

# Attachment D

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**COUNTY OF MONTEREY  
RESOURCE MANAGEMENT AGENCY  
PUBLIC WORKS**

**1441 SCHILLING PLACE, SOUTH 2<sup>ND</sup> FLOOR  
SALINAS, CA 93901-4527**

**(831) 755-4800**

**REQUEST FOR PROPOSAL (RFP) # 10706**

**TO PROVIDE  
PROFESSIONAL CIVIL ENGINEERING SERVICES  
FOR  
LAS LOMAS DRIVE BICYCLE LANE AND PEDESTRIAN PROJECT**

**— Proposal Package Due: 5:00 p.m. PST, Friday March 20, 2020**

APPROVED AS TO FORM

MARY GRACE PERRY  
DEPUTY COUNTY COUNSEL

DATE

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## 1.0 INTENT

- 1.1 The County of Monterey Public Works Department, hereinafter referred to as “COUNTY”, is soliciting proposals from qualified firms, hereinafter referred to as “CONTRACTOR”, to provide civil engineering services for the Las Lomas Drive Bicycle and Pedestrian Project located in Monterey County, California. Interested CONTRACTOR(s) are to submit their proposals per this Request for Proposal (RFP) #10706.
- 1.2 This solicitation is intended for an exclusive Professional Services Agreement (PSA).

## 2.0 LICENSING/SECURITY REQUIREMENTS

- 2.1 Interested CONTRACTORS must meet ALL of the following proposal requirements in order to be considered by COUNTY:
- 2.1.1 CONTRACTOR shall be a licensed Civil Engineer in the State of California.
  - 2.1.2 CONTRACTOR shall have a minimum of five (5) years experience leading and controlling the design of road projects. Experience shall be in the State of California.
  - 2.1.3 CONTRACTOR’S project manager shall have a minimum of five (5) years specializing in road design and environmental documentation and permitting in the State of California and extensive experience working with the Federal Highway Administration, Federal Statewide Transportation Improvement Program, California Transportation Local Assistance Procedures Manual, Local Assistance Program Guidelines, State Transportation Improvement Program and the Americans with Disabilities Act.

## 3.0 BACKGROUND

- 3.1 The COUNTY is located on the Central Coast of California, approximately 120 miles south of San Francisco. The COUNTY is approximately 3,350 square miles.
- 3.2 This RFP #10706 will provide full range of professional engineering services for the Las Lomas Drive Bicycle Lane and Pedestrian project. The County seeks CONTRACTOR(S) who will abide by all local, state and federal regulations and who are also capable of providing all labor, materials, tools, equipment, and supervision, in the course of providing engineering services.
- 3.3 The project scope originally consisted of the street and drainage improvements. However, the scope was divided into two (2) phases: Phase I, The Las Lomas Drainage project (Drainage Improvements) and Phase II, The Las Lomas Drive Bicycle and Pedestrian project (Streets Improvements). The Phase I, Las Lomas Drainage project (Drainage Improvement) is scheduled to begin construction in April of 2020. See Project Plans for the Las Lomas Drainage Project, Phase I, (Exhibit D).
- 3.4 The CEQA document for the Phase I, Drainage Improvements and Phase II, Streets Improvements of the project was adopted by the Monterey County Planning Commission on January 14, 2015 and a

permit extension was approved by the Monterey County – RMA, Planning Department on May 16, 2018. The Caltrans NEPA document was approved on January 2, 2019. See Project’s NEPA and CEQA document (Exhibit E).

3.5 The Design Phase of the project is funded by State Funds while the Construction Phase is funded by Active Transportation Programs (ATP) Federal Funds. In order to meet the Design Phase funding allocation deadline, Plans, Specifications and Estimate (PS&E) must be completed on or before December 30, 2020.

## 4.0 CALENDAR OF EVENTS

4.1	Release RFP	Thursday, February 20, 2020
4.2	Deadline for Written Question	3: 00 p.m., PST, Monday, March 09, 2020
4.3	Posted Response to Written Questions	5:00 p.m., PST, Thursday, March 12, 2020
4.4	Proposals Package Submittal Deadline	5:00 p.m. PST, Friday March 20, 2020
4.5	Estimated Notification of Selection	April 2020
4.6	Estimated PSA Date	May 2020

## 5.0 COUNTY POINT OF CONTACTS

5.1 Questions and correspondence regarding this solicitation shall be directed to:

RFP 1601 Processing Coordinator  
Monterey County  
RMA-Public Works  
Attention: Isabelo Dela Merced  
1441 Schilling Place, South 2<sup>nd</sup> Floor  
Salinas, CA 93901-4527  
Phone: (831) 755-4800  
Fax: (831) 755-4958  
Email: delamercedi@co.monterey.ca.us

5.2 All questions regarding this solicitation shall be submitted in writing (E-mail acceptable and preferable). Questions will be researched and answers will be posted on the COUNTY website COUNTY project page after the deadline for receipt of questions.

5.3 The deadline for submitting written questions regarding this solicitation is indicated in the **CALENDAR OF EVENTS** herein. Questions submitted after the deadline will not be answered.

5.4 The questions will be researched and the answers will be communicated to all known interested CONTRACTORS after the deadline for receipt of questions.

5.5 Only answers to questions communicated by formal written addenda will be binding.

5.6 Prospective CONTRACTOR shall not contact County officers or employees with questions or suggestions regarding this solicitation except through the designated contact listed above or designated project manager. **Any unauthorized contact may be considered undue pressure and cause for disqualification of the CONTRACTOR.**

## 6.0 SCOPE OF WORK

6.1 The project is approximately 1,320 ft. (0.25 miles) of Las Lomas Drive from Hall Road to Thomas Road consisting of the construction of sidewalks, class II bicycle lanes, roadway improvements including but not limited to widening, curb and gutter, drainage inlets, retaining walls and water treatment facility. See project location map (Exhibit B) and preliminary project layout (Exhibit C).

6.2 The design services of scope of work for the Project include in general, the full range of professional engineering services, including all disciplines typically required for the Las Lomas Drive Bicycle and Pedestrian project. CONTRACTOR shall have extensive experience and knowledge of, not limited to, Federal Highway Program Guidelines, Local Assistance Procedure Manual (LAPM) and Local Assistance Programs Guidelines (LAPG), California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA).

6.3 The professional services must include, but are not limited to the following:

6.2.1. Project Management

- Scheduling using CPM software or Microsoft Project
- Risk Analysis
- Project team meetings
- Public meetings and presentations

6.2.2. Surveying

- Topography
- Staking
- Boundary/property survey
- Utility identification

6.2.3. Geotechnical Investigation

- "R" values for design of street structural section
- Retaining Structure
- Earthworks

6.2.4. Permitting Support

- Consultations with regulatory agencies
- Preparation of applications
- Compliance with NPDES and other such storm water requirements

6.2.5. Utilities

- Coordination with various utility companies for relocation

6.2.6. Design/Engineering

- Drainage analysis and design
- Project and construction cost estimating

- Pavement structural design
- Retaining wall/slope analysis and design
- Preparation of reports
- Storm Water Retention Facility Design
- Project and Construction Cost Estimating
- Preparation of Final Plans, Specifications and Estimate following federal guidelines.

6.2.7. Provide Bidding assistance

6.2.8. Design Support During Construction

6.4 CONTRACTOR shall submit a detailed proposal that shall include at minimum assigned CONTRACTOR staff, relevant task, deliverables, schedule, and cost. Cost shall be submitted in a separate sealed envelope.

6.5 The exact scope for professional engineering services will be determined prior to a notice to proceed for a specific task and/or project. The COUNTY may negotiate the scope and cost of the proposal prior to issuance of the notice to proceed. The COUNTY has the right to reject any submitted proposal.

6.6 CONTRACTOR shall advocate for the COUNTY and ensure the project product(s) is/are in the best interest of the COUNTY. The CONTRACTOR shall deliver products on or ahead of required schedule and within proposed budget.

6.7 All work shall be performed in conformance with all applicable County, State, and federal laws, including but not limited to County Standards, State Standard Plans & Specifications, Manual on Uniform Traffic Control Devices (MUTCD), and the Americans with Disabilities Act of 1990 (ADA), as may be revised and amended from time to time.

## 7.0 REQUIRED CONTENT/FORMAT FOR PROPOSAL PACKAGE

### 7.1 Content and Layout:

CONTRACTOR should provide the information as requested and as applicable to the proposed services. The proposal package shall be organized in the order of and as per the listing below. Proposal packages shall include, at a minimum but not limited to, the following information below in the format indicated. Each attachment must be clearly labeled **in the upper right corner RFP 10706 Attachment "X"**:

### 7.2 Cover Letter:

All proposal packages must be accompanied by a cover letter not exceeding two (2) pages providing firm and contact information as follows:

7.2.1. **Contact Info:** Name, mailing address, telephone number, e-mail address and fax number of CONTRACTOR's primary contact person during the solicitation process through potential contract award.

7.2.2. **Firm Info:** Description of the type of organization (e.g. corporation, partnership, including joint venture teams and subcontractors) and how many years it has been in existence. Indicate any planned or anticipated changes in business organization or operations, such as

dissolution, winding-up, merger, etc., that may bear on ability to complete services in accordance with COUNTY PSA.

**7.3 Signed RFP Signature Page: (Attachment A)**

Proposal packages submitted without the RFP signatures page (provided herein under Attachments) will be deemed non-responsive. All signatures must be manual and in BLUE INK. All notations must be typed or written in BLUE ink. Errors may be crossed out and corrections printed in ink or typed adjacent to said correction, and must be initialed in BLUE ink by the person signing the proposals package.

**7.4 Signed Addenda: (Attachment B)** (Include all addenda released for this solicitation)

Proposal packages submitted without this(these) page(s) will be deemed non-responsive. All signatures must be manual and in BLUE INK. All prices and notations must be typed or written in BLUE INK. Errors shall be crossed out and corrections printed in ink or typed adjacent to said correction, and must be initialed in BLUE INK by the person signing the proposal package.

**7.5 General Firm Information: (Attachment C)**

Prepare an Attachment C (label as required) providing a general information summary about your firm which, at minimum, includes the information below and follows the outline provided below:

**7.5.1 Firm Name and Address  
Year Established**

Enter the year the firm (or branch office, if appropriate) was established under current name.

**7.5.2 Data Universal Numbering System (DUNS) Number**

Insert the Data Universal Numbering System (DUNS) number issued by Dun and Bradstreet Information services. Firms must have a DUNS number.

**7.5.3 Ownership Type**

Enter the type of ownership or legal structure of the firm (sole proprietor, partnership, corporation, joint venture, etc.).

**7.5.4 Point of Contact**

Provide point of contact information for a representative of the firm that COUNTY can contact for additional information. Representative must be authorized to speak on contractual and policy matters.

**7.5.5 Former Firm Name(s)**

Indicate any and all previous names for the firm (or branch office) during the last six (6) years. Indicate the year that any and all corporate name change or changes was/were effective and the associated DUNS number. This information is used to review past performance on federal contracts.

**7.5.6 Employee by Discipline**

Specify all staff members, their job titles, and their area of specialty, including licenses and/or certifications they may hold.

**7.5.7 Litigation History**

Provide a description of litigation to which your firm has been a party to in the past Five (5) years. Please include the following details:

- Name of case/Court Case Number
- Date filed
- Court in which filed
- Judgment or result

**7.6 Organizational Chart of Proposed Team: (Attachment D)**

Provide an Attachment D illustrating your firm's organizational chart. The chart should show the names and roles of all key personnel and the firm they are associated with if they are a subcontractor. The chart should provide a clear picture of the working relationship between all key personnel on the proposed team.

**7.7 Resume(s) of Key Personnel for this Contract: (Attachment E)**

Provide as Attachment E, resume(s) for each key person on the proposed team. COUNTY will be looking at each proposed team member's relevant technical expertise to provide road design engineering and environmental documentation and permitting tasks listed in the Scope of Work. COUNTY will also check that key personnel staff has appropriate licenses, registrations and certifications to provide road engineering tasks listed in COUNTY Scope of Work, and that some or all team members (firms) have previously worked together on similar projects.

**7.8 Project Experience & References: (Attachment F)**

7.6.1 Prepare an Attachment F providing project information and include three (3) examples of transportation projects relevant to Monterey County within the last five (5) years, demonstrating work experience with Federal Highway Road Program, Caltrans Local Assistance Procedures Manual (LAMP), Local Assistance Program Guideline (LAPG), Federal Highway Administration (FHWA) and the Americans with Disabilities Act (ADA). Project information should discuss the type of CEQA/NEPA document prepared for the project as well as the regulatory permits obtained.

7.6.2 References: CONTRACTOR shall describe at least three (3) similar projects for which it provided services similar to the scope of work described herein. For each project, the following shall be provided:

- **Project Name**
- **Brief Project Description**  
Please include information about scope, schedule and record of performance. The description should also discuss the entire project delivery team, i.e. subcontractors and their respective roles.
- **Client Name**
- **Client Contact Information**  
Please include telephone number and e-mail address of the Agency's Project Manager.
- **Size of Project**
- **Name of General Contractor on Project**
- **Specify the Specialty Area**

**7.9 Project Management Approach (one [1] page Limit): (Attachment G)**

Provide as Attachment G, a project management approach describing approach and the steps and methods to be used from project inception through construction documents and design support during construction. Include submittals and meetings with agencies, staff roles and responsibilities for each step in the work process, and all methods employed for in-house plan checks during all phases of document development and submittals.

**7.10 Schedule Management Approach (one [1] page Limit): (Attachment H)**

Provide as Attachment H, a Schedule Management Approach, including scheduling software used and method(s) used to recover from slippage of schedule milestones.

**7.11 Cost Management Approach (one [1] page Limit): (Attachment I)**

Provide as Attachment I, a Cost Management Approach for tight project budgets. Describe your firm's value engineering methodology.

**7.12 Fee Schedule: (Attachment J)**

CONTRACTOR shall complete Attachment J-FEE SCHEDULE and submit within their proposal package. Refer to Caltrans Exhibit 10-H1 Cost Proposal at: <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10h.pdf>. Fees may be negotiated after the tentative award announcement is made for this solicitation. If fee negotiations with the firm determined most qualified are not successful, and/or the fees discussed are outside the budgetary constraints for the project, the COUNTY reserves the right to suspend negotiations with the most qualified firm, and proceed to second most qualified firm, and so on.

**Submit ATTACHMENT J in a separate sealed envelope.** Selection of CONTRACTOR shall be based on proposals per the Selection Criteria listed herein.

**7.13 Exceptions Submittal (if applicable)**

Submit any and all exceptions to this solicitation on separate pages, and clearly identify at the top of each page, "EXCEPTION TO MONTEREY COUNTY SOLICITATION #10706." Each exception shall reference the page number and section number, as appropriate. CONTRACTOR should note that the submittal of an exception does not obligate COUNTY to revise the terms of the RFP or PSA.

**7.14 Appendix:**

CONTRACTOR may provide any additional information that it believes to be applicable to this proposals package and include such information in an Appendix section.

## 8.0 SUBMITTAL INSTRUCTIONS & CONDITIONS

**8.1 Submittal Identification Requirements:** ALL SUBMITTALS MAILED OR DELIVERED CONTAINING PROPOSAL MUST BE SEALED AND BEAR ON THE OUTSIDE, PROMINENTLY DISPLAYED IN THE LOWER LEFT CORNER: **THE SOLICITATION NUMBER RFP # 10706 and CONTRACTOR'S COMPANY NAME.** CONTRACTOR MUST INCLUDE ONE (1) ORIGINAL PLUS FIVE (5) COPIES FOR A TOTAL OF SIX (6) AND ONE (1) CD WITH PDF FILES OF SUBMITTAL MATERIALS; AND ONE (1) ORIGINAL ATTACHMENT J – FEE SCHEDULE IN A SEPARATE SEALED ENVELOPE.

**8.2 Mailing Address:** Proposal packages shall be mailed to COUNTY at the mailing address indicated on RFP #10706 Front Cover Page to the attention of RFP #10706 Project Manager.

- 8.3 **Due Date:** Proposal packages must be received by COUNTY ON OR BEFORE the time and date specified in the solicitation. It is the sole responsibility of the CONTRACTOR to ensure that the proposal package is received at or before the specified time. Postmarks and facsimiles are not acceptable. Proposal packages received after the deadline shall be rejected and returned unopened.
- 8.4 **Shipping Costs:** Unless stated otherwise, the F.O.B. for receivables shall be destination. Charges for transportation, containers, packaging and other related shipping costs shall be borne by the sender.
- 8.5 **Acceptance:** Proposal packages are subject to acceptance at any time within 90 days after opening. COUNTY reserves the right to reject any and all proposal packages, or part of any proposal package, to postpone the scheduled deadline date(s), to make an award in its own best interest, and to waive any informalities or technicalities that do not significantly affect or alter the substance of an otherwise responsible proposal package and that would not affect a CONTRACTOR’S ability to perform the work adequately as specified.
- 8.6 **Ownership:** All submittals in response to this solicitation become the property of the COUNTY.
- 8.7 **Compliance:** Proposal packages that do not follow the format, content and submittal requirements as described herein, or fail to provide the required documentation, may receive lower evaluation scores or be deemed non-responsive.

**9.0 SELECTION CRITERIA**

- 9.1 The selection of CONTRACTOR(S) and subsequent contract award(s) will be based on the criteria contained in this RFP, as demonstrated in the submitted PROPOSAL package. CONTRACTOR should submit information sufficient for the COUNTY to easily evaluate proposal with respect to the selection criteria. The absence of required information may cause the proposal to be deemed non-responsive and may be cause for rejection.
- 9.2 The selection criteria include the following:

CRITERIA	Scoring Criteria
<b>Proposal Package Content</b>	<b>Pass/Fail</b>
Cover letter including Contract and Firm Info	
Signed RFP Signature Page: Attachment A	
Signed Addenda: Attachment B (if any addenda for this solicitation)	
General Firm Information: Attachment C	
Organizational Chart of Proposed Team: Attachment D	
Resume(s) of Key Personnel for this Contract: Attachment E	
Project Experience & References: Attachment F	



Project Management Approach (one [1] page Limit): Attachment G	
Schedule Management Approach (one [1] page Limit): Attachment H	
Cost Management Approach (one [1] page Limit): Attachment I	
Sealed Submittal of Fee Schedule Form: Attachment J	
<b>Proposed Team Proposal and Resume (0-20 pts)</b>	<b>Points</b>
Organizational Chart of Proposed Team provides a clear picture of the working relationship between all key personnel on the proposed team.	
Proposed team members have relevant technical expertise to provide engineering, right-of-way (appraisal & acquisition), environmental, and permitting tasks listed in COUNTY Scope of Work.	
Staff has appropriate licenses, registrations, and certifications to provide engineering task listed in COUNTY Scope of Work.	
Some or all team members/firms have previously worked together on similar projects.	
<b>Proposed Team Proposal and Resume Subtotal Possible Points - 20</b>	
<b>Project Experience (0-30 pts)</b>	<b>Points</b>
<p><b>Example Project 1</b> description indicates:</p> <ul style="list-style-type: none"> <li>(1) Previous experience with road projects of various width, length and scope;</li> <li>(2) Government agency work experience;</li> <li>(3) Type of California Environmental Quality Act (CEQA)/National Environmental Policy Act (NEPA) document prepared for the project as well as the regulatory permits obtained;</li> <li>(4) Record of accomplishing project on schedule and on budget;</li> <li>(5) Most important role or roles in project were performed by firm in proposed project.</li> </ul>	
<p><b>Example Project 2</b> description indicates:</p> <ul style="list-style-type: none"> <li>(1) Previous experience with road projects of various width, length and scope;</li> <li>(2) Government agency work experience;</li> <li>(3) Type of CEQA/NEPA document prepared for the project as well as the regulatory permits obtained;</li> <li>(4) Record of accomplishing project on schedule and on budget;</li> <li>(5) Most important role or roles in project were performed by firm in proposed project.</li> </ul>	

<b>Example Project 3</b> description indicates:	
<ul style="list-style-type: none"> <li>(1) Previous experience with road projects of various width, length and scope;</li> <li>(2) Government agency work experience;</li> <li>(3) Type of CEQA/NEPA document prepared for the project as well as the regulatory permits obtained;</li> <li>(4) Record of accomplishing project on schedule and on budget;</li> <li>(5) Most important role or roles in project were performed by firm in proposed project.</li> </ul>	
<b>Project Experience Subtotal Possible Points - 30</b>	
<b>Experience with Caltrans Local Assistance (0-10 pts)</b>	<b>Points</b>
Firm’s proposed project team has experience with Caltrans Local Assistance procedures, especially as it relates to federally funded projects	
<b>Client References (0-5 pts)</b>	<b>Points</b>
List of recent clients references	
<b>Project Specific Components: (0-35 pts)</b>	
<b>Quality of Project Management Approach as described (one [1] page limit)(0-15 pts)</b>	<b>Points</b>
Describes approach and the steps and methods to be used from project inception through construction documents and design during construction. Includes submittals and meetings with agencies, staff roles and responsibilities for each step in the work process and all methods employed for in-house plan checks during all phases of document and submittals.	
<b>Quality of schedule Management Approach as described (one [1] page limit)(0-10 pts)</b>	<b>Points</b>
Describes schedule management approach; scheduling software used, and methods used to recover from slippage of schedule milestones.	
<b>Quality of Cost Management Approach as described (one [1] page limit)(0-10 pts)</b>	<b>Points</b>
Describes Firm’s Value Engineering Methodology	
<b>Quality of Project Management Approach Subtotal Possible Points -35</b>	<b>Points</b>
<b>Total (100 Points Possible)</b>	

9.3 PSA award(s) will not be based on cost.

9.4 This proposal will be subject to a Pre-Award audit. CONTRACTOR must submit Exhibit 10-A, A&E Consultant Financial Document Review Request (See link: <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10a.pdf>) for approval by the County.

9.5 COUNTY may conduct interviews and utilize references during selection process as well.

9.6 The award(s) resulting from this RFP will be made to the CONTRACTOR(s) that submit a response that, in the sole opinion of the COUNTY, best serves the overall interest of the COUNTY.

9.7 The award made from this RFP may be subject to approval by the County Board of Supervisors.

## 10.0 CONTRACT AWARD

10.1 No Guaranteed Value: COUNTY does not guarantee a minimum or maximum dollar value for any PSA or PSA's resulting from this solicitation.

10.2 Board of Supervisors: The award(s) made from this solicitation may be subject to approval by the County Board of Supervisors.

10.3 Interview: COUNTY reserves the right to interview selected CONTRACTOR(s) before a contract is awarded. The costs of attending any interview are the CONTRACTOR'S responsibility.

10.4 Incurred Costs: COUNTY is not liable for any cost incurred by CONTRACTOR in response to this solicitation.

10.5 Notification: All CONTRACTORS who have submitted a Proposal package will be notified of the final decision as soon as it has been determined.

10.6 In COUNTY's Best Interest: The award(s) resulting from this solicitation will be made to the CONTRACTOR(s) that submit a response that, in the sole opinion of COUNTY, best serves the overall interest of COUNTY.

## 11.0 SEQUENTIAL CONTRACT NEGOTIATION

11.1 COUNTY will pursue contract negotiations with the CONTRACTOR who submits the best PROPOSAL package or is deemed the most qualified in the sole opinion of COUNTY, and which is in accordance with the criteria as described within this solicitation. If the contract negotiations are unsuccessful, in the opinion of either COUNTY or CONTRACTOR, COUNTY may pursue contract negotiations with the entity that submitted a PROPOSAL package which COUNTY deems to be the next best qualified to provide the services, or COUNTY may issue a new solicitation or take any other action which it deems to be in its best interest.

## 12.0 AGREEMENT TO TERMS AND CONDITIONS

12.1 The terms of the PSA(s) will be for a period of three (3) years with the option to extend the PSA for two (2) additional one (1) year periods.

12.2 COUNTY reserves the right to cancel any PSA(s), or any extension of any PSA(s), without cause, with a thirty-day (30) written notice, immediately with cause.

12.3 If this RFP includes options for renewal or extensions, CONTRACTOR(s) must commence negotiations for rate changes a minimum of ninety days (90) prior to the expiration of the PSA. Both parties shall agree upon rate extensions or changes in writing. The COUNTY does not have to give a reason if it elects not to renew.

12.4 CONTRACTOR selected through the solicitation process will be expected to execute a formal PSA with COUNTY for the provision of the requested service. The PSA shall be written by COUNTY in a standard format approved by the Office of the County Counsel, similar to the “**PROFESSIONAL SERVICES AGREEMENT**” provided as Exhibit A which is incorporated by this reference. Submission of a signed Proposal package and the **RFP SIGNATURE PAGE** will be interpreted to mean CONTRACTOR HAS AGREED TO ALL THE TERMS AND CONDITIONS set forth **in the pages of this solicitation and the standard provisions included in the PSA. COUNTY may but is not required to consider including language from the CONTRACTOR’S proposed AGREEMENT, and any such submission shall be included in the EXCEPTIONS SUBMITTAL of CONTRACTOR’S proposal.**

12.5 **Federal Funding Required forms and Exhibits:** For projects that are federally funded, CONTRACTOR shall sign and include all applicable exhibits required for projects with federal highway funding. Exhibit B – Federal Provisions which is incorporated by this reference includes the applicable forms required for projects with federal highway funding.

### 13.0 COLLUSION

13.1 CONTRACTOR shall not conspire, attempt to conspire, or commit any other act of collusion with any other interested party for the purpose of secretly, or otherwise, establishing an understanding regarding rates or conditions to the solicitation that would bring about any unfair conditions.

### 14.0 RIGHTS TO PERTINENT MATERIALS

14.1 All responses, inquiries, and correspondence related to this solicitation and all reports, charts, displays, schedules, exhibits, and other documentation produced by the CONTRACTOR that are submitted as part of the submittal will become the property of the COUNTY when received by the COUNTY and may be considered public information under applicable law. Any proprietary information in the submittal must be identified as such and marked “CONFIDENTIAL INFORMATION” or “PROPRIETARY INFORMATION”. The COUNTY will not disclose proprietary information to the public, unless required by law; however, the COUNTY cannot guarantee that such information will be held confidential.

### 15.0 INDEMNIFICATION

15.1 For purposes of the following indemnification provisions (“Indemnification Agreement”), “design professional” has the same meaning as set forth in California Civil Code section 2782.8. If any term, provision or application of this Indemnification Agreement is found to be invalid, in violation of

public policy or unenforceable to any extent, such finding shall not invalidate any other term or provision of this Indemnification Agreement and such other terms and provisions shall continue in full force and effect. If there is any conflict between the terms, provisions or application of this Indemnification Agreement and the provisions of California Civil Code Sections 2782 or 2782.8, the broadest indemnity protection for the COUNTY under this indemnity Agreement that is permitted by law shall be provided by CONTRACTOR.

15.2 Indemnification for Design Professional Services Claims: CONTRACTOR shall indemnify, defend and hold harmless COUNTY, its governing board, directors, officers, employees, and agents against any claims that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of CONTRACTOR, its employees, subcontractors, and agents in the performance of design professional services under this Agreement, excepting only liability arising from the sole negligence, active negligence or willful misconduct of COUNTY, or defect in a design furnished by COUNTY but in no event shall the amount of such CONTRACTOR's liability or cost to defend incurred by CONTRACTOR exceed such CONTRACTOR's proportionate percentage of fault as determined by a court, arbitrator or mediator, or as set out in a settlement agreement. In the event one or more defendants to any action involving such claim or claims against COUNTY is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, such CONTRACTOR shall meet and confer with the other parties to such action regarding unpaid defense costs.

15.3 Indemnification for All Other Claims or Loss: For any claim, loss, injury, damage, expense or liability other than claims arising out of the CONTRACTOR's performance of design professional services under this Agreement, CONTRACTOR shall indemnify, defend and hold harmless COUNTY, its governing board, directors, officers, employees, and agents against any claim for loss, injury, damage, expense or liability resulting from or alleging injury to or death of any person or loss of use of or damage to property, arising from or related to the performance of services under this Agreement by CONTRACTOR, its employees, subcontractors or agents, excepting only liability arising from the sole negligence, active negligence or willful misconduct of the COUNTY, or defect in a design furnished by the COUNTY.

## 16.0 INSURANCE REQUIREMENTS

### 16.1 Evidence of Coverage:

Prior to commencement of this Agreement, the Contractor shall provide a "Certificate of Insurance" certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, the Contractor upon request shall provide a certified copy of the policy or policies.

This verification of coverage shall be sent to the County's Contracts/Purchasing Department, unless otherwise directed. The Contractor shall not receive a "Notice to Proceed" with the work under this Agreement until it has obtained all insurance required and the County has approved such insurance. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

### 16.2 Qualifying Insurers:

All coverage's, except surety, shall be issued by companies which hold a current policy holder's alphabetic and financial size category rating of not less than A-VII, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the County's Purchasing Manager.

16.3 Insurance Coverage Requirements: Without limiting CONTRACTOR's duty to indemnify, CONTRACTOR shall maintain in effect throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

**Commercial General Liability Insurance**, including but not limited to premises and operations, including coverage for Bodily Injury and Property Damage, Personal Injury, Contractual Liability, Broad form Property Damage, Independent Contractors, Products and Completed Operations, with a combined single limit for Bodily Injury and Property Damage of not less than \$1,000,000 per occurrence.

*(Note: any proposed modifications to these general liability insurance requirements shall be attached as an Exhibit hereto, and the section(s) above that are proposed as not applicable shall be lined out in blue ink. All proposed modifications are subject to County approval.)*

**Business Automobile Liability Insurance**, covering all motor vehicles, including owned, leased, non-owned, and hired vehicles, used in providing services under this Agreement, with a combined single limit for Bodily Injury and Property Damage of not less than \$1,000,000 per occurrence.

*(Note: any proposed modifications to these auto insurance requirements shall be attached as an Exhibit hereto, and the section(s) above that are proposed as not applicable shall be lined out in blue ink. All proposed modifications are subject to County approval.)*

**Workers' Compensation Insurance**, if CONTRACTOR employs others in the performance of this Agreement, in accordance with California Labor Code Section 3700 and with Employer's Liability limits not less than \$1,000,000 each person, \$1,000,000 each accident and \$1,000,000 each disease.

*(Note: any proposed modifications to these workers' compensation insurance requirements shall be attached as an Exhibit hereto, and the section(s) above that are proposed as not applicable shall be lined out in blue ink. All proposed modifications are subject to County approval.)*

**Professional Liability Insurance**, if required for the professional services being provided, (e.g., those persons authorized by a license to engage in a business or profession regulated by the California Business and Professions Code), in the amount of not less than \$1,000,000 per claim and \$2,000,000 in the aggregate, to cover liability for malpractice or errors or omissions made in the course of rendering professional services. If professional liability insurance is written on a "claims-made" basis rather than an occurrence basis, the CONTRACTOR shall, upon the expiration or earlier termination of this Agreement, obtain extended reporting coverage ("tail coverage") with the same liability limits. Any such tail coverage shall continue for at least three (3) years following the expiration or earlier termination of this Agreement.

*(Note: any proposed modifications to these insurance requirements shall be attached as an Exhibit hereto, and the section(s) above that are proposed as not applicable shall be lined out in blue ink. All proposed modifications are subject to County approval.)*

#### 16.4 Other Requirements:

All insurance required by this Agreement shall be with a company acceptable to the County and issued and executed by an admitted insurer authorized to transact Insurance business in the State of California. Unless otherwise specified by this Agreement, all such insurance shall be written on an occurrence basis, or, if the policy is not written on an occurrence basis, such policy with the coverage required herein shall continue in effect for a period of three (3) years following the date CONTRACTOR completes its performance of services under this Agreement.


Each liability policy shall provide that the County shall be given notice in writing at least thirty days in advance of any endorsed reduction in coverage or limit, cancellation, or intended non-renewal thereof. Each policy shall provide coverage for Contractor and additional insureds with respect to claims arising from each subcontractor, if any, performing work under this Agreement, or be accompanied by a certificate of insurance from each subcontractor showing each subcontractor has identical insurance coverage to the above requirements.

**Commercial general liability and automobile liability policies shall provide an endorsement naming the County of Monterey, its officers, agents, and employees as Additional Insureds** with respect to liability arising out of the CONTRACTOR'S work, including ongoing and completed operations, **and shall further provide that such insurance is primary insurance to any insurance or self-insurance maintained by the County and that the insurance of the Additional Insureds shall not be called upon to contribute to a loss covered by the CONTRACTOR'S insurance.** The required endorsement form for Commercial General Liability Additional Insured is **ISO Form CG 20 10 11-85 or CG 20 10 10 01 in tandem with CG 20 37 10 01 (2000).** The required endorsement form for Automobile Additional Insured endorsement is **ISO Form CA 20 48 02 99.**

Prior to the execution of this Agreement by the County, CONTRACTOR shall file certificates of insurance with the County's contract administrator and County's Contracts/Purchasing Division, showing that the CONTRACTOR has in effect the insurance required by this Agreement. The CONTRACTOR shall file a new or amended certificate of insurance within five (5) calendar days after any change is made in any insurance policy, which would alter the information on the certificate then on file. Acceptance or approval of insurance shall in no way modify or change the indemnification clause in this Agreement, which shall continue in full force and effect.

CONTRACTOR shall at all times during the term of this Agreement maintain in force the insurance coverage required under this Agreement and shall send, without demand by County, annual certificates to County's Contract Administrator and County's Contracts/Purchasing Division. If the certificate is not received by the expiration date, County shall notify CONTRACTOR and CONTRACTOR shall have five (5) calendar days to send in the certificate, evidencing no lapse in coverage during the interim. Failure by CONTRACTOR to maintain such insurance is a default of this Agreement, which entitles County, at its sole discretion, to terminate this Agreement immediately.

**SIGNATURE PAGE**

COUNTY OF MONTEREY	RFP #10706
RESOURCE MANAGEMENT AGENCY – PUBLIC WORKS	ISSUE DATE: February 20, 2020
	
RFP TITLE: PROFESSIONAL CIVIL ENGINEERING SERVICES FOR LAS LOMAS DRIVE BICYCLE LANE AND PEDESTRIAN PROJECT	
PROPOSALS ARE DUE IN THE RMA -PUBLIC WORKS, FACILITIES AND PARKS BY 5:00 P.M., LOCAL TIME, ON MARCH 20, 2020	<b>MAILING ADDRESS:</b>
	COUNTY OF MONTEREY RMA-PUBLIC WORKS
	1441 SCHILLING PLACE, 2nd FL. SALINAS, CA 93901-4527
QUESTIONS ABOUT THIS RFP SHOULD BE DIRECTED TO <b>Isabelo Dela Merced, Delamercedi@CO.MONTEREY.CA.US</b>	
<p>CONTRACTOR MUST INCLUDE THE FOLLOWING IN EACH PROPOSAL:</p> <ul style="list-style-type: none"> <li>• Proposal Package (as required by this RFP) – one (1) original plus five (5) copies and in PDF format on one (1) CD</li> <li>• Fee Schedule (Attachment J) – one (1), sealed in a separate envelope</li> </ul>	
<input type="checkbox"/> ALL REQUIRED CONTENT AS DEFINED PER SECTION 8.1 HEREIN	
<p>This Signature Page must be included with your submittal in order to validate your Proposal Package. <b>Proposals submitted without this page will be deemed non-responsive.</b></p>	
<input type="checkbox"/> <b>CHECK HERE IF YOU HAVE ANY EXCEPTIONS TO THIS SOLICITATION.</b>	
CONTRACTOR MUST COMPLETE THE FOLLOWING TO VALIDATE PROPOSAL PACKAGE.	
I hereby agree to furnish the articles and/or services stipulated in my Proposal Package at the price quoted, subject to the instructions and conditions in the Request for Proposal. I further attest that I am an official officer representing my firm and authorized with signatory authority to present this Proposal Package.	

Company Name: \_\_\_\_\_ Date \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

License No. (If applicable): \_\_\_\_\_

License Classification (If applicable): \_\_\_\_\_



## **EXHIBIT A - SAMPLE PROFESSIONAL SERVICE AGREEMENT**

The County of Monterey Agreement for Professional Services with Surveyors, Architects, Engineers & Design Professionals (More than \$100,000) with all terms and conditions may be viewed at:

<http://www.co.monterey.ca.us/cao/psa.htm>

**COUNTY OF MONTEREY AGREEMENT FOR PROFESSIONAL SERVICES  
WITH SURVEYORS, ARCHITECTS, ENGINEERS & DESIGN PROFESSIONALS  
(MORE THAN \$100,000)\***

This Professional Services Agreement ("Agreement") is made by and between the County of Monterey, a political subdivision of the State of California (hereinafter "County") and:

\_\_\_\_\_  
(hereinafter "CONTRACTOR").

In consideration of the mutual covenants and conditions set forth in this Agreement, the parties agree as follows:

1. **SERVICES TO BE PROVIDED.** The County hereby engages CONTRACTOR to perform, and CONTRACTOR hereby agrees to perform, the services described in **Exhibit A** in conformity with the terms of this Agreement. The services are generally described as follows:

Provide \_\_\_\_\_  
\_\_\_\_\_.

2. **PAYMENTS BY COUNTY.** County shall pay the CONTRACTOR in accordance with the payment provisions set forth in **Exhibit A**, subject to the limitations set forth in this Agreement. The total amount payable by County to CONTRACTOR under this Agreement shall not exceed the sum of \$ \_\_\_\_\_.

3. **TERM OF AGREEMENT.** The term of this Agreement is from \_\_\_\_\_ to \_\_\_\_\_, unless sooner terminated pursuant to the terms of this Agreement. This Agreement is of no force or effect until signed by both CONTRACTOR and County and with County signing last, and CONTRACTOR may not commence work before County signs this Agreement.

4. **ADDITIONAL PROVISIONS/EXHIBITS.** The following attached exhibits are incorporated herein by reference and constitute a part of this Agreement:

**Exhibit A** Scope of Services/Payment Provisions

**Exhibit B** Revision to Paragraph 8, Indemnification, of Agreement

5. **PERFORMANCE STANDARDS.**

5.01. CONTRACTOR warrants that CONTRACTOR and CONTRACTOR's agents, employees, and subcontractors performing services under this Agreement are specially trained, experienced, competent, and appropriately licensed to perform the work and deliver the services required under this Agreement and are not employees of the County, or immediate family of an employee of the County.

5.02. CONTRACTOR, its agents, employees, and subcontractors shall perform all work in a safe and skillful manner and in compliance with all applicable laws and regulations. All work performed under this Agreement that is required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements.

\*Approved by County Board of Supervisors on \_\_\_\_\_.

5.03. CONTRACTOR shall furnish, at its own expense, all materials, equipment, and personnel necessary to carry out the terms of this Agreement, except as otherwise specified in this Agreement. CONTRACTOR shall not use County premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations under this Agreement.

## 6. PAYMENT CONDITIONS.

6.01. CONTRACTOR shall submit to the Contract Administrator an invoice on a form acceptable to County. If not otherwise specified, the CONTRACTOR may submit such invoice periodically or at the completion of services, but in any event, not later than 30 days after completion of services. The invoice shall set forth the amounts claimed by CONTRACTOR for the previous period, together with an itemized basis for the amounts claimed, and such other information pertinent to the invoice as the County may require. The Contract Administrator or his or her designee shall certify the invoice; either in the requested amount or in such other amount as the County approves in conformity with this Agreement, and shall promptly submit such invoice to the County Auditor-Controller for payment. The County Auditor-Controller shall pay the amount certified within 30 days of receiving the certified invoice.

6.02. CONTRACTOR shall not receive reimbursement for travel expenses unless set forth in this Agreement.

## 7. TERMINATION.

7.01. During the term of this Agreement, the County may terminate the Agreement for any reason by giving written notice of termination to the CONTRACTOR at least thirty (30) days prior to the effective date of termination. Such notice shall set forth the effective date of termination. In the event of such termination, the amount payable under this Agreement shall be reduced in proportion to the services provided prior to the date of termination.

7.02. The County may cancel and terminate this Agreement for good cause effective immediately upon written notice to CONTRACTOR. "Good cause" includes the failure of CONTRACTOR to perform the required services at the time and in the manner provided under this Agreement. If County terminates this Agreement for good cause, the County may be relieved of the payment of any consideration to CONTRACTOR, and the County may proceed with the work in any manner, which County deems proper. The cost to the County shall be deducted from any sum due the CONTRACTOR under this Agreement.

## 8. INDEMNIFICATION.

~~8.01. For purposes of the following indemnification provisions ("Indemnification Agreement"), "design professional" has the same meaning as set forth in California Civil Code section 2782.8. If any term, provision or application of this Indemnification Agreement is found to be invalid, in violation of public policy or unenforceable to any extent, such finding shall not invalidate any other term or provision of this Indemnification Agreement and such other terms and provisions shall continue in full force and effect. If there is any conflict between the terms, provisions or application of this Indemnification Agreement and the provisions of California Civil Code Sections 2782 or 2782.8, the broadest indemnity protection for the COUNTY under this Indemnity Agreement that is permitted by law shall be provided by CONTRACTOR.~~

Please refer to Exhibit B of Agreement.

\_\_\_\_\_  
Contractor's Initials

\_\_\_\_\_  
Date

~~8.02 Indemnification for Design Professional Services Claims:~~

~~CONTRACTOR shall indemnify, defend and hold harmless COUNTY, its governing board, directors, officers, employees, and agents against any claims that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of the CONTRACTOR, its employees, subcontractors, and agents in the performance of design professional services under this Agreement, excepting only liability arising from the sole negligence, active negligence or willful misconduct of the COUNTY, or defect in a design furnished by the COUNTY.~~

~~Please refer to Exhibit B of Agreement.~~

~~\_\_\_\_\_/\_\_\_\_\_  
Contractor's Initials~~

~~\_\_\_\_\_/\_\_\_\_\_  
Date~~

~~8.03 Indemnification for All Other Claims or Loss:~~

~~For any claim, loss, injury, damage, expense or liability other than claims arising out of the CONTRACTOR's performance of design professional services under this Agreement, CONTRACTOR shall indemnify, defend and hold harmless COUNTY, its governing board, directors, officers, employees, and agents against any claim for loss, injury, damage, expense or liability resulting from or alleging injury to or death of any person or loss of use of or damage to property, arising from or related to the performance of services under this Agreement by CONTRACTOR, its employees, subcontractors or agents, excepting only liability arising from the sole negligence, active negligence or willful misconduct of the COUNTY, or defect in a design furnished by the COUNTY.~~

~~Please refer to Exhibit B of Agreement.~~

~~\_\_\_\_\_/\_\_\_\_\_  
Contractor's Initials~~

~~\_\_\_\_\_/\_\_\_\_\_  
Date~~

**9.0 INSURANCE.**

9.01 Evidence of Coverage:

Prior to commencement of this Agreement, the Contractor shall provide a "Certificate of Insurance" certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition the Contractor upon request shall provide a certified copy of the policy or policies.

This verification of coverage shall be sent to the County's, Contracts/Purchasing Department, unless otherwise directed. The Contractor shall not receive a "Notice to Proceed" with the work under this Agreement until it has obtained all insurance required and such, insurance has been approved by the County. This approval of insurance shall neither relieve nor decrease the liability of the Contractor.

9.02 Qualifying Insurers:

All coverage's, except surety, shall be issued by companies which hold a current policy holder's alphabetic and financial size category rating of not less than A- VII, according to the current Best's Key Rating Guide or a company of equal financial stability that is approved by the County's Purchasing Manager.

9.03 Insurance Coverage Requirements: Without limiting CONTRACTOR's duty to indemnify, CONTRACTOR shall maintain in effect throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

Commercial general liability insurance, including but not limited to premises and operations, including coverage for Bodily Injury and Property Damage, Personal Injury, Contractual Liability, Broadform Property Damage, Independent Contractors, Products and Completed Operations, with a combined single limit for Bodily Injury and Property Damage of not less than \$1,000,000 per occurrence.

Modification (Justification attached; subject to approval).

Business automobile liability insurance, covering all motor vehicles, including owned, leased, non-owned, and hired vehicles, used in providing services under this Agreement, with a combined single limit for Bodily Injury and Property Damage of not less than \$1,000,000 per occurrence.

Modification (Justification attached; subject to approval).

Workers' Compensation Insurance, if CONTRACTOR employs others in the performance of this Agreement, in accordance with California Labor Code section 3700 and with Employer's Liability limits not less than \$1,000,000 each person, \$1,000,000 each accident and \$1,000,000 each disease.

Modification (Justification attached; subject to approval).

Professional liability insurance, if required for the professional services being provided, (e.g., those persons authorized by a license to engage in a business or profession regulated by the California Business and Professions Code), in the amount of not less than \$1,000,000 per claim and \$2,000,000 in the aggregate, to cover liability for malpractice or errors or omissions made in the course of rendering professional services. If professional liability insurance is written on a "claims-made" basis rather than an occurrence basis, the CONTRACTOR shall, upon the expiration or earlier termination of this Agreement, obtain extended reporting coverage ("tail coverage") with the same liability limits. Any such tail coverage shall continue for at least three years following the expiration or earlier termination of this Agreement.

Modification (Justification attached; subject to approval).

#### 9.04 Other Insurance Requirements.

All insurance required by this Agreement shall be with a company acceptable to the County and issued and executed by an admitted insurer authorized to transact Insurance business in the State of California. Unless otherwise specified by this Agreement, all such insurance shall be written on an occurrence basis, or, if the policy is not written on an occurrence basis, such policy with the coverage required herein shall continue in effect for a period of three years following the date CONTRACTOR completes its performance of services under this Agreement.

Each liability policy shall provide that the County shall be given notice in writing at least thirty days in advance of any endorsed reduction in coverage or limit, cancellation, or intended non-renewal thereof. Each policy shall provide coverage for Contractor and additional insureds with respect to claims arising from each subcontractor, if any, performing work under this Agreement, or be accompanied by a certificate of insurance from each subcontractor showing each subcontractor has identical insurance coverage to the above requirements.

Commercial general liability and automobile liability policies shall provide an endorsement naming the County of Monterey, its officers, agents, and employees as Additional Insureds with respect to liability arising out of the CONTRACTOR'S work, including ongoing and completed

operations, and shall further provide that such insurance is primary insurance to any insurance or self-insurance maintained by the County and that the insurance of the Additional Insureds shall not be called upon to contribute to a loss covered by the CONTRACTOR'S insurance. The required endorsement form for Commercial General Liability Additional Insured is ISO Form CG 20 10 11-85 or CG 20 10 10 01 in tandem with CG 20 37 10 01 (2000). The required endorsement form for Automobile Additional Insured endorsement is ISO Form CA 20 48 02 99.

Prior to the execution of this Agreement by the County, CONTRACTOR shall file certificates of insurance with the County's contract administrator and County's Contracts/Purchasing Division, showing that the CONTRACTOR has in effect the insurance required by this Agreement. The CONTRACTOR shall file a new or amended certificate of insurance within five calendar days after any change is made in any insurance policy, which would alter the information on the certificate then on file. Acceptance or approval of insurance shall in no way modify or change the indemnification clause in this Agreement, which shall continue in full force and effect.

CONTRACTOR shall at all times during the term of this Agreement maintain in force the insurance coverage required under this Agreement and shall send, without demand by County, annual certificates to County's Contract Administrator and County's Contracts/Purchasing Division. If the certificate is not received by the expiration date, County shall notify CONTRACTOR and CONTRACTOR shall have five calendar days to send in the certificate, evidencing no lapse in coverage during the interim. Failure by CONTRACTOR to maintain such insurance is a default of this Agreement, which entitles County, at its sole discretion, to terminate this Agreement immediately.

## 10. RECORDS AND CONFIDENTIALITY.

- 10.01 Confidentiality. CONTRACTOR and its officers, employees, agents, and subcontractors shall comply with any and all federal, state, and local laws, which provide for the confidentiality of records and other information. CONTRACTOR shall not disclose any confidential records or other confidential information received from the County or prepared in connection with the performance of this Agreement, unless County specifically permits CONTRACTOR to disclose such records or information. CONTRACTOR shall promptly transmit to County any and all requests for disclosure of any such confidential records or information. CONTRACTOR shall not use any confidential information gained by CONTRACTOR in the performance of this Agreement except for the sole purpose of carrying out CONTRACTOR's obligations under this Agreement.
- 10.02 County Records. When this Agreement expires or terminates, CONTRACTOR shall return to County any County records which CONTRACTOR used or received from County to perform services under this Agreement.
- 10.03 Maintenance of Records. CONTRACTOR shall prepare, maintain, and preserve all reports and records that may be required by federal, state, and County rules and regulations related to services performed under this Agreement. CONTRACTOR shall maintain such records for a period of at least three years after receipt of final payment under this Agreement. If any litigation, claim, negotiation, audit exception, or other action relating to this Agreement is pending at the end of the three year period, then CONTRACTOR shall retain said records until such action is resolved.

- 10.04 Access to and Audit of Records. The County shall have the right to examine, monitor and audit all records, documents, conditions, and activities of the CONTRACTOR and its subcontractors related to services provided under this Agreement. Pursuant to Government Code section 8546.7, if this Agreement involves the expenditure of public funds in excess of \$10,000, the parties to this Agreement may be subject, at the request of the County or as part of any audit of the County, to the examination and audit of the State Auditor pertaining to matters connected with the performance of this Agreement for a period of three years after final payment under the Agreement.
- 10.05 Royalties and Inventions. County shall have a royalty-free, exclusive and irrevocable license to reproduce, publish, and use, and authorize others to do so, all original computer programs, writings, sound recordings, pictorial reproductions, drawings, and other works of similar nature produced in the course of or under this Agreement. CONTRACTOR shall not publish any such material without the prior written approval of County.
11. **NON-DISCRIMINATION.** During the performance of this Agreement, CONTRACTOR, and its subcontractors, shall not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age (over 40), or sexual orientation, either in CONTRACTOR's employment practices or in the furnishing of services to recipients. CONTRACTOR shall ensure that the evaluation and treatment of its employees and applicants for employment and all persons receiving and requesting services are free of such discrimination. CONTRACTOR and any subcontractor shall, in the performance of this Agreement, fully comply with all federal, state, and local laws and regulations, which prohibit discrimination. The provision of services primarily or exclusively to such target population as may be designated in this Agreement shall not be deemed to be prohibited discrimination.
12. **COMPLIANCE WITH TERMS OF STATE OR FEDERAL GRANT.** If this Agreement has been or will be funded with monies received by the County pursuant to a contract with the state or federal government in which the County is the grantee, CONTRACTOR will comply with all the provisions of said contract, to the extent applicable to CONTRACTOR as a subgrantee under said contract, and said provisions shall be deemed a part of this Agreement, as though fully set forth herein. Upon request, County will deliver a copy of said contract to CONTRACTOR, at no cost to CONTRACTOR.
13. **INDEPENDENT CONTRACTOR.** In the performance of work, duties, and obligations under this Agreement, CONTRACTOR is at all times acting and performing as an independent contractor and not as an employee of the County. No offer or obligation of permanent employment with the County or particular County department or agency is intended in any manner, and CONTRACTOR shall not become entitled by virtue of this Agreement to receive from County any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers' compensation coverage, insurance or disability benefits. CONTRACTOR shall be solely liable for and obligated to pay directly all applicable taxes, including federal and state income taxes and social security, arising out of CONTRACTOR's performance of this Agreement. In connection therewith, CONTRACTOR shall defend, indemnify, and hold County harmless from any and all liability, which County may incur because of CONTRACTOR's failure to pay such taxes.

14. **NOTICES.** Notices required under this Agreement shall be delivered personally or by first-class, postage pre-paid mail to the County and CONTRACTOR'S contract administrators at the addresses listed below:

FOR COUNTY:	FOR CONTRACTOR:
Name and Title	Name and Title
Address	Address
Phone	Phone

15. **MISCELLANEOUS PROVISIONS.**

15.01 Conflict of Interest. CONTRACTOR represents that it presently has no interest and agrees not to acquire any interest during the term of this Agreement, which would directly or indirectly conflict in any manner or to any degree with the full and complete performance of the professional services required to be rendered under this Agreement.

15.02 Amendment. This Agreement may be amended or modified only by an instrument in writing signed by the County and the CONTRACTOR.

15.03 Waiver. Any waiver of any terms and conditions of this Agreement must be in writing and signed by the County and the CONTRACTOR. A waiver of any of the terms and conditions of this Agreement shall not be construed as a waiver of any other terms or conditions in this Agreement.

15.04 Contractor. The term "CONTRACTOR" as used in this Agreement includes CONTRACTOR's officers, agents, and employees acting on CONTRACTOR's behalf in the performance of this Agreement.

15.05 Disputes. CONTRACTOR shall continue to perform under this Agreement during any dispute.

15.06 Assignment and Subcontracting. The CONTRACTOR shall not assign, sell, or otherwise transfer its interest or obligations in this Agreement without the prior written consent of the County. None of the services covered by this Agreement shall be subcontracted without the prior written approval of the County. Notwithstanding any such subcontract, CONTRACTOR shall continue to be liable for the performance of all requirements of this Agreement.

15.07 Successors and Assigns. This Agreement and the rights, privileges, duties, and obligations of the County and CONTRACTOR under this Agreement, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns, and heirs.



- 15.08 Compliance with Applicable Law. The parties shall comply with all applicable federal, state, and local laws and regulations in performing this Agreement.
- 15.09 Headings. The headings are for convenience only and shall not be used to interpret the terms of this Agreement.
- 15.10 Time is of the Essence. Time is of the essence in each and all of the provisions of this Agreement.
- 15.11 Governing Law. This Agreement shall be governed by and interpreted under the laws of the State of California.
- 15.12 Non-exclusive Agreement. This Agreement is non-exclusive and both County and CONTRACTOR expressly reserve the right to contract with other entities for the same or similar services.
- 15.13 Construction of Agreement. The County and CONTRACTOR agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendment to this Agreement.
- 15.14 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.
- 15.15 Authority. Any individual executing this Agreement on behalf of the County or the CONTRACTOR represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such party and bind the party to the terms and conditions of this Agreement.
- 15.16 Integration. This Agreement, including the exhibits, represent the entire Agreement between the County and the CONTRACTOR with respect to the subject matter of this Agreement and shall supersede all prior negotiations, representations, or agreements, either written or oral, between the County and the CONTRACTOR as of the effective date of this Agreement, which is the date that the County signs the Agreement.
- 15.17 Interpretation of Conflicting Provisions. In the event of any conflict or inconsistency between the provisions of this Agreement and the Provisions of any exhibit or other attachment to this Agreement, the provisions of this Agreement shall prevail and control.

**This space is left blank, intentionally.**

IN WITNESS WHEREOF, County and CONTRACTOR have executed this Agreement as of the day and year written below.

**COUNTY OF MONTEREY**

**CONTRACTOR**

By: \_\_\_\_\_  
Purchasing Officer

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Department Head (if applicable)

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Board of Supervisors (if applicable)

Date: \_\_\_\_\_

Approved as to Form<sup>1</sup>

By: \_\_\_\_\_  
County Counsel

Date: \_\_\_\_\_

Approved as to Fiscal Provisions<sup>2</sup>

By: \_\_\_\_\_  
Auditor/Controller

Date: \_\_\_\_\_

Approved as to Liability Provisions<sup>3</sup>

By: \_\_\_\_\_  
Risk Management

Date: \_\_\_\_\_

\_\_\_\_\_  
Contractor's Business Name\*

By: \_\_\_\_\_  
(Signature of Chair, President, or  
Vice-President)\*

\_\_\_\_\_  
Name and Title

Date: \_\_\_\_\_

By: \_\_\_\_\_  
(Signature of Secretary, Asst. Secretary, CFO,  
Treasurer or Asst. Treasurer)\*

\_\_\_\_\_  
Name and Title

Date: \_\_\_\_\_

County Board of Supervisors' Agreement Number: \_\_\_\_\_.

\*INSTRUCTIONS: If CONTRACTOR is a corporation, including limited liability and non-profit corporations, the full legal name of the corporation shall be set forth above together with the signatures of two specified officers. If CONTRACTOR is a partnership, the name of the partnership shall be set forth above together with the signature of a partner who has authority to execute this Agreement on behalf of the partnership. If CONTRACTOR is contracting in an individual capacity, the individual shall set forth the name of the business, if any, and shall personally sign the Agreement.

<sup>1</sup>Approval by County Counsel is required for all Professional Service Agreements over \$100,000

<sup>2</sup>Approval by Auditor/Controller is required for all Professional Service Agreements

<sup>3</sup>Approval by Risk Management is required only if changes are made in paragraph 8 or 9

## EXHIBIT B – REVISION TO PARAGRAPH 8, INDEMNIFICATION, OF AGREEMENT

### 8. INDEMNIFICATION.

8.01 For purposes of the following indemnification provisions (“Indemnification Agreement”), “design professional” has the same meaning as set forth in California Civil Code section 2782.8. If any term, provision or application of this Indemnification Agreement is found to be invalid, in violation of public policy or unenforceable to any extent, such finding shall not invalidate any other term or provision of this Indemnification Agreement and such other terms and provisions shall continue in full force and effect. If there is any conflict between the terms, provisions or application of this Indemnification Agreement and the provisions of California Civil Code Sections 2782 or 2782.8, the broadest indemnity protection for COUNTY under this Indemnity Agreement that is permitted by law shall be provided by CONTRACTOR.

8.02 Indemnification for Design Professional Services Claims:

CONTRACTOR shall indemnify, defend and hold harmless COUNTY, its governing board, directors, officers, employees, and agents against any claims that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of CONTRACTOR, its employees, subcontractors, and agents in the performance of design professional services under this Agreement, excepting only liability arising from the sole negligence, active negligence or willful misconduct of COUNTY, or defect in a design furnished by COUNTY, but in no event shall the amount of such CONTRACTOR’s liability exceed such CONTRACTOR’s proportionate percentage of fault as determined by a court, arbitrator or mediator, or as set out in a settlement agreement. In the event one (1) or more defendants to any action involving such claim or claims against COUNTY is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, such CONTRACTOR shall meet and confer with the other parties to such action regarding unpaid defense costs.

8.03 Indemnification for All Other Claims or Loss:

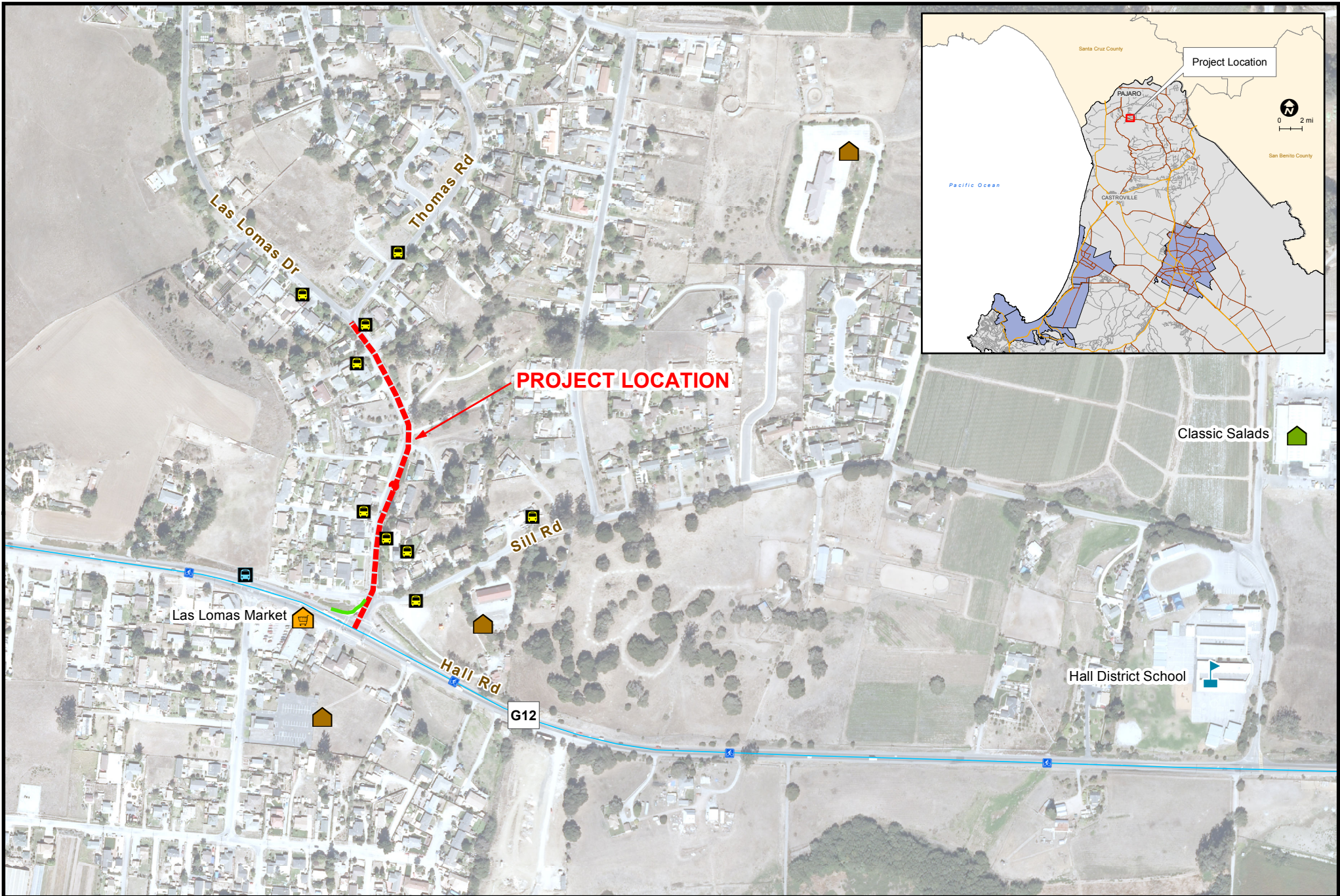
For any claim, loss, injury, damage, expense or liability other than claims arising out of CONTRACTOR’s performance of design professional services under this Agreement, CONTRACTOR shall indemnify, defend and hold harmless COUNTY, its governing board, directors, officers, employees, and agents against any claim for loss, injury, damage, expense or liability resulting from or alleging injury to or death of any person or loss of use of or damage to property, arising from or related to the performance of services under this Agreement by CONTRACTOR, its employees, subcontractors or agents, excepting only liability arising from the sole negligence, active negligence or willful misconduct of COUNTY, or defect in a design furnished by COUNTY.

## 15.0 INDEMNIFICATION

- 15.1 For purposes of the following indemnification provisions (“Indemnification Agreement”), “design professional” has the same meaning as set forth in California Civil Code section 2782.8. If any term, provision or application of this Indemnification Agreement is found to be invalid, in violation of public policy or unenforceable to any extent, such finding shall not invalidate any other term or provision of this Indemnification Agreement and such other terms and provisions shall continue in full force and effect. If there is any conflict between the terms, provisions or application of this Indemnification Agreement and the provisions of California Civil Code Sections 2782 or 2782.8, the broadest indemnity protection for COUNTY under this Indemnity Agreement that is permitted by law shall be provided by CONTRACTOR.
- 15.2 Indemnification for Design Professional Services Claims: CONTRACTOR shall indemnify, defend and hold harmless COUNTY, its governing board, directors, officers, employees, and agents against any claims that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of CONTRACTOR, its employees, subcontractors, and agents in the performance of design professional services under this Agreement, excepting only liability arising from the sole negligence, active negligence or willful misconduct of COUNTY, or defect in a design furnished by COUNTY, but in no event shall the amount of such CONTRACTOR’s liability exceed such CONTRACTOR’s proportionate percentage of fault as determined by a court, arbitrator or mediator, or as set out in a settlement agreement. In the event one (1) or more defendants to any action involving such claim or claims against COUNTY is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, such CONTRACTOR shall meet and confer with the other parties to such action regarding unpaid defense costs.
- 15.3 Indemnification for All Other Claims or Loss: For any claim, loss, injury, damage, expense or liability other than claims arising out of CONTRACTOR’s performance of design professional services under this Agreement, CONTRACTOR shall indemnify, defend and hold harmless COUNTY, its governing board, directors, officers, employees, and agents against any claim for loss, injury, damage, expense or liability resulting from or alleging injury to or death of any person or loss of use of or damage to property, arising from or related to the performance of services under this Agreement by CONTRACTOR, its employees, subcontractors or agents, excepting only liability arising from the sole negligence, active negligence or willful misconduct of COUNTY, or defect in a design furnished by COUNTY.










**EXHIBIT B – LOCATION MAP**






County of Monterey  
 Resource Management Agency  
 Public Works Department

**EXHIBIT B - LOCATION MAP**  
**LAS LOMAS DRIVE BICYCLE LANE  
 & PEDESTRIAN PROJECT**

-  Las Lomas Bicycle & Pedestrian Improvement Project
-  Bike Lane (Class II)
-  Existing Sidewalk
-  Employment Center
-  Shopping Center
-  School
-  MST Bus Stop
-  School Bus Stops
-  Worship Center



Map produced by  
 Resource Management Agency  
 May 2015.

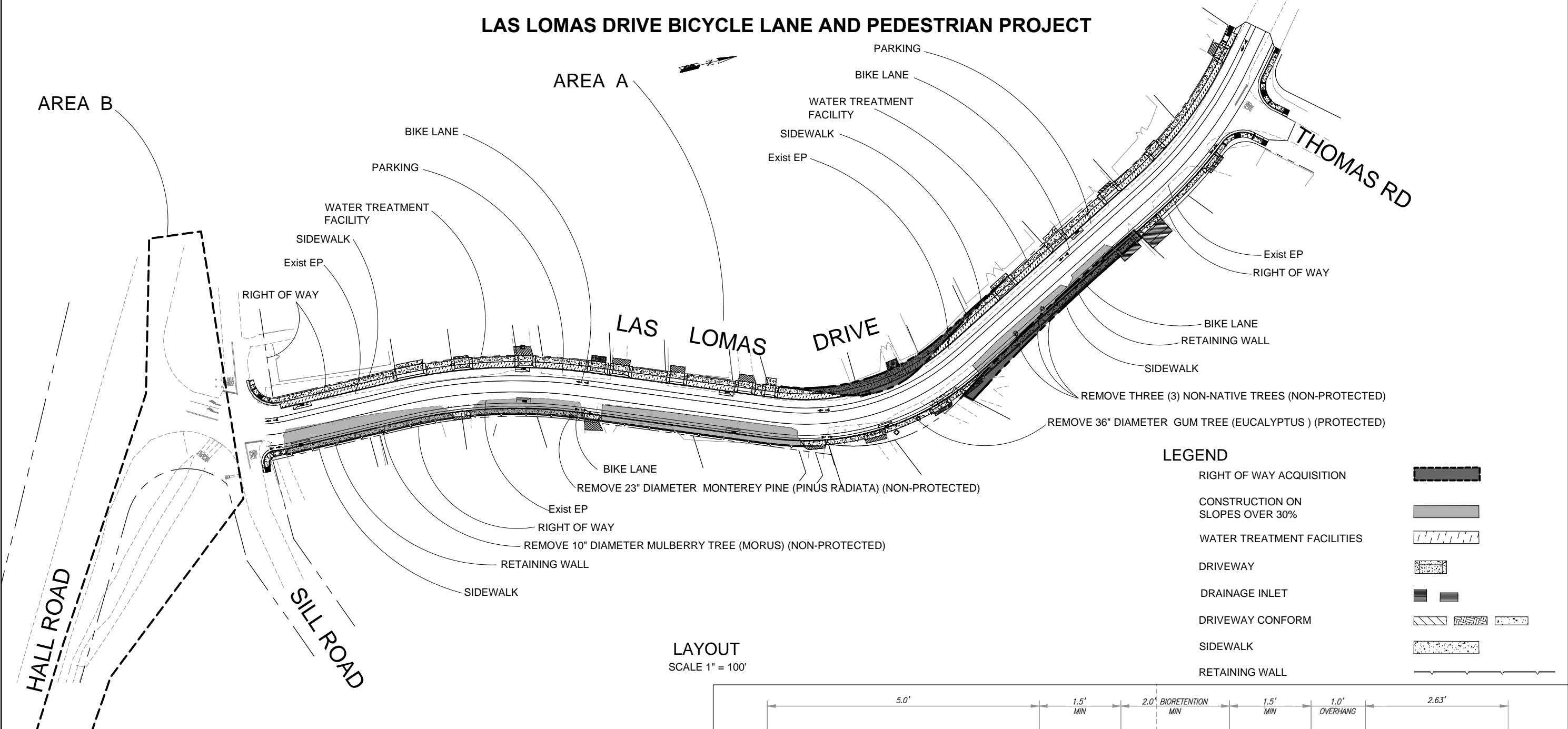
0      200      400 FT



**EXHIBIT C – PRELIMINARY LAYOUT, PHASE 2**

# EXHIBIT C - PRELIMINARY LAYOUT, PHASE 2

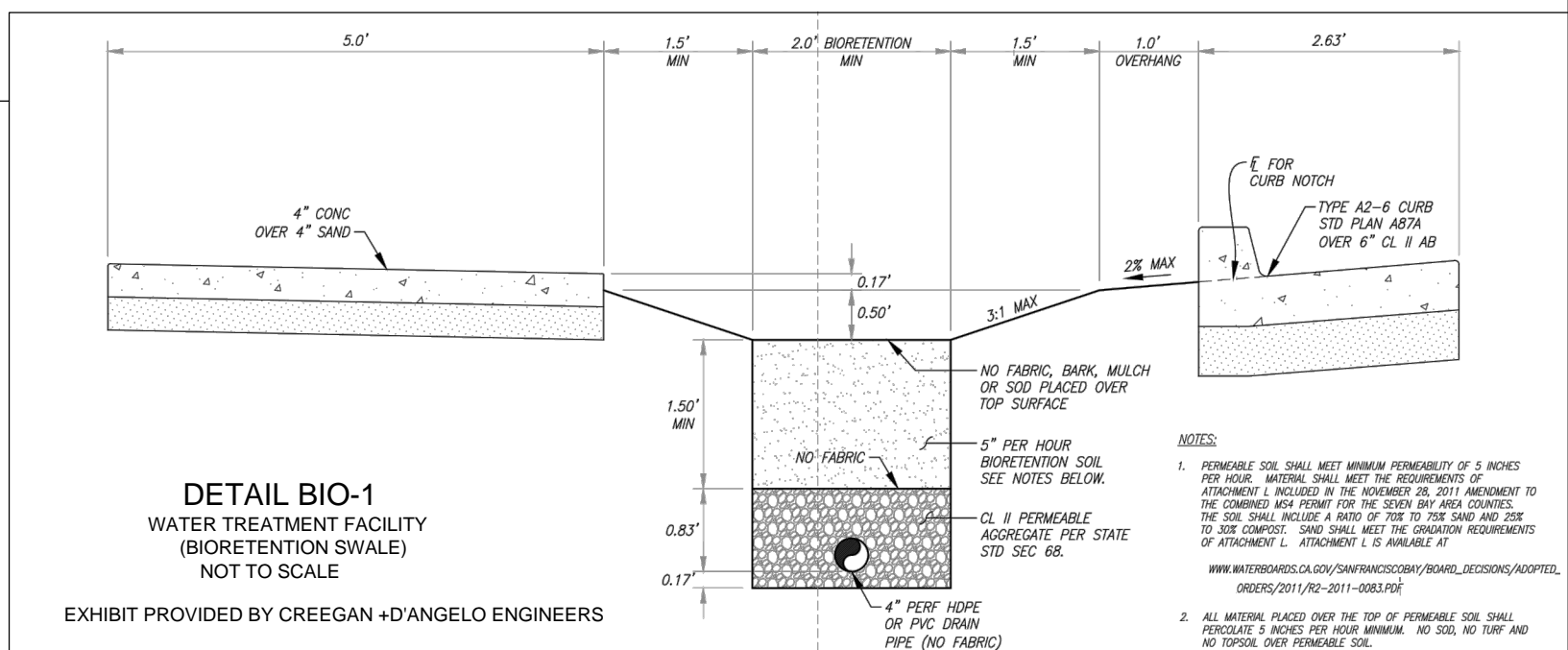
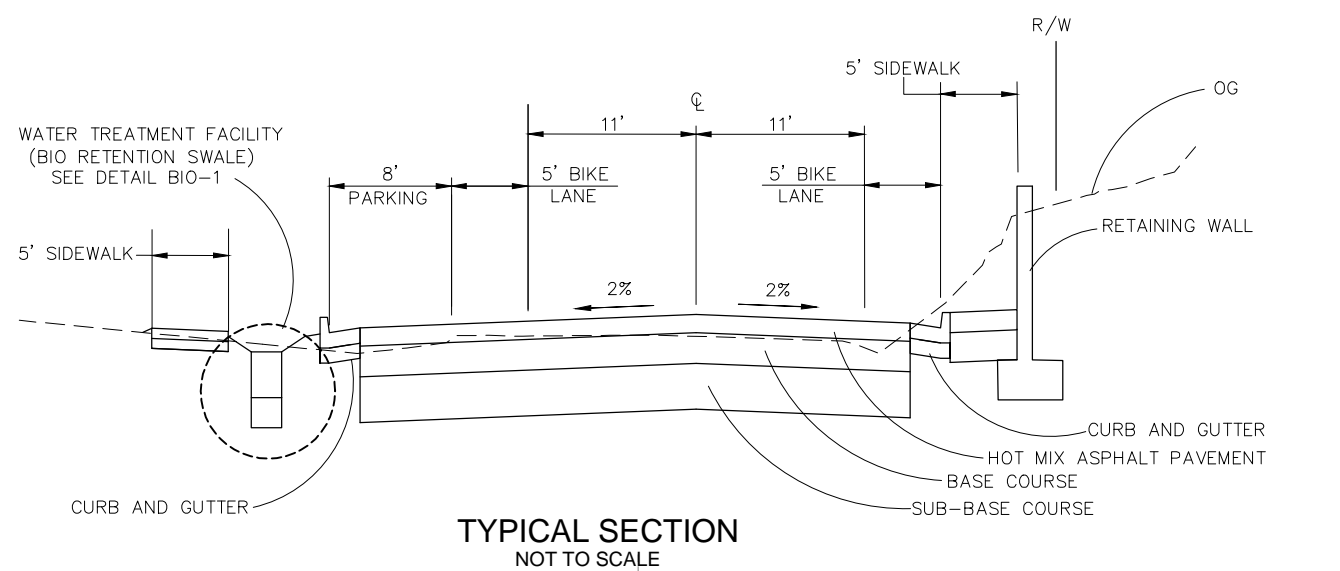
## LAS LOMAS DRIVE BICYCLE LANE AND PEDESTRIAN PROJECT



### 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'



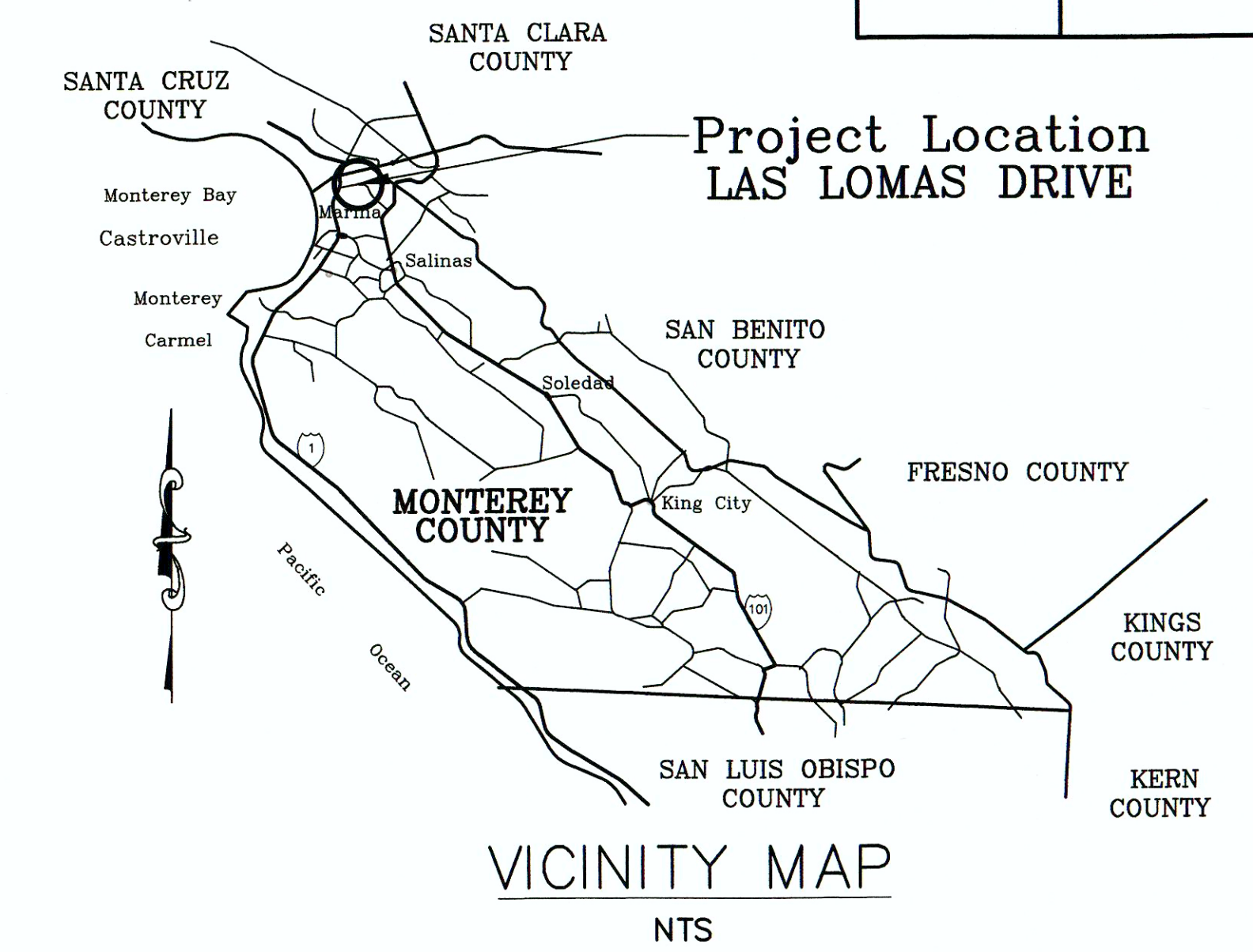


**EXHIBIT D – PROJECT PLANS FOR LAS LOMAS DRAINAGE PROJECT,  
PHASE I**

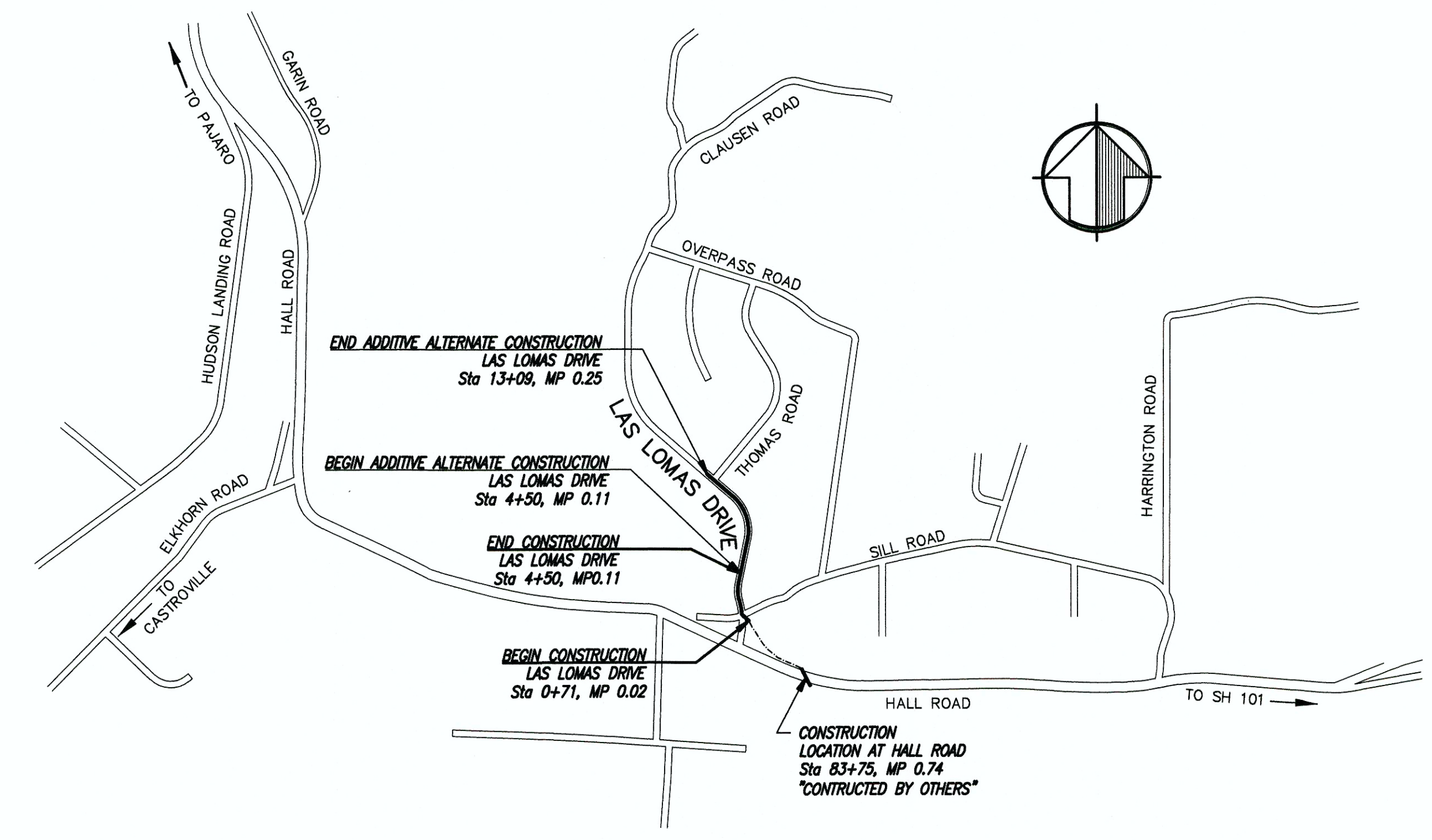


COUNTY OF MONTEREY  
STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

PROJECT PLANS FOR CONSTRUCTION OF  
LAS LOMAS DRAINAGE PROJECT  
AT COMMUNITY OF LAS LOMAS FROM  
SILL ROAD TO THOMAS ROAD AND A SEGMENT OF HALL ROAD  
PROJECT NO. 1723



TO BE SUPPLEMENTED BY CALTRANS STANDARD SPECIFICATIONS AND STANDARD PLANS 2010 EDITION



SHEET INDEX		
NO	SHEET NO	SHEET TITLE
1	TS-1	TITLE SHEET
2	AB	ABBREVIATIONS, NOTES AND LEGENDS
3	L-1	STA 0+00 TO 6+30 - PLAN & PROFILE
4	L-2	STA 6+30 TO 11+00 - PLAN & PROFILE
5	L-3	STA 11+00 TO 13+50 - PLAN & PROFILE
6	L-4	LAS LOMAS OUTFALL - PLAN & PROFILE
7	L-5	STORM DRAIN LATERAL PROFILE
8	CS-1	CROSS SECTIONS & GRADING DETAILS
9	CD-1	CONSTRUCTION DETAILS
10	CD-2	CONSTRUCTION DETAILS
11	CD-3	CONSTRUCTION DETAILS
12	CD-4	CONSTRUCTION DETAILS
13	S-1	SEWER PLAN AND PROFILE
14	Q-1	SUMMARY OF QUANTITIES

**BENCHMARK INFORMATION**

BASIS OF BEARING: CALIFORNIA COORDINATE SYSTEM ZONE 4, 0404 OF THE NAD 83 (NORTH AMERICAN DATUM) - EPOCH 2010, GEOID 12A (CONUS) AS DETERMINED LOCALLY VIA FASTSTATIC GNSS (GLOBAL NAVIGATION SATELLITE SYSTEM) SURVEY BETWEEN HPGN (HIGH PRECISION GRID NETWORK) QU4263 AND AB7669 CONTROL POINTS AS DERIVED FROM GEODETIC VALUES PUBLISHED BY THE NGS (NATIONAL GEODETIC SURVEY).

FAST STATIC CONTROL POINT:  
EASTING: 5762065.7720  
NORTHING: 2209438.6020  
POINT ELEVATION: 30.2860  
DESCRIPTION: MAGNETIC NAIL WITH COUNTY SURVEYOR OF MONTEREY WASHER



BY ACTION OF THE BOARD OF SUPERVISORS:

APPROVED ON February 26, 2019  
FILE ID No. 19-0016

*Care P. Holm* 2/27/2019  
CARE P. HOLM DATE  
RMA DIRECTOR

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

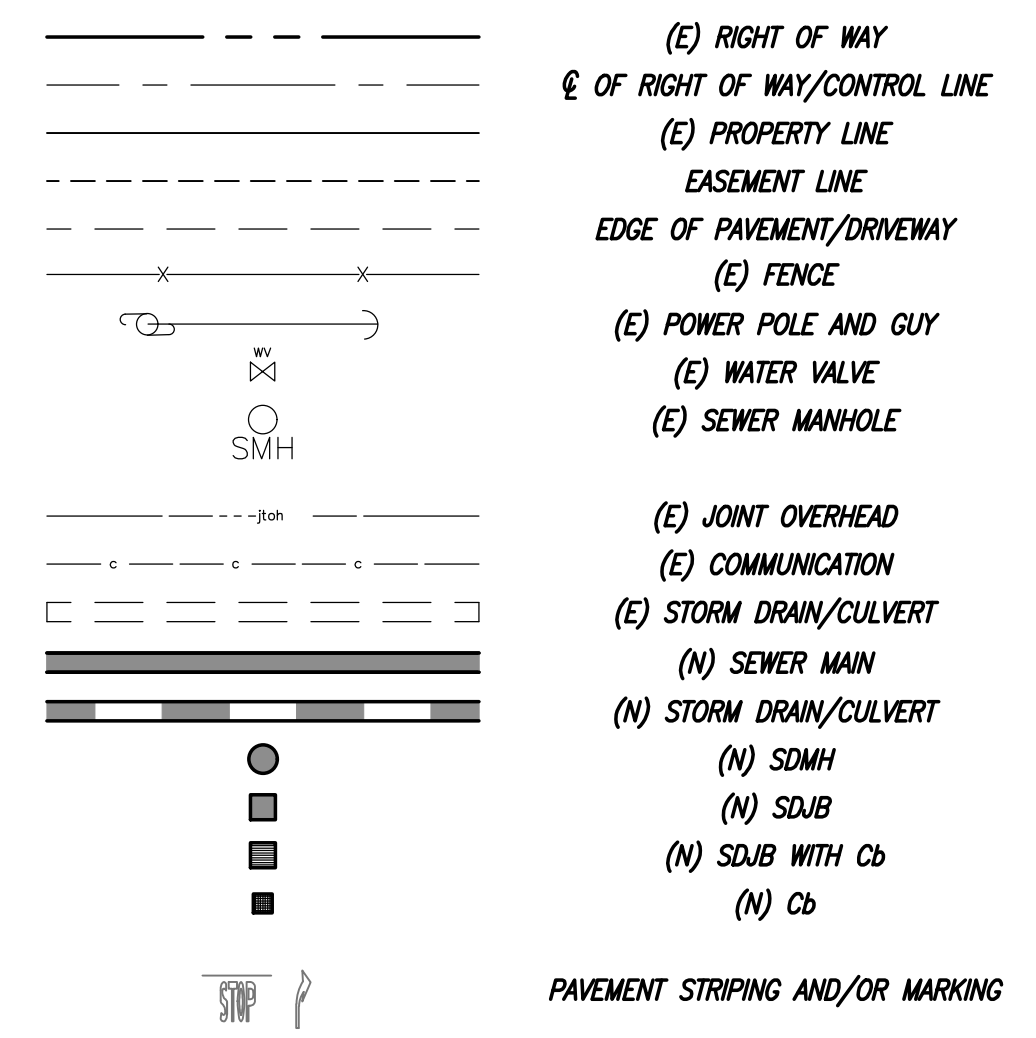
SUBMITTED BY LEON D. GOMEZ, P.E. SENIOR CIVIL ENGINEER		 2430 Martin Road, Suite 380 Fairfield, CA 94534 Tel (707) 429-5300 Fax (707) 429-2086 www.cdengineers.com	 LEON D. GOMEZ, P.E. CIVIL ENGINEER STATE OF CALIFORNIA	NO.	DATE	REVISION	APPROVED	 COUNTY OF MONTEREY RESOURCE MANAGEMENT AGENCY DEPARTMENT OF PUBLIC WORKS DESIGN SECTION 168 WEST ALISAL STREET SALINAS, CALIFORNIA 93901 (831) 755-4800/FAX (831) 755-4958	LAS LOMAS DRAINAGE PROJECT NO. 1723	
DESIGN BY LEON D. GOMEZ, P.E. PROJECT ENGINEER	CHKD BY KRS/LDG								TITLE SHEET	
DRAWN BY FRANCIS ADRIAS/ROOPA KAUKURI	CHKD BY KRS/LDG								DATE 04/18/2016	DRAWING 714007 - 1 TS-1 TITLE SHEET.dwg
SPECIFICATIONS WRITTEN BY LEON D. GOMEZ, P.E.	CHKD BY KRS/LDG					HORIZONTAL SCALE NTS	VERTICAL SCALE NTS			
APPROVAL RECOMMENDED BY ENRIQUE M. SAAVEDRA, P.E. ASSISTANT DIRECTOR OF PUBLIC WORKS										



### ABBREVIATIONS

#	NUMBER	GRND	GROUND
APT	ANGLE POINT	HT	HEIGHT
API	AREA OF POTENTIAL IMPACT	IE	INVERT ELEVATION
APN	ASSESSOR'S PARCEL NUMBER	IN	INCH OR INCHES
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS	LAT	LATERAL
BSW	BACK OF SIDEWALK	LF	LINAL FEET
Cb	CATCH BASIN	LP	LOW POINT
Comm	COMMUNICATIONS	(N)	NEW
C&G	CURB AND GUTTER	NIC	NOT INCLUDED IN CONTRACT
COR	CORNER	NG	NATURAL GAS
CTR	CENTER	P.E.	PROFESSIONAL ENGINEER
DEPT.	DEPARTMENT	PR	PROPOSED
DU	DEPTH UNKNOWN	PUE	PUBLIC UTILITY EASEMENT
DWG	DRAWING	ROW	RIGHT OF WAY
(E)	EXISTING	S=	SLOPE EQUALS
EA	EACH	SDMH	STORM DRAIN MANHOLE
EG	EXISTING GROUND	SSFH	SANITARY SEWER FORCE MAIN
EL	ELEVATION	SSMH	SANITARY SEWER MANHOLE
ESMNT	EASEMENT	TOP	TOP OF PIPE
FC	FACE OF CURB	UNK	UNKNOWN
FT	FOOT OR FEET	UTIL	UTILITY
		W/	WITH
		WSE	WATER SURFACE ELEVATION
		Wtr	WATER

### LEGEND



- (AC) ABANDON CULVERT
- (ANG) RELOCATE ANCHOR BY OTHERS
- (JP) RELOCATE UTILITY POLE BY OTHERS
- (MB) RELOCATE MAIL BOX
- (RC) REMOVE EXISTING CULVERT
- (RD) REMOVE AND REPLACE EXISTING CONCRETE DRIVEWAY
- (RE) RELOCATE EXISTING UNDERGROUND ELECTRIC SERVICE BY OTHERS
- (PS) PROTECT EXISTING SEWER CROSSING

### NOTES:

- CONTRACTOR SHALL COMPLY WITH REQUIREMENTS OF GOVERNMENT CODE SECTION 4216 CONCERNING PROTECTION OF UNDERGROUND INFRASTRUCTURE. IMPORTANT REQUIREMENTS OF THE LAW INCLUDE:
  - OUTLINE YOUR EXCAVATION AREA WITH WHITE PAINT [4216.2a].
  - CALL UNDERGROUND SERVICE ALERT (USA) 1-800-227-2600 TWO WORKING DAYS BEFORE YOU DIG [4216.2a].
  - THE USA REQUEST NUMBER IS VALID FOR 14 CALENDAR DAYS. IF YOUR EXCAVATION EXTENDS BEYOND THAT YOU MUST CONTACT USA EVERY 14 DAYS [4216.e].
  - KEEP THE USA REQUEST NUMBER TO VALIDATE YOUR EXCAVATION PERMIT [4216.9a].
  - USA WILL NOTIFY ITS MEMBERS OF YOUR EXCAVATION [4216.2c].
  - THE USA MEMBERS WILL PROVIDE INFORMATION ABOUT, MARK OR STAKE THE HORIZONTAL PATH OF THEIR FACILITIES, OR WILL ADVISE OF CLEARANCE [4216.3a].
  - EXPOSE THE UNDERGROUND FACILITIES BY HAND BEFORE USING POWER EQUIPMENT [4216.4a].

- (RG) REMOVE GAS REPLACE ANY EXISTING GAS LINE THAT IS WITHIN 8' C.L. OF PROPOSED SD PIPE WITH NEW GAS LINE LOCATED A MINIMUM OF 8' OUTSIDE C.L. OF PROPOSED SD PIPE. RELOCATE ALL GAS LINE SERVICE THAT CROSSES THE PROPOSED SD PIPE 18" ABOVE OR 24" BELOW SD PIPE. ABANDON EXISTING GAS LINE IN PLACE. WORK SHALL BE DONE BY OTHERS.
- (RW) RECONSTRUCT WALL LOCATED WITHIN RIGHT OF WAY REPLACE ANY EXISTING WATER LINE THAT IS WITHIN 8' C.L. OF PROPOSED SD PIPE WITH NEW WATER LINE LOCATED A MINIMUM OF 8' OUTSIDE C.L. OF THE PROPOSED SD PIPE. RELOCATE ALL WATER LINE SERVICE THAT CROSSES THE PROPOSED SD PIPE 18" ABOVE OR 24" BELOW SD PIPE. ABANDON EXISTING WATER LINE IN PLACE. WORK SHALL BE DONE BY OTHERS.
- (RH) REMOVE EXISTING HEADWALL
- (WM) RELOCATE WATER METER BY OTHERS
- (WV) RELOCATE WATER VALVE BY OTHERS
- (RT) REMOVE WATER

SUBMITTED BY LEON D. GOMEZ, P.E.  
 SENIOR CIVIL ENGINEER

DESIGN BY LEON D. GOMEZ, P.E.  
 PROJECT ENGINEER

DRAWN BY FRANCIS ADRIAS/ROOPA KAUKURI  
 CHECKED BY KRS/LDG

SPECIFICATIONS WRITTEN BY LEON D. GOMEZ, P.E.  
 CHECKED BY KRS/LDG

APPROVAL RECOMMENDED BY ENRIQUE M. SAAVEDRA, P.E.  
 ASSISTANT DIRECTOR OF PUBLIC WORKS

**CD Creegan+D'Angelo**  
 INFRASTRUCTURE ENGINEERS

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 Fairfield, CA 94534  
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 Fax: (707) 429-2086  
 www.cdengineers.com

*Enrique M. Saavedra*  
 No. 43034  
 EXP. 3-31-18  
 CIVIL  
 STATE OF CALIFORNIA

NO.	DATE	REVISION	APPROVED
▲			
▲			
▲			
▲			
▲	4.5.19	ADDENDUM #3, REVISE NOTES	

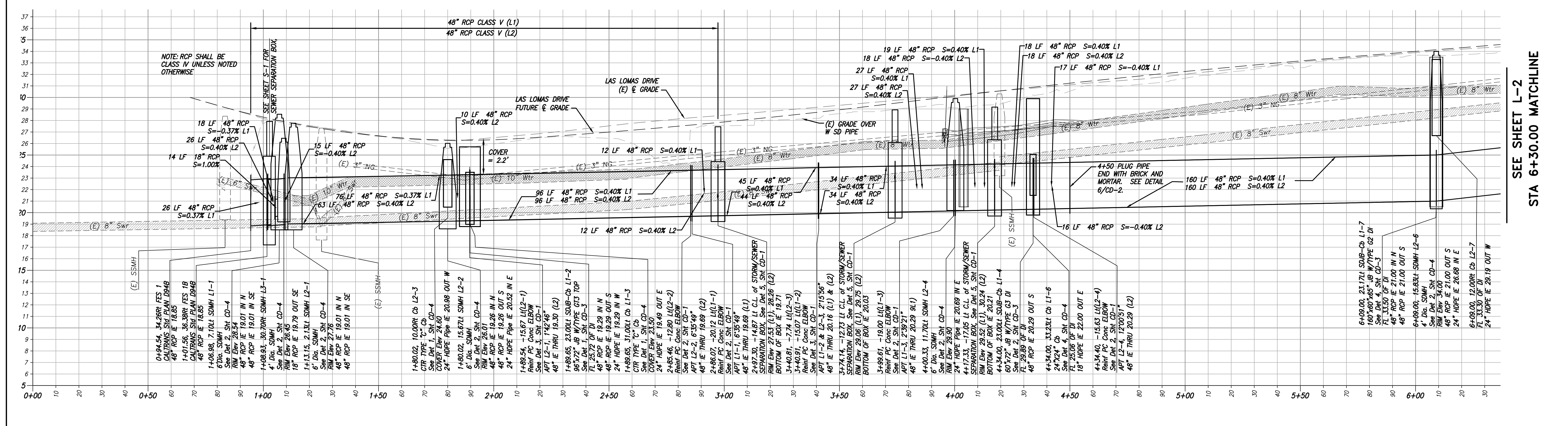
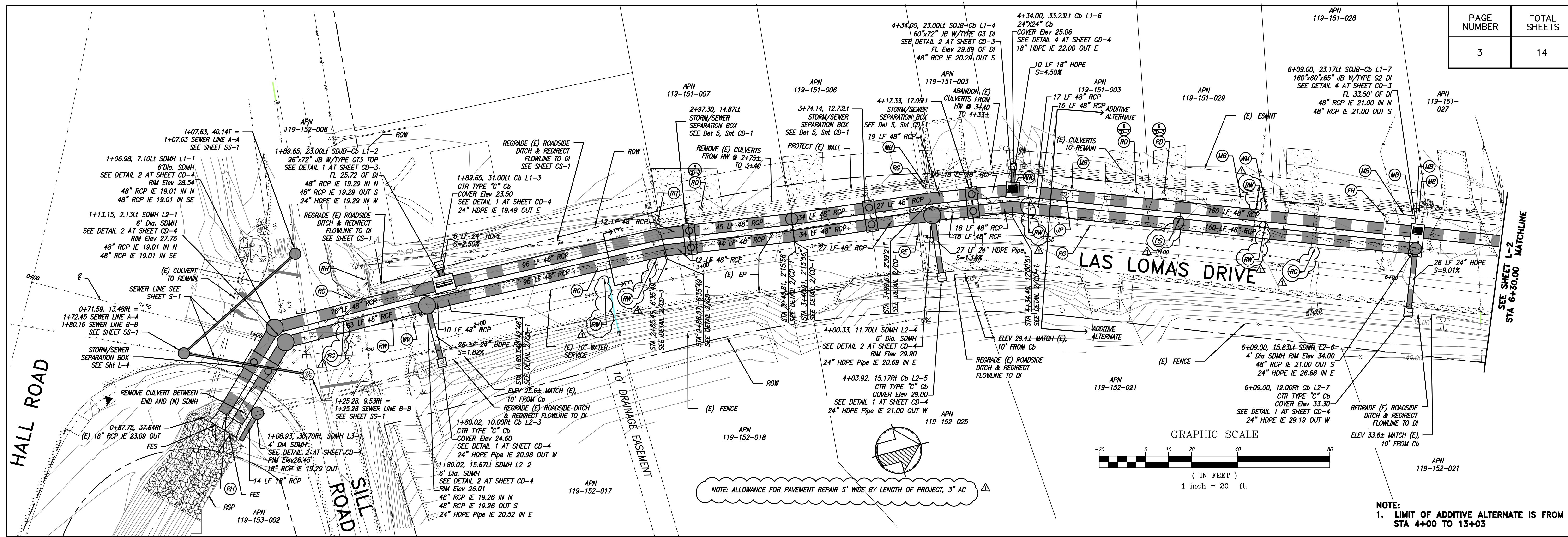
COUNTY OF MONTEREY  
 RESOURCE MANAGEMENT AGENCY  
 DEPARTMENT OF PUBLIC WORKS

DESIGN SECTION

168 WEST ALISAL STREET  
 SALINAS, CALIFORNIA 93901  
 (831) 755-4800/FAX (831) 755-4958

LAS LOMAS DRAINAGE PROJECT NO. 1723		ABBREVIATION, NOTES AND LEGENDS	
DATE 04/18/2016	DRAWING 714007 - 2 ABBREVIATION, NOTES AND LEGENDS.dwg	HORIZONTAL SCALE NTS	VERTICAL SCALE NTS
		SHEET AB	





SUBMITTED BY LEON D. GOMEZ, P.E.  
SENIOR CIVIL ENGINEER

DESIGN BY LEON D. GOMEZ, P.E.  
PROJECT ENGINEER

DRAWN BY FRANCIS ADRIAS/ROOPA KAUKURI  
SPECIFICATIONS WRITTEN BY LEON D. GOMEZ, P.E.

APPROVAL RECOMMENDED BY ENRIQUE M. SAAVEDRA, P.E.  
ASSISTANT DIRECTOR OF PUBLIC WORKS

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*Enrique M. Saavedra*  
Professional Engineer  
No. 43034  
Exp. 3-31-18  
CIVIL  
STATE OF CALIFORNIA

NO.	DATE	REVISION	APPROVED
4.5.19		ADDENDUM #3, ADD RELOCATION BY OTHERS CALL OUT	

COUNTY OF MONTEREY  
RESOURCE MANAGEMENT AGENCY  
DEPARTMENT OF PUBLIC WORKS

DESIGN SECTION

168 WEST ALISAL STREET  
SALINAS, CALIFORNIA 93901  
(831) 755-4800/FAX (831) 755-4958

LAS LOMAS DRAINAGE  
PROJECT NO. 1723

**STA 0+00 TO 6+30 PLAN & PROFILE**

DATE: 04/18/2016  
DRAWING: 714007 - 3 L-1 PLAN AND PROFILE.dwg

HORIZONTAL SCALE: 1" = 20'  
VERTICAL SCALE: 1" = 4'

SHEET L-1

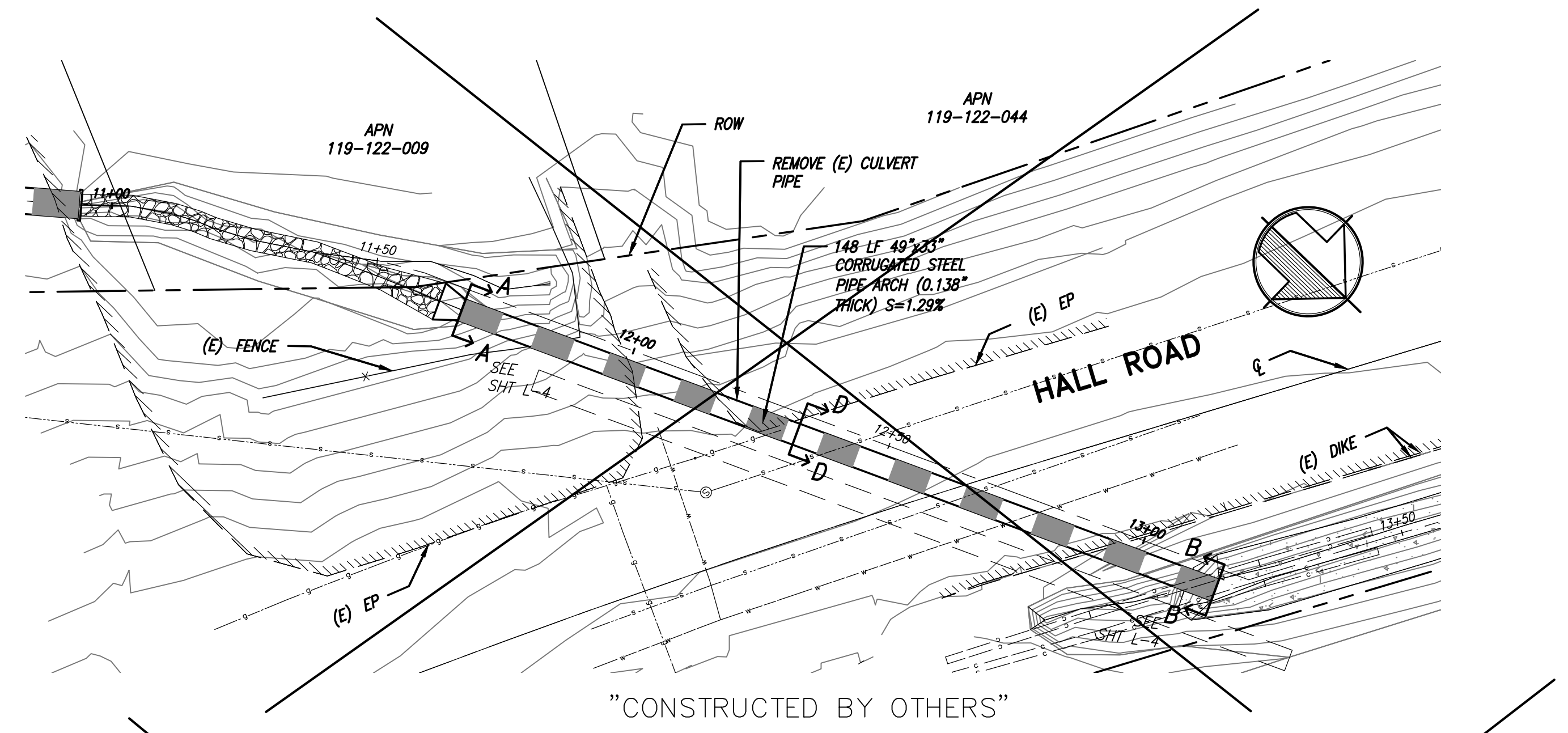




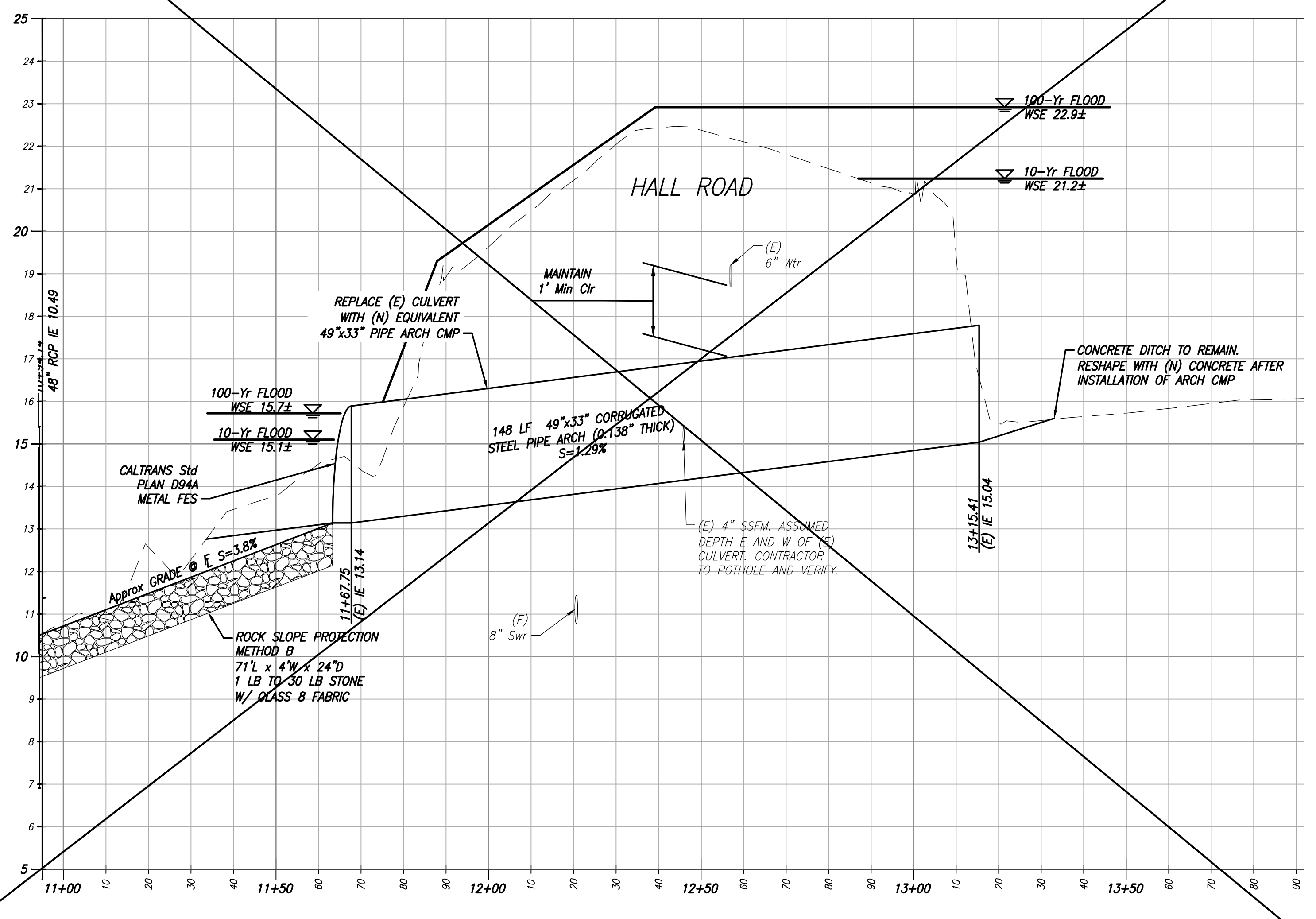




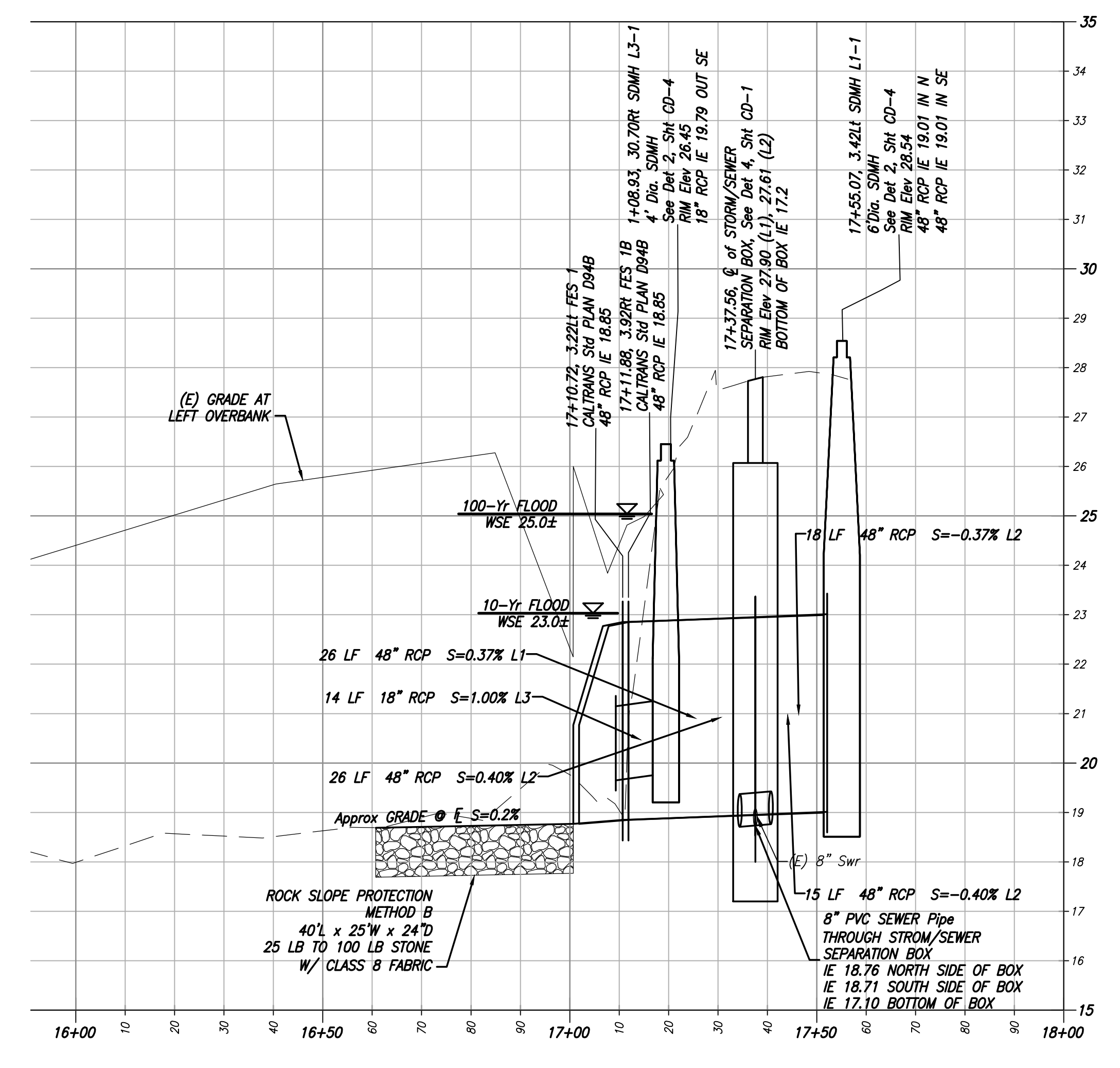
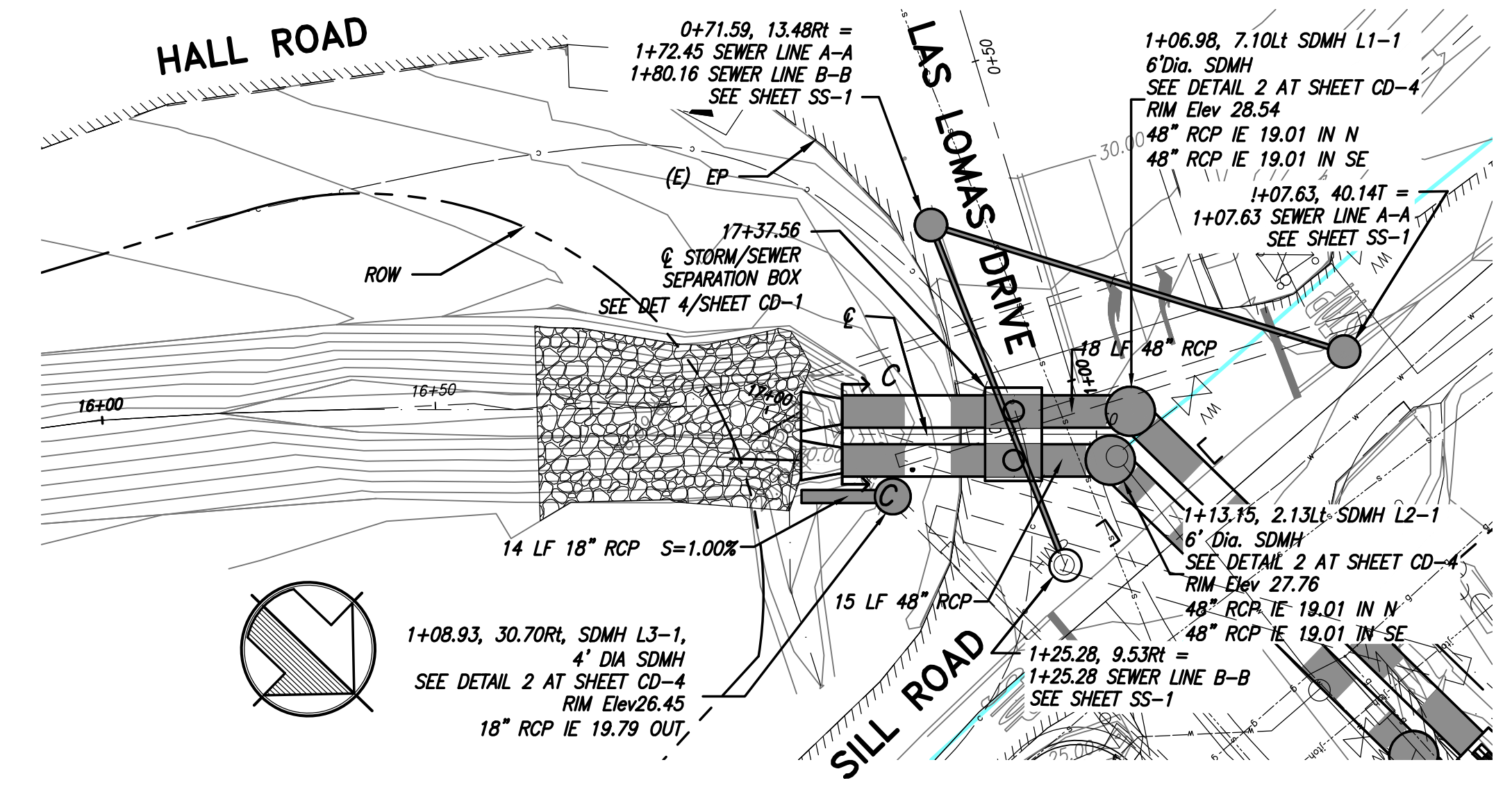
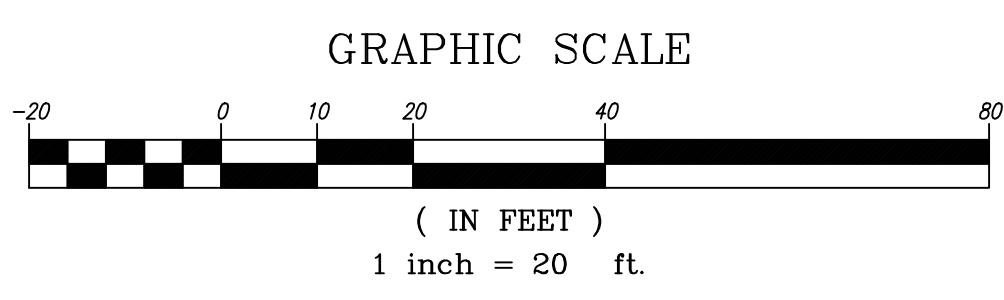




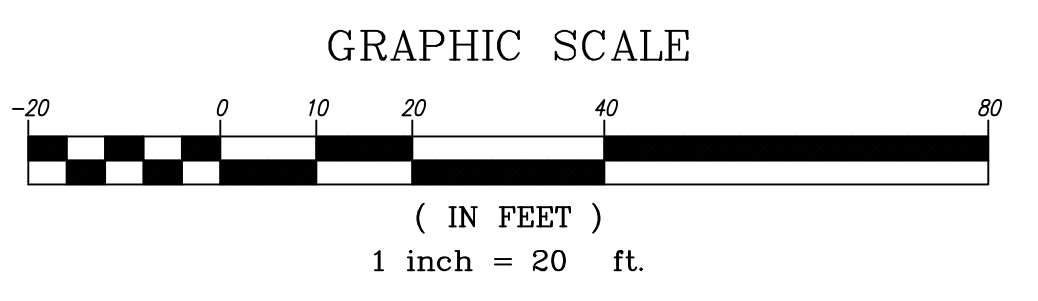
"CONSTRUCTED BY OTHERS"



**HALL ROAD CULVERT**  
"CONSTRUCTED BY OTHERS"



**LAS LOMAS DRIVE OUTFALL**



SUBMITTED BY LEON D. GOMEZ, P.E.  
SENIOR CIVIL ENGINEER

DESIGN BY LEON D. GOMEZ, P.E.  
PROJECT ENGINEER

DRAWN BY FRANCIS ADRIAS/ROOPA KAUKURI  
SPECIFICATIONS WRITTEN BY LEON D. GOMEZ, P.E.

CHKD BY KRS/LDG  
CHKD BY KRS/LDG  
CHKD BY KRS/LDG

APPROVAL  
RECOMMENDED BY ENRIQUE M. SAAVEDRA, P.E.  
ASSISTANT DIRECTOR OF PUBLIC WORKS

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Professional Engineer  
No. 43034  
EXP. 3-31-18  
CIVIL  
STATE OF CALIFORNIA

NO.	DATE	REVISION	APPROVED
4.5.19		ADDENDUM #3, CHANGE SHEET NUMBER	

COUNTY OF MONTEREY  
RESOURCE MANAGEMENT AGENCY  
DEPARTMENT OF PUBLIC WORKS

DESIGN SECTION

168 WEST ALISAL STREET  
SALINAS, CALIFORNIA 93901  
(831) 755-4800/FAX (831) 755-4958

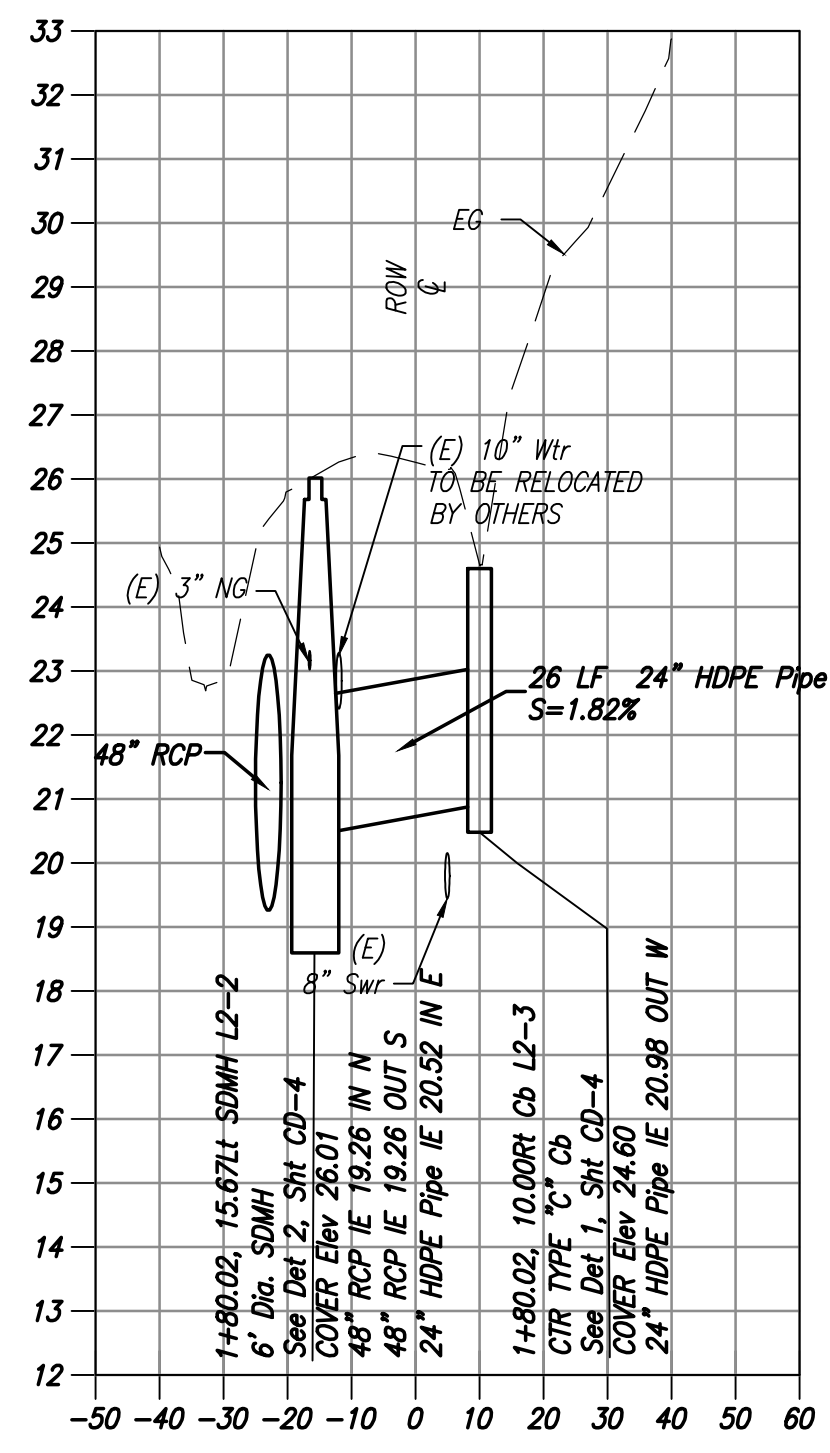
LAS LOMAS DRAINAGE  
PROJECT NO. 1723

**LAS LOMAS OUTFALL - PLAN & PROFILE**

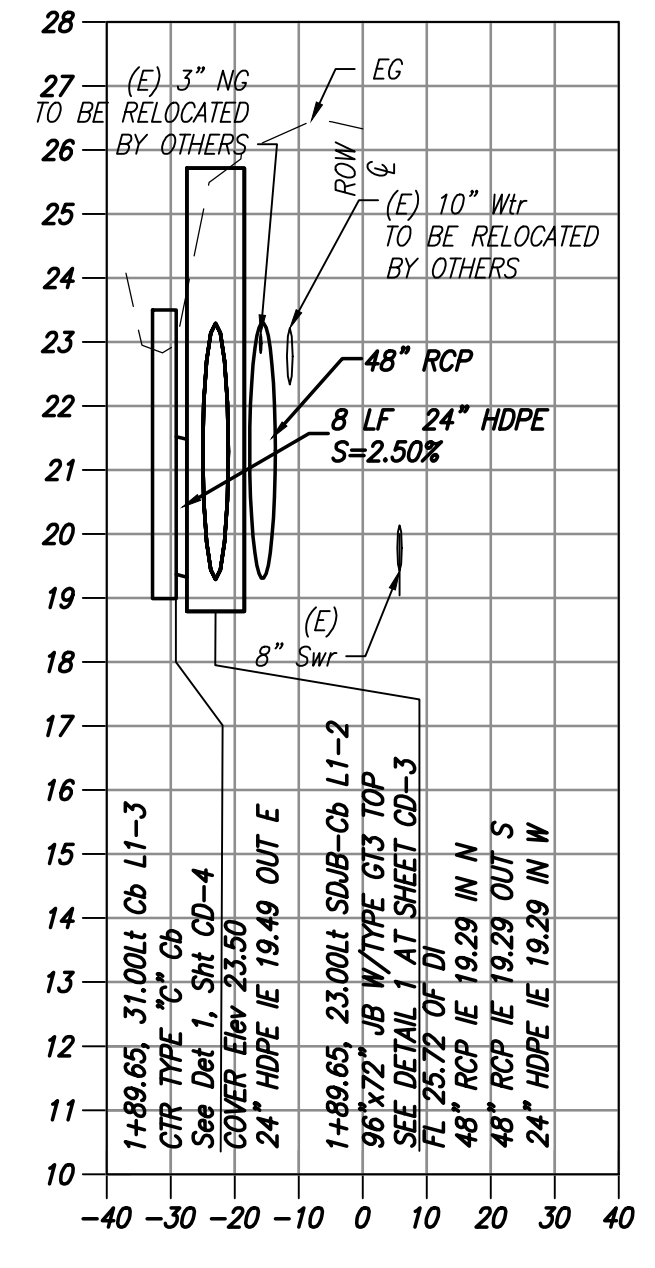
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VERTICAL SCALE: 1" = 2'

SHEET  
**L-4**

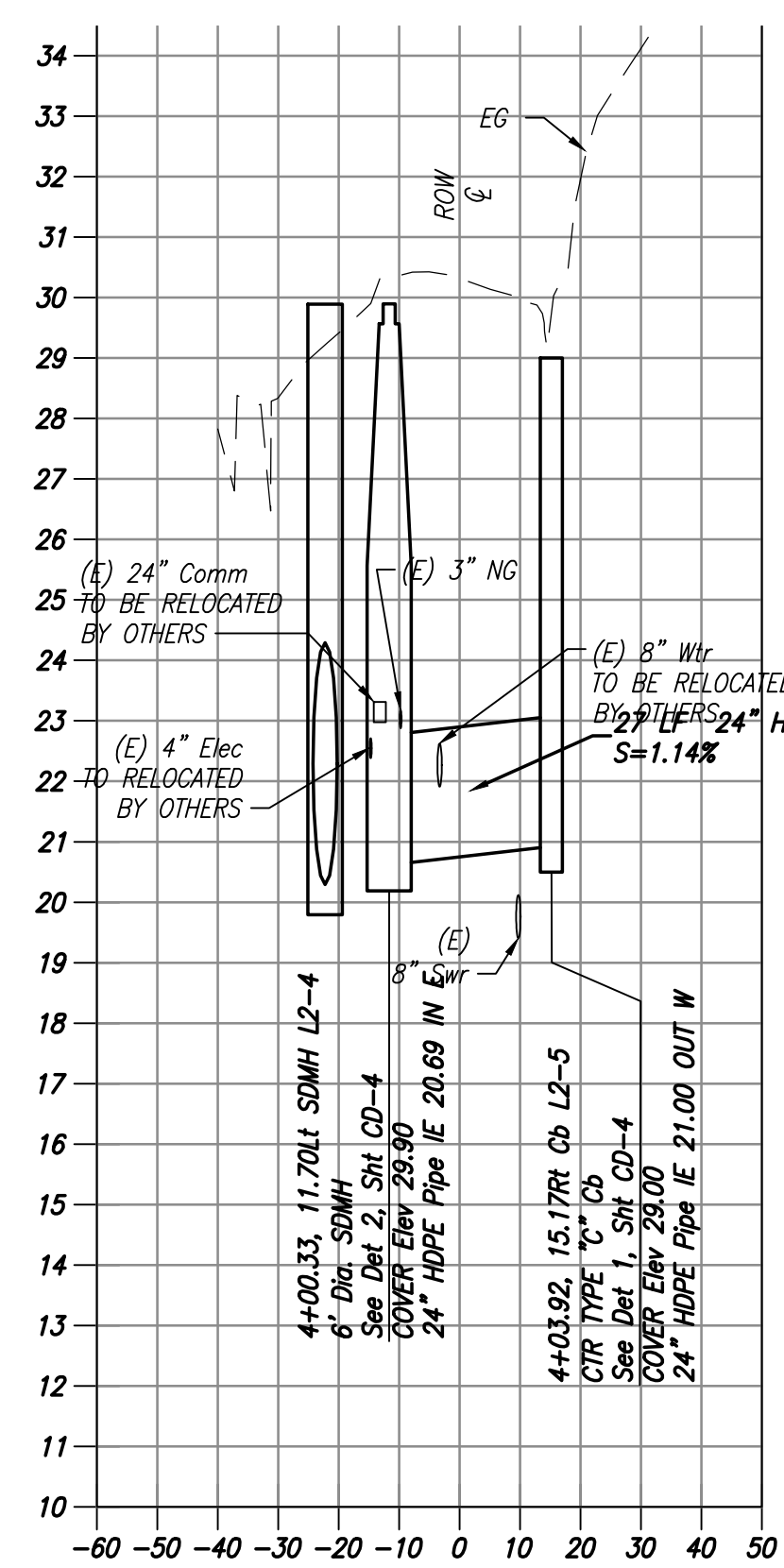




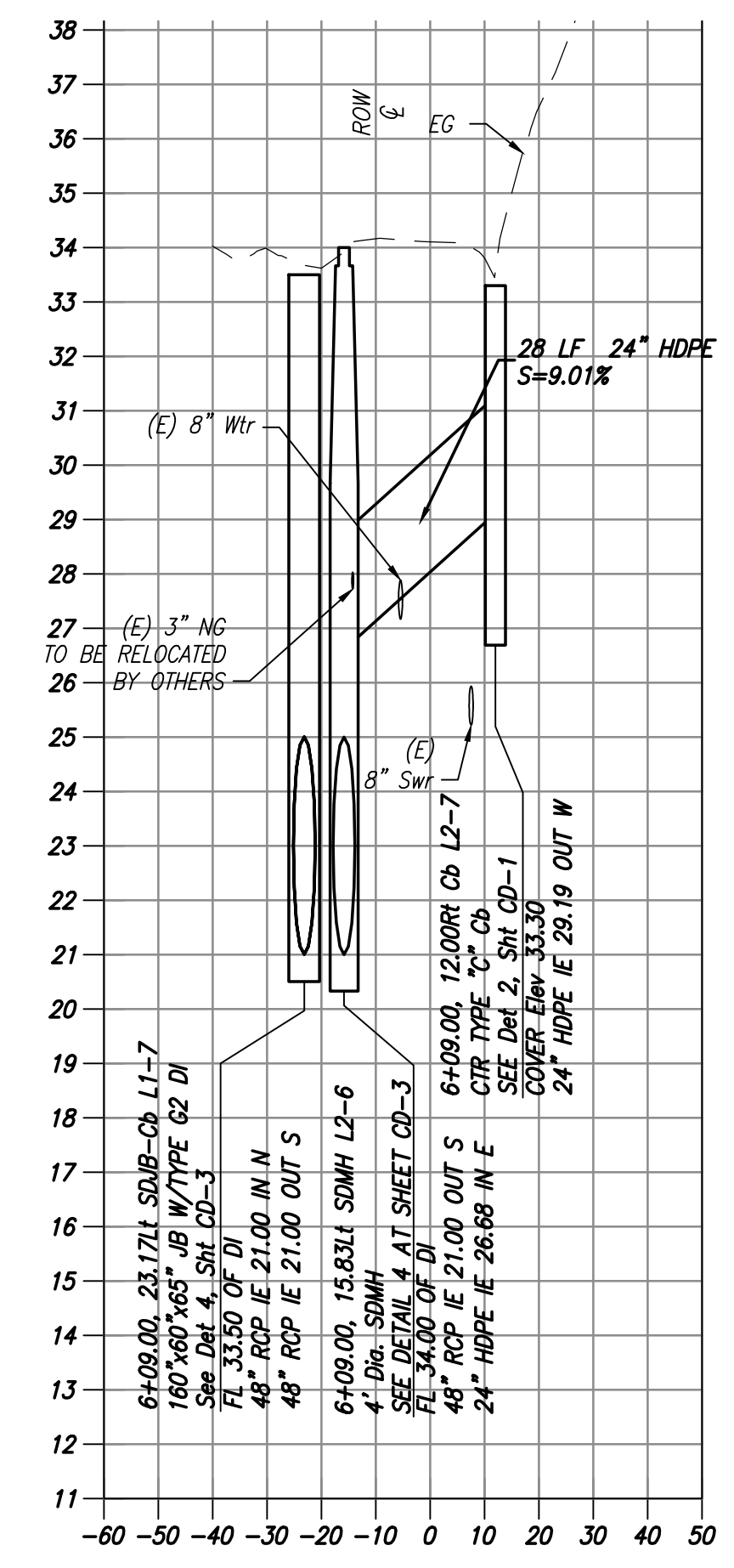
**LAS LOMAS DRIVE**  
Sta 1+80.02



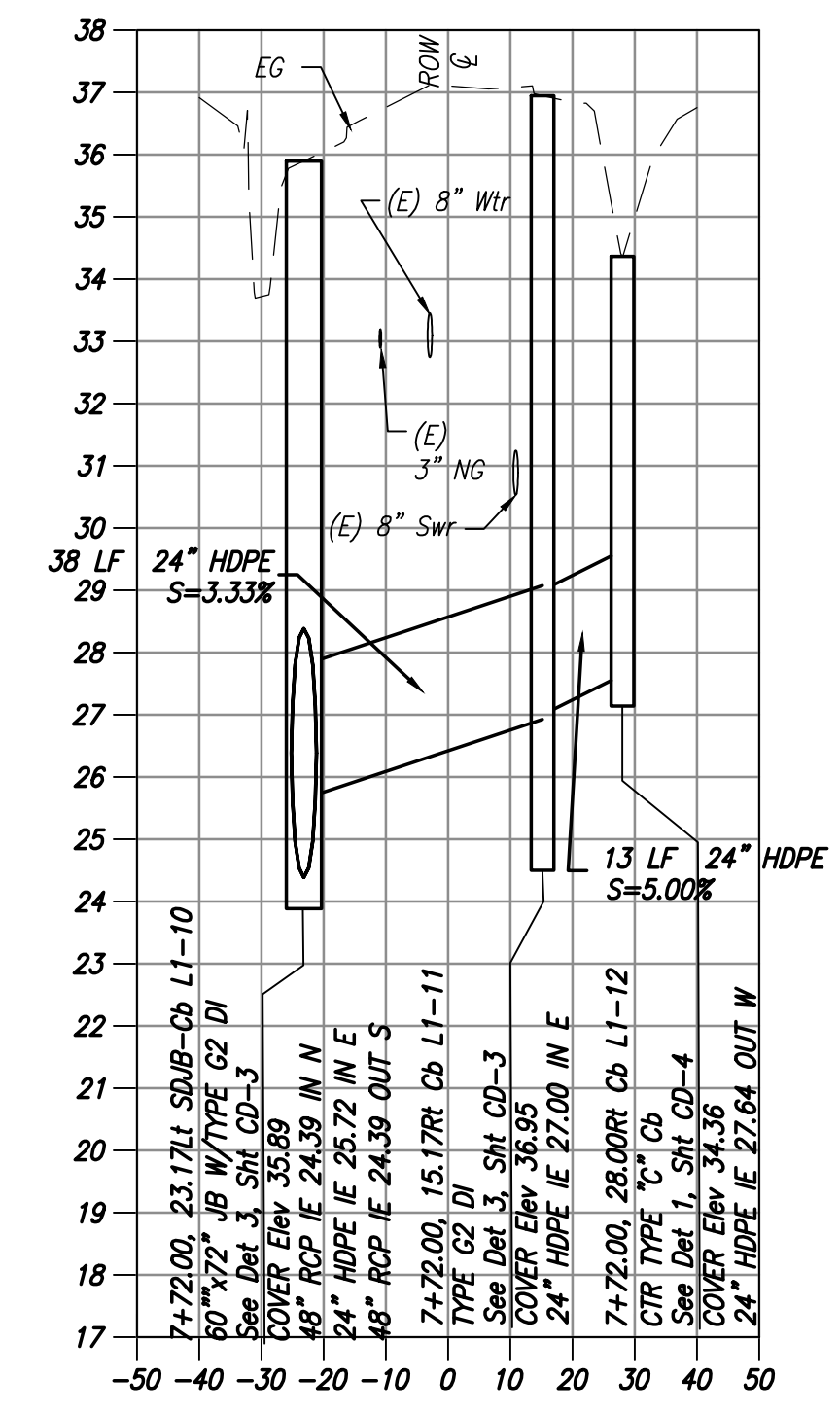
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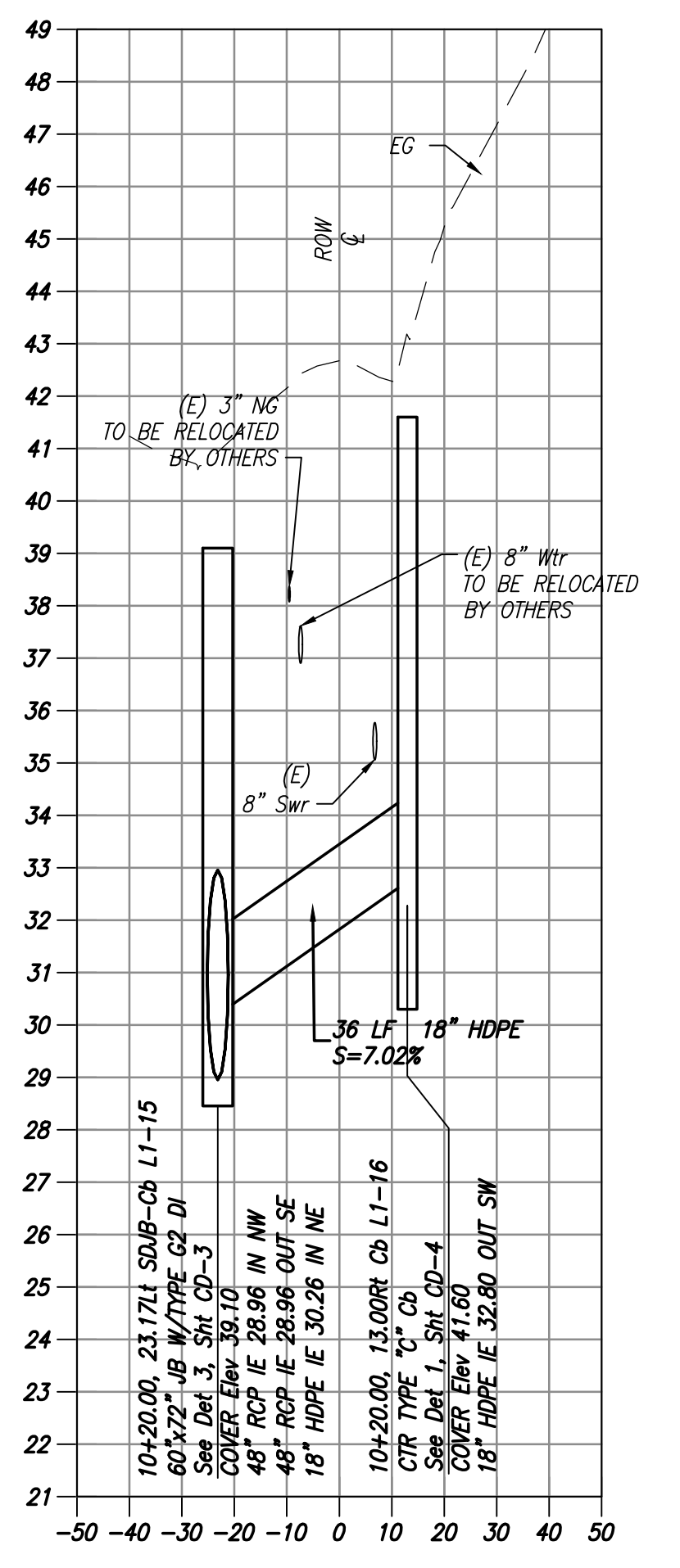
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Sta 4+07.00



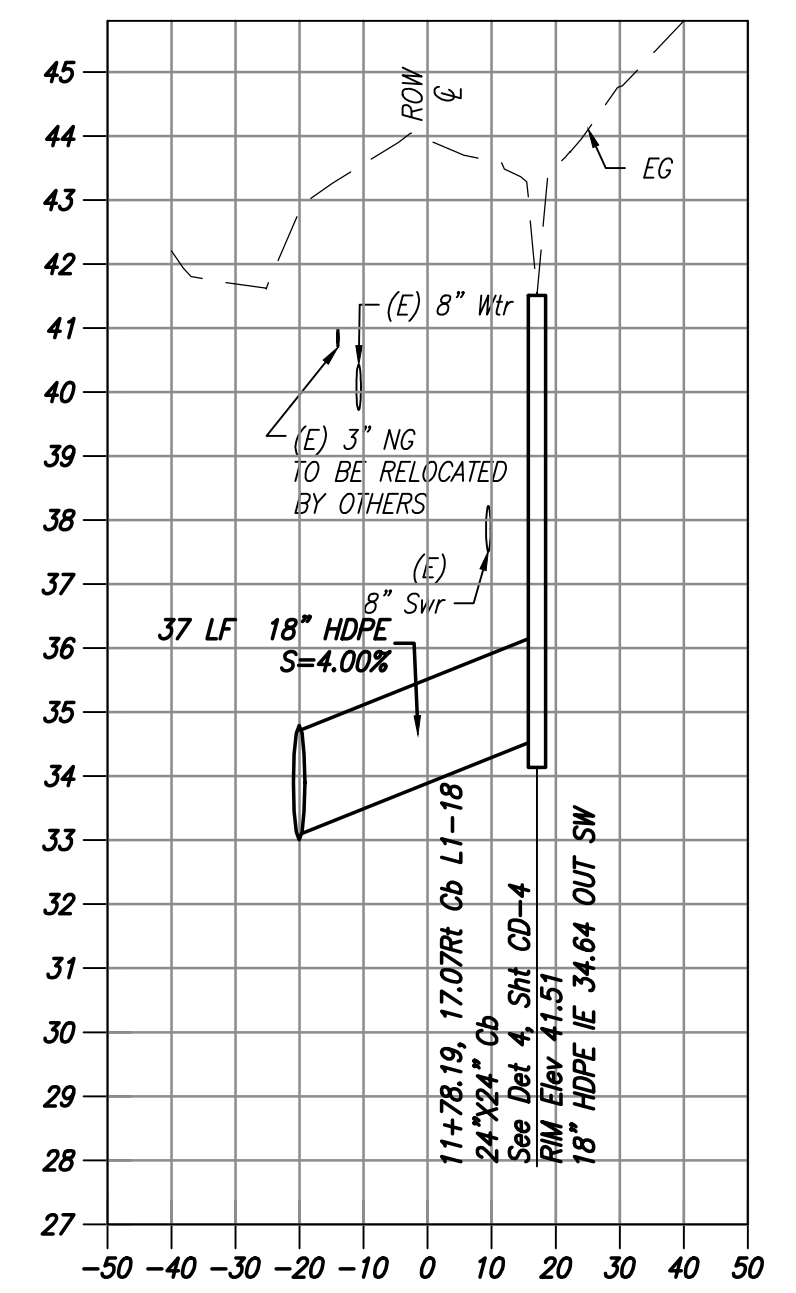
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Sta 6+09.00



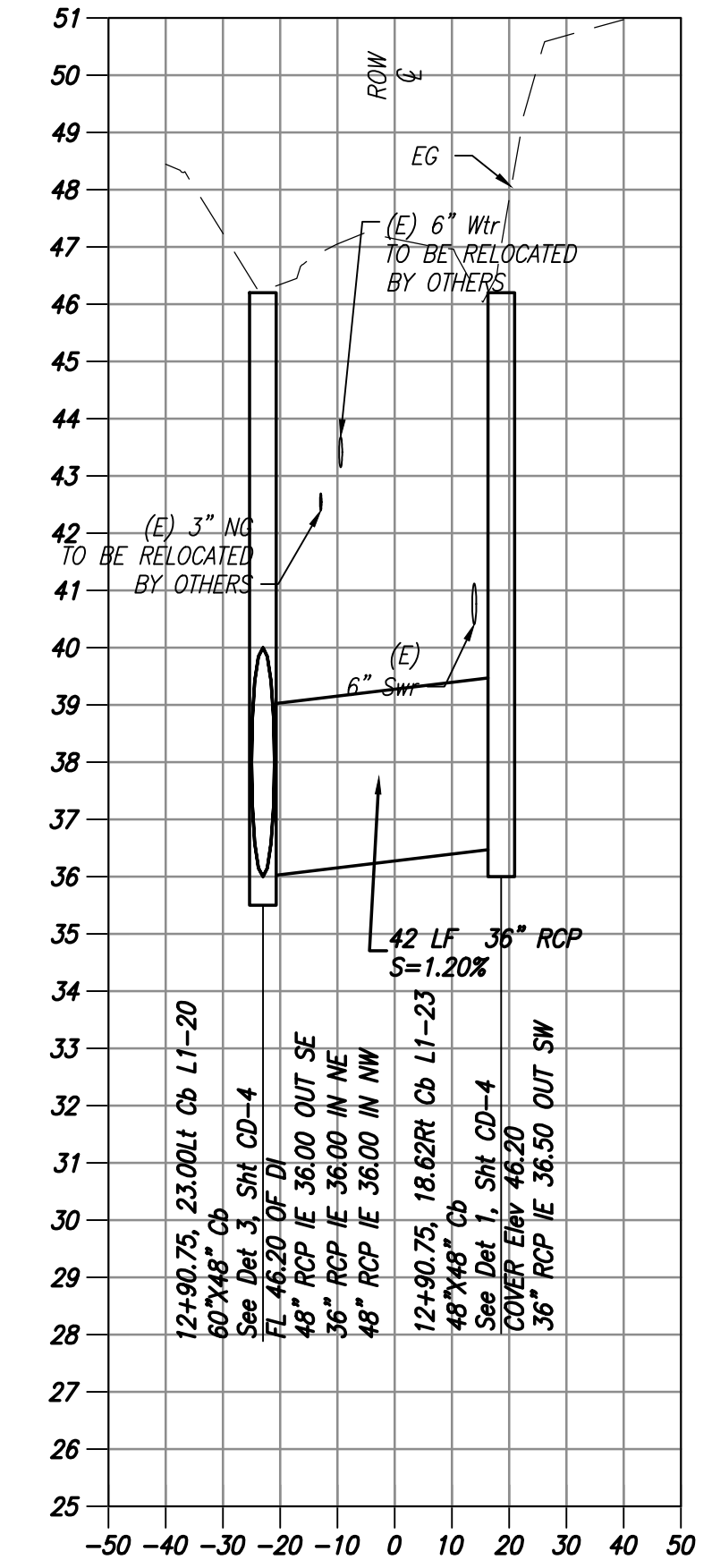
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Sta 7+72.00



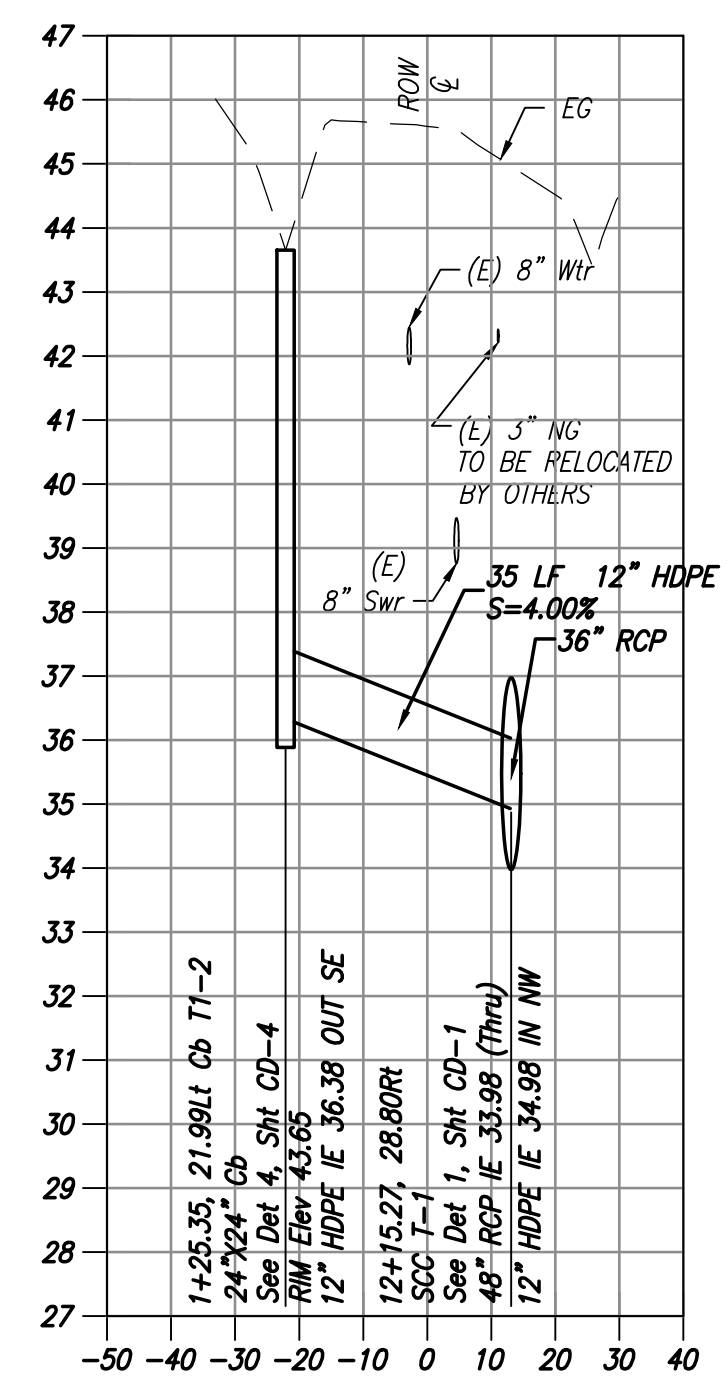
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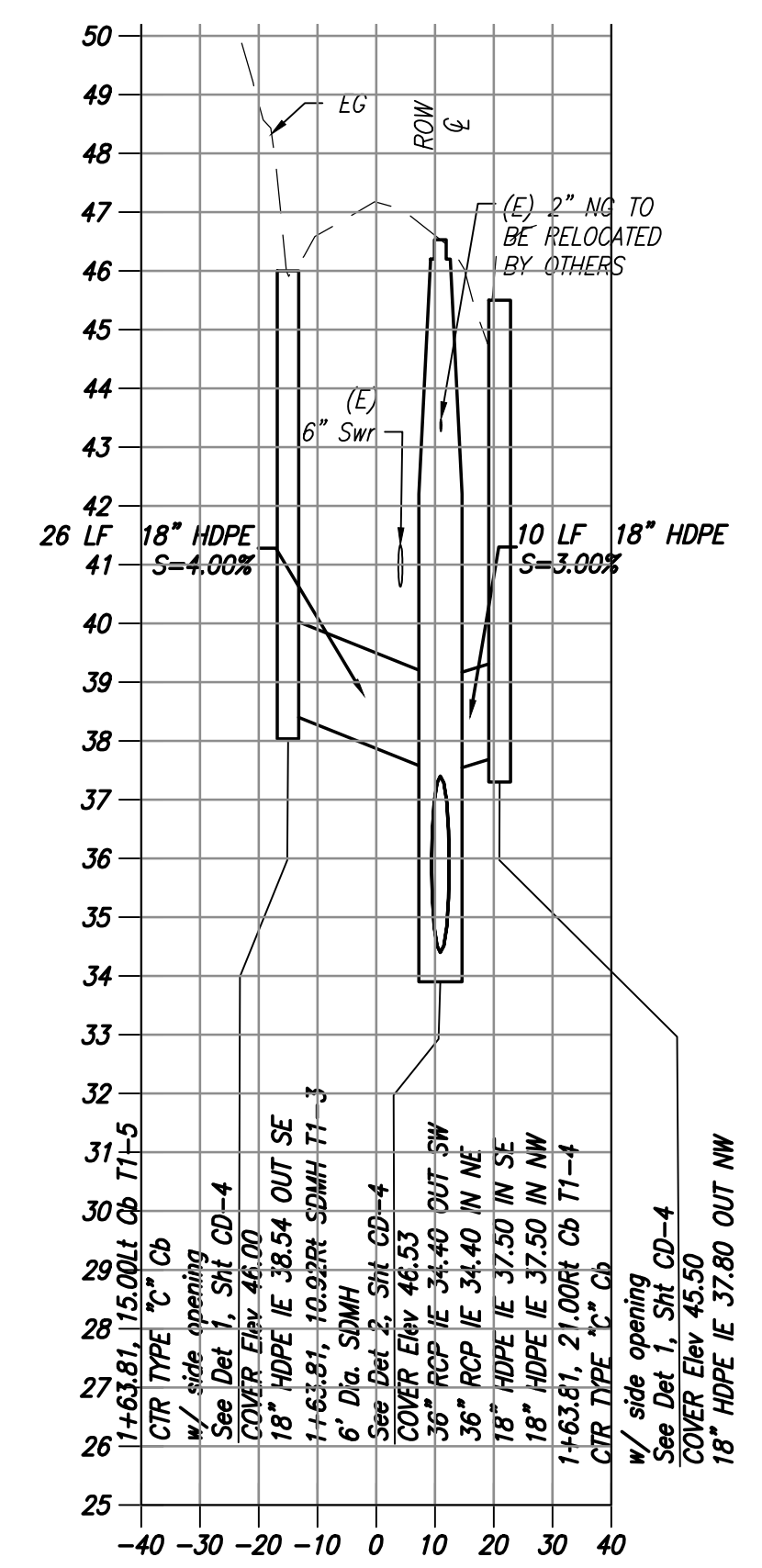
**LAS LOMAS DRIVE**  
Sta 11+78.30



**LAS LOMAS DRIVE**  
Sta 12+90.75



**THOMAS ROAD**  
Sta 1+26.73



**THOMAS ROAD**  
Sta 1+53.80

SUBMITTED BY LEON D. GOMEZ, P.E.  
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NO.	DATE	REVISION	APPROVED
4.5.19		ADDENDUM #2, CHANGE SHEET NUMBER	

COUNTY OF MONTEREY  
RESOURCE MANAGEMENT AGENCY  
DEPARTMENT OF PUBLIC WORKS

DESIGN SECTION

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SALINAS, CALIFORNIA 93901  
(831) 755-4800/FAX (831) 755-4958

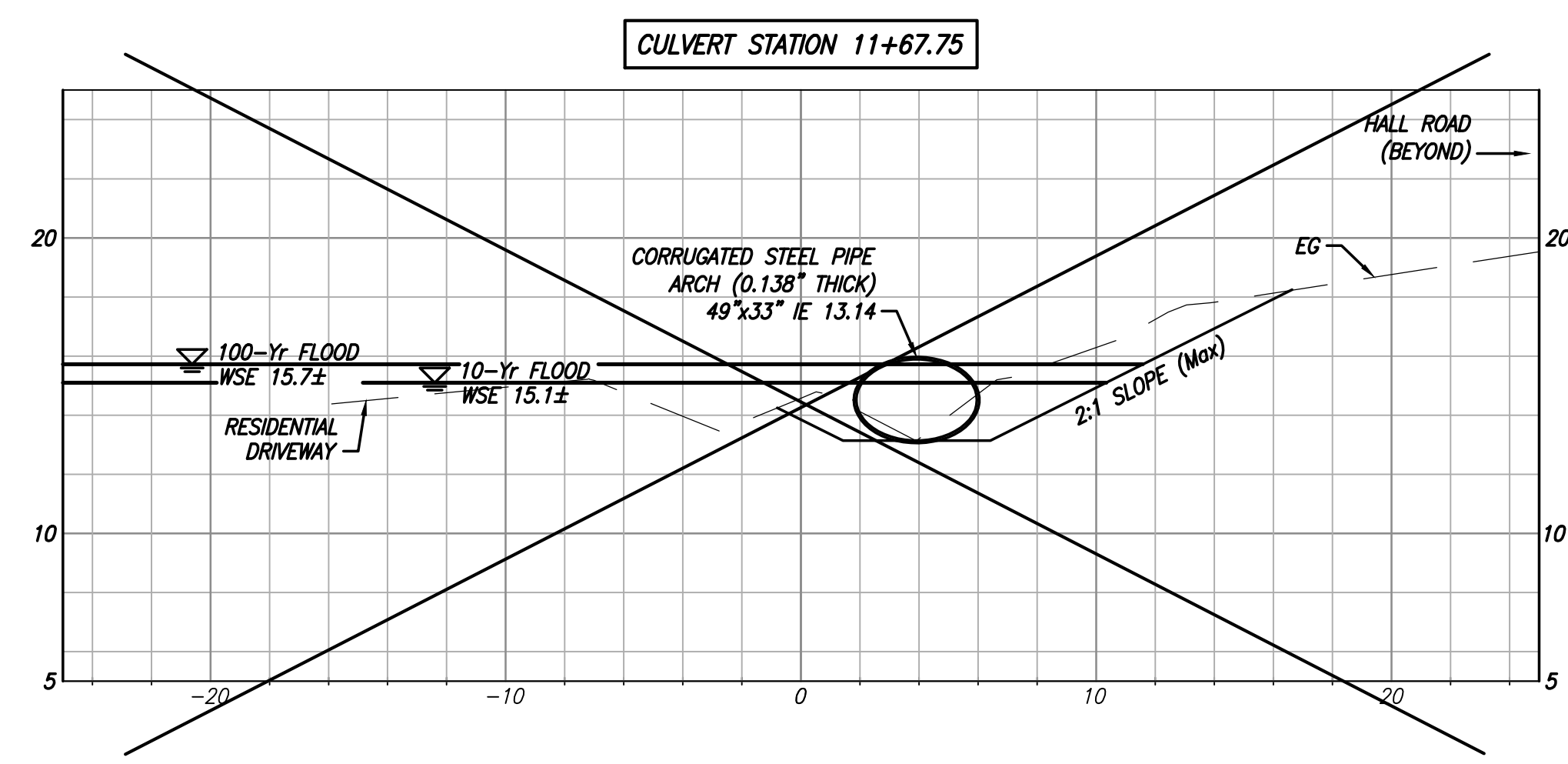
LAS LOMAS DRAINAGE  
PROJECT NO. 1723

**STORM DRAIN LATERAL PROFILE**

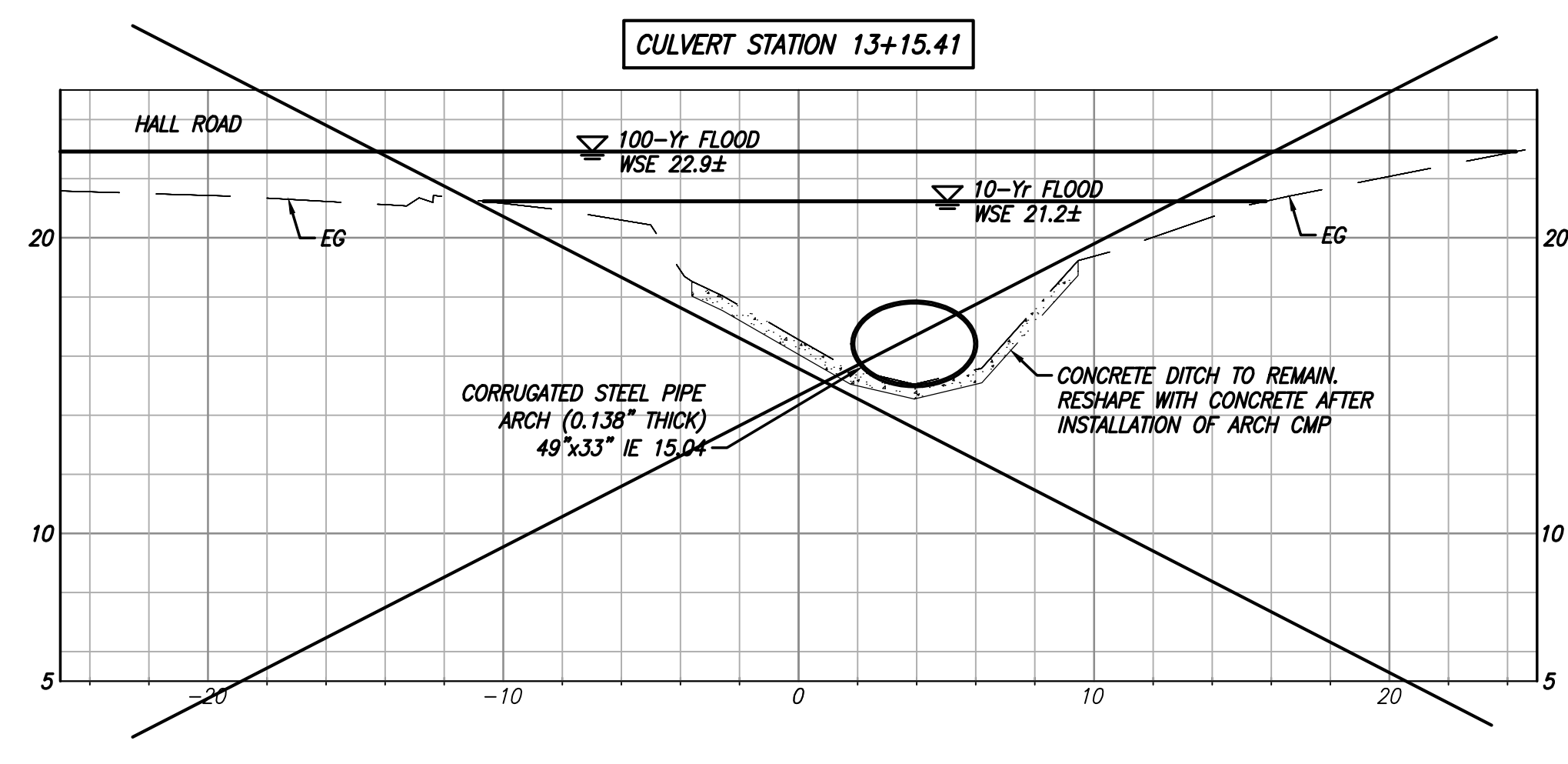
DATE: 04/18/2016  
DRAWING: 714007 - 7 L-5 SD LATERALS.dwg  
HORIZONTAL SCALE: 1" = 30'  
VERTICAL SCALE: 1" = 3'

SHEET L-5

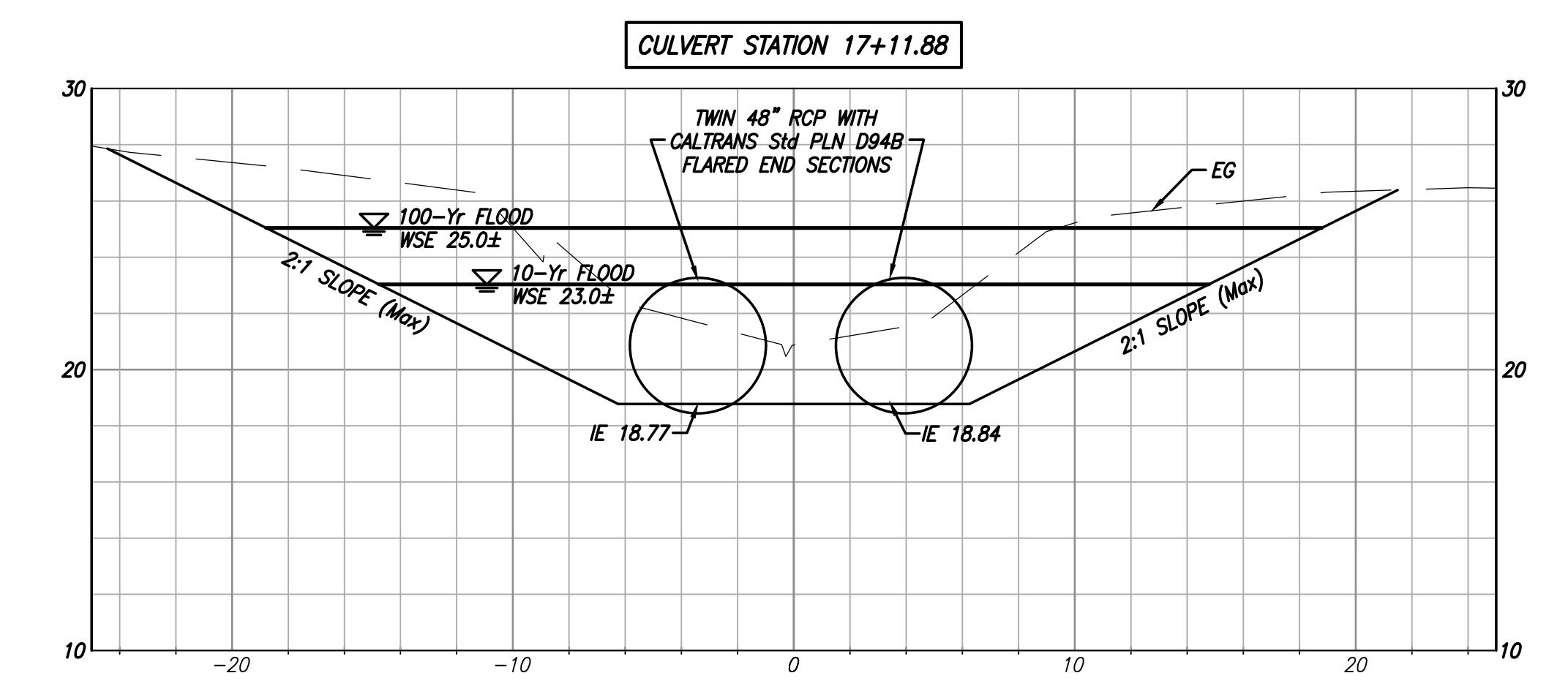




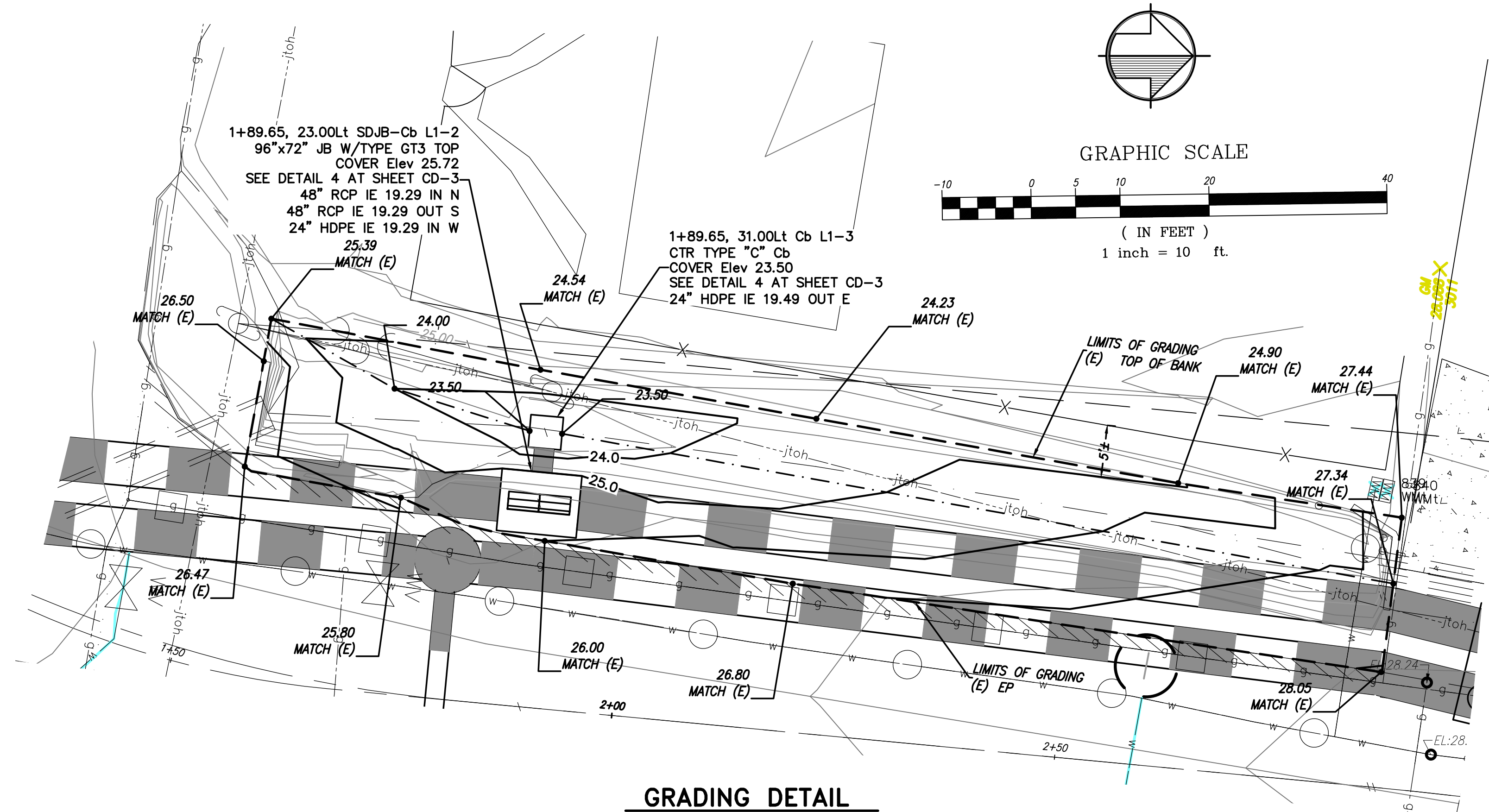
**"CONSTRUCTION BY OTHERS"  
HALL ROAD CULVERT OUTFALL  
SECTION A-A**



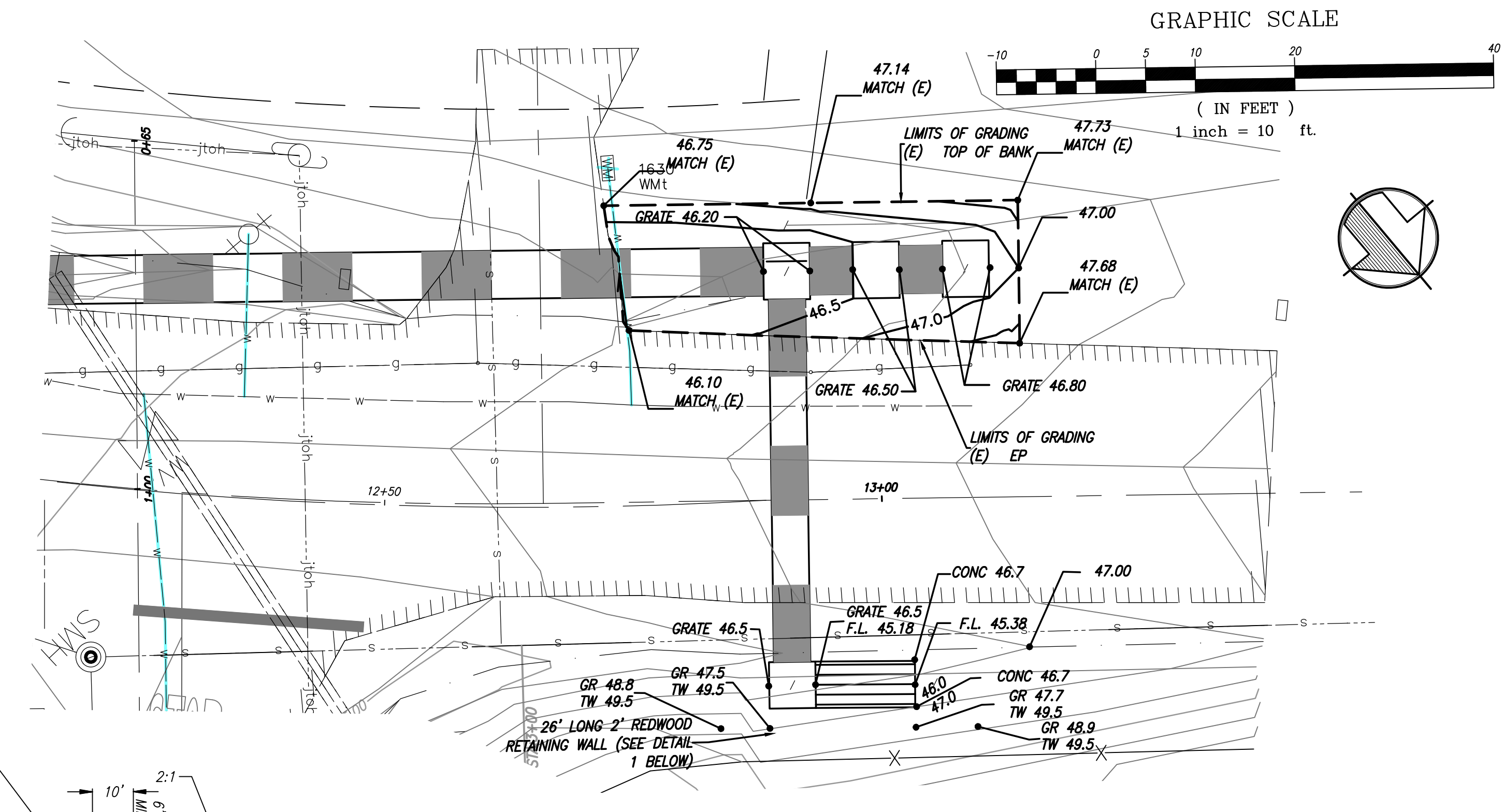
**"CONSTRUCTION BY OTHERS"  
HALL ROAD CULVERT INLET  
SECTION B-B**



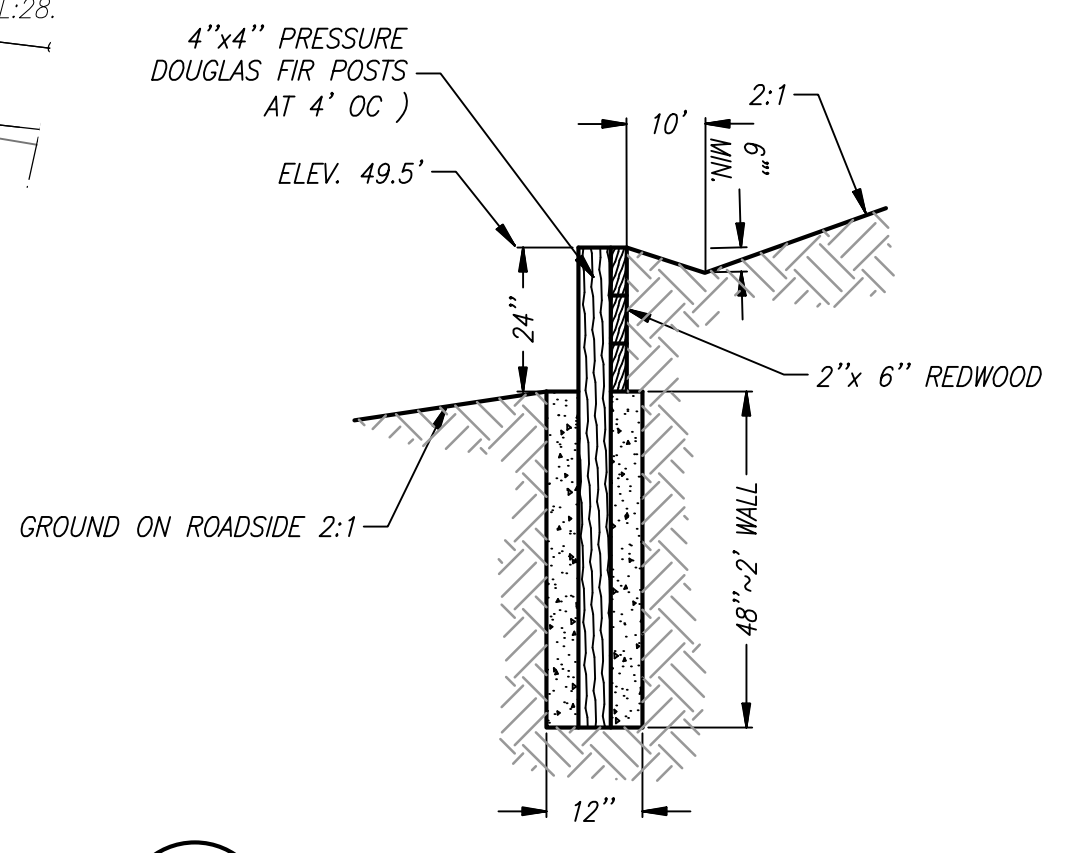
**48\"/>**



**GRADING DETAIL  
STA. 1+89.65 AT LEFT OF  
LAS LOMAS DRIVE**



**GRADING DETAIL  
STA. 12+70.75 AT LEFT  
AND RIGHT OF  
LAS LOMAS DRIVE**



**1 WOODEN RETAINING WALL  
1/2\"/>**

SUBMITTED BY LEON D. GOMEZ, P.E.  
SENIOR CIVIL ENGINEER

DESIGN BY LEON D. GOMEZ, P.E.  
PROJECT ENGINEER

DRAWN BY FRANCIS ADRIAS/ROOPA KAUKURI  
CHKD BY KRS/LDG

SPECIFICATIONS WRITTEN BY LEON D. GOMEZ, P.E.  
CHKD BY KRS/LDG

APPROVAL RECOMMENDED BY ENRIQUE M. SAAVEDRA, P.E.  
ASSISTANT DIRECTOR OF PUBLIC WORKS

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*Ken P. Gomez*  
REGISTERED PROFESSIONAL ENGINEER  
No. 43034  
EXP. 3-31-18  
CIVIL  
STATE OF CALIFORNIA

NO.	DATE	REVISION	APPROVED
4.5.19		ADDENDUM #3, CHANGE SHEET NUMBER	

**COUNTY OF MONTEREY**  
RESOURCE MANAGEMENT AGENCY  
DEPARTMENT OF PUBLIC WORKS

DESIGN SECTION

168 WEST ALISAL STREET  
SALINAS, CALIFORNIA 93901  
(831) 755-4800/FAX (831) 755-4958

LAS LOMAS DRAINAGE  
PROJECT NO. 1723

**CROSS SECTIONS & GRADING DETAILS**

DATE 04/18/2016	DRAWING 714007 - 8 CS-1 CROSS SECTIONS.dwg	SHEET CS-1
HORIZONTAL SCALE AS SHOWN	VERTICAL SCALE AS SHOWN	

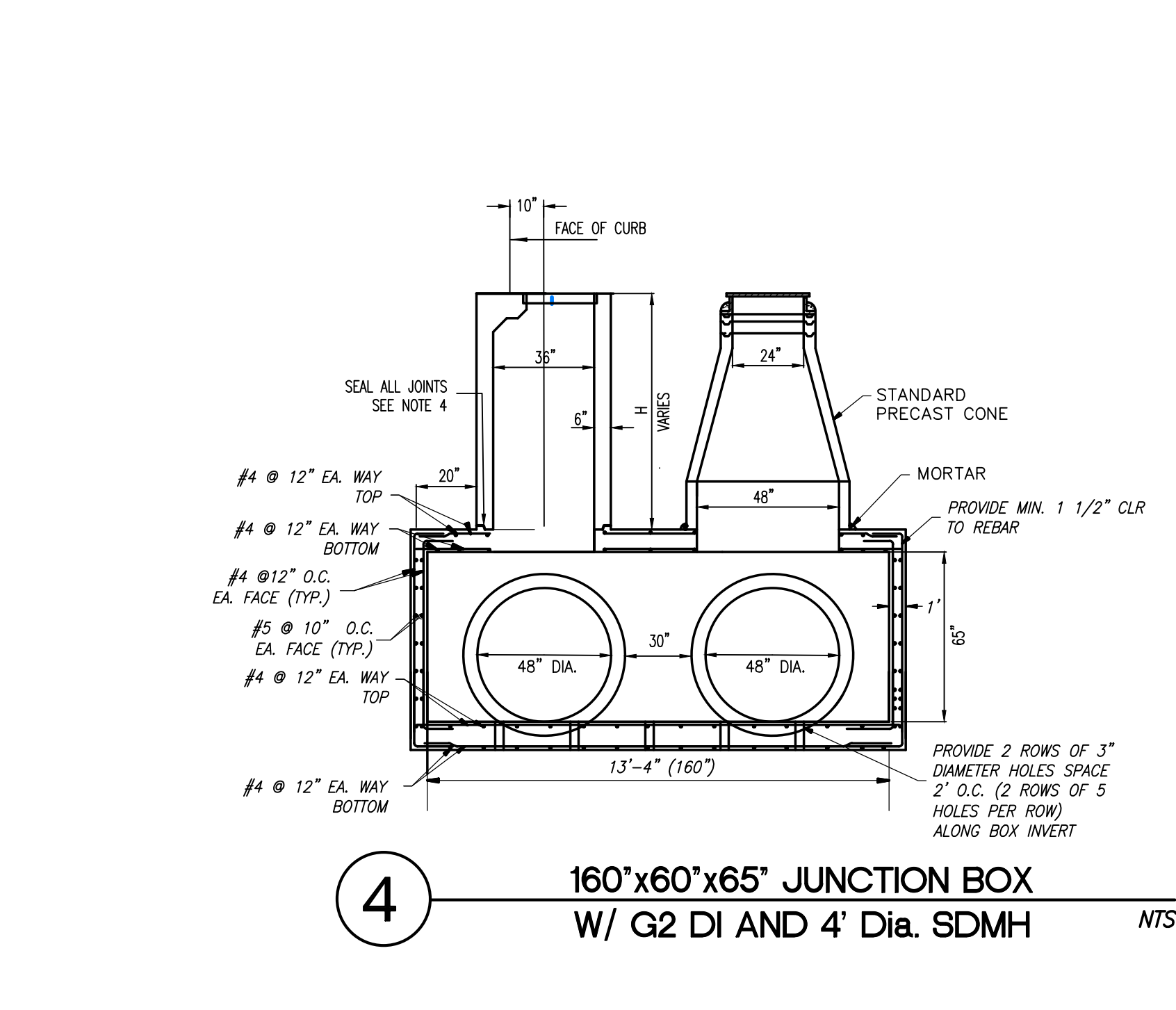
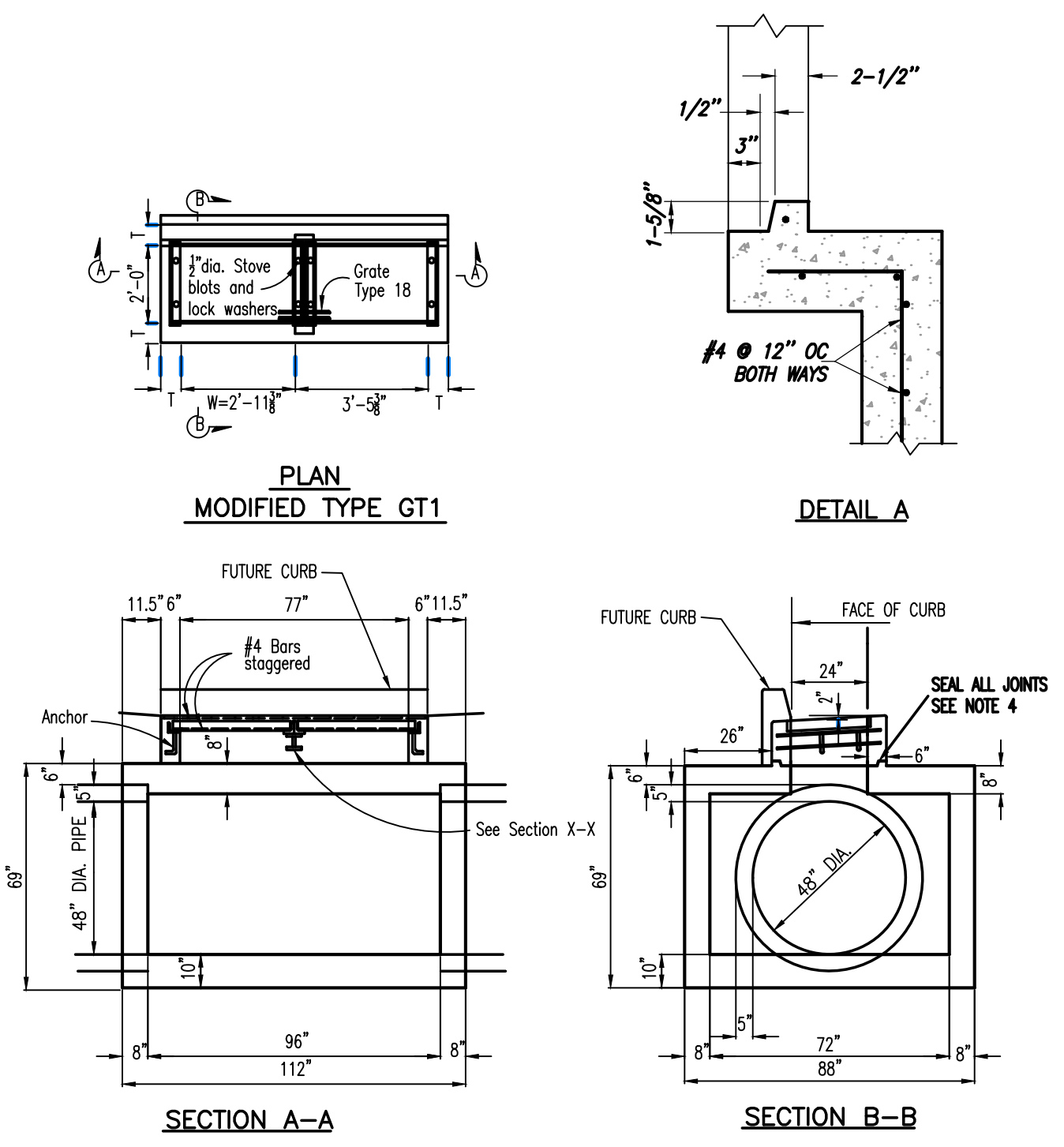








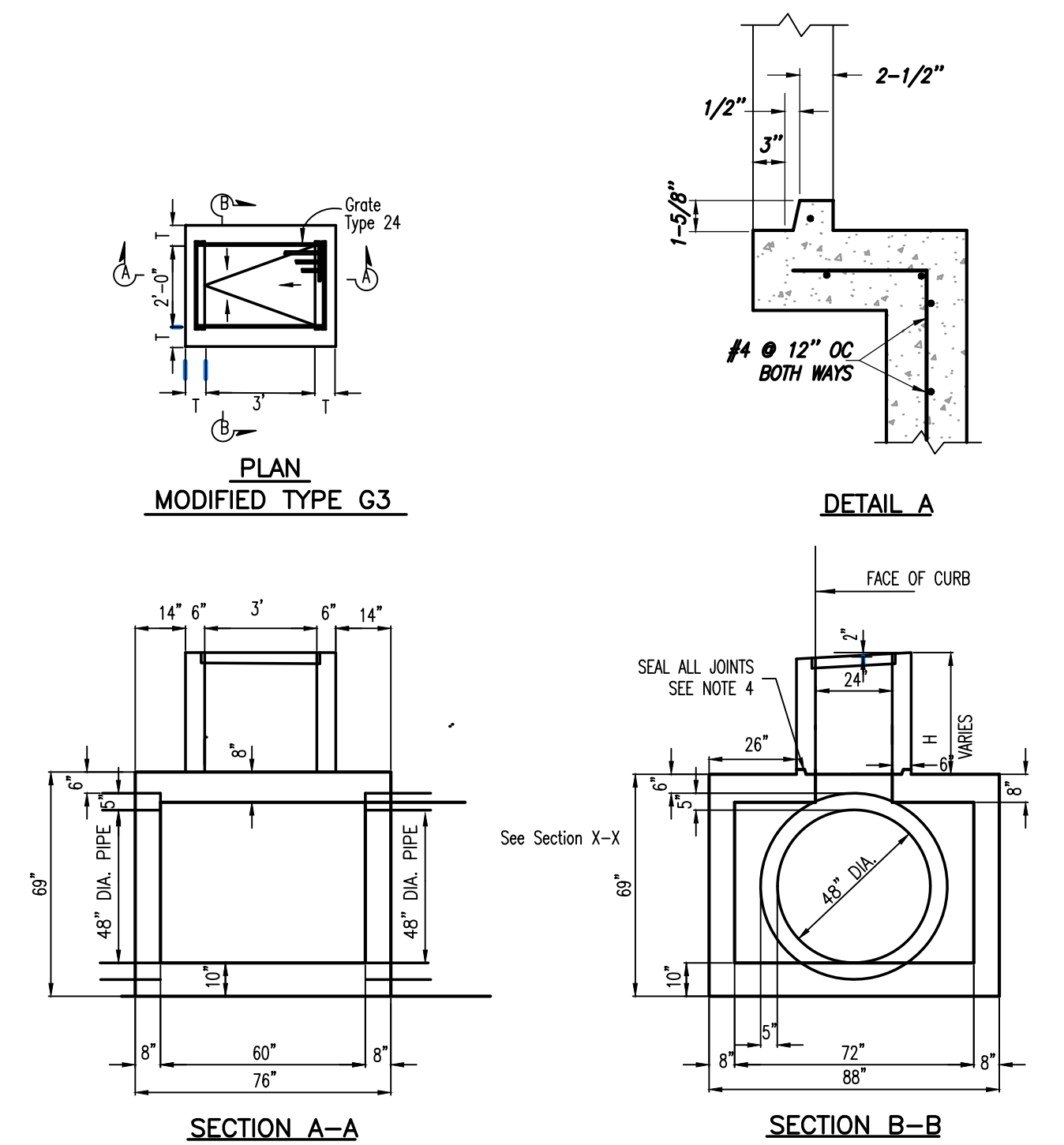




**NOTES**

1. CONCRETE SHALL CONSIST OF 564 POUNDS OF PORTLAND CEMENT PER CUBIC YARD AND HAVE A MINIMUM STRENGTH OF 3000 PSI.
2. DIRECTOR OF PUBLIC WORKS SHALL APPROVE DESIGN WHEN WALL HEIGHT EXCEEDS 8'.
3. POUR BASE ON UNDISTURBED SOIL OR A.B. COMPACT TO 95%.
4. USE #4 @ 12" OC EW REBAR FOR BASE, SIDE AND TOP WALLS.

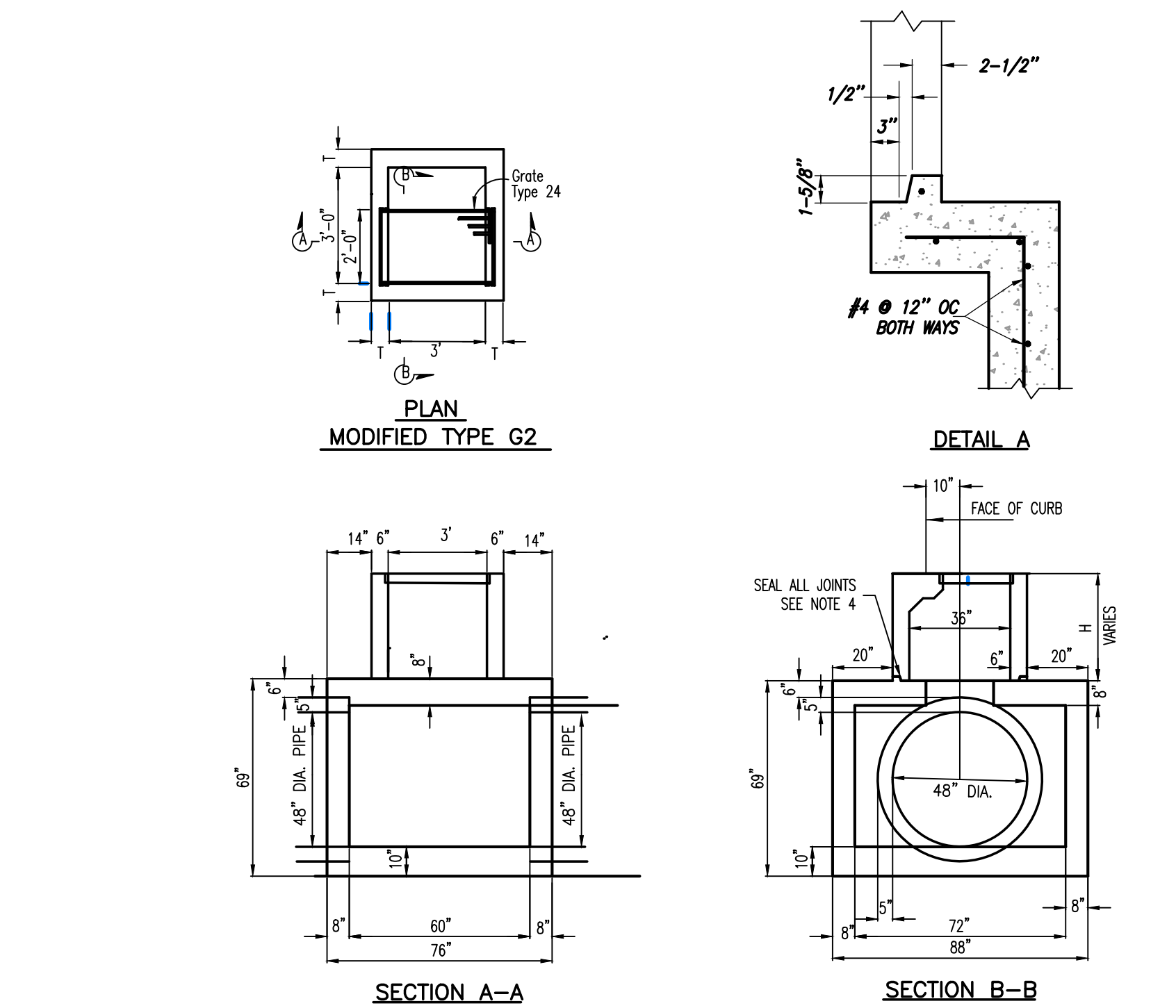
**1** STORM DRAIN JUNCTION BOX WITH MODIFIED GT3 DI TOP NTS



**NOTES**

1. CONCRETE SHALL CONSIST OF 564 POUNDS OF PORTLAND CEMENT PER CUBIC YARD AND HAVE A MINIMUM STRENGTH OF 3000 PSI.
2. DIRECTOR OF PUBLIC WORKS SHALL APPROVE DESIGN WHEN WALL HEIGHT EXCEEDS 8'.
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4. USE #4 @ 12" OC EW REBAR FOR BASE, SIDE AND TOP WALLS.

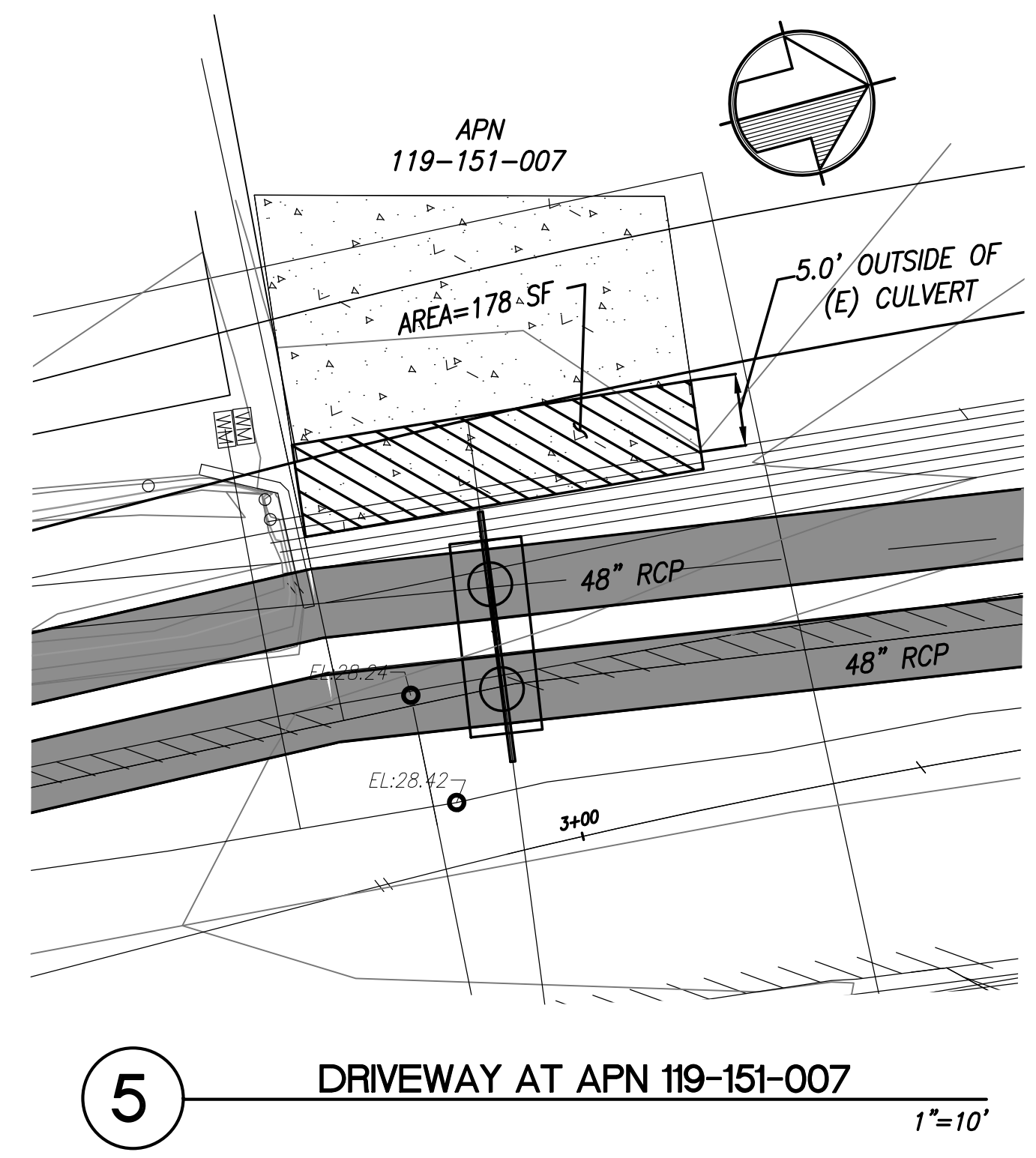
**2** STORM DRAIN JUNCTION BOX WITH G3 DI W/O CURB TOP NTS



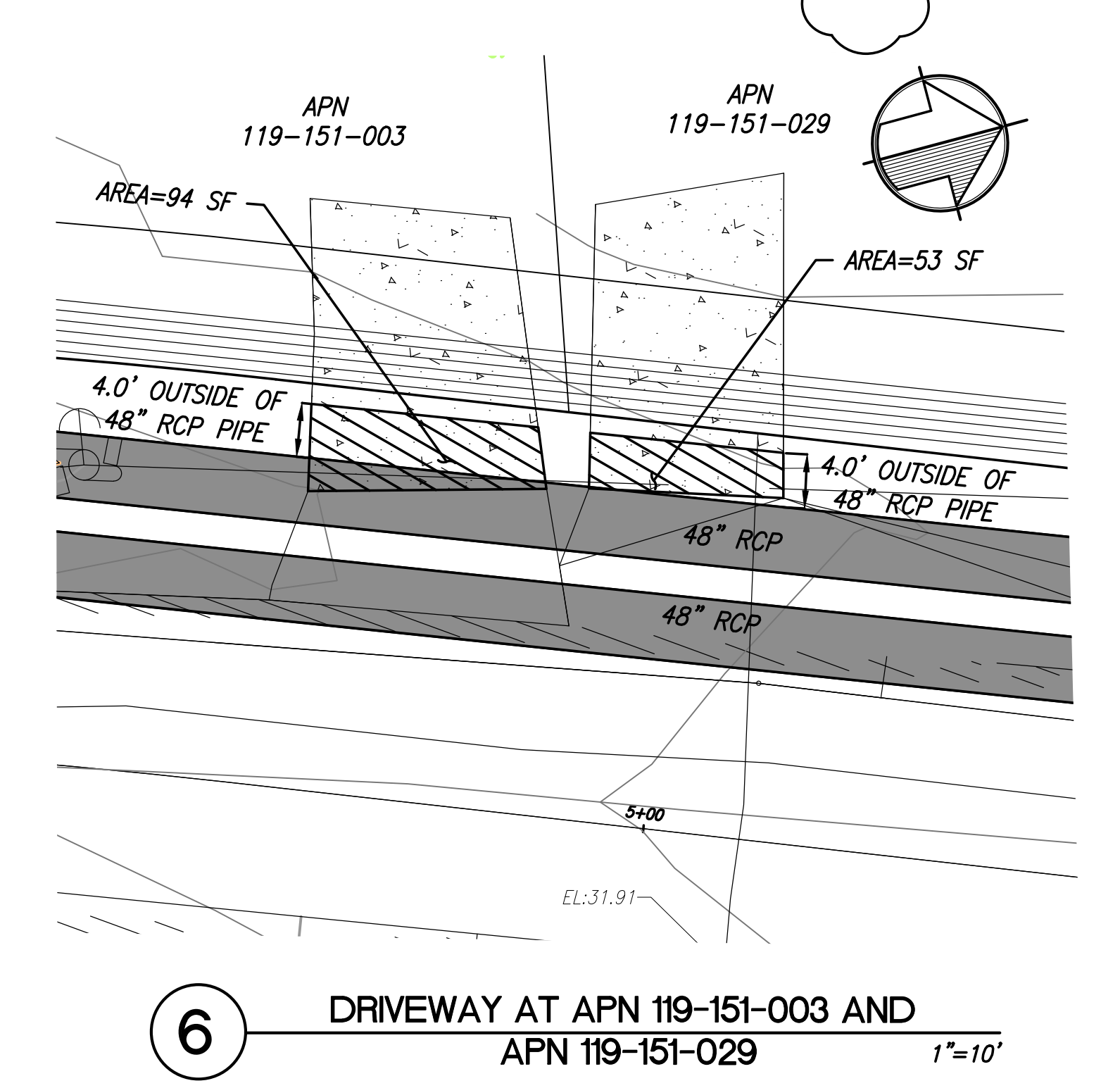
**NOTES**

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2. DIRECTOR OF PUBLIC WORKS SHALL APPROVE DESIGN WHEN WALL HEIGHT EXCEEDS 8'.
3. POUR BASE ON UNDISTURBED SOIL OR A.B. COMPACT TO 95%.
4. USE #4 @ 12" OC EW REBAR FOR BASE, SIDE AND TOP WALLS.

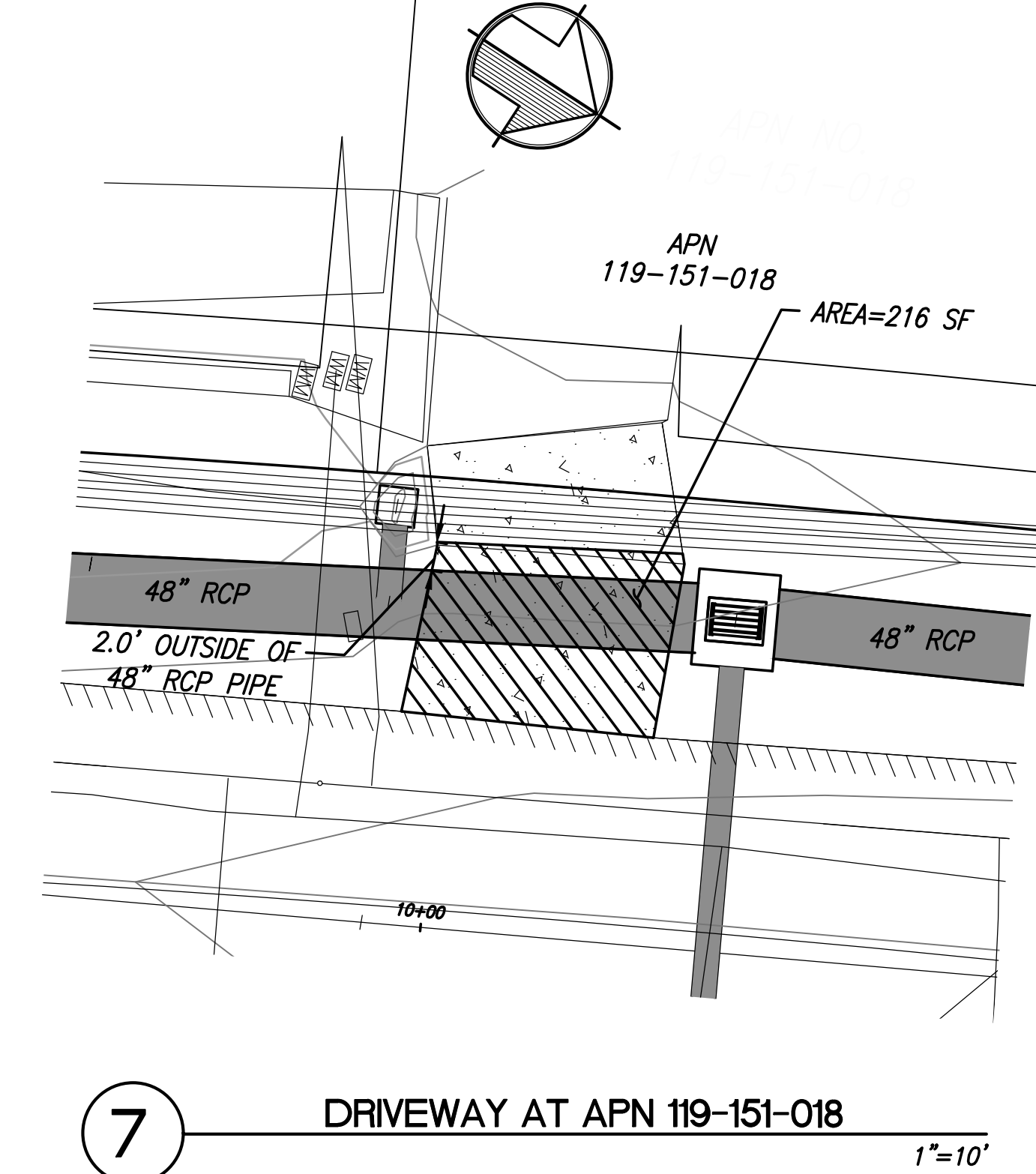
**3** STORM DRAIN JUNCTION BOX WITH G2 DI NTS



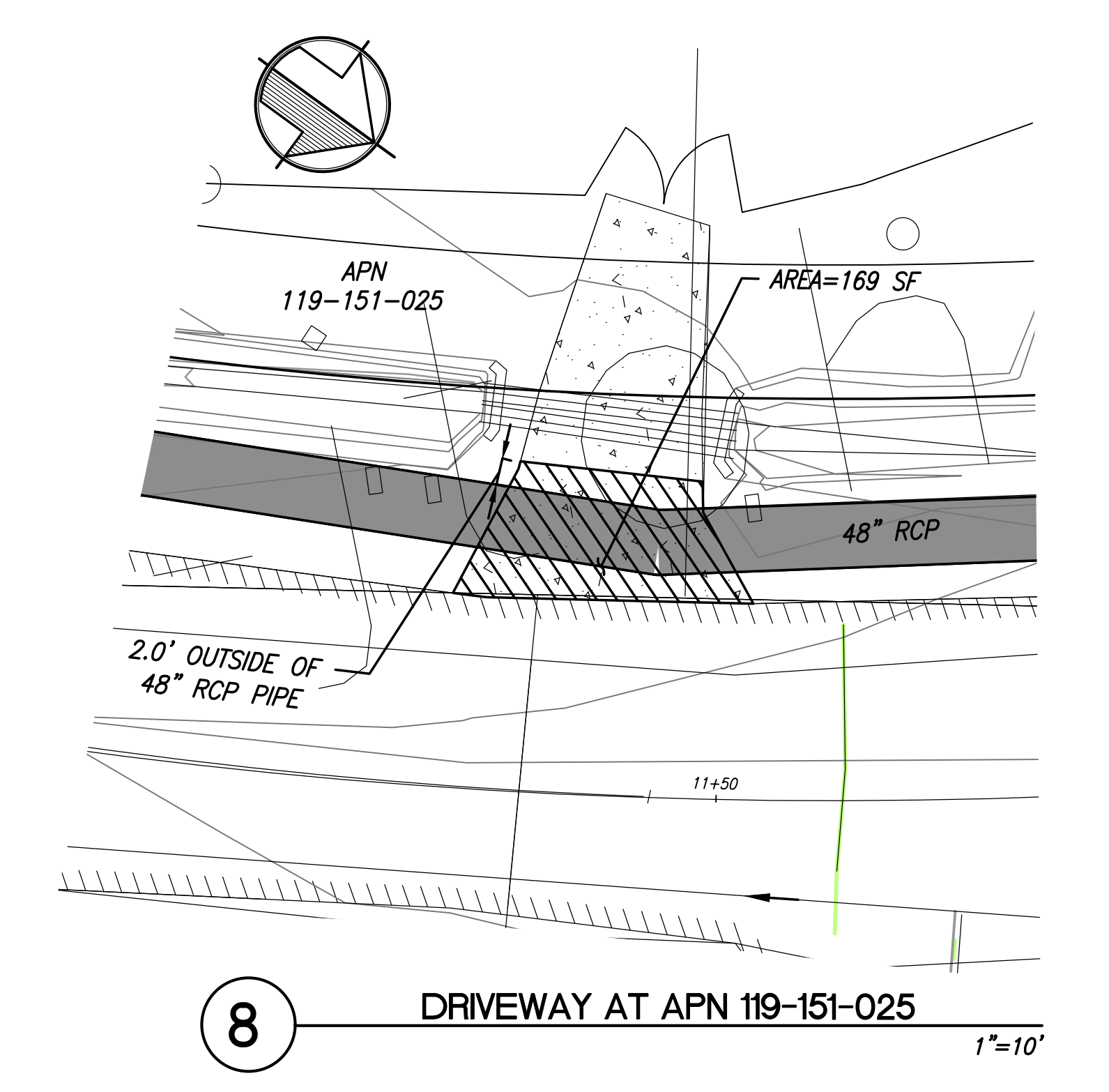
**5** DRIVEWAY AT APN 119-151-007 1"=10'



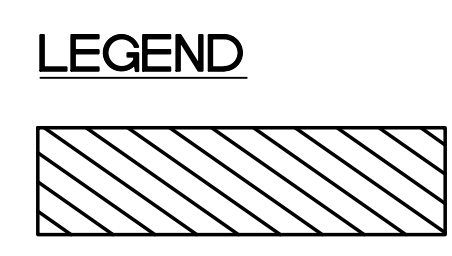
**6** DRIVEWAY AT APN 119-151-003 AND APN 119-151-029 1"=10'



**7** DRIVEWAY AT APN 119-151-018 1"=10'



**8** DRIVEWAY AT APN 119-151-025 1"=10'



REMOVE AND REPLACE (E) CONCRETE DRIVEWAY WITH 5" THICK CONCRETE WITH #4 @ 18" O.C. EACH WAY. DOWEL TO (E) DRIVEWAY WITH #4 BY 12" LONG WITH 3" EMBEDMENT.

SUBMITTED BY LEON D. GOMEZ, P.E.  
 SENIOR CIVIL ENGINEER  
 DESIGN BY LEON D. GOMEZ, P.E.  
 PROJECT ENGINEER  
 DRAWN BY FRANCIS ADRIAS/ROOPA KAUKURI  
 SPECIFICATIONS WRITTEN BY LEON D. GOMEZ, P.E.  
 APPROVAL RECOMMENDED BY ENRIQUE M. SAAVEDRA, P.E.  
 ASSISTANT DIRECTOR OF PUBLIC WORKS

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*Enrique M. Saavedra*  
 No. 43034  
 EXP. 3-31-18  
 CIVIL ENGINEER  
 STATE OF CALIFORNIA

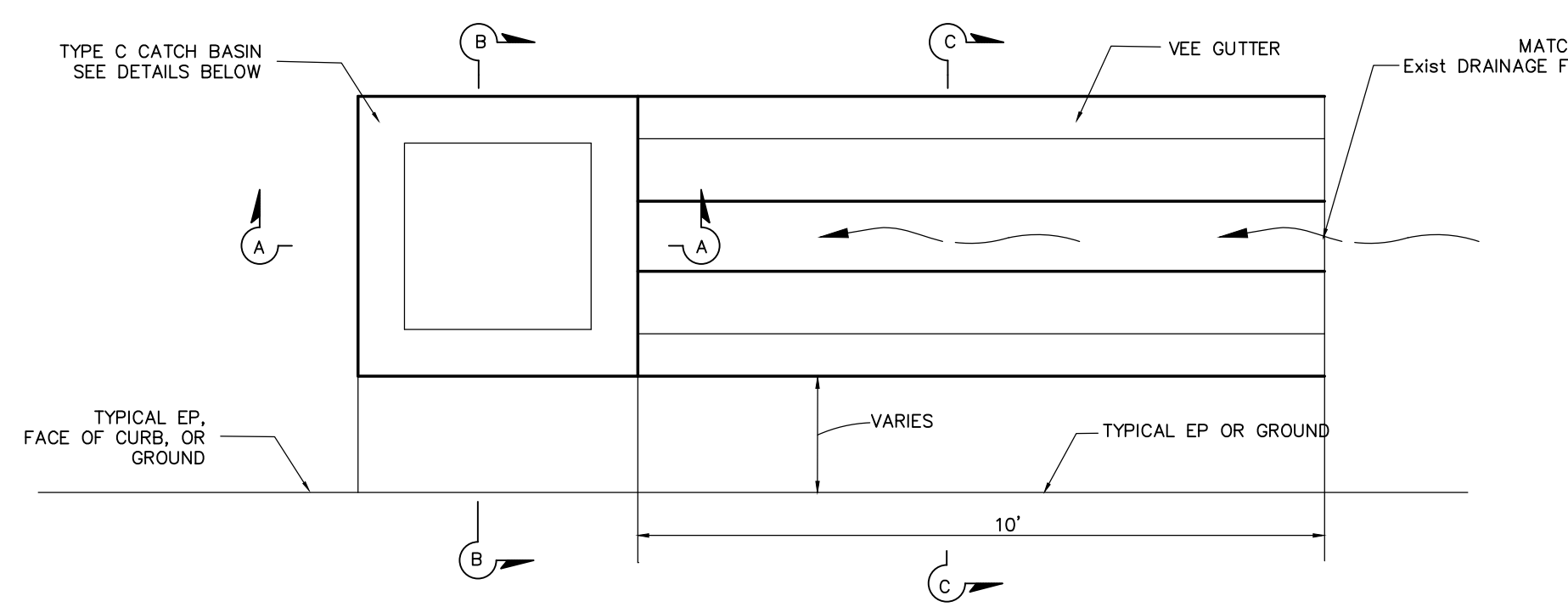
NO.	DATE	REVISION	APPROVED
4.5.19		ADDENDUM #2, CHANGE SHEET NUMBER	

**COUNTY OF MONTEREY**  
 RESOURCE MANAGEMENT AGENCY  
 DEPARTMENT OF PUBLIC WORKS  
 DESIGN SECTION  
 168 WEST ALISAL STREET  
 SALINAS, CALIFORNIA 93901  
 (831) 755-4800/FAX (831) 755-4958

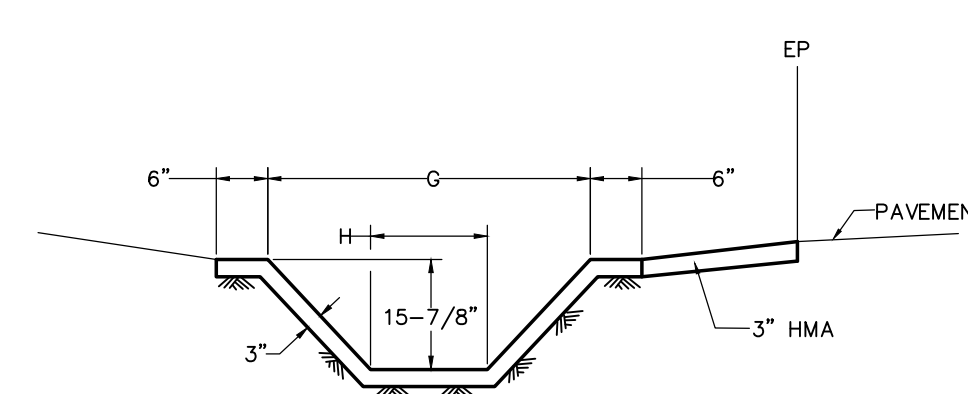
**LAS LOMAS DRAINAGE**  
 PROJECT NO. 1723  
**CONSTRUCTION DETAILS**

DATE 04/18/2016	DRAWING 714007 - 11 CD-3 CONSTRUCTION DETAILS.dwg	SHEET CD-3
HORIZONTAL SCALE NTS	VERTICAL SCALE NTS	





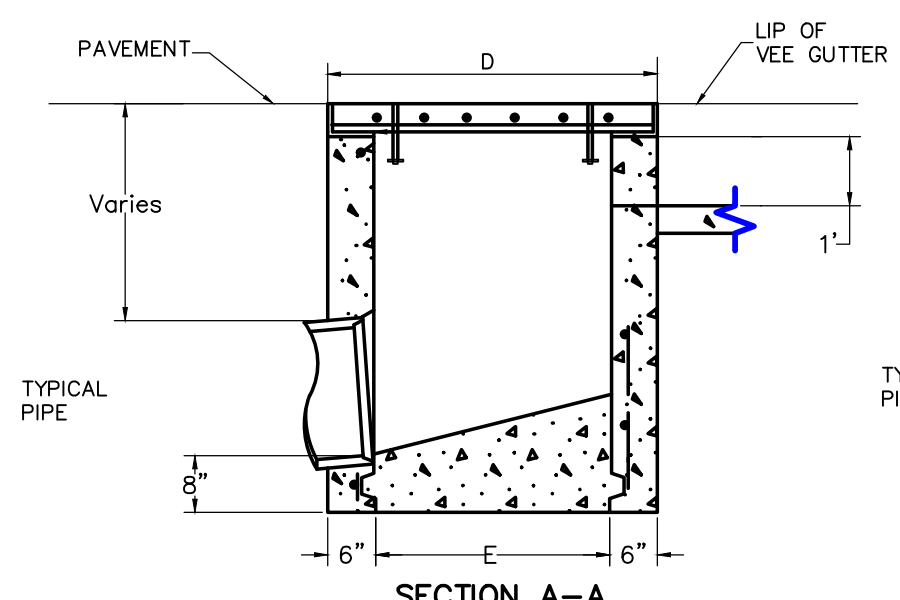
TYPICAL PLAN



SECTION C-C  
See Note 1

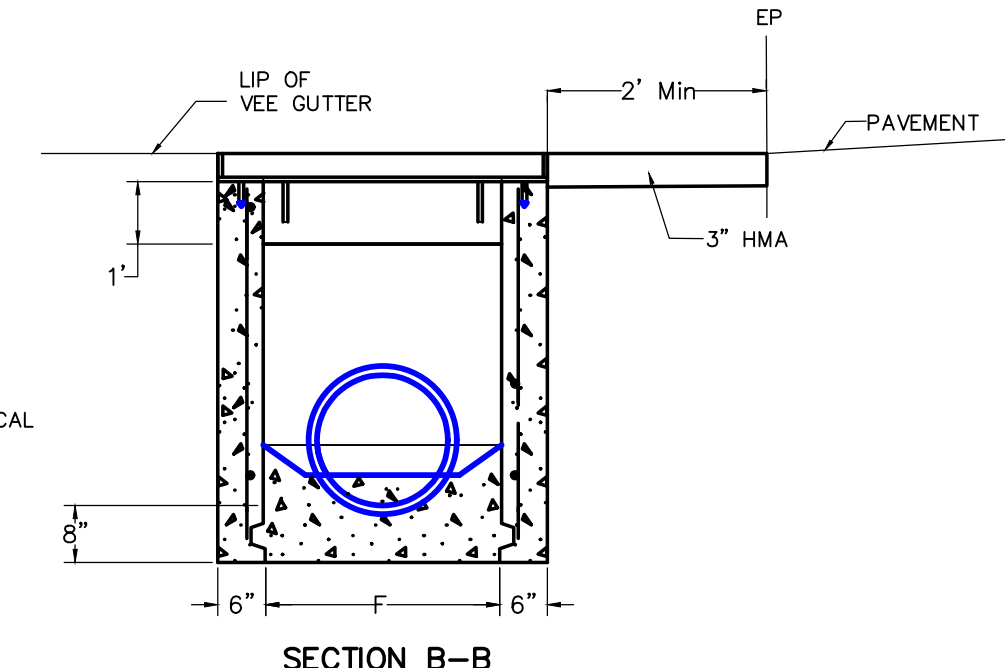
NOTE:  
1. GROSS SECTION OF SLOPE DITCH MAY BE SEMICIRCULAR, VEE OR TRAPEZOIDAL.

TYPE OF BOX	G	H
3'x3'	3'	1'
4'x4'	4'	2'



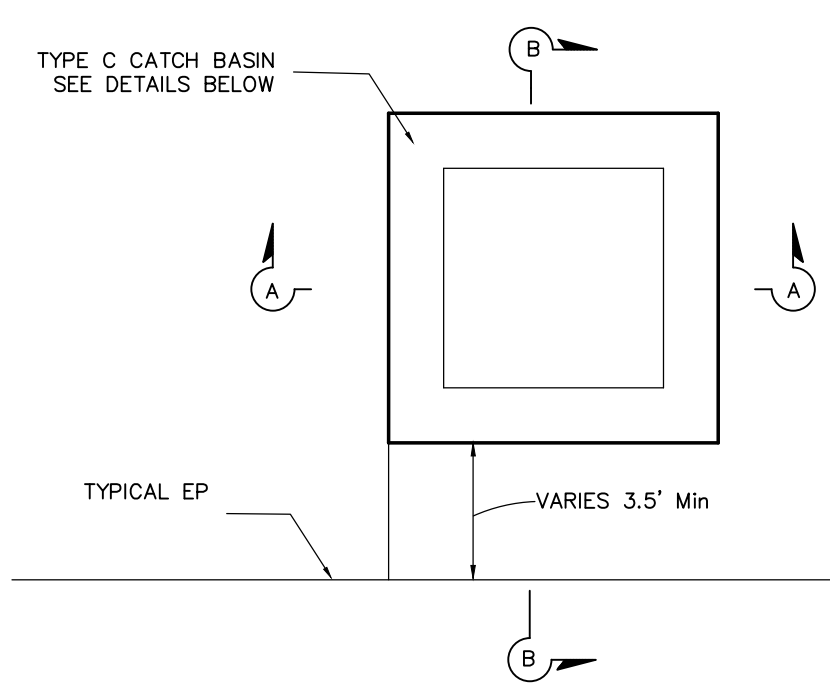
SECTION A-A

TYPE OF BOX	D	E	F
3'x3'	4'	3'	3'
4'x4'	5'	4'	4'

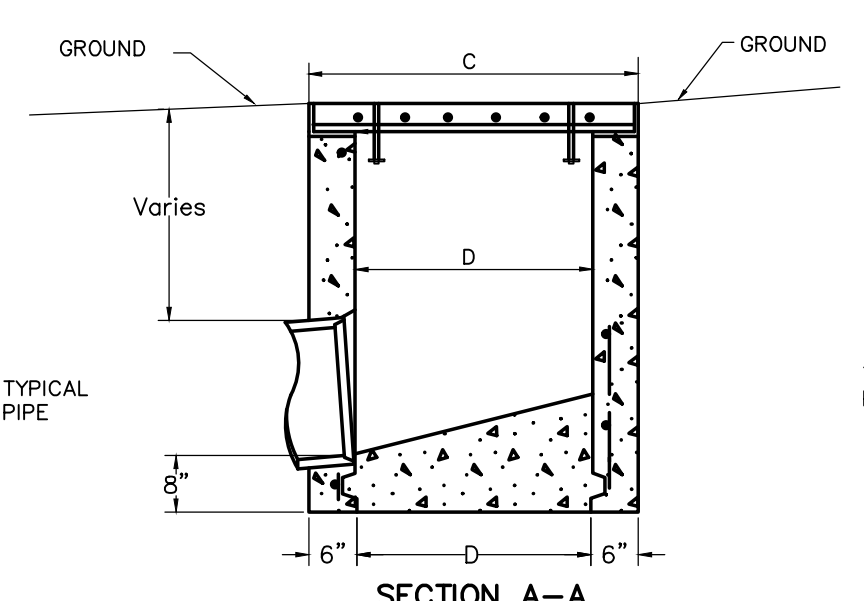


SECTION B-B

1 MONTEREY COUNTY  
TYPE "C" CATCH BASIN (MODIFIED) NTS

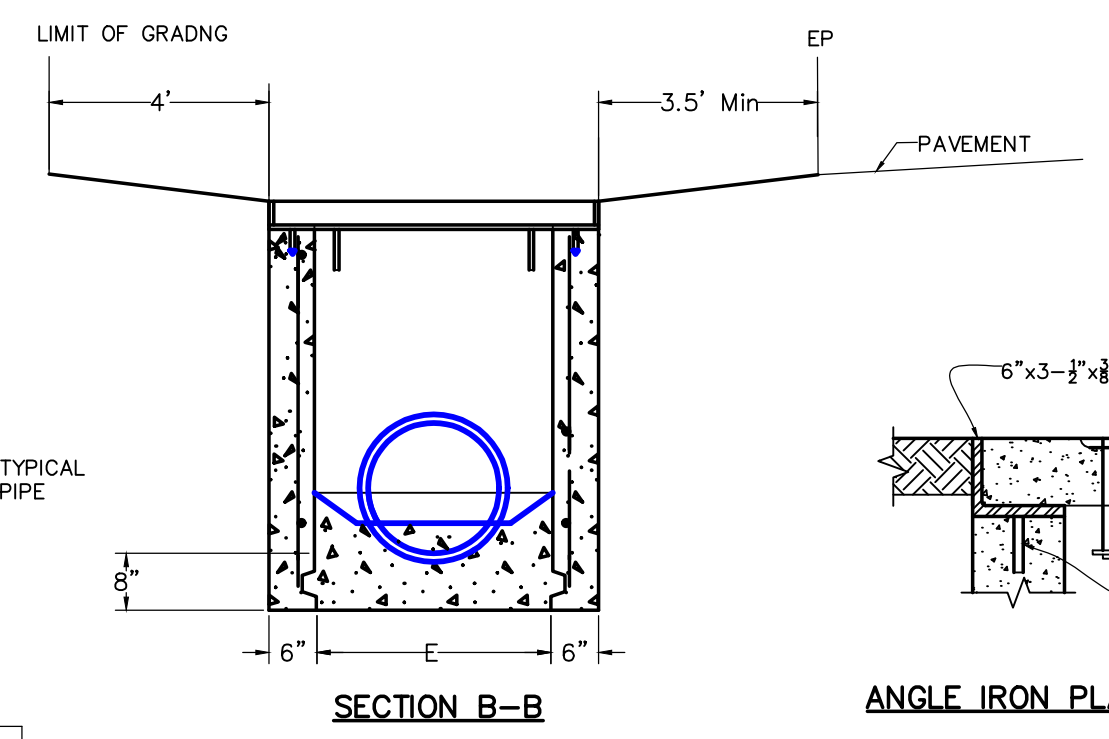


TYPICAL PLAN

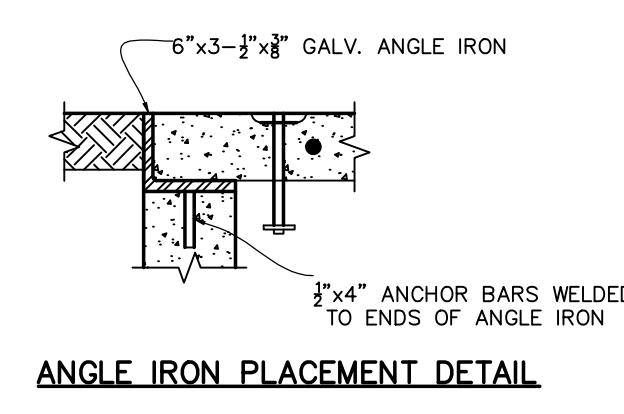


SECTION A-A

CATCH BASIN SIZE	C	D	E	F
60'x48'	5'	4'	5'	1'6"

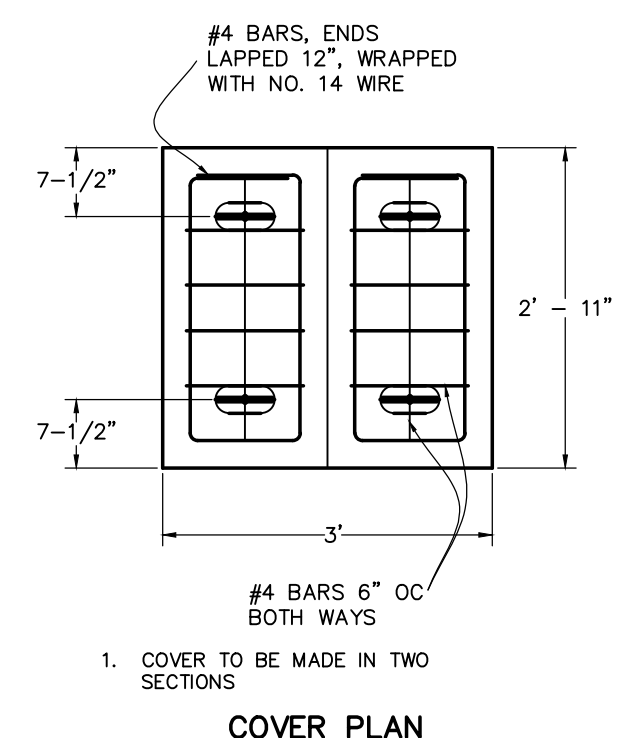


SECTION B-B



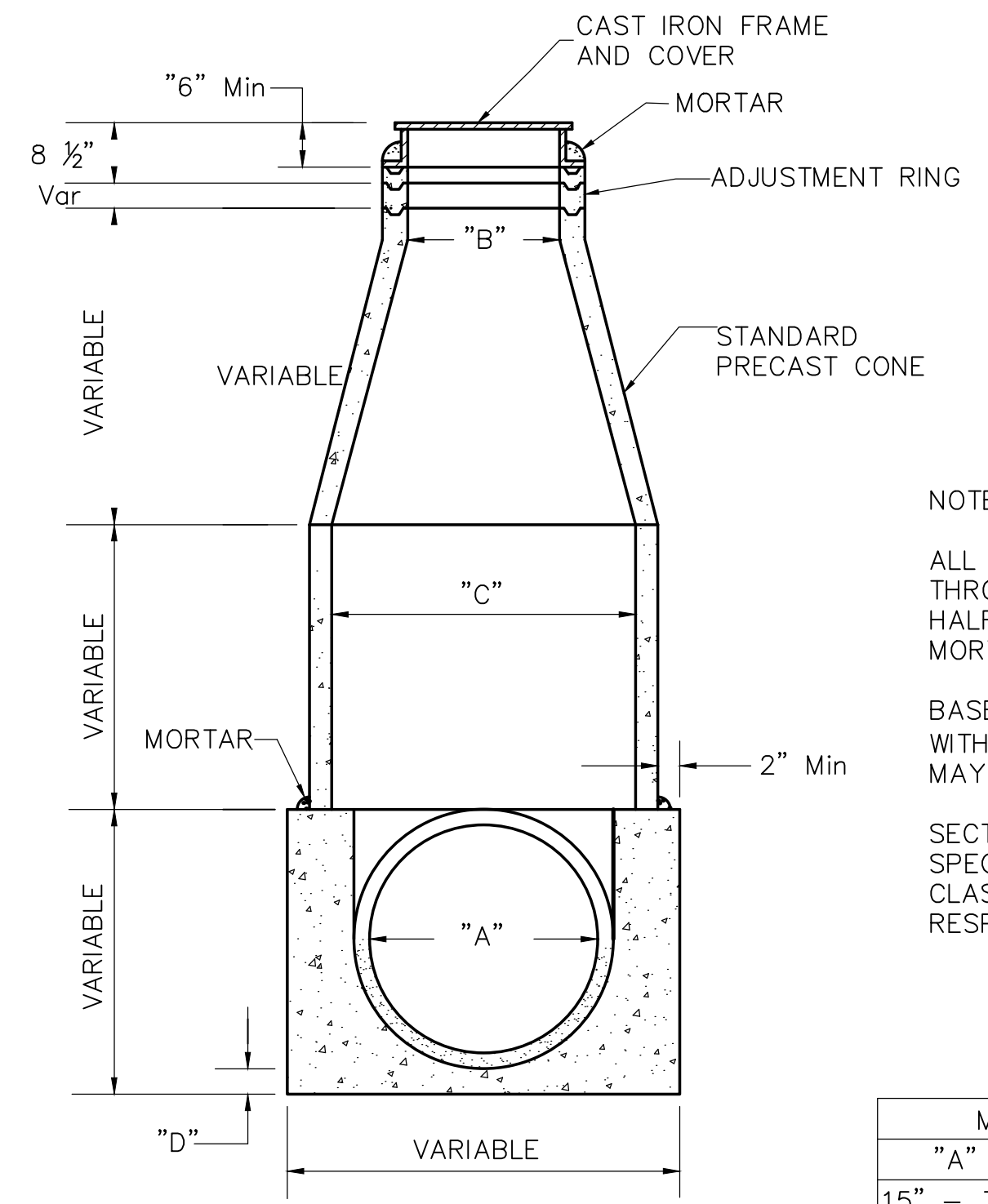
ANGLE IRON PLACEMENT DETAIL

3 60'X48' CATCH BASIN NTS



COVER PLAN

1. COVER TO BE MADE IN TWO SECTIONS

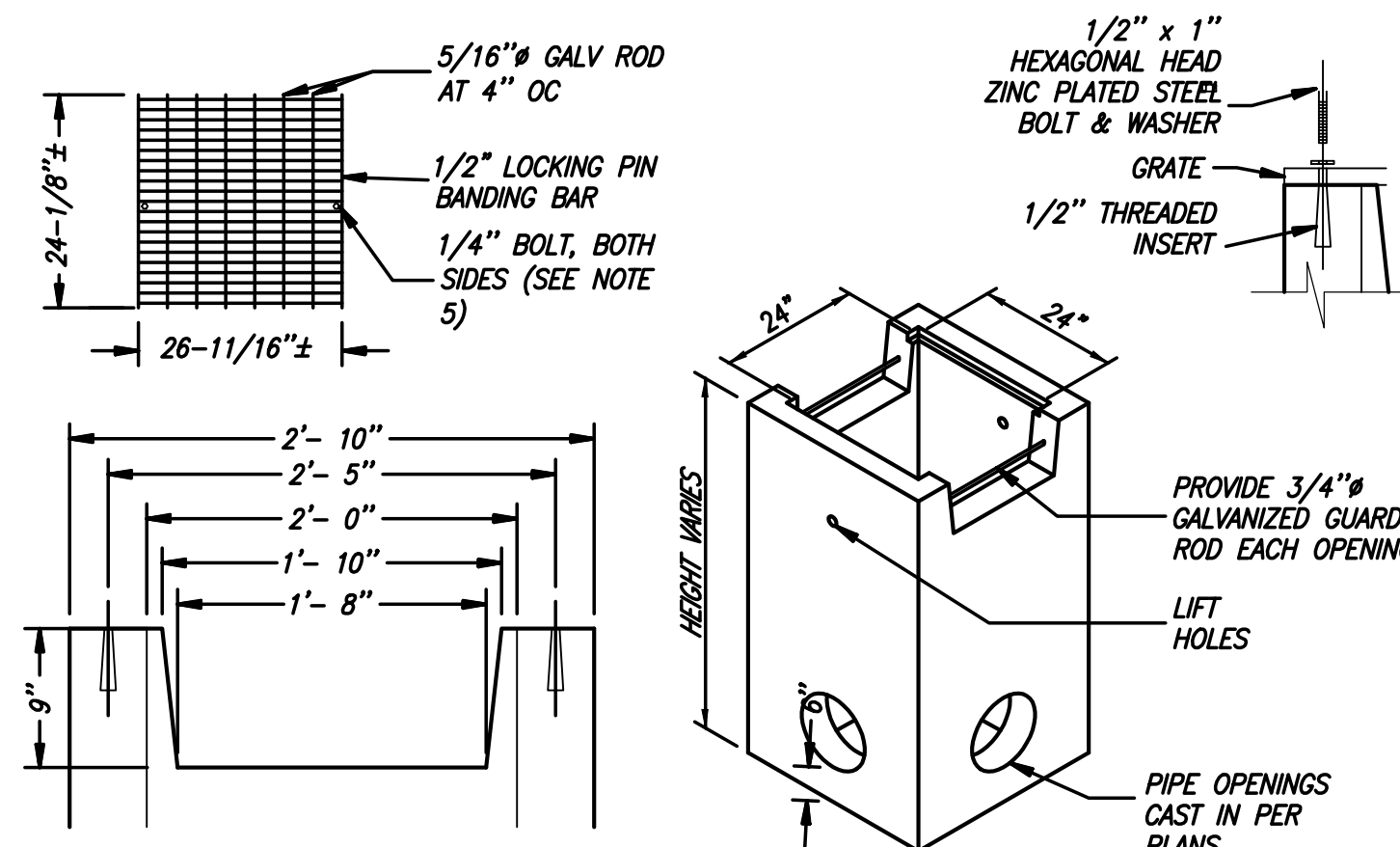


NOTES:  
ALL STRAIGHT PIPE TO BE LAID THROUGH MANHOLES WITH TOP HALF REMOVED AND ROUGH EDGES MORTARED SMOOTH.  
BASE TO BE POURED IN PLACE WITH CLASS "A" CONCRETE BASE MAY BE ROUND OR SQUARE.  
SECTIONS TO MEET ASTM SPECIFICATIONS, C-76-57T CLASS II FOR CONCRETE PIPE FOR RESPECTIVE DIAMETERS.

MINIMUM DIMENSIONS			
"A"	"B"	"C" * "D"	"D"
15" - 34"	24"	48"	4"
30" - 54"	24"	54"	6"

\*USE 6" DIAMETER MH FOR SDMH ON 48" STORM DRAIN LINES OR AS DIRECTED BY THE ENGINEER

2 MONTEREY COUNTY PLATE NO. 19  
STORM DRAIN MANHOLE NTS



NOTES:  
1. OPENINGS SHALL BE CAST AS REQUIRED TO MEET CONNECTING STORM DRAIN  
2. CONCRETE SHALL BE 3,000 P.S.I. AT 28-DAY STRENGTH.  
3. WALLS ARE REINFORCED WITH 4"x4"/10-10 WELDED  
4. WALLS SHALL BE 5" THICK AND BASE IS 6" THICK.  
5. GRATE SHALL BE SECURED TO FIELD INLET FRAME WITH TWO 1/4" STAINLESS STEEL BOLTS.

4 SIDE OPENING FIELD INLET AT SWALES NTS

SUBMITTED BY LEON D. GOMEZ, P.E.  
SENIOR CIVIL ENGINEER  
DESIGN BY LEON D. GOMEZ, P.E.  
PROJECT ENGINEER  
DRAWN BY FRANCIS ADRIAS/ROOPA KAUKURI  
CHECKED BY KRS/LDG  
SPECIFICATIONS WRITTEN BY LEON D. GOMEZ, P.E.  
CHECKED BY KRS/LDG  
APPROVAL RECOMMENDED BY ENRIQUE M. SAAVEDRA, P.E.  
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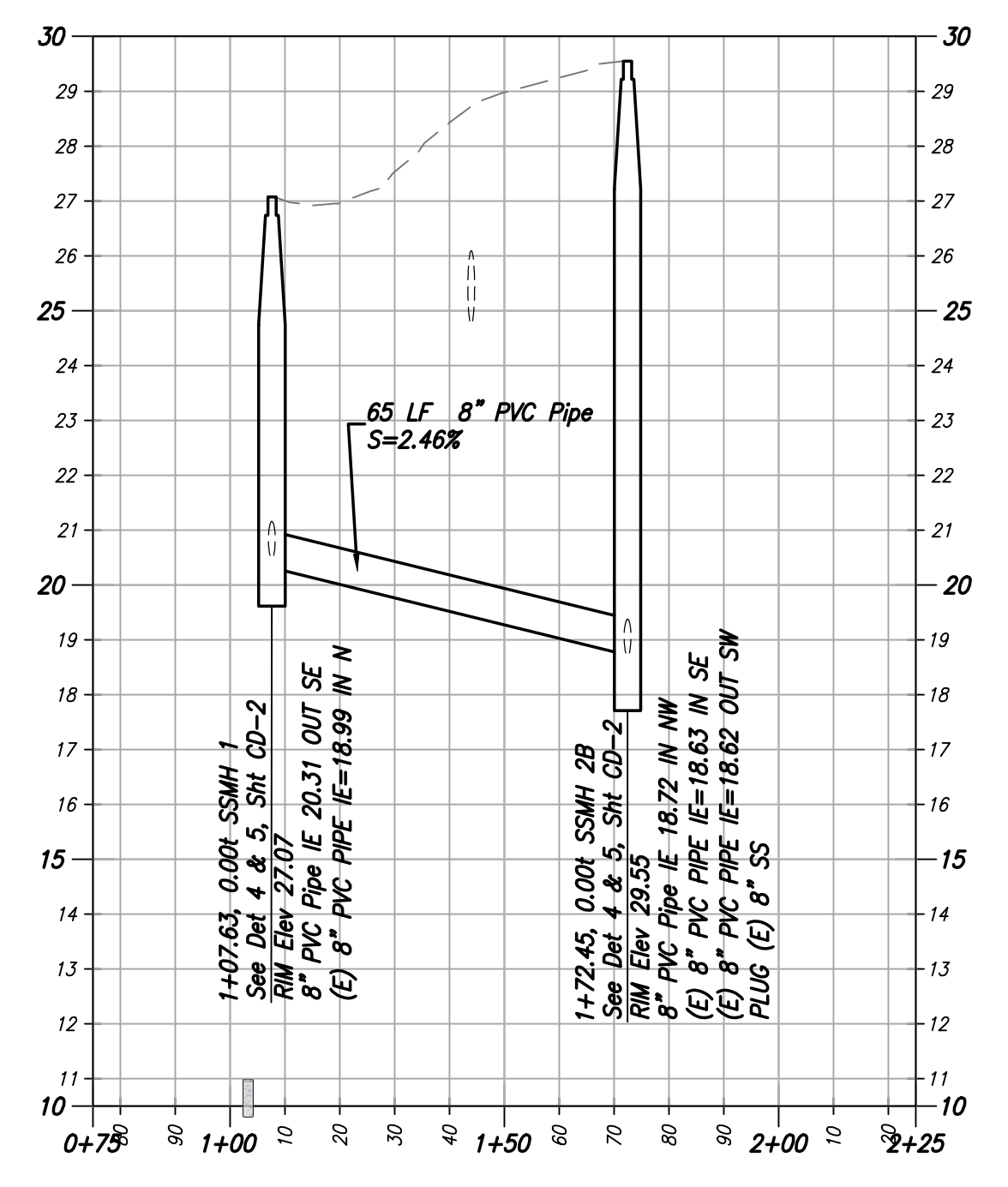
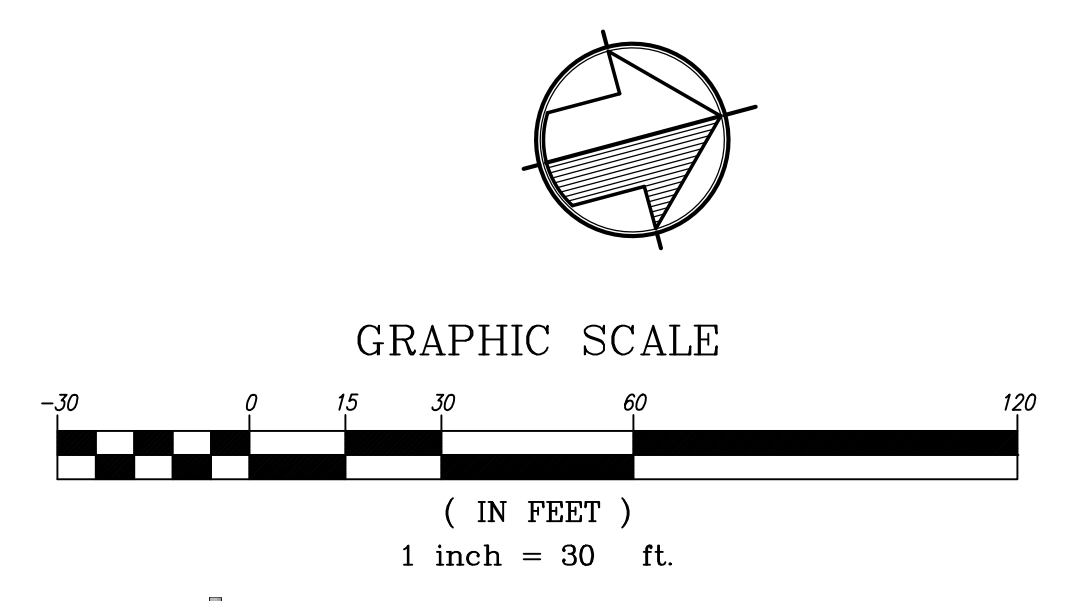
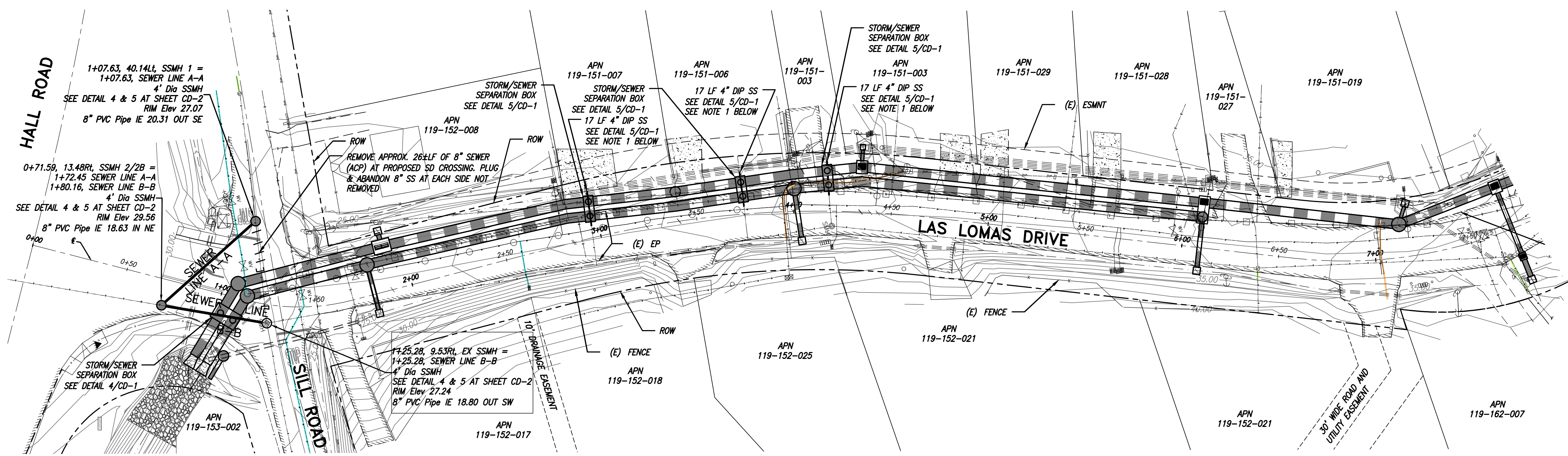
**Professional Engineer**  
No. 43034  
EXP. 3-31-18  
CIVIL  
STATE OF CALIFORNIA

NO.	DATE	REVISION	APPROVED
4.5.19		ADDENDUM #3, CHANGE SHEET NUMBER	

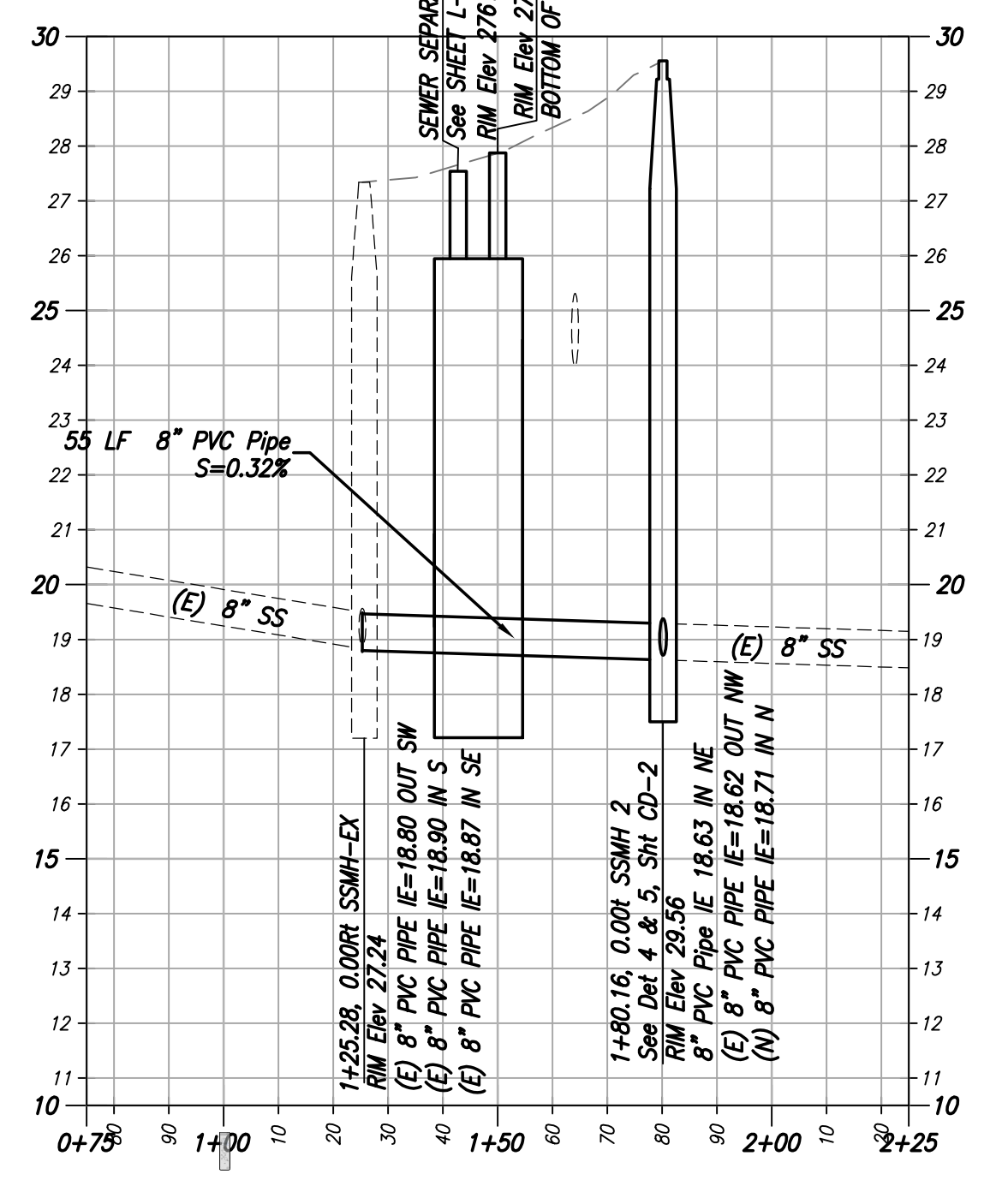
**COUNTY OF MONTEREY**  
RESOURCE MANAGEMENT AGENCY  
DEPARTMENT OF PUBLIC WORKS  
DESIGN SECTION  
168 WEST ALISAL STREET  
SALINAS, CALIFORNIA 93901  
(831) 755-4800/FAX (831) 755-4958

**LAS LOMAS DRAINAGE**  
PROJECT NO. 1723  
**CONSTRUCTION DETAILS**  
DATE: 04/18/2016  
DRAWING: 714007 - 12 CD-4 CONSTRUCTION DETAILS.dwg  
SHEET: CD-4  
HORIZONTAL SCALE: NTS  
VERTICAL SCALE: NTS





**PROFILE  
SEWER LINE A-A**



**PROFILE  
SEWER LINE B-B**

- SEWER PLAN AND PROFILE NOTES**
- CONTRACTOR TO FIELD VERIFY THE DEPTHS OF THE EXISTING SEWER LATERALS PRIOR TO INSTALLATION OF STORM/SEWER SEPARATION BOX AT THESE LOCATIONS.
  - CONTRACTOR TO PROVIDE TEMPORARY BYPASS SEWER BY PUMPING OR OTHER COUNTY APPROVED METHODS DURING CONSTRUCTION OF NEW SEWER AND SEPARATION BOX. SUBMIT TEMPORARY BYPASS PLANS TWO WEEKS PRIOR TO PROPOSED SEWER AND SEPARATION BOX WORK.
  - EXISTING SEWER PIPE IS ASBESTOS CEMENT PIPE (ACP) AND SHALL BE REMOVED AND DISPOSED PER APPLICABLE HAZMAT AND STATE LAWS CONTROLLING THE REMOVAL, HANDLING AND DISPOSAL PROCEDURES FOR ACP.

SUBMITTED BY LEON D. GOMEZ, P.E.  
SENIOR CIVIL ENGINEER

DESIGN BY LEON D. GOMEZ, P.E.  
PROJECT ENGINEER

DRAWN BY FRANCIS ADRIAS/ROOPA KAUKURI  
SPECIFICATIONS WRITTEN BY LEON D. GOMEZ, P.E.

CHKD BY KRS/LDG

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APPROVAL  
RECOMMENDED BY ENRIQUE M. SAAVEDRA, P.E.  
ASSISTANT DIRECTOR OF PUBLIC WORKS

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*Enrique M. Saavedra*  
No. 43034  
EXP. 3-31-18  
CIVIL ENGINEER  
STATE OF CALIFORNIA

NO.	DATE	REVISION	APPROVED

COUNTY OF MONTEREY  
RESOURCE MANAGEMENT AGENCY  
DEPARTMENT OF PUBLIC WORKS

DESIGN SECTION

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LAS LOMAS DRAINAGE  
PROJECT NO. 1723

**SEWER LINE A-A & B-B PLAN AND PROFILE**

DATE 04/18/2016	DRAWING 714007 - 13 S-1 SEWER PLAN AND PROFILE.dwg	SHEET S-1
HORIZONTAL SCALE AS SHOWN	VERTICAL SCALE 1" = 3'	





**EXHIBIT E – NEPA and CEQA DOCUMENT**



**CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM**

<b>05/MON/0</b>	<b>CR</b>	<b>05-1800-0147</b>	<b>ATPL-5944 (135)</b>
Dist.-Co.-Rte. (or Local Agency)	P.M./P.M.	E.A/Project No.	Federal-Aid Project No. (Local Project)/Project No.

**PROJECT DESCRIPTION:** (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. Use Continuation Sheet, if necessary.)

The County of Monterey proposes a bike and pedestrian improvement project in the community of Las Lomas. This project will occur from Las Lomas Drive from Hall Road to Thomas Road, and a portion of Sill Road. The project will construct a sidewalk and class II bike lanes. In addition, the project will widen roadway to accommodate new lanes, install curb, gutter, conform existing driveways, and install retaining walls. The Purpose of the project is to improve travel for bike and pedestrians. The project is Needed because the existing location does not have a facility for bike and/or pedestrians to utilize.

**CALTRANS CEQA DETERMINATION** (Check one)

**Not Applicable – Caltrans is not the CEQA Lead Agency**       **Not Applicable – Caltrans has prepared an Initial Study or Environmental Impact Report under CEQA**

Based on an examination of this proposal, supporting information, and the above statements, the project is:

**Exempt by Statute.** (PRC 21080[b]; 14 CCR 15260 et seq.)  
 **Categorically Exempt Class** . (PRC 21084; 14 CCR 15300 et seq.)

Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply:

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

**Exempt by General Rule.** [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (14 CCR 15061[b][3].)]

\_\_\_\_\_  
 Print Name: Senior Environmental Planner or Environmental Branch Chief

\_\_\_\_\_  
 Print Name: Project Manager

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

**NEPA COMPLIANCE**

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA, and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b).

**CALTRANS NEPA DETERMINATION** (Check one)

**23 USC 326:** The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an EA or EIS under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated May 31, 2016, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c)(3)**
- 23 CFR 771.117(d): activity (d)( )**
- Activity \_\_\_ listed in Appendix A of the MOU between FHWA and the State**

**23 USC 327:** Based on an examination of this proposal and supporting information, the State has determined that the project is a Categorical Exclusion under 23 USC 327. The environmental review, consultation, and any other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016 and executed by FHWA and Caltrans.

**Randy LaVack**

\_\_\_\_\_  
 Print Name: Senior Environmental Planner or Environmental Branch Chief

**Heidi Borders**

\_\_\_\_\_  
 Print Name: Project Manager/DLA Engineer

 12-27-18  
 Signature Date

 1/2/19  
 Signature Date

Date of Categorical Exclusion Checklist completion: 12/26/18

Date of ECR or equivalent : 12/26/18

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

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

In the matter of the application of:

**COUNTY OF MONTEREY**

**LAS LOMAS DRAINAGE PROJECT (PLN140903-EXT1)**

**RESOLUTION NO. 18 - 025**

Resolution by the Monterey County RMA Chief of Planning approving a 3-year Permit Extension of a previously-approved Combined Development Permit (RMA-Planning File No. PLN140903; Resolution No. 15-001) consisting of a Coastal Development Permit to allow development on slopes exceeding 25 percent for improvements to existing infrastructure, a Coastal Development Permit to allow removal of a 36-inch landmark eucalyptus tree, and a Coastal Administrative Permit to allow improvements to sidewalks, curbs, and drainage culverts in the County road right-of-way and on private property.

Las Lomas Drive, from Thomas Road to Sill Road, and on portions of Hall Road and adjacent private properties, Las Lomas community, North County Land Use Plan, Coastal Zone (APNs: 119-161-011-000, 119-161-017-000, 119-151-019-000, and 119-151-021-000)

The RMA Chief of Planning, having considered the application and all the written and documentary evidence presented relating thereto, finds and decides as follows:

**FINDINGS AND EVIDENCE**

**1. FINDING:**

**PROJECT DESCRIPTION / CONSISTENCY** - The County has received and processed a 3-year Permit Extension to a Combined Development Permit (RMA-Planning File No. PLN140903). The Permit Extension includes no changed circumstances from the previously approved permit(s).

**EVIDENCE:** (a)

An application for a Permit Extension was submitted on September 20, 2017. The Combined Development Permit was set to expire on January 14, 2018. Pursuant to Section 20.82.110 of the Monterey County Zoning Ordinance – Coastal Zone (Title 20), a request for extension must be submitted to RMA-Planning at least 30 days prior to the expiration date of an approved or conditionally approved Combined Development Permit. RMA-Public Works (Applicant) submitted a request for extension approximately 4 months before the expiration date.

(b)

The properties are located in and adjacent to the road right-of-way on Las Lomas Drive from Thomas Road to Sill Road, and on portions of Hall Road, Las Lomas community (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. The properties are zoned Medium Density Residential, 4 units per acre (Coastal Zone) [MDR/4 (CZ) and Public/Quasi-Public (Coastal Zone) [PQP (CZ)]. The zoning has not changed since the approval of the original entitlement(s) on January 14, 2015.

- (c) On January 14, 2015, the Monterey County Planning Commission approved the Combined Development Permit (RMA-Planning File No. PLN140903) as reflected in Planning Commission Resolution No. 15-001.
- (d) This is the first extension request for this project.
- (e) This 3-year extension applies to the expiration date of the Combined Development Permit, and extends the expiration date from January 14, 2018, to January 14, 2021. All other applicable conditions of approval for PLN140903 apply and no new conditions have been added for this extension. All conditions of approval will continue to be cleared under RMA-Planning File No. PLN140903.
- (f) The findings and evidence from PLN140903 (Resolution No. 15-001) are carried forward to this Permit Extension (PLN140903-EXT1), and incorporated herein by reference.
- (g) There have been no changes to the applicable plans, policies, and regulations since the original approval of the Combined Development Permit would be grounds for denial of the extension pursuant to Title 20 Section 20.82.110. There are also no changes to the project, and the project remains the same as approved by Resolution No. 15-001. This permit extends the expiration date of the previous approval, and all findings and evidence contained in the previous approval are hereby carried forward and continue to apply.
- (h) The Permit Extension has been requested because project construction has been delayed pending: 1) completion of coordination with state and federal regulatory agencies (e.g., Regional Water Quality Control Board and U.S. Army Corps of Engineers); 2) allocation of funding to implement the construction phase; and 3) completion of utility relocation by commercial providers.
- (i) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed extension found in Project Files PLN140903 and PLN140903-EXT1.

**2. FINDING:**

**CEQA** - The Permit Extension does not require subsequent environmental review pursuant to CEQA Guidelines Section 15162. The original CEQA action on the project was a Subsequent Mitigated Negative Declaration per CEQA Guidelines Section 15074.

**EVIDENCE:** (a)

The project meets the criteria of CEQA Guidelines Section 15162 because no substantial changes are proposed requiring major revisions to the Subsequent Mitigated Negative Declaration, and there are no substantial changes in the circumstances under which the

project was approved that would necessitate substantial revisions to the Subsequent Mitigated Negative Declaration.

3. **FINDING:** **PUBLIC NOTICE** - Consideration of the request for the extension has been carried out pursuant to Monterey County Code Section 20.82.110 (Extension of Combined Development Permits) of Monterey County Code Title 20, Zoning Ordinance – Coastal.
- EVIDENCE:** (a) On May 2, 2018, notices were mailed to residents within 300 feet of the project site.
- (b) On May 3, 2018, a notice was published in the Monterey County Weekly.
- (c) On May 1, 2018, notices were posted in at least 3 different public places on and near the subject properties.
- (d) No objections were received during the notification period from May 3 to May 15, 2018.

### DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the RMA Chief of Planning does hereby:

Approve a 3-year Permit Extension of a previously-approved Combined Development Permit (RMA-Planning File No. PLN140903; Planning Commission Resolution No. 15-001) consisting of a Coastal Development Permit to allow development on slopes exceeding 25 percent for improvements to existing infrastructure, a Coastal Development Permit to allow removal of a 36-inch landmark eucalyptus tree, and a Coastal Administrative Permit to allow improvements to sidewalks, curbs, and drainage culverts in the County road right-of-way and on private property, in general conformance with the plans and subject to the conditions applied to the original approval, all being attached hereto and/or incorporated herein by reference.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of May, 2018.

  
Jacqueline R. Onciano, RMA Chief of Planning

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT AND THE CALIFORNIA COASTAL COMMISSION ON ~~MAY 22 2018~~.

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 JUN 01 2018.

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.

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

In the matter of the application of:

**COUNTY OF MONTEREY**

**LAS LOMAS DRAINAGE PROJECT (PLN140903)**

**RESOLUTION NO. 15-001**

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, 2015. 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.

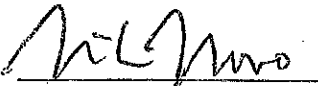
**DECISION**

**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 Commissioner Rochester, seconded by Commissioner Padilla, by the following vote:

AYES: Brown, Vandever, Getzelman, Rochester, Hert, Roberts, Diehl, Padilla, Mendez  
NOES: None  
ABSENT: Salazar  
ABSTAIN: None

  
Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON JAN 23 2015

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

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

FCS 0 2 2015

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.

# Monterey County RMA Planning

## 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. Compliance with the conditions of approval is the responsibility of Monterey County. 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. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** RMA-Planning

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

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

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

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

## 3. 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.

#### 4. 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.

#### 5. 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.



## 6. 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.

## 7. 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.

## 8. 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.

## 9. 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.

## 10. 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.

## 11. 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.

## 12. 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.

## 13. 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.

## 14. 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.

## 15. 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.

**16. 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)

**17. 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.

**18. 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.

**19. 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.

**20. 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.



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

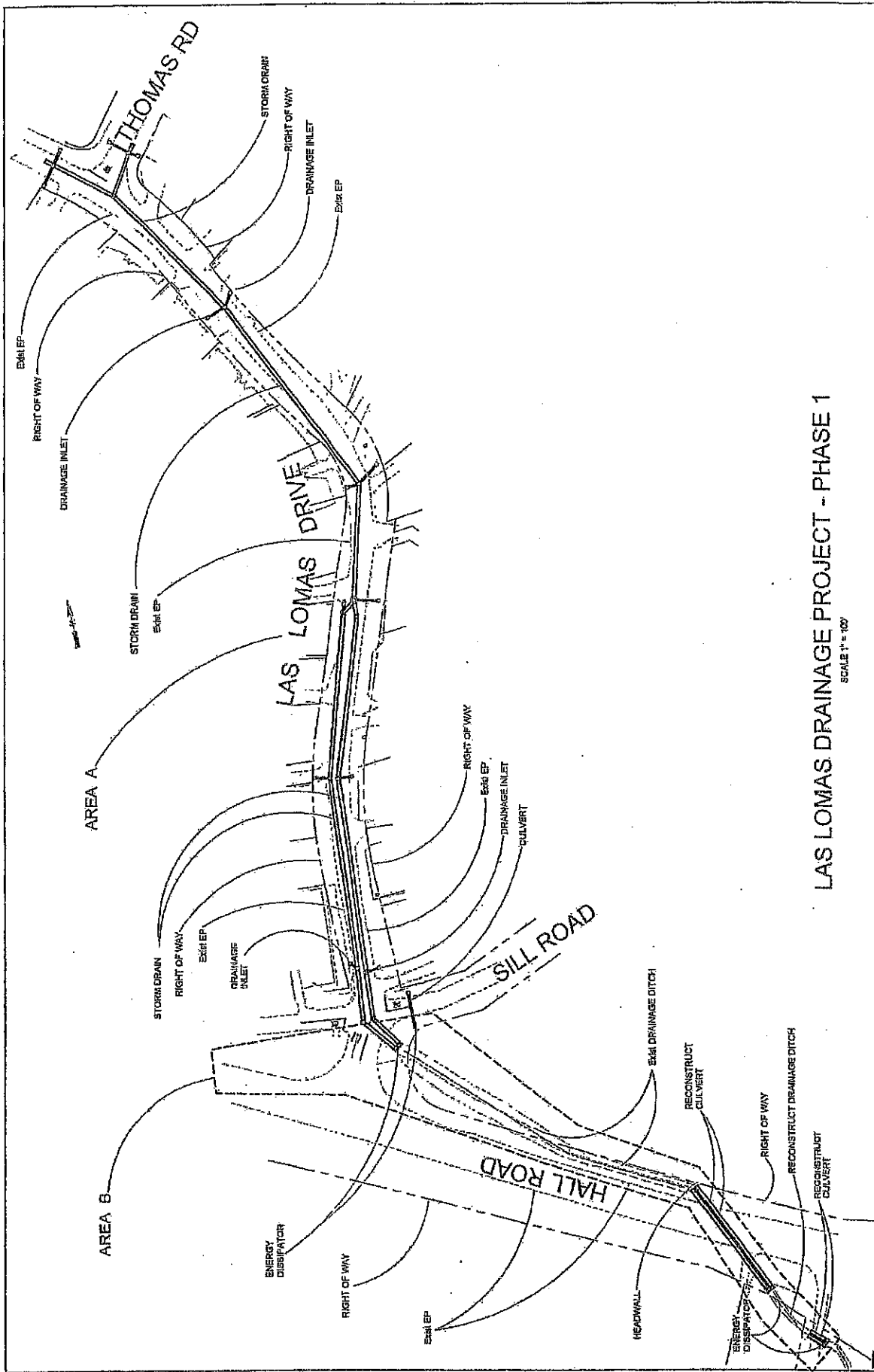
**Responsible Department:** RMA-Planning

**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'



INITIAL STUDY

# LAS LOMAS DRAINAGE PROJECT

PREPARED FOR

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November 19, 2014

This document was produced on recycled paper.



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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

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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](#).

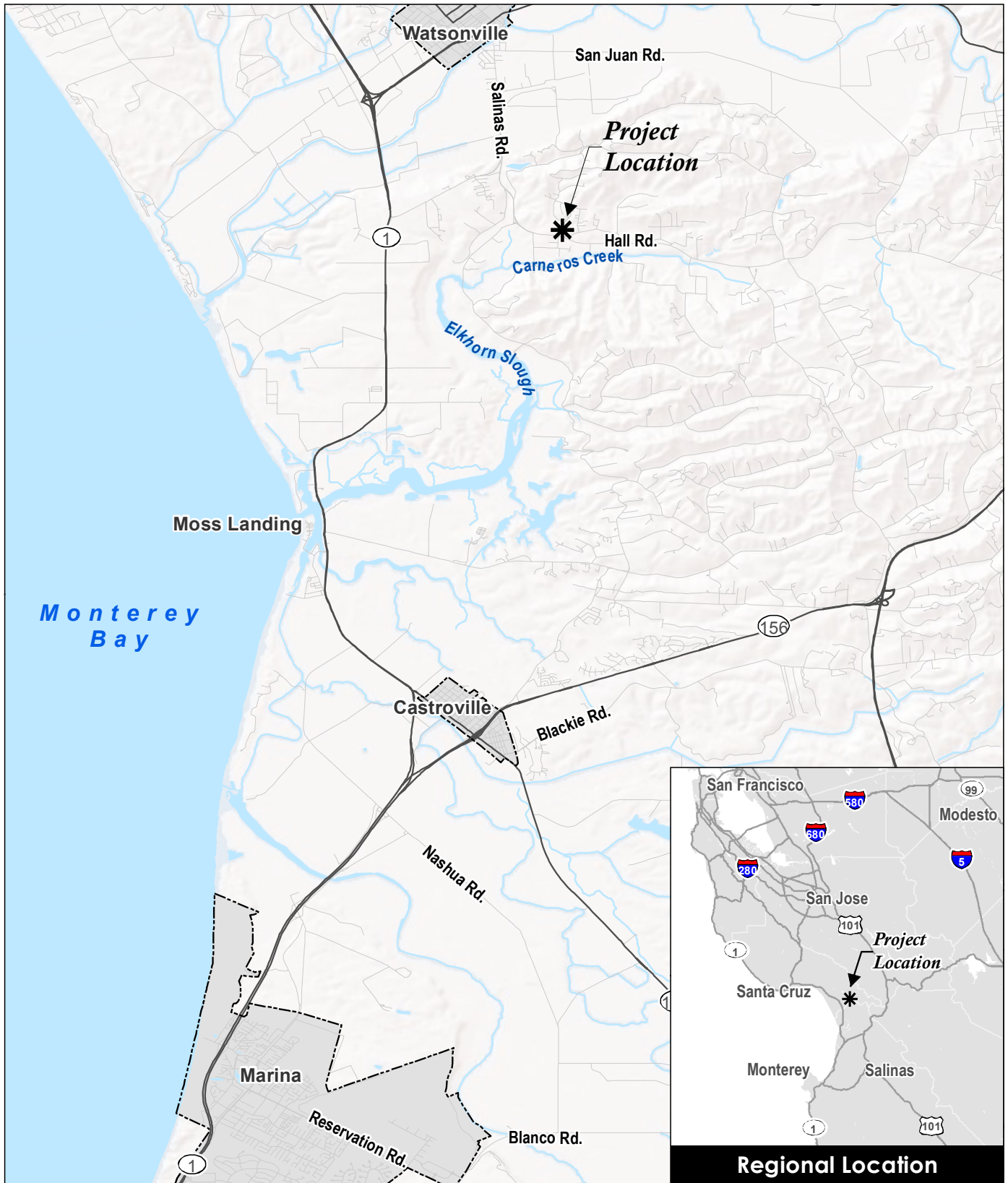
New activities and improvements proposed within Area A that were not studied in the 2009 MND consist of increasing the width of on-street parking space striping from seven feet to eight feet, installing water treatment facilities within the right-of-way, the removal of one native Monterey pine tree,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



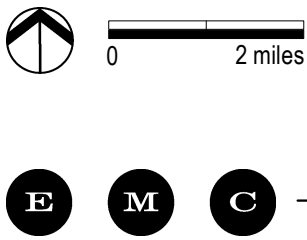
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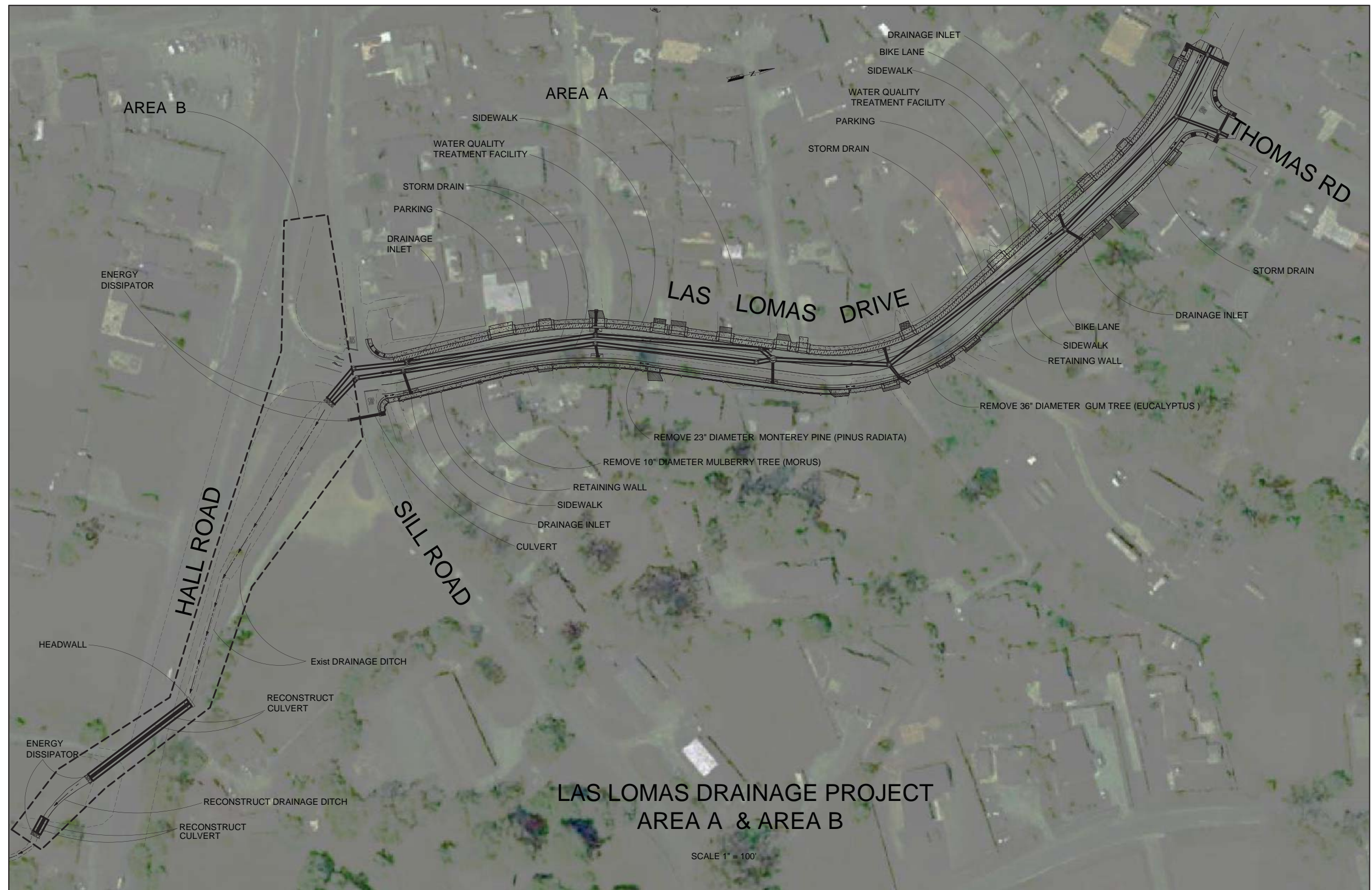
Source: ESRI StreetMap North America 2012

Figure 1  
 Location Map

Las Lomas Drainage Project Intital Study



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Source: Google Earth 2014, IDM



Figure 2  
Project Layout

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## **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.

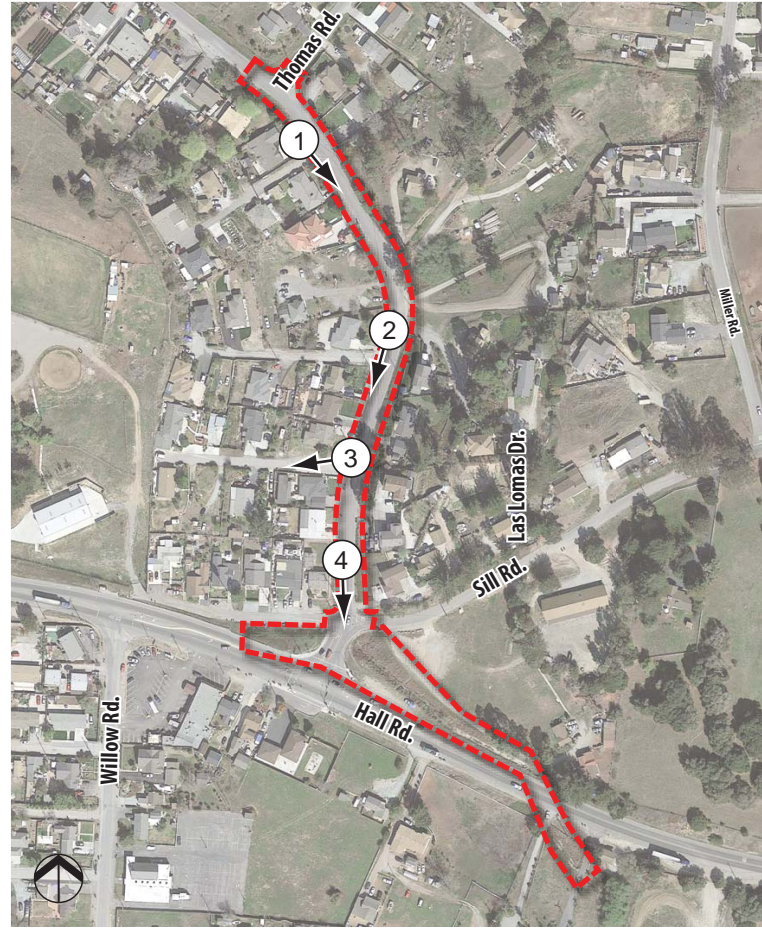
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① Unlined drainage ditch parallel to Las Lomas Drive, adjacent to residential uses



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



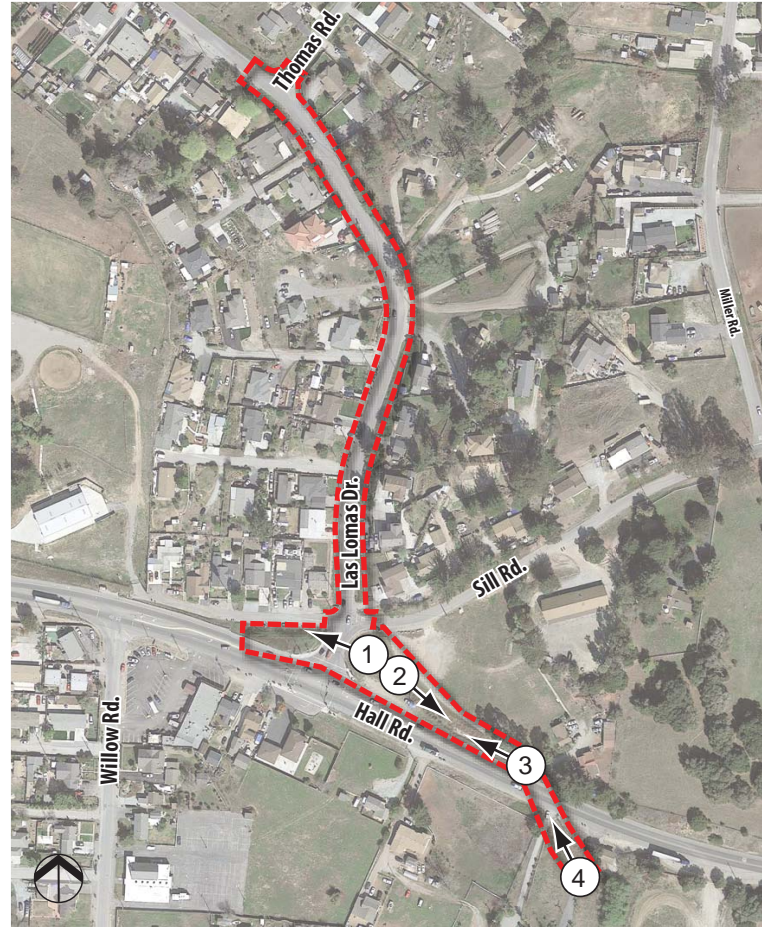
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① Outlet of culverts under Las Lomas Drive to drainage channel along Hall Road



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 Carneros 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.

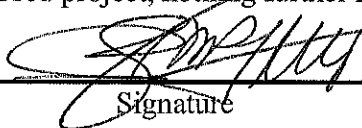
**EVIDENCE:**

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.

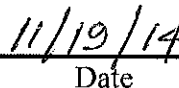
**B. DETERMINATION**

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*

  
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 NOx 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.

<b>4. BIOLOGICAL RESOURCES</b>			Less Than Significant		
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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 riggut 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

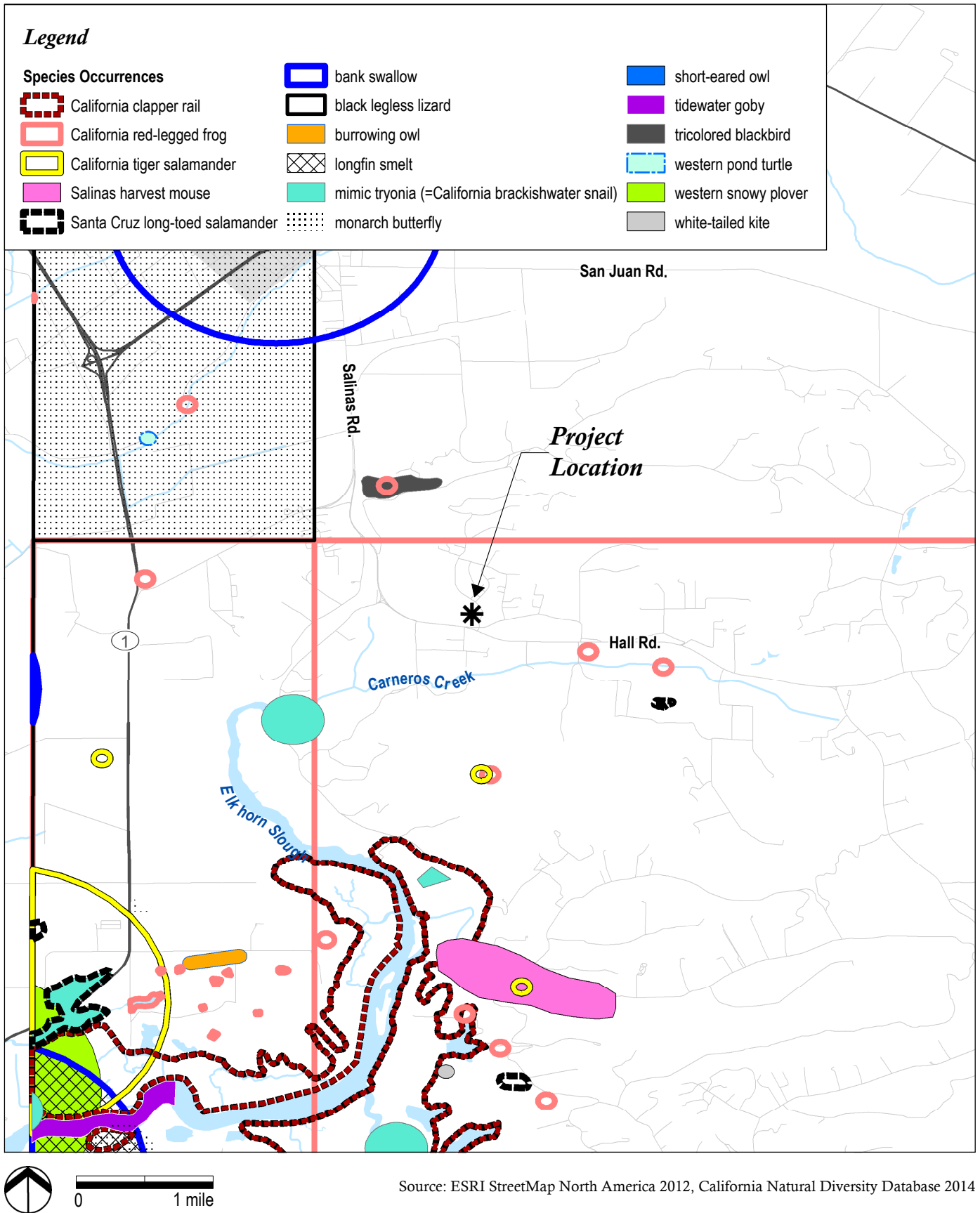


Figure 5

# 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 Polices**

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.



<b>6. GEOLOGY AND SOILS</b>			Less Than Significant	
<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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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.

<b>8. HAZARDS AND HAZARDOUS MATERIALS</b>			Less Than Significant		
<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**

<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) 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</u> or <u>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.

10. LAND USE AND PLANNING	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.

<b>11. MINERAL RESOURCES</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
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.

<b>12. NOISE</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>					
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.

<b>13. POPULATION AND HOUSING</b>	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**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
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**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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

<b>17. UTILITIES AND SERVICE SYSTEMS</b>			Less Than Significant		
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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)
27. Archaeological Consulting, *Preliminary Archaeological Field Survey for the Las Lomas Drainage Project in Northern Monterey County, California*. July 7, 2014
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.**

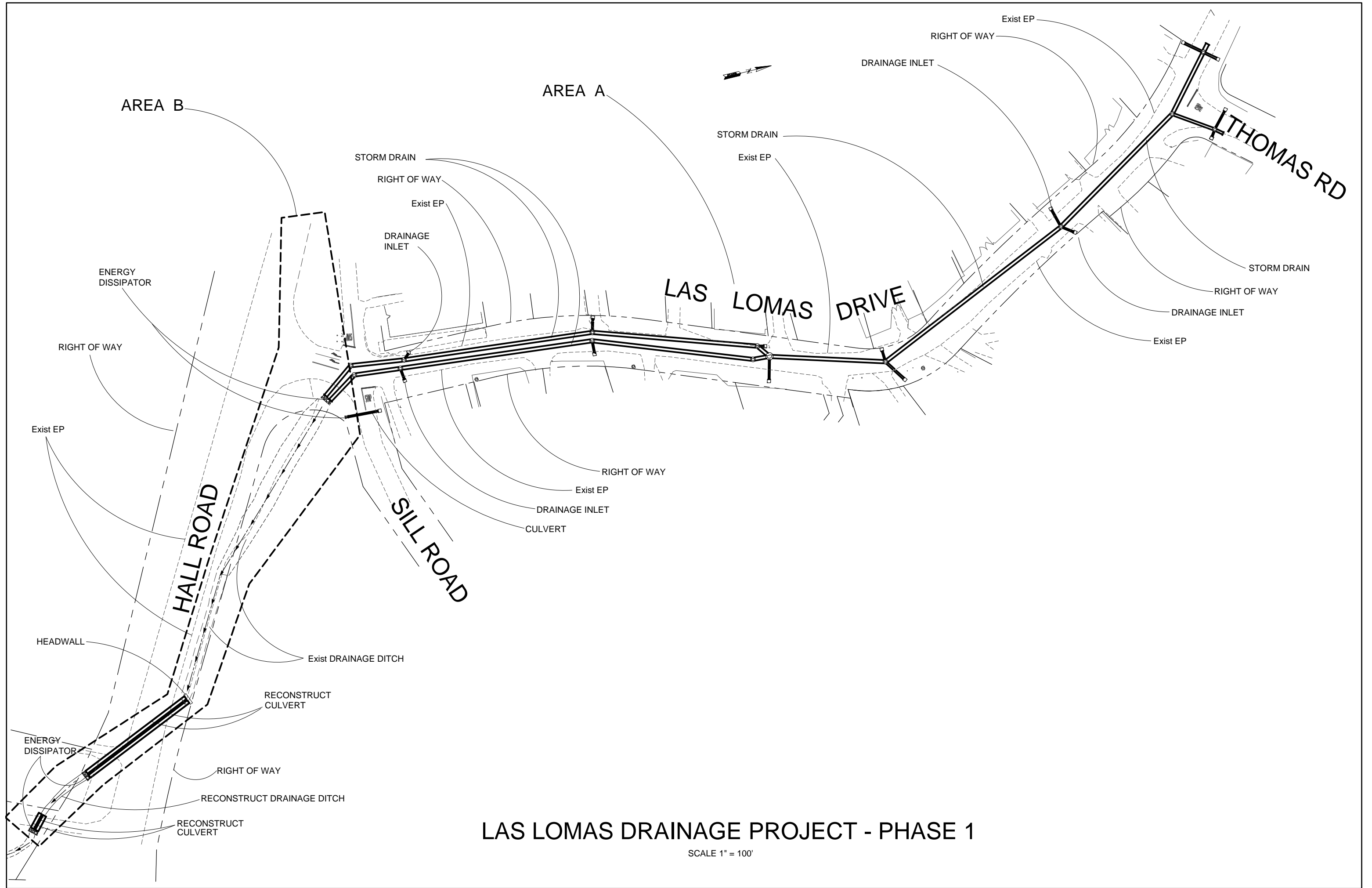
All documents listed above are available for review at EMC Planning Group Inc., 301 Lighthouse Avenue, Suite C, Monterey, California 93940, (831) 649-1799 during normal business hours.

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# **APPENDIX A**

## PROJECT PHASING

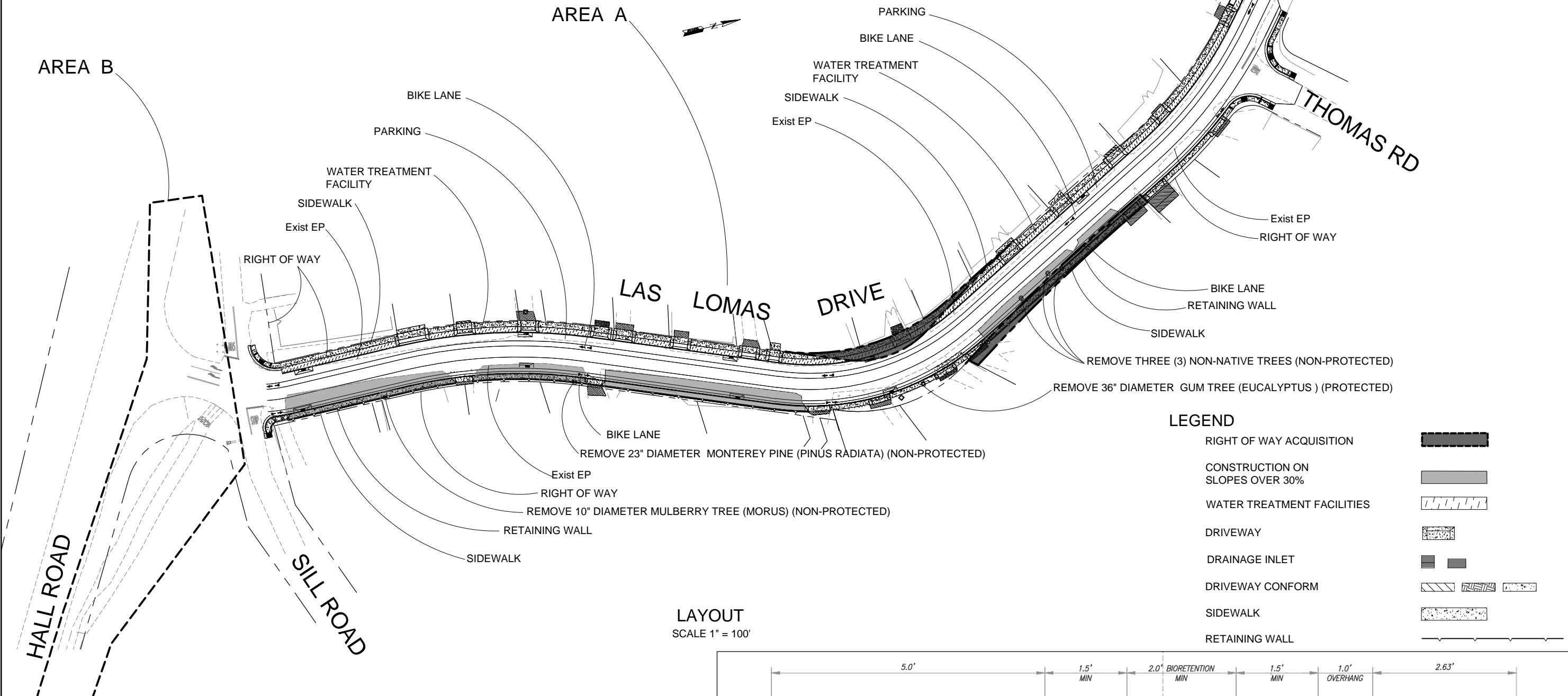
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**LAS LOMAS DRAINAGE PROJECT - PHASE 1**

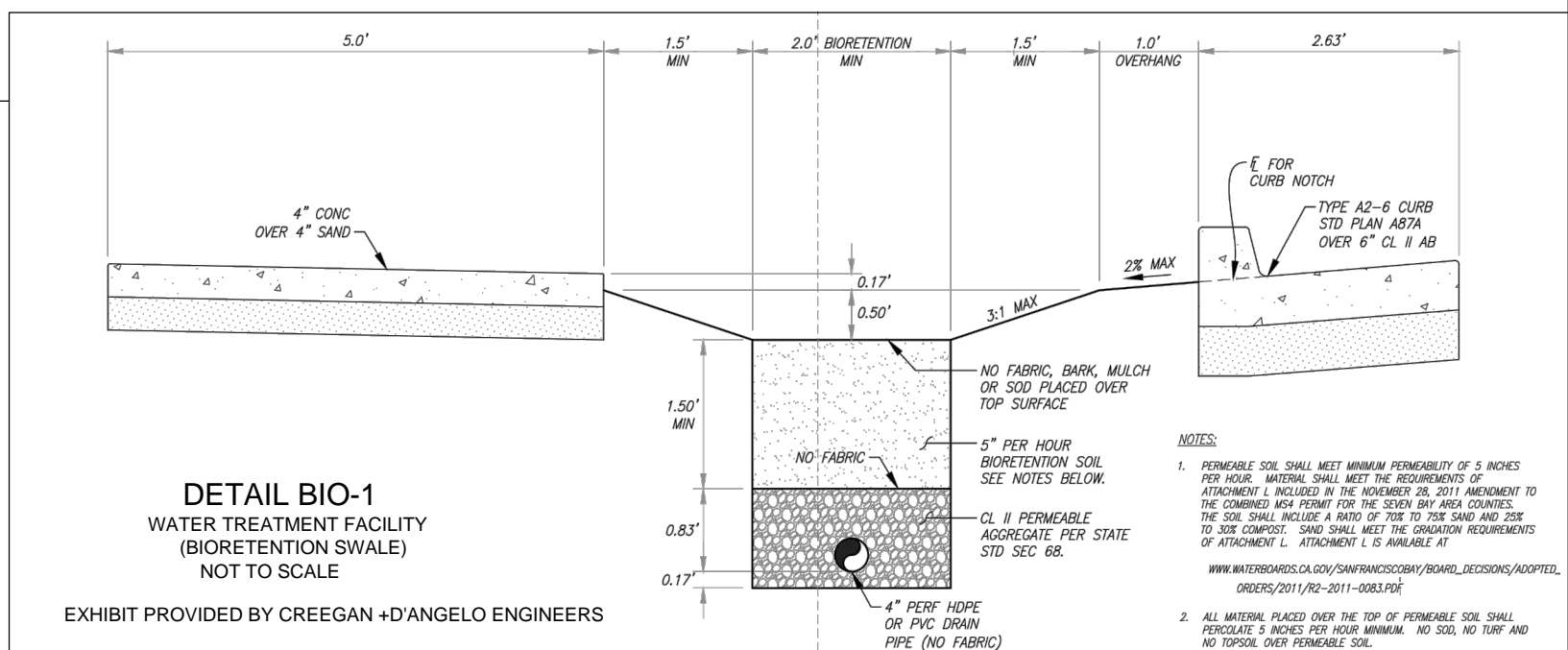
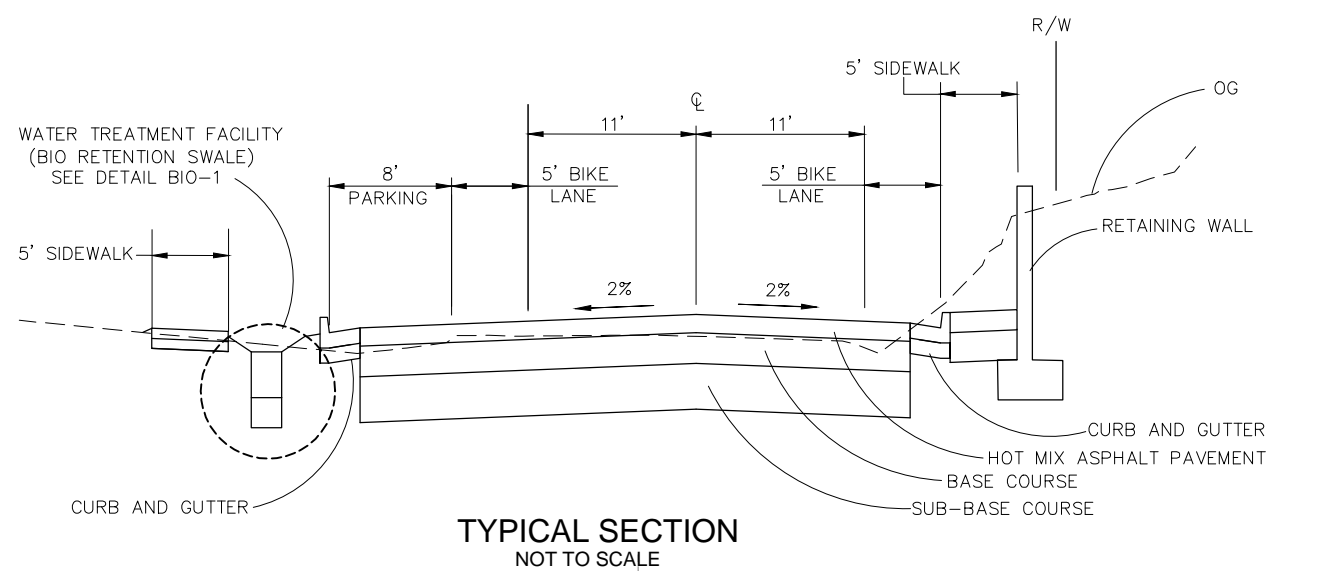
SCALE 1" = 100'

# LAS LOMAS DRAINAGE PROJECT - PHASE 2



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

LAYOUT  
SCALE 1" = 100'



DETAIL BIO-1  
WATER TREATMENT FACILITY  
(BIORETENTION SWALE)  
NOT TO SCALE

EXHIBIT PROVIDED BY CREEGAN +D'ANGELO ENGINEERS

- NOTES:
- PERMEABLE SOIL SHALL MEET MINIMUM PERMEABILITY OF 5 INCHES PER HOUR. MATERIAL SHALL MEET THE REQUIREMENTS OF ATTACHMENT L INCLUDED IN THE NOVEMBER 28, 2011 AMENDMENT TO THE COMBINED MS4 PERMIT FOR THE SEVEN BAY AREA COUNTIES. THE SOIL SHALL INCLUDE A RATIO OF 70% TO 75% SAND AND 25% TO 30% COMPOST. SAND SHALL MEET THE GRADATION REQUIREMENTS OF ATTACHMENT L. ATTACHMENT L IS AVAILABLE AT [WWW.WATERBOARDS.CA.GOV/SANFRANCISCOBAY/BOARD\\_DECISIONS/ADOPTED\\_ORDERS/2011/R2-2011-0083.PDF](http://WWW.WATERBOARDS.CA.GOV/SANFRANCISCOBAY/BOARD_DECISIONS/ADOPTED_ORDERS/2011/R2-2011-0083.PDF)
  - ALL MATERIAL PLACED OVER THE TOP OF PERMEABLE SOIL SHALL PERCOLATE 5 INCHES PER HOUR MINIMUM. NO SOD, NO TURF AND NO TOPSOIL OVER PERMEABLE SOIL.



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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 var. 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 spp. 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 ssp. 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 ssp. 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 var. 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.

<b>Common and Scientific Name</b>	<b>Status (Fed./State/CNPS)</b>	<b>Habitat</b>	<b>Potential to Occur on Site</b>
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.

<b>Common and Scientific Name</b>	<b>Status (Fed./State/CNPS)</b>	<b>Habitat</b>	<b>Potential to Occur on Site</b>
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 ssp. 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 var. 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 var. 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 var. 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 var. 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 var. 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. purpurascens</i> are secondary host plants.	Unlikely. Suitable host plants not found at project site.

Common and Scientific Name	Status (Fed./State/CNPS)	Habitat	Potential to Occur on Site
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.

<b>Common and Scientific Name</b>	<b>Status (Fed./State/CNPS)</b>	<b>Habitat</b>	<b>Potential to Occur on Site</b>
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 mutica)</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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REPLY TO  
ATTENTION OF

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

OCT 08 2009



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.

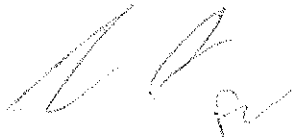
Your proposed activity is within our jurisdiction and a permit will be required for your project. Application for Corps authorization should be made to this office using the application form in available on our website <http://www.spn.usace.army.mil/regulatory/apply.html>. To avoid delays it is essential 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

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