

# Attachment H

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County of Monterey  
State of California  
**NEGATIVE DECLARATION**

**FILED**

**MAY 13 2016**

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	Del Monte Forest Land Use Plan Policy 20 Amendment
<b>File Number:</b>	PLN150149
<b>Owner:</b>	Lundquist Richard C & Melanie F Trs
<b>Project Location:</b>	Del Monte Forest Land Use Plan Area
<b>Primary APN:</b>	Various within the Del Monte Forest Land Use Plan boundaries
<b>Project Planner:</b>	Joe Sidor
<b>Permit Type:</b>	LCP amendment
<b>Project Description:</b>	<p>Amendment to the Del Monte Forest LUP Policy 20. This amendment to the Del Monte Forest Land Use Plan is intended to confirm that projects on legally developed parcels which materially enhance Monterey cypress habitat without harming any individual Monterey cypress can proceed so long as the proposed project:</p> <ul style="list-style-type: none"><li>• Increases Monterey cypress habitat area by reducing net hardscape area; and</li><li>• Restores the remaining Monterey cypress habitat area on the subject parcel; and</li><li>• Places the Monterey cypress habitat area on the subject parcel into a permanent Conservation Easement; and</li><li>• Funds off-site mitigation to improve Monterey cypress habitat.</li></ul>

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

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

<b>Decision Making Body:</b>	Monterey County Planning Commission
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	May 16, 2016
<b>Review Period Ends:</b>	June 15, 2016

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

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

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PLANNING DEPARTMENT

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

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



## *INITIAL STUDY*

### *I. BACKGROUND INFORMATION*

**Project Title:** Del Monte Forest Land Use Plan Policy 20 Amendment

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**File No.:** PLN150149

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**Project Location:** Del Monte Forest Land Use Plan area

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**Name of Property Owner:** Richard and Melanie Lundquist

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**Name of Applicant:** Richard and Melanie Lundquist

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**Assessor's Parcel Number(s):** Various with the Del Monte Forest Land Use Plan boundaries

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**Acreage of Property:** n/a

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**General Plan Designation:** Various

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**Zoning District:** Various

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**Lead Agency:** County of Monterey – RMA-Planning

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**Prepared By:** Joe Sidor, Associate Planner

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**Date Prepared:** May 11, 2016

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**Contact Person:** Joe Sidor

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**Phone Number:** (831) 755-5262

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## ***II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING***

### **A. Description of Project:**

Environmentally sensitive habitat areas (or ESHAs) in the Del Monte Forest are defined as those areas in which plant or animal life or their habitats are either rare or especially valuable due to their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. In the Del Monte Forest, the rare Monterey cypress and Gowen cypress forest communities are examples of habitat areas that have historically been determined to meet the definition of ESHA. Accordingly, these environmentally sensitive habitat areas shall be protected, maintained, and, where possible, enhanced and restored in accordance with the policies of the Del Monte Forest Land Use Plan (“LUP”).

Policy 20 within the Del Monte Forest LUP identifies the indigenous Monterey cypress habitat as an environmentally sensitive habitat area within the Del Monte Forest. 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. The current text within Policy 20 was adopted on May 22, 2012 by the Board of Supervisors with the amendment of the Del Monte Forest Land Use Plan within the Monterey County Local Coastal Program (“LCP”). The amended LCP became effective on June 22, 2012. The text of the existing Del Monte Forest Land Use Plan Policy 20 is included as **Appendix A**.

The original Policy 20 language (previously known as Policy 21) stated, “[w]ithin the perimeter of the habitat area as defined by the driplines of the outermost indigenous Monterey cypress trees on the site, removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer water shall be prohibited.” This text effectively prohibited all development (or any changes to existing development) west of 17 Mile Drive between Pescadero Point and Cypress Point. The text of former Del Monte Forest Land Use Plan Policy 21 is included in **Appendix A**.

Despite this text, County and Staff of the Coastal Commission applied a common sense interpretation of original Policy 20 (the “No Net Loss” interpretation) which allowed projects on developed parcels to proceed so long as the proposed development did not increase hardscape coverage or harm any cypress. The No Net Loss interpretation was the standard applied to approve numerous demolition and rebuild projects within the Monterey cypress habitat including Roberts (PLN040662); Barrett (PLN040727); Blackstock (PLN070289); and Byrne (PLN100579).

With the 2012 amendment, the new Policy 20 maintains the same prohibition on all development within the driplines of the outermost indigenous Monterey cypress trees on a parcel but also suggests that the only remodels in native cypress habitat area that can be approved are those which stay within existing hardscape footprints. The conflict between the broad development prohibition and an allowance for some modifications to existing development has created an ambiguity whether County Staff and decision makers can support projects which require some modification of existing hardscape development but, without harming any Monterey cypress, materially increase and enhance Monterey cypress habitat consistent with the LCP’s primary

objective to, “[p]rotect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.” See, Del Monte Forest Coastal Implementation Plan section 20.147.090.

To clarify this ambiguity, the Monterey County Resource Management Agency has, in close coordination with California Coastal Commission Staff, prepared an amendment to the Del Monte Forest LUP Policy 20. This amendment to the Del Monte Forest Land Use Plan is intended to confirm that projects on legally developed parcels which materially enhance Monterey cypress habitat without harming any individual Monterey cypress can proceed so long as the proposed project:

- Increases Monterey cypress habitat area by reducing net hardscape area; and
- Restores the remaining Monterey cypress habitat area on the subject parcel; and
- Places the Monterey cypress habitat area on the subject parcel into a permanent Conservation Easement; and
- Funds off-site mitigation to improve Monterey cypress habitat.

The proposed LCP amendment to Del Monte Forest Land Use Plan Policy 20 is included as **Appendix B**. The proposed amendment to Policy 20 clarifies the ambiguity whether Planning Staff and County decision makers can support projects which require some modification of existing hardscape development but, without harming any Monterey cypress, materially increase and enhance Monterey cypress habitat. The proposed amendment to Policy 20 also increases Monterey cypress habitat protection by requiring projects on legally developed parcels to increase Monterey cypress habitat area rather than just avoiding increases in hardscaped areas.

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

The indigenous Monterey cypress habitat within the Del Monte Forest Land Use Plan area is shown in Figure 2a of the LUP and is attached as **Appendix C**. Although Monterey cypress is presumed present within this mapped area, the precise extent of the indigenous Monterey cypress habitat depends on a site-specific biological survey. The land uses within the Indigenous Monterey cypress include low and medium density residential, and open space forest, recreational, and shoreline uses.

**C. Other public agencies whose approval is required:**

Amendment of the Del Monte Forest Land Use Plan within the Monterey County Local Coastal Program will require certification by the California Coastal Commission after adoption by the Monterey County Board of Supervisors.

### ***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 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 checked="" type="checkbox"/>

#### **General Plan / Local Coastal Program-LUP**

The proposed project was reviewed for consistency with 1982 General Plan, the Del Monte Forest Land Use Plan (LUP), the Monterey County Coastal Implementation Plan Part 5 and the Monterey County Zoning Ordinance (Title 20). The proposed project is an amendment to the Del Monte Forest Land Use Plan. If adopted, the project will be consistent with the General Plan and Local Coastal Program-LUP. **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 checklist on the following pages.

- |   |  |   |
|---|--|---|
| 1. <input type="checkbox"/> Aesthetics                      | 2. <input type="checkbox"/> Agriculture and Forest Resources | 3. <input type="checkbox"/> Air Quality                     |
| 4. <input checked="" type="checkbox"/> Biological Resources | 5. <input type="checkbox"/> Cultural Resources               | 6. <input type="checkbox"/> Geology/Soils                   |
| 7. <input type="checkbox"/> Greenhouse Gas Emissions        | 8. <input type="checkbox"/> Hazards/Hazardous Materials      | 9. <input type="checkbox"/> Hydrology/Water Quality         |
| 10. <input type="checkbox"/> Land Use/Planning              | 11. <input type="checkbox"/> Mineral Resources               | 12. <input type="checkbox"/> Noise                          |
| 13. <input type="checkbox"/> Population/Housing             | 14. <input type="checkbox"/> Public Services                 | 15. <input type="checkbox"/> Recreation                     |
| 16. <input type="checkbox"/> Transportation/Traffic         | 17. <input type="checkbox"/> Utilities/Service Systems       | <input type="checkbox"/> Mandatory Findings of Significance |

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental

Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. 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 proposed project is an amendment to Policy 20 of the Del Monte Forest Land Use Plan which promotes preservation of Monterey cypress habitat. The proposed project does not include construction or land alterations that affect scenic vistas, damage scenic resources within a state scenic highway, degrade the visual character of the Del Monte Forest or create new sources of substantial light or glare. Therefore, there will be no impact to aesthetics. (Source: 1, 2, 3, 4, 5)
- 2) Agriculture and Forest Resources. The proposed project is an amendment to Policy 20 of the Del Monte Forest Land Use Plan that aims to protect Monterey cypress forest to the maximum extent feasible. The proposed project will not cause the rezoning of forest land or result in the loss of forest land. The Indigenous Monterey cypress habitat does not contain mapped farmland, agricultural uses or lands subject to Williamson Act contracts. Therefore, there will be no impact to agriculture and forest resources. (Source: 1, 2, 3, 4, 5)
- 3) Air Quality. The proposed project is an amendment to Policy 20 of the Del Monte Forest Land Use Plan. The proposed project will not conflict or obstruct the implementation of air quality plans, violate any air quality standards, or result in the net increase of any criteria pollutant. The proposed project does not include construction or development and will not facilitate new development that will create construction-related air quality impacts. Expose sensitive receptors to pollutants or create objectionable odors. Therefore, there will be no impact to air quality. (Source: 1, 2, 3, 4, 6)
- 5) Cultural Resources. The proposed project is an amendment to Policy 20 of the Del Monte Forest Land Use Plan that aims to protect Monterey cypress forest to the maximum extent feasible. This would not result in new development beyond what could currently be considered, so this policy amendment would not affect historic resources, archaeological



resources, paleontological resources or disturb human remains. Therefore, there will be no impact to cultural resources. (Source: 1, 2, 3, 4, 5)

- 6) Geology/Soils. The proposed policy amendment does not include construction or land alterations that will expose people or structures to rupture of a known earthquake fault, strong seismic ground shaking, liquefaction, landslides, lateral spreading, unstable or expansive soils. No septic systems are allowed within the Del Monte Forest (LUP Policy 115). Protecting Monterey cypress forest involves protecting topsoil and the natural environment. Therefore, there will be no impact to geology/soils. (Source: 1, 2, 3, 4, 5)
- 7) Greenhouse Gas Emissions. The proposed amendment to Policy protects Monterey cypress forest to the maximum extent feasible. Preservation of Monterey cypress habitat will not generate greenhouse gas emissions. Therefore, the project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases and will have no impact on greenhouse gas emissions. (Source: 1, 2, 3, 4, 6)
- 8) Hazards/Hazardous Materials. The proposed amendment to Policy 20 does not include construction that will create hazards to the public through the transportation of hazardous materials or release of hazardous materials. Monterey Cypress Habitat is not within the vicinity of a public or private airstrip and does not contain a hazardous material site. Implementation of the amended Policy 20 will not interfere with an adopted emergency response plans or emergency evacuation plans. Although most areas within the Del Monte Forest are considered high fire hazard areas, preserving and maintaining the health of the Indigenous Monterey Cypress habitat will not expose people or structures to significant risk of loss, injury or death involving wildland fires. Therefore, there will be no impact to hazards/hazardous materials. (Source: 1, 2, 3, 4, 5)
- 9) Hydrology/Water Quality. Policy 20 protects Monterey cypress forest which provides areas for natural water infiltration. Preserving Monterey Cypress will not violate water quality or waste discharge requirements, deplete groundwater supplies, alter the drainage pattern of the area, create run off, or degrade water quality. The proposed project does not involve the construction of structures within a 100-year flood hazard area nor will it expose people to flooding, seiche, tsunami or mudflow. Therefore, there will be no impact to hydrology/water quality. (Source: 1, 2, 3, 4, 5)
- 10) Land Use/Planning. The proposed amendment to Policy 20 clarifies an ambiguity regarding modification of existing hardscape development and when redevelopment of a site can be considered appropriate. The proposed project will not physically divide an established community, conflict with any land use plan or policy or conflict with any habitat conservation plan. Therefore, there will be no impact to land use/planning. (Source: 1, 2, 3, 4, 5)

- 11) Mineral Resources. The proposed project will not affect regionally or locally important mineral resources. Therefore, there will be no impact to mineral resources. (Source: 1, 2, 3, 4, 5)
- 12) Noise. Preservation and enhancement of Monterey Cypress forest will not generate noise or expose people to noise levels in excess of established standards, expose people to excessive ground vibration or ground-borne noise, or increase ambient noise levels permanently or temporarily. The project area is not within the vicinity of a public or private airstrip. Therefore, there will be no impact to noise. (Source: 1, 2, 3, 4)
- 13) Population/Housing. The amendment to Policy 20 aims to protect Monterey cypress forest and will not induce population growth, or displace existing housing or people. Therefore, there will be no impact to population/housing. (Source: 1, 2, 3, 4, 5)
- 14) Public Services. The proposed amendment to Policy 20 does not include construction or land alterations that will require new or physically-altered governmental facilities. Therefore, there will be no impact to public services. (Source: 1, 2, 3, 4, 5)
- 15) Recreation. The proposed amendment to Policy 20 does not include construction or land alterations that will increase the use of existing neighborhood and regional parks or require the construction of new recreational facilities. Therefore, there will be no impact to recreation. (Source: 1, 2, 3, 4, 5)
- 16) Transportation/Traffic. The amendment to Policy 20 will not conflict with applicable transportation plans, ordinances, or policies, or change air traffic patterns. The proposed project does not include construction or land alterations that contain design features that increase hazards or results in inadequate emergency access. Therefore, there will be no impact to transportation/traffic. (Source: 1, 2, 3, 4, 5)
- 17) Utilities/Service Systems. The amendment to Policy 20 does not include construction or land alterations that will require any utilities or services. Therefore, there will be no impact to utilities/service systems. (Source: 1, 2, 3, 4, 5)

## **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

*Joe Sidor*

  
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: )	<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, 4, 5)	<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, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See Section IV.A.1 above.

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, 5)	<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, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**2. AGRICULTURAL AND FOREST RESOURCES**

<b>Would the project:</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 4, 5)	<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, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.2 above.

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**3. AIR QUALITY**

<b>Would the project:</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan? (Source:1, 2, 3, 4, 6)	<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, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in significant construction-related air quality impacts? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**3. AIR QUALITY**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.3 above.

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**4. BIOLOGICAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<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, 4, 5)	<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
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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion:

The proposed amendment to Policy 20 aims to protect Monterey cypress forest to the maximum extent feasible by increasing Monterey cypress habitat values and ensuring that all development that could impact Monterey cypress trees and/or Monterey cypress habitat mapped in this area shall be carefully sited and designed to avoid adverse impacts and potential damage or degradation to both individual cypress trees and cypress habitat.

#### 4(a, b, and e) – Less Than Significant Impact(s).

The native Monterey cypress areas within the Del Monte Forest area are considered, sensitive and protected species in local and regional plans (Del Monte Forest Land Use Plan and Coastal Implementation Plan) both of which contain policies aimed at protecting tree and other biological resources. The proposed amendment will over the long-term increase the protection, preservation, and restoration requirements for undeveloped and previously development parcels located within the Del Monte Forest native Cypress habitat areas as mapped in Figure 2a; however short-term impacts could result from on-site modifications and changes (reductions) to hardscape and landscape areas. Future potential landscape and hardscape alterations could present short-term construction impacts to on-site areas. However, the proposed amendment, requires that when modifications are made to previously developed site, that such modifications result in no net increase in structural/hardscape coverage, and that the areas outside of a newly approved development area be restored to and/or enhanced as high value and self-functioning Cypress habitat by removing exotic species, improving growing conditions to provide the bare mineral soil necessary for seed germination, and strategic planting of native Monterey cypress to promote future germination. Therefore approval, adoption, and implementation of the proposed Policy 20 amendment will have a beneficial impact on Native Monterey Cypress Habitat. For CEQA purposes the impact will be *less than significant*.

#### 4(c, d, and f) – No Impact.

The proposed amendment ensures that sensitive Monterey cypress (and Gowen cypress) habitat as growing within its indigenous range, as mapped in Figure 2a of the Del Monte Forest Land Use Plan will be protected and preserved, while allowing residential development, including existing modifications to prior legally established developments, on legal parcels within the mapped area. The amendment will not have an effect on federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc) through removal, filling, or hydrological interruptions. The amendment will not have an effect on the movement of any native resident or migratory fish or wildlife species, and may in-fact enhance the use of wildlife corridors and site,



through the preservation and restoration of the native Cypress habitat area(s). The amendment will not conflict the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. *No Impact.*

<b>5. CULTURAL RESOURCES</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<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, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.5 above.

<b>6. GEOLOGY AND SOILS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:1, 2, 3, 4, 5) 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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>6. GEOLOGY AND SOILS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction? (Source:1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.6 above.

<b>7. GREENHOUSE GAS EMISSIONS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source:1, 2, 3, 4, 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, 2, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.7 above.

<b>8. HAZARDS AND HAZARDOUS MATERIALS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source:1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source:1, 2, 3, 4, 5)	<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, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source:1, 2, 3, 4, 5)	<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, 2, 3, 4, 5)	<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, 2, 3, 4, 5)	<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, 2, 3, 4, 5)	<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, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.8 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, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<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, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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**9. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source:1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.9 above.

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**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, 5)	<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, 5)	<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, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.10 above.

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**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, 3, 4, 5)	<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, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.11 above.

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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, 3, 4, 5)	<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, 3, 4, 5)	<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, 3, 4, 5)	<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, 3, 4, 5)	<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, 3, 4, 5)	<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, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.12 above.

<b>13. POPULATION AND HOUSING</b>				
<b>Would the project:</b>	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, 3, 4, 5)	<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, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source:1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.13 above.

<b>14. PUBLIC SERVICES</b>				
<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source:1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source:1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source:1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source:1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.14 above.

<b>15. RECREATION</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.15 above.

<b>16. TRANSPORTATION/TRAFFIC</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



<b>16. TRANSPORTATION/TRAFFIC</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source:1, 2, 3, 4, 5)	<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, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.16 above.

<b>17. UTILITIES AND SERVICE SYSTEMS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source:1, 2, 3, 4, 5)	<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, 3, 4, 5)	<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, 3, 4, 5)	<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, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>17. UTILITIES AND SERVICE SYSTEMS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 3, 4, 5)	<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, 3, 4, 5)	<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, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.17 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 wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1, 2, 3, 4, 5, 6) ("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, 5, 6)	<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, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

(a)-(c): The proposed project is consistent with the 1982 General Plan and the policies in the Del Monte Forest Land Use Plan. The proposed amendment to Policy 20 is intended to protect the Indigenous Monterey Cypress habitat to the maximum extent feasible while carefully siting and designing development within the habitat to avoid adverse impacts and potential damage and degradation to both individual Monterey cypress trees and cypress habitat. Thus, the proposed project protects the environment, will not have cumulative impacts, and will not have environmental effects that affect human beings directly or indirectly.

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](http://www.dfg.ca.gov).

**Conclusion:** The project will not be required to pay the fee.

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to PLN150149 and the attached Initial Study / Proposed Negative Declaration.

## ***IX. REFERENCES***

1. Project Application/Plans in File No. PLN150149
2. Monterey County General Plan (1982)
3. Del Monte Forest Land Use Plan and Coastal Implementation Plan Part 5 (adopted in May 2012)
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. Monterey County GIS Database
6. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008

## ***X. APPENDICES***

- A. Text of the Existing Del Monte Forest Land Use Plan Policy 20 and former Del Monte Forest Land Use Plan Policy 21
- B. Text of the Proposed LCP Amendment to Del Monte Forest Land Use Plan Policy 20
- C. Del Monte Forest Land Use Plan Figure 2a

## APPENDIX A

### **Former Del Monte Forest LUP Policy No. 21**

Land uses on existing legal lots of record supporting indigenous Monterey Cypress habitat shall be compatible with the objective of protecting this environmentally sensitive coastal resource. Improvements such as structures and driveways shall be carefully sited and designed to avoid potential damage or degradation of the microhabitat of these trees. Within the perimeter of the habitat area as defined by the driplines of the outermost indigenous Monterey Cypress trees on the site, removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering shall be prohibited. On the inland side of 17-Mile Drive, driveways shall be allowed in this area where the driveway does not come within the dripline of individual Cypress trees, or where driveways are consolidated to service more than one lot. Underground residential utilities and fences shall be allowed in this area on the inland side of 17-Mile Drive. Scenic or conservation easements shall be secured prior to transmittal of coastal development permits in order to assure the protection of the Monterey Cypress habitat.

### **Existing Del Monte Forest LUP Policy No. 20**

Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest, and is presumed present within the area mapped in Figure 2a. All proposed development in this area shall be accompanied by the biological reports described in Policies 12 and 16. 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 or degradation of Monterey cypress habitat, including the microhabitat of individual cypress trees, and must be located within existing hardscaped areas and outside of the dripline of individual cypress trees. Within the perimeter of the identified habitat area for a site, including at a minimum as defined by the driplines of the outermost indigenous Monterey cypress trees on the site, removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations and summer watering shall be prohibited. On the inland side of 17-Mile Drive, driveways shall be allowed in this area where the driveway does not come within the dripline of individual Cypress trees. Underground residential utilities and fences shall be allowed in this area on the inland side of 17-Mile Drive. Open space conservation and scenic easements are required for all undeveloped areas of a parcel within the Monterey cypress habitat area, and such easements shall be secured consistent with Policy 13.

## **Proposed LCP Amendment to DMF LUP Policy No. 20**

Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest and is presumed present within the area mapped in LUP Figure 2a. Within their indigenous range (see LUP Figure 2a), Monterey cypress trees shall be protected to the maximum extent possible. All development that could impact Monterey cypress trees and/or Monterey cypress habitat mapped in this area shall be carefully sited and designed to avoid adverse impacts and potential damage or degradation to both individual cypress trees and cypress habitat, and shall be required to include measures that will enhance Monterey cypress habitat values. All development shall be consistent with the limitations and standards provided in Del Monte Forest Implementations Plan Section 20.147.040(D) to ensure no Monterey cypress trees are harmed, Monterey cypress habitat is increased, restored as high-value and self-functioning Monterey cypress habitat, and placed under a Conservation Easement. Any party considering development within or adjacent to Monterey cypress habitat is strongly encouraged to review Del Monte Forest Implementations Plan Section 20.147.040(D).

DMF IP Section 20.147.040(D)

### **2. Monterey Cypress Habitat**

(a) Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest, and is presumed present within the area mapped in LUP Figure 2a. All proposed development in this area shall be accompanied by coordinated biologist and arborist reports pursuant to Section 20.147.040.A, a purpose of which is to determine: the “identified habitat area” for the site (i.e., the portion of the site that must be avoided in all cases); 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 identified 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 in terms of on-site (and potentially off-site) restoration and enhancement measures). The identified habitat area shall at a minimum take into consideration the critical root zone of each Monterey cypress trees on the site, but shall also include any other areas where proposed development may damage or degrade either individual cypress trees or cypress habitat. The arborist report shall calculate the critical root zone of each Monterey cypress tree on the site based on the British Standards Institute (BSI) method developed in 1991 and as modified by Matheny and Clark, *Trees and Development: A Technical Guide to Preservation of Trees During Land Development* (1998), to reflect species tolerance, tree architecture, existing site constraints, trunk diameter, tree age and vigor to determine the distance from the trunk that comprises the critical root zone. The critical root zone may not always represent a simple radius around the tree. When necessary the critical root zone can be offset or shaped relative to tree canopy constraints or existing conditions. At a minimum the critical root zone shall be 5 times the diameter of the Cypress tree at breast height. If development is proposed within a Monterey cypress critical root zone, the arborist must provide alternative construction methods or preconstruction treatments to avoid impacts. The alternative methods 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.

(b) **General Development Parameters.** Within their indigenous range (see LUP Figure 2a), Monterey cypress trees shall be protected to the maximum extent possible. All development in and adjacent to the Monterey cypress trees and/or Monterey cypress habitat mapped in Figure 2a shall be sited and designed to avoid adverse impacts and potential damage or degradation to individual cypress trees and cypress habitat, and shall be required to include measures, performance standards, and monitoring recommendations to prohibit all irrigation of Monterey cypress habitat areas, improve growing conditions to provide a bare, mineral soil necessary for seed germination, increase sunlight to prevent soil borne fungi from inhabiting seedlings that will enhance Monterey cypress habitat values. Trees identified by the arborist as at risk during construction shall be surrounded by sturdy exclusionary fencing (welded wire or chain link) and supported by either metal or wood posts securely embedded in the ground. Trees within 30 feet of site disturbance must be protected by a row of straw bales secured with rebar through the bale and into the ground either just inside or outside the protection fences. Grading, demolition, and construction permits shall not be issued until an applicant has demonstrated proper installation of all tree protection measures and completion of a preconstruction cypress habitat protection meeting.

(c) **Undeveloped Parcels.** On undeveloped parcels (i.e., those without an existing legally established residence), within the perimeter of the identified habitat area for a site, development (including removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations, and summer watering) shall be prohibited, other than: development associated with cypress habitat enhancement and/or restoration; and on the inland side of 17-Mile Drive only, driveways, underground residential utilities and fences if this area cannot possibly be avoided and if such development does not come within the critical root zone of, and does not harm, individual cypress trees. Fences shall be designed with see-through materials or spaced in a manner to protect views of the natural habitat from 17-Mile Drive (e.g., wrought iron with openings). Development shall be sited, designed, and limited as necessary to protect cypress habitat as much as possible, and all such development (e.g., residential structures and hardscape (such as decks, patios, driveways, paths, etc.)) shall be confined within a defined “development envelope”. With the exceptions specified above, the development envelope shall contain all improvements and structural development (i.e., all uses that are not Monterey cypress habitat), be located entirely outside of the identified habitat area, and shall be no larger than the allowable building site coverage for the applicable zoning district. Open space conservation and scenic easements are required for all undeveloped areas of a parcel (i.e., all areas outside of the defined development envelope) within the Monterey cypress habitat area mapped in Figure 2a, and such easements shall be secured consistent with Policy 13.

(d) **Developed Parcels.** On developed parcels (i.e., those with a legally established residence), new and/or modified development shall be located within the existing legally established structural and/or hardscaped area (i.e., all areas of the site covered with a



structure, or other pervious or impervious hardscape areas (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 root zone of individual cypress trees unless each of the following findings can be made:

(1) 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 identified habitat area, higher sensitivity portions of the site, and adjacent and surrounding habitat areas);

(2) The new and/or modified development will be confined within a development envelope that results in no net increase of structural/hardscaped coverage as compared to the existing legally established baseline amount of coverage, and that is sited in such a way as to be located within the least environmentally sensitive location (as determined by the coordinated biologist and arborist reports), and maximizes 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);

(3) All areas outside of the approved development envelope will be: restored to and/or enhanced as high value and self-functioning Monterey cypress habitat by taking into consideration removal of exotics species, consolidation of fragmented Monterey cypress habitat, improving growing conditions to provide a bare, mineral soil necessary for seed germination, increasing sunlight to prevent soil borne fungi from inhabiting seedlings, and strategic planting of native Monterey cypress to promote future germination with all initial restoration/enhancement implemented prior to occupancy of any approved development; and placed within an open space conservation and scenic easement secured consistent with Policy 13;

(4) All areas of new coverage (i.e., areas that would be covered with structures and/or hardscape that are not 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 (including within any right-of-way) 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 an acceptable public agency or private group effectively able to both manage such a fee (including through established interest bearing and earmarked accounts, etc.) 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 off-

site area shall be implemented prior to occupancy of any approved development or, in the case of a fee, the fee paid prior to issuance of the construction permit; and

(5) The new and/or modified development has been sited and designed in such a way as to avoid the identified habitat area and the most sensitive habitat parts of the site as much as possible, to result in greater cypress habitat value on the site (and in relation to adjacent and surrounding habitat areas) than the existing baseline habitat value, and to enhance overall Monterey cypress habitat values.

(~~ie~~) The Del Monte Forest Foundation shall be encouraged to maintain an interpretive and educational program at Crocker Grove. Said program shall be under careful supervision and designed for the protection of the indigenous Monterey cypress habitat. The type and intensity of access to Crocker Grove shall be carefully regulated.

## APPENDIX B

### **Proposed LCP Amendment to DMF LUP Policy No. 20**

Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest and is presumed present within the area mapped in LUP Figure 2a. Within their indigenous range (see LUP Figure 2a), Monterey cypress trees shall be protected to the maximum extent possible. All development that could impact Monterey cypress trees and/or Monterey cypress habitat mapped in this area shall be carefully sited and designed to avoid adverse impacts and potential damage or degradation to both individual cypress trees and cypress habitat, and shall be required to include measures that will enhance Monterey cypress habitat values. All development shall be consistent with the limitations and standards provided in Del Monte Forest Implementations Plan Section 20.147.040(D) to ensure no Monterey cypress trees are harmed, Monterey cypress habitat is increased, restored as high-value and self-functioning Monterey cypress habitat, and placed under a Conservation Easement. Any party considering development within or adjacent to Monterey cypress habitat is strongly encouraged to review Del Monte Forest Implementations Plan Section 20.147.040(D).

DMF IP Section 20.147.040(D)

#### 2. Monterey Cypress Habitat

(a) Indigenous Monterey cypress habitat is an environmentally sensitive habitat area within the Del Monte Forest, and is presumed present within the area mapped in LUP Figure 2a. All proposed development in this area shall be accompanied by coordinated biologist and arborist reports pursuant to Section 20.147.040.A, a purpose of which is to determine: the “identified habitat area” for the site (i.e., the portion of the site that must be avoided in all cases); 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 identified 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 in terms of on-site (and potentially off-site) restoration and enhancement measures). The identified habitat area shall at a minimum take into consideration the critical root zone of each Monterey cypress trees on the site, but shall also include any other areas where proposed development may damage or degrade either individual cypress trees or cypress habitat. The arborist report shall calculate the critical root zone of each Monterey cypress tree on the site based on the British Standards Institute (BSI) method developed in 1991 and as modified by Matheny and Clark, *Trees and Development: A Technical Guide to Preservation of Trees During Land Development* (1998), to reflect species tolerance, tree architecture, existing site constraints, trunk diameter, tree age and vigor to determine the distance from the trunk that comprises the critical root zone. The critical root zone may not always represent a simple radius around the tree. When necessary the critical root zone can be offset or shaped relative to tree canopy constraints or existing conditions. At a minimum the critical root zone shall be 5 times the diameter of the Cypress tree at breast height. If development is proposed within a Monterey cypress critical root zone, the arborist must provide alternative construction methods or preconstruction treatments to avoid impacts. The alternative methods 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.

(b) **General Development Parameters.** Within their indigenous range (see LUP Figure 2a), Monterey cypress trees shall be protected to the maximum extent possible. All development in and adjacent to the Monterey cypress trees and/or Monterey cypress habitat mapped in Figure 2a shall be sited and designed to avoid adverse impacts and potential damage or degradation to individual cypress trees and cypress habitat, and shall be required to include measures, performance standards, and monitoring recommendations to prohibit all irrigation of Monterey cypress habitat areas, improve growing conditions to provide a bare, mineral soil necessary for seed germination, increase sunlight to prevent soil borne fungi from inhabiting seedlings that will enhance Monterey cypress habitat values. Trees identified by the arborist as at risk during construction shall be surrounded by sturdy exclusionary fencing (welded wire or chain link) and supported by either metal or wood posts securely embedded in the ground. Trees within 30 feet of site disturbance must be protected by a row of straw bales secured with rebar through the bale and into the ground either just inside or outside the protection fences. Grading, demolition, and construction permits shall not be issued until an applicant has demonstrated proper installation of all tree protection measures and completion of a preconstruction cypress habitat protection meeting.

(c) **Undeveloped Parcels.** On undeveloped parcels (i.e., those without an existing legally established residence), within the perimeter of the identified habitat area for a site, development (including removal of native trees or other indigenous vegetation, grading, paving, building construction activity, landscape alterations, and summer watering) shall be prohibited, other than: development associated with cypress habitat enhancement and/or restoration; and on the inland side of 17-Mile Drive only, driveways, underground residential utilities and fences if this area cannot possibly be avoided and if such development does not come within the critical root zone of, and does not harm, individual cypress trees. Fences shall be designed with see-through materials or spaced in a manner to protect views of the natural habitat from 17-Mile Drive (e.g., wrought iron with openings). Development shall be sited, designed, and limited as necessary to protect cypress habitat as much as possible, and all such development (e.g., residential structures and hardscape (such as decks, patios, driveways, paths, etc.)) shall be confined within a defined “development envelope”. With the exceptions specified above, the development envelope shall contain all improvements and structural development (i.e., all uses that are not Monterey cypress habitat), be located entirely outside of the identified habitat area, and shall be no larger than the allowable building site coverage for the applicable zoning district. Open space conservation and scenic easements are required for all undeveloped areas of a parcel (i.e., all areas outside of the defined development envelope) within the Monterey cypress habitat area mapped in Figure 2a, and such easements shall be secured consistent with Policy 13.

(d) **Developed Parcels.** On developed parcels (i.e., those with a legally established residence), new and/or modified development shall be located within the existing legally established structural and/or hardscaped area (i.e., all areas of the site covered with a

structure, or other pervious or impervious hardscape areas (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 root zone of individual cypress trees unless each of the following findings can be made:

(1) 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 identified habitat area, higher sensitivity portions of the site, and adjacent and surrounding habitat areas);

(2) The new and/or modified development will be confined within a development envelope that results in no net increase of structural/hardscaped coverage as compared to the existing legally established baseline amount of coverage, and that is sited in such a way as to be located within the least environmentally sensitive location (as determined by the coordinated biologist and arborist reports), and maximizes 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);

(3) All areas outside of the approved development envelope will be: restored to and/or enhanced as high value and self-functioning Monterey cypress habitat by taking into consideration removal of exotics species, consolidation of fragmented Monterey cypress habitat, improving growing conditions to provide a bare, mineral soil necessary for seed germination, increasing sunlight to prevent soil borne fungi from inhabiting seedlings, and strategic planting of native Monterey cypress to promote future germination with all initial restoration/enhancement implemented prior to occupancy of any approved development; and placed within an open space conservation and scenic easement secured consistent with Policy 13;

(4) All areas of new coverage (i.e., areas that would be covered with structures and/or hardscape that are not 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 (including within any right-of-way) 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 an acceptable public agency or private group effectively able to both manage such a fee (including through established interest bearing and earmarked accounts, etc.) 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 off-site area shall be implemented prior to occupancy of any approved development or, in the case of a fee, the fee paid prior to issuance of the construction permit; and

(5) The new and/or modified development has been sited and designed in such a way as to avoid the identified habitat area and the most sensitive habitat parts of the site as much as possible, to result in greater cypress habitat value on the site (and in relation to adjacent and surrounding habitat areas) than the existing baseline habitat value, and to enhance overall Monterey cypress habitat values.

(~~ie~~) The Del Monte Forest Foundation shall be encouraged to maintain an interpretive and educational program at Crocker Grove. Said program shall be under careful supervision and designed for the protection of the indigenous Monterey cypress habitat. The type and intensity of access to Crocker Grove shall be carefully regulated.



## **DEL MONTE FOREST**

### **Indigenous Monterey Cypress Habitat**



 Area of Indigenous Monterey Cypress Habitat\*

 Parcel

See LUP text for map sources.

0 1,000 Feet  


*Cypress Point*

*Sunset Point*

*Pacific  
Ocean*

*Midway Point*

*Pescadero Point*

## **APPENDIX C**

\*Precise determination of the extent of Indigenous Monterey Cypress habitat shall depend on site specific biologic survey.

**Figure 2a**

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