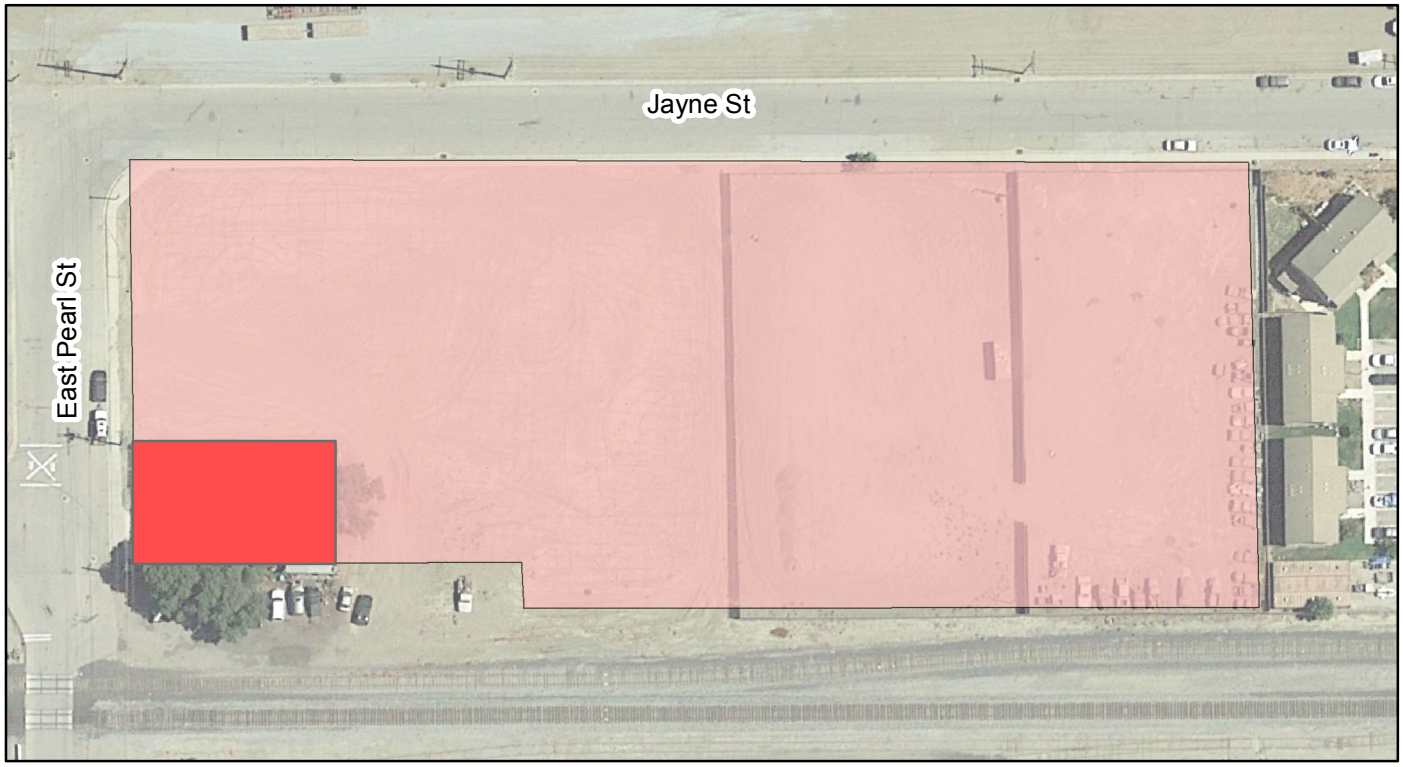
0 100 feet

Existing Zoning – Neighborhood Center (NC)

Existing Zoning - Neighborhood General 3 (NG-3)



0 100 feet

Proposed (Dual) Zoning – Multi-Family Residential and Professional Offices (R-4) and Seasonal Employee Housing

Proposed Zoning - General Commercial (C-2)

Source: Monterey County GIS 2018, ESRI 2019

Figure 3-2

Zone Change

EXHIBIT 8

CONDITIONS OF APPROVAL/MITIGATION MEASURES

DOWNTOWN ADDITION SPECIFIC PLAN AMENDMENT CASE NO. SPA 2019-002, REZONING CASE NO. ZC 2019-002, CONDITIONAL USE PERMIT CASE NO. CUP 190-254, ARCHITECTURAL REVIEW CASE NO. AR 2019-004, TENTATIVE PARCEL MAP CASE NO. TPM 2019-002 AND MITIGATION MEASURES

The following conditions of approval ***("COA")*** and mitigation measures ***("MM")*** apply to the applications identified about and in the following Project Description. All previously approved COA and MM for the Downtown Addition Specific Plan ***("DTA-SP")*** and related applications are applicable and incorporated by reference herein (**Exhibit A**), unless modified below.

GENERAL CONDITIONS OF APPROVAL (APPLIES TO ALL APPLICATIONS)

1. **Project Description:** The proposed project consists of rezoning of four (4) parcels, amendments to King City's DTA-SP, and construction of a housing development on the Bitterwater Road/Chestnut Avenue site (Bitterwater Road at Metz Road). A future farmworker housing project is planned on the Jayne Street site (Jayne Street at Pearl Street) which is being removed from the DTA-SP. The project components are as follows, and as shown on **Exhibit B, Exhibit C and Exhibit D**:

   - **Supplemental Environmental Impact Report, (State Clearinghouse No. 2006041150)** ***(Reference Exhibit E.)***

   - **Specific Plan Amendment Case No. SPA 2019-002** to make various changes to the DTA-SP, including but not limited to increasing the number of permitted units and decreasing the commercial square footage; removing an area located near Jayne Street from the DTA-SP; making various text/graphic changes including but not limited to allowing three stories and forty-six (46') foot tall buildings within a proposed employee housing apartment project located near Bitterwater Road and Chestnut Avenue. ***(Reference Exhibit L and Exhibit G.)***

   - **Zoning Amendment Case No. ZC 2019-002** to change the zoning of property located adjacent to Jayne Street from Neighborhood Center ***("NC")*** and Neighborhood General 3 ***("NG-3")*** to a mix of Multiple Family Residential and Professional Offices ***("R-4")*** District with Seasonal Employee Housing Standards/Dual Land Use Designation and General Commercial District ***("C-2")***. ***(Reference Exhibit H.)***

   - **Tentative Parcel Map** ***("TPM"")*** **Case No. TPM 2019-002** to consolidate 18 lots into two (2) lots. ***(Reference Exhibit I.)***

   - **Conditional Use Permit Case** ***("CUP")*** **No. CUP 190-254** and **Architectural Review** ***("AR")*** **Permit Case No. AR 2019-004** to construct an employee housing project (118 units) on the property east of the intersection of Metz Road and Bitterwater Road, King City, CA 93930. Existing houses and warehouse buildings on the property will be demolished, **prior to project commencement.** ***(Reference Exhibit J and Exhibit K.)***

The following DTA-SP amendments include, but are not limited to::

- Removal of the Jayne Street area from the specific plan boundaries.
- Increase in specific plan development capacity by sixty (60) residential units (from 650 units to 710 units) with corresponding decrease in commercial development capacity of 42,000 square feet (from 190,060 square feet to 148,060 square feet).
- Removal of the planned Metz Road extension and portion of planned Ellis Street right-of-way reservation from the map.
- Exclusive residential use of the Bitterwater Road site within the Specific Plan Neighborhood Center ***("NC")*** district.
- Modification of height limits in the DTA-SP **Appendix E** to allow up to three-story buildings and up to fifty-one (51') feet within the Bitterwater Road site (maximum proposed height in current project is forty (40') feet to roof ridge and forty-six (46') feet to top of chimney).
- Removal of references to fiscal neutrality from specific plan COA for the Bitterwater Road project.
- Amendment of DTA-SP **Appendix D** to remove requirement for submittal of Bitterwater/Chestnut project to Neighborhood Builder/Developer.
- Other miscellaneous changes, including but not limited to, minor text and graphic amendments.

2. **Expiration of Projects:**

- **CUP/AR:** The approval period for this permit shall be null and void if not used within one (1) year from the date of the approval. Then the approval shall immediately expire and any building permit issued in reliance thereon shall be deemed cancelled and revoked. No extension shall be permitted for the CUP as required by Municipal Code Section 17.64.030.

- **TPM:** The TPM shall expire two (2) years after approval or conditional approval by the final decision maker unless otherwise provided in the Subdivision Map Act ***("SMA")***, Government Code Section 66452.6.

3. **Hold Harmless and Indemnification Clause:**

Hold Harmless Clause: To the furthest extent allowed by law, the applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these COA or any approval associated with entitlements associated with the project (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all approvals. The Applicant's obligations under this paragraph shall

apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval. The nature and extent of the Applicant's obligations to indemnify, defend and hold harmless the City with regard to events or circumstances not addressed in the preceding paragraph shall be governed by this paragraph. To the furthest extent allowed by law, the Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, the Applicant or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of performance authorized or required by the approvals, requirements (including any mitigation measures) related to CEQA, or the performance of any or all work to be done by the Applicant or its contractors, agents, successors and assigns pursuant to the approvals (including, but not limited to any design, construction and/or ongoing operation and maintenance of off-site improvements, if any, unless and until such off-site improvements are dedicated to and officially accepted by the City). The Applicant's obligations under the preceding sentence shall apply regardless of whether City or any of its officers, officials, employees, consultants or agents are passively negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused by the active or sole negligence, or the willful misconduct, of City or any of its officers, officials, employees, consultants agents or volunteers. If the Applicant should subcontract all or any portion of the services to be performed pursuant to the approvals, the Applicant shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers in accordance with the terms of this paragraph. The provisions of this paragraph shall survive any termination, revocation, overturn, or expiration of an approval.

4. **Other County, State and Federal Permits:** The Applicant shall provide copies of any required County, State and Federal permits and written verification of waiver of permit requirements.

5. **Compliance with the Law:** The Applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this Project. **Prior to recordation of any final map,** the Applicant shall provide copies of the required County, State and Federal permits applicable to the Project phase or subphase covered by the final map, or written verification of a waiver of applicable permit requirements. The Applicant shall obtain any required governmental permits. The Project-wide TPM shall be consistent with the City Council approved DTA-SP.

6. **Changes:** Development shall be in **substantial compliance** with the DTA-SP, and all

approved plans, exhibits, COA, MM, etc. presented to and approved by the City Council in connection with the adoption of the DTA-SP, Rezone, CUP, AR and TPM. No condition, or standard shall be eliminated, added or modified without Planning Commission review and City Council action, following a public hearing, and as outlined in the attached Exhibits. No impervious surfaces, accessory buildings, structures, conditions, colors, materials or architectural features shall be eliminated, added or modified without Planning Commission review and action, as applicable.

7. **Fiscal Neutrality:** COA No. 28 of the original approval is deleted in its entirety. ***(Reference Exhibit A.)***

8. **Inclusionary Housing:** **Prior to the issuance of the first building permit,** the Applicant shall comply with Municipal Code Chapter 17.19.

9. **Outstanding Invoices:** **Prior to issuance of the first building permit, or recordation of final map, whichever occurs first,** the Applicant shall pay all outstanding City invoices related to processing the Project.

10. **COA, MM and Costs:** All COA and MM shall be satisfied by the Applicant. All costs associated with compliance with the COA and MM shall be at the Applicant's expense.

11. **Utility Companies:** **Prior to issuance of a building permit**, the Applicant is responsible for contacting all appropriate utility companies, including but not limited to PG&E and Calwater, to obtain agreements and permitting for extension and/or relocation of services necessary for the proposed development.

SPECIFIC PLAN AMENDMENT

12. **Final DTA-SP Document With Amendments:** The Applicant shall submit twenty-five (25) copies of the Final Specific Plan document incorporating the Specific Plan Amendment changes including an electronic copy, **within thirty (30) days of City Council second reading of the Specific Plan Ordinance.**

13. **CUP for Jayne Street Site:** A CUP shall be required for any new development proposed on the Jayne Street Site (including the vacant land and the parcel containing the current auto repair shop), which is being removed from the DTA-SP area.

ZONING DISTRICT AMENDMENT (JAYNE STREET)

14. **Zoning Map Amendment:** The City shall update the King City Zoning Map in accordance with the zoning map amendment.

15. **Exterior Lighting Plan (ALUC Condition):** **Prior to the issuance of any building permits,** an Exterior Lighting Plan shall be reviewed and approved by the applicable airport manager. All exterior lighting shall be unobtrusive, downlit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled.

CONDITIONAL USE PERMIT/ARCHITECTURAL REVIEW (BITTERWATER ROAD/CHESTNUT AVENUE PROJECT)

Community Development Department (The Applicant should discuss the following COA with Maricruz Aguilar at 831-386-5916, if there are any questions.)

16. **Landscaping Documentation Package:** **Prior to issuance of a building permit,** if landscaping is proposed as part of a drainage and erosion control plan or required by the Central Coast Regional Water Quality Control Board ***("CCRWQCB")*** for drainage control, in accordance with State law, the Applicant shall submit to the Community Development Department for review and approval a Landscape Document Package consistent with Municipal Code Chapter 15.50 - Water Efficient Landscape, and will utilize water-conserving drought resistant plants that will function as screening and enhance the building appearance and include a water conserving automatic irrigation system to be approved by the Community Development Director. Plans shall indicate methods of planting, sizes of initial landscape materials, ground covers, durable mulch cover and other details of landscaping. Irrigation water shall not overthrow onto walks, common areas, or onto any architectural walls.

    Street trees shall be installed in accordance with **DTA-SP Section 3.9(D) and Figure 3-46: Street Tree Plan.** Street trees shall be maintained in good health. However, trees may not be trimmed or pruned to reduce the natural height or overall crown of the tree, except as necessary for the health of the tree and public safety; or as may otherwise be approved by the Community Development Department.

    Prior to issuance of the certificate of occupancy, landscaping must be in place. A hold on occupancy shall be placed on the proposed development until such time that landscaping has been approved and verified for proper installation by the Community Development Department.

17. **Runoff to Landscaping Areas:** The site plan shall address all runoff in conformance with current storm water regulations. All runoff shall be directed to approved new landscaping areas and shall be designed to properly address pollution control. Landscape areas shall be designed by both the project engineer and landscape designer to incorporate bioremediation measures that will ensure that one-hundred (100%) percent of the runoff from the building and paved areas will infiltrate though a plant and soil medium that provides for bioremediation of any pollutants in the runoff and upper soil layer.

18. **Shrubs and Hedges:** Shrubs and hedges between the street and a courtyard(s) shall be maintained to not exceed thirty-six (36") inches in height.

19. **Equipment/Utilities Placement and Screening:** Outdoor equipment and Utilities shall be constructed in accordance with **DTA-SP Section 3.11.3** and **Figure 3-81**.

20. **Bicycle Parking:** The Applicant shall provide a minimum of thirty-two (32) bicycle parking spaces with bicycle racks or other secure bicycle parking consistent with the proposed Site Plan. A bicycle parking facility may also be a fully enclosed space or locker accessible only to

the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the Community Development Department. Each bicycle rack should stand a minimum of thirty (30') inches from ground level and support each bike in a stable position by providing at least two (2) vertical contact points for a bicycle frame. The rack should be coated with or constructed of a durable material that prevents rust and corrosion.

21. **Sign Permit:** This approval does not constitute a Sign Permit. **Prior to installing any signs on the property**, the Applicant shall make a separate application and obtain an approved sign permit by the Community Development Department. Contact the Community Development Department regarding application procedures for Sign Permit(s). All signs should be compatible with the structure and site design relative to color, material, and placement. The signs shall conform to the requirements of Municipal Code Chapter 17.55.

22. **Screening of Roof and Ground Equipment: At the time of building permit submittal,** the Applicant shall submit plans showing the methods of screening of roof-mounted and ground mounted equipment such as, but not limited to air conditioning, electric boxes, transformers and other equipment. Site and roof-mounted equipment shall be painted and screened from adjacent public street visibility and shall coordinate with architectural features of the building. Well maintained satellite dishes may be left unpainted (e.g., dish antennas). These details must appear on elevations submitted for architectural review. Ground mounted equipment should be screened by walls or effectively by landscaping.

23. **Fencing: Prior to installation of any fencing,** future fences shall be reviewed and approved by the Community Development Department.

24. **Architectural Features:** The proposed building materials include a combination of painted stucco, cement board siding, and stone veneer accents. The materials are of a compatible earth toned color scheme with white, grey, brown colors. The design features a Craftsman style of architecture with varied siding types, balconies and eaves with decorative support brackets, galvanized steel railings, stone columns, and varied windows along facades. The project shall utilize the proposed color pallet show on the attached Exhibits. Minor variations will be subject to review and approval by the Community Development Department. All surfaces visible from the adjacent streets will be finished according to these standards.

25. **Solar Glare Hazard Analysis: Prior to issuance of a building permit,** the Applicant shall submit the proposed solar panels data through Solar Glare Hazard Analysis (http://share.sandia.gov/phlux). If the results show no impact or low impact, an OE/AA case should be made with the report as an attachment at https://oeaaa.faa.gov/oeaaa/external/portal.jsp. The submittal will be reviewed by FAA and a determination letter will be sent regarding the proposal.

26. **Avigation and Hazard Easement (ALUC Condition): Prior to final of each building permit associated with the development within the DTA-SP**, the Applicant shall grant an avigation and hazard easement to the appropriate airport authority. The easement shall be recorded at the Monterey County Recorder's Office. The easement may include:

- Right-of-flight at any altitude above the acquired easement surfaces.
- Right to cause noise, vibrations, fumes, dust and fuel particle emissions.
- Right to prevent construction or growth of all structures, objects or natural growth above the acquired easement surfaces.
- Right-of-entry to remove, mark or light any structures or growth above the acquired easement surfaces, or right to require the owner to remove, mark or light.
- Right to prohibit creation of electrical interference, unusual light sources and other hazards to aircraft flight.
- Any other limitation the appropriate airport authority may recommend to protect the public's health, safety and welfare.

27. **Phasing:** Proposed Lot 1 shall be developed first during Phase 1. Proposed Lot 2 shall be developed second during Phase 2. Both phases (Lots 1 and 2) shall remain capable of operating independently with consideration given to site access, onsite parking, easements, garbage/recycling facilities, utilities (water, electric, sewer) landscaping irrigation, laundry facilities, fire sprinkler systems, common open space.

Public Works Department (The Applicant should discuss the following COA with Octavio Hurtado, City Engineer, at (831) 386-5927, if there are any questions.)

28. **Improvement Plans:** Project drainage, grading, utilities, and site plans shall be prepared and signed by a Licensed Civil Engineer. Onsite signage (e.g., stop signs, etc. at driveways shall be included in plan submittal). All plan review and construction observation and inspection costs shall be paid by the Applicant. A deposit to cover said costs will be required. The Applicant shall provide vehicle sight and stopping distance for any/all obstructions including but not limited to landscaping, signs, or other items are placed in/near intersections. All construction shall be to and provide Americans with Disabilities Act ***("ADA")*** access. Improvements in public right-of-way or easements shall conform to the City of King design standards (latest edition). All improvements shall be to these standards, unless noted otherwise. All work/improvements in shall be inspected by and be from improvement plans reviewed and approved by the City Engineer.

29. **Grading and Drainage Plans: Prior to issuance of any building permit,** the Applicant shall submit grading and drainage plans for the City Engineer review and approval.

    The grading and drainage plans shall include:

    a. Drainage Plan.
    b. Best Management Practices Plans ***("NPDES")***. The NPDES must include:

        i. Permanent: Urban Storm Water Management Plan.
        ii. Construction: Storm Water Pollution Prevention Plan.
        iii. Construction during November - April: Wet Weather Erosion Control Plan.

    The grading and drainage plan shall be signed and stamped by a State of California-Registered Civil Engineer. All grading shall be done in conformance with City standards

and to the satisfaction of the City Engineer.

30. **Submittal of Erosion and Sediment Control Measures and SWPPP: Prior to any construction,** erosion and sediment control measures for grading and construction as well as for the permanent project shall be prepared and approved by the City Engineer. In addition, if required by State and Federal Law, a Stormwater Pollution Prevention Plan ***("SWPPP")*** may be required to be submitted to the City Engineer for review and approval, depending on size of project. To prevent silt and debris from entering the existing storm drain system during construction, the Applicant shall utilize storm drain inlet interceptors or filters to protect the existing storm drain. Soils and/or percolation test(s) may be required by the City Engineer and/or CCRWQCB to identify measures necessary to maintain and reduce stormwater on-site and other measures to provide erosion, sediment and pollution control at the site.

31. **Submittal of Soils Report: Prior to design of stormwater and clean waste basins,** a percolation test will need to be submitted to determine the design parameters for the onsite stormwater basins.

32. **Infrastructure and Underground Utilities: Prior to issuance of a building permit,** an Infrastructure and Utility Plan for the entire site shall be submitted to and approved by the City Engineer. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards. The Applicant shall obtain and pay all associated permits/fees/costs for any/all Utility Companies (including but not limited to PG&E, Telephone, TV, California Water System) and any/all governmental agencies.

33. **Sewer Connection: Before issuance of an occupancy permit**, the sewer connection shall be reviewed and approved by the City Engineer.

34. **Encroachment Permit: Prior to starting street frontage improvements**, the Applicant shall be required to obtain a City of King encroachment permit for all work in City right of way (e.g., sidewalk, curb, gutter, driveway, roadway, alley).

35. **Street Frontage: Prior to issuance of occupancy permit,** the Applicant shall construct any required right-of-way improvements, including curb, gutter, sidewalk, and existing handicap ramp. The Applicant shall make upgrades to existing facilities to comply with ADA standards, as necessary. The Project shall remove and replace any asphalt pavement, curb, gutter, sidewalk, and/or driveways along project frontage that is broken or in need of replacement. Limits of work may extend beyond project frontage to correct an ADA deficiency on project frontage. The actual limits shall be reviewed and approved by the City Engineer.

36. **Clearance: Prior to issuance of the first occupancy permit,** the Applicant shall show a four (4') feet minimum sidewalk clearance/path of travel from all street utilities (e.g., poles, signs). On sidewalks in the public right-of-way and on sidewalks onsite, cross slope shall not exceed two (2%) percent.

37. **Sidewalk/Public Accessibility: Prior to issuance of an occupancy permit,** an ADA/CA Title 24 Accessibly compliant walkway compliant sidewalk shall be installed from the proposed project to the sidewalk adjacent to the public right of way, as found acceptable by the Public

Works Department, City Engineer and Building and Safety Departments. All details and information applicable to this requirement shall be included on the plans submitted for ADA/CA Title 24 Accessibly Review, **before application for a building permit.** All public sidewalks shall be in existing or dedicated City right-of-way.

38. **Bus Turn Out/Stop:** **Prior to starting street frontage improvements**, the Applicant shall contact the Monterey-Salinas Transit ***("MST")*** for review of a proposed Bus Turn Out/Stop, if the project falls within the vicinity of a bus turnout.

39. **Post-Construction Stormwater Management:** The City Engineer shall review the Stormwater management report and if required, O&M Plans and Maintenance Agreement to assure compliance with these requirements, *"POST-CONSTRUCTION STORMWATER MANAGEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS IN THE CENTRAL COAST REGION."* Stormwater Management shall adhere to the CCRWQCB Resolution No. R34-2013-0032, dated July 12, 2013.

    The CCRWQCB standards include BMPs for erosion and sediment control during project construction and after completion of the project. LID measures include, but are not limited to: i) limiting disturbance of creeks and natural drainage features, minimizing compaction of highly permeable soils, limiting removal of native vegetation at the site to the minimum area needed to build the project, limiting impermeable surfaces, including buildings and paving, and the use of innovative design layout that further increases permeable surfaces and landscaping. Measures shall include those necessary to protect water quality during the grading and construction period as well as permanent measures after completion of the project. If required by the CCRWQCB (projects 1 acre or larger), a Stormwater Pollution Prevention Plan ***("SWPPP")*** shall be prepared. If required, said Draft and Final SWPPP documents shall be submitted to the City Engineer, **prior to issuance of a building permit**.

    Development shall minimize stormwater runoff by implementing one or more of the following site design measures identified by the CCRWQCB:

    (1) Direct roof runoff into cisterns or rain barrels for reuse.
    (2) Direct roof runoff onto vegetated areas safely away from building foundations and footings, consistent with California Building Code ***("CBC")***.
    (3) Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas safely away from building foundations and footings, consistent with CBC.
    (4) Direct runoff from driveways and/or uncovered parking lots onto vegetated areas safely away from building foundations and footings, consistent with CBC.
    (5) Construct bike lanes, driveways, uncovered parking lots, sidewalks, walkways, and patios with permeable surfaces.
    (6) The directing of runoff to bioretention basins.
    (7) Other similar measures as determined by the City Engineer.

40. **COA Listed on Improvement Plans:** **Prior to recordation of the final parcel map,** the Applicant shall include all the COA and agreements associated with or required by the Project approval in the improvement plans. All applicable COA of the Project shall be printed on civil and/or building plans and shall be graphically illustrated where feasible.

Building Department (The Applicant should discuss the following COA with Mark McClain at (831) 385-3281, if there are any questions.)

41. **Building Plans: Prior to issuance of a building permit,** all COA shall be imprinted on plans submitted for building permits. Building plans shall comply with the current Title 24 California Building Standards Codes.

42. **Soils Report: As part of the building permit submittal**, and if deemed necessary by the Building Official and City Engineer, the Applicant shall submit a Soils Report prepared by a State of California-Registered Engineer or State of California-Registered Geotechnical Engineer. **Prior to issuance of a building permit,** the Soils Report shall be reviewed and approved by the Chief Building Official and City Engineer.

43. **Addressing of Units: As part of the building permit submittal,** the project shall identify the commercial units with the alphabet (A-D) and the residential units shall use numerical units for review by the Building and Safety Department, Community Development Department and Fire Department.

44. **ADA Parking Requirement: As part of the building permit submittal,** the project shall provide accessible parking compliant with current accessibility requirements, subject to review by the Building and Safety Department, Community Development Department.

45. **Lighting:** Adequate security lighting shall be provided. The lighting shall meet all standards contained in the Municipal Code Section, 17.20.120. Outdoor lighting fixtures, either wall mounted or light standards, should be in keeping with the architectural theme of the buildings. They should provide enhanced pedestrian safety, in addition to streetlight fixtures, and accentuate, but not dominate architectural features. As part of the building permit submittal, a lighting plan shall be submitted for review by the Building and Safety Department, Community Development Department and Police Department and identify in the design how to prevent glare into the public areas. All outdoor lighting shall be hooded and directed so as not to shine on public roads or surrounding properties. Where appropriate, light-emitting diode ***("LED")*** lighting should be used for external lighting to reduce the site's electricity consumption. Pole light fixtures in parking areas shall not exceed thirty feet (30') in height.

46. **Other Electrical and Mechanical Equipment and Fixtures: At the time of building permit submittal,** the building plans shall show and the Building Official shall ensure that all electrical and mechanical apparatus and fixtures located on exterior walls shall be concealed from street visibility in a manner consistent with the architectural design of the building.

47. **Impact Fees: Prior to building permit issuance,** the Applicant shall pay all applicable development impact fees. Fees shall be determined by the Building Official. (Also reference COA No. 72.)

48. **Business License: Prior to issuance of a building permit,** a business license shall be obtained for every person conducting or carrying on the business of general contractor or

contractor constructing, altering, repairing, wrecking or salvaging buildings, highways, roads, railroads, excavations or other structures, projects, developments or improvements.

- *Every person conducting or carrying on the business of electrical, plumbing or painting subcontractor.*

- *Every person conducting or carrying on the business of masonry, glazier, cement, floor, heating, plastering, roofing, sash, sheet metal, tile, lathing and any other subcontractor not specifically mentioned in this Title 5 of the Municipal Code.*

- *Every person conducting or carrying on the business of house moving, grading, paving, wrecking, sewer construction, pipeline construction, trenching, or excavating.*

49. **Maintenance of Landscaping and Building Exteriors: Concurrent with the building permit application,** the Applicant shall provide measures that address the on-going maintenance of landscaping on each parcel, maintenance and repair of no-parking/fire lane signs and other improvements. Said provisions shall also include measures to prevent property owners and guests from parking on or otherwise destroying landscape areas identified in the final plan. Said provisions should also include measures to inform all future landowners and tenants of homes to protect drainage facilities, including but not limited to down-drains and roof gutters and down spouts, drainage pipes, and underground and surface drainage areas.

Fire Department (The Applicant should discuss the following Fire Department COA with Art Black 831-624-8303, if there are any questions. Contact the Fire Marshall if there any questions regarding fire sprinklers or other provisions of the Fire Code.)

50. **Automated Fire Suppression System: Concurrent with the building permit application**, the Applicant shall submit automated fire suppression system plans to the Building and Safety Department. The fire suppression system plans shall meet NFPA 13 and are to be submitted by a California C-16 contractor. **Prior to the final occupancy permit,** the plans shall be reviewed and approved by the City Engineer and Fire Marshal's office**.**

51. **Fire Alarm System:** A fire alarm system will be required in all structures. **Prior to any work being done on the fire alarm system,** the fire alarm system is to be submitted by a California licensed C-10 contractor to the Fire Marshal's Office for review and approval.

52. **Underground Fire Service Mains: At the time of building permit submittal,** underground fire services mains will be required to be documented separately from the normal civil drawings and be submitted by the general engineering contractor to the Fire Marshal's Office for review and approval. This submittal can be considered as a deferred submittal.

53. **Portable Fire Extinguishers:** Portable fire extinguishers are required to be installed in accordance with NFPA 10 and in consultation with field fire inspector.

Police Department (The Applicant should discuss the following Police Department COA with the Police Chief, Robert Materson, at 831-385-4848, if there are any questions.)

54. **Video Surveillance:** If video surveillance cameras are required or installed, signs shall be provided under the surveillance cameras which notify the public that the subject property is monitored by video surveillance.

TENTATIVE PARCEL MAP (BITTERWATER ROAD/CHESTNUT AVENUE PROJECT)

Public Works Department (The Applicant should discuss the following COA with Octavio Hurtado, City Engineer, at (831) 386-5927, if there are any questions.)

55. **Final Maps:** Final parcel maps shall be in substantial conformance to the approved tentative parcel map and must be submitted, in English units, to the City Engineering Department for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer or land surveyor, registered in the State of California and licensed to prepare final maps.

    - The Applicant shall provide and show on the final map all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
    - The final VPM and all related documents shall comply with all regulations and requirements of the City of King Subdivision Title 16.
    - Submit final VPM to the City Engineer for checking, approval and recordation (5 sets). The parcel map shall be based upon a field survey. Any existing easements affecting this tentative parcel map shall be shown on the final parcel map and shall be referenced to the property lines and corners. Submit the following items with the final parcel map:

        a. Preliminary title Report less than six (6) months old.
        b. Parcel Map Guarantee.
        c. Boundary calculations,
        d. Payment of fees.
        e. Copies of all deeds referenced on the map and in the title report, and a grant deed to the subject property and adjoining properties.

56. **Underground Utilities:** All underground utilities shall be installed in conformance with the DTA-SP and City of King's Municipal Code Chapter 16.

57. **Meters, Hydrants and Poles:** Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the DTA-SP and amendments therefrom. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.

58. **Topographical Information:** The Applicant shall indicate on the tentative map topographical information which shall include one-foot (1') contour intervals and benchmark data based on City datum.

59. **Improvements:** All improvements, public and private (including but not limited to street, sewer, water, fiber optics and storm drain), shall be designed and constructed in accordance with the DTA-SP, the City Standard Details and Specifications of the City of King and all applicable state and local ordinances, standards and requirements, subject to City Engineer direction and approval. Should a conflict arise, the governing specification shall be determined by the City Engineer. All public improvements proposed by the Applicant or required through these COA shall be completed and accepted by the City in compliance with the time schedule set forth in the COA. The Applicant may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public improvements. In any event, the City shall require the Applicant to guarantee the performance of the improvements and payment of labor and materials by furnishing security in a form acceptable to the City. **All on and off-site development and improvements shall be designed and constructed at the sole expense of the Applicant.**

60. **Encroachment Permit:** An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of King upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted development fee schedule.

61. **Road Improvements:** Except as shown on the approved TPM or as modified by the COA contained herein, all street, thoroughfare or road improvements shall be constructed as required in the DTA-SP and amendments therefrom, City of King Municipal Code and the City Engineering Department's Standard Plans and Specifications. Any adopted precise section not referenced in the DTA-SP shall be constructed, as directed by the City Engineer.

62. **Drainage:** Each lot or parcel shall drain into a street or public drain to the approval of the City Engineer in such a manner that there will be no undrained depressions. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.

63. **Joint Trenching:** The Applicant shall provide joint trenching for telephone, gas, electric, cable

64. **Consistency:** All improvements, public and private, shall be designed and constructed in accordance with the DTA-SP and the City Standard Details and Specifications of the City of King and all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.

65. **Flood Control:** The Applicant shall ensure finished pad elevations are at a minimum one (1') foot above the one-hundred (100) year base flood elevation as shown on the latest Federal Emergency Management Agency ***("FEMA")*** floodplain maps for Monterey County, California. The Applicant shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development. [Letter of Map Amendment Revision ***("LOMAR")***] and for obtaining a Floodplain Permit from the City of King Floodplain Administrator for all projects on parcels identified in Zone 'A' on the FEMA Flood Insurance Rate Maps for the City of King. Application for LOMAR shall be prepared and submitted by

the Applicant, **prior to grading permit issuance or final map approval, whichever occurs first.**

66. **Right-of-Way Dedications:** All street right-of-way shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be consistent with the approved Downtown Addition Vesting Tentative Map.

67. **Public Infrastructure Improvement Plans:** Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, fiber optics and storm drain, both on- and off-site, shall be in conformance with the adopted DTA-SP and as directed by the City Engineer.

68. **Right-of-Way/Easements:** In conjunction with the recordation of the map (or by separate instrument), the Applicant shall provide all necessary easements for streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation district facilities, fiber optics and other facilities as required by the City or serving utility. Utility easements shall be a minimum of a clear fifteen (15') feet for one utility and a clear twenty (20') feet for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.

    Right of way or easement acquisitions necessary to implement any portion of this map, including public improvements, shall be obtained by the Applicant at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. If required, the Applicant shall notify the City in writing no more than one-hundred and twenty (120) days and no less than sixty (60) days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of one-hundred (100%) percent of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.

69. **Cal. Gov. Code §66436 (a) (3) Compliance:** **Prior to approval of the final map,** the Applicant shall comply with Government Code Section 66436(a) (3), and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.

70. **Development Fees:** The Applicant shall pay all applicable processing fees, permit fees, City development fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit. (Also reference COA No. 47.)

71. **Title Company:** **Prior to recordation of the final parcel map,** the map shall be submitted to a Title Company for parcel map review and to issue a map Guarantee.

72. **Tax Clearance Letter:** **Prior to recordation of the final parcel map,** a tax clearance letter will be required from the Monterey County Tax Collector.

73. **Final Map Review:** If the proposed final parcel map is revised from the approved TPM, or if

changes to the COA are sought, approval of the revisions shall be in the same manner as for the originally approved TPM.

74. **Infrastructure and Underground Utilities: Prior to issuance the final parcel map,** plans for water lines, sewers and other utilities shall be provided to the City Engineer. Each building is required to connect to the sewer main in the method approved by the City Engineer and plans for water and sewer line connections shall be submitted to and reviewed by the City Engineer. Individual sewer connections for each separate building are required. The underground utilities shall include storm drain piping, sanitary sewer, water piping, and other requirements per City standards.

75. **Drainage and Erosion Control: Prior to recordation of the final parcel map**, the Applicant shall submit plans to show that there is positive drainage of rainfall runoff to the City right-of-way's and that measures will address the prevention of site erosion and sediment to the satisfaction of the City Engineer. Drainage shall meet standards of the City and the CCRWQCB.

MITIGATION MEASURES

The following mitigation measures ***("MM")*** are applicable to the Specific Plan Amendment Case No. 2019-002, Rezoning Case No. 2019-002, Conditional Use Permit Case No. 190-254, Architectural Review Case No. 2019-004 and Tentative Parcel Map Case No. 2019-002. Unless otherwise revised below, all previously approved Mitigation Measures are still applicable, and attached as **Exhibit "A"**.

The underlined and ~~deleted~~ portions show changes to approved MM.

AESTHETICS:

76. **Mitigation Measure AES-2C**: Exterior lighting shall be unobtrusive, harmonious with the local area, constructed or located so that only the intended area is illuminated and off-site glare is fully controlled, and directed downward to minimize spillover of light. Once a final development plan and lighting plan is established, the applicant shall provide photometric calculations so that the extent of spillover is shown to be minimized to a less than significant level.

77. **Mitigation Measure AES-2D: Prior to the issuance of any construction permits for the Jayne Street Seasonal Housing Project**, an exterior lighting plan shall be reviewed and approved by the applicable airport manager.

CULTURAL RESOURCES

78. **Cultural Resources:** The following cultural resource COA are applicable to all approved applications.

    Prior to and during construction of each phase or individual construction activity undertaken as part of the project and to mitigate potential impacts to cultural resources, the following steps shall be taken**:**

Prior to excavation and construction on the project site, the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying historic or prehistoric cultural resources or removing artifacts such as, but not limited to, prehistoric ground stone, projectile points, shell middens, or debitage, human remains, historic materials such as, but not limited to, bottles or cans and other cultural materials from the project site.

Responsibility: Project Applicant, Prime Construction Contractor, Subcontractors
Timing: Prior to Excavation and Construction
Funding: Project Applicant

Prior to any demolition, excavation, or construction, the Applicant shall identify a qualified archaeologist to be on call if any cultural resources are identified, or if required by the City when project excavation of four (4') feet or great is needed**.** The City shall approve the selected archaeologist **prior to issuance of the any permit that includes soil disturbance.** When excavation of greater than four (4') feet is anticipated, a Tribal Monitor may be required.

Responsibility: Project Applicant, City
Timing: Prior to Any Demolition, Excavation or Construction.
Funding: Project Applicant

Prior to soil disturbing activities to search for surface evidence of historic or prehistoric cultural resources, a project survey has not been conducted as part of the project application process, the archaeologist shall conduct a pedestrian survey of the project site. The archaeologist shall be authorized to perform spot check monitoring of subsurface construction for potential cultural resources, and analyze and evaluate artifacts or resources that may be uncovered. The qualified archaeologist shall also have the authority to temporarily halt excavation and construction activities in the immediate vicinity (within a 50-meter radius, or approximately 164-feet) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

Responsibility: Project Archaeologist, City
Timing: Prior to Soil Disturbing Activities to Search for Surface Evidence of Historic or Prehistoric Cultural Resources.
Funding: Project Applicant

In the event of a find, reasonable time shall be allowed for the qualified archaeologist to conduct additional subsurface testing, analysis, and reporting, if warranted. During this time, excavation and construction shall not be allowed in the immediate vicinity of the find (within a 50-meter radius, or approximately 164-feet, or within a larger area as determined by the qualified archaeologist), However, activities may continue in other areas of the project site if so, determined by the qualified archaeologist.

If any find is determined to be significant by the qualified archaeologist, representatives of the project developer or construction contractor and the City, and the qualified archaeologist, shall meet to determine the appropriate course of action.

Responsibility: Project Archaeologist, Project Applicant, Construction Contractor, City
Timing: Prior to Any Work within a 50-meter Radius, or Approximately 164-feet, of the Find
Funding: Project Applicant

All cultural materials recovered as part of the testing or monitoring program shall be subject to scientific analysis, professional museum curation, and reporting prepared according to current professional standards. A copy of the report and analysis shall be provided to the California Historical Resources Information System Northwest Information Center for recordation.

Responsibility: Project Archaeologist, City
Timing: After Report and Analyses is Completed
Funding: Project Applicant

In accordance with *State CEQA Guidelines,* Section 15064.5 (e)(1)(A)(B), in the event of the discovery or recognition of any human remains on the project site during development, the following steps shall be taken:

There shall be no further excavation or disturbance of the site or any area reasonably suspected to overlie adjacent human remains until the Monterey County coroner is contacted to determine that no investigation of the cause of death is required. Possible indications of burials could include a layer of shells placed over the burial.

If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission ***("Commission")*** within twenty-four (24) hours. The Commission shall identify the person or persons it believes to be the most likely descendent ***("MLD")*** from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98.

Responsibility: Project Contract, Project Applicant, City
Timing: In Event of Discovery or Recognition of any Human Remains
Funding: Project Applicant

The Applicant or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if the:

a) Commission is unable to identify an MLD or the MLD failed to make a recommendation within forty-eight (48) hours after being notified by the Commission;
b) Descendent identified fails to make a recommendation; or
c) Landowner or their authorized representative rejects the recommendation of the descendent, and the mediation by the Commission fails to provide measures acceptable to the landowner.

Responsibility: Project Applicant, NAHC, MLD, City
Timing: After Discovery of Human Remains
Funding: Project Applicant

HYDROLOGY AND WATER QUALITY

79. **Mitigation Measure HYDRO-4A:** ~~Additional h~~Hydrologic modeling of the Bitterwater/Chestnut Workforce Housing Project site's planned land uses shall be performed to estimate peak storm water runoff and to develop ~~engineering-level design of the on-site biofiltration swales and~~ other water quality improvement facilities. The hydrologic modeling shall be completed using the U.S. Army Corps of Engineers HEC-HMS computer program in conjunction with the Soil Conservation Service ***("SCS")*** Curve Number method or equivalent, as directed by the City's Public Works Department. The results of the modeling and storm water facility design shall be submitted for review and subject to approval by the City Engineer **prior to the issuance of a grading permit** ~~approval of the first Final Map~~ to assure the project does not impact existing storm water capacity on and off site.

    Responsibility: Project Applicant, City
    Timing: Prior to Issuance of a Grading Permit
    Funding: Project Applicant

80. **Mitigation Measure HYDRO-4C**: All new ~~public~~ storm water facilities shall be detailed in the Bitterwater/Chestnut Workforce Housing Project's ~~project's~~ Improvement Plans and shall conform to City of King adopted Standard Design Details to the satisfaction of the City Engineer **prior to issuance of a grading permit** ~~approval of the first Final Map~~.

    Responsibility: Project Applicant, City
    Timing: Prior to Issuance of a Grading Permit
    Funding: Project Applicant

81. **Mitigation Measure HYDRO-4D**: Storm water runoff shall be routed through vegetated areas for natural filtration prior to release from the project site to the maximum extent possible, and to the satisfaction of the City Engineer **prior to issuance of a grading permit** ~~approval of the first Final Map~~.
    Responsibility: Project Applicant, City
    Timing: Prior to Issuance of a Grading Permit
    Funding: Project Applicant

82. **Mitigation Measure HYDRO-4E**: The storm water drainage system shall include components (such as bio-swales, intermediate sedimentation basins, and oil separators/grease traps in the parking lot drainage collection systems) for removing sediment as well as oil and grease before the water is discharged into the detention basins or storm drain line. The project developer(s) ~~and/or the Landscape and Lighting District~~ shall develop and implement programs for monitoring and regular maintenance of the biofiltration swales, water quality basin, and oil and grease traps to the satisfaction of the City Engineer. The project developer(s) ~~and/or the Landscape and Lighting District~~ shall provide information on the

maintenance of these components to the City Engineer, Building Department and to property owners upon initial sale of the property.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

83. **Mitigation Measure HYDRO-4F**: Storm water collection and conveyance systems shall be designed to minimize erosion and other potential problems for on-site and adjacent properties, including the outfall of the existing 24-inch storm drain to San Lorenzo Creek, to the satisfaction of the City Engineer.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

84. **Mitigation Measure HYDRO-4G**: The project developer(s) ~~and/or the Landscape and Lighting District~~ shall include storm drain system signs and stenciling at all pavement storm drain inlets with language to discourage illegal dumping of unwanted materials.
    - The project developer(s) ~~and/or the Landscape and Lighting District~~ shall provide all residents ~~property purchasers~~ with information stating a prohibition on the dumping of waste (soil waste, liquid, and yard waste) into storm drain systems, open space areas, and creeks; and
    - The Bitterwater/Chestnut Workforce Housing project shall include provisions for street, parking lot, land storm drain maintenance activities to control the movement of pollutants and removal of them from the pavement through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped materials from the project site. Some of these provisions may be addressed through the covenants, conditions and restrictions (CC&Rs), if authorized to be included in the CC&Rs by the City Engineer and Community Development Director.
    - The above provisions and other applicable City ~~Specific Plan~~ requirements related to storm water shall be incorporated as conditions of approval ~~on the Vesting Tentative Map~~.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

85. **Mitigation Measure HYDRO-4H**: In accordance with the local and state provisions, ~~in the Specific Plan~~ the project developer(s) shall design the proposed on-site drainage systems using Low Impact Development ~~(Start at the Source)~~ design methods.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

86. **Mitigation Measure HYDRO-4I**: Areas of impervious surfaces in the residential areas shall be designed to minimize runoff.

Responsibility: Project Applicant, City
Timing: Prior to Issuance of Final Occupancy
Funding: Project Applicant

87. **Mitigation Measure HYDRO-4K**: The project developer(s) shall use porous block payment systems in low traffic areas to increase on-site groundwater recharge; such areas shall be identified with the consultation of the City Engineer. The materials, methods, and locations shall be subject to the review and approval of the City Engineer.

    Responsibility: Project Applicant, City
    Timing: Prior to Issuance of Final Occupancy
    Funding: Project Applicant

88. **Mitigation Measure HYDRO-4L**: ~~In accordance with the provisions in the Specific Plan, the~~ The project developer(s) ~~and the Landscape and Lighting District and all subsequent developers and/or land use applicants~~ shall use native plants and drought-tolerant landscaping wherever possible. The developers ~~and/or land use applicants~~ shall also install efficient irrigation systems, such as drip irrigation and automatic irrigation systems to minimize excess runoff. The ~~requirements for efficient~~ irrigation systems shall be constructed ~~made part of the Specific Plan provisions, project conditions of approval, or covenants, conditions and restrictions (CC&Rs),~~ to the satisfaction of the City Engineer and the Community Development Director, **prior to issuance of a grading permit** ~~approval of the first Final Map~~.

    Responsibility: Project Applicant, City
    Timing: Prior to Issuance of Final Occupancy
    Funding: Project Applicant

89. **Mitigation Measure HYDRO-4M**: Information and instructions regarding water quality, BMPs, and pollution prevention shall be provided to the residents of the development ~~new owners of residential and commercial structures at close of escrow~~. Such information and instructional material shall initially be prepared by the project developer(s) ~~and/or the Landscape and Lighting District~~ and shall be reviewed and approved by the City Engineer **prior to issuance of a certificate of occupancy** ~~for the first project phase for residential uses and the first project phase of commercial uses~~.

    Responsibility: Project Applicant, City
    Timing: Ongoing
    Funding: Project Applicant

90. **Mitigation Measure HYDRO-4N**: The project conditions of approval shall include requirements for residents ~~and commercial users~~ to implement the following measures within any common landscaping and open spaces areas:

    - Material Use Controls, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using safer alternative products; and

- Material Exposure Controls, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors.

  Responsibility: Project Applicant, City
  Timing: Ongoing
  Funding: Project Applicant

MITIGATION MEASURES (Jayne Street Area Only)

91. **Mitigation Measure HYDRO-1E**: **Prior to issuance of a development permit,** the project developer will be required to prepare and provide development plans (inclusive of, but not limited to, a site plan, erosion control and drainage plan, and a landscape plan) for the City Engineer and Building Department review and approval.

    Responsibility: Project Applicant, City
    Timing: Prior to Issuance of Final Occupancy
    Funding: Project Applicant

Exhibits to COA/MM (all Exhibits attached to the staff report).

Exhibit A – 2011/2014 Conditions of Approval / Mitigation Measures

Exhibit B – CUP Site Plan / Elevations

Exhibit C – Architectural Site Plan/Detail Sheets

Exhibit D – Tentative Parcel Maps

Exhibit E – Final S-EIR (SC No. 2006041150)

Exhibit F – Summary of DTA-SP Amendments

Exhibit G – Amended DTA-SP

Exhibit H – Zoning Amendment Map

Exhibit I – Tentative Parcel Map

Exhibit J – CUP Site Plans / Elevations

Exhibit K – Architectural Site Plan / Details Sheets

CITY KING

EMAIL AND MAIL

March 3, 2014

John Baucke, AICP, CNU
New Urban Reality Advisory, Inc.
1812 Overlook Lane, Suite 100
Santa Barbara, Ca 93103

RE: APPROVAL LETTER - Downtown Addition Specific Plan Amendment Case No. 2013-001 and VTM Case No. 2013-001 (Smith Monterey KC, LLC.)

Dear John,

On **January 28, 2014**, the City Council conducted the second reading of the ordinance for Specific Plan Amendment ***("SPA")***, Case No. 2013-001. The SPA becomes effective thirty-days (30) after the second reading of the ordinance. On **February 19, 2014**, the City Council approved Vesting Tentative Tract Map ***("VTM")*** No. 2013-001. The conditions of approval/mitigation measures ***("COA")*** for the SPA and VTM are attached for your record.

It is the applicant's responsibility to initiate the implementation of the COA. Please do not hesitate to contact me if you have any questions.

Sincerely,

For Doreen Liberto-Blanck

Doreen Liberto-Blanck, AICP, MDR

c: Michael Powers, City Manager
Roy Hanley, City Attorney
Octavio Hurtado, Hanna & Brunetti, City Engineers
Community Development files

Attachments: Conditions of Approval/Mitigation Measures for SPA and VTM

FINAL CITY COUNCIL COA/MM (19 February 2014)
DOWNTOWN ADDITION VESTING TENTATIVE TRACT MAP 2013-001

1. **Project Description:** The ***"Project"*** is all development and activities pursuant to Vesting Tentative Tract Map 2013-001 ***("VTM"),*** which includes **three hundred and seventy-six (376)** residential and commercial lots ***plus*** letter lots on approximately **one-hundred (100) acres** as shown on **Exhibit 1** and dated **November 11, 2013**. The applicant/developer for the VTM is Smith-Monterey KC, LLC ***("Applicant"*** or ***"Developer").***

2. **Hold Harmless and Indemnification Clause:** The applicant/developer agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ***("City")*** and its elected officials, officers, contractors, consultants (including Earth Design, Inc., subconsultants, Hanna & Brunetti), attorneys, employees and agents (including Earth Design, Inc., subconsultants, Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., subconsultants, Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

   a. *Any approvals issued in connection with all approvals, actions and applications by City covered by the conditions of approval and/or mitigation measures; and/or*

   b. *Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended **("CEQA")** by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The applicant's/developer's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation reasonable attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant/developer, City, and/or parties initiating or involved in such proceeding.*

   The applicant/developer agrees to defend, indemnify and hold harmless City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., subconsultants, Hanna & Brunetti), attorneys, employees and agents (including Earth Design, Inc., subconsultants, Hanna & Brunetti) from and for all reasonable costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, general plan amendment, specific plan, zone change, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the applicant/developer desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

   The City shall promptly notify the applicant/developer of any claim, action or proceeding subject to this Condition. The City shall cooperate fully in the defense of any such claims, actions or proceedings. If the City fails to promptly notify the applicant/developer of any such claims, actions or proceedings, or if the City fails to cooperate fully in the defense thereof, the applicant/developer shall not thereafter be responsible to defend, indemnify or hold harmless the City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., subconsultants, Hanna & Brunetti), attorneys, employees and agents (including Earth Design, Inc., subconsultants, Hanna & Brunetti) from such claims, actions or proceedings.

   The City may participate in the defense of any claims, actions or proceedings if the City bears its own attorney's fees and costs, and the City defends the action in good faith. The applicant/developer shall not be required to pay or perform any settlement unless the settlement is approved by the applicant/developer.

3. **Consistency with Associated Documents:** The VTM shall be consistent with the following approved documents:

a. **Amended Specific Plan:** The VTM shall be consistent with the Amended Specific Plan, as approved by the City Council on **January 28, 2014** (Second Reading of Ordinance No. 2013-704), and attached as **Exhibit 2**.

b. **Affordable Housing Agreement:** The City Council adopted the Affordable Housing Program Agreement ***("Affordability Agreement")*** on **December 10, 2013**, and attached as **Exhibit 3**. All conditions of the Affordability Agreement are applicable to the VTM.

c. **Landscape Master Plan:** Buildout of the VTM shall be consistent with the Landscape Master Plan, as approved by the City Council on **January 14, 2014**, and attached as **Exhibit 4**.

d. **San Lorenzo Creek Restoration Plan:** Buildout of the VTM shall be consistent with the San Lorenzo Creek Restoration Plan, as approved by the Planning Commission on **August 06, 2013** and attached as **Exhibit 5**.

e. **Routes to School.** Buildout of Project sidewalks shall be consistent with the Routes to School maps which are attached as **Exhibit 6**.

4. ~~**Final Specific Plan Documents:**~~ **(Deleted because not applicable to VTM.)**

5. ~~**Inclusionary Housing Provision:**~~ **(Deleted because all requirements are implemented through the Affordability Agreement referenced in COA 3(b) above.)**

6. **Compliance with the Law:** The applicant/developer shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this Project. **Prior to recordation of any final map,** the applicant/developer shall provide copies of the required County, State and Federal permits applicable to the Project phase or subphase covered by the final map, or written verification of a waiver of applicable permit requirements. The Developer shall obtain any required governmental permits.

7. **Project Phasing & Infrastructure:** The Project may be constructed in major phases and subphases within those major phases, and the applicant/developer may record multiple final maps. The number of subphases and final maps shall be determined by the applicant/developer according to market demand and other considerations at applicant's/developer's discretion, ***but shall not exceed thirty (30) subphases and final maps***. The infrastructure requirements (on and offsite) for each subphase shall be matched to meet the needs of each subphase and shall include, but shall not be limited to, utility installation, drainage improvements, interior roadways, and the removal of all temporary power poles, as applicable to the particular subphase, **prior to acceptance of the public improvements for maintenance**. The applicant/developer and City shall enter into an improvement agreement requiring the construction of the backbone infrastructure, and the applicant's/developer's provision of reasonably acceptable security therefore, prior to the approval of the first final map. The applicant/developer and City shall enter into further improvement agreements requiring the construction of the portion of the required infrastructure (on and offsite) necessary for a particular subphase as identified by the City Engineer, and the applicant's/developer's provision of reasonably acceptable security therefore, prior to the approval of the final map for the applicable subphase.

8. ~~**Phasing Exemption:**~~**(Deleted)**

9. **Project Expiration:** The Vesting Tentative Tract Map shall automatically expire **two (2) years** after City Council final action, subject to any automatic extensions permitted under the Subdivision Map Act ***("SMA")*** and any discretionary extensions granted by the City as permitted by the SMA and City requirements, OR as specified in an approved Development Agreement. **Prior to expiration of the tentative map,** the applicant/developer may request and apply for any extension of time which is permitted by law.

10. **Changes:** Development shall be in **substantial compliance** with the Downtown Addition Specific Plan, and the plans, conditions of approval/mitigation measures presented to and approved by the City Council in connection with the adoption of Downtown Addition Specific Plan, Rezone and General Plan Amendment. No condition, or standard shall be eliminated, added or modified without Planning Commission review and City Council action, following a public hearing.

11. **SWPPP/Erosion Control Plan:** **Prior to grading and/or performance of any site work,** an

Erosion/Sediment Control Plan for routine activities associated with new excavation areas shall be submitted to the City for review and approval. A copy of the Project's Storm Water Pollution Prevention Plan ***("SWPPP")*** shall be submitted to the City for review. SWPPP Best Management Practices ***("BMPs")*** to prevent and control discharges to the municipal separate storm sewer (drain) system shall be in effect for the entire duration of Project construction to its completion and acceptance by the City.

12. **(Deleted because not applicable to VTM.)**

13. **Public Right-of-Way Easement:** The Downtown Addition Specific Plan contemplates the use of the Gallery (3.5.2.7) and Arcade (3.5.2.8) building types within the Neighborhood Zone. Any building of the Gallery and Arcade building type allowed by the Downtown Addition Specific Plan which proposes any construction within the public right-of-way or airspace above such right-of-way shall obtain an easement from the City, **prior to the issuance of a building permit.** Such easement shall be approved by the City Attorney and approved by the City Council. Upon receipt of City Council approval the easement shall be recorded and run with the land.

14. **Disclosure Documents – Potential Nuisances: Prior to or concurrent with the recordation of any final map,** the following notices shall be recorded in a manner that notifies all subsequent property owners within this Project of the potential nuisances from adjacent parks, previous agricultural use of the Project site, and nearby airport and industrial uses. Said notice shall advise each future owner to notify all prospective buyers of the potential nuisances, **prior to entering into an agreement to purchase a property within the Project site.**

    a. *"The Project site was previously used for agricultural operations that included the application of pesticides and other chemicals to the soil."*

    b. *"Active and passive parks will be located adjacent to and within the Project. The parks will be used for a variety of both active and passive recreation activities. Noise, traffic and other disturbances may occur due to public activities. Additionally, park activities may in the future change and/or increase to meet the recreation needs of residents of and visitors to City of King."*

    c. *"The existing airport, railroad, industrial area and cogeneration plant located near the Project may emit noise, dust and other related disturbances. These emissions may increase in the future.*

    d. *"The Project site is subject to aircraft over flights and single event noise exposure due to the proximity of the Project site to the City of King-Mesa Del Rey Airport. The airport is a general aviation airport that is used by a variety of aircraft and propulsion types, including fixed wing propeller and jet aircraft and helicopters. An FAA approved practice aerobatic area is adjacent to the airport. The airport is also used occasionally to support CDF and USFS aerial fire suppression activities. It is anticipated airport use will increase in the future in response to population and/or economic growth. Residents of property near airports should be prepared to accept the inconvenience, annoyance or discomfort from aircraft operations."*[1]

    e. *"City of King encourages agricultural operations on property located within the City and on adjacent property located near the City limits in the unincorporated portion of Monterey County. The property you are purchasing is near agricultural properties or agricultural operations. You may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odor, fumes, dust, smoke, inspections, operation of machinery (including fixed wing and helicopter aircraft) at any time and throughout any* ***twenty-four (24) hour period****, storage and disposal of manure, and the application by spraying, aerial application, or otherwise of chemical fertilizers, soil amendments, herbicides, fungicides and pesticides. One or more inconveniences or discomfort may occur as a result of agricultural operation that conforms to existing laws and regulations and are performed in accordance with accepted agricultural*

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[1] This condition of approval addresses **Mitigation Measure NOI-5B**.

customs and standards. If you decide to live or work near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a city and county with a strong rural character and an active agricultural sector."

15. **Covenants, Conditions and Restrictions *("CC&Rs")*: Prior to the City's approval of each final map for a residential development,** the applicant/developer shall submit CC&Rs for review and approval by the City Attorney (provided that no such submission or approval shall be necessary for previously approved CC&Rs which govern the residential development). The CC&R's shall record with the final map and shall include the following:

    a. *Provisions for maintenance of all common areas including common* access, *common parking, common street trees, common fencing and common landscaping in perpetuity to be performed by the Homeowners Association **("HOA")**, if required pursuant to the election of appropriate fiscal neutrality financing mechanism identified in COA No. 28.*

    b. *A detailed list of each individual homeowner's responsibilities for maintenance of the individual units.*

    c. *Residents shall keep all trash receptacles within the unit's designated trash storage area.*

    d. *Garages shall be maintained and used for vehicle parking.*

    e. *No boats, RV's or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.*

16. **Repair/Maintenance of On-site Shared Improvements:** [Provided for in COA No. 28.]

17. **Mail Receptacles:** Mailboxes shall be provided as approved by the local US Postmaster.

18. **Grading Permits/Model Homes:** Notwithstanding any other provision contained in these conditions of approval and mitigation measures, the applicant/developer may apply for and City may issue grading permits for the Project and building permits for the construction of model homes in accordance with the model home plan, **prior to filing or recording of a final map, for the applicable phase or sub-phase.**

19. **Memorandum of Understanding: Unless replaced, superseded or terminated by a Development Agreement, prior to approval of the first final map,** the Memorandum of Understanding ***("MOU")*, dated May 12, 2004**, between the **City** and **Smith-Monterey, KC LLC** shall be modified requiring the applicant/developer to pay for all reasonable third party consultant costs which are incurred by the City implementing the conditions of approval, mitigation measures, and other Project requirements after receiving City entitlements. These costs include, but are not limited to, consultant time to review, coordinate and implement the requirements of Project approval.

20. **Development Impact Fees: Prior to issuance of a certificate of occupancy for any specific building,** the applicant/developer shall pay the following connection, and development impact fees for such building which were in effect on **September 26, 2013 (the date the application for the Vested Tract Map was declared complete)** pursuant to City Ordinance No. 622, including any increases for inflation specifically permitted in City Ordinance No. 622 as it existed on such date.

    The amounts or applicability of the following fees may be amended by the Development Agreement ***("DA")***.

    - *General Government Fee,*
    - *Police Facilities Fee,*
    - *Fire Protection Facilities Fee,*
    - *Sewer Impact Fee,*
    - *Storm Drain Fee,*
    - *Community Center / Public Meeting Facilities Fee,*
    - *Public Aquatics Facility Fee,*

- *Water Impact Fee,*
- *Traffic Facilities Fee,*
- *Park Facilities Fees, and*
- *Waste Water Treatment Fees.*

21. **Emergency Services/Facility Maintenance Costs:** [Provided in COA No. 28.]

22. **Tract Maintenance Costs:** [Provided in COA No. 28.]

23. **Regional Impact Fees:** The applicant and/or developer(s) shall fund the Project's fair share of the cost of improvements to the Regional Traffic System through the payment of the TAMC fee.[2]

24. **School Impact Fees:** Consistent with state law, the Developer shall pay school impact fees to the King City Joint Union High School District and the King City Union School District at the time building permits are issued at the applicable rates established at that time by the districts for non-age restricted housing. These development fees shall be pursuant to regulations under Cal. Government Code §65995, *et seq.,* and Cal Education Code §17620. Under state law, development fees authorized by the foregoing code sections are deemed to be "full and complete school facilities mitigation."[3]

25. **Sewer System and Wastewater Treatment Facility Fees:** To ensure that the City of King has adequate funds to operate its sewer system and wastewater treatment facility and to finance capital improvements for sewer infrastructure, the Applicant and/or Project Developer(s) shall pay the sewer connection fees and the Sewer and Wastewater Treatment Development Impact Fees to fund the Project's fair share of the expansion and modernization of the wastewater treatment plant and wastewater collection system.[4]

28. **Fiscally Neutral/Establishment of Districts, Associations and or other funding Mechanism(s):** The Project shall be fiscally neutral. Such measures as the formation of Improvement or Assessment District(s), Community Facilities District ***("CFD"),*** Landscape and Lighting District ***("LLD"),*** Infrastructure Financing District ***("IFD"),*** and/or Homeowners Association ***("HOA"),*** separately or in combination, shall be established so the Project is fiscally neutral. The methods to ensure fiscal neutrality may include any combination of the methods mentioned above, or any other additional funding mechanisms the City may legally impose upon a project. There is no requirement that any particular method be used, so long as the combination of methods achieving fiscal neutrality by requiring the Project to pay for all of its impacts and service requirements that it may legally be compelled to pay. The finance mechanisms may include, by example and not by way of limitation, those methods mentioned above and shall cover, again by example and not by way of limitation, emergency services and facilities, maintenance costs, maintenance of all common areas, including common access, common parking, common street trees, common fencing and common landscaping, in perpetuity, City park facilities and maintenance service costs, all costs to maintain the on-site shared improvements, including roads, sidewalks, street trees, streetlights, private sewer system, drainage facilities, recreation areas, common landscaping, and all tract improvement and maintenance costs.

    The applicant/developer shall advance funds to allow the City to pay the costs and expenses to analyze, select and form any selected districts, associations, or other mechanisms or entities necessary to achieve the condition of fiscal neutrality. Applicant/developer and City shall consult and collaborate with each other and shall mutually select the combination of mechanisms needed to achieve fiscal neutrality for the Project. The form of such funding mechanisms shall be approved by the City Attorney, City Engineer and City Manager prior to acceptance of the first final map. If multiple funding mechanisms are selected, the funding of maintenance and service obligations shall

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2 This condition of approval addresses **Mitigation Measure TRA-8c**.

3 This condition of approval addresses **Mitigation Measure PS&R-3.** (The COA changes reference from Senate Bill 50 to the specific Cal. Government Code sections.)

4 This condition of approval addresses **Mitigation Measure UTIL-4b**.

not be duplicated, but to meet the requirement of revenue neutrality, the combination of funding mechanisms must ensure that the Project pays for all maintenance and service obligations that it may legally be charged with funding in order to achieve fiscal neutrality. In the event that any of the conditions of approval are performed by a CFD, LLD, IFD, HOA or other entity, City shall accept performance by such entity in satisfaction of applicant's/developer's obligations hereunder.

Notwithstanding the foregoing, if the applicant/developer and the City may choose to enter into a Development Agreement, the Development Agreement shall address the selection of methods by applicant/developer and City to achieve fiscal neutrality. A Development Agreement is both a legislative act of the City Council of the City, and a contract between parties. In a Development Agreement the parties are free to bargain for mutually acceptable concessions. For example, even though the City might not be legally entitled to condition the Project on the creation of a substation for the Police Department, the applicant/developer may offer to exchange that construction for some other benefit that is mutually acceptable. If the parties do enter into a Development Agreement, then the Project may be fiscally positive as to the City, instead of fiscally neutral, and the City is free to elect in the Development Agreement not to charge a particular development impact fee or cause the perpetual funding of a particular service need or maintenance need in exchange for other consideration.

29. **Master Lighting Plan (MM No. AES 2A, 2B and 2C and BIO 4C): Prior to recordation of the first final map or grading permit, whichever comes first, the applicant/developer shall have approval of Master Lighting Plan for the parks,** alleys and streets from the Community Development Department for review and approval. The Master Lighting Plan shall identify the type of fixture and the placement and spacing, taking into consideration safety and photometric standards. The Master Lighting Plan shall require that the lights be energy efficient and identify the type and wattage of Street lighting and alley lighting.

    The Master Lighting Plan shall incorporate the following to minimize light and glare impacts associated with the proposed Project:

    - *Project street, park and alley lighting shall be designed to direct light to the street and alley and away from the adjoining properties*
    - *To minimize excessive lighting and glare, building exteriors and roofs shall utilize low reflectance materials. Mirrored glass and other highly reflective building materials shall not be utilized on the exterior of the buildings. Concrete tile, asphalt shingles and wood shakes shall not be considered reflective.*
    - *The Project Developer shall install low-profile, low-intensity lighting with shielded fixtures directed downward to minimize light and glare.* [5]
    - *High-intensity outdoor lighting on individual homes and structures shall be prohibited.*[6]
    - *Light shall be directed downward to minimize spillover of light.* ***Once a final development plan and lighting plan is established,*** *the Applicant/Developer shall provide photometric calculations so that the extent of spillover is shown to be minimized to a less than significant level.* [7]
    - *Lighting shall be downcast luminaries with light patterns directed away from, and shielded so that light is not directed into adjacent open space areas. Mercury vapor and halide lighting shall not be used on the perimeter of the developed areas and in areas adjacent to undeveloped open space.*[8]

30. **Landscape and Irrigation Plans:** The project shall be consistent with the Landscape Master Plan approved by the City Council on **January 14, 2014**. All **Site-specific Landscape and Irrigation**

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5 This condition of approval implements **Mitigation Measure No. AES 2A**.
6 This condition of approval implements **Mitigation Measure No. AES 2B**.
7 This condition of approval implements **Mitigation Measure AES 2C**.
8 This condition of approval implements **Mitigation Measure BIO-4C**.

Plans shall be consistent with the approved **Landscape Master Plan**, as approved by the City Council on **January 14, 2014**, and attached as **Exhibit 4**, and in accordance with the **State of California Water Efficiency Landscape Ordinance Model** dated **September 10, 2009**, or as modified. **Site-specific Landscape and Irrigation Plans** shall be prepared by a State of California licensed landscape architect and approved by the Community Development Department, Police Department and Public Works Department.

Site-specific Landscape and Irrigation Plans shall be required for the following actions:

a. ***Prior to City approval of Street Improvement Plans for any phase or sub-phase of the Project that includes landscaping within a public areas, public open space, including street medians, alleys, or any other area to be maintained by the financing mechanism established pursuant to COA No. 28.*** *The landscaping and irrigation plan for the above listed areas shall be in compliance with the adopted Master Landscape Plan (Exhibit 4) and shall be reviewed by the City Engineer to verify that there is sufficient sight distance to ensure safety. The landscaping design, character and scale of such open space areas shall be compatible with surrounding areas. Such area landscaping shall consist of turf grass, trees and drought-tolerant native and/or Mediterranean type species. The landscape plans for the buffer zone area outside the edge road shall specify only trees the landscape architect believes can tolerate high winds.*

b. ***Prior to recordation of the final map in which a dedicated park is located.*** *The Recreation Commission shall review and approve the **Site-specific Landscaping and Irrigation Plan**. A letter shall be submitted by a State of California Licensed landscape architect stating that all playgrounds, sports equipment and other park related features are safe.*

c. ***Prior to issuance of a building permit for a specific residential or commercial building,*** *a **Site-Specific Landscaping and Irrigation Plan** shall be prepared by a licensed Landscape Architect and in accordance with the **State of California Water Efficiency Landscape Ordinance Model**, dated **September 10, 2009**, or as modified.* ***Prior to issuance of a certificate of compliance,*** *the applicant/developer shall submit to the Building and Safety Department the certificate of completion in accordance with the State of California Water Efficiency Landscape Ordinance Model. The landscaping design, character and scale shall be compliance with the **Downtown Addition Specific Plan** and the approved **Master Landscape Plan**.*

31. **Installation of Area Landscaping:** **Prior to or concurrent with City's issuance of building permits for any phase or sub-phase of the Project that includes an area to be maintained by financing mechanism(s) selected in accordance with COA No. 28,** the applicant/developer shall post a performance security in an amount to be agreed to by the City Engineer to guarantee the installation of plantings, irrigation, walls and fences, in accordance with approved landscape and irrigation plans for such Landscape area(s).

32. **Grant of Avigation Easement and Release:** **Prior to recordation of the first final map,** the Grant of Avigation Easement and Release shall be recorded against the property within the boundary of the Vesting Tentative Tract Map substantially in the form attached hereto as **Exhibit 7.** Revisions to the Grant of Avigation Easement and Release must be approved by the City Attorney. A reference to the Grant of Avigation Easement and Release shall be placed in each final map for the Project. [9]

33. **Filing FAA Form 7460-1:** **Prior to final map recordation of the first phase,** issuance of a grading permit, or issuance of any construction project permit, whichever comes first, the applicant/developer shall file FAA Form 7460-1 with the Federal Aviation Administration, and provide a copy of the filed form with the City Engineer, if applicable.

34. **Temporary Tract Offices:** The applicant/developer shall submit a plot plan for review and approval by the City Engineer, Building and Safety Director and Community Development Director, if

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[9] This condition of approval implements **Mitigation Measure NOI-5A.**

temporary sales and/or construction offices shall be used onsite. Conditions of approval, such as maintaining the temporary tract office, properly disposing of unused construction debris, etc., shall be attached to the plot plan approval. The plot plan shall be valid for **one year** and the applicant/developer shall request an extension in writing with applicable fee to the Building and Safety Director. Extensions of no more than **one-year** at a time shall be granted.

35. **No Further Subdivisions:** In no case shall there be more than a total of **five hundred and eighty-one (581) residential dwelling units** within the boundary of the Vesting Tentative Tract Map, as addressed in the EIR and the Specific Plan. The **seventy-two (72) carriage units** do not count toward the maximum allowed number of residential dwelling units.

PUBLIC WORKS DEPARTMENT CONDITIONS

All Project conditions of approval herein specified, unless otherwise noted, are to be complied with prior to final map recordation of each phase or sub-phase.

36. **~~Stop Sign Locations:~~ (Deleted)**

37. **~~Grading and Drainage Plan:~~ (Deleted)**

New 37. Bitterwater Road Improvements: Project improvements shall be made at the sole expense of the applicant/developer.

A. **Bitterwater Road** - Where the Project is adjacent to Bitterwater Road, the following improvements shall be made:

1) Install **nine-foot (9')** parkway and **six foot (6')** sidewalk, as shown in the cross-section on VTM Sheet 5 along the Bitterwater Road frontage, and City Standard/ADA Access Ramps at all intersections.

2) Remove and replace any deteriorated curb and gutter, limits to be reviewed and approved by City Engineer.

3) Remove existing driveways and replace with City Standard curb and gutter.

4) Install streetlights, and landscaping.

B. **Bitterwater Road** – From easterly side of Oak Avenue (San Antonio Avenue Extension) through Chestnut Street:

1) Grind, furnish and install a minimum of **two and one-half inch (2.5")** Asphalt Overlay **twenty-foot (20')** wide half street on southerly side of Bitterwater Road.

Note: *The Development Impact Mitigation Fee Program and Master Facilities Plan Project No. ST-4 is for UPRR, First St, Metz Rd, Bitterwater intersection, Traffic Signal and RailRoad Crossing Improvements and does* ***not*** *apply to these Bitterwater Road Improvements.*

38. **~~Underground Utilities:~~ (Deleted)**

New 38. Oak (San Antonio Avenue Extension) Avenue:

1) **Bitterwater Street to the abutment of the future San Lorenzo Creek bridge at southerly boundary of Project:** All construction improvements shall be as shown in cross section 5 on VTM sheet 2 and made at the applicant's/developer's sole expense. Applicant/developer is responsible for improvements from westerly right of way of Oak Ave through first twenty **(20')** feet of pavement. The City of King, at its own discretion, may delay improvements between that shown along Parcel O of the Vesting Tentative Map, marked **Exhibit 1, and the abutment of the future San Lorenzo Creek bridge,** and instead require the applicant/developer to pay in-lieu of costs.

Note: *Developer construction and installation of these improvements is subject to fee credit pursuant to* ***COA No. 99.***

39. **~~Infrastructure Plan:~~ (Deleted)**

New 39. Fire Access/Turn-Around – Pearl Street: The Project shall include a hammerhead or

suitable Fire Truck turn around. After the Broadway Street UPRR grade crossing to First Street, and Secondary Access to Bitterwater has been constructed, the applicant/developer shall remove existing Pearl Street grade crossing improvements from Specific Plan boundaries to First Street and provide a hammerhead or other suitable access/turn-around at the westerly end of Project/Pearl Street, at UPRR right-of-way.

The turnaround/hammerhead shall have red painted curbs and "No Parking" signs. The designs shall be reviewed and approved by the City Engineer and Fire Department.

40. ~~**Public Improvement Plan**~~

New 40. **Project Improvements:** The following improvements shall be made at the applicant's/developer's sole-expense:

A) All street improvements shall be made, including but not limited to Wet and Dry Utilities, Asphalt Pavement, Curb, Gutter, Sidewalk, Landscaping along all Project Streets, and streets along and/or adjacent to all properties within the Project boundaries. All improvements shall be extended to, and provide for future extension to all properties within Project boundaries.

B) The City of King may, at its own discretion, may delay improvements and/or portions of improvements along half street(s), including but not limited to west side Jayne Street (south of Pearl Street that has existing pavement, curb gutter, and sidewalk). If delayed, Project shall design street to conform to existing grade at centerline/half street and/or as per City's requirements.

C) Repair existing improvements damaged, cut, and/or trenched as part of the project to City Standards.

D) Grind, furnish and install a minimum of a **two and one-half inch (2.5")** Asphalt Overlay from centerline to gutter on existing streets that are damaged, cut, and/or trenched during construction.

41. ~~**Underground Improvements:**~~ **(Deleted)**

New 41. **Land/Easement Acquisition and/or Abandonment:** No final map will render any parcel without legal access. At the applicant's/developer's sole-expense, the following easements and/or right-of-ways shall be acquired, including but not limited to:

A) Right-of-way for Broadway Street: Curb, gutter, sidewalk along frontage of APN 026-291-002.

B) Right-of-way for Broadway Street across UPRR (**eighty-eight foot (88')** wide minimum).

C) Right-of-way for Broadway Street across from APN 026-293-002 to First Street (eighty-eight feet (**88'**) wide minimum).

D) Various locations - Sidewalk (wedge and/or **two plus/minus feet (2' ±)** strip along APNs 026-285-001, 026-285-004, 026-281-002 and 026-346-002).

E) Oak Avenue drainage easement maybe required to serve drainage of easterly lands of VTM. (APN: 245-051-003 onto Project Site)

At the applicant's/developer's sole-expense, the following improvements shall be removed and all associated rights-of-way and/or easements (in favor of others) shall also be acquired, relinquished and/or abandoned:.

F) Existing railroad spur track to be removed on the Project Site and on the UPRR ROW, to the extent required by UPRR.

G) Existing railroad spur track to be removed on APN 026-291-002.

In the event it is necessary to acquire easements and/or street right-of-way and/or abandon easements, private property, and/or right-of-ways in favor of others, the applicant/developer shall enter into an agreement with the City in conformance with Government Code §66462.5 agreeing to pay all costs for dedications, abandonment, condemnation, and/or other costs. This agreement shall be recorded and require the owner to pay all dedications, abandonment, condemnation, and/or other costs with the City. The owner shall agree to provide an initial cash deposit as determined by the City.

42. ~~**Grading:**~~ **(Deleted)**

New 42. **Road and Utility Easements:** Project shall provide and maintain road, utility easements and/or right of way to all existing parcels, including but not limited to APNs 0026-285-006 and 026-285-007.

Existing road right-of ways and/or easements that are to be abandoned, vacated, or relinquished by the City of King shall be per applicable State Law.

*(**Note:** Some Abandoned/Relinquished ROW (as per VTM sheet 18 Legend) may NOT go to Applicant/Developer. Abandoned/Relinquished ROW may have to go to existing adjacent parcel, such as portions of old streets along APNs 026-291-002, 026-292-002, and 026-285-006/007).*

43. ~~**Easement Abandonment**~~ **(Deleted)**

New 43. **Railroad Improvements at Broadway Street:** At the applicant's/developer's sole-expense, all street improvements shall be constructed and/or removed, including but not limited to Wet and Dry Utilities, Asphalt Pavement, Curb, Gutter, Sidewalk, Landscaping along all following streets that directly serve Project

Improvements along Broadway Street UPRR grade crossing from the Specific Plan boundaries, across UPRR ROW, across APN 026-293-002 (Meyer), and across and to easterly side of First Street as required to conform by the City of King.

1) **Fifty-four foot (54')** wide curb-to-curb asphalt and base pavement.
2) **Thirteen foot (13')** Concrete ADA pedestrian sidewalk/pathways on each side.
3) UPRR Concrete Grade Crossing with new vehicle and pedestrian crossing signal and gates.
4) Traffic signal at Broadway Street and First Street.
5) Project shall submit layout subject to approval by the City Community Development, Engineering and Fire Departments. All Plans shall be reviewed and approved by City Engineer.

***Note:** Developer construction and installation of these improvements is subject to fee credit pursuant to COA No. 99.*

44. ~~**Public Utilities:**~~ **(Deleted)**

New 44. **Pedestrian Routes to Schools to/from Project Improvements:** At the sole-expense of the applicant/developer, the following shall be accomplished: Remove and replace all pedestrian sidewalks where deteriorated, not to current City or ADA standards, and/or missing to schools that directly serve the Project in accordance with the Routes to Schools maps attached as **Exhibit 6**, and subject to review upon change of school locations.

45. ~~**Utility Concurrence:**~~ **(Deleted)**

46. ~~**Bonds/Surety:**~~ **(Deleted)**

New 46. **Project Sanitary Sewer:**

A) All Sanitary Sewer Laterals shall have a City Standard Clean Out at right-of-way (or as approved by City Engineer) and shall have **four-foot (4')** cover (minimum) at back of walk/right of way,

unless approved otherwise by City Engineer.

B) Sanitary sewer laterals in driveways shall be avoided, and must be approved by City Engineer, and shall have traffic rated boxes and lids.

C) All sanitary sewer pipes shall be at **0.0030 slope or greater**. The applicant/developer may adjust design sewer flow split, so more or less flow goes into offsite trunk/collector sewer mains in Division Street and/or Metz Road, with approval of the City Engineer.

D) The City of King, through a City wide moratorium may limit and/or stop sanitary sewer connections if Wastewater Treatment Facilities reach or exceed rated capacity, and/or if RWQCB requires limits on sewer flows at WWTP. The City of King, through a sewer moratorium on connections to infrastructure that directly contribute to downstream infrastructure that has capacity or other limitations, may limit and/or stop sanitary sewer connections to said downstream infrastructure with capacity or other limitations.

Old 47. ~~**Infrastructure Installation**~~ **(Deleted)**

47. **New 47. Project Storm Drainage:** The following storm drainage improvements shall be made:

a. All lots and parcels shall surface drain at **one percent (1%)** minimum for storm drainage unless otherwise approved by the City Engineer.

b. The streets and alleys/lanes shall be designed to contain and/or overland release a **one-hundred (100)** year storm to the detention pond before overtopping any curb or alley/lane pavement.

c. The Project may use PVC per City Standards.

d. Storm drains in lots, parcels, private streets and/or private alleys shall be privately maintained.

48. ~~**Offer for Dedication:**~~ **(Deleted)**

New 48. Phasing Items List: The following improvements shall be made in the identified phases below:

A. **UPRR, Pedestrian and Grade Crossing improvements:**

1) **Broadway Street Extension** - The applicant/developer shall submit the required applications to the UPRR and the California Public Utilities Commission ***("CPUC")* prior to the submittal of the first final map**, and commence construction of said UPRR Project Improvements at Broadway Street within **twelve months (12)** of receipt of all required permits and approvals and the issuance of bonds or other financing sufficient to pay the cost of said improvements. Pursuant to the adopted Specific Plan the construction of the at-grade crossing at Broadway Street shall commence at the start of **Phase 6** or sooner.

B. **UPRR at Pearl Street:**

To be consistent with the approved Specific Plan and 2011 certified EIR, Broadway Street extension must be completed with this project. If the Broadway Street UPRR grade crossing required by Condition of Approval No. 43 has not been commenced to be constructed at or before the commencement of Phase One of the Project, the applicant/developer shall, **prior to the issuance of the first Certificate of Occupancy,** provide the following interim improvements to the Pearl Street crossing from the Specific Plan western boundary to First Street:

1). Applicant/developer will restripe and widen Pearl Street as needed to provide **two (2) Twelve foot (12')** travel lanes and two (2) **five foot (5')** minimum ADA compliant sidewalk. The sidewalk will be constructed in such a manner as to provide continuous pedestrian access from the end of the existing sidewalk on the south side of Pearl Street at its intersection with Railroad Ave to the existing sidewalk at the intersection of Pearl Street and First Street. Final layout and design subject to the review and approval of the

City Engineer.

2). Applicant/developer shall submit the required applications for the foregoing improvements to the UPRR and the California Public Utilities Commission prior to recording of the first final map, and shall commence construction within **twelve (12)** months of receipt of all required permits and approvals.

If the construction of the Broadway Street UPRR grade crossing has not commenced at the start of Phase 6 or sooner the applicant/developer at the applicant's/developer's sole-expense, shall upgrade the Pearl Street UPRR grade crossing from the Specific Plan boundaries through First Street based on the following standards:

1) New **forty-foot (40')** wide asphalt and base pavement (**two (2) eight foot (8')** bike lanes and **two (2) twelve foot (12') travel lanes**).

2) New **five foot (5') (minimum)** PCC and base ADA pedestrian pathways on each side.

3) New UPRR concrete grade crossing with new vehicle and pedestrian crossing signal and gates.

4) The applicant/developer shall submit layout subject to the approval of the City Community Development Public Works and Fire Departments. All Plans shall be reviewed and approved by the Public Works Department.

C. **Parks:**

1) **San Lorenzo Creek** - The Creek Restoration shall be included in the Phase 1, per the approved San Lorenzo Creek Restoration Plan, marked as **Exhibit 5.** The San Lorenzo Creek Linear Park (Parcels N-S) will also be mass graded concurrently with the grading required for the Creek Restoration.

2) **Along Creekfront Drive** - Parcels N, O, P, Q, R. Park shall be concurrently developed with any one (1) or more adjacent lot(s) fronting said Letter Parcel.

3) **Water Quality Basin Parcel S** - Construction and improvements of the Water Quality Basin shall be included in Phase 1. Landscaping and Park improvements shall be concurrently developed with any one or more adjacent lot(s) fronting Parcel S.

4) **On-site Parks A, C, D, E, F, G, H, I, J, K, L** - Parks shall be concurrently developed with any one or more adjacent lot(s).

5) **Rosewalk Parcel** - The Rosewalk Parcel shall be developed concurrently with the first development of any adjacent lot.

D. **Bitterwater Street Improvements** - From easterly side of Oak Avenue (San Antonio Extension) to the westerly side of Chestnut Avenue):

1) Concurrent with Improvements for any lot/dwelling unit north of Lynn Street.

E. **Oak Avenue/San Antonio Street Extension Improvements**:

1) **From Bitterwater Street through end as shown at Parcel O:** Concurrent with adjacent lot improvements.

2) **End as shown on VTM at Parcel O to Project southerly Boundary:** Concurrent with final map that includes Lots O or P.

F. **Removal spur track, in UPRR, APN 026-291-002, and in Project**: Concurrent with adjacent lot improvements.

G. **Pedestrian ADA sidewalks from Project into City/to Schools**: Fully constructed prior to first certificate of occupancy: for each final map determined by the City Engineer to generate students along a route depicted in the Routes to School maps attached as **Exhibit 6** containing sections of sidewalks requiring improvement.

H. **Broadway Street Roundabout**: Fully constructed in **Phase 1**.

49. ~~**Additional Ordinance Material:**~~

(Deleted)

New 49. Traffic Index: The minimum road designed Traffic Index ***("TI")*** shall be:

- Alleys TI = 5.0.
- Residential Streets with Travel Lanes **ten-feet (10')** wide TI = 6.0.
- Residential Streets with Travel Lanes **eleven-feet (11')** wide TI = 7.0.
- Collector/Arterial Streets with Travel Lanes **twelve-feet (12')** or greater in width TI= 8.0.

Streets adjacent to active agricultural operations shall have minimum **eight-inch (8")** layer Aggregate Base wrapped in 600 x Mirafi (or equal) fabric at subgrade.

Old 50: ~~**Grading, Drainage and Street Improvements**~~ **(Deleted)**

Old 51: ~~**Pre-construction Conference**~~ **(Deleted)**

51. **New 51. Underground Utilities: Before recordation of the first final map,** a conceptual infrastructure plan for the entire Project shall be submitted to and approved by the Public Works Director and City Engineer, and updated with each phase.

Old 52: ~~**Final Map(s) - (Deleted)**~~

52. **New 52 Easements Abandonments:** All easements, streets, and/or right of ways that are to be abandoned by the City shall be with a City approved notation on the final map in accordance with the applicable provisions of the SMA and other applicable state laws.

53. ~~**Notice Document:**~~ **(Deleted)**

New 53. Public Utilities: Easements for utilities shall be dedicated in a size and location in compliance with Specific Plan Section 3.11 Services and Utilities Standards and the VTM, and approved by California Water and PG&E, and/or other Public Utility. All public utility easements shall be shown on the Final Map.

Old 54. ~~**Change of Ownership:**~~ **(Deleted)**

55. ~~**Miscellaneous Improvements:**~~ **(Deleted)**

New 55. Will Serve Letter: Before final map recordation of any map a final will serve letter shall be obtained from California Water and submitted to the City Engineer, and Community Development and Building Directors.

56. ~~**Street Design:**~~ **(Deleted)**

New 56. Retaining Walls: All retaining walls shall be in compliance with the requirements of the Specific Plan. Masonry and shall be a modular system and/or cast in place concrete with a decorative surfacing shall be as specified unless not visible from the public way. All site retaining walls are subject to the review and approval of the Community Development, Building and Safety, and Public Works Departments. Wood retaining walls shall not be permitted.

Old 57. ~~**Water Quality Basins:**~~ **(Deleted)**

57. **New 57: Striping:** Provide signing and striping plan with improvement plans.

Old 58. ~~**Soils/Geotechnical Report**~~**: (Deleted)**

58. **New 58: Engineer's Estimate of Costs:** The developer shall submit an estimate of the probable cost of developer-installed improvements with each Final map, and/or Phase of Improvements submittal. The developer shall also submit fees and bonds and enter into an improvement agreement, **prior to Final Map recordation.**

59. ~~**Fire Hydrants:**~~ **(Deleted)**

New 59: **Inspections:** All work shown on the improvement plans shall be inspected. Uninspected work shall be removed as deemed appropriate by the City Engineer.

60. ~~**Alleys/Driveway Construction**~~ **(Deleted)**

New 60: **Access to Utilities:** The developer/contractor shall make accessible any or all City utilities as directed by the City Engineer.

61. ~~**Address Numbers/Street Signs:**~~ **(Deleted)**

New 61: **Wells:** All wells on project site, except any owned and operated by California Water Service Co, shall be abandoned according to Monterey County, State California, and California Water Service Co Standards and requirements.

62. ~~**Access Roadways:**~~ **(Deleted)**

New 62. **Water:** All domestic water improvements shall be owned, operated and per California Water Service Co. requirements and standards. Water line locations shall be shown on improvement plans.

Old 63. ~~**Fire Sprinklers in Garage:**~~ **(Deleted)**

63. **New 63:** **Underground Utilities:** All Utilities within Project limits shall be underground.

Old 64: ~~**Signs**~~ **(Deleted)**

New 64: **Encroachment Permit:** Project shall obtain an encroachment permit for any work in the existing City Streets.

Old 65. ~~**Park Land:**~~ **(Deleted)**

New 65: **Grading/Drainage and Street Improvement Plans:** **Before final map recordation of each phase final map or issuance of a grading permit for each phase,** the applicant/developer shall submit grading, drainage and street improvement plans prepared by a California Registered Civil Engineer. Grading shall be shall be done in conformance with City standards and such that is does not create any adverse impacts to neighboring properties. Said plans shall include but not be limited to drainage study and calculations, street, utility, and storm drain improvements and shall be submitted to the City Engineer and Public Works Department for review and approval.

The applicant's/developer's engineer shall design and certify during construction that all structures in Project will provide that the lowest finished floor of any building, excluding garages, shall be one foot minimum above the top of curb and/or **one-hundred (100) year flood**, whichever is greater.

A SWPPP and an Erosion Control Plan is required for all phases of the development and shall be filed with the State, with **two (2) copies** to City. WDID# shall be provided, **prior to Improvement Plan/Final Map approval.**

Applicant/developer shall provide a performance bond for cost of grading covering cost of grading pursuant to estimate agreed to by City Engineer and approved by City Attorney.

The City Engineer is responsible for coordinating the review of the grading and drainage plans.

Old 66: ~~**Park Improvements:**~~

New 66: **LID, BMP and Drainage Basins:** The Project will be subject to the City of King's NPDES MS4 Phase 11 permit requirements in effect at the time of the Vesting Tentative Map approval (currently 2013-0001-DWQ).

All storm drain run-off must be pre-treated **prior to exiting the Project site.**

All storm drain inlets (public or private) that are connected to public storm system shall be stenciled/signed with appropriate ***"NO DUMPING - FLOWS TO CREEK"***.

NPDES required language. All treatment measures must be reviewed and approved by

the City Engineer, **prior to Final Map and/or Improvement Plan approval.**

Prior to approval of the improvement plans/final map for each phase, provide a final Storm Water Runoff Management Plan for that phase of the Project Site. Plan shall show how Low Impact Development ***("LID")*** measures including treatment control BMPs, other appropriate source control and design measures are incorporated into the project design, and limit stormwater pollution discharges, and peak runoff management during construction and post-construction.

Drainage shall be retained, and/or detained onsite in basins approved by the City Engineer through tract improvements plans or grading permit applications, in accordance with the Specific Plan (Section 3.9.7) and the VTM. Drainage shall be managed on-site using Best Management Practices ***("BMP"),*** stormwater cleaned onsite in a water quality basin approved by the City Engineer through tract improvements plans or grading permit applications. The design of the water quality basin shall be reviewed and approved by the City Engineer

The detention pond system shall be designed to limit the post-development **one-hundred year (100)** discharge to no more than the pre-development **ten year (10)** discharge rate from the Project Site, including adjacent properties in Specific Plan Boundary, and Contributory Areas, and shall be constructed in conformance with the County of Monterey Flood Control District requirements and standards, subject to the review and approval of the City Engineer. An emergency overflow shall be installed on the storm drainpipe to the river. The emergency overflow shall be one foot (1') or more below the lowest top of bank surrounding the pond. The design of the basins shall be reviewed and approved by the City Engineer and Public Works Director.

Applicant/developer shall provide funding mechanism(s) for maintenance of Post Construction BMPs, LID Measures, treatment systems, detention basin(s) and open spaces, in accordance with the election of appropriate financing mechanisms for fiscal neutrality as provided in **COA No. 28**, and as approved by the City Engineer, City Attorney, City Manager, and Community Development Director.

A SWPPP and an Erosion Control Plan is required for all phases of the development and shall be filed with the State, with **two (2) copies** to City. WDID# shall be provided **prior to Improvement Plan/Final Map approval.**

67. ~~**Will Serve Letter:**~~ **(Deleted)**

68. **Stop Sign Locations: Prior to recordation of each final map,** the City Engineer, and Police Chief shall approve stop sign locations for consistency with the Downtown Addition Specific Plan, attached as **Exhibit "2"**.

69. ~~**Coordination with MTA:**~~ **(Deleted)**

70. **(Blank)**

71. **(Blank)**

72. **New 72 Public Improvement Plan: Prior to recordation of each final map, a Public Improvement Plan *("Public Improvement Plan")*** for the applicable phase or sub-phase shall be prepared by a California Registered Engineer. The Public Improvement Plans shall be submitted to, and approved by the City Engineer. The Public Improvement Plans shall include the Project's required:

    - *Street paving,*
    - *Curb,*
    - *Gutter,*
    - *Streetlights,*
    - *Sidewalks,*

- *Parkway,*
- *Required utilities,*
- *Grading, and*
- *Drainage.*

The Public Improvement Plan for each phase or subphase shall be submitted to all applicable public utility companies including but not limited to California Water, PG&E, Charter Cable, SBC (telephone) and the City, with copies to the City Engineer. All applicable improvements shall meet ADA standards, and be consistent with the approved Downtown Addition Specific Plan, latest City standards and specifications and to the satisfaction of the City Engineer. The City Engineer is responsible for the coordination the review of the Public Improvement Plans.

Except where the Specific Plan/Vesting Tentative Tract Map call for a variance from City standards, public improvements shall be designed in accordance with City specifications and standards, including but not limited to the following:

- *Street plan and profile,*
- *Storm Drainage, drainage ditches, culverts and other structures,*
- *Water plan/water system and associated improvements (to be reviewed and approved by California Water and City Fire Department),*
- *Sewer plan,*
- *Grading and erosion control plan,*
- *Easements for all water and sewer mains and storm drains,*
- *Curb markings and "blue dot" night reflectors,*
- *Bike Lanes, paths, and/or multi-use paths,*
- *All on and offsite improvements as required by the City Engineer including offsite storm drain pipe and outfall to the San Lorenzo Creek, and*
- *All existing wells to be abandoned.*

73. **New Underground Improvements: Prior to street paving,** all underground improvements shall be installed and shall pass all testing.

74. **(Blank)**

75. **(Blank)**

76. **(Blank)**

77. **Utility Concurrence:** All Utilities shall be installed as described in **Section 3.11** (Services and Utilities Standards) of the Specific Plan, unless otherwise shown on the VTM or required by statute. **Prior to construction and installation of the utilities,** there shall be written approval by PG & E, Telephone, Cable TV, California Water and any other affected agency as to all improvements, easements, right of way or other facility that are applicable to them.

78. **Bonds/Surety-Faithful Performance and Labor and Materials: Prior to the recordation of ~~the~~ *any* map commencement of any work on any improvement and in any event and prior to recordation of a final map,** a subdivision improvement agreement for those improvements required by the City shall be prepared and a performance bond posted through the City Attorney's office, or as otherwise directed by the City Attorney.

79. **Infrastructure Installations: Prior to the issuance of a certificate of occupancy for any residential or commercial building in a phase or sub-phase,** all infrastructure improvements (roads, sidewalks and utilities) that serve the affected property shall be installed and fully operational to the satisfaction of the City Engineer.

80. **Offer of Dedication:** **Prior to recordation of each final map,** the applicant/developer shall offer, by certificate on the map or separate document, to dedicate to the City the following:

    - *Water Line Easement,*
    - *Sewer Line Easement,*
    - *Storm Drainage Easement,*
    - *Road Right-Of-Way for all City-Approved Onsite Streets,*
    - *Parks, and*
    - *All Public Utilities.*

81. **Additional Ordinance Material:** **Prior to final map recordation for any phase or sub-phase,** the applicant/developer shall submit to the City Engineer the additional material required pursuant to Municipal Code §16.32. In particular, the following shall be submitted:

    - *Current Title Report,*
    - *Traverse Sheets,*
    - *Guarantee of Title,*
    - *Improvement Agreement, and*
    - *Proof that there are no outstanding taxes, liens or other special assessments pursuant to Municipal Code §16.32.080 (d).*

82. **(Blank)**

83. **Pre-construction Conference:** **Prior to issuance of the first building permit for each phase,** and **prior to installation of infrastructure**, a pre-construction conference is required to be conducted. The City Manager, or designee is responsible for coordinating the pre-construction conference. At a minimum, the pre-construction conference shall include the City Engineer, the Applicant/Developer, Building and Safety Director, and Contractor(s). The City Manager, or designee, may invite other officials, as needed, to assist in the process. The parties in attendance shall discuss and agree to the conditions of approval and mitigation measures related to for construction of the Project, including but not limited to:

    a. *Hours of construction shall be* ***limited to 7:00 a.m. to 5:00 p.m. Monday–Saturday.*** *No construction shall be allowed on Sunday, or State holidays, except as approved in writing by the City Engineer,*

    b. *Construction related truck-trips are to be scheduled during non-peak hours when possible to help reduce truck traffic on adjacent streets and roadways,*

    c. *The route of construction related traffic is to be established to minimize trips through surrounding residential neighborhoods,*

    d. *Truck hauling-grading material shall take preventative measures to minimize air borne dust and rocks,*

    e. *Schedule to maintain and clean public streets and sidewalks during grading and construction,*

    f. *Public and private streets in use shall not be used for storage of equipment or materials, and*

    g. *All applicable Mitigation Measures.*

84. **Final Map(s):** **Prior to recordation of each final map,** the applicant/developer shall submit to the City Engineer for review and approval, a final map prepared by a licensed land surveyor or qualified State of California Registered Civil Engineer. The final map(s) shall provide all required dedications and easements. The City Engineer is responsible for coordinating the final map review.

85. **Notice Document:** The applicant/developer shall prepare a ***"Notice Document",*** subject to review and approval of the City Engineer and City Attorney, to notify lot purchasers on limitations on the use,

possession and enjoyment of the property within the boundaries of the Vesting Tentative Tract Map and shall be recorded with the final map of each phase or sub-phase. The notice shall include all conditions of approval and mitigation measures that apply to the specific lot development, common Project features, or other information which needs to be provided to property owners, in addition to the following provisions:

a. *Although such shared and/or private facilities are not anticipated, if there will be any private roadway shared by* ***two (2) or more*** *residential lots or private facilities for water, sewer, or drainage in the Project, then a Private Water, Sewer, Drainage and Road Maintenance Agreement for such shared and/or private facilities shall be filed with the City, subject to review and approval by the City Attorney.*

b. *Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and access road, as applicable. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.*

86. **Change of Ownership:** The applicant/developer shall provide written notice to the City identifying the new owner as a result of any change in the ownership of the Project or any phase(s) or sub-phase(s) of the subdivision (e.g., if a phase or sub-phase is sold to a subsequent master developer/builder who will be responsible for installation of infrastructure, or if all or a portion of the Project is sold to a subsequent master developer/builder). Such notice shall be provided within **thirty (30) days** of any such transfer. Notice is not required for sale of individual lots. The original owner and new owner shall be jointly and severally responsible for payment of all fees associated with the Project up to the time of the initial sale of completed improvements; provided that the applicant/developer shall be released from all responsibility for the payment of fees incurred with respect to the transferred portion of the property after the sale of such property, upon delivery of the required notice of transfer to City. In accordance with City Code, an additional deposit may be required from the new owner for processing the applications and appurtenant agreements. The original owner will be responsible for any fees incurred prior to a sale of the property, and the new owner(s) will be responsible for any fees incurred after a sale of the property. The original and new owner may allocate between themselves the responsibility for compliance with the subdivision improvement agreement applicable to the property and the provision of bonds required thereunder.

87. **Miscellaneous Improvements: Prior to acceptance of the public improvements for each phase or subphase,** the following shall be accomplished:

a. *Repair, or bond for, any damaged public improvements on the Project site (curbs, gutters, sidewalks, etc.) subject to the review and approval of the City Engineer. Where tree roots are the cause of the damage, the roots are to be pruned.*

b. *A final inspection by each city department and a signature from a representative of each department signifying that no further actions are needed to comply with these conditions.*

88. **Street Design:** Street width within the subdivision shall be designed to meet the approved Downtown Addition Specific Plan. All other street designs shall meet City Municipal Code standards.

89. **(Blank)**

90. **Soils/Geotechnical Report: With the filing of each final map,** a site Soils Report (geotechnical) covering the area of the final map shall be submitted to the City Engineer (or if a previously submitted site Soils Report covers the site of the final map, the application shall so note). The report shall include data regarding nature distribution and strength of existing soils, including conclusions and recommendations for grading, corrective measures, stability and design criteria for road, utility, retaining wall, structures and other proposed improvements. The Soils/Geotechnical Report shall incorporate the requirement of the appropriate Mitigation Measures identified in the Downtown Addition Specific Plan FEIR (See COA No's 120-139).

FIRE DEPARTMENT

91. **Fire Hydrants:** Fire hydrants shall be installed at standard intervals along all public streets within the

Tract subject to the approval of the Fire Chief. **Prior to the delivery of bulk combustible construction materials, and/or at the start of framing construction,** the fire hydrants and water supply installation shall be in place, inspected, tested and accepted by the Fire Department, or the applicant/developer shall erect **two (2), ten-thousand (10,000) gallon** Kline water storage tanks adjacent to the wood frame construction dedicated only to the Fire Department use.

The applicant/developer shall submit to the City Engineer, **prior to final map recordation of the applicable phase or sub-phase,** Improvement Plans for construction of improvements to the water main system in order to obtain sufficient fire flow. The improvement plans shall be prepared by a registered civil engineer and reviewed and signed by the City Engineer.

92. **Alleys/Driveway Construction:** All alleys/driveways shall be located and constructed to the satisfaction of the City Engineer and Fire Chief. Each home shall have an individual driveway providing direct access to a public street or alleyway unless a shared driveway for **two (2) or more lots** has been approved by the Fire Chief for use as a fire lane.

    The minimum vertical clearance shall be **thirteen-feet, six-inches (13'-6").** The radius from the face of curb, unobstructed by parking, is required on any turns, corners, cul-de-sacs, and/or hammerheads shall be as specified in the Specific Plan. A turn or hammerhead shall be required on private driveways in **excess of one-hundred feet (100')** in length. All fire lanes shall be properly posted with approved signs, as required by the Fire Chief. Estimated costs of construction of any shared driveway serving as a fire lane shall be submitted for bond amount determination.

93. **Address Numbers/Street Signs:** Approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the middle of the street fronting the property and from the alleys, for applicable buildings. Numbers shall be consistent with the UFC.

    House numbers and street signs shall be lighted to City standards so that emergency vehicles including police and ambulances can locate residences in the event of any emergency. Architectural or Improvement Plans shall note this requirement.

94. **Access Roadways:** **Prior to any phased development, framing construction,** and/or delivery of bulk combustible construction materials, access roadways shall be provide, including turnarounds with an all-weather surface capable of supporting local emergency vehicles. All roadways shall be reviewed and approved by the City Engineer, and Fire Department.

95. **Fire Sprinklers in Garages:** **Prior to issuance of building permits,** automatic fire sprinklers shall be included with building permit applications for all residential and commercial structures, including garages in accordance with NFPA 13-D and current California Fire Code.

POLICE DEPARTMENT CONDITIONS

96. **Signs:** As part of the installation of street improvements, **"No Parking"** signs and/or **"Fire Lane"** signs shall be installed in all alleys.

RECREATION DEPARTMENT CONDITIONS

97. **Park Land:** The San Lorenzo Creek Linear Park consists of **lettered parcels "N", "O", "P", "Q", "R",** and **"S"** to implement **Figure 2-7** of the Specific Plan, and reflected in the Landscape Master Plan, or **Exhibit 4.** The land for the site of the Community Center **shall be offered for dedication,** as shown in **Section 3.9 J.** of the Specific Plan, and as shown in the Landscape Master Plan, or **Exhibit 4.** The City shall have right of first refusal to accept said parcel of land. If City does not timely exercise its right of first refusal, applicant/developer or appropriate fiscal neutrality entity selected pursuant to **COA No. 28** shall maintain said parcel of land as part of the park.

98. **Park Improvements:** The Improvement Plans for each Greenway, Neighborhood Park, Mid-Block Common Area, Green, Rosewalk, Square, Corner Plaza and Community Park are illustrated and described in detail in **Section 3.9** (Landscape Standards) of the Downtown Addition Specific Plan. The approved Master Landscape Plan (Exhibit 4) details the level of improvements for each of the park areas.

MISCELLANEOUS CONDITIONS

99. **Credit for Performance of Development Impact Fee Activities:** The applicant/developer shall receive fee credits to be applied against the City Development Impact Fees imposed on the Project, in the amount of the applicant's/developer's actually incurred hard and soft costs up to the limit shown in the Development Impact Fee of construction and installation of any improvements for the Project which are identified and actually funded in Ordinance No. 622 as improvements to be paid through City Development Impact Fees.

100. **Reimbursement Agreement for Improvements:** The applicant/developer is required to provide the infrastructure necessary to provide services to the Project. However, where the applicant/developer is required to provide improvements of benefit to the City, the region or adjacent development, the City shall enter into a reimbursement agreement as required under the SMA.

101. **Coordination of Bus Route with Municipal Transit Authority:** **Prior to approval of improvement plans or recordation of the final map of the first phase, whichever comes first, the** applicant/developer shall meet with the Municipal Transit Authority and identify the location(s) of bus stops and/or duck-outs. The improvements shall be shown on the improvements plans and installed by the applicant/developer. Provision may include providing land, design and construction of bus stops in the public roadway, or other like improvements within the Project or as part of the Bitterwater Road improvements, as required by the Community Development Department and City Engineer.

MITIGATION MEASURES

AESTHETICS

102. **Mitigation Measure AES-2A:** ~~The Project Developer shall install low-profile, low-intensity lighting with shielded fixtures directed downward to minimize light and glare.~~

This Mitigation Measure is implemented through COA No. 29.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Timing / Frequency found in COA No. 29.

(Formerly COA 70.)

103. **Mitigation Measure AES-2B:** ~~High-intensity outdoor lighting on individual homes and structures shall be prohibited.~~

This Mitigation Measure is implemented through COA No. 29.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Timing / Frequency found in COA No. 29.

(Formerly COA 71.)

104. **Mitigation Measure AES-2C:** ~~Light shall be directed downward to minimize spillover of light. **Once a final development plan and lighting plan is established,** the Applicant shall provide photometric calculations so that the extent of spillover is shown to be minimized to a less than significant level.~~

This Mitigation Measure is implemented through COA No. 29.

- ***Implementing Party:*** Applicant/Developer/City Engineer
- ***Enforcement Agency:*** City of King

- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Timing/Frequency found in COA No. 29.

(Formerly COA No. 72.)

AIR QUALITY

105. **Mitigation Measure AIR-1:** The Contractor shall implement the following feasible mitigation measures, where feasible, to reduce construction-related emissions of PM10:

- *Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.*
- *Prohibit all grading activities during periods of high wind (over fifteen (15) miles per hour [mph]).*
- *Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four (4) consecutive days).*
- *Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area.*
- *Haul trucks shall maintain at least* ***two (2') feet*** *of freeboard.*
- *Cover all trucks hauling dirt, sand, or loose materials.*
- *Cover inactive storage piles.*
- *Install wheel washers at the entrance to construction sites for all exiting trucks.*
- *Sweep streets if visible soil material is carried out from the construction site.*
- *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 forty-eight (48) hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).*
- *Limit the area under construction at any one time.*
- *Post a sign limiting traffic speeds on all unpaved roads to fifteen (15) mph.*

- ***Implementing Party:*** Applicant/Construction Contractor
- ***Enforcement Agency:*** City of King/MBUAPCD
- ***Monitoring Agency:*** City of King/MBUAPCD
- ***Monitoring Phase:*** During Construction Activities

(Formerly COA No. 73.)

106. **Mitigation Measure AIR-9:** The Project shall comply with the applicable measures consistent with CARB's AB 32 Scoping Plan, the Attorney General's "project-level" measures, OPR's recommended measures, and the 2006 Climate Action Team Report, as listed in **Table 4.3-16**, **Table 4.3-17**, **Table 4.3-18**, and **Table 4.3-19**, respectively, of the EIR.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to the issuance of building permit and during construction activities.

(Formerly COA No. 74.)

BIOLOGICAL RESOURCES

107. **Mitigation Measure BIO-1A:** A pre-ground disturbance survey shall be conducted by a qualified biologist (subject to approval by the City) within **fourteen (14) days** or any disturbance activities in the grassland portion of the site. The survey shall include a focused search using appropriate methods (e.g., raking, inspection of burrows, walking transects) for silvery legless lizard, San Joaquin whipsnake, and American badger. If any of these species are observed within the disturbance zone, they shall be relocated to a suitable area outside of the disturbance zone that has been dedicated as permanent open space. If an appropriate relocation site has not been identified, consultation with the CDFG and the City shall take place to aid in locating such a site. Results of the surveys and relocation efforts shall be provided to CDFG and the City. Collection and relocation of animals shall only occur with the proper scientific collection and handling permits.

- ***Implementing Party***: Applicant/Contract Biologist
- ***Enforcement Agency:*** City of King/CDFG
- ***Monitoring Agency:*** City of King/CDFG
- ***Monitoring Phase***: No more than **fourteen (14) days** prior to grading activities within the grassland portion of the site.

(Formerly COA No. 75.)

108. **Mitigation Measure BIO-1B:** ~~Submitted concurrently with the Vesting Tentative Tract Map, the Applicant shall submit a San Lorenzo Creek Restoration Plan ***("Plan")***.~~

~~**Prior to approval of the Vesting Tentative Tract Map**, the Plan shall be distributed to the appropriate responsible agencies for review and comment.~~

- ~~***Implementing Party:*** Applicant~~
- ~~***Enforcement Agency:*** City of King~~
- ~~***Monitoring Agency:*** City of King~~
- ~~***Monitoring Phase:*** Prior to Vesting Tentative Map application completeness determination.~~

[San Lorenzo Creek Restoration Plan is complete and approved by City, and is attached as Exhibit 5 (See COA 3(d)]

Prior to the final recordation of the first tract map, issuance of the first grading permit, or any restoration activity within San Lorenzo Creek whichever comes first, the Project Developer and/or the City of King shall consult with responsible agencies and receive any and all required permits from the responsible regulatory agencies (1600 Streambed Alternation Permit, Section 401 Certification, Section 404 permit, etc.).

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King/CDFG & USF&W, US CORPS
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to the final recordation of the first tract map, issuance of the 1st grading permit, or any restoration activity with San Lorenzo Creek.

Prior to the commencement of construction activities within the Specific Plan Area, a qualified biologist, subject to approval by the City, shall conduct pre-construction clearance surveys within San Lorenzo Creek and adjacent scrub/grassland vegetation for western pond turtle and two-striped garter snake. If either of these species are observed within the disturbance zone, they shall be relocated to a suitable area outside the disturbance zone that has been dedicated as permanent open space. If an appropriate relocation site has not been identified, consultation with the CDFG and the City shall take place to aid in locating such a site. Results of the surveys and relocation efforts shall be provided to CDFG and the City. Collection and relocation of animals shall only occur with the proper scientific collection and handling permits.

- ***Implementing Party:*** Applicant/Developer/Contract Biologist
- ***Enforcement Agency:*** City of King/CDFG
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to commencement of construction.

Upon completion of pre-construction clearance surveys within San Lorenzo Creek and adjacent vegetation, the riparian corridor shall be fenced off with wildlife exclusive fencing, under the supervision of the qualified biologist, to ensure that sensitive riparian and wetland resources are not directly impacted by Project construction activities. Measures to reduce potential indirect impacts to wildlife movement through San Lorenzo Creek upon construction of the proposed Specific Plan are discussed under Impact BIO-4 in the EIR.

- ***Implementing Party:*** Applicant/Developer/Contract Biologist
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to commencement of construction.

(Formerly COA No. 76.)

109. **Mitigation Measure BIO-1C: Within thirty (30) days of ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the Project region),** the applicant/developer shall have surveys conducted by a qualified biologist (e.g., experienced with the nesting behavior of bird species of the region). The intent of the surveys would be to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within **three-hundred (300') feet** or **(five-hundred (500') feet** for raptors) of the construction zone. The surveys shall be timed such that the last survey is concluded no more than one week, ***prior to initiation of clearance/construction work.*** If ground disturbance activities are delayed, then additional pre-construction surveys will be conducted such that no more than one week will have elapsed between the last survey and the commencement of ground disturbance activities.

    If active nests are found, clearing and construction within **three-hundred (300') feet** of the nest **(five- hundred (500') feet for raptors**), or at a distance deemed sufficient by the qualified biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barrier; and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the City of King within **thirty (30) days** of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

    - ***Implementing Party:*** Applicant/Developer/Contract Biologist
    - ***Enforcement Agency:*** City of King/CDFG & USF&W
    - ***Monitoring Agency:*** City of King
    - ***Monitoring Phase:*** No more than **seven (7) days** prior to initiation of clearance / construction work.

    (Formerly COA No. 77.)

110. **Mitigation Measure BIO-1D:** The applicant/developer shall retain a qualified biologist to conduct winter burrowing owl surveys within the grassland portions of the site, **prior to construction or site preparation activities occurring during the non-nesting season of burrowing owl (typically**

September through January). The survey shall be conducted **no more than 14-days prior to commencement of any site disturbance.** If burrowing owls are observed using burrows during the non-breeding season, or after young have fledged following the conclusion of the breeding season, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least **forty-eight (48) hours** to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a qualified biologist.

- ***Implementing Party:*** Applicant/Developer/Contract Biologist
- ***Enforcement Agency:*** City of King/CDFG
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** No more than **fourteen (14) days** prior to initiation of site preparation/ construction work.

(Formerly COA No. 78.)

111. **Mitigation Measure BIO-1E: No less than fourteen (14) days and no more than thirty (30) days prior to the beginning of ground disturbance activities in the grassland portion of the Specific Plan Area (as shown in Figure 4.4-1 in the EIR),** a preconstruction survey for San Joaquin kit fox shall be conducted by a qualified biologist. The survey shall include searching for kit fox sign, identifying any potential kit fox habitat features and evaluating their use by kit fox. The status of all potential den sites shall be determined. If a kit fox or sign of the species is observed during the survey, then the USFWS shall be immediately contacted. Under no circumstances shall a kit fox be relocated or an active den destroyed without authorization from the USFWS. Construction shall only proceed once it has been determined by the qualified biologist that kit fox is not present, or in the event that kit fox or sign is observed during the preconstruction survey, until take authorization has been issued by the USFWS.

In addition, the qualified biologist shall establish fenced exclusion zones around all known and potential kit fox zones. Exclusion fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular with a radius of the following distance measured outward from the den or potential den entrance:

a. ***Potential kit fox den:*** Fifty (50') feet

b. ***Known of active kit fox den:*** One-hundred (100') feet

c. ***Kit fox pupping den:*** One hundred and fifty (150') feet

All foot and vehicle traffic, as well as construction activities, including storage of supplies and equipment, shall remain outside of the exclusion zones. Exclusion zones shall be maintained until all Project-related disturbances have been terminated.

- ***Implementing Party:*** Applicant/Developer/Contract Biologist
- ***Enforcement Agency:*** City of King/CDFG/USF&W
- ***Monitoring Agency***: City of King
- ***Monitoring Phase***: No more than **thirty (30) days** and no less than **fourteen (14) days** prior to initiation of site preparation / construction work in the grassland area.

(Formerly COA No. 79.)

112. **Mitigation Measure BIO-1F:** The following actions shall also be taken to avoid the potential harm of San Joaquin kit fox:

➢ *Grading and construction activities after dusk shall be prohibited unless authorized by the CDFG.*

- ***Prior to commencement of any site-disturbing and/or construction activities,*** *all personnel associated with the Project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g., San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the biological report(s) prepared for the Project, and instructions to immediately cease construction activities and contact the USFWS if a kit fox is observed.*

A kit fox fact sheet shall be developed and distributed to all contractors, employers and other personnel involved with the construction of the Project.

- *All construction personnel shall be instructed on obeying speed limits of* ***twenty-five (25) mph*** *(or lower) for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.*
- *To prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches* ***in excess of two (2') feet*** *in depth shall be covered at the close of the work day or provided with one or more escape ramps constructed of earth fill or wooden planks. The trenches shall be inspected for kit fox,* ***prior to covering, each morning prior to the onset of field activities, and prior to filling.***
- *Any pipes, culverts, or similar structures with a diameter of four (4") inches or greater, stored overnight at the Project site shall be thoroughly inspected for trapped San Joaquin kit foxes* ***prior to the subject pipe is subsequently buried, capped, or otherwise used or moved in any way****. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.*
- *All food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the Project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.*

- ***Implementing Party:*** Applicant/Developer/Contract Biologist
- ***Enforcement Agency:*** City of King/CDFG/USF&W
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to initiation of site preparation/construction activities.

(Formerly COA No. 80.)

113. **Mitigation Measure BIO-1G: No earlier than 14-days prior to the removal of existing buildings/farm structures that would occur during the breeding season of native bat species potentially utilizing the site (April 1 through August 31),** a field survey shall be conducted by a qualified biologist (with selection reviewed by the City) to determine if active maternity roosts of special-status bats such as pallid bat, western mastiff bat, and fringed myotis are present. If active maternity roosts are found, construction within two-hundred (200') feet shall be postponed or halted, at the discretion of the biological monitor, until the roost is vacated and juveniles have fledged, as determined by the biologist.

- ***Implementing Party:*** Applicant/Developer/Contract Biologist
- ***Enforcement Agency:*** City of King/CDFG
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** No more than **thirty (30) days** and no less than **fourteen (14) days** prior to initiation of site preparation / construction work in the grassland area.

(Formerly COA No. 81.)

114. **Mitigation Measure BIO-4A:** A public awareness program shall be developed by the Landscape

and Lighting District, or an acceptable land manager/agency (e.g., HOA, CFD), as approved by the City of King Community Development Department, to educate future residents of the proposed Project about impacts to biological resources resulting from increased human and domestic animal presence in the area. This program shall include supplying educational information to future residents of the Project site regarding the importance of preventing unleashed domestic animals from entering San Lorenzo Creek and of prohibiting off-leash domestic animals from disturbing native wildlife species. This program shall also include installing fencing around San Lorenzo Creek and associated riparian and scrub vegetation to dissuade human and domestic animal entrance into the creek, as well as posting interpretive signs identifying such areas for residents. The Landscape and Lighting District, or an acceptable land manger/agency (e.g., HOA), as approved by the City of King Community Development Department, shall be responsible for maintaining this program, including fencing and signs.

- ***Implementing Party:*** Assessment or Improvement District (LLA, CFD) or HOA.
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to certificate of occupancy for the first residential or commercial building.

(Formerly COA No. 82.)

115. **Mitigation Measure BIO-4B:** ~~**Prior to the issuance of a grading permit,** the Applicant shall prepare a landscape plan for all common areas of the site. This plan shall be prepared or approved by a qualified biologist and will be subject to review by the City of King Community Development Department. The plan shall include a plant palette composed of non-invasive species that are adapted to the conditions found on the project site, including the condition of a dry, low-rainfall climate. The landscaping plan will also include a list of invasive plant species prohibited from being planted in the common areas of the project site. Locally indigenous species will be the majority component for locations adjacent to natural areas.~~

This Mitigation Measure is being implemented by COA No. 30.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Timing found in COA No. 30

(Formerly COA No. 83.)

116. **Mitigation Measure BIO-4C:** ~~**Prior to the issuance of a grading permit,** the Project Applicant shall develop a lighting plan that shall be subject to approval by the City of King Community Development Department. In the plan, all lighting shall be downcast luminaries with light patterns directed away from, and shielded so that light is not directed into adjacent open space areas. Mercury vapor and halide lighting shall not be used on the perimeter of the developed areas and in areas adjacent to undeveloped open space.~~

This Mitigation Measure is being implemented by COA No. 29.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Timing found in COA No. 29

(Formerly COA No. 84.)

CULTURAL RESOURCES

117. **Mitigation Measure CR-2A:** To mitigate potential impacts to cultural resources, the following steps shall be taken, **prior to and during construction of each phase or subphase, or individual construction activity undertaken as part of the Project:**

- ***Prior to excavation and construction on the proposed Project site,*** *the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the Project site.*
- *The Project applicant/developer shall identify a qualified archaeologist,* ***prior to any demolition, excavation, or construction****. The City shall approve the selected archaeologist* ***prior to issuance of the grading permit.*** *The archaeologist shall be authorized to perform spot check monitoring of subsurface construction and watch for and evaluate artifacts or resources that may be uncovered. The archaeologist would also have the authority to temporarily halt excavation and construction activities in the immediate vicinity (****within a fifty (50) meter radius****) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations. Reasonable time shall be allowed for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction shall not be allowed in the immediate vicinity of the find; however, those activities may continue in other areas of the Project site.*
- *If any find is determined to be significant by the qualified archaeologist, representatives of the Project Developer or construction contractor and the City, and the qualified archaeologist, shall meet to determine the appropriate course of action.*
- *All cultural materials recovered as part of the monitoring program shall be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.*

- ***Implementing Party:*** Applicant/Developer/Contract Archaeologist
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to issuance of Grading Permit, and during construction.

(Formerly COA No. 85.)

118. **Mitigation Measure CR-2B:** In accordance with State CEQA Guidelines, §15064.5 (e)(1)(A)(B), in the event of the discovery or recognition of any human remains on the Project Site during development, the following steps shall be taken:

- *There shall be no further excavation or disturbance of the site or any area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required.*

  If the coroner determines the remains to be Native American:

- *The coroner shall contact the Native American Heritage Commission within twenty-four (24) hours;*
- *The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American; and*
- *The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code §5097.98.*

- ***Implementing Party:*** Applicant/Developer/Construction Contractor
- ***Enforcement Agency:*** City of King/Monterey County Coroner/Native American Heritage

Commission

- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During construction.

(Formerly COA No. 86.)

119. **Mitigation Measure CR-3:** To mitigate potential impacts to paleontological resources the following mitigation is includes.

In the event of the discovery or identification of any paleontological resources, appropriate specimens shall be salvaged as determined by a qualified paleontologist for the purpose of preservation, identification, analysis, and possible museum curation.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During construction.

(Formerly COA No. 87.)

GEOLOGY, SOILS AND SEISMICITY

120. **Mitigation Measure GEO-2:** To mitigate the potential shaking effects of ground shaking or lurching that could result from any activity of nearby faults, all structures shall be designed using sound engineering judgment and California Building Code (2008) requirements, as a minimum. In addition, geotechnical requirements for slope bank setback of **at least sixty (60') feet** or **three (3) times** the height of the slope, whichever is greater, shall be implemented.

- ***Implementing Party***: Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency***: City of King
- ***Monitoring Phase:*** Prior to the issuance of building permit.

(Formerly COA No. 88.)

121. **Mitigation Measure GEO-3A:** To mitigate from potential lateral spreading, densification, or liquefaction from potential ground shaking, all structures shall have a structural mat foundation or ground improvement techniques such as subexcavation to remove densifiable soils or dynamic compaction shall be implemented to the satisfaction of the City Engineer.

- ***Implementing Party***: Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to the issuance of building permit.

(Formerly COA No. 89.)

122. **Mitigation Measure GEO-3B:** Site grades shall not be lowered by more than roughly **ten (10') feet** so that the thin liquefiable zones are not susceptible to ground failure. The effects of liquefaction shall be mitigated using common remedial grading and ground improvement techniques, or through typical code-based design to acceptable standards, as required by a licensed Geotechnical Engineer as a condition of the grading permit.

- ***Implementing Party:*** Applicant/Developer/Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King

- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to the issuance of building permit.

(Formerly COA No. 90.)

123. **Mitigation Measure GEO-5A:** Mitigation of erosion hazards shall include protecting areas of bare earth or disturbed vegetation from erosion during construction and revegetating those areas following construction, particularly on the moderately steep to steep slopes along San Lorenzo Creek. Best Management Practices for control of drainage and erosion shall be incorporated into the Project as part of the required erosion control plan and Stormwater Pollution Prevention Plan. These may include, but are not limited to phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provision for revegetation or mulching. Plans shall also prescribe treatment measures to trap sediment once it has been mobilized, at a scale and density appropriate to the size and slope of the catchment. Such treatment measures may include, but are not limited to inlet protection, straw bale barriers, straw mulching, straw wattles, silt fencing, check dams, terracing, and siltation or sediment ponds.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King/RWQCB
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During construction.

(Formerly COA No. 91.)

124. **Mitigation Measure GEO-5B:** Building pads shall be positively graded at all times to provide for rapid removal of surface water runoff from the foundation systems, and to prevent ponding of water under floors or seepage toward the foundation systems at any time during or after construction.

- ***Implementing Party:*** Applicant/Developer/Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During construction.

(Formerly COA No. 92.)

125. **Mitigation Measure GEO-5C:** As a minimum requirement, finished grades shall have slopes of at least **three (3%) percent within five (5') feet**, where feasible, from the exterior walls and at right angles to allow surface water to drain positively away from the structures. For paved areas, the slope gradient can be reduced to **two (2%) percent.**

- ***Implementing Party:*** Applicant/Developer/Construction Contractor
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During construction.

(Formerly COA No. 93.)

126. **Mitigation Measure GEO-5D:** All surface water shall be collected and discharged into outlets approved by the Civil Engineer. Landscape mounds shall not interfere with this requirement. In addition, each building shall drain individually by providing positive drainage or sufficient area drains around the buildings to remove excessive surface water. All roof storm water shall be collected and directed to downspouts. Unless an engineered system is designed, the site soils encountered are not expected to have adequate permeability values to handle storm water infiltration.

- ***Implementing Party:*** Applicant/Developer/Contract Hydrologist

- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During construction.

(Formerly COA No. 94.)

127. **Mitigation Measure GEO-6A: Prior to construction of individual development projects or phases or subphases,** the Project Engineering Geologist and/or geotechnical engineer shall perform additional mapping and subsurface investigations to delineate the areas of fill. The project geotechnical engineer shall evaluate the stability of the fill and the potential for settlement in areas of fill, and make recommendations based on that evaluation.

- ***Implementing Party:*** Applicant/Developer/Contract Engineering Geologist and/or Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to construction of individual development projects or phases or subphases.

(Formerly COA No. 95.)

128. **Mitigation Measure GEO-6B: Prior to construction of individual development projects or phases or subphases,** the Project engineer shall observe the site for its suitability to receive engineered fill materials or to serve as foundation soils. If necessary, the engineer shall require subexcavation of site materials to achieve a firm base or removal of highly organic soils, **prior to placement of engineered fills.** The design level geotechnical study shall further evaluate potential settlement, when soil samples are submitted for consolidation tests, and future fill and building loads have been defined.

- ***Implementing Party:*** Applicant/Developer/ Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to construction of individual development projects or phases or subphases.

(Formerly COA No. 96.)

129. **Mitigation Measure GEO-6C:** Cut and fill slopes (such as may be needed for creation/restoration of the open space area along San Lorenzo Creek) shall be designed for acceptable static and seismic factors of safety. Fill slopes shall be properly keyed and benched into the underlying firm native soil. Subdrains and surface drainage improvements shall be installed to reduce the introduction of water into fill slope material.

- ***Implementing Party:*** Applicant/Developer/Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to construction of individual development projects or phases or subphases.

(Formerly COA No. 97.)

130. **Mitigation Measure GEO-6D:** Site preparation shall commence with removal of site vegetation (trees, shrubs, and grasses), structures and their foundations, and existing underground improvements. Based upon past site usage, the upper **6 to 8-inches of soil** is anticipated to be organically contaminated. Provided the materials satisfy environmental requirements, the upper eight

(8") inches shall be subexcavated and blended with deeper soils to achieve an acceptable organic content, **prior to reuse as engineered fill.** Localized areas of additional subexcavation may be needed, such as around tree root balls or foundation elements. Removal of other debris (concrete piles, metal debris, etc.) shall also occur at this time. No loose or uncontrolled backfilling of depressions resulting from demolition, stripping, or removal of tree root balls shall be permitted.

- ***Implementing Party:*** Applicant/Developer/ Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During site grading.

(Formerly COA No. 98.)

131. **Mitigation Measure GEO-6E:** Subject to approval by the Landscape Architect, the organically contaminated soil may be stockpiled in approved areas, located outside of the grading limits, for future placement within common areas or open space landscape areas. Placement of strippings within landscape areas of building pads shall not be permitted. All other materials and debris, including any trees with their root balls, shall be removed from the Project site.

- ***Implementing Party:*** Applicant/Developer/ Contract Landscape Architect
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During site grading.

(Formerly COA No. 99.)

132. **Mitigation Measure GEO-6F:** Oversized materials (those exceeding two-thirds (2/3) of the lift thickness or **six (6") inches** in dimension, whichever is less) shall be removed from the engineered fill and either broken down to meet the maximum grain size, else off-hauled from the site or used for surface landscape features.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor/Contract Engineering Geologist
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During site grading.

(Formerly COA No. 100.)

133. **Mitigation Measure GEO-6G:** To mitigate potential impacts related to loose and compressible soil in the **upper ten to twelve (10"–12") inches** of soil, the following mitigation shall apply: once the site is stripped of organically contaminated material, the site shall be observed for its suitability to receive engineered fill materials or to serve as foundation soils by wheel rolling the site with heavy construction equipment. If unsuitable soil materials are observed, these soils shall be subexcavated as necessary to encounter firm native materials. The actual depth for reworking shall be determined by a qualified geotechnical field representative at the time of grading.

- ***Implementing Party:*** Applicant/Construction Contractor/Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During site grading.

(Formerly COA No. 101.)

134. **Mitigation Measure GEO-6H:** Cut and fill slopes shall be graded no steeper than 2:1 (horizontal:

vertical) for heights up to **four (4')** and **fifteen (15') feet,** respectively. Cut slopes **exceeding four (4') feet in height** shall be **flattened to 3:1,** or otherwise over-excavated and reconstructed as a fill slope. Fill slopes exceeding **fifteen (15') feet** shall be **flattened to 3:1**. All fill slopes shall be adequately keyed into firm materials unaffected by shrinkage cracks. Remedial corrective grading plans shall be produced by a qualified geotechnical engineer after a detailed exploration occurs.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor/Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During site grading.

(Formerly COA No. 102.)

135. **Mitigation Measure GEO-6I:** The minimum compaction control requirements specified by the geotechnical engineer shall be used for general fill areas. Additional compaction requirements may be required for buttress keyways, near surface building pad foundation soils, import soils, and retaining wall backfill and shall be specified during detailed exploration(s) performed during the site-specific analysis.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor/Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During site grading.

(Formerly COA No. 103.)

136. **Mitigation Measure GEO-6J:** Additional subsurface information shall be performed for any underground parking to determine if drilled piers or driven piles would be better suited to support the structure loads.

- ***Implementing Party:*** Applicant/Developer/Contract Geologist and/or Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to submittal for building permits for any structures that proposes underground parking.

(Formerly COA No. 104.)

137. **Mitigation Measure GEO-6K:** **Prior to utility installation and foundation construction,** sulfate testing for corrosive soils shall be performed during detailed exploration.

- ***Implementing Party:*** Applicant/Developer/Contract Geologist and/or Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to utility installation and foundation construction.

(Formerly COA No. 105.)

138. **Mitigation Measure GEO-7A:** In order to reduce the effects of the potentially expansive soils, the foundations should be sufficiently stiff to move as rigid units with minimum differential movements. This can be accomplished by a deepened foundation system such as drilled piers connected by well-reinforced grade beams or deepened perimeter footings with raised or slab-on-grade flooring, or construction of relatively rigid mat foundations, such as post-tensioned or conventionally reinforced

structural mats. The Project geotechnical engineer shall supplement the existing feasibility investigation (ENGEO 2005) with additional site-specific investigations, including sampling and testing of site soils, and provide design recommendations for mitigating soil shrinks well for the Project.

- ***Implementing Party:*** Applicant/Developer/Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to submittal for building permits.

(Formerly COA No. 106.)

139. **Mitigation Measure GEO-7B:** To mitigate from potential impacts related to potentially expansive soils, during grading and construction, exposed soils shall be kept moist at all times, **prior to and during construction.** To mitigate from potential impacts related to potentially expansive soils, long-term measures shall include the prevention of moisture variation through the use of ground cover, positive drainage away from foundations, and sensible irrigation practices such that irrigation does not result in over watering.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor/Contract Geotechnical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to and during grading and construction.

(Formerly COA No. 107.)

HAZARDS AND HAZARDOUS MATERIALS

140. **Mitigation Measure HAZ-2A: Prior to the start of demolition or dismantling of any portion of the Project site that is developed with buildings or fixtures, or used for vehicle, equipment, or hazardous materials storage,** the Project applicant/developer shall carry out additional studies to determine the presence of soil contamination. These investigations shall include supplemental site reconnaissance, including interior structure observation, and the collection and analysis of soil samples. If contaminated soil is present, remediation measures shall be carried out as required by the Monterey County Environmental Health Division. Such measures may include removal and off-site disposal, on-site treatment and re-use, or encapsulation. Groundwater sampling may be required if significant soil contamination is identified from the collected samples.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor/Contract Environmental Engineer
- ***Enforcement Agency:*** City of King/ Monterey County Environmental Health Division
- ***Monitoring Agency:*** Monterey County Environmental Health Division
- ***Monitoring Phase:*** Prior to demolition or dismantling of existing buildings or fixtures, or grading of sites used for vehicle, equipment, or hazardous materials storage.

(Formerly COA No. 108.)

141. **Mitigation Measure HAZ-2B:** If contaminated soils are encountered or suspected during any phase or subphase of Project construction, including removal of the existing aboveground fuel storage tank, work shall be stopped in the suspected areas of contamination. The type and extent of contamination shall be identified by the applicant/developer or the applicant's/developer's consultant. If necessary, a remediation plan shall be implemented in conjunction with continued Project construction. The Monterey County Environmental Health Division would be the responsible agency for enforcing the necessary mitigation.

- ***Implementing Party:*** Applicant/Developer/ Construction Contractor/Contract Environmental Engineer
- ***Enforcement Agency:*** City of King/ Monterey County Environmental Health Division
- ***Monitoring Agency:*** Monterey County Environmental Health Division
- ***Monitoring Phase:*** During construction.

(Formerly COA No. 109.)

HYDROLOGY & WATER QUALITY

142. **Mitigation Measure HYDRO-1A: Prior to commencement of grading activities,** the Project Developer shall obtain coverage under the NPDES Permit for Construction Activities from the State Water Resources Control Board. This would involve filing a Notice of Intent and developing a SWPPP, including provisions for a monitoring and certification program. This SWPPP shall cover grading operations, installation of underground piping and conduit facilities, installation of asphalt and concrete surface improvement, construction of building and installation of landscaping and recreational facilities and address both on- and off-site facilities. All of these operations shall comply with the NPDES permit requirements regarding erosion control, rainy season restrictions, runoff control, dust control, etc.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor
- ***Enforcement Agency:*** City of King/RWQCB
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to commencement of grading activities.

(Formerly COA No. 110.)

143. **Mitigation Measure HYDRO-1B:** The Project Developer shall implement construction Best Management Practices ***("BMPs")*** to ensure that water quality is protected. Construction BMPs shall include erosion control measures, sediment transfer reduction measures, and dust control measures. The BMPs shall include the following types of controls:

- *Protect areas of disturbed vegetation from erosion during construction and revegetate those areas following construction, particularly on moderately steep slopes near the creek.*
- *Position soil or fill stockpiles away from any existing drainage channels.*
- *For construction during the rainy season, stockpiles shall be surrounded by berms with check damns/silt traps placed at regulated outflow points.*
- *For construction during the dry season, regularly water sites with vehicular traffic to reduce dust.*
- *Implement erosion control measures including silt fences, straw bales, jute netting, and sand bags.*
- In addition, the Project applicant/developer shall comply with the City's Storm Water Management Program which would be adopted and in full effect by the time that Project construction work begins.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor
- ***Enforcement Agency:*** City of King/RWQCB
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** During construction.

(Formerly COA No. 111.)

144. **Mitigation Measure HYDRO-1C:** All contractor personnel shall be trained in proper construction BMPs, **prior to construction activity.** In addition, the Project Developer shall retain a construction

manager familiar with NPDES permit requirements to monitor construction activities.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor
- ***Enforcement Agency:*** City of King/RWQCB
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to and during construction.

(Formerly COA No. 112.)

145. **Mitigation Measure HYDRO-1D:** The Project Developer shall be required to conform to other measures as required by the City Engineer and the State of California as part of the Project's SWPPP required under the NPDES program in effect when construction begins.

- ***Implementing Party:*** Applicant/Developer/Construction Contractor
- ***Enforcement Agency:*** City of King/RWQCB
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to and during construction.

(Formerly COA No. 113.)

146. **Mitigation Measure HYDRO-4A:** Additional hydrologic modeling of the site's planned land uses shall be performed to estimate peak storm water runoff and to develop engineering level design of the on-site biofiltration swales and other water quality improvement facilities. The hydrologic modeling shall be completed using the U.S. Army Corps of Engineers HECHMS computer program in conjunction with the Soil Conservation Service ***("SCS")*** Curve Number method or equivalent, as directed by the City's Public Works Department. The results of the modeling and storm water facility design shall be submitted for review and subject to approval by the City Engineer, **prior to approval of the first final map to assure the Project does not impact existing storm water capacity on and off-site.**

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to approval of first final map.

(Formerly COA No. 114.)

147. **Mitigation Measure HYDRO-4B:** **Prior to the issuance of any grading permits,** the applicant/developer shall provide calculations demonstrating that the peak flow directed into the existing twenty-four (24') inch storm drain line on Jayne Street would not exceed the capacity of this line when combined with storm water flows from existing and approved land uses. The calculations shall be submitted for review and subject to approval by the City Engineer, **prior to approval of the first final map.**

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- Monitoring Phase: Prior to approval of first final map.

(Formerly COA No. 115.)

148. **Mitigation Measure HYDRO-4C:** All new public storm water facilities shall be detailed in the Project's Improvement Plans and shall conform to City of King adopted Standard Design Details to the satisfaction of the City Engineer, **prior to approval of the first map.**

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to approval of first final map.

(Formerly COA No. 116.)

149. **Mitigation Measure HYDRO-4D:** Storm water runoff shall be routed through vegetated areas for natural filtration, **prior to release from the Project site to the maximum extent possible,** and to the satisfaction of the City Engineer, **prior to approval of each final map.**

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to approval of each final map.

(Formerly COA No. 117.)

150. **Mitigation Measure HYDRO-4E:** The storm water drainage system shall include components (such as bio-swales, intermediate sedimentation basins, and oil separators/grease traps in the parking lot drainage collection systems) for removing sediment as well as oil and grease **before the water is discharged into the water quality basin or storm drain lines.** The Project Developer(s) shall develop and implement programs for monitoring and regular maintenance of the sedimentation basins and oil and grease traps to the satisfaction of the City Engineer. The Developer(s) shall provide information on maintenance of these components to the City Building and Safety Department and to property owners, **upon initial sale of the property.**

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Design of storm water improvements, prior to approval of all final maps. Maintenance information to be provided at time of initial sale.

(Formerly COA No. 118.)

151. **Mitigation Measure HYDRO-4F:** Storm water collection and conveyance systems shall be designed to minimize erosion and other potential problems for on-site and adjacent properties, including the outfall of the existing **twenty-four (24") inch** storm drain to San Lorenzo Creek, to the satisfaction of the City Engineer.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Design of storm water improvements prior to approval of all final maps.

(Formerly COA No. 119.)

152. **Mitigation Measure HYDRO-4I:** Areas of impervious surfaces in the residential areas shall be designed to minimize runoff.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King

- ***Monitoring Phase:*** Prior to approval of all site specific landscape plans containing residential areas.

(Formerly COA No. 120.)

153. **Mitigation Measure HYDRO-4J:** Commercial uses shall include on-site sediment and oil filtering devices for the pretreatment of runoff from the major paved areas, including streets, sidewalks, and multi-family and non-residential parking lots, as required by the City of King.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Design of storm water improvements prior to approval of all final maps.

(Formerly COA No. 121.)

154. **Mitigation Measure HYDRO-4K:** The Project Developer shall use porous block pavement systems in low traffic areas to increase on-site groundwater recharge; such areas shall be identified in consultation with the City Engineer and shall not include City right of way. The materials and methods chosen shall be to the satisfaction of the City Engineer.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to approval of all site specific Improvement Plans.

(Formerly COA No. 122.)

155. **Mitigation Measure HYDRO-4L:** In accordance with the provisions in the Specific Plan, the Project Developer(s) and any Assessment /Improvement District (e.g. LLA, CFD) and all subsequent developers and/or land use applicants shall use native plants and drought tolerant landscaping wherever possible. The developers and/or land use applicants shall also install efficient irrigation systems, such as drip irrigation and automatic irrigation systems to minimize excess runoff. The requirements for efficient irrigation systems shall be made part of the Specific Plan provisions, Project conditions of approval, or CC&Rs, to the satisfaction of the City Engineer and the Community Development Director, **prior to approval of the first final map.**

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Incorporated into the Master Landscape Plan prior to approval of the first final map.

(Formerly COA No. 123.)

156. **Mitigation Measure HYDRO-4M:** Information and instructions regarding water quality, BMPs, and pollution prevention shall be provided to new owners of residential and commercial structures at close of escrow. Such information and instructional material shall initially be prepared by the Project Developer(s) and/or the LLD and shall be reviewed and approved by the City Engineer, **prior to issuance of a certificate of occupancy for the first Project phase for residential uses and the first Project phase of commercial uses.**

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King

- ***Monitoring Phase:*** Prior to issuance of certificate of occupancy for the first Project phase (residential/commercial).

(Formerly COA No. 124.)

157. **Mitigation Measure HYDRO-4N:** The Project conditions of approval shall include requirements for residents and commercial users to implement the following measures within any common landscaping and open spaces areas:

Material Use Controls, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using safer alternative products; and

Material Exposure Controls, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors.

- ***Implementing Party:*** *City of King*
- ***Enforcement Agency:*** *City of King*
- ***Monitoring Agency:*** *City of King*
- ***Monitoring Phase:*** *On-going.*

(Formerly COA No. 125.)

158. **Mitigation Measure HYDRO-4O:** All commercial uses shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems, open spaces areas, and San Lorenzo Creek. To the extent not covered by an Assessment /Improvement District (e.g. LLA, CFD), commercial owners and operators and residential owners shall be responsible for private street, parking lot, and storm drain maintenance activities to control the movement of pollutants and removal of them from pavement through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped materials from their properties. These requirements shall be made part of the Specific Plan provisions, Project conditions of approval, or CC&Rs, to the satisfaction of the City Engineer and the Community Development Department, **prior to approval of the first final map.**

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to approval of first final map.

(Formerly COA No. 126.)

159. **Mitigation Measure HYDRO-4P:** To the extent not covered by an Assessment /Improvement District (e.g. LLA, CFD), commercial operators shall be responsible for the inspection, maintenance, and repair of sediment and oil filtering devices for the pretreatment of runoff from the major paved areas, including streets, sidewalks, and multi-family and non-residential parking lots, as required by the City of King.

- ***Implementing Party:*** Applicant/Developer and Future property owners
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** On-going.

(Formerly COA No. 127.)

NOISE

160. **Mitigation Measure NOI-1A:** Residential units in the Neighborhood Center that face either Bitterwater Road or the UPRR tracks will require a detailed, design-level acoustical analysis to ensure that interior day-night noise levels **do not exceed 45 Ldn**. The recommendations of the acoustical analysis shall be implemented to reduce interior day-night noise levels to **no more than 45 Ldn**.

- ***Implementing Party:*** Applicant/Developer/Contract Acoustical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to issuance of building permits for buildings that propose residential units in the Neighborhood Center zone which face either Bitterwater Road or the UPRR tracks.

(Formerly COA No. 128.)

161. **Mitigation Measure NOI-1B:** Residential units in the Neighborhood Center that face directly onto the railroad tracks will require a detailed acoustical analysis to ensure that maximum interior noise levels **do not exceed 70 dB(A).**

- ***Implementing Party:*** Applicant/Developer/Contract Acoustical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** **Prior to issuance of building permits** for buildings that propose residential units in the Neighborhood Center that face directly onto the railroad tracks.

(Formerly COA No. 129.)

162. **Mitigation Measure NOI-3:** For residential units in the Neighborhood Center that are proposed along the active Union Pacific Railroad line, the Developer(s) shall provide a detailed vibration analysis to ensure that the ground-borne vibration within the residential units **do not exceed 80 VdB.** In the event that the analysis determines that the projected **VdB is above 80**, measures shall be identified to reduce vibration to acceptable levels. Measures could include but are not limited to providing increased setbacks along the rail line, placing less sensitive land uses near the rail line, and/or providing building techniques such as the use of post-tension slabs.

- ***Implementing Party:*** Applicant/Developer/Contract Acoustical Engineer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to issuance of building permits for buildings that propose residential units in the Neighborhood Center along the railroad tracks.

(Formerly COA No. 130.)

163. **Mitigation Measure NOI-5A:** ~~Due to the fact that some aircraft flight tracks from the City Airport pass over the Project site, the City shall require that the Applicant grant an aviation easement to the City in the form of a Grant of Avigation Easement and Release: **Before, or concurrent with the recordation of each of the final maps,** a Grant of Avigation Easement and Release shall be recorded by the Applicant against the property within the boundary of the project, substantially in the form provided by the City Clerk, if found needed by the City Attorney. Revisions to the Grant of Avigation Easement and Release must be approved by the City Attorney. A reference to the Grant of Avigation Easement and Release shall be placed on the Final maps.~~

This Mitigation Measure is addressed by COA No. 32.

- ***Implementing Party:*** Applicant/Developer

- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to or concurrent with the recordation of each final map.

(Formerly COA No. 131.)

164. **~~Mitigation Measure NOI-5B:~~** ~~Due to the fact that some aircraft flight tracks from the City Airport pass over the Project site, the City shall require that the Applicant shall record a deed notice to give buyers notice of aircraft and aircraft noise in the vicinity of the properties contained within the VestingTentative Tract Map.~~

This Mitigation Measure is addressed by COA No. 14.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to or concurrent with the recordation of each final map.

(Formerly COA No. 132.)

PUBLIC SERVICES AND RECREATION

165. **Mitigation Measure PS&R-3:** ~~Consistent with state law, the Developer shall pay school impact fees to the King City Joint Union High School District and the King City Union School District at the time building permits are issued at the applicable rates established at that time by the districts for non-age restricted housing. These development fees shall be pursuant to regulations under Senate Bill 50 (SB 50), as described above in Section 4.12.3, Regulatory Considerations. Under state law, development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation."~~

This Mitigation Measure is implemented through COA No. 24.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King/KCJUHSD & KCUSD
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fees at time of building permit.

(Formerly COA No. 133.)

166. **Mitigation Measure PS&R-4:** ~~The Developer shall be required to pay the Development Impact Fee for Library Expansion Facilities (Resolution No. 08-4246), as determined by the City, to fund a portion of any necessary library expansions.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 134.)

TRAFFIC AND CIRCULATION

167. **Mitigation Measure TRA-1a:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-17 of the EIR.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 135.)

168. **Mitigation Measure TRA-1b:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-18 of the EIR.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 136.)

169. **Mitigation Measure TRA-1c:** The Applicant and/or Project Developer(s) shall pay or cause the conversion of the traffic control at the Canal Street/Southbound U.S. 101 Ramp intersection to an all-way stop control. The Project Applicant and/or Project Developer(s) may seek reimbursement from the City of King's Traffic Impact Fee for the additional cost of construction of these improvements beyond the Project's fair share of the conversion of the traffic control at the Canal Street/Southbound U.S. 101 Ramp intersection to an all-way stop control.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to certificate of occupancy for buildings contained within the 1st Project Phase (excluded Model Homes, Sales Building).

(Formerly COA No. 137.)

170. **Mitigation Measure TRA-2:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-19 of the EIR.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 138.)

171. **Mitigation Measure TRA-4A:** ~~The Applicant shall be responsible for the provision of bicycle lanes along the project frontage of Bitterwater Road. The improvements shall be made consistent with Caltrans (Highway Design Manual Chapter 1000) Standards.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King

- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 139.)

172. **Mitigation Measure TRA-4B:** ~~The Applicant shall make provisions for bus stops within and adjacent to the Project site, in consultation with Monterey-Salinas Transit and City of King.~~

~~Provision may include providing land, design and construction of bus stops in the public roadway, or other like improvements required by the City Community Development Department and City Engineer.~~

This Mitigation Measure is implemented through COA No. 101.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to approval of improvement plans or recordation of the final map of the first phase, whichever comes first.

(Formerly COA No. 140.)

173. **Mitigation Measure TRA-7:** ~~The Project Applicant and or Project Developer(s) shall pay the City of King's Traffic Impact Fee to fund the Project's fair share of improvements including the installation of traffic signals with railroad preemption at the four existing at-grade rail crossings and the proposed Broadway Street at-grade railroad crossing.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 141.)

174. **Mitigation Measure TRA-8a:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-20 of the EIR.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 142.)

175. **Mitigation Measure TRA-8b:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-21of the EIR.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 143.)

176. **Mitigation Measure TRA-8c:** ~~The Applicant and/or Developer(s) shall fund the Project's fair share of the cost of improvements to the Regional Traffic System through the payment of the TAMC fee.~~

This Mitigation Measure is implemented through COA No. 23.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 144.)

177. **Mitigation Measure TRA-9a:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-22 of the EIR.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 145.)

178. **Mitigation Measure TRA-9b:** The City of King shall study and implement those improvements and street reclassifications required to divert traffic off of Broadway Street road segment between Third Street and Mildred Avenue and onto parallel streets through the central business district so an acceptable level of service will be reached at Long-Term Plus Project Conditions.

- ***Implementing Party:*** City of King
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** By 2030, or approval of last final map, or whichever comes first.

(Formerly COA No. 146.)

179. **Mitigation Measure TRA-9c:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-23 of the EIR.~~

This Mitigation Measure is implemented through COA No. 20.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

(Formerly COA No. 147.)

180. **Mitigation Measure TRA-9d:** The City of King shall study and implement those improvements and street reclassifications required to divert traffic off of Broadway Street, between Third Street and Mildred Avenue, and onto parallel streets through the central business district so an acceptable level of service will be reached at Long-Term Plus Project Conditions.

- ***Implementing Party***: City of King
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King

- ***Monitoring Phase:*** By 2030, or approval of last final map, or whichever comes first.

(Formerly COA No. 148.)

UTILITIES AND SERVICE SYSTEMS

181. **Mitigation Measure UTIL-4a:** **As required**, the applicant/developer shall provide as a design feature complete sewer infrastructure to accommodate full build-out of the Project, including connections to the City's existing sewer system and upgrading of existing sewer system trunk mains between the Project and the wastewater treatment plant to the extent not contained in the City's Master Facilities Plan and included in the Development Impact Fee.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Prior to approval of Improvement Plans.

(Formerly COA No. 149.)

182. **Mitigation Measure UTIL-4b:** ~~To ensure that the City of King has adequate funds to operate its sewer system and wastewater treatment facility and to finance capital improvements for sewer infrastructure, the Applicant and/or Project Developer(s) shall pay the sewer connection fees and the Sewer and Wastewater Treatment Facility Development Impact Fee to fund the Project's fair share of the expansion and modernization of the wastewater treatment plant and wastewater collection system.~~

This Mitigation Measure is implemented through COA No. 25.

- ***Implementing Party:*** Applicant/Developer
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fees prior to certificate of occupancy

(Formerly COA No. 150.)

FINAL CONDITIONS OF APPROVAL RE-ADOPTED

DOWNTOWN ADDITION GENERAL PLAN AMENDMENT/REZONE/SPECIFIC PLAN/FUTURE VESTING/NON-VESTING TENTATIVE TRACT MAP CONDITIONS OF APPROVAL/MITIGATION MEASURES

Conditions of approval and mitigation measures are included for the future application of the Vesting/Non-vesting ***("VTM/NVTM")*** Tentative Tract Map. This does not preclude the addition or deletion of future VTM/NVTM conditions of approval or mitigation measures when legally permissible. Conditions are noted below with the appropriate timing conditions for the Specific Plan/General Plan/Rezone are noted **(SP/GP/RZ)**, and conditions which correspond to the VTM/NVTM are noted. **(TT/VTM)**.

1. **Project Description:** The Project is located on approximately 110-acres and consists of a:

   a. *General Plan Amendment from Planned Development **("PD")**, Medium Density Residential **("MDR")**, Light Industrial **("LI")**, General Commercial **("GC")** and General Industrial **("I")** entirely to Planned Development **("PD")**;*

   b. *Rezone from Agriculture **("A")**, Primary Floodplain **("P-F")**, Light Industrial **("M-1")**, and General Commercial **("C-2")** entirely to Planned Development/Specific Plan **(" P-D/SP")**;*

   c. *Specific Plan authorizing the phased construction, use, occupancy and habitation of:*

      (1) Up to 650 dwelling units in various configurations of attached and detached forms;

      (2) Up to 190,060 square feet of commercial space;

      (3) Approximately 24-acres of open space and parks; and

      (4) Associated public improvements and infrastructure.

   (SP/GP/RZ)

2. **Approval Period:** The Approved Downtown Addition Specific Plan is marked **Exhibit "A"**, dated **June 14, 2011.** The Specific Plan Amendment package is marked **Exhibit "B"**, dated **November 25, 2013**. The Downtown Addition Specific Plan may be rescinded or terminated by action of the City in accordance with State law, if a project-wide Vesting/Non-vesting Tentative Tract Map is not submitted within **five (5) years** from the **City Council approval date of the Specific Plan Amendment (December 10, 2013).** Such five (5) year period is subject to a one-time extension by the City Community Development Director, or designee, not to exceed two (2) years, upon the request of the Applicant or agent, prior to the City's rescission or termination of the Downtown Addition Specific Plan. **(SP/GP/RZ)**

3. **Hold Harmless and Indemnification Clause:** The Applicant agrees, as part of and in connection with each and all the applications and approvals, to defend, indemnify, and hold harmless the City of King ***("City")*** and its elected officials, officers, contractors, consultants (including Earth Design, Inc., subconsultants, Hanna & Brunetti), attorneys, employees and agents (including Earth Design, Inc., subconsultants, Hanna & Brunetti) from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents (including Earth Design, Inc., subconsultants, Hanna & Brunetti) to challenge, attack, set aside, void, or annul:

   a. *Any approvals issued in connection with all approvals, actions and applications by City covered by the conditions of approval and/or mitigation measures; and/or*

   b. *Any action and approvals taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended **("CEQA")** by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. The Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation reasonable attorneys' fees and other costs,*

liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or involved in such proceeding.

The Applicant agrees to defend, indemnify and hold harmless City, its elected officials, officers, contractors, consultants (including Earth Design, Inc., subconsultants, Hanna & Brunetti), attorneys, employees and agents (including Earth Design, Inc., subconsultants, Hanna & Brunetti) from and for all reasonable costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (including, but not limited to, an environmental impact report, general plan amendment, specific plan, zone change, vesting tentative tracts, sign applications, variances, conditional use permits, architectural review, etc.), if made necessary by said proceeding, and if the Applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents. ***(SP/GP/RZ)***

4. **Final Specific Plan Document With Amendments:** The Applicant shall submit twenty-five (25) copies of the Final Specific Plan document incorporating the Specific Plan Amendments per **"B"**, including cds, **within thirty (30) days of City Council second reading of the Specific Plan Ordinance. (SP/GP/RZ)**

5. **Inclusionary Housing Provision:** As part of the Vesting/Non-vesting Tentative Tract Map submittal, the Applicant shall submit a Comprehensive Inclusionary Housing Program in compliance with Municipal Code Chapter 17.19. The Inclusionary Housing Program shall be approved by City Council, **prior to approval of the project-wide Vesting/Non-vesting Tentative Tract Map. (SP/GP/RZ)**

6. **Compliance with the Law:** The Applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this Project. **Prior to recordation of any final map,** the Applicant shall provide copies of the required County, State and Federal permits applicable to the Project phase or subphase covered by the final map, or written verification of a waiver of applicable permit requirements. The Developer shall obtain any required governmental permits. The Project-wide Vesting/Non-vesting Tentative Tract Map shall be consistent with the City Council approved Downtown Addition Specific Plan marked as **Exhibit "A"**, dated **February 19, 2010,** with amendments marked **Exhibit "B"**, dated **November 25, 2013.(SP/GP/RZ)**

7. **Project Phasing & Infrastructure:** One project-wide Vesting/Non-vesting Tentative Tract Map shall be submitted by the Applicant for approval. The Project may be constructed in major phases and subphases within those major phases, and the Applicant may record multiple final maps. The number of subphases shall be determined by the Applicant according to market demand and other considerations at Applicant's discretion, ***but shall not exceed thirty (30) subphases***. The infrastructure requirements (on and offsite) for each subphase shall be matched to meet the needs of each subphase and shall include, but shall not be limited to, utility installation, drainage improvements, interior roadways, and the removal of all temporary power poles, as applicable to the particular subphase, **prior to acceptance of the public improvements for maintenance**. The Applicant and City shall enter into an improvement agreement requiring the construction of the backbone infrastructure, and the Applicant's provision of reasonably acceptable security therefore, prior to the approval of the first final map. The Applicant and City shall enter into further improvement agreements requiring the construction of the portion of the required infrastructure (on and offsite) necessary for a particular subphase as identified by the City Engineer, and the Applicant's provision of reasonably acceptable security therefore, prior to the approval of the final map for the applicable subphase. **(TT/VTM)**

8. **Phasing Exemption:** Properties which are contained in the adopted Downtown Addition Specific Plan boundaries which are owned at the time of Specific Plan adoption by property owners other than Smith-Monterey, LLC shall be not be subject to the adopted phasing guide contained in the Specific Plan. These properties not owned by Smith-Monterey, LLC may be developed in conformance with the Specific Plan at an earlier time than indicated in the Phasing Plan. **Prior to the issuance of a building permit,** such development shall be subject to a determination and approval by the City Engineer that all required infrastructure is or will be in place to service such development, **or prior to occupancy. (SP/GP/RZ)**

9. **Project Expiration:** The Vesting/Non-vesting Tentative Tract Map shall automatically expire **two (2) years** after City Council final action, subject to any automatic extensions permitted under the Subdivision Map Act ***("SMA")*** and any discretionary extensions granted by the City as permitted by the SMA and City requirements. **Prior to expiration of the tentative map,** the Applicant may request and apply for any extension of time which is permitted by law. **(TT/VTM)**

10. **Changes:** Development shall be in **substantial compliance** with the Downtown Addition Specific Plan, and the plans, conditions of approval/mitigation measures presented to and approved by the City Council in connection with the adoption of Downtown Addition Specific Plan, Rezone and General Plan Amendment. No condition, or standard shall be eliminated, added or modified without Planning Commission review and City Council action, following a public hearing. **(SP/GP/RZ)**

11. **SWPPP/Erosion Control Plan:** **Prior to grading and/or performance of any site work,** an Erosion/Sediment Control Plan for routine activities associated with new excavation areas shall be submitted to the City for review and approval. A copy of the Project's Storm Water Pollution Prevention Plan ***("SWPPP")*** shall be submitted to the City for review. SWPPP Best Management Practices ***("BMPs")*** to prevent and control discharges to the municipal separate storm sewer (drain) system shall be in effect for the entire duration of Project construction to its completion and acceptance by the City. **(SP/GP/RZ)**

12. **Existing Use of Non-conforming Properties and Structures:** Properties which are contained in the adopted Downtown Addition Specific Plan boundaries which are owned at the time of adoption of the Specific Plan by property owners other than Smith-Monterey, LLC shall become legal non-conforming uses (as defined by KCMC 17.58, by the adoption of the Downtown Addition Specific Plan). **(SP/GP/RZ)**

13. **Public Right-of-Way Easement:** The Downtown Addition Specific Plan contemplates the use of the Gallery (3.5.2.7) and Arcade (3.5.2.8) building types within the Neighborhood Zone. Any building of the Gallery and Arcade building type allowed by the Downtown Addition Specific Plan which proposes any construction within the public right-of-way or airspace above such right-of-way shall obtain an easement from the City, **prior to the issuance of a building permit.** Such easement shall be approved by the City Attorney and approved by the City Council. Upon receipt of City Council approval the easement shall be recorded and run with the land. **(SP/GP/RZ)**

14. **Disclosure Documents – Potential Nuisances:** **Prior to or concurrent with the recordation of any final map,** the following notices shall be recorded in a manner that notifies all subsequent property owners within this Project of the potential nuisances from adjacent parks, previous agricultural use of the Project site, and nearby airport and industrial uses. Said notice shall advise each future owner to notify all prospective buyers of the potential nuisances, **prior to entering in an agreement to purchase a property within the Project site.**

    a. *"The Project site was previously used for agricultural operations that included the application of pesticides and other chemicals to the soil."*

    b. *"Active and passive parks will be located adjacent to and within the Project. The parks will be used for a variety of both active and passive recreation activities. Noise, traffic and other disturbances may occur due to public activities. Additionally, park activities may in the future change and/or increase to meet the recreation needs of residents of and visitors to City of King."*

    c. *"The existing airport, railroad, industrial area and cogeneration plant located near the Project may emit noise, dust and other related disturbances. These emissions may increase in the future.*

    d. *"The Project site is subject to aircraft over flights and single event noise exposure due to the proximity of the Project site to the City of King-Mesa Del Rey Airport. The airport is a general aviation airport that is used by a variety of aircraft and propulsion types, including fixed wing propeller and jet aircraft and helicopters. An FAA approved practice aerobatic area is adjacent to the airport. The airport is also used occasionally to support CDF and USFS aerial*

fire suppression activities. It is anticipated airport use will increase in the future in response to population and/or economic growth. Residents of property near airports should be prepared to accept the inconvenience, annoyance or discomfort from aircraft operations."[1]

e. *"City of King encourages agricultural operations on property located within the City and on adjacent property located near the City limits in the unincorporated portion of Monterey County. The property you are purchasing is near agricultural properties or agricultural operations.*

f. *"You may be subject to inconveniences or discomfort arising from such operations. Such discomfort or inconveniences may include, but are not limited to: noise, odor, fumes, dust, smoke, inspections, operation of machinery (including fixed wing and helicopter aircraft) at any time and throughout any* ***twenty-four (24) hour period****, storage and disposal of manure, and the application by spraying, aerial application, or otherwise of chemical fertilizers, soil amendments, herbicides, fungicides and pesticides. One or more inconveniences or discomfort may occur as a result of agricultural operation that conforms to existing laws and regulations and are performed in accordance with accepted agricultural customs and standards. If you decide to live or work near an agricultural area, you should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a city and county with a strong rural character and an active agricultural sector."* **(SP/GP/RZ) (TT/VTM)**

15. **Covenants, Conditions and Restrictions *("CC&Rs")*: Prior to the City's approval of each final map for a residential development,** the Applicant shall submit CC&Rs for review and approval by the City Attorney (provided that no such submission or approval shall be necessary for previously approved CC&Rs which govern the residential development). The CC&R's shall record with the final map and shall include the following:

    a. *Provisions for maintenance of all common areas including common* access, *common parking, common street trees, common fencing and common landscaping in perpetuity to be performed by the Homeowners Association* ***("HOA")***, if required pursuant to the Fiscal Neutrality Study and Agreement identified in COA No. 28.

    b. *A detailed list of each individual homeowner's responsibilities for maintenance of the individual units.*

    c. *Residents shall keep all trash receptacles within the unit's designated trash storage area.*

    d. *Garages shall be maintained and used for vehicle parking.*

    e. *No boats, RV's or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.*

    (TT/VTM)

16. **Repair/Maintenance of On-site Shared Improvements:** [Provided for in COA No. 28.]

17. **Mail Receptacles:** Mailboxes shall be provided as approved by the local US Postmaster. **(TT/VTM)**

18. **Grading Permits/Model Homes:** Notwithstanding any other provision contained in these conditions of approval and mitigation measures, the Applicant may apply for and City may issue grading permits for the Project and building permits for the construction of model homes in accordance with the model home plan, **prior to filing or recording of a final map, for the applicable phase or subphase. (TT/VTM)**

19. **Memorandum of Understanding: Prior to approval of the first Vesting/Non-vesting Tentative Tract Map,** the Memorandum of Understanding ***("MOU")*, dated May 12, 2004**, between the **City** and **Smith-Monterey, LLC** shall be modified requiring the Applicant to pay for all reasonable third party consultant costs which are incurred by the City implementing the conditions of approval, mitigation measures, and other Project requirements after receiving City entitlements. These costs

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[1] This condition of approval addresses **Mitigation Measure NOI-5B**.

include, but are not limited to, consultant time to review, coordinate and implement the requirements of Project approval. **(SP/GP/RZ)**

20. **Development Impact Fees:** **Prior to issuance of a certificate of occupancy for any specific building,** the Applicant shall pay the following connection, and development impact fees for such building which were in effect on _____ **(the date the application for the Vested Tract Map was declared complete)** including any increases for inflation, as permitted under the SMA.

    The amounts or applicability of the following fees may be amended by the Development Agreement ***("DA")***.

    - *General Government Fee,*
    - *Police Facilities Fee,*
    - *Fire Protection Facilities Fee,*
    - *Sewer Impact Fee,*
    - *Storm Drain Fee,*
    - *Community Center / Public Meeting Facilities Fee,*
    - *Public Aquatics Facility Fee,*
    - *Water Impact Fee,*
    - *Traffic Facilities Fee,*
    - *Park Facilities Fees, and*
    - *Waste Water Treatment Fees.*

    (SP/GP/RZ)

21. **Emergency Services/Facility Maintenance Costs:** [Provided in COA No. 28.]

22. **Tract Maintenance Costs:** [Provided in COA No. 28.]

23. **Regional Impact Fees:** The Applicant and/or Developer(s) shall fund the Project's fair share of the cost of improvements to the Regional Traffic System through the payment of the TAMC fee.[2]**(SP/GP/RZ)**

24. **School Impact Fees:** Consistent with state law, the Developer shall pay school impact fees to the King City Joint Union High School District and the King City Union School District at the time building permits are issued at the applicable rates established at that time by the districts for non-age restricted housing. These development fees shall be pursuant to regulations under Cal. Government Code §65995, *et seq.,* and Cal Education Code §17620. Under state law, development fees authorized by the foregoing code sections are deemed to be "full and complete school facilities mitigation."[3] **(SP/GP/RZ)**

25. **Sewer System and Wastewater Treatment Facility Fees:** To ensure that the City of King has adequate funds to operate its sewer system and wastewater treatment facility and to finance capital improvements for sewer infrastructure, the Applicant and/or Project Developer(s) shall pay the sewer connection fees and the Sewer and Wastewater Treatment Development Impact Fees to fund the Project's fair share of the expansion and modernization of the wastewater treatment plant and wastewater collection system.[4] **(SP/GP/RZ)**

26. **Processing Fees:** **Prior to issuance of a certificate of occupancy for a building,** all applicable

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[2] This condition of approval addresses **Mitigation Measure TRA-8c**.

[3] This condition of approval addresses **Mitigation Measure PS&R-3.** (The COA changes reference from Senate Bill 50 to the specific Cal. Government Code sections.)

[4] This condition of approval addresses **Mitigation Measure UTIL-4b**.

building permit processing and review fees for such building shall be paid as required by City Ordinance. City may charge other processing fees provided such fees were in force and effect on city-wide basis on _____ ***(the date the application for this Project was declared complete)*** including any increases for inflation, as permitted under the SMA. **(TT/VTM)**

27. **Outstanding Invoices:** **Prior to recordation of the first final map,** the Applicant shall pay all outstanding City invoices related to processing the Project. **(TT/VTM)**

28. **Fiscally Neutral Fiscally Neutral/Establishment of Districts, Associations and or other funding Mechanism(s):** The Project shall be fiscally neutral. Such measures as the formation of Improvement or Assessment District(s), Community Facilities District **("CFD"),** Landscape and Lighting District **("LLD")**, and/or Homeowners Association **("HOA"),** separately or in combination, shall be established so the Project is fiscally neutral. This condition approves the creation of a Specific Plan. The Specific Plan does not create legal lots of record; therefore, it is premature to determine the best mechanisms for the Applicant to use to pay for Project infrastructure and services which best serve the needs of the City. The methods to ensure fiscal neutrality may include any combination of the methods mentioned in this document, or any other additional funding mechanisms the City may legally impose upon a project. There is no requirement that any particular method be used, so long as the combination of methods achieving fiscal neutrality by requiring the Project to pay for all of its impacts and service requirements that it may legally be compelled to pay. The finance mechanisms may include, by example and not by way of limitation, those methods mentioned above and shall cover, again by example and not by way of limitation, emergency services and facilities, maintenance costs, maintenance of all common areas, including common access, common parking, common street trees, common fencing and common landscaping, in perpetuity, City park facilities and maintenance service costs, all costs to maintain the on-site shared improvements, including roads, sidewalks, street trees, streetlights, private sewer system, drainage facilities, recreation areas, common landscaping, and all tract improvement and maintenance costs.

    The Developer shall advance funds to allow the City to pay the costs and expenses to analyze, select and form any selected districts, associations, or other mechanisms or entities necessary to achieve the condition of fiscal neutrality. Such election of an appropriate financing mechanism by the City shall be made in consultation and collaboration with the Developer.

    The form of such funding mechanisms shall be approved by the City Attorney, City Engineer and City Manager **prior to acceptance of any final map.** If the Applicant elects to use multiple funding mechanisms, the funding of maintenance and service obligations shall not be duplicated, but to meet the requirement of revenue neutrality, the combination of funding mechanisms must ensure that the project pays for all maintenance and service obligations that it may legally be charged with funding in order to achieve fiscal neutrality.

    Notwithstanding the foregoing, the Applicant and the City may choose to enter into a Development Agreement. A Development Agreement is both a legislative act of the City Council of the City, and a contract between parties. In a Development Agreement the parties are free to bargain for mutually acceptable concessions. For example, even though the City might not be legally entitled to condition the project on the creation of a substation for the Police Department, the Applicant may offer to exchange that construction for some other benefit that is mutually acceptable. If the parties do enter into a Development Agreement, then the project may be fiscally positive as to the City, instead of fiscally neutral, and the City is free to elect in the Development Agreement not to charge a particular development impact fee or cause the perpetual funding of a particular service need or maintenance need in exchange for other consideration. **(TM/VTM)**

29. **Master Lighting Plan (MM No. AES 2A, 2B and 2C and BIO 4C):** **Prior to recordation of the first final map or grading permit, whichever comes first, the Applicant shall have approval of Master Lighting Plan for the parks, alleys and streets** from the Community Development Department for review and approval. The Master Lighting Plan shall identify the type of fixture and the placement and spacing, taking into consideration safety and photometric standards. The Master Lighting Plan shall require that the lights be energy efficient and identify the type and wattage of Street lighting and alley lighting.

The Master Lighting Plan shall incorporate the following to minimize light and glare impacts associated with the proposed Project:

- *Project street, park and alley lighting shall be designed to direct light to the street and alley and away from the adjoining properties*
- *To minimize excessive lighting and glare, building exteriors and roofs shall utilize low reflectance materials. Mirrored glass and other highly reflective building materials shall not be utilized on the exterior of the buildings. Concrete tile, asphalt shingles and wood shakes shall not be considered reflective.*
- *The Project Developer shall install low-profile, low-intensity lighting with shielded fixtures directed downward to minimize light and glare.* [5]
- *High-intensity outdoor lighting on individual homes and structures shall be prohibited.*[6]
- *Light shall be directed downward to minimize spillover of light.* ***Once a final development plan and lighting plan is established,*** *the Applicant shall provide photometric calculations so that the extent of spillover is shown to be minimized to a less than significant level.* [7]
- *Lighting shall be downcast luminaries with light patterns directed away from, and shielded so that light is not directed into adjacent open space areas. Mercury vapor and halide lighting shall not be used on the perimeter of the developed areas and in areas adjacent to undeveloped open space.*[8]

(SP/GP/RZ) (TT/VTM)

30. **Landscape and Irrigation Plans: As part of the application for a project-wide Vesting/Non-vesting tentative tract map application or with a grading plan application,** whichever occurs first, the Applicant shall submit a **Master Landscape Plan** prepared by a State of California licensed landscape architect, for the area in **Figure 3-61 of the Specific Plan** ***("Public Realm Plan")*** which includes the area of the First Street Bypass on the Smith-Monterey property (reference **Figures 3-26** and **3-27 of the Specific Plan**). The Master Landscape Plan shall be consistent with the Specific Plan and based on the water efficient landscape concepts established by State of California Water Efficiency Landscape Ordinance Model dated September 10, 2009, or as modified. The **Master Landscape Plan** shall be reviewed and approved by the Community Development Department, Police Department and Public Works Department and approved by the Planning Commission.

    The Applicant/Developer shall be responsible for installation of all improvements specified in the Downtown Addition Specific Plan, and illustrated in greater detail in the approved **Master Landscape Plan** and as required in subsequent approvals of site-specific landscape and irrigation plans. The **Master Landscape Plan** shall incorporate environmental design standards for public safety purposes, including, but not limited to the following:

    - *Locate benches throughout common use or employee areas to enhance observation and supervision of surrounding areas.*
    - *Place child play areas in maximum observation locations.*
    - *Use landscape such as low hedges and flowerbeds to identify points of entry and movement on property.*
    - *Use signage and symbolic barriers to direct vehicular and pedestrian traffic.*
    - *Designate boundaries between public, semi-public and private spaces.*
    - *Use light to guide movement.*

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5 This condition of approval implements **Mitigation Measure No. AES 2A**.
6 This condition of approval implements **Mitigation Measure No. AES 2B**.
7 This condition of approval implements **Mitigation Measure AES 2C**.
8 This condition of approval implements **Mitigation Measure BIO-4C**.

- *Use security planting to restrict access to private areas.*
- *Install devices to prohibit general access to unauthorized areas.*
- *Locate public paths in direct routes to points of entry.*
- *Use thorny or thick plant materials in perimeter landscape areas to discourage cutting through parking areas, trampling vegetation, approaching ground floor windows or climbing fences and walls.*
- *Use appropriate signage to discourage trespassers, loitering or consumption of alcoholic beverages.*
- *Use public art, sculpture, flags and banners where allowed.*
- *Use physical and symbolic barriers.*
- *Modify surfaces to make tagging (graffiti) or skateboarding more difficult.*
- *Use landscape lighting to mark territory.*
- *Bicycle racks and bike lockers.*
- *Stainless steel in restrooms with tile for floor and wall. No paper towels allowed in the restrooms and hand blowers or equivalent only.*

All subsequent **Site-specific Landscape and Irrigation Plans** shall be consistent with the approved **Master Landscape Plan** and in accordance with the **State of California Water Efficiency Landscape Ordinance Model** dated **September 10, 2009**, or as modified. **Site-specific Landscape and Irrigation Plans** shall be prepared by a State of California licensed landscape architect and approved by the Community Development Department, Police Department and Public Works Department.

Site-specific Landscape and Irrigation Plans shall be required for the following actions:

a. ***Prior to City approval of Street Improvement Plans for any phase or subphase of the Project that includes landscaping within a public areas, public open space, including street medians, alleys, or any other area to be maintained by the financing mechanism established pursuant to COA No. 28.*** *The landscaping and irrigation plan for the above listed areas shall be reviewed by the City Engineer to verify that there is sufficient sight distance to ensure safety. The landscaping design, character and scale of such open space areas shall be compatible with surrounding areas. Such area landscaping shall consist of turf grass, trees and drought-tolerant native and/or Mediterranean type species. The landscape plans for the buffer zone area outside the edge road shall specify only trees the landscape architect believes can tolerate high winds.*

b. ***Prior to recordation of the final map in which a dedicated park is located.*** *The Recreation Commission shall review and approve the* ***Site-specific Landscaping and Irrigation Plan****. A letter shall be submitted by a State of California Licensed landscape architect stating that all playgrounds, sports equipment and other park related features are safe.*

c. ***Prior to issuance of a building permit for a specific residential or commercial building,*** *a* ***Site-Specific Landscaping and Irrigation Plan*** *shall be prepared by a licensed Landscape Architect and in accordance with the* ***State of California Water Efficiency Landscape Ordinance Model****, dated* ***September 10, 2009****, or as modified.* ***Prior to issuance of a certificate of compliance****, the Applicant shall submit to the Building and Safety Department the certificate of completion in accordance with the State of California Water Efficiency Landscape Ordinance Model. The landscaping design, character and scale shall be compliance with the* ***Downtown Addition Specific Plan*** *and the approved* ***Master Landscape Plan****.*

(SP/GP/RZ) (TT/VTM)

31. **Installation of Area Landscaping: Prior to or concurrent with City's issuance of building permits for any phase or subphase of the Project that includes an area to be maintained by financing mechanism(s) selected in accordance with COA No. 28,** the Applicant shall post a performance security in an amount to be agreed to by the City Engineer to guarantee the installation of plantings, irrigation, walls and fences, in accordance with approved landscape and irrigation plans for such Landscape area(s). **(TT/VTM)**

32. **Grant of Avigation Easement and Release: Prior to recordation of the first final map,** the Grant of Avigation Easement and Release shall be recorded against the property within the boundary of the Vesting/Non-vesting Tentative Tract Map substantially in the form attached hereto as **Exhibit "C".** Revisions to the Grant of Avigation Easement and Release must be approved by the City Attorney. A reference to the Grant of Avigation Easement and Release shall be placed in each final map for the Project. [9] **(SP/GP/RZ)**

33. **Filing FAA Form 7460-1: Prior to final map recordation of the first phase,** issuance of a grading permit, or issuance of any construction project permit, whichever comes first, the Applicant shall file FAA Form 7460-1 with the Federal Aviation Administration, and provide a copy of the filed form with the City Engineer, if applicable. **(TT/VTM)**

34. **Temporary Tract Offices:** The Applicant shall submit a plot plan for review and approval by the City Engineer, Building and Safety Director and Community Development Director, if temporary sales and/or construction offices shall be used onsite. Conditions of approval, such as maintaining the temporary tract office, properly disposing of unused construction debris, etc., shall be attached to the plot plan approval. The plot plan shall be valid for one year and the Applicant shall request an extension in writing with applicable fee to the Building and Safety Director. Extensions of no more that **one-year** at a time shall be granted. **(TT/VTM)**

35. **No Further Subdivisions:** In no case shall there be more than a total of **650 residential dwelling units** within the boundary of the Vesting/Non-vesting Tentative Tract Map, as addressed in the EIR and the Specific Plan. **(TT/VTM)**

PUBLIC WORKS DEPARTMENT CONDITIONS

All conditions of approval herein specified, unless otherwise noted, are to be complied with prior to final map recordation of each phase or subphase.

36. **Stop Sign Locations: Prior to recordation of each final map,** the City Engineer, and Police Chief shall approve stop sign locations for consistency with the Downtown Addition Specific Plan, attached as **Exhibit "A". (TT/VTM)**

37. **Grading and Drainage Plans: Prior to issuance of a grading permit, final grading and drainage plans,** including drainage study and calculations, shall be submitted to and approved by the City Engineer. The City Engineer is responsible for coordinating the review of the grading and drainage plans. **(TT/VTM)**

38. **Underground Utilities: Prior to recordation of the first final map,** a conceptual infrastructure plan for the entire Project shall be submitted to and approved by the City Engineer. **(TT/VTM)**

39. **Infrastructure Plan: Prior to the recordation of the final map of each phase or subphase,** the final infrastructure plan for that phase or subphase shall be submitted to and approved by the City Engineer. The underground utilities shall include offsite storm drain piping, sanitary sewer, water piping, all onsite utilities, and infrastructure along Bitterwater Road if adjacent to that phase or subphase, and other requirements per City standards. **(TT/VTM)**

40. **Public Improvement Plan: Prior to recordation of each final map, a Public Improvement Plan *("Public Improvement Plan")*** for the applicable phase or subphase shall be prepared by a California Registered Engineer. The Public Improvement Plans shall be submitted to, and approved by the City

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[9] This condition of approval implements **Mitigation Measure NOI-5A.**

Engineer. The Public Improvement Plans shall include the Project's required:

- *Street paving,*
- *Curb,*
- *Gutter,*
- *Streetlights,*
- *Sidewalks,*
- *Parkway,*
- *Required utilities,*
- *Grading, and*
- *Drainage.*

The Public Improvement Plan for each phase or subphase shall be submitted to all applicable public utility companies including but not limited to California Water, PG&E, Charter Cable, SBC (telephone) and the City, with copies to the City Engineer. All applicable improvements shall meet ADA standards, and be consistent with the approved Downtown Addition Specific Plan, latest City standards and specifications and to the satisfaction of the City Engineer. The City Engineer is responsible for the coordination the review of the Public Improvement Plans.

Except where the Specific Plan/Vesting/Non-vesting Tentative Tract Map call for a variance from City standards, public improvements shall be designed in accordance with City specifications and standards, including but not limited to the following:

- *Street plan and profile,*
- *Storm Drainage, drainage ditches, culverts and other structures,*
- *Water plan/water system and associated improvements (to be reviewed and approved by California Water and City Fire Department),*
- *Sewer plan,*
- *Grading and erosion control plan,*
- *Easements for all water and sewer mains and storm drains,*
- *Curb markings and "blue dot" night reflectors,*
- *Bike Lanes, paths, and/or multi-use paths,*
- *All on and offsite improvements as required by the City Engineer including offsite storm drain pipe and outfall to the San Lorenzo Creek, and*
- *All existing wells to be abandoned.*

41. **Underground Improvements:** **Prior to street paving,** all underground improvements shall be installed and shall pass all testing. **(TT/VTM)**

42. **Grading:** All grading shall be done in conformance with City standards and to the satisfaction of the City Engineer. Applicant shall provide a performance bond for cost of grading covering cost of grading pursuant to estimate agreed to by City Engineer and approved by City Attorney pursuant to estimate agreed to by City Engineer and approved by City Attorney. **(TT/VTM)**

43. **Easements Abandonment:** All easements ***and right-of-ways*** that are to be abandoned by the City shall be with a City approved notation on the final map in accordance with the applicable provisions of the SMA and other applicable state law. **(TT/VTM)**

44. **Public Utilities:** Easements for utilities shall be dedicated in a size and location set forth in the

Downtown Addition Specific Plan and approved by California Water and PG&E. All public utility easements shall be shown on the final map. **(TT/VTM)**

45. **Utility Concurrence:** All Utilities shall be installed as described in **Section 3.11** (Services and Utilities Standards) of the Specific Plan, unless otherwise required by statute. **Prior to construction and installation of the utilities,** there shall be written approval by PG & E, Telephone, Cable TV, California Water and any other affected agency as to all improvements, easements, right of way or other facility that are applicable to them. **(TT/VTM)**

46. **Bonds/Surety-Faithful Performance and Labor and Materials: Prior to the recordation of ~~the~~ *any* map commencement of any work on any improvement and in any event and prior to recordation of a first phase final map,** a subdivision improvement agreement for those improvements required by the City shall be prepared and a performance bond posted through the City Attorney's office, or as otherwise directed by the City Attorney. **(TT/VTM)**

47. **Infrastructure Installations: Prior to the issuance of a certificate of occupancy for any residential or commercial building in a phase or subphase,** all infrastructure improvements (roads, sidewalks and utilities) that serve the affected property shall be installed and fully operational to the satisfaction of the City Engineer.

    (TT/VTM)

48. **Offer of Dedication: Prior to recordation of each final map,** the Applicant shall offer, by certificate on the map or separate document, to dedicate to the City the following:

    - *Water Line Easement,*
    - *Sewer Line Easement,*
    - *Storm Drainage Easement,*
    - *Road Right-Of-Way for all City-Approved Onsite Streets,*
    - *Parks, and*
    - *All Public Utilities.*

    (TT/VTM)

49. **Additional Ordinance Material: Prior to final map recordation for any phase or subphase,** the Applicant shall submit to the City Engineer the additional material required pursuant to Municipal Code §16.32. In particular, the following shall be submitted:

    - *Current Title Report,*
    - *Traverse Sheets,*
    - *Guarantee of Title,*
    - *Improvement Agreement, and*
    - *Proof that there are no outstanding taxes, liens or other special assessments pursuant to Municipal Code §16.32.080 (d).*

    (TT/VTM)

50. **Grading, Drainage and Street Improvement Plans:** The City Engineer is responsible for coordinating the Grading, Drainage and Street Improvement Plans. **(TT/VTM)**

51. **Pre-construction Conference: Prior to issuance of the first building permit for each phase,** and **prior to installation of Infrastructure**, a pre-construction conference is required to be conducted. The Community Development Department, or City Manager appointed "Building Contractor is responsible for coordinating the pre-construction conference. At a minimum, the pre-construction conference shall include the City Engineer, the Applicant, Building and Safety Director,

and Contractor(s). The Community Development Director and/or Building Contractor" may invite other officials, as needed, to assist in the process. The parties in attendance shall discuss and agree to the conditions of approval and mitigation measures related to for construction of the Project, including but not limited to:

a. *Hours of construction shall be* ***limited to 7:00 a.m. to 5:00 p.m. Monday–Saturday.*** *No construction shall be allowed on Sunday, or State holidays, except as approved in writing by the City Engineer,*

b. *Construction related truck-trips are to be scheduled during non-peak hours when possible to help reduce truck traffic on adjacent streets and roadways,*

c. The route of construction related traffic is to be established to minimize trips through surrounding residential neighborhoods,

d. Truck hauling-grading material shall take preventative measures to minimize air borne dust and rocks,

e. *Schedule to maintain and clean public streets and sidewalks during grading and construction,*

f. *Public and private streets in use shall not be used for storage of equipment or materials, and*

g. *All applicable Mitigation Measures.*

(TT/VTM)

52. **Final Map(s):** **Prior to recordation of each final map,** the Applicant shall submit to the City Engineer for review and approval, a final map prepared by a licensed land surveyor or qualified State of California Registered Civil Engineer. The final map(s) shall provide all required dedications and easements. The City Engineer is responsible for coordinating the final map review. **(TT/VTM)**

53. **Notice Document:** The Applicant shall prepare a ***"Notice Document",*** subject to review and approval of the City Engineer and City Attorney, to notify lot purchasers on limitations on the use, possession and enjoyment of the property within the boundaries of the Vesting/Non-vesting Tentative Tract Map and shall be recorded with the final map of each phase or subphase. The notice shall include all conditions of approval and mitigation measures that apply to the specific lot development, common Project features, or other information which needs to be provided to property owners, in addition to the following provisions:

a. *Although such shared and/or private facilities are not anticipated, if there will be any private roadway shared by* ***two (2) or more*** *residential lots or private facilities for water, sewer, or drainage in the Project, then a Private Water, Sewer, Drainage and Road Maintenance Agreement for such shared and/or private facilities shall be filed with the City, subject to review and approval by the City Attorney.*

b. *Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural watercourses, conduits and access road, as applicable. Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.*

(TT/VTM)

54. **Change of Ownership:** The Applicant shall provide written notice to the City identifying the new owner as a result of any change in the ownership of any phase or subphase of the subdivision (e.g., if a phase or subphase is sold to a subsequent builder who will be responsible for installation of infrastructure). Such notice shall be provided within **thirty (30) days** of any such transfer. Notice is not required for sale of individual lots. The owner and new owner shall be jointly and severally responsible for payment of all fees associated with the Project up to the time of the initial sale of completed improvements. In accordance with City Code, an additional deposit may be required from the new owner for processing the applications and appurtenant agreements. The original owner will be responsible for any fees incurred prior to a sale of the property, and the new owner(s) will be

responsible for any fees incurred after a sale of the property. The original and new owner may allocate between themselves the responsibility for compliance with the subdivision improvement agreement applicable to the property and the provision of bonds required thereunder. **(TT/VTM)**

55. **Miscellaneous Improvements: Prior to acceptance of the public improvements for each phase or subphase,** the following shall be accomplished:

    a. *Repair, or bond for, any damaged public improvements on the Project site (curbs, gutters, sidewalks, etc.) subject to the review and approval of the City Engineer. Where tree roots are the cause of the damage, the roots are to be pruned.*

    b. *A final inspection by each city department and a signature from a representative of each department signifying that no further actions are needed to comply with these conditions.*

    (TT/VTM)

56. **Street Design:** Street width within the subdivision shall be designed to meet the approved Downtown Addition Specific Plan. All other street designs shall meet City Municipal Code standards.

    (TT/VTM)

57. **Water Quality Basins:** Drainage shall be managed on-site using Best Management Practices ***("BMP"),*** stormwater cleaned onsite in a water quality basin approved by the City Engineer through tract improvements plans or grading permit applications. The design of the water quality basin shall be reviewed and approved by the City Engineer. **(TT/VTM)**

58. **Soils/Geotechnical Report: Prior to recordation of the first final map,** a site Soils (geotechnical) Report shall be submitted to the City Engineer. The report shall include data regarding nature distribution and strength of existing soils, including conclusions and recommendations for grading, corrective measures, stability and design criteria for road, utility, retaining wall, structures and other proposed improvements. The Soils/Geotechnical Report shall incorporate the requirement of the appropriate Mitigation Measures identified in the Downtown Addition Specific Plan. **(TT/VTM)**

FIRE DEPARTMENT

59. **Fire Hydrants:** Fire hydrants shall be installed at standard intervals along all public streets within the

    Tract subject to the approval of the Fire Chief. **Prior to the delivery of bulk combustible construction materials, and/or at the start of framing construction,** the fire hydrants and water supply installation shall be in place, inspected, tested and accepted by the Fire Department, or the Applicant shall erect **two (2), ten-thousand (10,000) gallon** Kline water storage tanks adjacent to the wood frame construction dedicated only to the Fire Department use.

    The Applicant shall submit to the City Engineer, **prior to final map recordation of the applicable phase or subphase,** Improvement Plans for construction of improvements to the water main system in order to obtain sufficient fire flow. The improvement plans shall be prepared by a registered civil engineer and reviewed and signed by the City Engineer. **(TT/VTM)**

60. **Alleys/Driveway Construction:** All alleys/driveways shall be located and constructed to the satisfaction of the City Engineer and Fire Chief. Each home shall have an individual driveway providing direct access to a public street or alleyway unless a shared driveway for **two (2) or more lots** has been approved by the Fire Chief for use as a fire lane.

    The minimum vertical clearance shall be **13'-6".** The radius from the face of curb, unobstructed by parking, is required on any turns, corners, cul-de-sacs, and/or hammerheads shall be as specified in the Specific Plan. A turn or hammerhead shall be required on private driveways in **excess of one-hundred (100') foot** in length. All fire lanes shall be properly posted with approved signs, as required by the Fire Chief. Estimated costs of construction of any shared driveway serving as a fire lane shall be submitted for bond amount determination. **(TT/VTM)**

61. **Address Numbers/Street Signs:** Approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the middle of the street

fronting the property and from the alleys, for applicable buildings. Numbers shall be consistent with the UFC.

House numbers and street signs shall be lighted to City standards so that emergency vehicles including police and ambulances can locate residences in the event of any emergency. Architectural or Improvement Plans shall note this requirement. **(TT/VTM)**

62. **Access Roadways:** **Prior to any phased development, framing construction,** and/or delivery of bulk combustible construction materials, access roadways shall be provide, including turnarounds with an all weather surface capable of supporting local emergency vehicles. All roadways shall be reviewed and approved by the City Engineer, and Fire Department. **(TT/VTM)**

63. **Fire Sprinklers in Garages:** **Prior to issuance of building permits,** automatic fire sprinklers shall be included with building permit applications for all residential and commercial structures, including garages in accordance with NFPA 13-D and current California Fire Code. **(TT/VTM)**

POLICE DEPARTMENT CONDITIONS

64. **Signs:** As part of the installation of street improvements, **"No Parking"** signs and/or **"Fire Lane"** signs shall be installed in all alleys. **(TT/VTM)**

RECREATION DEPARTMENT CONDITIONS

65. **Park Land:** The San Lorenzo Creek Linear Park vesting parcel map shall consist of at least two (2) parcels to implement **Figure 2-7** of the Specific Plan. One of the parcels shall be dedicated for a community center, as shown in **Section 3.9 J.** of the Specific Plan. The City shall have right of first refusal to accept said parcel.

66. **Park Improvements:** The Improvement Plans for each Greenway, Neighborhood Park, Mid-Block Common Area, Green, Rosewalk, Square, Corner Plaza and Community Park are illustrated and described in detail in **Section 3.9** (Landscape Standards) of the Downtown Addition Specific Plan. A Master Landscape Plan shall be approved by the Planning Commission consistent with the Specific Plan concurrently with the Tentative Map. The Master Landscape Plan shall detail the level of improvements for each of the park areas. **(SP/GP/RZ)**

MISCELLANEOUS CONDITIONS

67. **Will Serve Letter:** **Prior to final map recordation of the first map,** a final will serve letter shall be obtained from California Water and submitted to the City Engineer. **(TT/VTM)**

68. **Reimbursement Agreement for Improvements:** The Applicant is required to provide the infrastructure necessary to provide services to the Project. However, where the Applicant is required to provide improvements of benefit to the City, the region or adjacent development, the City shall enter into a reimbursement agreement as required under the SMA. **(TT/VTM)**

69. **Coordination of Bus Route with Municipal Transit Authority:** **Prior to approval of improvement plans or recordation of the final map of the first phase, whichever comes first, the** Applicant shall meet with the Municipal Transit Authority and identify the location(s) of bus stops and/or duckouts. The improvements shall be shown on the improvements plans and installed by the Applicant. Provision may include providing land, design and construction of bus stops in the public roadway, or other like improvements within the Project or as part of the Bitterwater Road improvements, as required by the Community Development Department and City Engineer. **(SP/GP/RZ)**

MITIGATION MEASURES

The Community Development Department shall confirm that the Mitigation Monitoring Program is being met.

AESTHETICS

70. **Mitigation Measure AES-2A:** ~~The Project Developer shall install low-profile, low-intensity lighting~~

~~with shielded fixtures directed downward to minimize light and glare.~~

This Mitigation Measure is implemented through condition of approval No. 29.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Timing / Frequency found in COA No. 29.**

71. **Mitigation Measure AES-2B:** ~~High-intensity outdoor lighting on individual homes and structures shall be prohibited.~~

This Mitigation Measure is implemented through condition of approval No. 29.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Timing/Frequency found in COA No. 29.**

72. **Mitigation Measure AES-2C:** ~~Light shall be directed downward to minimize spillover of light. **Once a final development plan and lighting plan is established,** the Applicant shall provide photometric calculations so that the extent of spillover is shown to be minimized to a less than significant level.~~

This Mitigation Measure is implemented through condition of approval No. 29.

- ***Implementing Party:*** **Applicant/City Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Timing/Frequency found in COA No. 29.**

AIR QUALITY

73. **Mitigation Measure AIR-1:** The Contractor shall implement the following feasible mitigation measures, where feasible, to reduce construction-related emissions of PM10:

- *Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.*
- *Prohibit all grading activities during periods of high wind (over fifteen (15) miles per hour [mph]).*
- *Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four (4) consecutive days).*
- *Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydro seed area.*
- *Haul trucks shall maintain at least two (2') feet of freeboard.*
- *Cover all trucks hauling dirt, sand, or loose materials.*
- *Cover inactive storage piles.*
- *Install wheel washers at the entrance to construction sites for all exiting trucks.*
- *Sweep streets if visible soil material is carried out from the construction site.*
- *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 forty-eight (48) hours. The phone number of the Monterey Bay Unified Air Pollution Control District shall be visible to ensure compliance with Rule 402 (Nuisance).*
- *Limit the area under construction at any one time.*
- *Post a sign limiting traffic speeds on all unpaved roads to fifteen (15) mph.*

- ***Implementing Party:*** **Applicant/Construction Contractor**
- ***Enforcement Agency:*** **City of King/MBUAPCD**
- ***Monitoring Agency:*** **City of King/MBUAPCD**
- ***Monitoring Phase:*** **During Construction Activities**

74. **Mitigation Measure AIR-9:** The Project shall comply with the applicable measures consistent with CARB's AB 32 Scoping Plan, the Attorney General's "project-level" measures, OPR's recommended measures, and the 2006 Climate Action Team Report, as listed in **Table 4.3-16**, **Table 4.3-17**, **Table 4.3-18**, and **Table 4.3-19**, respectively, of the EIR.

    - ***Implementing Party:*** **Applicant**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Prior to the issuance of building permit and during construction activities.**

BIOLOGICAL RESOURCES

75. **Mitigation Measure BIO-1A:** A pre-ground disturbance survey shall be conducted by a qualified biologist (subject to approval by the City) within **fourteen (14) days** or any disturbance activities in the grassland portion of the site. The survey shall include a focused search using appropriate methods (e.g., raking, inspection of burrows, walking transects) for silvery legless lizard, San Joaquin whipsnake, and American badger. If any of these species are observed within the disturbance zone, they shall be relocated to a suitable area outside of the disturbance zone that has been dedicated as permanent open space. If an appropriate relocation site has not been identified, consultation with the CDFG and the City shall take place to aid in locating such a site. Results of the surveys and relocation efforts shall be provided to CDFG and the City. Collection and relocation of animals shall only occur with the proper scientific collection and handling permits.

    - ***Implementing Party:*** **Applicant/Contract Biologist**
    - ***Enforcement Agency:*** **City of King/CDFG**
    - ***Monitoring Agency:*** **City of King/CDFG**
    - ***Monitoring Phase*****: No more than fourteen (14) days prior to grading activities within the grassland portion of the site.**

76. **Mitigation Measure BIO-1B:** Submitted concurrently with the Vesting/Non-vesting Tentative Tract Map, the Project Developer shall submit a San Lorenzo Creek Restoration Plan ***("Plan").***

    Prior to approval of the Vesting/Non-vesting Tentative Tract Map, the Plan shall be distributed to the appropriate responsible agencies for review and comment.

    - ***Implementing Party:*** **Applicant**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Prior to Vesting/Non-vesting Tentative Map application completeness**

determination.

Prior to the final recordation of the first tract map, issuance of the first grading permit, or any restoration activity within San Lorenzo Creek whichever comes first, the Project Developer and/or the City of King shall consult with responsible agencies and receive any and all required permits from the responsible regulatory agencies (1600 Streambed Alternation Permit, Section 401 Certification, Section 404 permit, etc.).

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King/CDFG & USF&W, US CORPS**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Submittal prior to approval of the Vesting/Non-vesting Tentative Tract Map, issuance of the 1st grading permit, or any restoration activity with San Lorenzo Creek.**

Prior to the commencement of construction activities within the Specific Plan Area, a qualified biologist, subject to approval by the City, shall conduct pre-construction clearance surveys within San Lorenzo Creek and adjacent scrub/grassland vegetation for western pond turtle and two-striped garter snake. If either of these species are observed within the disturbance zone, they shall be relocated to a suitable area outside the disturbance zone that has been dedicated as permanent open space. If an appropriate relocation site has not been identified, consultation with the CDFG and the City shall take place to aid in locating such a site. Results of the surveys and relocation efforts shall be provided to CDFG and the City. Collection and relocation of animals shall only occur with the proper scientific collection and handling permits.

- ***Implementing Party:*** **Applicant/Contract Biologist**
- ***Enforcement Agency:*** **City of King/CDFG**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to Commencement of Construction.**

Upon completion of pre-construction clearance surveys within San Lorenzo Creek and adjacent vegetation, the riparian corridor shall be fenced off with wildlife exclusive fencing, under the supervision of the qualified biologist, to ensure that sensitive riparian and wetland resources are not directly impacted by Project construction activities. Measures to reduce potential indirect impacts to wildlife movement through San Lorenzo Creek upon construction of the proposed Specific Plan are discussed under Impact BIO-4 in the EIR.

- ***Implementing Party:*** **Applicant/Contract Biologist**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to Commencement of Construction.**

77. **Mitigation Measure BIO-1C: Within thirty (30) days of ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the Project region),** the Applicant shall have surveys conducted by a qualified biologist (e.g., experienced with the nesting behavior of bird species of the region). The intent of the surveys would be to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within **three-hundred (300') feet** or **(five-hundred (500') feet** for raptors) of the construction zone. The surveys shall be timed such that the last survey is concluded no more than one week, ***prior to initiation of clearance/construction work.*** If ground disturbance activities are delayed, then additional pre-construction surveys will be conducted such that no more than one week will have elapsed between the last survey and the

commencement of ground disturbance activities.

If active nests are found, clearing and construction within **three-hundred (300') feet** of the nest (**five-hundred (500') feet for raptors**), or at a distance deemed sufficient by the qualified biologist, shall be postponed or halted until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barrier; and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur. The results of the survey, and any avoidance measures taken, shall be submitted to the City of King within **thirty (30) days** of completion of the pre-construction surveys and/or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

- ***Implementing Party:*** **Applicant/Contract Biologist**
- ***Enforcement Agency:*** **City of King/CDFG & USF&W**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **No more than seven (7) days prior to initiation of clearance/construction work.**

78. **Mitigation Measure BIO-1D:** The Applicant shall retain a qualified biologist to conduct winter burrowing owl surveys within the grassland portions of the site, **prior to construction or site preparation activities occurring during the non-nesting season of burrowing owl (typically September through January).** The survey shall be conducted **no more than 14-days prior to commencement of any site disturbance.** If burrowing owls are observed using burrows during the non-breeding season, or after young have fledged following the conclusion of the breeding season, owls shall be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with CDFG protocols (CDFG 1995). Specifically, exclusion devices, utilizing one-way doors, shall be installed in the entrance of all active burrows. The devices shall be left in the burrows for at least **forty-eight (48) hours** to ensure that all owls have been excluded from the burrows. Each of the burrows shall then be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the owls have been successfully excluded from the site, as determined by a qualified biologist.

    - ***Implementing Party:*** **Applicant/Contract Biologist**
    - ***Enforcement Agency:*** **City of King/CDFG**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **No more than fourteen (14) days prior to initiation of site preparation/ construction work.**

79. **Mitigation Measure BIO-1E: No less than fourteen (14) days and no more than thirty (30) days prior to the beginning of ground disturbance activities in the grassland portion of the Specific Plan Area (as shown in Figure 4.4-1 in the EIR),** a preconstruction survey for San Joaquin kit fox shall be conducted by a qualified biologist. The survey shall include searching for kit fox sign, identifying any potential kit fox habitat features and evaluating their use by kit fox. The status of all potential den sites shall be determined. If a kit fox or sign of the species is observed during the survey, then the USFWS shall be immediately contacted. Under no circumstances shall a kit fox be relocated or an active den destroyed without authorization from the USFWS. Construction shall only proceed once it has been determined by the qualified biologist that kit fox is not present, or in the event that kit fox or sign is observed during the preconstruction survey, until take authorization has been issued by the USFWS.

    In addition, the qualified biologist shall establish fenced exclusion zones around all known and potential kit fox zones. Exclusion fencing shall consist of either large flagged stakes connected by

rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular with a radius of the following distance measured outward from the den or potential den entrance:

a. ***Potential kit fox den:*** **Fifty (50') feet**

b. ***Known of active kit fox den:*** **One-hundred (100') feet**

c. ***Kit fox pupping den:*** **One hundred and fifty (150') feet**

All foot and vehicle traffic, as well as construction activities, including storage of supplies and equipment, shall remain outside of the exclusion zones. Exclusion zones shall be maintained until all Project-related disturbances have been terminated.

- ***Implementing Party:*** **Applicant/Contract Biologist**
- ***Enforcement Agency:*** **City of King/CDFG/USF&W**
- ***Monitoring Agency*: City of King**
- ***Monitoring Phase*: No more than thirty (30) days and no less than fourteen (14) days prior to initiation of site preparation / construction work in the grassland area.**

80. **Mitigation Measure BIO-1F:** The following actions shall also be taken to avoid the potential harm of San Joaquin kit fox:

- *Grading and construction activities after dusk shall be prohibited unless authorized by the CDFG.*
- ***Prior to commencement of any site-disturbing and/or construction activities,*** *all personnel associated with the Project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g., San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the biological report(s) prepared for the Project, and instructions to immediately cease construction activities and contact the USFWS if a kit fox is observed.*

A kit fox fact sheet shall be developed and distributed to all contractors, employers and other personnel involved with the construction of the Project.

- *All construction personnel shall be instructed on obeying speed limits of* ***twenty-five (25) mph*** *(or lower) for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.*
- *To prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes, or trenches* ***in excess of two (2') feet*** *in depth shall be covered at the close of the work day or provided with one or more escape ramps constructed of earth fill or wooden planks. The trenches shall be inspected for kit fox,* ***prior to covering, each morning prior to the onset of field activities, and prior to filling.***
- *Any pipes, culverts, or similar structures with a diameter of four (4") inches or greater, stored overnight at the Project site shall be thoroughly inspected for trapped San Joaquin kit foxes* ***prior to the subject pipe is subsequently buried, capped, or otherwise used or moved in any way.*** *If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.*
- *All food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the Project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.*

- ***Implementing Party:*** **Applicant/Contract Biologist**

- ***Enforcement Agency:*** **City of King/CDFG/USF&W**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to initiation of site preparation / construction activities.**

81. **Mitigation Measure BIO-1G:** **No earlier than 14-days prior to the removal of existing buildings/farm structures that would occur during the breeding season of native bat species potentially utilizing the site (April 1 through August 31),** a field survey shall be conducted by a qualified biologist (with selection reviewed by the City) to determine if active maternity roosts of special-status bats such as pallid bat, western mastiff bat, and fringed myotis are present. If active maternity roosts are found, construction within two-hundred (200') feet shall be postponed or halted, at the discretion of the biological monitor, until the roost is vacated and juveniles have fledged, as determined by the biologist.

    - ***Implementing Party:*** **Applicant/Contract Biologist**
    - ***Enforcement Agency:*** **City of King/CDFG**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **No more than thirty (30) days and no less than fourteen (14) days prior to initiation of site preparation / construction work in the grassland area.**

82. **Mitigation Measure BIO-4A:** A public awareness program shall be developed by the Landscape and Lighting District, or an acceptable land manager/agency (e.g., HOA, CFD), as approved by the City of King Community Development Department, to educate future residents of the proposed Project about impacts to biological resources resulting from increased human and domestic animal presence in the area. This program shall include supplying educational information to future residents of the Project site regarding the importance of preventing unleashed domestic animals from entering San Lorenzo Creek and of prohibiting off-leash domestic animals from disturbing native wildlife species. This program shall also include installing fencing around San Lorenzo Creek and associated riparian and scrub vegetation to dissuade human and domestic animal entrance into the creek, as well as posting interpretive signs identifying such areas for residents. The Landscape and Lighting District, or an acceptable land manger/agency (e.g., HOA), as approved by the City of King Community Development Department, shall be responsible for maintaining this program, including fencing and signs.

    - ***Implementing Party:*** **Assessment or Improvement District (LLA, CFD) or HOA.**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Prior to certificate of occupancy for the first residential or commercial building.**

83. **Mitigation Measure BIO-4B:** ~~**Prior to the issuance of a grading permit,** the Applicant shall prepare a landscape plan for all common areas of the site. This plan shall be prepared or approved by a qualified biologist and will be subject to review by the City of King Community Development Department. The plan shall include a plant palette composed of non-invasive species that are adapted to the conditions found on the project site, including the condition of a dry, low rainfall climate. The landscaping plan will also include a list of invasive plant species prohibited from being planted in the common areas of the project site. Locally indigenous species will be the majority component for locations adjacent to natural areas.~~

    This Mitigation Measure is being implemented by condition of approval No. 30.

    - ***Implementing Party:*** **Applicant**
    - ***Enforcement Agency:*** **City of King**

- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Timing found in COA No. 30**

84. **Mitigation Measure BIO-4C:** ~~**Prior to the issuance of a grading permit,** the Project Applicant shall develop a lighting plan that shall be subject to approval by the City of King Community Development Department. In the plan, all lighting shall be downcast luminaries with light patterns directed away from, and shielded so that light is not directed into adjacent open space areas. Mercury vapor and halide lighting shall not be used on the perimeter of the developed areas and in areas adjacent to undeveloped open space.~~

    This Mitigation Measure is being implemented by condition of approval No. 29.

    - ***Implementing Party:*** **Applicant**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Timing found in COA No. 29**

CULTURAL RESOURCES

85. **Mitigation Measure CR-2A:** To mitigate potential impacts to cultural resources, the following steps shall be taken, **prior to and during construction of each phase or subphase, or individual construction activity undertaken as part of the Project:**

    - ***Prior to excavation and construction on the proposed Project site,*** *the prime construction contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the Project site.*
    - *The Project Applicant shall identify a qualified archaeologist,* ***prior to any demolition, excavation, or construction****. The City shall approve the selected archaeologist* ***prior to issuance of the grading permit.*** *The archaeologist shall be authorized to perform spot check monitoring of subsurface construction and watch for and evaluate artifacts or resources that may be uncovered. The archaeologist would also have the authority to temporarily halt excavation and construction activities in the immediate vicinity (****within a fifty (50) meter radius****) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations. Reasonable time shall be allowed for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction shall not be allowed in the immediate vicinity of the find; however, those activities may continue in other areas of the Project site.*
    - *If any find is determined to be significant by the qualified archaeologist, representatives of the Project Developer or construction contractor and the City, and the qualified archaeologist, shall meet to determine the appropriate course of action.*
    - *All cultural materials recovered as part of the monitoring program shall be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.*

    - ***Implementing Party:*** **Applicant/Contract Archaeologist**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Prior to issuance of Grading Permit, and during construction.**

86. **Mitigation Measure CR-2B:** In accordance with State CEQA Guidelines, §15064.5 (e)(1)(A)(B), in the event of the discovery or recognition of any human remains on the Project Site during development, the following steps shall be taken:

- *There shall be no further excavation or disturbance of the site or any area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required.*

If the coroner determines the remains to be Native American:

- *The coroner shall contact the Native American Heritage Commission within twenty-four (24) hours;*
- *The Native American Heritage Commission shall identify the person or persons it believes to be most likely descended from the deceased Native American; and*
- *The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code §5097.98.*

- ***Implementing Party:*** **Applicant/Construction Contractor**
- ***Enforcement Agency:*** **City of King/Monterey County Coroner/Native American Heritage Commission**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **During construction.**

87. **Mitigation Measure CR-3:** To mitigate potential impacts to paleontological resources the following mitigation is includes.

    In the event of the discovery or identification of any paleontological resources, appropriate specimens shall be salvaged as determined by a qualified paleontologist for the purpose of preservation, identification, analysis, and possible museum curation.

    - ***Implementing Party:*** **Applicant/Construction Contractor**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During construction.**

GEOLOGY, SOILS AND SEISMICITY

88. **Mitigation Measure GEO-2:** To mitigate the potential shaking effects of ground shaking or lurching that could result from any activity of nearby faults, all structures shall be designed using sound engineering judgment and California Building Code (2008) requirements, as a minimum. In addition, geotechnical requirements for slope bank setback of **at least sixty (60') feet** or **three (3) times** the height of the slope, whichever is greater, shall be implemented.

    - ***Implementing Party*****: Applicant**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency*****: City of King**
    - ***Monitoring Phase:*** **Prior to the issuance of building permit.**

89. **Mitigation Measure GEO-3A:** To mitigate from potential lateral spreading, densification, or liquefaction from potential ground shaking, all structures shall have a structural mat foundation or ground improvement techniques such as subexcavation to remove densifiable soils or dynamic compaction shall be implemented to the satisfaction of the City Engineer.

    - ***Implementing Party*****: Applicant**
    - ***Enforcement Agency:*** **City of King**

- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to the issuance of building permit.**

90. **Mitigation Measure GEO-3B:** Site grades shall not be lowered by more than roughly **ten (10') feet** so that the thin liquefiable zones are not susceptible to ground failure. The effects of liquefaction shall be mitigated using common remedial grading and ground improvement techniques, or through typical code-based design to acceptable standards, as required by a licensed Geotechnical Engineer as a condition of the grading permit.

    - ***Implementing Party:*** **Applicant/Contract Geotechnical Engineer**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Prior to the issuance of building permit.**

91. **Mitigation Measure GEO-5A:** Mitigation of erosion hazards shall include protecting areas of bare earth or disturbed vegetation from erosion during construction and revegetating those areas following construction, particularly on the moderately steep to steep slopes along San Lorenzo Creek. Best Management Practices for control of drainage and erosion shall be incorporated into the Project as part of the required erosion control plan and Stormwater Pollution Prevention Plan. These may include, but are not limited to phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provision for revegetation or mulching. Plans shall also prescribe treatment measures to trap sediment once it has been mobilized, at a scale and density appropriate to the size and slope of the catchment. Such treatment measures may include, but are not limited to inlet protection, straw bale barriers, straw mulching, straw wattles, silt fencing, check dams, terracing, and siltation or sediment ponds.

    - ***Implementing Party:*** **Applicant**
    - ***Enforcement Agency:*** **City of King/RWQCB**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During construction.**

92. **Mitigation Measure GEO-5B:** Building pads shall be positively graded at all times to provide for rapid removal of surface water runoff from the foundation systems, and to prevent ponding of water under floors or seepage toward the foundation systems at any time during or after construction.

    - ***Implementing Party:*** **Applicant/Contract Geotechnical Engineer**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During construction.**

93. **Mitigation Measure GEO-5C:** As a minimum requirement, finished grades shall have slopes of at least **three (3%) percent within five (5') feet,** where feasible, from the exterior walls and at right angles to allow surface water to drain positively away from the structures. For paved areas, the slope gradient can be reduced to two (2%) percent.

    - ***Implementing Party:*** **Applicant/Construction Contractor**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During construction.**

94. **Mitigation Measure GEO-5D:** All surface water shall be collected and discharged into outlets approved by the Civil Engineer. Landscape mounds shall not interfere with this requirement. In addition, each building shall drain individually by providing positive drainage or sufficient area drains around the buildings to remove excessive surface water. All roof storm water shall be collected and directed to downspouts. Unless an engineered system is designed, the site soils encountered are not expected to have adequate permeability values to handle storm water infiltration.

    - ***Implementing Party:*** **Applicant/Contract Hydrologist**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During construction.**

95. **Mitigation Measure GEO-6A: Prior to construction of individual development projects or phases or subphases,** the Project Engineering Geologist and/or geotechnical engineer shall perform additional mapping and subsurface investigations to delineate the areas of fill. The project geotechnical engineer shall evaluate the stability of the fill and the potential for settlement in areas of fill, and make recommendations based on that evaluation.

    - ***Implementing Party:*** **Applicant/Contract Engineering Geologist and/or Geotechnical Engineer**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Prior to construction of individual development projects or phases or subphases.**

96. **Mitigation Measure GEO-6B: Prior to construction of individual development projects or phases or subphases,** the Project engineer shall observe the site for its suitability to receive engineered fill materials or to serve as foundation soils. If necessary, the engineer shall require subexcavation of site materials to achieve a firm base or removal of highly organic soils, **prior to placement of engineered fills.** The design level geotechnical study shall further evaluate potential settlement, when soil samples are submitted for consolidation tests, and future fill and building loads have been defined.

    - ***Implementing Party:*** **Applicant/ Contract Geotechnical Engineer**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Prior to construction of individual development projects or phases or subphases.**

97. **Mitigation Measure GEO-6C:** Cut and fill slopes (such as may be needed for creation/restoration of the open space area along San Lorenzo Creek) shall be designed for acceptable static and seismic factors of safety. Fill slopes shall be properly keyed and benched into the underlying firm native soil. Subdrains and surface drainage improvements shall be installed to reduce the introduction of water into fill slope material.

    - ***Implementing Party:*** **Applicant/ Contract Geotechnical Engineer**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **Prior to construction of individual development projects or phases or subphases.**

98. **Mitigation Measure GEO-6D:** Site preparation shall commence with removal of site vegetation (trees, shrubs, and grasses), structures and their foundations, and existing underground improvements. Based upon past site usage, the upper **6 to 8-inches of soil** is anticipated to be organically contaminated. Provided the materials satisfy environmental requirements, the upper eight (8") inches shall be subexcavated and blended with deeper soils to achieve an acceptable organic content, **prior to reuse as engineered fill.** Localized areas of additional subexcavation may be needed, such as around tree root balls or foundation elements. Removal of other debris (concrete piles, metal debris, etc.) shall also occur at this time. No loose or uncontrolled backfilling of depressions resulting from demolition, stripping, or removal of tree root balls shall be permitted.

    - ***Implementing Party:*** **Applicant/ Contract Geotechnical Engineer**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During site grading.**

99. **Mitigation Measure GEO-6E:** Subject to approval by the Landscape Architect, the organically contaminated soil may be stockpiled in approved areas, located outside of the grading limits, for future placement within common areas or open space landscape areas. Placement of strippings within landscape areas of building pads shall not be permitted. All other materials and debris, including any trees with their root balls, shall be removed from the Project site.

    - ***Implementing Party:*** **Applicant/ Contract Landscape Architect**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During site grading.**

100. **Mitigation Measure GEO-6F:** Oversized materials (those exceeding two-thirds (2/3) of the lift thickness or six (6") inches in dimension, whichever is less) shall be removed from the engineered fill and either broken down to meet the maximum grain size, else off-hauled from the site or used for surface landscape features.

    - ***Implementing Party:*** **Applicant/Construction Contractor/Contract Engineering Geologist**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During site grading.**

101. **Mitigation Measure GEO-6G:** To mitigate potential impacts related to loose and compressible soil in the upper ten to twelve (10"–12") inches of soil, the following mitigation shall apply: once the site is stripped of organically contaminated material, the site shall be observed for its suitability to receive engineered fill materials or to serve as foundation soils by wheel rolling the site with heavy construction equipment. If unsuitable soil materials are observed, these soils shall be subexcavated as necessary to encounter firm native materials. The actual depth for reworking shall be determined by a qualified geotechnical field representative at the time of grading.

    - ***Implementing Party:*** **Applicant/Construction Contractor/Contract Geotechnical Engineer**
    - ***Enforcement Agency:*** **City of King**
    - ***Monitoring Agency:*** **City of King**
    - ***Monitoring Phase:*** **During site grading.**

102. **Mitigation Measure GEO-6H:** Cut and fill slopes shall be graded no steeper than 2:1 (horizontal:vertical) for heights up to **four (4')** and **fifteen (15') feet,** respectively. Cut slopes

exceeding four (4') feet in height shall be **flattened to 3:1,** or otherwise over-excavated and reconstructed as a fill slope. Fill slopes exceeding **fifteen (15') feet** shall be **flattened to 3:1.** All fill slopes shall be adequately keyed into firm materials unaffected by shrinkage cracks. Remedial corrective grading plans shall be produced by a qualified geotechnical engineer after a detailed exploration occurs.

- ***Implementing Party:*** **Applicant/Construction Contractor/Contract Geotechnical Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **During site grading.**

103. **Mitigation Measure GEO-6I:** The minimum compaction control requirements specified by the geotechnical engineer shall be used for general fill areas. Additional compaction requirements may be required for buttress keyways, near surface building pad foundation soils, import soils, and retaining wall backfill and shall be specified during detailed exploration(s) performed during the site-specific analysis.

- ***Implementing Party:*** **Applicant/Construction Contractor/Contract Geotechnical Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **During site grading.**

104. **Mitigation Measure GEO-6J:** Additional subsurface information shall be performed for any underground parking to determine if drilled piers or driven piles would be better suited to support the structure loads.

- ***Implementing Party:*** **Applicant/Contract Geologist and/or Geotechnical Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to submittal for building permits for any structures that proposes underground parking.**

105. **Mitigation Measure GEO-6K: Prior to utility installation and foundation construction,** sulfate testing for corrosive soils shall be performed during detailed exploration.

- ***Implementing Party:*** **Applicant/Contract Geologist and/or Geotechnical Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to utility installation and foundation construction.**

106. **Mitigation Measure GEO-7A:** In order to reduce the effects of the potentially expansive soils, the foundations should be sufficiently stiff to move as rigid units with minimum differential movements. This can be accomplished by a deepened foundation system such as drilled piers connected by well-reinforced grade beams or deepened perimeter footings with raised or slab-on-grade flooring, or construction of relatively rigid mat foundations, such as post-tensioned or conventionally reinforced structural mats. The Project geotechnical engineer shall supplement the existing feasibility investigation (ENGEO 2005) with additional site-specific investigations, including sampling and testing of site soils, and provide design recommendations for mitigating soil shrinks well for the Project.

- ***Implementing Party:*** **Applicant/Contract Geotechnical Engineer**

- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to submittal for building permits.**

107. **Mitigation Measure GEO-7B:** To mitigate from potential impacts related to potentially expansive soils, during grading and construction, exposed soils shall be kept moist at all times, **prior to and during construction.** To mitigate from potential impacts related to potentially expansive soils, long-term measures shall include the prevention of moisture variation through the use of ground cover, positive drainage away from foundations, and sensible irrigation practices such that irrigation does not result in over watering.

- ***Implementing Party:*** **Applicant/Construction Contractor/Contract Geotechnical Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to and during grading and construction.**

HAZARDS AND HAZARDOUS MATERIALS

108. **Mitigation Measure HAZ-2A: Prior to the start of demolition or dismantling of any portion of the Project site that is developed with buildings or fixtures, or used for vehicle, equipment, or hazardous materials storage,** the Project Applicant shall carry out additional studies to determine the presence of soil contamination. These investigations shall include supplemental site reconnaissance, including interior structure observation, and the collection and analysis of soil samples. If contaminated soil is present, remediation measures shall be carried out as required by the Monterey County Environmental Health Division. Such measures may include removal and off-site disposal, on-site treatment and re-use, or encapsulation. Groundwater sampling may be required if significant soil contamination is identified from the collected samples.

- ***Implementing Party:*** **Applicant/Construction Contractor/Contract Environmental Engineer**
- ***Enforcement Agency:*** **City of King/ Monterey County Environmental Health Division**
- ***Monitoring Agency:*** **Monterey County Environmental Health Division**
- ***Monitoring Phase:*** **Prior to demolition or dismantling of existing buildings or fixtures, or grading of sites used for vehicle, equipment, or hazardous materials storage.**

109. **Mitigation Measure HAZ-2B:** If contaminated soils are encountered or suspected during any phase or subphase of Project construction, including removal of the existing aboveground fuel storage tank, work shall be stopped in the suspected areas of contamination. The type and extent of contamination shall be identified by the Applicant or the Applicant's consultant. If necessary, a remediation plan shall be implemented in conjunction with continued Project construction. The Monterey County Environmental Health Division would be the responsible agency for enforcing the necessary mitigation.

- ***Implementing Party:*** **Applicant/ Construction Contractor/Contract Environmental Engineer**
- ***Enforcement Agency:*** **City of King/ Monterey County Environmental Health Division**
- ***Monitoring Agency:*** **Monterey County Environmental Health Division**
- ***Monitoring Phase:*** **During construction.**

HYDROLOGY & WATER QUALITY

110. **Mitigation Measure HYDRO-1A: Prior to commencement of grading activities,** the Project Developer shall obtain coverage under the NPDES Permit for Construction Activities from the State Water Resources Control Board. This would involve filing a Notice of Intent and developing a SWPPP, including provisions for a monitoring and certification program. This SWPPP shall cover

grading operations, installation of underground piping and conduit facilities, installation of asphalt and concrete surface improvement, construction of building and installation of landscaping and recreational facilities and address both on- and off-site facilities. All of these operations shall comply with the NPDES permit requirements regarding erosion control, rainy season restrictions, runoff control, dust control, etc.

- ***Implementing Party:*** **Applicant/Construction Contractor**
- ***Enforcement Agency:*** **City of King/RWQCB**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to commencement of grading activities.**

111. **Mitigation Measure HYDRO-1B:** The Project Developer shall implement construction Best Management Practices ***("BMPs")*** to ensure that water quality is protected. Construction BMPs shall include erosion control measures, sediment transfer reduction measures, and dust control measures. The BMPs shall include the following types of controls:

- *Protect areas of disturbed vegetation from erosion during construction and revegetate those areas following construction, particularly on moderately steep slopes near the creek.*
- *Position soil or fill stockpiles away from any existing drainage channels.*
- *For construction during the rainy season, stockpiles shall be surrounded by berms with check damns/silt traps placed at regulated outflow points.*
- *For construction during the dry season, regularly water sites with vehicular traffic to reduce dust.*
- *Implement erosion control measures including silt fences, straw bales, jute netting, and sand bags.*
- In addition, the Project Applicant shall comply with the City's Storm Water Management Program which would be adopted and in full effect by the time that Project construction work begins.

- ***Implementing Party:*** **Applicant/Construction Contractor**
- ***Enforcement Agency:*** **City of King/RWQCB**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **During construction.**

112. **Mitigation Measure HYDRO-1C:** All contractor personnel shall be trained in proper construction BMPs, **prior to construction activity.** In addition, the Project Developer shall retain a construction manager familiar with NPDES permit requirements to monitor construction activities.

- ***Implementing Party:*** **Applicant/Construction Contractor**
- ***Enforcement Agency:*** **City of King/RWQCB**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to and during construction.**

113. **Mitigation Measure HYDRO-1D:** The Project Developer shall be required to conform to other measures as required by the City Engineer and the State of California as part of the Project's SWPPP required under the NPDES program in effect when construction begins.

- ***Implementing Party:*** **Applicant/Construction Contractor**
- ***Enforcement Agency:*** **City of King/RWQCB**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to and during construction.**

114. **Mitigation Measure HYDRO-4A:** Additional hydrologic modeling of the site's planned land uses shall be performed to estimate peak storm water runoff and to develop engineering level design of the on-site biofiltration swales and other water quality improvement facilities. The hydrologic modeling shall be completed using the U.S. Army Corps of Engineers HECHMS computer program in conjunction with the Soil Conservation Service ***("SCS")*** Curve Number method or equivalent, as directed by the City's Public Works Department. The results of the modeling and storm water facility design shall be submitted for review and subject to approval by the City Engineer, **prior to approval of the first final map to assure the Project does not impact existing storm water capacity on and off-site.**

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of first final map.**

115. **Mitigation Measure HYDRO-4B:** **Prior to the issuance of any grading permits,** the Applicant shall provide calculations demonstrating that the peak flow directed into the existing twenty-four (24') inch storm drain line on Jayne Street would not exceed the capacity of this line when combined with storm water flows from existing and approved land uses. The calculations shall be submitted for review and subject to approval by the City Engineer, **prior to approval of the first final map.**

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of first final map.**

116. **Mitigation Measure HYDRO-4C:** All new public storm water facilities shall be detailed in the Project's Improvement Plans and shall conform to City of King adopted Standard Design Details to the satisfaction of the City Engineer, **prior to approval of the first map.**

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of first final map.**

117. **Mitigation Measure HYDRO-4D:** Storm water runoff shall be routed through vegetated areas for natural filtration, **prior to release from the Project site to the maximum extent possible,** and to the satisfaction of the City Engineer, **prior to approval of each final map.**

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of each final map.**

118. **Mitigation Measure HYDRO-4E:** The storm water drainage system shall include components (such as bio-swales, intermediate sedimentation basins, and oil separators/grease traps in the parking lot drainage collection systems) for removing sediment as well as oil and grease **before the water is discharged into the water quality basin or storm drain lines.** The Project Developer(s) shall develop and implement programs for monitoring and regular maintenance of the sedimentation basins and oil and grease traps to the satisfaction of the City Engineer. The Developer(s) shall provide information on maintenance of these components to the City Building and Safety Department and to property owners, **upon initial sale of the property.**

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Design of storm water improvements, prior to approval of all final maps. Maintenance information to be provided at time of initial sale.**

119. **Mitigation Measure HYDRO-4F:** Storm water collection and conveyance systems shall be designed to minimize erosion and other potential problems for on-site and adjacent properties, including the outfall of the existing **twenty-four (24") inch** storm drain to San Lorenzo Creek, to the satisfaction of the City Engineer.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Design of storm water improvements prior to approval of all final maps.**

120. **Mitigation Measure HYDRO-4I:** Areas of impervious surfaces in the residential areas shall be designed to minimize runoff.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of all site specific landscape plans containing residential areas.**

121. **Mitigation Measure HYDRO-4J:** Commercial uses shall include on-site sediment and oil filtering devices for the pretreatment of runoff from the major paved areas, including streets, sidewalks, and multi-family and non-residential parking lots, as required by the City of King.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Design of storm water improvements prior to approval of all final maps.**

122. **Mitigation Measure HYDRO-4K:** The Project Developer shall use porous block pavement systems in low traffic areas to increase on-site groundwater recharge; such areas shall be identified in consultation with the City Engineer and shall not include City right of way. The materials and methods chosen shall be to the satisfaction of the City Engineer.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of all site specific Improvement Plans.**

123. **Mitigation Measure HYDRO-4L:** In accordance with the provisions in the Specific Plan, the Project Developer(s) and any Assessment /Improvement District (e.g. LLA, CFD) and all subsequent developers and/or land use Applicants shall use native plants and drought tolerant landscaping wherever possible. The developers and/or land use Applicants shall also install efficient irrigation systems, such as drip irrigation and automatic irrigation systems to minimize excess runoff. The requirements for efficient irrigation systems shall be made part of the Specific Plan provisions, Project

conditions of approval, or CC&Rs, to the satisfaction of the City Engineer and the Community Development Director, **prior to approval of the first final map.**

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Incorporated into the Master Landscape Plan prior to approval of the first final map.**

124. **Mitigation Measure HYDRO-4M:** Information and instructions regarding water quality, BMPs, and pollution prevention shall be provided to new owners of residential and commercial structures at close of escrow. Such information and instructional material shall initially be prepared by the Project Developer(s) and/or the LLD and shall be reviewed and approved by the City Engineer, **prior to issuance of a certificate of occupancy for the first Project phase for residential uses and the first Project phase of commercial uses.**

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to issuance of certificate of occupancy for the first Project phase (residential/commercial).**

125. **Mitigation Measure HYDRO-4N:** The Project conditions of approval shall include requirements for residents and commercial users to implement the following measures within any common landscaping and open spaces areas:

Material Use Controls, which include good housekeeping practices (storage, use and cleanup) when handling potentially harmful materials, such as cleaning materials, fertilizers, paint, and where possible using safer alternative products; and

Material Exposure Controls, which prevent and reduce pollutant discharge to storm water by minimizing the storage of hazardous materials (such as pesticides) on site, storing materials in a designated area, installing secondary containment, conducting regular inspections, and training employees and subcontractors.

- ***Implementing Party:*** **City of King**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **On-going.**

126. **Mitigation Measure HYDRO-4O:** All commercial uses shall include a prohibition on the dumping of waste products (solid waste/liquid waste and yard trash) into storm drain systems, open spaces areas, and San Lorenzo Creek. To the extent not covered by an Assessment /Improvement District (e.g. LLA, CFD), commercial owners and operators and residential owners shall be responsible for private street, parking lot, and storm drain maintenance activities to control the movement of pollutants and removal of them from pavement through catch basin cleaning, storm drain flushing, street sweeping, and by regularly removing illegally dumped materials from their properties. These requirements shall be made part of the Specific Plan provisions, Project conditions of approval, or CC&Rs, to the satisfaction of the City Engineer and the Community Development Department, **prior to approval of the first final map.**

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**

- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of first final map.**

127. **Mitigation Measure HYDRO-4P:** To the extent not covered by an Assessment /Improvement District (e.g. LLA, CFD), commercial operators shall be responsible for the inspection, maintenance, and repair of sediment and oil filtering devices for the pretreatment of runoff from the major paved areas, including streets, sidewalks, and multi-family and non-residential parking lots, as required by the City of King.

- ***Implementing Party:*** **Applicant and Future property owners**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **On-going.**

NOISE

128. **Mitigation Measure NOI-1A:** Residential units in the Neighborhood Center that face either Bitterwater Road or the UPRR tracks will require a detailed, design-level acoustical analysis to ensure that interior day-night noise levels **do not exceed 45 Ldn**. The recommendations of the acoustical analysis shall be implemented to reduce interior day-night noise levels to **no more than 45 Ldn**.

- ***Implementing Party:*** **Applicant/Contract Acoustical Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to issuance of building permits for buildings that propose residential units in the Neighborhood Center zone which face either Bitterwater Road or the UPRR tracks.**

129. **Mitigation Measure NOI-1B:** Residential units in the Neighborhood Center that face directly onto the railroad tracks will require a detailed acoustical analysis to ensure that maximum interior noise levels **do not exceed 70 dB(A).**

- ***Implementing Party:*** **Applicant/Contract Acoustical Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to issuance of building permits for buildings that propose residential units in the Neighborhood Center that face directly onto the railroad tracks.**

130. **Mitigation Measure NOI-3:** For residential units in the Neighborhood Center that are proposed along the active Union Pacific Railroad line, the Developer(s) shall provide a detailed vibration analysis to ensure that the ground-borne vibration within the residential units **do not exceed 80 VdB.** In the event that the analysis determines that the projected **VdB is above 80**, measures shall be identified to reduce vibration to acceptable levels. Measures could include but are not limited to providing increased setbacks along the rail line, placing less sensitive land uses near the rail line, and/or providing building techniques such as the use of post-tension slabs.

- ***Implementing Party:*** **Applicant/Contract Acoustical Engineer**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to issuance of building permits for buildings that propose residential units in the Neighborhood Center along the railroad tracks.**

131. **Mitigation Measure NOI-5A:** ~~Due to the fact that some aircraft flight tracks from the City Airport pass over the Project site, the City shall require that the Applicant grant an aviation easement to the City in the form of a Grant of Avigation Easement and Release: **Before, or concurrent with the recordation of each of the final maps,** a Grant of Avigation Easement and Release shall be recorded by the Applicant against the property within the boundary of the project, substantially in the form provided by the City Clerk, if found needed by the City Attorney. Revisions to the Grant of Avigation Easement and Release must be approved by the City Attorney. A reference to the Grant of Avigation Easement and Release shall be placed on the Final maps.~~

This Mitigation Measure is addressed by condition of approval No. 32.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to or concurrent with the recordation of each final map.**

132. ~~**Mitigation Measure NOI-5B:** Due to the fact that some aircraft flight tracks from the City Airport pass over the Project site, the City shall require that the Applicant shall record a deed notice to give buyers notice of aircraft and aircraft noise in the vicinity of the properties contained within the Vesting/Non-vesting Tentative Tract Map.~~

This Mitigation Measure is addressed by condition of approval No. 14.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to or concurrent with the recordation of each final map.**

PUBLIC SERVICES AND RECREATION

133. **Mitigation Measure PS&R-3:** ~~Consistent with state law, the Developer shall pay school impact fees to the King City Joint Union High School District and the King City Union School District at the time building permits are issued at the applicable rates established at that time by the districts for non-age restricted housing. These development fees shall be pursuant to regulations under Senate Bill 50 (SB 50), as described above in Section 4.12.3, Regulatory Considerations. Under state law, development fees authorized by SB 50 are deemed to be "full and complete school facilities mitigation."~~

This Mitigation Measure is implemented through condition of approval No. 24.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King/KCJUHSD & *KCUSD***
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fees at time of building permit.**

134. **Mitigation Measure PS&R-4:** ~~The Developer shall be required to pay the Development Impact Fee for Library Expansion Facilities (Resolution No. 08-4246), as determined by the City, to fund a portion of any necessary library expansions.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**

- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

TRAFFIC AND CIRCULATION

135. **Mitigation Measure TRA-1a:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-17 of the EIR.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

136. **Mitigation Measure TRA-1b:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-18 of the EIR.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

137. **Mitigation Measure TRA-1c:** The Applicant and/or Project Developer(s) shall pay or cause the conversion of the traffic control at the Canal Street/Southbound U.S. 101 Ramp intersection to an all-way stop control. The Project Applicant and/or Project Developer(s) may seek reimbursement from the City of King's Traffic Impact Fee for the additional cost of construction of these improvements beyond the Project's fair share of the conversion of the traffic control at the Canal Street/Southbound U.S. 101 Ramp intersection to an all-way stop control.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to certificate of occupancy for buildings contained within the First Project Phase (excluded Model Homes, Sales Building).**

138. **Mitigation Measure TRA-2:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-19 of the EIR.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

139. **Mitigation Measure TRA-4A:** ~~The Applicant shall be responsible for the provision of bicycle lanes along the project frontage of Bitterwater Road. The improvements shall be made consistent with Caltrans (Highway Design Manual Chapter 1000) Standards.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**

- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

140. **Mitigation Measure TRA-4B:** ~~The Applicant shall make provisions for bus stops within and adjacent to the Project site, in consultation with Monterey-Salinas Transit and City of King.~~

~~Provision may include providing land, design and construction of bus stops in the public roadway, or other like improvements required by the City Community Development Department and City Engineer.~~

This Mitigation Measure is implemented through condition of approval No. 69.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of improvement plans or recordation of the final map of the first phase, whichever comes first.**

141. **Mitigation Measure TRA-7:** ~~The Project Applicant and or Project Developer(s) shall pay the City of King's Traffic Impact Fee to fund the Project's fair share of improvements including the installation of traffic signals with railroad preemption at the four existing at-grade rail crossings and the proposed Broadway Street at-grade railroad crossing.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** Applicant
- ***Enforcement Agency:*** City of King
- ***Monitoring Agency:*** City of King
- ***Monitoring Phase:*** Payment of fee prior to certificate of occupancy.

142. **Mitigation Measure TRA-8a:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-20 of the EIR.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

143. **Mitigation Measure TRA-8b:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-21of the EIR.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

144. **Mitigation Measure TRA-8c:** ~~The Applicant and/or Developer(s) shall fund the Project's fair share of the cost of improvements to the Regional Traffic System through the payment of the TAMC fee.~~

This Mitigation Measure is implemented through condition of approval No. 23.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

145. **Mitigation Measure TRA-9a:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-22 of the EIR.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

146. **Mitigation Measure TRA-9b:** The City of King shall study and implement those improvements and street reclassifications required to divert traffic off of Broadway Street road segment between Third Street and Mildred Avenue and onto parallel streets through the central business district so an acceptable level of service will be reached at Long-Term Plus Project Conditions.

- ***Implementing Party:*** **City of King**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **By 2030, or approval of last final map, or whichever comes first.**

147. **Mitigation Measure TRA-9c:** ~~The Applicant and/or Developer shall pay the City of King's Traffic Impact Fee to pay its fair share of improvements listed in Table 4.13-23 of the EIR.~~

This Mitigation Measure is implemented through condition of approval No. 20.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fee prior to certificate of occupancy.**

148. **Mitigation Measure TRA-9d:** The City of King shall study and implement those improvements and street reclassifications required to divert traffic off of Broadway Street, between Third Street and Mildred Avenue, and onto parallel streets through the central business district so an acceptable level of service will be reached at Long-Term Plus Project Conditions.

- ***Implementing Party*****: City of King**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **By 2030, or approval of last final map, or whichever comes first.**

UTILITIES AND SERVICE SYSTEMS

149. **Mitigation Measure UTIL-4a:** **As required**, the Applicant shall provide as a design feature complete sewer infrastructure to accommodate full build-out of the Project, including connections to the City's existing sewer system and upgrading of existing sewer system trunk mains between the Project and

the wastewater treatment plant to the extent not contained in the City's Master Facilities Plan and included in the Development Impact Fee.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Prior to approval of Improvement Plans.**

150. **Mitigation Measure UTIL-4b:** ~~To ensure that the City of King has adequate funds to operate its sewer system and wastewater treatment facility and to finance capital improvements for sewer infrastructure, the Applicant and/or Project Developer(s) shall pay the sewer connection fees and the Sewer and Wastewater Treatment Facility Development Impact Fee to fund the Project's fair share of the expansion and modernization of the wastewater treatment plant and wastewater collection system.~~

This Mitigation Measure is implemented through condition of approval No. 25.

- ***Implementing Party:*** **Applicant**
- ***Enforcement Agency:*** **City of King**
- ***Monitoring Agency:*** **City of King**
- ***Monitoring Phase:*** **Payment of fees prior to certificate of occupancy**