

Attachment B

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**ATTACHMENT B
DRAFT RESOLUTION**

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

In the matter of the application of:

PACIFIC GAS & ELECTRIC (PLN160131)

RESOLUTION NO. 18 -

Resolution by the Monterey County Board of Supervisors:

- 1) Adopting a Mitigated Negative Declaration;
- 2) Approving a Combined Development Permit consisting of:
 - a. Coastal Development Permit to allow grading of approximately 106 cubic yards over an area of approximately 895 square feet within 100 feet of environmentally sensitive habitat; and
 - b. Coastal Development Permit to allow grading on slopes in excess of 25 percent; and
- 3) Adopting a Mitigation Monitoring and Reporting Program; and
- 4) Granting FANS' request to waive provision of stamped envelopes.

490 and 500 Strawberry Canyon Road; and 95 and 123 Tucker Road, North County Land Use Plan, Coastal Zone (APNs: 129-281-007-000, 129-181-009-000, 129-281-008-000, and 129-281-017-000)

The appeal by Friends Artists and Neighbors of the Elkhorn Slough from the decision of the Zoning Administrator on December 6, 2018, to adopt a Mitigated Negative Declaration and approve a Coastal Administrative Permit for development within 100 feet of ESHA and a Coastal Development Permit for development on slopes of 25 % (PG&E/ PLN160131) came on for a public hearing before the Monterey County Board of Supervisors on February 26, 2019 and March 26, 2019. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds and decides as follows:

FINDINGS AND EVIDENCE

1. **FINDING:** **CONSISTENCY** - The proposed project and/or use, as conditioned, is consistent with the policies of the Monterey County 1982 General Plan, North County Coastal Land Use Plan, North County Coastal Implementation Plan – Part 2, Monterey County Zoning Ordinance - Coastal (Title 20), Monterey County Grading Ordinance (Title 16, chapter 16.08), and other County health, safety, and welfare regulations related to land use development.

- EVIDENCE:**
- a) The applicant (Pacific Gas & Electric (PG&E) submitted an application for grading to increase the vertical clearance between the ground and the existing overhead powerlines to meet federal safety guidelines, in order to help prevent wildfires created by sparking power lines during windy conditions on September 21st, 2016. The application was deemed complete on October 24, 2016. The project involves grading 106 cubic yards for the purpose of increasing the vertical clearance between the ground and the existing overhead powerline. The grading is limited to an area of 895 square feet which is the total area where grading is needed to comply with Federal safety standards for vertical clearance between the ground and overhead powerlines. The grading includes excavating up to 10 vertical feet of soil, equaling approximately 106 cubic yards over an area of approximately 895 square feet transecting four (4) parcels. The ground disturbance associated with the project will only take place on three of the parcels, but the fourth parcel may be needed for access and/or staging. The limit of disturbance (“LOD”) is approximately 6,880 square feet, including the specific grading location as well as the area utilized for stockpiling reserved topsoil and plants, maneuvering of equipment, and the redistribution of the cut (graded soils) on an existing service road. The amount of grading, both volume and area, are the minimum required to accomplish the scope and intentions of the project to meet Federal and PG&E minimum ground clearance relating to public safety and enhancing fire prevention.
 - b) The proposed grading does not qualify for an exemption from a grading permit pursuant to Monterey County Code, Title 16, section 16.08.040.A, as the proposed grading (excavation) exceeds the maximum depth and / or quantity exempted. Therefore, a grading permit is required pursuant to Title 16 of the Monterey County Code. Additionally, the grading qualifies as “development” as defined in Title 20 of the Monterey County Code, and the development is proposed within 100 feet of “Environmentally Sensitive Habitat Area” (ESHA) and on slopes in excess of 25 percent. Therefore, a Coastal Development Permit is required to perform the grading activity.
 - c) The project is located at the confluence of four (4) privately held parcels: 490 and 500 Strawberry Canyon Road; 95 and 123 Tucker Road, North County Land Use Plan, Coastal Zone (APNs: 129-281-007-000, 129-181-009-000, 129-281-008-000, and 129-281-017-000 North County Coastal Land Use Plan (LUP). The parcels are zoned Rural Density Residential, 5 acres per unit [RDR-5 (CZ)] and have a cumulative area of 28.54 acres (approximately 1,243,202 square feet). PG&E holds a recorded easement over the project site, and the project will occur within the easement as shown on the site plans attached as Exhibit B-2.
 - d) The project has been reviewed for consistency with the text, policies, and regulations in the:
 - 1982 Monterey County General Plan;
 - North County Coastal Land Use Plan;

- North County Coastal Implementation Plan (Part 2 of Title 20); and
- Monterey County Zoning Ordinance - Coastal (Part 1 of Title 20)
- Monterey County Grading Ordinance (Title 16)

No conflicts were found to exist with the above standards and policies. Comments have been received alleging potential inconsistencies with the North County Land Use Plan policies. Those comments have been reviewed and addressed (See Findings and Evidence below and responses to appeal contentions). The County finds that the project is consistent with the text and policies in the applicable County plans, zoning, and regulations.

- e) The whole of the project – the grading, contouring and subsequent restoration of the disturbed area –is consistent with the RDR/5 (CZ) zoning district and the North County Coastal Land Use Plan. Alteration of the existing landscape to accommodate the use of the land for private or public use is allowed if such activity is implemented in such a way that it conforms to development standards and policy goals of the MCC, North County Coastal Land Use Plan, and General Plan. The development will occur within an existing PG&E utility line easement, within an existing maintenance area, and under existing utility lines. No new uses or structures are proposed.
- f) The project is located at the confluence of four (4) parcels under separate, private ownerships; the project is located within the easement held by PG&E over these parcels. This portion of the respective properties is undeveloped but previously disturbed in the early 1940s to accommodate the existing 230 kV powerline and in the 1960s to accommodate the existing 500kV Moss Landing-Metcalf powerline; the grading activity is limited to contouring a remnant landform from previous grading activities associated with the original installation of the powerline. The proposed grading activities would not have a detrimental effect of the use of the respective properties or interfere with the existing or future uses of the respective properties.
- g) The project will impact an area of 895 square feet that contains a mix of vegetation, including a maritime chaparral plant community which is designated as Environmentally Sensitive Habitat in the North County Land Use Plan. The project cannot be moved or relocated to avoid impacts, the impacts have been minimized and mitigated to require restoration following grading activities in accordance with Policy 2.3.2.8 of the North County Land Use Plan, and the development is compatible with the long-term maintenance of the resource (Policy 2.3.2.2). See also Finding 5 with supporting evidence.
- h) The project will affect slopes greater than 25%. The slopes cannot be avoided and the criteria to grant a permit for development on slopes has been met in this case. See Finding 9 with supporting evidence.
- i) The project site is in an area identified in County records as having a low archaeological sensitivity. The property is not within 750 feet of known archaeological resources; therefore, an archaeological report was not required. There is no evidence that any cultural resources would be disturbed, and the potential for inadvertent impacts to

cultural resources is limited and will be controlled by application of the County's standard project condition (Condition No. 4) which requires the contractor to stop work if previously unidentified resources are discovered during construction.

- j) The three parcels where ground disturbance will take place (Assessor Parcel Numbers 129-281-007-000, 129-181-009-000 and 129-281-008-000) contain easements granted to Pacific Gas & Electric: Easement 219 O.R. 381, Dated 7-11-1963
APN 129-281-008;
Easement 235 O.R. 67, Dated July 30, 1963
APN 129-281-007; 129-281-009
- k) The Zoning Administrator conducted a duly noticed hearing on the project application on December 6, 2018. The Zoning Administrator adopted the Mitigated Negative Declaration and approved the project. Friends, Artists & Neighbors of Elkhorn Slough timely filed an appeal from the Zoning Administrator's decision on January 2, 2019. The project proposal was scheduled to be presented to the Board of Supervisors at a duly noticed hearing on February 26, 2019; the Appellant requested, and the Applicant agreed, to continue the hearing to March 26, 2019. Accordingly, on February 26, the Board of Supervisors continued the hearing to March 26 and on March 26, 2019, the Board conducted a duly noticed hearing on the appeal. Notice of the hearing was provided in accordance with section 21.78.040 of Monterey County Code. Plans and information contained in Resource Management Agency File Number PLN160131; records of the Clerk of the Board of Supervisors.

2. FINDING:

SITE SUITABILITY - The site is physically suitable for the development proposed. The project has been reviewed for site suitability by RMA-Planning, RMA-Public Works, RMA-Environmental Services, the North County Fire Protection District, and Water Resources Agency. County staff reviewed the application materials and plans, as well as the County's GIS database, to verify that the proposed project on the subject site conforms to the applicable plans, and that the site is suitable for the proposed development. The project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

EVIDENCE:

- a) The following technical reports have been prepared for the project:
 - Biological Assessment (LIB160313) prepared by Arcadis, Walnut Creek, California, August 2, 2016.
 - Updated Biological Assessment (to the August 2, 2016 report) prepared by Arcadis, San Francisco, California, February 28, 2018.
 - Updated Biological Assessment (to the August 2, 2016 report) prepared by Arcadis, San Francisco, California, October 17, 2018
 - Geotechnical Investigation (LIB180189) prepared Krazan & Associates, Inc., Corona, California, October 11, 2016.

County staff has independently reviewed these reports and concurs with their conclusions. FANS submitted a letter from Nicole Nedeff, "Consulting Ecologist," dated December 31, 2018; Ms. Nedeff submitted similar comments to the Zoning Administrator as President of and on behalf of the Monterey Bay Chapter of the California Native Plant Society (See Exhibit I of the March 26, 2019 staff report to the Board of Supervisors.). Response to those comments is included in the findings and evidence below.

- b) The project planners conducted site inspections on February 27, 2018 and June 20, 2018 to verify that the proposed project on the subject parcels conforms to the applicable plans and MCC.
- c) The project was referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedures adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project involves a Coastal Development Permit subject to review by the Zoning Administrator. The LUAC reviewed the project on April 18, 2018, and voted 7-1 to support the project as proposed. The dissenting vote was based on concern for potential erosion resulting from grading activities. Comments from the LUAC have been considered. The project incorporates Best Management Practices (BMPs) by design and is conditioned as such to limit and control erosion during the grading activities (Condition 9 and Condition 10). Furthermore, the project includes restoration of the graded area with contours that would minimize runoff, temporary erosion control devices such as straw rolls and waddles, replanting of the disturbed area with native plants indicative of Maritime chaparral, straw mulch or similar protective device to control erosion and to promote revegetation. The LUAC noted no comments were made by any neighbor or the public.
- d) The properties associated with the project site are developed parcels with single-family residential uses and, in some instances, small-scale agricultural uses. These respective uses are located down slope of the project site. The grading project would not interfere or impact the existing uses of the respective properties or future use of the properties as allowed by MCC 20.14.40 (Title 20).
- e) The application, plans, and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in project file PLN160131.

3. FINDING:

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

EVIDENCE:

- a) The proposed project would not require water or sanitary services. The grading requires grading permits which are reviewed to ensure that grading will not destabilize any slopes or other landforms, cause erosion, or cause flooding. The project does not include any

structural development or introduce any new use to the location, or intensify the existing use of the location, and is limited to a minor alteration of a remnant landform. There would not be any permanent or future odor, noise, or vibrations associated with the completed grading activities. The Environmental Health Bureau did not impose any conditions for project approval.

- b) The project is needed to protect health, life, and safety from threat of fire. Without the proposed grading, the existing overhead utility lines do not provide the vertical clearance between the ground and the lines required by federal standards to minimize risk of loss of life and structures from fires created by electrical transmission lines interacting with vegetation below. The PG&E grading project is limited to 106 cubic yards of grading over an area of 895 square feet. This is the minimum amount of grading required to accomplish the goal of meeting minimum Federal ground clearance standards between the ground and overhead powerlines. The existing ground clearance is 30 feet. The Federal minimum clearance is 36 feet, 4 inches. This project will create a 40-foot ground clearance. The alternative to grading, which would require replacement of the existing PG &E tower with a new, taller tower, would result in more disturbance than the proposed grading as it would require the use of larger equipment such as cranes resulting in the clearing of or damage to more ESHA.

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

- EVIDENCE:**
- a) Staff conducted site inspections on February 27, 2018 and June 20, 2018 and did not observe any code violations. Staff also researched County records to assess if any violation exists on the subject properties. There are no open code enforcement cases associated with any of the properties related to this project. Thus, the subject properties appear to be in compliance with all codes and policies.
 - b) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160131.

5. FINDING: **ENVIRONMENTALLY SENSITIVE HABITAT AREA (ESHA)**
The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the North County Land Use Plan and Implementation Plans.

- EVIDENCE:**
- a) The project includes development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the North County Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development is required and the criteria to grant said permit have been met.
 - b) The North County Land Use Plan (NCLUP), Section 2.3 regulates development in and adjacent to Environmentally Sensitive Habitat Areas (ESHA). The project would impact Maritime Chaparral Plant communities which are designated as ESHA in the NCLUP. In this

case, the development is required to protect health and safety by increasing vertical clearance between the ground and existing power lines, thereby minimizing the risks for fire generated by sparking power lines. The development must occur within the proposed location and protection of the habitat is not possible under the circumstances of this case (Policy 2.3.1). Grading and removal of vegetation in ESHA is limited to an area of land under an existing utility transmission line that must be recontoured to provide adequate clearance to enhance public safety and reduce the risk of accidental fire. This is the minimum disturbance necessary (Policy 2.3.2.8).

- c) Two biological reports have been prepared for the proposed development (See Finding 2, Evidence a) in accordance with North County Land Use Plan Policy 2.3.2.4, and as proposed, conditioned, and mitigated, the project is compatible with the long-term maintenance of the resources (Policy 2.3.2.3). The applicant's biologist has recommended mitigation measures that include restoration of native plants and plant communities following grading activities. The project includes removing 20 special status plants from the area of grading, retaining the plants on site in pots with soils, watered, and then replanted in their approximate locations after the grading is completed. Non-native and evasive plants would be removed from the grading area and from the Limits of Disturbance (LOD). Local seed stock from the special-status plants would be harvested, germinated in an off-site nursery under the supervision of a qualified biologist, then replanted at the project site during the appropriate time of year.
- d) The Mitigation Measures include Success/Performance Criteria that establish restoration standards and monitoring frequencies that will be quantitatively measured by a qualified restoration ecologist on an annual basis during a three-year monitoring period (Exhibit G of the Staff Report). Included with the Criteria is an Adaptive Management plan that responds to the restoration efforts as weighed against the Criteria standards. The Success Criteria ensure that the restoration efforts at minimum maintain the existing environmental conditions relating to the project and have the potential to improve the environmental setting beyond existing baseline conditions.
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160131.

6. FINDING: **CEQA: Mitigated Negative Declaration** – On the basis of the whole record before the Board of Supervisors, there is no substantial evidence that the proposed project as designed, mitigated and conditioned, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: a) Pursuant to Public Resources Code Section 21080.c and California Environmental Quality Act (CEQA) Guidelines Section 15064, the lead agency shall prepare a Mitigated Negative Declaration when there is no substantial evidence in light of the whole record that the

project, as designed and mitigated, may have a significant effect on the environment.

- b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA Guidelines Section 15063. The Initial Study is on file in the offices of RMA-Planning (PLN160131) and attached to the March 26, 2019 staff report as Exhibit E and is hereby incorporated by reference.
- c) The Initial Study analyzed the whole of the project, including the limit of disturbance (“LOD”) which is approximately 6,880 square feet, including the specific grading location as well as the area utilized for stockpiling reserved topsoil and plants, maneuvering of equipment, and the redistribution of the cut (graded soils) on an existing service road. As shown in the Initial Study, the project would not have a significant effect on the environment with the incorporation of the mitigation measures. Accordingly, staff prepared a Mitigated Negative Declaration (MND).
- d) Pursuant to CEQA Guidelines Section 15105, the Initial Study was circulated for public review from September 5, 2018 through October 5, 2018. No public comments were submitted during this review period, and no outside agency comments were received during the 30-day review period. Public comments submitted after the close of the public review period were provided to the Zoning Administrator and mitigation measures were revised as a result. See Finding 7.
- e) Issues that were analyzed in the Initial Study include: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, tribal cultural resources, and utility/service systems. The project will have no impacts or less than significant impacts on all resources other than biology. The Initial Study recognized efforts proposed to be implemented by PG & E including complete restoration and revegetation of the site following grading activities, as adequate mitigation. These mitigations have been included as conditions of project approval.
- f) The applicant proposed mitigation for biological resources as part of the project included removing and stockpiling the topsoil from the grading area and redistributing the topsoil over the disturbed area at the conclusion of the grading activities. Also proposed as part of the project design were the removal of 20 special-status plants prior to grading, retaining the plants on site in pots with native soil, and replanting those native plants in the disturbed area after the grading is completed.

The redistributed topsoil would also be reseeded with local seed stock to promote the recovery of the disturbed area with native plant species such as monkey flower and various shrub typically associated with Maritime chaparral.

Straw mulch or a loose-weave erosion control product would blanket this area of work to prevent erosion of the reincorporated topsoil and seed stock, and to promote the establishment of the relocated special-status plants.

The spoils of the excavation (cut) would be retained on site, in the vicinity of the grading. These spoils would be redistributed over portions of the existing service road in a way that would remediate areas of localized, minor erosive features, be resistant to erosion and promote recovery of native vegetative species.

The Zoning Administrator required these measures, which the project applicant had proposed as part of the project, to be imposed as mitigation measures. Converting these proposals from project design clarified and amplified these measures and made the mitigation measures more effective (See Finding 7).

- g) Less than significant impacts to air quality, geology and soils, greenhouse gas emissions, and noise levels were identified. All potential impacts have been addressed through implementation of existing policies and regulations, and where appropriate, through conditions of approval.
- h) Cumulative effects of past, present, and future projects have been considered. The incremental effects of this project are not cumulatively considerable. Effects of the project are limited to 895 square feet of maritime chaparral plant community in the Coastal zone of North Monterey County. On the four properties included in this permit alone, there is approximately 109,386 square feet of maritime chaparral. There are many more acres of chaparral in the surrounding area. The proposed Limit of Disturbance (LOD) for this project is approximately 6,880 square feet, or approximately 6 percent of this ESHA habitat over the four parcels related to this project, while the specific grading location accounts for approximately 895 square feet, or approximately 0.8 percent of this ESHA. Additionally, there is no cumulative impact from the effect of this project combined with past, present, and reasonably probable future projects of this type in the Elkhorn Slough vicinity. The limited scope of this project supports a conclusion that cumulative effects are negligible. In addition, the project has been designed and mitigated to require replacement of the affected chaparral community such that there will be no net loss of habitat. Applicant testimony at the October 11, 2018 Zoning Administrator hearing stated that grading activities are rarely conducted to address ground clearance issues. PG & E has testified that there are no other projects involving grading for vertical clearance between the ground and powerlines in North Monterey County. Thus, there is no cumulative impact from past, present, or reasonably probable future projects of this type. Pacific Gas and Electric typically raises the tower height to increase ground clearance. In this instance, because of the line capacity and the type of tower in place, the tower height cannot be increased. The applicant has also demonstrated that increasing the tower height – replacing the tower with a taller unit - would impact more sensitive habitat in this case due to the need for access, foundations, and heavy equipment that would be associated with replacing the existing tower. Additionally, there is not a cumulative impact of tree removal of PG&E projects in the Elkhorn Slough. The Elkhorn Slough area is the relevant area for cumulative impact analysis, as this proposed grading project is located approximately 2 miles east of the Elkhorn

Slough, within the Elkhorn Highlands. Proposed tree removal for this project is limited to juvenile trees typically about one (1) inch in diameter. The other tree removal projects cited in the appeal are wholly different than the project here. Those projects involved mature trees that are interfering with the buried natural gas lines thus creating a public safety hazard. The scope and purpose of that activity is explicitly tree removal to protect buried natural gas pipelines. By contrast, the scope of this subject permit is a grading activity, there is no similarity of project types to gauge cumulative impacts other than the fact that they are both carried out by PG & E. Additionally, the removal of seedlings in the grading project are incidental to the objective of increasing the ground clearance under the powerline. Many of the seedlings are oak, but others to be removed are Eucalyptus, a non-native tree. The project is consistent with land use regulations protecting biology in the area, past, present, and future projects of this type and magnitude would not have cumulative significant effects on sensitive habitat in the Elkhorn Slough area.

- i) The mitigation measures associated with this project are sufficient to minimize impacts to biological resources to a less than significant level. The project would remove non-native and invasive plants from the grading area and the LOD. Restoration measures include salvaging (removing) special-status plants from the grading area and as needed within the LOD, putting them in soil and watering, and then replanting these plants in the approximate locations from which they were removed once grading activities are completed. The project includes harvesting local seed stock from the special-status plants, germinating the seeds in an off-site nursery by a qualified biologist, and planting the seedlings at the project site during the appropriate times of year at the direction of a qualified biologist. The extent of these restoration measures renders any project-related impacts to less than significant.
- j) Evidence received and considered includes the project application materials, the Biological Assessment (LIB160313), revised Biological Assessment (PLN180398), available County resources (e.g. Monterey County Geographic Information System), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in RMA-Planning (PLN160131) and are hereby incorporated herein by reference.
- k) Staff conducted site inspections on February 27, 2018 and June 20, 2018 to verify that the site is suitable for the scope and intent of this project.
- l) Written comments were received after the close the public review period. Mitigation measures were revised in response to these comments. (See Finding 7)
- m) See supporting Finding Nos. 1 and 3.
- n) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN160131.

- o) Monterey County RMA-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

7. FINDING:

REVISED MITIGATION MEASURES – The County, on the basis of the whole record, determined that additional/ revised Mitigation Measures would better implement the MCC and the North County Coastal Land Use Plan, and these additional measures reflect the independent judgment and analysis of the County. The substituted mitigation measures are equivalent or more effective than the original mitigation measures identified in the Initial Study.

- a) Mitigation language in the Initial Study prepared for the project concluded that the project was mitigated by design through incorporation of vegetation and plant restoration activities that were proposed to be implemented by PG & E as part of the project. Based on a comment letter received prior to the Zoning Administrator hearing, the mitigation was clarified, amplified, and made more effective by the requirement that a mitigation measure be included as a condition of approval to require the already proposed restoration activities and that performance criteria be added to those measures. The mitigation measures now include requirements to enhance the existing environment in the vicinity of the project, with the goal of not only mitigating impacts to, but also improving the overall state of Maritime chaparral in the vicinity. Enhancements include removing non-native and invasive plants within the Limits of Disturbance (LOD), including any non-native trees with a diameter at breast height (DBH) of less than six (6) inches. Local seed stock is being germinated in an off-site greenhouse and the seedlings would be planted at the project site at the appropriate time of year under the direction of a qualified biologist.
- b) Success criteria have been added to the Mitigation Measures. The updated Biological Assessment (Revised October 2018, LIB180398) includes the requirement to monitor restoration efforts over a three-year period. Inspections of the grading site would be conducted twice yearly by a qualified biologist for identification and removal of invasive weed cover and to evaluate erosion control and soil stabilization measures. Corrective measures would be implemented as needed. Inspections would be conducted annually to evaluate the quantity of native plant cover and quantity of special-status species. A Summary Report must be completed at the end of each year and submitted to the RMA documenting the monitoring results. An Adaptive Management Plan is included with the Success Criteria that allows the restoration efforts to respond to local conditions, such as increased weeding or non-native plant removal or planting additional special-status plants, if needed to meet the Success Criteria benchmarks. This plan would be implemented as needed to ensure that the recovery of the disturbed area was meeting the targets established as described in the Biological Assessment (Revised October 2018, LIB180398).

- c) The revised mitigation measure is more effective at minimizing impacts to biological resource than the original mitigation language because it includes additional details and success criteria and clarifies that these requirements are conditions of project approval. The conclusions of the Initial Study have not changed, and no new impacts will result from the revised mitigations. Therefore, the Initial Study/Mitigated Negative Declaration does not require recirculation. This determination is consistent with CEQA Guideline Section 15074.1.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN160131.
- f) Monterey County RMA-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

8. FINDING: PUBLIC ACCESS – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project, as no substantial adverse impact on access, either individually or cumulatively, as described in Section 6.1.1 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - c) The subject property is not described as an area where the Local Coastal Program requires physical public access. The project is located approximately 2 miles east of the Elkhorn Slough and 6 miles east of the Pacific Ocean and is not in proximity to access to the coast or slough (North County Coastal Land Use Plan). Additionally, the project site is not near any existing or proposed public trails as described in the North County Land Use Plan (North County General Plan Shoreline Access/Trails-Fig. 6).
 - d) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development are found in Project File PLN160131.

9. FINDING: DEVELOPMENT ON SLOPE – There is no feasible alternative which would allow grading on slopes of less than 25 percent.

- EVIDENCE:**
- a) In accordance with applicable policies of the North County Coastal Land Use Plan and the Monterey County Zoning Ordinance (Title 20, Parts 1 and 2), a coastal development permit is required for development on slopes over 25 percent, and the criteria to grant said permit have been met.
 - b) The project includes an application for grading to increase the vertical clearance between the ground and the existing overhead powerline. There is no alternative location as the remainder of the powerline

meets the minimum Federal ground clearance standards. An increase in this vertical clearance, presently 30 ½ feet, is required to comply with Federal safety guidelines of 36 feet, 4 inches so that public safety can be enhanced, specifically regarding fire prevention during strong wind events. The standard established by PG&E is 40 feet; the grading activity would increase the vertical distance from 30 ½ feet to 40 feet. A remnant landform (ie: small hill) from the installation of the 500-kV powerline in the 1960s, which is located beneath the overhead powerline, has created conditions that Federal regulatory bodies have determined a risk to public safety. The proposed grading, limited to a portion of the land located beneath the existing powerline, would provide for the implementation of Federal safety guidelines and PG&E standards relating to vertical clearance between ground and powerline.

- c) The project planners conducted site inspections on February 27, 2018 and June 20, 2018 to verify the subject grading on slopes exceeding 25 percent is in accordance with the applicable goals and policies of the applicable land use plan and zoning codes.
- d) A geotechnical investigation and evaluation prepared by Krazan & Associates, Inc. (LIB180189) for the project determined that the site is suitable for the proposed grading (cut). The results of the study indicate there are no adverse geotechnical hazards (such as liquefaction, land sliding, expansive soils) which would preclude the grading activities of this project or that the proposed grading activities would cause or exacerbate any geotechnical hazards. The grading activities would eliminate an existing cut-slope that is in retreat and prone to erosion while increasing the vertical clearance between the ground and the existing overhead powerline. Furthermore, the project, by design pursuant to the grading plans, Sheet EC1, would remove the existing top soil and set it aside on site. The disturbed area would then be prepared for reapplication of the top soil by loosening or shallow excavation of the surface to facilitate topsoil adhesion and the promotion of root development for the relocated special-status plants. The redistributed topsoil would be reseeded with local native seed stock and the recovered special-status plants replanted; this restored area would be blanketed with a mulch or a loose-fiber mat to prevent erosion while the disturbed area regenerates vegetative cover. Additional plantings germinated from locally-harvested seed stock would be planted at the direction of a qualified biologist during a time that the newly located plants could take advantage of cooler temperatures and the winter rains. Therefore, there would be no loss of topsoil relating to this project and conditions would be such that the disturbed area could return to a natural state and not be subject to erosive episodes.
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN160131.

10. FINDING: **APPEAL** – Friends, Artists & Neighbors of Elkhorn Slough (FANS) (“Appellant”) timely filed an appeal from the Zoning Administrator’s decision adopting the MND and approving the project. The Appellant

contends that there was a lack of fair or impartial hearing, and the Zoning Administrator's decision was not supported by the evidence and is contrary to law. Upon consideration of the documentary information, the staff reports, the oral and written testimony, and all other evidence presented before the Board of Supervisors, the Board responds as follows to the Appellants' contentions:

EVIDENCE: a) Appellant's Contention 1: "Proposed Development is not Allowed in [environmentally sensitive habitat areas] ESHA under the [Local Coastal Plan] LCP [Part 2, North County]"

Response 1: The project is consistent with the North County Land Use Plan as described in Finding 1 with supporting evidence and as further explained herein. The North County Land Use Plan 2.3.2.1 states that "*With the exception of resource dependent uses, all development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, wetlands, dunes, sites of known rare or endangered species of plants...*" The project includes maintenance of electrical powerlines installed in the 1940s and 1960s. The project is proposed in order to comply with Federal safety standards for vertical clearance between the ground and existing powerlines to minimize fire risks and protect human health and safety. There are no new uses proposed and the development cannot be relocated outside of sensitive habitat. For these reasons, North County Land Use Plan (NCLUP) policies allowing development within or adjacent to sensitive habitat apply. Two biological reports have been prepared for the development and recommended mitigations to protect and restore habitat have been incorporated (NCLUP Policy 2.3.2.5); Land disturbance is limited to the amount necessary to increase vertical clearance (NCLUP Policy 2.3.2.8); The habitat will be restored following grading activities to ensure that the development is compatible with the long-term maintenance of the habitat (NCLUP Policy 2.3.2.2); and non-native plant species will be removed from the site (NCLUP Policy 2.3.2.9). Therefore, the project is consistent with the goals and objectives of the North County Land Use Plan section 2.3.1.

b) Appellant's Contention 2: Mitigations are inadequate and do not mitigate impacts to less than significant"

Response 2: The Initial Study/Mitigated Negative Declaration (MND) properly identified potential impacts from the grading activities on sensitive biological plant communities and mitigated the impacts to a less than significant level (See also Finding 6 with supporting evidence). Mitigation measures were applied requiring avoidance of impacts to the extent feasible within the Limits of Disturbance (MM3), Collection and germination of local seed stock or cuttings from special status plants species for later replanting at the site (MM1); Removal and Control of Invasive plant species (MM2); and a Mitigation measure was added by the Zoning Administrator based on comments received, that require monitoring and adaptive management of the plant restoration for a three year period (MM4).

Together these mitigation measures include removing non-native and invasive plant species from the project area, including within the Limits of Disturbance (LOD), harvesting local seed stock from the special-status plants, germinating the seeds off-site and then planting them on-site during the appropriate time of year at the direction of a qualified biologist. The plantings would be located within the graded area in addition to the salvaged special-status plants removed prior to the grading activity. The result would be no net decrease in special-status plants or plant communities in the vicinity. The project is small in nature (895 square feet of area graded for clearance and a total of less than 7,000 square feet for access and staging) and vegetation will be restored following completion of the project. With these mitigation measures in place, the project will have a less than significant impact. There is no substantial evidence supporting a fair argument of an environmental impact. FANS submitted a letter dated December 31, 2018 from Nicole Nedeff, "Consulting Ecologist," as an alleged expert. However, Ms. Nedeff submitted comments to the Zoning Administrator as an advocate for the Monterey Bay Chapter of the California Native Plant Society listing concerns about the project. While CNPS comments are welcome and staff has clarified the mitigation measures as appropriate, Ms. Nedeff has served as an advocate in opposition to the project, and her letter is not substantial evidence provided by a neutral expert.

- c) *Appellant Contention 3: Inadequate & Improper Cumulative Impact Analysis.* The Appellant contends that cumulative impacts with similar projects or PG&E projects were not considered when Staff determined that the impacts associated with this grading project were judged to be less than significant. The Appellant contends that this particular project should have been considered as a whole with other projects in the North County, including projects as far away from the project site as Prunedale, Aromas, and Pajaro.

Response 3: Cumulative impact analysis was performed correctly. The PG&E project involves a small amount of grading and restoration of the maritime chaparral following grading, so that there will be no net loss in habitat. The appeal refers to tree and brush removal from projects performed by PG & E in 2015 and other projects located in Prunedale, Pajaro, Elkhorn, and Aromas. This geographic scope is overly broad. Given that impacts are limited to maritime chaparral communities in the North County coastal areas, the proper geographic scope would be the area in the North County Land Use Plan, coastal zone, east of Elkhorn Road, west of San Miguel Canyon Road, South of Hall Road, and North of Castroville Boulevard (also sometimes referred to as the Elkhorn Highlands). As can be seen in aerial imagery, this geographic area contains the most significant portions of undisturbed and interconnected maritime chaparral communities in the planning area. Armoas, Pajaro, and Prunedale are not included in this scope. Within the Elkhorn Highlands geographic area, there are hundreds of acres of chaparral plant community. This project is limited to 895 square feet of grading; approximately 0.02% of an acre, thus resulting in less than a cumulatively considerable incremental effect. Moreover, the

disturbed area will be restored following grading resulting in no net loss of habitat. PG & E has no plans to carryout similar projects in the North Monterey County area at this time. There is also no cumulative impact from this project's tree removal combined with past, present, and reasonably probable tree removal by PG&E in the Elkhorn Slough area. This project's proposed tree removal is limited to juvenile trees typically about one (1) inch in diameter. The other tree removal projects cited in the appeal are wholly different than the project here, in terms of the age and size of the trees, the quantity of trees, and the type of trees removed. The projects cited by Appellant involved mature trees that are interfering with the buried natural gas lines, thus creating a public safety hazard. The scope and purpose of that activity is explicitly tree removal to protect buried natural gas pipelines. By contrast, the scope of this subject permit is a grading activity. There is no similarity of project types other than the fact that they are all carried out by PG & E. Additionally, the removal of seedlings in the grading project are incidental to the objective of increasing the ground clearance under the powerline. Many of the seedlings are oak, but others to be removed are Eucalyptus, a non-native tree. This project was also found to be consistent with North County Land Use Plan policies including being compatible with the long-term maintenance of sensitive biological resources. As such, past, present, and future projects of the same scope in the vicinity would not result in a cumulatively considerable impact.

- d) *Appellant Contention 4: "Procedural problems with the County Review. Incorrect and Inaccurate Addresses and Locations. No Mention of the Coastal Zone."*

Response 4: Reports, and information provided to the public properly and adequately describe the project, project location, and other legally required information. Notice of a Land Use Advisory Committee meeting, Notice of Intent to adopt a Mitigated Negative Declaration pursuant to CEQA requirements, and notice of hearings before the Zoning Administrator and Board of Supervisors have been provided. The notices each included information required by law including a general description of the project location. There is no official address for the site where the project activities will occur, so the notices provided the nearest cross streets and addresses. The MND prepared for the project clearly describes the project as being located in the North County Land Use Plan area of the Coastal Zone and the project entitlements have consistently been referred to as "Coastal Development Permits." Staff has furnished the appellant with information upon request and has not withheld any applicant-submitted information during the course of review of this project.

10. FINDING:

APPEALABILITY - The decision on this project may be appealed by/to the California Coastal Commission.

EVIDENCE: a)

California Coastal Commission: Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, and the administrative record as a whole, that the Board of Supervisors does hereby:

- A. Adopt the Mitigated Negative Declaration;
- B. Approve a Combined Development Permit consisting of:
 - a. Coastal Development Permit to allow development, within 100 feet of environmentally sensitive habitat, consisting of grading approximately 106 cubic yards over an area of approximately 895 square feet; and
 - b. Coastal Development Permit to allow grading on slopes in excess of 25 percent;
- C. Adopt Mitigation Monitoring and Reporting Program; and
- D. Granting FANS' request to waive provision of stamped envelopes.

The approval shall be in general conformance with the attached plans, conditions, and Mitigation measures all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this 26th day of March 2019, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book _____ for the meeting on February 26, 2019.

Date:
File Number:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California
By _____
Deputy

Monterey County RMA Planning

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

PLN160131

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Combined Development Permit (PLN160131) allows 106 cubic yards of grading to increase the vertical clearance between the ground and overhead power line within 100 feet of environmentally sensitive habitat and on slopes greater than 25%. The grading covers approximately 895 sq. ft. at the confluence of 4 separate parcels. The property is located at 490 & 500 Strawberry Canyon Rd, and 95 & 123 Tucker Rd. (Assessor's Parcel Number 129-281-007-000, 129-281-009-000, and 129-281-008-000, and 129-281-017-000), North County Coastal Area Plan/Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the RMA Chief of Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

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

Monitoring Measure:

"A Combined Development Permit (Resolution Number xxx) was approved by the Board of Supervisors for Assessor's Parcel Numbers 129-281-007-000 & 129-281-009-000 and 129-281-008-000 & 129-281-014-000 on March 26, 2019. The permit was granted subject to 17 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the RMA Chief of Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

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

Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel

**Condition/Mitigation
Monitoring Measure:**

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

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

Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the County Counsel for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel.

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

Responsible Department: RMA-Planning

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

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

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

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

5. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any tree removal activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (RMA - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to RMA-Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

6. PD049 - TREE AND ROOT PROTECTION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to grading or beginning any tree removal, trees which are located close to trees approved for removal shall be protected from inadvertent damage from equipment or tree removal activity by fencing off the canopy drip-lines and/or critical root zones (whichever is greater) with protective materials. Any tree protection measures recommended by a County-approved tree consultant, in addition to the standard condition, shall be implemented. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to grading or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit evidence of tree protection to RMA-Planning for review and approval.

After construction or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit photos of the trees on the property to RMA-Planning to document that the tree protection has been successful or if follow-up remediation measures or additional permits are required.

7. PD033 -RESTORATION NATURAL MATERIALS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Upon completion of the grading, the area disturbed shall be restored in compliance with the Performance Criteria described in the Updated Biological Assessment dated October 2018, subject to the approval of the RMA Chief of Planning.

Compliance or Monitoring Action to be Performed: Prior to Final Inspection, the Owner/Applicant shall submit evidence that the restoration has been completed in compliance to approved plans.

8. PD006(A) - CONDITION COMPLIANCE FEE

Responsible Department: RMA-Planning

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

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

9. GRADING PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit a grading plan that includes contour intervals and cross-sections that identify the existing grade, proposed grade, and the extent of any proposed excavation and/or fill. (RMA-Environmental Services)

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

10. EROSION CONTROL PLAN

Responsible Department: Environmental Services

Condition/Mitigation Monitoring Measure: The applicant shall submit an erosion control plan in conformance with the requirements of Monterey County Code Chapter 16.12. The erosion control plan shall include a construction entrance, concrete washout, stockpile area(s), material storage area(s), portable sanitation facilities and waste collection area(s), as applicable. (RMA-Environmental Services)

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

11. INSPECTION-PRIOR TO LAND DISTURBANCE

Responsible Department: Environmental Services

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

Compliance or Monitoring Action to be Performed: Prior to commencement of any land disturbance, the owner/applicant shall schedule an inspection with RMA-Environmental Services.

12. INSPECTION-FOLLOWING ACTIVE CONSTRUCTION

Responsible Department: Environmental Services

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

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

13. MM1-COLLECTION OF LOCAL SEED STOCK

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall ensure that a qualified biologist or ecologist continue to monitor seedlings and cuttings that have been harvested and are being germinated in an off-site nursery. The applicant shall ensure germinated special-status seedlings are planted under the supervision of the qualified biologist or ecologist at the site following completion of grading activities which are planned to occur during Fall 2019.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action No. 1a: Prior to the issuance of grading permits, the applicant shall provide to RMA-Planning information identifying the nursery or greenhouse where the seed stock is propagated and the name of the biologist or ecologist that will supervise the seed stock germination and replanting efforts.

Mitigation Measure Monitoring Action No. 1b: Prior to issuance of grading permits, the applicant shall provide to RMA-Planning information identifying the nursery or greenhouse where the seed stock is propagated and the name of the biologist or ecologist that will supervise the seed stock collection and germination of the seed stock.

Mitigation Measure Monitoring Action No. 1c: Prior to final of grading permits, the supervising biologist or ecologist shall provide to RMA-Planning evidence that the seedlings have been planted at the project site.

14. MM2-ENHANCEMENT OF ENVIRONMENTAL SETTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Invasive and non-native plants shall be removed from the grading location and from within the Limits of Disturbance (LOD). Invasive plants/weeds shall be less than 5% of the vegetative cover within the LOD during the 3-year monitoring period and at the conclusion of the 3-year monitoring period. Special status plant species shall be reintroduced and/or planted at the site, including both replanting of plants salvaged in accordance with Mitigation Measure 3 and planting seedlings germinated in accordance with Mitigation Measure 1, following completion of grading activities. The health of the special status species reintroduced to the site shall be monitored, documented, and reported in accordance with Mitigation Measure 4. Special status plant species shall be present and healthy during monitoring and at the conclusion of the 3-year monitoring period.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action 2a: The supervising biologist or ecologist shall submit to RMA-Planning a summary report at the end of each calendar year that describes the over-all condition of the special status plants located within the Limits of Disturbance. The report shall include observations from monitoring activities required pursuant to Mitigation Measure 4. The monitoring period may be extended by the Chief of RMA-Planning until Performance Criteria are achieved as contained in the updated Biological Assessment written by Arcadis (LIB180398).

15. MM3-REMOVAL OF SPECIAL-STATUS PLANTS WITHIN THE LOD

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall ensure that a qualified biologist or ecologist supervise the removal of any special-status plants from within the Limits of Disturbance (LOD) that may be at risk from trampling or crushing from grading activities, including the maneuvering of equipment and the stockpiling of supplies or the stockpiling of salvaged special-status plants or top soil. The salvaged plants shall be placed in pots with soil and watered. The salvaged top soil shall be stockpiled on a plastic sheet to prevent contamination with weeds. Salvaged special-status plants shall be retained on site for the duration of the grading activities. Once the grading activities are completed, the salvaged plants shall be replanted in the approximate location from which they were removed.

Compliance or Monitoring Action to be Performed: Mitigation Measure Monitoring Action 3a: Prior to final of grading permits, the applicant shall provide photo-documentary evidence of the site as it existed prior to the commencement of the project, staging and containment of salvaged plants during the grading activities, and, once the grading project is completed, installation of the salvaged plants and any special-status seedlings within the disturbed areas at the site.

16. MM4- ADAPTIVE MANAGEMENT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Following completion of grading activities, vegetation restoration and enhancement efforts shall be monitored twice yearly for a minimum of three (3) years. The monitoring shall include observation of the health of the affected special status plants and quantities of invasive plants within the LOD, documentation of compliance with the Performance Criteria contained in the revised Biological Assessment created by Arcadis (LIB180398), and any corrective measures taken to obtain compliance with the Performance Criteria. Such information shall be documented in an annual report and submitted for a minimum of three years, or until the Criteria is met, to the Chief of Planning for review and approval.

Compliance or Monitoring Action to be Performed: The applicant / supervising biologist/ecologist shall provide to RMA-Planning a status report at the conclusion of each calendar year for three consecutive years. The report shall provide written and photographic evidence demonstrating progress of the restoration and enhancement efforts. If the efforts are not meeting the established targets, the consulting biologist/ecologist shall describe corrective actions needed or taken to meet the performance standards. Appropriate corrective actions shall be implemented until performance criteria are met. The Chief of Planning may extend the three-year monitoring and reporting period if necessary, to ensure achievement with restoration and performance criteria.

17. PD016 - NOTICE OF REPORT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:
"A Biological Assessment (Library No. LIB180398), was prepared by Arcadis on August 2016 and revised October 2018 and is on file in Monterey County RMA - Planning. All development shall be in accordance with this report."
(RMA - Planning)

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

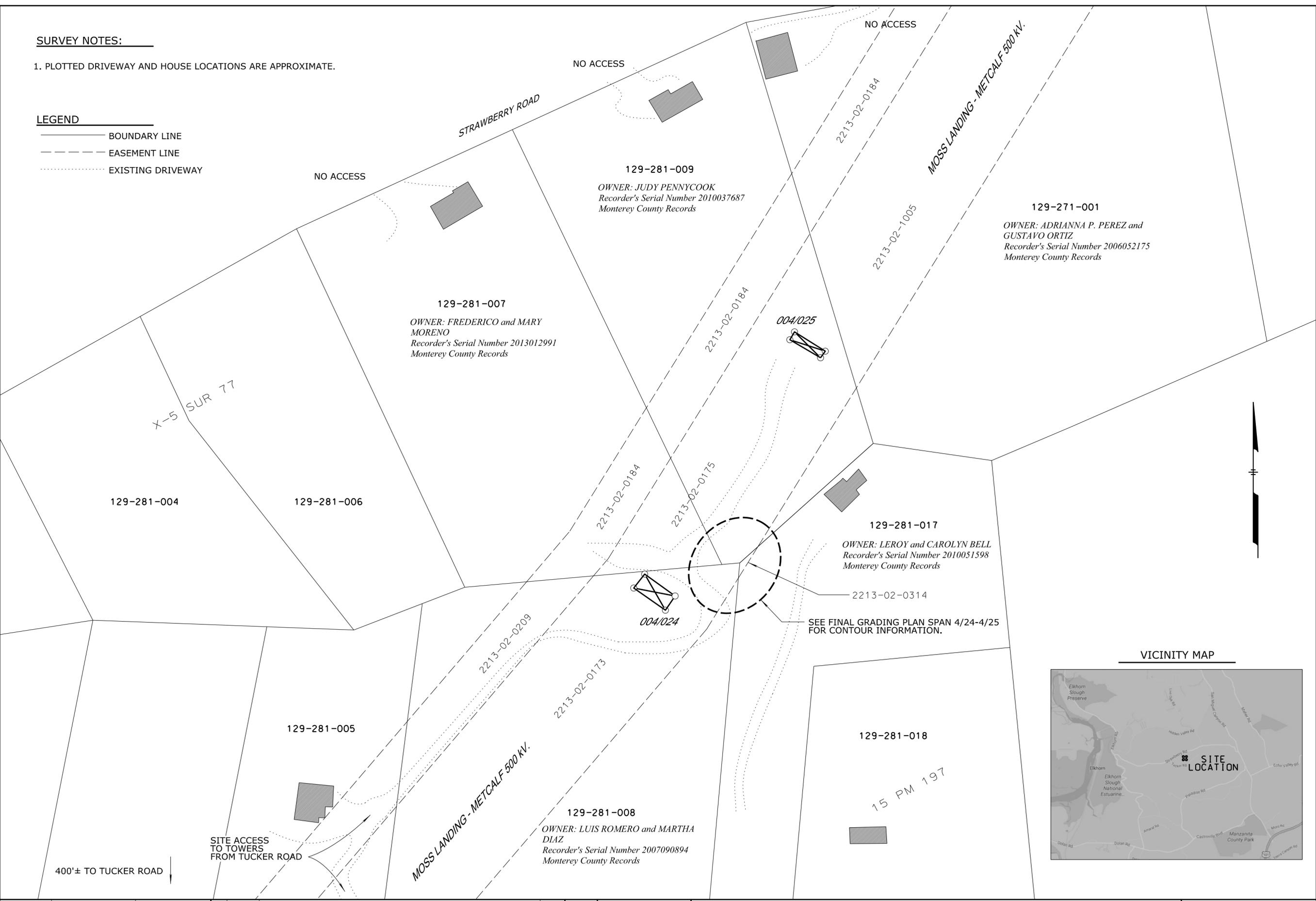
Prior to Final Inspection relating to the grading permit(s), the Owner/Applicant shall submit proof, for review and approval, that all restoration / enhancement efforts have been installed in accordance with the report to the RMA - Planning.

SURVEY NOTES:

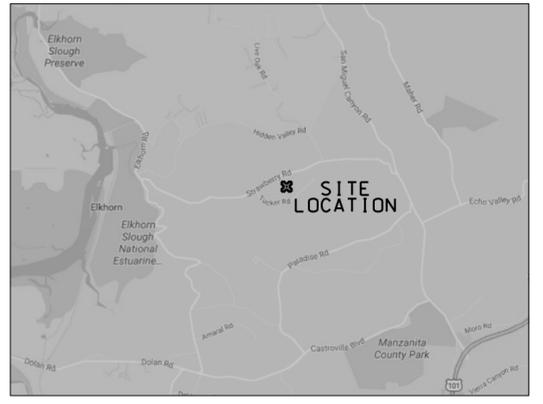
1. PLOTTED DRIVEWAY AND HOUSE LOCATIONS ARE APPROXIMATE.

LEGEND

- BOUNDARY LINE
- - - EASEMENT LINE
- ⋯ EXISTING DRIVEWAY



VICINITY MAP



CENTIMETERS

INCHES

DATUM: H:	V:
PROJECTION:	UNITS:
REFERENCE DWGS.	
SCALES:	1 inch = 100 US SURVEY FEET
	1 centimeter =

NO.	DATE	DESCRIPTION	APPD.
REVISIONS			

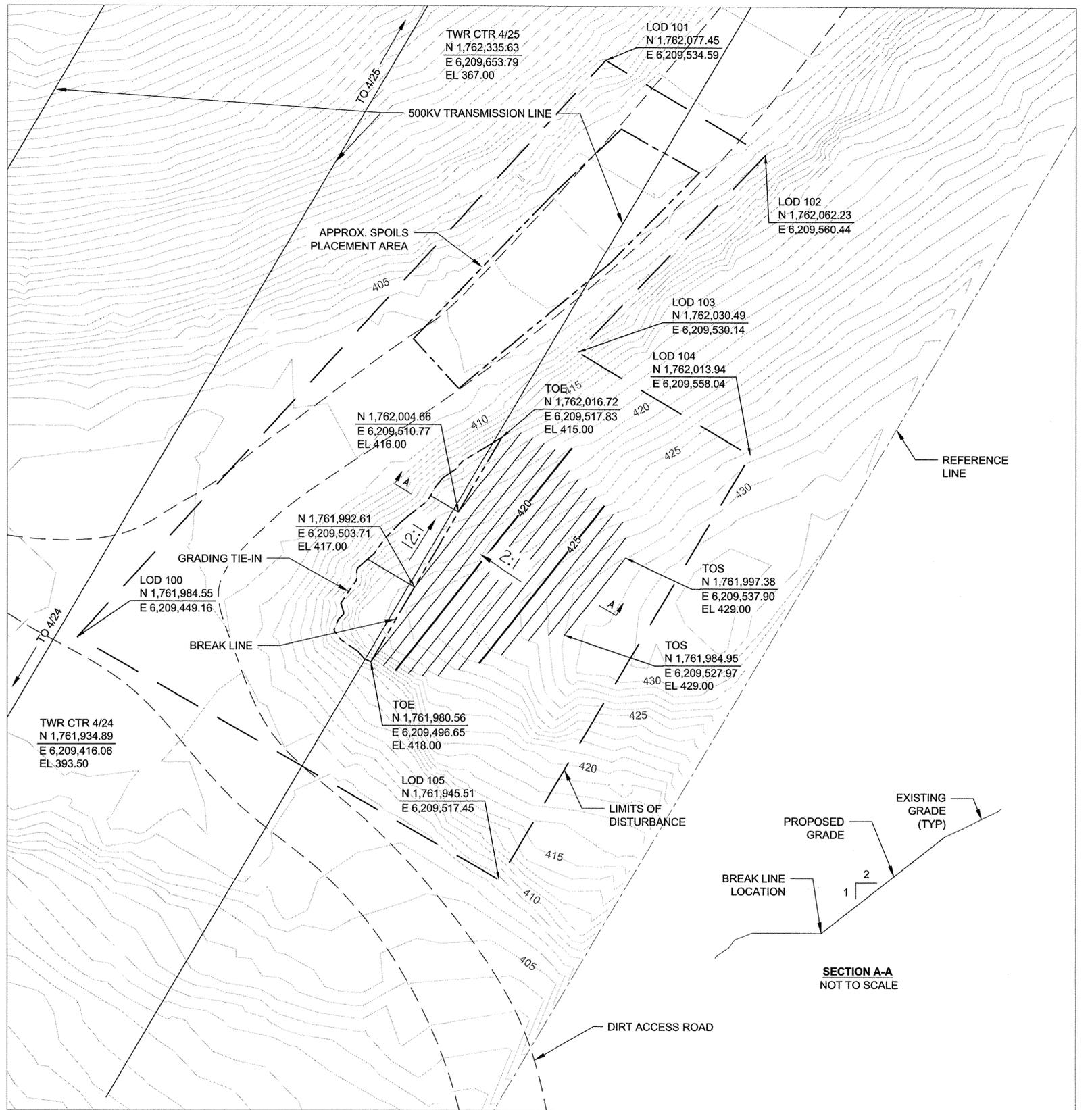
APPRD BY	AUTHORIZATION
	31106461
BY C. Kuhn	
DR. C. Kuhn	
CH.	
O.K. J. Schock	
DATE 8/18/2016	

SITE PLAN

PACIFIC GAS AND ELECTRIC COMPANY
SAN FRANCISCO, CALIFORNIA

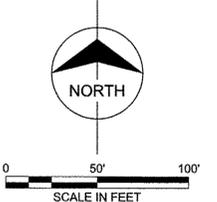


JCN	
AREA	
COUNTY	Monterey
PROFILE	
SHEET NO.	1 OF 1
DRAWING NUMBER	CHANGE



LEGEND:

- LOD LIMITS OF DISTURBANCE
- TOS TOP OF SLOPE
- TOE TOE OF SLOPE
- GRADE BREAK
- 420 EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- 420 PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR



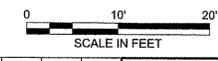
SPECIAL CONSTRUCTION NOTES:

1. CONTRACTOR SHALL STRIP AND STOCKPILE TOPSOIL UNTIL GRADING ACTIVITIES ARE COMPLETE. FINAL GRADE SHALL BE COMPLETED WITH THE STOCKPILE SOIL. CONTRACTOR SHALL NOT EXCEED FINAL GRADE ELEVATIONS WHEN PLACING THIS MATERIAL.
2. ANY WATER GENERATED FROM CONSTRUCTION OR ENTERS SITE FROM OTHER CAUSE MUST BE CONTAINED ON SITE.

NOTES:

1. EXISTING TRANSMISSION REFERENCE LINE SHOWN AT 100-FT OFF CENTERLINE OF THE 500KV LINE WITH A WIDTH OF 200-FT.
2. ALL CUT SLOPES ARE SHOWN AT A 2:1 (H:V) MAX, UNLESS NOTED OTHERWISE.
3. ALL ELEVATIONS SHOWN INDICATE FINAL GRADES.
4. CONTRACTOR SHALL PROVIDE AS-BUILT SURVEY INFORMATION TO ENSURE GRADING HAS BEEN DONE IN ACCORDANCE WITH THE DRAWINGS.
5. MAXIMUM DISTURBED AREA IS TO BE LESS THAN 6,880 SQ. FT.
6. ALL WASTE MATERIAL SHALL BE SPREAD WITHIN THE LIMITS OF THE APPROXIMATE SPOILS PLACEMENT AREA SHOWN ON THE PLANS. ALL MATERIAL SHALL BE COMPACTED TO AT LEAST 90% OF MAXIMUM DRY DENSITY PER THE LATEST REVISION OF ASTM D-1557.
7. APPROXIMATELY 106 CU YDS ARE TO BE EXCAVATED. DEPTH OF CUT RANGES FROM APPROXIMATELY 1.0-FT TO 6.5-FT.
8. CONTRACTOR SHALL INSTALL & MAINTAIN EROSION CONTROL MEASURES AS REQUIRED TO CONTROL STORM WATER RUNOFF, IMPLEMENT "BEST MANAGEMENT PRACTICES".
9. CONTRACTOR TO SEED & MULCH DISTURBED AREAS IMMEDIATELY FOLLOWING EARTH DISTURBING ACTIVITIES WITH NATIVE SEED MIX PROTECTED FROM EROSION UNLESS OTHERWISE SPECIFIED.
10. COORDINATES ARE CALIFORNIA STATE PLANE NAD83 ZONE III.
11. IF PATH BETWEEN ACCESS POINT & NEW GRADING LIMITS OF DISTURBANCE BECOMES WORN OR RUTTED WITH LOSS OF VEGETATION RESTORE TO EXISTING CONDITIONS.

PACIFIC GAS & ELECTRIC CO.
ACCEPTED FOR
CONSTRUCTION
ENGINEERING DEPARTMENT
DATE 7/16/15
BY *[Signature]*



ORDER NO. 31106461	DSG	SDM/BMCD	MOSS LANDING-METCALF 500KV (MONTEREY COUNTY) FINAL GRADING PLAN SPAN 4/24-4/25	MICROFILM
DWN	AKT/BMCD	CHKD	PNW/BMCD	BILL OF MATL
SUPV	SCC/BMCD	APVD	SCC/BMCD	DWG LIST
APVD	SCC/BMCD	APVD	APVD	SUPSDS
DATE 7/15/15	DATE 7/15/15	DATE 7/15/15	DATE 7/15/15	SUPSD BY
REV	DATE	DESCRIPTION	JOB NO	SHEET NO
1	7/15/15	NERC MITIGATION GRADING	31106461	3014266
				REV 1

DEPARTMENT OF ENGINEERING
PACIFIC GAS AND ELECTRIC COMPANY
SAN FRANCISCO, CALIFORNIA

**BOLSA NUEVA Y MORO
COJO RANCHO
(MDM, T. 13S., R. 02E.
SEC. 01, SW 1/4)**

LEGEND

- PROPERTY LINE
- - - EASEMENT BOUNDARY LINE
- ⋯ EXISTING DIRT/GRAVEL ROAD

APN	GRADING AREA (Sq. Ft.)
129-281-009	634
129-281-007	517
129-281-008	8
129-281-017	0

APN 129-281-009
 OWNER: JUDY PENNYCOOK
 Recorder's Serial Number 2010037687
 Monterey County Records

APN 129-281-007
 OWNER: FREDERICO and MARY MORENO
 Recorder's Serial Number 2013012991
 Monterey County Records

APPROX. SPOILS
 PLACEMENT AREA
 12' X 50' ±

LIMITS OF
 DISTURBANCE

GRADING AREA

APN 129-281-017
 OWNER: LEROY and CAROLYN BELL
 Recorder's Serial Number 2010051598
 Monterey County Records

APN 129-281-008
 OWNER: LUIS ROMERO and MARTHA DIAZ
 Recorder's Serial Number 2007090894
 Monterey County Records

METCALF-MOSS LANDING 230 KV.
 LD 2213-02-0209

MOSS LANDING - METCALF 500 KV.
 LD 2213-02-0173

004/025

004/024



DATUM: HORIZONTAL: PROJECTION:
 VERTICAL: UNITS:

REFERENCE DWGS:

SCALES: 1 inch =
 1 centimeter =

NO.	DATE	DESCRIPTION	APPD.	NO.	DATE	DESCRIPTION	APPD.
REVISIONS							

APPRD BY: AUTHORIZATION: 74004600
 BY: DR EKF2 / CEK0
 CH: O.K. EKF2
 DATE: 3/01/18

MOSS LANDING - METCALF 500KV
 SPAN 04/024 - 04/025
 NERC GRADING
 PACIFIC GAS AND ELECTRIC COMPANY
 SAN FRANCISCO, CALIFORNIA



JCN: AREA: MONTEREY
 COUNTY: PROFILE:
 SHEET NO. OF: DRAWING NUMBER CHANGE:
 SM-369

FOLD

FOLD

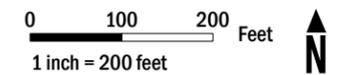
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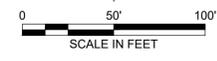
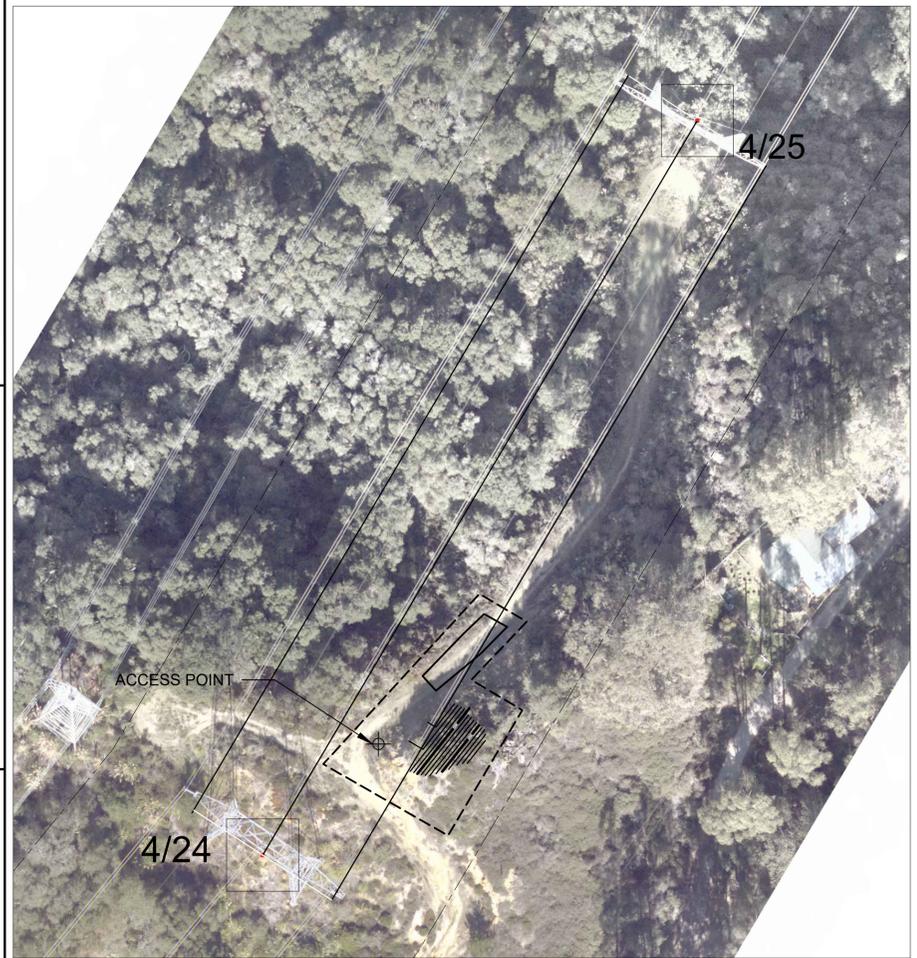
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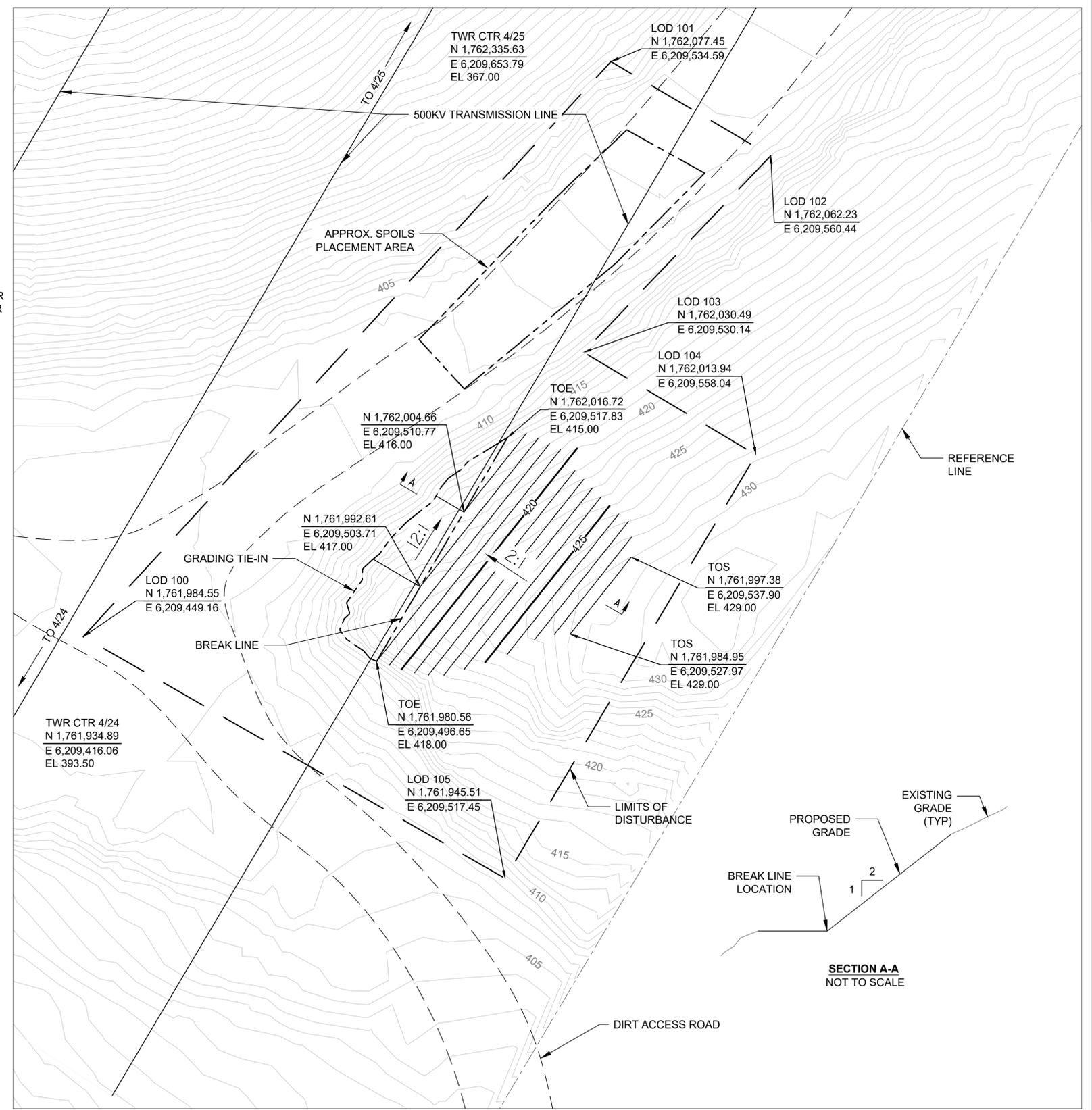
-  Grading Area
-  Limits of Disturbance
-  Spoils Placement Area

Moss Landing-Metcalf 500kV





- LEGEND:**
- LOD LIMITS OF DISTURBANCE
 - TOS TOP OF SLOPE
 - TOE TOE OF SLOPE
 - GRADE BREAK
 - - - 420 EXISTING MAJOR CONTOUR
 - - - EXISTING MINOR CONTOUR
 - 420 PROPOSED MAJOR CONTOUR
 - PROPOSED MINOR CONTOUR



SPECIAL CONSTRUCTION NOTES:

1. THE PROJECT FOOTPRINT WILL BE MINIMIZED TO THE MAXIMUM EXTENT FEASIBLE AND AVOID UNNECESSARY DISTURBANCE TO NATIVE VEGETATION. WHERE FEASIBLE, SHRUBS SHALL BE CUT TO THE GROUND WITHOUT DISTURBING ROOTS TO ALLOW FOR POTENTIAL RESPROUTING BY SOME SHRUB SPECIES.
2. PRECONSTRUCTION SURVEYS FOR PAJARO MANZANITA, HOOKER'S MANZANITA AND EASTWOOD'S GOLDENBUSH WILL BE CONDUCTED WITHIN THE LIMITS OF DISTURBANCE (LOD) AND PLANTS WILL BE FLAGGED TO ASSIST CREWS WITH AVOIDANCE WHEN POSSIBLE. WHERE FEASIBLE, TEMPORARY FENCING (E.G., ORANGE CONSTRUCTION FENCING) SHOULD BE INSTALLED OUTSIDE A FIVE-FOOT BUFFER FROM THE CANOPY EDGE OF ANY SENSITIVE NATIVE SHRUB OR SHRUBS AND SHOULD REMAIN IN PLACE FOR THE DURATION OF GRADING AND CONSTRUCTION ACTIVITIES IN THE AREA. FENCING SHOULD BE SUPPORTED BY POSTS ON MINIMUM SIX-FOOT (1.8 M) CENTERS OR EQUIVALENT.
3. TO MINIMIZE IMPACTS TO SPECIAL-STATUS PLANT SPECIES, GRADING WILL BE ACCESSED FROM THE SOUTHWEST WHERE THERE IS A PREEXISTING ERODED SLOPE. ALL HOOKER'S MANZANITA INDIVIDUALS WILL BE AVOIDED THIS WAY.
4. AFTER GRADING, THE ERODED SLOPE WILL BE STABILIZED USING EROSION CONTROL BEST MANAGEMENT PRACTICES (BMPs) TO AVOID FURTHER SLOPE FAILURE AND SUBSEQUENT IMPACTS TO NATIVE VEGETATION SURROUNDING THE GRADED AREA.
5. WHERE FEASIBLE, THE SPECIAL-STATUS SHRUBS WILL BE SALVAGED UNDER THE OVERSIGHT OF A QUALIFIED RESTORATION ECOLOGIST WITH EXPERIENCE IN PLANT SALVAGING. THE ENTIRE ROOT BALL AND SURROUNDING SOIL SHOULD BE EXCAVATED, AND PLANTS SHOULD BE IMMEDIATELY PLACED IN PRE-MOISTENED HOLES OF THE SAME SIZE WITHIN PREPARED AREAS WITHIN THE LOD. SOIL SHOULD THEN BE BACKFILLED AND GENTLY TAMPED DOWN TO PREVENT AIR POCKETS. EACH SALVAGED PLANT SHOULD THEN BE WATERED IN TO KEEP ROOTS MOIST AND FURTHER ELIMINATE AIR POCKETS.
6. THE TOP 6 INCHES OF TOPSOIL WILL BE REMOVED AND STOCKPILED NEARBY ON PLASTIC SHEETS TO AVOID WEED SEED INTRODUCTION AND EROSION; IF THE PILES WILL REMAIN FOR ANY LENGTH OF TIME DURING THE RAINY SEASON, VENTILATED TARPS SHOULD BE PLACED OVER THE TOP. AFTER GRADING ACTIVITIES ARE COMPLETE, THE TOPSOIL WILL BE REPLACED ACROSS THE DISTURBED AREA, WHICH WILL BE EXCAVATED SLIGHTLY BELOW GRADE TO FACILITATE TOPSOIL REPLACEMENT. FINAL GRADE ELEVATIONS SHALL NOT BE EXCEEDED WHEN PLACING THIS MATERIAL. SPECIAL CARE WILL BE EMPLOYED TO AVOID OVER-COMPACTING, AND EROSION CONTROL BLANKETS WILL BE APPLIED TO ANY SLOPE STEEPER THAN 2:1 THAT RECEIVES TOPSOIL.
7. ANY WATER GENERATED FROM CONSTRUCTION OR ENTERS SITE FROM OTHER CAUSE MUST BE CONTAINED ON SITE.

NOTES:

1. EXISTING TRANSMISSION REFERENCE LINE SHOWN AT 100-FT OFF CENTERLINE OF THE 500KV LINE WITH A WIDTH OF 200-FT.
2. ALL CUT SLOPES ARE SHOWN AT A 2:1 (H:V) MAX, UNLESS NOTED OTHERWISE.
3. ALL ELEVATIONS SHOWN INDICATE FINAL GRADES.
4. CONTRACTOR SHALL PROVIDE AS-BUILT SURVEY INFORMATION TO ENSURE GRADING HAS BEEN DONE IN ACCORDANCE WITH THE DRAWINGS.
5. MAXIMUM DISTURBED AREA IS TO BE LESS THAN 6,880 SQ FT.
6. ALL WASTE MATERIAL SHALL BE SPREAD WITHIN THE LIMITS OF THE APPROXIMATE SPOILS PLACEMENT AREA SHOWN ON THE PLANS. ALL MATERIAL SHALL BE COMPACTED TO AT LEAST 90% OF MAXIMUM DRY DENSITY PER THE LATEST REVISION OF ASTM D-1557.
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FOR QUESTIONS ON REV 1 OF THIS DWG
 PE: STEVE CASTEEL 816-349-6726
 DE: NICK WUERTZ 816-276-1599

ORDER NO. 31106461	DSG BmC/D/SDM	MOSS LANDING-METCALF 500KV (MONTEREY COUNTY) FINAL GRADING PLAN SPAN 4/24-4/25	MICROFILM
DWN BmC/D/AKT	CHKD BmC/D/PNW		BILL OF MATL
SUPV BmC/D/SCC	APVD BmC/D/SCC		DWG LIST
DATE 7/15/15			SUPSDS
REV 1	DATE 7/15/15	DESCRIPTION NERC MITIGATION GRADING	JOB NO 31106461
REV 2	DATE 10/19/18	DESCRIPTION UPDATED SPECIAL CONSTRUCTION NOTES	JOB NO 31106461
		DEPARTMENT OF ENGINEERING	SHEET NO 3014266
		PACIFIC GAS AND ELECTRIC COMPANY	SHEETS 2
		SAN FRANCISCO, CALIFORNIA	REV 2