicant/ Contractor</p>	<p>Prior to approval of improvement plans</p> <p>Prior to issuance of occupancy permits</p>	

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79.	15	<p>Biological</p> <p>Concurrent with filing of final maps, Covenants, Conditions and Restrictions shall be prepared for the subdivision requiring disclosure of potentially sensitive wildlife resources occurring in the vicinity and providing a description of habitat protection measures required as part of the development. (Planning Department)</p>	<p>The project proponent shall ensure that the disclosures outlined in the mitigation measure are included in the CC&Rs.</p>	<p>Owner/ Applicant/ Arborist/ Certified Biologist</p>	<p>Concurrent with the recording of the final map</p>	

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80.	16	<p>Geology and Soils</p> <p>In order to limit the potential for landsliding, a registered engineer shall prepare design specifications for all structural and site improvement plans (to include houses and habitable accessory buildings, swimming pools, retaining walls, and parking pads) for residential lots within 50 feet of slopes of 25 percent or greater. The following measures shall be included at a minimum:</p> <ul style="list-style-type: none"> a. Subdrains to reduce the amount of surface and subsurface water infiltrating the upper sands and saturating the underlying clays; b. Pier and grade beam foundation systems, or other foundation design reviewed and approved by a structural engineer; c. drainage of all surface and roof water run-off in closed conduits to the bottom of the slopes, or to locations greater than 50 feet from the top of 25 percent slopes; and d. prohibition of habitable structures within 50 feet of the top of 25 percent slopes. (Building Services and Water Resources) 	<p>The project proponent shall have a registered engineer prepare design specifications for foundations, pavement, and other structural components, addressing, but not limited to the measures outlined in the mitigation measure. The engineered design specifications shall be submitted to the Monterey County Building Services Department for review and approval.</p>	<p>Owner/ Applicant/ Engineer</p>	<p>Prior to approval of building permits or improvement plans,</p>	

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81.	17	<p>Geology and Soils</p> <p>In order to ensure that buildings constructed on the level area in the southeast corner of the project site are not susceptible to damage from liquefaction, a registered engineer shall prepare design specifications for building plans and final improvement plans for the southeast corner of the project site that shall include the following recommendations:</p> <ul style="list-style-type: none"> a. appropriate foundation designs; b. pre-construction soil preparation techniques to minimize liquefaction potential, such as compaction and increased drainage; c. minimization of irrigation and run-off infiltration. (Building Services and Water Resources) 	<p>The project proponent shall have a registered engineer(s) prepare a geotechnical report and design specifications for foundations, pavement, storm drainage basin, or other structural components, addressing, but not limited to the measures outlined in the mitigation measure. The engineered design specifications shall be submitted to the Monterey County Building Services Department and Water Resources Agency for review and approval.</p>	Owner/ Applicant/ Engineer	Prior to approval of improvement plans or building permits	

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82.	18	<p>GEOTECHNICAL ANALYSIS (NON-STANDARD WORDING) In order to ensure that any fill soil, berm, or stormwater basin is not susceptible to damage from liquefaction, a registered professional engineer or geologist shall prepare a geotechnical report incorporating the recommendations of the April 4, 2006 Haro Kasunich Associates memorandum, including cone penetration testing of liquefaction potential to at least 50 feet below ground surface (or less if boring hit impenetrable soils), and include the following recommendations:</p> <ul style="list-style-type: none"> a. Design specifications for storm drainage basin improvement plans, foundations, pavement, and other structural components; b. Appropriate fill materials; c. Application and compacting of the fill materials; and d. Soil preparation techniques for underlying native soils. <p>No fill is to be placed within the area identified as an existing wetland. (Water Resources Agency and Planning Department)</p>	Submit the geotechnical report to the Water Resources Agency for review and approval	Owner/ Applicant/ Engineer	Prior to issuance of any grading permits or filing of the final map	WRA/ PBI

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83.	19.	<p>Geology and Soils</p> <p>In order to reduce erosion on the project site during and immediately following site preparation activities, prior to any grading or land clearance activity, the project applicant shall prepare an erosion control plan to ensure that long-term erosion and sedimentation risks resulting from construction activities at the project site are reduced. The erosion control plan shall incorporate best management practices and include, but not be limited to, the following components:</p> <ul style="list-style-type: none"> a. An erosion control fence (i.e., sedimentation control fence) shall be installed around the conservation easement area and along the tops of slopes of 11 percent or greater; b. Cover disturbed slopes with straw mulch or jute netting after seeding or planting; c. Grading limits shall be staked or fenced in the field. The stakes or fencing shall remain in place until all construction activities are complete. d. An erosion control fence (i.e., sedimentation control fence) shall be installed around the conservation easement area and along the tops of slopes of 11 percent or greater. e. Cover disturbed slopes with straw mulch or jute netting after seeding or planting. 	<p>The project proponent shall have a registered engineer prepare an erosion control plan, including but not limited to the methods outlined in the mitigation measure. The erosion control plan shall be submitted to the Monterey County Planning and Building Inspection Department for review and approval, based on conformance with the methods outlined in the mitigation measure. The project proponent shall submit a letter report and/or photographs from a qualified soils engineer to the Monterey County Planning and Building Inspection Department documenting the ongoing maintenance</p>	Owner/ Applicant/ Engineer	Prior to issuance of grading permit	

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			<p>discretion of the Monterey County Planning Department if there is no active grading.</p> <p>The applicant shall demonstrate to the Monterey County Planning and Building Inspection Department that the applicable provisions of the approved landscape, re-vegetation, and erosion control plans have been implemented. The report shall explain why actions not employed are unnecessary or why substituted measures comply.</p> <p>The project proponent shall submit to Monterey County Building Services Department a certified report from a qualified soils engineer regarding how each post-construction erosion control measure has been implemented.</p>	Owner/ Applicant/ Engineer	<p>Prior to sign-off on a grading permit,</p> <p>Prior to issuance of each occupancy permit,</p>	

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84.	20.	<p>Hydrology and Water</p> <p>In order to reduce regional groundwater overdraft, prior to issuance of the last 40 percent of residential building permits for the project, the project proponent shall have a qualified engineer prepare a water use audit of houses already constructed within the project. The study shall determine the annual amount of water used by the first 50 percent of houses for which occupancy permits were issued, based on a 12 month period following issuance of occupancy permits, and adjusted for months when the houses were not actually occupied. The report shall compare actual water use to the projected 305.2 gallons per household per day. If actual water use exceeds the amount projected, an attainment plan shall be prepared to demonstrate how total project water usage will be maintained within projected quantities. No additional residential building permits shall be issued unless the project proponent first demonstrates that water use for that house along with others built or permitted to date will remain within the water use projected in the revised water budget (July 2007). This measure shall be deemed satisfied if the Revised Basin Management Plan or substitute measures are adequately implemented by the Pajaro Valley Water Management Agency, and/or the Water Resources Agency determines that a sustainable water supply is available for the hydrogeological area. The developer shall enter into a development agreement to contractually set the terms of this measure. (Planning Department and Water Resources)</p>	<p>The project proponent shall have the water audit, (and if necessary, the attainment plan) prepared by a qualified engineer and submit the audit and report to the Monterey County Planning and Building Inspection Department for review and approval. No additional building permits shall be issued unless the project proponent demonstrates that water use for that house plus all others built or permitted in the project to date will remain within the water use projected in the hydrology report. If attainment measures are required, proof of Implementation of those measures shall be submitted with construction plans.</p>	Owner/ Applicant	Prior to the issuance of the residential building permit that would represent more than 60 percent of project units (the 61 st permit if 101 units are approved	

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85.	21.	<p>Hydrology and Water</p> <p>In order to reduce regional groundwater overdraft, following three years of operations, the commercial and recreational water use shall be audited to determine if water use is consistent with projections in the revised water budget (July 2007). If actual water use exceeds the amount projected, the commercial operators and the homeowners' association (for the recreational area) shall prepare an attainment plan to demonstrate how total project water usage will be maintained within projected quantities. If water use cannot be reduced below projections, irrigation with CWSC-supplied water shall be limited to achieve compliance. The developer shall enter into a development agreement to contractually set the terms of this measure. (Planning Department and Water Resources)</p>	<p>The project proponent shall have the water audit, (and if necessary, the attainment plan) prepared by a qualified engineer and submit the audit and report to the Monterey County Planning and Building Inspection Department for review and approval. No additional building permits shall be issued unless the project proponent demonstrates that water use for that house plus all others built or permitted in the project to date will remain within the water use projected in the hydrology report. If attainment measures are required, proof of Implementation of those measures shall be submitted with construction plans.</p>	Owner/ Applicant	After three years of occupation of initial housing and prior to issuance of building permit for final phase of construction	

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86.	22.	<p>Hydrology and Water</p> <p>In order to further reduce landscape and open space water consumption, and/or increase groundwater infiltration, the proposed project shall include a landscape water use reduction plan. The plan shall include the following components:</p> <ul style="list-style-type: none"> a. Turf shall be planted only in areas of active recreational use, with minimal turf areas beyond play field boundaries. b. Open space turf areas shall utilize a low water use turf variety, and irrigation systems shall be equipped with timing devices that incorporate moisture-sensing valves. c. No permanent sprinkler systems shall be installed for open space, park, or commercial landscape areas (excluding turf areas). Temporary irrigation shall be used only until plantings are established and able to survive without artificial irrigation. Plantings shall be selected based on their ability to grow without artificial irrigation during the dry months. Hand watering of specific plantings or containers shall not be prohibited by this measure. d. Front yards and streetscape areas shall be landscaped with low water use plantings or non-plant landscape materials. No turf shall be used in front yard landscaping. CC&Rs shall prohibit front yard lawns. Landscaping shall be in place prior to issuance of occupancy permit. 	<p>The project proponent shall provide a water use reduction plan prepared by a landscape architect or other qualified professional. The Monterey County Public Works Department shall review and approve the plan.</p> <p>The project proponent shall provide a letter from a landscape architect or other qualified professional to demonstrate that the measures of the landscape water use reduction plan have been implemented to the extent feasible and applicable. The Monterey County Public Works Department shall review and approve such evidence.</p>	Owner/ Applicant/ Landscape Architect	<p>Prior to approval of final improvement plans,</p> <p>Prior to occupancy permits,</p>	

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		<p>e. To the extent feasible, roof rainwater shall be directed to suitable infiltration areas or to catchment systems for landscape or parkland irrigation. If a catchment system is used that incorporates shared or centralized storage reservoir(s) the homeowners' association shall be responsible for maintenance.</p> <p>f. At locations where water loading of slopes would not present a geological hazard (at least 50 feet from tops or bottoms of slopes over 11 percent), storm water run-off from streets and other impervious surfaces shall be directed to infiltration trenches or fields, with appropriate vegetative filtering incorporated. Pervious pavement or permeable concrete block paving shall be used to the extent feasible for streets and driveways. (Planning Department and Water Resources)</p>	<p>The project proponent shall provide a letter from a landscape architect or other qualified professional to demonstrate that the measures of the landscape water use reduction plan have been implemented to the extent feasible and applicable. The Monterey County Public Works Department shall review and approve such evidence</p>	<p>Owner/ Applicant/ Landscape Architect</p>	<p>Prior to occupancy permits</p>	

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87.	23.	<p>Hydrology and Water</p> <p>In order to prevent the potential contamination of downstream waters from urban pollutants, a registered civil engineer shall design the storm drain system to include the following components:</p> <ul style="list-style-type: none"> a. storm water detention/sediment retention basin sized to limit the 100-year post-development runoff to the 10-year pre-development rate, including a storage facility beneath the commercial parking lot if determined appropriate; b. vegetative filter plantings at outfalls to the basin; c. sand filters and/or grease/oil water separators at storm drainage inlets in the parking lot(s) or equivalent filtering elsewhere in the system; d. where natural vegetation has been removed and pavement drainage is directed to permeable surfaces, grass swales or vegetative filter strips for no less than 20 feet (or until natural vegetation is reached) down gradient of all development including streets and residences; and e. infiltration swales where feasible and appropriate, such as along the edge of the parking lot. (Planning Department and Water Resources) 	<p>A qualified engineer shall prepare improvement plans for the drainage system, including storm water detention calculations. The improvement plans shall be subject to the review and approval of the Monterey County Health Department and the Monterey County Water Resources Agency, based on conformance with the requirements of the mitigation measure.</p> <p>The project proponent shall provide written evidence from a qualified engineer to demonstrate that the drainage plan has been adequately implemented as applicable.</p>	Owner/ Applicant/ Engineer	<p>Prior to approval of final improvement plans,</p> <p>Prior to final inspection for the grading,</p>	

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			<p>The Monterey County Health Department and the Monterey County Public Works Department shall review and approve such evidence.</p> <p>The project proponent shall provide written evidence from a qualified engineer to demonstrate that the drainage improvements are functioning adequately under winter storm conditions. If the engineer observes less than adequate function of the drainage system, a report shall be prepared outlining the necessary steps to bring the drainage system into an adequate state, and those steps shall be completed within 30 days of the engineer's report.</p>	Owner/ Applicant/ Engineer	In January of the first year following final inspection for the grading	

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			<p>The project proponent shall provide written evidence from a qualified engineer to demonstrate that the drainage plan has been adequately implemented on the common areas (prior to any occupancy permit within the associated phase) and each lot (prior to that lot's occupancy permit). The Monterey County Health Department and the Monterey County Public Works Department shall review and approve such evidence.</p>	<p>Owner/ Applicant/</p>	<p>Prior to issuance of occupancy permits,</p>	

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88.	23a	<p>STORMWATER DETENTION (NON-STANDARD WORDING)</p> <p>The applicant shall provide a drainage plan prepared by a registered civil engineer that includes the following components:</p> <ul style="list-style-type: none"> a. stormwater detention / sediment retention basin sized to limit the 100-year post-development runoff to the 10-year pre-development rate; b. vegetative filter plantings at outfalls to the basin; c. sand filters and / or grease/oil water separators at storm drainage inlets in the parking lot(s) or equivalent filtering elsewhere in the system; <p>The pond(s) shall be fenced for public safety. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval	Owner/ Applicant	Prior to issuance of any grading permits or filing of the final map	WRA

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89.	23b	<p>COMPLETION CERTIFICATION (NON-STANDARD WORDING) The applicant shall provide the Water Resources Agency certification from a registered civil engineer or licensed contractor that stormwater detention/sediment retention facilities have been constructed in accordance with approved plans. (Water Resources Agency)</p>	<p>Submit a letter to the Water Resources Agency, prepared by a registered civil engineer or licensed contractor, certifying compliance with approved drainage plan</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of any building permits</p>	<p>WRA</p>

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90.	23c	<p>DRAINAGE & FLOOD CONTROL SYSTEMS AGREEMENT Prior to the issuance of any grading permits, a signed and notarized Drainage and Flood Control Systems Agreement shall be provided to the Water Resources Agency (Agency) for review & approval. The agreement shall contain provisions for an annual drainage report to be prepared by a registered civil engineer. The report shall be submitted to the Agency for review and approval no later than August 15 of each year. If the Homeowner’s Association after notice and hearing fails to properly maintain, repair, or operate the drainage and flood control facilities, the Agency shall be granted the right by the property owners to enter any and all portions of the property to perform repairs, maintenance, or improvements necessary to properly operate the drainage and flood control facilities in the project. The Agency shall have the right to collect the cost for said repairs, maintenance or improvements from the property owners upon their property tax bills. A hearing shall be provided by the Board of Supervisors as to the appropriateness of the cost. (Water Resources Agency)</p>	<p>Submit the signed and notarized original Agreement to the Water Resources Agency for review and approval prior to recordation.</p> <p>(A copy of the County’s standard agreement can be obtained at the Water Resources Agency.)</p>	Owner/ Applicant	The agreement shall be recorded prior to issuance of any grading permits or concurrently with the final map.,	

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91.	24	<p>NON-STANDARD – TRAFFIC CONTROL PLAN (MM24)</p> <p>In order to reduce the effects of construction work within the Hall Road right-of-way on traffic flows, prior to obtaining an encroachment permit for the work, the applicant shall prepare a Traffic Control Plan, subject to the review and approval of the Monterey County Public Works Department to include the following elements:</p> <ul style="list-style-type: none"> a. Time frame and proposed schedule for the construction occurring within the Hall Road right-of-way; the most disruptive stages of construction should be planned outside the peak summer period between mid June and mid August; b. Avoidance of lane closures during peak AM and PM hours to the extent feasible; c. Placement of barricades or barriers to separate construction activities and traffic; d. Advance signage alerting traffic along Hall Road and traffic entering Hall Road from Las Lomas Drive; e. Advisory bicycle and pedestrian detour signage. <p>All approved elements shall be implemented by the applicant/contractor during the construction phase. (Public Works)</p>	<p>Monterey County Public Works Department shall review and approve a Traffic Control Plan with items specified in Traffic Control Plan condition</p>	<p>Owner/ Engineer</p>	<p>Prior to obtaining An encroachment permit</p>	

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92.	25	<p>NON-STANDARD – TRAFFIC MITIGATION FEES (MM25)</p> <p>In order to mitigate for impacts to congested roads and intersections, the project proponent shall pay a pro-rata share of improvements necessary to maintain acceptable levels of service at the intersections and roadway segments affected by project traffic as listed below. The pro-rata share costs shall be based on the project’s contribution as a share of General Plan build-out traffic volumes as indicated in Fair-Share Percentage Calculations Table in the Rancho Los Robles Supplemental Traffic Report (Pinnacle Traffic Engineering, May 2, 2006). In the event the Board of Supervisors adopts a regional traffic impact fee prior to project approval, the ad hoc fee for projects included in the regional impact fee program shall be counted towards and transferred to the regional traffic fee account. Fees to cover pro-rata shares of the following improvements shall be required:</p> <ul style="list-style-type: none"> a. State Route 1 and Salinas Road – Upgrade the intersection to an interchange with a frontage road to Jensen Road b. Salinas Road and Werner Road – Signalize intersection; Note that the Fehr and Peers report did not recommend signalization of this intersection, relying on gaps created by the Salinas Road and Elkhorn Road signal: This signal could be eliminated if the County Public Works Department determines that this signal is not required; c. Salinas Road and Elkhorn Road – Signalize intersection for northbound Salinas Road and for southbound Salinas Road to Elkhorn Road; d. Elkhorn Road and Werner Road – Signalize intersection and lane improvements; e. Hall Road and Elkhorn Road – Signalize intersection; f. Hall Road and Willow Road – Provide an acceleration lane on the west leg for northbound left-turns from Willow Road; 	<p>Payment shall be received by County of Monterey Public Works and a letter verifying payment shall be received by Director of Planning.</p>	<p>Owner/ Applicant</p>	<p>Prior to issuance of building permits</p>	

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		<p>g. San Miguel Canyon Road and Echo Valley Road – Addition of an acceleration lane for westbound left-turns and signalize intersection;</p> <p>h. San Miguel Canyon Road and Castroville Boulevard – Addition of an acceleration lane for eastbound left-turns and signalize intersection;</p> <p>i. San Miguel Canyon Road and Prunedale North Road (or Langley Canyon Road) – Widen and/or channelize and signalize;</p> <p>j. San Miguel Canyon Road between U. S. Highway 101 and Hall Road – Widen to four lanes;</p> <p>k. Hall Road between Elkhorn Road and San Miguel Canyon Road – Widen to four lanes;</p> <p>l. Elkhorn Road between Salinas Road and Hall Road – Widen to four lanes; and</p> <p>m. Salinas Road between State Route 1 and Pajaro – Widen to four lanes.</p> <p>Concurrent with the recording of the final map, the project proponent shall attach a declaration relating to the establishment of a traffic impact fee to be paid at building permit issuance.</p> <p>Prior to issuance of a building permit for each house, the project proponent shall pay pro rata share traffic development impact fee and/or TAMC regional traffic impact fee to the Monterey /county Planning and Building Inspection Department, based on the proposed project’s share of General Plan build-out traffic and current cost estimates of Monterey County Department of Public Works. (Public Works)</p>	<p>Recorded with/on the Final Map</p> <p>Payment shall be received by County of Monterey Public Works and a letter verifying payment shall be received by Director of Planning</p>		<p>With Recoding of Final Map</p> <p>Prior to issuance of a building permit for each house</p>	

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93.		<p>NON-STANDARD – REGIONAL TRAFFIC MITIGATION FEES (MM26)</p> <p>In order to mitigate for impacts to State Route 1 south of Salinas Road and north of Castroville, the project proponent shall pay a pro-rata share of widening the highway to four lanes. These pro-rata share costs shall be based on the project’s contribution as a share of General Plan build-out traffic volumes as indicated in Fair-Share Percentage Calculations Table in the Rancho Los Robles Supplemental Traffic Report (Pinnacle Traffic Engineering, May 2, 2006). In the event the Board of Supervisors adopts a regional traffic impact fee prior to project approval, that includes the highway segment, the associated ad hoc fee shall be counted towards and transferred to the regional traffic fee account. (Public Works)</p>	<p>Payment shall be received by County of Monterey Public Works and a letter verifying payment shall be received by Director of Planning</p>	<p>Owner/ Applicant</p>	<p>Prior to filing the Final Subdivision Map</p>	

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94.	27.	<p>NON-STANDARD – HALL ROAD/SILL ROAD (MM27)</p> <p>In order to mitigate to the extent feasible for project effects on turning movements at the intersection of Hall Road and Sill Road, the project proponent shall construct the following off-site road improvements at this intersection:</p> <ul style="list-style-type: none"> a. A second lane on the southbound Sill Road approach to Hall Road, with striping for left turns and right turns; b. A traffic signal; and c. Relocation of the crosswalk on Hall Road to the west side of the intersection, and programming of the signal light to provide an automatic pedestrian walk phase with every southbound green light. <p>The project proponent shall be responsible for constructing the improvements. The project proponent shall enter into a reimbursement agreement with the County for a pro rata reimbursement from future developments contributing funds to north Monterey County road improvements, with the pro rata share based on a methodology acceptable to the Monterey County Public Works Department. (Public Works)</p>	<p>Applicant’s Engineer shall submit plans for construction of Hall/Sill Road improvements specified by County of Monterey Public Works to be verified and approved by Public Works.</p> <p>The applicant shall sign a reimbursement agreement from County or Monterey Public Works for pro rata future developments contributing funds to North County road improvements</p>	<p>Applicant/Engineer</p> <p>Applicant/Engineer</p>	<p>Prior to issuance of the first occupancy permit for the proposed project</p> <p>Prior to Final Map</p>	

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95.	28.	<p>NON-STANDARD – PEDESTRIAN/BICYCLE CONNECTIONS (MM28)</p> <p>In order to ensure adequate pedestrian and bicycle connections between the residential area and nearby destinations (Hall District School, the recreation area, and the commercial area) one of the following sets of improvements shall be included on the tentative map and/or improvement plans:</p> <p>a.</p> <ol style="list-style-type: none"> 1. A roadway through the project site with sidewalks connecting the residential area directly to Hall Road, to reduce traffic volumes on Sill Road; 2. Minimum nine-foot lanes on Sill Road from the project site easterly to Harrington Road; 3. A four-foot sidewalk or hard-surfaced ; pathway on the south side of Sill Road to at least the western edge of Hall District School, with access onto the school grounds; and 4. A four-foot sidewalk or hard-surfaced pathway on the north side of Hall Road to at least the western edge of the Hall District School. 5. Commercial access shall be from the connector road. No individual driveways shall access Hall Road. <p>Sidewalks or pathways must meet Americans with Disability Act standards. At least one publicly accessible pedestrian and bicycle access easement (which can be a road and sidewalk) shall be provided to Sill Road and maintained accessible to non-project residents.</p> <p>b.</p> <ol style="list-style-type: none"> 1. A pedestrian and bicycle access pathway connecting the residential area directly to the commercial and recreational area; 2. Minimum eleven-foot lanes on Sill Road from the project site easterly to Harrington Road; 3. A four-foot sidewalk or hard-surfaced pathway on the south side of Sill Road to at least the western edge of the Hall District School, with access onto the school grounds; 	<p>Applicant’s Engineer shall submit plans to the Public Works Department with pedestrian/bicycle connections and site improvements for approval.</p>	<p>Applicant/Engineer</p>	<p>Prior to issuance of the first occupancy permit for the proposed project</p>	

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		<p>4. A four-foot sidewalk or hard-surfaced pathway on the north side of Hall Road to at least the western edge of the Hall District School.</p> <p>Sidewalks or pathways must meet American with Disability Act standards. The pathway to the commercial and recreational area must also meet the design requirements of the Caltrans Bicycle Design Manual, must be built of a hard-surfaced material or be paved, with lighting, shielded from Hall Road, provided along the pathway during after-dark business hours at the commercial development. At least one publicly accessible pedestrian and bicycle access easement (which can be a road and sidewalk) shall be provided to Sill Road and maintained accessible to non-project residents.</p> <p>The street, sidewalk, and/or pathway connecting to the school shall be completed in conjunction with project frontage improvements on Sill Road and Hall Road respectively. The street, sidewalk, and/or pathway connecting to the commercial and recreational area shall be completed prior to completion/occupancy of either the recreational or the commercial uses (whichever is earlier). (Public Works</p>	<p>The street, sidewalk, and/or pathway connecting to the school shall be completed in conjunction with project frontage improvements on Sill Road and Hall Road respectively. The street, sidewalk, and/or pathway connecting to the commercial and recreational area shall be completed prior to completion/occupancy of either the recreational or the commercial uses (whichever is earlier). (Public Works)</p>	<p>Owner/ Engineer</p>	<p>Prior to issuance of the first occupancy permit for the proposed project</p>	

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96.	29.	<p>NON-STANDARD – ALTERNATIVE TRANSPORTATION (MM29)</p> <p>In order to facilitate the use of alternative transportation and reduce single-occupancy automobile trips, final improvement plans for the commercial and recreational components shall include the following components:</p> <ul style="list-style-type: none"> a. Bicycle racks; b. Bus pull-out and shelter, as described in the Monterey Salinas Transit Development Review Guidebook or subsequent publications, located at either the commercial or recreational area, with a direct and convenient sidewalk or pathway connection to the commercial buildings and residential areas; c. Crosswalk at the commercial driveway/roadway intersection with Hall Road and minimum corner radius allowed by County improvement standards; and d. Dedication of five of the commercial or recreation area parking spaces for use as park-and-ride facilities. (Public Works) 	<p>Applicant’s Engineer shall submit plans to County of Monterey Public Works for approval showing bicycle, bus and pedestrian improvements listed under ALTERNATIVE TRANSPORTATION (MM29)</p>	<p>Owner/Engineer</p>	<p>Prior to Final Map</p>	

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97.	30.	<p>NON-STANDARD – TELECOMMUTING (MM30)</p> <p>In order to facilitate telecommuting and reduce single-occupancy automobile trips, all residential floor plans shall include an office space of at least 50 square feet in a separate room or an alcove, and plan notes shall require the provision of communications wiring to the office space. (Public Works)</p>	<p>Applicant’s architect shall submit plans for approval to County of Monterey Public Works to verify inclusion of telecommuting office for all single-family houses</p>	<p>Owner/ Architect</p>	<p>Prior to Grading permit,</p>	

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98.	31	<p>Air Quality</p> <p>The project plans shall contain a dust control plan subject to review and approval by the Monterey County Planning and Building Inspection Department prior to issuance of a building permit, to include all or some (specifically if measures (m) and (n) are employed, measures (a) through (l) would not be necessary) of the following measures, as necessary to adequately control dust:</p> <ul style="list-style-type: none"> a. Water all active portions of the construction site at least twice daily; b. Suspend all excavation and grading operations when wind speeds exceed 15 miles per hour averaged over one hour, if watering activities are inadequate to control airborne dust; c. Replace ground cover or apply MBUAPCD-approved chemical soil stabilizers according to manufacturer's specifications to all inactive portions of the construction site (previously graded areas inactive for four days or more), when airborne dust conditions are visible; d. Apply water two times daily or chemical stabilizers according to manufacturer's specifications to all inactive portions of the construction site (previously graded areas inactive for four days or more), when airborne dust conditions are visible; e. Sufficiently water or securely cover all material transported off-site and adjust on-site loads as necessary to prevent airborne dust conditions. Haul trucks shall maintain enough freeboard to prevent airborne dust conditions; 	<p>The applicant shall prepare a dust control plan in conformance with the mitigation measure, subject to the review and approval of the Monterey County Planning and Building Inspection Department.</p> <p>The contractor shall appoint a qualified site monitor to ensure that the dust control plan is implemented. Evidence of implementation shall be submitted to the Monterey County Planning and Building Inspection Department within three days of commencement of grading, and monthly thereafter as long as grading occurs.</p>	<p>Owner/ Applicant</p> <p>Contractor</p>	<p>Prior to issuance of a grading permit</p> <p>Prior to commencement of construction activities</p>	

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		<ul style="list-style-type: none"> f. Plant vegetative ground cover in, or otherwise stabilize disturbed areas as soon as grading and construction activities in those areas are completed; g. Cover material stock piles that remain inactive for more than 72 consecutive hours; h. Provide dust free stabilized surfaces at the exit of construction sites for all exiting trucks; i. Mechanically sweep adjacent public streets at the end of each day if visible soil material is carried out from the construction site; j. Limit traffic speed on all unpaved roads to 15 miles per hour or less; k. Post a publicly visible sign that specifies the telephone number of the on-site contractor and person to contract regarding dust complaints. This person shall respond to complaints and take corrective action by the end of the same day if the complaint is received by 12:00 noon and within 24 hours if the complaint is received later than 12:00 noon. The phone number of the MBUAPCD shall be visible to ensure compliance with Rule 402 (Nuisance); l. The grading contractor shall appoint a qualified site monitor to ensure that the plan is implemented. 	<p>The contractor shall meet with the principal of Hall District School. Evidence of this meeting shall be submitted to the Monterey County Planning and Building Inspection Department.</p> <p>The contractor shall submit reports on said activities to the project proponent who shall then forward a copy to the Monterey County Planning and Building Inspection Department. Failure to submit a report shall cause all work to be stopped until the report is received by the Monterey County Planning and Building Inspection Department</p>	<p>Contractor</p> <p>Contractor</p>	<p>Prior to commencement of construction activities,</p> <p>Monthly during grading and construction activities</p>	

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		<ul style="list-style-type: none"> m. The grading contractor shall meet with the principal of Hall District School prior to commencement of grading, to review the dust control plan and provide information for submitting complaints; n. Limit the area of grading to 2.2 acres per day during earthmoving efforts (grading and excavation) and 8.1 acres per day with minimal earthmoving (finish grading). The number of acres may be increased if direct emissions of PM₁₀ do not exceed MBUAPCD's threshold of significance based on MBUAPCD approved dispersion modeling. 	<p>The contractor shall submit reports on said activities to the project proponent who shall then forward a copy to the Monterey County Planning and Building Inspection Department. Failure to submit a report shall cause all work to be stopped until the report is received by the Monterey County Planning and Building Inspection Department</p>	Contractor	Prior to commencement of grading	

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99.	32	<p>Air Quality</p> <p>In order to reduce air pollutant emissions from construction equipment, the project proponent shall, to the extent feasible, use equipment powered by other than standard diesel fuel (CNG, biodiesel, ultra low sulfur diesel, water emulsion fuel, electric). If diesel-fueled equipment is used, the project proponent shall employ diesel oxidation catalyst or particulate filters or other equivalent devices to effectively reduce emissions. All equipment shall be maintained in a well-tuned condition, and idling time minimized. Prior to commencement of grading activities, the project proponent shall submit a written roster of equipment anticipated to be used on the project site, listing fuel type used, and for diesel-fueled equipment, listing measures employed to reduce emissions. Only those pieces of equipment using non-standard diesel fuels or employing emission reduction equipment shall be permitted to operate. If equipment not meeting the emission requirements is found to be operating on the project site, work shall be stopped until that equipment is removed or made to meet emission requirements.</p>	<p>The project proponent shall submit a written roster of equipment anticipated to be used on the project site, including fuel use information on each.</p> <p>The contractor shall keep a certified daily log of each activity performed during construction including date and photographs, as necessary. Monthly reports shall be submitted to the Monterey County Planning and Building Inspection Department. Failure to submit a report, or failure to comply with the requirements of the mitigation measure, shall cause all work to be stopped until the report is received and approved by Monterey County Planning</p>	<p>Owner/ Applicant</p> <p>Contractor</p>	<p>Prior to commencement of grading</p> <p>During grading and construction activities</p>	

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100.	33	<p>Air Quality</p> <p>In order to assure adequate fire flow capacity, prior to approval of final improvement plans, the project proponent shall submit to the Monterey County Public Works Department and the North County Fire Protection District, a fire protection infrastructure plan to include the following elements:</p> <ul style="list-style-type: none"> a. location and size of wells, water supply pipes, and storage tanks, or upgrades to existing infrastructure necessary for the provision of adequate fire flow water to the project site; b. location of fire hydrants and necessary distribution pipes to the hydrants within or adjacent to the project site; c. Calculations by a qualified engineer providing fire flow rates at each junction and hydrant along the water supply network necessary for the provision of fire flow to the project site; <p>The fire protection infrastructure plan shall be reviewed by the Monterey County Public Works Department and North County Fire Protection District to ensure that the plan meets the established fire flow requirements of those agencies.</p>	<p>The project proponent shall submit to the fire protection infrastructure plan to the Monterey County Public Works Department and the North County Fire Protection District for their review and approval. Project improvement plans shall not be approved until the fire protection infrastructure plan has been approved by both agencies.</p>	Owner/ Applicant	Prior to approval of final improvement plans	

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101.		<p>GENERAL DEVELOPMENT PLAN. The applicant shall construct the improvements and facilities in the Commercial Parcel of the subdivision consistent with the approved General Development Plan attached as Exhibit F. Combined water consumption for subsequently proposed commercial uses shall not exceed the estimated water consumption analyzed in the DEIR for commercial uses.</p> <p>(RMA-Planning Department)</p>	<p>Applicant shall demonstrate to the Director, RMA-Planning Department, that any proposed construction and uses are consistent with the General Development Plan</p>	Applicant	<p>Prior to the issuance of a grading permit and building permits.</p> <p>Ongoing</p>	