

Attachment E

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MONTEREY COUNTY PLANNING COMMISSION

Meeting: January 28, 2015	Agenda Item No.: 5
Project Description: Consider a Combined Development Permit consisting of: 1) Use Permit to allow after-the-fact the removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) (14CE00183); and 2) Use Permit to allow the removal of approximately 15 additional protected trees (14 Monterey Pine and 1 Oak) due to diminishing forest health; and 3) Design Approval to allow the construction of a 7,200 square foot one-story single family dwelling and a 1,200 square foot accessory dwelling unit (ADU) and the demolition of an existing 1,200 square foot single family dwelling.	
Project Location: 564 Monhollan Road, Carmel	APN: 103-071-025-000
Planning File Number: PLN140300	Owner: Paul & Linda Flores Applicant: Paul & Linda Flores
Planning Area: Greater Monterey Peninsula Area Plan	Flagged and staked: Yes
Zoning Designation: RDR/10-UR-D or “Rural Density Residential, 10 acres, with a Urban Reserve and Design Control Overlay”	
CEQA Action: Negative Declaration	
Department: RMA-Planning	

RECOMMENDATION:

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

- 1) Adopt a Negative Declaration; and
- 2) Approve the Flores Combined Development Permit (PLN140300), based on the findings and evidence and subject to the conditions of approval (**Exhibit B**).

PROJECT OVERVIEW:

The proposed project involves the construction of a single-family residence, situated generally at the central area of the property. A new driveway access is proposed, originating on the north shoulder of Monhollan Road near in the southern portion of the project site.

Previous development on the site includes an issued grading permit (13CP01799 – 01/16/2014) to allow grading of approximately 1263 cubic yards of cut and 3695 cubic yards of fill, for the development of building pads for a barn and future house, along with approximately 360 linear feet of retaining walls. The plans submitted for the grading permit did not reflect the trees present on the property or indicate that trees were being removed to allow the grading. Therefore, the grading permit was issued without knowledge or evaluation of potential tree removal.

Subsequent to the issuance of the grading permit, and after the completion of the earthwork, the applicant applied for the a Design Approval application for the construction of a new 7,200 sq ft residence and 1,200 sq ft accessory dwelling unit (ADU). During review of the Design Approval application it was discovered that protected trees had been removed without permits in the area(s) of each proposed development (barn, residence, and ADU).

Based upon the discovery of the unpermitted tree removal, a Code Enforcement (14CE00183) investigation was opened and research conducted relative to activities occurring on the property. The investigation resulted in the confirmation that approximately 24 protected trees (20 oaks and 4 Monterey Pines) had been removed without the benefit of required permits (Use Permit).

Monterey County Code Section 21.84.130 – *Restoration of land required before Application deemed complete* – states that no application for a discretionary land use permit shall be deemed complete, if there is a violation on the property related to grading, vegetation removal or tree removal, until that property has been restored to its pre-violation state. Furthermore, alternatives to the restoration requirement shall not be considered unless the restoration would endanger the public health or safety, or that restoration is unfeasible due to circumstances beyond the control of the applicant or the property owner.

In this particular case, the applicant has moved a significant amount of fill on the site in the areas of the unpermitted tree removal (per the issued grading permit/13CP01799). The applicant is requesting an after-the-fact tree removal permit (Use Permit) that would allow the fill to be retained on site and to provide replacement trees, as determined/outlined in the Forest Management Plan. The after-the-fact Use Permit for tree removal was double charged, per requirement of Monterey County Code Section 21.84.140 – *Fees for retroactive permit application*.

The property owner has submitted an application to the County of Monterey for a Combined Development Permit consisting of: 1) Use Permit to allow after-the-fact the removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) (14CE00183); and 2) Use Permit to allow the removal of approximately 15 additional protected trees (14 Monterey Pine and 1 Oak) due to diminishing forest health; and 3) Design Approval to allow the construction of a 7,200 square foot one-story single family dwelling and a 1,200 square foot accessory dwelling unit (ADU) and the demolition of an existing 1,200 square foot single family dwelling.

Project Issues

Tree Removal

The subject property is a residential parcel of approximately 5.7 acres and contains a total of 250 trees (Coast live oaks and Monterey Pines). Due to the concurrent presence of Monterey Pine species on site, this subject property cannot be defined as an Oak Woodland Habitat area. A total of 39 total trees are requested for removal. The project involves a total removal of 21 oaks [20 previously removed (un-permitted)] and 18 Monterey Pines [4 previously removed (un-permitted)]. The additional 1 Oak and 14 Monterey Pines requested for removal are due to declining health of these trees. The proposed area of development for the new residence and ADU has already been cleared, and no additional removal is required to allow the requested developments.

A Forest Management Plan (FMP) was prepared by Vaughan Forestry & Land Management (July 31, 2014) to address potential impacts resulting from the un-permitted removal of protected trees, assess the overall health the remaining trees on the subject site, and determine the appropriate replacement/replanting requirements for the subject site.

The FMP was prepared primarily to address tree removal (Monterey Pine and Coast Live Oak), but it identified no sensitive plant species onsite and anticipated negligible impacts to ecological resources and wildlife habitat/resources due to the relatively small portion of the 5.72 acre parcel which will be subject to the proposed development and previous and recommended additional tree removal. The remainder of the property is anticipated to remain largely undisturbed and wildlife is anticipated to continue to use/traverse through the site. Negligible effects to erosion, noise, water quality, or air movement are anticipated. Pursuant to the requirements of Section 21.64.260.D.4 of the Monterey County Zoning Ordinance (Title 21) and the recommendations of the FMP, the 39 removed trees are required to be replanted onsite on a one-to-one (1:1) ratio.

Therefore, conditions of project approval, requiring the replacement/replanting of all removed trees (18 Monterey Pine and 21 Coast Live oaks) has been included in Exhibit B, Attachment 1 (Conditions 14 and 15).

Although there is tree removal proposed for the development of the single-family dwelling, the removal would not violate any local polices or ordinances relative to tree removal, subject to issuance of an after-the-fact Use Permit for tree removal. However, with the trees already removed it is difficult to determine if the number of trees removed was the minimum required for removal.

The prevailing governing documents are the 2010 Monterey County General Plan and Greater Monterey Peninsula Area Plan. The site is zoned residential which allows new dwellings meeting the zoning density, as a principally permitted use. The proposed tree removal would be allowed with the issuance of a Use Permit, which would comply with the applicable regulations for the removal of protected trees, as found in the Monterey County Zoning Ordinance (Title 21-Section 21.64.260).

Restoration of Site vs. Issuance of After-the-Fact Permit

As discussed above, Monterey County Code Section 21.84.130, requires restoration of the property to its pre-violation state, unless such restoration would endanger the public health and safety, or unless restoration is infeasible due to circumstance beyond the control of the applicant and/or owner. Examples of infeasibility could include the potential for increased environmental impacts to the site and/or surrounding properties.

In this particular case, the property was extensively graded (cut) and fill relocated on site to create a large building pad area. Although the grading was prepared pursuant to an issued grading permit, the permit submittal did not show any trees being removed, and grading (cut and fill) was undertaken in areas where trees had previously existed. By not depicting the required tree removal on the submitted grading plans, the applicant violated the requirements for a grading plan, which require showing affected trees. Due to the fact the trees were removed without proper permits, it is impossible to determine the previous health/condition of those tree specimens. Therefore, it is difficult to determine how many trees were removed as part of the grading (cut and fill areas).

In an effort to help determine if restoration was the preferred method, the RMA-Planning Department requested the preparation the Forest Management Plan. In an effort to ensure that the Forest Management Plan (FMP) was adequately prepared, the project planner was present on site during the walkthrough of the site and consulted with the Forester prior to submittal of the FMP. Subsequent to the onsite analysis, it was the opinion of the Forester, that full restoration of the project site would potentially involve significant environmental impacts, due to the placement/return of heavy grading equipment required to remove/relocate the vast quantities of fill placed and compacted onsite. Therefore, the FMP recommended partial restoration (replacement planting) of the project site. Details of the recommended replacement planting were discussed above under *Tree Removal*. Based on this recommendation, RMA-Planning moved the project forward for consideration by the Planning Commission.

To determine potential environmental impacts resulting from the tree removal onsite, both unpermitted and additional requested removal, an Initial Study was prepared for the project (Exhibit E). The initial study found the removal and replacement of the trees to be a less than significant impact.

Water Supply/Onsite Well

The proposed project will be served by use of an existing Cal-Am connection, and use of a new onsite water well. The new residence will utilize the existing Cal-Am service connection, once the existing residence is demolished. The proposed Accessory Dwelling Unit, will be served by a new onsite well. The new well was drilled, and subsequently tested for quality, quantity and performance by the Environmental Health Bureau.

During the processing of the Combined Development Permit, one neighbor has expressed interest in the potential effects that the well could cause to his existing well. These concerns were expressed to the RMA-Planning Department and Environmental Health Bureau. However, during the course of review for the onsite well, there was no evidence on the record that the new well would have significant effects on any properties within the surrounding area. The new well is not anticipated to cause a significant environmental impact, relative to lowering of groundwater levels, and will not result in a degradation of water quality, nor a violation of water quality standards.

Environmental Review

An Initial Study/Negative Declaration (State Clearinghouse No. 2014121086) was prepared and circulated for a period of 34 days, from December 24, 2014 to January 26, 2015 19, 2013 (**Exhibit E**). Issues that were analyzed in the Negative Declaration include biological resources and Hydrology/Water Quality.

Biological Resources

A Forest Management Plan (FMP) was prepared to address potential impacts resulting from tree removal. The FMP identified no sensitive plant species onsite and anticipated negligible impacts to ecological resources and wildlife habitat/resources due to the relatively small portion of the 5.72 acre parcel which will be subject to the proposed development. Additionally, the County's GIS database did not identify any sensitive species within the area, with the exception of Monterey Pine (addressed above under tree removal). Potentially significant impacts resulting from the unpermitted and requested tree removal are further evaluated in the Initial Study/Negative Declaration.

Hydrology/Water Quality.

The proposed project will not violate any water quality standards or waste discharge requirements. The site is not located within the 100 year floodplain or near a levee or dam that would expose people or structures to significant loss or death if failure resulting in flooding were to occur. The project site is not located in an area subject to inundation by seiche, tsunami, or mudflows. The project is located within a designated "urbanized area"; and conditions have been placed on the project that require the applicant to prepare and provide engineered drainage plans and stormwater control plan, that should retain most storm water on site. The project is subject to the implementation of Post-Construction Stormwater Management requires (PCRs), and the intent of the PCRs is to ensure that the applicant is reducing potential pollutant discharges to the maximum extent practicable, and preventing stormwater discharges from causing of contributing to the degradation of water quality. Therefore the project will not violate any water quality standards or waste discharge requirements. Potentially significant impacts resulting from the project are further evaluated in the Initial Study/Negative Declaration.

Options

RMA-Planning staff recommends that the Planning Commission adopt the Initial Study/Negative Declaration and approve the Combined Development Permit, along with the requirement for replacement planting found in the FMP.

However, the Planning Commission could also order that the full restoration of the site take place, due to the submittal of inaccurate grading plans (13CP01799), and the associated unpermitted removal of protected trees. This action would require the RMA-Planning and RMA-Building Departments to formally revoke all previously issued permits for the prior grading (13CP01799), construction of an onsite barn (PLN130239 – approved May 2013), and other associated permits for retaining walls (PLN130852 – approved December 2013), pursuant to an additional noticed public hearing. The Owner (Flores) is aware of the potential that full restoration could be ordered. On July 31, 2014, the Owner's submitted written confirmation that further construction activities on issued permits was undertaken at their risk (Exhibit H).

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

- √ RMA-Public Works Department
- √ RMA-Environmental Services
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Cypress Fire Protection District
- RMA - Building Department

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by RMA-Planning, RMA-Environmental Services, Public Works, and Water Resources Agency have been incorporated into the Condition Compliance Reporting Plan attached to the draft resolution (**Exhibit B**).

The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project involved development requiring CEQA review (Negative Declaration). The LUAC reviewed the project on June 18 and August 20, 2014. On August 20, 2014, the LUAC recommended approval of the project by a 3-1 vote (1 member absent) with a request to include landscaping to block the neighbors line of site and all graded slopes.

Note: The decision on this project is appealable to the Board of Supervisors.

/S/ David J. R. Mack

David J. R. Mack, Associate Planner
(831) 755-5096, mackd@co.monterey.ca.us
January 28, 2014

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; RMA-Public Works Department; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; John H. Ford, RMA Services Manager; David J. R. Mack, Project Planner; Paul & Linda Flores, Owner; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); David Beech, Interested Party; Walter Wagenhals, Interested Party; Sam Ezekiel, Interested Party; Planning File PLN140300

Attachments: Exhibit A Project Data Sheet
Exhibit B Draft Resolution, including:
• Conditions of Approval
• Site Plan, Floor Plan and Elevations.
Exhibit C Vicinity Map
Exhibit D Greater Monterey Peninsula Advisory Committee Minutes
Exhibit E Initial Study/Negative Declaration
Exhibit F Forest Management Plan (FMP)
Exhibit G Letter from Flores' dated, July 31, 2014.
Exhibit H Project Correspondence

This report was reviewed by John H. Ford, RMA-Services Manager.



EXHIBIT A

Project Information for PLN140300

Application Name: Flores Paul H & Flores Linda S

Location: 564 Monhollan Rd, Carmel

Applicable Plan:

Primary APN: 103-071-025-000

Advisory Committee:

Coastal Zone:

Permit Type: Combined Development Permit

Final Action Deadline (884): 4/5/2015

Environmental Status: Negative Declaration

Zoning:

Land Use Designation:

Project Site Data:

Lot Size: 5.72

Coverage Allowed: 25

Existing Structures (sf): 4400

Coverage Proposed: 5

Proposed Structures (sf): 7000

Height Allowed: 30

Total Sq. Ft.: 11400

Height Proposed: 28

Special Setbacks on Parcel:

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Seismic Hazard Zone:

Soils Report #:

Erosion Hazard Zone:

Biological Report #: N/A

Fire Hazard Zone:

Forest Management Rpt. #: LIB140253

Flood Hazard Zone:

Geologic Report #: N/A

Archaeological Sensitivity:

Archaeological Report #: LIB130129

Visual Sensitivity:

Traffic Report #: N/A

Other Information:

Water Source: CAL-AM

Grading (cubic yds.): 5000

Water Purveyor: CAL-AM

Sewage Disposal (method): SEWER

Fire District:

Sewer District Name: CITY OF MONTEREY

Tree Removal: 36 (MP/OAK)

**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

Paul & Linda Flores (PLN140300)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Adopting a Negative Declaration; and
- 2) Approving a Combined Development Permit consisting of: 1) Use Permit to allow after-the-fact the removal of approximately 24 protected trees; 2) Use Permit to allow the removal of approximately 15 additional protected trees due to diminishing forest health; and 3) Design Approval to allow the construction of a single family dwelling and accessory dwelling unit (ADU) and the demolition of an existing single family dwelling.

[PLN140300, Paul & Linda Flores 564
Monhollan Road, Carmel, Greater Monterey
Peninsula Area Plan (APN: 103-071-025-000)]

The Flores application (PLN140300) came on for public hearing before the Monterey County Planning Commission on January 28, 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) Use Permit to allow after-the-fact the removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) (14CE00183); and 2) Use Permit to allow the removal of approximately 15 additional protected trees (14 Monterey Pine and 1 Oak) due to diminishing forest health; and 3) Design Approval to allow the construction of a 7,000 square foot one-story single family dwelling and a 1,200 square foot accessory dwelling unit (ADU) and the demolition of an existing 1,200 square foot single family dwelling.

 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 PLN140300.

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 2010 Monterey County General Plan;
 - Greater Monterey Peninsula Area Plan;
 - Monterey County Zoning Ordinance (Title 21);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 at 564 Monhollan Road, Carmel (Assessor's Parcel Number 103-071-025-000), Greater Monterey Peninsula Area Plan. The parcel is zoned RDR/10 or "Rural Density Residential, 10 acres, which allows residential development and construction of an accessory dwelling units was allowed uses. Therefore, the project is an allowed land use for this site.
 - c) The parcel includes a "D" (Design Control) zoning overlay. The purpose of this overlay is to provide a district for the regulation of the location, size, configuration, materials, and colors of structures and fences, in those areas of the County of Monterey where the design review of structures is appropriate to assure protection of the public viewshed, neighborhood character, and to assure the visual integrity of certain developments without imposing undue restrictions on private property. The location, size and configuration of the structures have been reviewed by the Greater Monterey Peninsula Land Use Advisory Committee. The project design is consistent with the neighborhood character of the surrounding area, and has been designed with earth-tone colors to blend with the natural environment. Therefore, the proposed development is consistent with the provisions of the "D" overlay district.
 - d) The project has been designed to comply with the 30 foot height limit (28 feet proposed), 25% coverage restriction (4.5% proposed) of the RDR zoning designation. Additionally, the project complies with all front, side, and rear setback requirements.
 - e) The project planner conducted a site inspection on July 22 and August 20, 2014 to verify that the project on the subject parcel conforms to the plans listed above.
 - f) Monterey County Code 21.64.260.D.3 (Title 21) requires the granting of a Use Permit for the removal of more than three protected trees. The proposed project involves the removal of a total of 39 protected trees (21 Oaks and 18 Monterey Pines). Additional information and required findings for this portion of the proposed project (Use Permit) can be found below in Finding 7.
 - g) The project was referred to the Greater Monterey Peninsula Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because project involved development requiring CEQA review (Negative Declaration). The LUAC reviewed the project on August 20, 2014, and recommended approval of the project by a 3-1 vote (1 member absent) with a request to include replacement planting and enforcement by the County. Replacement planting conditions have

- been added to the project.
- h) 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 PLN140300.

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, Cypress Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Staff identified potential impacts to resources. The following reports have been prepared:
- “Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel Number (APN) 103-171-025-000” (LIB130129) prepared by Susan Morely, M.A., Marina, California, March 2013.
 - “Phase 1 Historic Report”, (LIB140190), prepared by Kent Seavey, Pacific Grove, California, March 30, 2014.
 - “Forest Management Plan (Assessment and Recommendations) for Flores Property” (LIB140253) prepared by Vaughan Forestry & Land Management, July 31, 2014.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- 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 PLN140300.

4. **FINDING:** **VIOLATIONS** - The subject property is in not compliance with the rules and regulations pertaining to provisions of the County’s zoning ordinance relative to the un-permitted removal of protected trees. Violations exist on the property. The approval of this permit will correct the violations and bring the property into compliance.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and is aware of violations existing on subject property.
- b) On October 4, 2013, the project applicant applied for a grading permit (13CP01799) from the County’s Building Services Department. The plans submitted for the grading permit did not reflect the trees present on the property or indicate that trees were being removed to allow the grading. Therefore, on January 16, 2014, the grading permit was issued without knowledge or evaluation of potential tree removal.
- c) On April 30, 2014, the applicant applied for a Design Approval to allow the construction of a new 7,200 square foot residence, 1,200 square foot Accessory Dwelling Unit (ADU) and demolition of an existing 1,200

square foot residence. During the review of the Design Approval application that it was discovered that un-permitted removal of protected trees had occurred in the area(s) of each proposed development area (residence and ADU), as well as in the location of a previously approved barn (PLN130239). Subsequently, a code enforcement case (14CE00183) was opened on the subject parcel.

- d) Under Monterey County Code Section 21.84.130, two options exist to abate the violation: 1) issuance of an after-the-fact Use Permit for removal of protected trees, or 2) restoration of the site to its pre-violation state. On July 31, 2014, the owner/applicant, submitted a request for an after-the-fact Use Permit (PLN140300) to abate the code enforcement action
- e) The Forest Management Plan recommended partial restoration of the site, in the form of replacement/replanting of the previously removed trees. In the option of the Forester, restoration of the subject site had the potential to result in significant adverse environmental impacts.
- f) The issuance of the after-the-fact Use Permit for the unpermitted removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) and required replacement planting and monitoring will abate the violation and bring the subject property back into compliance with zoning regulations relative to protected trees.
- g) 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 PLN140300.

5. **FINDING:** **CEQA (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, and conditioned, will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.c and California Environmental Quality Act (CEQA) Guidelines Section 15063 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN140300).
 - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Negative Declaration.
 - d) The Draft Negative Declaration (“ND”)/Negative Declaration (“ND”) for PLN140300 was prepared in accordance with CEQA and circulated for public review from December 24, 2014 through January 26, 2014 (SCH#: 2014121086).
 - e) Issues that were analyzed in the Negative Declaration include: Biological resources and Hydrology/Water Quality.
 - f) 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 (PLN140300) and are hereby incorporated herein by reference.

- g) 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. The site supports Monterey Pine and Coast live oak forest 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).
- h) No comments from the public were received.
- i) 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 negative declaration is based.

6. **FINDING:** **TREE REMOVAL** – The tree removal is the minimum required under the circumstances and the removal will not involve a risk of adverse environmental impacts.

- EVIDENCE:**
- a) The project includes the removal of the removal of a total of 39 total trees; 21 oaks [20 previously removed (un-permitted)] and 18 Monterey Pines [4 previously removed (un-permitted)]. The additional 1 Oak and 14 Monterey Pines requested for removal are due to declining health of the forest. In accordance with the applicable policies of the Greater Monterey Peninsula Area Plan and the Monterey County Zoning Ordinance (Title 21), a Use Permit is required and the criteria to grant said permit has been met.
 - b) Monterey County Zoning Ordinance Section 21.64.260(D)(3) requires the submittal of a Forest Management Plan (FMP). A Forest Management Plan was prepared by Vaughan Forestry & Wildlife Management on July 31, 2014 (LIB140253).
 - c) The 5.72-acre parcel contains a total 250 protected trees (Oaks and Monterey Pines). The proposed total tree removal of 39 trees (unpermitted and additional request) would constitute approximately 15% of all trees on site. However as discussed the FMP, the additional removal of 15 trees (14 Pines; 1 Oak) are due to declining health of these particular trees. Therefore the removal of 39 total trees can be considered to the minimum required under the circumstances.
 - d) The FMP states that no significant long-term affects to the forest ecosystem are anticipated, due to the residential neighborhood that surrounds the project site, and the relative small area of the project site.

Additionally, the project as proposed will not significantly reduce the availability of wildlife habitat over the long-term. Negligible effects to erosion, noise, water quality, or air movement are anticipated.

- e) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones and fences (Condition 8). Conditions requiring that all removed trees be replaced using a 1:1 ratio, for a total of 39 replacement trees (21 Oaks and 18 Monterey Pines), and monitored for a period of not less than 3 years, and until a 100% success ratio is achieved, have been placed on the project (Conditions 14 and 15). All replanting shall comply with the guidelines in the Forest Management Plan.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN140300.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors.
EVIDENCE: Section 21.80.040.D Monterey County Zoning Ordinance (Title 21).

DECISION

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

1. Adopt a Negative Declaration;
2. Approve the Flores Combined Development Permit consisting of: 1) Use Permit to allow after-the-fact the removal of approximately 24 protected trees; 2) Use Permit to allow the removal of approximately 15 additional protected trees due to tree health; and 3) Design Approval to allow the construction of a single family dwelling and accessory dwelling unit (ADU) and the demolition of an existing single family dwelling., in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 28th day of January, 2014 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

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 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 the Monterey County Planning Department and 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

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

PLN140300

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN130400) consists of a: 1) a Use Permit to allow after-the-fact the removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) (14CE00183); and 2) Use Permit to allow the removal of approximately 15 additional protected trees (14 Monterey Pine and 1 Oak) due to diminishing forest health; and 3) Design Approval to allow the construction of a 7,200 square foot one-story single family dwelling and a 1,200 square foot accessory dwelling unit (ADU) and the demolition of an existing 1,200 square foot single family dwelling.. The property is located at 564 Monhollan Road, Carmel (Assessor's Parcel Number 103-071-025-000), Greater Monterey Peninsula Area Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

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

Monitoring Measure: "A Combined Development Permit (Resolution Number ***) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 103-071-025-000 on January 28, 2014]. The permit was granted subject to 24 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

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

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

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

Responsible Department: RMA-Planning

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

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

Action to be Performed: 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.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to RMA-Planning .

5. 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.

6. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

Compliance or Monitoring Action to be Performed: Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

7. 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.

8. 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.

9. PD011(A) - TREE REMOVAL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Tree removal shall not occur until a construction permit has been issued in conformance with the appropriate stage or phase of development in this permit. Only those trees approved for removal shall be removed. (RMA-Planning)

Compliance or Monitoring Action to be Performed: Prior to tree removal, the Owner/ Applicant/ Tree Removal Contractor shall demonstrate that a construction permit has been issued prior to commencement of tree removal.

10. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of RMA - Planning . A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to RMA - Planning for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by RMA-Planning, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit to RMA-Planning approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to RMA-Building Services.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to Monterey County RMA - Planning.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

11. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of RMA - Planning, prior to the issuance of building permits.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

12. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
A "Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number (APN) 103-171-025-000 (Library No. LIB130129) was prepared by Susan Morely, M.A., in March 2013 and is on file in Monterey County RMA-Planning. All development shall be in accordance with this report."

A "Phase 1 Historic Report (Library No. LIB140190) was prepared by Kent Seavey, on March 30, 2014 and is on file in Monterey County RMA-Planning. All development shall be in accordance with this report."

A" Forest Management Plan (Library No. LIB140253) was prepare by Vaughan Forestry & Land Management on July 31, 2014 and is on file in Monterey County RMA-Planning. All development shall be in accordance with this report."
(RMA - Planning)

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

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

13. PD041 - HEIGHT VERIFICATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. The applicant shall provide evidence from a licensed civil engineer or surveyor to the Director of RMA - Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. (RMA - Planning and RMA - Building Services)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/Applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection.

Prior to the foundation pre-pour inspection, the Owner/Applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit.

Prior to the final inspection, the Owner/Applicant/Engineer shall provide evidence from a licensed civil engineer or surveyor, to the Director of RMA- Building Services for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.

14. PDSP001 - MONTEREY PINE REPLANTING REQUIREMENT (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to Final Inspection, the property owner/applicant shall be required to replant/replace the removal of Monterey Pine at a ratio of 1:1 for a total replacement/replanting of 18 Monterey Pine trees. Replanting/replacement areas shall be identified by a qualified biologist or certified arborist. Replanting/replacement areas shall be of equal or greater value to ensure the success of replanted specimens. Replacement trees need to be maintained in good condition. Replacement plantings will come from native seedlings rather than nursery stock of unknown origin. Replacement trees should be a minimum of one-gallon size, and not larger than five gallon size (if one-gallon sized trees cannot be obtained). The owner will need to consult with the project Arborist prior to installation of the replacement trees. The Arborist will have authority to review nursery stock selection, planting techniques, tree replacement, overall function, maintenance, and monitoring requirements.

Reporting actions on the Flores property will comply with the following: once within two weeks of initial replanting of the species, once after the first three months of replanting, and one time per year, in the spring season, for the subsequent three years. At each reporting inspection timeframe, a qualified arborist/forester will submit a report to the Director of RMA-Planning verifying the condition of the newly planted Monterey Pine specimens and will submit a replanting plan and schedule with success criteria to replace any plants that fail to survive the first year of the three year period. Subsequent replanting/replacement, shall be subject tot he same reporting criteria for the following 3 years until a 100% success rate is achieved.

Compliance or Monitoring Action to be Performed: Prior to Final Inspection, the property owner/applicant shall be required to replant/replace the removal of Monterey Pine at a ratio of 1:1, for a total replacement/replanting of 18 Monterey Pine.

On an ongoing basic, for a period of three years, from initial replanting, the property owner/applicant shall submit "tree health" report and comply with the following schedule: once within two weeks of initial replanting of the species, once after the first three months of replanting, and one time per year, in the spring season, for the subsequent three years. At each reporting inspection timeframe, a qualified arborist/forester will submit a report to the Director of RMA-Planning verifying the condition of the newly planted Monterey Pine specimens and will submit a replanting plan and schedule with success criteria to replace any plants that fail to survive the first year of the three year period. Subsequent replanting/replacement, shall be subject tot he same reporting criteria for the following 3 years until a 100% success rate is achieved.

15. PDSP002 - COAST LIVE OAK REPLANTING REQUIREMENT (NON-STANARD)

Responsible Department: RMA-Planning

**Condition/Mitigation
Monitoring Measure:**

Prior to Final Inspection, the property owner/applicant shall be required to replant/replace the removal of Coast Live Oak at a ratio of 1:1 for a total replacement/replanting of 21 Coast Live Oak trees. Replanting/replacement areas shall be identified by a qualified biologist or certified arborist. Replanting/replacement areas shall be of equal or greater value to ensure the success of replanted specimens. Replacement trees need to be maintained in good condition. Replacement plantings will come from native seedlings rather than nursery stock of unknown origin. Replacement trees should be a minimum of one-gallon size, and not larger than five gallon size (if one-gallon sized trees cannot be obtained). The owner will need to consult with the project Arborist prior to installation of the replacement trees. The Arborist will have authority to review nursery stock selection, planting techniques, tree replacement, overall function, maintenance, and monitoring requirements.

Reporting actions on the Flores property will comply with the following: once within two weeks of initial replanting of the species, once after the first three months of replanting, and one time per year, in the spring season, for the subsequent three years. At each reporting inspection timeframe, a qualified arborist/forester will submit a report to the Director of RMA-Planning verifying the condition of the newly planted Coast Live Oak specimens and will submit a replanting plan and schedule with success criteria to replace any plants that fail to survive the first year of the three year period. Subsequent replanting/replacement, shall be subject tot he same reporting criteria for the following 3 years until a 100% success rate is achieved.

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

Prior to Final Inspection, the property owner/applicant shall be required to replant/replace the removal of Coast Live Oak at a ratio of 1:1, for a total replacement/replanting of 21 Coast Live Oak.

On an ongoing basic, for a period of three years, from initial replanting, the property owner/applicant shall submit "tree health" report and comply with the following schedule: once within two weeks of initial replanting of the species, once after the first three months of replanting, and one time per year, in the spring season, for the subsequent three years. At each reporting inspection timeframe, a qualified arborist/forester will submit a report to the Director of RMA-Planning verifying the condition of the newly planted Coast Live Oak specimens and will submit a replanting plan and schedule with success criteria to replace any plants that fail to survive the first year of the three year period. Subsequent replanting/replacement, shall be subject tot he same reporting criteria for the following 3 years until a 100% success rate is achieved.

16. 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 28, 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.

17. STORMWATER CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a Stormwater Control Plan prepared by a registered professional engineer, along with supporting calculations, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. (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 Plan with supporting calculations, to RMA-Environmental Services for review and approval.

18. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an Erosion Control Plan addressing the requirements of Monterey County Code Chapter 16.12. 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.

19. 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.

20. 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.

21. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall schedule an inspection with RMA-Environmental Services to ensure all necessary sediment controls are in place and the project is compliant with Monterey County stormwater regulations. (RMA – Environmental Services)

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance during the rainy season (October 15 – April 15), the owner/applicant shall schedule an inspection with RMA-Environmental Services.

22. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule.

Compliance or Monitoring Action to be Performed: Prior to issuance of Building Permits Owner/Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

23. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: RMA-Public Works

Condition/Mitigation Monitoring Measure: The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts during the construction/grading phase of the project and shall provide the following information:
Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project.

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

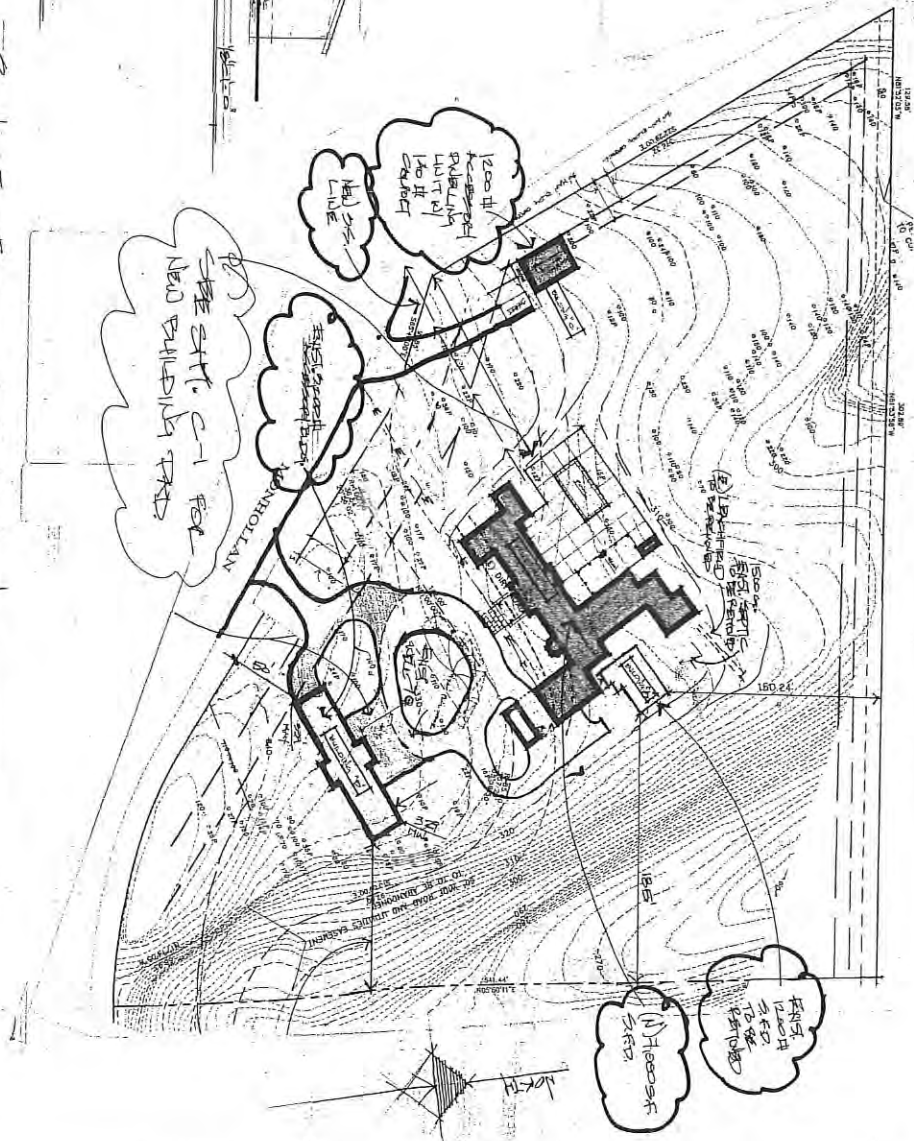
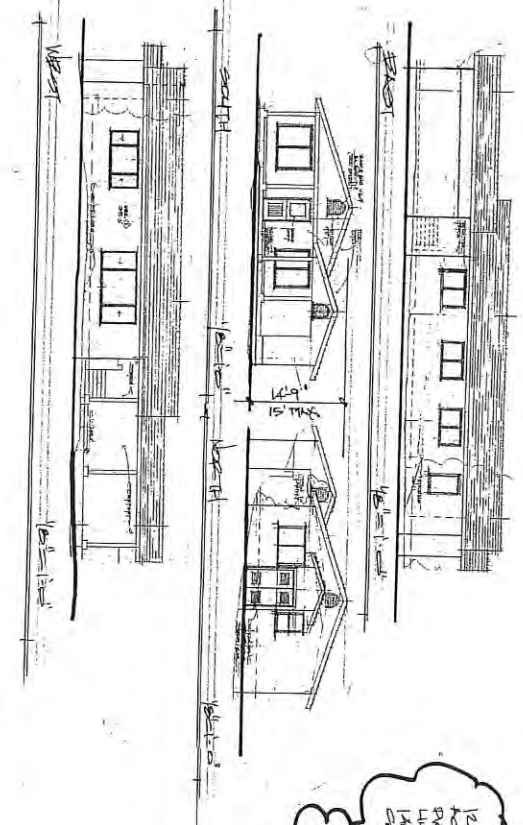
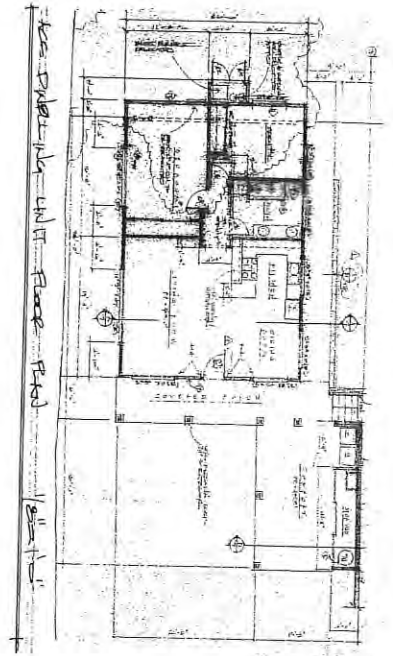
24. WR049 - WATER AVAILABILITY CERTIFICATION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:
www.mcwra.co.monterey.ca.us.

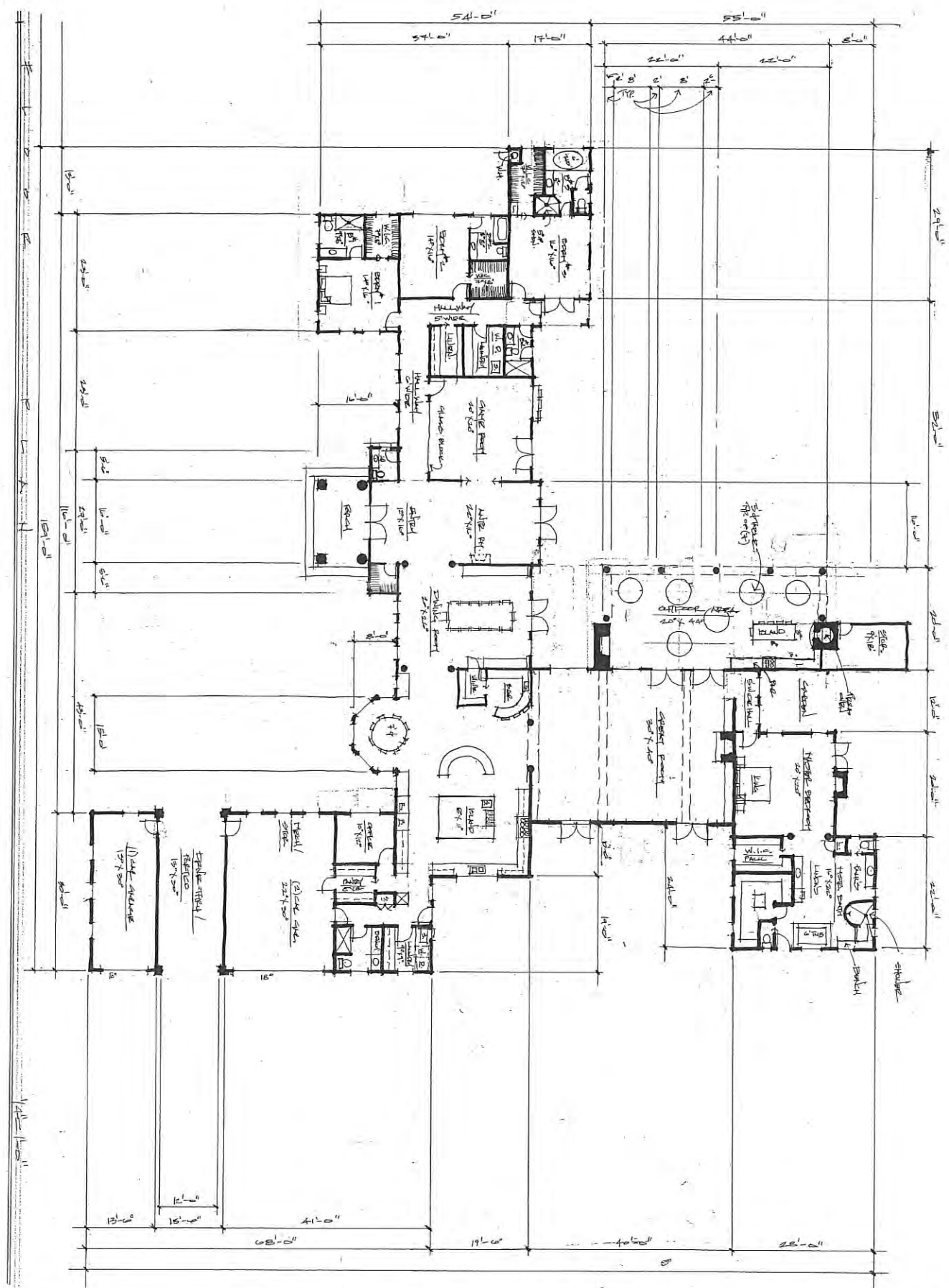


- SCOPE OF WORK**
1. HOLD 71000 SFC. SFC. W/ H. & V. & V. & V. & V.
 2. HOLD 1200 SFC. W/ H. & V. & V. & V. & V.
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FOUNDATION		FOUNDATION	
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Project: FLORES RESIDENCE
 NEW SINGLE FAMILY DWELLING
 12345 MAIN ST. SANTA ANITA, CA 91761
Date: 12/15/12
Architect: PETER DAVIS

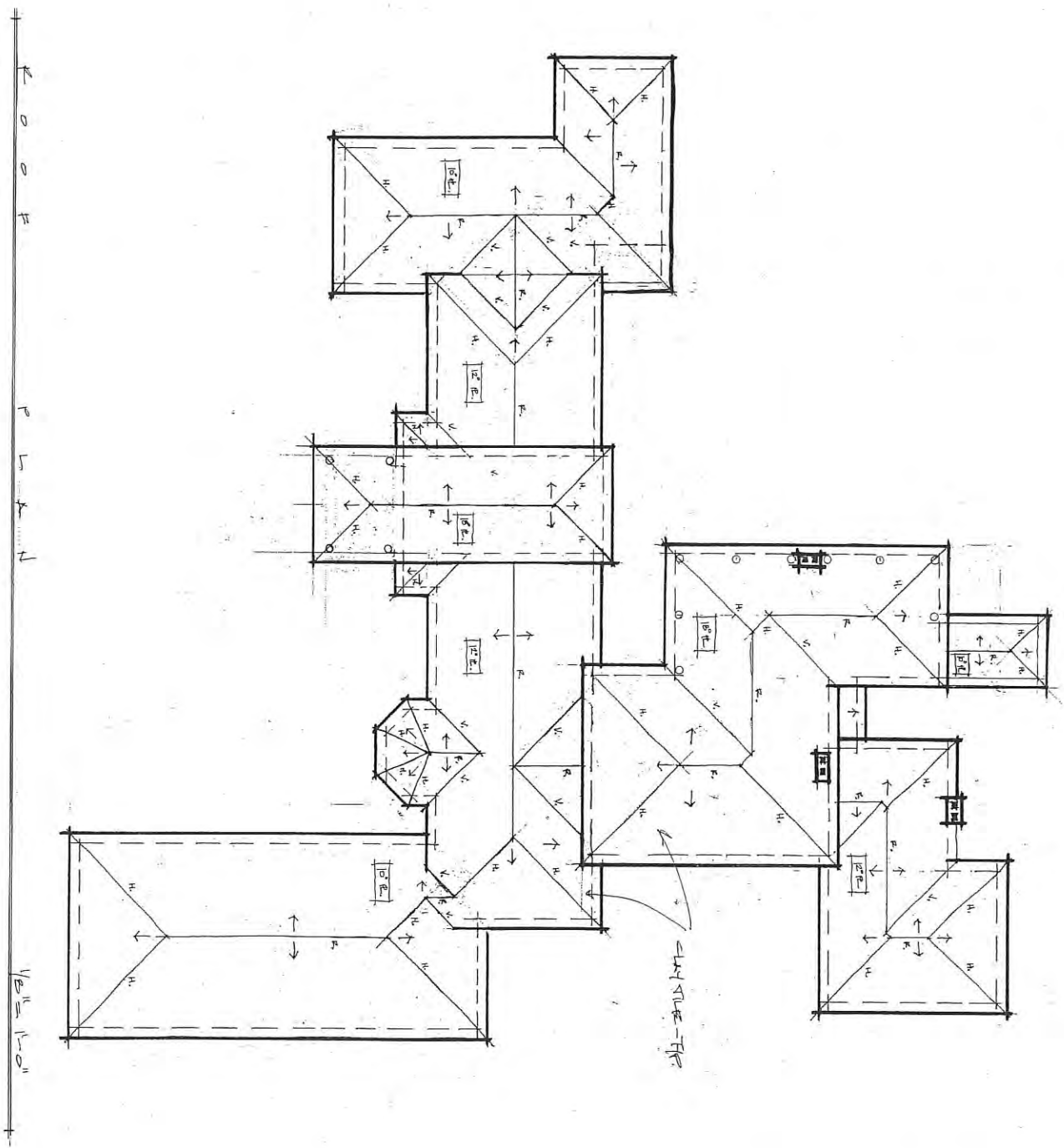
PETER DAVIS
architect
 C 21300
 196 Upper Walden Rd
 Carmel, Ca. 93923
 624 - 1836



Date: APRIL 14
 Project: FLORES REPAIRS
 NEW SINGLE FAMILY DWELLING
 504 HOLLAND RD
 CARMEL, CA 93923
 AT 103-01-025

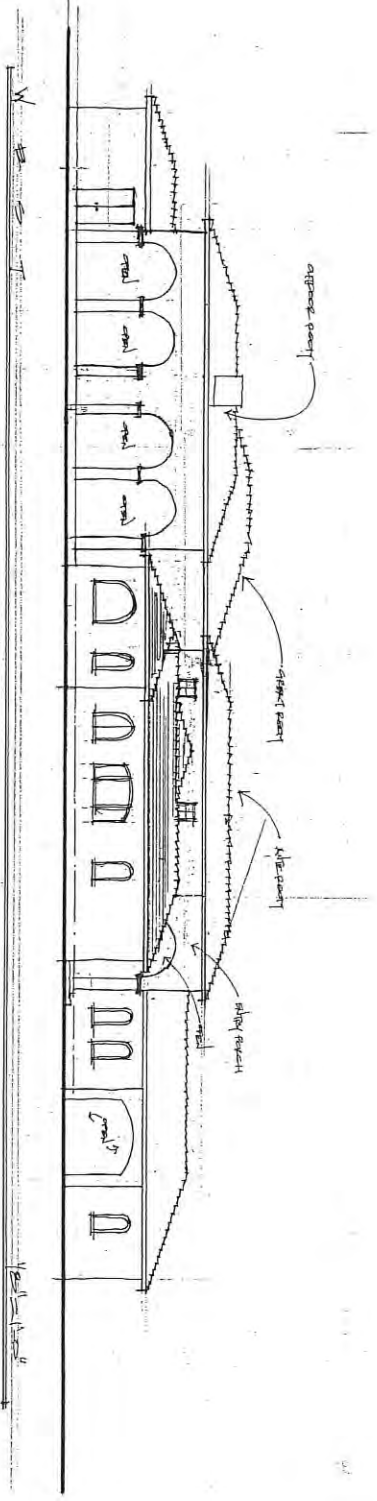
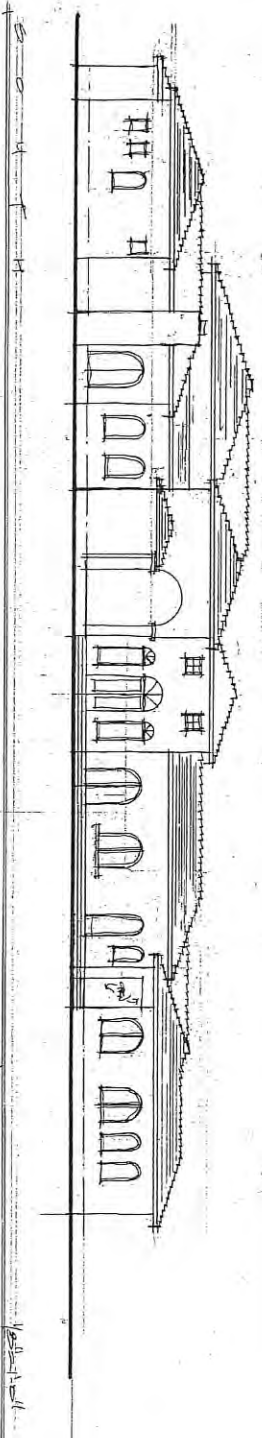
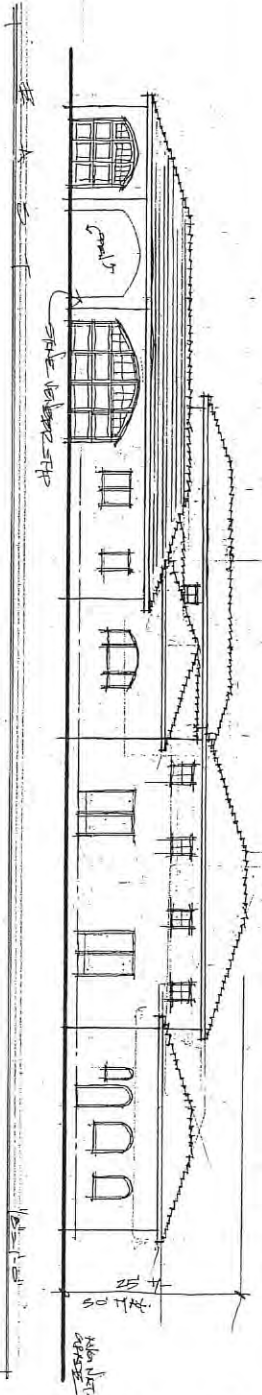
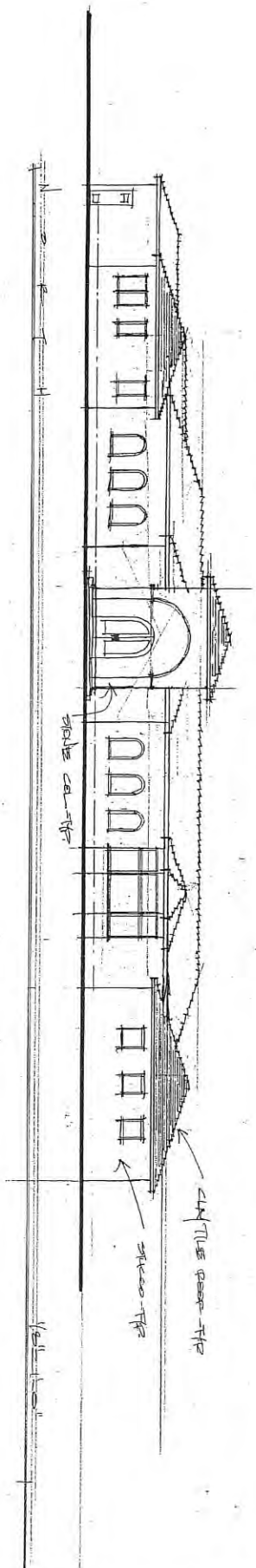
PETER DAVIS
 architect
 C 21300
 196 Upper Walden Rd
 Carmel, Ca. 93923
 624 - 1836

Sheet
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Project: FLORES RESIDENCE
 NEW SINGLE FAMILY DWELLING
 501 N HOLLAND RD
 CARTEL, CA 93123
 520-401-025
 Date: 11-14-14
 Sheet 1

Project: FLORES RESIDENCE
 NEW SINGLE FAMILY DWELLING
 501 N HOLLAND RD
 CARTEL, CA 93123
 520-401-025
 Date: 11-14-14
 Sheet 1



GRICE ENGINEERING INC
 ENGINEERING • ARCHITECTURE • LANDSCAPE ARCHITECTURE
 2814 BROADWAY AVENUE • SUITE 100 • CARMEL, CALIFORNIA 95023
 (408) 422-2814 • FAX (408) 422-1884

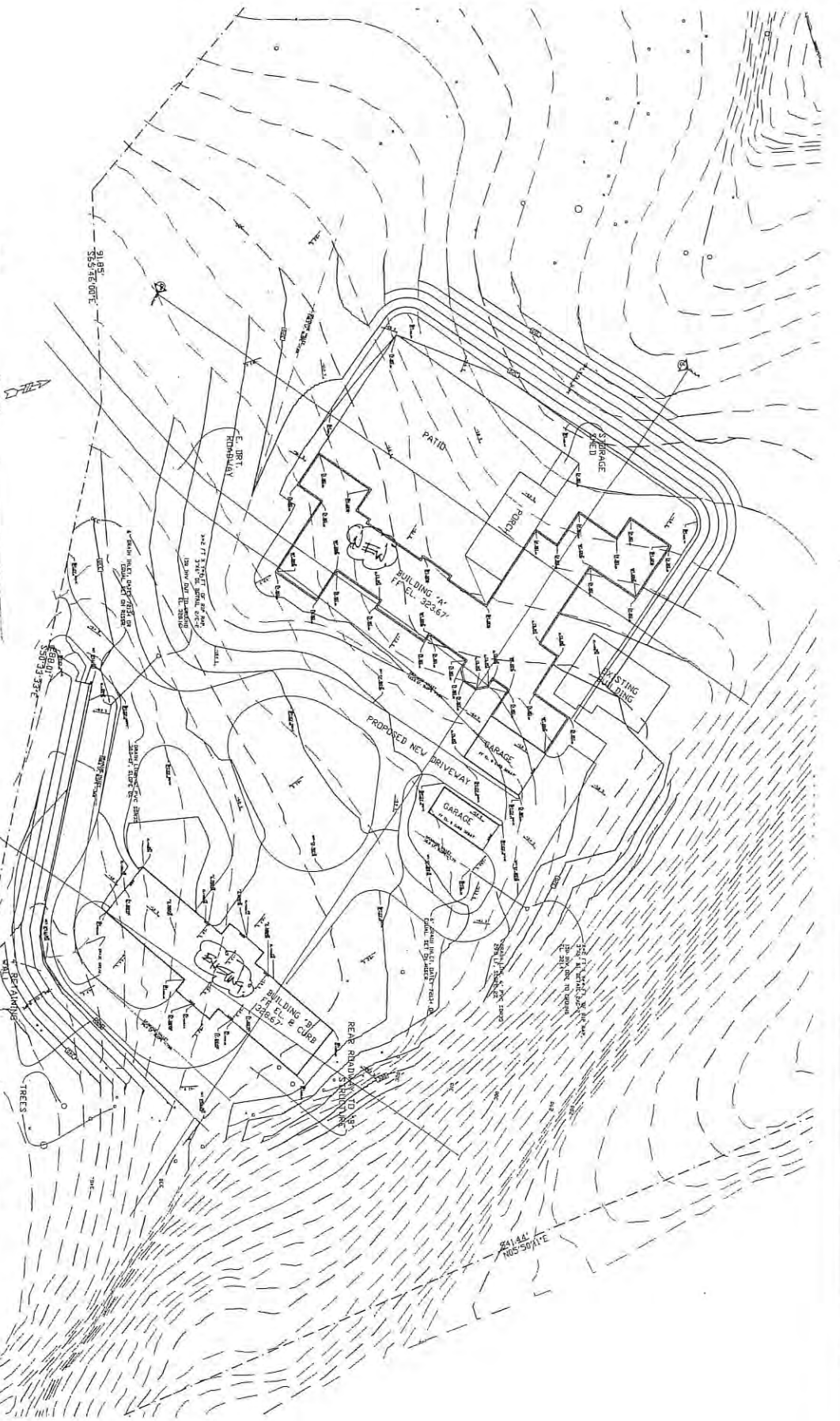


NOT VALID WITHOUT SIGNATURE
 PREPARED FOR
PAUL AND LINDA FLORES
 584 MONHOLLAN ROAD
 CARMEL, CALIFORNIA 95023

FLORES RESIDENCE & BARN, 584 MONHOLLAN RD, CARMEL, CALIFORNIA, A.P. 48-07-1425
 IMPROVEMENT PLANS
 GRADING & DRAINAGE

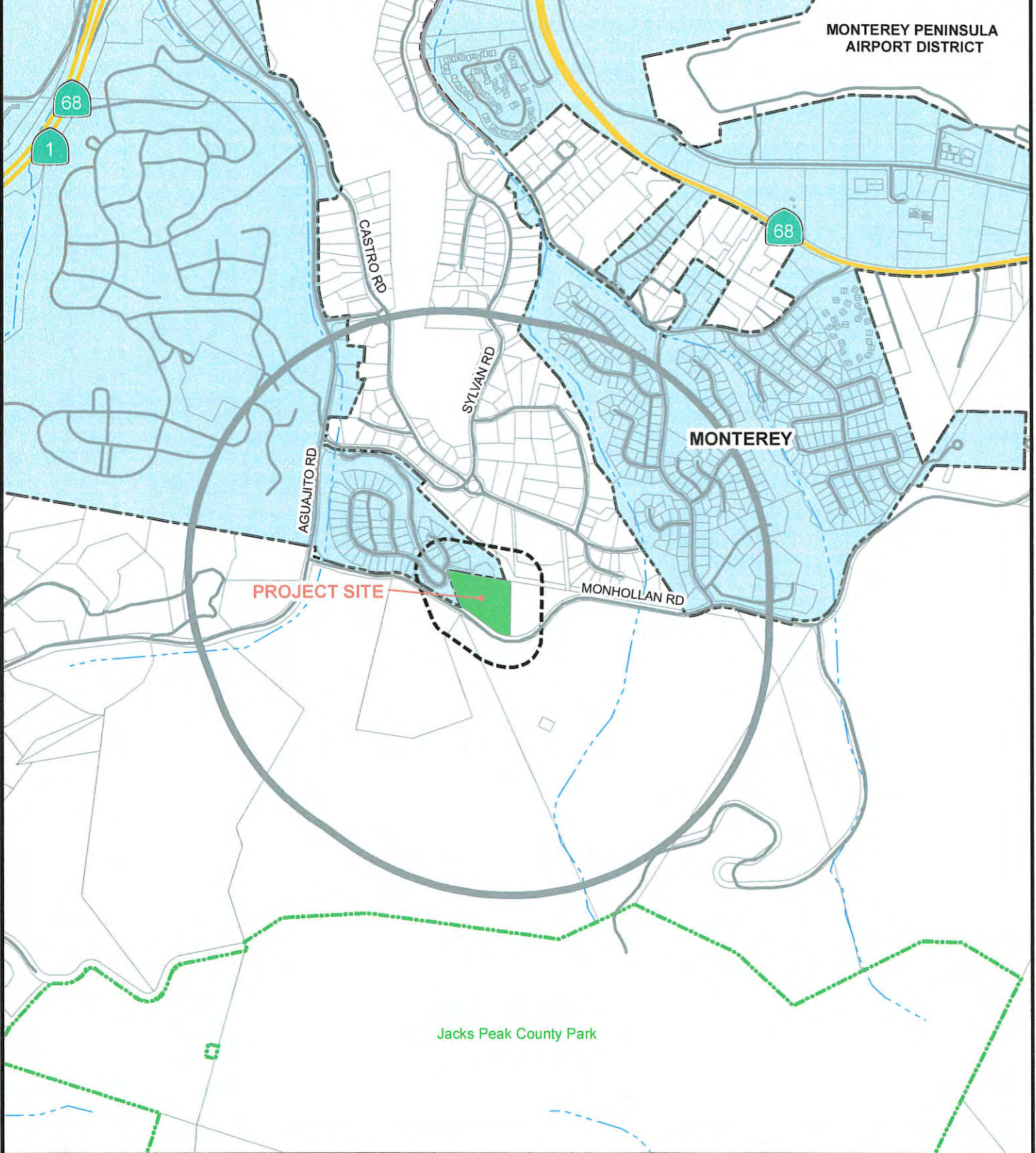
C-1
 DATE PLOTTED: 11/14/2012
 FLORES RESIDENCE
 FILE NO. 01281300

FOR NEAR-FUTURE ONLY - APPROVED & IMPLEMENTED GRADING PLAN



REVISION	DATE
1	10/24/2011

GREATER MONTEREY PENINSULA



APPLICANT: FLORES

APN: 103-071-025-000

FILE # PLN140300

2500' Limit 300' Limit Water City Limits

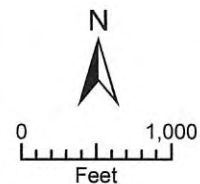


EXHIBIT C

PLANNER: MACK

MINUTES
Greater Monterey Peninsula Land Use Advisory Committee
Wednesday, August 20, 2014

1. Site visit at 2:00 PM at 564 MONHOLLAN RD CARMEL [FLORES]

ATTENDEES: T. Harris, K. Eoyang, D. Berry, D. Mack, Paul & Linda Flores

Site visit at 3:00 PM at 583 VIEJO RD CARMEL [HUGO]

ATTENDEES: T. Harris, K. Eoyang, R. DeHoff, L. Gonzales, Howie & Linda Hugo

2. Roll Call

Members Present: Harris, Eoyang, DeHoff, Berry (4)

Members Absent: J. Jacobs (1)

3. Approval of Minutes:

A. June 18, 2014 minutes

Motion: D. Berry (LUAC Member's Name)

Second: K. Eoyang (LUAC Member's Name)

Ayes: Eoyang, Berry, DeHoff (3)

Noes: 0

Absent: Jacobs (1)

Abstain: Harris (1)

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

None

5. **Scheduled Item(s)**

6. **Other Items:**

A) Election of Officers:

LUAC member nominated for Chairperson: Ron DeHoff

Motion: D. Berry (LUAC Member's Name)

Second: K. Eoyang (LUAC Member's Name)

Ayes: Harris, Eoyang, DeHoff, Berry (4)

Noes: 0

Absent: Jacobs (1)

Abstain: 0

LUAC member nominated for Secretary: Tamara Harris

Motion: R. DeHoff (LUAC Member's Name)

Second: D. Berry (LUAC Member's Name)

Ayes: Harris, Eoyang, DeHoff, Berry (4)

Noes: 0

Absent: Jacobs (1)

Abstain: 0

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

C) Announcements

None

7. Meeting Adjourned: 5:15 pm

Minutes taken by: Tamara Harris

Minutes received September 3, 2014

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: **Greater Monterey Peninsula**

Please submit your recommendations for this application by: **August 20, 2014**

Project Title: FLORES PAUL H & FLORES LINDA S

Item continued from 6/18/14 meeting

File Number: PLN140300

File Type: ZA

Planner: MACK

Location: 564 MONHOLLAN RD CARMEL

Project Description:

Combined Development Permit consisting of: 1) an after-the-fact Use Permit to allow the removal of approximately 26 protected trees (21 Oaks, 5 Monterey Pine) (14CE00183); and 2) Design Approval to allow the construction of a 7,000 square foot one-story single family dwelling and a 1,200 square foot accessory dwelling unit, and the demolition of an existing 1,200 square foot one-story single family dwelling. The property is located at 564 Monhollan Road, Carmel (Assessor's Parcel Number 103-071-025-000), Greater Monterey Peninsula Area Plan.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Paul & Linda Flores

Was a County Staff/Representative present at meeting? David Mack (Name)

PUBLIC COMMENT: None

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
From last meeting grading issue		Do they have a grading permit?
Replacement planting & enforcement by County – subject to Planning Commission in Forest Management Plan		Should be 15 gallon or more

ADDITIONAL LUAC COMMENTS

Recommend landscaping to block neighbors site line of house & all graded slopes.
 Neighbors should be involved in review of lans prior to going to Planning Commission
 LUAC strongly objects to removal of trees without permits.

RECOMMENDATION:

Motion by: T. Harris (LUAC Member's Name)

Second by: K. Eoyang (LUAC Member's Name)

- Support Project as proposed
- Support Project with changes – subject to conditions
- Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Harris, Eoyang, DeHoff (3)

NOES: Berry (1)

ABSENT: Jacobs (1)

ABSTAIN: 0

County of Monterey
 State of California
NEGATIVE DECLARATION

FILED
 DEC 23 2014
 STEPHEN L. VAGNINI
 MONTEREY COUNTY CLERK
 DEPUTY

Project Title:	Flores Paul & Linda
File Number:	PLN140300
Owner:	Paul & Linda Flores
Project Location:	564 Monhollan Rd, Carmel
Primary APN:	103-071-025-000
Project Planner:	David J. R. Mack
Permit Type:	Combined Development Permit
Project Description:	Combined Development Permit consisting of: 1) Use Permit to allow after-the-fact the removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) (14CE00183); and 2) Use Permit to allow the removal of approximately 15 additional protected trees (14 Monterey Pine and 1 Oak), due to diminishing forest health; and 3) Design Approval to allow the construction of a 7,200 square foot one-story single family dwelling and a 1,200 square foot accessory dwelling unit (ADU) and the demolition of an existing 1,200 square foot single family dwelling.

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

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

Decision Making Body:	Planning Commission
Responsible Agency:	County of Monterey
Review Period Begins:	December 24, 2014
Review Period Ends:	January 26, 2015

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA 93901 (831) 755-5025.

EXHIBIT E

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 757-9516



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

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Flores, File Number PLN140300) at 564 Monhollan Road, Carmel, California (APN 103-071-0225-000) (see description below).

The Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California. The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link:

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

The Planning Commission will consider this proposal at a meeting on **January 28, 2014 at 9:00 am** in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from **December 24, 2014 to January 26, 2015**. Comments can also be made during the public hearing.

Project Description:

Combined Development Permit consisting of: 1) Use Permit to allow after-the-fact the removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) (14CE00183); and 2) Use Permit to allow the removal of approximately 15 additional protected trees (14 Monterey Pine and 1 Oak), due to diminishing forest health; and 3) Design Approval to allow the construction of a 7,200 square foot one-story single family dwelling and a 1,200 square foot accessory dwelling unit (ADU) and the demolition of an existing 1,200 square foot single family dwelling.

We welcome your comments during the **34-day** public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

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

comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

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

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

County of Monterey
Resource Management Agency – Planning Department
Attn: David J. R. Mack, Associate Planner
168 West Alisal, 2nd Floor
Salinas, CA 93901

Re: Flores; File Number PLN140300

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

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

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. Association of Monterey Bay Area Governments
4. Monterey Bay Unified Air Pollution Control District
5. California Department of Fish & Wildlife, Marine Region, Attn: Eric Wilkins
6. California-American Water Company
7. City of Monterey
8. Paul & Linda Flores, Owner
9. Peter Davis, Agent
10. David Beech (dbeeche@comcast.net)
11. Walter Wagenhals (wlinec@aol.com)
12. The Open Monterey Project
13. LandWatch
14. Property Owners within 300 feet (**Notice of Intent only**)

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

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

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

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



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Paul & Linda Flores Residence

File No.: PLN140300

Project Location: 564 Monhollan Road, Carmel, California

Name of Property Owner: FLORES, Paul H & Linda S

Name of Applicant: FLORES, Paul H & Linda S

Assessor's Parcel Number(s): 103-071-025-000

Acreage of Property: 5.27 acres (approximate)

General Plan Designation: Residential

Zoning District: RDR/10-UR-D

Lead Agency: County of Monterey RMA-Planning

Prepared By: David J. R. Mack

Date Prepared: December 18, 2014

Contact Person: David J. R. Mack

Phone Number: (831) 755-5096

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The proposed project involves the construction of a single-family residence, situated generally at the central area of the property. A new driveway access is proposed, originating on the north shoulder of Monhollan Road near in the southern portion of the project site.

Previous development on the site includes an issued grading permit (13CP01799 – 01/16/2014) to allow grading of approximately 1263 cubic yards of cut and 3695 cubic yards of fill, for the development of building pads for a barn and future house, along with approximately 360 linear feet of retaining walls. Although the grading permit was issued, at the time of issuance, the submitted plans did not depict any proposed tree removal in the areas of the barn or future residence.

Subsequent to the issuance of the grading permit, and after the completion of the earthwork, the applicant applied for the a Design Approval application to receive approval for the construction of a new 7,200 sq ft residence and 1,200 sq ft accessory dwelling unit (ADU). It was during the review of the Design Approval application that it was discovered that un-permitted removal of protected trees had occurred in the area(s) of each proposed development (barn, residence, and ADU).

Based upon the discovery of the unpermitted tree removal, a Code Enforcement case (14CE00183) investigation was open on the property. The ensuing investigation resulted in the conformation that approximately 24 protected trees (20 oaks and 4 Monterey Pines) had been removed without the benefit of required permits.

Monterey County Code Section 21.84.130 – *Restoration of land required before Application deemed complete* – states that no application for a discretionary land use permit shall be deemed complete, if there is a violation on the property related to grading, vegetation removal or tree removal, until that property has been restored to its pre-violation state. Furthermore, alternatives to the restoration requirement shall not be considered unless the restoration would endanger the public health or safety, or that restoration is unfeasible due to circumstances beyond the control of the applicant or the property owner. In this particular case, restoration of the site would have the potential for increase environmental damages, due to the amount of soil fill which placed in the areas of the unpermitted tree removal. Therefore, the applicant has been required to apply for after-the-fact tree removal permits, and is required to replace/replant the species the tree species affected in other areas of the site, as determined/outlined in the Forest Management Plan prepared for the project site. The after-the-fact Use Permit for tree removal was double charged, per requirement of Monterey County Code Section 21.84.140 – *Fees for retroactive permit application*.

The property owner has submitted an application to the County of Monterey for a Combined Development Permit consisting of: 1) Use Permit to allow after-the-fact the removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) (14CE00183); and 2) Use Permit to allow the removal of approximately 15 additional protected trees (14 Monterey Pine and 1 Oak), due to diminishing forest health; and 3) Design Approval to allow the construction

of a 7,200 square foot one-story single family dwelling and a 1,200 square foot accessory dwelling unit (ADU) and the demolition of an existing 1,200 square foot single family dwelling.

B. Surrounding Land Uses and Environmental Setting:

The site is a previously developed residential lot located on Monhollan Road within the Greater Monterey Peninsula Area Plan portion of the County of Monterey, approximately 1/3 of a mile east of the intersection of Monhollan/Aguajito Road. The site is located within wooded residential neighborhood or one and two-story homes of varying ages, sizes, and styles.

The subject parcel is approximately 5.72-acres in size. Entrance to the site will be achieved via a reconstructed driveway located within the southern portion of the subject parcel, off Monhollan Road (located within the jurisdiction of the City of Monterey). The subject site is large and contains approximately 250 Monterey Pine and Coast live oak trees that are greater than 6" in diameter (as measured 2 feet above the ground for oaks and at breast height or dbh for pines). The western (developed) portions of the property, are generally flat, with a gentle rise (0-25%), with steeper slopes (30-50%) existing in a drainage located toward the east of the site. Soils on the property are listed as Santa Lucia shaly clay loams by the "*Soil Survey of Monterey County, California (USDA, 1978)*", which suggests that runoff and erosion are moderate for slopes under 30%.

The understory throughout the property is primarily composed of non-native grasses, but some native species (monkey flower, ceanothus, poison oak, and hedge nettle) are distributed throughout. Non-native French broom (genista) is dominating the understory along the north and west portions of the property. To improve the overall health of the forest, extensive effort to eliminate French broom should be made, to allow opportunity for native species to flourish.

Where oaks are currently dominant, there are few canopy openings with almost no natural regeneration, which suggests that the most suitable sites are fully occupied. The larger Monterey Pines throughout the site are in a stage of reaching full maturity and many of the largest trees are leaning, which could be considered to be an above average risk once site is developed beyond what exists currently.

C. Other public agencies whose approval is required:

No additional permits are required from outside agencies including California Department Fish and Wildlife (CDFW). Potential impacts to biological resources are addressed in the Biology section of this document and are anticipated to be less than significant. Therefore, although the project will be required to pay the CDFW fee, no additional permits are anticipated to be required for project approval or development of the site.

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 type="checkbox"/>	Local Coastal Program-LUP	<input type="checkbox"/>

General Plan / Area Plan

The proposal was reviewed for consistency with the Greater Monterey Peninsula Area Plan and 2010 Monterey County General Plan. The property is located within the “Rural Density Residential” (RDR) land use designation, which allows residential development, including the construction of Accessory Dwelling Units. The project is consistent with all applicable General Plan Polices. Potential Impacts were identified for Biological Resources due to potential impacts from the proposed development to Monterey Pine, and Coast live oak. The project was found to be consistent with other development standards provided in the Greater Monterey Peninsula Area Plan. The project will not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. **CONSISTENT**

Air Quality Management Plan

Consistency with the Air Quality Management Plan is an indication of a project’s cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District’s adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP.

The Association of Monterey Bay Area Governments (AMBAG), the 2008 Population, Housing Unit, and Employment Forecasts adopted by the AMBAG Board of Directors, are the forecasts used for this consistency determination. The proposed project includes the demolition an existing 1,200 square foot single-family dwelling and the subsequent construction of a new 7,000 square foot single-family dwelling and 1,200 square foot accessory dwelling unit (ADU), both allowed uses under the property zoning and land use designation. The proposed new SFD and ADU will not exceed the population forecasts of the 2008 AQMP and would not result in substantial population changes. Therefore, the project is consistent with the 2008 regional forecasts and the Air Quality Management Plan. **CONSISTENT**

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 check list on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input 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 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 checked="" 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. 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:

1. Aesthetics .

The project area is not located within the mapped portion of the Greater Monterey Peninsula Area Plan designated as Visually Sensitive or as a Visual Resource. The property is not located on or near a scenic vista; therefore the project would not have a substantial adverse effect on a scenic vista. The proposed residential development would not create damage to scenic

resources, including, rock outcroppings, or historic buildings; none of these resources exist on the subject property and the property is not located along a state scenic highway. *No impact.*

2. Agriculture and Forest Resources.

Based upon the General Plan and County resource maps, the property is not within an agricultural area, would not convert prime farmland or otherwise conflict with agricultural zoning or uses. The property is zoned RDR (Rural Density Residential) and is not used for agricultural purposes. Use of the property for the construction of a residential structure will not result in conversion of farmland to non-agricultural uses. *No impact.*

3. Air Quality.

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). Grading proposed for the development of the project has been considered during the review and issuance of a prior issued grading permit (13CP01799). Based on the AQMP, the establishment of a single family dwelling and accessory dwelling unit will not create or produce objectionable odors or exposes sensitive receptors to substantial pollutant concentrations because most potentially significant air quality issues related to construction of single family homes involve the site grading activities. The CEQA Air Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM₁₀ to be 2.2 acres of disturbance a day. As less than 2.2 acres will be disturbed by the project, it has been judged not to constitute a significant impact. Generally, in the long-term, the primary source of air emissions is vehicular traffic. The development on the project site will not affect AMBAG population projections. *No impact.*

5. Cultural Resources.

The subject property is situated in a "Moderate" archaeological sensitivity zone, as shown the Monterey County GIS database. As a result, a "Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 103-171-025-000" was prepared for the project site to evaluate potential resources on or within the vicinity of the site, which could be impacted by the proposed residential development on the project site. The report stated no evidence indicating the site to be of a sacred or religious significance was found; no evidence of Native American remains was found, and no evidence of anything of archaeological significance was identified. Therefore, based on this information, the project is not anticipated to cause a substantial adverse change in the significance of a historical resource or archaeological resource. The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, nor disturb any human remains, or formal cemeteries. *No impact.*

6. Geology/Soils.

The project site is located in an area identified in the Greater Monterey Peninsula Area Plan as a moderate (IV) seismic hazard zone and is not within 660 feet of potentially active faults, as mapped in the Greater Monterey Peninsula Area Plan and the Monterey County Geographical Information System. Therefore, because the site is located within a moderate seismic hazard zone no geological report was required. The site is not located within any Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act therefore having a low potential for surface rupture. Since the site is relatively flat and not in close proximity to

significant slopes, there is no potential for adverse impacts from landslides. Additionally the GIS indicated the site is located within an area of low liquefaction. In general the site was found to be acceptable for foundation purposes when the residence was constructed. Therefore the project will not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. The project is not located on a geologic unit or soil that is considered unstable, or expansive. The project will receive public sewer via the Monterey Regional Waste Pollution Control Agency (MRWPCA), and therefore will not involve the installation of septic tanks or alternative wastewater disposal systems. *No impact.*

7. Greenhouse Gases Emissions.

The project involves the construction of a new single-family dwelling and may create a temporary impact to air quality caused by construction activities and construction equipment. However, this will not result in an increase to a level of significance of the baseline amount of GHGs emitted prior to the project. The temporary impacts of construction for the proposed additions will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide (CO₂) by fuel combustion. Monterey County does not have an adopted plan for green house gases. The project was considered in terms of the multiple state and federal laws passed regarding this subject. It is difficult to implement the goal of the various legislations on a small project level such as this project. A Climate Action Plan is being developed by the County. Consequently no action plan or thresholds of significance have been adopted by the County. In the interim, the County uses thresholds from other agencies, including the California Air Resources Board (CARB). The project allows the development of residential living space through the construction of a single family dwelling. Ultimately GHG sources targeted in such plans generally involve relocations in vehicle miles traveled, waste diversion, and technologies such as electric vehicles, and renewable energy sources, not projects such as this. *No Impact.*

8. Hazards/Hazardous Materials.

The proposal involves residential development where there would be no use of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. No changes in land use will occur which would allow the property owner to use the residence as a holding or disposal area for hazardous materials. Therefore, no transportation on or to the site of hazardous material in quantities that would constitute a significant hazard or violate state or County health and safety regulations, or through a reasonably foreseeable accident allowing the release of hazardous materials into the environment will occur. The proposed residence would not involve stationary operations, create substantial hazardous emissions, or handle hazardous materials and, therefore, would not constitute a hazard to the public health and safety to the closest school which is approximately 0.25 miles from the site. The site location and scale of the project site will have no impact on emergency response or emergency evacuation and is not included on any list of hazardous materials sites. The property is located within the vicinity of a public airport (1.4), but is not within the flight path or crash zone of Monterey Peninsula Regional Airport, and therefore would not constitute a hazard for people residing or working in the area. *No Impact.*

10. Land Use/Planning.

The proposed project will not disrupt, divide, or otherwise have a negative impact upon the existing neighborhood or adjacent properties. The proposed project is consistent with the policies and requirements of the Greater Monterey Peninsula Area Plan, 2010 Monterey County General Plan, and Zoning Ordinance. The subject property does not have an applicable habitat conservation plan or natural community conservation plan; therefore the project would not conflict with either of these two plans. *No Impact.*

11. Mineral Resources.

No mineral resources or resource recovery sites have been identified on the site or in the area. *No Impact.*

12. Noise.

The project involves the construction of a single-family residence and accessory dwelling unit on a property within a residential area and would not expose others to noise levels or ground-borne vibrations that exceed standards contained in the Monterey County General Plan and would not substantially increase ambient noise levels in the area. The project site is located in the vicinity of a public airport (1.4 miles). Based on Figure 9a of the 2010 General Plan (Monterey County Existing and Proposed Noise Contours-Airports), the project is located outside of the 65 CNEL noise threshold ring; therefore, there is no evidence that the persons residing or working near the project site would be significantly impacted by noise related to this project. Temporary construction activities must comply with the County's noise requirements, as required in Monterey County Code, Chapter 10.60. *No Impact.*

13. Population/Housing.

The site is zoned RDR/10-UR-D, or Residential Density Residential, 10 acres per unit, with Urban Reserve and Design Control Overlays, which anticipated residential uses. The project involves the construction of a residential dwelling on an approximate 5 acre parcel, which will not make a change in growth patterns or displace existing houses or people, requiring the construction of housing elsewhere. The project would not alter the location, distribution, or density of human population in the area in any significant way, or create a demand for additional housing. The project will actually provide one additional dwelling unit on the legal residential lot. *No Impact.*

14. Public Services.

The project involves the construction of a single-family residence and accessory dwelling unit on a property within a residential area. The project would have no measurable effect on existing public services. The Monterey County Water Resources Agency, Monterey County Public Works Department, and the Environmental Health Bureau have reviewed the project. These agencies provided comments on the project, which are incorporated into the project as recommended conditions of approval. None of the County departments/service providers indicated that this project would result in potentially significant impacts or alter acceptable services ratios or performance objectives for the following services Fire, Police, Schools, Parks and services provided within the general area. *No Impact.*

15. Recreation.

The project would not result in a substantial increase in use of existing recreational facilities or physical deterioration of said facilities. No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project. The project does not interfere with any form of historic public use or trust rights. The project does not include recreational facilities nor will the project require the construction or expansion of recreational facilities in the Greater Monterey Peninsula Area Plan area, which might have an adverse physical effect on the environment. *No Impact.*

16. Transportation/Traffic.

The project is the construction of a new single-family dwelling within a residential area on an existing lot of record. The project will not generate a significant increase in traffic movements or create new traffic hazards which might result in inadequate emergency access. The County Department of Public Works has reviewed the project and deemed the project complete with a condition requiring the owner submit a construction management plan and pay the Regional Development Impact Fee (RDIF) pursuant to Monterey County Code Chapter 12.90 prior to issuance of building permit. The project does not conflict with adopted public transit plans nor will it affect any impact programs or performance and safety of pedestrian facilities. The proposed dwelling meets the parking requirements contained in the Zoning Ordinance Title 21. The project site is not located in the vicinity of an airport and would not result in a change in air traffic patterns substantially increase hazards because the project will not change land use or require additional design and improvements to the existing roads. *No Impact.*

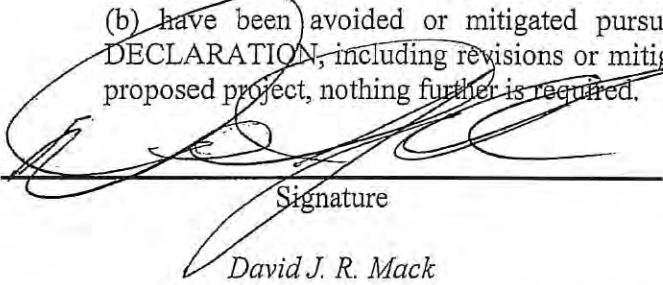
17. Utilities/Service Systems.

The proposed project involves the construction a new single-family dwelling, which will be served by public utilities and services. Water will be provided by California American Water Company, gas, and electric by Pacific Gas & Electric, and sewage disposal by way of connection to a sanitary sewer line (City of Monterey). The proposed residence will not cause a substantial increase nor exceed the capacity of these utilities and services or cause an increase exceeding the treatment requirements of the California Regional Water Quality Control Board. The Monterey County Water Resources Agency has recommended a condition of approval that will require proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release form. Prior to issuance of any construction permit for the main residence and accessory dwelling unit, the applicant will need to demonstrate that adequate water availability exists for each proposed unit. Solid waste from the project will be collected and brought to the Monterey Regional Waste Management District's Landfill and Recycling Facility, located near the City of Marina. The landfill has the total capacity of 48 million tons, of which 40 million tons is remaining, which is expected to provide service through the year 2107. Therefore, the landfill is sufficient to accommodate the project's solid waste disposal needs and will have no impact, resulting in compliance with federal, state, and local statutes and regulations related to solid waste. *No Impact.*

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 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
David J. R. Mack

12/23/2014
Date
Associate Planner

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 significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 6, 10)	<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, 2, 3, 6, 10)	<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, 2, 3, 6, 10)	<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, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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.

2. AGRICULTURAL AND FOREST RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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: 1, 2, 3, 4, 6, 7, 10)	<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: 1, 2, 3, 4, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1, 2, 3, 4, 6, 7, 10)	<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: 1, 2, 3, 4, 6, 7, 10)	<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, 2, 3, 4, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
Refer to Section IV above.

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.

Would the project:	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: 1, 5)	<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: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

4. BIOLOGICAL RESOURCES

Would the project:	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 Game or U.S. Fish and Wildlife Service? (Source: 1, 2, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Game or US Fish and Wildlife Service? (Source: 1, 2, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 6, 7, 10)	<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, 6, 7, 10)	<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, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project is the construction of a 7,000 square foot single family dwelling, 1,200 square foot accessory unit, relocated driveway and retaining wall. The project requires the issuance of an after-the-fact Use Permit to authorize the un-permitted removal of approximately 24 protected trees (20 Oaks and 4 Monterey Pines) (14CE00183), and a Use Permit to allow the removal of approximately 15 additional protected trees (14 Monterey Pine and 1 Oak), due to diminishing forest health, for a total tree removal of 39 trees (21 Oaks; 18 Monterey Pine.

A Forest Management Plan (FMP) was prepared by Vaughan Forestry & Land Management (July 31, 2014) to address potential impacts resulting from the un-permitted removal of protected trees, assess the overall health the remaining trees on the subject site, and determine the appropriate replacement/replanting requirements for the subject site.

Conclusion:

4(a) and (b) – Less than Significant

While the FMP was prepared primarily to address tree removal (Monterey Pine and Coast Live Oak), the FMP identified no sensitive plant species onsite and anticipated negligible impacts to ecological resources and wildlife habitat/resources due to the relatively small portion of the 5.72 acre parcel which will be subject to the proposed development and previous and recommended additional tree removal. The remainder of the property is anticipated to remain largely undisturbed and wildlife is anticipated to continue to use/traverse through the site.

The Monterey County GIS database CNDDDB (California Natural Diversity Database) layer identified only Monterey Pine forest located on the subject parcel.

Monterey Pine – Present

Monterey Pine trees are present through the entirety of the property. The Greater Monterey Peninsula Area Plan, policy GMP-3.5 discourages the removal of healthy, native Monterey Pines, and Monterey Pines are listed by the California Native Plant Society (CNPS) as a species of concern. Development within the Greater Monterey Peninsula Area Plan generally requires removal of pine trees as new structures are placed within the forest setting.

A total of 250 trees are located throughout the project site. A total of 18 Monterey Pines will be removed with implementation of the project: 4 previously removed (un-permitted), and 14 proposed to additional removal due to declining health of the forest. The proposed area of development for the new residence has already been cleared, and no additional removal is required to allow the requested development.

Under the 2010 Monterey County General Plan and Monterey County Zoning Ordinance (Title 21 – Section 21.64.260) the removal of more than 3 protected trees requires the granting of Use Permit and a replanting ratio of no less than 1:1, unless otherwise recommended by a certified arborist and/or forester. A condition of approval has been added to the project to ensure that Monterey Pine is replaced and that potential impacts will be less than significant.

Condition of Approval – Monterey Pine

Monterey Pine should be replanted in a manner consistent with County ordinance and Policy requirements and as implemented in other past projects of similar size, scope and level of impact. The Forest Management Plan (FMP) prepared for the project recommended replacement at a 1:1 ratio, due to the large number of existing trees on site. Based on this recommendation, the project will be required to replant/replace the removal of Monterey Pine at a ratio of 1:1, for a total replacement/replanting of 18 Monterey Pine trees.

Replacement trees need to be maintained in good condition. Ideally replacement plantings will come from native seedlings rather than nursery stock of unknown origin. Replacement trees should be a minimum of one-gallon size, and not larger than five gallon size (if one-gallon sized trees cannot be obtained). The owner will need to consult with the project Arborist prior to installation of the replacement trees. The Arborist will have authority to review nursery stock selection, planting techniques, tree replacement, overall function, maintenance, and monitoring requirements.

Reporting Action – Monterey Pine

Replanting/replacement areas will be identified by a qualified biologist or certified arborist, and be consistent with the attached sketch in the Forest Management Plan. Replanting/replacement areas will be of equal or greater value to ensure the success of replanted specimens. Reporting actions on the Flores property will comply with the following: once within two weeks of initial replanting of the species, once after the first three months of replanting, and one time per year, in the spring season, for the subsequent three years. At each reporting inspection timeframe, a qualified arborist/forester will

submit a report to the Director of RMA-Planning verifying the condition of the newly planted Monterey Pine specimens and will submit a replanting plan and schedule with success criteria to replace any plants that fail to survive the first year of the three year period.

Coast Live Oak – Present

Coast Live Oak trees are present throughout the property, and are increasing in numbers as the onsite forest transitions from a Monterey Pine forest to Coast Live Oak forest. The Greater Monterey Peninsula Area Plan, policy GMP-3.5 discourages the removal of healthy, native Coast live oaks. Development within the Greater Monterey Peninsula Area Plan, generally allows removal of oak trees as new structures are placed within the forest setting. In order to provide protection to the oak stands, individual projects are reviewed for potential impacts to species members on site.

As stated previously, a total of 250 trees are located throughout the site. Due to the concurrent presence of Monterey Pine species on site, this subject property cannot be defined as an Oak Woodland Habitat area. A total of 21 oaks will be removed with implementation of the proposed project: 20 previously removed (un-permitted) and 1 additional Oak due to the health and hazard potential of this individual. The proposed area of development for the new residence has previously been cleared and is devoid of trees, and no additional removal is required to allow the requested development.

Under the 2010 Monterey County General Plan and Monterey County Zoning Ordinance (Title 21 – Section 21.64.260) the removal of more than 3 protected trees requires the granting of Use Permit and a replanting ratio of no less than 1:1, unless otherwise recommended by a certified arborist and/or forester. A condition of approval has been added to the project to ensure that Monterey Pine is replaced and that potential impacts will be less than significant.

Condition of Approval – Coast Live Oak

Coast Live Oak trees should be replanted at a ratio and cost as determined by the Monterey County Planning Staff in a manner that is consistent with other past projects of similar size, scope and level of impact. The Forest Management Plan (FMP) prepared for the project recommended replacement at a 1:1 ratio, due to the large amount of existing trees on site. Based on this recommendation, the project will be required to replant/replace the removal of Coast Live Oak at a ratio of 1:1, for a total replacement/replanting of 21 Coast Live Oak trees.

Replacement trees shall be maintained in good condition. Every effort shall be made to secure native seedlings rather than nursery stock of unknown origin. Replacement trees shall be minimum of one-gallon size and not larger than five gallon size (if one-gallon sized trees cannot be obtained). The owner shall consult with the project Arborist prior to installation of the replacement trees. The Arborist shall review nursery stock selection, planting techniques, tree replacement, overall function, maintenance, and monitoring requirements.

Reporting Action – Coast Live Oak

Replanting/replacement areas shall be identified by a qualified biologist or certified arborist, and shall be consistent with the attached sketch in the Forest Management Plan. Replanting/replacement areas shall be of equal or greater value to ensure the success of replanted specimens. Reporting actions on the Flores property should take place and comply with the following: once within two weeks of initial replanting of the species, once after the first three months of replanting, and one time per year, in the spring season, for the subsequent three years. At each reporting inspection timeframe, a qualified arborist/forester will submit a report to the Director of RMA-Planning verifying the condition of the newly planted Coast Live Oak specimens and shall submit a replanting plan and schedule with success criteria to replace any plants that fail to survive the first year of the three year period.

4(c) and (d) – No Impact

Staff inspection of the project site and conclusions from the Forest Management Plan found no evidence of wetlands or other water courses that would meet the definition of a wetland within the project site. The site is 5.72 acres in size and contains mostly non-native grasslands and Monterey Pine and Oak trees. Without wetlands, or the existence of suitable habitat, there will be no impact on fish or other related wetland habitat.

One drainage area is located in east of the property, however the proposed project and identified tree removal will not be located in or near this drainage area and no disturbance to the drainage area is anticipated.

4(e) and (f) – No Impact

Although there is tree removal proposed for the development of the single-family dwelling, the removal would not violate any local polices or ordinances relative to tree removal, subject to issuance of an after-the-fact Use Permit for tree removal. However, with the trees already required it is difficult to determine if the number of trees removed was the minimum required for removal. Additionally, there is no known Habitat Conservation Plans governing development on the parcel. The prevailing governing documents are the 2010 Monterey County General Plan and Greater Monterey Peninsula Area Plan. The site is zoned residential which allows new dwellings meeting the zoning density, as a principally permitted uses. The proposed tree removal would be allowed with the issuance of Use Permits, which would comply with the applicable regulations for the removal of protected trees, as found in the Monterey County Zoning Ordinance (Title 21-Section 21.64.260).

5. CULTURAL RESOURCES

Would the project:	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, 2, 3, 6, 8, 9, 10)	<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, 2, 3, 6, 8, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 2, 3, 6, 8, 9, 10)	<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, 2, 3, 6, 8, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

6. GEOLOGY AND SOILS

Would the project:	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, 2, 3, 6, 10) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	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, 6)	<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, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 6, 10)	<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, 6)	<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: 1, 6)	<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: 1, 6)	<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, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 3, 6, 10)	<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, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 2, 3, 6, 10)	<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, 2, 3, 6, 10)	<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, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The project applicant applied for a grading permit from the County's Building Services Department on October 4, 2013, and the grading permit (13CP01799) was issued on January 16, 2014. Pursuant to the issuance of the grading permit, earthwork was undertaken and the creation of building pads for a barn and future residence was completed, involving approximately 1263 cubic yards of cut and 3695 cubic yards of fill. The grading permit was needed in addition to the permits now requested for the proposed construction on the site.. Additional Soils and Geotechnical reports were prepared related to the permits now requested for the construction/development of the new single family dwelling and accessory dwelling unit.

The previously issued grading permit included requirements for special inspections of the grading and retaining walls. The plans were prepared by a Registered Civil Engineer per County requirements. The approximate soil disturbance area noted in the permit was 0.9 acres on the approximately 5.72 acre site. The primary area of disturbance proposed was generally where the proposed structures and the relocated driveway were to be placed in the central portion of the property. Potential impacts, such as those related to potential off-site runoff and the appropriate level of cut and fill were addressed as part of the grading permit and/or will be addressed as part of the required stormwater management requirements.

Stormwater control measures are required to be put into place to allow the development of the site, independent of the prior grading activities and un-permitted tree removal. These standard measures will ensure that the design of stormwater capture and infiltration should typically capture most of the runoff on the site.

Conclusion:**9(a) – No Impact**

The proposed project will not violate any water quality standards or waste discharge requirements. The site is not located within the 100 year floodplain or near a levee or dam that would expose people or structures to significant loss or death if failure resulting in flooding were to occur. The project site is not located in an area subject to inundation by seiche, tsunami, or mudflows.

The project is located within a designated “*urbanized area*”; and conditions have been placed on the project that require the applicant to prepare and provide engineered drainage plans and stormwater control plan, that should retain most storm water on site. The project is subject to the implementation of Post-Construction Stormwater Management requires (PCRs), and the intent of the PCRs is to ensure that the applicant is reducing potential pollutant discharges to the maximum extent practicable, and preventing stormwater discharges from causing or contributing to the degradation of water quality. Therefore the project will not violate any water quality standards or waste discharge requirements.

9(b) – Less Than Significant Impact

The proposed project will not 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). The property has been previously developed and will continue to be served by all public utilities, including public sewer and water by (California American Water Company) therefore it is not expected that the project will deplete ground water supplies or interfere with recharge or affect nearby wells. The Monterey County Water Resources Agency has recommended a condition of approval that will require proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release form.

9(c) and (d)– No Impact

The proposed project is not located near a stream or river and will not substantially alter the existing drainage pattern of the site or area, , in a manner which would result in substantial erosion or siltation on- or off-site, nor increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

9(e) – Less Than Significant

The project will not 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. The project has been conditioned to require the applicant to submit a Stormwater Control Plan prepared by a registered professional engineer, along with supporting calculations, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. Compliance and implementation of these standard conditions reduces the impact to “less than significant.”

9(f) – No Impact

The project would not otherwise substantially degrade water quality. The project has been conditioned to require the applicant to submit a Stormwater Control Plan prepared by a registered professional engineer, along with supporting calculations, addressing the Post-Construction Stormwater Management Requirements (PCRs) for Development Projects in the Central Coast Region. Compliance and implementation of these standard conditions reduces the impact to “No Impact.”

9(g), (h), (i), and (j) – No Impact

The project would not place housing and/or other structures 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. The project is not in a 100-year flood hazard area or mapped within this boundary. The site is not located within the 100 year floodplain or near a levee or dam that would expose people or structures to significant loss or death if failure resulting in flooding were to occur. The project site is not located in an area subject to inundation by seiche, tsunami, or mudflows.

10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2, 3, 4, 6, 10)	<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, 2, 3, 4, 6, 10)	<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, 2, 3, 4, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

11. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 6, 10)	<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? (Source: 1, 2, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

12. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 6)	<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, 6)	<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, 2, 6)	<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 expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 10)	<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: 1, 2, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

13. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 6, 10)	<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, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13. POPULATION AND HOUSING		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
Refer to Section IV above.

14. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
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, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Police protection? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Schools? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Parks? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities? (Source: 1, 2, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
Refer to Section IV above.

15. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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, 3, 6, 10)	<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, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
Refer to Section IV above.

16. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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, 3, 6)	<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, 3, 6)	<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, 3, 6)	<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, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access? (Source: 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:	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, 2, 6)	<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, 6)	<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, 2, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 6)	<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, 6)	<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, 6)	<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, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Refer to Section IV above.

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 wild life 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, 2, 3, 4, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 2, 3, 4, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 4, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) - Less than Significant

The project as proposed, conditioned, and mitigated will not have the potential to degrade the environment. Potential impacts to sensitive biological resources will result from construction of the proposed project. Conditions of approval are recommended to ensure potential impacts to these resources will be to a less-than-significant level by incorporating protection measures during the construction activities, and requiring replacement/replanting of removed species (See Biological Resources for further discussion).

(b) and (c) – No Impact

Construction of the proposed project will not significantly increase population in the area, demand on utilities and services, increase in traffic and other cumulative subjects. The proposed project has been reviewed and found to be consistent with the Local Coastal Plan. Cumulative

Air Quality impacts from grading and construction are accounted for in the Air Quality Management Plan. Impacts from the construction activities are not considered significant and are temporary. Therefore, no direct or indirect changes are anticipated as a result if the proposed additions affecting the environment in a substantial way which would affect human beings. The project is consistent with the current General Plan and the Greater Monterey Peninsula Area Plan requirements and County health and safety codes for development requirements in residential areas.

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 GAME 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 Game. 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 Game 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 Game. 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.

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 PLN140300 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application/Plans (PLN130400).
2. 2010 Monterey County General Plan.
3. Greater Monterey Peninsula Area Plan.
4. Title 21 of the Monterey County Code (Zoning Ordinance).
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008.
6. Site Visits conducted by the project planner on July 8, July 22, and August 20, 2014.
7. "Forest Management Plan (Assessment and Recommendations) for Flores Property, 564 Monhollan Road, Monterey County, Assessor's Parcel Number 103-071-025-000"; prepared by Vaughan Forestry & Land Management (Cassady Bill Vaughan), July 31, 2014.
8. "Phase I Historic Review of 564 Monhollan Road (APN No. 103-071-025-000) in Monterey County, California", prepared by Kent L. Seavey, March 2014.
9. Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 103-071-025-000, 564 Monhollan Road, Monterey, California", prepared by Susan Morely, M.A., March 2013.
10. Monterey County GIS System and selected report for Assessor's Parcel Number 103-071-025-000.

***Forest Management Plan
(Assessment and Recommendations)
For
Flores Property
564 Monhollan Road, Monterey County***

Assessor's Parcel Number:

APN # 103-071-025-000

Prepared by Arborist/Forester:

**Vaughan Forestry & Land Management
Cassady Bill Vaughan
Certified Arborist # WE-10039 A
Registered Professional Forester, License #2685**

Project Applicant:

**Paul Flores
564 Monhollan Road
Carmel, CA 93923**

Date:

July 31, 2014

Introduction:

Owner Paul Flores contacted me on July 14, 2014 to assist him in preparing a Forest Management Plan (FMP) to address tree removals that occurred in 2013 on the subject property, assess current conditions relative to the need for additional removals, and to specific required replacement trees for both. See attached FMP Map for detail.

This FMP is not intended to recap the history of events that lead to the property's current condition, nor address permitting requirements or authorities beyond those necessary for tree removal and replacement. County Staff (Associate Planner, David Mack) and I reviewed the case over the phone on July 14, 2014 and agreed that we should both attempt to estimate the number of trees removed in 2013 to generate replacement requirements. This involved David's and my review of Google Earth aerial imagery from 5/5/12 and 8/25/13 (capturing before and after the 2013 tree removal occurred), which was followed by a site visit on July 22, 2014. An estimate of trees removed is provided below, along with additional recommended removals to address safety (both physical and fire defense), forest health, and final development of the site.

This FMP is designed to satisfy the requirements of the Greater Monterey Peninsula Area Plan, Public Resource Code (PRC) 21083.4, and CEQA Checklist Appendix G. The FMP describes: 1) Existing forest resources, 2) Estimates of tree removals that occurred in 2013, 3) Additional tree removals to address safety and site and construction pursuant to the owner's existing Building Permit, 4) Mitigation designed to protect specific residual trees, 5) Tree replacement Recommendations, and 6) Monitoring to ensure successful reforestation. This FMP considered both past and potential future development of the site. The recommendations contained herein aim to protect and enhance forest resources in a manner that is compatible with the proposed use, considering safety and function relative to the proposed development.

Site Description:

Assessor's Information: APN# 103-071-025-000; Parcel Size 5.72 acres; Zoning: RDR/10-UR-D

Location: North of Monhollan Road approximately 1/3 of a mile east of its intersection with Aguajito Road.

Acreage: The project is expected to produce a footprint of +/- 11,200 square feet; which includes roads, buildings, pool area, garage, developed grounds, and an outbuilding.

Existing Land Use: The parcel is a larger residential lot with an existing single family home, which appears to have been built in the 1950s or 60s. The owner has requested the issuance of required development permits (Design Approval) to allow the construction of new single family dwelling, detached garage, pool/patio, and driveway/landscape infrastructure.

Slopes: The western, developed portions of the property are flat to gently rolling (0-25%), with some steeper (30-50%) slopes in the drainage to the east. In general tree removals are limited to slopes less than 20%, except for trees 10, 11, and 12 which lie just off the break in slope on 40-50% ground.

Soils: Soils on the property are listed as Santa Lucia shaly clay loams by the "*Soil Survey of Monterey County, California (USDA, 1978)*". The Survey suggests that runoff and erosion are moderate for slopes under 30%. Soil depth is typically 20-40" to bedrock. Prudent erosion control measures should be undertaken to protect exposed soils.

Vegetation: The aerial photographs used for the Monterey County Soil Survey cited above were likely flown in the late 1960s when most of the soils data was being acquired. While these Survey photos are not the highest quality, it appears the property historically supported a mix of coast live oak (*Quercus agrifolia*) and Monterey pine (*Pinus radiata*). Based on the Soil Survey photos, the subject parcel and neighboring parcels to the north and west also appear to coincide with forest openings and development north of the not yet constructed Monhollan Road.

The understory is composed mainly of non-native grasses, but native plants such monkey flower, ceanothus, poison oak, and hedge nettle were also noted. Non-native French broom (genista) is dominating the understory along the north and west portions of the property. From a forest health standpoint, some effort should be made to remove the French broom to allow opportunities for native colonization. If the owner chooses to plant ornamental landscape/fruit trees, they cannot be counted towards replacement as required below.

Forest Condition and Health: The existing mixed pine/oak forest is typical for this area. Following Native American occupation, the Mission era probably saw grazing and homesteading in this portion of the Peninsula. Incremental development, including opening of the Old Del Monte Golf Course 1897, irreversibly changed the character of the landscape. The general practice of fire exclusion and a gradual decrease in grazing activity has led to an aging pine overstory that is giving way to younger coast live stands. In the absence of fire (or other mimicked disturbance regimes), Monterey pine will continue to decline and become underrepresented in the stand, so it is important that at least some of the replacement trees be in-kind replacement of Monterey pine. See replacement tree recommendations below.

The 5.72 acre property contains on the order of 250 pine and oak trees that are greater than 6" in diameter (as measured 2' above the ground for oaks and at breast height or dbh for pines). Where oaks are currently dominant, there are few canopy openings with almost no natural regeneration, which suggest the most suitable sites are fully occupied. As discussed above, the larger Monterey pines are reaching maturity and many of the largest leaning trees would be considered an above average risk once the site has been developed. This FMP anticipates development as proposed in the property's Building Permit, and that the resulting structures are potential "targets".

The three oak trees labeled as 18" oak, 19" oak, and 22" oak located immediately northwest of the proposed residence are alive but showing some signs of stress. Thinning crowns and an overall chlorotic look suggest the trees may be responding negatively to fill placement on the uphill side of each tree, perhaps exacerbated by this year's extreme drought conditions. Every attempt shall be made to retain these three oaks. To this end, fill material that has been placed within 4 trunk diameters ($4 \times 18" = 72"$ or 6') shall be removed to expose native ground. Tree wells shall be installed on the uphill side of each tree to ensure that fill does not migrate back down into this diameter specific zone. Tree wells shall be designed to minimize installation of posts/piers as feasible given engineering constraints (consider softer designs such as boulders or dry stack blocks). Upon completion of tree well installation, the entire area within the dripline of these trees shall be mulched with wood chips (1-2"), and thoroughly water to obtain saturation to a depth of 2-3'.

Oakworm (*Phryganidia californica*) is a likely cause of periodic oak die-off in the oaks on the property; though most healthy trees have adapted to the resulting periodic defoliation. Oak moths lay eggs on leaves, branches and limbs where they overwinter. In late winter and early spring the eggs transition to their larval stage, commonly known as the oakworm. Oakworms develop rapidly in the spring and feed voraciously on young oak leaves. Trees are seldom, if ever killed by the oakworm, but the landscape is significantly altered as a result of defoliation by the larvae feeding on leaves. Natural enemies and diseases usually keep oakworm populations under control, but periodic population explosions can occur in roughly 7 year cycles. Healthy oaks tolerate

defoliation caused by the larvae of this native moth. The past two years of drought have also stressed some of the oaks; most notably a row located southeast of the older, existing building on the site.

Sudden Oak Death syndrome (SOD) is caused by the organism *Phytophthora ramorum* and has been found in Monterey County, the nearest location being a park in Prunedale. Although no oaks in the project area appear affected at this time, SOD could impact the site at any time and stand conditions should be monitored on a regular basis, both because Monterey County is subject to quarantine requirements affecting all susceptible materials, of which coast live oak is a prime example, and because prevention and treatment recommendations are evolving over time. The best means of staying current on prevention and treatment measures is the California Oak Mortality Task Force (COMTF) website, <http://www.suddenoakdeath.org>. Trees removed for this project should be disposed of according to the current guidelines.

Monterey pines on the property do not currently appear to show signs of pine pitch canker. However, to remain conservative, and to increase awareness of the spread of pine pitch canker, pine material shall be disposed of in accordance with the most recent guidelines approved by the Pitch Canker Task Force, whose website can be found at: ftp://frap.cdf.ca.gov/pub/outgoing/pitch_canker/task_force/index.html. A number of the pines observed during the site visit with County Staff are dead or nearly so (expected death in 1 to 2 years). The oldest pines on the parcel are reaching their expected life spans, and those with indicators of disease or abnormal defect were assessed for risk of failure. Those which pose an unacceptable risk to the proposed structures are recommended for removal.

Forest Continuity, Prevailing Sun/Wind Exposure: The County specifically requested that the FMP consider the overall effects the project might have on sun/wind exposure. From a solar perspective, the removals that occurred in 2013 clearly created an opening, but the overall developed footprint is consistent with what was conceived in the requested development applications. The effects of solar exposure on the residual stand are speculative; with some trees benefiting from additional sunlight and others being overexposed. The owners have expressed an interest in retaining health trees at the margins of the developed area, and this FMP proposes mitigation where appropriate. Solar exposure and the potential for this to impact trees beyond the immediate perimeter are not expected to be significant.

Changes to overall wind patterns, and/or predisposition of residual trees to failure due to toppling are possible. The site is located on a small, though somewhat sheltered ridge. The opening created by development could potentially expose some residual trees to wind throw, but the extent and ultimate reality is speculative. This FMP is intended to assess the potential for failure based on observable tree characteristics and the overall disposition of the trees near the developed area. The site shall be monitored for at least one year following tree removal to assess the residual stand's response to tree removal. In the greater context of the micro-region, the project is not expected to result in measureable changes or impacts from either sun or wind exposure.

Project Description:

The development project proposes construction of a 7,200 square foot dwelling with a pool and veranda, 1,200 square foot auxiliary dwelling, a detached garage, and access roads/driveways. The majority of the tree removal to accommodate development occurred in 2013 without the benefit of appropriate permits from the County of Monterey. This FMP attempts to estimate the number of trees removed in 2013, recommend additional removals to accommodate final construction, and provide mitigation measures for residual trees. A comprehensive tree removal list is provided below.

Pruning (<30% of the live crown) as directed by a tree care professional is recommended for trees that adjoin construction areas in order to address safety, inadvertent damage, long-term maintenance, forest health, and fire hazard reduction. Additional pre-construction requirements are included below.

Tree Removals: The topographical survey map prepared by Peter Davis (architect), 196 Upper Walden Road, Carmel, CA 93923 (April, 2014) was used as the basis for locating structures, trees, and the need for additional removals as reviewed in the field with County Staff. Additional tree removals, beyond those which were taken out in 2013, are depicted on the attached FMP Map (Trees 1-15). Each of the proposed removal trees has been marked with white paint in the field with a number that corresponds to Table 1 below. It bears repeating that the FMP Map includes 3 oak trees that are to be retained (18", 19", 22" diameter oaks described above). Reconnaissance-level review of mapped trees on the remaining areas of the Site Plan prepared Peter Davis (architect cited above) suggests tree locations and sizes are accurate for purposes of review.

2013 Tree Removal: Estimates of tree removals that occurred in 2013 are based almost entirely on Google Earth aerial imagery (5/5/12 and 8/25/13), but supplemented by on-the-ground reconnaissance and analysis with County Staff on July 22, 2014. Projecting the composition and size of existing oak clusters viewed in the aforementioned Google Earth imagery onto the currently open areas that once had trees suggests there were perhaps 7 oak clusters removed in 2013. Each oak cluster is presumed to have had at 3 oak trees greater than 6" in diameter. Using these two estimates as the basis, 2013 tree removals included 21 "protected" oaks. The imagery also suggests that at least 5 protected Monterey pines were also removed. The owner indicated that some of the oaks and most of the pines removed in 2013 were either dead or dying. The imagery confirms some gray skeletons that suggest a small percentage of the removed trees were in fact dead or downed. For purposes of this FMP, the 2013 tree removal is estimated to have removed 24 protected trees (20 coast live oaks and 4 Monterey pines).

Additional Recommended Tree Removals (Table 1):

Tree #	Species	Diameter (at 2' for oaks, dbh for pine)	Tree Condition	Replacement Ratio
1	Monterey pine	15"	Dead (pictured)	No Replacement
2	Monterey pine	22"	Poor	1:1
3	coast live oak	14"	Poor (pictured)	1:1
4	Monterey pine	18"	Good	1:1
5	Monterey pine	15"	Fair (pictured)	1:1
6	Monterey pine	28"	Fair	1:1
7	Monterey pine	28"	Fair	1:1
8	Monterey pine	27"	Dead	No Replacement
9	Monterey pine	38"	Fair (pictured)	1:1
10	Monterey pine	38"	Good (pictured)	2:1
11	Monterey pine	22"	Poor (pictured)	1:1
12	Monterey pine	36"	Good (pictured)	2:1
13	Monterey pine	14"	Good (pictured)	1:1
14	Monterey pine	24"	Fair (pictured)	1:1
15	Monterey pine	31"	Good	2:1
			Total:	16 trees (15 pines and 1 oak)

Pictures noted in Table 1 above.

Tree 1



Tree 5



Trees 1 and 3



Trees 10,11, and 12



Trees 10,11, and 12



Trees 13 and 14



Removal and Replacement Summary: Estimates of trees removed in 2013 are described above. Ideally, replacement of these trees would be in-kind; where removed oaks are replaced with oaks and pines with pines. Additional removals based on site specific analysis are summarized in Table 1 above. Minor adjustments in the replacement ratio were made to account for dead trees (no replacement) and pine trees that were greater than 24" dbh that were rated as "good" (2:1 ratio). In all 21 coast live oak trees and 19 Monterey pines will need to be replaced. The attached FMP Map includes a number of areas that were deemed suitable for replanting. Replanting sites were reviewed in the field and discussed with the owner and County staff. Ideally, replanted trees would serve some function in the developed setting, particularly coast live oak trees which could be interplanted amongst the developed areas.

The owner shall consult with the project Arborist prior to installation of the replacement trees. The Arborist will review nursery stock selection, planting techniques, tree placement, overall function, maintenance, and monitoring requirements. Minor adjustments to the in-kind replacement, which would may include a greater number of oak trees and fewer pines, will be documented as to location and quantity when replacement occurs.

Regulatory Framework:

In addition to the requirements of the Greater Monterey Peninsula Area Plan (GMPAP), the project also triggers applicable Public Resource Code (PRC) 21083.4, and CEQA Checklist Appendix G; each of which is discussed below. Because the project will result in the removal of 3 or more protected trees as defined by the County, the project requires an FMP as provided here.

(GMPAP): When assessing tree removal and replacement, this FMP considers any native tree greater than 6" in diameter to be a protected tree. Said trees are identified above in the Tree Removal section. Compliance with tree standards for the GMPAP was discussed with the owner and Planner David Mack in the field.

PRC 21083.4: The project area, when considered with the adjoining oak stands, likely contains a sufficient contiguous stand of trees such that it would be considered oak woodland as it applies to Public Resource Code (PRC) 21083.4. However, PRC 21083.4(e)(1) can defer to a lead agency which, in this instance, seems to be the County and its interpretation of the GMPAP. The project is not expected to result in significant impacts to oak woodlands given the already developed nature of the landscape. Given the property's proximity to Monterey and the relatively rich cultural past, the property has probably supported a diverse mix of forest habitats and land uses over the last two centuries.

CEQA Appendix G: Environmental Checklist: The Association of Environmental Professionals provides a succinct explanation of the CEQA Appendix G: Environmental Checklist. Based on review of this Checklist and the applicable standards, the tree removals recommended in this FMP are not anticipated to result in significant impacts to any of the 18 identified resources: Aesthetics, Agriculture and Forestry, Air Quality, Biological, Cultural, Geology and Soils, Green House Gas emissions, Hydrology and Water Quality, Land Use, Mineral Extraction, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, Utilities and Services, or the Mandatory Findings of Significance. The project is designed to avoid impacts or compensate where necessary to offset potential impacts as they relate to forest resource and the forested character of the landscape. Most of the tree removal work has already been done. This FMP is intended to address current conditions and forecast potential future tree-related issues and opportunities.

Fuel Management Plan: The developed lands northwest of the property present ignition sources so it is best to remove ladder fuels and maintain defensible space around all structures. Most notably, the heavy French broom (genista) infestations within the western 1/3 of the property should be removed and monitored. French broom is both a fire hazard and a forest pest.

The undeveloped Monterey pine forests south of the parcel (Jack's Peak Park) presents a fire risk because fire suppression policies and the absence of a comprehensive fuels management strategy have lead to artificially high fuel loads. The disruption of natural fire regimes and absence of recent wildfires in this portion of Jack's Peak Park suggests the potential for a wildfire in our lifetime is moderate to high. Creating defensible space and developing a fire response plan is important in the Wildland Urban Interface where this property most certainly lies. The owner is encouraged to contact the appropriate fire response agency to establish contact. CalFire's Carmel Hill Station is nearby, and can provide valuable information.

Tree Replacement Pursuant to Applicable Regulation:

Replacement:

Based on field review, there appears sufficient growing space to permit planting of replacement trees within the areas designated on the FMP Map. The total number of replacement trees is 40. As mentioned above, this FMP allows some latitude for substituting oaks for pines when replacing trees. However, at least 12 Monterey pines will be required.

Replacement trees should be a minimum of 1 gallon sized and spaced at a minimum of 10 feet from adjoining trees (planted or existing). Replacement trees should be grown from local native seed stock in sizes not greater than 5 gallons, with one gallon or smaller being preferred as the tree is likely to adapt to the site better and grow larger over the long term. Planting areas should be cleared of competing vegetation within at least three feet of the planted trees. Periodic watering during dry months may be necessary during the first three years after planting but the soil should be allowed to go dry at least briefly between waterings to discourage growth of oak root fungus. Browse protection (protective cages) must be provided for planted oaks and maintained for at least the first three years. Tree replacement requirements should be met promptly after the close of construction and based on a final tally of trees actually removed in the project area or as a project condition of approval rather than on the estimates contained in this FMP. Pre-contracting for seedling propagation using local seed will assure that seedlings are available. Several local nurseries are available to provide this service.

General Tree Care During Construction:

To protect trees during construction activities, the following measures shall be adhered to and **made a part of the construction notes** for the project:

- 1) The "S-shaped" mitigation area depicted immediately south of Tree 15 identifies an existing cutbank that was recently excavated to allow installation of a retaining wall. The excavated slope is within the driplines of several mature coast live oaks. The face of the excavated slope shall be overlapped with burlap pinned in place. The driplines of the oaks shall be covered with 1-2" of mulch and watered to achieve 2-3 feet of saturation. The mitigation is designed to comply with the "Root Protection Techniques" described below.
- 2) Around each tree or group of trees to be preserved next to construction areas, a boundary of orange snow netting or high visibility plastic fencing supported by wood or metal stakes shall be erected along the approximate driplines of such protected trees to define the construction project boundary prior to commencement of site grading. The contractor should install protective fencing that intrudes within tree driplines only with on-site consultation and approval of the project Forester or qualified arborist. Selective pruning may be recommended where construction activities are expected to interfere with overhead branches. Naturally this will involve some minor activity within the driplines of certain trees. Such activities will be explicitly discussed and reviewed in the field when protective fencing is installed.
- 2) No storage of equipment or construction materials or parking of vehicles is permitted beyond the construction boundary so identified.
- 3) No soil may be removed from within the dripline of any tree and no fill of additional soil can exceed two inches (2") within the driplines of trees, unless it is part of approved construction and is reviewed by a

qualified forester or certified arborist. Because existing trees are sensitive to the addition of fill, excavated material must either be removed from the site, incorporated as engineered fill beneath driveway, parking areas or the structure, or retained away from oak trunks (a minimum of one foot clearance) and as much rooting area as possible. See specific tree applications under #8 below.

- 4) Bark injury to any tree from equipment or materials is not acceptable and is prevented by respecting the protective fencing described above.
- 5) No protected tree as defined by County code may be removed or trimmed unless authorized under this Management Plan or County regulation. Tree crowns that lean into the construction area should be pruned prior to commencement of excavation and construction to minimize potential for inadvertent damage.
- 6) Roots exposed by excavation must be pruned and re-covered as quickly as possible to promote callusing, closure and healthy re-growth. Such roots should be cut cleanly with a saw or pruners and covered with mulch and watered as soon as possible.
- 7) All tree work shall be monitored by the project Forester or certified arborist and work completed by qualified tree service personnel. Oaks should not be trimmed during periods of rapid growth in the spring and early summer so that deformed "witches broom" growth is not stimulated.
- 8) Not surprisingly, trees closest areas of excavation are at the greatest risk of damage from construction activities. Although coast live oaks can be fairly tolerant of root loss due to excavation, excavation in a straight line closer than four trunk diameters from a tree base certainly tends to put a tree at risk. In such cases, excavation should be done by hand once the first roots are encountered so that roots can be exposed and preserved as much as feasible.

Forester/Arborist Participation:

General Guidelines:

The following tree protection measures are general practices to help minimize developmental impacts to retained trees. However, a general description of these techniques is not an acceptable alternative for individual tree protection specifications or on-site observations and recommendations by a qualified tree care professional. A general description of tree protection methods should be provided in a format and language that is appropriate for posting on the job sites and distributing to contractors performing the actual work. These protection guidelines should be contained in the construction notes for all phases of the project. Other methods, including an on-site arborist and including tree protection discussion in contractors tailgate meetings will serve to better protect the trees.

To maximize tree retention and protection, a forester, arborist or other tree care professional should be involved in review and development of final grading and construction plans wherever trees occur either at project or along the grading margins. In such locations, it may be possible to incorporate special retention or other construction methods (e.g. retaining walls) that will permit safe and healthy retention of existing trees. Such review can be especially valuable where grade changes will be two feet or less from existing ground surfaces and might permit retention of existing individual specimens that have significant landscape value. Tree preservation issues become more obvious once construction begins. Trees that require removal that are not included in the initial plan shall be granted approval with a letter from a qualified tree care professional, detailing the reason for removal and the location of the tree.

Tree Protection Zones:

Prior to commencement of any grading within 25' of retained trees, the contractor shall install protective fencing at the driplines of retained trees to create a Tree Protection Zone (TPZ) that shall not be entered for any reason unless approved by the project forester. The TPZ may extend within the driplines of retained trees where approved by the project forester in order to retain more trees. In selected locations specified by the project forester during the on-site meeting required above, protective fencing may need to be chain link fencing supported by metal posts or stakes driven into the ground. Such fencing is needed around the perimeter of trees in selected locations where potential disturbance may occur during construction. In other areas of retained trees, high visibility plastic protective fencing may be used to establish the TPZ. Grading may not commence until the project forester has inspected and approved the protective fencing installed by the contractor.

Prior to commencement of any grading within 25' of retained trees, the project forester shall identify retained trees needing significant pruning to protect them during grading operations. This protective pruning work shall be completed by a qualified tree contractor, in accordance with current arboricultural standards and practices (ISA Tree Pruning Guidelines, Appendix E) prior to commencement of operations to balance canopy, provide necessary clearances, remove dead wood, and promote the health of the tree.

Root Protection Techniques:

Soil compaction is a common form of root damage from construction activities. This happens when heavy equipment is driven over the root area. In some areas, it will be necessary to drive equipment over the root zone. This impact should be kept to one side of the tree if possible. To reduce soil compaction where traffic is unavoidable within a TPZ during construction, wood chips must be spread 6-12 inches deep to disperse the weight of equipment. Plywood sheets can be placed over the wood chips for added protection. These measures can only be left in place temporarily and must be removed carefully.

Where excavation will occur within tree driplines, the following root severing procedures during excavation are recommended: Gently expose and cleanly sever roots one foot further from the tree than the final limit of grading and then hand dig the final foot of width. Roots should then be cleanly pruned to the side wall of excavation with a saw, Sawzall, narrow trencher with sharp blades, or clippers. Hydraulic or pneumatic excavation technologies are available which can expose and minimize damage to roots. Severed roots should be recovered with temporary fill or draped immediately with at least two layers of untreated burlap or carpets secured to cover the excavated surface to a depth of 3 feet from the ground surface. Burlap or carpeting (or temporary fill) shall be soaked nightly and kept in place until the excavated surface is backfilled and watered.

Any permanent fencing installed along project boundaries shall be constructed so that only posts supporting the fence extend into or below the ground surface. Posts of the smallest diameter requiring the least amount of excavations should be set at the maximum feasible distance apart in order to minimize root disturbance.

Tree Maintenance, Watering, and Fertilization

Retained trees shall be watered periodically in accordance with species needs to promote tree health. Post-planting watering will be done as needed to assure establishment based on soil conditions. Seedlings should be watered throughout the first planting season as necessary to assure establishment. Tree trunks shall not be sprayed or watered directly. Trees shall be fertilized and treated if and as necessary to promote the health of the

tree and as recommended by the forester/arborist. Removal trees within 15 feet of a tree intended for retention must be removed by chainsaw falling and grinding or backhoe excavation of the stump to minimize root disturbance of the retained tree.

Specific Project Assessments: Potential for adverse environmental impacts due to proposed tree removals in the following subject areas:

Soil Erosion: The proposed development area is located on slopes ranging from 0-25%. The slopes leading to the drainage swale east of the property are an exception, where the ground is in excess of 40%. The fill slope that includes the 18", 19", and 22" oaks shown on the FMP Map is also steep (2:1), and is currently not fitted with erosion control devices. Both of these areas will need to be reviewed prior to the onset of winter rains to ensure that BMPs are in place to prevent erosion. The sheer size of the existing graded pad and the general absence of erosion control measures and detention devices suggests there should be a plan to address winter preparedness.

Water Quality: The size and nature of the construction is such that it is unlikely to generate harmful substances that could be detrimental to the plant, animal, or human environment.

Ecological Impacts: Low potential. Only a small portion of the 5.72-acre property will be directly affected by the project as evaluated at the time the FMP was prepared, the balance of the property will be left as largely untouched open space comprised of primarily native vegetation.

Noise Pollution: Not a significant factor except during active construction.

Air Movement: The number and size of trees proposed for removal will have little or no effect on the movement of air in this vicinity.

Wildlife Habitat: Low impact for this parcel. Wildlife use is expected to continue, there will be no restriction in movement corridors.

Forest Management Agreement: The following standard conditions are required by the Monterey County Planning Department in Forest Management Plans:

Definitions:

Forest Management Area (FMA): That portion of the subject parcel, which is presently forested and lies beyond the immediate vicinity of the project area.

Protected Tree: Any living tree more than 6" in diameter.

Retained tree: Any significant tree not shown for removal on an approved final site plan submitted in compliance with coastal development permit.

Diameter (dbh): Thickness of main trunk of tree as measured 4'6" above the average ground surface at base of tree ("diameter at breast height").

Dripline: The outer edge of the area beneath the crown of a tree.

Landscaped area: An area around the construction zone, which, for purposes of fire protection, is kept free of highly flammable vegetation and is stabilized with green, growing plants.

Management Objectives:

- 1) Minimize erosion (in order to prevent soil loss and siltation).
- 2) Preserve natural habitat (includes native oak forest, understory vegetation, and associated wildlife on site).
- 3) Prevent forest fire (i.e., uncontrolled fires.)
- 4) Preserve scenic forest canopy as located within any Critical Viewshed (any public viewing area).
- 5) Preserve landmark trees.

Tree Removal. No protected tree shall be removed without a separate Tree Removal Permit (other than trees designated for removal on the approved site plan).

Application Requirements. Where a Tree Removal Permit is required, trees proposed for removal will be conspicuously marked by flagging or paint. A site plan showing the location of each significant tree to be removed will accompany the application. If a substantial number of trees are requested for removal, they will generally be distributed over a wide area so that the overall unbroken appearance of the forest canopy is not altered.

Waiver of Permit Requirements. It is understood that the Director of the Monterey County Planning Department may waive, after review, the requirement to obtain a Tree Removal Permit in the following instances:

- 1) Removal of diseased tree(s) which threaten to spread contagion to nearby healthy trees;
- 2) Removal of dangerous tree(s) which present a clear and imminent threat to human life or property;
- 3) Outside the FMA, removal of tree(s) where needed to allow construction of approved structures or roads.

Standard Treatments:

Dead Trees. Because of their great value for wildlife habitat (particularly as nesting sites for birds), large dead trees beyond the greenbelt will normally be left in place. Smaller dead trees will normally be removed in order to reduce fire hazard. Large dead trees may be removed from the greenbelt upon a finding of hazard or sufficient presence of this habitat element by a qualified forester.

Thinning. Non-significant trees, where weak, diseased, or overcrowded, may be thinned to promote the growth of neighboring trees. This activity should be conducted with consultation by a licensed forester. Where appropriate, thinning of competing vegetation should be used to promote growth of native oaks on the property to encourage reproduction and stand diversity.

Replacement Trees. Every effort will be made secure native seedlings rather than nursery stock of unknown origin. Trees should generally not be larger than one-gallon size, since experience shows that roots adapt to the site best when allowed to follow their natural tendency to grow rapidly in all directions as they reach about three feet in height. One-gallon coast live oak replacement trees are preferred but up to five gallon size is reasonable. However, occasional larger oak stock is allowable to provide size variation for both visual and age diversity.

Protection of Trees. All significant and replacement trees, other than those approved for removal, shall be retained and maintained in good condition. Trimming, when not injurious to the health of the tree(s), may be performed wherever necessary in the judgment of the owner, particularly to reduce personal safety and fire hazards.

Retained trees which are located close to the construction site shall be protected from inadvertent damage by construction equipment through wrapping of trunks with protective materials, bridging or tunneling under major roots where exposed in the foundation or utility trenches, and other measures appropriate and necessary to protect the well-being of the retained trees. See General Tree Care During Construction section above for more detail.

Fire Prevention. In addition to any measures required by local CALFIRE fire authorities, owner will:

- a. maintain spark arrester screen atop incendiary vents;
- b. maintain spark arresters on gasoline-powered equipment;
- c. establish "greenbelt" by keeping vegetation around developed areas to a distance of 50 feet in a green, growing condition;
- d. break up and clear away any dense accumulations of dead or dry underbrush or plant litter, especially near landmark trees and within greenbelt.

Use of Fire (for Clearing, Etc.). Open fires will be set or allowed within the FMA only as a forest management tool under the direction of CALFIRE authorities, pursuant to local fire ordinances and directives.

Clearing Methods. Brush and other undergrowth, if removed, will be cleared through method(s), which will not materially disturb the ground surface. Chainsaws, masticators, and high weed mower would normally be the machines of choice. Use of fire and herbicides will be subject to the local regulatory limitations.

Irrigation. In order to avoid further depletion of groundwater resources, prevent root disease, and otherwise maintain favorable conditions for the native forest, the FMA will not be irrigated except as needed to maintain replacement trees.

Exotic Plants. Care will be taken to eradicate and avoid introduction of, the following pest species:

- a. Pampas grass
- b. Genista (Scotch broom, French broom)
- c. Eucalyptus
- d. Vinca

Amendments. It is understood that the Director of the Monterey County Planning Department, in consultation with CALFIRE, may approve amendments to this Plan, provided that such amendments are consistent with the provisions of the County Development Permit.

Compliance. It is further understood that failure to comply with this Plan will be considered failure to comply with the conditions of the County Development Permit.

Transfer of Responsibility. This Plan is intended to create a permanent forest management program for the area of the property affected by the project, and shall remain in effect for as long as the project improvements remain on the property. It is understood, therefore, that in the event of change in ownership this Plan shall be as binding on the new owner(s) as it is upon the present owner. To this end, this Plan will be conveyed to the future owner upon sale of the property provided the project improvements remain on the site at the time of the sale.

Conclusion:

As noted in the Introduction, this Forest Management Plan is intended to be a background document for the purposes of environmental analysis and development of a tree protection/replanting program. The projections of tree removal are pre-project estimates only, and are not intended to be used for regulatory purposes or to establish a limit on the number of trees permitted to be removed for actual implementation of the project.

Forest Management Plan (FMP) Submitted by:



Cassady Bill Vaughan,
Certified Arborist # WE-10039A
Registered Professional Forester #2685

7/30/14

Date

Applicant's Agreement to Provisions of the FMP:

Paul Flores, Owner/Applicant

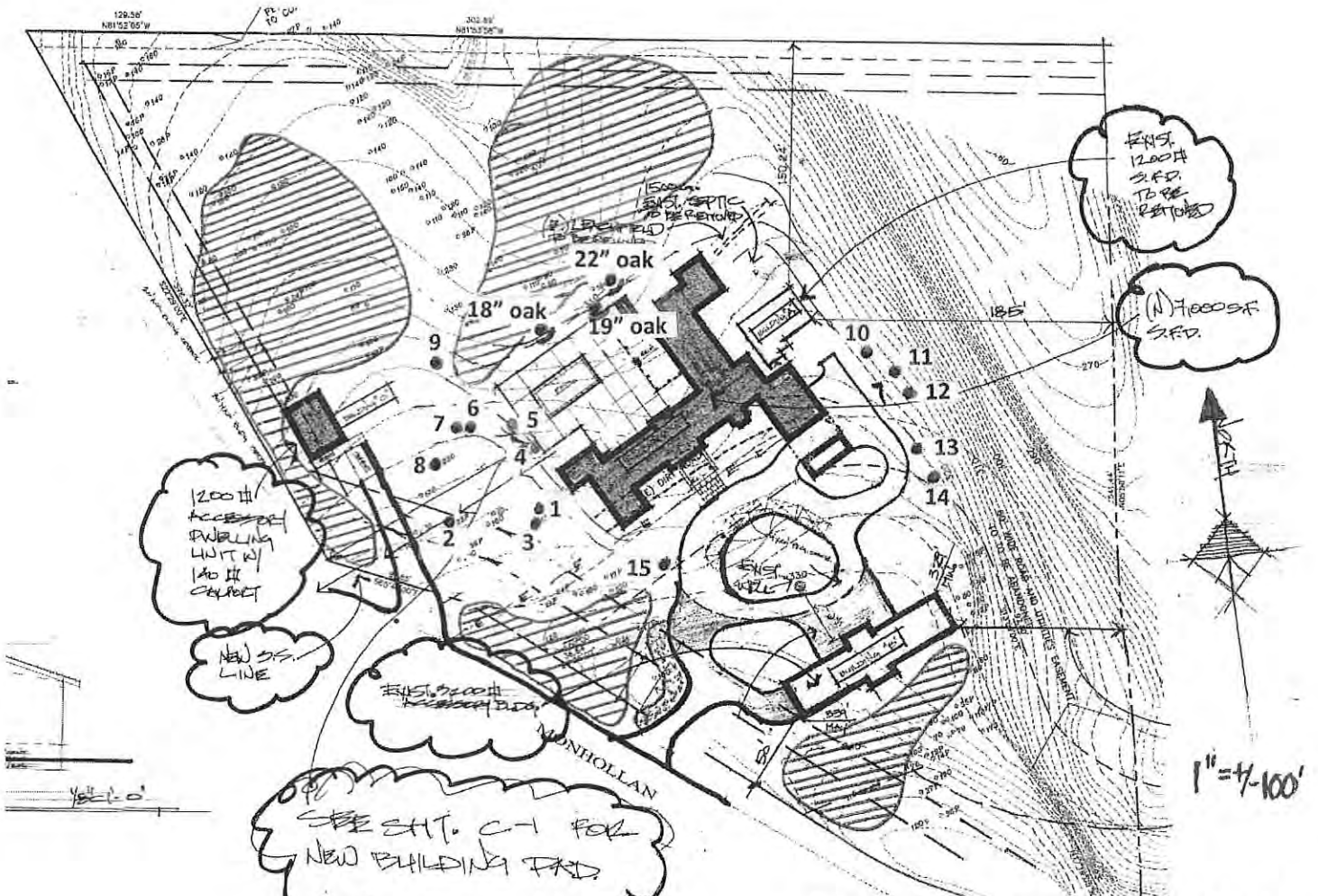
Date

FMP Approved by:

Director of Planning of County of Monterey

Date

FLORES FOREST MANAGEMENT PLAN MAP



• 1-15 PROPOSED TREE REMOVALS

◡ 18", 19", 22" MITIGATION POINTS
oaks

▨ REPLANTING AREAS

SCOPE OF WORK

1. NEW 7000 SF SFD, W/POOL & VERANDA
2. NEW 1200 SF. ACCESSORY DWELLING.
3. REMOVE EXIST. 1200 SF SFD.
4. REMOVE SEPTIC & CONJECT TO SANITARY SEWER - LINE IN STREET
5. REMOVE (E.) SFD.

PROJECT DATA

* PLAN	103-071-025 (OLD WAS 002)
* ZONING	RDR/15-UR-D
* LOT SIZE	5.72 ACRES (ZAA, 103 DEF)
* COVERAGES	
EXIST.	4,200 SF.
NEW PROPOSED	7,000
TOTAL	11,200 SF 4.9%

- * TYPE OF CONEST. VB
- * OCCUPANCY R-3/4
- * WATER CAL-M/WELL
- * SEWERAGE PUBLIC SEWER CONN.
- * UTILITIES PAUL & LINDA FLORES (BX) 646-0522
504 MONTIOLLAN RD.
SHELBY, TN. 37123
- * NO TREE REMOVAL, GRADING & FOOTPRINT ONLY

July 31-2014

Re: Paul + Linda Flores
at 564 Monhollan Rd. Carmel, Ca.
File No: PLN140300.

We understand that we are
proceeding at our own risk on
all construction activities
located within the subject of
tree removal, prior to decision of
Monterey County Planning Commission.

Thank you.

Sincerely, Paul + Linda Flores

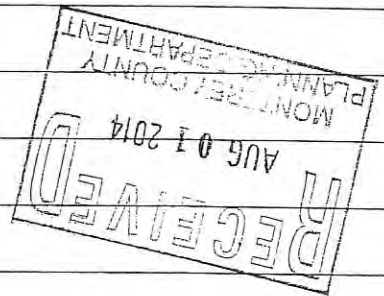
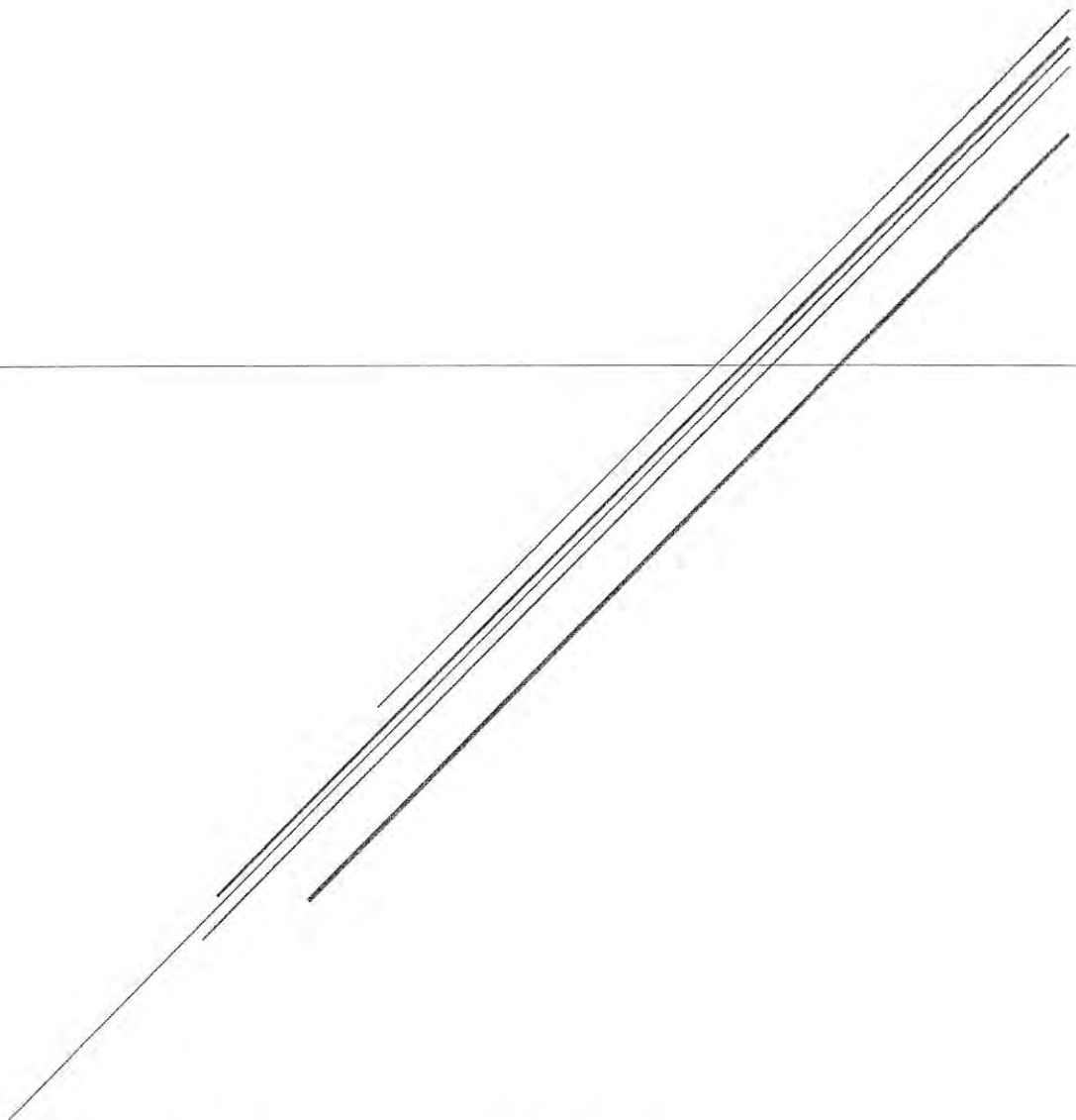


EXHIBIT G

RECEIVED
AUG 19 2014
MONTEREY COUNTY
PLANNING DEPARTMENT

LETTER OF CONCERNS

Prepared for David J. R. Mack – County of Monterey



Confidential paper prepared for the County of Monterey solely for the purpose of the evaluation and decision on the Flores Property - PLN140300; APN: 103-071-025-000 at 564 Monhollan Road, Carmel, CA 93923. Distribution limited to those directly involved in the review and final decision.

EXHIBIT H

Re: Flores Property - PLN140300; APN: 103-071-025-000 at 564 Monhollan Road, Carmel, CA 93923.

We want to thank our Monterey County Planning & Code Compliance Officials - John Ford, Josh Bowling & Dave Mack for their cooperation related to the ongoing issues with the Flores Property - PLN140300; APN: 103-071-025-000 at 564 Monhollan Road, Carmel, CA 93923.

We, the adjacent residents have elected NOT to attend the recently announced LUAC meeting scheduled on Wednesday August 20 since the material issues remain unresolved and are being considered as we understand from Dave Mack as a complete package by Planning, Code Compliance, Trees, Water, Land Use, Environment and other related agencies, including the City of Monterey. We are therefore submitting this confidential "Letter of Concerns" for Dave Mack to provide to the related County Agencies for making a decision on the Flores Property.

Background

Flores is an Owner-Builder – where the equipment, tractor, earth removal equipment, etc. are located on the property. Since 2011-2012 we have heard trees being cut and tractors moving earth. The Flores property since 2012 has been totally fenced for privacy and line of sight. The residents were aware of the construction of the 3200 square foot Barn but unaware to the degree of changes which were being made to the land, grading, the trees and drainage.

The adjacent residents recently completed the site visit as part of the Design Review process in mid-June 2104 and noticed several irregularities with respect to trees, grading, the proposed height of the 7000 square foot home and driveway access. The residents impacted by this construction reside both in Monterey County and the City of Monterey. Documents of the observation performed by the residents - Topo Maps, Photographs, Plans, etc. have been provided to County Officials for reference.

Issues related to PLN 140300

1. The removal of trees might have had been on-going several years without a permit. This was part of an "underground" plan to prepare the land before the application of multiple permits. There were four (4) areas where these trees and grading had been cleared and this only came to our attention after we were invited for the site visit, before the hearing. These four (4) areas also became part of a connected access way (by Truck) as follows:

- a. The "Barn", the "7000 square foot Building PAD", the "Catwalk" which extends half of the property and finally the "Boat PAD" at the lower part of the property.
- b. The connected access ways connected each of these PADs where the trees were removed and each PAD had its own purpose and function
2. "Pre-Grading" was done in advance of obtaining the "official" Grading permit to cover any evidence of tree removal before the planners visited the site. The Grading Pre-Inspection by the County could not have detected any issues without Google Maps or asking the adjacent residents.
3. The multiplicity of permits it now appears was a deliberate plan to circumvent the CEQA requirements, hence overlapping permits on the same property was to get around any mitigation requirements. This may well have accounted for the failures to apply the established process and code compliance for Planning & Building for the County.

By stepping the construction, there was never a trigger of the CEQA requirements, but if the project went forward as a whole, it would have. We believe therefore the County needs to reset the triggers for approval and have Flores comply with the CEQA requirements, complete plans and permit requirements as well.

4. The County as a result of the multiple overlapping permits failed to :
 - a. Uncover the "Pre-Grading" issues in their pre-inspection before issuing the Grading Permit. We understand that later it was found that a substantial amount of trees (estimated 26) had been removed.

There have been no actions taken by the County on grading without a permit and the creation of the four (4) PAD areas. Was the "Catwalk" or the "Boat PAD" approved by the County?

Apparently a forester retained by Flores reduced the visual photographic count to allow for some of the trees felled possibly being unhealthy

- b. Get a Drainage Plan and understand the impact of the issued grading permit (Cut – 1263 CY and Fill - 3695 CY) would have on adjacent properties, although they were alerted to this issue in February 2014.
- c. Get a Site Plan to account for the "Cut" and "Fill" volumes for the building site and its related impact on the entire building site. This is especially material for a CEQA property.

Flores did confirm at the last hearing (in Public) that no fill was brought from the outside

- d. Apply CEQA regulations for this property which was material to the size of the property, the geography, number of trees and specifically the slopes on this property

CEQA is an issue and when you alter such a large piece of land, mitigation is a requirement. The County should consider to bring CEQA back to the table since trees were cut BEFORE the Grading Permit was issued

5. The County had issued a Grading permit and used 323' as the baseline to calculate the height of the new proposed building. The "Topo Band "where the building PAD has been placed is from 323' sloping almost down to 300'. Upon further professional consultation, the baseline height should NOT be

calculated at 323' but between 323' and 300' therefore lowering the building PAD by 11.5' to a new baseline of 311.5'. Why does this make sense?

- a. The CEQA regulations limits the amount of grading, the removal of trees and actually wants builders to work with the slope so as not to impact the environment, the trees, the water flow and the adjacent properties.
- b. Since the original Grading permit issued stated "no trees were to be impacted or to be cut" the County now has the option of either asking to either restore the land to its original grade or propose a NEW GRADE.
- c. The baseline should be calculated the highest building corner point (323') – NOT from Monhollan, to the lowest point (300') – the new baseline therefore should at 311.5'. The original area was unevenly sloped area with trees. This new PAD is much larger and overhangs towards the "Catwalk".
- d. Adjacent properties are impacted by the view of Flores trucks, people, building and lights at the proposed 323'. Residents on Abinante and some of the residents of Littlefield have the building in full view.
- e. We need to mitigate the issues of a "large" 7000 square foot dwelling, with gradual slopes and valleys to minimize the impact on the land, vegetation and trees. Does this warrant a smaller proposed building given the construction will house 3 dwellings and a "Boat Pad" plus the "Catwalk"?

There is a 70 degrees slope from the proposed building PAD to the natural grade

We know that our County officials are experienced and deal with these type of issues every day and therefore these challenges are common and have been fixed by the County Officials. We have made every attempt to present you the facts, after consultation with certified planners, architects, builders and legal counsel to support you in making the right decisions for the County.

Respectfully,

The Residents
