

MONTEREY COUNTY PLANNING COMMISSION

Meeting: May 26, 2004 9:00 AM		Agenda Item: 1	
Project Description: (OAKVALE LLC PLN030352) A Combined Development Permit request consisting of: 1) a General Development Plan/Use Permit to allow professional office and medical office buildings and their associated uses and to accommodate the required parking areas, landscaping, trees, sloped areas and scenic easements; 2) a Use Permit for removal of 39 protected and 11 landmark trees (50 trees); 3) Design Approval; 4) Site Plan approval; and grading of 6,930 yds. ³ (2,730 yds. ³ cut, 4,200 yds. ³ fill; net import of 1,470 yds. ³).			
Project Location: The property is located at 9821 Blue Larkspur Lane (Lot 19), Monterey south of York Road in the Laguna Seca Office Park. Assessor's Parcel Number: 173-121-019			
Plan Area: Greater Monterey Peninsula Area		Flagged and staked: yes	
Zoning Designation: VO/B-6-UR-D-S		CEQA Action: Mitigated Negative Declaration	
Department: Planning and Building Inspection			

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt the Mitigated Negative Declaration in **Exhibit E**,
2. Adopt the Mitigation Monitoring and Reporting Program attached as **Exhibit D**, and
3. Approve the Combined Development Permit for the Oakvalle LLC Professional Office and Medical Office Buildings, by accepting the Findings and Evidence of **Exhibit C** and subject to the Conditions of Approval in **Exhibit D**.

OVERVIEW OF PROPOSED ACTION

Approval of the project would allow development of the above described commercial project in an existing commercial subdivision. No negative environmental impacts are expected to result from project approval. While neighbors have expressed concern with drainage and tree removal issues, mitigation measures and conditions of approval have been applied to the project in conjunction with the original mitigation measures of the Laguna Seca Office Park EIR that reduce all potential negative environmental impacts to less than significant levels.

DISCUSSION:

See Discussion in Exhibit B.

OTHER AGENCY INVOLVEMENT:

The application was reviewed by the Monterey County Water Resources Agency, Environmental Health Division, Public Works Department, Parks Department, and the Salinas Rural Fire District. CalTrans, AMBAG, MPUAPCD and other state and regional agencies have reviewed the proposed Mitigated Negative Declaration. Recommendations and conditions are included in the Findings and Evidence and the Conditions of Approval.

LUAC RECOMMENDATION:

LUAC recommended approval (4-0) (**Exhibit G**), subject to consideration of their concerns and recommendations. The present proposal does not include these elements. Neighbors to the project site expressed concern with perceived upstream financial liabilities should uncontrolled drainage from these areas flow into the new project and result in damages. It was recommended by the LUAC to maintain a more natural drainage flow for wildlife purposes and not to "cut-off" the drainage. The LUAC would like to review the future sign proposal for the property. The version of the project reviewed by the LUAC had a zone change and subdivision component to it. Those components have been withdrawn from the proposal.

Taven M. Kinison Brown, Project Planner
(831) 883-7532 kinisonbrowntm@co.monterey.ca.us
May 14, 2004

Attachments: Exhibit A Project Data Sheet

cc: Planning Commission Members; County Counsel; Health Department; Public Works;
Monterey County Water Resources Agency; Salinas Rural Fire District; City of
Monterey, Planning Director; Scott Hennessy, Jeff Main; Lynne Mounday; Taven M.
Kinison Brown; Linda Rotharmel; Applicant; Representative; File.

Exhibit B	Discussion
Exhibit C	Recommended Findings and Evidence
Exhibit D	Recommended Conditions of Approval Mitigation Monitoring and Reporting Program Matrix MMRP
Exhibit E	Initial Study and Mitigated Negative Declaration
Exhibit F	Applicant's General Development Plan Narrative
Exhibit G	GMPAP LUAC Recommendation
Exhibit H	Supplemental Biological Investigation Letter, dated May 12, 2004
Exhibit I	Vicinity Map and Plan Reductions

Lynne Mounday, Planning and Building Services Manager, reviewed this report. _____

Exhibit A

Project Information for PLN030352

Project Title: OAKVALE LLC	Primary APN: 173-121-019-000
Location: 9821 BLUE LARKSPUR LN SALINAS	Coastal Zone: No
Applicable Plan: Greater Monterey Peninsula Area Plan	Zoning: V0/B-6-UR-D-S
Permit Type: Combined Development Permit,	Plan Designation: Commercial
Environmental Status: Mitigated Negative Declaration Prepare	Final Action Deadline (884):
Advisory Committee: Greater Monterey Peninsula	

Project Site Data:

Lot Size: 2.59 ac.	Coverage Allowed: 50%
Existing Structures (sf): N/a	Coverage Proposed:
Proposed Structures (sf): 17,722	Height Allowed: 35"
Total Square Feet:	Height Proposed:
	FAR Allowed: -
	FAR Proposed:

Resource Zones and Reports:

Environmentally Sensitive Habitat: No	Erosion Hazard Zone: Low/High
Botanical Report #:	Soils/Geotechnical Report #: LIB030223
Forest Management Rpt. #: LIB030222	
Archaeological Sensitivity Zone: Moderate	Geologic Hazard Zone: Undetermined
Archaeological Report #:	Geologic Report #:
Fire Hazard Zone: Moderate	Traffic Report #: LIB030224

Other Information:

Water Source: public	Sewage Disposal (method): Sewer
Water Dist/Co: Cal Am	Sewer District Name: n/a
Fire District: Salinas Rural	Grading (cubic yds.): 0.0
Tree Removal: 50+/- Oaks	

Exhibit B

DISCUSSION

BACKGROUND:

The project site is a vacant lot within the Laguna Seca Office Park Subdivision. An Environmental Impact Report (EIR) was completed for the Laguna Seca Office Park Subdivision in March of 1983. The EIR addressed the major issues at the time the subdivision was proposed, including traffic, cultural resources, noise, erosion, seismic and biotic resources.

SETTING AND PROJECT DESCRIPTION

Setting

Surrounding development consists of residential uses to the north and east, a 2.4 acre open space parcel to the west, Blue Larkspur Lane, a seasonal drainage course, open space buffer and Highway 68 to the south of the property. The project site is zoned VO/B-6-UR-D-S (Visitor Serving Professional Office / Building Site District, Urban Reserve District, Design Control District, Site Plan Review District). While planned and rezoned for office use in 1983, the site has remained vacant. The site will be accessed from York Road and Blue Larkspur Lane.

Project Description

The proposed project is a Combined Development Permit request consisting of: 1) a General Development Plan/Use Permit to allow professional office and medical office buildings and their associated uses and to accommodate the required parking areas, landscaping, trees, sloped areas and scenic easements; 2) a Use Permit for removal of 39 protected and 11 landmark trees (50 trees); 3) Design Approval; 4) Site Plan approval; and grading of 6,930 yds.³

Parcel Size: 114,751 sf.	2.63 Acres	Parking Required (1:250 sf.) 71 spaces Parking Required (1:200 sf.) 88 spaces Parking Provided (1:200 sf.) 82 spaces Architecturally, each of the structures is proposed to be finished in context of the themes and designs already present in the Laguna Seca Office Park. Materials include stucco finish, stone veneers, concrete tile roofs, wood facias, clap board siding, decorative gable details, resawn wood trellises, wood columns and trim, and exterior plaster finishes.
Lot Coverage 11,505 sf.	10%	
Bldg No.1	4,614 sf.	
Bldg No.2	5,815 sf.	
Bldg No.3	4,187 sf.	
Bldg No.4	4,614 sf.	
Gross Office Building Area	19,230 sf.	
Parking Garage w/out Lobby	3,821 sf.	
Driveways	16,455 sf.	
Uncovered Parking Areas	12,312 sf.	
Net Building Area	17,662 sf.	

ANALYSIS

The Analysis Section will address the components of the Combined Development Permit request before the County: the Environmental Review; General Development Plan / Use Permit for Professional Offices, Use Permit request for Removal of Protected Trees, Design and Site Plan Approval, Grading and Drainage, and Water and Sewer Service.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), an Initial Study was prepared to assess the potential adverse environmental impacts from the project and was circulated on March 11, 2004, with the public review period ending April 9 2004. Issues identified in the Initial Study will require that several mitigation measures be implemented to assure a less than significant impact to the environment. Five mitigation measures were deemed necessary to protect, Air Quality and Biological Resources in the Initial Study. No other significant issues have been identified for the project.

Since the circulation of the Initial Study, the applicant's biologist has performed a Spring survey for Sensitive Biological Resources: bird's beak and coast wildflower. During the May 11, 2004 survey, the biologist found neither the seaside bird's beak, nor the coast wallflower growing on Lot 19. Because these two species are not present on Lot 19, the two mitigation measures discussed and outlined in the Initial Study relating to the potential of these species being present on the property are no longer pertinent to the project and have been removed from the Mitigation Monitoring and Reporting Program (MMRP), Exhibit D.

The MMRP summarizes and details responsibility to provide project mitigation to assure a less than significant impact to the environment for Air Quality and Biological Resources (trees). A Condition of Approval has been included to implement the MMRP.

Development Plan / Use Permit for Professional Offices

All required infrastructure, such as streets, curbs, gutters, storm drainage and underground utilities are currently in place within the Laguna Seca Office Park Subdivision. The only infrastructure improvements necessary for this project are the onsite improvements to connect to existing infrastructure.

According to the applicant's General Development Plan narrative (Exhibit F), "approval of the plan as proposed would represent the complete long range development plan and operation of the facilities. The plan is designed to accommodate medical and similar uses as permitted within the Laguna Seca Business Park."

At this time, no specific office tenants and medical practices have been identified. As such, the Monterey Zoning Code section 21.06.890 defines Professional Office as: "Professional office means an establishment for professional, executive and administrative offices, including those of accountants, lawyers, doctors, dentists, architects, engineers, drafting offices, insurance agents, real estate agents, and other occupations which are of similar character to those enumerated, but not including barbers, beauty parlors, cosmetologists, or other service establishments and structure trades contractors. Once constructed and occupied, the Monterey County Zoning Code section 21.22.040 allows: a "Change of visitor serving/professional office uses within a structure

provided the new use will not change the nature or intensity of the commercial use of the structure.” In other words if a doctor’s office becomes vacant, an architect or insurance agent could occupy the space without need of discretionary permits from the County. Such uses and activities are prevalent within the Laguna Seca Business Park.

Use Permit Request for Removal of Protected Trees

Tree cover on the parcel is composed almost exclusively of coast live oak (*Quercus agrifolia*) and varies from moderately dense on the parcel’s eastern and western slopes to widely scattered on the central portion, which runs north to south. The coast live oak woodland is well stocked with trees of diverse ages and sizes with approximately 132 oak trees 6” dbh and larger. Tree diameters range from 6 to 39 inches, although most are from 10 to 20 inches. Tree health is highly variable. The project proposes to remove thirty-nine oaks with diameters between 6” and 23” and eleven landmark oak specimens with diameters 24” and greater.

Staub Forestry has provided a Forest Management Plan for the project as well as a Letter of Response to questions made by the project planner (Sources: 10 and 17 of the Initial Study / Proposed Negative Declaration). County regulations require replanting on a 1:1 basis for each protected tree removed, except where this would result in an overcrowded or unhealthy environment. According to Staub Forestry, the undeveloped scenic easement portions of the parcel are already covered with oaks, allowing room for only 35 replacement oak trees. The forest management plan concludes that the potential for adverse environmental impacts related to tree removal is low. There would be no additional impacts expected beyond those addressed in the original Project EIR for the Laguna Seca Business Park.

Additionally, the standards of the Zoning Code allow as much as 50% lot coverage for the building site(s) excluding parking and landscaping areas, yet the applicant has proposed only 10% coverage under this standard. No unnecessary clearing for lawns or open space have been proposed, and many trees will remain incorporated and immediately adjacent to the pathways, concrete improvements and street frontage. Tree removal appears to be the minimum necessary to accommodate the multi-structured office development. Tree removal will occur only on the flatter areas of the parcel. Thirty-five replacement trees are the maximum number of replacement that the forester has determined the site can accommodate. Staff concurs.

Design and Site Plan Approval

The project site is adjacent to Highway 68 State Scenic Corridor of the Monterey Peninsula. There is an approximately 200-foot wide open space buffer containing mature trees and other vegetation that screens the project site from Highway 68. The proposed structures would be two-story buildings, approximately 27 to 35 feet in height. Each of the structures is proposed to be finished in context of the themes and designs already present in the Laguna Seca Office Park. Materials include stucco finish, stone veneers, concrete tile roofs, wood facias, clap board siding, decorative gable details, resawn wood trellises, wood columns and trim, and exterior plaster finishes.

According to the Applicant’s General Development Plan narrative (Exhibit F), “the multiple building design approach is based upon consideration of the site topography and compatibility with adjoining uses. As a result, the design calls for four separate buildings clustered on the site and set into the topography, each building will be of modest scale ranging from 4,000 to 6,000 square feet each.”

The project would meet all the Design Criteria and Architectural Characteristics requirements outlined in the Environmental Impact Report for the General Plan Amendment for the Laguna Seca Office Park Development dated March 1983. These design criteria would be implemented through approval of the proposed elevations and site plan, as well as through conditions of approval. The proposed project will not significantly alter the aesthetics of the Office Park.

Grading and Drainage

The project involves approximately 6,930 yds.³ of grading (2,730 yds.³ cut, 4,200 yds.³ fill; for a net import of 1,470 yds.³). As the soils that will be supporting the foundations and structural fills have loose consistencies, deep remedial grading is considered necessary by the soils engineers to improve the soils for foundation and structural fill support. A mitigation measure has been included in the proposed Mitigated Negative Declaration that the top 3 to 4 feet of native soil be removed and recompacted following site preparation. (Soil Engineering Investigation. LandSet Engineers, Inc. September 2003.)

The site is situated within a south-facing drainage bounded by moderately steep east and west facing slopes. Slope within the construction area varies from gentle (5%) to moderate (up to 20+%) becoming sporadically steeper within the scenic easements on the eastern and western slopes. Drainage of the site is by sheet flow directed toward the center of the project site then flowing in a southerly direction offsite. From that point, site drainage is collected by storm drainage facilities on Blue Larkspur Lane.

The Water Resources Agency has required the applicant to control the impacts of additional impervious surfaces to the project site and to attenuate the runoff for an estimated 10 year storm event. The applicant has submitted the design for the stormwater detention facilities. The detention system proposed will consist of a series of 36" diameter pipes placed beneath the southeastern-most parking area south of Building #1. The six rows of 3 foot diameter pipes will have the capacity to detain approximately 4,000 cubic feet of stormwater runoff. The project site drainage systems will inlet into these detention facilities and the controlled outlet will allow the 10-year predevelopment runoff to enter the existing off-site detention basin west of the subject property that has been built into the existing office park infrastructure. With this 10-year stormwater detention facility incorporated into the development project proposal, the project is not expected to contribute a volume of stormwater that would exceed the capacity of the existing storm drain system for the subdivision.

As a condition of approval for the project, the applicant will be required to receive approval of a final drainage plan addressing onsite and off site impacts that also includes routing stormwater runoff from the paved parking areas to an oil-grease/water separator to mitigate the potential pollution impacts of impervious surface stormwater runoff.

Water and Sewer

Staff has received a memorandum from the Water Resources Agency of Monterey County that, "the project will result in a net increase of zero-acre feet per year of water due to it being within the Bishop area, and is consistent with Monterey Peninsula Water Management District's Ordinance #70 and Board of Supervisors action dated October 11, 1994. An approved water release/calculation form is on file with the MCWRA Planning and Floodplain Management Division."

Staff has received a memorandum from the California American Water Company (Cal-Am). The project is within the Cal-Am sanitary service area and Cal-Am will provide sanitary sewer service to the subject property.

PUBLIC COMMENT

Staff has met on the subject property with the applicant and several neighbors who have expressed concerns with the proposed development. While acknowledging that the site is within an approved Office Park Development and that some tree removal would be necessary to accommodate any new structure, staff has received comment that too many trees are being removed for the project (roughly 1/3). When the Office Park was reviewed twenty years ago, the lotting patterns were reviewed as well as environmental impacts. The project was approved and mitigation measures imposed. Tree mitigation was established at a ratio of 1:1 replacement.

Additionally, a neighbor to the north of the property on the up-slope has a wooden dam / water retention device placed at the base of their property adjacent to the subject property. This was apparently installed with development of the residential subdivision 20+ years ago. This neighbor is concerned that they do not incur any legal liability for water damage to the subject property should this device fail or not be maintained properly.

While the neighbor's concern is speculative in nature, "an incident," would essentially be a private matter between property owners. Yet, while the discussion of such a matter is removed from the merits of the Oakvale LLC Office project itself, Planning Department staff and Water Resources Agency staff did search for historical data applicable to County approvals for the old residential subdivision to clarify responsibilities for maintenance of such structures. The CC&Rs for the Laguna Seca Ranch Estates No. 2 subdivision (which includes the concerned neighbor's property), appear to assign responsibility for maintenance of such structures to the homeowners association. (An e-mail record of this review and discussion is in the Planning file)

Planning Department and Water Resources staff have reviewed the application, prepared and circulated an environmental document of which drainage has not presented a potentially significant environmental issue; and conditions of approval and appropriate mitigation measures are recommended for the Planning Commission to consider.

CONCLUSION AND RECOMMENDATION

Since release of the Initial Study, no negative comments regarding the project have been received by the Planning and Building Inspection Department. Mitigation measures have been included in the MMRP matrix that will mitigate potential Air Quality and Biological environmental impacts to less than significant levels.

Staff recommends that the Planning Commission:

- 1) Adopt the Mitigated Negative Declaration in **Exhibit E**,
- 2) Adopt the Mitigation Monitoring and Reporting Program attached as **Exhibit D** and
- 3) Approve the Combined Development Permit for the Oakvale Office Park, subject to the recommended Findings and Evidence attached as **Exhibit C**, and recommended Conditions of Approval attached as **Exhibit D**.

Exhibit C

Recommended Findings and Evidence

- 1. FINDING:** The proposed project and/or use, as described in Condition #1 is consistent with the policies of the Monterey County General Plan, the Greater Monterey Peninsula Area Plan and the requirements and standards of the Monterey County Zoning Ordinance (Title 21).

EVIDENCE: The text and policies of these documents have been evaluated during the course of the review of this application. No conflicts were found to exist.

EVIDENCE: Project planner conducted on-site inspections to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in PBI File No. PLN030352.

EVIDENCE: The use/project, which is the construction of Professional Offices in an existing office park subdivision in the VO/B-6-UR-D-S district is a conditional use as may be allowed use in accordance with County Code Sections 21.22.030 A, 21.22.060 F, 21.42.030 F, 21.50, 21.45, and 21.74.

EVIDENCE: The parcel is zoned Visitor Serving Professional Office / Building Site District, Urban Reserve District, Design Control District, Site Plan Review District (VO/B-6-UR-D-S). Project Review Sheet, Exhibit A, indicates compliance with Site Development Standards in accordance with 21.22.070 of Title 21.

EVIDENCE: The proposed materials, colors and treatments are consistent with the existing design themes present in the Laguna Seca Office Park.

EVIDENCE: The project has been designed so that customer parking will be available in common areas serving all four structures, and one structure has been provided with underground parking, limiting its visual presence on the property and reducing tree removal and loss of open spaces. Adequate parking spaces will be provided to serve the professional and medical office development in accordance with Chapter 21.58 of the County Code.
- 2. FINDINGS:** 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, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.
- 3. FINDING:** The proposed tree removal is the minimum required under the circumstances of the case.

EVIDENCE: Tree removal has been planned for and expected at this subject property since approval of the Laguna Seca Office Park 20+ years ago.

EVIDENCE: Laguna Seca Office Park, File SB0755.

EVIDENCE: The Zoning Code allows as much as 50% lot coverage for the building site(s) excluding parking and landscaping areas, yet the applicant has proposed only 10% building coverage.

EVIDENCE: No unnecessary clearing for lawns or open space have been proposed, and tree removal

EVIDENCE: Site visits by the project planner.

EVIDENCE: Materials in project File #PLN030352

4. **FINDING:** Tree removal will not involve a risk of adverse environmental impacts.
EVIDENCE: Final Environmental Impact Report General Plan Amendment for the Laguna Seca Office Park Development EIR#80-109. Subdivision 755.
EVIDENCE: The Forest Management Plan (Steven Staub) specifies environmental protections and measures to reduce potential environmental impacts to less than significant levels, and these mitigations have been incorporated and required in the Conditions of Approval and MMRP document.
EVIDENCE: Forest Management Plan for 9821 Blue Larkspur Lane, Monterey County. Stephen R. Staub Forester September 2003.
EVIDENCE: A Tree Replacement Plan has been required as mitigation for proposed tree removal in conformance with Section 21.64.260 of the Zoning Code. The Tree replacement plan will be incorporated into the landscape plans for the project, when submitted.
5. **FINDING:** The site is suitable for the use proposed.
EVIDENCE: The site was approved for commercial office development 20+ years ago with approval of the Laguna Seca Office Park.
EVIDENCE: The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Salinas Rural Fire District, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
EVIDENCE: See Evidence for Findings. 2, 3 and 4.
6. **FINDING:** The proposed project, including all permits and approvals, will not have significant adverse impacts on the environment. A Mitigated Negative Declaration has been prepared and is on file (File# PLN030382) in the Department of Planning and Building Inspection, Coastal Offices. Three mitigation measures identified in the Initial Study and Mitigated Negative Declaration, and all project changes required to avoid significant effects on the environment have been incorporated into the approved project or are made conditions of approval. A Program for Monitoring and/or Reporting on Conditions of Approval (hereafter “the Program”) has been prepared pursuant to Public Resources Code 21081.6 and is made a condition of approval. The Program is attached hereto as Exhibit D and is incorporated herein by reference. Potential environmental effects have been studied, and there is no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed, may have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the Initial Study and the testimony and information received, and scientific and factual data presented as evidence during the public review process. The Monterey County Planning and Building Inspection Department, 2620 1st Avenue, Marina, CA 93933, is the custodian of the documents and the materials that constitute the record of proceedings upon which the adoption of the Mitigated Negative Declaration is based.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file.

EVIDENCE: County staff prepared an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the County Clerk on March 15, 2004. The following evidence has been received and considered: all comments on the Initial Study; evidence in the record that includes studies, data and reports supporting the Initial Study; additional documentation requested by staff in support of the Initial Study findings; information presented during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data and reports; application materials, and expert testimony. Among the studies, data and reports analyzed as part of the environmental determination are the following:

3. Final Environmental Impact Report General Plan Amendment for the Laguna Seca Office Park Development EIR#80-109. Subdivision 755.
4. Traffic Trip Generation Study for Laguna Seca Office Park Oakvale LLC Project. Higgins Associates. September 19, 2003.
5. Biological Letter. Sensitive Biological Resources of Laguna Seca Office Park: Lot 19. Elkhorn Native Plant Nursery. November 20, 2003.
6. Soil Engineering Investigation . LandSet Engineers, Inc. September 2003.
7. Forest Management Plan for 9821 Blue Larkspur Lane, Monterey County. Stephen R. Staub Forester September 2003.
8. Water Service. Can and Will Serve Letter. California American Water Coastal Division. October 2, 2003.
9. Sanitary Sewer Service. Can and Will Serve Letter. California American Water Coastal Division. October 2, 2003.
10. Approved Water Release. Water Resources Agency Memorandum. Mike Logsdon October 16, 2003.
11. Initial Study Laguna Seca Office Park (Lot 10) Monterey County Project File #PLN000413. RBF Consulting May 17, 2001.
12. 2000 Air Quality Management Plan for the Monterey Bay Region. Prepared by the Monterey Bay Unified Air Pollution Control District. May 2001.
13. CEQA Air Quality Guidelines. Prepared by the Monterey Bay Unified Air Pollution Control District. Adopted October 1995. Revised February 1997, August 1998, December 1999 , September 2000 and September 2002
14. Forester's Response Letter Regarding Soils Report and Landmark Trees at the Oakvale Office Park. Stephen R. Staub, Forester. January 21, 2004.
15. Drainage Study, Oakvale Development Lot 19, Laguna Seca Office Park. LandSet engineers, Inc. February 10, 2004

16. Supplemental Biological Investigation Letter, Botanical Consulting Services, dated May 12, 2004

EVIDENCE: The Mitigation Monitoring and Reporting Program, prepared and required pursuant to Section 21081.6 of the Public Resources Code, is made a condition of approval and is designed to ensure compliance during project implementation.

EVIDENCE: Studies, data and reports prepared by staff from various County departments including Planning and Building Inspection, Public Works, Environmental Health and Monterey County Water Resources Agency support the adoption of the Mitigation Negative Declaration for the project.

7. **FINDING:** For Purposes of the Fish and Game Code, the project will have a potential for adverse impact on fish and wildlife resources upon which the wildlife depends.

EVIDENCE: Staff analysis contained in the Initial Study and the record as a whole indicate the project may or will result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game regulations. Implementation of the project described herein will affect changes to native and non-native plant life and soils, and the biological analyses identified potential impacts to wildlife and special status species.

EVIDENCE: Initial Study and Mitigated Negative Declaration contained in the project file.

Exhibit D

Recommended Conditions of Approval and Mitigation Monitoring and Reporting Program Matrix (MMRP)

Exhibit E

Initial Study and Mitigated Negative Declaration

Exhibit F

Applicant's General Development Plan Narrative

Exhibit G

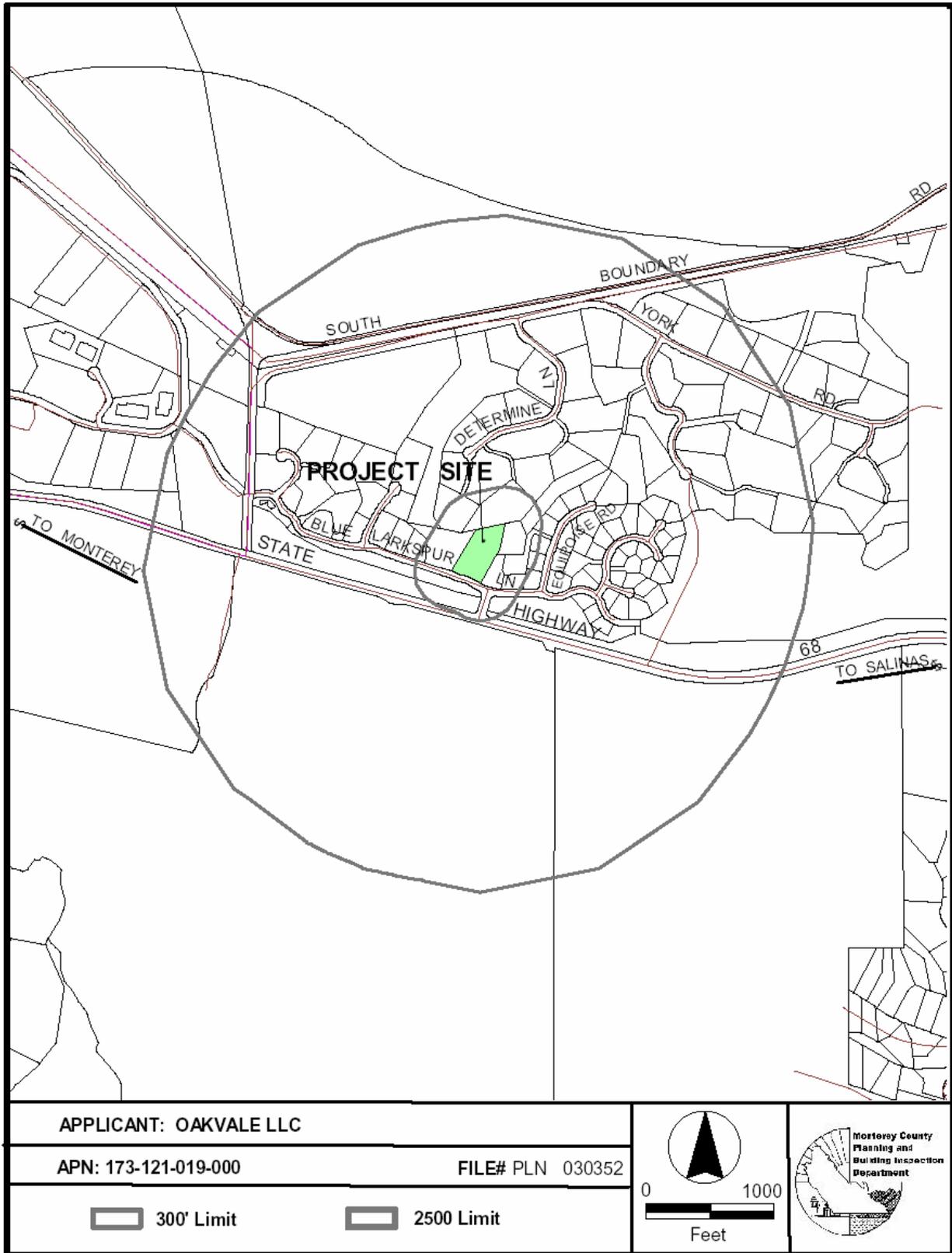
GMPAP LUAC Recommendation

Exhibit H

Supplemental Biological Investigation Letter, dated May 12, 2004

Exhibit I

Vicinity Map and Plan Reductions



PLANNER: KINISON BROWN

<p>EXHIBIT D</p> <p>Monterey County Planning & Building Inspection</p> <p>Condition of Approval & Mitigation Monitoring Reporting Plan</p>	<p>Project Name: <u>OAKVALE LLC</u></p> <p>File No: <u>PLN030352</u> APNs: <u>173-121-019-000</u></p> <p>Approval by: <i>Planning Commission</i> Date: <i>May 26, 2004</i></p>
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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.*

Permit Cond. Number	Mitig. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed.	Responsible Party for Clearing Condition	Timing	Verification of compliance
INFORMATIONAL AND ONGOING PROVISIONS						
1		<p>PBD029 - SPECIFIC USES ONLY. This Combined Development Permit allows: 1) a General Development Plan/Use Permit to allow professional office and medical office buildings and their associated uses and to accommodate the required parking areas, landscaping, trees, sloped areas and scenic easements; 2) a Use Permit for removal of 39 protected and 11 landmark trees (50 trees); 3) Design Approval; 4) Site Plan approval; and grading of 6,930 yds.³ (2,730 yds.³ cut, 4,200 yds.³ fill; net import of 1,470 yds.³). The property is located at 9821 Blue Larkspur Lane (Lot 19), Monterey (APN: 173-121-019-000), south of York Road in the Laguna Seca Office Park, Greater Monterey Peninsula Area.</p> <p>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 Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (Planning and Building Inspection)</p>	Adhere to conditions and uses specified in the permit.	Owner/Applicant	Ongoing unless otherwise stated	

Permit Cond. Number	Mitig. Number	Impact Addressed, and Responsible Land Use Department	Compliance or Monitoring Actions to be performed.	Responsible Party for Clearing Condition	Timing	Verification of compliance
2		PBD030 - STOP WORK - RESOURCES FOUND. 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 Planning and Building Inspection 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. (Planning and Building Inspection)	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.	Owner/ Applicant/ Archaeologist	Ongoing	
3		PBD014 - GRADING-WINTER RESTRICTION. No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. (Planning and Building Inspection)	None	Owner/ Applicant	Ongoing	
4		PBD003 - BANNERS, FLAGS, PENNANTS There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property. (Planning and Building Inspection)	There shall be no flags, banners, pennants, or other attention getting devices, other than approved signs, on the property.	Owner/ Applicant	Ongoing	
5		012 - FISH AND GAME FEE – NEG. DEC/EIR Pursuant to the State Public Resources Code, 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) calendar days of project approval – prior to filing of the Notice of Determination. This fee shall be paid on or before the filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first. The project shall not be operative, vested or final until the filing fees are paid. (Planning and Building Inspection)	Proof of payment (\$1,275 as of 5/26/04) shall be furnished by the applicant to the Director of Planning and Building Inspection prior to the recordation of the tentative map, the commencement of the use, or the issuance of building and/or grading permits, whichever occurs first.	Owner/ Applicant	Within 5 days of Project Approval	

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6		PBD034 - UTILITIES – UNDERGROUND. All new utility and distribution lines shall be placed underground. (Planning and Building Inspection; Public Works)	None	Applicant/ Owner	Ongoing	
PRIOR TO ISSUANCE OF GRADING AND BUILDING PERMITS						
7		PBD022 - 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. (Planning and Building Inspection)	<ol style="list-style-type: none"> 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	Prior to Issuance of Grading and Building Permits.	
8		PBD026 – NOTICE OF REPORTS. Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states: "A biological resources report, Soil Engineering Investigation and Forest Management Plan have been prepared for this parcel by Elkhorn Native Plant Nursery, LandSet Engineers, Inc., and Stephen R. Staub respectively, dated November 20, 2003, September 2003, and September 2003 and are on record in the Monterey County Planning and Building Inspection Department. All development shall be in accordance with these reports." (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
9		PBD025 - NOTICE-PERMIT APPROVAL. The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 173-121-019-000 on May 26, 2004. The permit was granted subject to 32 conditions of approval and 5 mitigation measures which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (Planning and Building Inspection)	Proof of recordation of this notice shall be furnished to PBI.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	

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10		<p>PBD016 - INDEMNIFICATION AGREEMENT. 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. (Planning and Building Inspection)</p>	<p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to PBI.</p>	<p>Owner/ Applicant</p>	<p>Prior to Issuance of Grading and Building Permits</p>	
11		<p>DUST CONTROL AND AIR QUALITY PROTECTION</p> <ul style="list-style-type: none"> • The applicant shall comply with the Monterey County Grading and Erosion Control Ordinance (Chapter 16) which requires the submittal of drainage, erosion control and landscaping plans. • Water all active construction areas as needed. Frequency should be based on the type of operation, soil and wind exposure. • Cover all trucks hauling soil, sand, and other loose materials or require trucks to maintain at least two feet of freeboard. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets. 	<p>As described.</p>	<p>Owner/ Applicant/</p>	<p>Prior to Issuance of Grading and Building Permits</p>	

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		<ul style="list-style-type: none"> Minimize the length of time of excavation, grading and construction. Post the project at two locations with a publicly visible sign during construction operations that specify the telephone number and person to contact for complaints and/or injury on dust generation and other air quality problems resulting from project construction. (Planning and Building Inspection) 				
12		<p>STORMWATER DETENTION. Prior to Issuance of Grading or building permits, the applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer, addressing on-site and off-site impacts, with supporting calculations and construction details. The plan shall include detention facilities to mitigate the impact of impervious surface stormwater runoff and oil-grease water separators for paved parking areas. 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 Grading and Building Permits	
13		<p>PBD011 - EROSION CONTROL PLAN AND SCHEDULE. The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Soils Conservation Service and the Director of Planning and Building Inspection. 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 Planning and Building Inspection. 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 Planning and Building Inspection. (Planning and Building Inspection)</p>	1) Evidence of compliance with the Erosion Control Plan shall be submitted to PBI prior to issuance of building and grading permits.	Owner/ Applicant	Prior to Issuance of Grading and Building Permits	
			2) Evidence of compliance with the Implementation Schedule shall be submitted to PBI during the course of construction until project completion as approved by the Director of PBI.	Owner/ Applicant	Prior to Final Inspection	

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14		PBD021 – LIGHTING – EXTERIOR LIGHTING PLAN. All exterior lighting shall be unobtrusive, 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 exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (Planning and Building Inspection)	Submit three copies of the lighting plans to PBI for review and approval.	Owner / Applicant	Prior to Issuance of Grading and Building Permits	
15		WR0043 WATER AVAILABILITY CERTIFICATION. Prior to issuance of any building permits, the applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)	As Described	Applicant / Owner	Prior to Issuance of Grading and Building Permits	
16		PW0007 – PARKING STD. The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. (Public Works)	Applicant’s engineer or architect shall prepare a parking plan for review and approval.	Owner/ Applicant/ Engineer	Prior to Issuance of Grading and Building Permits	
17		FIRE002 - ROADWAY ENGINEERING. The grade for all roads shall not exceed 15 percent. Where road grades exceed 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than 100 feet. No roadway turn shall have a horizontal inside radius of less than 50 feet. A roadway turn radius of 50 to 100 feet is required to have an additional 4 feet of roadway surface. A roadway turn radius of 100 to 200 feet is required to have an additional 2 feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of 150 feet of surface length. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length. Responsible Land Use Department: Salinas Rural Fire District	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to Issuance of Grading and Building Permits	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	

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18		<p>FIRE003 - DEAD-END ROADS (1) For parcels less than 1 acre, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 800 feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. Responsible Land Use Department: Salinas Rural Fire District</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to Issuance of Grading and Building Permits	
			<p>Applicant shall schedule fire dept. clearance inspection for each phase of development.</p>	Applicant or owner	Prior to final building inspection.	
19		<p>FIRE011 - ADDRESSES FOR BUILDINGS. All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Salinas Rural Fire District</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to Issuance of Grading and Building Permits	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	

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20		<p>FIRE030 – NON-STANDARD CONDITIONS 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 width of 20 feet with an unobstructed vertical clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. Responsible Land Use Department: Salinas Rural Fire District</p>	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to Issuance of Grading and Building Permits	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection	
21		<p>FIRE030 – NON-STANDARD CONDITIONS FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM. Building 2 and any building having a total floor area greater than 5,000 square feet 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 C16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. Responsible Land Use Department: Salinas Rural Fire District</p>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
22		<p>FIRE030 – NON-STANDARD CONDITIONS - FIRE ALARM SYSTEM - (COMMERCIAL) Building 2 and any fire sprinklered building having 50 or more fire sprinklers shall be fully protected with an approved central station, proprietary station, or remote station automatic fire alarm system as defined by NFPA Standard 72. Plans and specifications for the fire alarm system shall be submitted by a California licensed C10 contractor and approved prior to requesting a rough sprinkler or framing inspection. Responsible Land Use Department: Salinas Rural Fire District</p>	Applicant shall enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall submit fire alarm plans and obtain approval.	Applicant or owner	Prior to rough sprinkler or framing inspection	
			Applicant shall schedule fire alarm system acceptance test.	Applicant or owner	Prior to final building inspection	

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23		<p>FIRE030 – NON-STANDARD CONDITIONS HYDRANTS AND FIRE FLOW- Hydrants for fire protection shall be provided at locations approved by the Salinas Rural Fire District and shall conform to the following requirements:</p> <ul style="list-style-type: none"> a. FIRE FLOW - Pursuant to Uniform Fire Code Appendix III-A, the minimum fire flow requirement for 10,125 square foot commercial facilities built with Type V-N construction is 2,750 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. Fire flow for facilities protected with automatic fire sprinkler systems may be reduced to 1,500 gallons per minute with a residual pressure of 20 psi under normal operating conditions for a duration of 2 hours. b. TIMING OF INSTALLATION - Approved fire protection water supply systems must be installed and made serviceable prior to the time of construction. c. HYDRANT/FIRE VALVE (ADDITION) – A new hydrant shall be installed along the access road between Buildings 3 and 4. d. HYDRANT/FIRE VALVE (LOCATION) - 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. e. FIRE HYDRANTS - Hydrants shall be installed in accordance with spacing set forth in Uniform Fire Code Appendix III-B and in accordance with the following specifications: f. HYDRANT SIZE - The hydrant shall have a minimum of two (2) 2-1/2 inch outlets NST and one (1) 4-1/2 inch outlet NST. The riser shall be a minimum of six (6) inches and shall be wet barrel type with a coefficient of 0.9. g. SIGNING OF WATER SOURCES - Hydrant or fire valve identification may be allowed as specified in the State Fire Marshal’s Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. <p>Responsible Land Use Department: Salinas Rural 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 Building Permits</p> <p>Prior to final building inspection.</p>	

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24		FIRE030 –NON-STANDARD CONDITIONS – EMERGENCY ACCESS KEYBOX – Emergency access keyboxes shall be installed and maintained on each building. The type and location shall be approved by the fire department. The fire department shall be notified when tenancy or ownership buildings or offices change so that the emergency access keybox can be maintained with current keys. Responsible Land Use Department: Salinas Rural Fire District	Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection for each phase of development.	Applicant or owner	Prior to final building inspection.	
PRIOR TO FINAL INSPECTION AND OCCUPANCY						
25		PBD013 - GEOLOGIC CERTIFICATION Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report. (Planning and Building Inspection)	Submit certification by the geological consultant to PBI showing project’s compliance with the geological report.	Owner/ Applicant/ Geological Consultant	Prior to Final Building Inspection	
26		WR0040 WATER CONSERVATION MEASURES (WR) The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: 1. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. 2. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	As Described	Applicant or owner	Prior to Final Inspection	

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27		PBD018(B) - LANDSCAPE PLAN AND MAINTENANCE. The site shall be landscaped. At least 60 days prior to occupancy, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. 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 <u>and shall include the tree replanting plan</u> as required for mitigation of tree removal. 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. (Planning and Building Inspection)	Submit landscape plans and contractor's estimate to PBI for review and approval.	Owner/ Applicant/ Contractor	At least 60 days prior to final inspection or occupancy	
			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.	Owner/ Applicant	Ongoing	
28		BIOHAZARDOUS WASTES. Storage, transportation, and disposal of biohazardous/medical wastes shall be in compliance with of Title 22, Division 20, Chapter 6.1 of the California Code of Regulations. The operation shall be registered and shall maintain a valid permit from the Division of Environmental Health prior to occupancy. (Environmental Health)	As Described	All occupants with medical offices	Ongoing	
MITIGATION MEASURES						
	1	Mitigation Measure (Air Quality) 1. In order to reduce potentially significant construction related air quality impacts, Project construction shall comply with the following MPUAPCD rules and regulations. Dust reducing measures shall include the basic control measures contained in Section 8-2 of the CEQA Air Quality Guidelines (Adopted October 1995. Last Revision September 2002.) as follows: a. Water all active construction areas as necessary. Frequency should be based on the type of operation, soil, and wind exposure. b. Apply water as necessary, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction site. c. Cover all trucks hauling dirt, sand, or loose materials.	As Described	Applicant owner and construction contractors	Ongoing	

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		<ul style="list-style-type: none"> d. Plant vegetative ground cover in disturbed areas as soon as possible. e. Cover inactive storage piles. f. Sweep streets if visible soil material is carried out from the construction site. g. Post a publicly visible sign which specifies the telephone number and person to contact regarding dust complaints. This person shall respond to complaints and take corrective action within 48 hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance). 				
	2	<p><u>Mitigation Measure 4 (Biology)</u> <i>Tree Protection</i></p> <p>In order to reduce potential impacts to protected tree resources during construction activities to less than significant levels, the following mitigation measures will be applied:</p> <ul style="list-style-type: none"> a. Around each tree or group of trees to be preserved, a boundary of metal or plastic link-fencing supported by wood or metal stakes shall be erected along the approximate driplines of such protected trees to define the construction project boundary and create a Tree Protection Zone. Where construction will occur within the tree driplines, fencing should be installed in consultation with a qualified forester. b. Prior to the commencement of any construction activities a qualified arborist must perform pruning of dead and overhanging limbs of retained trees required for clearance during construction. All tree work shall be monitored by a qualified forester or certified arborist and work completed by a qualified tree service personnel. c. Care should be taken to minimize construction impacts from retained trees located at the limits of grading, particularly trees located along the northern limits of grading near proposed building Number 2A. Tree #63 should have the 17" limb pruned for balance and the 15" limb should be pruned in order to correct storm damage. 				

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		<p>Retaining walls should be constructed high enough so that no soil removal will occur closer than 3 trunk diameters of a retained oak.</p> <p>d. No storage of equipment or construction materials or parking of vehicles is permitted within the tree protection zone so identified.</p> <p>e. No soil may be removed from within the dripline of any tree and no fill of additional soil can exceed 2" within the driplines of trees, unless it is part of approved construction and is reviewed by a qualified forester or certified arborist.</p> <p>f. No tree may be removed or trimmed unless authorized under the Staub Forestry Forest Management Plan, dated September 2003, or by county regulation and processes.</p> <p>g. Roots exposed by excavation must be pruned promptly to promote callusing, closure and regrowth. Pruned roots should be covered with absorbent fabric, soil or chips and kept moist until being recovered with soil for final grading.</p>				
	3	<p><u>Mitigation Measure (Biology)</u> <i>Tree Replacement</i></p> <p>In order to reduce the loss of protected tree resources to less than significant levels, the following mitigation measures will be applied:</p> <p>a. Tree replacement shall be in accordance with the Forest Management Plan, and shall be incorporated into the Landscape Plan for the project.</p>				