

**Before the Zoning Administrator  
in and for the County of Monterey, State of California**

In the matter of the application of:

**PACIFIC GAS & ELECTRIC (PLN160131)**

**RESOLUTION NO. 18 - 070**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Adopting a Mitigated Negative Declaration, and
- 2) Approving 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;

- 3) Adopt a Mitigation Monitoring and Reporting  
Program

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 PG&E application (PLN160131) came on for a public hearing before the Monterey County Zoning Administrator on October 11, 2018, and December 6, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator 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 16.08), and other County health, safety, and welfare regulations related to land use development.

- EVIDENCE:**
- a) The proposed project involves grading to increase the vertical clearance between the ground and the existing overhead powerline in a specific, limited location covering an area of approximately 895 square feet so that the ground clearance would comply with Federal safety standards. The grading includes excavating up to 10 vertical feet of soil, approximately 106 cubic yards over an area of approximately 895 square feet. 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.

- b) The proposed grading does not qualify for an exemption pursuant to Title 16, 16.08.040.A as the proposed grading [excavation], a depth up to 10 feet, 106 cubic yards, exceeds the maximum depth and quantity exempted – a maximum depth of two (2) feet and / or 100 cubic yards of soil alteration. 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), Coastal Zone. 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).
- 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); and
  - Monterey County Zoning Ordinance - Coastal (Title 20)
  - Monterey County Grading Ordinance (Title 16)
- e) No conflicts were found to exist with the above standards and policies. The County finds that the project is consistent with the text, policies, and regulations in the applicable documents.
- f) The whole of the project – the grading, contouring and subsequent restoration of the disturbed area – are consistent with the LDR zone 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.
- g) The project is located at the confluence of four (4) parcels under separate ownerships. This portion of the respective properties is undeveloped but previously disturbed in the early 1940s 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.
- h) Parcels 129-281-007-000, 129-181-009-000, 129-281-008-000, and 129-281-017-000 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

**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:
- Biological Assessment (LIB160813) 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.
- 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) Cultural Resources. 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.
- d) 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 at a duly-noticed public meeting on April 18, 2018, at which all persons had the opportunity to be heard, and voted 7-1 to support the project as proposed. The dissenting vote regarded potential erosion resulting from grading activities. 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). 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.

- e) 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).
- f) 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:**

The proposed project would not require water or sanitary services. The grading efforts, when completed, would 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 negligible alteration of the 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.

**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 SENSATIVE HABITAT AREA (ESHA)**

The project is located at the edge limits of a plant community that includes Maritime chaparral. Development within or within 100 feet of ESHA shall allow for the protection, maintenance, and, where possible, enhancement and restoration of North County environmentally sensitive habitats. The environmentally sensitive

habitats of North County are unique, limited, and fragile resources of Statewide significance, important to the enrichment of present and future generations of County residents and visitors

- a) The chaparral in this area is compromised because it is interspersed by non-native trees (Eucalyptus) and other non-native plants and grasses, forestation (Coast live oak), cleared private land, a dirt road, and agriculture.
- b) The upper six (6) inches of top soil would be removed from the area of grading, stockpiled on site on a plastic sheet to prevent contamination of the soil with weed seeds that may be present on site, and redistributing the topsoil once the grading is completed.
- c) The project includes removing 20 special status plants from the area of grading, retaining the plants on site in pots, 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 during Fall 2018, germinated in an off-site nursery under the supervision of a qualified biologist, then replanted at the project site during Fall 2019.
- d) The Mitigation Measures include Success Criteria that establish restoration standards. 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 allow the environmental setting to exceed baseline conditions.
- e) See Finding 2, Evidence a, the Biological Assessment.

**6. FINDING:**

**CEQA: Mitigated Negative Declaration** – On the basis of the whole record before the Monterey Zoning Administrator, 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) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15060 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
- b) Monterey County RMA-Planning prepared an Initial Study pursuant to CEQA Guidelines Section 15063. The Initial Study is on file in the offices of RMA-Planning and is hereby incorporated by reference (PLN160131).
- c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment with the incorporation of the Mitigation measures described in the grading plans, specifically Sheet EC1. Accordingly, staff prepared a Mitigated Negative Declaration (MND).
- d) Pursuant to CEQA Guidelines Section 15105, the Initial Study and related Mitigated Negative Declaration were subject to a public review period of 30 days which commenced on September 5, 2018 and concluded on October 5, 2018. No public comments were made

to Monterey County RMA during this review period. Furthermore, no outside agency comments were received during the 30 day review period. Comments submitted after the close of the public review period have been provided to the Zoning Administrator and mitigation measures have been 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. Less than significant impacts with mitigation were identified for biological resources. Therefore, mitigation measures are incorporated into the project by design (Sheet EC1, Erosion and Sediment Control Plan).
- f) Mitigation includes removing and stockpiling the topsoil from the grading activities and redistributing the topsoil over the disturbed area at the conclusion of the grading activities. Also included are the removal of 20 special-status plants prior to grading, retaining the plants on site in pots, and replanting them in the disturbed area after the grading objectives are accomplished.
- g) The redistributed topsoil would also be reseeded with local seed stock to promote the recovery of the disturbed area with native plant species typically associated with Maritime chaparral.
- h) 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.
- i) The spoils of the excavation 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.
- j) Implementation of existing Monterey County policies and regulations already addressing grading, noise, and vegetation disturbance allows for incorporation of conditions of approval (see Condition No. 7), which, along with project design elements, would result in a less than significant impact.
- k) 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.
- l) The cumulative effects of the grading activities would be negligible. The cumulative area of the ESHA over the four (4) parcels is approximately 109,386 square feet. The proposed LOD is approximately 6,880 square feet, or approximately 6 percent of this ESHA while the specific grading location accounts for approximately 895 square feet, or approximately 0.8 percent of this ESHA. The limited scope of this project does not allow for meaningful analysis relating to cumulative impacts; the overall size of this particular

project results in negligible, immeasurable impacts to Maritime chaparral in the Royal Oaks area. Applicant testimony at the October 11, 2018 Zoning Administrator hearing that grading activities are done rarely to address ground clearance issues. Pacific Gas and Electric typically raises the tower height to increase ground clearance. In this instance, because of the line capacity, the tower height cannot be increased. Furthermore, grading is rarely conducted to increase ground clearance under a powerline.

- m) The mitigation measures associated with this project would enhance the existing environmental setting by removing non-native and invasive plants from the grading area and the LOD. Restoration measures include salvaging or removing special-status plants from the grading area and as need within the LOD and then replanting these plants in the approximate locations from which they were removed. The project includes harvesting local seed stock from the special-status plants during the Fall 2018, germinating the seeds in an off-site nursery by a qualified biologist, and planting the seedlings at the project site in the Fall, 2019. The extent of these enhancement and restoration measures render any project-related impacts to less than significant, thus no contribution to any potential cumulative impacts are associated with this project.
- n) Evidence received and considered includes the project application materials, the Biological Report (Planning File No. LIB160813), 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.
- o) 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.
- p) Written comments were received after the close the public review period. Mitigation measures were revised in response to these comments.
- q) See supporting Finding Nos. 1 and 3.
- r) 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.
- s) Monterey County RMA-Planning, located at 1441 Shilling 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.
- t) Testimony of Brandon Swanson, RMA Planning Services Manager, stated that no substantial contribution to cumulative impacts of ESHA.

**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. These additional measures reflect the independent judgment and analysis of the County and are equivalent or more effective than the original mitigation measures identified in the Initial Study.

- a) Mitigation measures now include enhancing the existing environment in the vicinity of the project, with the goal of improving the 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 DBH of less than six (6) inches.
- b) Success criteria have been added to the Mitigation Measures. The updated Biological Assessment (LIB180398) includes monitoring 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
- c) A Summary Report would be completed at the end of each year and submitted to the RMA documenting the monitoring results. Adaptive management measures 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).
- d) Local seed stock would be harvested from the special-status plants and germinated in an off-site nursery. The resultant seedlings would then be planted at the project site, on the graded area, and within the LOD.
- e) Based on the inclusion of additional Mitigation Measures that are equivalent or more effective than the original mitigation measures, the Initial Study nor the Mitigated Negative Declaration do not subject to recirculation. This determination is consistent with CEQA Section 15074.1.
- f) 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.
- g) Monterey County RMA-Planning, located at 1441 Shilling 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.
- h) See Finding 2, Evidence a, the technical reports cited.

**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 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 in a specific, limited location covering an area of approximately 895 square feet. 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. 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 land form located beneath the overhead powerline results in conditions that Federal regulatory bodies have determined a risk to public safety. The proposed grading, limited to a portion of the land form 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, landsliding, 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. The removal of this landform would result in this portion of the land with

characteristics of a slope of approximately 50 percent but could support an assortment of plants. 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 loose-fiber mat to prevent erosion while the disturbed area regenerates vegetative cover. Additional plantings germinated from locally-harvested seed stock from Fall 2018 would be planted during Fall 2019, 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:**

**APPEALABILITY** - The decision on this project may be appealed to the Monterey County Board of Supervisors and the California Coastal Commission.

**EVIDENCE:**


- a) Board of Supervisors: Pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
- b) 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 (i.e.; grading on slopes).

## DECISION

**NOW, THEREFORE**, based on the above findings and evidence, the Zoning Administrator does hereby:

- A. Adopt the Mitigated Negative Declaration; and
  - 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.
- In general conformance with the attached plans and subject to 17 conditions, including 4 Mitigation measures both being attached hereto and incorporated herein by reference.
- C. Adopt Mitigation Monitoring and Reporting Program

**PASSED AND ADOPTED** this 6<sup>th</sup> day of December 2018.

  
\_\_\_\_\_  
Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DEC 07 2018.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DEC 17 2018.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1064.5 and 1064.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

### NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services offices in Salinas.

# Monterey County RMA Planning

## 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 Coastal Development Permit (PLN160131) allows 106 cu. yd. grading to increase the vertical clearance between the ground and overhead power line. 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 Coastal Development Permit (Resolution Number 18-070) was approved by the Zoning Administrator for Assessor's Parcel Numbers 129-281-007-000 & 129-281-009-000 and 129-281-008-000 & 129-281-014-000 on December 6, 2018. The permit was granted subject to 16 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 to a condition to correspond with the adjoining area, subject to the approval of the RMA Chief of Planning. Plans for such restoration shall be submitted to and approved by the RMA Chief of Planning prior to final inspection. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of work, the Owner/Applicant shall submit restoration plans to RMA - Planning for review and approval.

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:** Applicant shall harvest local seed stock from special-status plants during Fall 2018. The seeds would be germinated in an off-site nursery and the seedlings returned to the site during Fall 2019 for planting over the disturbed area and within the LOD. The applicant shall:

- Provide the name/company of the qualified restoration biologist/ecologist.
- Notify RMA when the seed stock has been harvested and identify the receiving nursery of the seed stock.
- Notify RMA when the planting of the seedlings takes place and provide evidence that the plantings have been completed.

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action No. 1a: Prior to the issuance of the grading permit, the applicant shall submit to RMA-Planning evidence that the seed harvest has been completed and that the seeds are in an appropriate nursery or greenhouse.

Mitigation Measure Monitoring Action No. 1b: Prior to issuance of the grading permit, the applicant shall provide to RMA-Planning the identification of the nursery or greenhouse and the name of the biologist or ecologist that will supervise the germination of the seed stock and the supervisor of the restoration and enhancement measures.

Mitigation Measure Monitoring Action No. 1c: Prior to final, 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 LOD. The Success Criteria described in the revised Biological Assessment (LIB180398) shall be adhered to and the year-end report to RMA shall include a summary of the quality of the local environment within the LOD. Special-status plant recovery success shall include 2 of the three special-status plants present within the grading area after three (3) years. 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.

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action 2a: The applicant or 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 recovering LOD. The report shall also include quantitative measurements gauging the achievement of the goals stated in the Success Criteria contained in the updated Biological Assessment written by Arcadis (LIB180398).

The monitoring period shall include a minimum of three (3) full years, after the planting, including as least three January and spring surveys as described in the October 2018 Arcadis Biological Assessment, Section 10

Mitigation Measure Monitoring Action 2b: The proportion of weeds in the vegetative environment shall not exceed 5% during the monitoring of the restoration period. If the weed content exceeds 5% during observation points, remedial action shall reduce the weed content to less than 5%. The weed content shall not exceed 5% of the vegetative pallet at the conclusion of the three-year restoration period. The applicant or supervising biologist or ecologist shall submit proof along with the annual summary report that the weed content has not exceeded 5%.

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

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The applicant shall remove any special-status plants from within the LOD that may be at risk to trampling or crushing from grading activities, including the maneuvering of equipment and the stockpiling of supplies and the stockpiling of salvaged special-status plants. The salvaged or recovered plants shall be placed in pots and retained on site for the duration of the grading activities. Once the grading activities are completed, the recovered plants shall be replanted in their approximate locations, as feasible.

**Compliance or Monitoring Action to be Performed:** Mitigation Measure Monitoring Action 3a: Prior to final, the applicant shall provide photodocumentary evidence of the site as it existed prior to the commencement of the project. Documentation shall also include photos of the removed special-status plants in their temporary pots and photos of the site once the grading project is completed showing the installation of the BMPs and the Special-Status plants.

## 16. MM4- ADAPTIVE MANAGEMENT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The restoration and enhancement efforts would be monitored twice yearly for a minimum of three (3) years. The monitoring includes observation of the LOD, determining if the restoration and enhancement efforts are meeting their respective targets at the time marks of the Success Criteria period.

**Compliance or Monitoring Action to be Performed:** Mitigation Monitoring Action No. 4a:  
The applicant / supervising biologist/ecologist shall provide to RMA-Planning a status report at the conclusion of each calendar year for at least three consecutive years. The report shall provide written and, if necessary, photographic evidence describing the progress of the restoration and enhancement efforts. If the efforts are not meeting the established targets, the consulting biologist/ecologist shall describe corrective actions that would allow the restoration and enhancement efforts to meet the performance standards described in the Success Criteria contained in the updated Biological Assessment written by Arcadis (LIB180398). If the efforts are not meeting the established targets, the consulting biologist/ecologist shall describe corrective actions that would allow the restoration and enhancement efforts to meet the performance standards described in the Success 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.

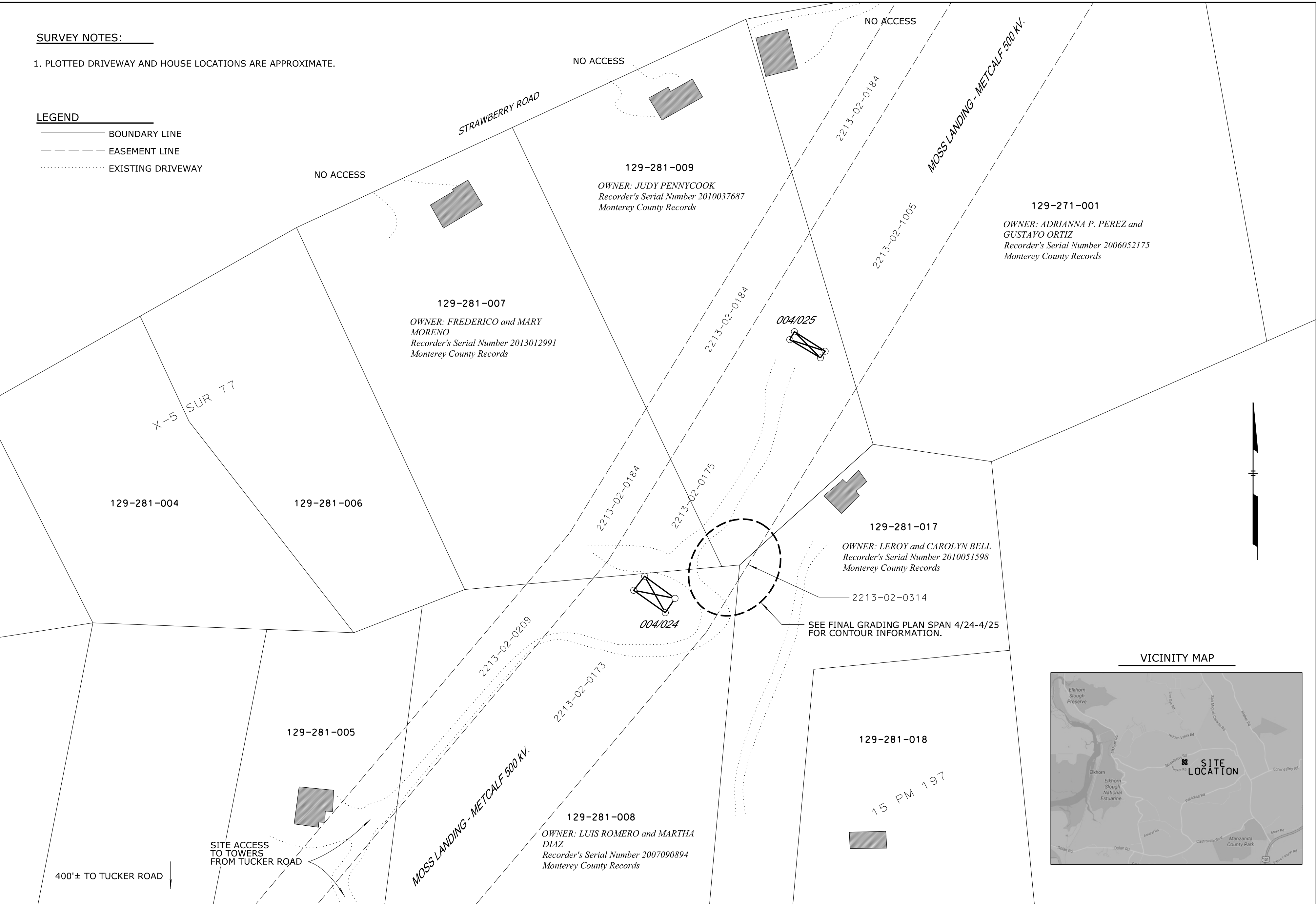
Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning.

SURVEY NOTES:

1. PLOTTED DRIVEWAY AND HOUSE LOCATIONS ARE APPROXIMATE.

LEGEND

- BOUNDARY LINE
- EASEMENT LINE
- EXISTING DRIVEWAY



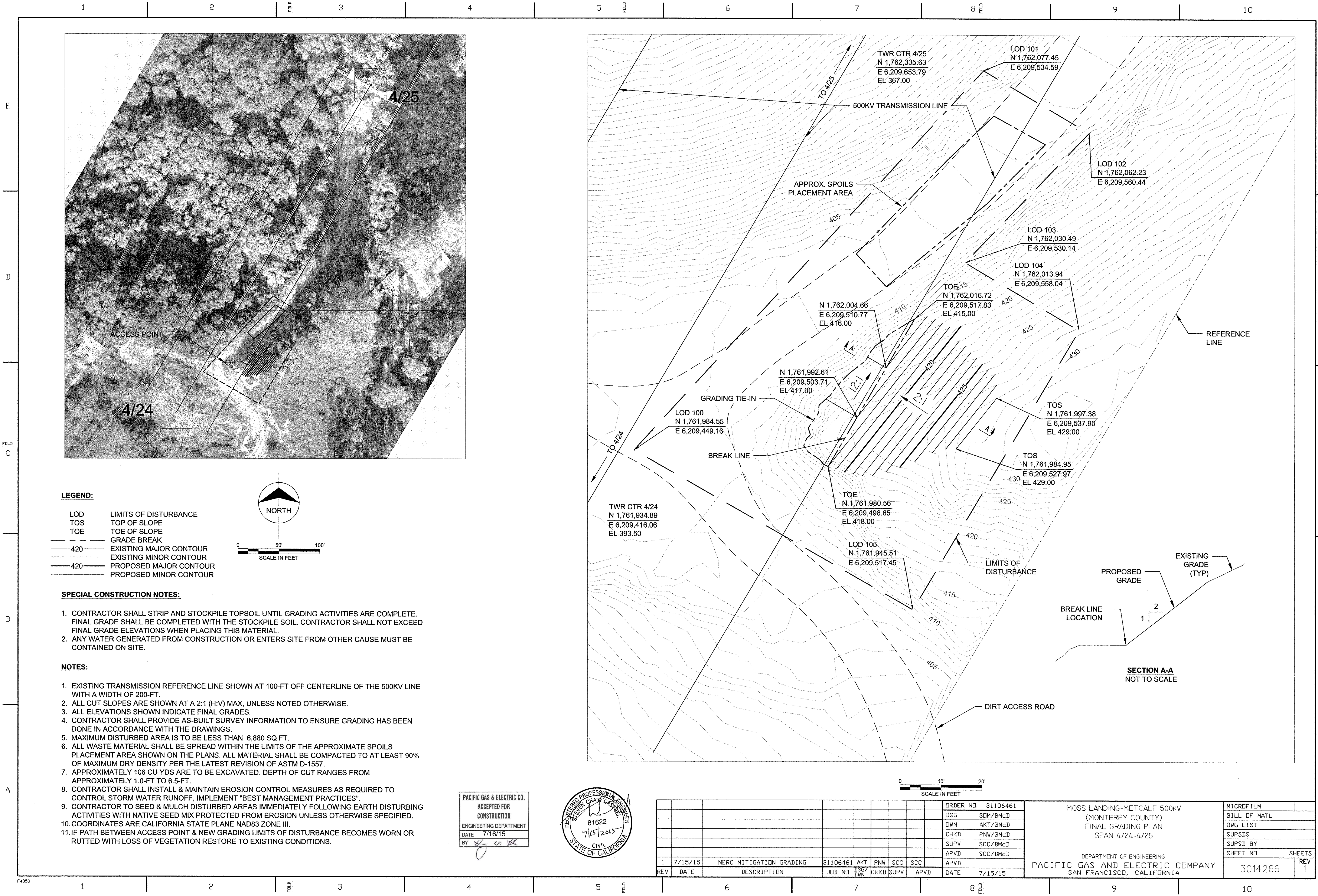
VICINITY MAP



DATUM: H: V:				APPRD BY		AUTHORIZATION	
PROJECTION: UNITS:						31106461	
REFERENCE DWGS.						BY C. Kuhn	
						DR. C. Kuhn	
						CH. O.K. J. Schock	
						DATE 8/18/2016	
SCALES: 1 inch = 100 US SURVEY FEET 1 centimeter =		NO. DATE DESCRIPTION APPD.		SITE PLAN  PACIFIC GAS AND ELECTRIC COMPANY SAN FRANCISCO, CALIFORNIA			
		REVISIONS					
				JCN AREA COUNTY Monterey PROFILE SHEET NO. 1 OF 1 DRAWING NUMBER CHANGE			









**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:  
VERTICAL:

PROJECTION:  
UNITS:

REFERENCE DWGS:

SCALES:

1 inch =  
1 centimeter =

NO.

DATE

DESCRIPTION

APPD.

NO.

DATE

DESCRIPTION

APPD.

NO.

DATE

DESCRIPTION

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

COUNTY

PROFILE

SHEET NO.

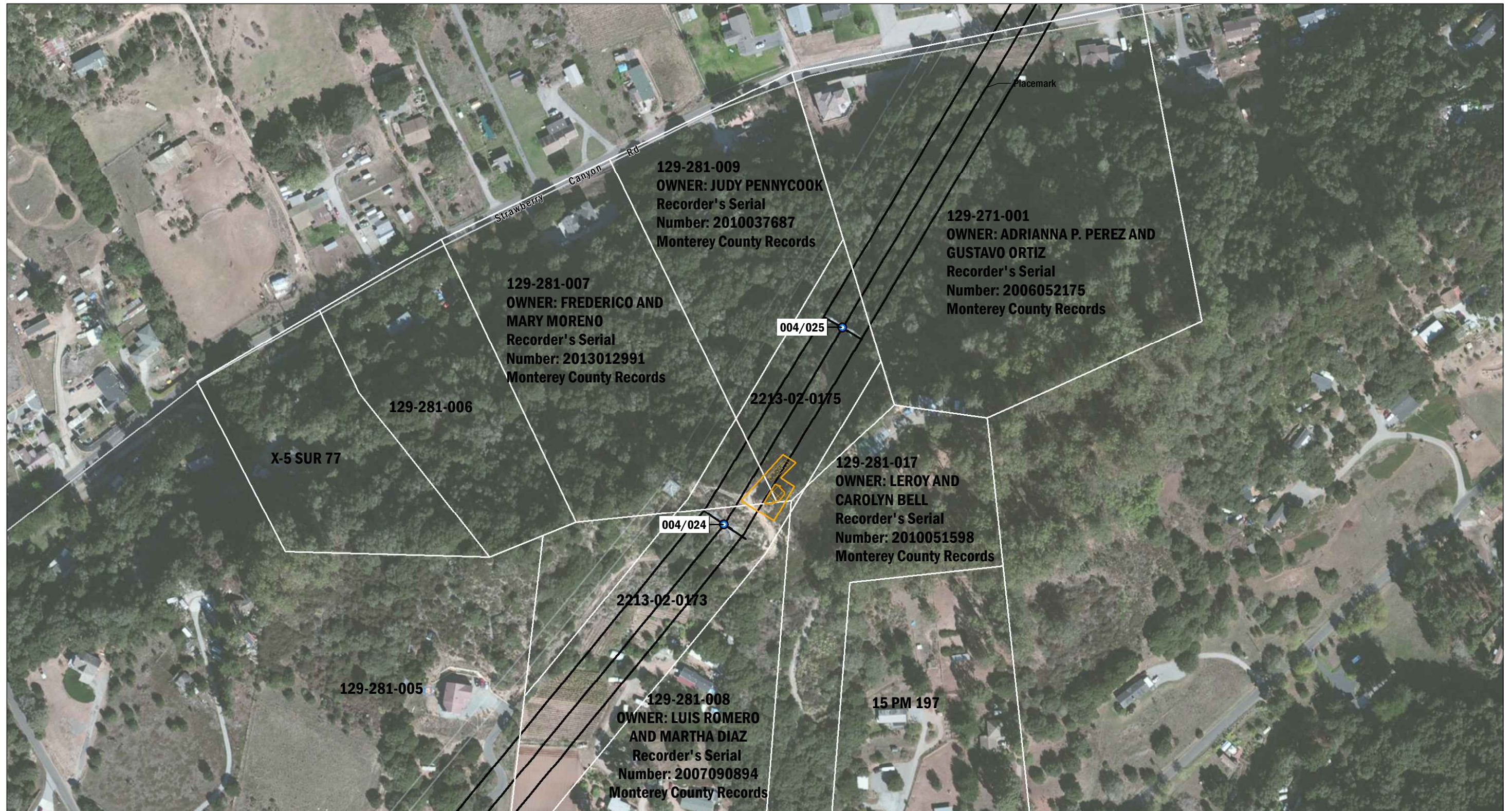
OF




DRAWING NUMBER

CHANGE

SM-369





-  Grading Area
-  Limits of Disturbance
-  Spoils Placement Area

## Moss Landing-Metcalf 500kV

