

# Exhibit A

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## **EXHIBIT A DISCUSSION**

### Project Issues

#### Del Monte Forest Land Use Plan (LUP) Policy 20 and Coastal Implementation Plan Section 20.147.040.D.2(c)(2)

The Planning Commission continued the item on February 14<sup>th</sup>, and directed staff to return with more specific findings and evidence related to the requirements of the newly amended Policy 20 and corresponding text of Section 20.147.040.D.2 of the Coastal Implementation Plan (Title 20 of the Monterey County Code), Part 5, regulating development within the indigenous Monterey cypress habitat in the Del Monte Forest Land Use Plan area.

Per Planning Commission direction, staff has added Finding No. 7, Development within the Indigenous Monterey Cypress Habitat Area, and supporting evidence to address the specific requirements of Policy 20 and the applicable Section 20.147.040.D.2(c)(2), both of which are provided below for reference.

#### ***Policy 20***

*Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest, and is presumed present within and adjacent to the area mapped in Figure 2a. All proposed development in this area shall be accompanied by a coordinated biological/arborist report prepared in consultation with the Del Monte Forest Conservancy and consistent with Policies 12 and 16, a primary purpose of which shall be to determine: the Monterey cypress habitat portion of the site; the “critical habitat area” for the site (i.e., the portion of Monterey cypress habitat on the site that is to be avoided to protect against potential damage or degradation of cypress habitat, including the microhabitat of individual cypress trees); the relative habitat sensitivity of all parts of the site, ranked from the highest sensitivity to the lowest sensitivity in terms of potential adverse impacts from development; the ways in which the cypress habitat portion of the site, the critical habitat area and the relative habitat sensitivity rankings relate to adjacent and surrounding habitat areas; and the measures to best protect Monterey cypress habitat on the site and overall, including on-site (and potentially off-site) restoration and enhancement measures. The critical habitat area shall at a minimum be defined by a 10-foot buffer applied to the outermost driplines (i.e., the tree canopies) of all of the Monterey cypress trees on and adjacent to the site, but shall also include any other areas on site that are deemed critical to preservation of existing cypress trees on and off site, or that are to be avoided due to high habitat sensitivity and/or cypress habitat preservation purposes for other reasons.*

*All development in and adjacent to the Monterey cypress habitat mapped in Figure 2a shall be carefully sited and designed to avoid potential damage or degradation of Monterey cypress habitat, including the microhabitat of individual cypress trees, and shall be required to include measures that will enhance Monterey cypress habitat values. All use and development in or adjacent to indigenous Monterey cypress habitat areas shall be compatible with the objective of protecting this environmentally sensitive coastal resource. All improvements (such as structures and driveways, etc.) shall be carefully sited and designed to avoid potential damage and/or degradation of Monterey cypress habitat, including the microhabitat of individual cypress trees.*

*Open space conservation and scenic easements are required for all undeveloped areas of a site within the Monterey cypress habitat area, and such easements shall be secured consistent with Policy 13.*

***Coastal Implementation Plan, Section 20.147.040.D.2(c)(2)***

*On developed lots (i.e., those with an existing legally established residence), new and/or modified development shall be located within the existing legally established structural and/or hardscape area (i.e., all areas of the site covered with a structure, or covered by pervious or impervious hardscape (such as decks, patios, driveways, and paths, but not including landscaped areas, fence areas, or underground or over ground utility areas)) and outside the critical habitat area.*

*New and/or modified development outside of such areas is prohibited unless each of the following findings can be made:*

- (a) Construction, use, and maintenance of the new and/or modified development shall significantly reduce existing hardscape;*
- (b) Construction, use, and maintenance of the new and/or modified development will accommodate the health and vitality, and will not harm, any existing individual Monterey cypress tree regardless of size. This determination will be made based on the type of development, the particulars of its siting and design, and its location in relation to individual trees, the critical habitat area, higher sensitivity portions of the site, and adjacent and surrounding habitat areas);*
- (c) The new and/or modified development will be confined within a defined and surveyed development envelope. The development envelope shall contain all improvements and structural development (i.e., all uses and development that are not Monterey cypress habitat), and shall, within the Monterey cypress habitat area portion of the site, be no larger than 15% of the cypress habitat area; however, limited additional coverage above 15% may be allowed for a driveway only if an existing driveway cannot be reconfigured to achieve full compliance with this standard, in which case the existing driveway shall be reduced in width, length, and overall coverage as much as possible.*  
*All development on the site:*

- (1) Shall significantly reduce hardscape;*
- (2) Shall be sited in the non-cypress habitat portions of the site (if there are any) to the maximum degree possible; and*
- (3) Shall be sited in such a way as to maximize Monterey cypress habitat values, including in relation to adjacent and surrounding areas (e.g., clustering new and/or modified development on the site near to existing and/or adjacent residential developments so as to provide as much of a contiguous, undisturbed, and unfragmented habitat area as possible on and off site);*
- (d) All Monterey cypress habitat area outside of the approved development envelope shall be: restored to and/or enhanced as high value and self-functioning Monterey cypress habitat (including through measures identified pursuant to the biological/arborist report, such as removal of exotics species, improving growing conditions to provide a bare, mineral soil necessary for seed germination, and increasing sunlight to prevent soil borne fungi from inhabiting seedlings), with all initial restoration/enhancement initialized prior to occupancy of any approved development;*

*and placed within an open space conservation and scenic easement secured consistent with Policy 13;*

*(e) All areas of new coverage (i.e., areas that would be covered with structures and/or hardscape and/or other non-cypress habitat restoration and enhancement that are not already so covered in the existing legally established baseline condition) shall be offset through restoration and/or enhancement (as high value and self-functioning Monterey cypress habitat) of an off-site area located within the Monterey cypress habitat area mapped in Figure 2a at a ratio of 2:1 (and/or payment of a mitigation fee, commensurate with the cost to restore/enhance such an area, to a public agency or private group acceptable to the County effectively able to administer such a fee and to implement such measures). Such off-site restoration/enhancement areas shall be selected for their potential to result in the greatest amount of overall benefit to the native Monterey cypress habitat in the Del Monte Forest, and all initial restoration/enhancement of the offsite area shall be initialized prior to occupancy of any approved development or, in the case of a fee, the fee paid prior to issuance of any demolition, grading, or construction permits;*

*(f) The new and/or modified development has been sited and designed to avoid the critical habitat area and the most sensitive habitat parts of the site as much as possible (including through required siting in the non-cypress habitat portions of the site (if there are any) to the maximum degree possible), and to minimize any incursion into this area as much as possible. If any non-habitat related development is proposed within the defined critical habitat area, the biological/arborist report must identify all possible alternatives to avoid such siting, and must provide alternative construction methods or preconstruction treatments to avoid impacts in the case such development ultimately proves unavoidable. The alternative methods and treatments can include supplemental irrigation, hand digging or grading, root pruning or modification to traditional construction methods, such as spanning roots, pier and above grade beams or cantilevering structures. However, in no case shall Monterey cypress trees be removed unless they are dead or declining, and the biological/arborist report and the approving body conclude removal will further enhance Monterey cypress habitat values or avoid adverse impacts, potential damage, or degradation to both healthy individual cypress trees and cypress habitat; and*

*(g) The project results in greater cypress habitat value on the site (and in relation to adjacent and surrounding habitat areas) than the existing baseline habitat value, and the project enhances Monterey cypress habitat values overall.*

Pursuant to the applicable requirements, the proposed development and restoration represents an opportunity to increase and promote Monterey cypress native habitat by over 10,000 square feet. As proposed, the project would create 3,214 square feet of new hardscape, primarily from the re-alignment of the driveway to improve ingress to and egress from the site, and another 664 square feet of hardscape in existing disturbed areas. However, the project would also involve the restoration of 4,191 square feet of hardscape and elimination of 366 square feet of overhangs, resulting in a 679 square foot net reduction of hardscape on the site, including 119 square feet of hardscape from existing critical root zone areas. Additionally, the project proposes the restoration of over 10,000 square feet of Monterey cypress habitat through the removal of non-native Monterey cypress and ice plant.

Overall, the project incorporates recommendations for improving the health and viability of the habitat system as a component of the development, and satisfies the requirements of the newly-adopted Policy 20. Restoration would be partially accomplished by removing all of the existing planted landscaping beyond the footprint of the proposed new residence, and preparing these areas for future Monterey cypress germination. All Monterey cypress habitat area outside of the proposed development envelope would be restored to and/or enhanced as high value and self-functioning Monterey cypress habitat. As proposed, conditioned, and mitigated, the project would result in significant improvements over the existing site development pattern by: moving structural and hardscape development away from existing Monterey cypress trees; reducing the landscaped area on the parcel; increasing the amount of easement and protected habitat area; and by promoting the health and vitality of the Monterey cypress habitat to the maximum extent possible. Therefore, the project would be consistent with the amended Policy 20 and the development standards in the amended Del Monte Forest Coastal Implementation Plan Section 20.17.040.D.2 (Development Standards for Monterey Cypress Habitat).

As proposed, conditioned, and mitigated, the project promotes (accommodates) the health and vitality of the indigenous Monterey cypress habitat, and will not harm any existing individual Monterey cypress tree regardless of size. The proposed single-family dwelling will be in the same general building and hardscape footprint as the existing single-family dwelling, with minor adjustments to increase setbacks from cypress located near the existing building footprint. As proposed, the property will continue to be used for residential purposes within the same general impact footprint. Numerous site visits with Coastal Commission staff and the project arborist to address siting and design, have confirmed that no Monterey cypress trees will be impacted by the project. Further, implementation of Mitigation Measures No. 3 and No. 4 (Tree Protection) will prevent adverse impacts to Monterey cypress trees, while removal of exotic species and hardscape reductions will increase the site's potential cypress germination areas by over 10,000 square feet. Relocation of the existing driveway will restore the existing cut and fill driveway which side cast fill against Monterey cypress trunks and has no protections against compaction of roots. The new driveway avoids compaction through bridged spans over critical root zones and avoids any fill against Monterey cypress trunks.

Per Condition No. 7 (Conservation and Scenic Easement), all areas of development on the parcel will be confined within a defined and surveyed development envelope that shall be no larger than 15 percent of the cypress habitat area or parcel area. As proposed, the project would significantly reduce hardscape. It is not possible to site the project development in a non-cypress habitat portion of the site because the entire site is considered cypress habitat. Furthermore, as proposed, conditioned, and mitigated, the project shall maximize Monterey cypress habitat values by increasing potential cypress germination area by over 10,000 square feet, and consolidating existing hardscape within a single driveway and building envelope. The result provides as much of a contiguous, undisturbed, and unfragmented habitat area as possible on and off site. Relocation of the existing driveway will also restore the existing cut and fill driveway which side cast fill against cypress trunks and provides no protections against compaction of cypress roots. As described above, the new driveway avoids compaction through bridged spans over critical root zones and avoids any fill against cypress trunks.

The project Applicant has proposed to restore and/or enhance as high value and self-functioning Monterey cypress habitat all Monterey cypress habitat area outside of the approved development envelope. The Applicant proposes to reduce existing hardscape by 679 square feet, while also removing 5,135 square feet of ice plant and 4,254 square feet of non-native cypress trees. Total site restoration includes restoring over 10,000 square feet, comprising all Monterey cypress habitat area outside of the approved development envelope, to high-value and self-functioning Monterey cypress habitat. The implementation of Condition No. 7 (Conservation and Scenic Easement), No. 25 (Sensitive Species Replanting), No. 26 (Monterey Cypress Habitat Restoration), and No. 30 (Off-Site Restoration) ensures restoration of the site to promote cypress germination. This removal and restoration is consistent with the coordinated recommendations in the Biological Assessment prepared by Fred Ballerini, the Biotic Survey and Impact Assessment prepared by Jean Ferreira, and the Tree Resource Evaluation prepared by Maureen Hamb.

Areas of new site coverage (i.e., areas that would be covered with structures and/or hardscape and/or other non-cypress habitat restoration and enhancement that are not already so covered in the existing legally established baseline condition) amount to 3,214 square feet. Therefore, Condition No. 30 requires that 6,428 square feet of off-site area (a 2:1 ratio) located within the Monterey cypress habitat area mapped in DMF LUP Figure 2a be restored and/or enhanced as high value and self-functioning Monterey cypress habitat. The Applicant may satisfy this condition by payment of a mitigation fee, commensurate with the cost to restore/enhance such an area, to a public agency or private group acceptable to the County effectively able to administer such a fee and to implement such measures. The off-site restoration/enhancement area shall be selected for its potential to result in the greatest amount of overall benefit to the native Monterey cypress habitat in the Del Monte Forest. Per Condition No. 30, prior to the issuance of construction permits for grading and building, the Applicant shall work with the Del Monte Forest Conservancy to determine the most appropriate off-site area for restoration and submit evidence of payment of the off-site fee.

As sited and designed, the proposed development avoids the critical habitat area and the most sensitive habitat parts of the site as much as possible (see also Evidence d above). Since the entire site is considered cypress habitat, the siting focused on consolidating existing hardscape within a single driveway and building envelope. The proposed single-family dwelling will be in the same general building and hardscape footprint as the existing single-family dwelling, with minor adjustments to increase setbacks from Monterey cypress located near the existing building footprint. Relocation of the existing driveway will restore the existing cut and fill driveway, which side cast fill against cypress trunks and provides no protections against compaction of cypress roots. The new driveway avoids compaction through bridged spans over critical root zones and avoids any fill against cypress trunks. As sited and designed, the project avoids impacts to new critical habitat area, and provides as much of a contiguous, undisturbed, and unfragmented habitat area as possible.

As proposed, the project results in greater cypress habitat value on the site, and in relation to adjacent and surrounding habitat areas, than the existing baseline habitat value, and enhances Monterey cypress habitat values overall. The Applicant proposes to reduce existing hardscape by 679 square feet, while also removing 5,135 square feet of ice plant and 4,254 square feet of non-native cypress trees, resulting in total site restoration of over 10,000 square feet. The areas

of restoration would comprise all Monterey cypress habitat area outside of the approved development envelope, and restore it to high-value and self-functioning Monterey cypress habitat. As proposed, conditioned, and mitigated, the project would maximize Monterey cypress habitat values by increasing potential cypress germination area by over 10,000 square feet, and consolidating existing hardscape within a single driveway and building envelope. The result provides as much of a contiguous, undisturbed, and unfragmented habitat area as possible on and off site. The implementation of Condition No. 7 (Conservation and Scenic Easement), No. 25 (Sensitive Species Replanting), No. 26 (Monterey Cypress Habitat Restoration), and No. 30 (Off-Site Restoration) ensure the restoration of the site to promote cypress germination. The proposed removal and restoration work is consistent with the coordinated recommendations in the Biological Assessment prepared by Fred Ballerini, the Biotic Survey and Impact Assessment prepared by Jean Ferreira, and the Tree Resource Evaluation prepared by Maureen Hamb.

Policy 20 Background – Policy 20 identifies indigenous Monterey cypress habitat as ESHA, and regulates use and development in or adjacent to indigenous Monterey cypress habitat areas. The policy requires development to be compatible with the objective of protecting this environmentally sensitive coastal resource. The previous text of Policy 20 (approved in 2012) suggested that only remodels which stay within existing hardscape footprints can be approved. The undesired consequence of this language was that good projects which modified existing encroachments like excessive hardscapes, and provided a net benefit to overall cypress habitat could still be determined to be inconsistent with the policy. This project falls into that category of projects which provide a net benefit to cypress habitat, but was interpreted by the Coastal Commission to be inconsistent with Policy 20. The Lundquist project, as approved by the Planning Commission in 2013, triggered the need to amend Policy 20, not only for this project, but for other projects west of 17-Mile Drive from Pescadero Point to Cypress Point.

On December 6, 2016, following collaboration between County and Coastal Commission staff to revise Policy 20, the Board of Supervisors adopted a Resolution of Intent (Resolution of Intent No. 16-321) to amend the text of the Del Monte Forest Area Land Use Plan and to adopt an ordinance to amend the text of Section 20.147.040.D.2 of the Coastal Implementation Plan regulating development within the indigenous Monterey cypress habitat. The purpose of the amendment was to recognize residential projects in the Del Monte Forest that may alter their existing footprint following confirmation that the project would substantially improve existing Monterey cypress habitat.

On May 10, 2017, the California Coastal Commission certified the amendment to Policy 20 and its associated development regulations, with modifications. The Planning Commission reviewed the Coastal Commission's version of the amendment on October 25, 2017, and recommended approval to the Board of Supervisors. On December 12, 2017, the Board of Supervisors adopted the amendment with the recommended modifications. On February 7, 2018, the Coastal Commission concurred with the Commission's Executive Director's determination of adequacy.

To confirm a project's net benefit to the Monterey cypress habitat, a project must meet each of the following requirements:

1. The project must not harm any existing individual Monterey cypress tree;

2. The project must reduce the existing legally established baseline for building and site coverage to increase Monterey cypress habitat;
3. All areas outside of the approved development envelope must be restored to and enhanced as high value and self-functioning Monterey cypress habitat and placed into a permanent conservation easement;
4. An off-site area shall be restored and/or enhanced and/or an off-site mitigation fee shall be collected based upon a 2:1 ratio assessed against all areas of new coverage and applied to benefit the native Monterey cypress habitat in the Del Monte Forest; and
5. The new development must be sited and designed in such a way as to avoid the critical root zone and the most sensitive habitat areas of the site as much as possible and use alternative construction methods for development in critical root zone areas.

Visual Resources - The project site is identified on the LUP Visual Resources Map (Figure 3) as part of the viewshed area from 17-Mile Drive. The site of the Lone Cypress, a designated scenic vista, is located immediately northwest of the site. The existing visual character of the site is that of a forested area with views through the openings between the trees to the ocean. Some areas are more heavily forested, but the ocean is visible along the entire length of the property. The property slopes sharply down from the road to the bluff above the beach with a 30 to 35-foot change in elevation across the parcel. The existing single-story residence is sited approximately 20 feet lower than and 100 feet away from the road, nestled in among the trees.

The proposed residence will be in the same general building and hardscape footprint as the existing single-family dwelling, with minor adjustments to increase critical root zone of large Monterey cypress located near the building footprint. The proposed residence, although taller than the existing home, has been designed to minimize obstructions of and degradation to views from the road to the sea. The proposed residence would be 26.67 feet above average natural grade, and would be 10 feet above the street level of 17-Mile Drive.

The project includes the replacement of the existing fence along 17-Mile Drive with a stone wall that would be 4 - 6 feet tall as measured from the finished grade. Antique bronze fencing, with large view openings and in 12.5-foot long sections, would be inserted at seven locations along the wall. Antique bronze fencing with stone pillars will be utilized at the new driveway entrance. The antique bronze fencing is strategically-designed to allow full views across the site to the ocean and the Lone Cypress. Of the approximately 410-foot front property line, 155 feet, or over one third of the length, will be open design fencing. Removal of the non-native Monterey cypress along the property line adjacent to 17-Mile Drive will further enhance views to the ocean.

The revised wall and fencing design addresses the Coastal Commission staff's concerns regarding forest to ocean views. In addition to a more open design, the Applicant has also lowered the wall sections by 1 - 2 feet along 17-Mile Drive to allow drivers to see the ocean over the wall. An entrance column was also removed to create a more transparent entrance area. The revised design is consistent with Del Monte Forest Land Use Plan Visual Resource Policies, which direct that development not block significant public views nor adversely impact public views and scenic character. Additionally, a recommended condition to require a conservation and scenic easement over those undeveloped portions of the parcel, including most of the southern half of the property, would provide a large area for visual access to the ocean from 17-Mile Drive. As proposed and

conditioned, the project is consistent with applicable LUP visual resource policies, assures protection of the public viewshed, and is consistent with neighborhood character.

Environmentally Sensitive Habitat Area (ESHA) - The entire property is considered to be native Monterey cypress forest habitat, dominated by Monterey cypress with occasional Monterey pines. The understory of the Monterey cypress forest has been colonized by numerous planted, non-native species that have crowded out large areas of native plants, reducing the diversity and habitat value of the understory. Approximately 20 young, non-native Monterey cypress trees have been planted along the fence at the front of the property. The introduction of these trees could eventually result in cross-breeding with the rare, native Monterey cypress in the area. This would have an adverse impact to the Monterey cypress forest, not just on the subject parcel, but in the surrounding forest as well. Additionally, the project biologist identified other sensitive species on the site: Monterey pine, Small-leaved lomatium, and Ocean bluff milk vetch. Implementation of the proposed mitigation measures would reduce impacts to Monterey cypress and coastal bluff habitats to less than significant.

Cultural Resources - Archaeological reconnaissance of the parcel revealed three prehistoric sites located on the project parcel (CA-MNT-166, 167, and 168), which extend onto the adjacent Lone Cypress parcel. Due to the potential for archaeological resources identified on the parcel, auger testing was conducted in the crawl space under the existing house, and in the area of the proposed garage and connecting tunnel. This testing confirmed that cultural deposits are not present on the portion of the parcel along 17-Mile Drive, nor in the location of the garage and tunnel. The auger testing further confirmed that all midden under the existing residence was significantly disturbed during construction of the foundation and residence, and no intact midden was found. Although testing concluded that cultural resources would not likely be disturbed during project construction, staff recommends mitigation measures to ensure monitoring and protection of resources that could be discovered during excavation activities. Additionally, based on tribal consultation which occurred on December 8, 2015, County staff has recommended revision of Mitigation Measure No. 8 to include a tribal monitor during all site excavation activities.

Development on Slopes Exceeding 30 Percent - The project will require the excavation of an area of approximately 160 square feet on a slope greater than 30 percent to re-align the driveway as well as a small area for the construction of the garage. Monterey County Code Title 20 Section 20.64.230 provides for an exception on the development on a 30 percent or greater slope, if the slope is man-made and less than 100 square feet. The subject slope is man-made; however, it is over 100 square feet and therefore would require a Coastal Development Permit.

To approve development on slopes exceeding 30 percent, staff must make one of two findings: 1) that there is no feasible alternative which would allow development to occur on slopes of less than 30 percent; or 2) that the proposed development better achieves the goals, policies and objectives of the Monterey County Local Coastal Program (LCP) than other development alternatives. The site is constrained by the multiple setbacks and the encroachment onto 30 percent slopes is not considered significant given the sloping topography of the site. Further, the project is designed to include restoration of impacted slopes, which will result in 648 square feet of additional ESHA. Therefore, the project better achieves the goals, policies and objectives of the LCP.

Environmental review (CEQA) - The County prepared, circulated, considered, and adopted a Mitigated Negative Declaration (MND; SCH No. 2012061087) (**Exhibit F**) for the original Combined Development Permit (PLN110114). The MND concluded that the project as designed and mitigated had reduced potential impacts to a less than significant level. The current proposal does not alter the analysis or conclusions reached by this MND. The County has prepared an Addendum (**Exhibit E**) for PLN150150 which states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous MND was adopted.

Mitigation measures include designing the wall/fence to minimize obstruction of views from the road to the sea, removing the non-indigenous stock from the site for both aesthetics and biological integrity; tree protection measures, replanting of sensitive plant species, having an arborist present during all excavation and soil disturbing activities, implementing a Monterey Cypress Habitat Restoration Plan for biological resources, and for cultural resources, having a qualified archaeological monitor present during excavation and soil disturbing activities.

These mitigation measures are consistent with the revised plans; however, the proposed single dwelling was not analyzed in the Initial Study. An Addendum to the previously adopted MND has been prepared to reflect the changes to the project. No substantial changes are proposed in the project which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The proposed project will have the same or fewer impacts than the previous project:

- No native trees will be removed; only one dead Monterey cypress and the planted non-native Monterey cypress along the fence line will be removed;
- The approved fence and wall design has been further modified to further increase public views from 17-Mile Drive;
- The proposed project will result in a net gain of 9,702 square feet of Monterey cypress habitat through the removal of hardscape, non-native cypress, and ice plant. This number also includes a net gain of 119 square feet of Monterey cypress critical root zone area that will be restored;
- The proposed project, with the amended Policy 20, is consistent with the Del Monte Forest Land Use Plan;
- The proposed project will require the minor modification of Mitigation Measure No. 8 to include the excavation of the area for the new house in addition to the new driveway, fence, and garage, and to include a tribal monitor.

The proposed project has been designed to meet the policies of the Del Monte Forest Land Use Plan, including the amended Policy 20, and site development standards of the Low Density Residential Zoning District. The Addendum to the MND addresses and analyzes potential impacts from the proposed development, and all impacts remain mitigated to a less-than-significant level.

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