

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> January 14, 2015	<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Consider a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow development on 25% slopes for improvements to existing infrastructure; 2) a Coastal Development Permit to remove a 36 inch landmark Eucalyptus tree; and 3) a Coastal Administrative Permit to allow improvements sidewalks, curbs and drainage culverts in the County right-of-way and private property.	
<b>Project Location:</b> Portions of Las Lomas Drive, Sill Road, Hall Road and by private driveways near the intersection of Las Lomas Drive and Hall Road, Las Lomas.	<b>APNs:</b> 119-161-011-000, 119-161-017-000, 119-151-019-000, and 119-151-021-000
<b>Planning File Number:</b> PLN140903	<b>Owners:</b> County of Monterey; Salles; Zamora; Fernandez and Guzman <b>Applicant:</b> RMA-Public Works <b>Agent:</b> Robert Murdoch
<b>Planning Area:</b> North County Land Use Plan	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> P/Q-P (CZ) [Public/Quasi-Public (Coastal Zone)] and MDR/4(CZ) [Medium Density Residential, 4 units/acre (Coastal Zone)].	
<b>CEQA Action:</b> Subsequent Mitigated Negative Declaration.	
<b>Department:</b> RMA-Planning	

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Adopt a Subsequent Mitigated Negative Declaration (**Exhibit F**);
- 2) Approve PLN140903, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt a Mitigation Monitoring and Reporting Plan and Conditions of Approval.

### PROJECT OVERVIEW:

RMA-Public Works proposes to construct drainage and street improvements on portions of Las Lomas Drive, Sill Road, Hall Road, and by private driveways near the intersection of Las Lomas Drive and Hall Road in Las Lomas. The proposed project consists of two components on an approximately five-acre site: modification to approved improvements on approximately 2.5 acres identified in the adopted Las Lomas Drive Bicycle and Pedestrian Path Mitigated Negative Declaration (2009 MND) (Area A) and the construction of drainage improvements to existing facilities on an additional 2.5 acres (Area B) south of the Area A project site. Proposed modifications to the Area A improvements not addressed by the 2009 MND consist of increasing the width of on-street parking space striping from seven feet to eight feet, extending the length of a proposed retaining wall, extending the length of paved sidewalks on Las Lomas Drive to the intersection of Las Lomas Drive and Sill Road, installing water treatment facilities, and the removal of three trees, including a protected 36 inch landmark Eucalyptus.

Proposed Area B drainage improvements consist of reconstructing existing ditches within the public right-of-way: culvert reconstruction, and installation of energy dissipators at drainage outfalls within the existing drainage. Proposed improvements on private parcels just south of Hall Road consist of installing an energy dissipater at an existing outfall, and

reconstruction of existing ditches and culverts beneath an existing driveway.

The project improvements for both areas would be constructed into two phases. The first phase would consist of the construction of underground drainage facilities within the public right of way within Area A and Area B. The second phase would be the construction of surface street improvements within Area A. This phase would require right-of-way acquisition on a number of privately-owned parcels to accommodate the improvements.

The application includes: 1) a Coastal Development Permit to allow development on 25% slopes for improvements to existing infrastructure; 2) a Coastal Development Permit to remove a 36 inch landmark Eucalyptus tree; and 3) a Coastal Administrative Permit to allow improvements including sidewalks, curbs and drainage culverts in the County right-of-way and private property.

The proposed project has the potential to affect biological resources, jurisdictional waters of the United States, and water quality during construction, emit criteria air pollutants during construction, and expose sensitive receptors to unacceptable levels of construction emissions and noise. Implementation of the mitigation measures identified in the Mitigation Reporting and Monitoring Plan (**Exhibit C**) would reduce project-related impacts to these resources to a less-than-significant level. See **Exhibit B** for a detailed discussion of the project and related issues.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:

- RMA-Public Works Department
- RMA-Environmental Services
- √ Environmental Health Bureau
- √ Water Resources Agency
- Parks Department
- Sheriff's Department
- North County Fire Protection District
- California Coastal Commission
- Caltrans District 5

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by the Environmental Health Bureau, Water Resources Agency and RMA-Planning have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the North County (Coastal) Land Use Advisory Committee (LUAC) for review on December 2, 2014. Several local residents indicated their support for the project at the meeting. The LUAC unanimously (4-0-1-0 vote) recommended approval of the project (see **Exhibit E**, Minutes from LUAC meeting).

Note: The decision on this project is appealable to the Board of Supervisors and California Coastal Commission.

/S/ RAMON MONTANO



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/S/ BOB SCHUBERT



Bob Schubert, AICP, Senior Planner  
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(December 19, 2014)

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; John Ford, RMA Services Manager; Ramon Montano, Project Planner; Bob Schubert, Project Planner, Robert Murdoch, Isabelo Dela Merced, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Planning File PLN140903.

Attachments: Exhibit A Project Data Sheet  
Exhibit B Discussion  
Exhibit C Draft Resolution, including:  
• Conditions of Approval and Mitigation Monitoring and Reporting Program  
• Site Plan  
Exhibit D Vicinity Map  
Exhibit E Minutes from 12/2/2014 North County (Coastal) LUAC Meeting  
Exhibit F Subsequent Mitigated Negative Declaration

This report was reviewed by John Ford, RMA Services Manager 

Exhibit A

Project Data Sheet



## EXHIBIT A

### Project Information for PLN140903

**Application Name:** County Of Monterey Rma Public Works & Multiple Private Owners (Las Lomas Dr & Hall Rd Improv  
**Location:** 9999 Placeholder Address, Placeholder Address  
**Applicable Plan:** North County LCP **Primary APN:** 000-000-000-000  
**Advisory Committee:** North County-Coastal Advisory Committee **Coastal Zone:** Yes  
**Permit Type:** Combined Development Permit **Final Action Deadline (884):** 6/7/2015  
**Environmental Status:** Mitigated Negative Declaration  
**Zoning:** MDR/4(CZ) **Land Use Designation:** Residential - Medium Density

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#### Project Site Data:

<b>Lot Size:</b>	<b>Coverage Allowed:</b>
<b>Existing Structures (sf):</b>	<b>Coverage Proposed:</b>
<b>Proposed Structures (sf):</b>	<b>Height Allowed:</b>
<b>Total Sq. Ft.:</b>	<b>Height Proposed:</b>
<b>Special Setbacks on Parcel:</b> N	<b>FAR Allowed:</b>
	<b>FAR Proposed:</b>

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#### Resource Zones and Reports:

<b>Seismic Hazard Zone:</b> II	<b>Soils Report #:</b>
<b>Erosion Hazard Zone:</b> High	<b>Biological Report #:</b>
<b>Fire Hazard Zone:</b> Moderate	<b>Forest Management Rpt. #:</b>
<b>Flood Hazard Zone:</b> A X (unshaded)	<b>Geologic Report #:</b>
<b>Archaeological Sensitivity:</b> low	<b>Archaeological Report #:</b>
<b>Visual Sensitivity:</b> None	<b>Traffic Report #:</b>

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#### Other Information:

<b>Water Source:</b>	<b>Grading (cubic yds.):</b>
<b>Water Purveyor:</b>	<b>Sewage Disposal (method):</b>
<b>Fire District:</b> North County FPD	<b>Sewer District Name:</b>
<b>Tree Removal:</b>	

Exhibit B

Discussion

## EXHIBIT B DISCUSSION

### Project Description and Background

Background: In 2009, the County adopted the *Las Lomas Drive Bicycle and Pedestrian Path Initial Study and Mitigated Negative Declaration* (EMC Planning Group 2007) (SCH# 2007121063) (hereinafter 2009 MND). The Las Lomas Drive Bicycle and Pedestrian Path project consisted of pedestrian and bike lane improvements accompanied by drainage improvements and public parking upgrades within the existing public right-of-way, and property acquisition for new retaining walls, along a 0.25-mile section of Las Lomas Drive in Las Lomas. The project has not yet been constructed.

During the engineering design of that project in 2013, RMA-Public Works determined that improvements to the existing drainage infrastructure along Hall Road south of the project site would also be needed to supplement the improvements along Las Lomas Drive. Existing drainages along both sides of Las Lomas Drive drain to a larger ditch along Hall Road before draining through a culvert to the south side of the roadway, and across private property by way of ditches and culverts to Carneros Creek. This drainage pattern forms a hydrologic connection to Carneros Creek, which drains to Elkhorn Slough and eventually to the Pacific Ocean. Impacts to drainages forming a hydrologic connection to “*navigable*” waters are considered jurisdictional by the U.S. Army Corps of Engineers (USACE) and disturbance to these drainages could result in potentially significant environmental impacts.

Proposed Project: The Las Lomas Drainage Project boundary includes the original project boundary addressed in the 2009 MND and an additional 2.5 acres on both sides of Hall Road southeast of Las Lomas Drive. The County also intends to acquire approximately 4,223 square feet of private land from four different land owners and access rights to 11,000 square feet of land owned by three land owners. The original project site is referred to hereinafter as “*Area A*”, and the additional 2.5-acre portion of the site that is the subject of this initial study, is referred to herein as “*Area B*”. The proposed boundary of Area B overlaps slightly with the boundary of Area A at the intersection of Sill Road and Las Lomas Drive. The project improvements for both areas would be constructed into two phases. The first phase would consist of the construction of underground drainage facilities within the public right of way within Area A and Area B. The second phase would be the construction of surface street improvements within Area A. This phase would require right-of-way acquisition on a number of privately-owned parcels to accommodate the improvements.

The Area B project boundary extends west and southeast from the intersection. To the west, the boundary extends to the end of Sill Road; to the southeast, the boundary extends along the north side of Hall Road over a distance of approximately 400 feet before traversing Hall Road and extending further south over a distance of approximately 103 feet into two private parcels. Construction of the proposed project is anticipated to begin in 2015 and would occur over approximately five months.

New activities and improvements proposed within Area A that were not studied in the 2009 MND consist of increasing the width of on-street parking space striping from seven feet to eight feet, installing storm water treatment facilities within the right-of-way, the removal of one native Monterey pine tree, one landmark Eucalyptus tree one non-native Mulberry tree, extending the

length of a retaining wall, and extending the length of paved sidewalks on Las Lomas Drive to the intersection of Las Lomas Drive and Sill Road.

The proposed improvements within Area B consist of the following items:

- Install a storm water velocity interceptor/energy dissipator within the intersection of Las Lomas Drive and Sill Road;
- Reconstruct an existing 48-inch culvert under Hall Road, and install a second culvert in this location;
- Install an energy dissipater within the public right-of-way at the end of the new Hall Road culvert;
- Reconstruct existing ditches within the public right-of-way and on portions of two privately owned parcels south of Hall Road;
- Reconstruct the culvert beneath the driveway on a privately owned parcel south of Hall Road, and install a second culvert in this location; and
- Install an energy dissipator at the culvert outfall on the privately owned parcel.

### Project Issues

Development on Slopes over 25%: The project includes development on slopes exceeding 25 percent. The development will occur in front of the proposed retaining walls that will be constructed along both sides of Los Lomas Drive. Policy 2.8.3.A.1 of the North County Land Use Plan directs that all development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Staff has reviewed the project plans and visited the site to analyze possible development alternatives. Based on site limitations the proposed project, there is no feasible alternative which would allow development to occur on slopes of less than 25 percent.

Tree Removal: The project includes the removal of a protected 36 inch landmark Eucalyptus tree. An Arborist Report dated October 7, 2014 was prepared by EMC Planning Group, Inc., and incorporated into the Initial Study prepared for the project. In accordance with the applicable policies of the North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required. The North County Coastal Implementation Plan (Part 2), Section 20.144.050.C.1, allows an exception for the removal of landmark trees within the public right-of-way provided there are no other feasible or prudent alternatives to removal. The trees identified for removal are only those necessary for the proposed improvements. No feasible alternatives exist.

In addition to the landmark Eucalyptus tree, a 23 inch Monterey pine and a non-native ornamental mulberry tree will be removed. Neither of these trees are protected. The tree removals will not involve a risk of long-term adverse environmental impacts. All other trees within and near the project area will be protected during construction activities (Condition No. 5).

### Environmental Review

On March 24, 2009, the Board of Supervisors adopted a Mitigated Negative Declaration for the Las Lomas Drive Bicycle Path Project. The County subsequently determined that the additional drainage improvements (Area B) related to the original Las Lomas Drive Bicycle and Pedestrian Path project (Area A) could result in additional environmental impacts that were not addressed in

the 2009 MND, and that subsequent environmental review of these additions to the project was necessary. CEQA Guidelines Section 15162(a)(1) states that when a negative declaration has been adopted for a project, the lead agency may determine that a subsequent negative declaration shall be prepared for that project when “*substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects...*”.

An Initial Study (**Exhibit F**) was prepared to provide an update on the environmental conditions and setting within the original project boundary (Area A) and to evaluate the proposed improvements to existing storm water drainage facilities along both sides of Hall Road (Area B) as required by CEQA Guidelines Section 15162(a)(1). In addition to the change in the project that requires subsequent environmental review, the Initial Study includes discussion of potential environmental effects resulting from the implementation of Area A activities related to greenhouse gas (GHG) emissions. No impacts to forestland and timberland resources would occur as a result of either project. Legislative requirements for discussions of these impacts in CEQA analyses were added to the CEQA statute and CEQA Guidelines after the adoption of the 2009 MND.

The modified Area A improvements would not result in new or substantially greater impacts than those identified and addressed by the 2009 MND, with the exception of potentially significant impacts to jurisdictional waters. Observations of current conditions within Area A made during a field visit conducted by EMC Planning Group on April 30, 2014, determined that field conditions within the Area A boundary remain essentially the same as identified in the 2009 MND. Further, the proposed changes to the width of marked public parking spaces, the extension of paved sidewalks to the intersection of Sill Road and Las Lomas Drive, construction of storm water treatment facilities, and extension of retaining walls would occur within the areas of disturbance identified in the 2009 MND.

Therefore, the scope of the Initial Study focused on the environmental impacts that could result from implementation of the proposed Area B drainage improvements, and potential impacts resulting from Area A activities related to GHG emissions. All other conclusions from the adopted 2009 MND were incorporated by reference pursuant to CEQA Guidelines Section 15150(a), herein, where noted.

In conclusion, the proposed project has the potential to affect biological resources, jurisdictional waters of the United States, and water quality during construction, emit criteria air pollutants during construction, and expose sensitive receptors to unacceptable levels of construction emissions and noise. Implementation of the mitigation measures identified in the Mitigation Reporting and Monitoring Plan (**Exhibit C**) would reduce project-related impacts to these resources to a less-than-significant level.

#### Recommendation

Staff recommends approval of the project, as proposed.



## Exhibit C

Draft Resolution, including:

- Conditions of Approval and Mitigation Monitoring and Reporting Program
- Site Plan

**EXHIBIT C  
DRAFT RESOLUTION**

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

In the matter of the application of:

**COUNTY OF MONTEREY (PLN140903)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Planning  
Commission:

- 1) Adopt a Subsequent Mitigated Negative Declaration;
- 2) Approve PLN140903, based on the findings and evidence and subject to the conditions of approval; and
- 3) Adopt a Mitigation Monitoring and Reporting Plan and Conditions of Approval.

[PLN140903, County of Monterey, portions of Las Lomas Drive, Sill Road, Hall Road and by private driveways near the intersection of Las Lomas Drive and Hall Road, Las Lomas, North County Land Use Plan (APNs: 119-161-011-000, 119-161-017-000, 119-151-019-000, and 119-151-021-000)]

**The Las Lomas Drainage Project application (PLN140903) came on for public hearing before the Monterey County Planning Commission on January 14, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

1.       **FINDING:**       **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow development on 25% slopes for improvements to existing infrastructure; 2) a Coastal Development Permit to remove a 36 inch landmark Eucalyptus tree; and 3) a Coastal Administrative Permit to allow improvements including sidewalks, curbs and drainage culverts in the County right-of-way and private property.  
**EVIDENCE:**       The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140903.
  
2.       **FINDING:**       **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.  
**EVIDENCE:**       a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- North County Land Use Plan;
- Monterey County Coastal Implementation Plan Part 2-5; and
- Monterey County Zoning Ordinance (Title 20).

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

- b) The property is located on portions of Las Lomas Drive, Sill Road, Hall Road and by private driveways near the intersection of Las Lomas Drive and Hall Road, Las Lomas (Assessor's Parcel Numbers 119-161-011-000, 119-161-017-000, 119-151-019-000, and 119-151-021-000), North County Land Use Plan. The property is zoned P/Q-P (CZ) [Public/Quasi-Public (Coastal Zone)] and MDR/4(CZ) [Medium Density Residential, 4 units/acre (Coastal Zone)] which allow improvements including sidewalks, curbs and drainage culverts in the County right-of-way and private property. Therefore, the project is an allowed land use for this site.
- c) Slope Exceeding 25 Percent: Development on slopes that exceed 25 percent is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 25 percent, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and the North County Land Use Plan than other development alternatives. See Finding No. 7.
- d) Tree Removal: Development must minimize tree removal in accordance with the applicable goals and policies of the North County Land Use Plan. See Finding No. 8.
- e) The project planner conducted a site inspection on October 28, 2014 to verify that the project on the subject parcel conforms to the plans listed above.
- f) The project was referred to the North County (Coastal) Land Use Advisory Committee (LUAC) for review on December 2, 2014. Several local residents indicated their support for the project at the meeting. The LUAC unanimously (4-0-1-0 vote) recommended approval of the project.
- g) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN140903.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, North County Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, Water Resources Agency, Sheriff's Department, California Coastal Commission and CalTrans. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) Staff conducted a site inspection on October 28, 2014 to verify that the site is suitable for this use.

- c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140903.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, North County Fire Protection District, Parks, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, Water Resources Agency, Sheriff's Department, California Coastal Commission and Caltrans. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) The proposed improvements to the existing roadways are intended to provide safe access for pedestrians, cyclists and motorists. In addition, the proposed project includes replacement of unimproved drainages with new underground velocity interceptors which will improve drainage and result in reduced potential for flooding. The existing overall drainage pattern of the site would remain relatively unchanged.
  - c) Staff conducted a site inspection on October 28, 2014 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN140903.

5. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on October 28, 2014 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject property.
  - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN140903.

6. **FINDING:** **CEQA (Subsequent Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Subsequent Mitigated Negative Declaration reflects

- the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) On March 24, 2009, the Board of Supervisors adopted a Mitigated Negative Declaration (hereinafter 2009 MND) for the Las Lomas Drive Bicycle Path Project.
  - c) The County subsequently determined that the additional drainage improvements (Area B) related to the original Las Lomas Drive Bicycle and Pedestrian Path project (Area A) could result in additional environmental impacts that were not addressed in the 2009 MND, and that subsequent environmental review of these additions to the project was necessary. CEQA Guidelines Section 15162(a)(1) states that when a negative declaration has been adopted for a project, the lead agency may determine that a subsequent negative declaration shall be prepared for that project when “*substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects...*”. An Initial Study was prepared to provide an update on the environmental conditions and setting within the original project boundary (Area A) and to evaluate the proposed improvements to existing storm water drainage facilities along both sides of Hall Road (Area B) as required by CEQA Guidelines Section 15162(a)(1). In addition to the change in the project that requires subsequent environmental review, the Initial Study includes discussion of potential environmental effects resulting from the implementation of Area A activities related to greenhouse gas (GHG) emissions. No impacts to forestland and timberland resources would occur as a result of either project. Legislative requirements for discussions of these impacts in CEQA analyses were added to the CEQA statute and CEQA Guidelines after the adoption of the 2009 MND. The modified Area A improvements would not result in new or substantially greater impacts than those identified and addressed by the 2009 MND, with the exception of potentially significant impacts to jurisdictional waters. Observations of current conditions within Area A made during a field visit conducted by EMC Planning Group on April 30, 2014, determined that field conditions within the Area A boundary remain essentially the same as identified in the 2009 MND. Further, the proposed changes to the width of marked public parking spaces, the extension of paved sidewalks to the intersection of Sill Road and Las Lomas Drive, construction of storm water treatment facilities, and extension of retaining walls would occur within the areas of disturbance identified in the 2009 MND. Therefore, the scope of the Initial Study focuses on the environmental impacts that could result from implementation of the proposed Area B drainage improvements, and potential impacts resulting from Area A activities related to GHG emissions. All other conclusions from the adopted 2009 MND are incorporated by reference pursuant to CEQA Guidelines Section 15150(a), herein, where noted.



Implementation of the mitigation measures identified in the Mitigation Reporting and Monitoring Plan would reduce project-related impacts to these resources to a less-than-significant level.

- d) The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN140903).
- e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, and is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference.
- f) The Draft Subsequent Mitigated Negative Declaration for PLN140903 was prepared in accordance with CEQA and circulated for public review from November 26, 2014 through January 2, 2015.
- g) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN140903) and are hereby incorporated herein by reference.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- i) No comments from the public were received.
- j) Monterey County RMA-Planning, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Subsequent Mitigated Negative Declaration is based.

7. **FINDING:** **DEVELOPMENT ON SLOPE (COASTAL)** – There is no feasible alternative which would allow development to occur on slopes of less than 25 percent.

**EVIDENCE:** a) In accordance with the applicable policies of the North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said

permit has been met.

- b) The project includes development on slopes exceeding 25 percent. The development will occur in front of the retaining walls that will be constructed along both sides of Los Lomas Drive.
- c) Policy 2.8.3.A.1 of the North County Land Use Plan directs that all development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Staff has reviewed the project plans and visited the site to analyze possible development alternatives. Based on site limitations the proposed project, there is no feasible alternative which would allow development to occur on slopes of less than 25 percent.
- d) The application, plans and supporting materials submitted by the project applicant to RMA-Planning for the proposed development are found in Project File PLN140903.

8. **FINDING:** **TREE REMOVAL (COASTAL)** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the applicable land use plan and the Coastal Implementation Plan.

**EVIDENCE:** a) The project includes application for the removal of a 36 inch landmark Eucalyptus tree. In accordance with the applicable policies of the North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.

- b) The North County Coastal Implementation Plan (Part 2), Section 20.144.050.C.1, allows an exception for the removal of landmark trees within the public right-of-way provided there are no other feasible or prudent alternatives to removal. The trees identified for removal are only those necessary for the proposed project. No feasible alternatives exist.
- c) An Arborist Report dated October 7, 2014 was prepared by EMC Planning Group, Inc., and incorporated into the Initial Study prepared for the project.
- d) Measures for tree protection and replanting during and after construction have been incorporated as conditions, and include tree protection zones and trunk protection (Condition 5).
- e) Staff conducted site inspections on October 28, 2014, to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
- f) The application, plans and supporting materials submitted by the project applicant to RMA-Planning Department for the proposed development are found in Project File PLN140903.

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

- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) states that the proposed project is appealable to the Board of Supervisors.
  - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance (Title

20) states that the proposed project is subject to appeal by/to the Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

### **DECISION**

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

- 1) Adopt a Subsequent Mitigated Negative Declaration;
- 2) Approve a Combined Development Permit consisting of: 1) a Coastal Development Permit to allow development on 25% slopes for improvements to existing infrastructure; 2) a Coastal Development Permit to remove a 36 inch landmark Eucalyptus tree; and 3) a Coastal Administrative Permit to allow improvements sidewalks, curbs and drainage culverts in the County right-of-way and private property; in general conformance with the attached sketch (**Exhibit 2**) and subject to conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference; and
- 3) Adopt a Mitigation Monitoring and Reporting Plan and Conditions of Approval (**Exhibit 1**).

**PASSED AND ADOPTED** this 14th day of January, 2015 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

MIKE NOVO, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

## NOTES

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

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

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

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

Form Rev, 5-14-2014

# Monterey County RMA Planning

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

PLN140903

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit (PLN140903) consists of: 1) a Coastal Development Permit to allow development on 25% slopes for improvements to existing infrastructure; 2) a Coastal Development Permit to remove a 36 inch landmark Eucalyptus tree; and 3) a Coastal Administrative Permit to allow improvements sidewalks, curbs and drainage culverts in the County right-of-way and private property, North County Coastal Zone.. The property is located within the Unincorporated Community of Las Lomas in North Monterey County, Public Right of Way and portions of (Assessor's Parcel Numbers 119-161-011-000, 119-161-017-000, 119-151-019-000, and 119-151-021-000), North County Land Use Plan.. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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



## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** RMA-Planning

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** "A Combined Development Permit (Resolution Number \*\*\*) was approved by the Monterey County Planning Commission for (Assessor's Parcel Numbers 119-161-011-000, 119-161-017-000, 119-151-019-000, and 119-151-021-000) on January 14, 2015. The permit was granted subject to 24 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of building permits or commencement of the use. (RMA - Planning)

**Compliance or** Prior to the issuance of grading and building permits or commencement of use, the  
**Monitoring** Owner/Applicant shall provide proof of recordation of this notice to the RMA -  
**Action to be Performed:** Planning.

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

**Responsible Department:** RMA-Planning

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

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

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

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

#### 4. PD007- GRADING WINTER RESTRICTION

**Responsible Department:** RMA-Planning

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

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

#### 5. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** RMA-Planning

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

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

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

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

#### 6. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on January 14 2018 unless use of the property or actual construction has begun within this period. (RMA-Planning)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

## 7. PD005 - FISH & GAME FEE NEG DEC/EIR

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of RMA - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

## 8. PD033 -RESTORATION NATURAL MATERIALS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of RMA - Planning. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of use, the Owner/Applicant shall submit restoration plans to RMA - Planning for review and approval.

## 9. OPERATION AND MAINTENANCE PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Operation and Maintenance Plan prepared by a registered Professional Engineer that includes, at a minimum, the following:

- a) A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed.
- b) O&M procedures for each structural Stormwater Control Measure including, but not limited to, LID facilities, retention/detention basins, and proprietorship devices.
- c) The O&M Plan shall include short- and long-term maintenance requirements, recommended frequency of maintenance, and estimated cost for maintenance.

(RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of any building or grading permits, the owner/applicant shall submit the O&M Plan to RMA-Environmental Services for review and approval.

## 10. GRADING PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Grading Plan incorporating the recommendations in the project Geotechnical Investigation prepared by Soil Surveys, Inc. The Grading Plan shall be reviewed by a licensed Geotechnical Engineer for any potential impacts to the conclusions and recommendations identified in the Geotechnical Investigation. (RMA-Environmental Services)

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

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed Geotechnical Engineer that they have reviewed and approved the Grading Plan.

## 11. STORMWATER CONTROL REPORT AND PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Stormwater Control Report, prepared by a registered professional engineer, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. The report shall include supporting calculations for each selected stormwater design measure, and it shall include a Stormwater Control Plan identifying the location of the drainage facilities with supporting construction details. The Stormwater Control Plan shall be reviewed by a licensed Geotechnical Engineer for any potential impacts to the conclusions and recommendations identified in the Geotechnical Investigation. (RMA-Environmental Services)

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

Prior to issuance of any grading or building permits, the applicant shall submit certification from a licensed Geotechnical Engineer that they have reviewed and approved the Stormwater Control Plan.

## 12. ANNUAL MAINTENANCE REPORT

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** An annual report shall be prepared by a registered Professional Engineer. The annual report shall be submitted to RMA-Environmental Services, for review and approval, no later than August 15th. All recommended maintenance shall be completed by October 15th of the same year. If maintenance is required, certification shall be provided that all recommended maintenance has been completed before the start of the rainy season. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** The annual report shall be submitted to RMA-Environmental Services, for review and approval, no later than August 15th of each year.



### 13. EROSION CONTROL PLAN

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall submit an Erosion Control Plan identifying the proposed methods to control runoff and erosion. The plan shall include the location and details for all selected erosion control measures. The Erosion Control Plan may be incorporated into other required plans provided it is clearly identified. (RMA-Environmental Services)

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

### 14. FIELD VERIFICATION OF POST-CONSTRUCTION STORMWATER CONTROL MEASURES

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall provide verification from a registered Professional Engineer that the stormwater control facilities have been constructed in accordance with the approved Stormwater Control Plan. (RMA – Environmental Services)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the owner/applicant shall submit a letter to RMA-Environmental Services for review and approval.

### 15. GEOTECHNICAL CERTIFICATION

**Responsible Department:** Environmental Services

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

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

### 16. INSPECTION-DURING ACTIVE CONSTRUCTION

**Responsible Department:** Environmental Services

**Condition/Mitigation Monitoring Measure:** The applicant shall schedule an inspection with RMA-Environmental Services, during active construction, to review the maintenance and effectiveness of BMPs installed, as well as, to verify that pollutants of concern are not discharged into receiving water bodies. (RMA – Environmental Services)

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



**17. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION**

**Responsible Department:** Environmental Services

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

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

**18. WRSP1 - FEMA LETTER OF MAP REVISION**

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall obtain a FEMA Letter of Map Revision (LOMR) officially removing those areas no longer located within the Special Flood Hazard Area as a result the proposed project. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** No more than 60 days after project completion, the applicant shall submit a LOMR application to FEMA.

A copy of the LOMR obtained through FEMA shall be provided to the Water Resources Agency for community filing.

**19. MMRP001 – MITIGATION MEASURE: AIR QUALITY**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** AQ-1. To control dust and equipment exhaust emissions during grading, excavation and construction activities, Monterey County Department of Public Works will include the following MBUAPCD dust control measures into contracts for the proposed project:

- a. Water all active construction areas at least twice daily, or as required to control dust;
- b. Cover all trucks hauling dirt, sand, or loose material;
- c. Sweep streets daily if visible soil material is carried out from the construction site;
- d. Apply (non-toxic) chemical soil stabilizers on all unpaved access roads, parking areas and staging areas as well as on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- e. Apply (non-toxic) binders to exposed areas after cut and fill operations and hydroseed area;
- f. Cover inactive storage piles;
- g. Limit traffic/equipment speed on unpaved surfaces to 15 mph, or less under windy conditions; and
- h. Plant vegetative ground cover in disturbed areas as soon as possible.
- i. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- j. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- k. Post a publicly visible sign in English and Spanish with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Monterey Bay Unified Air Pollution Control District's phone number shall also be visible to ensure compliance with applicable regulations.

**Compliance or Monitoring Action to be Performed:** Monterey County Department of Public Works will include a "Fugitive Dust Control" note on all bid and construction documents that includes, but is not limited to, The measures set forth in Mitigation Measure AQ-1. During construction activities, the contractor shall obtain any required MBUAPCD permits and conduct all construction activities as required by MBUAPCD.

The contract shall indicate that the appointed contractor will provide a monthly compliance report with the aforementioned measures. The report shall be submitted on the first day of each month to the County and shall run for the course of the construction activities. The report shall demonstrate compliance with each measure and copies of all required permits from MBUAPCD will be included. (RMA-Planning and Public Works)

**20. MMRP002 – MITIGATION MEASURE: BIOLOGICAL RESOURCES**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** BIO-1. If construction activities begin during the bird nesting season (February 1 to September 15 or if construction activities are suspended for at least two weeks and recommence during the bird nesting season), then the Monterey County Department of Public Works will retain a County-approved consulting biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas in and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey will be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the Monterey County Planning Department for review and approval prior to construction activities; and

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist; and

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

Action to be performed:

Monterey County Department of Public works will include a "Pre-Construction Survey" note on all project bid and construction documents that includes, but not limited to, the measures set forth in mitigation measure BIO-1.

The contract shall indicate that the appointed contractor will provide evidence of compliance with MMRP002 BIO-1, by conducting a pre-construction survey no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the Monterey County Planning Department for review and approval prior to construction activities.

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

Monterey County Department of Public works will include a "Pre-Construction Survey" note on all project bid and construction documents that includes, but not limited to, the measures set forth in mitigation measure BIO-1.

The contract shall indicate that the appointed contractor will provide evidence of compliance with MMRP002 BIO-1, by conducting a pre-construction survey no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the Monterey County Planning Department for review and approval prior to construction activities.

**21. MMRP003 – MITIGATION MEASURE: BIOLOGICAL RESOURCES**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** BIO-2. Prior to commencement of construction activities in Area A and Area B, Monterey County Department of Public Works will conduct a jurisdictional waters delineation to document the extent of potentially jurisdictional Waters of the U.S. within the Area A and Area B project boundary which may be regulated by the U.S. Army Corps of Engineers (USACE). The delineation report will also contain a determination of the extent of potential impacts to jurisdictional areas resulting from project implementation.

Pursuant to Clean Water Act Section 404 Nationwide Permit (NWP) 14; if the discharge causes the loss of less than 1/10-acre to Waters of the U.S., no further action is required. If impacts to jurisdictional areas are less than 1/3 acre but greater than 1/10 acre, the Monterey County Department of Public Works will notify the USACE District Engineer in accordance with requirements specified in NWP 14. If impacts to jurisdictional areas are greater than 1/3 acre, or if the proposed activity would not otherwise qualify for NWP 14, the Monterey County Department of Public Works will proceed with obtaining an Individual Permit from the USACE. In addition to a Section 404 permit from the USACE, a Streambed Alteration Agreement from the CDFW and a Water Quality Certification (Section 401 of the Clean Water Act) from the Central Coast Regional Water Quality Control Board (RWQCB) will be obtained.

**Compliance or Monitoring Action to be Performed:** Prior to commencement of construction activities in Area A and Area B, Monterey County Department of Public Works will conduct a jurisdictional waters delineation to document the extent of potentially jurisdictional Waters of the U.S. within the Area A and Area B project boundary and obtain applicable permits from USAC, and CDFW, and the RWQCB as described in mitigation measure BIO-2.

**22. MMRP004 – MITIGATION MEASURE: BIOLOGICAL RESOURCES**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** BIO-3. In order to allow a prompt and effective response to any accidental spills occurring during construction, and to protect on-site and downstream water quality and habitat, the Department of Public Works will required the contractor to prepare a spill abatement plan and hold a pre-construction worker orientation meeting(s) to discuss the spill abatement plan. Workers will be informed of the importance of preventing spills, and of the appropriate measures to take should a spill occur. The materials necessary for the initial response to a spill will be kept at an easily accessible location on the project site. The erosion control plan will include but not be limited to the following best management practices:

- a. Temporary mulching, seeding or other suitable stabilization measures to protect exposed erodible areas during construction;
- b. Earth or paved interceptors and diversions installed at the top of cut or fill slopes where there is a potential for erosive surface runoff;
- c. Erosion and sediment control devices for all grading and filling. Control devices and measures could include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water; and
- d. Within thirty days after completion of grading, all surfaces disturbed by vegetation removal, grading, or other construction activity that alters vegetative cover, should be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measure, including but not limited to those described in USDA Soil Conservation Service Bulletin 347.

**Compliance or Monitoring Action to be Performed:** The Monterey County of Public Works will include the measures set forth in mitigation measure BIO-3 on all bid documents for the proposed project:

The project contractor shall prepare a spill abatement plan and hold pre-construction worker orientation meeting(s) to discuss the spill abatement plan; and

Provide copies of the spill abatement plan and a schedule of the pre-construction worker orientation meeting(s) to the Monterey County RMA-Planning and Public Works for review and approval prior to start of construction activities.



**23. MMRP005 – MITIGATION MEASURE: HYDROLOGY AND WATER QUALITY**

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** H-1. The Monterey County Department of Public Works will prepare and file a Notice of Intent (NOI) to the Regional Water Quality Control Board (RWQCB) prior to grading activities. The County will implement control measures that are consistent with the State Construction Storm Water General Permit and with recommendations and policies of the local agency and the RWQCB. The State Construction Storm Water General Permit requires a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP uses storm water "Best Management Practices" to control runoff, erosion and sedimentation from the site. The SWPPP has two major objectives:

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

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

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of construction the Monterey County Department of Public Works will prepare and file a Notice of Intent (NOI) to the RWQCB prior to grading activities.

Prior to the commencement of all grading activities the Monterey County Department of Public Works will require the project contractor to implement control measures that are consistent with the State Construction Storm Water General Permit and with recommendations and policies of the local agency and the RWQCB. The State Construction Storm Water General Permit requires a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP uses storm water "Best Management Practices" to control runoff, erosion and sedimentation from the site.

**24. MMRP006 – MITIGATION MEASURE: NOISE REDUCTION**

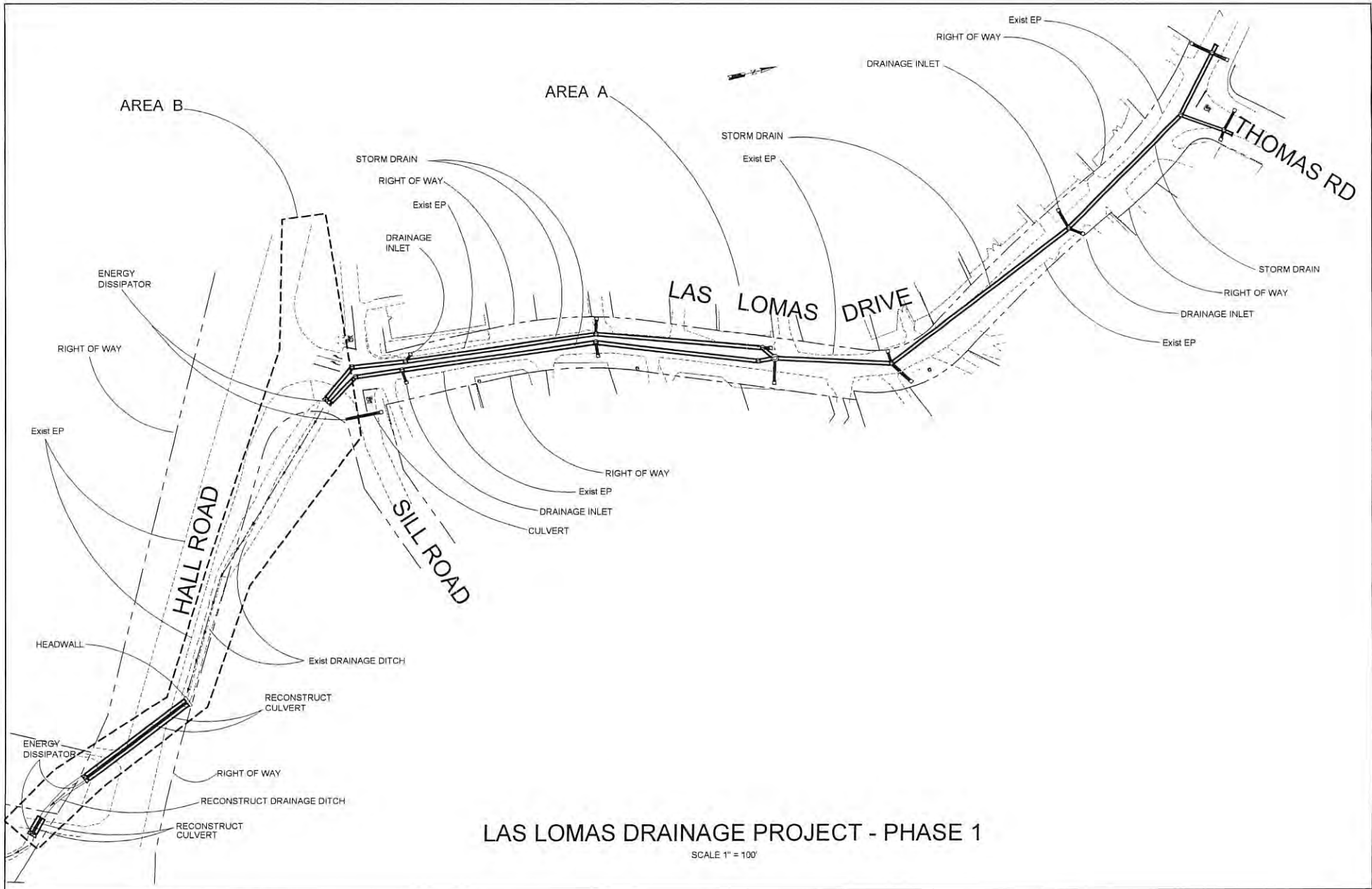
**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** N-1. The Monterey County Department of Public Works will include the following noise reduction measures in all construction bids and plans:

- a. Limit construction activity to weekdays between 7 AM and 7 PM and Saturdays and holidays between 9 AM and 7 PM, with no construction on Sundays;
- b. All equipment shall be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive train, and other components;
- c. All equipment with internal combustion engines shall be equipped with a type of muffler recommended by the vehicle manufacturer;
- d. Dirt berm and stockpile materials whenever possible to help reduce noise to adjacent residences; and
- e. The following equipment should be considered to minimize noise in the surrounding area:
  - Earth Removal: Use scrapers as much as possible for earth removal rather than the noisier loaders and hauling trucks;
  - Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders; and
  - Ground Preparation: Use a motor grader rather than a bulldozer for final grading.

**Compliance or Monitoring Action to be Performed:** Prior to the commencement of construction the Monterey County Department of Public Works will include the measure contained in Mitigation Measure N-1 on all bid and construction documents;

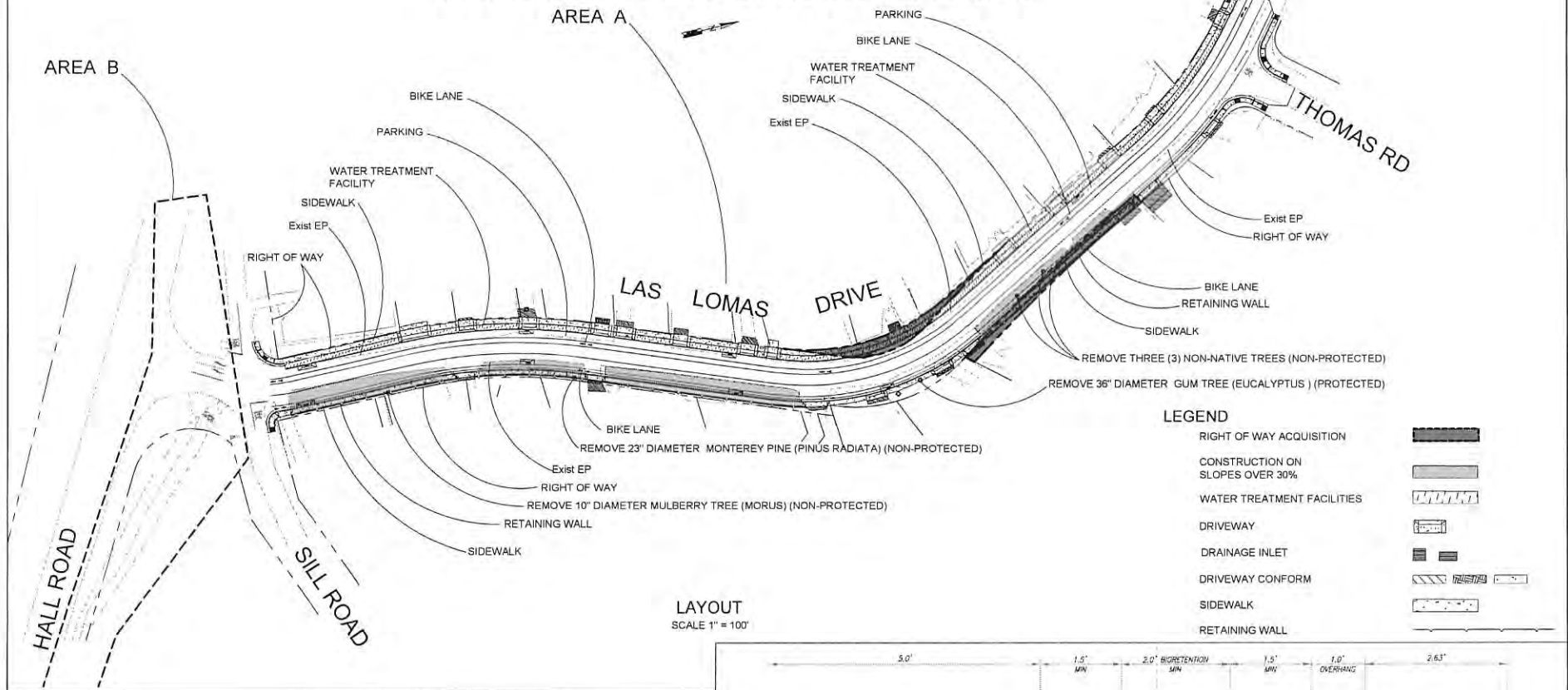
Prior to the commencement of construction or issuance of grading permits RMA-Planning and Public Works will confirm that the required notes are on the grading and or construction plans.



LAS LOMAS DRAINAGE PROJECT - PHASE 1

SCALE 1" = 100'

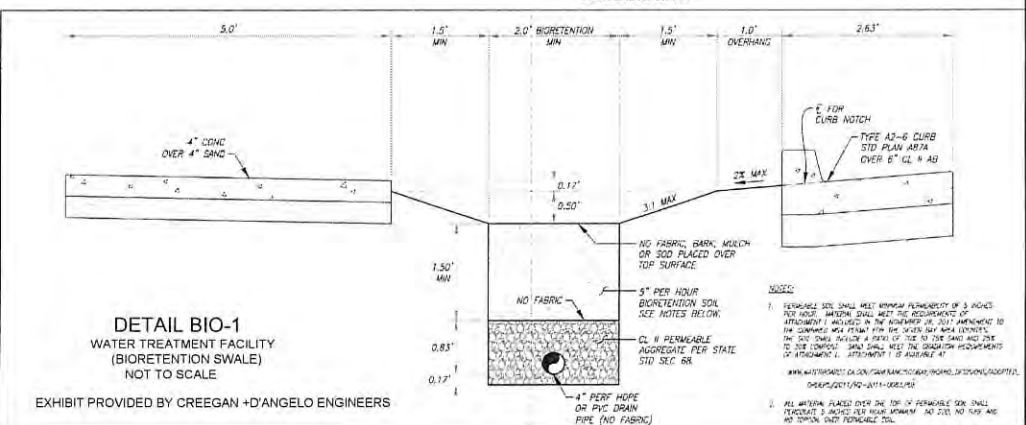
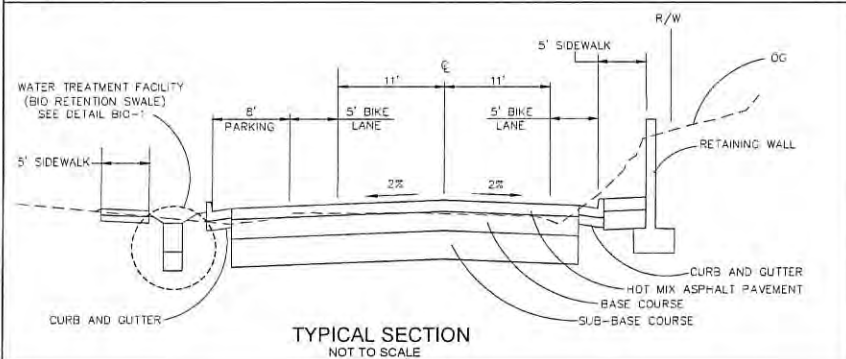
# LAS LOMAS DRAINAGE PROJECT - PHASE 2



**LEGEND**

RIGHT OF WAY ACQUISITION	
CONSTRUCTION ON SLOPES OVER 30%	
WATER TREATMENT FACILITIES	
DRIVEWAY	
DRAINAGE INLET	
DRIVEWAY CONFORM	
SIDEWALK	
RETAINING WALL	

**LAYOUT**  
SCALE 1" = 100'



# Exhibit D

## Vicinity Map



# NORTH COUNTY



APPLICANT: COUNTY OF MONTEREY RMA PUBLIC WORKS

APN: 119-161-011-000M

FILE # PLN140903

 2500' Limit  300' Limit  Water



PLANNER: MONTANO

## Exhibit E

Minutes from 12/2/2014 North County (Coastal)  
LUAC Meeting

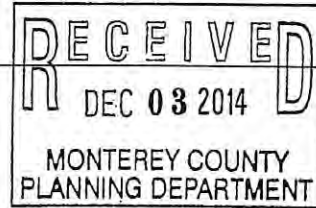
**MINUTES**  
**North County Coastal Land Use Advisory Committee**  
**Tuesday, December 2, 2014**

1. Meeting called to order by David Evans at 9:04 am

2. **Roll Call**

Members Present: David Evans, Margie Kay, Warren Church, Robert McDonald (4)

Members Absent: Ed Centeno (1) [unexcused]



3. **Approval of Minutes:**

A. August 19, 2014 minutes

Motion: Warren Church (LUAC Member's Name)

Second: Robert McDonald (LUAC Member's Name)

Ayes: David Evans, Margie Kay, Warren Church, Robert McDonald (4)

Noes: 0

Absent: Ed Centeno (1)

Abstain: 0

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. **Scheduled Item(s)**

6. **Other Items:**

A) Formation of Subcommittee to Oversee Development of Local Coastal Program, Part I (General Provisions)

See item B for notes of what happened.

- B) Consider establishing a Land Use Advisory Committee (LUAC) for the Castroville Community Plan Area and merging the two North County Land Use Advisory Committees (Board of Supervisors Referral No. 2014.06)

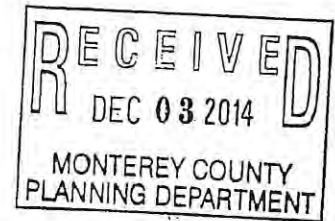
Jacqueline Onciano and Martin Carver from the County Planning Department gave presentation of both Items A & B. Committee member Warren Church began to articulate his concerns for the merging of 2 North County LUACs and the formation of a subcommittee to work on the general provisions of local coastal program. The time was 9:20 and Margie Kay announced at beginning of discussion she had to leave at 10am and wanted the scheduled item to have priority with many residents present for that item. It was determined that Mr. Church should write his argument and send to Planning Commission since the committee was told this item is scheduled on the December 10<sup>th</sup> Planning Commission meeting. Committee asked for the item to return on December 16<sup>th</sup> NCCLUAC agenda so it could be further discussed. Why was this item brought to LUAC on December 2<sup>nd</sup> agenda when it was already scheduled to go to Planning Commission on December 10<sup>th</sup>?

- C) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

- D) Announcements

None



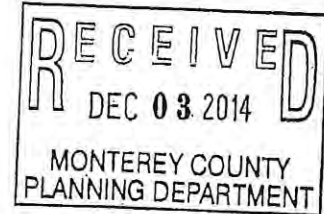
7. Meeting Adjourned: 10:00 am

Minutes taken by: Margie Kay

Minutes received via email December 3, 2014

# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025



Advisory Committee: **North County Coastal**

Please submit your recommendations for this application by: **December 2, 2014**

**Project Title: COUNTY OF MONTEREY RMA PUBLIC WORKS & MULTIPLE PRIVATE OWNERS (LAS LOMAS DR & HALL RD IMPROVEMENTS)**

**File Number: PLN140903**

**File Type: PC**

**Planner: MONTANO**

**Location: SILL RD & HALL RD & LAS LOMAS DR LAS LOMAS AREA**

**Project Description:**

Combined Development Permit to make improvements in the County right-of-way and private property along portions of Las Lomas Drive and Hall Road. The improvements consist of: 1) a Coastal Development Permit to allow development on 30% slopes for improvements to existing infrastructure; 2) a Coastal Development Permit to remove a 36 inch landmark Eucalyptus tree; and 3) a Coastal Administrative Permit to allow improvements sidewalks, curbs and drainage culverts in the County right-of-way and private property. The project improvements would be constructed in two phases. Phase 1 includes all underground drainage facilities within the public right-of-way within Area A and Area B. Phase 2 would construct all surface street improvements; sidewalks curbs retaining walls within Area A. Additionally this phase will require 4,223 square feet of right-of-way acquisition on a number of privately owned parcels to accommodate the improvements. The improvements would be installed on both sides of Las Lomas Drive between Thomas Road and Hall Road and for 600 feet south of the intersection of Hall Road and Sill Road, North County (Assessor's Parcel Numbers 119-161-011-000, 119-161-017-000, 119-151-019-000, and 119-151-021-000), North County Land Use Plan, Coastal Zone.

**Was the Owner/Applicant/Representative Present at Meeting?** Yes \_\_\_\_\_ No  X

**Was a County Staff/Representative present at meeting?**  Ramon Montano  (Name)

Not public comment - Committee member Robert McDonald disclosed at beginning of this item that he works for a construction firm and asked if the firm was going to bid on this proposed project and was told the firm would not. It was then determined that Mr. McDonald did not have to recuse himself from the item.

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Jesus Corona	X		There have been many meetings with community to plan these needed improvements
David Chaviarria	X		Approached Supervisor Calcagno 8 years ago about the flooding issues. Showed photographs for evidence of flooding problems
Luis Flores	X		Asked where the sidewalks would be. Planner Montano and public looked at the plans and discussed



<b>PUBLIC COMMENT (CONTINUED):</b>			
9 people in audience from Las Lomas and all want the improvements as soon as possible. They also asked about next in process and were told to go to Planning Commission meeting when scheduled.			

**LUAC AREAS OF CONCERN**

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

**ADDITIONAL LUAC COMMENTS**

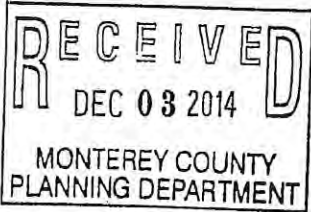
Questions were asked about who is paying for the improvements and what other improvements will be coming in Las Lomas and what is the timeline.  
 Planner Ramon Montano said there is grant funding for this project application and the timeline is based upon the funding. First is the permit process. The bidding on who will be hired to build the improvements has not yet been done as far as he knew. Jesus Corona said street lights and a recreation area are also being planned.  
 Margie Kay said she has asked Planning Commissioner Cosme Padilla for a Las Lomas resident to be appointed to the North County Coastal LUAC for several years and she spoke with Jesus Corona last year to apply.

**RECOMMENDATION:**

Motion by: Warren Church (LUAC Member's Name)

Second by: Margie Kay (LUAC Member's Name)

- Support Project as proposed
- Support Project with changes
- Continue the Item



Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: David Evans, Margie Kay, Warren Church, Robert McDonald (4)

NOES: 0

ABSENT: Ed Centeno (1)

ABSTAIN: 0

## Exhibit F

# Subsequent Mitigated Negative Declaration

County of Monterey  
State of California

**SUBSEQUENT MITIGATED NEGATIVE  
DECLARATION**

FILED

NOV 25 2014

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	Las Lomas Drainage Project (formerly the Las Lomas Drive Bicycle and Pedestrian Path).
<b>File Number:</b>	PLN 140903
<b>Owner:</b>	County of Monterey, Javier C & Lucia R Alvarez TRS, Cresencia R & Jorge S. Zuniga, Joe F. Guzman, Jorge Rodriguez, Central Coast Baptist Association, Fernandez, Juan Escobar and Esperanza Zamora.
<b>Project Location:</b>	On portions of Las Lomas Drive, Sill Road, Hall Road, and by private driveways near the intersection of Las Lomas Drive and Hall Road in the unincorporated community of Las Lomas, Monterey County, California
<b>Primary APNs:</b>	The project site is within the public right-of-way and portions of Assessor's parcels numbers 119-122-009-000, 119-122-010-000, 119-151-019-000, 119-151-021-000, 119-153-002-000, 119-161-011-000, and 119-161-017-000.
<b>Project Engineer:</b>	Robert Murdoch, Director of Public Works
<b>Permit Type:</b>	Combined Development Permit
<b>Project Description:</b>	<p>The proposed project consists of two components: modification to improvements identified in the adopted <i>Las Lomas Drive Bicycle and Pedestrian Path Mitigated Negative Declaration</i> (2009) (Area A) and the construction of drainage improvements to existing facilities on 2.5 acres (Area B) south of the Area A project site.</p> <p>Proposed modifications to the Area A improvements not addressed by the 2009 MND consist of increasing the width of on-street parking space striping from seven feet to eight feet, extending the length of a proposed retaining wall, extending the length of paved sidewalks on Las Lomas Drive to the intersection of Las Lomas Drive and Sill Road, installing water treatment facilities, and the removal of three trees. These improvements would occur within the public right-of-way. Proposed Area B drainage improvements consist of reconstructing existing ditches within the public right-of-way: culvert reconstruction and installation of energy dissipators at drainage outfalls within the existing drainage. Proposed improvements on private parcels just south of Hall Road consist of installing an energy dissipater at an existing outfall, lining existing ditches and reconstructing culverts beneath an existing driveway.</p> <p>The project improvements for both areas would be constructed into two phases. The first phase would consist of the construction of underground drainage facilities within the public right of way within Area A and Area B. The second phase would be the construction of surface street improvements within Area A. This phase would require right-of-way acquisition on a number of privately-owned parcels to accommodate the improvements.</p>

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

<b>Decision Making Body:</b>	Monterey County Planning Commission
<b>Responsible Agency:</b>	U.S Army Corps of Engineers, Central Coast Regional Water Quality Control Board, California Department of Fish and Wildlife
<b>Review Period Begins:</b>	November 26, 2014
<b>Review Period Ends:</b>	January 2, 2015

Further information, including a copy of the application and Initial Study, is available at the Monterey County RMA-Planning, 168 West Alisal St, 2<sup>nd</sup> Floor, Salinas, CA 93901/ (831) 755-5025.

# MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY

Carl P. Holm, AICP, Acting Director



Michael A. Rodriguez, C.B.O., Director of Building Services

Michael Novo, AICP, Director of Planning

Robert K. Murdoch, P.E., Director of Public Works

168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

[www.co.monterey.ca.us/rma](http://www.co.monterey.ca.us/rma)

## NOTICE OF INTENT TO ADOPT A SUBSEQUENT MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that, pursuant to the requirements of CEQA, the Monterey County Resource Management Agency – Public Works Department has prepared the draft Subsequent Mitigated Negative Declaration for the Las Lomas Drainage Project (formerly Las Lomas Bicycle and Pedestrian Path Project – SCH#2007121063) located near the intersection of Las Lomas Drive and Hall Road in the unincorporated community of Las Lomas, north Monterey County. Mitigation measures have been developed and incorporated into the proposed subsequent mitigated negative declaration to reduce potential impacts related to air quality, hydrology, noise, soils, sensitive wildlife species and jurisdictional waters.

The Subsequent Mitigated Negative Declaration and Initial Study are available for review at the following locations:

Monterey County Resource Management Agency – Public Works Department  
168 West Alisal, 2<sup>nd</sup> Floor, Salinas

John Steinbeck Library  
350 Lincoln Avenue, Salinas CA 93901

The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link:

<http://www.co.monterey.ca.us/planning/docs/environmental/circulating.htm> .

The Monterey County Planning Commission will consider this project at a public hearing on January 14<sup>th</sup>, 2015. The public hearing will be held in the Board of Supervisor's Chamber at 168 W. Alisal Street, Salinas, California. Written comments on this proposed Mitigated Negative Declaration will be accepted from November 26, 2014, to January 2, 2015. Comments may also be made during the public hearing.

**Project Description:** The proposed project consists of two components on an approximately five-acre site: modification to approved improvements on approximately 2.5 acres identified in the adopted Las Lomas Drive Bicycle and Pedestrian Path Mitigated Negative Declaration (2009 MND) (Area A) and the construction of drainage improvements to existing facilities on an additional 2.5 acres (Area B) south of the Area A project site. Proposed modifications to the Area A improvements not addressed by the 2009 MND consist of increasing the width of on-street parking space striping from seven feet to eight feet, extending the length of a proposed retaining wall, extending the length of paved sidewalks on Las Lomas Drive to the intersection of Las Lomas Drive and Sill Road, installing water treatment facilities, and the removal of three trees. These improvements would occur within the public right-of-way.



Proposed Area B drainage improvements consist of reconstructing existing ditches within the public right-of-way: culvert reconstruction, and installation of energy dissipators at drainage outfalls within the existing drainage. Proposed improvements on private parcels just south of Hall Road consist of installing an energy dissipater at an existing outfall, reconstruction of existing ditches and culverts beneath an existing driveway. The project improvements for both areas would be constructed into two phases. The first phase would consist of the construction of underground drainage facilities within the public right of way within Area A and Area B. The second phase would be the construction of surface street improvements within Area A. This phase would require right-of-way acquisition on a number of privately-owned parcels to accommodate the improvements.

FOR ADDITIONAL INFORMATION CONTACT:

ROBERT MURDOCH, Director of Public Works

Phone: (831) 755-4800

Or

PAUL GREENWAY, Assistant Director of Public Works

Phone: (831) 755-4807

Monterey County Resource Management Agency – Department of Public Works

168 W. Alisal Street 2<sup>nd</sup> Floor, Salinas, Ca 93901

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

[CEQAcomments@co.monterey.ca.us](mailto:CEQAcomments@co.monterey.ca.us)

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 755-4958**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

**For reviewing agencies:** The Resource Management Agency – Public Works Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

**All written comments on the Initial Study should be addressed to:**

County of Monterey  
Resource Management Agency – Department of Public Works  
Attn: Robert Murdoch, Director of Public Works  
168 West Alisal, 2<sup>nd</sup> Floor  
Salinas, CA 93901

From: Agency Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

- No Comments provided.
- Comments noted below.
- Comments provided in separate letter.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## DISTRIBUTION

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. California Coastal Commission
4. California Department of Fish and Wildlife, Eric Wilkins
5. Caltrans District 5
6. Monterey Bay Unified Air Pollution Control District
7. North County Fire Protection District
8. John Steinbeck Library
9. United States Army Corps of Engineers
10. Central Coast Regional Water Quality Control Board
11. The Open Monterey Project
12. LandWatch
13. Property Owners within 300 feet of the project (Notice of Intent only)

### **Distribution by e-mail only (Notice of Intent only):**

14. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: [galacatos@usace.army.mil](mailto:galacatos@usace.army.mil))
15. Emilio Hipolito ([ehipolito@nccrc.org](mailto:ehipolito@nccrc.org))
16. United Brotherhood of Carpenters & Joiners ([nedv@nccrc.org](mailto:nedv@nccrc.org))
17. Molly Erickson ([Erickson@stamplaw.us](mailto:Erickson@stamplaw.us))
18. Margaret Robbins ([MM\\_Robbins@comcast.net](mailto:MM_Robbins@comcast.net))
19. Michael Weaver ([michaelrweaver@mac.com](mailto:michaelrweaver@mac.com))
20. Monterey/Santa Cruz Building & Construction ([Office@mscbctc.com](mailto:Office@mscbctc.com))
21. Tim Miller ([Tim.Miller@amwater.com](mailto:Tim.Miller@amwater.com))

INITIAL STUDY

# LAS LOMAS DRAINAGE PROJECT

PREPARED FOR  
Monterey County Department of Public Works  
Isabelo Dela Merced  
Monterey County Resource Management Agency  
168 West Alisal Street 2<sup>nd</sup> Floor  
Salinas CA 93901  
Tel 831.755.4649

PREPARED BY  
EMC Planning Group Inc.  
301 Lighthouse Avenue, Suite C  
Monterey, CA 93940  
Tel 831.649.1799  
Fax 831.649.8399  
Sally Rideout EMPA  
Rideout@emcplanning.com  
www.emcplanning.com

November 19, 2014

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Appendix A	Project Phasing
Appendix B	Special Status Species with the Potential to Occur in the Project Vicinity
Appendix C	U.S. Army Corps of Engineers (USACE), Jurisdictional Determination Letter
Appendix D	Arborist Report for Las Lomas Drive Drainage Project, Monterey County



# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



## *INITIAL STUDY*

### *I. BACKGROUND INFORMATION*

<b>Project Title:</b>	Las Lomas Drainage Project (formerly Las Lomas Bicycle and Pedestrian Path Project – SCH#2007121063)
<b>File No.:</b>	PLN 140903
<b>Project Location:</b>	Unincorporated Community of Las Lomas in North Monterey County
<b>Name of Property Owner:</b>	County of Monterey, Javier C & Lucia R Alvarez TRS, Cresencia R & Jorge S. Zuniga, Joe F. Guzman, Jorge Rodriguez, Central Coast Baptist Association, and Fernandez, Juan Escobar and Esperanza Zamora.
<b>Name of Applicant:</b>	County of Monterey Resource Management Agency Department of Public Works
<b>Assessor's Parcel Number(s):</b>	Public Right-of-Way and portions of 119-122-009-000, 119-122-010-000, 119-151-019-000, 119-151-021-000, 119-153-002-000, 119-161-011-000, and 119-161-017-000.
<b>Acreage of Property:</b>	Approximately 5 acres
<b>General Plan Designation:</b>	Medium Density Residential (1.4 dwelling units per acre), and Public/Quasi-Public
<b>Zoning District:</b>	MDR/4(CZ) and P/Q-P
<b>Lead Agency:</b>	County of Monterey Resource Management Agency Department of Public Works
<b>Prepared By:</b>	EMC Planning Group
<b>Date Prepared:</b>	November 19, 2014
<b>Contact Person:</b>	Sally Rideout EMPA, Project Manager
<b>Phone Number:</b>	(831) 649-1799, ext. 210

## II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

### A. Description of Project

The proposed project is the Las Lomas Drainage Project (formerly the Las Lomas Drive Bicycle and Pedestrian Path) located in the unincorporated community of Las Lomas in north Monterey County. Figure 1, Location Map, presents the location of the project site and vicinity.

1. **Background:** In 2009, the Monterey County Resource Management Agency Department of Public Works adopted the *Las Lomas Drive Bicycle and Pedestrian Path Initial Study and Mitigated Negative Declaration* (EMC Planning Group 2007) (SCH# 2007121063) (hereinafter 2009 MND). The Las Lomas Drive Bicycle and Pedestrian Path project consisted of pedestrian and bike lane improvements accompanied by drainage improvements public parking upgrades within the existing public right-of-way, and property acquisition for new retaining walls, along a 0.25-mile section of Las Lomas Drive in the unincorporated Monterey County community of Las Lomas. The project has not yet been constructed.

During the engineering design of that project in 2013, the Monterey County Department of Public Works determined that improvements to the existing drainage infrastructure along Hall Road south of the project site would also be needed to supplement the improvements along Las Lomas Drive. Existing drainages along both sides of Las Lomas Drive drain to a larger ditch along Hall Road before draining through a culvert to the south side of the roadway, and across private property by way of ditches and culverts to Carneros Creek. This drainage pattern forms a hydrologic connection to Carneros Creek, which drains to Elkhorn Slough and eventually to the Pacific Ocean. Impacts to drainages forming a hydrologic connection to “navigable” waters are considered jurisdictional by the U.S. Army Corps of Engineers (USACE) and disturbance to these drainages could result in potentially significant environmental impacts.

2. **Proposed Project:** The Las Lomas Drainage Project boundary includes the original project boundary addressed in the 2009 MND and an additional 2.5 acres on both sides of Hall Road southeast of Las Lomas Drive. The County also intends to acquire approximately 4,223 square feet of private land from four different land owners and access rights to 11,000 square feet of land owned by three land owners. For purposes of this analysis, the original project site is referred to hereinafter as “Area A”, and the additional 2.5-acre portion of the site that is the subject of this initial study, is referred to herein as “Area B”. The proposed boundary of Area B overlaps slightly with the boundary of Area A at the intersection of Sill Road and Las Lomas Drive. The project improvements for both areas would be constructed into two phases. The first phase would consist of the construction of underground drainage facilities within the public right of way within Area A and Area B. The second phase would be the construction of surface street improvements within Area A. This phase would require right-of-way

acquisition on a number of privately-owned parcels to accommodate the improvements. Graphic depictions of the two phases are included in Appendix A.

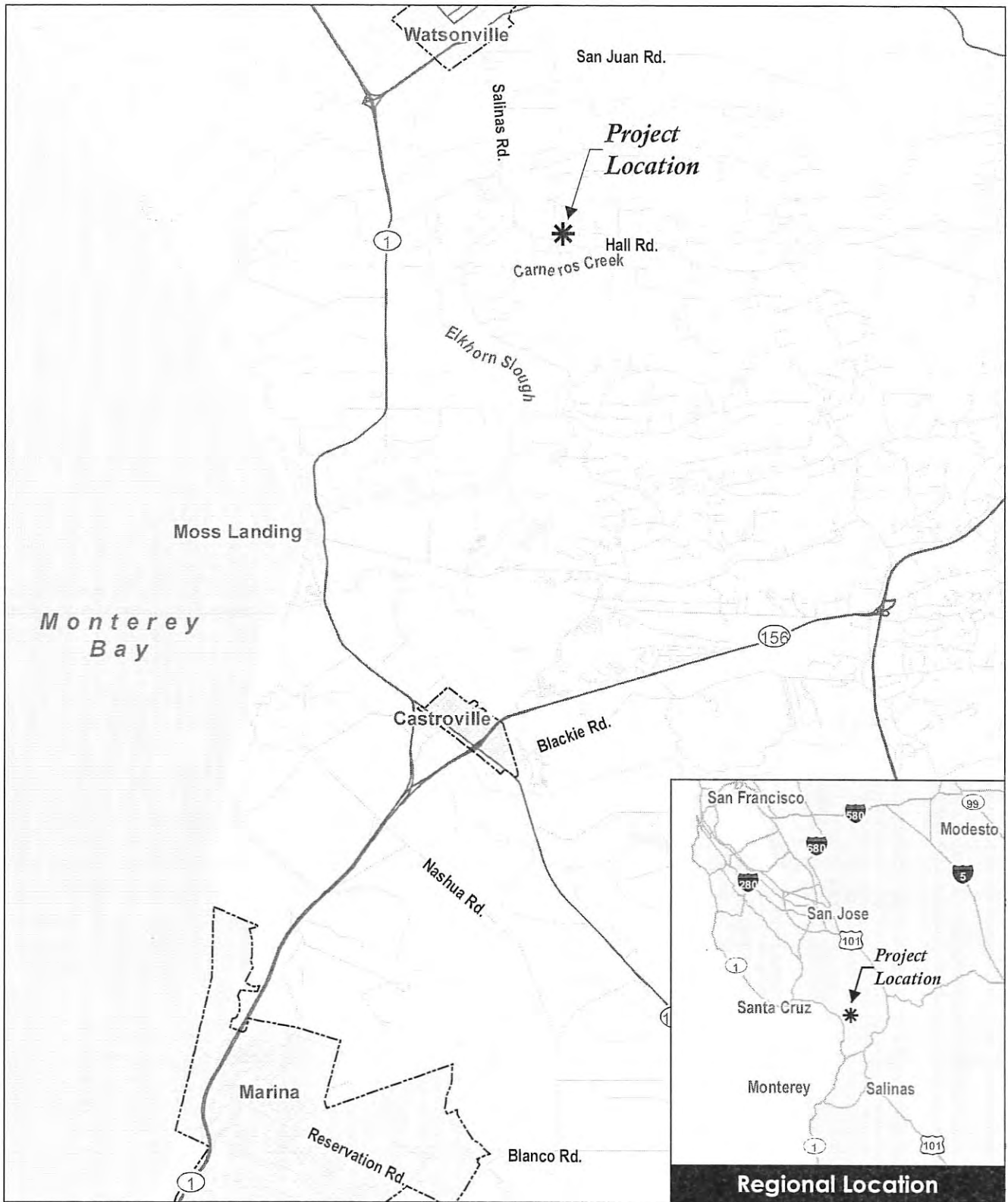
The Area B project boundary extends west and southeast from the intersection. To the west, the boundary extends to the end of Sill Road; to the southeast, the boundary extends along the north side of Hall Road over a distance of approximately 400 feet before traversing Hall Road and extending further south over a distance of approximately 103 feet into two private parcels. Construction of the proposed project is anticipated to begin in 2015 and would occur over approximately five months. The boundaries of Area A and Area B are illustrated in Figure 2, Project Layout.

New activities and improvements proposed within Area A that were not studied in the 2009 MND consist of increasing the width of on-street parking space striping from seven feet to eight feet, installing water treatment facilities within the right-of-way, the removal of one native Monterey pine tree, one landmark Eucalyptus tree, one non-native Mulberry tree, extending the length of a retaining wall, and extending the length of paved sidewalks on Las Lomas Drive to the intersection of Las Lomas Drive and Sill Road.

The locations of proposed improvements within Area B are illustrated in Figure 2, and consist of the following items:

- Install a storm water velocity interceptor/energy dissipator within the intersection of Las Lomas Drive and Sill Road;
- Reconstruct an existing 48-inch culvert under Hall Road, and install a second culvert in this location;
- Install an energy dissipater within the public right-of-way at the end of the new Hall Road culvert;
- Reconstruct existing ditches within the public right-of-way and on portions of two privately owned parcels south of Hall Road;
- Reconstruct the culvert beneath the driveway on a privately owned parcel south of Hall Road, and install a second culvert in this location; and
- Install an energy dissipator at the culvert outfall on the privately owned parcel.

*This side intentionally left blank.*



Source: ESRI StreetMap North America 2012

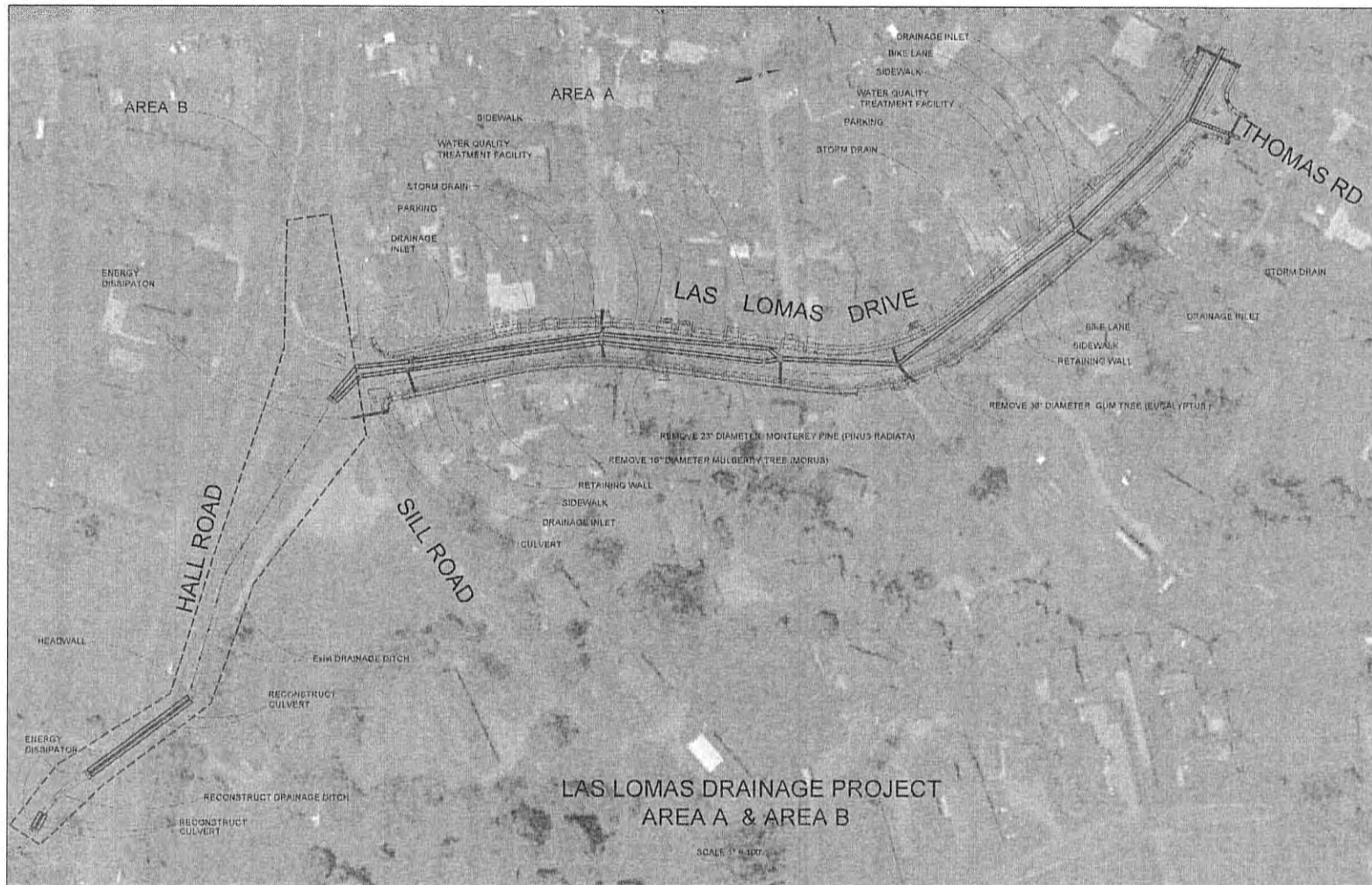
Figure 1  
Location Map



Las Lomas Drainage Project Initial Study



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Source: Google Earth 2014, IDM

Figure 2  
Project Layout

Las Lomas Drainage Project Initial Study

*This side intentionally left blank.*

## **B. Surrounding Land Uses and Environmental Setting**

The approximately five-acre project site consists of a 0.25-mile section of Las Lomas Drive between Hall Road and Thomas Road, and 0.17 miles of existing drainage ditches on the north and south sides of Hall Road. Regional access to Las Lomas is available only by Hall Road from Watsonville to the north, State Route 1 to the west, or U.S. Highway 101 from the east. The project site is located within the Monterey County coastal zone and is zoned for medium density residential, and public/quasi-public uses. As illustrated by Figure 2, the predominant land uses within and adjacent to the project site are single-family residential uses, a small mini-market southwest of the intersection of Las Lomas Drive and Hall Road, the Full Gospel Church east of the project site, and low-density rural-residential uses south of Hall Road.

EMC Planning Group conducted a field visit on April 30, 2014 to document existing conditions within the entire project site including an assessment of current conditions within Area A, and to assess the presence of and potential for on-site habitat and biological resources, including wetlands and jurisdictional waters of the U.S. that could be affected by the proposed project. A survey of trees proposed for removal was conducted by an EMC Planning Group on-staff certified arborist on October 6, 2014. Existing conditions within the Area A boundary observed during the 2014 field survey are essentially the same as those documented in the 2009 MND. Within Area B, the topography of the site slopes gradually to the southeast. The public right-of-way between Sill Road and Hall Road consists of vacant land, and the existing drainage ditch along Hall Road is also located on vacant land between Sill Road and Hall Road. On the south side of Hall Road, the Area B project site extends approximately 103 feet across the driveways of two private parcels. Figure 3, Area A Photographs, and Figure 4, Area B Photographs, illustrate existing conditions within both areas of the project site.

## **C. Public agencies whose approval is required:**

- Monterey County Planning Commission (Combined Development Permit)
- Central Coast Regional Water Quality Control Board (NPDES permit and Section 401 Water Quality Certification)
- U.S. Army Corps of Engineers (Section 404 Permit)
- California Department of Fish and Wildlife (Possible Streambed Alteration Agreement)

## **D. Approach and Methodology:**

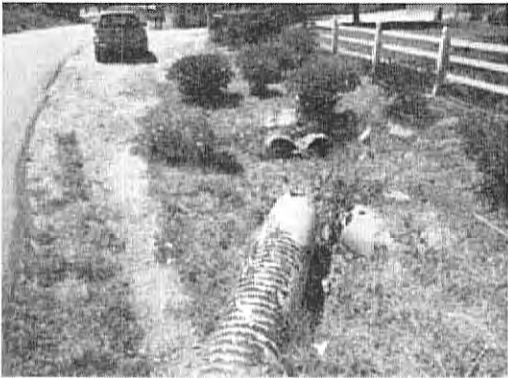
The County of Monterey is the lead agency for the purposes of CEQA and has determined that the additional drainage improvements (Area B) related to the original Las Lomas Drive Bicycle and Pedestrian Path project (Area A) could result in additional environmental impacts that were not addressed in the 2009 MND, and that subsequent environmental review of these additions to the project are necessary.

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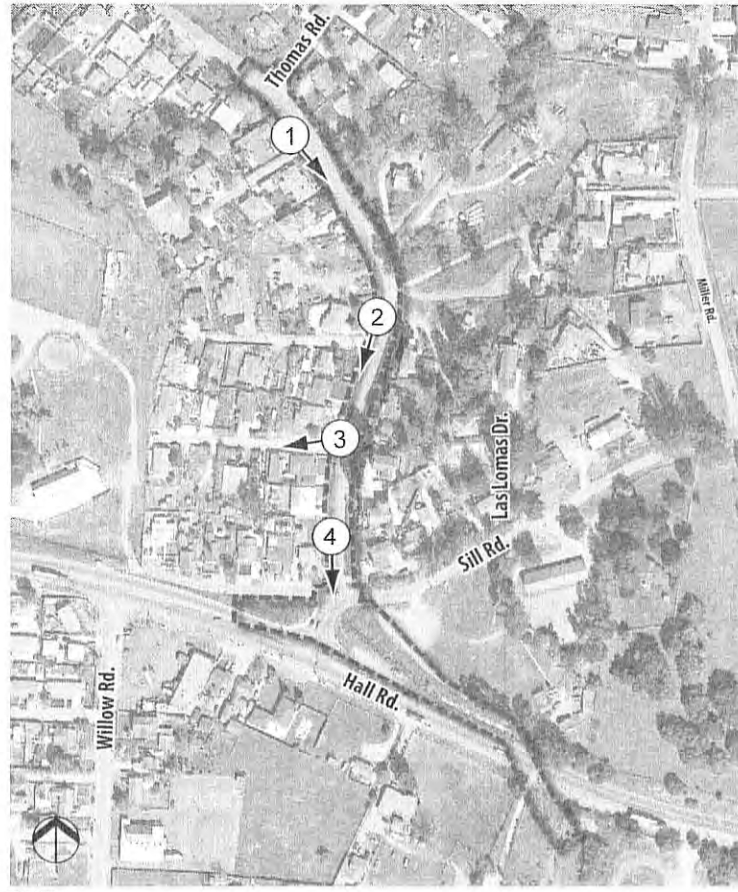




① Unlined drainage ditch parallel to Las Lomas Drive, adjacent to residential uses



② Outlets from culverts under driveways and under Las Lomas Drive to drainage ditch



Project Boundary



③ Unlined drainage ditch and culvert under driveway to multiple residences



④ Unlined drainage ditch north of intersection of Las Lomas Drive and Hall Road, prior to entering culvert to drainage channel

Source: Google Earth 2014, Monterey County 2014



Figure 3  
**Area A Photographs**  
 Las Lomas Drainage Project Initial Study

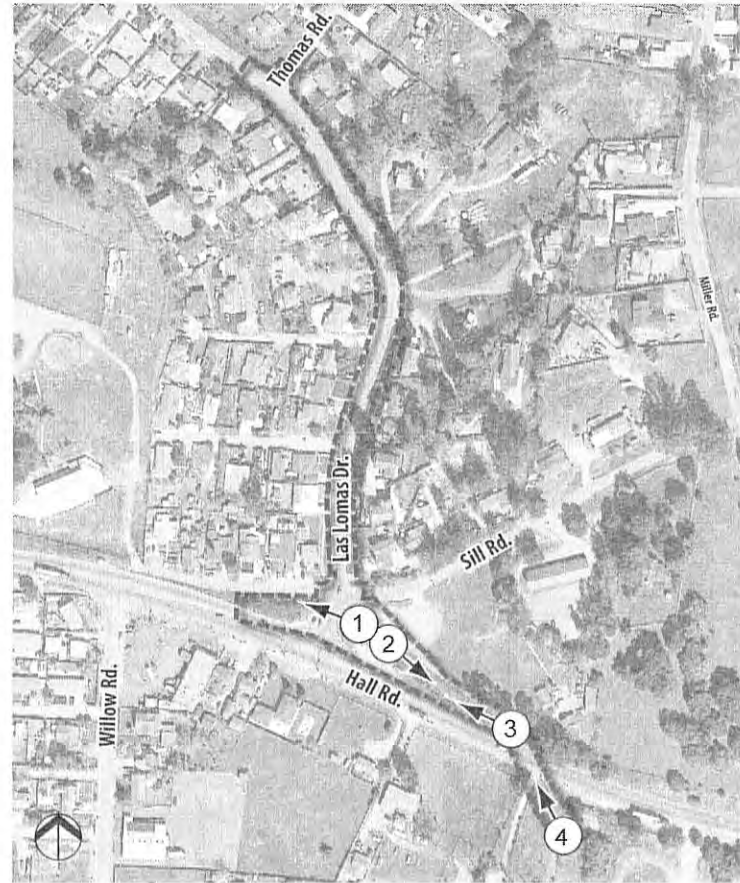
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① Outlet of culverts under Las Lomas Drive to drainage channel along Hall Road



② Unlined portion of drainage channel, east from intersection of Hall Road and Las Lomas Drive



Project Boundary



③ Lined portion of drainage channel along Hall Road



④ View of drainage channel facing Hall Road, which drains to Cameros Creek

Source: Google Earth 2014, Monterey County 2014



Figure 4  
**Area B Photographs**  
 Las Lomas Drainage Project Initial Study

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During the engineering phase of the Area A drainage improvements design, Department of Public Works engineering staff determined that post-project drainage flows could be greater than previously determined and could disturb jurisdictional waters downstream from the Area A project site. Since disturbances to jurisdictional waters are considered potentially significant impacts for the purposes of CEQA, the Department of Public Works found that changes to the project would be required to avoid or minimize potentially significant impacts.

CEQA Guidelines Section 15162(a)(1) states that when a negative declaration has been adopted for a project, the lead agency may determine that a subsequent negative declaration shall be prepared for that project when “substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects...”.

This initial study provides an update on the environmental conditions and setting within the original project boundary (Area A) and evaluates the County’s proposed improvements to existing storm water drainage facilities along both sides of Hall Road (Area B) as required by CEQA Guidelines Section 15162(a)(1). In addition to the change in the project that requires subsequent environmental review, this initial study includes discussion of potential environmental effects resulting from the implementation of Area A activities related to greenhouse gas (GHG) emissions. No impacts to forestland and timberland resources would occur as a result of either project. Legislative requirements for discussions of these impacts in CEQA analyses were added to the CEQA statute and CEQA Guidelines after the adoption of the 2009 MND.

The modified Area A improvements would not result in new or substantially greater impacts than those identified and addressed by the 2009 MND, with the exception of potentially significant impacts to jurisdictional waters. Observations of current conditions within Area A made during a field visit conducted by EMC Planning Group on April 30, 2014, determined that field conditions within the Area A boundary remain essentially the same as identified in the 2009 MND. Further, the proposed changes to the width of marked public parking spaces, the extension of paved sidewalks to the intersection of Sill Road and Las Lomas Drive, construction of storm water treatment facilities, and extension of retaining walls would occur within the areas of disturbance identified in the 2009 MND.

Therefore, the scope of this initial study focuses on the environmental impacts that could result from implementation of the proposed Area B drainage improvements, and potential impacts resulting from Area A activities related to GHG emissions. All other conclusions from the adopted 2009 MIND are incorporated by reference pursuant to CEQA Guidelines Section 15150(a), herein, where noted.



### III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input checked="" type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

**General Plan/Land Use Plan.** The proposed project is located within the boundary of the *North County Land Use Plan/Local Coastal Program* (North County LUP/LCP), the governing plan for the northern-most part of the Coastal Zone in Monterey County. The North County LUP/LCP is in turn a part of the *1982 Monterey County General Plan* ("General Plan"). The proposed project would not impede coastal access or affect other recreational opportunities. The proposed project does not include development that would permanently affect nearby residential and/or public quasi-public land uses. The storm drainage improvements are not directly coastal-related, but provide essential and beneficial public works functions to support and protect other uses within the Las Lomas area and Elkhorn Slough portion of the County's coastal zone.

Implementation of the proposed project would not significantly impact any of the adjacent land uses and none of these land uses preclude the construction of the underground drainage and surface improvements. Therefore, the proposed project is consistent with the 1982 Monterey County General Plan land use designations for Public/Quasi-Public and Medium Density Residential land uses. The proposed project would not impede coastal access and would improve existing drainage and storm water treatment facilities within the project area without conflicting with North County LUP/LCP policies:

Key Policies: 2.2.1; 2.3.1; 2.4.1; 2.5.1; 2.8.1; 2.9.1; and 4.3.4.

General Policies: 2.2.2.5; 2.3.2.8; 2.3.2.10; 2.5.2.1; 2.5.2.2; 2.9.2.1-3; and 4.3.5.8-9.

Specific Policies: 2.2.3.6; 2.3.2(B)(2),(5),(6),(8); 2.5.3(C)6(c); 2.5.2(B)(1); 2.5.2(C)(6)(a),(c); 2.8.3 (B)(5-7); and 2.9.3.

**Monterey County Coastal Implementation Plan.** The proposed project also is subject to compliance with the Coastal Implementation Plan (CIP), Title 20 Zoning Ordinance for the County of Monterey. The CIP allows for public utilities and infrastructure as a Conditional Use within the Public/Quasi-Public Zone, subject to a Coastal Development Permit (Section 20.30.050B). In addition, Section 20.144.050 regulates the removal of protected trees. A Coastal Development Permit is required to remove the two protected trees on the project site (Section 20.144.050.A.1). Section 20.144.050.C.1 sets forth required findings for landmark trees and trees that may provide habitat for nesting raptors and other protected bird species. Section 20.144.050.C.3, requires replacement of removed native trees at a 1:1 ratio. Removal of the two protected trees is included in Combined Permit Application for the Las Lomas Drainage Project. Coastal Development Permit approval is also required for the a CDP is also required for grading/improvements on slopes greater than 30 percent (addressed in the adopted 2009 MND).

The project site is not located within a designated scenic view shed and above-grade improvements within Area B consist of reconstructing existing drainage improvements; as such, the proposed project would not affect public views associated with the coast. The project site is not located in an area zoned for agriculture, forestland, or timberland; therefore, the proposed project would not affect agricultural lands, forestland, or timber land. There are no known archaeological sites that would be disturbed by project implementation. The proposed project does not involve uses that would increase population on the site, increase operational traffic, GHG emissions, or require new connections to sewer, potable water, or other utility infrastructure. The Department of Public Works will construct the proposed improvements in compliance with the North County LUP/LCP and CIP. No conflicts with either the North County LUP/LCP or General Plan would occur.

**Water Quality Control Plan.** The proposed project is subject to compliance with the Central Coast Region Basin Plan (Basin Plan). Section 402 of the Clean Water Act establishes the National Pollutant Discharge Elimination System (NPDES) program, which controls and reduces pollutants to water bodies from point and non-point discharges. In addition to individual permits, the Regional Water Quality Control Boards (RWQCB) have established General Permits, which are applicable to and establish regulations for a wide range of water dischargers, including municipal storm water systems. A General Permit has been available for medium and large municipal storm water systems (serving a population of 100,000 people or more) since 1990. Regulations for small municipal (and other public jurisdictions') storm water systems, known as Phase II, were introduced in 1999. A General Permit became effective in July 2013 and requires implementation of low impact development post-construction measures for projects that create and/or replace greater than 2,500 square feet of impervious surface. Measures include directing of roof run-off to cisterns for vegetated areas, minimized disturbance of natural areas, and use of pervious pavements. The Central Coast RWQCB adopted local implementation practices to implement the post-construction control measures. The proposed project would improve existing conditions by providing storm water treatment facilities and by reducing flooding potential in the vicinity of Las Lomas Drive. The proposed project includes installation of storm water treatment facilities within existing drainages subject to the design criteria and performance standards identified in compliance with RWQCB requirements. Therefore, the proposed project would not conflict with or obstruct implementation of the Basin Plan

**Air Quality Management Plan.** The community of Las Lomas is located in the North Central Coast Air Basin, which is comprised of Monterey, Santa Cruz, and San Benito counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the air basin. In 2009, MBUAPCD adopted the Air Quality Management Plan, which outlines the steps necessary to reach attainment with the state standards of air quality. Automobiles are the primary generators of criteria pollutants, which include ozone (O<sub>3</sub>); carbon monoxide (CO); nitrous oxides (NO<sub>x</sub>); particulate matter (PM<sub>10</sub>); and reactive organic gases (ROG). The proposed project would generate temporary construction emissions but would not result in increased operational emissions associated with an increase in population or expansion of roadway capacity. Therefore, the proposed project would not conflict with or obstruct implementation of the air quality management plan.

#### ***IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION***

##### **A. FACTORS**

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                          | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality             |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Geology/Soils                      |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials      | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning                   | <input type="checkbox"/> Mineral Resources                | <input checked="" type="checkbox"/> Noise                   |
| <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic              | <input type="checkbox"/> Utilities/Service Systems        | <input type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy.

**Aesthetics.** The 2009 MND determined that the proposed improvements within Area A would not result in impacts to aesthetic resources. The Area B project site and vicinity are not identified in the 1982 Monterey County General Plan or the North County LUP/LCP as a scenic resource area. Hall Road, Sill Road and Las Lomas Drive are not classified as a scenic road in the General Plan and the project site is not located in the vicinity of a state scenic highway. The proposed Area B project would not create new sources of light or glare. For these reasons the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings, or have an adverse effect on a scenic vista or other scenic resources.

**Agricultural and Forest Resources.** The 2009 MND determined that the proposed improvements within Area A would not result in impacts to agriculture resources. Neither Area A nor Area B are identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), by the California Resources Agency Farmland Mapping and Monitoring Program (California Resources Agency 2010). There are no Williamson Act conservation easements on the project site and the project site is not zoned for agricultural, forestland or timberland uses. According to an arborist report prepared October 6, 2014, the project site does not contain forest resources or oak woodlands. Area A is composed of numerous residential properties with various street trees and ornamental landscaping. Area B consists of existing drainage ditches, paved roadways, unpaved shoulders and private driveways along Hall Road. Therefore, the proposed project would not result in the conversion, loss of, or conflict with any agricultural or timberland production or forest land uses.



**Geology and Soils.** Impacts resulting from implementation of the Area A project were addressed in the 2009 MND, which did not identify any significant impacts related to Geology and Soils. The proposed modifications to the Area A project would not result in new or greater impacts than those identified and addressed in the 2009 MND and adopted MMRP. The proposed Area B project is located in the same geographic area as Area A and would be exposed to the same seismic hazards. The site is not within an Alquist-Priolo Earthquake Fault Zone. Therefore, no potential impacts from fault rupture are anticipated. The project would not result in the construction of habitable structures and the topography of the Area B project site is relatively flat. Therefore, the risk of damage or human harm from seismic activity is low. The proposed project includes Best Management Practices to reduce potential for erosion hazards during construction. Additionally implementation of Mitigation Measure AQ-1 would reduce wind erosion impacts to a less-than-significant level. Septic tanks or alternative wastewater disposal systems are not included as part of this project.

**Land Use and Planning.** The proposed project consists of infrastructure improvements to existing facilities within an established neighborhood and would not physically divide an established community. As discussed within this initial study and in the 2009 MND, the proposed project would not conflict with any applicable land use plans, policy, or any regulation of an agency with jurisdiction over the project, nor would the proposed project conflict with any applicable habitat conservation plan or natural community conservation plan.

**Mineral Resources.** There are no known mineral resources located near or within the project site. Therefore, no impacts to these resources would occur.

**Population/Housing.** The proposed project would not result in the extension of infrastructure to undeveloped areas, nor displace existing housing or people. The proposed project does not increase vehicle carrying capacity of the roadway. Therefore, the proposed project would not induce population growth or displace housing or people and no impacts would occur.

**Public Services.** The proposed project site is located within the existing service areas of the Monterey County Sheriff's Department and the North County Fire Protection District of Monterey County. The proposed improvements to the existing roadway are intended to provide safe access for pedestrians, cyclists and motorists. The proposed improvements do not increase the carrying capacity of the roadway in a manner that would negatively affect existing levels of service. The project would not result in the need for new or physically altered public service facilities, schools or parks.

**Recreation.** The proposed project would not increase the use of existing neighborhood and regional parks or other facilities such that substantial physical deterioration of the facility would occur. The project site is not located near existing parks and would not require the expansion of recreational facilities.

**Transportation/Traffic.** With the exception of temporary traffic delays during construction, the proposed project does not alter lanes or include development that would affect roadway capacity, public transit, bicycle or pedestrian facilities. The proposed drainage project would not increase traffic (with the exception of a small level of temporary construction traffic), exceed an

established level of service standard, or cause a change air traffic patterns. As such the proposed project would not conflict with County policies for public transit, bicycle and pedestrian facilities.

**Utilities/Service Systems.** The proposed project does not include uses that require wastewater or water service connections, nor require solid waste collection beyond the level necessary for disposal of construction and excavation spoils. The proposed project includes the replacement of unimproved drainages with new underground velocity interceptors. All improvements are designed to a 10-year storm event. No new drainage patterns or routes are proposed. The existing overall drainage pattern of the site would remain relatively unchanged.

**Mandatory Findings of Significance.** As discussed within this initial study, the proposed project would not result in impacts that cannot be mitigated to a less than significant level.

For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

Check here if this finding is not applicable

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

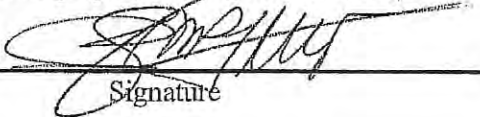
**EVIDENCE:**

As discussed within this initial study, implementation of the proposed drainage infrastructure improvements to the existing drainage facilities within Area B does not have the potential to result in significant environmental impacts to aesthetics, agriculture, land use and planning, population and housing, transportation, mineral resources, geology and soils, public services, recreation, or other utilities and service systems. Further, both the approved Area A project site and the proposed Area B project site are not located within designated forestland or land zoned for timber production, and do not include land uses that would increase long-term operational sources of GHG emissions.

**B. DETERMINATION**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A SUBSEQUENT MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature

*Isabelo Dela Merced*

*11/19/14*  
\_\_\_\_\_  
Date

*Project Manager*



## ***V. EVALUATION OF ENVIRONMENTAL IMPACTS***

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

## ***VI. ENVIRONMENTAL CHECKLIST***

<b>1. AESTHETICS</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1-4,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Discussion/Conclusion/Mitigation:**

Refer to the discussion in Section IV.

**2. AGRICULTURAL AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 2,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 2-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

Refer to Section IV.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 2,11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 2,10,11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 2, 10,11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 2,10,11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1,2,10,25,26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

The 2009 MND did not identify significant air quality impacts resulting from the construction of Area A improvements that could not be reduced to a less-than-significant level with mitigation. The proposed changes to the Area A project would not result in new, or greater air quality impacts than those identified and addressed in the 2009 MND. No additional mitigation is required for the Area A improvements.

- a. The community of Las Lomas is located in the North Central Coast Air Basin, which is comprised of Monterey, Santa Cruz, and San Benito counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the air basin. In 2009, MBUAPCD adopted the Air Quality Management Plan, which outlines the steps necessary to reach attainment with the state standards of air quality. Automobiles are the primary generators of criteria pollutants, which include ozone (O<sub>3</sub>); carbon monoxide (CO); nitrous oxides (NO<sub>x</sub>); particulate matter (PM<sub>10</sub>); and reactive organic gases (ROG).

The proposed project would generate construction emissions but would not result in increased operational emissions associated with an increase in population or expansion of roadway capacity. Therefore, the proposed project would not conflict with or obstruct implementation of the air quality management plan.

- b-d. Temporary and short term impacts only from project-related construction activities in Area B have the potential to affect local air quality and would generate PM<sub>10</sub> emissions. "Short term" emissions include on-site and off-site generation of fugitive dust, on-site generation of exhaust emissions from construction equipment, and the off-site generation of mobile source emissions from workers during the construction phase of the proposed project. "Worst case" construction emission typically occur during initial site preparation, including grading and excavation, due to the increased amount of surface disturbance and the number and type of construction equipment normally required.

The North Central Coast Air Basin is non-attainment for PM<sub>10</sub>. The proposed project would contribute PM<sub>10</sub> emissions during construction. Since the air basin is in non-attainment status for PM<sub>10</sub>, any contribution to existing pollutant levels is considered cumulatively considerable and all feasible mitigation measures must be applied to reduce the potential impacts to public health to the maximum extent possible. The MBUAPCD mitigates construction-related PM<sub>10</sub> emissions by requiring a series of dust and equipment exhaust control measures to projects with more than a 2.2-acre daily disturbance, which is expected to generate about 82 pounds per day of PM<sub>10</sub>. According to the MBUAPCD guidelines, grading more than 2.2 acres at one time could result in a significant adverse effect on air quality from PM<sub>10</sub> emissions.

The entire project site, including Area A, is approximately five acres in size and, given the five month construction schedule, it is possible that more than 2.2 acres of the project site would be subject to grading and excavation activities in a given day. Implementation of the following mitigation measure during Area B construction activity would reduce the project's individual and cumulative impacts from construction PM<sub>10</sub> emissions to a less-than-significant level. This mitigation measure was also required in the 2009 MND.

#### **Mitigation Measure**

*AQ-1. To control dust and equipment exhaust emissions during grading, excavation and construction activities, Monterey County Department of Public Works will include the following MBUAPCD dust control measures into contracts for the proposed project:*

- a. Water all active construction areas at least twice daily, or as required to control dust;*
- b. Cover all trucks hauling dirt, sand, or loose material;*
- c. Sweep streets daily if visible soil material is carried out from the construction site;*



- d. *Apply (non-toxic) chemical soil stabilizers on all unpaved access roads, parking areas and staging areas as well as on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);*
- e. *Apply (non-toxic) binders to exposed areas after cut and fill operations and hydroseed area;*
- f. *Cover inactive storage piles;*
- g. *Limit traffic/equipment speed on unpaved surfaces to 15 mph, or less under windy conditions;*
- h. *Plant vegetative ground cover in disturbed areas as soon as possible;*
- i. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;*
- j. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator; and*
- k. *Post a publicly visible sign in English and Spanish with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Monterey Bay Unified Air Pollution Control District's phone number shall also be visible to ensure compliance with applicable regulations.*

**Mitigation Monitoring Action #1:** The Monterey County Department of Public Works will include a "Fugitive Dust Control" note on all bid and construction documents that includes, but is not limited to, the measures set forth in Mitigation Measure AQ-1. During construction activities, the contractor shall obtain any required MBUAPCD permits and conduct all construction activities as required by the MBUAPCD.

- e. A sensitive receptor is generally defined as a location where human populations are concentrated, especially children, seniors, and sick persons, are located where there is reasonable expectation of continuous exposure to potentially harmful emissions. Sensitive receptors typically include residences, hospitals, and schools. The Area A and Area B projects include construction in proximity to existing residences along Sill Road and in proximity to the two residences on the private parcels south of Hall Road. There are no schools within one-quarter mile of the project site. Construction activity would also expose sensitive receptors in adjacent residences and the Church to increased PM<sub>10</sub> and equipment emissions.

Diesel engines emit a complex mix of pollutants including NO<sub>x</sub>, particulate matter, and toxic air contaminants (TACs). The most visible constituents of diesel exhaust are very



small carbon particles or "soot," known as diesel particulate matter (PM). Diesel exhaust also contains over 40 cancer-causing substances, most of which are readily adsorbed on the soot particles. Among the TACs contained in diesel exhaust are dioxin, lead, polycyclic organic matter, and acrolein.

Short-term exposure to diesel PM is associated with variable irritation and inflammatory symptoms. Diesel engine emissions are responsible for a majority of California's estimated cancer risk attributable to air pollution. In 2000, the California Air Resources Board (CARB) identified an average potential cancer risk of 540 excess cases per million people, statewide, from diesel PM. In addition, diesel PM is a significant fraction of California's particulate pollution. Assessments by CARB and U.S. EPA estimate that diesel PM contributes to approximately 3,500 premature respiratory and cardiovascular deaths and thousands of hospital admissions annually in California. Diesel exhaust contains several chemicals detrimental to visibility and vegetation (OEHHA 2001).

Diesel exhaust is especially common during the grading stage of construction (when most of the heavy equipment is used), and adjacent to heavily trafficked roadways where diesel trucks are common. EPA regulates diesel engine design and fuel composition at the federal level, and has implemented a series of measures since 1994 to reduce NO<sub>x</sub> and particulate emissions from off-road diesel equipment. EPA Tier 2 diesel engine standards were implemented from 2001 and 2006, Tier 3 standards from 2006-2008, and Tier 4 standards are being phased in through 2014. Ultralow sulfur off-road diesel fuel (15 ppm) became standard in 2010, replacing the current 500 ppm fuel. The Tier 4 engines and ultralow sulfur fuels have reduced emissions compared to older engines and fuel. CARB's Regulation for In-use Off-road Diesel Vehicles also established a state program to reduce emissions from older construction equipment, which will continue to reduce construction equipment emissions over time as older equipment is phased out. Specific to project-related construction activity, the implementation of Mitigation Measure AQ-1 will reduce the impacts of increased exposure to project-specific construction emissions to a less-than-significant level.

- f. Nuisance odors are commonly associated with refineries, landfills, sewage treatment, agriculture, etc. The proposed project may result in short-term construction-related odors (e.g., asphalt during paving); however any odors produced during construction activities would not affect a substantial number of people.

**4. BIOLOGICAL RESOURCES**

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Source: 1,2,3,12-14,16)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (Source: 1,2,3,12-16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1,2,15,17,18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1,2,3,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1,2,3,5,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1,2,3,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

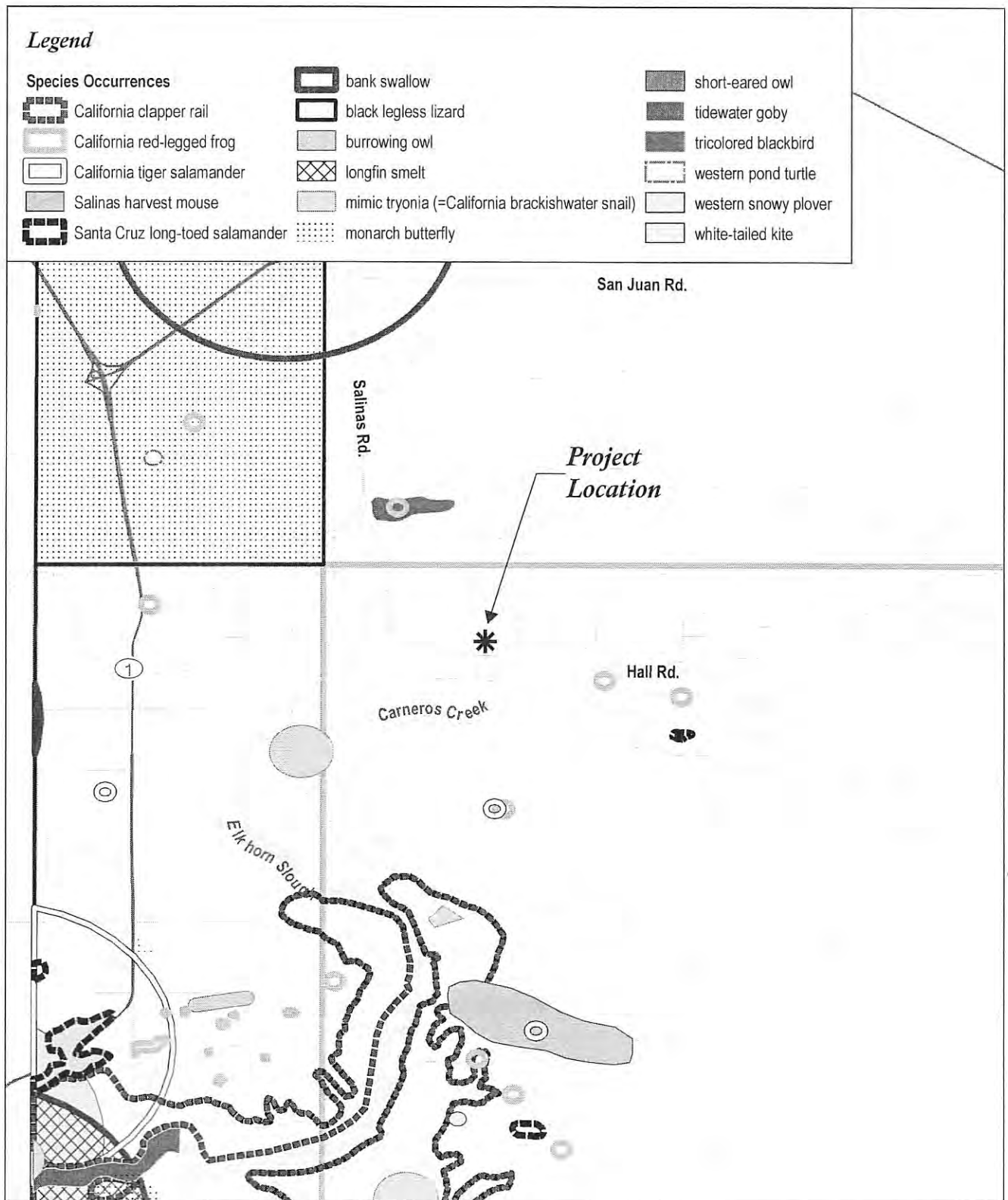
The 2009 MND did not identify significant impacts to biological resources resulting from the implementation of the Area A project that could not be mitigated to a less-than-significant level. A reconnaissance-level field survey and biological resources database searches for Area A were conducted on October 26, 2007. Updated biological resources database searches and a reconnaissance-level field survey of the Area A and Area B project sites were completed by Andrea Edwards, senior biologist with EMC Planning Group, on April 30, 2014. The 2014 reconnaissance-level field survey confirmed that conditions within the Area A boundary remain essentially unchanged from those identified and assessed in the 2007 survey. The proposed modifications to the Area A project would not result in new biological resources impacts, or increase the magnitude of identified impacts to an extent greater than those identified in the 2009 MND.

Searches of the California Department of Fish and Wildlife (CDFW) *California Natural Diversity Database* (CNDDDB) (CDFW 2014), the U.S. Fish and Wildlife Service (USFWS) *Endangered Species Program* (USFWS 2014), and the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants* (CNPS 2014) were conducted to determine which special-status species have been previously documented in the general project region. The project site is located within the Prunedale 7.5-minute U.S. Geological Survey (USGS) topographic quadrangle. The CNDDDB and CNPS searches included the Prunedale quadrangle, as well as the surrounding eight quadrangles. The USFWS search included Monterey County. A table listing the species identified in the database searches and their potential to occur within the project boundaries is included in Appendix B. Figure 5, Special-Status Species with the Potential to Occur in the Project Vicinity, shows the nearest recorded observations of special-status species as recorded in the CNDDDB.

The reconnaissance-level field surveys consisted of walking throughout the project site, making observations of and noting habitat conditions, surrounding land uses, and plant and wildlife species. Searches also were conducted for waters/waterways potentially under the jurisdiction of the U.S. Army Corps of Engineers (USACE), CDFW, and/or Regional Water Quality Control Board (RWQCB); sensitive natural communities; suitable habitat for special-status species; and wildlife movement corridors. Observations made during the 2014 survey are summarized in the following paragraphs.

**Vegetation.** Las Lomas Drive, Sill Road, and Hall Road are paved roads with limited unpaved shoulders. Residences are adjacent to both sides of the roadways and Las Lomas Market is located at the intersection of Hall Road and Willow Road. Vegetation on the road shoulders is dominated by non-native ornamental species maintained by the homeowners along the street and various non-native grasses and forbs. Species found along the road shoulders include Hottentot fig (also known as iceplant) (*Carpobrotus edulis*), silver wattle (*Acacia dealbata*), eucalyptus (*Eucalyptus globulus*), field mustard (*Hirschfeldia incana*), cheeseweed (*Malva parvifolia*), wild radish (*Raphanus sativa*), and scarlet pimpernel (*Anagallis arvensis*), and non-native grasses such as wild oat (*Avena barbata*), rescue grass (*Bromus catharticus*), and ripgut brome (*Bromus diandrus*).

Vacant land areas are located between Hall Road and Sill Road to the west and east of Las Lomas Drive at the intersection of Sill Road, Las Lomas Drive, and Hall Road (refer to Figure 2). As shown previously in Figure 3, Area A Photographs, and in Figure 4, Area B Photographs, these are ruderal areas, surrounded by busy roadways, in general provide marginal wildlife habitat, but could support low numbers of urban-adapted lizards and mammals



**Legend**

**Species Occurrences**

- |  |                                 |  |   |  |                      |
|--|---------------------------------|--|---|--|----------------------|
|  | California clapper rail         |  | bank swallow                                    |  | short-eared owl      |
|  | California red-legged frog      |  | black legless lizard                            |  | tidewater goby       |
|  | California tiger salamander     |  | burrowing owl                                   |  | tricolored blackbird |
|  | Salinas harvest mouse           |  | longfin smelt                                   |  | western pond turtle  |
|  | Santa Cruz long-toed salamander |  | mimic tryonia (=California brackishwater snail) |  | western snowy plover |
|  |                                 |  | monarch butterfly                               |  | white-tailed kite    |



Source: ESRI StreetMap North America 2012, California Natural Diversity Database 2014

Figure 5

**Special Status Species within the Project Vicinity**



Las Lomas Drainage Project Initial Study

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East of Las Lomas Drive, an open, partially lined storm water ditch transects the vacant land area between Sill Road and Hall Road. The ditch transports runoff water from small culverts along both sides of Las Lomas Drive and along Hall Road, eventually crossing under Hall Road before exiting the project boundary onto privately-owned parcels and ultimately draining to Carneros Creek. Vegetation within this undeveloped area and along the unlined portions of the ditch is dominated by ruderal, non-native weedy species including field mustard, wild radish, rabbit's-foot grass (*Polypogon monsepelensis*), poison hemlock (*Conium maculatum*), and curly dock (*Rumex crispis*). One medium-sized arroyo willow (*Salix lasiolepis*) was identified within the drainage. West of Las Lomas Drive, the vacant land between Sill Road and Hall Road consists of a relatively flat swale area dominated by Hottentot fig, along with various non-native species listed above.

**Wildlife.** A limited number of bird species were observed during the 2007 and 2014 field surveys: all of these are common species found in developed areas of Monterey County. Several birds were flying near or over the project site and perching in trees within the project vicinity. Raven (*Corvus corax*), mourning dove (*Zenaida macroura*), and western scrub jay (*Aphelocoma californica*) are representative avian species located in the project vicinity.

Common mammals are expected to occur in the immediate project vicinity. California ground squirrel (*Spermophilus beecheyi*) and signs of pocket gopher (*Thomomys bottae*) were observed during the surveys. Raccoon (*Procyon lotor*) and striped skunk (*Mephitis mephitis*) are known from the greater project vicinity and are expected to occur within the project site. A number of species of small rodents including mice (*Mus musculus*, *Reithrodontomys megalotis*, and *Peromyscus maniculatus*) and voles (*Microtus californicus*) are also likely to occur.

a. **Special-Status Species**

Appendix B includes a table identifying special-status species documented in the general project region. Special-status species (with the exception of protected nesting birds, discussed below) are not expected to occur on the project site due to the extent of disturbed and developed areas within the project boundary, and the resulting lack of suitable habitat.

**Special-Status Plants.** Special-status plants generally occur in relatively undisturbed areas and are largely found within unique plant communities and/or habitats such as coastal scrub or alkaline flats. Although surveys occurred outside of the blooming period for some plant species, there is no suitable habitat within the project site for the special-status plant species known from the greater project region (Appendix B), and none are expected to occur. The extent of disturbed and developed areas within the project boundary and dominance of non-native annual and perennial species and continual site disturbance preclude the presence of special-status plant species.

**Special-Status Wildlife.** With the exception of nesting birds or raptors, discussed below, no special-status wildlife species are expected to occupy the disturbed and developed habitats existing within the project site. As shown on Figure 5, Special-Status Species



with the Potential to Occur in the Project Vicinity, the project site occurs within potential habitat for one species, California red-legged frog. This species is discussed in more detail below. The remaining species listed in Appendix B are not expected to occur at the project site and are therefore not likely to be affected by the proposed project.

**California red-legged frog.** The California red-legged frog is federally listed as threatened and is a state “Species of Special Concern.” California red-legged frogs occur in wetland habitats with deep pools and emergent vegetation. This species is found near perennial water during the dry season and can disperse long distances away from water during and after winter rains. California red-legged frog is known to occur within the project vicinity, however the drainage ditches and channels proposed for modification as a result of the project are only periodically inundated during high rainfall events and the project site is located adjacent to or within existing paved roadways. Emergent vegetation does not occur within the ditches or channels and water does not pond long enough to support breeding activity. This species is not likely to occur within the project site.

**Nesting Birds and Raptors.** Non-native ornamental trees and shrubs present in and adjacent to the project site have potential to provide breeding habitat for nesting birds protected by the California Fish and Game Code and/or the federal Migratory Bird Treaty Act. If any active nest(s) of protected bird species should occur on or adjacent to the site, then noise-generating construction activities conducted during the bird nesting season (February 1 to September 15) could result in bird nest failure/abandonment. This would be a significant impact. Implementation of the following mitigation measure would reduce this potentially significant impact to a less-than-significant level.

#### **Mitigation Measure**

*BIO-1. If construction activities begin during the bird nesting season (February 1 to September 15), or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, then the Monterey County Department of Public Works will retain a County-approved consulting biologist to conduct a pre-construction survey for nesting birds. The survey shall be performed within suitable nesting habitat areas in and adjacent to the site to ensure that no active nests would be disturbed during project implementation. This survey will be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and plan for active bird nest avoidance (if needed) will be completed by the qualified biologist and submitted to the Monterey County Resource Management Agency Planning Department for review and approval prior to construction activities.*

*If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall determine and clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species,*

*existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist.*

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

**Mitigation Monitoring Action #2:** The Public Works Department will include a “Pre-Construction Survey” note on all project bid and construction documents that includes, but is not limited to, the measures set forth in Mitigation Measure BIO-1. Prior to tree removal or construction occurring between February 1 – September 15, a pre-construction nesting bird survey shall be conducted at the proposed project site in accordance with Mitigation Measure BIO-1.

**b. Sensitive Natural Communities**

No sensitive natural communities are present on the site; therefore, no impacts would occur. The two isolated willows found within the drainage channel along Hall Road are not associated with the species composition and hydrologic characteristics typical of functioning riparian habitat; therefore, no impacts to riparian habitat would occur as a result of the project.

**c. Waterways and Wetlands**

The USACE regulates impacts to two general categories of aquatic features: wetlands and waters of the U.S. Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Waters of the U.S. are tributaries of and waters utilized for interstate or foreign commerce as well as all other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce.

Natural drainage channels (waterways) and wetlands are considered Waters of the U.S. The USACE regulates the filling or grading of such waters by authority of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by ordinary high water marks on opposing channel banks.

Wetlands are habitats with soils that are intermittently or permanently saturated, or inundated. The resulting anaerobic conditions select for plant species known as hydrophytes that show a high degree of fidelity to such soils. Wetlands are identified by

the presence of hydrophytic vegetation, hydric soils (soils intermittently or permanently saturated by water), and wetland hydrology according to methodologies outlined in the 1987 Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987).

The USFWS definition of wetlands states that wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE. Discharge permits are typically issued on the condition that the applicant agrees to provide mitigation resulting in no net loss of wetland function or value. In addition to individual discharge permits, the USACE issues nationwide permits applicable to certain activities. Nationwide Permit 43 covers storm water management facilities of up to one-half acre within non-tidal wetlands, with notification required over one-tenth acre, and a compensatory mitigation proposal required in all cases. Under the nationwide permits, discharge of fill must be minimized to the extent practicable. No discharge permit can be issued until the RWQCB issues a certification (or waiver of such certification) that the proposed activity will meet state water quality standards. The RWQCB is also responsible for enforcing National Pollutant Discharge Elimination System (NPDES) permits, including the General Construction Activity Storm Water Permit.

The CDFW has jurisdiction over the bed and bank of natural drainages according to provisions of Section 1601 and 1603 of the California Fish and Game Code. Activities that would disturb these drainages are regulated by the CDFW via a Streambed Alteration Agreement. Such an agreement typically stipulates certain measures that will protect the habitat values of the drainage in question and any associated riparian habitat.

As part of the former project, the *Las Lomas Drive Bicycle and Pedestrian Path Jurisdictional Waters Delineation* was conducted for Area A by EMC Planning Group on October 26, 2007. The 2007 delineation identified constructed drainage ditch and drainage channel features within the Area A project boundary as potentially jurisdictional features. Based on the final jurisdictional report for Area A, the total length of potential jurisdictional Waters of the U.S. within Area A was 2,774 linear feet, encompassing approximately 0.234 acres. No wetlands were identified within Area A. EMC Planning Group prepared and submitted a request for USACE verification in August 2008 and the USACE issued a jurisdictional determination on October 2, 2009 (Appendix C).

A second preliminary delineation report is in progress that includes both Area A (as delineated by the USACE in 2009) and Area B. The preliminary wetland delineation was conducted on April 30, 2014 by Andrea Edwards and William Goggin, staff biologists with EMC Planning Group. The purpose of the second preliminary wetland delineation

was to revisit conditions at Area A and to assess Area B. Field observations made during the new survey confirmed the findings of the jurisdictional determination for Area A and identified additional potential jurisdictional waters within Area B. Area B is discussed in more detail, below.

Area B consists of approximately 896 linear feet of drainage ditches and drainage channels along Hall Road. Traveling from west to east, Area B begins with an unlined drainage ditch or swale with few features indicating active drainage. Vegetation is limited to non-native grasses and herbaceous species and a single arroyo willow. Runoff from the swale enters a constructed underground drainage culvert under Las Lomas Drive and enters the drainage channel along Hall Road, at the termination of the area described as Area A. Parallel to Las Lomas Drive is an underground drainage culvert approximately one foot wide and 55 feet long. This culvert ends adjacent to the culvert under Las Lomas Drive within the drainage channel along Hall Road.

The drainage channel along Hall Road extends east for approximately 400 feet; the first 210 feet is four feet wide and unlined, the remaining 190 feet is 6 feet wide and lined with concrete. The unlined portion of the drainage channel supports non-native grasses and herbaceous species and a single arroyo willow. Prior to a private driveway, the drainage channel enters an underground, 48-inch wide drainage culvert and crosses diagonally under Hall Road, daylighting again between two residential driveways on the south side of Hall Road. From the end of the culvert, a 4-to 6-foot wide drainage ditch extends to the end of the project boundary, immediately east of a residential driveway. Beyond the project boundary, the drainage enters an approximately 8-foot wide swale, and then follows a narrow incised channel approximately 1,500 feet south to Carneros Creek. As such, the storm water ditches present within and adjacent to the project site form a hydrologic connection to Carneros Creek, which drains to Elkhorn Slough and eventually to the Pacific Ocean.

Impacts to drainages forming a hydrologic connection to “navigable” waters are considered jurisdictional by the USACE. However, due to the lack of dominant hydrophytic vegetation, the absence of hydric soils, and the infrequent flooding events associated with storm water runoff that represent the source of hydrology, the drainage ditches and channels within both Area A and Area B are not considered wetlands under the definitions provided by the USACE and CCC.

Based on the results of the 2014 preliminary wetland delineation, both project components have the potential to significantly impact jurisdictional Waters of the U.S.; however, construction drawings are not yet available in sufficient detail to identify the extent of anticipated disturbance to potential jurisdictional waters within Area B. For this reason, a revised jurisdictional waters delineation report is being prepared to document the potentially jurisdictional features within both project areas and to form the basis for a new or amended request for jurisdictional determination from the USACE for both project components. The revised jurisdictional waters delineation and request for jurisdictional determination will be resubmitted to the USACE.



Implementation of the following mitigation measure would ensure that impacts to potential jurisdictional Waters of the U.S. would be reduced to a less-than-significant level.

### **Mitigation Measures**

*BIO-2. Prior to commencement of construction activities in Area A and Area B, Monterey County Department of Public Works will conduct a jurisdictional waters delineation to document the extent of potentially jurisdictional Waters of the U.S. within the Area A and Area B project boundary which may be regulated by the U.S. Army Corps of Engineers (USACE). The delineation report will also contain a determination of the extent of potential impacts to jurisdictional areas resulting from project implementation.*

*Pursuant to Clean Water Act Section 404 Nationwide Permit (NWP) 14; if the discharge causes the loss of less than 1/10-acre to Waters of the U.S., no further action is required. If impacts to jurisdictional areas are less than 1/3 acre but greater than 1/10 acre, the Monterey County Department of Public Works will notify the USACE District Engineer in accordance with requirements specified in NWP 14. If impacts to jurisdictional areas are greater than 1/3 acre, or if the proposed activity would not otherwise qualify for NWP 14, the Monterey County Department of Public Works will proceed with obtaining an Individual Permit from the USACE. In addition to a Section 404 permit from the USACE, a Streambed Alteration Agreement from the CDFW and a Water Quality Certification (Section 401 of the Clean Water Act) from the Central Coast Regional Water Quality Control Board (RWQCB) will be obtained.*

**Mitigation Monitoring Action #3:** Prior to commencement of construction activities in Area A and Area B, Monterey County Department of Public Works will conduct a jurisdictional waters delineation to document the extent of potentially jurisdictional Waters of the U.S. within the Area A and Area B project boundary and obtain applicable permits from USACE, CDFW, and the RWQCB, as described in Mitigation Measure BIO-2.

During construction activities, erosion of graded soils and steep un-vegetated slopes could result in downstream sedimentation of the intermittent drainages. Although the effects of pollutants from the proposed project alone would be insignificant, when combined with pollutants from other sources, the proposed project could have a significant cumulative effect on downstream water quality. This would be a potentially significant cumulative impact. Implementation of the following mitigation measure in coordination with the mitigation measures in Hydrology and Water Quality, requiring storm water quality measures, would reduce this impact to a less than significant level.

## Mitigation Measure

*BIO-3. In order to allow a prompt and effective response to any accidental spills occurring during construction, and to protect on-site and downstream water quality and habitat, the Department of Public Works will require the contractor to prepare a spill abatement plan and hold a pre-construction worker orientation meeting(s) to discuss the spill abatement plan. Workers will be informed of the importance of preventing spills, and of the appropriate measures to take should a spill occur. The materials necessary for the initial response to a spill will be kept at an easily accessible location on the project site. The erosion control plan will include but not be limited to the following best management practices:*

- a. Temporary mulching, seeding or other suitable stabilization measures to protect exposed erodible areas during construction;*
- b. Earth or paved interceptors and diversions installed at the top of cut or fill slopes where there is a potential for erosive surface runoff;*
- c. Erosion and sediment control devices for all grading and filling. Control devices and measures could include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water; and*
- d. Within thirty days after completion of grading, all surfaces disturbed by vegetation removal, grading, or other construction activity that alters vegetative cover, should be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measure, including but not limited to those described in USDA Soil Conservation Service Bulletin 347.*

**Mitigation Monitoring Action #4:** The Monterey County Department of Public Works will include the measures set forth in Mitigation Measure BIO-3 on all bid documents for the proposed project: The project contractor shall prepare a spill abatement plan and hold pre-construction worker orientation meeting(s) to discuss the spill abatement plan. Workers will be informed of the importance of preventing spills, and of the appropriate measures to take should a spill occur. The materials necessary for the initial response to a spill will be kept at an easily accessible location on the project site.

### d. **Wildlife Movement**

Wildlife movement corridors provide connectivity between habitat areas, enhancing species richness and diversity. Impacts from development, such as habitat fragmentation and/or isolation, as well as the creation of impassable barriers can cause a significant impact to wildlife corridors. Because the proposed project is limited to the widening of existing linear features, impacts to wildlife movement are not expected. Further, no native wildlife nursery sites are present in the project site.



e. **Local Biological Resource Protection Policies**

The USFWS definition of wetlands is based upon a feature identical to that contained in the Coastal Act definitions; therefore, the California Coastal Commission uses the USFWS classification system as a guide in wetland identification. Consistent with California Coastal Act Section 30121 definitions, wetlands are also defined in the North County LUP/LCP as lands within the Coastal Zone, which may be covered periodically or permanently with shallow water and include saltwater marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens. No wetlands meeting the North County LUP/LCP and Coastal Act definitions are present within the project site. No mitigation is necessary.

Regulated trees as defined by Monterey County Coastal Implementation Plan Section 20.144.050 include native trees 12 inches or more in diameter at breast height (DBH) and oak trees six inches or more in diameter measured two feet above the ground. Landmark trees include eucalyptus and Monterey pine trees that are 36 inches DBH or more, and any other types of tree that are 24 inches DBH or more.

During the design phase of the Area A improvements, the project engineer determined that in order to meet RWQCB storm water facility design criteria, three trees adjacent to Las Lomas Drive would need to be removed to accommodate the drainage improvements. Two of the trees qualify as protected trees under the North Monterey County Coastal Implementation Plan. The locations of the three trees proposed for removal are on the east edge of Las Lomas Drive within Area A and are shown on Figure 2.

The two trees regulated by the County consist of one native Monterey pine tree and one eucalyptus tree. On October 6, 2014, EMC Planning Group certified arborist, Andrea Edwards, conducted a field survey of the three trees proposed for removal. During the survey, trunk DBH measurements and qualitative health observations were recorded in field notes, and photographs and location coordinates were taken. The results of the survey and assessment are included as Appendix D.

The northernmost tree proposed for removal is a gum tree (*Eucalyptus sp.*) that is 36 inches in DBH, which qualifies as a landmark tree. It is in fair health, but has an unbalanced canopy with most foliage positioned over the roadway, and some dead foliage. The lower trunk contains many nails, apparently used by residents to post signs, and stripped bark conditions. This large tree is about 80 feet tall and 45 feet wide, located next to a patch of willows (*Salix sp.*) and residential driveways.

The second tree surveyed is a native Monterey pine (*Pinus radiata*) that is 23 inches in DBH. It is positioned on a bank above the roadway, in front of a single-family residence. It is in poor health, with signs indicating possible insect infestation (by bark beetles, pine pitch moth, etc.) and/or infection by pitch canker, a disease that affects many pine species and is caused by a fungus (*Fusarium circinatum*). The tree exhibits branch dieback, is oozing sap from multiple trunk wounds, and has many brown needles probably due to current exceptional drought conditions in the region. This tree is about 55 feet tall and 40 feet wide.

The third tree proposed for removal is a non-native ornamental mulberry tree (*Morus sp.*) with two branches measuring eight and seven inches in DBH. It is also positioned on a bank above the roadway, in front of a single-family residence. This tree is about 15 feet tall with a canopy 25 feet wide, has been significantly pruned in the past, is in fair health, and is not a protected tree. .

An approved tree permit is required for the removal of three or fewer protected trees without the preparation of a forest management plan. Due to their location in an urbanized area, the trees are not considered contributors to forest resources, and were likely planted for ornamental purposes. The removal of the two protected trees is subject to the County's standard conditions of approval that require on-site tree replacement plantings (with replacement tree location, size, species, ratio, monitoring, etc. to be determined by the County and specified in the combined development permit requirements). The arborist recommends that tree removals should be performed by a professional tree removal service, and general Best Management Practices should be followed during construction activities to protect remaining trees, water quality, and other natural resources. The proposed removal of the two protected trees is included in the combined development permit application for the proposed project. No mitigation is necessary.

f. **Habitat Conservation Plans**

No Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans include the proposed project site. Therefore no Habitat Conservation Plan impacts would occur and no mitigation is necessary.

**5. CULTURAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1,4,27,28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1-4,27,28)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1-4,27,28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1-4,27,28)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a/b/d. The project site is located in an area where sensitive archaeological resources have been discovered in the past and the North County LUP/LCP (page 37) requires the protection of sensitive and potentially sensitive archaeological resources during grading and other earth-disturbing activities. However, the North County LUP/LCP also notes that the project site is not located in an archaeologically sensitive area (page 55). There is always the possibility that buried resources could be accidentally discovered during earth-disturbing activities.

Impacts to cultural resources resulting from implementation of the Area A project were addressed in the 2009 MND. No significant impacts were identified that could not be mitigated to a less-than-significant level. The proposed modifications to the Area A project would not result in new impacts or greater impacts than those identified and addressed in the 2009 MND. No additional mitigation for the Area A improvements are necessary.

For the Area B improvements, a records search was conducted in June 2014 by the Northwest Information Center (NWIC) to update the results of an Area A search conducted in October 2007. According to the record search, the proposed project area contains no recorded Native American or historic-period archaeological resources. No paleontological resources were identified in the area. The NWIC has no record of an archaeological study of the project area, and state and federal inventories list no historic properties within the proposed project area. However, the report states that there is a moderate to high likelihood that unrecorded Native American cultural resources may exist within the Area B site. Subsequently, a preliminary archaeological survey of the

Area B project site was conducted on July 7, 2014, by Archaeological Consulting, a firm qualified by Monterey County to conduct such investigations. The survey included archival research and a field investigation. No indicators of potentially significant cultural and/or archaeological resources were observed on the project site, and the archaeologists recommends that the project should not be delayed for archaeological reasons.

Although there is no evidence of potentially sensitive cultural and/or archaeological resources, including human remains, present on the project site, there is the possibility of an accidental discovery of human remains during construction. Standard County conditions of approval require that all construction activities must stop if cultural resources are found during construction activities. The Department of Public Works will implement the County's required conditions of approval to ensure that potential impacts to prehistoric and historic archaeological resources would be less than significant.

- c. The project site consists of improved surfaces and areas disturbed in the past by roadway and drainage improvements. No paleontological resources or unique geologic features have been observed within the project site during the archaeological survey, and it is not anticipated that any would be found during construction activities due to the disturbed nature of the site. Therefore, the proposed project would not directly or indirectly destroy any known unique paleontological resources or sites with unique geologic features. However, in the unlikely event that paleontological resources are found during construction activities, the Monterey County Department of Public Works will implement the County's required standard conditions of approval to ensure that potential impacts to undiscovered paleontological resources would be reduced to a less than significant level.

**6. GEOLOGY AND SOILS**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1-4).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1-4,9, 12)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 2,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: 2.9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source:1,2,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a-d. Impacts resulting from implementation of the Area A project were addressed in the 2009 MND, which did not identify any significant impacts related to Geology and Soils. The proposed modifications to the Area A project would not result in new or greater impacts than those identified and addressed in the 2009 MND and adopted MMRP. No additional mitigation is required for the Area A project.

The proposed Area B project is located in the same geographic area as Area A and would be exposed to the same seismic hazards. According to the 1982 Monterey County General Plan and North County LUP/LCP, seismic effects experienced by past earthquake activity include liquefaction and strong shaking. The most seismically active



feature in the immediate vicinity of the project site is the San Andreas Fault, and other active faults are located near the area. The Vergales Fault is located approximately three miles northeast of the project site. The site is not within an Alquist-Priolo Earthquake Fault Zone. Therefore, no potential impacts from fault rupture are anticipated.

The site is within seismic hazard zone IV (“moderately high” seismic hazard) as identified in Figure 4, Seismic Hazards, of the North County Land Use Plan. The project would not result in the construction of habitable structures, and the topography of the Area B project site is relatively flat. Therefore, the risk of damage or human harm from seismic activity is low.

According to the Soil Survey of Monterey County (USDA Natural Resource Conservation Service, 1978), the site includes one soil type: Santa Ynex fine sandy loam. Runoff on this soil type is rapid and the erosion hazard is high. The proposed project includes the installation of velocity interceptors and other storm water facilities to moderate storm water flows from upstream areas as they enter and traverse the Area B site. Construction of the proposed project would temporarily expose soils to the effects of wind erosion; however, implementation of Mitigation Measure AQ-1 would reduce these impacts to a less-than-significant level. No additional mitigation is required.

- e. Septic tanks or alternative wastewater disposal systems are not included as part of this project.

**7. GREENHOUSE GAS EMISSIONS**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1,29)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1,29)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a-b. Impacts related to GHG emissions were not addressed in the 2009 MND. Therefore, the discussion in this section addresses impacts resulting from Area A and Area B emissions-generating activities. As discussed in the analysis of air quality impacts, the proposed project would not generate long-term operational emissions. Sources of GHG emissions would occur only during construction and would consist of equipment exhaust, mobile emissions from workers traveling to and from the site, and a limited amount of emissions from the curing of new pavement.

MBUAPCD has not yet adopted formal thresholds of significance for GHG emissions and has been informally recommending that local lead agencies consider using thresholds of significance for operational emissions adopted by the San Luis Obispo County Air Pollution Control District (SLOAPCD) as described in its *CEQA Air Quality Handbook, a Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review*. However, neither district has adopted thresholds specific to emissions resulting solely from construction.

General screening criteria used by the SLO County APCD to determine the type and scope of projects requiring an air quality assessment, and/or mitigation, is presented in the handbook, Table 1-1, Operational Screening Criteria for Project Air Quality Analysis. Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial and industrial development. Quantified construction emissions are typically amortized over the lifetime of a project (50 years for residential projects and 25 years for commercial projects) and added to the project's annual average operational emissions for comparison to the SLOAPCD operational thresholds. The criteria listed by the district are based on project size in an urban or rural setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. Projects that are equal to or smaller in size than those listed in the table are not expected to exceed the thresholds, and quantification of their emissions is not required by SLOAPCD.

According to the table, development of 49 or fewer single-family dwelling units in a rural setting would not be expected to exceed the SLOAPCD thresholds of significance for GHG emissions. The proposed drainage infrastructure improvements would occur on approximately five acres in an area zoned for single-family residential uses subject to the 1982 Monterey County General Plan residential land use density of 1.4 dwelling units per acre. For comparison purposes, a maximum of seven residential dwelling units with related infrastructure could be constructed on a five-acre site consistent with the residential density, and would be expected to generate emissions well below the SLOAPCD operational threshold of 49 single-family residential units. Although a limited amount of GHG emissions would be generated by the proposed project during construction, the proposed project does not involve changes in land use that would increase long term operational air or GHG emissions. Similarly, construction of the proposed drainage improvements would not be expected to generate GHG emissions that would exceed annual thresholds. The proposed project's contribution to cumulative GHG impacts would not be cumulatively considerable.

**8. HAZARDS AND HAZARDOUS MATERIALS**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1,2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1,2, 20)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1-4,21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

Impacts resulting from implementation of the Area A project were addressed in the 2009 MND, which did not identify any significant impacts related to hazards and hazardous materials. The proposed modifications to the Area A project would not result in new or greater impacts than those identified and addressed in the 2009 MND and adopted MMRP. No additional mitigation is required for the Area A project.

- a/c/d. The Area B project would not use, transport, emit, or handle hazardous materials, nor is the site located on any list of hazardous materials sites compiled pursuant to Government Code section 65962.5. There are no schools located within one-quarter mile of the project site.
  
- b. During construction activities, erosion of graded soils and un-vegetated slopes could result in downstream sedimentation of the intermittent drainages. Although the effects of pollutants from the proposed project alone would be insignificant, when combined with pollutants from other sources, the proposed project could have a significant cumulative effect on downstream water quality. This would be a potentially significant cumulative impact. Implementation of Mitigation Measure BIO-3, in coordination with the mitigation measures in Hydrology and Water Quality, requiring storm water quality measures, would reduce this impact to a less than significant level
  
- e/f. The Area B project site is not located within an airport land use plan, within two miles of a public airport, or in the vicinity of any private airstrips.
  
- g/h. The North County LUP/LCP identifies the neighborhoods adjacent to the Area B project site in a high fire hazard zone. The North County LUP/LCP Policy 2.8.3 (B)(5) states that roads serving residential development in high fire hazard areas shall be adequate to serve emergency equipment. Hall Road is a primary east-west travel route between State Route 1 to the west and U.S. Highway 101 to the east. Las Lomas Drive is used as primary access for the neighborhoods to the north of Hall Road. During construction temporary lane closures and one-way traffic may be required. Construction activities that block emergency equipment access would be a significant impact; however, thru access along Hall Road and access to the neighborhood would be maintained through directional controls.



**9. HYDROLOGY AND WATER QUALITY**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source: 1-4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: 1-3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1-3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1-4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Discussion/Conclusion/Mitigation:**

Impacts resulting from implementation of the Area A project were addressed in the 2009 MND, which did not identify any significant impacts related to hydrology and water quality that could not be reduced to less-than-significant through the implementation of mitigation measures. The proposed modifications to the Area A project would not result in new or greater impacts than those identified and addressed in the 2009 MND and adopted MMRP. No additional mitigation is required for the Area A project.

- a. As with Area A, the proposed Area B project does not involve uses that demand permanent connection to a water supply and would not result in an intensification of water use or in an increase in wastewater generation. Therefore, violations of waste discharge requirements would not occur.
- b. The proposed Area B project would not affect groundwater or interfere significantly with groundwater recharge. The topography of the Area B site is relatively flat and existing drainages consist of a very gradual slope from Sill Road with few areas where surface water might pool and percolate into the ground. However, the proposed project includes the installation of bio-retention facilities on both sides of Las Lomas Drive between Sill Road and Hall Road, where increased percolation would occur. The proposed project would not alter groundwater recharge rates that would negatively affect the availability of groundwater.
- c-f. The overall drainage pattern of the site will remain unchanged, albeit with some modification to existing drainage facilities. The proposed Area B project includes the installation of a storm water velocity interceptor and replacement of existing culverts inlets and outfalls. Another velocity interceptor will be installed at the drainage outfall on the south side of Hall Road. The existing culvert beneath Hall Road will also be replaced. Drainage from Las Lomas Drive and Sill Road would be captured in the proposed bio-retention facilities and excess flows would continue to be transported to the Hall Road ditch. The capacity of all storm water drainage improvements would be designed to meet or exceed a 10-year storm event.

As noted in the project description and discussion of biological resources, the Hall Road drainage ditch eventually discharges into Carneros Creek, which is a major freshwater tributary to Elkhorn Slough, a National Estuarine Sanctuary. Surface water runoff from the project site, especially during construction, has the potential to transport urban pollutants and silt to Carneros Creek and ultimately to the slough. The proposed project would maintain existing drainage patterns and the installation of the bio-retention facilities would capture runoff for percolation on-site. As such the project would not substantially alter the existing drainage pattern in a manner that would result in substantial erosion or siltation on- or off-site and the impacts are less than significant. Likewise, the proposed project would have a less-than-significant effect on downstream flooding and related effects. Potential water quality impacts and their effects to wildlife and potential jurisdictional waters are discussed in Section 4, Biological Resources.

Surface water runoff from the project site, especially during construction, has the potential to transport urban pollutants and silt to down-slope areas. Storm drainage from the subject roadways will continue to be conveyed via storm drainage facilities in a manner consistent with existing storm drainage conditions; however, during construction, vegetation removal and grading associated with the Area B improvements would expose moderately erosive soils to the erosive effects of wind and rain. To ensure that construction phase soil erosion is minimized, the County will implement erosion control measures and storm water quality best management practices. Required erosion control measures for construction activities are defined in the County's Erosion Control Ordinance (*Monterey County Code* Chapter 16.08), and include revegetation of the site. The Monterey County Department of Public Works will prepare and implement an erosion control plan as a standard condition of approval.

Construction-related water quality degradation is regulated by the National Pollutant Discharge Elimination System (NPDES) program, which was established by the Clean Water Act. In California, the Regional Water Quality Control Board (RWQCB) administers the NPDES program. Projects that would disturb more than one acre of land during construction are required to file a notice of intent to be covered under the State NPDES General Construction Permit for discharge of storm water associated with construction activities. Best management practices (BMPs) will be implemented to reduce water quality impacts on downstream water bodies, including certain activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements and operating procedures. Additionally, North County LUP/LCP Policy 2.5.3 (C)(6)(c) requires applicants to prepare erosion control plans per the County Erosion Control Ordinance, as noted above. To ensure that the project is consistent with the North County LUP policies and NPDES program and thereby reduce potential construction phase water quality impacts to a less-than-significant level, the following mitigation measure will be implemented:

#### **Mitigation Measure**

- H-1. The Monterey County Department of Public Works will prepare and file a Notice of Intent (NOI) to the RWQCB prior to grading activities. The County will implement control measures that are consistent with the State Construction Storm Water General Permit and with recommendations and policies of the local agency and the Regional Water Quality Control Board. The State Construction Storm Water General Permit requires a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP uses storm water "Best Management Practices" to control runoff, erosion and sedimentation from the site. The SWPPP has two major objectives:*
- a. To help identify the sources of sediments and other pollutants that affect the quality of storm water discharges; and*
  - b. To describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges.*

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

**Mitigation Monitoring Action #5:** Prior to the onset of construction the Department of Public Works will prepare and file a Notice of Intent (NOI) to the RWQCB prior to grading activities. The County will implement control measures of Mitigation Measure H-1 that are consistent with the State Construction Storm Water General Permit and with recommendations and policies of the local agency and the RWQCB.

- g-j. The proposed project does not include the construction of housing or structures. Also, the site is not located in an area that is at risk of inundation from the failure of a levee or dam, or an area subject to seiche, tsunami, or mudflow.

<b>10. LAND USE AND PLANNING</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Physically divide an established community? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a-c. Refer to Section IV.

**11. MINERAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (2-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a/b. Refer to Section IV.

**12. NOISE**

<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1-4, 24)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1,2,24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1-4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



### **Discussion/Conclusion/Mitigation:**

Impacts resulting from implementation of the Area A project were addressed in the 2009 MND, which did not identify any significant impacts related to noise that could not be reduced to a less-than-significant level. The proposed modifications to the Area A project would not result in new or greater impacts than those identified and addressed in the 2009 MND. No additional mitigation is necessary for the Area A project.

- a/d. The Area B project site is located adjacent to an established residential neighborhood. A number of residences are present on Sill Road within 100 feet of the project site and sensitive receptors could be exposed to potentially significant noise during construction. This would be considered a significant impact. Construction-activities typically generate sporadic, rather than continuous increases to ambient noise levels for short periods of time. Noise generated by construction equipment can reach high levels and excessive noise during the evening or early morning hours is generally considered to result in the greatest impact and annoyance to noise sensitive receptors.

The U.S Environmental Protection Agency has found that the noisiest equipment operating at construction sites typically range from 88 dBA to 91 dBA at 50 feet. Monterey County Ordinance 10.60.040 restricts noise from any machine to 85 decibels (measured at 50 feet distant), unless that machine is more than 2,500 feet from the nearest occupied dwelling unit, a standard more applicable to construction noise, which is both temporary and sporadic. Typical operating cycles may involve two minutes of full power, followed by three to four minutes at lower settings. Noise from localized point sources (such as construction sites) typically falls off by about 6 dBA with each doubling from source to receptor. Sensitive receptors located within approximately 1,200 feet of construction activities could experience an increase in ambient noise levels of 3 dBA or greater.

Noise generated during the construction phase will be temporary in nature and equipment sources would vary over the five-month construction period. Noise generated during the evening or early morning hours is generally considered to result in the greatest impact and annoyance to noise sensitive receptors, a factor taken into account with the Ldn (level day-night) descriptor. Assuming construction equipment complies with Ordinance 10.60.040, locations 50 feet from construction activities could experience sporadic noise levels of up to 85 dBA, and locations 200 feet from the construction activity could experience sporadic noise levels of up to 73 dBA. Continued exposure to noise levels over 85 dBA is considered dangerous according to the U.S. Environmental protection Agency, and lower noise levels can result in extreme disruption and annoyance to residents.

Although noise generated during the construction phase would be temporary and sporadic in nature, if the noise is sufficiently continuous during construction hours, it could potentially result in an increase in the averaged noise levels of the project vicinity. The primary noise sensitive land uses in the project area are the single-family rural

residential homes located in proximity to the site. These homes are setback from the current edge of pavement by varying distances, with the closest within approximately 50 feet of the Sill Road and Las Lomas Drive. The main source of noise that currently affects these homes is from traffic on these roadways and Hall Road. These receptors could experience an increase in ambient noise levels of 3 dBA or more due to construction activities, which would be considered a significant impact. Implementation of the following mitigation measure would reduce significant impacts from a temporary increase in noise levels to a less-than-significant level.

### **Mitigation Measure**

*N-1. The Monterey County Department of Public Works will include the following noise reduction measures in all construction bids and plans:*

- a. Limit construction activity to weekdays between 7 AM and 7 PM and Saturdays and holidays between 9 AM and 7 PM, with no construction on Sundays;*
- b. All equipment shall be in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive train, and other components;*
- c. All equipment with internal combustion engines shall be equipped with a type of muffler recommended by the vehicle manufacturer;*
- d. Dirt berm and stockpile materials whenever possible to help reduce noise to adjacent residences; and*
- e. The following equipment should be considered to minimize noise in the surrounding area:*
  - Earth Removal: Use scrapers as much as possible for earth removal rather than the noisier loaders and hauling trucks;*
  - Backfilling: Use a backhoe for backfilling, as it is less costly and quieter than either dozers or loaders; and*
  - Ground Preparation: Use a motor grader rather than a bulldozer for final grading.*

**Mitigation Monitoring Action #6:** Prior to construction the Department of Public Works will include the measures contained in Mitigation Measure N-1 on all bid and construction documents.

- b. Ground-borne vibration or ground-borne noise is not expected during construction activities for the proposed project.*
- c. The proposed project will generate temporary increases in ambient noise levels during construction. However, the project does not increase the capacity of the roadway; therefore, the project would not permanently increase ambient noise levels on or near the*

project site. With implementation of Mitigation Measure N-1 temporary noise impacts during construction would be less than significant.

e/f. The project site is not located within two miles of any airport or private airstrip.

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a-c. Refer to Section IV.

**14. PUBLIC SERVICES**

<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a-e. Refer to Section IV.

**15. RECREATION**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a/b. Refer to Section IV.

**16. TRANSPORTATION/TRAFFIC**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a-d/f. With the exception of temporary traffic delays during construction, the proposed project does not alter lanes or include development that would affect roadway capacity, public transit, bicycle or pedestrian facilities. The proposed drainage project would not increase traffic (with the exception of a small level of temporary construction traffic), exceed an established level of service standard, or cause a change air traffic patterns. As such the proposed project would not conflict with County policies for public transit, bicycle and pedestrian facilities.



- e. As noted in Section 8, Hazards and Hazardous Materials, the proposed project would not result in inadequate emergency access. During construction temporary lane closures and one-way traffic may be required; however, through access along Hall Road and access to the neighborhood would be maintained through directional controls

17. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1-4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1-4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1,2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a,b,d-g. The proposed project does not include uses that require wastewater or water service connections, nor require solid waste collection beyond the level necessary for disposal of construction and excavation spoils.

c. The proposed project includes the replacement of unimproved drainages with new underground velocity interceptors. All improvements are designed to a 10-year storm

event. No new drainage patterns or routes are proposed. The existing overall drainage pattern of the site would remain relatively unchanged. Refer to Section 9, Hydrology and Water Quality, for additional discussion and mitigation. During construction activities the proposed project has the potential to impact nesting birds and potential jurisdictional waters, however with the implementation of the mitigation measures presented in Section 4, Biological Resources and Section 8, Hydrology and Water Quality, the impacts would be less than significant. Construction of the proposed project would also contribute to cumulative impacts to local air and water quality; however, compliance with the County's standard requirements for the preparation of erosion control plans and BMPs, in addition to implementation of the mitigation measures identified in Section 3, Air Quality, and Section 9, Hydrology and Water Quality, would reduce the project's contribution to air and water quality impacts to a less-than-significant level. Construction activities associated also would temporarily expose sensitive receptors to dust and increased noise levels. Implementation of the measures identified in Section 3, Air Quality, and Section 12, Noise, would reduce these impacts to a less-than-significant level.

## VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1-4,12,16,27,28)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1-4,10,11,27-29)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1-4,10,11,25,26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

- a. No sensitive species were observed within the project site. The proposed project has the potential to impact nesting birds and potential jurisdictional waters, however with the implementation of the mitigation measures presented in Section 4, Biological Resources, and Section 8, Hydrology and Water Quality, the impacts would be less than significant.

The project site is not located in an archaeologically sensitive area as identified in the Monterey County General Plan and no known historic or prehistoric resources have been identified on the site. It is possible during grading and construction activities that unknown archaeological resources and/or human remains may be damaged, which would be considered a potentially significant impact. Compliance with the County's standard conditions of approval, as noted in Section 5, Cultural Resources, would ensure the proposed project would not eliminate important examples of the major periods of California history or prehistory.

- b. During construction activities, the proposed project would generate PM<sub>10</sub> emissions in an air basin that is nonattainment for PM<sub>10</sub>. Project-related construction activities also have

the potential to contribute to downstream sedimentation of intermittent drainages. Although the effects of pollutants from the proposed projects alone would be insignificant, when combined with pollutants from other sources, the proposed project could have a significant cumulative effect on local air quality and downstream water quality. These would be potentially significant cumulative impacts; however, compliance with the County's standard requirements for the preparation of erosion control plans and BMPs, in addition to implementation of the mitigation measures identified in Section 3, Air Quality, and Section 9, Hydrology and Water Quality, would reduce the project's contribution to air and water quality impacts to a less-than-significant level. Construction activities associated with Area A and Area B improvements would generate GHG emissions; however, emissions would occur over a short construction period and the proposed project does not include land uses that would be a new source of long term emissions. Therefore, as discussed in Section 6, Greenhouse Gas Emissions, the proposed project's contribution to regional GHG emissions are not cumulatively considerable.

- c. The proposed project does not have any environmental effects that would cause a substantial adverse effect on human beings, directly or indirectly, that cannot be mitigated to a less than significant level with implementation of the mitigation measures contained in this initial study.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

## ***VIII. FISH AND WILDLIFE ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a "de minimis" (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Wildlife. Projects that were determined to have a "de minimis" effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of "de minimis" effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of "no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Wildlife. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department's website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

**Conclusion:** The project will be required to pay the fee.

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to PLN No. 140664 and the attached Initial Study / Proposed Mitigated Negative Declaration.

## ***IX. REFERENCES***

(This list of references must be tailored to each individual project. Add references for the date of plans, all background reports, applicable County Land Use Plan and Zoning Ordinance)

1. County of Monterey Resource Management Agency, Department of Public Works, Las Lomas Drainage Site Plan.
2. County of Monterey, *Las Lomas Drive Bicycle and Pedestrian Path Mitigated Negative Declaration*. Adopted March 24, 2009
3. County of Monterey. 1982 *Monterey County General Plan*
4. County of Monterey. *North County Land Use Plan and Local Coastal Program*. 1982
5. County of Monterey. Title 20, Coastal Implementation Plan Zoning Ordinance for the County of Monterey.
6. Site visit conducted by EMC Planning Group on April 30, 2014.
7. California Department of Transportation. California Scenic Highway Mapping System. Found June 25, 2014 online at [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/scenic_highways/)
8. California Department of Conservation, *Monterey County Important Farmland Map 2010*. Accessed June 25, 2014 online at: [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/mnt10\\_no.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/mnt10_no.pdf)
9. United States Department of Agriculture. Soil Survey of Monterey County, California, Soil Conservation Service, April 1978.
10. Monterey Bay Unified Air Pollution Control District. 2008 Air Quality Management Plan for the Monterey Bay Region. 2008.
11. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008.
12. Biological reconnaissance field surveys of project site, EMC Planning Group, October 26, 2007 and April 30, 2014.
13. California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB), *Records of Occurrence for Watsonville West, Watsonville East, Chittenden, Moss Landing, Prunedale, San Juan Bautista, Marina, Salinas, and Natividad USGS quadrangles*. Accessed May 2014 online at: <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>



14. United States Army Corps of Engineers (USACE), *Corps of Engineers Wetlands Delineation Manual*, Environmental Laboratory Technical Report Y- 87-1, 1987.
15. Endangered Species Database, Species list for Monterey County, U.S. Fish and Wildlife Service (USFWS). Accessed May 2014, online at: <http://www.fws.gov/endangered/>
16. California Native Plant Society (CNPS), *Inventory of Rare and Endangered Plants, Records of Occurrence for Watsonville West, Watsonville East, Chittenden, Moss Landing, Prunedale, San Juan Bautista, Marina, Salinas, and Natividad USGS quadrangles*. Accessed May 2014, online at: <http://www.cnps.org/inventory>
17. U.S. Army Corps of Engineers (USACE), Jurisdictional Determination letter, File Number 2008-00338S. October 6, 2009. Included as Appendix C
18. EMC Planning Group, Las Lomas Drive Bicycle and Pedestrian Path Jurisdictional Waters Delineation. October 26, 2007.
19. EMC Planning Group, Technical Memorandum: *Arborist Report for Las Lomas Drive Drainage Project, Monterey County*. October 6, 2014.
20. California Department of Toxic Substances, EnviroStor Database. Accessed June 25, 2014, online at <http://www.envirostor.dtsc.ca.gov/public>.
21. North County Fire Protection District of Monterey County. District Overview. Accessed June 12, 2014, online at <http://www.ncfpd.org>.
22. National Geographic, *Field Guide to the Birds of North America*. Third Edition 1987.
23. Matthews, Mary Ann, *An Illustrated Field Key to the Flowering Plants of Monterey County and Ferns, Fern Allies, and Conifers*. 1997.
24. United States Environmental Protection Agency. *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety (550/9-74-004)*. March, 1974.
25. Environmental Protection Agency. *Clean Air Nonroad Diesel Rule (EPA420-F-04-032)*. May 2004.
26. California Office of Environmental Health Hazard Assessment. *OEHHA Lists 5 Toxic Air Contaminants of Concern for Children*. September 18, 2001. Accessed June 15 online at: [http://www.oehha.org/public\\_info/press/press0102.htm](http://www.oehha.org/public_info/press/press0102.htm)
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28. Northwest Information Center. Record search results for the proposed improvements to Las Lomas Drainage Project in Las Lomas, Monterey County, California. June 30, 2014.
29. San Luis Obispo Air Pollution Control District. *CEQA Air Quality Handbook, a Guide for Assessing the Air Quality Impacts for Projects Subject to CEQA Review*. 2012

**All documents indicated with bold numbers are available for review at the Monterey County Resource Management Agency Department of Public Works, 168 W. Alisal St., 2nd Floor, Salinas, CA 93901, (831) 755-4800 during normal business hours.**

All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

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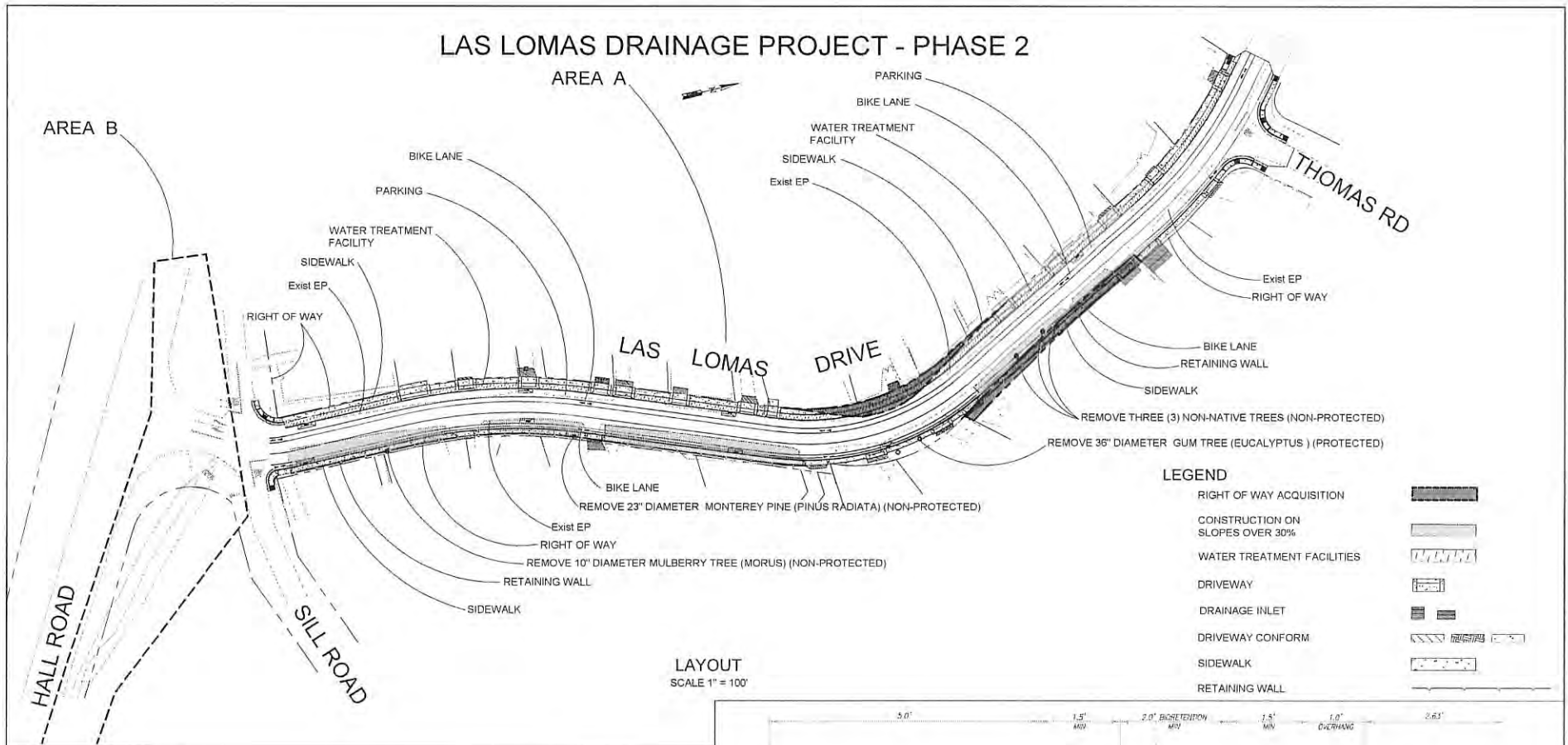
# APPENDIX A

## PROJECT PHASING

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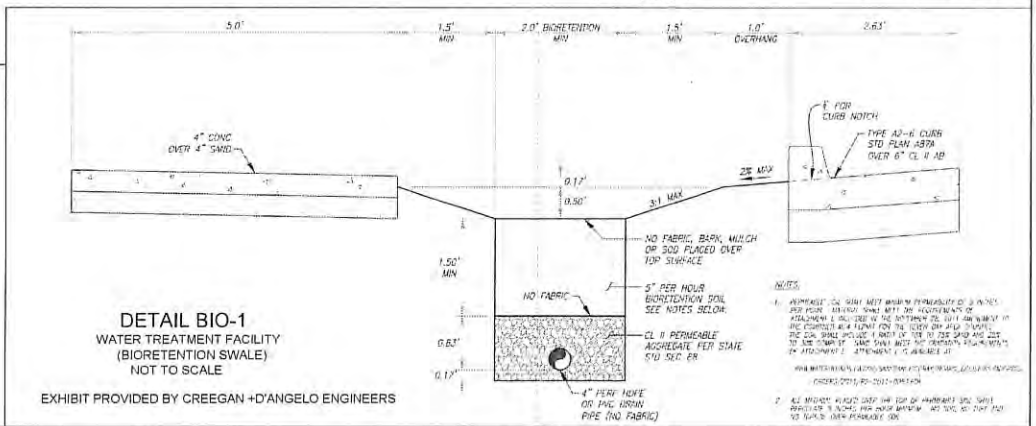
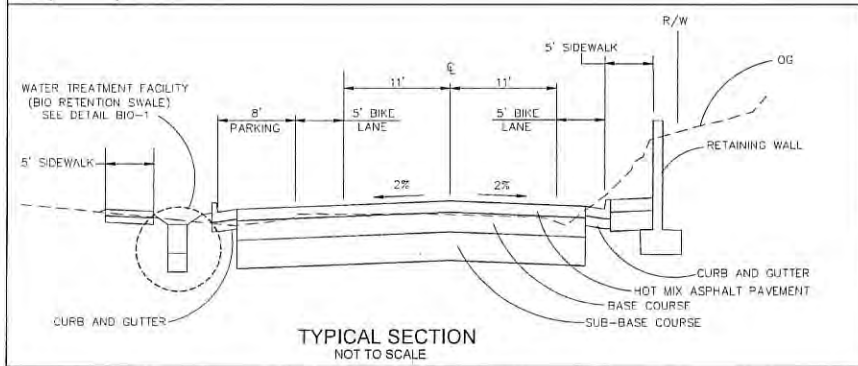


# LAS LOMAS DRAINAGE PROJECT - PHASE 2



**LEGEND**

RIGHT OF WAY ACQUISITION	
CONSTRUCTION ON SLOPES OVER 30%	
WATER TREATMENT FACILITIES	
DRIVEWAY	
DRAINAGE INLET	
DRIVEWAY CONFORM	
SIDEWALK	
RETAINING WALL	





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## **APPENDIX B**

**SPECIAL STATUS SPECIES WITH THE POTENTIAL TO OCCUR  
IN THE PROJECT VICINITY**

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**Appendix A Special Status Species with the Potential to Occur in the Project Vicinity**

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
<b>Plants</b>			
Alkali milk-vetch <i>(Astragalus tener var. tener)</i>	--/--/1B.2	Playas, valley and foothill grassland (adobe clay), vernal pools / alkaline, elevation 1 - 60m. Blooming Period: March - June	Unlikely. Not found during surveys conducted during the blooming period. Suitable alkaline grassland or vernal pool habitats not found within project boundary.
Anderson's manzanita <i>(Actostaphylos andersonii)</i>	--/--/1B.1	Broadleaved upland forest, chaparral, North Coast coniferous forest. Known only from the Santa Cruz Mountains. Open sites, redwood forest, 180-800m elevation. Blooming Period: November - April	Unlikely. Elevation at project site lower than species' typical range.
Beach layia <i>(Layia carnosa)</i>	FE/CE/1B.1	Coastal dunes, hugely reduced in range along California's north coast dunes, on sparsely vegetated semi-stabilized dunes, usually behind foredunes, 0-75m elevation. Blooming Period: March - July	Unlikely. Not found during surveys conducted during the blooming period. Suitable dune habitats not found within project boundary.
Choris' popcorn-flower <i>(Plagiobothrys chorisianus var. chorisianus)</i>	--/--/1B.2	Chaparral, coastal scrub, coastal prairie, mesic sites, elevation 15-100m. Blooming Period: March - June	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Coastal dunes milk-vetch ( <i>Astragalus tener</i> var. <i>titi</i> )	FE/CE/1B.1	Coastal bluff scrub, coastal dunes. Known only from a few extant occurrences, mostly historical in Southern California. Moist sandy depressions of bluffs or dunes along and near the Pacific Ocean, one site on a clay terrace, 1-50m elevation. Blooming Period: March - May	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Coast wallflower ( <i>Erysimum ammophilum</i> )	FSC/--/1B.2	Maritime chaparral, coastal dunes, coastal scrub, sandy openings, elevation 0 – 60m. Blooming Period: February - June	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Congdon's tarplant ( <i>Centromadia parryi</i> spp. <i>congdonii</i> )	FSC/--/1B.2	Valley and foothill grassland (alkaline), elevation 1 – 230m. Blooming Period: June - November	Unlikely. Surveys in 2007 occurred during the blooming period, suitable habitat not found on project site.
Contra Costa Goldfields ( <i>Lasthenia conjugens</i> )	FE/--/1B.1	Cismontane woodland, playas (alkaline), valley and foothill grassland, vernal pools / mesic, 0-470m elevation. Blooming Period: March - June	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Dudley's lousewort ( <i>Pedicularis dudleyi</i> )	--/--/1B.2	Chaparral, North Coast coniferous forest, valley and foothill grassland. Deep shady woods of older coast redwood forests, also in maritime chaparral, 100-490m elevation. Blooming Period: April - June	Unlikely. Elevation at project site lower than species' typical range.
Eastwood's goldenbush ( <i>Ericameria fasciculata</i> )	FSC/--/1B.1	Closed cone coniferous forest, chaparral (maritime), coastal dunes, and coastal scrub/sand. Blooming Period: July - October	Unlikely. Species identifiable outside of the blooming period. Suitable habitat not found.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Fragrant fritillary ( <i>Fritillaria liliacea</i> )	--/--/1B.2	Coastal scrub, valley and foothill grassland, coastal prairie. Often on serpentine, various soils reported though usually clay in grassland, 3-410m elevation. Blooming Period: February - April	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Gowen's cypress ( <i>Cupressus goveniana</i> ssp. <i>goveniana</i> )	FT/--/1B.2	Closed cone coniferous forest. Narrowly endemic to Monterey County. Coastal terraces, usually in sandy soils, sometimes with Monterey pine, Bishop pine, 100-125m elevation. Evergreen.	Unlikely. Species identifiable year-round. Suitable habitat not found.
Hickman's onion ( <i>Allium hickmanii</i> )	--/--/1B.2	Closed-cone coniferous forest, chaparral, coastal scrub, valley and foothill grassland, coastal prairie, sandy loam, damp ground and vernal swales, 20-200m elevation. Blooming Period: April - May	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Hickman's potentilla ( <i>Potentilla hickmanii</i> )	FE/CE/1B.1	Coastal bluff scrub, closed-cone coniferous forest, meadows and seeps, marshes and swamps, small streams in open or forested areas along the coast, 5-125m elevation. Blooming Period: April - August	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Hooker's manzanita ( <i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i> )	--/--/1B.2	Sandy soils in coastal scrub, chaparral, and closed-cone forest habitats; evergreen, elevation 45 – 215m. Blooming Period: February - April	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Hoover's button-celery ( <i>Eryngium aristulatum</i> var. <i>hooveri</i> )	--/--/1B	Vernal pools. Alkaline depressions, roadside ditches and other wet places near the coast, 5-45m elevation. Blooming Period: July- August	Unlikely. Although surveys occurred outside of the blooming period, no suitable habitat was found within the project boundary.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Hutchinson's larkspur ( <i>Delphinium hutchinsoniae</i> )	--/--/1B.2	Broadleaved upland forest, chaparral, coastal prairie, coastal scrub, elevation 0 – 400m. Blooming Period: March - June	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Kellogg's horkelia ( <i>Horkelia cuneata ssp. sericea</i> )	FSC/--/1B.1	Closed-cone coniferous forest, maritime chaparral, coastal scrub, sandy or gravelly openings, elevation 10 – 200m. Blooming Period: April - September	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
King's Mountain manzanita ( <i>Arctostaphylos regismontana</i> )	--/--/1B.2	Broadleaved upland forest, chaparral, north coast coniferous forest. Granitic or sandstone outcrops, 305-730m elevation. Blooming Period: January - April	Unlikely. Elevation at project site lower than species' typical range.
Legenere ( <i>Legenere limosa</i> )	--/--/1B.1	In beds of vernal pools, 1-880m elevation. Blooming Period: April - June	Unlikely. Not found during surveys conducted during the blooming period. Suitable habitat not found within project boundary.
Loma Prieta hoita ( <i>Hoita strobilina</i> )	--/--/1B.1	Chaparral, cismontane woodland, riparian woodland, serpentine, mesic sites. Blooming Period: May - October	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Marsh sandwort ( <i>Arenaria paludicola</i> )	FE/CE/1B.1	Sandy openings, marshes and swamps (freshwater or brackish), 3-170m elevation. Blooming Period: May - August	Unlikely. Although surveys occurred outside of the blooming period, no suitable habitat was found within the project boundary.



Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Menzies' wallflower <i>(Erysimum menziesii)</i>	FE/CE/1B.1	Coastal dunes, known only from six locations near Marina in Monterey Bay. Threatened by development and sand mining 1-10m elevation. Blooming Period: May - September	Unlikely. Although surveys occurred outside of the blooming period, no suitable habitat was found within the project boundary.
Monterey clover <i>(Trifolium trichocalyx)</i>	FE/CE/1B.1	Closed-cone coniferous forest, endemic to Monterey County. Poorly drained, low nutrient soil underlain with hardpan soils, also openings and burned areas, 120-205, elevation. Blooming Period: April - June	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Monterey gilia <i>(Gilia tenuiflora ssp. arenaria)</i>	FE/CT/1B.2	Maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, sandy openings, elevation 0 – 45m. Blooming Period: April - June	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Monterey spineflower <i>(Chorizanthe pungens var. pungens)</i>	FT/--/1B.2	Chaparral (maritime) cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland/sandy. Blooming Period: April - June	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Most beautiful jewel flower <i>(Streptanthus albidus ssp. peramoenus)</i>	--/--/1B.2	Chaparral, valley and foothill grassland, cismontane woodland, serpentine outcrops, on ridges and slopes, 120-730m elevation. Blooming Period: April - June	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Northern curly-leaved monardella <i>(Monardella sinuate ssp. nigrescens)</i>	--/--/1B.2	Coastal dunes, coastal scrub, chaparral, lower montane coniferous forest. Sandy soils, 0-300m elevation. Blooming Period: April - September	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Pajaro manzanita ( <i>Arctostaphylos pajaroensis</i> )	FSC/--/1B.1	Sandy soils in chaparral habitat; evergreen, elevation 30 – 760m. Blooming Period: December - March	Unlikely. Species identifiable outside of the blooming period. Suitable habitat not found.
Pine rose ( <i>Rosa pinetorum</i> )	--/--/1B.2	Closed-cone coniferous forest, 2-300m elevation. Blooming Period: May - July	Unlikely. Although surveys occurred outside of the blooming period, suitable habitat not found within the project boundary.
Pink creamsacs ( <i>Castilleja rubicundula</i> ssp. <i>rubicundula</i> )	--/--/1B.2	Chaparral, meadows and seeps, valley and foothill grassland. Openings in chaparral or grasslands on serpentine soils, 20-900m elevation. Blooming Period: April - June	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Pink Johnny-nip ( <i>Castilleja ambigua</i> var. <i>insalutata</i> )	--/--/1B.1	Coastal bluff scrub, coastal prairie, 0-100m elevation. Blooming Period: May - August	Unlikely. Although surveys occurred outside of the blooming period, suitable habitat not found within the project boundary.
Pinnacles buckwheat ( <i>Eriogonum nortonii</i> )	--/--/1B.3	Chaparral, valley and foothill grassland / sandy, often on recent burns, elevation 300 - 975m. Blooming Period: May - June	Unlikely. Elevation at project site lower than species' typical range.
Purple amole ( <i>Chlorogalum purpureum</i> var. <i>purpureum</i> )	FT/--/1B.1	Cismontane woodland, valley and foothill grassland. Often in grassy areas with blue oaks in foothill woodland, 300-330m elevation. Blooming Period: May - June	Unlikely. Although surveys occurred outside of the blooming period, suitable habitat not found within the project boundary.
Robust spineflower ( <i>Chorizanthe robusta</i> var. <i>robusta</i> )	FE/--/1B.1	Cismontane woodland (openings) coastal dunes, coastal scrub/sandy or gravelly. Blooming Period: April - July	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.

<b>Common and Scientific Name</b>	<b>Status (Fed./State/CNPS)</b>	<b>Habitat</b>	<b>Potential to Occur on Site</b>
Round-leaved filaree ( <i>California macrophylla</i> )	--/--/1B.2	Cismontane woodland, valley and foothill grassland / clay, elevation 15 - 1200m. Blooming Period: March - May	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Saline clover ( <i>Trifolium depauperatum</i> var. <i>hydrophilum</i> )	--/--/1B.2	Marshes and swamps, valley and foothill grassland, vernal pools. Mesic, alkaline sites, 0-300m elevation. Blooming Period: April - June	Unlikely. Although surveys occurred outside of the blooming period, suitable habitat not found on project site.
Sand-loving wallflower ( <i>Erysimum ammophilum</i> )	FSC/--/1B.2	Maritime chaparral, coastal dunes, coastal scrub, sandy openings, elevation 0 – 60m. Blooming Period: February - June	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Sandmat manzanita ( <i>Arctostaphylos pumila</i> )	--/--/1B.2	Closed cone coniferous forest, maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, sandy openings, elevation 30 – 730m. Blooming Period: February - May	Unlikely. Species identifiable outside of the blooming period. Suitable habitat not found.
Santa Cruz clover ( <i>Trifolium buckwestiorum</i> )	FSC/--/1B.1	Broadleaved upland forest, cismontane woodland, coastal prairie, elevation 105 – 610m. Blooming Period: April - October	Unlikely. Elevation at project site lower than species' typical range.
Santa Cruz Mountains beardtongue ( <i>Penstemon rattanii</i> var. <i>kleei</i> )	FSC/--/1B.2	Chaparral, lower montane coniferous forest, sandy shale slopes, transition zone between forest and chaparral, 400-1100m elevation. Blooming Period: May - June	Unlikely. Elevation at project site lower than species' typical range.
Santa Cruz tarplant ( <i>Holocarpha macradenia</i> )	FT/SE/1B.1	Coastal prairie, coastal scrub, valley and foothill grassland, often on clay or sandy soils, 10-220m elevation. Blooming Period: June - October	Unlikely. Although surveys occurred outside of the blooming period, suitable habitat not found on project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Seaside bird's beak ( <i>Cordylanthus rigidus ssp. littoralis</i> )	--/CE/1B.1	Closed-cone coniferous forest, maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, sandy often disturbed sites, elevation 0 – 215m. Blooming Period: May - October	Unlikely. Although surveys occurred outside of the blooming period, suitable habitat not found on project site.
Tidestrom's lupine (clover lupine) ( <i>Lupinus tidestromii</i> )	FE/CE/1B.1	Coastal dunes, includes <i>Lupinus tidestromii</i> var. <i>tidestromii</i> . Partially stabilized dunes, immediately near the ocean, 0-3m elevation. Blooming Period: April - June	Unlikely. Surveys occurred during the blooming period, suitable habitat not found on project site.
Toro manzanita ( <i>Arctostaphylos montereyensis</i> )	--/--/1B.2	Maritime chaparral, cismontane woodland, coastal scrub, sandy, elevation 30 – 730m. Blooming Period: February – March	Unlikely. Species identifiable outside of the blooming period. Suitable habitat not found.
Vernal pool bent grass ( <i>Agrostis lacuna-vernalis</i> )	--/--/--1B.1	Vernal pools. In mima mound areas or on the margins of vernal pools, 115-145m elevation. Blooming Period: April - May	Unlikely. Elevation at project site lower than species' typical range.
Woodland woollythreads ( <i>Monolopia gracilens</i> )	--/--/1B.2	Chaparral, valley and foothill grasslands (serpentine), cismontane woodland, broadleafed upland forests, north coast coniferous forest. Grassy sites, in openings, sandy to rocky soils. Often seen on serpentine after burns but may only have weak affinity to serpentine. 100-120m elevation. Blooming Period: February - July	Unlikely. Elevation at project site lower than species' typical range.
Yadon's rein orchid ( <i>Piperia yadonii</i> )	FE/--/1B.1	Coastal bluff scrub, closed cone coniferous forest, chaparral (maritime)/sandy. Blooming Period: May - August	Unlikely. Although surveys occurred outside of the blooming period, suitable habitat not found on project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
<b>Animals</b>			
American badger <i>(Taxidea taxus)</i>	--/CSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Need sufficient food, friable soils, and open, uncultivated ground. Prey on burrowing rodents and dig burrows.	Unlikely. Suitable open grassland with friable soils not found at project site.
Arroyo southwestern toad <i>(Bufo californicus)</i>	FE/CSC	Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert wash, etc. Rivers with sandy banks, willows, cottonwoods, and sycamores, loose, gravelly areas of streams in drier parts of range.	Unlikely. Suitable aquatic habitat with riparian vegetation and gravelly areas not found at project site.
Bank swallow <i>(Riparia riparia)</i>	--/CT	(Nesting) Colonial nester, nests primarily in riparian and other lowland habitats west of the desert, requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Unlikely. Suitable riparian cliff habitat not found at project site.
Bay checkerspot butterfly <i>(Euphydryas editha bayensis)</i>	FT/--	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. <i>Plantago erecta</i> is the primary host plant, <i>Orthocarpus densiflorus</i> and <i>O. purpurscens</i> are secondary host plants.	Unlikely. Suitable host plants not found at project site.



<b>Common and Scientific Name</b>	<b>Status (Fed./State/ CNPS)</b>	<b>Habitat</b>	<b>Potential to Occur on Site</b>
Black legless lizard ( <i>Anniella pulchra nigra</i> )	--/CSC	Moist, warm habitats with loose soil for burrowing and prostrate plant cover in beaches, chaparral, pine-oak woodland, or riparian areas.	Unlikely. Suitable loose soil habitat not found at project site.
Blunt-nosed leopard lizard ( <i>Gambelia sila</i> )	FE/CE	Resident of sparsely vegetated alkali and desert scrub habitats, in areas of low topographic relief. Seeks cover in mammal burrows, under shrubs or structures such as fence posts, they do not excavate their own burrows.	Unlikely. Suitable alkali or desert habitats not found at project site.
Burrowing Owl ( <i>Athene cunicularia</i> )	--/CSC	Open, dry, annual or perennial grasslands, desert or scrubland, available burrows.	Unlikely. Suitable open grassland with available burrows not present at project site.
California brackishwater snail (mimic tryonia) ( <i>Tryonia imitator</i> )	--/CSC	Aquatic, found on rocks and in gravel of riffles in cool, swift, clear streams.	Unlikely. Suitable aquatic habitat not found at project site.
California clapper rail ( <i>Rallus longirostris obsoletus</i> )	FE/CE	Found in saltwater and brackish marshes, traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Unlikely. Suitable marsh habitat not found at project site.
California condor ( <i>Gymnogyps californianus</i> )	FE/CE	Requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Deep canyons containing clefts in the rocky walls provide nesting sites. Forages up to 100 miles from roost/nest.	Unlikely. Suitable open habitats not found at project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
California horned lark <i>(Eremophila alpestris actia)</i>	--/CSC	Coastal regions, chiefly from Sonoma County to San Diego County, also within the main part of the San Joaquin Valley and east to the foothills. Prefers short-grass prairie, mountain meadows, open coastal plains, fallow grain fields, alkali flats.	Unlikely. Suitable open fields not found at project site.
California least tern <i>(Sterna antillarum browni)</i>	FE/CE	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates. Sand beaches, alkali flats, land fills, or paved areas.	Unlikely. Suitable coastal or undisturbed habitats not found at project site.
California linderiella <i>(Linderiella occidentalis)</i>	FSC/--	Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions. Water in the pools typically has very low alkalinity, conductivity, and total dissolved solids.	Unlikely. Suitable aquatic habitat not found at project site.
California red-legged frog <i>(Rana aurora draytonii)</i>	FT/CSC	Rivers, creeks and stock ponds with pools and overhanging vegetation.	Unlikely. Although drainage ditches and channels may be periodically inundated, ponded water does not occur for a long enough period of time for breeding to occur. Suitable aquatic habitat not found at project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
California tiger salamander <i>(Ambystoma californiense)</i>	FT/ CSC	Grasslands, open oak woodlands, and seasonal pools or stock ponds in central California.	Unlikely. Although drainage ditches and channels may be periodically inundated, ponded water does not occur for a long enough period of time for breeding to occur. Suitable aquatic habitat not found at project site.
Coast horned lizard <i>(Phrynosoma coronatum frontale)</i>	--/CSC	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	Unlikely. Suitable loose soil habitat not found at project site.
Coast Range newt <i>(Taricha torosa)</i>	--/CSC	Coastal drainages from Mendocino County to San Diego County. Lives in terrestrial habitats and will migrate over 1 km to breed in ponds, reservoirs and slow moving streams.	Unlikely. Although drainage ditches and channels may be periodically inundated, ponded water does not occur for extended periods of time. Suitable aquatic habitat not found at project site.
Cooper's Hawk <i>(Accipiter cooperii)</i>	--/CSC	Oak or riparian woodlands.	Unlikely. Suitable woodland habitat not found at project site.
Ferruginous hawk <i>(Buteo regalis)</i>	--/CSC	(Wintering) Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon-juniper habitats. Mostly consumes flat lagomorphs, ground squirrels, and mice.	Unlikely. Suitable open habitats not found at project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Foothill yellow-legged frog <i>(Rana boylei)</i>	--/CSC	Partly shaded, shallow streams and riffles with rocky substrate in a variety of habitats. Requires at least some cobble-sized substrate for egg-laying and 15 weeks of available water to attain metamorphosis.	Unlikely. Suitable undisturbed aquatic habitat not found at project site.
Giant kangaroo rat <i>(Dipodomys ingens)</i>	FE/CE	Annual grasslands on the western side of the San Joaquin Valley, marginal habitat in alkali scrub. Needs level terrain and sandy loam soils for burrowing.	Unlikely. Suitable alkali or undisturbed scrub habitats not found at project site.
Globose dune beetle <i>(Coelus globosus)</i>	--/--	Inhabitant of coastal sand dune habitat from Bodega Head in Sonoma County south to Ensenada, Mexico. Found in foredunes and sand hummocks, it burrows beneath the sand surface and is most common beneath dune vegetation.	Unlikely. Suitable dune habitat not found at project site.
Golden eagle <i>(Aquila chrysaetos)</i>	--/CSC	(Nesting and Wintering) Rolling foothills mountain areas, sage-juniper flats, desert. Cliff-walled canyons provide nesting habitat in most parts of range. Also uses large trees in open areas.	Unlikely. Suitable nesting or wintering habitats not found at project site.
Green sea turtle <i>(Chelonia mydas)</i>	FE	Pacific Ocean.	Unlikely. Project site not found immediately adjacent to the Pacific Ocean.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Hoary bat <i>(Lasiurus cinereus)</i>	--/CSC	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	Unlikely. Suitable open habitats with access to tree cover not found at project site.
Least Bell's vireo <i>(Vireo bellii pusillus)</i>	FE/CE	(Nesting) Summer resident of Southern California in low riparian habitats in the vicinity of water or in dry river bottoms (below 2,000 feet). Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.	Unlikely. Suitable riparian habitat not found at project site.
Leatherback sea turtle <i>(Dermochelys coriacea)</i>	FE	Pacific Ocean.	Unlikely. Project site not found immediately adjacent to the Pacific Ocean.
Longfin smelt <i>(Spirinchus thaleichthys)</i>	FC/CT	Open waters of estuaries, mostly in middle or bottom of water column. Prefers salinities of 15-30 ppt, but can be found in completely freshwater to almost pure seawater.	Unlikely. Suitable aquatic habitat not found at project site.
Marbled murrelet <i>(Brachyramphus marmoratus marmoratus)</i>	FT/CE	Feeds near-shore, nests inland along coast from Eureka to Oregon border and from Half Moon Bay to Santa Cruz. Nests in old-growth redwood-dominated forests, up to six miles inland, often in Douglas fir.	Unlikely. Suitable coastal or forested habitats not found at project site.



Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Monarch butterfly ( <i>Danaus plexippus</i> )	--/--	Winter roost sites. Wind protected tree groves (Eucalyptus, Monterey pine, cypress) with nectar and water sources nearby	Unlikely. Suitable tree groves not found at project site.
Olive ridley sea turtle ( <i>Lepidochelys olivacea</i> )	FE	Pacific Ocean.	Unlikely. Project site not found immediately adjacent to the Pacific Ocean.
Pallid bat ( <i>Antrozous pallidus</i> )	--/CSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	Unlikely. Suitable open habitats with access to tree cover not found at project site.
Pinnacles optioservus riffle beetle ( <i>Optioservus canus</i> )	--/--	Aquatic, found on rocks and in gravel of riffles in cool, swift, clear streams.	Unlikely. Suitable aquatic habitat not found at project site.
Redwood shoulderband (snail) ( <i>Helminthoglypta sequoicola consors</i> )	--/--	Known only from south slope of San Juan Grade, near foothills, 8 miles northwest of Salinas.	Unlikely. Project site is outside of species' known range.
Salinas harvest mouse ( <i>Reithrodontomys megalotis distichlis</i> )	--/--	Known only from the Monterey Bay region. Occurs in fresh and brackish water wetlands and probably in the adjacent uplands around the mouth of the Salinas River.	Unlikely. Suitable marsh habitat not found at project site.
San Joaquin kit fox ( <i>Vulpes macrotis nutica</i> )	FE/CT	Annual grasslands or grassy open stages with scattered shrubby vegetation. Needs loose-textured sandy soils for burrowing, and suitable prey base.	Unlikely. Suitable open grassland habitat not found at project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Santa Cruz kangaroo rat ( <i>Dipodomys venustus venustus</i> )	--/--	Silverleaf manzanita mixed chaparral in the Zayante sand hills ecosystem of the Santa Cruz Mountains. Needs soft, well-drained sand.	Unlikely. Project site is outside of species' known range.
Santa Cruz long-toed salamander ( <i>Ambystoma macrodactylum croceum</i> )	FE/CE	Wet meadows near sea level in a few restricted locales in Santa Cruz and Monterey Counties. Aquatic larvae prefer shallow (<12 inches) water, uses clumps of vegetation or debris for cover. Adults use mammal burrows.	Unlikely. Suitable aquatic habitat not found at project site.
Short-eared owl ( <i>Asio flammeus</i> )	--/CSC	(Nesting) Found in swamp lands, both fresh and salt; lowland meadows; irrigated alfalfa fields. Tule patches/tall grass needed for nesting/daytime seclusion. Nests on dry ground in depression concealed in vegetation.	Unlikely. Suitable marsh vegetation habitat not found at project site.
Silvery legless lizard ( <i>Anniella pulchra pulchra</i> )	--/CSC	Sandy or loose loamy soils under sparse vegetation, moist soils.	Unlikely. Suitable loose, loamy soils and vegetation not found at project site.
Smith's blue butterfly ( <i>Euphilotes enoptes smithi</i> )	FE/--	Coastal dunes and coastal sage scrub plant communities. Host plants include <i>Eriogonum latifolium</i> and <i>Eriogonum parvifolium</i> for larval and adult stages	Unlikely. Suitable host plants not found at project site.
Southern sea otter ( <i>Enhydra lutris nereis</i> )	FT	Pacific Ocean. Hard- and soft-sediment marine habitats from the littoral zone to depths of less than 100 meters (330 feet), including protected bays and exposed outer coasts.	Unlikely. Suitable marine habitats not found at or adjacent to project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Southwestern willow flycatcher <i>(Empidonax traillii extimus)</i>	FE/CE	Breeds within thickets of willows or other riparian understory usually along streams, ponds, lakes, or canyons. Migrants may be found among other shrubs in wetter areas.	Unlikely. Suitable riparian vegetation not found at project site.
Steelhead <i>(Oncorhynchus mykiss irideus)</i>	FT/--	Coastal stream with spawning gravel	Unlikely. Suitable aquatic habitat not found at project site.
Tidewater goby <i>(Eucyclogobius newberryi)</i>	FE/FSC	Brackish water habitats, found in shallow lagoons and lower stream reaches, still but not stagnant water with high oxygen levels	Unlikely. Suitable aquatic habitat not found at project site.
Tricolored blackbirds <i>(Agelaius tricolor)</i>	FSC/--	(Nesting) Areas adjacent to open water and access to protected nesting substrate	Unlikely. Suitable marsh vegetation habitat not found at project site.
Vernal pool fairy shrimp <i>(Branchinecta lynchi)</i>	FT/--	Endemic to the grasslands of the Central Valley, Central Coast Mtns., and South Coast Mtns. in astatic rain-filled pools. Inhabit small, clear-water sandstone depression pools and grassed swale, earth slump, or basalt-flow depression pools.	Unlikely. Suitable grassland and vernal pool habitat not found at project site.
Western pond turtle <i>(Emys marmorata)</i>	--/CSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Need basking sites and suitable (sandy banks or grassy open fields) upland habitat for egg-laying.	Unlikely. Suitable aquatic habitat not found at project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
Western snowy plover ( <i>Charadrius alexandrinus nivosus</i> )	FT/CSC	(Nesting Sites) Sandy beaches, salt pond levees, shores of large alkali lakes, sandy, gravelly or friable soils for nesting	Unlikely. Suitable sandy or shore habitats not found at project site.
White-tailed kite ( <i>Elanus leucurus</i> )	--/--	(Nesting) Rolling foothills/valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	Unlikely. Suitable open habitats with access to tree cover not found at project site.
<b>Communities</b>			
Central Dune Scrub			Not present. Suitable composition of plants not found at project site.
Central Maritime Chaparral			Not present. Suitable composition of plants not found at project site.
Coastal and Valley Freshwater Marsh			Not present. Suitable composition of plants not found at project site.
Coastal Brackish Marsh			Not present. Suitable composition of plants not found at project site.
Northern Coastal Salt Marsh			Not present. Suitable composition of plants not found at project site.

*Notes:*

FE: Listed as "Endangered" by the Federal Endangered Species Act.

FT: Listed as "Threatened" by the Federal Endangered Species Act.

FC: A candidate for listing as threatened or endangered under the Federal Endangered Species Act.

FSC: United States Fish and Wildlife Service (USFWS) "Special Concern." Prior to February 1996, the USFWS identified these species as "Category 2" candidates for listing (taxa for which information in the possession of the USFWS indicated that proposing to list as endangered or threatened was possibly appropriate, but for which sufficient data on biological vulnerability and threat were not currently available to support proposed rules). The designation of Category 2 species as candidates resulted in confusion about the conservation status of these taxa. To reduce that confusion, and to clarify that the USFWS does not regard these species as candidates for listing, the USFWS has discontinued the designation of Category 2 species as candidates. The USFWS remains concerned about these species, but further biological research and field study are needed to resolve the conservation status of these taxa.

CE: Listed as "Endangered" by the California Endangered Species Act.

CT: Listed as "Threatened" by the California Endangered Species Act.

CSC: CDFG "Species of Special Concern." The CDFG "Species of Special Concern" designation does not afford these species any federal or state protection. These species should be taken into special consideration when decisions are made concerning the future of any land parcel. A species is included as a "Species of Special Concern" when their breeding populations in California are declining. Species are also included that are not declining worldwide, but in California the population is so low that it is potentially vulnerable to extirpation.

1B: Plants considered by California Native Plant Society (CNPS) to be rare, threatened, or endangered in California and elsewhere due to their limited or vulnerable habitat, their low numbers of individuals per population (even though they may be wide ranging), or their limited number of populations.

CNPS New Threat Code Extensions:

.1: Seriously endangered in California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2: Fairly endangered in California (20-80% occurrences threatened)

.3: Not very endangered in California (<20% of occurrences threatened or no current threats known)

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*Source:* EMC Planning Group 2007, 2014, CNDDB 2014, USFWS 2014, CNPS 2014

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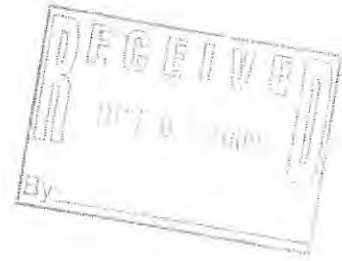
## **APPENDIX C**

U.S. ARMY CORPS OF ENGINEERS (USACE)  
JURISDICTIONAL DETERMINATION LETTER

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DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1455 MARKET STREET  
SAN FRANCISCO, CALIFORNIA 94103-1398



REPLY TO  
ATTENTION OF

Regulatory Division

SUBJECT: File Number 2008-00338S

Monterey County Resource Management Agency  
Department of Public Works  
Attn: Mr. Ronald Lundquist  
168 West Alisal Street, 2<sup>nd</sup> Floor  
Salinas, California 93901-2438

Dear Mr. Lundquist:

This letter is written in response to your submittal of August 18, 2008, requesting confirmation of the extent of U.S. Army Corps of Engineers (Corps) jurisdiction at the Las Lomas Drive Bicycle and Pedestrian Path located along Las Lomas Drive in unincorporated Las Lomas, Monterey County, California.

Enclosed is a map, titled "*Jurisdictional Features Las Lomas Drive Bicycle Path Monterey County, California*" dated October 2, 2009, showing the extent and location of Corps jurisdiction. We have based this jurisdictional delineation on the current conditions on the site as verified during a site visit performed by our staff on November 14, 2008. A change in those conditions may also change the extent of our jurisdiction. This jurisdictional delineation will expire in five years from the date of this letter. However, if there has been a change in circumstances that affects the extent of Corps jurisdiction, a revision may be completed before that date.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed activity is within our jurisdiction and a permit will be required for your project. Application for Corps authorization should be made to this office using the application form in available on our website <http://www.spn.usace.army.mil/regulatory/apply.html>. To avoid delays it is essential that you enter the file number at the top of this letter into Item No. 1 of the application. The application must include plans showing the location, extent and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your project, that upon receipt of a properly completed application and plans, it may be necessary to advertise the proposed work by issuing a Public Notice for a period of 30 days.

Our Nationwide Permits and Regional General Permits have already been issued to authorize certain activities provided specified conditions are met. Your completed application will enable us to confirm that your activity is already authorized. You are advised to refrain from starting your proposed activity until we make a determination that the project is covered by an existing permit. Commencement of work before you receive our notification will be interpreted as a violation of our regulations.

You are advised that the Corps has established an Administrative Appeal Process, as described in 33 C.F.R. Part 331 (65 Fed. Reg. 16,486; March 28, 2000), and outlined in the enclosed flowchart and "Notification of Administrative Appeal Options, Process, and Request for Appeal" form (NAO-RFA). If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to the District Engineer for reconsideration or submit a completed NAO-RFA form to the Division Engineer to initiate the appeal process. You will relinquish all rights to appeal, unless the Corps receives new information or a completed NAO-RFA form within sixty (60) days of the date of the NAO-RFA.

Should you have any questions regarding this matter, please call Paula Gill of our Regulatory Division at 415-503-6776. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available online at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Jane M. Hicks  
Chief, Regulatory Division

Enclosures

Copy Furnished

CA RWQCB, San Luis Obispo, CA  
CA SWRCB, Sacramento, CA  
EMC Planning Services

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## **APPENDIX D**

ARBORIST REPORT FOR LAS LOMAS DRIVE DRAINAGE PROJECT,  
MONTEREY COUNTY

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**EMC PLANNING GROUP INC.**  
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940  
Tel 831-649-1799 Fax 831-649-8399 www.emcplanning.com

**To:** Isabelo Dela Merced, Assistant Engineer - Monterey County Resource Management Agency  
**From:** Andrea Edwards, Senior Biologist/Certified Arborist  
**Date:** October 7, 2014

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**Re:** Arborist Report for Las Lomas Drive Drainage Project, Monterey County

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**Message:**

As a Monterey County-approved certified arborist, on October 6, 2014, I conducted a field assessment of three trees recently proposed for removal as part of the Las Lomas Drive Drainage Project, Monterey County. The project site is located within the Monterey County coastal zone. The project site does not contain forest resources or oak woodlands, and rather is composed of numerous residential properties with various street trees and ornamental landscaping. Two of the three trees are regulated by the County – see attached Figure 1, Tree Photographs. The locations of the three trees proposed for removal are on the east edge of Las Lomas Drive within “Area A” of the Las Lomas Drainage Project as illustrated by the revised site plans EMC Planning Group received from you on September 22, 2014.

Regulated trees as defined by the Monterey County Coastal Implementation Plan Section 20.144.050 include native trees 12 inches or more in diameter at breast height (DBH), and oak trees six inches or more in diameter measured at two feet above the ground. Landmark trees include eucalyptus and Monterey pine trees that are 36 inches or more in DBH, and any other types of trees that are 24 inches or more in DBH. During the survey, trunk DBH measurements and qualitative health observations were recorded in field notes, and photographs and location coordinates were taken.

**MEMORANDUM**



The northernmost tree proposed for removal is a gum tree (*Eucalyptus* sp.) that is 36 inches in DBH, which qualifies as a landmark tree. It is in fair health, but has an unbalanced canopy with most foliage positioned over the roadway, and some dead foliage. The lower trunk contains many nails, apparently used by residents to post signs, and stripped bark conditions. This large tree is about 80 feet tall and 45 feet wide, located next to a patch of willows (*Salix* spp.) and residential driveways.

The second tree surveyed is a native Monterey pine (*Pinus radiata*) that is 23 inches in DBH. It is positioned on a bank above the roadway, in front of a single-family residence. It is in poor health, with signs indicating possible insect infestation (by bark beetles, pine pitch moth, etc.) and/or infection by pitch canker, a disease that affects many pine species and is caused by a fungus (*Fusarium circinatum*). The tree exhibits branch dieback, is oozing sap from multiple trunk wounds, and has many brown needles probably due to current exceptional drought conditions in the region. This tree is about 55 feet tall and 40 feet wide. This is the only other County-regulated tree included in this brief arborist report.

Finally, there is a non-native ornamental mulberry tree (*Morus* sp.) proposed for removal, with two branches measuring eight and seven inches in DBH. It is also positioned on a bank above the roadway, in front of a single-family residence. This tree is about 15 feet tall and 25 feet wide, has been significantly pruned in the past, is in fair health, and is not a protected tree.

The removal of the two County-regulated trees is subject to the County's standard conditions of approval that require on-site tree replacement plantings (with replacement tree location, size, species, ratio, monitoring, etc. to be determined by the County and specified in the tree removal permit requirements).

The proposed tree removals are necessary to allow implementation of the improvements to Area A of the Las Lomas Drainage project. Tree removals should be performed by a professional tree removal service, and general Best Management Practices should be followed during construction activities to protect remaining trees, water quality, and other natural resources.

Please contact me if you have further questions.



Gum (Eucalyptus) Tree



Monterey Pine Tree