NOTICE OF MEETING

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING AGENDA

Wednesday, September 6, 2023, 6:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

The Council will not begin consideration of any item on this agenda later than 10:00 p.m. unless such consideration is approved. Any items on this agenda not considered this evening will be continued to a future meeting.

Copies of the agenda packet are available for review at the Pacific Grove Library, in the Finance Department, and electronically at www.cityofpacificgrove.org/agendas. The most effective method of communication with the City Council is by sending an email to citycouncil@cityofpacificgrove.org. In order to allow the City Council adequate time to review communication related to an agenda item, it is recommended that the communication be sent no later than 9:00 AM on the day prior to the City Council meeting.

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

PLEASE NOTE THE MEETING WILL PROCEED AS NORMAL EVEN IF THERE ARE TECHNICAL DIFFICULTIES ACCESSING ZOOM.
THE CITY WILL DO ITS BEST TO RESOLVE ANY TECHNICAL ISSUES AS QUICKLY AS POSSIBLE.

THE PUBLIC MAY ALSO VIEW THE MEETING ON PENINSULA CHANNEL 25.

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
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MEETING INSTRUCTIONS

The public may also view the meeting on the Peninsula Channel 25.

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE: Councilmember Beck

1. **APPROVAL OF AGENDA**

2. **PRESENTATIONS**

A. Mayor's Proclamation: Hispanic Heritage Month **PAGE 7**
Reference: Sandra Kandell, City Clerk/DEI Coordinator
Recommended Action: Receive proclamation for Hispanic Heritage Month.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Service Awards: Audrey Cray, 5 Years and Saul Rodriguez, 5 Years **PAGE 9**
Reference: Tori Hannah, City Manager Pro Tem
Recommended Action: Receive presentations.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

A. Report on Closed Session by City Attorney

B. Other

4. **GENERAL PUBLIC COMMENT**
General Public Comment must deal with matters subject to the jurisdiction of the City and the Council that are not on the Regular Agenda. This is the appropriate place to comment as to items on the Consent Agenda, only if you do not wish to have the item pulled for individual consideration by the Council. Comments from the public will be limited to three minutes and will not receive Council action. Comments regarding items on the Regular Agenda shall be heard prior to Council's consideration of such items at the time such items are called. Whenever possible, written correspondence should be submitted to the Council in advance of the meeting, to provide adequate time for its consideration.

A. Written General Public Comment

CONSENT AGENDA

The Consent Agenda deals with routine and non-controversial matters, and may include action on resolutions, ordinances, or other public hearings for which testimony is not anticipated. The vote on the Consent Agenda shall apply to each item that has not been removed. Any member of Council, staff, or the public may remove an item from the Consent Agenda for individual consideration. When items are pulled for discussion, they will be automatically placed at the end of their respective section within the Regular Agenda. One motion shall be made to adopt all non-removed items on the Consent Agenda.

5. APPROVAL OF CITY COUNCIL MEETING MINUTES

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business

A. Minutes of the August 16, 2023 Closed Session and Regular Meetings **PAGE 12**

Reference: Sandra Kandell, City Clerk

Recommended Action: Approve minutes.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Minutes of the August 30, 2023 Special Meeting **PAGE 17**

Reference: Sandra Kandell, City Clerk

Recommended Action: Approve minutes.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

6. RESOLUTIONS

Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

A. Resolution Posting Contracts and Agreements Online **PAGE 21**

Reference: Brian Pierik, City Attorney

Recommended Action:

1. Motion to adopt a resolution posting contracts and agreements online.
2. Other action as directed by City Council related to this subject.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Resolution Approving Interim City Manager Job Description **PAGE 26**

Reference: Brian Pierik, City Attorney

Recommended Action: Motion to adopt a resolution approving Interim City Manager Job Description or alternatively, discuss and take other action related to this item.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

7. **ORDINANCES**
Items pulled from this section will be placed under 11. Public Hearings

8. **REPORTS – INFORMATION ONLY**
Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

A. 2023 Monarch Sanctuary Annual Management Plan **PAGE 33**
Reference: George Fuerst, Environmental Program Manager
Recommended Action: Receive report.
CEQA: Categorical Exemption, CEQA Guidelines Section 15307, Class 7, Actions by Regulatory Agencies for Protection of Natural Resources

9. **REPORTS – REQUIRING ACTION**
Items pulled from this section will be placed under 12. Unfinished and Ongoing Business or 13. New Business

A. Appointment to Task Force on Diversity, Equity and Inclusion **PAGE 91**
Reference: Bill Peake, Mayor
Recommended Action: Approve appointment of Natalie Marchenko-Fryberger to Task Force on Diversity, Equity and Inclusion ending January 31, 2026.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**
Items pulled from this section will be placed under 13. New Business

A. Diversity, Equity and Inclusion Task Force Meeting Minutes: June 12 and July, 2023
Reference: Sandra Kandell, City Clerk/DEI Coordinator **PAGE 100**
Recommended Action: Receive minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Recreation Board Minutes: January 13, January 27, February 24, and March 24, 2023
Reference: Katie Clark, Recreation Manager **PAGE 106**
Recommended Action: Receive the minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. PUBLIC HEARINGS

For public hearings involving a quasi-judicial determination by the Council, the proponent of an item may be given 10 minutes to speak and others in support of the proponent's position may be given three minutes each. A designated spokesperson for opposition to the item may be given 10 minutes to speak and all others in opposition may be given three minutes each. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of the Council. In public hearings not involving a quasi-judicial determination by the Council, all persons may be given three minutes to speak on the matter.

A. Consider an Appeal of Coastal Development Permit (CDP) 22-0318, Wastewater Collection System Improvement Project - Phase 9 - Coastal Zone Segments - multiple locations including APN 007-041-004 and Adoption of Negative Declaration of Project **PAGE 118**

Reference: Joseph Sidor, Contract Planner

Recommended Action: Staff recommends the City Council deny the appeal, adopt a Negative Declaration pursuant to CEQA Guidelines Section 15074, and approve the Coastal Development Permit (CDP 22-0318), subject to the findings and conditions of approval.

CEQA: Initial Study, Negative Declaration

B. Ordinance Amending Salary Classification Schedule to Include Salary for City Manager Pro Tempore **PAGE 286**

Reference: Brian Pierik, City Attorney

Recommended Action:

1. Request City Attorney to read title of ordinance;
2. Motion to waive further reading of the ordinance;
3. Introduce and hold for first reading an Ordinance Amending Salary Classification Schedule to include Salary for City Manager Pro Tempore;
4. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney;
5. Alternatively, discuss and take other action related to this item.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

12. UNFINISHED AND ONGOING BUSINESS

A. George Washington Park Forest Management Plan - 2022 FMP & Approach Forward

Reference: Daniel Gho, Public Works Director/Deputy City Manager **PAGE 290**

Recommended Action:

1. Receive the 2022 George Washington Park Forest Management Plan (FMP) and provide direction.
2. Direct staff to proceed with developing a multi-seasonal biological assessment for all zones of the park (1-4)
3. Authorize maintenance activities consistent with the approved 1999 GWP Master Plan until a new plan is developed and approved.
4. Alternatively, discuss and take other action related to this item.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Planning Commission Recommendations for the Cannabis Regulatory Draft Ordinances
Reference: Erica Vega, Assistant City Attorney
Recommended Action: **PAGE 480**

1. Consider and accept Planning Commission recommendations for the draft Cannabis Zoning Ordinance for Title 23 and the draft Cannabis Licensing Ordinance for Title 11.
2. Recommend staff bring final ordinances back to City Council for first read/introduction of ordinance.
3. Alternatively, discuss and take other action related to this item.

CEQA: Categorical Exemption, CEQA Guidelines Section 15061(b)(3)

13. NEW BUSINESS

A. Memorandum of Understanding between the City of Pacific Grove and the General Employees Association (GEA) **PAGE 538**
Reference: Katy Suttorp, Attorney, Leticia Livian, Human Resources Director, and Tori Hannah, City Manager Pro Tempore
Recommended Action: Approve a resolution approving the Memorandum of Understanding between the City of Pacific Grove and the General Employees Association to cover the period of July 1, 2023, through June 30, 2026.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

14. FULL PRESENTATIONS

15. CLOSED SESSION

ADJOURNMENT

NOTICE OF ADA COMPLIANCE: Pursuant to Title II of the Americans with Disabilities Act (Codified At 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), and Section 504 of the Rehabilitation Act of 1973, the City of Pacific Grove does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or activities. The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of assisted listening devices will be available at this meeting. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format.

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Sandra Kandell, City Clerk/DEI Coordinator
MEETING DATE:	September 06, 2023
SUBJECT:	Mayor's Proclamation: Hispanic Heritage Month
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive proclamation for Hispanic Heritage Month.

Attachments

Proclamation

Mayor's Proclamation
HISPANIC HERITAGE MONTH

WHEREAS, each year, the federal, state, and local governments observe Hispanic Heritage Month from September 15 to October 15 by recognizing and celebrating the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean and Central and South America; and

WHEREAS, September 15th is significant as a starting date for Latino Heritage month because it is the anniversary of independence for the Latin American countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, Mexico and Chile celebrate their independence on September 16th and September 18th respectively, and Columbus Day or Dia de La Raza, which is October 12th, falls within this 30-day period; and

WHEREAS, Hispanics and Latinos are the largest ethnic group in the State of California and at 18.5% of the United States population, make up the largest ethnic or race minority group in America; and

WHEREAS, Hispanics and Latinos have and continue to serve as Civil Rights leaders, educators, public servants, business owners, activists, artists, colleagues, friends, and much more in our community and across the world; and their values—service to others, non-violence, acceptance of all people, respect for life and the environment, and celebrating community—are also America's values; and

WHEREAS, Hispanics and Latinos continue to enrich our Nation's character, shape our common future, and affirm the narrative of American unity and progress; and

WHEREAS, during National Hispanic Heritage Month, we celebrate Hispanic culture, honor the invaluable ways Hispanics contribute to our common goals, and work toward a stronger, more inclusive, more prosperous society for all; and

WHEREAS, the City of Pacific Grove Diversity, Equity, and Inclusion Task Force recommends proclamation of Hispanic Heritage Month each year.

NOW, THEREFORE, I, Bill Peake, Mayor of Pacific Grove, California, do hereby proclaim September 15, 2023 through October 15, 2023 "HISPANIC HERITAGE MONTH" and encourage all citizens to recognize the significance of Hispanic Heritage and history in our nation and City.

Bill Peake

Bill Peake, Mayor

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Tori Hannah, City Manager Pro Tem
MEETING DATE:	September 06, 2023
SUBJECT:	Service Awards: Audrey Cray, 5 Years and Saul Rodriguez, 5 Years
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive presentations.

Attachments

Service Awards

CITY OF PACIFIC GROVE

Service Award Recognition

is hereby granted to: Audrey Cray

5 Years of Dedicated Public Service

Awarded: September 6th, 2023

Tori Hannah
City Manager Pro Tempore

Bill Peake
Mayor

CITY OF PACIFIC GROVE

Service Award Recognition

is hereby granted to: Saul Rodriguez

5 Years of Dedicated Public Service

Awarded: September 6th, 2023

Tori Hannah
City Manager Pro Tempore

Bill Peake
Mayor

Agenda No. 5 A

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Sandra Kandell, City Clerk/DEI Coordinator
MEETING DATE:	September 06, 2023
SUBJECT:	Minutes of the August 16, 2023 Closed Session and Regular Meetings
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve minutes.

Attachments

Draft Minutes 8-16-23

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

CLOSED SESSION MEETING

Wednesday, August 16, 2023, 5:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).
Join the Zoom Meeting to participate live at:
https://us02web.zoom.us/j/692219855

CALL TO ORDER
Mayor Peake called the meeting to order at 5:00 p.m. City Clerk Kandell conducted roll call with the following Council present in Chamber: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, and McDonnell. Absent: Councilmember Poduri.

APPROVAL OF AGENDA

Action: Upon motion by Councilmember Amelio and seconded by Mayor Pro Tem Smith, Council voted to approve the agenda.

Motion carried 6-0-1, by the following roll call vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, and McDonnell.
NOES: None.
ABSENT: Councilmember Poduri.

CLOSED SESSION

PUBLIC COMMENT ON CLOSED SESSION MATTERS
Public comment received from George Fuerst.

1. Written Public Comment

A. Conference with Labor Negotiators (Government Code Section 54957.6)
City Negotiators: Tori Hannah, City Manager Pro Tem, Leticia Livian, Human Resources Director, and Katy Suttorp, City Attorney's Office
Employees: Management Employees Association and General Employees Association

DRAFT

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

REGULAR MEETING

Wednesday, August 16, 2023, 6:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).
JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://us02web.zoom.us/j/209579290

DRAFT

CALL TO ORDER
Mayor Peake called the meeting to order at 6:00 p.m. City Clerk Kandell conducted roll call with the following Council present in Chamber: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.

PLEDGE OF ALLEGIANCE
Mayor Pro Tem Smith led the pledge of allegiance.

1. **APPROVAL OF AGENDA**
Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Coletti, Council voted to approve the agenda.

Motion carried 7-0, by the following roll call vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.
NOES: None.
ABSENT: None.

2. **PRESENTATIONS**

3. **COUNCIL AND STAFF ANNOUNCEMENTS (City-Related Items Only)**

A. Report on Closed Session by City Attorney
Conference with Labor Negotiators (Government Code Section 54957.6)
City Negotiators: Tori Hannah, City Manager Pro Tem, Leticia Livian, Human Resources Director, and Katy Suttorp, City Attorney's Office
Employees: Management Employees Association and General Employees Association

City Attorney Brian Pierik had nothing to report.

B. Council and staff made general announcements.

4. **GENERAL PUBLIC COMMENT**
General public comment received from Jose Luis Barajas, Chandler Rowland, Kevin

Hanley, Denica De Foy, Tony Ciani, Nina Beety, Colleen Ingram, Wendi Giles, Marsha, Inge Lorentzen Daumer, Vince Tuminello, Mike Gibbs, Dan Miller, Carol Marquart.

A. Written General Public Comment

CONSENT AGENDA

Action: Upon motion by Councilmember Amelio and seconded by Mayor Pro Tem Smith, Council voted to approve the Consent Agenda.

Motion carried 7-0, by the following roll call vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.
NOES: None.
ABSENT: None.

5. **APPROVAL OF CITY COUNCIL MEETING MINUTES**

A. Minutes of the August 2, 2023 Regular Meeting
Action: Approved minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

6. **RESOLUTIONS**

7. **ORDINANCES**

8. **REPORTS – INFORMATION ONLY**

A. Fourth Quarter Treasurer's Quarterly Report – Fiscal Year 2022-23
Action: Received the report.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. Fourth Quarter 22/23 Workers' Compensation Report
Action: Received the report.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

C. July 2023 Check Register
Action: Received the Check Register.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

D. July 2023 Core Revenue Report
Action: Received the report.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

9. **REPORTS – REQUIRING ACTION**

DRAFT

10. **MEETING MINUTES OF COMMISSIONS, BOARDS, AND COMMITTEES**

A. Architectural Review Board Minutes: July 11, 2023
Action: Received the minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

REGULAR AGENDA

11. **PUBLIC HEARINGS**

A. Accessory Dwelling Unit (ADU) Ordinance Amendment
Public comment received from Mike Gibbs, Inge Lorentzen Daumer, Marsha, and Lisa Ciani.

Action: Upon motion by Councilmember Amelio and seconded by Mayor Pro Tem Smith, the Council voted to hold second reading and adopt Ordinance 23-011 amending Municipal Code Section 23.80 Accessory Dwelling Units approving the proposed zoning text amendment.

Motion carried 7-0, by the following roll call vote:

AYES:	Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell, and Poduri.
NOES:	None.
ABSENT:	None.

CEQA: Statutory Exemption, CEQA Guidelines 15282(h) - Adoption Regarding Second Units in a Single or Multi Family Residential Zone

12. **UNFINISHED AND ONGOING BUSINESS**
13. **NEW BUSINESS**
14. **FULL PRESENTATIONS**
15. **CLOSED SESSION**

ADJOURNMENT
Council adjourned the regular meeting at 7:08 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

DRAFT

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Sandra Kandell, City Clerk/DEI Coordinator

MEETING DATE: September 06, 2023

SUBJECT: Minutes of the August 30, 2023 Special Meeting

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve minutes.

Attachments

Draft Minutes 8-30-23

DRAFT MEETING MINUTES

CITY OF PACIFIC GROVE

CITY COUNCIL

SPECIAL MEETING

Wednesday, August 30, 2023, 5:00 P.M.
Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

APPEARING VIA ZOOM:
Councilmember Joe Amelio
75 Curley Drive
Long Beach, NY 11561

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://us02web.zoom.us/j/209579290

DRAFT

CALL TO ORDER
Mayor Peake called the meeting to order at 5:00 p.m. City Clerk Kandell conducted roll call with the following Council present in Chamber: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Beck, Coletti, McDonnell, and Poduri. Appearing by Zoom: Councilmember Amelio.

~~**PLEDGE OF ALLEGIANCE**~~
~~Councilmember Poduri led the pledge of allegiance.~~

1. **APPROVAL OF AGENDA**
Action: Due to the noticing of a special meeting, Mayor Peake recommended removal of the pledge of allegiance and general public comment items.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Beck, Council voted to approve the agenda as modified.

Motion carried 7-0, by the following roll call vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell and Poduri.
NOES: None.
ABSENT: None.

~~2. **GENERAL PUBLIC COMMENT**~~

A. Written General Public Comment

REGULAR AGENDA

3. **NEW BUSINESS**

A. Interim City Manager Job Description
No public comment received.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Coletti, Council voted to direct the City Attorney to prepare a Resolution establishing an Interim City Manager Job Description.

Motion carried 7-0, by the following roll call vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell and Poduri.
NOES: None.
ABSENT: None.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

B. City Manager Recruitment Services
Public comment received from Cathy Wooten.

Action: Upon motion by Mayor Pro Tem Smith and seconded by Councilmember Coletti, Council voted to authorize an agreement with Bob Murray and Associates for Interim and City Manager recruitment services for an amount not to exceed $42,000 beginning September 1, 2023, and terminating June 30, 2024.

Motion carried 7-0, by the following roll call vote:

AYES: Mayor Peake, Mayor Pro Tem Smith, Councilmembers Amelio, Beck, Coletti, McDonnell and Poduri.
NOES: None.
ABSENT: None.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

ADJOURNMENT

Council adjourned the special meeting at 5:27 p.m.

Respectfully Submitted,

Sandra Kandell
City Clerk

DRAFT

Approved by Mayor: _____Date_____

Attest by City Manager: _____Date_____

DRAFT

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Brian Pierik, City Attorney
MEETING DATE:	September 06, 2023
SUBJECT:	Resolution Posting Contracts and Agreements Online
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Motion to adopt a resolution posting contracts and agreements online.
2. Other action as directed by City Council related to this subject.

DISCUSSION

This item is for the City Council to consider Resolution 2023-XX Posting Contracts and Agreements Online which is attached to this Agenda Report including Exhibit A which is City Council Policy 000-29 Posting Contracts and Agreements Online pursuant to City Council direction on June 7, 2023.

The Resolution includes Findings in support of the Resolution as follows:

- Posting important documents is a practice by many cities in California.
- Posting allows public confirmation of Council and Staff actions.
- Posting provides ease of public access.
- Posting reduces public records requests.
- Posting will enhance the public's trust and confidence in local government.
- A contract was recently awarded to Cities Digital Inc. and a Document Management System implemented.
- Phase I with posting of vendor contracts to a public portal was launched February 2023.
- Phase II will include other types of City agreements such as leases and grants and include a search capability.
- Posting of documents should be in accordance with Records Management and Records Retention Schedule Policy 000-19.

OPTIONS

N/A

FINANCIAL IMPACT:

There is no fiscal impact.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Reso and Attached Policy

RESOLUTION NO. 23-XXX

POSTING CONTRACTS AND AGREEMENTS ONLINE

FINDINGS

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1. Posting important documents is a practice by many cities in California.

2. Posting allows public confirmation of Council and Staff actions.

3. Posting provides ease of public access.

4. Posting reduces public records requests.

5. Posting will enhance the public's trust and confidence in local government.

6. A contract was recently awarded to Cities Digital Inc. and a Document Management System implemented.

7. Phase I with posting of vendor contracts to a public portal was launched February 2023.

8. Phase II will include other types of City agreements such as leases and grants and include a search capability.

9. Posting of documents should be in accordance with Records Management and Records Retention Schedule Policy 000-19

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. The Council hereby approves City Council Policy 000-29 attached hereto as Exhibit A.

3. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 6h day of September, 2023 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:
DATED:_____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney

EXHIBIT A

City of Pacific Grove
City Council Policy

Policy Governing	Policy No.	Effective Date	Page
Posting Contracts and Agreements Online	000-29	September 6, 2023	1 of 1

PURPOSE:
To provide ease of public access to important contracts and agreements describing actions taken by city government.

POLICY & PROCEDURE:
All contracts and agreements having a value of $5,000 or greater shall be posted online within 30 days of execution by all parties.

Contracts and agreements shall include but not be limited to:

- purchases
- construction, professional, maintenance, and vendor services
- leases
- grants
- loans
- promissory notes
- franchises
- other contracts and agreements

Confidential information contained within vendor or legal services contracts or other agreements shall be excluded on approval by the City Attorney.

Contracts and agreements shall remain posted in accordance with Council Policy 000-19 Records Management and Records Retention Schedule.

Adopted September 6, 2023- Resolution 23-xxx

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Brian Pierik, City Attorney
MEETING DATE:	September 06, 2023
SUBJECT:	Resolution Approving Interim City Manager Job Description
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Motion to adopt a resolution approving Interim City Manager Job Description or alternatively, discuss and take other action related to this item.

DISCUSSION

Currently no Interim City Manager Job Description exists.

An Interim City Manager fills the vacant City Manager position while City Manager recruitment activities are underway.

The Interim City Manager job description is attached to the Resolution submitted with this Agenda Report.

The Interim City Manager job description is modeled after a City Manager job description.

The key distinction for an Interim City Manager is the requirement of considerable city management experience. Thus, the requirement of a minimum of 15 years of increasing responsibility in an administrative or managerial capacity in a municipal organization.

At the Special Meeting of the City Council on August 30, 2023, the City Council gave direction to the City Attorney to return to the City Council with a Resolution approving the Interim City Manager job description.

An Interim City Manager who is a CalPERS retired annuitant is limited to 960 hours (equivalent to 24 weeks) of employment per fiscal year (Government Code sections **7522.56** and **21221(h)**). This amount of time should be sufficient to fill the permanent City Manager position.

OPTIONS

N/A

FINANCIAL IMPACT:
There is no fiscal impact.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Proposed Reso Approving Interim City Manager Job Description

RESOLUTION NO. 23-XXX

RESOLUTION APPROVING INTERIM CITY MANAGER JOB DESCRIPTION

FINDINGS

1. Currently no Interim City Manager Job Description exists.

2. An Interim City Manager fills the vacant City Manager position while City Manager recruitment activities are underway.

3. The Interim City Manager job description is attached as Exhibit A to this Resolution.

4. The Interim City Manager job description is modeled after a City Manager job description.

5. The key distinction for an Interim City Manager is the requirement of considerable city management experience. Thus, the requirement of a minimum of 15 years of increasing responsibility in an administrative or managerial capacity in a municipal organization.

6. At the Special Meeting of the City Council on August 30, 2023, the City Council gave direction to the City Attorney to return to the City Council with a Resolution approving the Interim City Manager job description.

7. An Interim City Manager who is a CalPERS retired annuitant is limited to 960 hours (equivalent to 24 weeks) of employment per fiscal year (Government Code sections 7522.56 and 21221(h)). This amount of time should be sufficient to fill the permanent City Manager position.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. The Interim City Manager Job Description attached to this Resolution as Exhibit A is incorporated herein by reference and is hereby approved.

3. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 6th day of September, 2023 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:
DATED:_____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney

EXHIBIT A

Interim City Manager Job Description

SUMMARY:

To plan, organize, and direct the overall administrative activities and operations of the City. To advise and implement City Council goals and policies. To perform all duties as specified by the City Charter.

Per Article 19 of the City Charter, the powers and duties of the City Manager shall be:

- To see that all ordinances are enforced.
- To appoint all heads of departments, subordinate officials, and employees, and remove the same, and have general supervision and control over the same.
- To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.
- To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are fully observed and to report to the Council any violations thereof.
- To act as purchasing agent for the City. The City Manager shall know the exact condition of the treasury at all times and shall approve all demands before the same have been allowed by the Council if the City Manager is satisfied that the money is lawfully due.
- To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.
- To examine, or cause to be examined, without notice, the conduct, or the official account and records, of any officer or employee of the City.
- To keep the Council advised as to the needs of the City.
- To have supervision over all City property, including public buildings, parks, and playgrounds.
- To appoint such advisory boards as the City Manager may deem desirable to advise and assist the City Manager provided the members of such boards shall receive no compensation.
- To cause a quarterly statement of all funds in the treasury to be submitted to the Council. Such statements shall be submitted not later than the first meeting in November, February, May, and August.
- To assume general control of the City government and all of its branches in case of riot, insurrection or extraordinary emergency, and to be responsible for the suppression of disorders and the restoration of normal conditions.

ADDITIONAL ESSENTIAL FUNCTIONS:

Additional duties may specifically include, but are not limited to, the following:

- Direct and participate in the development and implementation of all City goals, objectives, policies, and procedures;
- Direct the preparation of plans and specifications for work specified by City Council;

- Interpret, analyze, and explain policies, procedures and programs to staff and public as appropriate;
- Confer with residents, taxpayers, businesses, and other individuals, groups and outside agencies having an interest or potential interest in affairs of City concern;
- Respond to public feedback on city operations including requests for information;
- Represent the City in the community and at professional meetings as required;
- Coordinate City activities with other governmental agencies and outside organizations;

MINIMUM QUALIFICATIONS:

Any combination equivalent to experience and education that provides required knowledge and abilities described below.

Education: Equivalent to a Bachelor's degree from an accredited college or university with major course work in public or business administration or a closely related field. A Master's degree is desirable.

Experience: A minimum of 15 years of increasing responsibility in an administrative or managerial capacity in a municipal organization including as a city manager, assistant city manager or department head in a California community of similar size and complexity to Pacific Grove.

KNOWLEDGE AND SKILLS:

Knowledge of:

- Modern municipal management methods and procedures, organizations, and functions; Principles of public and business administration including public finance, personnel administration, and community and economic development;
- Current social, political, and economic trends and operating problems of municipal government;
- Applicable federal and state laws, rules, and regulations regarding local government, land use and zoning regulations;
- Principles of effective public relations and interrelationships with elected and appointed city officials, community groups and agencies, private businesses and firms, and other levels of government.

Ability to:

- Work collaboratively with the City Council.
- Provide effective leadership and coordinate the activities of a large, full service, municipal organization;
- Facilitate teambuilding among City Staff and City Council;
- Analyze, interpret, summarize, and present administrative and technical information and data in an effective manner;
- Take direction from and serve effectively as the administrative agent of the City Council;

- Select, supervise, train, mentor, and evaluate staff.

CONDITIONS OF EMPLOYMENT:

- Take an Oath of Office
- Must be willing to work varied hours, as well as attend evening or weekend meetings and community events, as appropriate

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	George Fuerst, Environmental Program Manager
MEETING DATE:	September 06, 2023
SUBJECT:	2023 Monarch Sanctuary Annual Management Plan
CEQA:	Categorical Exemption, CEQA Guidelines Section 15307, Class 7, Actions by Regulatory Agencies for Protection of Natural Resources

RECOMMENDATION

Receive report.

DISCUSSION

The City of Pacific Grove partners with Creekside Science for consulting services regarding the Monarch Grove Sanctuary. On a yearly basis, Dr. Stuart B. Weiss has worked with City staff to identify needed management activities in the Monarch Grove Sanctuary and George Washington Park. Dr. Weiss' report highlights recent history and current conditions, long-term views, and recommendations.

The major management actions that are recommended this year:

1) Manage large, downed wood. Buck up and distribute a large fallen pine tree.

2) Remove boxed trees from their current locations along the SE fence.

3) Further thin a group of Monterey cypress (planted in the mid-2000's) in the NW corner.

This year's recommendations in summary for the Monarch Sanctuary are:

1. Remove large standing dead trees and hazard branches. This effort was partially completed on an emergency basis following winter wind events. A large standing dead pine near the hotel driveway in the NE corner remains a potential hazard.

2. Manage large, downed wood. Buck up the trunk of a large fallen pine tree so it is in contact with the ground, cut smaller branches and either scatter, pile, or chip onsite.

3. A hiatus on major tree plantings. Closely monitor growth and health of young trees.

4. Remove boxed trees from their current locations along the SE fence line. They are beginning to root through the boxes and are in a crowded location.

5. Plant native shrubs along the southern boundary, along trails, and open understory to diversify and fill lower canopy wind gaps.

6. Further thinning of cypress stand toward the NW corner. This group of Monterey Cypress, planted in mid-2000s, is overcrowded. Two trees were removed in 2022 and the removal of an additional 2-3 trees is recommended to allow the remaining trees to expand their canopies and flourish.

7. Initiate thinning small eucalyptus in the SE corner. Removal of the weakest crowded trees will allow remaining trees to respond strongly to increased space and fill in the canopy.

8. Manage nectar beds. Follow horticultural guidance to optimize nectar bed flowering to coincide with monarch presence.

9. Manage pine seedlings. Maintain and cage pine saplings and water appropriately.

10. Continue to irrigate new plantings with an emphasis on fewer deep irrigations and weaning new plantings off irrigation after a few years.

11. Take a broader view of the site and work with neighbors, including the hotel, to establish communication and cooperation towards site management.

The City of Pacific Grove is dedicated to the preservation and enhancement of the Monarch Grove Sanctuary. Annually, Dr. Stuart Weiss and City Staff perform a walkthrough and prepares the management activities for implementation prior to the overwintering months, approximately October 1 – April 30. Before performing the recommended maintenance activities, the annual management plan is brought forth to the Beautification and Natural Resources Commission and then sent to California Fish and Wildlife for their review. The management report is sent to Fish and Wildlife, who hold a Conservation Easement granting them oversite of the Sanctuary and all activities that occur within the property.

City staff and Dr. Stuart Weiss hosted a walkthrough of the Monarch Grove Sanctuary on August 25th with over 30 people in attendance to discuss the proposed maintenance activities. It is anticipated that the recommended actions, along with some general cleanup, will occur before October 1st and the anticipated overwintering begins.

OPTIONS

Do nothing.

FINANCIAL IMPACT:

All proposed activities will be funded through Public Works operations budget.

FOCUSED PRIORITY AREA: Environmental Stewardship

Attachments

2023 Management Plan Update

CREEKSIDE SCIENCE
P.O. BOX 1553, LOS GATOS, CA 95031

Stuart B. Weiss, Ph.D.
www.creeksidescience.com
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650 269-2876

Assessment and proposed management activities Monarch Grove Sanctuary and George Washington Park for 2023

Monarchs reforming clusters in strong NW winds afternoon Jan 1 2023

Monarchs on large cypress tree near northern boundary March 1, 2023

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Executive Summary

In 2022, the California overwintering population was estimated at ~335,000 butterflies during the Thanksgiving Counts. The Western monarch butterfly migration has made a great comeback from perilously low numbers (~2000) in 2020, rising to ~250,000 in 2021. Hypothesized causes of the crash and the recovery are covered in the 2022 report (and attached to this report as an Appendix).

Peak numbers at Monarch Grove Sanctuary (MGS) were estimated at 12-16,000 from early-November through December. Numbers dropped to 12,000 in early January, following a series of intense storms in mid- and late-December. This 18% drop from December to January was one of the best performances of any large site in California. Numbers declined to 9,000 by mid-January, and to 5,000 remained by early March. Only 300 remained by mid-March. It was a relatively late emigration, reflecting an absence of mid-winter heatwaves in the coldest winter in many decades.

After arriving in October, the butterflies clustered in sunny areas on the southern edge of the grove, primarily on eucalyptus. By mid-November, they clustered in the South Interior of the grove on Monterey pines and then retreated farther into the grove as many storms brought strong winds. By early February they were deep in the grove on a few cypresses close to the north fence, and by March some spread to the driveway and back south into the interior.

The general health of the trees has improved with the sustained and heavy rainfall in 2022-23. A large live (but old) tree fell in the interior of the grove and took out a healthy young pine. New plantings of Monterey cypress (2021) are well established and are actively growing. Boxed trees remain along the SE fence and in a gap near the hotel driveway.

The major short-term management actions recommended for 2023 are:

1) Removing hazard trees and branches
2) Buck up and distribute the large fallen tree in the interior.

3) Hiatus on new tree plantings except for one spot by the hotel driveway
4) Initiate and continue thinning of overly dense trees.
5) Remove boxed trees before they root in place.
6) Remove old stakes and cages.
7) Manage nectar beds, and plan for replacement and pruning of poor-performing species and beds.
8) Re-examine irrigation scheduling and implementation. Implementing deep watering at George Washington Park is one immediate area of adjustment.

Longer-term management actions will benefit from a new comprehensive site management plan that will guide activities well into the future. Funding is likely available via the Monterey County Resource Conservation District (as part of a large statewide program) and with the participation of California Department of Fish and Wildlife (which hold the conservation easement on MGS). The key elements of this management plan were presented in the 2022 report in some detail. including some examples of habitat mapping with LiDAR. They are included as Appendices in this 2023 report for completeness and ease of reference.

Introduction

The following recommendations and assessments are based on site visits over the 2022-2023 season and on-site consultations with City Arborist Albert Weisfuss and environmental manager George Fuerst in Spring 2023. They are presented in the context of the 2011 Management Plan (Weiss 2011) and subsequent consultations with City staff and residents, including annual recommendations from 2014-2022 (Weiss 2014-2022). The recommendations are based on previous scientific work at dozens of monarch sites, professional judgment, input from stakeholders in Pacific Grove, and field assessments. They attempt to carefully balance monarch habitat needs, hazard reduction, and forest health, based on both short-term and long-term perspectives.

Background data on monarch numbers at Monarch Grove Sanctuary (Xerces Society Thanksgiving Counts and New Year's Counts) provide context of the entire California monarch population. Butterfly monitoring data from the Pacific Grove Museum since 2013 have documented monarch use patterns and habitat suitability relative to weather and time of season. This reporting on monarch abundance and distribution provides a long-term accessible record for the local community.

The major elements of this report are:

1. The numbers at Pacific Grove in California context, including both Thanksgiving and New Years' Counts.
2. The monitoring data from the PG Museum on monarch numbers and distribution through the season, and interpretation.
3. A graphical view of Monterey Airport data, to identify high wind events and aid in interpreting the movement of monarchs within MGS.

4. A brief review of management actions completed in recent years.
5. Recommendations for management actions in summer 2023.
6. Photographs of monarchs and habitats with notes.
7. Discussion of opportunities for a new management plan and the elements of that plan (Appendix A).
8. An exposition on potential causes of the Western monarch crash from 2015-2020, and subsequent recovery (Appendix B).
9. A repeat and update of the long-term management considerations from previous reports, where still relevant (Appendix C).
10. A supplemental separate document with some visualizations and analysis of LiDAR data from 2016, as a demonstration of the potential of this new technology (Appendix D).

In 2020, City Arborist Albert Weisfuss completed a detailed report with his recommendations, and those were considered in the 2020 report (Weisfuss 2020). The assessments and recommendations (with a few noted exceptions) are a solid foundation for guiding management, and the input of a professional arborist is essential especially on matters of tree health and species suitability.

A horticultural report (Regan Biological and Horticultural Consulting 2022) was developed that addresses issues with the nectar beds.

Pacific Grove in California Context

Monarch Grove Sanctuary supported a peak of 15,960 monarch butterflies in late fall 2022 (Thanksgiving Counts). The California total was 335,479 monarchs at more than 100 sites from Sonoma County to Baja California. The numbers of monarchs at Pacific Grove primarily reflect the ups and downs of the overall California population ($r^2 = 0.82$), with some variations among years (Table 1, Figure 1). MGS has served as one of the major overwintering sites in California, accounting for an average of 7% (range 1% to 14%) of the Thanksgiving Counts since 1999. Its rank among all CA sites ranged from 1st (2006) to 17th (2009), and MGS is almost always in the top 10 sites. For Monterey County (from 2001 on), MGS accounted for an average of 37% (range 17% to 58%) of the county population.

In 2022-23, MGS supported 4.8% of the CA population, and 62% of the Monterey County population during the Thanksgiving Counts. It was the 4th largest site in California.

The New Years' counts (Table 2) across several sites are an indication of how well sited maintained monarch numbers through December and early January. MGS retained 82% of its butterflies, its highest retention rate since 2019. It is one of the better retention rates in California, similar to Lighthouse Field (84%) and higher than Pismo North (75%),

Moran Lake (70%), and Natural Bridges (60%). And it compares favorably to the overall retention rate for California as a whole (42%).

Seasonal Monarch Behavior

In general, monarchs seek wind-sheltered but sunny sites within forest groves along the coast. They "crowdsource the microclimate" - taking flight when conditions are too warm or too cool, too sunny, or too shady, and especially too windy. They tend to land where other monarchs are clustered, because the best indicator of good conditions for monarchs is the presence of other butterflies. The butterfly clusters move around according to the weather and time of year; lack of wind shelter is often the proximal cause of shifts. They often cluster just outside MGS to the south; and they use a mixture of tree species (eucalyptus, pine, and cypress) that varies from week to week and year to year.

The seasonal course of monarch numbers at MGS for 2013-23 (Figure 2a) shows arrival in October, peaks in late-November through early-December, and declines in January and February as monarchs die or leave the site. Butterflies move around MGS, often associated with wind events – they often start the season along the sunny southern boundary and move into the interior following southerly storm winds. Emigration and mortality (Monarch Photo 4) reduce numbers for the remainder of the season, with a final exodus by mid-February into early-March. The details of recent seasons (2013-2022) are described in previous reports.

In 2022-23 (thick black line in Figure 3), monarchs arrived in mid-October, quickly rose to 12,000 by the end of October, and peaked at 16,000 by the end of November. Numbers dropped to 12-13,000 into early January, and slowly declined through mid-February to 9,000. A decline to 5,000 occurred in late-February, and the final mass emigration occurred by mid-March. The emigration was the latest among all nine years plotted here.

Monarchs clustered on a variety of tree species and shifted through the season (Figure 2b). In 2022-2023, monarchs started primarily on eucalyptus along the southern edge. By late October, after storms and high winds, they moved to nearly 100%, Monterey pines in the interior and remained there through January. Many monarchs were clustered on lace lichen hanging from the pines. There was a shift to cypress trees toward the end of the season.

The spatial distribution of monarchs changed over the season (Figure 2c, 2d). They started out primarily on the south edge (blue), and progressively moved deeper into the grove, first to the South Interior just N of the E-W trail by late-November (light green), and then into the Interior (darker green) during December-January, and nearly 100% of the butterflies were in the North Interior (darkest green) by early early-February. In mid-February and March, large numbers (more than 50% of the population) started clustering along the Driveway, and some were near the nectar beds.

The preference for pines and cypress for most of the season is the result of the wind-sheltered interior being dominated by pines and cypress, not an intrinsic preference for those species. In previous years, monarchs have used eucalyptus much more frequently during the bulk of the season.

Weather 2022-2023

The daily weather at Monterey Airport (KMRY, Figure3) provides a view of the regional synoptic meteorology (passage of storm fronts, high wind events, and temperature extremes). While KMRY does not absolutely represent the conditions within MGS, high winds there are representative of the conditions outside the canopy at MGS. KMRY serves as an indicator of high regional wind events that can be tied to historical monarch movements within MGS.

2022-2023 was a stormy wet winter, with many rain days numerous periods of high winds. The first high winds in October (>20 mph) drove the monarchs off the eucalyptus on south boundary, into the more sheltered pines in the South-Interior of the grove (Figure 2b, 2c). A series of strong wind events in December drove them further north, so by early January they were in the Interior. More strong winds in early-January drove them even further north to the North Interior. In February, many monarchs moved to the Driveway area and reoccupied the Interior.

The season was also notable for being cooler than average, with a distinct absence of mid-winter heatwaves (>70°F) that stimulate monarchs to break diapause. Some monarchs remained on the site well into March, compared with emigration in January and February in most other years (Figure 2a).

The weather station along the South fence (presented in the 2021-22 report) was functional only through December so will not be reported on further.

Nectar

Monarchs will visit many species of flowers for nectar. Early season (October-November) nectar helps keep monarchs at MGS, where they can attract other monarchs arriving from the breeding grounds. Nectar provides energy for flight, and the high availability at many California overwintering sites allows monarchs to conserve fat reserves and maintain body mass.

The major species used at MGS are tree daisy (Monarch Photo 1), bottlebrush (2), and English Ivy (3). The ivy-covered stump at the NE corner attracts hundreds of butterflies in the fall.

Yellow butterfly bush (Buddleia) is also frequently used, but the bushes are overgrown and need some cutting back to freshen flower production and force flowering during the critical October-November period. Blue gum eucalyptus come into flower in January and

provide copious nectar for the latter part of the season. The flowering red gum (*E. filicifolia*) sometimes blooms in the fall and is visited frequently during warm weather. Monarchs will avoid shade when air temperatures are cool, so the sunny areas near the nectar beds are crucial and should be used to the fullest.

Another species that should be considered is orange colored Mexican sunflower, which is heavily used in the fall at the Gill Tract in Albany (Photo 4). More on that in the recommendations.

Current state of Monarch Grove Sanctuary

Monarch Grove Sanctuary continues to provide high quality overwintering habitat. Large numbers of monarchs persisted through a very stormy winter, indicating that there is sufficient wind shelter and dappled light in the interior.

The depth of MGS allowed monarchs to take refuge from strong southerly winds in the far Northern Interior section (also observed in 2017 and other years). The shelterbelt of eucalyptus and other species planted in 1999 is well established and now provides solid NW wind protection so that monarchs can remain in the Interior zone when winds shift from southerly to northwesterly following storms.

In terms of recent active management, most hazard trees and branches have been removed over time, but some dead pines remain, and others are close to death. One large old tree fell in a storm. New tree plantings are established and will eventually fill in some wind gaps, as well as provide cluster sites in favorable microsites.

Habitat photos, with documentation of location and photo orientation, of various parts of MGS are presented below with brief descriptions. The detailed analysis of the forest structure and microclimate is found in the 2011 Siter Assessment and Management Plan (Weiss 2011).

Recent Management Actions in 2020- 2022

The major recent action in fall 2020 was plantings of boxed Monterey cypress that had been brought into MGS in 2019. Several cypress trees were planted in the open area south of the main entrance and kiosk, where 1 or 2 trees were recommended as cluster trees. More cypresses were planted south of the main trail. Cypresses were also planted to the east of the nectar beds. Some bottlebrush and eucalyptus trees were also planted Some toyon and ceanothus were planted and caged.

Identified hazard trees and branches have been removed each year.

The irrigation scheduling appears to be working better, as there has been a tendency to overwater in past years.

The recommendation that new low-growing native nectar plants be established along the trail through the nectar beds has not been implemented. Suggested management of the existing nectar plants by selective pruning was not observed by June 2023.

The new tree plantings have not been mapped as of 2023, pending a new mapping effort for all trees, so a complete inventory is not available. A new map of MGS is a central element of a new management plan, as discussed below in Appendix A).

In 2022, the neighbors at 1070 Short removed a cypress in their backyard that was developing into a good windbreak tree. This emphasizes how important it is to have MGS as self-contained as possible in the absence of enforceable restrictions on neighboring properties.

General 2023 Recommendations

The general recommendation is that good forestry practices be consistently implemented. These practices include:

1. This is not a "natural" forest, and direct thoughtful forestry and arborist prescriptions are necessary to maintain the microclimatic structure of wind shelter and moderate light that attracts and retains monarchs.
2. Manage stem densities through selective thinning to allow for the development of healthy individual trees. The overly densely planted areas in the SE corner have had 10 years of growth, and have developed into a thicket of crowded, unhealthy trees. The removal of selected trees will reduce canopy competition for light and reduce root competition for water and nutrients. The remaining trees will expand their canopies and grow faster, producing better wind shelter that will more than compensate for the loss of sickly canopies. This work can be phased in over several years but should start in 2023. An eventual minimum spacing of 10' is the target. This also applies to some of the cypress stands behind the nectar beds, where thinning started in 2022.
3. Slow down new plantings. Several dozen trees, including cypress, eucalyptus, and pines have been planted in recent years. The performance of these trees needs to be evaluated. A hiatus in new plantings, except in very limited areas discussed below, is recommended, along with more attention on taking care of the recently planted trees with well-planned (deep and infrequent) irrigation.
4. Proactive hazard reduction of dead trees and branches that threaten people and other trees. The path is the obvious target and several hazards have been identified in 2023 (discussed below). But interior dead trees that do not have a trail as a target are a threat to other trees - the large tree that fell this last season in the Interior Zone took out a desirable healthy young pine tree (Habitat Photo 21). There is a large dead tree in the NE interior that will do the same thing when it falls (Habitat Photo 10).

Specific 2023 short-term recommendations

1. **Remove large standing dead trees and hazard branches (Habitat Photos 9, 10, and 18).** One tree along the main path has already been removed in summer 2023, because it posed an immediate hazard (Habitat Photo 18). Toward the NW corner, there are dead branches overhanging the main path that urgently need to be dropped safely. All dead and nearly dead branches within reach of the trail should be identified, inspected, and removed. Near the hotel driveway, a large dead standing pine (Habitat Photo 10) is poised to eventually fall and take out desirable trees, like what happened in 2023 (Habitat Photo 21).
2. **Manage large, downed wood.** Buck up the trunk of the large fallen pine so that the trunk is in contact with the ground. Cut smaller branches and either scatter, pile, or chip onsite (Photo 19). Collect a good sample of the cones, to spread in areas where pine seedling recruitment is desired. Leave the upturned trunk as potential wildlife habitat (Photo 20). The major goal over time is to avoid excessive fuel accumulation. This tree took out a healthy mid-sized pine tree (Habitat Photo 21), serving as a lesson as to why large snags need to be dealt with.
3. **A hiatus on major tree plantings** until a full inventory and structural assessment is completed as part of a new management plan (see Appendix). There are plenty of new trees in the ground for now and their growth and health should be monitored closely. Eventually, it may be necessary to thin some trees to encourage individual tree health.
4. **Remove boxed trees from their current locations along the SE fence (Habitat Photo 1).** They are currently rooting through the bottoms of the boxes. These trees are too crowded relative to the large trees just west, too close to the fence, and unnecessary for wind shelter given the structures and the dense tree canopies developing to the further west of the large trees.
5. **New limited plantings of large trees.** The exception to the hiatus on new plantings is that ***one or at most two*** potted trees in the gap on the Hotel property can be planted (Habitat Photos 2, 11). If two trees are planted (to have one backup) then the less vigorous one should be thinned after several years once survival of the desired tree is clear. Avoiding overplanting is essential for individual tree health and rapid growth to fill this gap.
6. **Shrub plantings.** Planting native shrubs like toyon along the south boundary with 1070 Short will help fill in the wind gaps produced by the removal of the cypress in the backyard and create a more attractive edge. Newly planted cypress and eucalyptus just inside MGS facing this gap will provide mid-story wind protection after a few years. Planting native shrubs along trails and in open understory areas can diversify the understory, but plants need protection from deer browsing.
7. **Further thinning the cypress stand toward the NW corner (Habitat Photo 7)** with removal of two more trees to be selected in the field, to allow for more room for the remaining trees while maintaining wind shelter. Two trees were

thinned in 2022. The remaining trees will expand their canopies in the absence of competition and fill out the canopy openings.

8. **Initiate thinning small eucalyptus in the SE corner (Habitat Photo 4).** The weakest crowded eucalyptus in the SE corner to allow for development of healthier trees (Habitat Photo 4). Some of these trees are nearly dead, after ten years of growth in crowded conditions. Plan on removing a few trees each year until a suitable density (10' spacing) is achieved. Some of the trees immediately along the fence (Habitat Photo 16) should be thinned as well. The remaining trees will respond strongly to increased space and fill in the canopy rapidly, and individual trees will be much healthier and grow more rapidly.
9. **Remove old stakes and cages (Habitat Photo 17).** Many trees planted in the last decade still have stakes, collars and cages that are no longer needed. Each staked tree should be evaluated, and the stake/cage removed if no longer needed.
10. **Manage nectar beds.** A report on the nectar beds was produced recently (Regan Biological and Horticultural Consulting 2022), and provides excellent assessments and recommendations. The yellow Buddleia bushes should be pruned to refresh growth and force flowering in the fall. Half of the canopy should be pruned to a density determined by consultations with a master gardener or other horticultural expert. Some nectar beds support species that are not used by monarchs (such as the mallow) and should be replaced. Mexican sunflower (*Tithonia rotundifolia*, Monarch Photo 4) is an excellent addition – it is heavily used at the Gill Tract in Albany. Additional native nectar plantings in sunny trailside areas should be considered but should wait until the rope fencing is replaced.
11. **Manage pine seedlings**. Maintain and cage pine saplings in the interior (Habitat Photo 14). Apply irrigation as needed in the first one or two years for establishment of planted pines – the emphasis should be on relatively few deep irrigations over the dry season, not frequent shallow irrigations. There are several natural recruits from seed east of the nectar beds that should be retained and encouraged. Trees that naturally recruit develop resilient root systems that explore the soil to great depth. Experiments with pine seeding on patches of freshly bare soil could develop a method for recruitment of healthy pines. Collecting cones from fallen trees could provide a good source of seeds for such experiments.
12. **Irrigation.** The irrigation regime for new plantings be continued, but trees and shrubs should be weaned off irrigation after a few years once established. An evaluation of the irrigation program by the City arborist is recommended. Again, the emphasis should be on a few deep irrigations over the dry season, not frequent shallow irrigation.
13. **Neighbors.** Take a broader view of the site and work with neighbors. Trees in the surrounding neighborhoods can provide critical wind shelter. For example, a growing cypress south of MGS at 1070 Short Street was taken out leaving a gap in the wind shelter. New plantings of cypress and eucalyptus within MGS will

eventually seal this gap. The trees on the hotel property are also integral to the monarch habitat. Working out lines of communications and responsibilities will help site management progress more smoothly.

2023 Recommendations for George Washington Park

The bulk of the consideration of GWP is in the Appendix as part of the long-term management plan outline. No major actions, except immediate hazard tree management, are recommended until a full site assessment is completed.

One immediate issue is adjusting the irrigation schedule for the numerous pines that have been planted in recent years. Long-term survival and health of these pines requires that they grow roots to tap deep soil water once irrigation is stopped after several years. Volunteers have devoted much time and effort in irrigating these trees, and it is important to have an effective irrigation schedule for deeper watering. The current irrigation schedule only provides shallow water, which encourages the pines to grow roots in the shallow wet zone at the expense of deeper roots. *It is highly recommended that the watering regime be changed to deep irrigation so that each tree receives much more water in each watering, with less frequent watering.* The exact schedule needs to be worked out, but as a start, twice the water at half the frequency is suggested.

Photo Gallery

The photo gallery documents many of the observations and recommendations, and some (not all) are referenced in the text above.

Literature cited.

Crone, E.E., Pelton, E.M., Brown, L.M., Thomas, C.C. and Schultz, C.B., 2019. Why are monarch butterflies declining in the West? Understanding the importance of multiple correlated drivers. Ecological Applications, 29(7), p.e01975.

Crone, E. and Schultz, C., 2021. Resilience or Catastrophe? A possible state change for monarch butterflies in the West. Ecology Letters, *24*(8), pp.1533-1538.

Espeset, A.E., Harrison, J.G., Shapiro, A.M., Nice, C.C., Thorne, J.H., Waetjen, D.P., Fordyce, J.A. and Forister, M.L., 2016. Understanding a migratory species in a changing world: climatic effects and demographic declines in the western monarch revealed by four decades of intensive monitoring. Oecologia, 181(3), pp.819-830.

Fordyce, J.A., Baert, N. and Forister, M.L., 2020. Pesticide Contamination of Milkweeds Across the Agricultural, Urban, and Open Spaces of Low-Elevation Northern California. Frontiers in Ecology and Evolution, 8, p.162.

James, D.G., 2019. A neonicotinoid insecticide at a rate found in nectar reduces longevity but not oogenesis in monarch butterflies, Danaus plexippus (L.).(Lepidoptera: Nymphalidae). Insects, 10(9), p.276.

James, D.G. and Kappen, L., 2021. Further insights on the migration biology of monarch butterflies, Danaus plexippus (Lepidoptera: Nymphalidae) from the Pacific Northwest. Insects, 12(2), p.161.

Leong, K.L.H. 1990. Microenvironmental factors associated with the winter habitat of the monarch butterfly (Lepidoptera:Danaidae) in central California. Annals of the Entomological Society of America 83:906-910

Leong, K.L.H. 1991. Use of multivariate analyses to characterize the monarch butterfly (Lepidoptera:Danaidae) winter habitat. Annals of the Entomological Society of America 84:263-267.

Pelton, E.M., Schultz, C.B., Jepsen, S.J., Black, S.H. and Crone, E.E., 2019. Western monarch population plummets: status, probable causes, and recommended conservation actions. Frontiers in Ecology and Evolution, 7, p.258.

Regan Biological and Horticultural Consulting. 2022. City of Pacific Grove Monarch butterfly Sanctuary Horticultural management.

Schultz, C.B., Brown, L.M., Pelton, E. and Crone, E.E., 2017. Citizen science monitoring demonstrates dramatic declines of monarch butterflies in western North America. Biological Conservation, 214, pp.343-346.

Weisfuss, A. 2020. Monarch Grove Sanctuary. An Assessment with Recommendations. Arborist report to the City of Pacific Grove.

Weiss, S.B. 1998. Habitat Suitability, Restoration, and Vegetation Management at Monarch Grove Sanctuary, Pacific Grove, California. Report to the City of Pacific Grove.

Weiss, S.B. 2011. Management Plan for Monarch Grove Sanctuary:
Site Assessment and Initial Recommendations. Report to the City of Pacific Grove.

Weiss, S.B. 2013-2020. Proposed management activities Monarch Grove Sanctuary and George Washington Park. Annual memorandum/report to the City of Pacific Grove.

Yang, L.H., Ostrovsky, D., Rogers, M.C. and Welker, J.M., 2016. Intra-population variation in the natal origins and wing morphology of overwintering western monarch butterflies Danaus plexippus. Ecography, 39(10), pp.998-1007.

Table 1. Monarch Butterfly Thanksgiving Counts Xerces Society Monarch Grove Sanctuary (MGS) George Washington Park (GWP), Monterey County, and California Totals. *MGS was the only site counted that year.

Year	MGS	GWP	CA Total	Monterey Co.	MGS % CA	MGS % Monterey	MGS CA Rank
1997	45,000		1,235,490	45,000	4%	100%*	10 (tie)
1998	35,000		564,349	41,000	6%	85%	5
1999	25,000		267,574	25,000	9%	100%*	3 (tie)
2000	20,000	0	390,057	20,000	5%	100%*	6 (tie)
2001	14,960		209,570	31,203	7%	48%	4
2002	4,700		99,353	11,593	5%	41%	5 (tie)
2003	22,802	2,750	254,378	68,979	9%	33%	2
2004	10,867	4,325	205,085	54,481	5%	20%	4 (tie)
2005	12,199	2	218,679	37,540	6%	32%	4
2006	28,746	11,795	221,058	59,957	13%	48%	1
2007	8,181	2	86,437	15,426	9%	53%	3
2008	17,866	0	131,889	31,063	14%	58%	2
2009	793	0	58,468	4,735	1%	17%	17
2010	4,968	0	143,204	8,634	3%	58%	4
2011	12,265	61	222,525	27,788	6%	44%	4
2012	10,790	0	144,812	29,048	7%	37%	4 (tie)
2013	13,420	1	211,275	35,772	6%	38%	3 (tie)
2014	18,128	0	234,731	55,879	8%	32%	3
2015	11,472	0	292,888	27,787	4%	41%	3 (tie)
2016	17,100	0	298,464	64,804	6%	26%	3
2017	7,350	0	192,629	35,657	4%	21%	8
2018	705	0	28,429	2,758	2.5%	26%	15
2019	642	0	21,944	2,792	2.9%	25%	8
2020	0	0	1,914	58	0	0	--
2021	13,608	0	247,237	26,502	5.5%	51%	5
2022	15,960	0	335,479	25,920	4.8%	62%	4

Table 2. Comparisons of Thanksgiving (NOV) with New Year's (JAN) counts at selected sites from 2019 to 2022. 2020 had so few butterflies that it is not included.

SITE NAME	NOV 2022	JAN 2023	% 2022	NOV 2021	JAN 2022	% 2021	NOV 2019	JAN 2020	% 2019
MGS	15,960	13,149	82%	13,608	10,055	74%	642	316	49%
Lighthouse Field	3,365	2,836	84%	410	637	155%	3402	2600	76%
Natural Bridges	7,500	4,500	60%	2,100	1,700	66%	1997	25	1%
Moran Lake	5,701	4,000	70%	1,100	725	66%	400	30	8%
Pismo North	24,128	18,073	75%	20,871	16,695	80%	6,735	3,625	54$
CA Total	285,332	120,492	42%	249,250	154,121	62%	24,899	12,526	50%

Figures

Figure 1. Relationship between total California monarch numbers and MGS numbers, Xerces Thanksgiving Counts

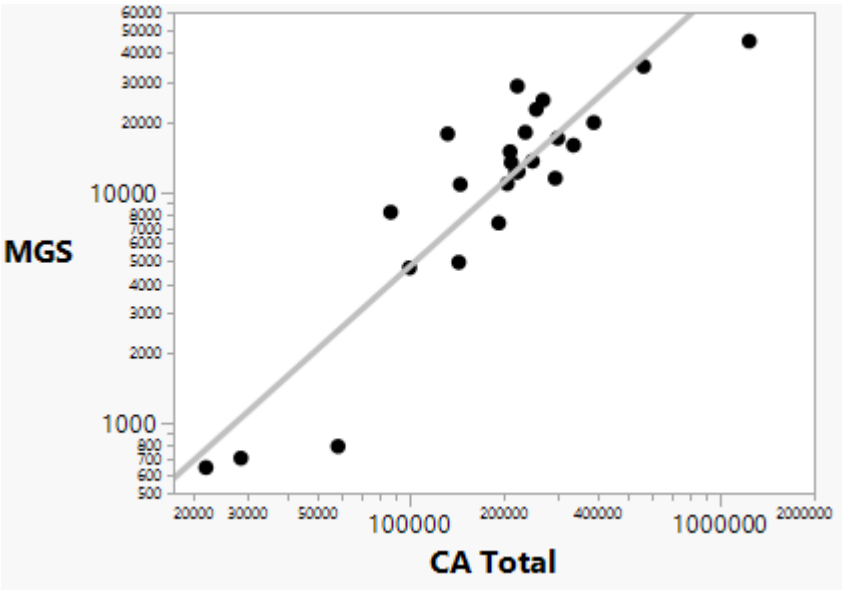


Figure 2a. Monarch numbers through seasons. Data from Pacific Grove Museum

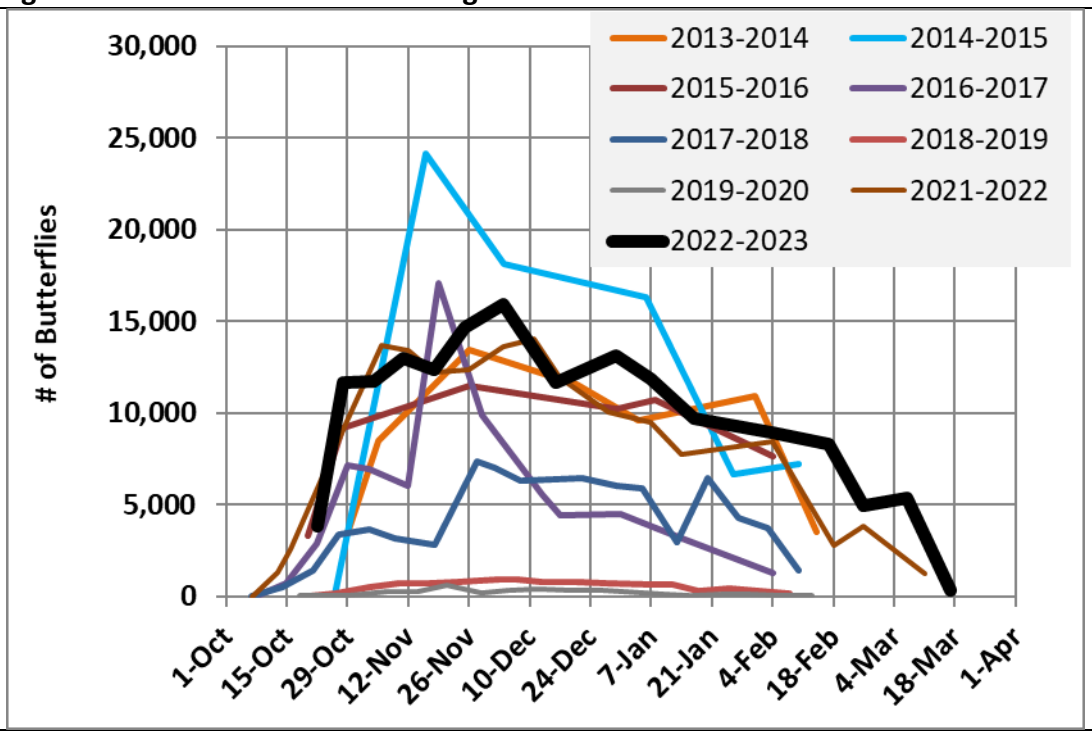


Figure 2b. Monarch Tree Occupancy through Time

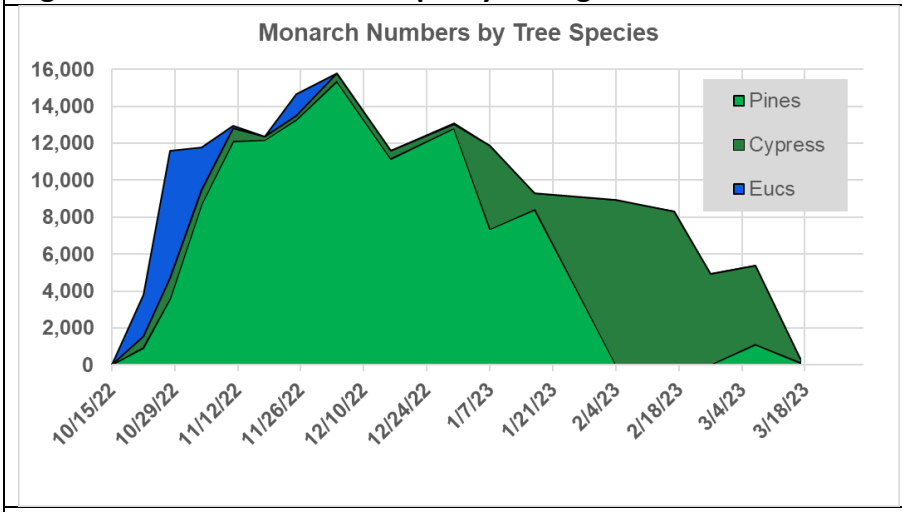


Figure 2c. Monarch Spatial Distribution by Zones

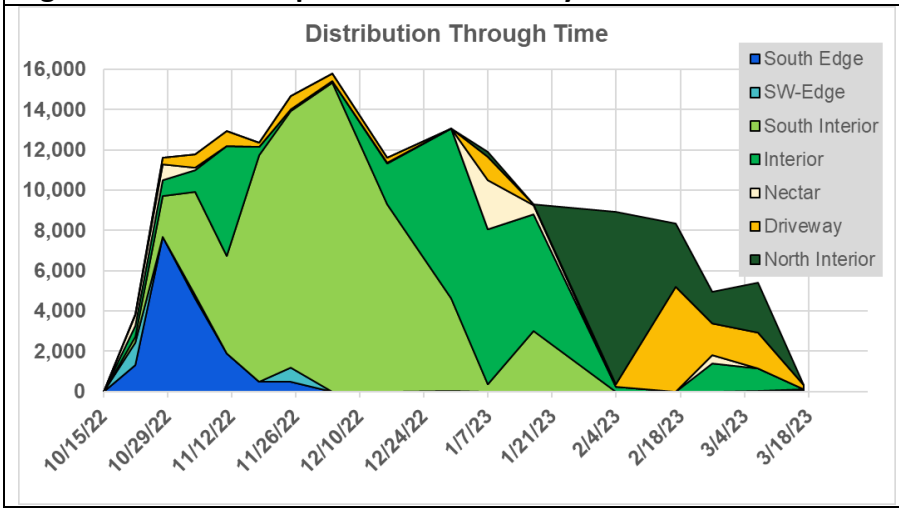


Figure 2d. Map of monarch cluster zones in Figure 2c and text.

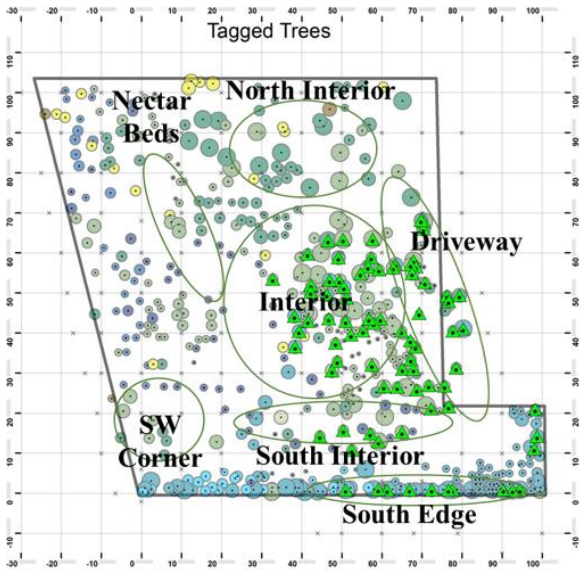


Figure 3. Temperature and Wind Speed at Monterey Airport

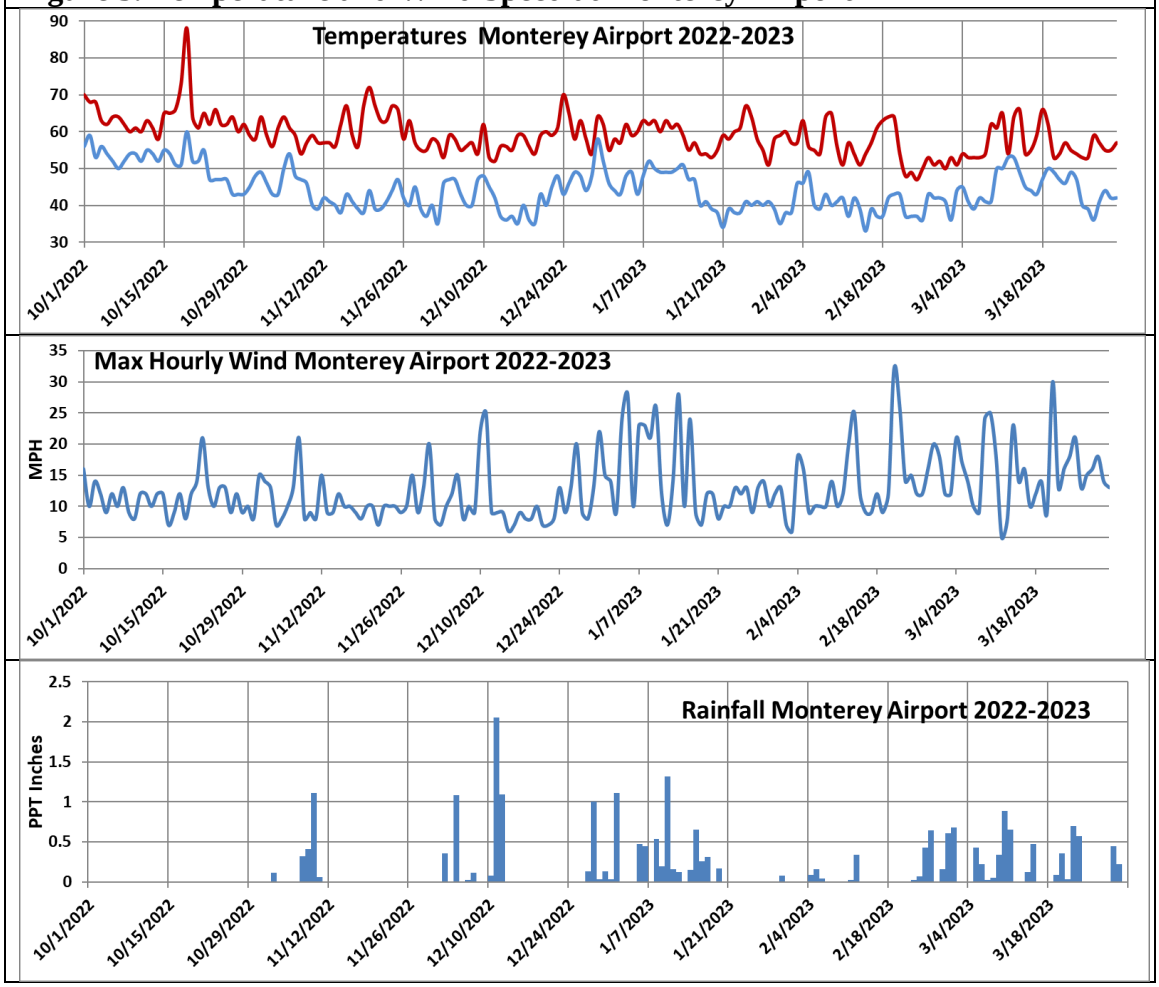


Figure 4. Monarch Occupied Trees (Green Triangles) and cluster zones, Grid in meters

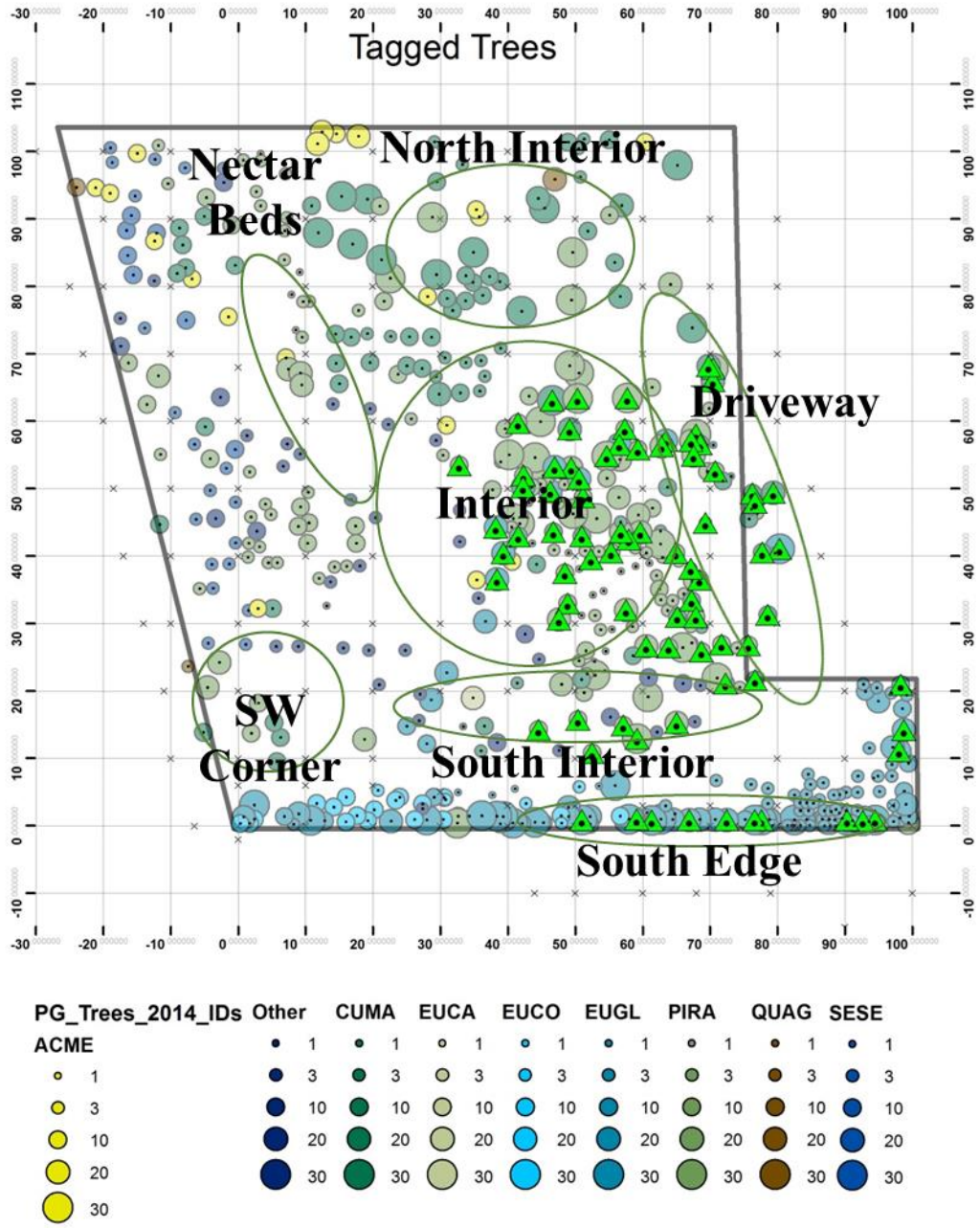


Figure 6. Management Zones. Grid in Meters

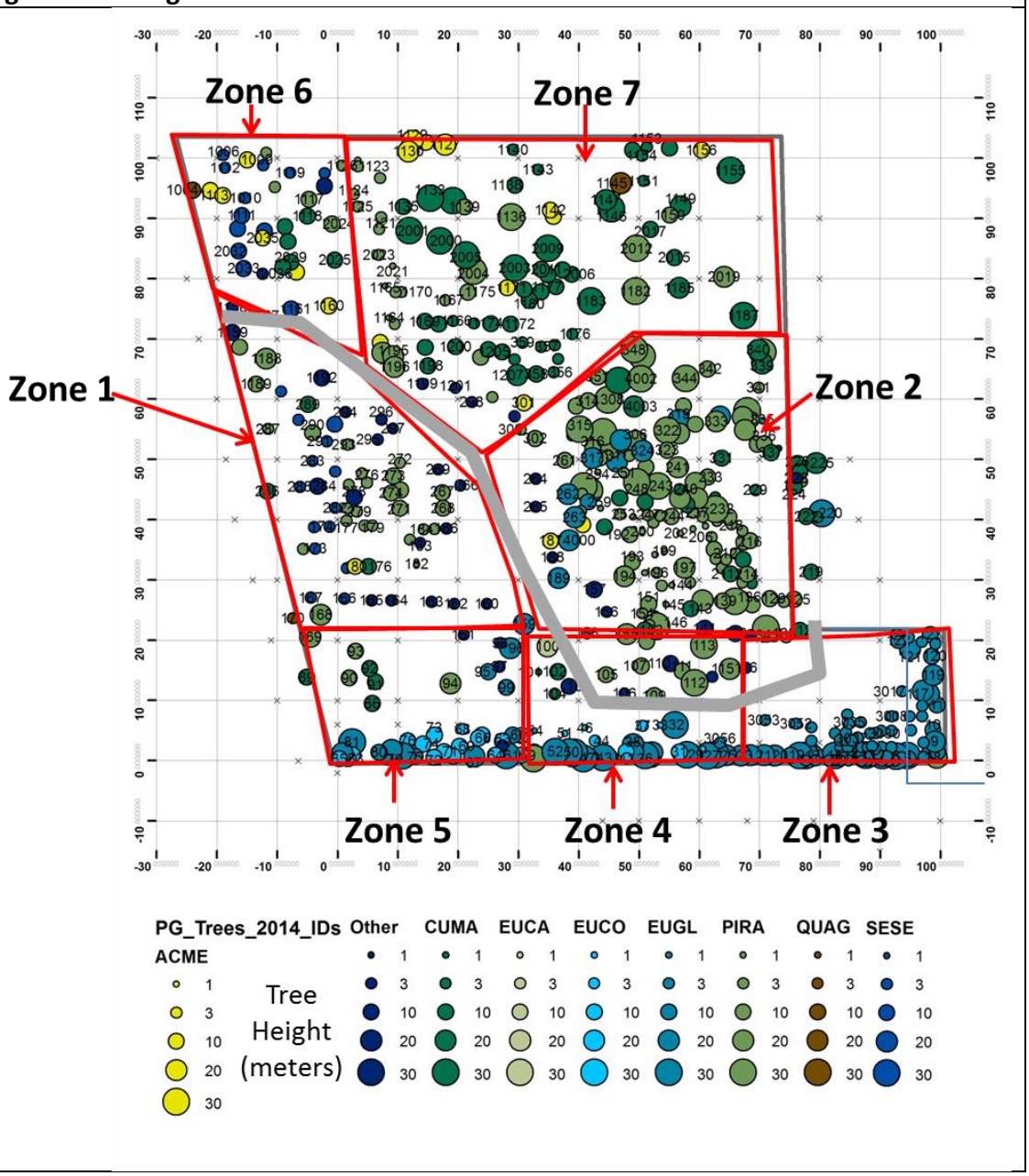
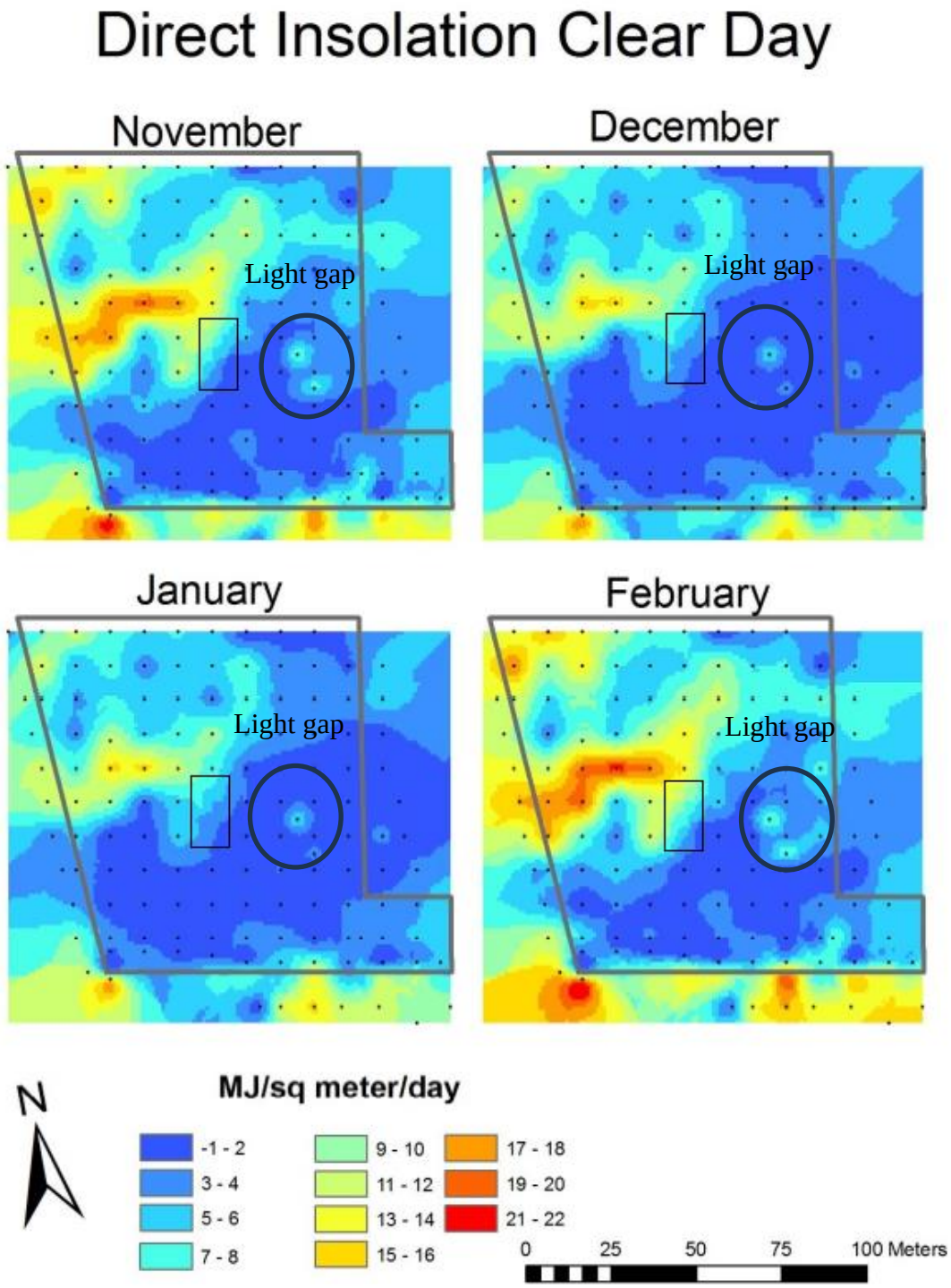
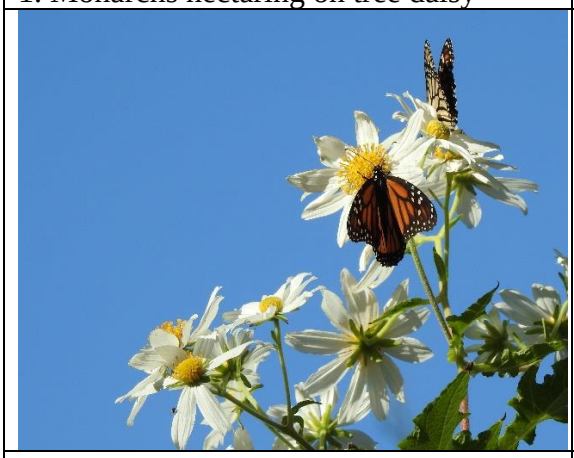
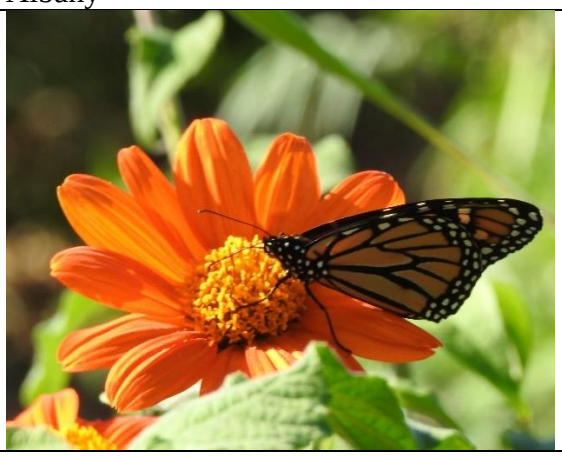


Figure 7. Insolation maps from 2011 report. Note the small halos in the interior east of the outline of the old building footprint; which is the interior cluster zone. The high insolation areas NW of the old building are where nectar (primarily tree daisy and bottlebrush) is available the entire season



Monarch photos

1. Monarchs nectaring on tree daisy	2. Monarchs nectaring on bottlebrush
	
3. Monarchs nectaring on English ivy	4. Monarchs on Mexican sunflower (*Tithonia rotundifolia*) at Gill Tract, Albany
	
5. Monarchs forming clusters late afternoon, January 2023. Strong NW winds	6 Monarchs on large cypress in North-Interior, March 2023.

Habitat Photos

Photo 1. Eastern boundary with boxed eucalyptus trees. At their current size, these trees provide marginally increased wind shelter above that provided by the houses to the east.	Photo 2. Potted trees placed in a gap on the hotel property. Originally, these trees were planted in the ground, but were dug up after consultation with city staff. Planting two trees at most in this gap would be the best way to fill this gap with a healthy trees

Photo 3. Two cypress planted in the open area of the SE corner of MGS. These trees may develop into cluster trees in a wind-sheltered area with dappled light

Photo 4. SE corner. These eucalyptuses were planted too dense in 2013 (3-5' apart) and are growing poorly and in poor shape. The well-spaced trees (10-15' apart) that were officially authorized in 2012 are much healthier and taller.

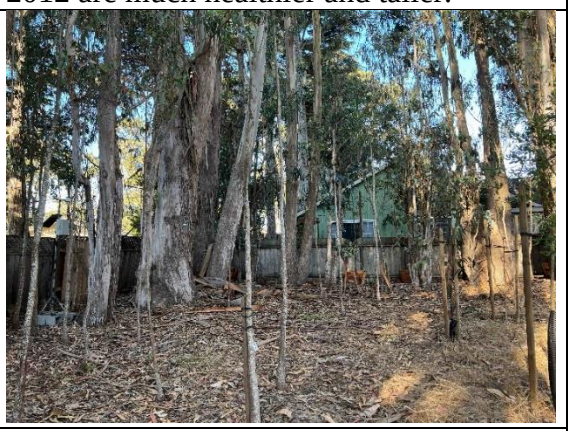


Photo 5. Eucalyptus planted in 2012 at appropriate spacing (10-15') are now 25+ ft tall and are establishing a second row north of the main eucalyptus row. Monarchs have clustered on these trees early in the season.

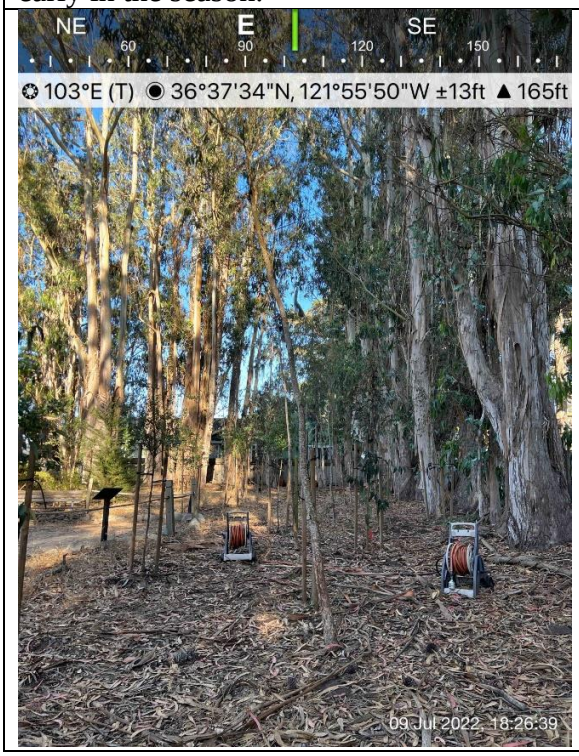


Photo 6. Second row of eucalyptus planted in 2021, to fill in gaps in the southern boundary.

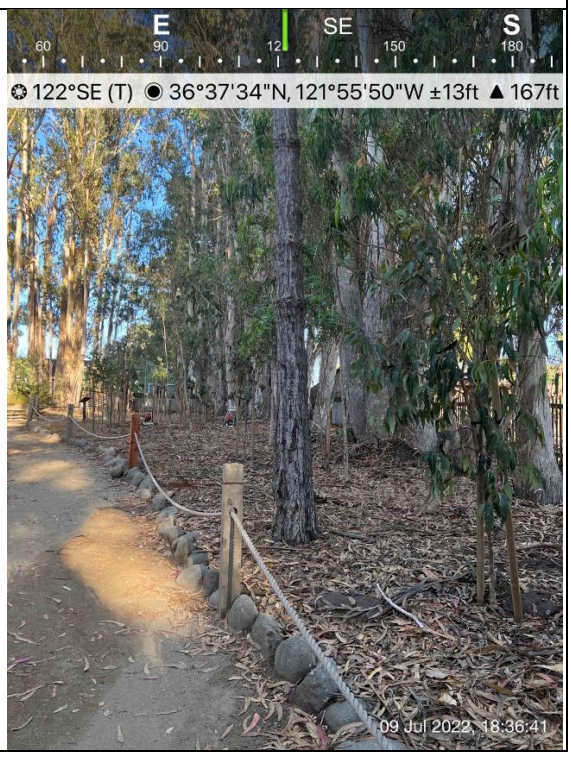


Photo 7. Group of cypress panted in mid-2000s, thinned in 2022 by removing two trees to allow for more rapid growth and health of remaining trees. One or two additional trees should be removed in 2023. Wind shelter will not be compromised, and the remaining trees will fill in.

Photo 8. The NW-side of the eucalyptus windbreak planted in 1999. This mixed species shelterbelt provided critical NW wind protection for the interior of the grove where monarchs clustered in 2021-2022 (and other years).

Photo 9. Dead branch over the trail NW of nectar beds, to be removed.

Photo 10. Dead pine near NE corner. This tree threatens important interior trees and should be removed. An irregular-topped snag can be left behind.

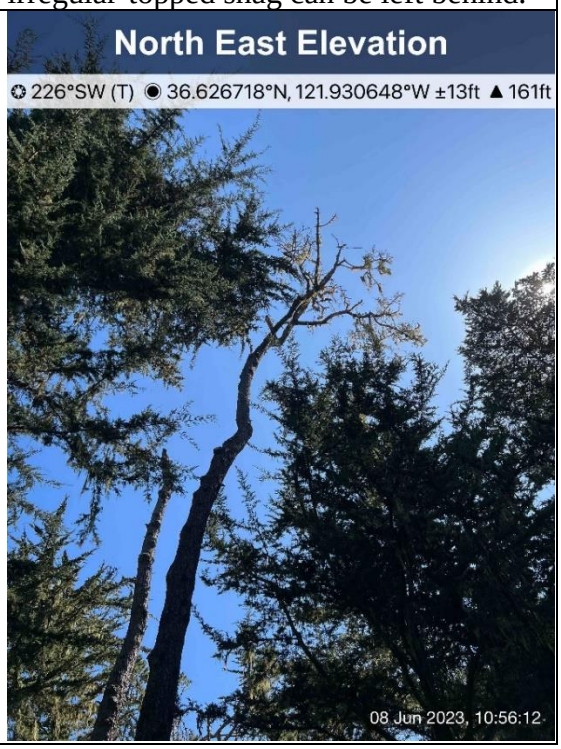


Photo 11. View from interior to east showing the hotel, which acts as a windbreak from this direction. The view N is blocked by an array of pines, eucalyptus, and cypress. The gap to the SE is where potted trees were placed.

Photo 12. Newly planted cypress east of nectar beds, part of a double row of trees planted to seal up this edge and protect the interior cluster zone.

Photo 13. View to SSW from trail, rapidly growing cypress between trail and Grove Acre Ave.

Photo 14. Pine saplings planted in interior.

Photo 15. Nearly dead pine in interior. This relatively small tree does not threaten other trees and can be retained for now, the lichen provides some wind shelter function and cluster opportunities

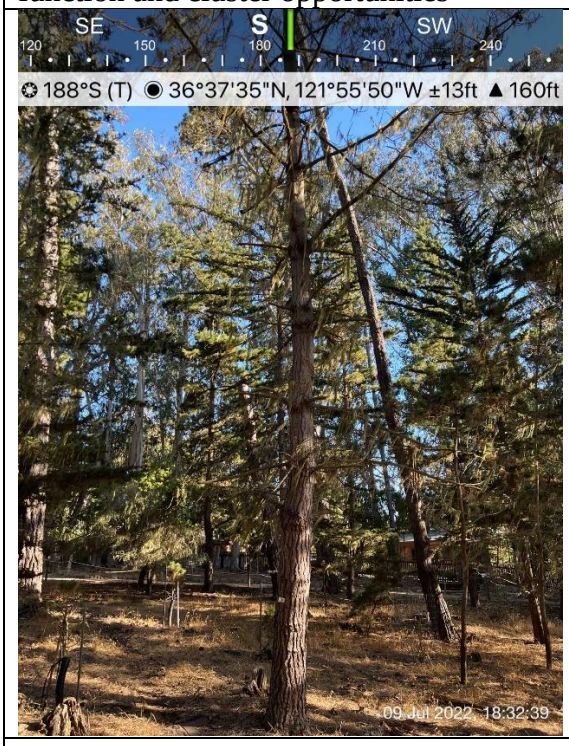


Photo 16. Dense eucalyptus plantings along southern fence. Thinning trees here would allow for better growth of remaining trees. The trees right up against the fence will eventually ruin the fence.

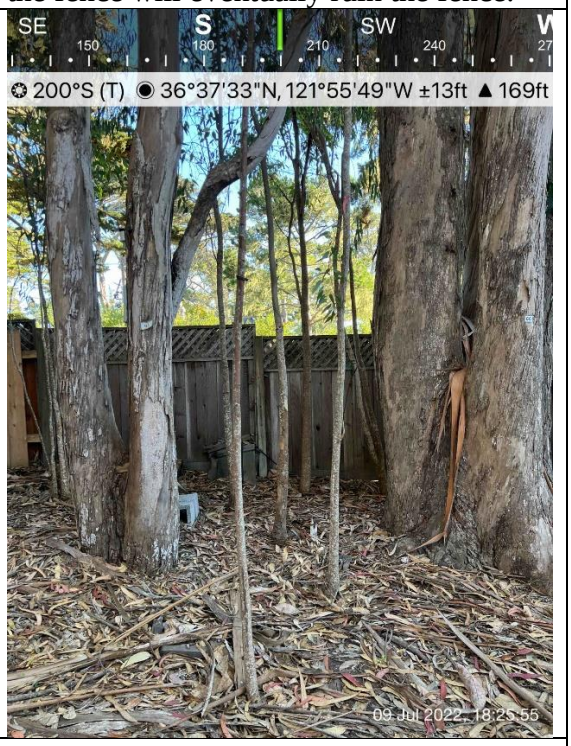


Photo 17. Typical unnecessary old stakes

Photo 18. Dead pine tree along path. **Major hazard, r**emoved in June 2023

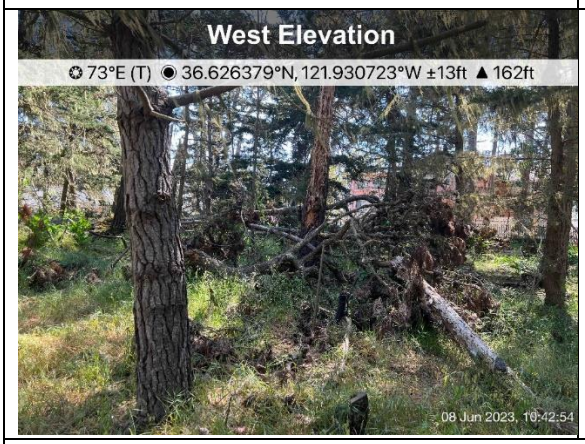
Photo 19: Crown of fallen tree in Interior	Photo 20.Upturned root ball to be retained.
	

Photo 21. Medium-sized healthy pine taken out by treefall, an example of why it is important to remove large standing dead trees.

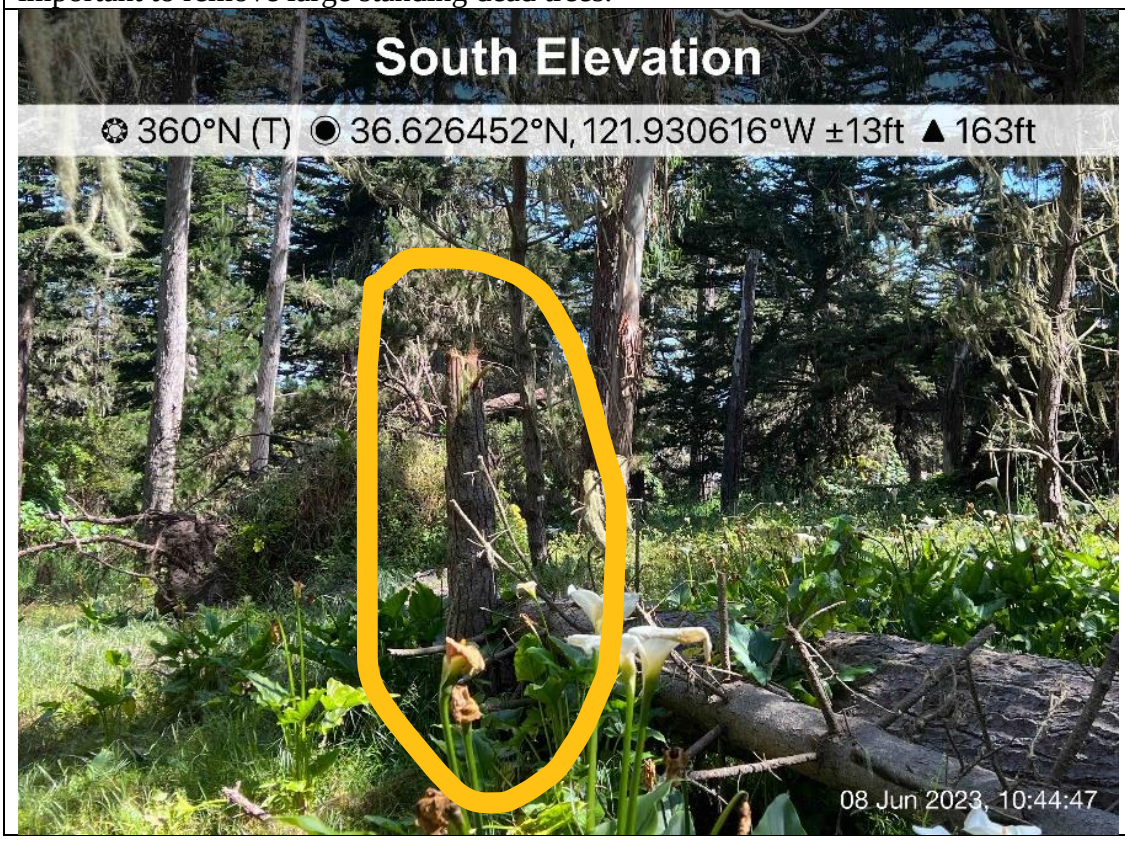


Photo 22. View into interior cluster zone of pines. Maintaining some relatively open habitat with dappled light in this area is important for monarchs.

Photo 23. Cypress sapling near bend in the trail, with 1999 eucalyptus shelterbelt in background and relatively open interior to east.

Photo 24. Irrigation Zones

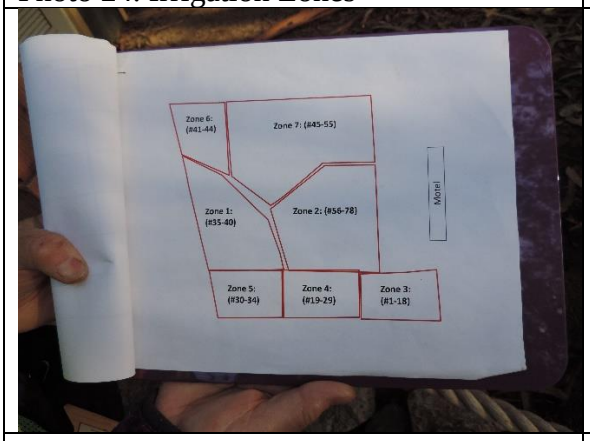


Photo 25. Irrigation documentation

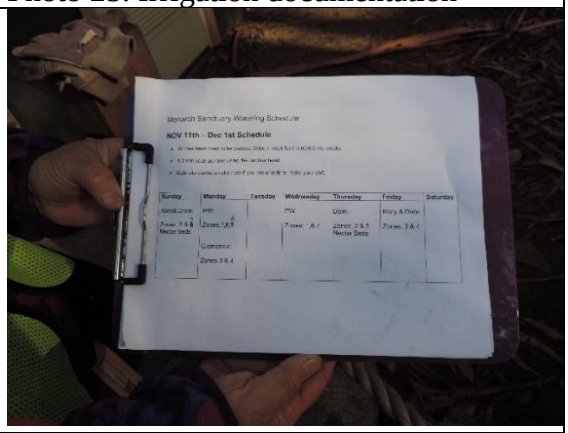


Photo 25. Pine plantings in George Washington Park

Photo 26. Pine plantings in George Washington Park

Appendices

In 2022, some site history and the components of a new management plan and its implementation were outlined. These sections are repeated here

Appendix A. Site history and New Management Plan

History of Habitat Management

This section provides a brief history of management plans and actions over the past 25 years. More complete accounts can be found in the 2011 Assessment and Management plan and in subsequent annual reports. Some historical perspective is necessary to set the stage for a new management plan.

In the 1990s and 2000's, monarchs primarily clustered along the southern boundary, often on the neighbor's pine tree. They would move into the Sanctuary proper to escape southerly storm winds but returned to the southern boundary when winds swung around to the NW. Based on the 1998 assessment and management plan (Weiss 1998), a shelterbelt of blue gum eucalyptus was planted in 1999 to protect the site against NW winds.

Following the planting of the shelterbelt, little was done in the grove. Attempts to plant a second row of eucalyptus to reinforce the southern boundary, as recommended in the 1998 plan, failed because trees were pulled up. The many dead and dying pines (from old age and pitch canker) were not removed, despite a recommendation in the 1998 report. In 2005, a dead branch fell and killed a woman, and the grove was closed to the public for the remainder of the season. Following the overwintering season, the dead trees were taken down, and many wildlife snags were retained. Several more hazard trees were removed in 2007-2008 following additional consultations.

In fall 2009, several large branches on the southern boundary were cut, without consultation, because a branch had fallen into the neighbor's yard, and other branches posed hazards to the neighbors. These branches included favored monarch cluster sites. This action coincided with the (then) record low point of the California population, and only 900 monarchs overwintered in Pacific Grove. The situation stimulated the development of a new management plan, completed in 2011.

In fall 2011, potted trees were brought into the grove and placed in the SE corner near where the branches had been cut, to create some temporary wind shelter. Based on the new management plan, in 2012 several of these trees were planted in an additional row of eucalyptus just north of the southern boundary trees, at 10-15 ft spacing.

By 2012, the 1999 shelterbelt trees had grown tall enough (50-60') to provide wind shelter in conjunction with nearby pines and cypress, and monarchs moved into the interior of the grove and remained there for the remainder of the season, clustering on

pines and cypress trees that receive more insolation than surrounding branches (see below for a discussion of shading). Note the light gap area of higher insolation circled in in Figure 7.

In spring 2013, potted trees that had been brought into the grove as a temporary wind shelter were planted in the ground, creating a dense stand of small trees in the southeast corner of the grove. It was a period of conflicts over grove management.

In recent years, most hazard trees have been removed, and management actions have been relatively minor.

A New Site Management Plan

The 2011 Assessment and Management plan is now 11 years old. Conditions have changed enough that development of an updated plan is necessary. The annual funding that covers this annual report is not sufficient to develop a comprehensive plan using the latest assessment tools, as well as addressing the institutional issues that have arisen over the nearly three decades since Monarch Grove Sanctuary was established.

Funding is available via the Monterey County Resource Conservation District (RCD), as part of national and statewide initiatives to recover the western monarch population. Discussions among the City, the RCD, and monarch scientists are ongoing, and once RCD funding is secured the process can start.

Some key elements of a new assessment and management plan, first are suggested in the 2021 review, include:

Produce a New Base Map of Monarch Grove Sanctuary

Managing MGS is an exercise in landscape architecture, with the goal of maintaining wind shelter from all directions but allowing sufficient light in the interior so that monarchs can choose a mix of sunny, dappled, and shaded spots within the forest. Also, management of hazard trees and tracking of new plantings and subsequent growth are desirable so that a record of actions is maintained, and precise plans for each year can be laid out and executed as planned.

The foundation of a long-term management plan is an accurate map of the Sanctuary, including property boundaries, tree locations, tree species, tree diameter at breast height (DBH), tree height, and tree health. In addition, new plantings, understory plants, trails, and other features should be added on an annual basis.

In 2010, a working map of MGS was produced for the 2011 Assessment and Management Plan (Figures 5 and 6). The 2011 map used triangulation with tapes to lay down a 10 m grid, and trees were mapped out within those grids to within 1-2 meters. Hemispherical photographs were taken at each 10 x 10m point. Attempts to tie the grid

to surveyed property lines were stymied by poor GPS accuracy within the forest, and distortions of horizontal distances by topography. Therefore, the working map is not georeferenced and has its own local coordinate system. This map has served adequately since 2011 for management but is now out of date because of tree mortality and new plantings.

Rather than update the current map, it is recommended that a new map be produced with surveying equipment such as a Total Station and LiDAR, and be tied into the parcel map, digital elevation model (DEM), and other base data for Pacific Grove. GPS is not accurate enough within the denser parts of the grove.

Remapping all the trees is an opportunity to reassess their health, requiring the city arborist to be involved. Although the soaking rains of October and December 2021 alleviated some drought stress, the dry winter and spring of 2022 once again herald drought stress, but was relieved by a very wet season in 2022-23. Special note should be made of drought symptoms where visible.

Repeat hemispherical photography

Nearly exact relocation of photopoints is possible through triangulation from the SE fence corner, even without a formally surveyed base map. Some photographs were reshot in 2018 but never fully analyzed. Repeat photos should be taken so that the change in conditions from 2011 and 2018 can be quantified.

Methods for interpolating wind and light have improved since the 1998 and 2011 reports and can be redone in such a manner as to directly compare sites through time and understand the effects of canopy changes through time.

LiDAR

LiDAR (Light Detection and Ranging) is a state-of-the-art method for quantifying the 3-dimensional structure of vegetation at fine scales. A laser scanner is used from either above (airborne) or below (ground-based). The reflections are timed to calculate distance, and a “point cloud” of reflections is produced. There are software packages, including ARCGIS Pro, that can analyze and display the point cloud and describe vertical structures in detail.

Projects at other monarch sites (in Sonoma County) has developed some methods for quantifying wind and solar radiation at the outer canopy surface, using ARCGIS Pro and Wind Ninja software.

LiDAR data can be collected from airplanes, drones, or from ground-based scanners. A LiDAR flight over Pacific Grove was completed in 2018, with resolution of 5.68 pts/square meter and is available at:
https://portal.opentopography.org/usgsDataset?dsid=CA_FEMA_Z4_B1_2018

Example images and analyses from this LiDAR product are presented and discussed in the supplemental report "Examples of LiDAR for Assessment of Monarch Butterfly Habitat in Pacific Grove." (Appendix D). The point density (5.68 pts/square meter) is lower than that used in Sonoma County (9-12 points/square meter) but is sufficient to capture many canopy features. But it is not adequate to fully map the middlestory and understory. One advantage is that it is possible to map the surrounding urban forest and assess wind shelter from a broader area.

It is possible to contract for drone LiDAR that can produce a map of several acres at high point densities (>100 points/square meter). Laguna Drones in Los Gatos, or other vendors, can provide services for $5-10,000 depending on the amount of processing. A drone flight would produce the best up to date map and capture nearly full understory structure.

Many innovative LiDAR analyses are being developed at Ellwood Mesa in Goleta, where a drone flight acquired 200 pts/m^2. It is now feasible to simulate hemispherical photographs at any height above the ground, hence quantifying insolation and wind exposure exactly where the monarchs choose cluster sites.

Ground-based LiDAR is feasible, but requires accurate ground locations, and would be difficult to deploy on private property outside MGS. No vendors are known at this time.

Airborne LiDAR could also cover George Washington Park (GWP) and provide base data for a management plan there. GWP images are included in the LiDAR document (Appendix D).

Wind mapping

Kingston Leong (1990, 1991) has developed a method for mapping wind on a grid using hand-held wind meters. The meters are held for a short period (2 minutes or more) and the average and maximum windspeed recorded. These measurements are done under a variety of wind directions and can be correlated with monarch occupancy at fine scales. Monarchs tend to leave sites when ground-level winds exceed ~5 mph (2 m/s). Leong used this method in his 1990's report on MGS.

This wind mapping procedure could be executed by volunteers or students under supervision. The wind attenuation from outside conditions can be correlated with Wind Site Factors (WSF) from hemispherical photography, which would allow for better inference of wind exposure. A well calibrated wind attenuation model would be of great use across all monarch sites. LiDAR data could also be correlated with measured wind.

A fluid dynamic wind modeling program called Eddy3D has been used in Santa Barbara County to model wind at fine scales within monarch sites and assess management options. The LiDAR point cloud provides the 3-D structure as model input.

Weather Stations

The initial trial runs with the Ambient Weather station proved to be successful. The full season of data presented here is informative on monarch response to weather, especially wind. Several questions need to be answered for future deployment:

1. *Is the station in the optimal location for understanding conditions in the grove?* The current site on the south fence within the historical cluster zone is a good initial choice. It captures the wind exposure from the south, an especially important aspect of the grove and surrounding area. It was not possible to correlate the weather with monarch movements in 2020-21, but in 2021-22 the high winds in October along the southern boundary that drove the monarchs into the interior were captured.
2. *Can the results be extrapolated to the rest of the grove?* Temperature varies with height, minimum temperatures are coolest at the ground, and increase with height – some vertical movements of monarchs are associated with avoiding cold temperatures low in the canopy. There are simple models of temperature with height, which could be calibrated with small temperature sensors. Absolute humidity is more consistent across a forest grove, but relative humidity is a function of air temperature. Wind and insolation vary strongly from point to point according to fine scale canopy structure, which is captured with hemispherical photography and calibrated via the wind mapping protocol described above.
3. *Would additional stations be useful?* More sites in complex environments are generally better. But costs escalate rapidly when full stations are considered. Temperature can be mapped using small data loggers (iButton Thermochrons or HOBOs) placed in a network to capture important gradients. A network of recording anemometers would be useful, as an adjunct to the wind mapping. Exactly where one or more additional stations would be placed for maximal efficiency is a question that requires some considerable thought. A weather station in an open field at the Adult School could be a useful "outside the grove" baseline. A substantial amount of micrometeorological equipment – temperature, humidity, light, and wind sensors - is available from Francis Villablanca (Cal Poly SLO) and USFWS and has been offered to California monarch researchers and managers.
4. *Is there a good "base station" that captures the general weather in the open for long timer periods?* There are many weather stations in Pacific Grove and surrounding areas. But the wind at any station in the urban matrix will be very site-specific with obstructions like trees and buildings – official wind measurements are taken on 10 m tall towers in open areas to avoid ground effects. The Monterey Airport has the longest record, but the wind there is influenced by the local topography, so wind direction is modified, but wind speed is still a useful parameter (see previous reports) that identifies large scale synoptic (storm front) events. Hopkins Marine Station has a weather station right at the water's edge, which would be good for regional wind, but

temperatures will be much more buffered than at MGS. A thorough investigation of available weather stations would be a critical step.

5. *Can weather in MGS be correlated with regional conditions?* Yes, methods exist to create a model that transfers conditions from a base station to a local station. The key is to have a calibration period (one year or more) where a wide variety of conditions are experienced.

A combination of short-term spatially distributed measurements and longer-term base station(s) is an optimal way to understand the microclimate withing MGS. Quantitatively correlating measurable forest structures to microclimate is key to assessing management options.

Assessing New Plantings

The numerous newly planted cypress and eucalyptus will eventually greatly change the canopy structure and microclimate in the grove. While providing additional wind shelter is an important goal, it is important to remember that it is possible to have too dense a canopy that does not let in enough light for monarchs. This careful balance must be maintained (see below).

It is standard practice to overplant trees to account for mortality, and eventually thin them to a density that encourages individual tree health (Habitat Photo 7). The overplanted eucalyptus in the SE corner (Habitat Photo 4) are an example of where thinning is necessary to enhance individual tree health, and recent thinning of the cypress behind the nectar beds is a good example.

Another consideration is that the spreading structure of Monterey cypress can deeply shade a site for decades, until the lower branches drop and open the understory.

At this point, it is important to evaluate the eventual growth of these new trees and plan accordingly so that they do provide additional wind shelter, but are not overcrowded and competing with one another, and do not provide excessive shade in key parts of the grove.

Tree health

As mentioned above, the health of each tree and prospects should be documented by a professional arborist.

In particular, the redwoods along the western boundary have not been performing well, especially during droughts. The weakest of these trees should be removed in phases and replaced with cypress or pines to maintain wind shelter. Some of the older tall pines are in poor shape, and may pose hazards to people, structures, and other trees. Prompt attention to hazard trees with “targets” should they fall is an essential annual activity.

Pine pitch canker is an ongoing threat to Monterey Pines and should be monitored.

Other diseases and insects should be noted.

Evaluation of Shade Limitations

While wind shelter is paramount, monarchs often seek sunny or dappled light habitats for clustering. The consistent use of the sunny southern boundary trees and adjacent trees to the south reflect this preference. But the high southerly wind exposure in those sites means that monarchs move north into the more protected interior of the grove. Such a move occurred in October 2022 following an intense early season storm, and this behavior has been noted in many years.

But, in the wind-sheltered interior of the grove, shade may be limiting use by monarchs. The large eucalyptus on the southern boundary cast shade deep into the grove, and additional pines and cypress north of the path add to the shading. Maintaining some open habitat in this area is essential (Habitat Photos 17 and 18).

The 2011 Assessment and Management Plan has insolation maps that are copied here (Figure 7). These maps show that there are some higher insolation sites in the interior – note the small halos within the deep blue areas near the center of the grove - which are where monarchs tend to cluster on pines when they move into the interior. Repeat photography of these sites would establish if the canopy has grown and filled enough to cast more shade.

Shade can also limit access to nectar. The nectar beds are just west and north of the outline of the former building (removed in 2011). The southern portions of the nectar beds are deeply shaded for much of the winter and are inaccessible except when high air temperatures allow monarch flight in shady habitat. The northern section of the nectar bed area is the best area for season-long nectar access (note the orange and yellow zones NW of the old Brokaw Hall outline). In the longer term, the growth of trees to the south and west of the nectar beds could increase shade limitations. Again, reshooting hemispherical photographs could quantify any differences in shade patterns.

A thorough evaluation of shade limitations, and potential ameliorations through selective pruning or even removal of trees to decrease deep shade should be conducted. Of course, maintaining wind shelter is essential. Modification of hemispherical photographs can provide a first order estimate of effects on both sunlight and wind. If LiDAR is available, then a similar modification of the canopy can be simulated by deleting potions of the point cloud.

Any such modification of the canopy by opening will require rigorous documentation and a cautious approach, given the sensitivity of the site and the Pacific Grove community.

Long-term Management Considerations to be Incorporated into the New Management Plan

Management of Monarch Grove Sanctuary is a long-term process. This section looks ahead to anticipated changes and issues over the next decades, so that current management recommendations can be put into context. Much of this section is reiterated from previous reports, with a few updates.

1) **NW Windbreak**: The 1999 blue gum plantings are now 60-80' tall and provide critical NW wind shelter and allow monarchs to remain in the interior of the grove following storms that drive them from the wind-exposed southern boundary. *These eucalyptus trees are the anchor of a multi-species windbreak and are absolutely necessary to maintain long-term windbreak functions* because pines may succumb to pitch canker and cypress will lose lower branches. The mid-story of pines and cypress currently contributes to windbreak function, as the foliage on the blue gums is concentrated in the upper canopy.
2) **Eucalyptus threat?**: The ground along narrow zone below the NW windbreak eucalyptus is being affected by leaf and litter fall, but less than 0.1 acres are affected. The comments on page 2 in the 2020 arborist report ("potential catastrophic effects") greatly exaggerate the threat to native forest, especially since the eucalyptus will not be allowed to spread, and the litter deposits can be occasionally raked up. The remainder of the interior and northern reaches is available for native forest management.
3) **Southern Boundary:** The 2011 blue gum plantings inside the southern boundary, authorized by the City, have grown to heights of 25-30' and are beginning to provide additional wind shelter. Monarchs clustered on some of these trees in November and December 2019, with a peak of 53 (~15% of the population) on December 5 (see 2020 report). As these trees continue to grow, eventually monarchs can cluster in a wind sheltered dappled light environment as envisioned in the 2011 Assessment and Management plan. These trees will provide redundancy for the large southern windbreak trees, and will eventually replace them decades from now. These trees are in a difficult environment for rapid growth, with shade and root competition from the large southern boundary trees, so they will continue to grow relatively slowly, but will be healthy. Planting some additional trees, *Callistemon viminalis* and *Eucalyptus ficifolia* as recommended by the arborist report in key locations would fill gaps, diversify the windbreak, and provide a multi-age structure.
4) **SE Corner**: The densely planted blue gums (2013) in the SE corner are showing signs of overcrowding (some were planted 3' apart), with poor growth relative to more widely spaced trees. There has been a consistent recommendation over the years to thin these trees back to a more appropriate density, but it has never been implemented. The Weisfuss 2020 arborist report also recommends thinning these trees. Thinning will increase the health of the remaining trees, and their canopies will expand to fill in the available space. Several of them are

now dead and should be removed. These trees will continue to grow poorly in crowded conditions and eventually self-thin, and they are competing with several of the authorized plantings from 2011.

5) **Wind gaps**: Farther west on the southern boundary, there are several larger gaps that should be filled. The arborist report recommends *Callistemon viminalis* and *Eucalyptus ficifolia* to diversify the windbreak and provide mid-story and low windbreaks. Cypresses are not recommended along the southern boundary because of sprawling growth form. Trees were planted in this gap in 2020.
6) **Pines:** Pines continue to succumb to pitch canker, and despite some wet years in 2017 and 2019, drought effects are still being expressed in some trees. The dry year in 2020 and very dry year in 2021 produced more drought stress. The soaking rains of October and December 2021 provided some relief with deep soil recharge, but the dry winter and spring 2022 means that trees will remain drought stressed. Continued plantings to maintain a substantial pine component in the grove is important, but pines still cannot be counted upon to provide long-term overstory. Pine plantings need to be protected from browsing and getting knocked over by deer. Removal of pines heavily infested with pitch canker can slow, but not stop the spread of this disease.
7) **Previous cypress plantings**: Many of the cypress planted over the last two decades are in their period of rapid growth and will provide significant wind shelter in coming years and decades. The cypress along with blue gums will provide the backbone of the grove, given the uncertainties of pine survival in the long run. Some densely planted cypress stands have been thinned in recent years to encourage more rapid growth of remaining trees, and continued selective thinning is recommended in several spots.
8) **New Plantings 2020** More than 20 potted Monterey cypress were brought into the Sanctuary as temporary windbreaks in 2019. These trees have been planted in several parts of the grove (Habitat Photos 3 and 12). *The locations of these trees should be recorded on the new base map*. The cypresses are overplanted as discussed above, and eventually should be thinned once it is apparent which trees are strongest. If they are not appropriately thinned, the individual trees will be stressed and grow poorly. The spreading canopy of Monterey cypress can become too dense for monarchs, especially when tree crowns interlock. Special care should be taken to balance wind shelter and shade.
9) **Oaks**: Understory live oaks are scattered among the pines and cypress, and more plantings could fill in understory in select parts of the grove and provide good native habitat. Oaks can eventually provide low and mid-story windbreaks. Planting acorns, with protection by tree tubes is an efficient method for oak plantings that allow roots to penetrate deep on their own. Planting plugs may appear more efficient, but the constricted roots of oak plugs often lead to long-term failure.
10) **Native forest management**: Overall, there are many sections of the Sanctuary where management for native forest is appropriate, with an emphasis on overstory pines. The northern reaches, beyond the NW windbreak is a prime

example. The old pines have died or fallen, leaving wildlife snags and an open canopy. In addition to oaks, native shrubs (toyon and ceanothus are present, but a large palette of native shrubs is available) can contribute to understory structure. Non-native cover like the calla lilies can be removed in phases, and native forest floor forbs could be introduced in parts of the Sanctuary. All native plantings need to be protected from deer browsing. Some control of the dense annual grass cover is needed while understory is establishing, and annual grasses will always be a component of the forest floor. Some mowing of annual grasses is desirable for fire safety.

11) **Irrigation:** Maintaining the irrigation system for tree establishment and for watering during droughts, as well as developing a rigorous irrigation management plan overseen by City staff and implemented by volunteers, is critical. But irrigation should only be provided for the first year or two (unless severe drought occurs). The irrigation management has greatly improved in recent years, according to volunteers Habitat (Habitat Photos 24 and 25).
12) **Nectar:** Attractive fall blooming nectar plants help to retain arriving butterflies early in October and November. *Nectar plants in sunny areas can be used far more frequently than those in the shade and sunny areas are at a premium.* Yellow Buddleia and tree daisy are the most attractive species in the beds, and replacement of some of the other species in the beds (i.e., the mallow) should be considered. The sunny edges along the trail are perfect for planting native nectar species for fall nectar. Away from the nectar beds, butterflies nectar on the flowering red gum when it occasionally blooms in the fall. Use of bottlebrush was noted every year. Later in the season, early blooming *Prunus* has provided winter-spring nectar in addition to the blooming blue gums. As mentioned above, a thorough evaluation of present and future shade limitations is desirable.
13) **The neighbors:** While there are some policies and ordinances with respect to the activities within a buffer zone around the Sanctuary, the truth is that the City has little control over tree removal and maintenance, and even may have obligations to protect the neighbors. Activities in recent years at the Hotel – tree trimming and removal - have had impacts on MGS, and the same can be said about the southern neighbors at a lesser scale. A clear policy and lines of communications about tree work will avoid some of the worst outcomes, but unless there is a strict ordinance that mandates consultations such actions will continue to have impacts. On a positive side, cooperation with the neighbors could enhance MGS.

An Adaptive Management Framework

In the 2011 Assessment and Management Plan, there is a section that discusses how to have an annual cycle in which decisions are considered and acted upon. This section is excerpted into the Appendix of this report. *Adaptive management* requires data, open minds, and a process. Some additional thoughts as of 2021 are warranted.

1. *An official management plan is the key document and foundation of adaptive management*. Having everything possible written and ordered in a living document creates a common platform for decision making. The elements of a management plan are discussed above.
2. *A regular annual scheduled cycle of reporting, comments, and consultations is desirable*. Starting in 2013, such a cycle was established and was a quantum leap from the ad hoc decision-making process prior to that. In some years, the presentation to BNRC and the public tour were later than optimal. A more formal schedule would keep the timing on track and allow for unhurried actions prior to the October 1 restriction.

George Washington Park

George Washington Park (GWP) is ready for a more detailed site restoration and management plan, which should be part of the proposed new management plan. Observations and recommendations to be incorporated (largely repeated from previous years) include:

1) This is a unique site for California monarchs; it is one of the few remaining Monterey pine/live oak habitats for monarchs.
2) GWP has been used intermittently by monarchs, a few individuals can be found there every year at some point, but major clusters were observed only in 2003, 2004, and 2006 (Table 1). In 2006, there were more than 10,000 monarchs at GWP and very few at Monarch Grove Sanctuary. Since then, there has been only one year (2011 with 61 observed) with monarchs at Thanksgiving, none were observed from 2012 to 2019. Individual monarchs have been observed here during other times of the overwintering season.
3) The historic cluster sites in GWP are losing sufficient wind shelter for monarchs, and additional senescence of mature trees threatens this important component of habitat suitability. In particular, the largest pine at the historical overwintering site died several years ago, but there are several mid-story pines that are in positions to replace this tree over coming decades. Losses of forest cover to the south and west through overstory tree mortality is reducing wind shelter.
4) Removal of dead standing trees is recommended where they have stationary targets, especially around the edge of GWP. Dead trees that may fall across trails in the interior should be evaluated on a case-by-case basis. Trees can be left as safe wildlife snags where appropriate, but a more naturalistic topping should be considered.
5) Reduction of accumulated deadfall by CALFIRE in 2014, 2015, and 2016 removed large piles of downed tree debris. This is important preparation for eventual site restoration. Some branch and log piles have been retained and downed logs are used to redirect foot traffic to fewer trails. Selective removal of large debris piles is recommended, with some piles retained for wildlife habitat.

6) Natural pine recruits, most common in disturbed areas, should be protected.
7) Less frequent deep irrigation of pines is preferable to frequent shallow irrigation. A water trailer can be provided by the City for such a purpose
8) Plantings of pine seedlings has proven successful and should continue (Habitat Photos 25 and 26). Eventual thinning is required if establishment rates are high.
9) Live oak plantings can provide the under- and middle-story necessary for wind shelter in a mature pine forest.
10) Similarly, ceanothus and toyon can provide understory structure.
11) Operations on the perimeter of the park are the priority, to maintain safety from falling dead trees on adjacent roads, and to create a fire buffer.
12) The full impact of the recent and ongoing drought will continue to be expressed. Trees may take one or two years to die after major drought stress and high rainfall season like 2016-2017, 2018-2019, and 2022-2023 may not allow for recovery once drought stress has weakened trees.
13) Establishment of a designated trail system and decommissioning of meandering paths impacting root systems of the trees is occurring. Ingrowth of poison oak is effectively shutting some social trails.
14) Now that there have been reductions in downed trees and debris, and the full impact of the drought on mature trees will become apparent, the long-term suitability of George Washington Park for monarchs should be assessed, using a combination of hemispherical photography, LiDAR and other suggested methods.
15) An assessment of pitch canker and tree health is especially important in GWP.
16) Once assessments are done, a long-term planting scheme (pines, oaks, and native understory shrubs) should be developed and implemented. The key elements of such a planting scheme should be to provide eventual replacements for canopy trees, create and maintain a mid-story of oaks and pines, and maintain wind shelter from all directions around defined canopy gaps.

Appendix B. Hypothesized causes of the 2020 population crash and subsequent recovery.

The overwhelming reality of the 2020-21 overwintering seasons in California was a population crash to less than 2,000 butterflies at the overwintering sites during the Thanksgiving Counts (Table 1). None were observed in Pacific Grove that year.

The causes of this crash, a 99+% decline from the most recent peak of ~300,000 monarchs in 2015 and 2016, are complicated and multifaceted. The following is an account of the declines, based on published information (see Literature Cited) and discussions with monarch experts. The exact mix of causes remains uncertain; the narrative here should be viewed as hypotheses rather than absolute fact.

The Western Monarch Population through 2017

The long-term decline from the 1980s and 1990s has been described and analyzed elsewhere (Crone et al. 2019, Crone and Schultz 2021, Espeset et al. 2016, James and Kappen 2021, Pelton et al. 2019, Schultz et al. 2017). The loss of breeding habitat in the Central Valley, changes in pesticide composition, weather fluctuations, and losses of overwintering sites are among the important causes. From 1999 to 2016, the California population fluctuated between ~60,000 and ~500,000, with a geometric mean size of 200,000 (Table 1). Notable lows included 86,000 in 2007, and 58,000 in 2009, coinciding with relative drought conditions across the West. But the population weathered the 2012-2015 drought, and recovered to ~300,000 in 2015 and 2016, and declined to 190,000 in 2017 (a very wet year). There are no simple relationships between annual precipitation in California and monarch numbers – causes are spread across the whole breeding range and season.

Monarch Crash of 2018-2020

In 2018, the population declined sharply to ~30,000 butterflies, a record decline to date. A leading hypothesis for this decline was a record warm February 2018 with coastal high temperatures greater than 70°F, which stimulated monarchs to break diapause and leave the overwintering sites. The record warmth was followed by the return of winter with a vengeance in March (extended rains, some freezing nights, snow down to <1000 ft). Such winter weather immobilizes and can directly kill adult monarchs, especially away from the mild coastal zone, and cold also delays the emergence of milkweeds. The phenological gap between monarch emigration and milkweed emergence has been identified as a key bottleneck, and the temperature signal at the coast does not perfectly correlate with the temperature signal inland.

Much of the spring 2018 generation was lost, and the subsequent generations were not able to make it up the rest of the season. No monarchs made it to Washington State in 2018. Only 30,000 returned to California that fall.

In 2019, the overwintering population declined by ~30% to 22,000, a relative change well within the historical range of variability. But again, no monarchs reached the Pacific Northwest for breeding that year.

The 2020 season was a disaster – nearly everything that could go wrong did go wrong. February 2020 was warm and followed by a cool rainy March (but not as severe as 2018). August and September 2020 brought on record heat- monarch larvae cooked to death in the Santa Barbara area (115°F or higher, and hotter closer to the ground with little shade). The heat extended across nearly all the breeding range in California. An example of the record heat is the average temperature for Monterey County in August and September (Figure 2). Four million+ acres of fires directly took out some of the breeding habitat in the South Coast Ranges that produce many monarchs that migrate to Pacific Grove (Yang et al. 2016). The weeks of smoke, which is harmful to insects, came just as the monarchs were initiating the migration. Then there was a hard freeze in some inland areas, for example 22°F in Paso Robles in mid-November (Dan Meade pers. comm.). The monarchs had not yet flown to the coast because of warm temperatures in October. The extreme fluctuations in temperature and rainfall have been termed "weather whiplash," and are a feature of the rapidly changing climate.

The mild fall and early winter weather also allowed breeding to continue - reproductive diapause is not completely hardwired in by photoperiod. Monarchs have been breeding year-round in SoCal for more than a decade, and in 2020 winter breeding was observed in the Bay Area and other mild coastal climates (Crone and Schultz 2021, James and Kappen 2021). Even the native milkweeds, especially showy milkweed, did not senesce and the widespread availability of tropical milkweed means that hostplant resources are available in urban areas throughout the winter. The presence of breeding resident monarchs in coastal areas could have intercepted migratory butterflies and short-circuited diapause.

In addition, the widespread use of mobile and persistent neonicotinoid pesticides has produced toxic host plants and nectar in the Central Valley, even in non-agricultural settings such as wildlife refuges (Fordyce et al. 2020). Much of the migration beyond the Coast Ranges needs to cross the Central Valley (and other heavily agricultural areas like the Salinas Valley) twice. These areas potentially act as population sinks.

In summary, the collapse of the migratory western monarch population in 2020 was likely driven by weather whiplash and record heat waves (both symptoms of climate change), exacerbated by continuing toxification of breeding habitat in agricultural regions. However, any assertions and conclusions are conditional on deeper analyses and consideration of the entire western monarch migration.

Recovery in 2021

Monarch observers were truly despondent after the 2020-2021 overwintering season with only 2,000 butterflies at the overwintering sites. But in 2021, the monarchs

exhibited a remarkable recovery to ~250,000 overwintering butterflies, observed in the November-December 2021. How could this 100-fold increase happen?

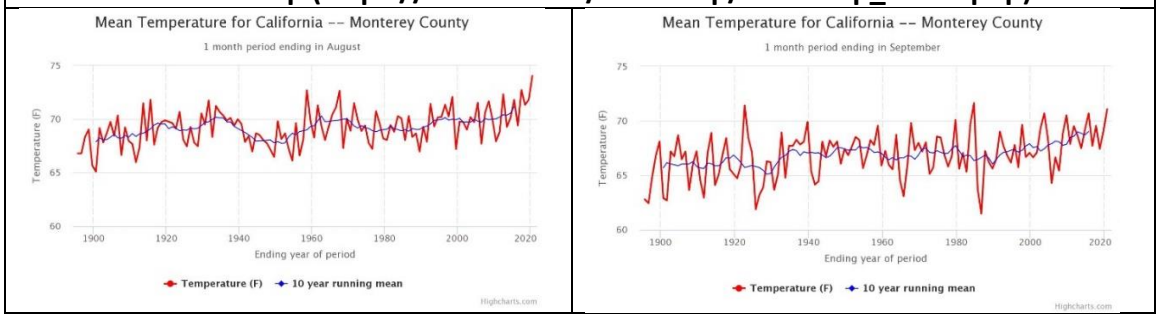
First, the awesome reproductive potential of monarch butterflies (each female produces ~400 eggs) can be expressed if conditions on the breeding grounds are good. Four-fold increases per generation are well within the range observed in monarch populations – over 4 generations such increases multiply out to 256-fold increase (4x4x4x4x4 = 256).

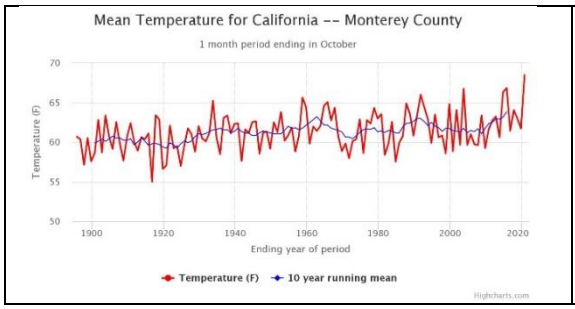
As opposed to 2020, nearly everything went right in 2021, at least in the southern portion of the monarch range. Spring weather following the emigration from the overwintering sites was mild. No megafires occurred in the South Coast Ranges, which produce many of the overwintering butterflies and provide for short migrations that avoid the toxic Central Valley. Resprouting milkweeds in the 2020 fire scars may have provided high quality larval food. The record heatwaves of 2020 did not recur. And a near record Southwest Monsoon season (July-September) provided excellent breeding conditions in Arizona with lush milkweed growth all summer long (Southwest Monarch Project, pers. comm.). Most late summer Arizona monarchs migrate to Southern and Central California- sites in Ventura, Los Angeles, and Orange Counties had more monarchs in 2021 than since the early 2000s, and numerous sites on the Central Coast, including Pacific Grove, were occupied by numbers not seen for many years.

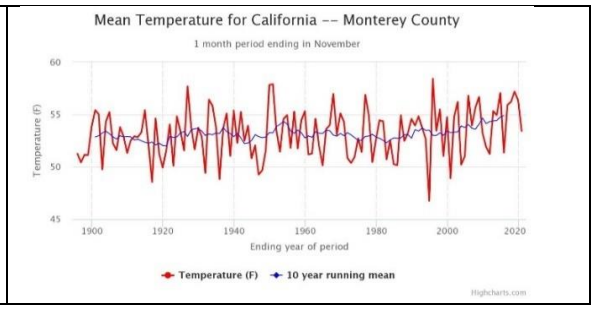
There was not a spectacular recovery north of Pacific Grove. The Santa Cruz sites showed moderately increased numbers from 2020, but not to the degree further south. East Bay and Marin sites supported only a few hundred monarchs in 2021. Several megafires occurred in the northern breeding ranges, including the record Dixie Fire (>1,000,000 acres), Caldor Fire, and a series of fires in NW California. Smoke lingered in Northern California through the September-October migration season.

While we will never know for sure the exact contributions of these factors in the decline and recovery, the western monarch population has given us a second chance and it is incumbent on all of us to improve the breeding and overwintering habitats.

Figure 2. Monthly Mean Temperature for Monterey County, August-November 2020. From Westmap (https://cefa.dri.edu/Westmap/Westmap_home.php)







Appendix C (From 2011 Assessment and Monitoring Plan)

Principles

The key principles for the adaptive management plan include *resiliency, redundancy, dynamic ecosystems, proactive adaptive management, and decision making in the field.*

Resiliency provides a range of conditions that buffer environmental variability. In the case of the Sanctuary, the key variables are wind, sunlight, and temperature. Ambient conditions outside the grove are filtered by the forest canopy, creating a complex fine-grained environment where microclimates change meter by meter through the site, and hour by hour through the season. As the varied combinations of wind shelter and light exposure change through the day and season, and monarch butterflies move about on fine-scales within grove, and broader scales among groves, as they attempt track their preferred environmental envelope, and avoid extremes. In particular, extreme windstorms can drive monarchs from sites.

Redundancy within the habitat means multiple lines of "defense" – two rows of trees, rather than one row, wind shelter from multiple directions, areas of full sunlight, dappled sunlight, and shade, multiple openings where appropriate, and other features. The loss of branches, individual trees, groups of trees, or species of tree should not fully degrade habitat. Locally complex habitat may provide more opportunities within smaller areas.

Dynamic ecosystems – trees grow and die over years and decades, and even centuries, leading to incremental and even catastrophic changes in microclimate. On a smaller scale, branches naturally fall and may be removed for public safety. Decisions made today have repercussions for decades to come.

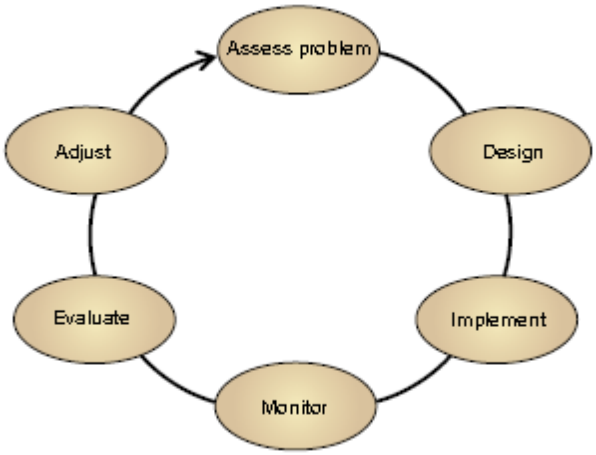
Proactive adaptive management means that changes are anticipated well in advance, and appropriate management carried out at a deliberate and measured pace. This requires a systematic adaptive management process among institutions and stakeholders to evaluate, plan, execute, assess, and re-evaluate, on an annual cycle in synchrony with the resource. Continued and refined monitoring of the distribution and abundance of monarchs over the season at the Sanctuary is an essential component of adaptive management.

Decision making and supervision in the field – All final decisions regarding tree management should be made in conjunction with a field visit, so that exact instructions can be communicated. Management activities – planting and trimming - should be monitored by qualified and interested individuals when possible.

Adaptive Management Plan

Resource management to protect and enhance Monarch Grove Sanctuary, or any monarch site, should be undertaken within the adaptive management model. Under this model, problems are assessed using existing information. Management regimes are designed and implemented in order to achieve stated objectives. Results are assessed through monitoring, and information gained is used to assess and adjust the management regime. Through each iteration of the cycle, information is gained that further refines the optimal management regime (Figure 4).

The adaptive management process.



Stated Objectives

1) Implement forest and tree management to create a mosaic of microclimates that allow monarchs to locally adjust their distribution in response to variable weather, including extreme wind storms.
2) Maintain public safety by timely treatments of hazard trees and branches without compromising monarch habitat.
3) Establish and maintain diverse and abundant nectar resources in and near the Sanctuary to provide early and season-long nectar for the butterflies.
4) Establish and institutionalize the annual adaptive management cycle.
5) Reduce conflict and increase cooperation among the City and stakeholders.
6) Maintain the site for decades to come as the forest inevitably changes.

If these actions are successful, then monitoring of the local distribution and abundance of the population will indicate success at:

1) Attracting monarch butterflies each fall.
2) Maintaining persistent monarch butterfly aggregations through the overwintering season

3) Establishing use of new/modified/old trees and branches as the forest changes through time.

Quantitative goals can eventually be developed from detailed analysis of monarch monitoring data over past years, the relative proportions at different sites south and north of the Sanctuary. These analyses are beyond the scope of this report.

Appendix D. LiDAR snapshots and discussion.

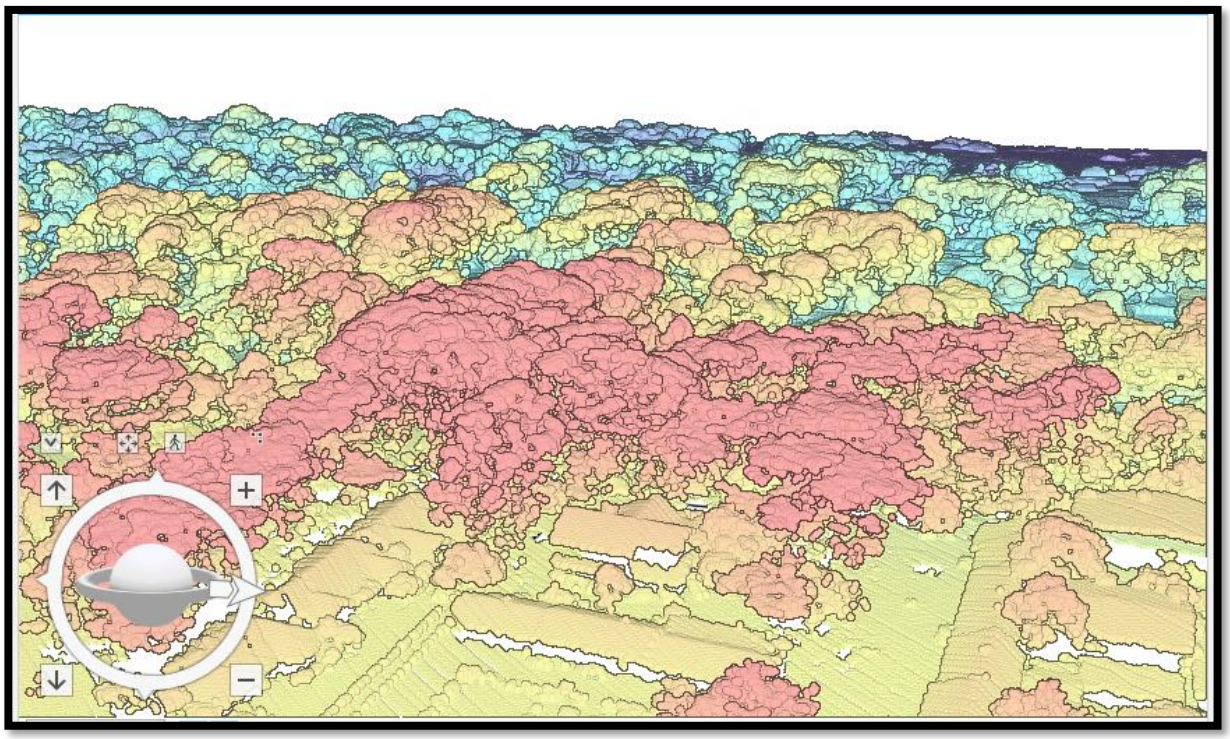
This is presented as a s separate pdf document.

CREEKSIDE SCIENCE
P.O. BOX 1553, LOS GATOS, CA 95031

Examples of LiDAR for Assessment of Monarch Butterfly Habitat in Pacific Grove

Stuart B. Weiss, Ph.D.
www.creeksidescience.com
stu@creeksidescience.com
650 269-2876

December 2021



View of Monarch Grove Sanctuary looking west. The hotel is in the foreground. The colors represent elevation.

Introduction

This document shows example of LiDAR (airborne laser scanning) at Monarch Grove Sanctuary and George Washington Park. LiDAR is now being used at numerous monarch sites to assess 3-dimensional forest canopy structure and resulting wind and insolation (sunlight) patterns in the habitat. After consultations with Caleb Schneider, the LiDAR data set CA FEMA Z4 B1 2018 (https://portal.opentopography.org/usgsDataset?dsid=CA_FEMA_Z4_B1_2018) was processed and some sample images produced.

The survey dates were Feb-Apr 2018. The resolution is 5.69 points/m^2 relatively low resolution.

This is not the final analysis, but is a demonstration of the utility of LiDAR in monarch habitat assessment in Pacific Grove, both at Monarch Grove Sanctuary and George Washington Park. The following examples show:

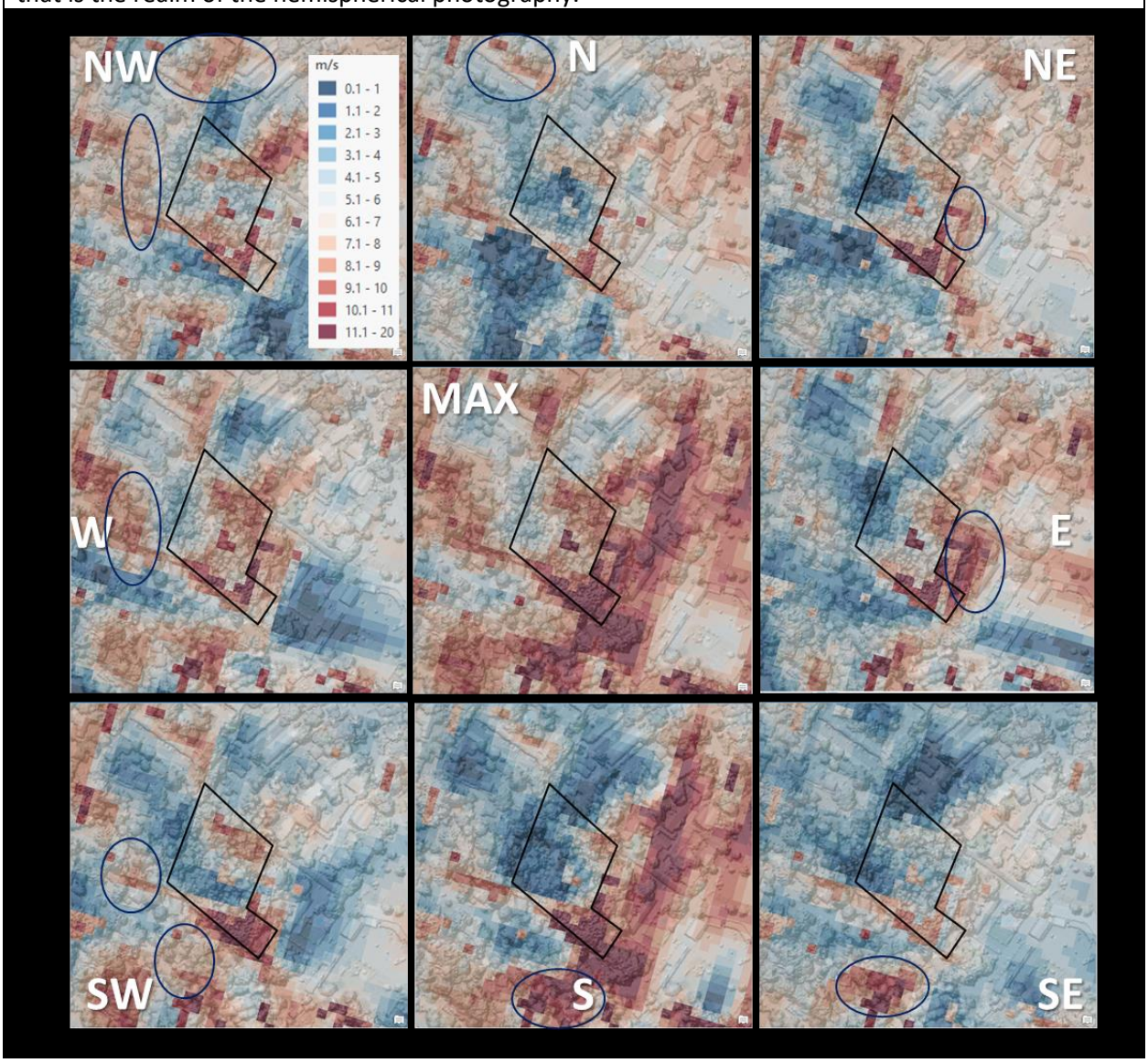
1) wind modeling as a first approximation of the important wind shelter provided by trees outside of the Sanctuary (a direct request from Caleb Schneider)
2) Oblique views of the Sanctuary showing wind shelter in the nectar bed clearing
3) Insolation and some visuals of canopy height
4) Oblique views of the Sanctuary showing some of the 3-dimensional canopy structure
5) A vertical view of George Washington Park, both B-W LiDAR height and an aerial photograph.
6) Oblique views of George Washington Park showing some of the 3-dimensional canopy structure.

A few notes are in the captions.

This LiDAR was flown in 2018, and there have been some small changes in canopy structure since then. As part of a comprehensive assessment and formal management plan, a new LiDAR flight (from a drone) is suggested, as it can have resolution of > 50 points/m^2 (10 X the resolution here). With that level of resolution, understory will become more apparent, as will individual tree crowns and trunks. It will be a crucial baseline for mapping the Sanctuary and George Washington Park and complement a tree stem map as part of a comprehensive management plan. Elements of a comprehensive management plan are presented in the 2021 memo from Creekside Science (Weiss 2022, *Assessment and proposed management activities Monarch Grove Sanctuary and George Washington Park for 2022*). Caleb Schneider indicated that a request for proposals would be developed in 2022.

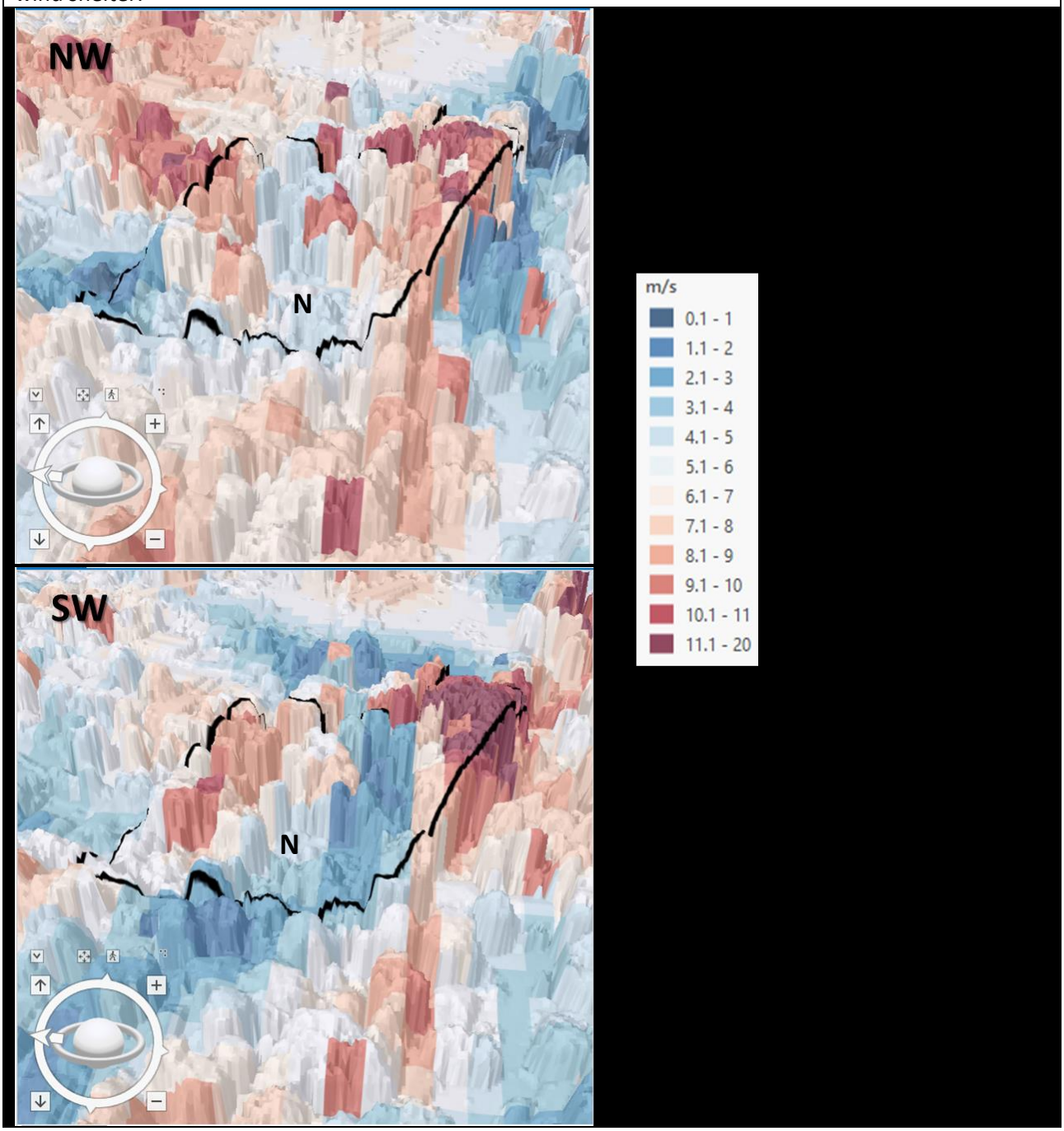
Identifying trees outside Monarch Grove Sanctuary that provide key wind shelter

The program WindNinja models wind dynamics over complex terrain (here a speed of 10 m/s (22 mph) and has been applied to the outer canopy envelope as a first-order approximation to identify which stands of trees provide wind shelter for the Sanctuary. The ovals show the critical wind shelter trees outside the Sanctuary, as evidenced by the low wind (blue) areas in the leeward areas of the tree stands. Note also how the western part of the Sanctuary where the nectar beds are is well sheltered from all directions. The analysis does not account for open areas below the outer canopy, that is the realm of the hemispherical photography.



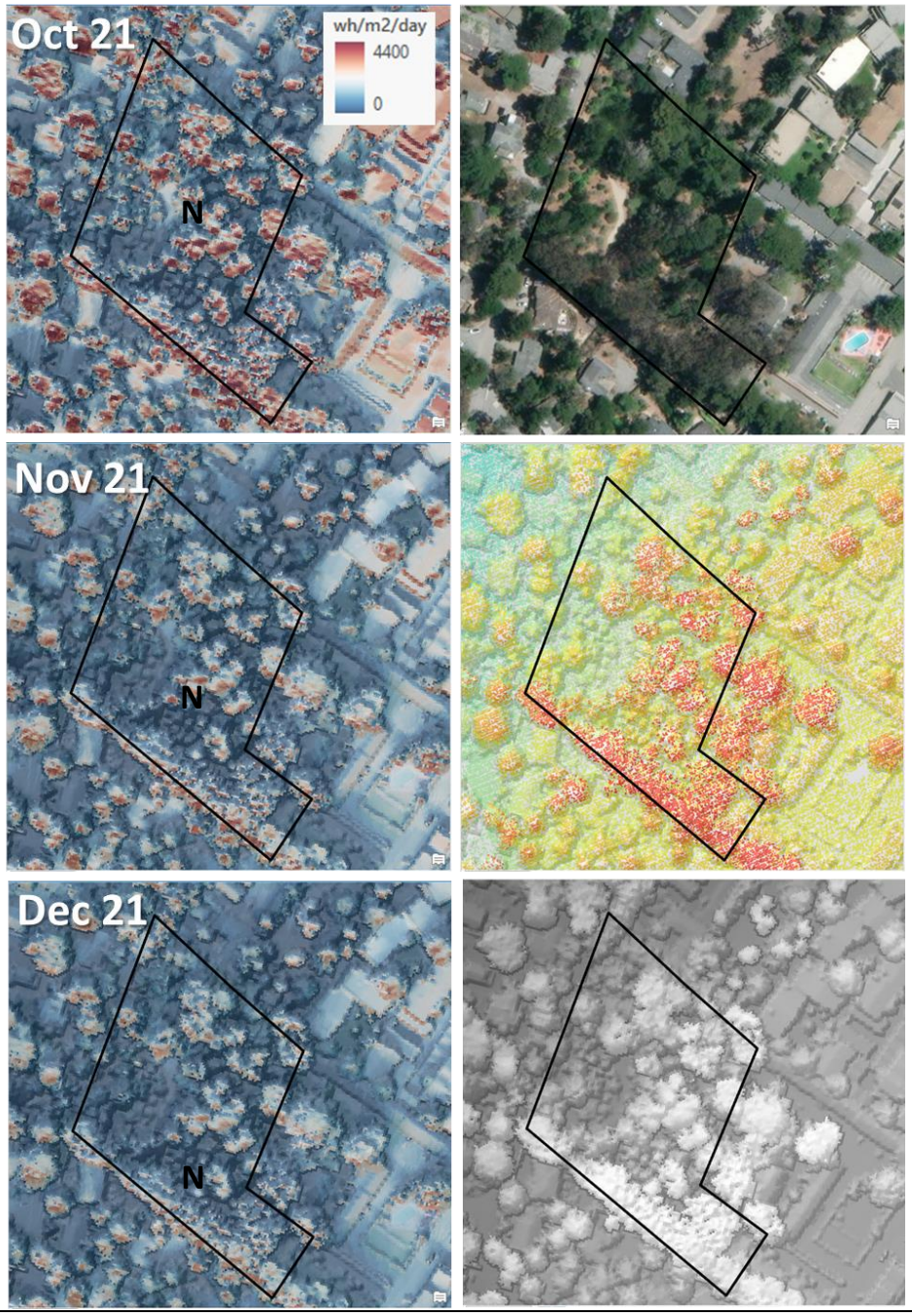
Wind exposure viewed obliquely from the west

These oblique views show how trees provide wind shelter on their lee sides. In particular, the area around the nectar beds (N) is well sheltered, as are the areas east where the monarchs cluster. In this area, filling the holes in the foliage wall (as has been done with the cypress plantings, provides further wind shelter.



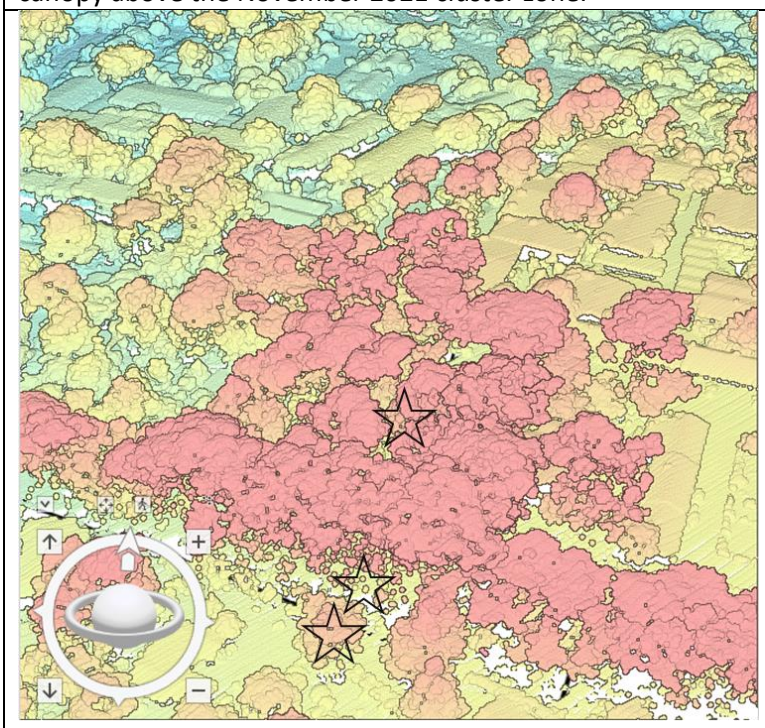
Solar Radiation and LiDAR Height Representations

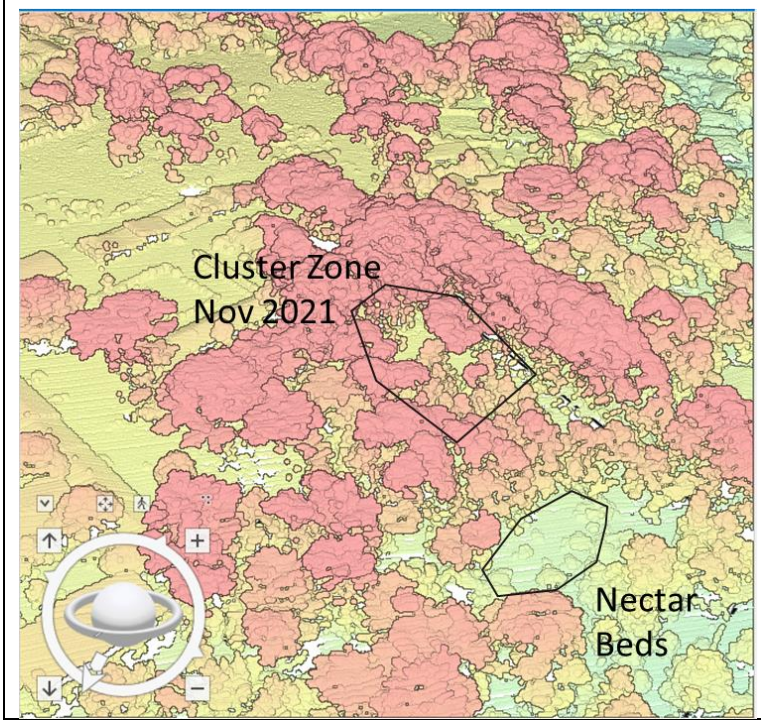
The solar radiation maps for the 21st of each month show how the south-facing tree canopies, and the south edge are high insolation areas. The area behind the southern eucalyptus row has a few tree canopies with higher insolation, but insolation at monarch heights depends on light filtering through the tree canopies. Note how insolation decreases from October through December (and will increase through January and February). The right-hand column shows an aerial photograph, and two renderings of LiDAR heights, one in color and one in B-W.



Oblique Views of the Sanctuary.

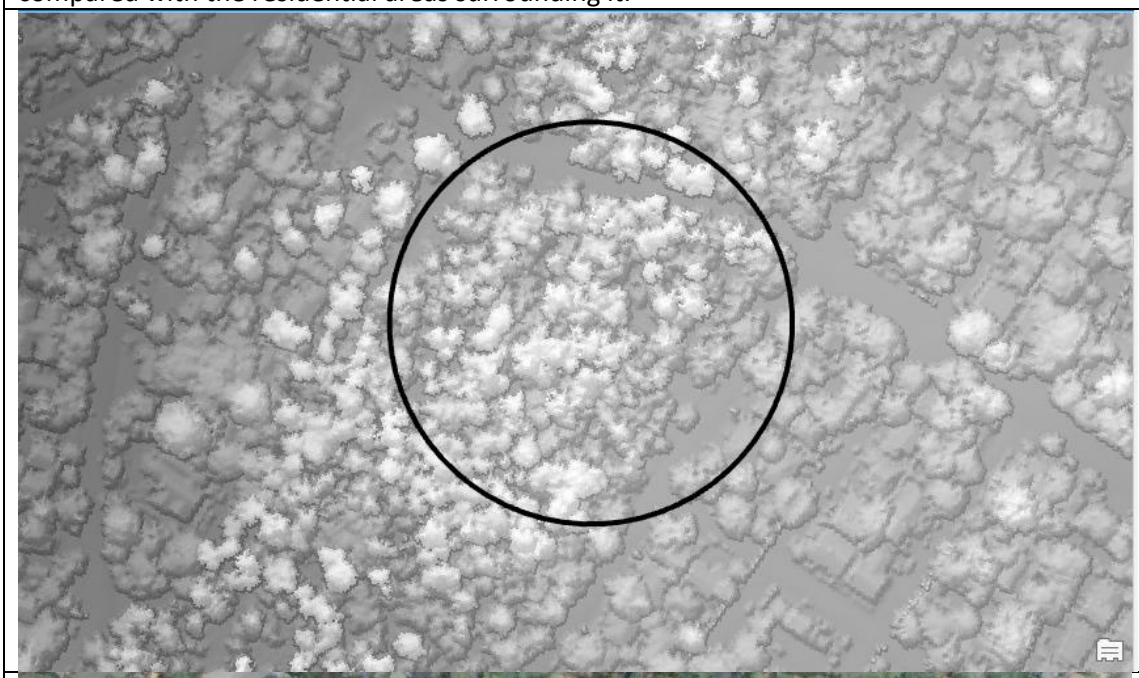
The top view is from the south, and the stars represent cluster locations in recent years; the pine tree south of the city property, the southern edge, and the interior where most butterflies were in November 2021. The view from the NW shows the open are around the nectar beds, and the broken canopy above the November 2021 cluster zone.

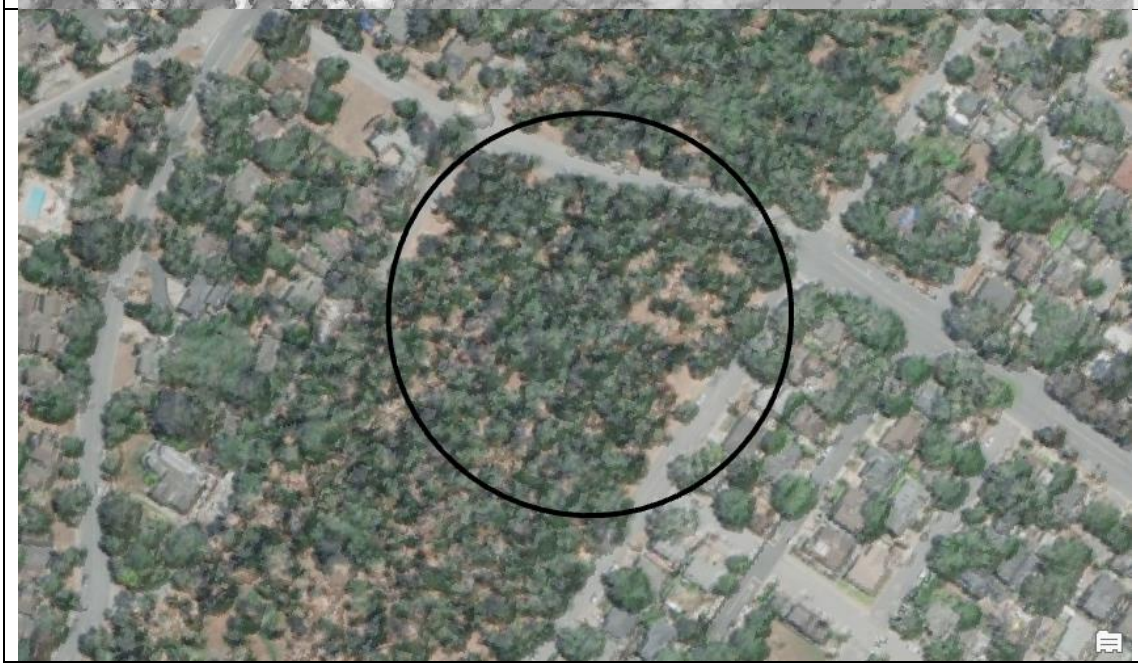




George Washington Park

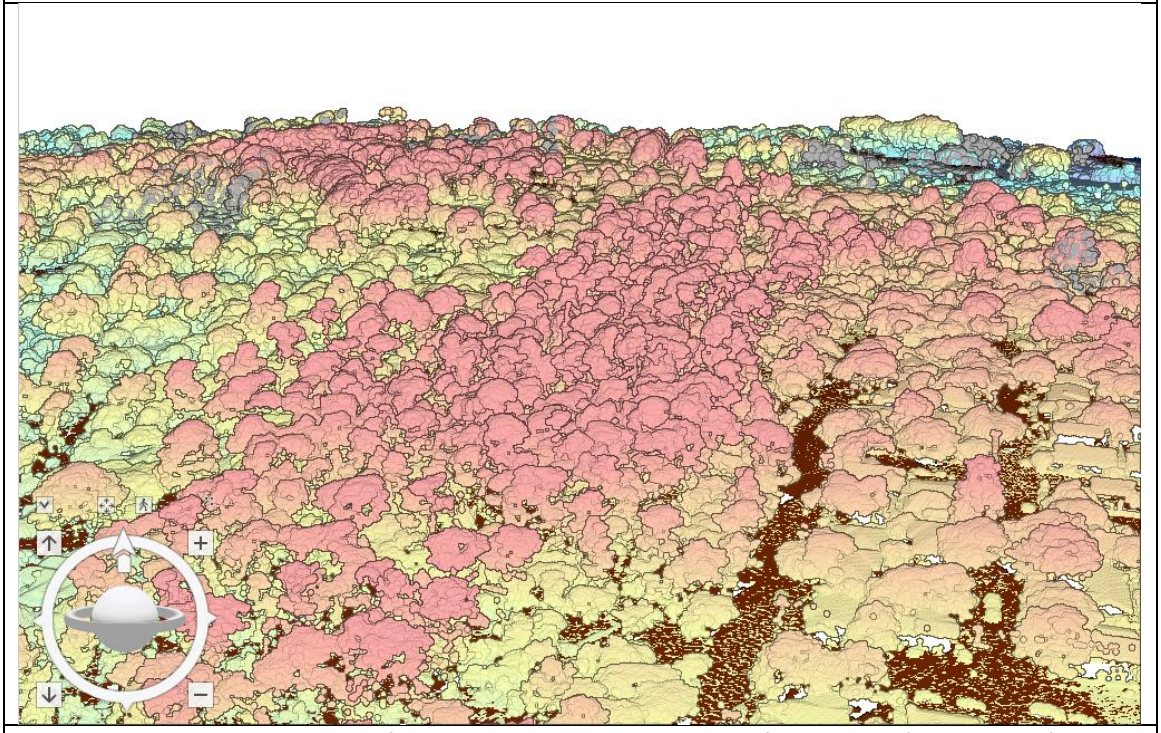
This B-W version of LiDAR height shows the George Washington Park overwintering site (approximated by the circle taken from the Xerces Society database). Below is the aerial photograph with a hillshade based on the LiDAR. Note how much denser and higher the canopy in the park is compared with the residential areas surrounding it.



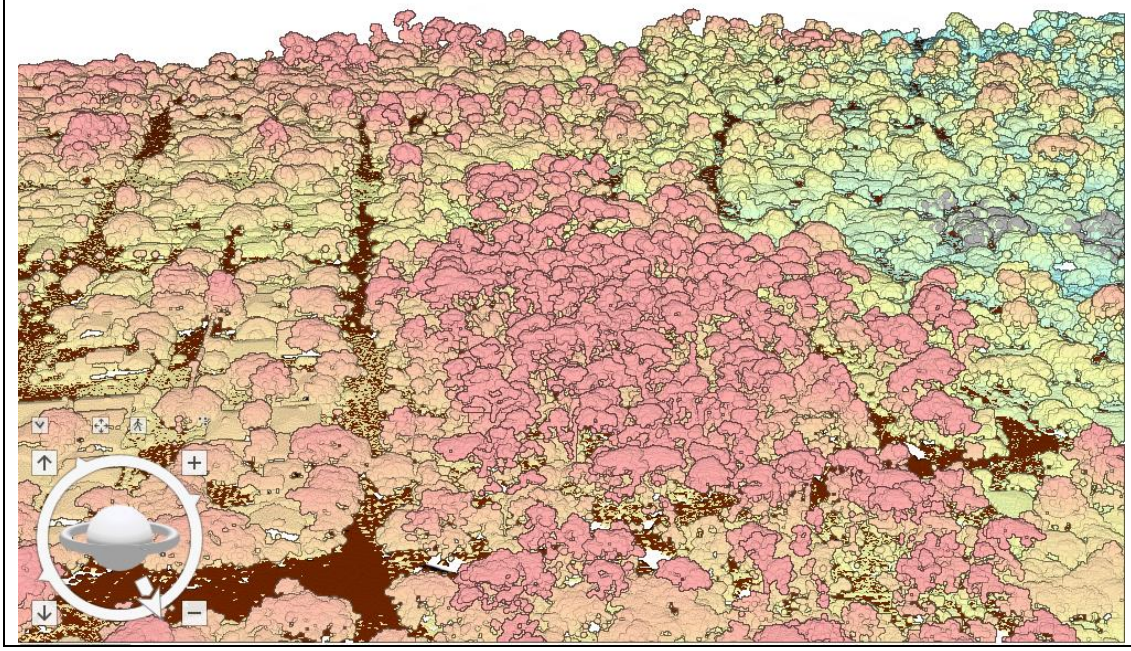


Oblique views of George Washington Park

This oblique view from the south shows the broken Monterey pine canopy in the heart of the park. The darkest areas are ground points, mainly streets (Alder to the east of the grove).



George Washington Park view from the north. Pine Ave in the foreground (dark brown), Alder running south just to the east of the park.



CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Bill Peake, Mayor

MEETING DATE: September 06, 2023

SUBJECT: Appointment to Task Force on Diversity, Equity and Inclusion

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve appointment of Natalie Marchenko-Fryberger to Task Force on Diversity, Equity and Inclusion ending January 31, 2026.

DISCUSSION

The appointment of Natalie Marchenko-Fryberger fills a vacancy on the Task Force on Diversity, Equity and Inclusion.

City committees play a vital role in city government and provide opportunities for residents to become engaged in civic activities and work to improve local governance. We are very fortunate to have many highly qualified and talented residents willing to serve on City committees.

The term for Task Force on Diversity, Equity and Inclusion members is 2 years as this is a non-Charter committee.

Mayoral appointments to City committees must be confirmed by Council (Charter Article 26). Further regulations and policy regarding appointments can be found in PGMC Chapter 3.02 and Policy 000-5.

OPTIONS

N/A

FINANCIAL IMPACT:

There is no fiscal impact.

GOAL ALIGNMENT: Not Applicable.

Attachments

Redacted Natalie Marchenko-Fryberger Application

CITY OF PACIFIC GROVE

www.cityofpacificgrove.org

Application for Appointment to a Public Board, Commission, or Committee

Persons interested in being appointed to serve on a board, commission, or committee of the City of Pacific Grove are invited to complete the following application.

Name: Dr. Natalie Marchenko-Fryberger

Street Address: REDACTED

City: Pacific Grove		**State: CA**	**ZIP Code: 93950**
Residence Telephone Number: REDACTED	**Work Telephone Number: N/A** **Cell:** REDACTED	**E-Mail Address:** REDACTED	

Name of Board, Commission, or Committee on which you would like to serve:
Diversity, Equity and Inclusion

Brief Description of Background and Qualifications (Additional Information May Be Attached on Separate Sheets and Attachment of Resume is Desirable):

I was born and raised on the Monterey Peninsula, to Ukrainian WW2 War Refugees. My parents were able to come to the United States after the war as Displaced Persons – they were taken from Kyiv , and sent to a labor camp in Germany. After the war, they were able to come to the US, and move to the Monterey Peninsula when my father was hired to teach Russian at the Defense Language Institute. We spoke Russian at home, and I went to school not knowing English.

This experience helps make me empathetic to those who are new to our country, to those who are struggling financially, or trying to raise children multi-culturally. English is my second language, and I consider my first language a gift which has enabled me to provide for my family. After college I was also hired by the DLI to teach Russian, and have enjoyed a career of 35 years. I retired in 2010, to start a professional consulting practice, returned to DLI from 2015 to 2017 to head the Center for Leadership Development, and retired a second time to care for my husband who had suffered a stroke. After six years of care-taking, I am ready to take on additional commitments, and look forward to serving our unique community.

I completed a doctorate in Organizational Leadership, focusing my doctoral research in the field of intercultural communication and team-level leaders. While working at the DLI in positions of increasing responsibility, to include teaching, faculty and leadership training, and senior leadership positions, I have always been a voice for multi-national equity and inclusion. I served two terms as Union President, and designed multiple workshops in inter-cultural communication. While this field differs somewhat from that of DEI, its focus is to create an inclusive workplace environment, where differences are recognized and seen as a strength of any organization. I believe I can bring my professional experience and interests to this committee, and serve the Pacific Grove community at large.

Thank you for your consideration. My CV and a short bio-statement are attached. Contact information for references will be provided upon request.

I hereby certify that I am a registered voter of the City of Pacific Grove (not required for EDC appointees.

Signature of Applicant: Natalie Marchenko Fryberger Signature to followCheck the Windows Store for more info about Photos.	**Date: 8/7/2023**

FOR CITY USE ONLY Appointed to:
_____ **Date of**
Appointment: _____ **Expiration:** _____ **Date of**
Reappointment: _____ **End of Term:** _____ **Date**
Certification of Appreciation Awarded: _____

Natalie Marchenko- Fryberger, Ed.D

Leadership Development/Team Building/ Intercultural Communication/Diversity, Equity and Inclusion

Dr. Natalie Fryberger has extensive experience teaching in intensive foreign language programs and supervising employees from a variety of cultural backgrounds. As an experienced leadership trainer, she works with leaders to maximize employee performance and develop practical, work-related solutions. Dr. Fryberger founded and served as the first Director of the Center for Leadership Development at the Defense Language Institute.

Dr. Fryberger has worked for the Defense Language Institute, for the Department of Defense, as a Russian teacher, faculty trainer and assistant Dean of the Middle East and Korean Schools. She has led teams of Russian teachers, supervised faculty from the Balkans, and provided executive level leadership to employees from the Middle East, North Africa and Asia. She has worked for over ten years in leadership and faculty training, leading the way in designing workshops for successful leaders in multi-cultural settings. She designed, implemented, and trained trainers for Team Building, Team Leaders and Supervisory training, and workshops in Intercultural Communication. Dr. Fryberger has presented at national conferences on topics of language teaching, multi-cultural team building and conflict resolution.

In addition to her experience in designing and facilitating workshops in the federal government, Dr. Fryberger maintained

a private practice, where she has provided consulting and training services to school districts and non-profit organizations. Dr. Fryberger was also an Adjunct Faculty member with University of San Francisco, and Brandman University in the Masters of Arts and Doctoral programs for Organizational Leadership.

Dr. Fryberger was raised bi-culturally, immersed in two languages and cultures. She earned her doctorate in Organizational Leadership at the University of La Verne, completing a dissertation on the topic of leadership communication in multi-national teams. She completed an M.A. degree in Education with Chapman University. She

holds a B.A. in Russian, from San Francisco State University. Dr. Fryberger is certified as a trainer in Cultural Orientations Approach and in Cultural Detective.

Natalie Marchenko-Fryberger

REDACTED

Education:

Ed.D. Organizational Leadership
Dissertation Topic: Leadership in Multinational Teams
University of La Verne 2010

M.A. Education: Curriculum and Instruction
Chapman University 1990

Graduate Certificate:
Human Resources: Training and Development
Chapman University 1990

B.A. Russian Language
San Francisco State University 1977

Certified in Berlitz Cultural Orientation Indicator, 2012
Certified in Cultural Detective 2020

Areas of Interest: Leadership Development, Group Dynamics, Inter-Cultural Communication, Diversity Equity and Inclusion, Qualitative Research

Experience:

Defense Language Institute, Department of Defense, Monterey, California
Director of Office of Standardization and Academic Excellence 2015-2016
Director of Leadership Development Center 2016-2017

Served in Senior Leadership positions to stand up two new organizations. As Director of Office of Standardization and Academic Excellence, worked with Command Group and Provost (Chief Academic Officer) to set mission and vision of organization, and identify needs in academic leadership. Chaired a cross-functional team to conduct a large-scale needs assessment of leadership development, designing an Institute-wide survey based on OPM leadership competencies and desired principles. Designed and facilitated a two-day Leadership Summit for 75 senior military and civilian leaders incorporating techniques from Appreciative Inquiry and analysis of survey results. The Summit resulted in a Command Group decision to create a new organization – The Center for Leadership Development.

As the appointed Director for the new Center for Leadership Development, worked directly for the Command Group. To ensure a Shared Governance approach to the Center, chaired a Tiger Team of top civilian and military leaders, presented to the Defense Language Institute Board of Visitors, consulted with Department of Army officials, and worked with the Academic Senate. Hired permanent and adjunct faculty, conducted train-the-trainer sessions in workshop design and delivery, and co-authored workshops on leadership. Designed program evaluations, analyzed participant feedback and made appropriate changes. Met with high ranking representatives of Leadership Development Programs from OPM, National Security Agency, Naval Postgraduate School, and reviewed executive development programs from government and

commercial sources. Received Department of Army Commander's Award for Civilian Service.

Brandman University, Monterey Campus, California
Adjunct Faculty 2011- 2018

Taught in Doctoral and Master's Degree Program in Organizational Leadership, MBA and Education programs. Course topics include Research Methodology, Learning Organizations, Systems Theory, Group Dynamics and Leadership. Courses are blended, with face to face and virtual classes, utilizing Blackboard and Adobe Connect Web.

University of San Francisco, San Francisco, California
Adjunct Faculty, School of Management 2013 - 2015

Taught Research Methods and Program Evaluation in Master's Degree Program in Non-Profit Administration.

Facilitation/Consulting
Self-Employed 2006 – 2018

Designed and facilitated executive retreats and team building for non-profit and for-profit organizations. Worked with public school districts as organizational effectiveness consultant. Conducted focus group and individual interviews using qualitative research techniques, analyzed data and reported to key leaders. Designed and facilitated training to integrate multi-cultural elements of faculty, students and parents into school organizational culture. Facilitated workshops on Leading Teams for the US Office of Personnel Management Leadership Center.

Defense Language Institute, Department of Defense, Monterey, California
Professor, Assistant Dean of Operations and Academics 2007 – 2011

As Assistant Dean of School of Middle East I (Arabic), and Asian II (Korean) was responsible for operation of organizations of 120 civilian faculty members and 400 military students, for the Department of Defense. Managed several million dollars of property and facilities, supervised administrative and academic support staff. Participated in writing annual budget, monitored compliance. Supervised technology integration, diagnostic assessment, language immersion programs. Extensive project management included curriculum development, culture training for students, and faculty training. Conducted student focus groups for formative and summative evaluations.

Defense Language Institute, Monterey, California
Associate Professor, Academic Specialist 2006- 2007

Coordinated faculty and leadership training requirements for School of Middle East III. Observed classes, conducted needs assessments, designed and provided teacher training. Worked with struggling teams and faculty to identify weaknesses and create action plans for improvement. Mentored Diagnostic Assessment Specialist in use of diagnostic techniques to assess student styles and recommend tailored learning strategies. Chaired Program Improvement and Area Studies Committees. Served as researcher with University of Maryland joint study, conducted consent meetings, coordinated data gathering.

Defense Language Institute, Monterey, California
Associate Professor, Leadership and Faculty Developer 2001 – 2006, 1993 - 1997

Designed and facilitated leadership and teaching workshops for multi-cultural leadership and faculty. Conducted formative and summative evaluations, made changes as appropriate. Designed, facilitated and trained trainers for the following: A 40-hour course for supervisors on observing class and providing feedback, a 40-hour course on leadership and group development theory, and a workshop on culture in the workplace for team leaders. Chaired design team for team building workshop used with 1500 faculty members. Facilitated multiple intercultural team building workshops and trained trainers. All workshops employed an experiential approach, incorporating the experience of the participants and Organizational Development principles. Designed, facilitated and trained trainers for a 20-hour workshop "Diagnosing Student Progress", preparing teachers to utilize student learning styles and strategies in a counseling process. Taught courses on foreign language teaching methodology ranging from two-hour topical sessions to four-week pre-service training conducted on site and nation-wide. Served as English Oral Proficiency Evaluator from 1984 – 2004.

Defense Language Institute, Monterey, California
Assistant Professor, Chairperson, Serbian/Croatian Department 1999– 2001

Managed Basic, Refresher, Conversion, Sustainment and Familiarization Courses for Resident and Non-Resident Programs, with record proficiency scores in all programs. Supervised a diverse faculty of 25 teachers from the Balkan region, using a collaborative approach, involving instructors in decision making, goal setting, action planning. Conducted class observations using both summative and formative approaches providing developmental feedback, and faculty and team leader training. Met weekly with student leaders, monitored student progress, counseling, and remedial training.

Defense Language Institute Monterey, California
Instructor, Team Lead 1979 – 1993

As a teacher and team lead, taught Russian to members of the Armed Forces, in an intensive, yearlong program with students reaching advanced levels of proficiency. Integrated a variety of methodologies, updating materials with recent publications and Internet materials. Wrote schedules for team of six teachers, coordinated testing, feedback and academic counseling procedures. Teacher of the Year Award 1984, 1992.

Publications and Presentations:
Presentation: "Leadership Communication in Multi-National Teams: A Need for Inclusion" Society for Intercultural Education, Training and Research (SIETAR) Conference 2013
Publication "Task and Relational Behaviors as Demonstrated by Emergent Leaders in Multi-national Work Groups, 2010
Presentation: "Developing Capacity for Dialogue: Resolving Conflicts in a Multi-Cultural Work Setting" SIETAR Conference, 2007
Presentation: "Team Launching: Intercultural Synergy through Appreciative Chartering" SIETAR Conference, 2005

Presentation: "Intervention into Supervisory Practice" National Conference: Teaching English to Speakers of Other Languages (TESOL) 2005
Presentation: "Working with Seasoned Teachers" National Conference for Less Commonly Taught Languages, 2002
Publication "Reading Comprehension" Twelve Years of Dialogue on Teaching Russian, Betty Lou Leaver, Editor, American Association of Teachers of Russian, 1999
Workshop "Planning, Delivering and Evaluating Workshops", a train-the-trainer workshop for teacher trainers. National Conference: TESOL 1997
Presentation "Practicing What We Preach: Planning, Delivering and Evaluating Workshops" National Conference: TESOL 1996

Presentations on Culture:

"Teaching Culture through Military Case Studies" Defense Language Institute, 2008
"Intercultural Values in the Classroom" Defense Language Institute 2006
"Gert Hofstede and Cultural Values" Defense Language Institute 2006
"Teaching Culture through the Critical Incident Technique" Defense Language Institute 2004

Additional Contributions at the Defense Language Institute:

Served on Commandant Task Force for Academic Leadership 2009
Initiated and ran Brown Bag Discussion Group on Intercultural Communication 2006-2007
Served on three Accreditation Committees for WASC visits
Served on Merit Pay Task Force 1988
Served as Adjunct Team Builder for Faculty Development 1987 – 1990

Community Contributions:

Serve on Service Development Committee, Unitarian Universalist Church, Monterey
Served on IHELP Executive Board, (Interfaith Homeless Emergency Lodging Program)

References:

Phillip Deppert, Microsoft, Senior Director
Dr Robert Savukinas, Defense Language Institute, Provost
Dr. Jannette Edwards, Defense Language Institute, Professor Emeritus

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Sandra Kandell, City Clerk/DEI Coordinator
MEETING DATE:	September 06, 2023
SUBJECT:	Diversity, Equity and Inclusion Task Force Meeting Minutes: June 12 and July, 2023
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive minutes.

Attachments

DEI June and July Minutes

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MEETING MINUTES

CITY OF PACIFIC GROVE

DIVERSITY, EQUITY, AND INCLUSION TASK FORCE

REGULAR MEETING

Monday, June 12, 2023, 6:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

THIS MEETING WILL BE HELD IN PERSON AND VIRTUALLY (HYBRID).

JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:
https://us02web.zoom.us/j/89179208141

1. **CALL TO ORDER / ROLL CALL**
Chair Kim Bui called the meeting to order at 6:01 pm. City Manager Ben Harvey conducted roll call with the following Task Force members present: Task Force Members (Members) Kim Bui, Donna Stevens, and Katie Hoops. Absent: Members Nadja Mark and Juan Mosquera.

2. **PRESENTATIONS**
City of Pacific Grove Chamber of Commerce Presentation: President and Chief Executive Officer, Jenny MacMurdo

A. **Action:** Task Force received presentation.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

3. **APPROVAL OF AGENDA**
Action: Upon motion by Member Hoops and seconded by Secretary Stevens the Task Force voted to approve the Agenda.

Motion carried 3-0-2, by the following roll call vote:

AYES: Members Hoops, Stevens, and Bui.
NOES: None.
ABSENT: Members Mark and Mosquera

4. **TASK FORCE AND STAFF ANNOUNCEMENTS (City-Related Items Only)**
Task Force Members Stevens and Bui made general announcements regarding Juneteenth, National Immigrant Heritage Month, Buffalo Soldiers exhibit at The Presidio Museum, June 12th Loving Day (Loving v. Virginia), and Pride Month. Chair Bui announced that they received a letter of resignation from Member Juan Mosquera. The Task Force thanked Member Mosquera for their service and stated they will be missed. No announcements by the staff.

A. Task Force Announcements Related Documents
Action: Receive related documents, if applicable.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

5. **COUNCIL LIAISON ANNOUNCEMENTS**
Council Member Poduri was present but did not have any announcements.

6. **GENERAL PUBLIC COMMENT**
Public comments were received from Vincent Tuminello, Carol Marquart, Colleen Ingram, Mike Gibbs, Beth Walker, Inge Lorentzen Daumer, Mari Adams.

7. **CONSENT AGENDA**
Action: Upon motion by Secretary Stevens and seconded by Member Hoops, the Task Force voted to approve the Consent Agenda.

Motion carried 3-0-1, by the following roll call vote:

AYES:	Members Hoops, Stevens, and Bui.
NOES:	None.
ABSENT:	Member Mark.

A. Approval of the May 8, 2023, DEI Task Force Meeting Minutes
Action: Approved minutes.
CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

8. **REGULAR AGENDA**

A. Oral report from the Underrepresented Groups and Communities Subcommittee
Public comments were received from Inge Lorentzen Daumer and Colleen Ingram.

Action: The Task Force received a status report on the first meeting of the Underrepresented Groups and Communities Subcommittee.

B. Update from DEI Consultant Subcommittee and Recommendation
Public comments were received from Carol Marquart, Richard O'Mara, Vince Tuminello, Mike Gibbs, Inge Lorentzen Daumer, and Sue Parris.

Action: Upon motion by Chair Bui and seconded by Secretary Stevens, the Task Force voted to approve the DEI Consultant Task Force Subcommittee recommendation for Seed Collaborative, LLC to be the recommended Diversity, Equity, and Inclusion (DEI) consultant.

Motion carried 3-0-1, by the following roll call vote:

AYES:	Members Stevens, Hoops, and Bui.
NOES:	None.
ABSENT:	Member Mark.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

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9. **NEXT MEETING** – July 10, 2023 at 6:00 PM, in Council Chamber.

10. **ADJOURNMENT**
Chair Bui adjourned the meeting at approximately 7:35 p.m.

Respectfully Submitted,

DocuSigned by:
Donna Stevens
8A3229213BCE4F1...

Donna Stevens
Secretary

DocuSigned by:
CCCFCF4BF8E44BD...

Approved by Chair: _____ Date 8/15/2023

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MEETING MINUTES

CITY OF PACIFIC GROVE

DIVERSITY, EQUITY, AND INCLUSION TASK FORCE

REGULAR MEETING

Monday, July 10, 2023, 6:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

THE MEETING WAS ADJOURNED DUE TO LACK OF A QUORUM.

1. CALL TO ORDER / ROLL CALL

City Clerk Kandell called the meeting to order at 6:00 pm with the following Task Force members present: Vice-Chair Mark. Absent: Chair Bui, Secretary Stevens and Member Hoops.

ACTION: City Clerk Kandell immediately adjourned the meeting due to lack of a quorum and announced that all items on agenda would be moved to the DEI Task Force's August 14, 2023 meeting.

2. APPROVAL OF AGENDA

3. PRESENTATIONS

A. Pacific Grove Police Department Presentation

Reference: Pacific Grove Police Department

Recommended Action: Receive presentation.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

4. TASK FORCE AND STAFF ANNOUNCEMENTS (City-Related Items Only)

5. COUNCIL LIAISON ANNOUNCEMENTS

6. GENERAL PUBLIC COMMENT

General Public Comment must deal with matters subject to the jurisdiction of the City and the Diversity, Equity, and Inclusion (DEI) Task Force that are not on the Regular Agenda. Comments from the public will be limited to three minutes and will not receive DEI Task Force action. Comments regarding items on the Regular Agenda shall be heard prior to the DEI Task Force's consideration of such items at the time such items are called. Whenever possible, written correspondence should be submitted to the DEI Task Force in advance of the meeting, to provide adequate time for its consideration.

A. Written General Public Comment

7. CONSENT AGENDA

The Consent Agenda deals with routine and non-controversial matters. The vote on the

Consent Agenda shall apply to each item that has not been removed. Any member of the DEI Task Force, staff, or the public may remove an item from the Consent Agenda for individual consideration. When items are pulled for discussion, they will be automatically placed at the end of the Regular Agenda. One motion shall be made to adopt all
non-removed items on the Consent Agenda.

A. Minutes of the June 12, 2023 Diversity, Equity and Inclusion Task Force

Reference: Donna Stevens, Secretary

Recommended Action: Approve minutes.

CEQA: Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

8. REGULAR AGENDA

A. Appointment of Work Plan Subcommittees

Reference: Kim Bui, Chair

Recommended Action: Appoint Diversity, Equity and Inclusion (DEI) Work Plan Subcommittees.

B. DEI Task Force Cultural Calendar

Reference: Nadja Mark, Vice-Chair

Recommended Action: Discuss and adopt a recommended list of significant cultural recognitions for posting on the DEI Task Force webpage.

9. NEXT MEETING: August 14, 2023 at 6:00 PM

10. ADJOURNMENT

City Clerk adjourned the meeting for lack of a quorum at approximately 6:05 p.m.

Respectfully Submitted,

DocuSigned by:
Sandra Kandell
4F11A61C850B4E1...

Sandra Kandell
City Clerk

Approved by Chair: DocuSigned by: Kim Bui CCCFCF4BF8E44BD... Date 8/15/2023

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Katie Clark, Recreation Program Manager
MEETING DATE:	September 06, 2023
SUBJECT:	Recreation Board Minutes: January 13, January 27, February 24, and March 24, 2023
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Receive the minutes.

Attachments

Recreation Board Minutes January 13 2023

Recreation Board Minutes January 27 2023

Recreation Board Minutes February 2022

Recreation Board Minutes March 2022

1. CALL TO ORDER – The meeting was called to order at 4:00 pm. on 1/13/2022
ROLL CALL – Charles Gibson, Jay Tulley, Elliot Hazen, Colleen Goldsmith. Also present: Public Works Director: Dan Gho; Recreation Manager: Katie Clark, Supervisor Rocky. Absent: Daryl Smith

2. PARK INSPECTION WORKSHOP – Charlie Gibson provided an overview of the park inspection program including use of the inspection form, elements of the park and facilities to be evaluated and how to identify park elements that may require prompt attention to correct. The Recreation Board and staff walked George Washington Park and discussed the current condition of many of its assets including landscaping, bbq area, restroom, park pathways, the baseball field and children's play area, including background on safety and design and for ADA. A list of park inspection sites board member was distributed with a target date for completion being January 28, 2022. Chair Gibson also informed the group that he had been in contact with board member Darryl Smith and that he would meet with him to go over this information on January 16, 2022.

Meeting was adjourned at 4:58PM

Submitted by Charlie Gibson

1. **CALL TO ORDER –** The meeting was called to order at 4:00 pm. on 1/27/2022

ROLL CALL – Charles Gibson, Jay Tulley, Elliot Hazen, Colleen Goldsmith. Also present: Public Works Director: Dan Gho; Recreation Manager: Katie Clark. Council Liaison: Amy Tomlinson Absent: Daryl Smith

2. **Approval of Agenda:** Approved 3-0-2 (Colleen Goldsmith had difficulty logging into meeting/did not vote)
3. **Board and Staff Announcements:** due to difficulty accessing meeting and large number of public wishing to comment and/or participate, both Mayor Bill Peake and Councilperson, Amy Tomlinson, suggested meeting be continued to another date, subject to PW Dan Gho determination of next available time to meet. Motion to continue meeting to another date passed 3-0-1.
4. Adjournment

CONTINUATION OF REC BOARD MEETING ON 1/31/2022

1. **CALL TO ORDER -** The meeting was called to order at 4:01 pm.

ROLL CALL – Charles Gibson, Colleen Goldsmith, Elliot Hazen, Jay Tulley. Also present: Public Works Director: Dan Gho; Recreation Manager: Katie Clark; Council Liaison: Amy Tomlinson Absent: Daryl Smith

2. **Approval of Agenda:** Gibson requested Item C be moved to Item A on Regular Agenda. Approved 3-0-2 (Jay Tulley logged on after vote)
3. **Board and Staff Announcements:** none
4. **Council Liaison Comments:** Amy Tomlinson thanked board members for flexibility on moving meeting date and reported no council meeting updates
5. **General Public Comments:**

   A. Written Communication: receipt of 8 emails regarding the Feast of Lanterns event on city calendar; 2 emails regarding the Legends of the Autobahn event

   B. Oral Communication: none

6. **Approval of Minutes:** November minutes approved 4-0-1

7. **Regular Agenda:**

A. 2022/2023 Special Events Calendar: Katie Clark presented overview of event calendar with a total of 13 city sponsored events and 10 FCR (full cost recovery) special events. Two new events are Legends of the Autobahn sponsored by Chamber of Commerce and AIM Walk & Rally sponsored by AIM Youth Mental Health. Estimate of special events budget provided (see agenda attachment). Errata Sheet provided by Kerry Lindstrom, Deputy City Clerk, recommended modification to calendar which would deny approval for Feast of Lanterns event.

Public Comment: David Kong, Michael Ipson, Karen Anderson, George Powell, Inge Lorentzen, Wendy Root Askew, Janet Cohen, Brian McCarthy, Richard, Laurel Lee Alexander, Carmelita Garcia, Sue Parris, Kathy Biala, Harvey Biala, Randy Sabado and Kimberly Brown spoke in support of canceling Feast of Lanterns event; Christine Gruber, President of Feast of Lanterns Board, spoke of future, kinder event; Peter Mounteer, PG Chamber, spoke in support of Legends of Autobahn event.

Commissioner Comment: Commissioners Hazen and Tulley thanked speakers and are in support Feast of Lantern event cancellation; Chair Gibson spoke in support of Legends event on conditional approval basis. PW Gho would like Legends approval brought to city council for final approval, once details worked out with the event organizer.

Motion to approve Items 1 through 5 of the staff report recommendation with addition of item 6, that logistics of the "Legends" approval be submitted to city council for final approval. Motion passed 4-0-1.

B. Park Maintenance Evaluations:

Chair Gibson is creating a summary of the park maintenance evaluations for February Rec Board agenda in order to discuss and evaluate site surveys.

Public Comment: none

C. Parks and Open Space Study:

Chair Gibson reported that the assessment of parks inventory is a working document that promotes park maintenance and repairs, but does not address park and open space planning (see agenda report). Proposal is that city should consider a park and open space study for 2022/23 fiscal year. The OS plan would identify and address the needs of the community.

Public Comment: Tina Rau stated that city needs a dog park; Inge Lorentzen commented that competition for open space is high; Kimberly Brown questioned cost of study.

Commissioner Comment: Jay Tulley supports study with public input; assessment of Rec programs; also stated that Washington Park was rated lower than other parks in past with proposed action items. PW Dan Gho stated that community survey results still being evaluated.

Motion by Chair Gibson to ask city council for funding for Park/Open Space assessment, whether executed by city staff or outside consultant. Motion passed 4-0-1

8. Next Meeting:

After show of hands for approval, the time for the next Rec Board meeting will be 6 pm on February 24, 2022.

Meeting was adjourned at 5:40 pm.

Submitted by Colleen Goldsmith

CALL TO ORDER – The meeting was called to order at 6:01 pm.

1. **ROLL CALL –** Charles Gibson, Chair; Jay Tulley; Elliot Hazen; Daryl Smith; Colleen Goldsmith. Also present: Katie Clark, Recreation Manager; Dan Gho, PW Director; Amy Tomlinson, City Council Liaison.
2. **Approval of Agenda:** Approved 5-0-0
3. **Board and Staff Announcements:** Colleen Goldsmith thanked PW for quick response to the vandalism at the Jewel Park gazebo.

   No staff comments.
4. **Council Liaison Comments:** Amy Tomlinson reported that special events calendar approved by city council; hybrid meetings for city council to commence March 2nd.
5. **General Public Comments:** none
6. **Approval of Minutes for December 23, 2021, January 13, 2022, January 27, 2022:** Approved 5-0-0
7. **Regular Agenda:**

   A. Selection of Officers: Jay Tulley, Chair; Elliot Hazen, Vice Chair; Colleen Goldsmith, Secretary. Approved 5-0-0

   B. Rec Department Report & Mid-Year Financial Update: Recreation Manager, Katie Clark, presented program registration numbers, facility use and permits, winter/spring program update, and financial revenue/expenditure report (see agenda report). Clark further noted 2 new hires, Tim Miller, Rec Coordinator, and Elisabeth Causor, Lead Preschool Teacher.

   Commission Comments: Goldsmith thanked Katie Clark for report and asked for clarification certain account fees (Dan Gho to follow up on bank fees inquiry); Tulley noted high utility costs and requested breakdown of costs; inquired when youth center will reopen; requested PW keep Rec Board updated on hiring for youth center; Gibson re the new fiscal year budget; Clark stated that new budget will be prepared, now that

mid-year assessment completed, and city to soon begin summer recruitment. Dan Gho noted hiring for summer is high priority for PG; Amy Tomlinson offered to bring summer staffing challenges to city council; Gibson added that costs for ballpark backstop have trebled since last priced out by Dan Gho for PW.

C. Small Children Playground Equipment at GW Park: Dan Gho presented report for purchase of park equipment designed for ages 2 - 5 years, which City Council authorized for GW Park in the amount of 25k. (see agenda report and Miracle Playsystems proposal)

Public Comment: Mark Faulkner does not like the equipment design. Written comments include 2 emails from Amy Tulley and Valentine Hemingway regarding equipment.

Commission Comments: Tulley would like public input and inquired whether funding could be used for perimeter and site planning, with play structures added later. Gibson noted his experience with 30-40 past projects and advised that "fall zones" are considered around play structures. Further added that this project seems underfunded and that there should be more public inclusion. Smith and Hazen would like to see other options.

Dan Gho will present additional options for next Rec Board meeting and will post item in Agenda and at GW Park in order to advise the public and seek community input.

Chair Tulley commented that this project could be good for fund-raising campaign like the Pool fund-raiser or a GoFundMe.

D. Parks Maintenance Assessment Report 2022: Charlie Gibson presented preliminary report (see agenda report) with overview, process, findings, and recommendations to be included with final report. Parks which were evaluated are included in report and conditions noted.

Public Comment: none

Commission Comments: every board member thanked Gibson for spearheading this project and production of the report.

E. CIP Proposals for FY 2022-2023: proposal forms are due March 14th. Chair Tulley noted that prior to Covid, there was a proposal to do a master plan for GW Park with walking paths, bocce ball, etc. for Zone 1. Gibson noted that there should be public input; also important

to consider the relationship between the natural areas of the park (zones 2 and 3) and the recreational areas. Amy Tomlinson commented that BNRC would like to interface with the Rec Board on joint issues of concern. Other Commissioner suggestions include: dog park, gazebo at Ellmarie Dyke Park repair, additional play and ballpark areas for kids. Gibson will submit CIP forms to Joyce Halibi with the following items for consideration: a. open space study; b. fence replacement at Arnett Park ball field; c. replacement fabric at the Muni Ball Field; d. for GW and Arnett Parks: DG washed out, so develop permanent solutions to stormwater issue (item d falls under ARPA guidelines for funding) and bike pump track for Arnett Park; and e. dog park.

Meeting Adjourned at 8:04 pm.

Submitted by Colleen Goldsmith, Secretary

3/24 Meeting minutes

1. **CALL TO ORDER - 6:00 - roll call - Tulley, Hazen, Smith, Gibson present. (Goldsmith arrived later.)**

2. **APPROVAL OF AGENDA - Gibson/Hazen - Approved 4-0-0**

3. **BOARD AND STAFF ANNOUNCEMENTS (City-Related Items Only) -**
Hazen - Noted the outpouring of support for skatepark - requested item for next agenda.
Smith - Noted requested replacement for Feast of Lanterns
Tulley - Noted submitted CIP list. Noted that Gho will submit the full list but with priority on the ones that have funding.

Clark - Noted that the city is still recruiting for summer staff such as life guards, etc. The priority screening deadline is 3/27 at midnight, but still hiring afterwards. There is a link on Facebook. Summer programs will be announced next week.

4. **COUNCIL LIAISON ANNOUNCEMENTS**
Tomlinson - Noted public support for skatepark and said that she also supports it.

5. **GENERAL PUBLIC COMMENT**

Written Communication: 27 emails came in regarding the possibility of a skatepark. 26 comments were in favor of it. 1 comment was against it. Hazen - noted that a pump park was also requested in the written communication.

Oral Communication: Emily Haselbauer: Discussed proposal for a PG skatepark. Noted the support but that the obvious question is the location. She noted that the 2018 survey broke down youth participation from age 0-17. She noted that there would be a benefit from a better breakdown of groups.

Tulley recommended we set up of subcommittee with Emily Haselbauer as community lead, Requested clarification from city staff on some questions regarding the process that would need to be followed. And requested clarification on fundraising rules and money given to the city.

6. **APPROVAL OF THE MINUTES -** Gibson asked for edits - regarding cost of backstop - typo on triple, and that JT submitted CIP - 5-0-0

7. **REGULAR AGENDA**

A George Washington Park Public Input

Tulley discussed the need for a method to collect public input and presented a potential online Survey
Tomlinson recommended a subcommittee of 2. She recommended keeping everything we have and add the ability to submit their own ideas.
Discussion from all members regarding the survey, ADA, age range, the conceptual rendering, and clarification of fundraising options. Gho noted that there is no intent to replace existing equipment. Wants to add equipment for younger kids. Noted $25k grant request for approximately a $70k request.
Tulley - motion for a subcommittee of Tulley and Gibson. Smith 2nd - 5-0-0.

B Parks Maintenance Assessment 2022 Final Report *Click to View*

Gibson gave a brief summary but focused on the conclusion and recommendations.

Gho noted that many of the items are being taken care of with maintenance

Next Meeting – April 28, 2022

Requested items for agenda

1. Skateboard park

ADJOURNMENT - 7:19

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Joseph Sidor, Contract Planner
MEETING DATE:	September 06, 2023
SUBJECT:	Consider an Appeal of Coastal Development Permit (CDP) 22-0318, Wastewater Collection System Improvement Project - Phase 9 - Coastal Zone Segments - multiple locations including APN 007-041-004 and Adoption of Negative Declaration of Project
CEQA:	Initial Study, Negative Declaration

RECOMMENDATION

Staff recommends the City Council deny the appeal, adopt a Negative Declaration pursuant to CEQA Guidelines Section 15074, and approve the Coastal Development Permit (CDP 22-0318), subject to the findings and conditions of approval.

DISCUSSION

Project Description

The City of Pacific Grove Public Works Department proposes to repair and replace the following three segments of the wastewater collection system located in the coastal zone: Railroad Way, Asilomar Dunes, and Arena Avenue (project). The purpose of the project is to ensure safe and reliable public wastewater collection service to the residents of Pacific Grove by replacing existing infrastructure in need of repair. The total length of pipeline installation (via trenching and pipe bursting) for all three segments would total approximately 1,008 linear feet and involve a grand total of approximately 4,380 square feet of surface disturbance area.

City staff also prepared and circulated an Initial Study/Negative Declaration (IS/ND) which analyzed the potential effects of the project on the surrounding environment and found that the project, as proposed and conditioned, would have less than significant or no impacts in all resource areas (see the **CEQA** section below for additional information).

Project Segments

The Railroad Way segment includes approximately 537 linear feet of pipeline replacement via trenching within the former railroad right-of-way. Specifically, planned improvements in this segment include the following: replacement of 245 linear feet of 6-inch vitrified clay pipe (VCP) with 8-inch polyvinyl chloride (PVC) pipeline, reconstruction of a manhole approximately 92 feet from manhole 890, reconstruction of manhole 888, installation of 292 linear feet of 8-inch PVC pipeline, the plugging and in place abandonment of 292 linear feet of 6-inch VCP pipeline, and the construction of a new manhole approximately 100 feet from manhole 888.

The Asilomar Dunes segment includes improvements within a 10-foot utility easement in dune habitat between Sunset Drive and Asilomar Ave, as well as within the Sunset Drive right-of-way. Planned work within the Sunset Drive roadway includes the following: replacement of pipeline that is at a 45-degree angle with a new straight section of 35 linear feet of 6-inch PVC, construction of a new manhole, removal of manhole 853, and plugging and abandonment of the angled section of 6-inch VCP pipeline. Planned work within the utility easement that extends through dune habitat and private property, between Sunset Drive and Asilomar Avenue, includes the following: a 9 linear foot spot repair located approximately 69 linear feet from manhole 853A, construction of a new manhole (#854) approximately 167 feet from manhole 853A, reconstruction of manhole 855, and replacement of 95 linear feet of 6-inch VCP with 6-inch PVC via trenching.

The Arena Avenue segment includes excavation of 2 receiving pits and replacement of approximately 332 linear feet of 6-inch VCP with 8-inch high-density polyethylene (HDPE) pipeline (via pipe bursting) within the Arena Avenue right-of-way.

Note: Phase 9 of the Wastewater Collection System Improvement Project includes other segments not located in the Coastal Zone and not subject to City permit requirements. Due to their locations in the Coastal Zone, the three segments above are subject to a Coastal Development Permit. The overall project phasing is consistent with the City's Sewer System Management Plan, and involves near-term repair of deficient infrastructure.

Segment Locations

Railroad Way Segment – an approximate 540 linear foot section within and at the north end of the railroad right-of-way between Jewell and Pico Avenues [no address and no Assessor's Parcel Number (APN)];

Asilomar Dunes Segment – within the Sunset Drive right-of-way immediately west of, and within a 10-foot utility easement located on, 214 Asilomar Boulevard, located between Sunset Drive and Asilomar Avenue and approximately 480 feet south of Jewell Avenue [APN 007-041-004]; and

Arena Avenue Segment – an approximate 340 linear foot section of Arena Avenue within the road right-of-way between Sunset Drive and Asilomar Avenue [no address and no APN].

Surrounding Land Uses

The Railroad Way segment is located within a railroad right-of-way between Jewell and Pico Avenues. The Asilomar Dunes and Arena Avenue segments are located between Sunset Drive and Asilomar Avenue in an area considered environmentally sensitive dune habitat and within an archeologically sensitive area. The Asilomar Dunes residential area is identified as an area of moderate to extreme biological sensitivity per Land Use Plan (LUP) Figure 5, Land Habitat Sensitivity Map; and the Asilomar Dunes are considered an environmentally sensitive habitat area (LUP Section 2.4.1). The three project segments are located in or adjacent to established residential neighborhoods, designated and zoned for residential use, and the project would ensure continued and reliable public wastewater collection service to the residents.

Background and Summary of Appeal

On July 13, 2023, the Planning Commission (PC) considered the project and voted 6 - 1 (6 yes and 1 no) to adopt the IS/ND, and approve the project as proposed (PC permit attached). Based on the IS/ND analysis, potential project impacts in all resource areas would be either avoided (i.e., no impact) or less than significant. The Planning Commission found that the project, as proposed, is an appropriate use, would be consistent with the Local Coastal Program (LCP), and would not adversely impact public views, biological resources, coastal access, or other coastal resources.

On July 17, 2023, the appellant submitted a timely appeal (attached) of the PC's decision to adopt the IS/ND and approve the project. The appeal raised several points, one of which addresses coastal hazards (e.g., erosion) and states that due to the potential risk of coastal hazards City staff should have prepared a Coastal Hazards Report. The appeal also states that the project is not consistent with policies and regulations of the LCP. City staff reviewed the points raised in the appeal and responds as follows.

The appeal states that the project is not consistent with Land Use Plan (LUP) Policies PRA-1, PRA-2, and PRA-5(I). However, these policies address public access and recreation, and are not applicable to the subject project. The following LUP policies were also identified in the appeal, yet are also not applicable to the subject project: INF-5, BIO-1, BIO-2, BIO-12, SCE-3, MAR-1, MAR-3, MAR-5, and HAZ-9. Although not required, City staff has added other identified LUP policies to the list of applicable land use plan policies below with which the project is consistent (i.e.; INF-4, HAZ-8, HAZ-10, HAZ-12, SCE-1, SCE-2, SCE-4, and LUD-1).

The appeal also stated that the project is not consistent with various Implementation Plan sections in PGMC Chapter 23.90. However, the sections identified are either not applicable to the subject project or have been determined to be consistent. For example, City staff completed an initial coastal hazards assessment and determined a Coastal Hazards Report is not warranted in this case (see **Coastal Hazards** section for additional information). Per PGMC section 23.90.170, a biological assessment was completed for the project and is attached to the Final Initial Study (see **Biological Resources** section for additional information), and Condition 10 requires the preparation of a Temporary Traffic Handling Plan per PGMC section 23.90.210.

In summary, the appeal makes a number of statements that are either not applicable or relevant to the City's review, or not supported by the evidence (including the IS/ND analysis). The appeal also makes project-specific assumptions based on general references and no project-specific supporting evidence. Based on information in the record, the appeal lacks substantive merit, and the project record sufficiently addresses the potential impacts of the proposed repair of the wastewater collection system.

Applicable General Plan Policies

The sites are designated as Open Space (OS), Low Density Residential 1.0 dwelling unit per acre (LDR 1-2), and undesignated or not applicable. The Pacific Grove General Plan provides a framework for development and operation of public facilities within the City. The Public Facilities Element (Chapter 9) includes goals and polices that call for the maintenance of a level of service adequate to meet the needs of Pacific Grove residents. The proposed project is consistent with applicable General Plan goals and policies, including the following:

<u>Chapter 9, Public Facilities</u>

Goal 2: Maintain a level of service in the City's sewage collection and disposal system adequate to meet the needs of existing and future development.

Policy 9: Incrementally repair and/or replace sewer system infrastructure to prevent excessive infiltration/inflow.

Program E: Prepare, adopt, and implement a sewer maintenance and replacement program.

Applicable Land Use Plan Policies

The Pacific Grove Land Use Plan (LUP), certified on March 11, 2020, also provides a framework for public infrastructure within the City's Coastal Zone. The subject segment sites are designated Open Space (OS), Low Density Residential 1.0 dwelling unit per acre (LDR 1-2), and undesignated or not applicable in the adopted and certified City of Pacific Grove Coastal Land Use Plan (LUP Figure 6). The proposed project is consistent with applicable LUP policies, including the following:

INF-4: Wastewater disposal systems which minimize or eliminate marine resource pollution, and which provide for reclamation of wastewater for reuse, shall be encouraged.
INF-9: New or expanded water or wastewater facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the Land Use Plan.
INF-10: The City will consider the relocation of critical water and wastewater infrastructure, and necessary and feasible, to protect those services from the effects of sea level rise and other coastal hazards.
HAZ-8: Development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard. Development shall also assure stability and structural integrity, shall not create nor contribute significantly to erosion, geologic instability, or destruction of the site, and shall not substantially alter natural landforms. Public infrastructure, public recreational access facilities, and coastal-dependent development shall be developed in a manner consistent with Policy HAZ-10, and may qualify for shoreline protective devices only if in imminent danger from erosion consistent with HAZ-15 and HAZ-16. All other development shall be developed in a manner consistent with Policy HAZ-9.
HAZ-10: New …, public infrastructure (e.g. public roads, sidewalks, and public utilities), and coastal-dependent development (any development or use that requires a site on, or adjacent to, the sea to be able to function such as Hopkins Marine Station) shall be sited and designed in such a way as to limit potential impacts to coastal resources over their lifetime. ….
HAZ-12: Development proposed in potential hazard areas, including but not limited to those that are mapped as hazardous in Figure 3, shall be evaluated for potential coastal hazards at the site, based on all readily available information and the best available science.
SCE-1: Public views to and along the shoreline shall be protected and enhanced, and alteration of natural landforms shall be minimized.
SCE-2: Preserving and enhancing the scenic qualities of the Coastal Zone is a priority in all City actions and decisions. Development that could adversely impact public views and scenic coastal areas shall only be allowed where it protects, preserves, and, if feasible, enhances such scenic and visual qualities.
SCE-4: The portion of Pacific Grove's Coastal Zone designated as having special scenic significance (i.e. scenic public view areas or scenic public view points) includes all areas designated on Figure 4 Scenic Areas, including all public view areas along Pacific Grove's shoreline; areas seaward of Ocean View Boulevard and Sunset Drive; Lighthouse Reservation lands and Point Pinos Lighthouse; Asilomar Conference Ground dune lands visible from Sunset Drive; the Asilomar Dunes residential area; lands fronting the east side of Sunset Drive and the forest-front zone between Asilomar Avenue and the crest of the high dune (from the north side of Pico Avenue intersection to Sinex Avenue); public street ends along Central Avenue and other areas in which future study may support special scenic significance designation. The City will consider and protect the visual quality of these special scenic areas as a resource of public importance.
SCE-6: All new utilities shall be located underground or outside of public view.
SCE-10: The scenic native forest ... within the Union Pacific railroad right-of-way, shall be protected and retained, to the maximum feasible degree, consistent with the uses allowed by the Land Use Plan.
CRS-1: The City will conduct consultations with any federally-recognized California tribal government listed on the most recent notice of the United States Federal Register and any non-federally recognized California tribe listed on the California Tribal Consultation List maintained by the California Native American Heritage Commission that identifies as native to the Monterey Peninsula, including the Ohlone Costanoan Esselen Nation, in accordance with state law.
CRS-2: The City will ensure the protection, preservation, and proper disposition

of archaeological resources with the Coastal Zone ....
LUD-1: Protection of sensitive habitats, natural landforms, scenic resources, and other coastal resources is a priority in all City actions and decisions, and all development standards ... shall be interpreted ... so as to protect and enhance such resources to the maximum extent feasible. Development shall only be authorized when the proposed use is allowed per the applicable land use designation, and when it meets all applicable Local Coastal Program policies and standards.
BIO-3: Applications for development within and near Environmentally Sensitive Habitat Areas, including wetlands and streams, shall be accompanied by a habitat assessment prepared by a qualified biologist and a botanical survey by a qualified expert prepared at the owner's expense, prior to consideration of a project within the City. ....
BIO-21: Development within the Asilomar Dunes Residential Area shall require habitat assessment in all cases. ....

Applicable Zoning Code Regulations
As proposed, the project complies with the applicable zoning regulations and development standards set forth in Pacific Grove Municipal Code (PGMC) Chapters 23.16 (R-1), 23.42 (O), 23.44 (U), and 23.90 (Coastal Implementation Plan or IP).

Coastal Development Permit (CDP)
An application was filed with the Community Development Department (CDD) on November 30, 2022. The application submittal is consistent with PGMC section 23.90.060. Findings and related conditions of approval are included in the draft permit (attached). Pursuant to PGMC Sections 23.90.050, City CDP Determinations, and 23.90.040, CDP Exemptions, CDD staff determined the proposed repair and replacement of three segments of the wastewater collection system would not be exempt from the requirement to obtain a CDP, and forwarded this determination to the Coastal Commission on June 29, 2023.

Archeological Resources
Per PGMC section 23.90.200, Cultural Resources, the proposed project involves ground disturbance in an archaeologically sensitive area; therefore, an archaeological report was prepared by a qualified archaeologist (Donna Beddow; Harris & Associates; October 2022). The report concluded that the project, as proposed, would not impact cultural resources. However, due to the sensitivity of the area and the potential for inadvertent discovery of cultural resources, and per LUP Policy CRS-2, CDD staff recommends a standard condition of approval to require archaeological monitoring during all ground disturbing activities.

Historic Resources
Per PGMC section 23.90.200, Cultural Resources, the proposed project does not involve above-ground structural development or permanent changes to a setting or location; therefore, an historic report is not warranted.

Biological Resources
Per PGMC section 23.90.170, Biological Resources, CDD staff reviewed LUP Figure 5, Land Habitat Sensitivity Map, aerial imagery, and conducted site inspections on October 6, 2022, and April 27, 2023. Additionally, a qualified biologist team prepared a Biological Resources Letter Report (Emily Mastrelli and Katie Laybourn; Harris & Associates; December 7, 2022). The report, included as Appendix B to the Initial Study, concluded the project would not result in significant impacts to sensitive plants or wildlife species, and no mitigation measures for the protection of biological resources are required. Based on the above information and analysis, City staff prepared and circulated a draft Initial Study which concluded that potential impacts to natural habitats and resources would be less than significant. Project Design Features have been included as conditions of approval to minimize or avoid potential

impacts throughout the construction process.

Scenic Resources
Per PGMC section 23.90.160, Scenic Resources, CDD staff reviewed LUP Figure 4 (Scenic Areas), aerial and street view imagery, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the proposed repair and replacement of three segments of the wastewater collection system, due to their short construction duration and no permanent above-ground structural development, would not adversely impact public views.

Coastal Hazards
Per PGMC section 23.90.140, Coastal Hazards, CDD staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications materials, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the sites are not located in a Coastal Erosion Hazard Zone and the project would not be subject to coastal hazards over the expected lifetime of the development. The project does not involve placement of new infrastructure subject to coastal hazards, and no aboveground structural development is proposed. Rather, the project replaces existing infrastructure in need of repair. The proposed repairs will all be located below ground, thereby making the project less susceptible to coastal hazards such as wave run up, tsunamis, etc. In this case, submittal of a Coastal Hazards Report is not warranted. The following information is provided to clarify this determination.

The scope of work on the Arena Segment would end on the east (landward) side of the Arena Avenue and Sunset Drive intersection, a point approximately 120 feet from the edge of shoreline and at an elevation of approximately 34 feet above mean sea level. The existing wastewater infrastructure west (seaward) of this project end point is not part of the project scope and would not be changed. This unchanged infrastructure includes the Arena Pump Station No. 16 and the connecting collection lines within Sunset Drive which would remain in their present locations. Again, at this location, no work would occur within Sunset Drive nor west of the roadway. The pipe bursting method planned along this segment is the least intrusive approach for replacement of the existing line.

The scope of work on the Asilomar Segment would end at a point approximately 145 feet from the edge of shoreline and at an elevation of approximately 29 feet above mean sea level. The replacement manhole on the seaward side of Sunset Drive would connect to an existing sewer collection main that will not be moved, replaced, or repaired. Also, an overflow line seaward of Sunset Drive would be plugged and abandoned in place. This approach regarding the overflow line is the least intrusive method as removal of the overflow pipe could result in avoidable damage to the surrounding sensitive marine habitat.

Additionally, for this project, the City is the applicant and City staff (Public Works and/or CDD staff) conducted the required reviews for consistency with applicable Land Use Plan policies and Implementation Plan development regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
In reviewing this action, the City has followed the CEQA statute adopted by the State of California as published in the California Public Resources Code, Division 13, §21000, et seq., and the California Code of Regulations, Title 14, §15000, et seq. (i.e., CEQA Guidelines). Pursuant to Public Resources Code Section 21083 and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), the City of Pacific Grove Public Works Department (PW), as Lead Agency, completed environmental review to determine if the project may have a significant effect on the environment. The City prepared a draft initial study and negative declaration (IS/ND) for this project (attached). City staff filed the draft IS/ND with the County Clerk on March 30, 2023; and the IS/ND

was circulated for public review and comment from March 30 through May 1, 2023 (State Clearinghouse Number 2023030780). All standard topics of environmental analysis were found less than significant or no impact. No public comment was received, no public agencies submitted comments, and no revisions to the draft Initial Study are necessary. The overall project phasing is consistent with the City's Sewer System Management Plan and involves near-term repair of deficient infrastructure.

OPTIONS

1. Deny the appeal of the Planning Commission's decision, adopt the Negative Declaration, and approve the project as proposed;
2. Approve the appeal of the Planning Commission's decision and deny the proposed project;
3. Direct the applicant to revise the proposed project subject to Council direction; or
4. Discuss and take other action related to this item.

FINANCIAL IMPACT:

Funding for Phase 9 Sewer improvements was approved as part of the FY 21-22 CIP Budget, and has been carried forward to subsequent years as Public Works prepared the appropriate documents prior to proceeding with construction. Approval of a Coastal Development Permit has no fiscal impact on the project. Upon approval, City staff will release a Request For Proposal for construction, which funding has been allocated for through previous CIP Budgets.

FOCUSED PRIORITY AREA: Infrastructure

Attachments

Appeal Letter and Form

CDD Application

CDP Application & Checklist

Draft City Council Resolution

Planning Commission Permit dated July 13, 2023

Plan Set

Final Initial Study & Negative Declaration

Received by CDD-Planning
on July 17, 2023.

Anthony A. Ciani 220 Walnut Street Pacific Grove, California 93950

July 16, 2023

City Clerk, Sandra Kandell
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950 (Via email: cityclerk@cityofpacificgrove.org)

RE: APPEAL - COASTAL DEVELOPMENT PERMIT (CDP) 22-0318 TO ALLOW THE REPAIR AND REPLACEMENT OF THREE SEGMENTS OF THE WASTEWATER COLLECTION SYSTEM LOCATED AT MULTIPLE LOCATIONS.

Dear City Clerk Kandell,

Pursuant to Pacific Grove Municipal Code Section 23.90.100, I am writing to appeal the decision of the Planning Commission on July 13, 2023, to approve the above referenced CDP Permit: **COASTAL DEVELOPMENT PERMIT (CDP) 22-0318 TO ALLOW THE REPAIR AND REPLACEMENT OF THREE SEGMENTS OF THE WASTEWATER COLLECTION SYSTEM LOCATED AT MULTIPLE LOCATIONS.** This letter shall serve to supplement the attached Appeal Form and replace my July 15, 2023, email to you on the same subject.

PERTINENT FACTS AND BASIS OF THE APPEAL:

1) The City of Pacific Grove Public Works Department proposes to repair and replace the following three segments of the wastewater collection system located in the coastal zone: Railroad Way, Asilomar Dunes, and Arena Avenue (project). The purpose of the project is to ensure safe and reliable public wastewater collection service to the residents of Pacific Grove. The total length of pipeline installation (via trenching and pipe bursting) for all three segments would total approximately 1,008 linear feet and involve a grand total of approximately 4,380 square feet of surface disturbance area.

2) The Railroad Way segment includes approximately 537 linear feet of pipeline replacement via trenching within the former railroad right-of-way. Specifically, planned improvements in this segment include the following: replacement of 245 linear feet of 6-inch vitrified clay pipe (VCP) with 8-inch polyvinyl chloride (PVC) pipeline, reconstruction of a manhole approximately 92 feet from manhole 890, reconstruction of manhole 888, installation of 292 linear feet of 8-inch PVC pipeline, the plugging and in place abandonment of 292 linear feet of 6-inch VCP pipeline, and the construction of a new manhole approximately 100 feet from manhole # 888.

3) The Asilomar Dunes segment includes improvements within a 10-foot utility easement in dune habitat between Sunset Drive and Asilomar Ave, as well as within the Sunset Drive right-of-way. Planned work within the Sunset Drive roadway includes the following: replacement of pipeline that is at a 45-degree angle with a new straight section of 35

linear feet of 6-inch PVC, construction of a new manhole, removal of manhole 853, and plugging and abandonment of the angled section of 6-inch VCP pipeline. Planned work within the utility easement that extends through dune habitat and private property, between Sunset Drive and Asilomar Avenue, includes the following: a 9 linear foot spot repair located approximately 69 linear feet from manhole 853A, construction of a new manhole (#854) approximately 167 feet from manhole 853A, reconstruction of manhole 855, and replacement of 95 linear feet of 6-inch VCP with 6-inch PVC via trenching.

4) The Arena Avenue segment includes excavation of 2 receiving pits and replacement of approximately 332 linear feet of 6-inch VCP with 8-inch high-density polyethylene (HDPE) pipeline (via pipe bursting) within the Arena Avenue right-of-way.

5) Railroad Way Segment – an approximate 540 linear foot section within and at the north end of the railroad right-of-way between Jewell and Pico Avenues [no address and no Assessor's Parcel Number (APN)];

6) Arena Avenue Segment – an approximate 340 linear foot section of Arena Avenue within the road right-of-way between Sunset Drive and Asilomar Avenue [no address and no APN]; and

7) Asilomar Dunes Segment – within the Sunset Drive right-of-way immediately west of, and within a 10-foot utility easement located on, 214 Asilomar Boulevard, located between Sunset Drive and Asilomar Avenue and approximately 480 feet south of Jewell Avenue [APN 007-041-004].

8) The Railroad Way segment is located within a railroad right-of-way between Jewell and Pico Avenues. The Asilomar Dunes and Arena Avenue segments are located between Sunset Drive and Asilomar Avenue in an area considered environmentally sensitive dune habitat and within an archeologically sensitive area. The Asilomar Dunes residential area is identified as an area of moderate to extreme biological sensitivity per Land Use Plan (LUP) Figure 5, Land Habitat Sensitivity Map; and the Asilomar Dunes are considered an environmentally sensitive habitat area (LUP Section 2.4.1).

9) The sites are designated as Open Space (OS), Low Density Residential 1.0 dwelling unit per acre (LDR 1-2), and undesignated or not applicable. The Pacific Grove General Plan provides a framework for development and operation of public facilities within the city. The Public Facilities Element (Chapter 9) includes goals and polices that call for the maintenance of a level of service adequate to meet the needs of Pacific Grove residents.

Pacific Grove General Plan (1994) goals and policies apply, including but limited to, the following:

CDD Staff advised the Planning Commission that <u>Chapter 9, Public Facilities</u> applies, including:
Goal 2: Maintain a level of service in the City's sewage collection and disposal system adequate to meet the needs of existing and future development.
Policy 9: Incrementally repair and/or replace sewer system infrastructure to prevent excessive

infiltration/inflow.
Program E: Prepare, adopt, and implement a sewer maintenance and replacement program.

The Pacific Grove Land Use Plan (LUP), certified on March 11, 2020, applies.
It provides a framework for public infrastructure within the City's Coastal Zone. The subject segment sites are designated Open Space (OS), Low Density Residential 1.0 dwelling unit per acre (LDR 1-2), and undesignated or not applicable in the adopted and certified City of Pacific Grove Coastal Land Use Plan (LUP Figure 6).

Applicable zoning regulations and development standards are set forth in Pacific Grove Municipal Code (PGMC) Chapters 23.16 (R-1), 23.42 (O), 23.44 (U), and 23.90 (Coastal Implementation Plan or IP).

An application was filed with the Community Development Department (CDD) on November 30, 2022. CDD staff determined the proposed repair and replacement of three segments of the wastewater collection system would not be exempt from the requirement to obtain a CDP and forwarded this determination to the Coastal Commission on June 29, 2023.

PGMC section 23.90.200, Cultural Resources, applies.
The proposed project involves ground disturbance in an archaeologically sensitive area; therefore, an archaeological report was prepared by a qualified archaeologist (Donna Beddow; Harris & Associates; October 2022). The report concluded that the project, as proposed, would not impact cultural resources. However, due to the sensitivity of the area and the potential for inadvertent discovery of cultural resources, and per LUP Policy CRS-2, CDD staff recommended a standard condition of approval to require archaeological monitoring during all ground disturbing activities.

PGMC section 23.90.170, Biological Resources, applies.
CDD staff reviewed LUP Figure 5, Land Habitat Sensitivity Map, aerial imagery, and conducted site inspections on October 6, 2022, and April 27, 2023. Additionally, a qualified biologist team prepared a Biological Resources Letter Report (Emily Mastrelli and Katie Laybourn; Harris & Associates; December 7, 2022). The report, included as Appendix B to the Initial Study, concluded the project would not result in significant impacts to sensitive plants or wildlife species, and no mitigation measures for the protection of biological resources are required. Based on the above information and analysis, CDD staff prepared and circulated a draft Initial Study which concluded that potential impacts to natural habitats and resources would be less than significant. Project Design Features are included as conditions of approval to minimize or avoid potential impacts throughout the construction process.

PGMC section 23.90.140, Coastal Hazards, applies.
CDD staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications materials, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development as no above-ground structural development is proposed. In this case, CDD recommended that submittal of a Coastal Hazards Report was not warranted.

Per PGMC section 23.90.140, Coastal Hazards applies.
CDD staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications materials, and conducted site visits on October 6, 2022, and April 27, 2023. That review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development as no above-ground structural development is proposed. In this case, CDD recommended that a Coastal Hazards Report was not warranted.

BASIS AND REASONS FOR THE APPEAL:

A. LOCATION

The terminus of the segments of work in the Asilomar Dunes and Arena Avenue segments are located in an area of coastal hazards and potential sea level rise according to the Local Coastal Program Land Use Plan.

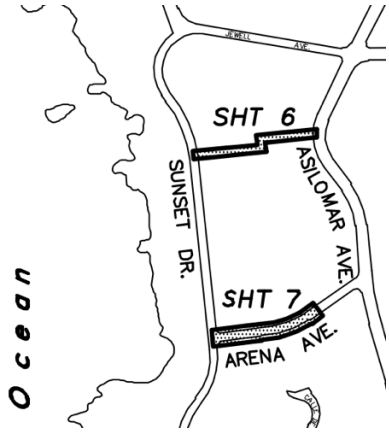
B. COASTAL HAZARDS

THE ASILOMAR DUNES SEGMENT (Sht. #6) and ARENA AVENUE SEGMENT (Sht. # 7) and as shown on (Sht. # 1), Plans Set, "Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments" W.O. 8462, dated July 2022 by Neill Engineers Corp. - - includes development work located in a known coastal hazards, tsunami and potential sea level rise area as shown in LCP LUP **Figure 3: Coastal Hazards and Areas of Potential Sea Level Rise**, and in **Figure 4 Potential Sea Level Rise and Flooding Pacific Grove Vulnerability Assessment.** The **"PROJECT SEA LEVEL RISE" Map Figure 4.8-4** Monterey - Pacific Grove ASBS Stormwater Management Project EIR, Section 4.8 Hydrology and Water Quality Report also indicates coastal flooding in the project area. (See all, below.)

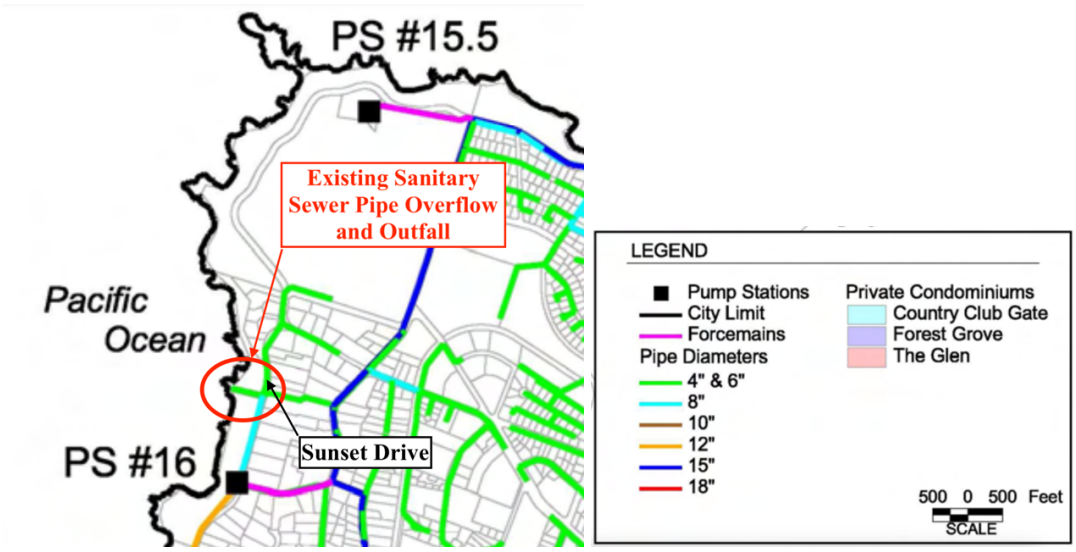
The Asilomar Dunes Segment proposes to abandon an existing section of the Sanitary Sewer Main (SS) and remove Sewer Manhole #853 that are located on the seaward side of Sunset Drive that may be subject to coastal hazards including wave runup, tsunamis, and sea level rise. In the same location, the project proposes to install 35 LF of new 6" PVC SS and connect to a new manhole and the main SS in the west side of Sunset Drive. (See Sheet No. 6).

NOTE: The project proposes to "Plug & Abandon" an overflow vitrified clay pipe Sanitary Sewer Line located on the west side coastal blufftop and directed to the ocean.

The Arena Avenue Segment of the Sewer connects to the Pumping Lift Station No. 16 Wet Well, with Lift Station # 16 is above ground and according to "Sewer Master Plan/Chapter 3 COLLECTION SYSTEM OVERVIEW May 2014", *"**Station #16 – Arena Lift Station: Arena Lift Station is a vertical-centrifugal lift station located off of Sunset Avenue near Arena Street and within the Asilomar State Park.** This lift station receives flow from customers between Sunset Drive, Asilomar Avenue, and Lighthouse Avenue. The lift station discharges through an 8-inch diameter cast iron force main to manhole # 810 at the intersection of Arena Avenue and Asilomar Avenue".*



"Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments", W.O. 8462, (July 2022)
Excerpt - Sheet #1 of 10



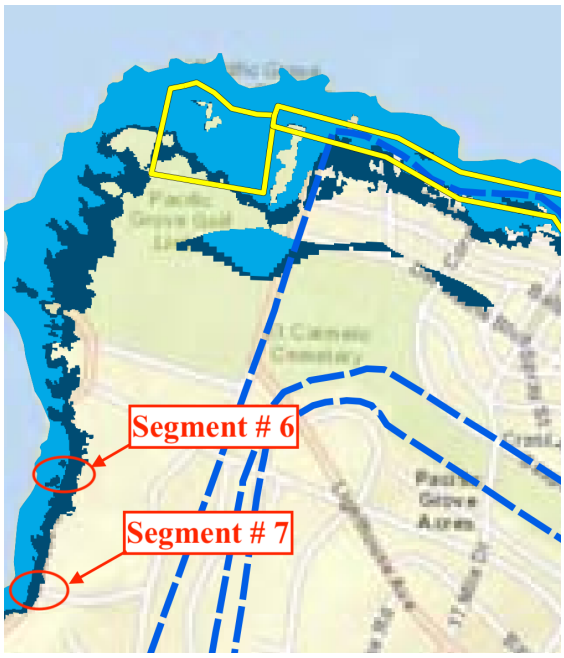
CITY OF PACIFIC GROVE – SEWER SYSTEM ASSET MANAGEMENT PLAN
(EXCERPT - Figure 2-1 Existing Sewer System) 2004

Figure 4
Potential Sea Level Rise and Flooding
Pacific Grove Vulnerability Assessment

Pacific Grove Local Coastal Program Update – Final Background Report (January 12, 2015)

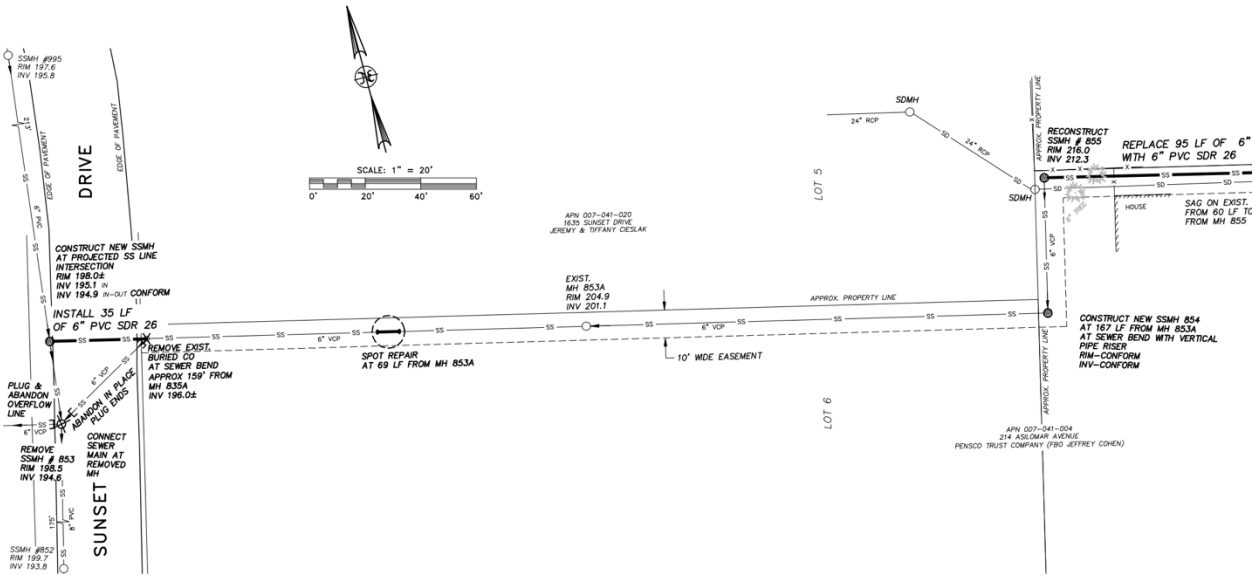
VULNERABILITY ASSESSEMENT

LUP Figure 3: Coastal Hazards and Areas of Potential Sea Level Rise (EXCERPT)

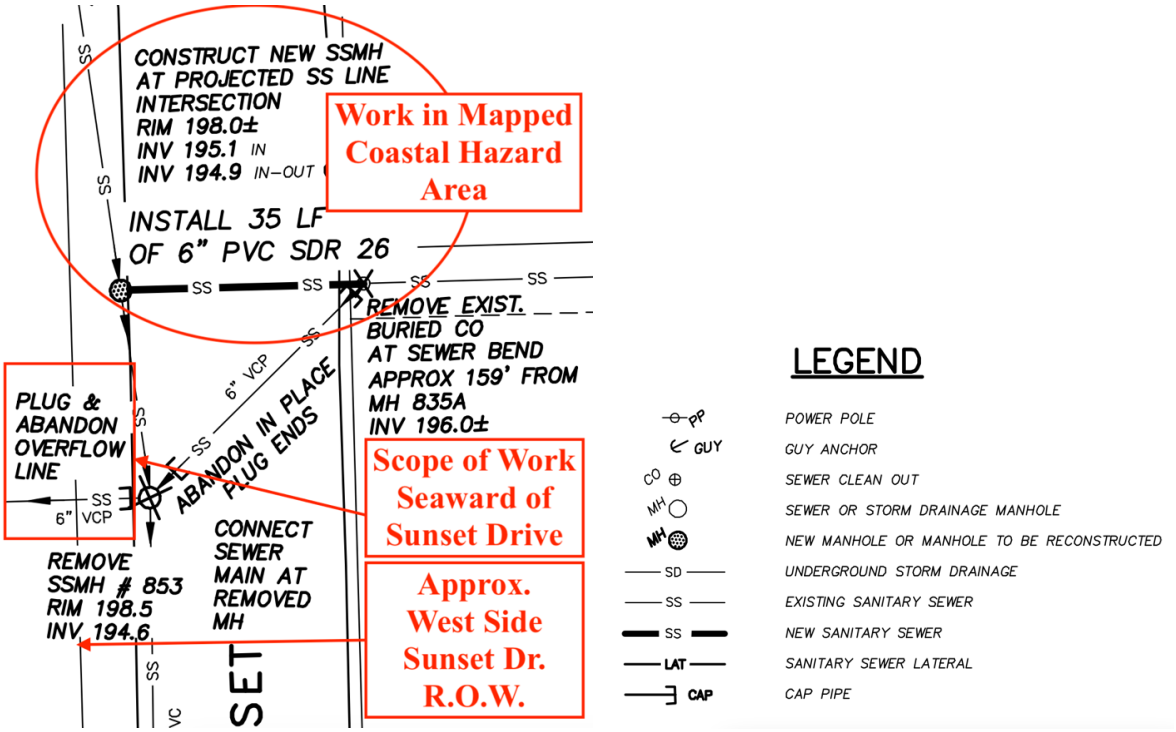


"PROJECT SEA LEVEL RISE MAP" (EXCERPT)

Figure 4.8-4 Pacific Grove ASBS Stormwater Management Project EIR, Section 4.8 Hydrology and Water Quality Report



"Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments", W.O. 8462, (July 2022)
Excerpt - Sheet #6 of 10



ENLARGED IMAGE OF WORK ON, AND SEAWARD OF SUNSET DR. (SHEET NO. 6)

Coastal hazards and erosion in the project area is described in the California State Parks report for the ***"Asilomar Coast Trail Managed Retreat & Restoration Project",*** (August 2017) DUDEK CONSULTANTS, (Page 33):

> *"The most significant natural hazards along the Pacific Grove coastline are severe winter storms and waves and ongoing bluff and shoreline erosion (City of Pacific Grove, February 2017). Wave erosion of the beach is common during storms of moderate intensity and is an integral part of the natural coastal process. Eroded sand is deposited offshore but is returned to the beach by waves during periods of calm weather. Rip-rap has been as a temporary remedy to reduce ongoing erosion caused by wave action along sections of Asilomar State Beach and Conference Grounds, particularly in areas that threaten to undermine Sunset Drive (California Department of Parks and Recreation, 2004). Pacific Grove is susceptible to both dune and cliff erosion. While the average dune erosion rate is approximately 2.6 feet per year, the rocky cliffs only erode at 2-4 inches annually (Monterey County, June 2015)."*

The take-away is that at the rate of 2 - 4" per year, the coastal bluffs could erode up between 6 -12" in three years or as much as, 20-40" (1.5 - 3.3 feet) in ten years, and Sunset Drive is vulnerable to undermining.

Moreover, evidence of that fact is the observable significant erosion of the coastal bluffs, trails and stairway structures in Asilomar Coast locations including in the proposed project areas due to severe winter storm events in January and February 2023. California State Parks close off the severely damaged trails, stairs, and bluffs that remain fenced off and posted “closed” to the public. The City of Pacific Grove's Sewer Master Plan includes sanitary sewer main lines on the coastal bluffs west of Sunset Drive, and as mentioned above, and Station #16 – Arena Lift Station: Arena Lift Station is a vertical-centrifugal lift station with sanitary sewer mains located seaward of Sunset Avenue within the Asilomar State Park.

A visible example of the erosion can be assessed by comparing photographs of the beach and bluffs west of Sunset Drive at the Arena Lift Station Pump Structure, seen below:

Beach West of Arena Avenue November 26, 2015

Beach West of Arena Avenue July 8, 2023

PHOTO COMPARISON ANALYSIS:

Beach West of Arena Avenue July 8, 2023

Procedural Note: An "*Initial Coastal Hazards Assessment"* prepared by a qualified coastal consultant to assess the geomorphic, habitat, and physical process as required by Municipal Code Section 23.90.140 (b)(1) *Applications for All Development Potentially Subject to Coastal Hazards* would advise the applicant and City about the conditions and coastal hazards risks.

DEFICIENCY of CONSTRUCTION PLANS:

Sheet Number 7, Asilomar Dunes Segment fails to provide a scaled **"PROFILE" drawing** of the location, topography, data elevations, notes and specifications depicting the work indicated on the plan view (as shown for the other segments on the drawings).

DEFICIENT CDP PERMIT:

Permit Fact No. 5: *"The subject segments are located within the City's Coastal Zone, within an archaeologically sensitive area (per LUP Figure 7), and within an environmentally sensitive habitat area (ESHA; per LUP Figure 5).*

DEFICIENCY:

Based on LCP Land Use Plan Figure 3: Coastal Hazards and Areas of Potential Sea Level Rise (2020), **Segments #6 & #7 are in the prism of the mapped Coastal Hazards and Potential Sea Level Rise area.**

Permit Fact No. 9. Per PGMC § 23.90.140, Coastal Hazards, Community Development Department (CDD) staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development as no above-ground structural development is proposed. In this case, submittal of a Coastal Hazards Report is not warranted.

APPELANT COMMENT:

CDD staff did not provide the Planning Commission with tangible evidence of their review, such as the appellant's annotated maps and photographs information submitted above. Staff did not provide a photo comparison of the site and surrounding areas of their site visits on October 6, 2022, and April 27, 2023, to substantiate their opinion. Furthermore, the code requires the applicant is required to provide that information "concurrently" with the CDP application.

APPELLANT'S BASIS FOR APPEAL:

The basis for this appeal includes:

1)The application submitted on November 30, 2022, failed to comply with LCP IP Sections 23.90.140 (b)(1) *Applications for All Development Potentially Subject to Coastal Hazards.*

(1) Initial Coastal Hazards Assessment. The applicant shall submit an initial site assessment screening to determine whether the site may be subject to coastal hazards over its lifetime (generally over at least the next 75 years). *The screening shall include a review of CDPs issued or applied for at the subject site and immediate vicinity, technical reports, resource maps, aerial photographs, site inspection, and the LCP's coastal hazard map in LUP Figure 3. Maps can be*

used as a resource for identification of coastal hazard areas; however, absence of mapping cannot alone be considered absence of hazard, and local site conditions must be examined at the time of coastal permit application using the best available science.

The Community Development Department (CDD) Staff "determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development ***as no above-ground structural development is proposed****. In this case, submittal of a Coastal Hazards Report is not warranted."*

APPELLANT'S COMMENTS:

- **The IP ordinance does NOT state if the project site is located in a vulnerable area subject to coastal hazards and is only "above-ground" that it must comply with the code. Furthermore, coastal erosion applies to the "ground" as well as below-ground" and the sewer lines and manholes are in the ground. Moreover, it is the applicant's responsibility not the CDD, to submit the Initial Coastal Hazards Assessment.**

- **An initial site assessment screening is intended to determine whether the site may be subject to coastal hazards over its lifetime (generally over at least the next 75 years). In this case, the appellant believes it may be, therefore a Coastal Hazards Report with the permit materials as required in LCP Sections 23.90.140 (b)(2) Coastal Hazards - -** *"Coastal Hazards Report. Where the initial site assessment reveals that the proposed development is located on or seaward of Ocean View Boulevard or Sunset Drive, mapped within LUP Figure 3, and/or otherwise may be subject to coastal hazards over the next 75 years,* ***a site-specific coastal hazards report (report) shall be prepared."***

  NOTE: Mr. Gho testified at the Planning Commission hearing that the work should be expected to last 100 years.

- The Mitigated Negative Declaration was prepared by Mr. Daniel Gho, City of Pacific Grove Public Works Director on 3/29/2023 with a finding that appears may have been self-serving since he is also the applicant - - Mr. Gho **failed to checkmark "Geology and Soils" on the Initial Checklist, as a result, the assisting consultant was not tasked with, nor did the consultant adequately address potential impacts due to coastal erosion or potential sea level rise.**

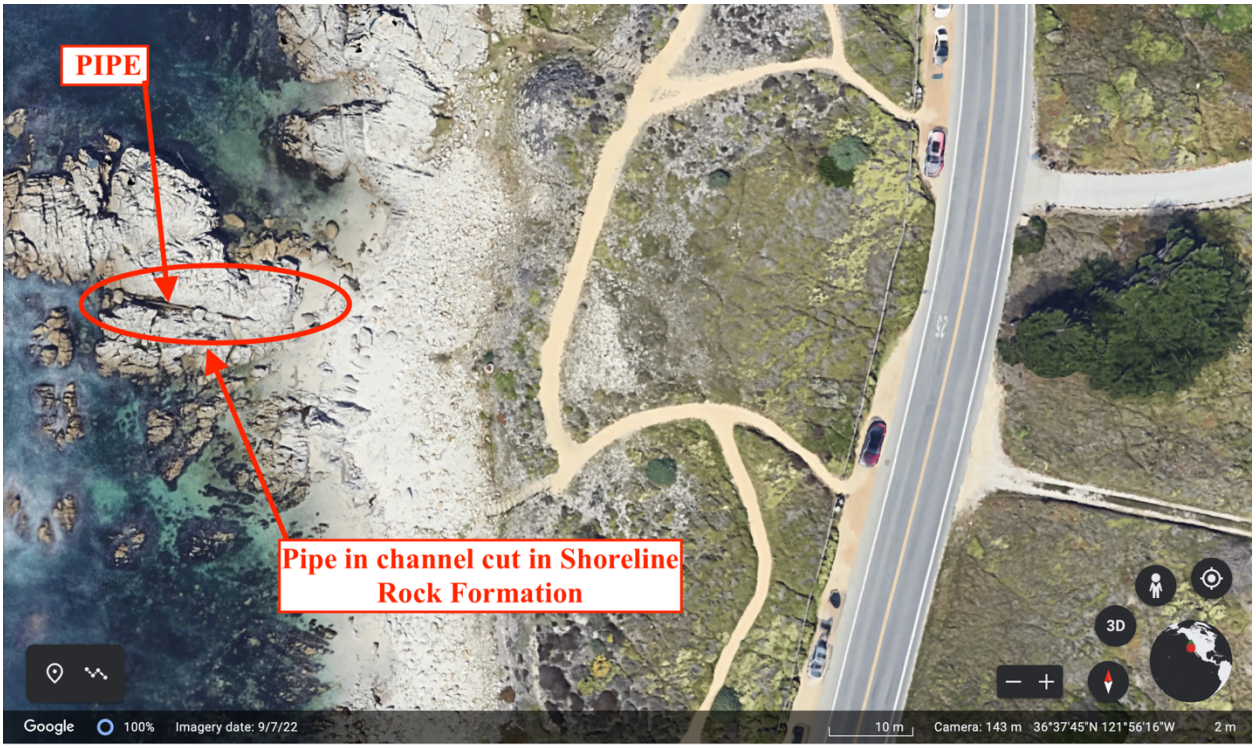
- As shown on the Plan Set Sheet, No. 6, the project includes at least three elements in the mapped Coastal Hazard and Potential Sea Level Rise zone and on the seaward side if Sunset Drive:

- **Element No. One:** The Asilomar Dunes Segment proposes to abandon an existing section of the Sanitary Sewer Main (SS) and remove Sewer Manhole #853 that is located on the seaward side of Sunset Drive.

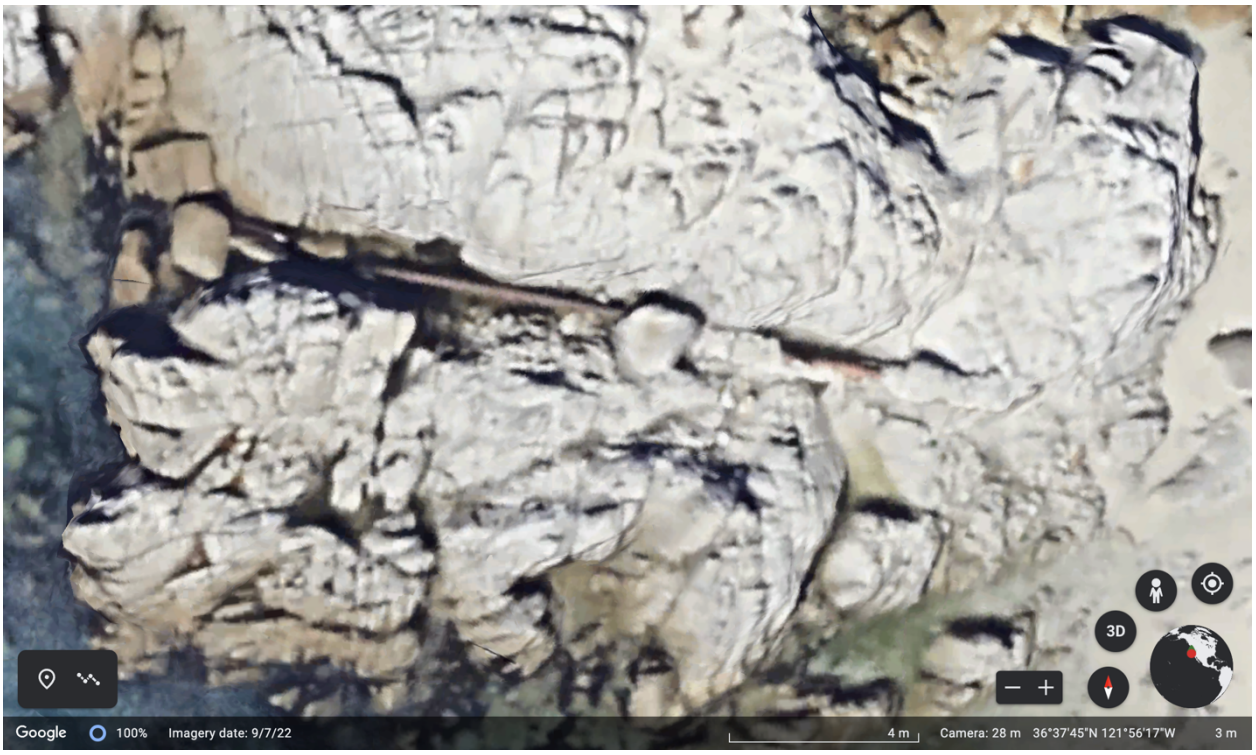
- **Element No. Two:** In the same location, the project proposes to install 35 LF of new 6" PVC SS and connect to a new manhole and the main Sanitary Sewer line in the west of Sunset Drive. (See Sheet No. 6).

- **Element No. Three:** The project proposes to "Plug & Abandon" an overflow Sanitary Sewer pipe that is seaward of Sunset Drive, apparently on California State Park Lands, on the coastal blufftop which flows into the ocean. Thus, it may be a "Sewer Outfall".

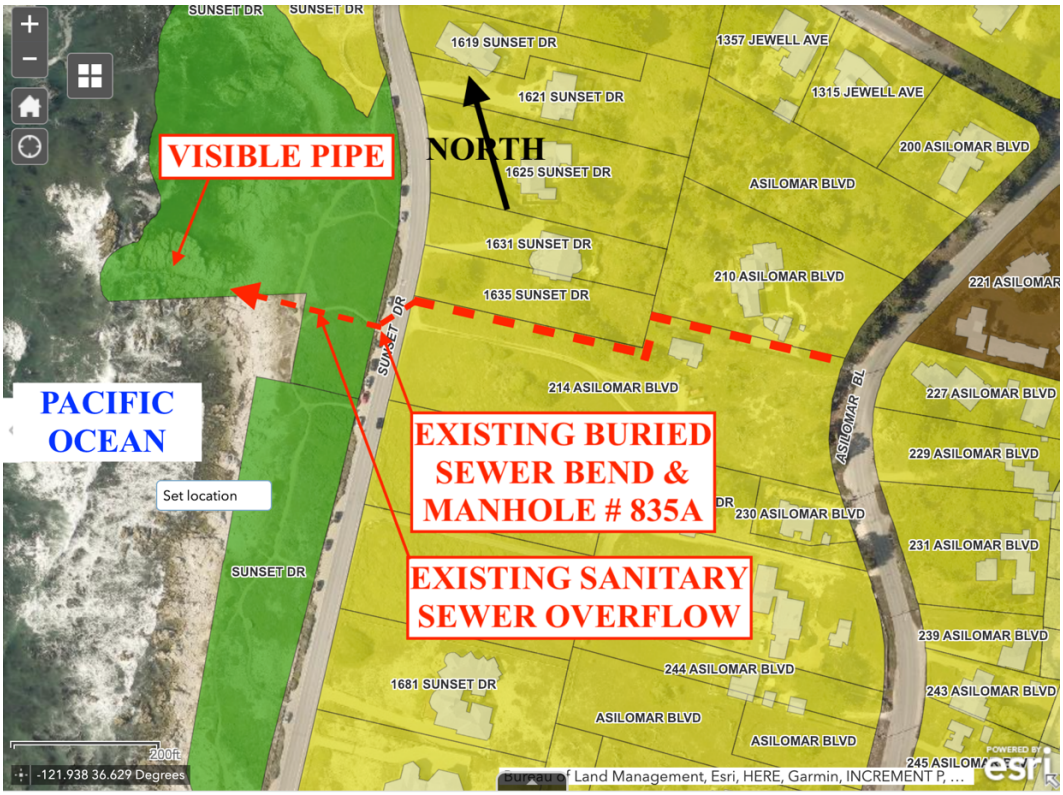
Google Maps and Google Earth, Aerial Images appear to show a pipe a channel that was cut into the rock formations on the beach and in the intertidal area of the ocean. The City's Parcel Map viewer also shows that pipe in the same location to be directly seaward of the sewer easement on Parcel No. The pipe can be viewed from the land and beach.



GOOGLE EARTH IMAGE (9/7/2022)



GOOGLE EARTH – ENLARGED IMAGE (9/7/2022)



CITY OF PACIFIC ASSESSORS PARCEL MAP (Esri) (2023)

APPELLANT'S COMMENT:

Abandoning the overflow and outfall pipe(s) on the coastal bluffs, beaches and in the ocean without removing it, is equivalent to placing them in those locations.

The proposed installation of a new Manhole on the west side of Sunset Drive is in the Coastal Hazard and Sea Level Rise areas as shown on Figure 4.8-4 Pacific Grove ASBS Stormwater Management Project EIR, Section 4.8 Hydrology and Water Quality Report, LCP Land Use Plan Figure 3, Coastal Hazards and Areas of Potential Sea Level Rise, and Pacific Grove Vulnerability Assessment Figure 4. Potential Sea Level Rise and Coastal Flooding.

CONCLUSION:

The project's scope of development work raises substantial issues and is inconsistent with the following the policies in LCP Land Use Plan: (INF-10 &HAZ-8,9&12, MAR-1,3,5; SCE-1,2,3,4,6; BIO-1,2,3,12; LUD-1; INF-4,5,10; and, PRA-1,2,5(I); and, does not **conform to the following ordinances in the LCP Implementation Plan:** PGMC Sections: 23.90.140 (b)(1) & (2)(A)(B)(C)(D).23.90.150(a)(b), 23.90.160 (a)(b), 23.90.170 (a)(b):23.90.210(a); 23.90.220(a).

Therefore, pursuant to PGMC Section 23.90.080, the following required CDP Findings necessary to approve the proposed project cannot be made:

To approve a CDP, the review authority must find that the development, as proposed and conditioned, is consistent with all applicable LCP policies and standards, including making all the following findings that themselves shall be based on upon substantial evidence:

> (a) LCP Consistency. The project is consistent with the LCP.
> (b) Public Views. The project protects or enhances public views.
> (c) Habitat Protection. The project protects vegetation, natural habitats and natural resources consistent with LCP.
> (e) Coastal Access. The project protects or enhances public access to and along the coast.
> (g) Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.
> (h) Coastal Resources. The proposed development protects or enhances coastal resources, where applicable. [Ord. 20-023 § 2, 2020].

Moreover, the Initial Study and Mitigated Negative Declaration did not analyze or address the coastal hazards and sea level rise over the next 75 years, therefore, it is inaccurate and inadequate to mitigate the significant adverse impacts of the proposed developement.

As Public Works Director, Dan Gho told the Planning Commission at their hearing of this item: **"W*e need to start identifying what we want to do with all of our coastline infrastructure, and not just piecemeal it with each individual project like this..."*** (Minute marker: 2:44:48) Thus, the appellant agrees this is a piecemeal project and that Pacific Grove's

coastline infrastructure must be analyzed on a comprehensive basis, including consideration of the impacts and erosion due to storm surf, sea level rise, and tsunamis.

Therefore, I request the City Council to accept this appeal and challenge to the project's IS/MND.

Thank you for your consideration.

Sincerely,

Tony Ciani

Tony Ciani, Resident
220 Walnut Street
Pacific Grove, CA 93950
aciani@cianiarchitecture.com

ATTACHMENT: APPEAL FORM

Cc: City Council
Planning Commission
Central Coast, Coastal Commission

CITY OF PACIFIC GROVE

Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd

Appeal Form

Appeal #: _____
Date: _____
Received By: _____
Total Fee: _____

Project Information

Project Address: (3) locations Railroad Way, Asilomar Dunes, and Arena Avenue (project). APN: 007041004000, 214 ASILOMAR BLVD
☐ On HRI/ ■ Not on HRI
Application & No.: Coastal Development Permit (CDP 23-0318),
Applicant Name: City of Pacific Grove Public Works Department Phone #: 831-648-5722 X4203
Mailing Address: 2100 Sunset Drive, Pacific Grove, CA 93950
Email Address: dagho@cityofpg.org
Owner Name: City of Pacific Grove Phone #: 831-648-5722
Mailing Address: 300 Forest Avenue, Pacific Grove, CA 93950
Email Address: dagho@cityofpg.org

Action[1]

☐ ARB: Architectural Review Board
☐ CDD: Planning Staff
☐ HRC:Historic Resources Committee
■ PC: Planning Commission
☐ NRC: Natural Resources Committee
☐ SPRC: Site Plan Review Committee
☐ ZA: Zoning Administrator

Date of Action: July 13, 2023
Action Taken: Approval of CDP No. 23-0318 & Project Negative Declaration

Appeal Information

Appellant Name: Tony Ciani Phone #: 858-454-7141
Mailing Address: 220 Walnut Street
Email Address: aciani@cianiarchitecture.com
Appeal Deadline: 5:00 p.m. on July /23 /2023
Grounds for Appeal: Project fails to comply with CDP LUP Policies (INF-10 &HAZ-8,9&12, MAR-1,3,5; SCE-1,2,3,4,6;BIO-1,2,3,12;LUD-1;INF-4,5,10; and, PRA-1,2,5(i); and IP PGMC Sections: 23.90.140 (b)(1) & (2)(A)(B)(C)(D)
23.90.140 (a)(b)(1)&(2)(A),(B),(C) &(D), 23.90.150 (a)(b); 23.90.160 (a)(b); 23.90.170 (a)(b):23.90.210(a); 23.90.220(a) and all CDP Findings per 23.90.080
(a);23.90.150 (a)(b); 23.90.160 (a)(b); 23.90.170 (a)(b):23.90.210(a); 23.90.220(a) and all CDP Findings per 23.90.080

If necessary, use additional pages.

Fees

Discretionary Fees[2]	$	
Appeal Fee = 25% of discretionary fees	$	
Cost of publication of legal notice[3]	$	
Photocopies_____copies @ 10¢ each	$	
Postage[4]_____stamps @ 45¢ each	$	
Other	$	
Total Appeal Fee		

_____ July 16, 2023
Appellant Signature Date

[1] See Table 23.70.012-1 in the Pacific Grove Zoning Code, which identifies roles of review authorities as they relate to appeals.
[2] Whatever fee was collected by the city for the application for use permit, architectural approval, variance, etc., or combination of more than one fee if more than one decision is being appealed.
[3] Currently averaging $250-300.
[4] Typically the number of address labels for parcels (or portions thereof) found within a 300 ft radius of the subject parcel (350 ft radius for homes in the Asilomar Dunes area) is approximately 120. Mailing is sent to owners and occupants (including most individual apartments) of properties.

Rev. 11/7/12

CITY OF PACIFIC GROVE

Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
Tel: 831.648.3190 • Fax: 831.648.3184 • www.cityofpacificgrove.org

Permit Application

Application # CDP 22-0318
Date: 11-30-2022
Total Fees: — City Project

APPLICANT/OWNER:

Project Address: 3 locations - see attached **APN:** N/A 007-041-004 & No associated APN for 2 Segments

Project Description: PROJECT DESCRIPTION ATTACHED

Will the project create, add, or replace impervious surface? ☐ Yes ☒ No

Will the project impact any tree(s) on site? ☐ Yes ☒ No

Applicant	**Owner**
Name: Daniel Gho, PW DIRECTOR	Name: CITY OF PACIFIC GROVE
Phone: 831-648-5722 x 4203	Phone: 831-648-5722
Email: dgho@cityofpg.org	Email: dgho@cityofpg.org
Mailing Address: 2100 SUNSET DR	Mailing Address: 300 FOREST AVE
Pacific Grove, CA 93950	PACIFIC GROVE, CA 93950

PLANNING STAFF USE ONLY:

Permit Request:

☐ CRD: Counter Determination	☐ SP: Sign Permit	☐ IHS: Initial Historic Screening	☐ VAR: Variance
☐ AP: Architectural Permit	☐ UP: Use Permit	☐ HPP: Historic Preservation	☐ MMP: Mitigation Monitoring
☐ AAP: Administrative AP	☐ AUP: Administrative UP	☐ A: Appeal	☐ Water Entitlement
☐ ADC: Arch Design Change	☒ CDP: Coastal Dev. Permit	☐ TPD: Tree Permit W/ Dev't	☐ Other: _____
☐ ASP: Admin Sign Permit	☐ LLA: Lot Line Adjustment	☐ CDP Waiver/Admin. CDP	☐ Other: _____

CEQA Determination:
- ☐ Exempt
- ☒ Initial Study & ~~Mitigated~~ Negative Declaration
- ☐ Environmental Impact Report

IS/MND Being prepared

Review Authority:
- ☐ Staff
- ☐ ZA
- ☐ SPRC
- ☐ ARB
- ☐ HRC
- ☒ PC
- ☐ CC
- ☐ _____

Active Permits:
- ☐ Active Planning Permit
- ☐ Active Building Permit
- ☐ Active Code Violation

Permit #: _____

Overlay Zones:
- ☐ Butterfly Zone
- ☐ Area of Special Biological Significance (ASBS)
- ☒ Environmentally Sensitive Habitat Area (ESHA)

Property Information

Lot: 6 & 4 **Block:** 317 & 318 **Tract:** Pacific Grove Acres (Asilomar Dunes)

ZC: O, R-1-B-4, & Unclassified **GP:** OS, LDR 1-2, & Undesignated **Lot Size:** NA

☐ Historic Resources Inventory ☒ Archaeologically Sensitive Area ☒ CDP Appeal Jurisdiction

Staff Use Only:

Received by: _____

Assigned to: J. Sidor

Application # 22-0318

INDEMNIFICATION CONDITION

In consideration for City review and approval of application in this matter, the Owner/Applicant shall indemnify, defend, protect and hold harmless the City, its elected and appointed officials, officers, agents, and employees (collectively "Indemnitees"), using counsel approved in writing by the City, from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements which may accrue against Indemnitees by reason of the City's processing, approval or denial of the request and application in this matter. Indemnification shall include, but shall not be limited to any action, or proceeding brought to attack, set aside, void, annul, limit, or inhibit the approval of the application referenced above, and shall expressly include causes of action under the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), or the CA CoastalAct.

The obligation to indemnify shall include, but not be limited to, all costs relating to preparing administrative records, investigations, responses to discovery, retention of experts, and other costs, including attorney's fees or obligations related to this matter, including actions brought by the Owner/Applicant and extend to any expense incurred in establishing the City's right to indemnification. City expenses shall be paid by Owner/Applicant upon City request notwithstanding final disposition of the matter has not yet occurred. If the City is later determined to not be entitled to indemnification, the City shall repay amounts so advanced.

This indemnification condition is the Owner/Applicant's inducement to the City to process and approve the application, which approval would otherwise be withheld by City due to its concern for liability or expense that may result from performance of the City's duties. Should any dispute arise regarding interpretation of this condition, the prevailing party shall recover all reasonable costs incurred, including court costs, attorney fees and related expenses. Recovery of expenses shall be as additional costs awarded to the prevailing party and shall not require initiation of a separate legal proceeding.

This indemnification condition shall not require the Owner/Applicant to indemnify the City or other Indemnities: (a) to the extent that an obligation is actually paid by an insurer pursuant to an insurance policy; (b) in connection with any remuneration paid to the City, if it shall be finally adjudged that such remuneration was in violation of law; or (c) on account of the City's misconduct if such misconduct shall be finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful.

Any permit or other approval given by the City to the Owner/Applicant Guarantor shall be valid only so long as this indemnification condition is given full force and effect. If this indemnification condition is revoked, the permit or other approval of the City shall then become null and void.

Owner/Applicant represents it (and any subsidiary) is (a) duly formed and organized, (b) validly existing and in good standing under state law, and (c) has all necessary power to execute and deliver this document and perform its obligations. Owner/Applicant also represents it is authorized to enter into this agreement by all requisite partnership, corporate or other action, and its terms are a valid and legally binding obligation. Neither execution nor delivery of this document nor performance of its obligations will violate any law or provision of any agreement, articles of incorporation, by-laws or other organizational or governing documents relating to Owner/Applicant, nor conflict with any court order relating to Owner/Applicant.

Applicant Signature: Daniel Alo **Date:** 11-30-22

Owner Signature (Required): Daniel Alo **Date:** 11-30-22

CITY OF PACIFIC GROVE
COASTAL DEVELOPMENT PERMIT
APPLICATION & SUBMITTAL CHECKLIST

Instructions

Please submit a complete application packet including this form with all of the items checked below. If one or more of the items is not applicable to your project, please mark with "not applicable" or "n/a". All exhibits must be clear, legible, and to scale where appropriate.

Incomplete applications will not be accepted for filing.

Checklist

This checklist is provided for the convenience of applicants in gathering necessary application materials. Additional material may be required prior to issuance of a Coastal Development Permit (CDP). For example, preliminary title reports, land surveys, biological/archaeological/botanical reports, restoration plans, and other reports or plans may be required based on the scope of the project.

- ☑ A completed standard City of Pacific Grove Community Development **Planning Permit Application** ~~including the **Indemnification Form**~~ signed by the applicant and property owner
- ☑ The **Plan Set** shall include: a **Site Plan** meeting the requirements of the **Submittal Checklist Form**; **Architectural Elevations** of all sides of the structure and including accessory buildings; (1) oblique street-view architectural rendering if the site is flat or a minimum of (2) views if the site is located in the Asilomar Dunes Residential Area (ADRA), including at least (1) view from Sunset Dr.; and a completed **Project Data Sheet**. *Note that the installation of story poles and netting will be required during the public notice period.*
- ☐ One (1) full-size (24" x 36") scaled plan set, two (2) 11" x 17" scaled sets, and a digital set of plans (thumb drive, disc, or email). Please include digital versions of ALL of the application materials as part of your **Electronic Submittal**. Include a **Vicinity Map** on the site plan. Additional copies may be needed for hearings.
- ☑ Required **Technical Reports** (biological/archaeological/botanical reports, geotechnical reports, grading plan, etc.)
- ☐ **Filing Fee**
- ☑ **Project Description:** (Describe the project in detail including secondary improvements such as grading, removal or alteration of septic tanks, roads, driveways, tree removal and/or pruning, accessory buildings, fences, etc. Attach additional pages as necessary)

  See attached Project Information sheet for a full project description.

■ **Project Location:** See attached locations (3) (street address) **Assessor Parcel No:** See attached information

■ **Present Use** of the property:

Are there existing buildings? ■ Yes ☐ No If yes, please describe: The Asilomar Dunes section of work will occur within a 10-ft utility easement located at 214 Asilomar Blvd.

There is an existing building on site, however, the work will be limited to the City's sewer infrastructure and will occur within the Utility Easement.

☐ Will any existing buildings be **removed** or **demolished**? ☐ Yes ■ No If yes, please describe:

As noted above, the project has 3 locations, one of the locations includes work in the public right of way on Sunset Drive immediately west of 214 Asilomar Blvd. See attached plan set.

■ Is the proposed development governed by a **Development Agreement**? ☐ Yes ■ No

■ Has any application for development on this site been made in the past to the CA Coastal Commission or the CA Coastal Zone Conservation Commission? ☐ Yes ■ No

If yes, please list application #s: _____

■ **Coastal Access:** Is the proposed development within the first public road and the sea or Monterey Bay? ☒ Yes ~~■ No~~ If yes, is there currently public access to the shoreline on or near the site? Please describe:

Access is available and described in the environmental document.

■ **Waters:** Does the project involve diking, filling, draining, dredging or placing structures in open coastal or Monterey Bay waters, wetlands, or estuaries? ☐ Yes ■ No

If yes, state the amount of fill in cubic yards (cy) _____. What is the location of the fill receiving site? _____

Is an **Army Corps** (USACE) permit required? ☐ Yes ■ No

■ Will the project effect **Public Access** to and along the shoreline, either directly or indirectly (i.e., removing parking used for access to the beach)? ☐ Yes ■ No

If yes, describe the impact: _____

☐ Please check the following **Utilities** that will need to be extended to the proposed development:

☐ Water ☐ Sewer ☐ Electrical ☐ Natural Gas ☐ Telephone

■ Is the proposed development in or near the **Asilomar Dunes Residential Area** (ADRA)? ■ Yes ☐ No If yes, additional technical reports will be required.

- ☐ Is the development within an **Environmentally Sensitive Habitat Area** (ESHA) including areas with state or federally listed **rare, threatened, or endangered species**, or candidate species?

  ☐ Yes ☐ No If yes, additional technical reports will be required.

- ☐ If the development is proposed to: a) alter a spring or stream in any way; or b) effect an existing well (either onsite or offsite), contact the Planning Department for additional requirements.

- ☐ Will the proposed development be **visible from Sunset Drive** or other mapped **scenic resource areas**? ☐ Yes ☐ No

- ☐ Include any **Tree Removal** or **Pruning** required (a separate permit may be required). Note the number, size, species of tree (s), and whether heavy equipment will be necessary for tree project (refer to the Tree Permit requirements on City's Public Works website)

- ☐ Is the development in or near a park or other recreation area? ☐ Yes ☐ No

- ☐ Is this a City **Public Works** project or a project being undertaken by another public agency? ☐ Yes ☐ No If yes, please contact the Planning Division for additional requirements relating to grading, dredging, fill, use of heavy equipment, additional non-City permit requirements, etc.

- ☐ Will the development extend onto or adjoin any beach, tidelands, submerged lands, or public trust lands? ☐ Yes ☐ No If yes, please consult with Planning staff for additional requirements.

- ☐ If the site contains any of the following resources, attach an explanation:
  - ☐ Buildings on the City's Historic Resources Inventory (HRI) or more than 50 years old;
  - ☐ Archaeological resources; and/or
  - ☐ Paleontological resources

- ☐ Does the project include the development of new **Lodging** or the alteration of existing **Low-Cost Visitor Accommodations and/or Recreation Facilities**? ☐ Yes ☐ No
  If yes, describe how the project complies with the requirements of PGMC Sec. 23.90.220 _____

  _____

- ☐ Will the development provide public or private recreational opportunities?
  ☐ Yes ☐ No

☐ Is any Grading proposed? ☐ Yes ☒ No If yes, complete the following table:

a) Amount of cut: ___ cubic yards (cy) b) Amount of fill: ___ cy c) Amount of **import** or **export**: ___ cy (circle which one)	d) Max. height of cut slope: ___ ft. e) Max. Height of fill slope: ___ ft. f) Location of borrow or disposal: ___ ft.

Note: grading, stormwater, and erosion control plans must be attached when applicable

☐ If the project is multi-family residential, indicate:

Number of Units			***Total # of bedrooms per unit (existing and proposed)***	***Type of ownership proposed***
Existing # of Units	Proposed # of Units	Net # of units upon completion		☐ Rental ☐ Condo ☐ Stock Coop ☐ Timeshare ☐ Other

☒ Estimated cost of the proposed development (not including the cost of land) $ 800,000

☐ Parking and Utilities

Number of parking spaces required N/A		
Existing spaces	Proposed new spaces	Net # of spaces on completion of project
N/A	N/A	N/A

☐ Project Height: (Max. height of structure as defined in the IP: *the vertical distance measured between the legally established existing grade and the top-most portion of development above existing grade, unless otherwise specified*)

a. Above existing (natural) grade _____ ft.
b. Above finished grade _____ ft.
c. As measured from centerline of frontage road _____ ft.

☐ Total # of floors in structure, including subterranean floors, lofts, and mezzanines _____

☐ Gross Floor Area (GFA) in sq. ft. (includes garages and accessory buildings) _____ sq. ft.

☐ Lot Area _____ sq. ft.

☐ If the project includes **Subdivision** or a **Lot Line Adjustment**, indicate:

Number of Lots			***Size of lots to be created (indicate gross and net lots size)***	
Existing # of Lots	Proposed # of Lots	Net # of lots upon completion	Existing	Proposed

☐ If the project is a **Lot Line Adjustment** or a request for **Certificates of Subdivision Compliance**, please provide the following:

1. "Creation documents" for all affected properties. These documents would include grant deeds or certain maps recorded prior to the effective date of the Coastal Act (Jan. 1, 1976) that include a legal description describing the property as it exists today;
2. A prelim. title report less than six (6) months old; and
3. Current grant deeds for each affected property.

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE APPROVING FILE NUMBER CDP 22-0318 FOR THE REPAIR AND REPLACEMENT OF THREE SEGMENTS OF THE WASTEWATER COLLECTION SYSTEM LOCATED AT MULTIPLE LOCATIONS.

FACTS

1. The City of Pacific Grove Public Works Department (applicant) proposes the repair and replacement of three Coastal Zone segments of the City's existing wastewater collection system to ensure continued safe and reliable public wastewater collection service to the residents of Pacific Grove.

2. The subject sites are located at multiple locations in the City of Pacific Grove (three segments); including the following: Railroad Way Segment – an approximate 540 linear foot section within and at the north end of the railroad right-of-way between Jewell and Pico Avenues; no address and no Assessor's Parcel Number (APN); Arena Avenue Segment – an approximate 340 linear foot section of Arena Avenue within the road right-of-way between Sunset Drive and Asilomar Avenue; no address and no APN; and Asilomar Dunes Segment – within the Sunset Drive right-of-way immediately west of, and within an existing 10-foot utility easement located on, 214 Asilomar Boulevard, located between Sunset Drive and Asilomar Avenue and approximately 480 feet south of Jewell Avenue (APN 007-041-004).

3. As noted in Fact 2, only one segment (the Asilomar Dunes Segment) has an associated APN of 007-041-004. The other two segments (Arena Avenue and Railroad Way) do not have associated APNs.

4. The subject segments have various land use designations such as Low Density Residential 1.0 du/ac, Open Space, and undesignated in the adopted and certified City of Pacific Grove Coastal Land Use Plan (per LUP Figure 6).

5. The subject segments have zoning classifications of O, R-1-B-4, and unclassified.

6. The subject segments are located within the City's Coastal Zone, within an archaeologically sensitive area (per LUP Figure 7), and within an environmentally sensitive habitat area (ESHA; per LUP Figure 5).

7. The subject segments are not located within the City's Area of Special Biological Significance (ASBS) nor listed on the Historic Resources Inventory (HRI).

8. Pursuant to Pacific Grove Municipal Code (PGMC) Sections 23.90.050, *City CDP Determinations*, and 23.90.040, *CDP Exemptions*, Community Development Department (CDD) staff determined the proposed repair and replacement of three segments of the wastewater collection system would not be exempt from the requirement to obtain a Coastal Development Permit (CDP), and forwarded this determination to the Coastal Commission on June 29, 2023.

9. Detailed Project Description.

a. Railroad Way segment - includes approximately 537 linear feet of pipeline replacement via trenching within the former railroad right-of-way. Specifically, planned improvements in this segment include the following: replacement of 245 linear feet of 6" vitrified clay pipe (VCP) with 8" polyvinyl chloride (PVC) pipeline, reconstruction of a manhole approximately 92 feet from manhole 890, reconstruction of manhole 888, installation of 292 linear feet of 8" PVC pipeline, the plugging and in place abandonment of 292 linear feet of 6" VCP pipeline, and the construction of a new manhole approximately 100 feet from manhole 888.

b. Asilomar Dunes segment - includes improvements within an existing 10-foot utility easement in dune habitat between Sunset Drive and Asilomar Ave, as well as within the Sunset Drive right-of-way. Planned work within the Sunset Drive roadway includes the following: replacement of pipeline that is at a 45-degree angle with a new straight section of 35 linear feet of 6" PVC, construction of a new manhole, removal of manhole 853, and plugging and abandonment of the angled section of 6" VCP pipeline. Planned work within the utility easement that extends through dune habitat and private property, between Sunset Drive and Asilomar Avenue, includes the following: a 9 linear foot spot repair located approximately 69 linear feet from manhole 853A, construction of a new manhole (#854) approximately 167 feet from manhole 853A, reconstruction of manhole 855, and replacement of 95 linear feet of 6" VCP with 6" PVC via trenching.

c. Arena Avenue segment - includes excavation of 2 receiving pits and replacement of approximately 332 linear feet of 6" VCP with 8" high-density polyethylene (HDPE) pipeline (via pipe bursting) within the Arena Avenue right-of-way.

The total length of pipeline installation (via trenching and pipe bursting) for all three segments would total approximately 1,008 linear feet and involve a grand total of approximately 4,380 square feet of surface disturbance area.

10. Per PGMC § 23.90.140, Coastal Hazards, Community Development Department (CDD) staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development. No above-ground structural development is proposed. The proposed repairs will all be located below ground, thereby making the project less susceptible to coastal hazards such as wave run up, tsunamis, etc. In this case, submittal of a Coastal Hazards Report is not warranted.

11. Per PGMC § 23.90.150, Water Quality and Marine Resources, the City did not require a water quality assessment because the proposed repair and replacement of three segments of the wastewater collection system would not create any new impervious surfaces.

12. Per PGMC § 23.90.160, Scenic Resources, CDD staff reviewed LUP Figure 4 (Scenic Areas), aerial and street view imagery, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the proposed repair and replacement of three

segments of the wastewater collection system, due to their short construction duration and no permanent above-ground structural development, would not adversely impact public views.

13. Per PGMC § 23.90.170, Biological Resources, CDD staff reviewed LUP Figure 5, Land Habitat Sensitivity Map, aerial imagery, and conducted site inspections on October 6, 2022, and April 27, 2023. Additionally, a qualified biologist team prepared a Biological Resources Letter Report (Emily Mastrelli and Katie Laybourn; Harris & Associates; December 7, 2022). The report, included as Appendix B to the Initial Study, concluded the project would not result in significant impacts to sensitive plants or wildlife species, and no mitigation measures for the protection of biological resources are required. Based on the above information and analysis, CDD staff prepared and circulated a draft Initial Study which concluded that potential impacts to natural habitats and resources would be less than significant. Project Design Features have been included as conditions of approval to minimize or avoid potential impacts throughout the construction process.

14. Per PGMC § 23.90.200, Cultural Resources, the proposed project involves ground disturbance in an archaeologically sensitive area; therefore, an archaeological report was prepared by a qualified archaeologist (Donna Beddow; Harris & Associates; October 2022). The report concluded that the project, as proposed, would not impact cultural resources. However, due to the sensitivity of the area and the potential for inadvertent discovery of cultural resources, and per Land Use Plan Policy CRS-2, the City will apply a standard condition of approval to require archaeological monitoring during all ground disturbing activities.

15. Per PGMC § 23.90.200, Cultural Resources, the proposed project does not involve above-ground structural development or permanent changes to a setting or location; therefore, an historic report is not warranted. Additionally, the project would not cause a substantial adverse change in the significance of a historical resource because this type of resource does not occur within the project area.

16. The City of Pacific Grove Public Works Department (PW), as Lead Agency, prepared an Initial Study pursuant to Public Resources Code Section 21083, and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2). The Initial Study is on file in the offices of PW and CDD, and is hereby incorporated by reference. CDD, located at 300 Forest Avenue, 2nd Floor, Pacific Grove, California, 93950, 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.

17. The draft Initial Study and Negative Declaration (IS/ND) for the Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments was prepared in accordance with the CEQA Guidelines; filed with the County Clerk on March 30, 2023; and circulated for public review from March 30 through May 1, 2023 (State Clearinghouse Number 2023030780). No public comment was received and no public agencies submitted comments.

18. Pursuant to Public Resources Code Section 21080.3.1 and LUP Policy CRS-1, PW initiated consultation via notification letters with local Native American tribes on November 17, 2022. The first consultation meeting with the Esselen Tribe of Monterey County was actually held on November 8, 2022, and with the Ohlone/Costanoan-Esselen Nation on November 15, 2022.

19. The City of Pacific Grove Planning Commission (PC) considered the IS/ND and reviewed the proposed project at a noticed public hearing on July 13, 2023. The PC voted 6 – 1 to adopt the IS/ND and to approve CDP 22-0318.
20. On July 17, 2023, the appellant submitted a timely appeal of the PC's decision to adopt the IS/ND and approve CDP 22-0318.
21. Pursuant to the appeal, the City of Pacific Grove City Council considered the IS/ND and reviewed the proposed project at a noticed public hearing on September 6, 2023.

FINDINGS

For a Coastal Development Permit per PGMC Section 23.90.080

1. *LCP Consistency. The project is consistent with the LCP. (Local Coastal Program)*

   As proposed and conditioned, the proposed repair and replacement of three segments of the wastewater collection system meets the requirements of the LCP including, but not limited to, the applicable Coastal Resource Protection Standards (PGMC § 23.90.130) of the Implementation Plan (IP) and the Biological, Cultural, Scenic, and Community Design policies of the Land Use Plan (LUP). These standards and policies are addressed in the Facts above and in the following findings.

2. *Public Views. The project protects or enhances public views.*

   The proposed repair and replacement of three segments of the wastewater collection system, due to the short construction duration and no permanent above-ground structural development, would not adversely impact public views. Per LUP Policy SCE-6, all proposed utility repairs will be located underground or outside of public view. Therefore, per PGMC § 23.90.160, Scenic Resources, a site-specific visual analysis is not required in this case.

3. *Habitat Protection. The project protects vegetation, natural habitats, and natural resources consistent with the LCP.*

   The repair and replacement of three segments of the wastewater collection system, as proposed and conditioned, will have less than significant impacts on natural habitats or resources. The project is consistent with the LCP, including PGMC § 23.90.170 regarding biological resources and/or environmentally sensitive habitat areas.

4. *Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.*

   The proposed repair and replacement of three segments of the wastewater collection system does not involve permanent above-ground structural development; therefore, this finding is not applicable.

5. *Coastal Access. The project protects or enhances public access to and along the coast.*

   As proposed and conditioned, the repair and replacement of three segments of the wastewater collection system would not adversely impact public access to or along the coast. Condition No. 10 has been applied to protect public access and ensure retention of emergency access during construction.

6. *Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.*

   As proposed, the repair and replacement of three segments of the wastewater collection system does not involve visitor-serving needs or facilities; therefore, this finding is not applicable.

7. *Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.*

   As located, the site zoning classifications and land use designations are consistent with the proposed project.

8. *Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.*

   The proposed repair and replacement of three segments of the wastewater collection system does not involve permanent above-ground structural development; therefore, this finding is not applicable. See also Fact Nos. 10 – 15 and supporting information, and Finding Nos. 2 and 3 above.

California Environmental Quality Act (CEQA)

On the basis of the whole record before the City of Pacific Grove City Council, there is no substantial evidence that the proposed project as designed and conditioned will have a significant effect on the environment. Also, the City Council finds that there is no substantial evidence supporting a fair argument of a significant environmental impact. The City will implement proposed project design features, best management practices, and standard conditions of approval that avoid or minimize potential effects to a point where clearly no significant effects would occur. Based upon the analysis of the Initial Study, the Public Works Department prepared a Negative Declaration (ND), and the ND reflects the independent judgment and analysis of the City.

In approving the permit, the following conditions of approval are imposed and deemed reasonable and necessary to ensure that the approval will comply with the findings cited above.

CONDITIONS OF APPROVAL

1. **Permit Expiration.** This permit shall expire and be null and void two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.

2. **Conformance to Plans.** Development and uses of the sites shall conform to the approved plans for the "Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments", dated July 2022, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes. Minor plan changes shall be subject to review and approval by the Community Development Director and/or Public Works Director as appropriate, prior to implementation. Major plan changes may also require review and approval of the Planning Commission and/or City Council. Project revisions may require additional CEQA analysis.

3. **Construction Compliance.** All construction shall occur in general compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require subsequent Planning Commission and/or City Council approval.

4. **Terms and Conditions.** These terms and conditions shall run with the land and bind to all future owners and possessors of the subject property, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.

5. **Archaeological/Tribal Monitoring.** A qualified archaeological monitor and tribal monitor shall be present to observe all soil disturbance for all grading and excavation activities. If at any time, potentially significant resources or intact features are discovered, the monitor(s) shall temporarily halt work until the find can be evaluated.

6. **Cultural and/or Archaeological Artifacts.** If such artifacts are unexpectedly discovered during ground disturbing activities, work shall be halted until the item(s) can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation will be formulated, with the approval of the lead agency, and implemented prior to recommencement of work.

7. **Archaeology and Inadvertent Discovery.** When human remains or other cultural artifacts are exposed, the Health and Safety Code § 7050.5 requires that no further excavation or disturbance occurs in the area and that the county coroner is called so that the coroner can verify that the remains are not subject to medical jurisprudence. Within 24 hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Heritage Commission selects the Most Likely Descendant (MLD) from a rotating list of MLDs. The MLD has 24 hours to respond. All work will halt with a 50-yard radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided according to the MLD.

8. **Project Design Features (PDFs).** The following PDFs shall be incorporated into the construction plans and implemented during construction:

   a. **PDF-1: Focused Rare Plant Clearance Survey and Avoidance.** Before ground-disturbing activities, including digging, clearing, grubbing, and grading, a qualified biologist shall conduct a pre-construction sensitive plant survey within 100 feet of the project disturbance areas. If sensitive plant species are identified by the qualified person, they shall flag the extent of each species patch or individual in the survey area for avoidance during the pre-construction survey. If sensitive plant species are observed in the impact area during the pre-construction sensitive plant survey or cannot be avoided during implementation, individuals shall be counted, and permanent impacts shall be mitigated at a 1:1 ratio in suitable habitat outside the impact areas as applicable.

   b. **PDF-2: Sensitive Habitats Flagging and Fencing.** Before ground-disturbing activities, including digging, clearing, grubbing, and grading, a qualified person shall flag and/or install avoidance fencing around the outer limits of the disturbed dune scrub habitat and sensitive Monterey cypress and Monterey pine trees. The flagging and installed avoidance fencing shall remain in place through the end of construction.

c. **PDF-3: Water Quality Protection Measures.**

1. Standard construction best management practices for erosion and sediment control, such as the use of silt fencing, shall be implemented to prevent wind and water erosion and to minimize subsequent sedimentation to nearby sensitive habitats and potential aquatic features.

2. The project shall implement the following practices to provide effective temporary and final erosion control during construction as needed:

a. Preserve existing vegetation where required and when feasible.
b. Control the area of soil-disturbing operations so the construction contractor can implement erosion control best management practices quickly and effectively.
c. Stabilize non-active areas within 14 days of cessation of construction activities or sooner if stipulated by local requirements.
d. Control erosion in concentrated flow paths by applying temporary erosion-control blankets, check dams, erosion-control seeding, or alternate methods.
e. Prior to the completion of construction, apply permanent erosion control to any remaining disturbed soil areas.
f. Maintain sufficient erosion-control materials on site.

3. The following temporary sediment-control best management practices shall be implemented in conformance with the following guidelines and in accordance with the standard best management practice guidance:

a. Silt Fence: As practical and necessary, silt fencing may be placed at the perimeter of disturbed site areas to mitigate discharge of sediment from site stormwater flows.
b. Weed-Free, Plastic-Free (No Monofilament) Fiber Rolls: Fiber rolls may be used for several different applications, including but not limited to perimeter control, grade break and separation, and alternate check dam. They shall not be used on paved or hardscape media. Temporary fiber rolls installed to control erosion and sedimentation during construction shall be removed once construction is complete.
c. Stabilized Construction Entrances and Exits: Stabilized construction entrances and exits shall be placed at ingress and egress points of the disturbance area.

4. Construction padding material, if required, shall be free of any weed seeds, contaminants, or pollutants.

5. No debris, silt, slash, sawdust, rubbish, cement, or concrete, or washings thereof; oil or petroleum products; or other organic or earthen material from any maintenance, construction, or associated activity of any nature shall be allowed to enter or be placed where it may be washed by rainfall or runoff into sensitive habitats and potential aquatic resources in and surrounding the work areas.

6. Construction equipment with visible mud or dirt cakes on tracks, wheels, and undercarriage shall be power washed at a minimum of 100 feet from the limits of work areas to prevent weeds from entering the project site.

7. Construction vehicles and equipment shall be repaired and refueled a minimum of 100 feet from the limits of sensitive habitats and potential aquatic resources within and surrounding the work areas, including the disturbed dune scrub, to the maximum extent feasible. If refueling or repairing equipment or vehicles in or near sensitive habitats or aquatic resources within or surrounding the work areas is unavoidable, appropriate secondary containment shall be employed to prevent spills from entering these sensitive

areas. Drip pans and spill containment materials shall always be present and accessible on the construction site.

d. **PDF-4: Nesting Bird Survey.** No grubbing, trimming, or clearing of vegetation from the project site shall occur during the general raptor and bird breeding season (January 15 through August 31). If grubbing, trimming, or clearing of vegetation cannot feasibly occur outside the general bird breeding season, a qualified person shall perform a pre-construction nesting bird survey no more than 1 week prior to the start of vegetation grubbing, trimming, or clearing to determine if active bird nests are present in the affected areas. Should an active bird nest be located, the qualified person shall establish a buffer and direct vegetation clearing away from the nest until it has been determined that the young have fledged or the nest has failed. If no nesting birds (including nest building or other breeding or nesting behavior) are in the construction area, grubbing, trimming, or clearing shall proceed.

9. **Best Management Practices (BMPs).** The project shall implement BMPs as identified on page 6 of the Final Initial Study.

10. **Temporary Traffic Handling Plan (TTHP).** Per PGMC Section 23.90.210.B.2, the Public Works Department shall prepare and implement a TTHP to protect public access (e.g., parking and/or traffic circulation) and ensure retention of emergency access during construction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

1. The Council determines that each of the Facts and Findings set forth above is true and correct, and by this reference incorporates those Facts and Findings as an integral part of this Resolution.

2. The Council adopts a Negative Declaration pursuant to CEQA Guidelines Section 15074.

3. The Council denies the appeal, and affirms the decision of the Planning Commission to approve CDP 22-0318.

4. The Council APPROVES this permit (Application No. 22-0318) to allow the repair and replacement of three segments of the wastewater collection system located at multiple locations.

5. The required Findings and Conditions of Approval are hereby approved and incorporated herein by reference.

6. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 6th day of September, 2023, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN PIERIK, City Attorney

CITY OF PACIFIC GROVE
Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
T: 831.648.3183 • F: 831.648.3184 • www.ci.pg.ca.us/cdd

COASTAL DEVELOPMENT PERMIT (CDP) 22-0318 TO ALLOW THE REPAIR AND REPLACEMENT OF THREE SEGMENTS OF THE WASTEWATER COLLECTION SYSTEM LOCATED AT MULTIPLE LOCATIONS.

FACTS

1. The subject sites are located at multiple locations in the City of Pacific Grove (three segments); including the following: Railroad Way Segment – an approximate 540 linear foot section within and at the north end of the railroad right-of-way between Jewell and Pico Avenues; no address and no Assessor's Parcel Number (APN); Arena Avenue Segment – an approximate 340 linear foot section of Arena Avenue within the road right-of-way between Sunset Drive and Asilomar Avenue; no address and no APN; and Asilomar Dunes Segment – within the Sunset Drive right-of-way immediately west of, and within an existing 10-foot utility easement located on, 214 Asilomar Boulevard, located between Sunset Drive and Asilomar Avenue and approximately 480 feet south of Jewell Avenue (APN 007-041-004).
2. As noted in Fact 1, only one segment (the Asilomar Dunes Segment) has an associated APN of 007-041-004. The other two segments (Arena Avenue and Railroad Way) do not have associated APNs.
3. The subject segments have various land use designations such as Low Density Residential 1.0 du/ac, Open Space, and undesignated in the adopted and certified City of Pacific Grove Coastal Land Use Plan (per LUP Figure 6).
4. The subject segments have zoning classifications of O, R-1-B-4, and unclassified.
5. The subject segments are located within the City's Coastal Zone, within an archaeologically sensitive area (per LUP Figure 7), and within an environmentally sensitive habitat area (ESHA; per LUP Figure 5).
6. The subject segments are not located within the City's Area of Special Biological Significance (ASBS) nor listed on the Historic Resources Inventory (HRI).
7. Pursuant to Pacific Grove Municipal Code (PGMC) Sections 23.90.050, *City CDP Determinations*, and 23.90.040, *CDP Exemptions*, Community Development Department (CDD) staff determined the proposed repair and replacement of three segments of the wastewater collection system would not be exempt from the requirement to obtain a Coastal Development Permit (CDP), and forwarded this determination to the Coastal Commission on June 29, 2023.
8. Detailed Project Description.
   a. Railroad Way segment - includes approximately 537 linear feet of pipeline replacement via trenching within the former railroad right-of-way. Specifically, planned improvements in this segment include the following: replacement of 245 linear feet of 6" vitrified clay pipe (VCP) with 8" polyvinyl chloride (PVC) pipeline, reconstruction of a manhole approximately 92 feet from manhole 890, reconstruction of manhole 888, installation of 292 linear feet of 8" PVC pipeline, the plugging and in place abandonment of 292 linear feet of 6" VCP pipeline, and the construction of a new manhole approximately 100 feet from manhole 888.
   b. Asilomar Dunes segment - includes improvements within an existing 10-foot utility easement in dune habitat between Sunset Drive and Asilomar Avenue, as well as within the Sunset Drive right-of-way. Planned work within the Sunset Drive roadway includes the following: replacement of pipeline that is at a 45-degree angle with a new straight section of 35 linear feet of 6" PVC, construction of a new manhole, removal of manhole 853, and plugging and abandonment of the angled section of 6" VCP pipeline. Planned work within the utility

easement that extends through dune habitat and private property, between Sunset Drive and Asilomar Avenue, includes the following: a 9 linear foot spot repair located approximately 69 linear feet from manhole 853A, construction of a new manhole (#854) approximately 167 feet from manhole 853A, reconstruction of manhole 855, and replacement of 95 linear feet of 6" VCP with 6" PVC via trenching.

c. Arena Avenue segment - includes excavation of 2 receiving pits and replacement of approximately 332 linear feet of 6" VCP with 8" high-density polyethylene (HDPE) pipeline (via pipe bursting) within the Arena Avenue right-of-way.

The total length of pipeline installation (via trenching and pipe bursting) for all three segments would total approximately 1,008 linear feet and involve a grand total of approximately 4,380 square feet of surface disturbance area.

9. Per PGMC § 23.90.140, Coastal Hazards, Community Development Department (CDD) staff reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and topographic imagery, applications, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the sites and project would not be subject to coastal hazards over the expected lifetime of the development as no above-ground structural development is proposed. In this case, submittal of a Coastal Hazards Report is not warranted.
10. Per PGMC § 23.90.150, Water Quality and Marine Resources, the City did not require a water quality assessment because the proposed repair and replacement of three segments of the wastewater collection system would not create any new impervious surfaces.
11. Per PGMC § 23.90.160, Scenic Resources, CDD staff reviewed LUP Figure 4 (Scenic Areas), aerial and street view imagery, and conducted site visits on October 6, 2022, and April 27, 2023. This review determined the proposed repair and replacement of three segments of the wastewater collection system, due to their short construction duration and no permanent above-ground structural development, would not adversely impact public views.
12. Per PGMC § 23.90.170, Biological Resources, CDD staff reviewed LUP Figure 5, Land Habitat Sensitivity Map, aerial imagery, and conducted site inspections on October 6, 2022, and April 27, 2023. Additionally, a qualified biologist team prepared a Biological Resources Letter Report (Emily Mastrelli and Katie Laybourn; Harris & Associates; December 7, 2022). The report, included as Appendix B to the Initial Study, concluded the project would not result in significant impacts to sensitive plants or wildlife species, and no mitigation measures for the protection of biological resources are required. Based on the above information and analysis, CDD staff prepared and circulated a draft Initial Study which concluded that potential impacts to natural habitats and resources would be less than significant. Project Design Features have been included as conditions of approval to minimize or avoid potential impacts throughout the construction process.
13. Per PGMC § 23.90.200, Cultural Resources, the proposed project involves ground disturbance in an archaeologically sensitive area; therefore, an archaeological report was prepared by a qualified archaeologist (Donna Beddow; Harris & Associates; October 2022). The report concluded that the project, as proposed, would not impact cultural resources. However, due to the sensitivity of the area and the potential for inadvertent discovery of cultural resources, and per Land Use Plan Policy CRS-2, the City will apply a standard condition of approval to require archaeological monitoring during all ground disturbing activities.
14. Per PGMC § 23.90.200, Cultural Resources, the proposed project does not involve above-ground structural development or permanent changes to a setting or location; therefore, an historic report is not warranted. Additionally, the project would not cause a substantial adverse change in the significance of a historical resource because this type of resource does not occur within the project area.
15. The City of Pacific Grove Public Works Department (PW), as Lead Agency, prepared an Initial Study pursuant to Public Resources Code Section 21083, and California Environmental Quality Act

(CEQA) Guidelines Sections 15063(a) and 15063(b)(2). The Initial Study is on file in the offices of PW and CDD, and is hereby incorporated by reference. CDD, located at 300 Forest Avenue, 2nd Floor, Pacific Grove, California, 93950, 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.

16. The draft Initial Study and Negative Declaration (IS/ND) for the Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments was prepared in accordance with the CEQA Guidelines; filed with the County Clerk on March 30, 2023; and circulated for public review from March 30 through May 1, 2023 (State Clearinghouse Number 2023030780). No public comment was received and no public agencies submitted comments.
17. Pursuant to Public Resources Code Section 21080.3.1 and LUP Policy CRS-1, PW initiated consultation via notification letters with local Native American tribes on November 17, 2022. The first consultation meeting with the Esselen Tribe of Monterey County was actually held on November 8, 2022, and with the Ohlone/Costanoan-Esselen Nation on November 15, 2022.
18. The City of Pacific Grove Planning Commission considered the IS/ND at a duly noticed public hearing held on July 13, 2023.

FINDINGS

For a Coastal Development Permit per PGMC Section 23.90.080

1. *LCP Consistency. The project is consistent with the LCP. (Local Coastal Program)*

   As proposed and conditioned, the proposed repair and replacement of three segments of the wastewater collection system meets the requirements of the LCP including, but not limited to, the applicable Coastal Resource Protection Standards (PGMC § 23.90.130) of the Implementation Plan (IP) and the Biological, Cultural, Scenic, and Community Design policies of the Land Use Plan (LUP). These standards and policies are addressed in the Facts above and in the following findings.

2. *Public Views. The project protects or enhances public views.*

   The proposed repair and replacement of three segments of the wastewater collection system, due to the short construction duration and no permanent above-ground structural development, would not adversely impact public views. Per LUP Policy SCE-6, all proposed utilities will be located underground or outside of public view. Therefore, per PGMC § 23.90.160, Scenic Resources, a site-specific visual analysis is not required in this case.

3. *Habitat Protection. The project protects vegetation, natural habitats, and natural resources consistent with the LCP.*

   The repair and replacement of three segments of the wastewater collection system, as proposed and conditioned, will have less than significant impacts on natural habitats or resources. The project is consistent with the LCP, including PGMC § 23.90.170 regarding biological resources and/or environmentally sensitive habitat areas.

4. *Design Consistency. The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.*

   The proposed repair and replacement of three segments of the wastewater collection system does not involve permanent above-ground structural development; therefore, this finding is not applicable.

5. *Coastal Access. The project protects or enhances public access to and along the coast.*

   As proposed and conditioned, the repair and replacement of three segments of the wastewater collection system would not adversely impact public access to or along the coast. Condition No. 10 has been applied to protect public access and ensure retention of emergency access during construction.

6. *Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.*

   As proposed, the repair and replacement of three segments of the wastewater collection system does not involve visitor-serving needs or facilities; therefore, this finding is not applicable.

7. *Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.*

   As located, the site zoning classifications and land use designations are consistent with the proposed project.

8. *Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.*

   The proposed repair and replacement of three segments of the wastewater collection system do not involve permanent above-ground structural development; therefore, this finding is not applicable. See also Fact Nos. 9 – 14 and supporting information, and Finding Nos. 2 and 3 above.

California Environmental Quality Act (CEQA)

On the basis of the whole record before the City of Pacific Grove Planning Commission, there is no substantial evidence that the proposed project as designed and conditioned, will have a significant effect on the environment. Also, the Planning Commission finds that there is no substantial evidence supporting a fair argument of a significant environmental impact. The City will implement proposed project design features, best management practices, and standard conditions of approval that avoid or minimize potential effects to a point where clearly no significant effects would occur. Based upon the analysis of the Initial Study, the Public Works Department prepared a Negative Declaration (ND), and the ND reflects the independent judgment and analysis of the City.

PERMIT

Coastal Development Permit (CDP) 23-0318 to allow the repair and replacement of three segments of the wastewater collection system located at multiple locations.

CONDITIONS OF APPROVAL

1. **Permit Expiration.** This permit shall expire and be null and void two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
2. **Terms and Conditions.** These terms and conditions shall run with the land and bind to all future owners and possessors of the subject property, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.
3. **Construction Compliance.** All construction must occur in general compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff and may require Planning Commission approval.
4. **Conformance to Plans.** Development and use of the sites shall conform to the approved plans for the "Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments", dated July 2022, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes. Minor plan changes shall be subject to review and approval by the Community Development Director and/or Public Works Director as appropriate, prior to implementation. Major plan changes may also require review and approval of the Planning Commission. Project revisions may require additional CEQA analysis.
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         a. Preserve existing vegetation where required and when feasible.
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         c. Stabilize non-active areas within 14 days of cessation of construction activities or sooner if stipulated by local requirements.
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         a. Silt Fence: As practical and necessary, silt fencing may be placed at the perimeter of disturbed site areas to mitigate discharge of sediment from site stormwater flows.
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10. **Temporary Traffic Handling Plan (TTHP).** Per PGMC Section 23.90.210.B.2, the Public Works Department shall prepare and implement a TTHP to protect public access (e.g., parking and/or traffic circulation) and ensure retention of emergency access during construction.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE:

1. The Commission determined that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Permit.
2. The Commission adopts a Negative Declaration pursuant to CEQA Guidelines Section 15074.
3. The Commission approves CDP 22-0318 as proposed and conditioned.
4. This permit shall become effective upon the expiration of the 10-day appeal period after the final approval.
5. This permit shall not take effect until the owner acknowledges and agrees to all terms and conditions and agrees to conform to and comply with those terms and conditions.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE ON THE 13TH DAY OF JULY, 2023, BY THE FOLLOWING VOTE:

AYES:	Fredrickson, Nodzenski, Davison, Kubica, Lilley, and Murphy
NOES:	Sawyer
ABSENT:	None
ABSTENTIONS:	None

APPROVED:

DocuSigned by:
Steven Lilley
C0D1F6F29E23497...
Steven Lilley, Chair

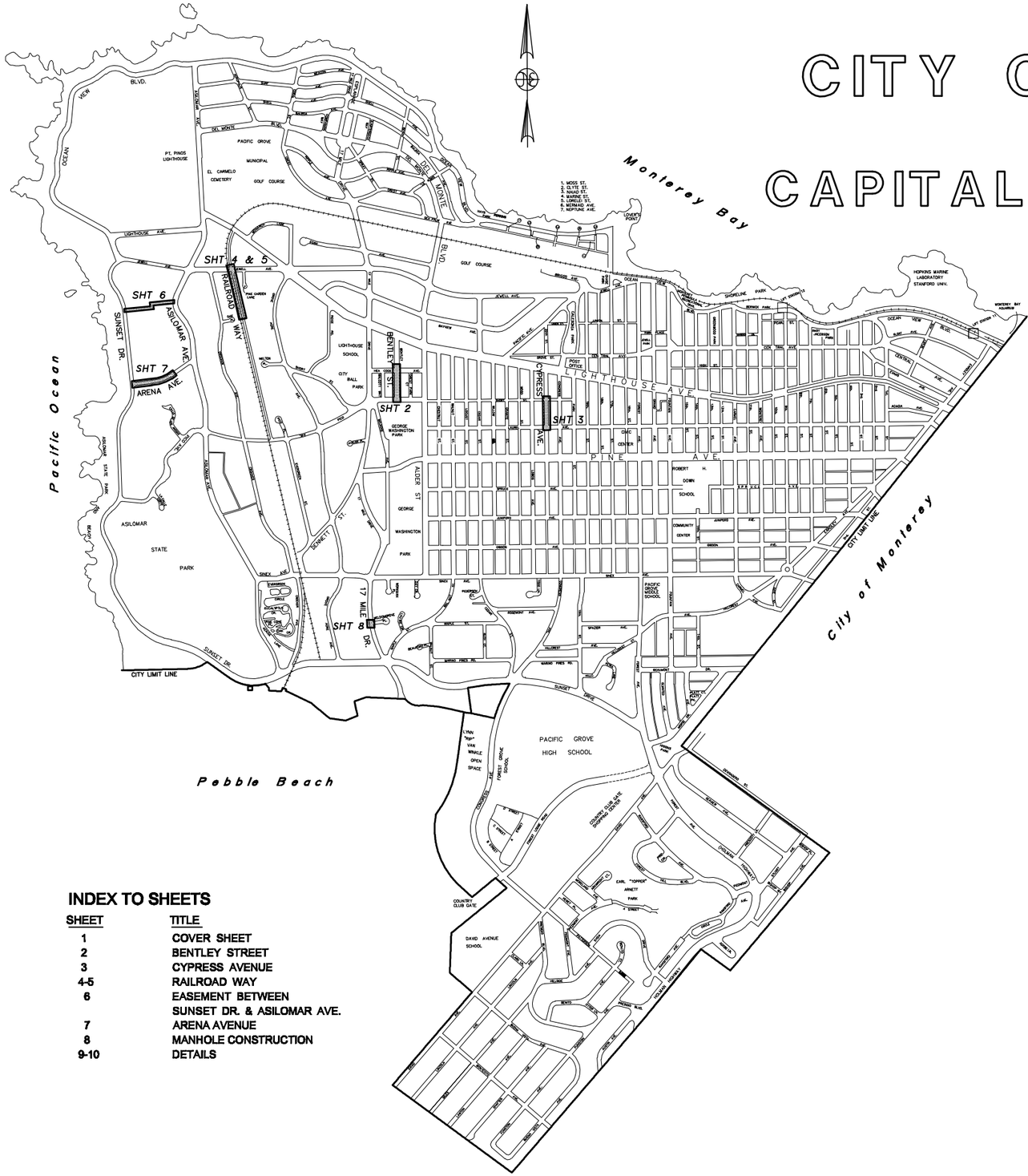
The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to, and comply with, said terms and conditions.

DocuSigned by:
Daniel Gho
056C641716ED4E6...
Daniel Gho, Director
Public Works Department

7/17/2023
Date

CITY OF PACIFIC GROVE

CAPITAL IMPROVEMENT PROJECT FOR WASTEWATER COLLECTION SYSTEM PHASE 9



LOCATION MAP

INDEX TO SHEETS

SHEET	TITLE
1	COVER SHEET
2	BENTLEY STREET
3	CYPRESS AVENUE
4-5	RAILROAD WAY
6	EASEMENT BETWEEN SUNSET DR. & ASILOMAR AVE.
7	ARENA AVENUE
8	MANHOLE CONSTRUCTION
9-10	DETAILS

CITY OF PACIFIC GROVE COUNCIL

BILL PEAKE, Mayor

JENNY McADAMS, Mayor Pro-Tem — **JOE AMELIO**

LUKE COLETTI — **CHAPS PODURI**

NICK SMITH — **AMY TOMLINSON**

BEN HARVEY, City Manager

DANIEL GHO, Public Works Director

95% SUBMITTAL

PREPARED BY:

NEILL ENGINEERS CORP.
CARMEL, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER SHERMAN W. LOW No. 29411 EXP. 3-31-23 CIVIL STATE OF CALIFORNIA

W.O. 8462
JULY 2022
NO SCALE

Registered Civil Engineer No. 29411 Date

SHEET

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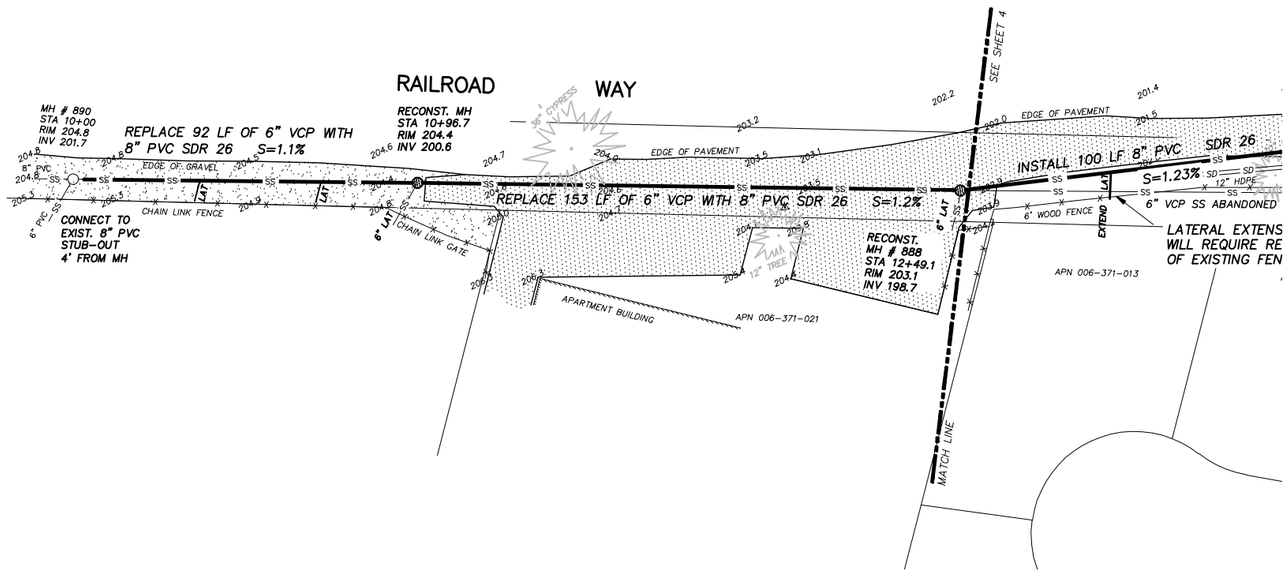
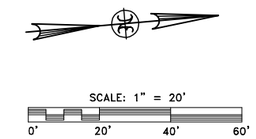
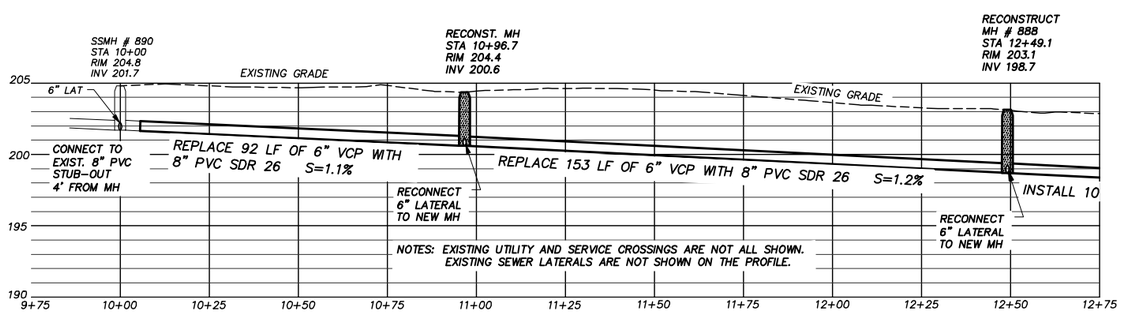




LEGEND

	SURVEY CONTROL
	POWER POLE
G	GAS MAIN
GS	GAS SERVICES
CO	SEWER CLEAN OUT
MH	SEWER OR STORM DRAINAGE MANHOLE
MH	NEW MANHOLE OR MANHOLE TO BE RECONSTRUCTED
SD	UNDERGROUND STORM DRAINAGE
W	WATER MAIN
WS	WATER SERVICE
WM	WATER METER
WV	WATER VALVE
XX.X	SPOT ELEVATION
CB	CATCH BASIN
	TREE – DID NOT LOCATE ALL TREES
SS	EXISTING SANITARY SEWER
SS	NEW SANITARY SEWER
LAT	SANITARY SEWER LATERAL
CAP	SANITARY SEWER CAP
E	UNDERGROUND ELECTRICAL
T	UNDERGROUND TELEPHONE DUCT BANK
SD	STORM DRAIN



PROFILE

SCALE: 1"=20' H
1"=5' V

NOTES

1. UNDERGROUND UTILITIES AND SERVICES ARE NOT ALL SHOWN. CONTRACTOR SHALL CONTACT U.S.A. (800–227–2600). TO IDENTIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL PROVIDE TEMPORARY ABOVE GROUND BYPASS SYSTEM WITH PUMP BETWEEN MANHOLES PRIOR TO MAIN REPLACEMENT.
3. EXISTING SANITARY SEWER LATERALS MAY NOT ALL BE SHOWN. LATERALS SHOWN ARE BASED ON PIPELINE VIDEO INFORMATION PROVIDED BY OTHERS. CONTRACTOR SHALL RECONNECT ALL ACTIVE LATERALS TO NEW WYE IN MAIN. EXISTING CAPPED LATERALS SHALL BE ELIMINATED. EXACT LOCATIONS AND NUMBER TO BE DETERMINED IN THE FIELD AT THE TIME OF CONSTRUCTION.
4. ELEVATIONS ARE BASED ON ASSUMED DATUM ELEVATION MEASUREMENTS ARE IN FEET.

95% SUBMITTAL

C.I.P. PHASE 9

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER IMPROVEMENTS
RAILROAD WAY

BETWEEN JEWELL AVE. & PICO AVE.

CITY OF PACIFIC GROVE, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER SHERMAN W. LOW No. 29411 EXP. 3-31-23 CIVIL STATE OF CALIFORNIA

W.O. 8462 JULY 2022 SCALE: 1"=20'

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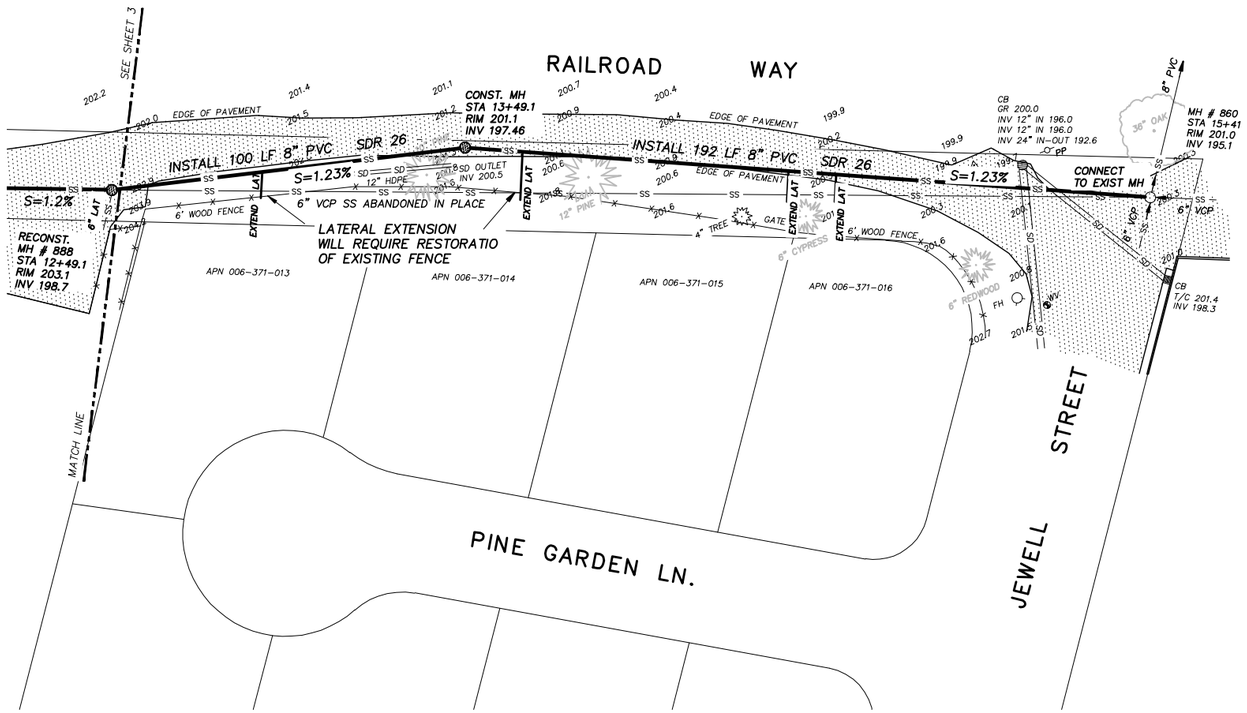
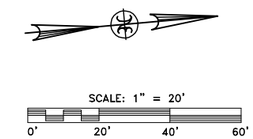
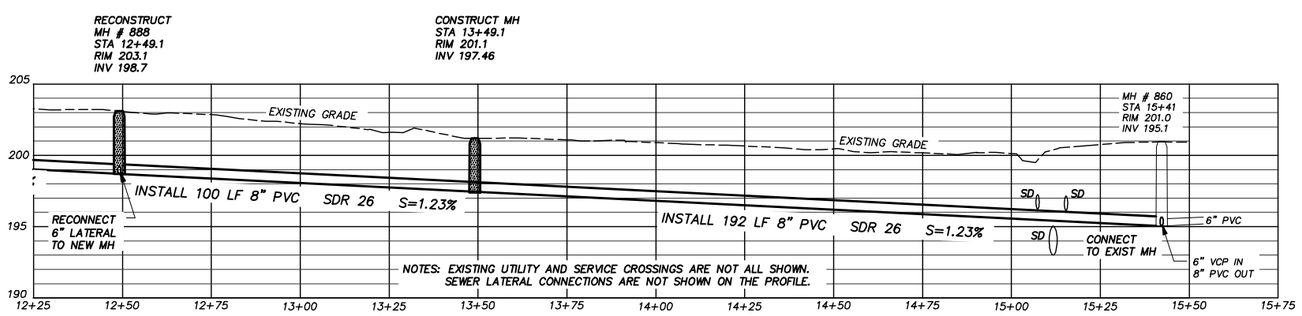




LEGEND

	SURVEY CONTROL
PP	POWER POLE
G	GAS MAIN
GS	GAS SERVICES
CO	SEWER CLEAN OUT
MH	SEWER OR STORM DRAINAGE MANHOLE
MH	NEW MANHOLE OR MANHOLE TO BE RECONSTRUCTED
SD	UNDERGROUND STORM DRAINAGE
W	WATER MAIN
WS	WATER SERVICE
WM	WATER METER
WV	WATER VALVE
XLX	SPOT ELEVATION
CB	CATCH BASIN
	TREE – DID NOT LOCATE ALL TREES
SS	EXISTING SANITARY SEWER
SS	NEW SANITARY SEWER
LAT	SANITARY SEWER LATERAL
CAP	SANITARY SEWER CAP
E	UNDERGROUND ELECTRICAL
T	UNDERGROUND TELEPHONE DUCT BANK
SD	STORM DRAIN



PROFILE

SCALE: 1"=20' H
1"=5' V

NOTES

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95% SUBMITTAL

C.I.P. PHASE 9

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER IMPROVEMENTS
RAILROAD WAY

BETWEEN JEWELL AVE. & PICO AVE.

CITY OF PACIFIC GROVE, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER SHERMAN W. LOW No. 29411 EXP. 3-31-23 CIVIL STATE OF CALIFORNIA

W.O. 8462 JULY 2022 SCALE: 1"=20'

SHEET 2 OF 3

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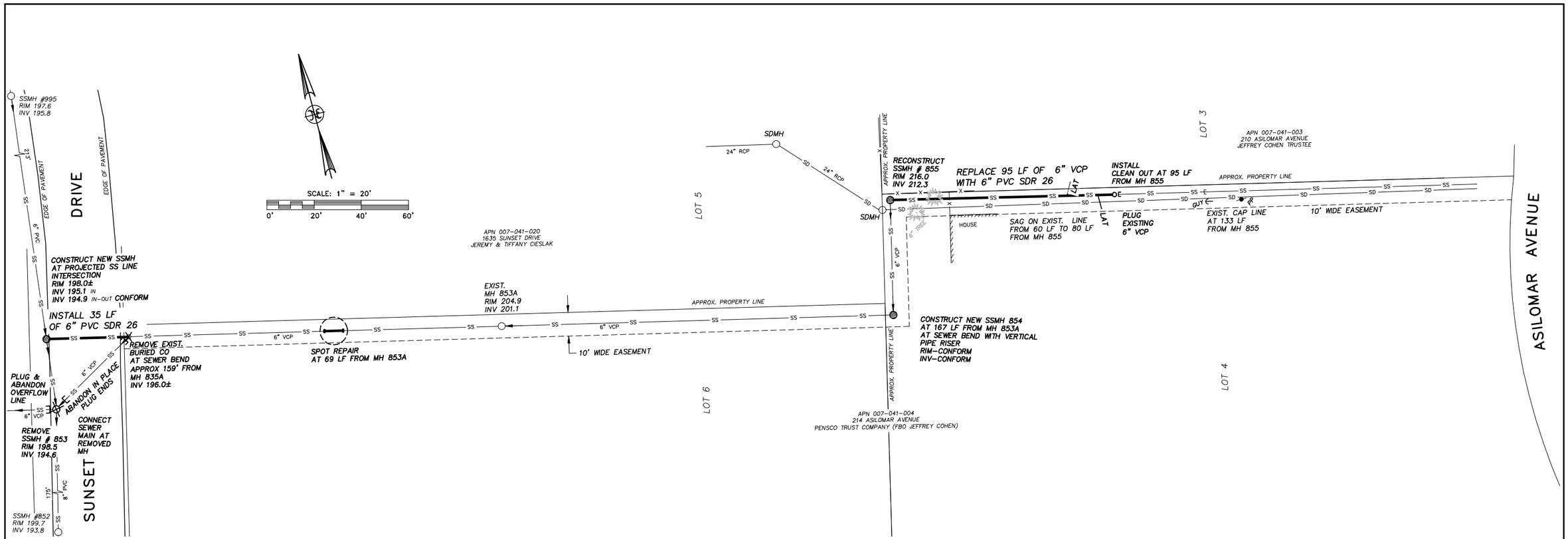

NOTES

1. EXISTING SANITARY SEWER AND STORM DRAIN FACILITIES ARE SHOWN DIAGAMMATICALLY ONLY. EXISTING TREES, FENCES, BUILDINGS, AND OTHER TOPOGRAPHIC FEATURES ARE NOT IDENTIFIED. CONTRACTOR SHALL BE RESPONSIBLE TO VISIT THE SITE AND MAKE HIS OWN DETERMINATION OF EXISTING SITE CONDITIONS.

2. UNDERGROUND UTILITIES AND SERVICES ARE NOT ALL SHOWN. CONTRACTOR SHALL CONTACT U.S.A. (800-227-2600). TO IDENTIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.

3. CONTRACTOR SHALL PROVIDE TEMPORARY ABOVE GROUND BYPASS SYSTEM WITH PUMP BETWEEN MANHOLES PRIOR TO MAIN REPLACEMENT.

4. EXISTING SANITARY SEWER LATERALS MAY NOT ALL BE SHOWN. LATERALS SHOWN ARE BASED ON PIPELINE VIDEO INFORMATION PROVIDED BY OTHERS. CONTRACTOR SHALL RECONNECT ALL ACTIVE LATERALS TO NEW WYE IN MAIN. EXISTING CAPPED LATERALS SHALL BE ELIMINATED. EXACT LOCATIONS AND NUMBER TO BE DETERMINED IN THE FIELD AT THE TIME OF CONSTRUCTION.

5. CONTRACTOR SHALL POTHOLE TO VERIFY THE EXACT LOCATIONS OF NEW MANHOLES TO BE CONSTRUCTED.

LEGEND

	POWER POLE
GUY	GUY ANCHOR
CO	SEWER CLEAN OUT
MH	SEWER OR STORM DRAINAGE MANHOLE
MH	NEW MANHOLE OR MANHOLE TO BE RECONSTRUCTED
SD	UNDERGROUND STORM DRAINAGE
SS	EXISTING SANITARY SEWER
SS	NEW SANITARY SEWER
LAT	SANITARY SEWER LATERAL
CAP	CAP PIPE

95% SUBMITTAL

C.I.P. PHASE 9

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER IMPROVEMENTS

LOTS 4 & 6, BLOCK 317
PACIFIC GROVE ACRES

EASEMENT BETWEEN SUNSET DR. & ASILOMAR AVE.

CITY OF PACIFIC GROVE, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
SHERMAN W. LOWE
No. 29411
EXP. 3-31-23
CIVIL
STATE OF CALIFORNIA

W.O. 8462 JULY 2022 SCALE: 1"=20'

SHEET 1 OF 1

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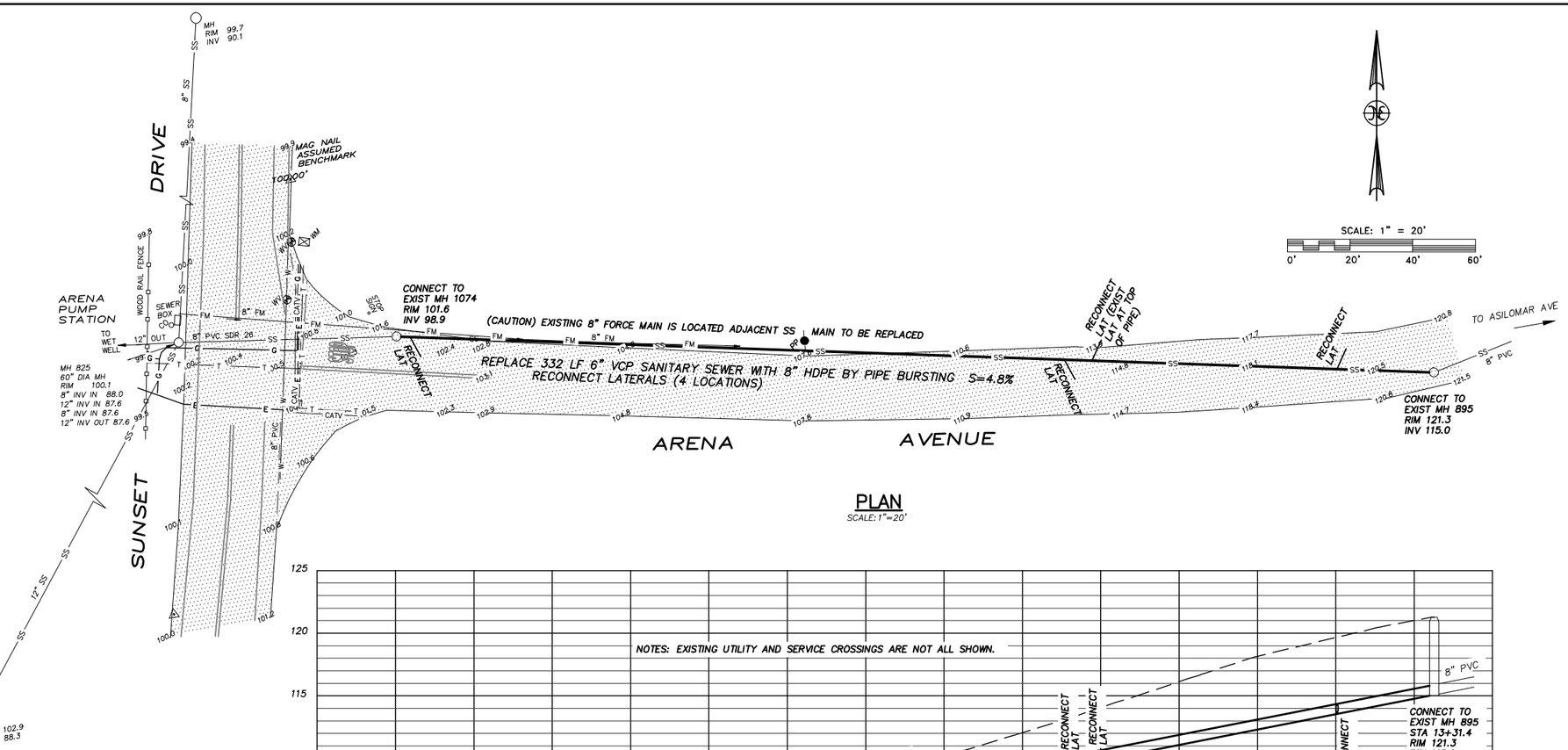
LEGEND:

EXISTING FACILITIES:

- SURVEY CONTROL POINT
- WV — WATER VALVE
- MANHOLE
- GAS — GAS VALVE
- FH — FIRE HYDRANT
- WM — WATER METER
- UB — UTILITY BOX
- SD — STORM DRAIN
- W — WATER MAIN
- T — TELEPHONE CONDUIT
- SS — SANITARY SEWER MAIN
- G — GAS MAIN
- E — UNDERGROUND ELECTRIC LINE
- CATV — UNDERGROUND CABLE TELEVISION
- FM — SANITARY SEWER FORCE MAIN
- SEWER CLEAN OUT
- ASPHALT CONCRETE SURFACE
- XXX.X — SPOT ELEVATION
- WOOD FENCE

NEW FACILITIES:

- SS — SANITARY SEWER MAIN



PLAN

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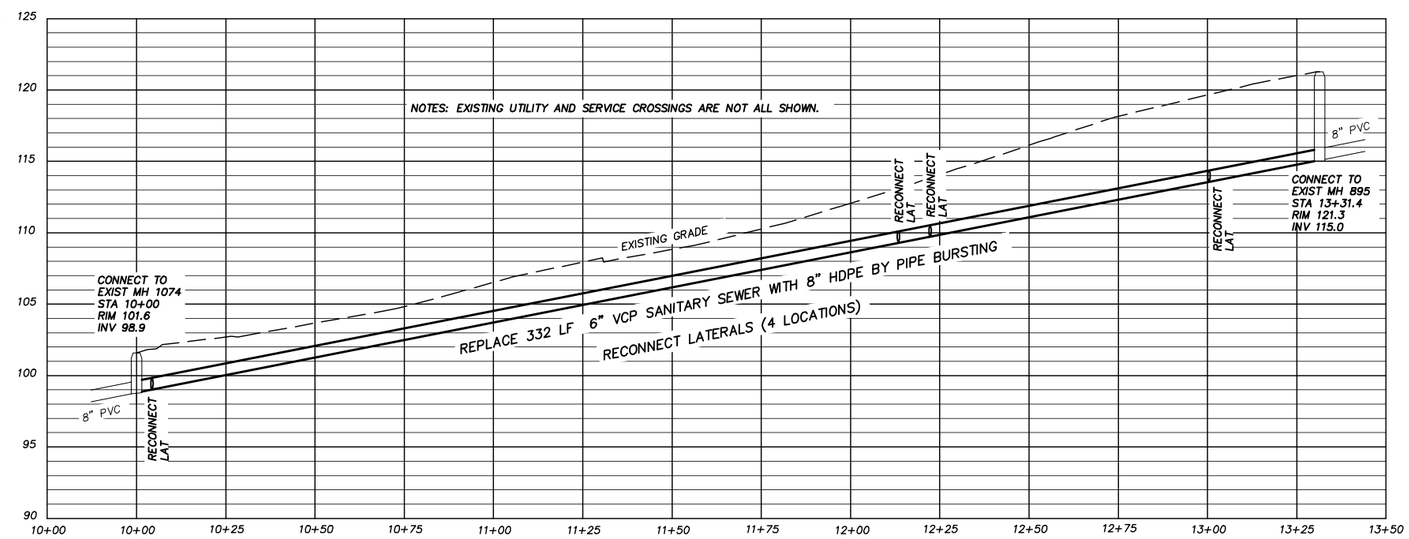

PROFILE

SCALE: 1"=20' H
1"=5' V

CONSTRUCTION NOTES

1. UNDERGROUND UTILITIES AND SERVICES ARE NOT ALL SHOWN. THOSE SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CONTACT U.S.A. (800-227-2600) TO IDENTIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL PROVIDE TEMPORARY ABOVE GROUND BYPASS SYSTEM WITH PUMP BETWEEN MANHOLES PRIOR TO MAIN REPLACEMENT.
3. LATERALS SHOWN ARE BASED ON PIPELINE VIDEO INFORMATION PROVIDED BY OTHERS. CONTRACTOR SHALL RECONNECT ALL ACTIVE LATERALS TO MAIN. EXISTING CAPPED LATERALS TO BE ELIMINATED. EXACT LOCATIONS AND NUMBER TO BE DETERMINED IN THE FIELD AT THE TIME OF CONSTRUCTION.
4. PRIOR TO PIPE BURSTING, CONTRACTOR SHALL PERFORM A PRE-CCTV INSPECTION OF THE MAIN TO IDENTIFY AND LOCATE EXISTING LATERALS TO BE RECONNECTED, AND TO VERIFY THAT THERE ARE NO CONDITIONS, OBSTRUCTIONS, OR PIPE MATERIALS THAT WILL PREVENT THE MAIN FROM BEING PIPE BURST PROPERLY.
5. LOCATION OF INSERTION PIT FOR PIPE BURSTING TO BE DETERMINED BY CONTRACTOR.
6. ELEVATIONS ARE BASED ON ASSUMED DATUM. ELEVATION MEASUREMENTS ARE IN FEET.

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REGISTERED PROFESSIONAL ENGINEER SHERMAN W. LOW No. 29411 EXP. 3-31-23 CIVIL STATE OF CALIFORNIA

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C.I.P. PHASE 9

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER IMPROVEMENTS ARENA AVENUE

BETWEEN SUNSET DRIVE & ASILOMAR AVENUE

CITY OF PACIFIC GROVE, CALIFORNIA

W.O. 8462 JULY 2022 SCALE: 1"=20'

SHEET 7 OF 10

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City of Pacific Grove
County of Monterey
State of California

NEGATIVE DECLARATION

FILED

MAR 30 2023

XOCHITL MARINA CAMACHO
MONTEREY COUNTY CLERK
_____DEPUTY

Project Title:	Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments
File Number:	22-0318
Owner:	City of Pacific Grove
Project Location:	City of Pacific Grove, County of Monterey
Primary APN:	007-041-004-000 for Asilomar Dunes Segment; Arena Avenue and Railroad Way Segments have no associated APNs
Project Manager/Planner:	Daniel Gho, Public Works Director / Joseph Sidor, Senior Contract Planner
Permit Type:	Coastal Development Permit
Project Description:	Repair and replacement of three segments of the wastewater collection system located in the coastal zone within the City of Pacific Grove.

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

a) That said project will not have the potential to significantly degrade the quality of the environment.

b) That said project will have no significant impact on long-term environmental goals.

c) That said project will have no significant cumulative effect upon the environment.

d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body:	City of Pacific Grove Planning Commission
Lead Agency:	City of Pacific Grove Public Works Department
Review Period Begins:	March 30, 2023
Review Period Ends:	May 1, 2023

Further information, including a copy of the Initial Study, is available at the City of Pacific Grove Community Development Department, 300 Forest Avenue, 2nd Floor, Pacific Grove, CA 93950, (831) 648-3183.

CITY OF PACIFIC GROVE

WASTEWATER COLLECTION SYSTEM IMPROVEMENT PROJECT
PHASE 9 – COASTAL ZONE SEGMENTS

FINAL INITIAL STUDY/NEGATIVE DECLARATION

Prepared by:
CITY OF PACIFIC GROVE
300 FOREST AVENUE
PACIFIC GROVE, CA 93950

Technical Assistance Provided by:
HARRIS & ASSOCIATES
450 LINCOLN AVENUE, SUITE 103
SALINAS, CA 93901

MARCH 29, 2023

ADOPTED BY CITY OF PACIFIC GROVE PLANNING COMMISSION ON: JULY 13, 2023

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Figures

Figure 1 – Vicinity Map

Figure 2 – Area of Project Effect

Note: Figures 1 – 8 referenced in the Biological Resources section are located in Appendix B, Biological Resources Letter Report.

Appendices

Appendix A – Plan Set

Appendix B – Biological Resources Letter Report

Appendix C – Cultural Resources Report (cover page only)

CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3190 FAX (831) 648-3184

INITIAL STUDY / ENVIRONMENTAL CHECKLIST FORM

1. **Project Title:** Pacific Grove Wastewater Collection System Improvement Project – Phase 9 – Coastal Zone Segments (Project or proposed project)
2. **Permit Type(s):** Coastal Development Permit (CDP); Planning File No. 22-0318
3. **Lead Agency Name and Address:** City of Pacific Grove, 300 Forest Ave., Pacific Grove, CA 93950
4. **Lead Agency Contact Person and Phone Number:** Daniel Gho, Director, Public Works Department, T: 831-648-5722, E: dgho@cityofpacificgrove.org
5. **Project Location:** The Project includes the following three segments or project sites.
   a. **Railroad Way Segment** – an approximate 540 linear foot section within and at the north end of the railroad right-of-way between Jewell and Pico Avenues; no address and no Assessor's Parcel Number (APN)
   b. **Arena Avenue Segment** – an approximate 340 linear foot section of Arena Avenue within the road right-of-way between Sunset Drive and Asilomar Avenue; no address and no APN
   c. **Asilomar Dunes Segment** – Within the Sunset Drive right-of-way immediately west of, and within a 10-foot utility easement located on, 214 Asilomar Boulevard, located between Sunset Drive and Asilomar Avenue and approximately 480 feet south of Jewell Avenue, Pacific Grove, Monterey County, CA. APN 007-041-004

   See **Figure 1, Vicinity Map, and Figure 2, Area of Project Effect** for the location of the three project segments, which are all located in the Coastal Zone within the City of Pacific Grove, Monterey County.
6. **Project Applicant(s):** City of Pacific Grove Public Works Department
7. **General Plan (GP)/Land Use Plan (LUP) Designations:**
   a. **Railroad Way Segment** – Open Space (OS)
   b. **Arena Avenue Segment** – NA
   c. **Asilomar Dunes Segment** – NA and Low Density Residential (LDR 1-2), 1.0 DU/AC
8. **Zoning:**
   a. **Railroad Way Segment** – Open Space (O)
   b. **Arena Avenue Segment** – NA
   c. **Asilomar Dunes Segment** – NA and R-1-B-4
9. **Description of the Project:** The City of Pacific Grove (City) Public Works Department proposes to repair and replace the following three segments of the wastewater collection system located in the coastal zone: Railroad Way, Asilomar Dunes, and Arena Avenue

(Project). The purpose of the Project is to ensure safe and reliable public wastewater collection service to the residents of Pacific Grove.

Project Segments

The **Railroad Way** segment includes approximately 537 linear feet of pipeline replacement via trenching within the former railroad right-of-way. Specifically, planned improvements in this segment include the following: replacement of 245 linear feet of 6" vitrified clay pipe (VCP) with 8" polyvinyl chloride (PVC) pipeline, reconstruction of a manhole approximately 92 feet from manhole 890, reconstruction of manhole 888, installation of 292 linear feet of 8" PVC pipeline, the plugging and in place abandonment of 292 linear feet of 6" VCP pipeline, and the construction of a new manhole approximately 100 feet from manhole 888.

The **Asilomar Dunes** segment includes improvements within a 10-foot utility easement in dune habitat between Sunset Drive and Asilomar Ave, as well as within the Sunset Drive right-of-way. Planned work within the Sunset Drive roadway includes the following: replacement of pipeline that is at a 45-degree angle with a new straight section of 35 linear feet of 6" PVC, construction of a new manhole, removal of manhole 853, and plugging and abandonment of the angled section of 6" VCP pipeline. Planned work within the utility easement that extends through dune habitat and private property, between Sunset Drive and Asilomar Avenue, includes the following: a 9 linear foot spot repair located approximately 69 linear feet from manhole 853A, construction of a new manhole (#854) approximately 167 feet from manhole 853A, reconstruction of manhole 855, and replacement of 95 linear feet of 6" VCP with 6" PVC via trenching.

The **Arena Avenue** segment includes excavation of 2 receiving pits and replacement of approximately 332 linear feet of 6" VCP with 8" high-density polyethylene (HDPE) pipeline (via pipe bursting) within the Arena Avenue right-of-way.

The project would avoid and minimize impacts on sensitive resources, including the dune habitat and Monterey cypress and Monterey pine trees, to the maximum extent feasible. See **Appendix A**, Plan Set, for a detailed description of the proposed improvements in each segment.

The total length of pipeline installation (via trenching and pipe bursting) for all three segments would total approximately 1,008 linear feet and involve a grand total of approximately 4,380 square feet of surface disturbance area.

Project Construction

Construction duration is anticipated to be 6 weeks total (less for each individual segment), and may occur during peak summer months; therefore, to minimize or avoid potential construction impacts to traffic capacity and/or public access, the City shall prepare and implement a Temporary Traffic Handling Plan pursuant to PGMC section 23.90.210(b)(2). In accordance with the City's Noise Ordinance, construction activity would be limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday.

During construction, the project would use standard construction equipment, such as excavators, backhoes, dump trucks, and compactors. There would be no pile driving or other high impact activity that would result in high levels of noise or vibration. Construction equipment and materials would be staged in disturbed or paved areas with containment measures for fuels or other potentially hazardous materials and away from drainages.

The Project includes implementation of the following best management practices (BMPs):

- Standard dust control practices, such as periodic watering, will be implemented as needed during construction.
- All construction equipment will comply with the California Air Resources Board's measures to reduce fuel-consumption, such as imposing limits on idling and requiring older engines and equipment to be retired, replaced, or repowered.
- All diesel-powered equipment will use California ultralow sulfur diesel fuel with a maximum sulfur content of 15 pounds per day by weight to minimize emissions of sulfurous gases.
- Construction equipment will be properly maintained and checked for potential leaks of potentially hazardous fuels (e.g., gas, oil).
- Construction equipment will remain within developed portions of the project sites (e.g., paved roads, maintained access roads), and activities set to occur outside these locations would be minor and temporary in nature.
- Water quality protection measures will be implemented during construction (see PDF-3 below).
- A construction traffic management plan will be prepared to address vehicle movement during temporary street closures, whereby emergency access will be retained or clear alternative routes will be available.
- All disturbed areas will be restored to existing conditions. Restoration of the dune habitat in the Asilomar Dunes segment includes replacement of vegetation removed with native species.

Standard Conditions of Approval

The project would be subject to the City's standard conditions of approval, including for cultural resources (e.g., archaeological and tribal monitoring).

Project Design Features (Environmental Commitments)

In addition to the construction related BMPs and Conditions of Approval described above, the City would implement the following measures to protect biological resources. The PDFs would be incorporated into the construction plans.

PDF-1: Focused Rare Plant Clearance Survey and Avoidance. Before ground-disturbing activities, including digging, clearing, grubbing, and grading, a qualified biologist shall conduct a pre-construction sensitive plant survey within 100 feet of the project disturbance areas. If sensitive plant species are identified by the qualified person, they shall flag the extent of each species patch or individual in the survey area for avoidance during the pre-construction survey. If sensitive plant species are observed in the impact area during the pre-construction sensitive plant survey or cannot be avoided during implementation, individuals shall be counted, and permanent impacts shall be mitigated at a 1:1 ratio in suitable habitat outside the impact areas as applicable.

PDF-2: Sensitive Habitats Flagging and Fencing. Before ground-disturbing activities, including digging, clearing, grubbing, and grading, a qualified person shall flag and/or install avoidance fencing around the outer limits of the disturbed dune scrub habitat and sensitive Monterey cypress and Monterey pine trees. The flagging and installed avoidance fencing shall remain in place through the end of construction.

PDF-3: Water Quality Protection Measures.

1. Standard construction best management practices for erosion and sediment control, such as the use of silt fencing, shall be implemented to prevent wind and water erosion and to minimize subsequent sedimentation to nearby sensitive habitats and potential aquatic features.

2. The project shall implement the following practices to provide effective temporary and final erosion control during construction as needed:

a. Preserve existing vegetation where required and when feasible.
b. Control the area of soil-disturbing operations so the construction contractor can implement erosion control best management practices quickly and effectively.
c. Stabilize non-active areas within 14 days of cessation of construction activities or sooner if stipulated by local requirements.
d. Control erosion in concentrated flow paths by applying temporary erosion-control blankets, check dams, erosion-control seeding, or alternate methods.
e. Prior to the completion of construction, apply permanent erosion control to any remaining disturbed soil areas.
f. Maintain sufficient erosion-control materials on site.

3. The following temporary sediment-control best management practices shall be implemented in conformance with the following guidelines and in accordance with the standard best management practice guidance:

a. Silt Fence: As practical and necessary, silt fencing may be placed at the perimeter of disturbed site areas to mitigate discharge of sediment from site stormwater flows.
b. Weed-Free, Plastic-Free (No Monofilament) Fiber Rolls: Fiber rolls may be used for several different applications, including but not limited to perimeter control, grade break and separation, and alternate check dam. They shall not be used on paved or hardscape media. Temporary fiber rolls installed to control erosion and sedimentation during construction shall be removed once construction is complete.
c. Stabilized Construction Entrances and Exits: Stabilized construction entrances and exits shall be placed at ingress and egress points of the disturbance area.

4. Construction padding material, if required, shall be free of any weed seeds, contaminants, or pollutants.

5. No debris, silt, slash, sawdust, rubbish, cement, or concrete, or washings thereof; oil or petroleum products; or other organic or earthen material from any maintenance, construction, or associated activity of any nature shall be allowed to enter or be placed where it may be washed by rainfall or runoff into sensitive habitats and potential aquatic resources in and surrounding the work areas.

6. Construction equipment with visible mud or dirt cakes on tracks, wheels, and undercarriage shall be power washed at a minimum of 100 feet from the limits of work areas to prevent weeds from entering the project site.

7. Construction vehicles and equipment shall be repaired and refueled a minimum of 100 feet from the limits of sensitive habitats and potential aquatic resources within and surrounding the work areas, including the disturbed dune scrub, to the maximum extent feasible. If refueling or repairing equipment or vehicles in or near sensitive habitats or aquatic resources within or surrounding the work areas is unavoidable, appropriate secondary containment shall be employed to prevent spills from entering these sensitive areas. Drip pans and spill containment materials shall always be present and accessible on the construction site.

PDF-4: Nesting Bird Survey. No grubbing, trimming, or clearing of vegetation from the project site shall occur during the general raptor and bird breeding season (January 15 through August 31). If grubbing, trimming, or clearing of vegetation cannot feasibly occur outside the general bird breeding season, a qualified person shall perform a pre-construction nesting bird survey no more than 1 week prior to the start of vegetation grubbing, trimming,

or clearing to determine if active bird nests are present in the affected areas. Should an active bird nest be located, the qualified person shall establish a buffer and direct vegetation clearing away from the nest until it has been determined that the young have fledged or the nest has failed. If no nesting birds (including nest building or other breeding or nesting behavior) are in the construction area, grubbing, trimming, or clearing shall proceed.

10. **Surrounding land uses and setting:** The three project segments are located in established residential neighborhoods, designated and zoned for residential use, within the City.

    The Railroad Way segment is located within a railroad right-of-way between Jewell and Pico Avenues. The Asilomar Dunes and Arena Avenue segments are located between Sunset Drive and Asilomar Avenue in an area considered environmentally sensitive dune habitat and within an archaeologically sensitive area. The Asilomar Dunes residential area is identified as an area of moderate to extreme biological sensitivity per Land Use Plan Figure 5, Land Habitat Sensitivity Map; and the Asilomar Dunes are considered an environmentally sensitive habitat area (Land Use Plan Section 2.4.1).

    The City of Pacific Grove is located on the Monterey Peninsula adjacent to the Pacific Ocean, and is bounded by the ocean on its western, northern, and eastern edges. The Mediterranean climate of the region and the coastal influence produce moderate temperatures year-round, with rainfall concentrated in the winter months.

11. **Other public agencies whose approval is required:** The project will require approval of a Coastal Development Permit by the City of Pacific Grove Planning Commission. No other planning entitlement approvals or other agency approvals will be required.

12. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**
    Yes. Pursuant to Public Resources Code Section 21080.3.1, City of Pacific Grove Public Works staff initiated consultation via notification letters with local Native American tribes on November 17, 2022. Consultation meetings were held with the Esselen Tribe of Monterey County on November 8, 2022, and with the Ohlone/Costanoan-Esselen Nation (OCEN) on November 15, 2022. See Section 18, Tribal Cultural Resources, below for additional information.

    Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review and identify and address potential impacts. Information on specific on-site cultural resources may be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. It should be noted that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

Environmental Factors Potentially Affected:
The environmental factors checked below (✓) would be potentially affected by this project, as discussed within the checklist on the following pages.

✓	**Aesthetics**	✓	**Greenhouse Gas Emissions**		**Public Services**
	Agriculture & Forestry Resources	✓	**Hazards & Hazardous Materials**		**Recreation**
✓	**Air Quality**		**Hydrology & Water Quality**	✓	**Transportation**
✓	**Biological Resources**		**Land Use & Planning**	✓	**Tribal Cultural Resources**
✓	**Cultural Resources**		**Mineral Resources**	✓	**Utilities & Service Systems**
✓	**Energy**	✓	**Noise**		**Wildfire**
	Geology & Soils		**Population & Housing**	✓	**Mandatory Findings of Significance**

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Daniel Gho Date 3-29-23

Daniel Gho, Public Works Director
City of Pacific Grove

CEQA Environmental Checklist

This checklist identifies the potential physical effects the Project could have on the environment. In many cases, background studies performed in connection with the project indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to the California Environmental Quality Act (CEQA), not the National Environmental Policy Act (NEPA), impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Evaluation of Environmental Impacts

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) The significance criteria or threshold, if any, used to evaluate each question; and

b) The mitigation measure identified, if any, to reduce the impact to a level of less than significant.

1. AESTHETICS

Except as provided in Public Resources Code Section 21099,

Would the project:

A. Have a substantial adverse effect on a scenic vista?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

B. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

C. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

D. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A & C: The project would not have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of public views of the site and its surrounding area.

The three (3) project sites are located in a residential area near the coast. There are some views of the ocean from the public roadways, including Arena Avenue and Asilomar Boulevard. The ocean is generally not visible from Railroad Way. The Railroad Way segment is highly disturbed and previously developed as part of a former railroad right-of-way. The Arena Avenue segment is within a public street. The Asilomar Dunes segment is within a utility easement on a parcel developed with a single-family residence and with dune habitat.

All three sites are located within the Coastal Zone and subject to the City's certified Local Coastal Program (LCP), which includes the adopted Land Use Plan (LUP) and Implementation Plan (PGMC 23.90). Per LUP Policy SCE-6, all utilities will be located underground or outside of public view. Per LUP Policy SCE-10, the trees within the railroad right-of-way will be protected and retained as the project would not impact this resource. Per LUP Figure 4 (Scenic Areas), the Arena Avenue segment and the Asilomar Dunes segment are located within a Scenic View area.

The project includes improvements to approximately 1,008 linear feet of the City's wastewater collection system, which would result in temporary disturbance to approximately 4,380 square feet of surface. The visual character at each of the 3 sites would be altered during construction, but this would be temporary and for a short duration. Once construction is complete, the improvements would be primarily underground and not visible (with the exception of replacement and new manholes covers that would be visible). Further, as described in Section 9, the Project includes restoration of the disturbed surface, including the dune habitat in the Asilomar Dunes segment, to existing conditions. Therefore, the project would not adversely affect a scenic vista or degrade the visual character or quality of public views, and the impact would be **less than significant**.

Items B: The project would not damage scenic resources within a state scenic highway. There are no designated state scenic highways within the City, based on the California Scenic Highway Program. The only state highway eligible for scenic designation within the City is Highway 68, which is not in the project vicinity. The nearest project segment to Highway 68 is Arena Avenue, which is over 3,000 linear feet (0.57 mile) north of the end point of Highway 68 at Asilomar Avenue. Therefore, there would be **no impact**.

Item D: The project consists of improvements to the underground wastewater collection system and does not include any features that would introduce a new source of light. Therefore, there would be **no impact**.

Sources:

- California Department of Transportation (Caltrans). California Scenic Highway Program. https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf
- City of Pacific Grove, LCP Implementation Plan, Coastal Community Design, §23.90.180.C.4.
  Chapter 23.90 LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN (codepublishing.com)

2. Agriculture and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

A. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

C. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

D. Result in the loss of forest land or conversion of forest land to non-forest use?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

E. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A - E: According to the California Department of Conservation's Farmland Mapping and Monitoring Program, the City of Pacific Grove is located on land identified as *urban and built-up land* and *other land*. The 3 project sites (Railroad Way, Arena Avenue, Asilomar Dunes) are not farmland, other agricultural land, or forest land. There are no agricultural or forest resources within or surrounding the project sites, and no trees would be removed to implement the project. Accordingly, the project would not: A) convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; B) conflict with existing zoning for agricultural use, or a Williamson Act contract; C) conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production; D) result in the loss of forest land or conversion of forest land to non-forest use; or E) involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. Therefore, the project would result in **no impact** to agriculture or forest resources.

Sources:

- California Department of Conservation. Farmland Mapping and Monitoring Program. http://www.conservation.ca.gov/dlrp/fmmp

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

A. Conflict with or obstruct implementation of the applicable air quality plan?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

C. Expose sensitive receptors to substantial pollutant concentrations?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

D. Result in other emissions (such as those relating to odors) adversely affecting a substantial number of people?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

DISCUSSION

Item A: The City of Pacific Grove, including the three project sites, is within the Monterey Bay region of the North Central Coast Air Basin (NCCAB), which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD). MBARD is responsible for developing regulations governing emissions of air pollution, permitting and inspecting stationary sources, monitoring air quality, and air quality planning activities within the NCCAB. MBARD's 2012-2015 Air Quality Management Plan (AQMP) outlines the air quality regulations for the MBARD region. MBARD's 2008 CEQA Guidelines assist local jurisdictions in determining consistency and impacts levels.

The NCCAB does not meet state standards for fine particulate matter (PM_{10}); however, ozone and its precursors (reactive organic gases [ROGs] and nitrogen oxides [NOx]) remain a pollutant of concern in the MBARD AQMP. Therefore, the regional pollutants of concern are ozone precursors and PM_{10}.

The project would improve approximately 1,008 linear feet of the City's wastewater collection system at three (3) sites, which would result in approximately 4,380 square feet of ground disturbance and emissions from construction equipment.

Construction projects using typical construction equipment, such as excavators, dump trucks, scrapers, bulldozers, compactors, and front-end loaders that temporarily emit precursors of ozone (i.e., volatile organic compounds [VOC] or oxides of nitrogen [NOx]), are accommodated in the emission inventories of state and federally required air plans and would not have a significant impact on the attainment and maintenance of ozone ambient air quality standard (AAQS) (MBUAPCD 2008). The Project would require typical construction equipment. Project construction may result in a short term, localized decrease in air quality due to generation of PM_{10}. However, as stated in Section 9, standard dust control best management practices (BMPs), such as periodic watering, would be implemented during construction to reduce the generation of PM_{10}. Construction emissions are not expected to prevent long-term attainment or maintenance of the ozone and particulate matter standards within the North Central Coast Air Basin (NCCAB).

Project operation would be the same as existing conditions. The project would not result in any new long-term operational emissions from vehicle trips (mobile emissions) or the use of natural gas (energy source emissions), consumer products, architectural coatings, or landscape maintenance equipment (area source emissions). No stationary sources would be constructed that would be long-term permanent sources of emissions.

Therefore, the project would not conflict or obstruct the implementation of the applicable AQMP, and the impact would be **less than significant**.

Item B: As described above, the primary pollutants of concern for the NCCAB are ozone and PM_{10}. Project construction would have a limited and temporary potential to contribute to existing violations of California air quality standards for ozone and PM_{10}, primarily through diesel engine exhaust and fugitive dust. According to the MBARD CEQA Guidelines, a project would have a significant short-term construction impact if the project would emit more than 82 pounds per day or more of PM10. Further, the MBARD CEQA Guidelines set a screening threshold of 2.2 acres of construction earthmoving per day. In other words, if a project results in less than 2.2 acres of earthmoving, the project is assumed to be below the 82 pounds per day threshold of significance. As stated in Section 9, the project would result in approximately 4,380 square feet (0.1 acre) of total disturbance area and would not exceed the 2.2 acre daily earthmoving screening threshold. Following construction, operation of the project would not result in a new source of criteria pollutant emissions. Because the project would not exceed MBARD's thresholds and is consistent with the AQMP, as discussed above, it would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. Therefore, the impact would be **less than significant**.

Item C: MBARD defines sensitive receptors for CEQA purposes as any residence including private homes, condominiums, apartments, and living quarters; education resources such as preschools and kindergarten through grade twelve (K-12) schools; daycare centers; and health care facilities such as hospitals or retirement and nursing homes. Sensitive receptors also include long term care hospitals, hospices, prisons, and dormitories or similar live-in housing. The residences adjacent to the three project sites are considered sensitive receptors. However, the project would not generate substantial pollutant concentrations, as described above. As stated in Section 9, the construction activities would occur during the day, Monday through Friday, for approximately six weeks total for all three segments together. Therefore, the individual receptor exposure time would be substantially less. Once construction is completed, there would be no additional operational emissions. Therefore, the impact to sensitive receptors would be **less than significant**.

Item D: Land uses typically producing objectionable odors include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project would repair and replace sections of the existing wastewater collection lines. Construction activities are not anticipated to result in exposure of nearby receptors to wastewater

odors, and the project does not include any new uses that would be associated with objectionable odors. There could be short-term, temporary odors from vehicle exhaust and construction equipment engines. However, California ultralow sulfur diesel fuel with a maximum sulfur content of 15 ppm by weight would be used in all diesel-powered equipment, which minimizes emissions of sulfurous gases (sulfur dioxide, hydrogen sulfide, carbon disulfide, and carbonyl sulfide). Because the project sites are in a coastal area with breezes from Monterey Bay, it is likely that any construction-related odors would disperse and dissipate before causing substantial odors at the closest sensitive receptors. Any construction-related odors would be short-term and would cease upon completion. Therefore, construction and operation of the project would not create objectionable odors affecting a substantial number of people, and the impact would be **less than significant** operation.

Sources:

- MBUAPCD, 2008. Monterey Bay Unified Air Pollution Control District (MBUAPCD), CEQA Air Quality Guidelines. Prepared by the MBUAPCD, Adopted October 1995, Revised: February 1997, August 1998, December 1999, September 2000, September 2002, June 2004 and February 2008.

4. Biological Resources

Would the project:

A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

C. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

The following discussion is based on the results of the database review, field survey, and habitat assessment conducted by Harris & Associates (Harris) qualified biologist on October 6, 2022. A full accounting of the results of the database review and habitat assessment is provided in the Biological Resources Letter Report prepared for the project (**Appendix B**, Biological Resources Letter Report). Figures 1 – 8 referenced in the discussion below are located in Appendix B.

The field survey of the Area of Project Effect (APE) with a 100-foot biological resources survey area buffer, herein referred to as the "survey area" (**Figure 1**, Regional Location, and Figure 2, Survey Area). The survey was conducted by walking meandering transects throughout the survey area, mapping vegetation communities, and evaluating the potential for occurrence of sensitive, rare, threatened, and endangered plant and wildlife species. Vegetation mapping was recorded in the field using the ArcGIS Collector application with an aerial image of the survey area. The survey area is approximately 13.5 acres. Of that total, approximately 3.2 acres is disturbed dune scrub, 4.1 acres is disturbed (ruderal) habitat, and 6.2 acres is urban/developed land (Figure 3, Vegetation Communities and Land Cover Types). The survey area includes one sensitive vegetation community, disturbed dune scrub (Figure 3). Two sensitive plant species were observed in the survey area, and three sensitive plant species were determined to have high potential to occur. No sensitive wildlife species were observed in the survey area; however, two sensitive wildlife species were determined to have high potential to occur. Discussions of these sensitive species and potential impacts are discussed under Item 4(a).

The results of the database review provide information on any permitting requirements and potential constraints to project development due to the presence (or lack thereof) of sensitive biological resources. A review of the following online databases was conducted for the project and within a 1-mile radius of the survey area: California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) (CDFW 2022a), CDFW Biogeographic Information and Observation System (BIOS) (CDFW 2022b), U.S. Fish and Wildlife (USFWS) Information for Planning and Consultation (IPaC) (USFWS 2022a), USFWS National Wetlands Inventory Wetlands Mapper (USFWS 2022b), Consortium of California Herbaria database (CCH 2022), Calflora database (Calflora 2022), and California Native Plant Society Inventory of Rare and Endangered Plants of California (CNPS 2022).

The project's APE includes the Asilomar Dunes residential area, as identified in the Pacific Grove Local Coastal Program (LCP) (Pacific Grove LCP Land Use Plan Figure 6, Coastal Zone Land Use Designations). The Asilomar Dunes residential area is identified as an area of moderate to extreme biological sensitivity per Pacific Grove LCP Land Use Plan Figure 5, Land Habitat Sensitivity Map, and the Asilomar Dunes are an Environmentally Sensitive Habitat Area (Land Use Plan Section 2.4.1).

Item A:

Direct Impacts

Sensitive Plant Species

In total, the 24 sensitive plant species that have been historically documented within 1 mile of the survey area were analyzed for their potential to occur. These sensitive plant species documented within 1 mile of the survey area are shown on Figure 5, Sensitive Species with Potential to Occur in the Survey Area. Database results (i.e., CNPS, IPaC) that did not provide geographic information systems (GIS) mapping data are not shown on Figure 5, but are discussed in the Sensitive Plant and Wildlife Species section of **Appendix B**.

Two sensitive plant species, Monterey cypress (CNPS California Rare Plant Rank [CRPR] 1B.2) and Monterey pine (CNPS CRPR 1B.1), were observed in the survey area during the 2022 habitat assessment (Figure 4, Biological Resources).

Three sensitive plant species were not observed but were determined to have high potential to occur in the survey area: sandmat manzanita (*Arctostaphylos pumila*), Monterey spineflower (*Corizanthe pungens* var. *pungens*), and Menzies' wallflower (*Erysimum menziesii*). Critical habitat for Yadon's piperia (*Platanthera yadonii*) touches the 1-mile data research buffer in the southeast (Figure 5). No Yadon's piperia critical habitat falls in the survey area. The survey area falls within Monterey spineflower designated critical habitat (Figure 5).

Although potential suitable habitat exists for the sensitive plant species with high potential to occur, the vegetation communities in the survey area, including disturbed dune scrub, disturbed (ruderal) habitat, and urban/developed land, do not provide high-quality suitable habitat for these sensitive plant species due to the dominance of non-native invasive species, poor habitat conditions, and consistent disturbance from surrounding developed land uses (Figure 3). Further, extensive disturbance from pedestrians and bicycles was observed in the potentially suitable disturbed dune scrub habitat in the Arena Avenue segment. The disturbed dune scrub in the Asilomar Avenue segment of the survey area is dominated and overrun by non-native species, primarily a dense, expansive cover of Chilean sea fig (*Carpobrotus chilensis*) and is unlikely to support sensitive plant species. However, no focused rare plant surveys were conducted, and the presence or absence of these sensitive plant species with potential to occur could not be confirmed.

As described in the Project Description (Section 9), the project has been designed to avoid and minimize impacts on sensitive resources, including the Monterey cypress and Monterey pine trees, as well as the disturbed dune scrub that may have the potential to support sensitive plant species, to the maximum extent feasible. The project sites are within the developed areas and disturbed habitat of the roadways and residential properties, and thus have a low likelihood of supporting sensitive plant species due to continued mechanical (and potentially chemical) disturbance. Construction equipment would remain within developed portions (i.e., paved roads and maintained access roads), and activities set to occur outside these locations would be minor, mostly confined to disturbed areas, and temporary in nature. Although implementation of the project is unlikely to result in impacts on habitat that could support sensitive plant species, there is a slight possibility that sensitive plant species could be disturbed. This potential impact would be reduced to a less than significant level with implementation of the BMPs and PDFs. Therefore, the impact would be **less than significant**.

Sensitive Wildlife Species

In total, 23 sensitive wildlife species that have been historically documented within 1 mile of the survey area were analyzed for their potential to occur (Figure 5). No sensitive wildlife species were observed in the survey area during the habitat assessment; however, the survey was conducted in early October 2022, outside the active season for most species (i.e., breeding birds, migrating or ovipositing butterflies). Although not observed during the field survey, there is potential occurrence of two sensitive wildlife species, monarch butterfly overwintering population (*Danaus plexippus* population 1) and Allen's hummingbird (*Selasphorus sasin*). The vegetation communities and land cover types in the survey area, including disturbed dune scrub, disturbed (ruderal) habitat, and developed land, do not provide high-quality suitable habitat for these sensitive wildlife species due to poor habitat conditions (Figure 3). Further, many of the other sensitive wildlife species occurrences were documented more than 40 years ago, and these species have likely been extirpated from the area since that time.

Occurrences of overwintering monarch butterfly, a candidate for federal listing under the Endangered Species Act, have been documented within 1 mile of the survey area in the past 10 years (Figure 5). The Monterey cypress trees in the survey area have potential to be used by monarch butterflies during migration. Further, many of the flowering plants that occur in the disturbed dune scrub provide suitable nectar sources for monarch butterflies moving through the survey area. However, suitable habitat for monarch butterflies is likely not present at the project sites because suitable wintering groves provide a dense grove of trees sheltered from high winds typically by an outer grove or windrow of trees. The trees at the project sites are fairly spread out, and don't provide much shelter from high winds.

As previously discussed, PDF-2, Sensitive Habitats Flagging and Fencing, would require a pre-construction focused rare plant clearance survey and the installation of avoidance flagging and fencing around the sensitive dune habitat, Monterey cypress trees, and Monterey pine trees prior to construction to avoid potential encroachment. Further, activities that would occur in the disturbed dune scrub would be minor in footprint and nature and would not result in the removal or disturbance (i.e., tree trimming) of Monterey cypress or nectar sources for overwintering monarch butterflies. Therefore, the potential for direct impacts on monarch butterflies or other potentially occurring sensitive species would be **less than significant**.

As discussed in the Project Description, the project has been designed to avoid impacts on sensitive resources to the maximum extent feasible, including the Monterey cypress, Monterey pine, and disturbed dune scrub that could support sensitive wildlife species. Further, the majority of the proposed APE occurs in the developed land and disturbed habitat of the roadways and residential properties that have a low likelihood to support sensitive wildlife species. With implementation of PDF-1 through PDF-4, the disturbed dune scrub, Monterey cypress, Monterey pine, and other vegetation that occur in the proposed APE that could support sensitive wildlife species would be avoided during project activities. Therefore, implementation of the project would not result in impacts on habitat that could support sensitive wildlife species. Direct impacts on sensitive wildlife species would be **less than significant**.

Indirect Impacts

Potential indirect impacts on sensitive plant and wildlife species generally include construction-related habitat disturbance (trampling), dust generation, pollutant discharges, soil erosion and runoff, noise, vibration, lighting, increased human activity, introduction of non-native and invasive plant species, and accumulation of trash and garbage, which can attract introduced terrestrial, native terrestrial, and avian predators (i.e., corvids, canids, raccoons, and striped skunks). These temporary construction-related impacts could adversely affect sensitive plant and wildlife species that could occur in the survey area. Potential indirect impacts would be reduced to a less than significant level with implementation of PDF-1, Focused Rare Plant Clearance Survey and Avoidance, and PDF-2, Sensitive Habitats Flagging and Fencing, which require a pre-construction focused rare plant clearance survey and the installation of avoidance flagging and fencing around the sensitive dune habitat prior to construction

to avoid potential habitat disturbance. Additionally, the Standard BMPs, including those required by PDF-3, Water Quality Protection Measures, for dust suppression measures, erosion- and sediment-control measures (sand and gravel bags, plastic-free [no monofilament] fiber rolls, and silt fencing), use of weed-free erosion-control products, and preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), would be required of the construction contractor. The SWPPP would be prepared pursuant to the National Pollution Discharge Elimination System General Construction Permit (Water Quality Order 99-08-DWQ). The SWPPP would address the potential sources and locations of stormwater contamination characteristics, impacts of specific contaminants, and temporary and permanent erosion-control practices and would include water sampling data, construction practices that minimize stormwater contamination, coordination of BMPs with planned construction activities, and compliance with County, state, and federal regulations. Additional BMPs that would be required during construction include noise suppression measures and trash containment methods. With the implementation of PDF-1 through PDF-3 and standard construction BMPs, temporary indirect impacts on sensitive plant and wildlife species observed and with high potential to occur in the survey area would be **less than significant**.

Nesting Birds

No raptor or bird nests were observed in the survey area during the habitat assessment; however, a focused nesting bird survey was not conducted, and the survey was conducted at the end of the breeding season when active bird nests are not likely to be observed. The multitude of buildings and trees and shrubs, both native and non-native, provide plentiful nesting habitat for passerines and raptors protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), Section 3504. Therefore, there is high potential for birds and raptors to nest in the survey area.

As previously discussed, no trees are proposed for removal, and no tree trimming is expected to occur during project construction; therefore, implementation of the project would not remove potential nesting habitat for protected raptors and birds. However, if construction is conducted during the general bird breeding season (January 15 through August 31), PDF-4, Nesting Bird Survey, would require a pre-construction nesting bird survey to avoid direct and indirect impacts on bird species protected under the MBTA and CDFW. Therefore, potential impacts to nesting birds would be **less than significant**.

Roosting Bats

The project does not propose the removal of potential roosting habitat in the nearby buildings, rock crevices, and coniferous trees or of suitable foraging habitat in the ornamental plantings in and surrounding the survey area that would occur during project construction. Further, no nighttime work is proposed that would disturb bats potentially roosting in or around the survey area. Therefore, the potential impact on roosting bats would be **less than significant**.

In summary, the potential impact to candidate, sensitive, or special status plant or wildlife species would be **less than significant**.

Items B: The survey area contains one sensitive vegetation community, approximately 3.2 acres of disturbed dune scrub located in the Asilomar Dunes and Arena Avenue segments (Figure 3) (CDFW 2022c). Approximately 0.2 acre of disturbed dune scrub occurs in the APE for the project site along Asilomar Avenue, and 0.2 acre of disturbed dune scrub occurs in the APE for the project site along Arena Avenue. There is no riparian habitat in the survey area.

Previous residential development has completely altered the natural topography of the dunes and altered the plant composition as well. The disturbed dune scrub occurring in the Asilomar Avenue segment is dominated by non-native Chilean sea fig, with coyote brush (*Baccharis pilularis*) and smooth

cat's ear (*Hypochaeris glabra*) throughout and shows evidence of modification from the planting of non-native ornamental species from the surrounding residential development. In comparison, the disturbed dune scrub in Arena Avenue segment is dominated by native species, including beach sagewort and dune sedge grass (*Carex pansa*), with scattered goldenbush, seacliff buckwheat (*Eriogonum parvifolium*), liveforever (*Dudleya* sp.), pink sand verbena (*Abronia umbellata*), California aster (*Symphyotrichum chilense*), dune grass (*Elymus* sp.), and saltgrass (*Distichlis spicata*). Although the dune scrub in the Arena Avenue segment supports more native species, this area is characterized as disturbed because of large open weedy patches, apparent historical modification from the surrounding development, and current disturbance from adjacent landowners and members of the public pedestrians as evidenced by bicycle tires tracks and footprints.

Direct Impacts

Construction would be limited to the paved and dirt roadways that directly border the disturbed dune scrub in the Asilomar Avenue and Arena Avenue segments, avoiding direct impacts on the disturbed dune scrub vegetation (Figure 4). Further, no trees or shrubs would be trimmed or removed during implementation of the project, and as required by PDF-2, sensitive dune habitat would be flagged and/or fenced for avoidance prior to construction. The disturbed (ruderal) habitat and developed land in the survey area are not considered sensitive vegetation communities and impacts on these land cover types would be **less than significant**.

Indirect Impacts

Most of the indirect impacts on sensitive plant species described in Item 4(a) also result in potentially significant indirect impacts on sensitive vegetation communities. Indirect impacts on the sensitive vegetation community, disturbed dune scrub, in the survey area could result from invasion by exotic species, exposure to construction-related pollutant discharges, and trampling by humans. As previously discussed in Threshold 4(a), implementation of PDF-2, Sensitive Habitats Flagging and Fencing, would require the installation of avoidance flagging and fencing around the sensitive dune habitat prior to construction to avoid potential disturbance. Standard construction BMPs, including those required by PDF-3, Water Quality Protection Measures, for dust suppression measures, erosion- and sediment-control measures (sand and gravel bags, plastic-free [no monofilament] fiber rolls, and silt fencing), use of weed-free erosion-control products, and preparation and implementation of a SWPPP, would be required of the construction contractor during project implementation. With implementation of PDF-2, PDF-3, and standard construction BMPs, indirect impacts on the sensitive vegetation community in the survey area would be **less than significant**.

Items C: There are no wetlands on the three project sites. Two potentially jurisdictional aquatic resources were observed in the southern portion of the survey area along Arena Avenue adjacent to a private residence in the Arena Avenue Segment (Figure 6, Potentially Jurisdictional Aquatic Resources). Although a formal aquatic resources delineation was not conducted in the survey area during the 2022 habitat assessment, these two features were preliminarily determined to be erosional drainages, likely constructed or formed from periodic surface stormwater flows directed away from the residence that occurs south of the survey area in this location. These two erosional drainages are surrounded by upland, disturbed habitat, and developed land (Figure 3). The two erosional drainages are outside of the project impact area and disturbance of these potential aquatic resources is not expected to occur during construction.

Direct Impacts

Construction activities in the Arena Avenue segment adjacent to the aquatic resources would be limited to the paved roadway and would not disturb the banks or bottom of the drainages. Therefore, the impact on the potentially jurisdictional aquatic resources in the survey area would be **less than significant**.

Indirect Impacts

Most of the indirect impacts on sensitive plant species and sensitive vegetation communities described in Items 4(a) and 4(b) could also result in potentially significant indirect impacts on potentially jurisdictional aquatic resources. Indirect impacts could result from generation of fugitive dust, changes in hydrology resulting from construction (including sedimentation and erosion), and exposure to construction-related pollutant discharges. As previously discussed in Items 4(a) and 4(b), standard construction BMPs, including those required by PDF-3, Water Quality Protection Measures, for dust suppression measures, erosion- and sediment-control measures (sand and gravel bags, plastic-free [no monofilament] fiber rolls, and silt fencing), use of weed-free erosion-control products, and preparation and implementation of a SWPPP, would be required of the construction contractor during project implementation. With implementation of PDF-3 and standard construction BMPs, indirect impacts on the potentially jurisdictional aquatic resources in the survey area would be **less than significant**.

Items D: The survey area is in a relatively densely populated portion of Pacific Grove that is bordered by the Pacific Ocean. While mule deer, a large ungulate/mammal, are abundant in the survey area, the survey area is unlikely to be used as a major wildlife movement corridor for other large mammals due to the disturbance by humans and lack of connectivity to larger open space. The California Essential Habitat Connectivity Project has not identified any wildlife movement corridors occurring on or within the vicinity of the project site (CDFW 2022d). The nearest designated wildlife movement corridor is 4.6 miles to the southeast. Mesocarnivores, including foxes and coyotes, have some potential to be found in the survey area but are not likely to use the area as major routes of movement or for nursey sites. The survey area falls within the Pacific Flyway and, therefore, is used by birds during migration.

The project would not permanently impact the majority of the survey area, including the existing trees and disturbed dune scrub, and would not impede wildlife movement through the survey area. General wildlife movement routes that may occur through the survey area would remain after implementation of the project. The project would not impact the potential aquatic resources or any other downstream aquatic areas that would interfere with the movement of native resident or migratory fish species. Implementation of the project would not substantially interfere with the movement or established migratory corridors of native resident or migratory fish or wildlife species, including the use of native wildlife nursery sites. Therefore, impacts on wildlife movement corridors would be **less than significant**.

Items E: The Asilomar Dunes and Arena Avenue segments occur within the Asilomar Dunes Environmentally Sensitive Habitat Area and Coastal Zone Planning Area VI of the Pacific Grove LCP Land Use Plan, which provides policies and guidelines for land use and development in the Pacific Grove Coastal Zone (City of Pacific Grove 2020). The Pacific Grove LCP requires coastal development permits for any development within the Pacific Grove Coastal Zone and Environmentally Sensitive Habitat Area (ESHA), including project activities that require grading, design review, and conditional use permits, prior to project approval. Further, the project would be subject to the goals and policies outlined in the Natural Resources Element of the City of Pacific Grove General Plan (City of Pacific Grove 1994).

As previously discussed in Items 4(a) through 4(d), the project would not result in significant impacts on sensitive biological resources, including sensitive plant and wildlife species, sensitive vegetation communities, potentially jurisdictional aquatic resources, or wildlife movement corridors. Through implementation of PDF-1 through PDF-4, avoidance of impacts on biological resources, and compliance with the permit requirements of the Pacific Grove LCP, the project would comply with the local policies and ordinances protecting biological resources identified in the Natural Resources Element of the City of Pacific Grove General Plan and the Pacific Grove LCP (City of Pacific Grove 1994, 2020). The project would not result in tree removal, limbing, or otherwise adversely affect

existing trees. Therefore, the project would not conflict with local policies or ordinances protecting biological resources, including tree preservation, and the impact would be **less than significant**.

Items F: The survey area is not within an area protected by or subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan. Therefore, there would be **no impact**.

Sources:

- Calflora. 2022. "Information on Wild California Plants." Accessed November 2022. http://www.calflora.org/.
- CCH (Consortium of California Herbarium). 2022. "Consortium of California Herbarium." Updated November 8. Accessed November 2022. http://ucjeps.berkeley.edu/consortium/.
- CDFW (California Department of Fish and Wildlife). 2022a. Database Query. California Natural Diversity Database (CNDDB). Commercial version dated March 1. Wildlife and Habitat Data Analysis Branch.
- CDFW. 2022b. Biogeographic Information and Observation System (BIOS). Accessed November 2022. https://apps.wildlife.ca.gov/bios/.
- CDFW. 2022c. California Natural Community List. July 5. Accessed November 2022. https://nrm.dfg.ca.gov/FileHandler.ashx?Documen/tID=153398&inline.
- CDFW. 2022d. California Essential Habitat Connectivity Project. Accessed November 2022. https://wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC.
- City of Pacific Grove. 1994. Pacific Grove General Plan. Accessed November 2022. https://www.cityofpacificgrove.org/our_city/departments/community_development/programs_projects/general_plan.php#outer-269.
- City of Pacific Grove. 2020. Local Coastal Program, including Land Use Plan and Implementing Ordinances. Accessed November 2022. https://www.cityofpacificgrove.org/our_city/departments/community_development/programs_projects/local_coastal_program.php#outer-270.
- CNPS (California Native Plant Society). 2022. Inventory of Rare and Endangered Plants of California. Online edi-tion, v9-01 1.5. Accessed November 2022. http:www.rareplants.cnps.org/.
- USFWS (U.S. Fish and Wildlife Service). 2022a. Information for Planning and Consultation (IPaC). Accessed November 2022. https://ecos.fws.gov/ipac/.
- USFWS. 2022b. National Wetlands Inventory Wetlands Mapper. Accessed November 2022. https://www.fws.gov/wetlands/data/Mapper.html.
- USACE. 2022. Traditional Navigable Waters in San Francisco District. Accessed November 2022. https://www.spn.usace.army.mil/Missions/Regulatory/Jurisdiction/.
  USGS (U.S. Geological Survey). 2022. National Hydrologic Dataset. Accessed November 2022. https://www.arcgis.com/home/webmap/viewer.html?url=https://hydro.nationalmap.gov/arcgis/rest/services/nhd/MapServer&source=sd.

5. Cultural Resources

Would the project:

A. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

C. Disturb any human remains, including those interred outside of dedicated cemeteries?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

DISCUSSION

The following discussion is based on the results of the database review of information provided by the Northwest Information Center for the project area of potential effect (APE), field survey, and cultural resources assessment conducted by Harris & Associates (Harris) qualified archaeologist on October 6, 2022.

Item A: The archival research did not indicate the presence of historical resources, and no historical resources were identified during the cultural reconnaissance survey. Based on the records search and the cultural survey, it has been determined that the project would not cause a substantial adverse change in the significance of a historical resource because they do not occur within the project APE. Therefore, there would be **no impact**.

Items B - C: The archival research did indicate the presence of one prehistoric archaeological resource (P-27-000493/CA-MNT-000399) within the project APE. The site was originally recorded in 1973, and the record identified that the site included workshop flakes and culturally modified shell. The condition of the site was identified as poor. Site P-27-000493/CA-MNT-000399 was not located during the pedestrian survey and may have been destroyed as a result of residential development. Due to the sensitivity of the area, there is potential for inadvertent discovery of cultural resources, including archaeological/historical resources and human remains. Per Land Use Plan Policy CRS-2, monitoring would be required during ground-disturbing activities, and the City will apply a standard condition of approval to require archaeological monitoring during all ground disturbing activities. Therefore, potential impacts to cultural resources would be **less than significant**.

Source:

- Cultural Resources Survey Letter Report – Negative Findings, City of Pacific Grove Capital Improvement Project for Wastewater Collection Phase 9, prepared by Donna Beddow, M.A., RPA of Harris & Associates, October 2022 (Confidential)

6. ENERGY

Would the project:

a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

DISCUSSION

Item A: The project would be responsible for an incremental increase in the consumption of energy resources during construction due to operation of construction equipment and vehicle trips from trucks and worker's vehicles. As described in Section 9, all project construction equipment would be required to comply with the California Air Resources Board (CARB) emissions requirements for construction equipment, which includes measures to reduce fuel-consumption, such as imposing limits on idling and requiring older engines and equipment to be retired, replaced, or repowered. As a result, potential impacts associated with the small temporary increase in consumption of fuel during construction are expected to be **less than significant**.

The project involves replacing existing segments of sewer lines. No impacts are expected from project operation. Therefore, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. The construction and operation impact regarding wasteful and inefficient energy use would be **less than significant**.

Item B: The County of Monterey adopted a Municipal Climate Action Plan (CAP) in 2013 and is currently preparing a 2030 Community Climate Action Plan. The 2013 CAP included GHG reduction strategies to increase energy efficiency at County facilities (County of Monterey 2013). The 2030 CAP update is anticipated to include a net-zero greenhouse gas (GHG) emissions goal for County facilities (County of Monterey 2022). As previously described, operation of the proposed sewer system improvements would be substantially similar to existing conditions. Therefore, the proposed project would not conflict with local energy efficiency plans, and the potential impact would be **less than significant**.

Sources:

- County of Monterey. 2013. Monterey County Municipal Climate Action Plan. June.
- County of Monterey. 2022. "Sustainability at Monterey County". Accessed August 20, 2022. Available at https://www.co.monterey.ca.us/government/departments-a-h/administrative-office/intergovernmental-and-legislative-affairs/sustainability

7. GEOLOGY AND SOILS

Would the project:

A) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on

other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

(ii) Strong seismic ground shaking?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

(iii) Seismic-related ground failure, including liquefaction?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

(iv) Landslides?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B) Result in substantial soil erosion or the loss of topsoil?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

C) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

D) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

E) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

F) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A – F: According to the State of California Department of Conservation Division of Mines and Geology Special Publication 42, Pacific Grove is not within an earthquake fault zone. Pacific Grove, including each of the three (3) project sites, is situated on relatively stable granite bedrock, which reduces the likelihood of damage resulting from a seismic event. The project would be constructed in accordance with applicable seismic design parameters in the California Building Code. Approximately 4,380 square feet of surface area across three sites would be disturbed to implement the repair and replacement of wastewater collection system infrastructure. All soils removed during trench work and pipe burst would be replaced, limiting the potential for substantial soil erosion or loss of topsoil. The project sites are spread across two soil types, Baywood sand (BbC, 2 to 15 percent slopes) and Dune land (Df). Neither soil type is considered expansive, as defined in Table 18-1-B of the California Building Code. The project would not involve the construction of septic tanks or alternative wastewater disposal systems. Lastly, there is no record of the properties containing a unique paleontological resource or site or unique geologic feature that would be directly or indirectly impacted as a result of the project. Moreover, the project would occur in areas previously disturbed for installation of wastewater collection and street infrastructure. Therefore, the project would result in **no impacts** related to geology and soils.

Sources:

- California Department of Conservation. Earthquake Fault Zones: A Guide for Government Agencies, Property Owners / Developers, and Geoscience Practitioners for Assessing Fault and Rupture Hazards in California (Special Publication 42). https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Publications/SP_042.pdf
- County of Monterey GIS Geologic Hazards Map: https://montereyco.maps.arcgis.com/apps/webappviewer/index.html?id=80aadc38518a45889751e97546ca5c53
- United States Department of Agriculture Soil Conservation Service. Soil Survey of Monterey County, California. https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/california/CA053/0/montereY.pdf

8. GREENHOUSE GAS EMISSIONS

Would the project:

A) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

B) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

DISCUSSION

Item A: In accordance with Section 15183.5(b) of the CEQA Guidelines, a plan for the reduction of greenhouse gas (GHG) may be used to analyze whether a project would result in significant GHG emissions provided that the plan includes specific elements. Plans that meet the listed requirements are referred to as Qualified GHG Reduction Plans. Plans are required to include an emissions inventory, establish baselines below which GHG emissions would not be cumulatively considerable, estimate future GHG emissions in the covered geographic area, specify measures to meet emissions reduction targets, establish a mechanism to monitor plan progress, and be adopted following environmental review.

The County's 2013 CAP is not a qualified plan, and the 2030 community update has not been adopted. However, the project's contribution of GHG emissions would be limited to an incremental increase in greenhouse gas (GHG) emissions by usage of fossil fuels during the project's short (approximately 6 week) construction period. Additionally, as outlined in the Bay Area Air Quality Management District's (BAAQMD) recently adopted GHG thresholds, construction emissions typically represent a very small portion of a project's lifetime GHG emissions. Therefore, the significance of GHG emissions and emissions reduction planning focuses on on-going annual GHG contributions (BAAQMD 2022). The project would not result in a net increase in VMT, and energy demand of the replaced sewer line segments would be similar to existing conditions. The replaced sewer line segments would replace older infrastructure and would likely result in emissions savings by extending the life of the lines compared to existing conditions. As such, the project would not result in an ongoing contribution to GHG emissions, and the impact would be **less than significant**.

Item B: The County of Monterey adopted a Municipal CAP in 2013 and is currently preparing a 2030 Community Climate Action Plan. As previously described, operation of the proposed system improvements would be substantially similar to existing conditions. The proposed project would not result in a net increase in ongoing GHG emissions and would not include any components that would conflict with CAP implementation. The potential impacts would be **less than significant**.

Source:

- Bay Area Air Quality Management District (BAAQMD). 2022. Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans. April.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

A) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

B) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

C) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

D) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

E) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

F) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

G) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A - B: Project implementation would require the use of construction equipment typical of small infrastructure construction projects, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, and lubricant. However, the use and transport of any hazardous materials would be subject to federal, state, and local regulations, which would minimize risk associated with the transport of hazardous materials. Operationally, the project would not involve the use or storage of hazardous materials. Therefore, potential impacts would be **less than significant**.

Items C - E: The project sites are not located on or within 1,000 feet of a known hazardous materials site or within 0.25 mile of an existing or proposed school. The nearest airport (Monterey Regional Airport) is over 4.92 miles to the southeast of the project sites. See Section VI.13, Noise, for analysis regarding potential noise impacts. Therefore, the project would result in **no impact** to schools, hazardous materials sites, or airports.

Item F: Given that the project would involve improvements to the City's wastewater collection system, the project would not impair or interfere with an adopted emergency response or evacuation plan. During construction, street closures would be of limited duration and alternative routes would be available. Emergency access would also be retained during construction activities. Therefore, the potential impacts of the project would be **less than significant** regarding interfering with an emergency response plan or emergency evacuation plan.

Item G:
The project sites are not located within or adjacent to a wildland fire hazard area per the latest adopted Fire Hazard Severity Zone map, and the project does not involve construction of above-ground structures that could be subject to wildfires. Therefore, the project would have **no impact** regarding exposing people or structures to wildland fire hazards.

Sources:

- California Government Code Section 65962.5. http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65962.5
- Monterey Regional Airport Land Use Compatibility Plan. Adopted February 25, 2019. https://www.co.monterey.ca.us/home/showpublisheddocument?id=75251
- CAL FIRE – Very High Fire Hazard Severity Zone in LRA map. https://osfm.fire.ca.gov/media/5871/pacific_grove.pdf

10. HYDROLOGY AND WATER QUALITY

Would the project:

A) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

C) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) result in substantial erosion or siltation on- or off-site;

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

iv) impede or redirect flows?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

D) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

E) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A – C & E: The project involves improvements to approximately 1,008 linear feet of the City's wastewater collection system at three (3) sites. Construction-related activities will be minor and temporary in nature, occurring within road and railroad rights-of-way and a utility easement on a previously developed lot in an established residential neighborhood. This minor scope of development would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. During construction, excavated materials will be protected with erosion control measures to avoid or minimize runoff. Drainage characteristics of the project sites will not be permanently altered in a manner that would increase erosion or runoff. As proposed, the project would not violate any water quality standards or waste discharge requirements, alter the drainage pattern of the site or area, nor provide additional sources of polluted runoff or degrade water quality. Additionally, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, the project would result in **no impacts**.

Item D: The project would not expose people or structures to a significant risk involving flooding. According to Flood Insurance Rate Map (FIRM) Panels 06053C0164H and 06053C0168H, the project sites is not located within a flood plain or within a 100-year flood hazard area, or in an area prone to flooding. There are no levees or dams within two miles of the sites. Tsunami and seiche vulnerability at the sites is limited. The project sites are not located near a freshwater lake or pond, so the potential for inundation from a seiche or mudflow is also low. Since flooding hazards are limited, the project would not risk the release of pollutants due to project inundation, nor impede or redirect flood flows. Therefore, the project would result in **no impact** regarding flood hazards.

Sources:

- 2019 California Building Code - California Code of Regulations. Prepared by California Building Standards Commission.
- National Flood Hazard Layer, FIRM Panels 06053C0164H and 06053C0168H
- California Department of Conservation. *Monterey County Tsunami Hazard Areas*, Monterey County Tsunami Hazard Areas (ca.gov)
- FEMA Flood Map Service Center. https://msc.fema.gov/portal/home
- City of Pacific Grove Land Use Plan, Figure 3, Coastal Hazards and Areas of Potential Sea Level Rise

11. LAND USE AND PLANNING

Would the project:

A. Physically divide an established community?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Item A: The project would involve improvements to approximately 1,008 linear feet of the City's wastewater collection system at three (3) sites within the Coastal Zone. The project would not physically divide an established community, and **no impact** would occur.

Item B: The project would be subject to the City of Pacific Grove's 1994 General Plan and 2020 Local Coastal Program. Segment A (Railroad Way) would be located within a former railroad right-of-way zoned Open Space (O) with a General Plan (GP) land use designation of Open Space (OS). Segment B (Arena Avenue) would be located along Arena Avenue, which does not have a zoning or GP land use designation. Segment C (Asilomar Dunes) would be located within a utility easement on a developed residential parcel. A portion of the site is zoned R-1-B-4 (Single Family Residential with Coastal Zone Overlay) with a GP land use designation of Low Density Residential (LDR 1-2), 1.0 DU/ac. The remainder of the site (i.e., the portion within the Sunset Drive right-of-way) does not have a zoning or GP land use designation. Each project site is located within the Coastal Zone, and all are subject to the City's certified Local Coastal Program which includes the adopted Land Use Plan and Implementation Plan (PGMC 23.90).

The project would not conflict with any land use plan, policy, or regulation and would not result in impacts. See Sections 4 (Biological Resources), 5 (Cultural Resources), and 18 (Tribal Cultural Resources) for additional information and analysis. There would be **no impact**.

Sources:

- City of Pacific Grove 2020 Local Coastal Program. https://www.cityofpacificgrove.org/living/community-development/planning/local-coastal-program

12. MINERAL RESOURCES

Would the project:

A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B. Result in the loss or availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A & B: According to the City's 1994 General Plan Natural Resources Element (Chapter 6), the Pacific Grove area is classified as "MRZ-3", the designation given to areas containing mineral deposits for which the significance cannot be evaluated from available data (Pacific Grove General Plan section 6.3.2). General Plan section 6.3.2 further states that the City is nearly built out, precluding any mineral extraction. Moreover, no mineral resources have been identified within the

project site and no active mineral resource extraction operations would be affected by the project. Therefore, the project would have **no impact** on mineral resources.

Sources:

- City of Pacific Grove General Plan. 1994. https://www.cityofpacificgrove.org/living/community-development/planning/general-plan

13. NOISE

Would the project result in:

A) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

B) Generation of excessive groundbourne vibration or groundbourne noise levels?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

C) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A, B: Construction of the proposed project would generate temporary noise in the vicinity of the construction area. However, construction would only occur for approximately six weeks, and would occur in three separate locations, resulting in a reduced extent of exposure at individual receptors. Additionally, as described in Section 9, construction activities would be subject to the City's Noise Ordinance, (Chapter 11.96 of the Municipal Code), which limits construction activity to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday. Therefore, construction would be limited to daytime hours when residences are less noise sensitive. Construction would not require pile driving or other high impact activity that would result in high levels of vibration. Operationally, the project would not result in a substantial permanent increase in ambient noise given that the project involves the replacement of existing wastewater collection infrastructure with similar, improved pipeline below the ground surface. Therefore, the impact related to increased noise and vibration would be **less than significant**.

Item C: The project site is not located within the vicinity of a private airstrip. The project site is within the Airport Influence Area (AIA) of the Monterey Regional Airport, as is all the City of Pacific Grove, but not in an area or a use type that requires special study or restrictions. The project would replace existing pipeline with similar infrastructure and would not expose people working or residing in the project vicinity to excessive noise levels related to air traffic. Therefore, there would be **no impact.**

Sources:

- City of Pacific Grove, Chapter 11.96, Unlawful Noises. https://www.codepublishing.com/CA/PacificGrove/#!/PacificGrove11/PacificGrove1196.html#11.96
- Monterey Regional Airport Land Use Compatibility Plan. https://www.co.monterey.ca.us/home/showpublisheddocument?id=75251

14. Population and Housing

Would the project:

A) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

Discussion

Items A & B: The proposed project is intended to ensure safe and reliable public wastewater collection service to residents of Pacific Grove. The project would not increase the capacity of the wastewater collection system nor remove a current obstacle to growth that could indirectly generate population growth. The project would not displace existing housing nor displace people or housing. Therefore, there would be **no impact**.

Sources:

- Project file

15. Public Services

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

A) Fire protection?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B) Police protection?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

C) Schools?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

D) Parks?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

E) Other public facilities?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A-E: The project would involve repairs to portions of the City's wastewater collection system and would not result in an expansion of the system. The project sites are located in an established residential neighborhood served by the Monterey Fire Department, City of Pacific Grove Police Department, and Pacific Grove School District. The project would not create substantial new demand for public services (e.g., fire, police, schools, parks, libraries, hospitals, community centers) that would result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. The project would have no measurable effect on existing public services in that the project would not result in an increase in demand and would not require expansion of services to serve the project. Temporary closures of Arena Avenue and Sunset Drive during construction would be of short duration and would not delay emergency response as other routes would remain open. As described in Section 9, a construction traffic management plan would be prepared for work in roadways, and emergency access would be retained during construction activities in roadways. Therefore, the project would have **no impact** to fire and police protection, schools, parks, or other public facilities.

Sources:

- Project file

16. RECREATION

A) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A & B: The project would not result in a net increase in population or a commensurate increase in the use of existing parks. Pacific Grove has 28 public parks including the coastline across Sunset Drive from Segments B (Arena Drive) and C (Asilomar Dunes) of the project site, and the Southern Pacific Railroad Right-of-Way, which encompasses the entirety of Segment A (Railroad Way). Improvements to the City's existing wastewater collection system would not increase the use of any existing parks or open space/recreational areas, as there would be no population increase resulting from the project. There would be **no impact** to recreational facilities.

Sources:

- Project file
- City of Pacific Grove General Plan. 1994. https://www.cityofpacificgrove.org/living/community-development/planning/general-plan

17. TRANSPORTATION

Would the project:

A) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

				X

C) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

D) Result in inadequate emergency access?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

DISCUSSION

Items A - B: The project would not involve transportation improvements and would not create potential for new users of local and regional transportation systems. Therefore, the project would not conflict with any program, plan, ordinance, or policy addressing the circulation system—including transit, roadway, bicycle, and pedestrian facilities—nor would it conflict with CEQA Guidelines section 15064.3, subdivision (b), related to determining the significance of transportation impacts. CEQA Guidelines Section 15064.3(b)(1) applies to land use projects and describes criteria for analyzing transportation impacts, stating, "Vehicle miles traveled (VMT) exceeding an applicable threshold of significance may indicate a significant impact." The Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (2018) has set a screening threshold of 110 trips per day to quickly identify when a project would have a less than significant impact due to VMT. The project would not result in an increase in population, and therefore would not result in an increase in VMT associated with the project site. Therefore, there would be **no impact**.

Items C - D: The project includes repair and replacement of wastewater collection facilities that are primarily underground, including replacement of manhole covers in the roadway which would remain flush with roadway grade and not present a hazard for roadway users. The proposed project would not design features that could increase hazards (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). As described in Section 9, a Temporary Traffic Handling Plan (TTHP) would be prepared for work in roadways, and emergency access would be retained during construction activities in roadways. Construction may occur during peak summer months; therefore, pursuant to PGMC section 23.90.210(b)(2), the City would implement the TTHP so the project would not result in reduction of roadway capacity or public access. Also, per LUP Policy PRA-8, the project would not have the potential to adversely impact public access due the availability of alternative routes and the short duration of street closures. The impact related to transportation hazards and emergency access would be **less than significant**.

Sources:

- Project file

18. TRIBAL CULTURAL RESOURCES

A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope

of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

DISCUSSION

The following discussion is based on the results of the database review of information provided by the Northwest Information Center for the project area of potential effect (APE), field survey, and cultural resources assessment conducted by Harris & Associates (Harris) qualified archaeologist on October 6, 2022.

Item Ai: The archival research did not indicate the presence of historical resources, and no historical resources were identified during the cultural reconnaissance survey. Based on the records search and the cultural survey, it has been determined that the project would not cause a substantial adverse change in the significance of a historical resource because they do not occur within the project APE. Therefore, there would be **no impact**.

Item Aii: The archival research indicated the presence of one prehistoric archaeological resource (P-27-000493/CA-MNT-000399) within the project area of potential effect. The site was originally recorded in 1973 and the record identified that the site included workshop flakes and culturally modified shell. The condition of the site was identified as poor, and Site P-27-000493/CA-MNT-000399 was not located during the pedestrian survey and may have been destroyed as a result of residential development.

Pursuant to Public Resources Code Section 21080.3.1 and Land Use Plan Policy CRS-1, City of Pacific Grove Public Works staff initiated consultation via notification letters with local Native American tribes on November 17, 2022. The first consultation meeting with the Esselen Tribe of Monterey County was actually held on November 8, 2022, and with the Ohlone/Costanoan-Esselen Nation (OCEN) on November 15, 2022. Tribal representatives requested access to archaeological reports/surveys, inclusion in mitigation and recovery programs, tribal monitoring, reburial of ancestral remains if found, and return of all cultural items.

Due to the sensitivity of the area, there is potential for inadvertent discovery of cultural resources, including archaeological/historical resources and human remains. Per Land Use Plan Policy CRS-2, monitoring would be required during ground-disturbing activities, and the City will apply a standard

condition of approval to require tribal monitoring during all ground disturbing activities. Therefore, potential impacts to cultural resources would be **less than significant**.

Source:

- Cultural Resources Survey Letter Report – Negative Findings, City of Pacific Grove Capital Improvement Project for Wastewater Collection Phase 9, prepared by Donna Beddow, M.A., RPA of Harris & Associates, October 2022 (Confidential)

19. UTILITIES AND SERVICE SYSTEMS

Would the project:

A. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

C. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

D. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

E. Comply with federal, state, and local statutes and regulations related to solid waste?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

DISCUSSION

Items A - C: The project would repair and replace existing wastewater collection pipelines and associated facilities. The proposed improvements would generally be made in place, with the construction of some new elements (including manholes and PVC pipelines) within each project site. There is no need for relocation of system facilities; and per LUP Policy INF-10, relocation of the subject infrastructure would not be feasible as the lines serve an existing residential neighborhood.

The project would not generate a demand for more water supply, wastewater treatment, or increase in the use of other utilities and service systems. The replacement pipelines would accommodate existing service needs and would not substantially increase the collection system capacity or adversely affect wastewater treatment capacity. Thus, the project would not result in the need to expand, relocate, or construct new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Therefore, there would be **no impact**.

Items D – E: Operationally, the project would not generate solid waste. During construction, some solid waste would be generated, including hundreds of linear feet of vitrified clay pipe (VCP). Most of the old pipelines would be abandoned in place, limiting the amount of solid waste generated by the project. Solid waste generated through project construction would be disposed of at the Monterey Regional Waste Management District facility north of Marina. The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure. The project would not impair the attainment of solid waste reduction goals because improvements to the wastewater collection system are limited in scope and would not generate excess solid waste. The project would comply with all federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be **less than significant**.

Sources:

- Project file

20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

A. Substantially impair an adopted emergency response plan or emergency evacuation plan?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

D. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
				X

DISCUSSION

Items A - D: The project sites are located within the Local Responsibility Area for Pacific Grove and are not located in a State Responsibility Area. The nearest Very High Fire Hazard Severity Zone is approximately one mile southeast of each project site. The project would involve at or below grade repairs to portions of the City's wastewater collection system and would not result in development of above-grade structures that would be susceptible to wildfire. The proposed project would not pose a risk of fire beyond the normal risks associated with the maintenance of wastewater infrastructure in established residential neighborhoods. The project sites are served by the Monterey Fire Department under a joint service agreement. Therefore, there would be **no impact** related to wildfire.

Sources:

- Project file
- Fire Hazard Severity Zones in LRAs – Pacific Grove (Map of CAL FIRE's Fire Hazard Severity Zones in Local Responsibility Areas – Pacific Grove)

21. MANDATORY FINDINGS OF SIGNIFICANCE

A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

IMPACT	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
			X	

Item A: As discussed in this Initial Study, the project would have no impact or a less than significant impact with respect to all environmental issues. Regarding biological resources, potential impacts to dune habitat could occur as a result of this proposed project yet would be avoided or minimized by implementing standard Best Management Practices and the Project Design Features as described in Section 9, Description of Project, and Section VI.4, Biological Resources. Regarding cultural resources, potential impacts to any unknown or undiscovered resources within the project area would be less than significant by implementing the City's standard conditions of approval for archaeological and tribal monitoring as described in Section VI.5, Cultural Resources and in Section VI.18, Tribal Cultural Resources. Therefore, potential impacts would be **less than significant**.

Item B: As discussed in this Initial Study, the project would have no impact or a less than significant impact with respect to all environmental issues. Further, most potential impacts would be temporary and construction related. Due to its limited scope, the project would not result in substantial long-term environmental impacts and, therefore, would not result in a substantial contribution to cumulative environmental changes that may occur due to planned and pending development. Therefore, potential impacts would be **less than significant**.

Item C: Effects on human beings are generally associated with impacts related to issue areas such as aesthetics, air quality, greenhouse gas emissions, energy, geology and soils, noise, population and housing, public services, recreation, hazards and hazardous materials, hydrology and water quality, transportation, utilities and service systems, and wildfire. As discussed in this Initial Study, the project would have **no impact** in the resource areas related to geology and soils, hydrology and water quality, population and housing, public services, recreation, and wildfire. As discussed in this Initial Study, the project would have **less than significant** impacts in the resource areas related to

aesthetics, air quality, greenhouse gas emissions, energy, noise, hazards and hazardous materials, transportation, and utilities and service systems. Therefore, as proposed and analyzed in this Initial Study, the issue areas listed above would not require mitigation and the project would not cause substantial adverse effects on human beings, either directly or indirectly, and potential impacts would be **less than significant**.

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FIGURES

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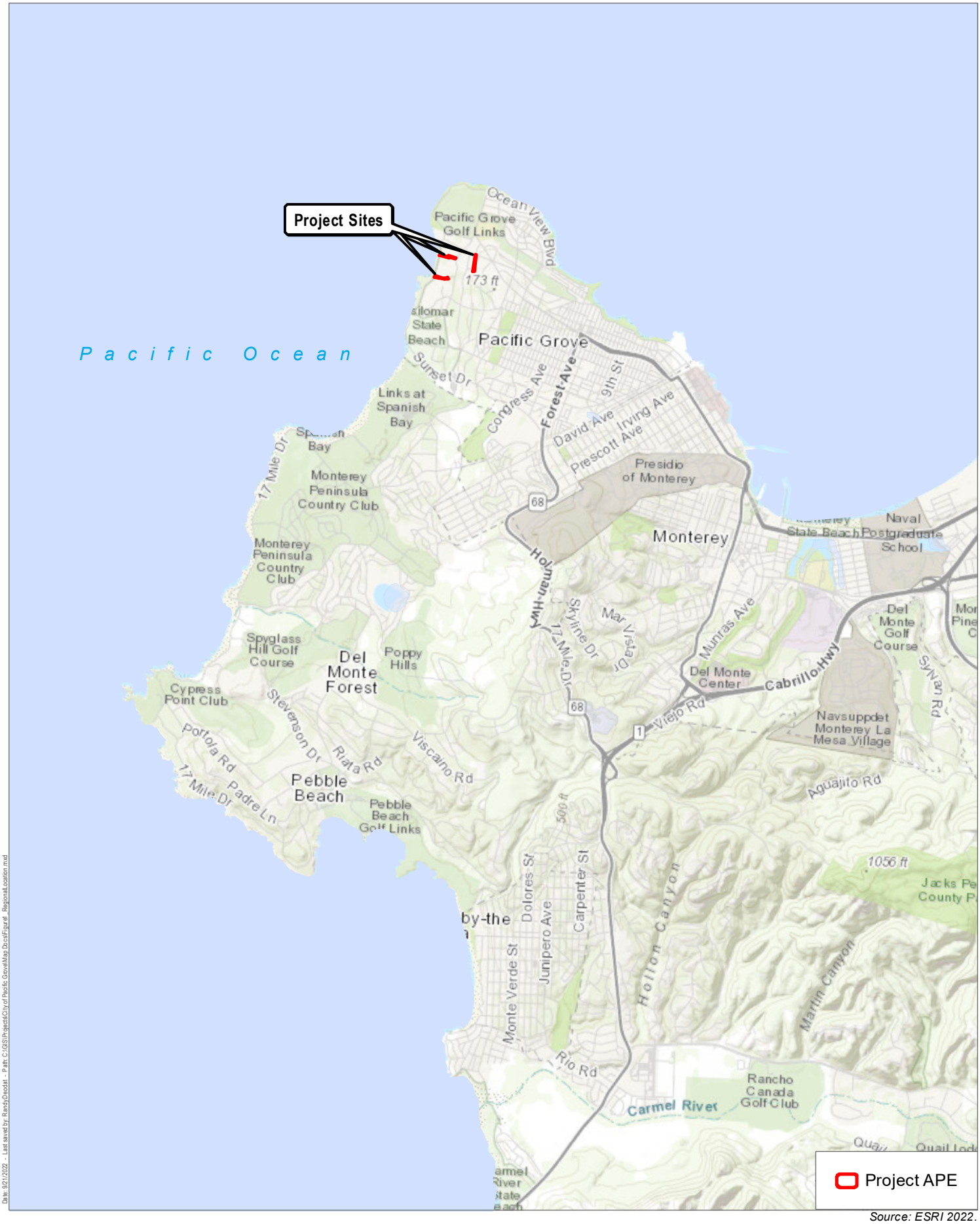

Source: ESRI 2022.

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Figure 1

Vicinity Map

Pacific Grove Collection System Improvement Project - Phase 9 - Crocker/James Segments

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Source: Maxar Imagery 2021.

Harris & Associates

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Figure 2
Project APE

Pacific Grove Wastewater Collection System
Improvement Project - Phase 9 - Coastal Zones Segments

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Appendix A – Plan Set

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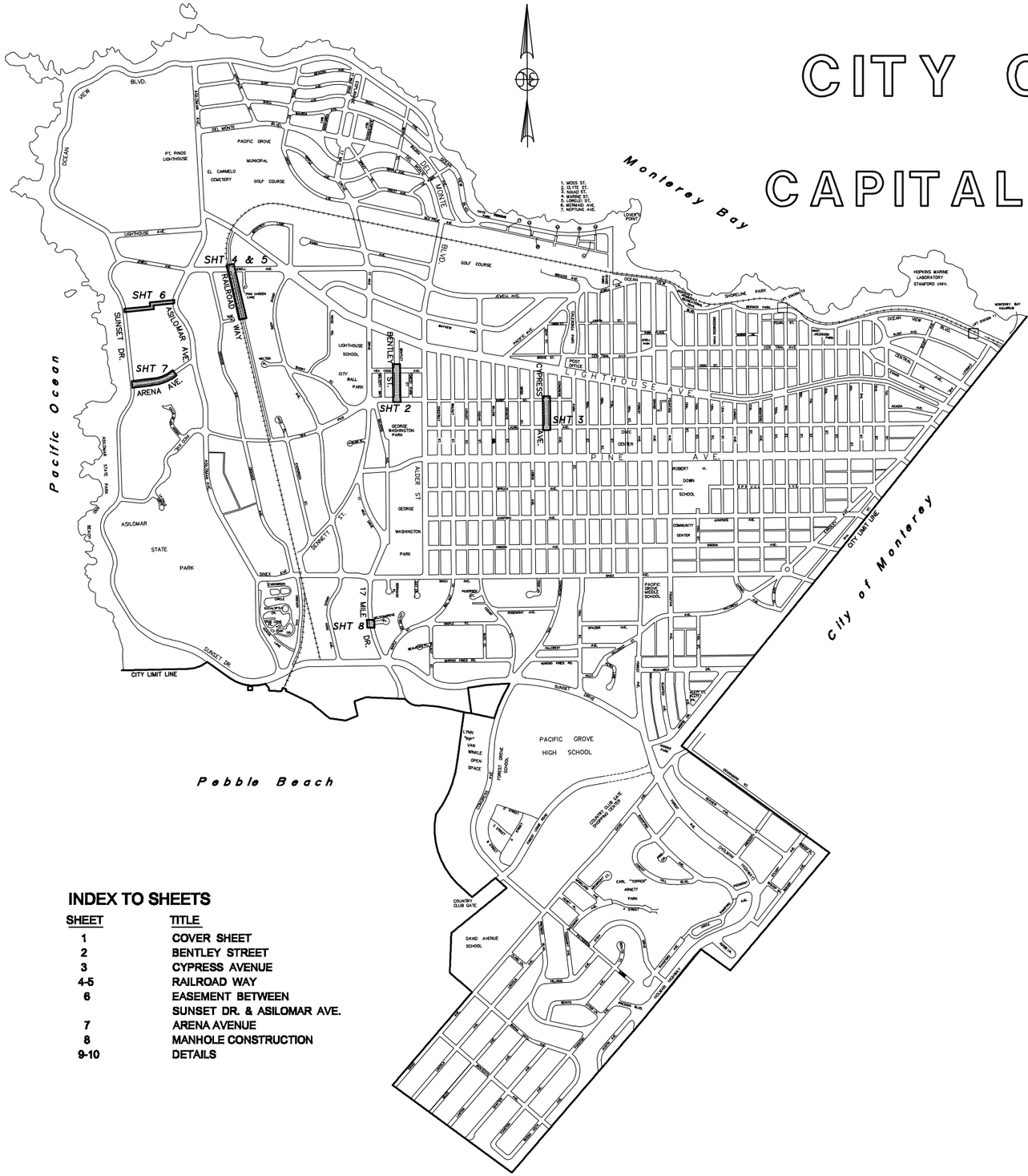
CITY OF PACIFIC GROVE

CAPITAL IMPROVEMENT PROJECT FOR WASTEWATER COLLECTION SYSTEM PHASE 9



LOCATION MAP

INDEX TO SHEETS

SHEET	TITLE
1	COVER SHEET
2	BENTLEY STREET
3	CYPRESS AVENUE
4-5	RAILROAD WAY
6	EASEMENT BETWEEN SUNSET DR. & ASILOMAR AVE.
7	ARENA AVENUE
8	MANHOLE CONSTRUCTION
9-10	DETAILS

CITY OF PACIFIC GROVE COUNCIL

BILL PEAKE, Mayor

JENNY McADAMS, Mayor Pro-Tem — **JOE AMELIO**

LUKE COLETTI — **CHAPS PODURI**

NICK SMITH — **AMY TOMLINSON**

BEN HARVEY, City Manager

DANIEL GHO, Public Works Director

95% SUBMITTAL

PREPARED BY:

NEILL ENGINEERS CORP.
CARMEL, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER SHERMAN W. LOW No. 29411 EXP. 3-31-23 CIVIL STATE OF CALIFORNIA

W.O. 8462
JULY 2022
NO SCALE

Registered Civil Engineer No. 29411 Date

SHEET 1 OF 25

PGCC 9-6-2023
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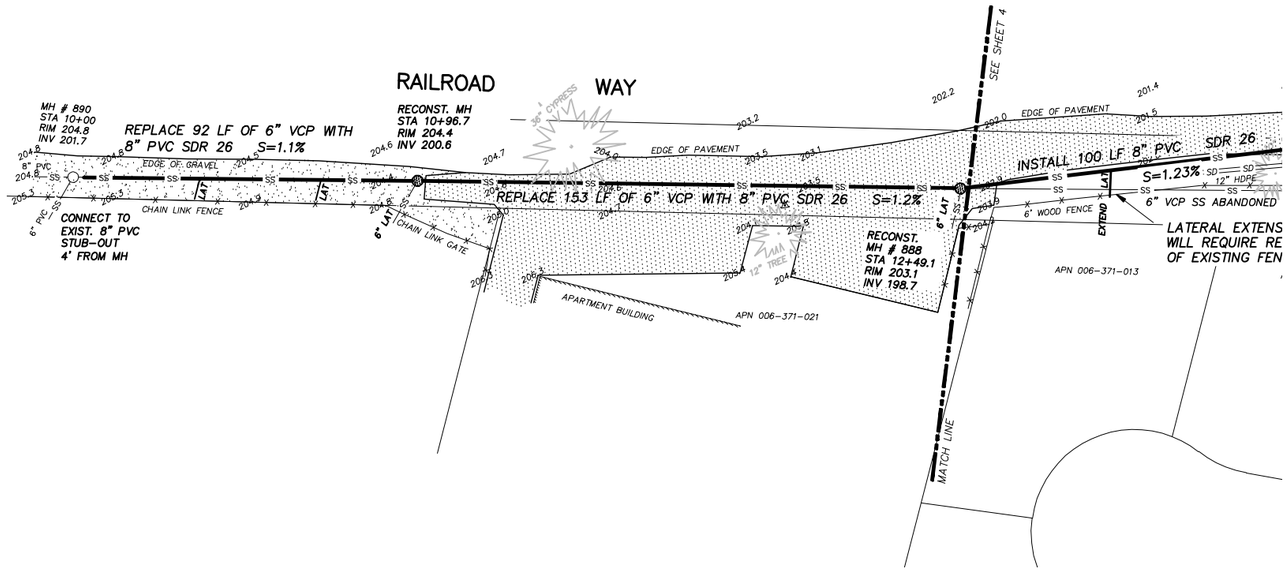
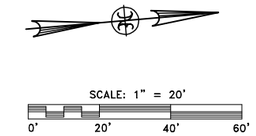
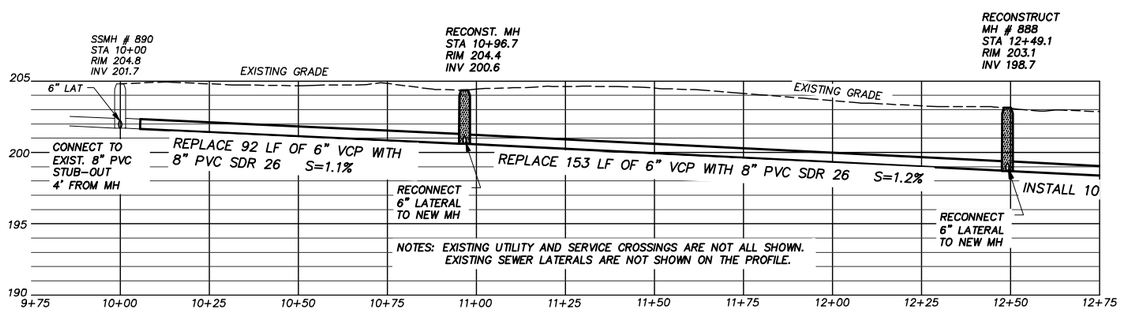




LEGEND

	SURVEY CONTROL
	POWER POLE
G	GAS MAIN
GS	GAS SERVICES
CO	SEWER CLEAN OUT
MH	SEWER OR STORM DRAINAGE MANHOLE
MH	NEW MANHOLE OR MANHOLE TO BE RECONSTRUCTED
SD	UNDERGROUND STORM DRAINAGE
W	WATER MAIN
WS	WATER SERVICE
WM	WATER METER
WV	WATER VALVE
XX.X	SPOT ELEVATION
CB	CATCH BASIN
	TREE – DID NOT LOCATE ALL TREES
SS	EXISTING SANITARY SEWER
SS	NEW SANITARY SEWER
LAT	SANITARY SEWER LATERAL
CAP	SANITARY SEWER CAP
E	UNDERGROUND ELECTRICAL
T	UNDERGROUND TELEPHONE DUCT BANK
SD	STORM DRAIN



PROFILE

SCALE: 1"=20' H
1"=5' V

NOTES

1. UNDERGROUND UTILITIES AND SERVICES ARE NOT ALL SHOWN. CONTRACTOR SHALL CONTACT U.S.A. (800–227–2600). TO IDENTIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL PROVIDE TEMPORARY ABOVE GROUND BYPASS SYSTEM WITH PUMP BETWEEN MANHOLES PRIOR TO MAIN REPLACEMENT.
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4. ELEVATIONS ARE BASED ON ASSUMED DATUM ELEVATION MEASUREMENTS ARE IN FEET.

95% SUBMITTAL

C.I.P. PHASE 9

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER IMPROVEMENTS
RAILROAD WAY

BETWEEN JEWELL AVE. & PICO AVE.

CITY OF PACIFIC GROVE, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER SHERMAN W. LOW No. 29411 EXP. 3-31-23 CIVIL STATE OF CALIFORNIA

W.O. 8462 JULY 2022 SCALE: 1"=20'

811 Know what's below. Call before you dig.

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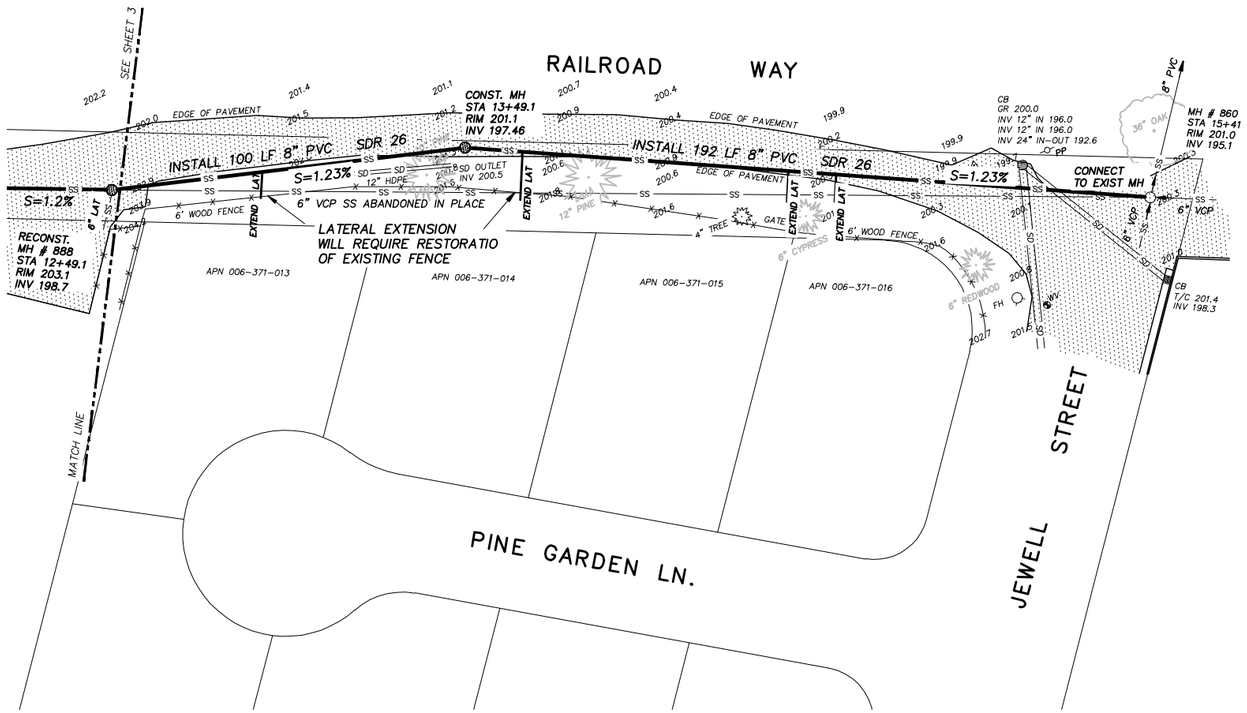
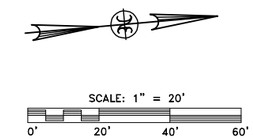
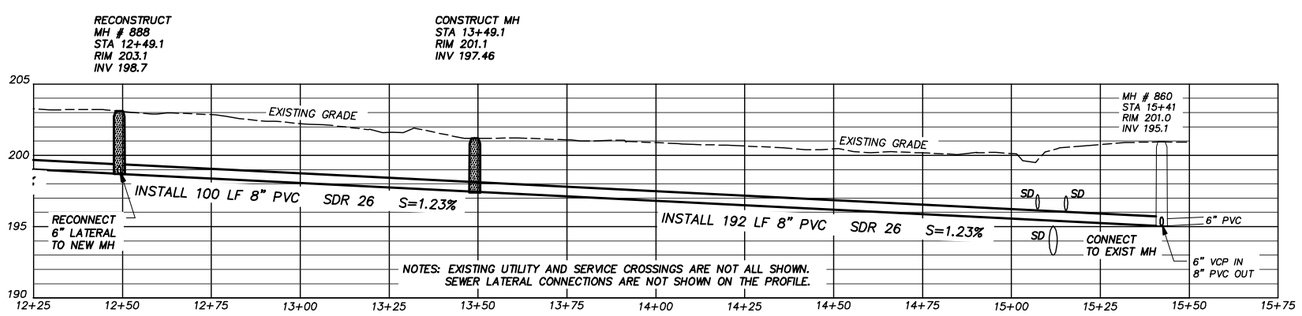




LEGEND

	SURVEY CONTROL
PP	POWER POLE
G	GAS MAIN
GS	GAS SERVICES
CO	SEWER CLEAN OUT
MH	SEWER OR STORM DRAINAGE MANHOLE
MH	NEW MANHOLE OR MANHOLE TO BE RECONSTRUCTED
SD	UNDERGROUND STORM DRAINAGE
W	WATER MAIN
WS	WATER SERVICE
WM	WATER METER
WV	WATER VALVE
XLX	SPOT ELEVATION
CB	CATCH BASIN
	TREE – DID NOT LOCATE ALL TREES
SS	EXISTING SANITARY SEWER
SS	NEW SANITARY SEWER
LAT	SANITARY SEWER LATERAL
CAP	SANITARY SEWER CAP
E	UNDERGROUND ELECTRICAL
T	UNDERGROUND TELEPHONE DUCT BANK
SD	STORM DRAIN



PROFILE

SCALE: 1"=20' H
1"=5' V

NOTES

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4. ELEVATIONS ARE BASED ON ASSUMED DATUM ELEVATION MEASUREMENTS ARE IN FEET.

95% SUBMITTAL

C.I.P. PHASE 9

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER IMPROVEMENTS
RAILROAD WAY

BETWEEN JEWELL AVE. & PICO AVE.

CITY OF PACIFIC GROVE, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
SHERMAN W. LOW
No. 29411
EXP. 3-31-23
CIVIL
STATE OF CALIFORNIA

W.O. 8462 JULY 2022 SCALE: 1"=20'

SHEET 2 OF 2

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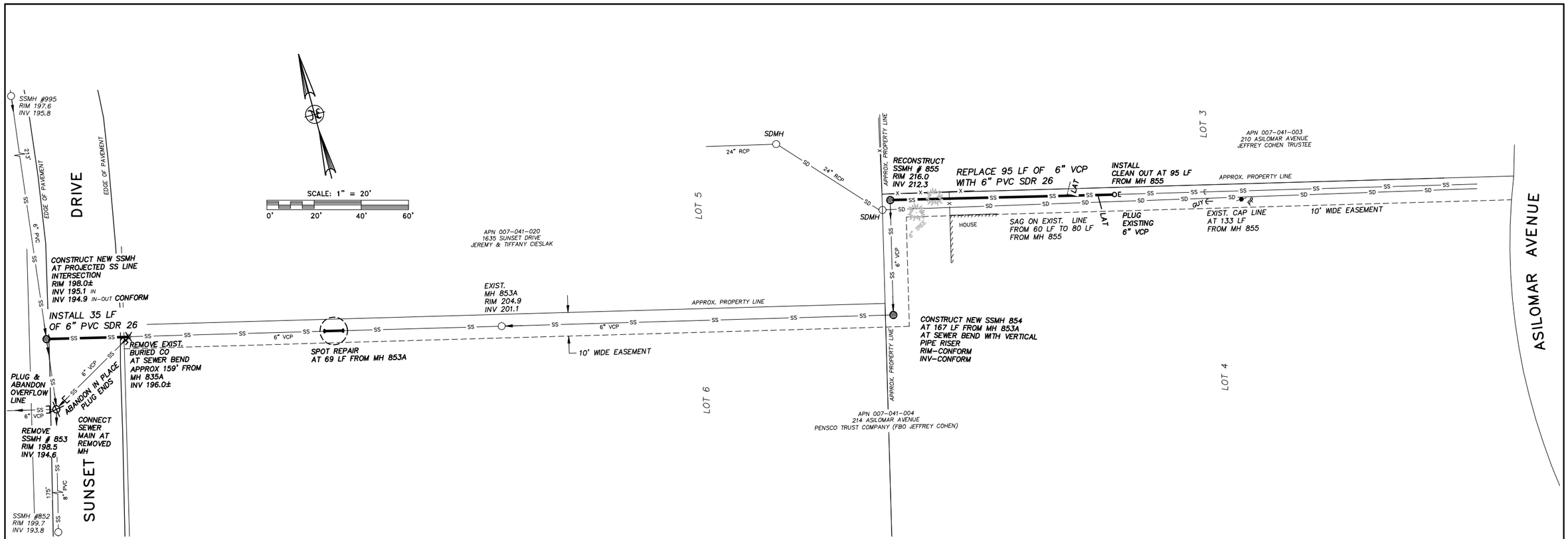

NOTES

1. EXISTING SANITARY SEWER AND STORM DRAIN FACILITIES ARE SHOWN DIAGAMMATICALLY ONLY. EXISTING TREES, FENCES, BUILDINGS, AND OTHER TOPOGRAPHIC FEATURES ARE NOT IDENTIFIED. CONTRACTOR SHALL BE RESPONSIBLE TO VISIT THE SITE AND MAKE HIS OWN DETERMINATION OF EXISTING SITE CONDITIONS.
2. UNDERGROUND UTILITIES AND SERVICES ARE NOT ALL SHOWN. CONTRACTOR SHALL CONTACT U.S.A. (800-227-2600). TO IDENTIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
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5. CONTRACTOR SHALL POTHOLE TO VERIFY THE EXACT LOCATIONS OF NEW MANHOLES TO BE CONSTRUCTED.

LEGEND

	POWER POLE
GUY	GUY ANCHOR
CO	SEWER CLEAN OUT
MH	SEWER OR STORM DRAINAGE MANHOLE
NEW MH	NEW MANHOLE OR MANHOLE TO BE RECONSTRUCTED
SD	UNDERGROUND STORM DRAINAGE
SS	EXISTING SANITARY SEWER
SS	NEW SANITARY SEWER
LAT	SANITARY SEWER LATERAL
CAP	CAP PIPE

Know what's below. Call before you dig.

REGISTERED PROFESSIONAL ENGINEER SHERMAN W. LOWE No. 29411 EXP. 3-31-23 CIVIL STATE OF CALIFORNIA

95% SUBMITTAL

C.I.P. PHASE 9

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER IMPROVEMENTS

LOTS 4 & 6, BLOCK 317
PACIFIC GROVE ACRES

EASEMENT BETWEEN SUNSET DR. & ASILOMAR AVE.

CITY OF PACIFIC GROVE, CALIFORNIA

W.O. 8462 JULY 2022 SCALE: 1"=20'

SHEET 1 OF 1

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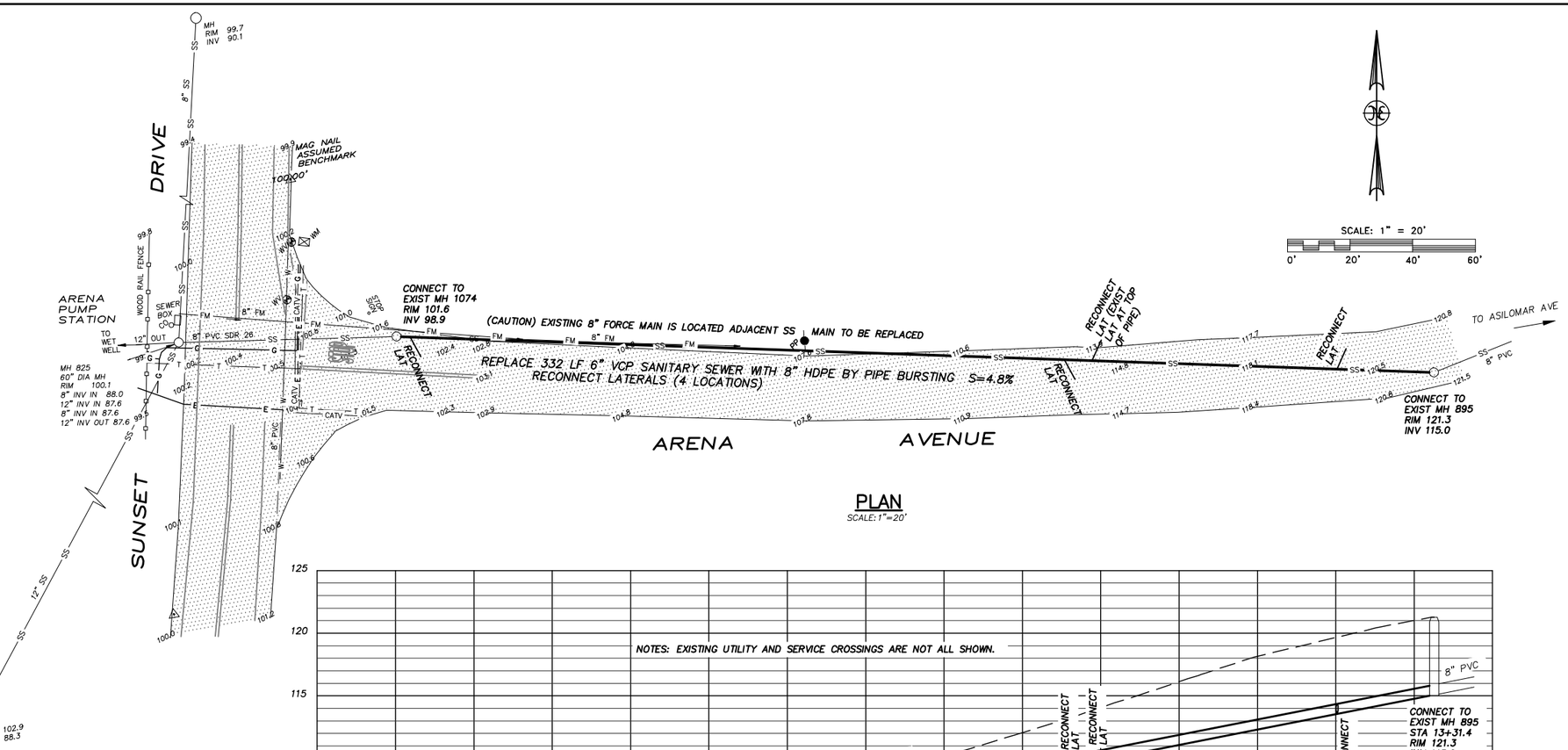
LEGEND:

EXISTING FACILITIES:

- SURVEY CONTROL POINT
- WV — WATER VALVE
- MANHOLE
- GAS — GAS VALVE
- FH — FIRE HYDRANT
- WM — WATER METER
- UB — UTILITY BOX
- SD — STORM DRAIN
- W — WATER MAIN
- T — TELEPHONE CONDUIT
- SS — SANITARY SEWER MAIN
- G — GAS MAIN
- E — UNDERGROUND ELECTRIC LINE
- CATV — UNDERGROUND CABLE TELEVISION
- FM — SANITARY SEWER FORCE MAIN
- SEWER CLEAN OUT
- ASPHALT CONCRETE SURFACE
- xxx.x — SPOT ELEVATION
- WOOD FENCE

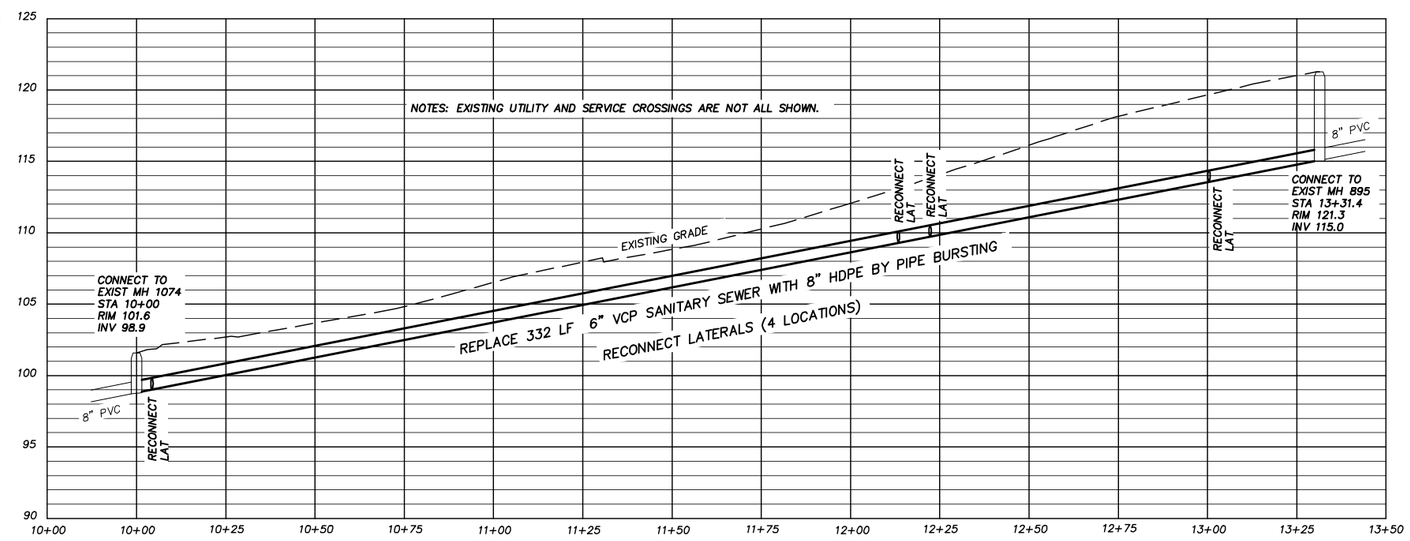
NEW FACILITIES:

- SS — SANITARY SEWER MAIN



PLAN

SCALE: 1"=20'



PROFILE

SCALE: 1"=20' H
1"=5' V

CONSTRUCTION NOTES

1. UNDERGROUND UTILITIES AND SERVICES ARE NOT ALL SHOWN. THOSE SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CONTACT U.S.A. (800-227-2600) TO IDENTIFY THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL PROVIDE TEMPORARY ABOVE GROUND BYPASS SYSTEM WITH PUMP BETWEEN MANHOLES PRIOR TO MAIN REPLACEMENT.
3. LATERALS SHOWN ARE BASED ON PIPELINE VIDEO INFORMATION PROVIDED BY OTHERS. CONTRACTOR SHALL RECONNECT ALL ACTIVE LATERALS TO MAIN. EXISTING CAPPED LATERALS TO BE ELIMINATED. EXACT LOCATIONS AND NUMBER TO BE DETERMINED IN THE FIELD AT THE TIME OF CONSTRUCTION.
4. PRIOR TO PIPE BURSTING, CONTRACTOR SHALL PERFORM A PRE-CCTV INSPECTION OF THE MAIN TO IDENTIFY AND LOCATE EXISTING LATERALS TO BE RECONNECTED, AND TO VERIFY THAT THERE ARE NO CONDITIONS, OBSTRUCTIONS, OR PIPE MATERIALS THAT WILL PREVENT THE MAIN FROM BEING PIPE BURST PROPERLY.
5. LOCATION OF INSERTION PIT FOR PIPE BURSTING TO BE DETERMINED BY CONTRACTOR.
6. ELEVATIONS ARE BASED ON ASSUMED DATUM. ELEVATION MEASUREMENTS ARE IN FEET.

811 Know what's below. Call before you dig.

REGISTERED PROFESSIONAL ENGINEER SHERMAN W. LOW No. 29411 EXP. 3-31-23 CIVIL STATE OF CALIFORNIA

95% SUBMITTAL

C.I.P. PHASE 9

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

SANITARY SEWER IMPROVEMENTS ARENA AVENUE

BETWEEN SUNSET DRIVE & ASILOMAR AVENUE

CITY OF PACIFIC GROVE, CALIFORNIA

W.O. 8462 JULY 2022 SCALE: 1"=20'

SHEET 7 OF 23

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Appendix B – Biological Resources Letter Report

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Harris & Associates

December 7, 2022

Mr. Daniel Gho
Director of Public Works/Deputy City Manager
City of Pacific Grove
2100 Sunset Drive
Pacific Grove, California 93950

Project: City of Pacific Grove Capital Improvement Project for Wastewater Collection System Phase 9

Dear Mr. Gho:

On October 6, 2022, Harris & Associates (Harris) conducted a biological resources field reconnaissance survey of the proposed City of Pacific Grove (City) Capital Improvement Project for Wastewater Collection System Phase 9 (project) site and a 100-foot survey buffer (approximately 13.5 acres in total), herein referred to as the "survey area" (Attachment 1, Figures; Figure 1, Regional Location, and Figure 2, Survey Area). The purpose of this survey was to identify the presence of existing vegetation communities and to evaluate the potential for occurrence of sensitive plant and wildlife species to assist in early planning and to identify potential biological constraints for developing the project. In addition to the survey results, a review of biological databases is provided in this analysis to aid in the impact evaluation of the project on its current immediate and surrounding environment.

Project Description and Location

Project Description

The purpose of the project is to ensure safe and reliable public wastewater collection service to City residents.

The project includes the repair and replacement of the three segments of the wastewater collection system in the western portion of the City. The three segments include Railroad Way, Asilomar Avenue, and Arena Avenue (Figure 2). A summary of activities to conduct the repairs at the three segments is provided below:

- The Railroad Way segment includes approximately 537 linear feet of pipeline replacement via trenching (not pipe bursting) within the former railroad right-of-way. Planned improvements in this segment include the following:
  - Replacement of 245 linear feet of 6-inch vitrified clay pipe (VCP) with 8-inch polyvinyl chloride (PVC) pipeline
  - Reconstruction of a manhole approximately 92 feet from manhole 890
  - Reconstruction of manhole 888
  - Installation of 292 linear feet of 8-inch PVC pipeline
  - Plugging and in-place abandonment of 292 linear feet of 6-inch VCP pipeline
  - Construction of a new manhole approximately 100 feet from manhole 888
- The Asilomar Avenue segment includes improvements in dune habitat between Sunset Drive and Asilomar Avenue and within the Sunset Drive right-of-way. Planned work in the Sunset Drive roadway includes the following:
  - Replacement of pipeline that is at a 45-degree angle with a new straight section of 35 linear feet of 6-inch PVC pipeline
  - Construction of a new manhole
  - Removal of manhole 853
  - Plugging and abandonment of the angled section of 6-inch VCP pipeline
  - Planned work in the utility easement that extends through dune habitat and private property between Sunset Drive and Asilomar Avenue includes the following:
    - Spot repair 69 feet from manhole 853A
    - Construction of a new manhole (#854) approximately 167 feet from manhole 853A

  - Reconstruction of manhole 855
  - Replacement of 95 linear feet of 6-inch VCP with 6-inch PVC via trenching (cannot pipe burst due to the significant sag in the pipeline)
- The Arena Avenue segment includes excavation of receiving pits and replacement of approximately 332 linear feet of 6-inch VCP with 8-inch high-density polyethylene (HDPE) pipeline (via pipe bursting) within the Arena Avenue right-of-way just east of and including Sunset Drive.

Project activities would be limited to the developed roadways and established access roads in the three segments. No permanent impacts on biological resources would occur during project implementation. Potential temporary, indirect impacts on biological resources could occur and are discussed in the Project Impacts section of this letter report.

Project Design Features

The following project design features (PDFs) have been incorporated into the project design to avoid potential impacts on biological resources on the project site. The PDFs would be incorporated into the construction plans.

PDF-1: Focused Rare Plant Clearance Survey and Avoidance. Before ground-disturbing activities, including digging, clearing, grubbing, and grading, a qualified person shall conduct a pre-construction sensitive plant survey within 100 feet of the project disturbance areas. If sensitive plant species are identified by the qualified person, they shall flag the extent of each species patch or individual in the survey area for avoidance during the pre-construction survey. If sensitive plant species are observed in the impact area during the pre-construction sensitive plant survey or cannot be avoided during implementation, individuals shall be counted, and permanent impacts shall be mitigated at a 1:1 ratio in suitable habitat outside the impact areas as applicable.

PDF-2: Sensitive Habitats Flagging and Fencing. Before ground-disturbing activities, including digging, clearing, grubbing, and grading, a qualified person shall flag and/or install avoidance fencing around the outer limits of the disturbed dune scrub habitat and sensitive Monterey cypress and Monterey pine trees. The flagging and installed avoidance fencing shall remain in place through the end of construction.

PDF-3: Water Quality Protection Measures.

1. Standard construction best management practices for erosion and sediment control, such as the use of silt fencing, shall be implemented to prevent wind and water erosion and to minimize subsequent sedimentation to nearby sensitive habitats and potential aquatic features.
2. The project shall implement the following practices to provide effective temporary and final erosion control during construction as needed:
   a. Preserve existing vegetation where required and when feasible.
   b. Control the area of soil-disturbing operations so the construction contractor can implement erosion-control best management practices quickly and effectively.
   c. Stabilize non-active areas within 14 days of cessation of construction activities or sooner if stipulated by local requirements.
   d. Control erosion in concentrated flow paths by applying temporary erosion-control blankets, check dams, erosion-control seeding, or alternate methods.
   e. Prior to the completion of construction, apply permanent erosion control to any remaining disturbed soil areas.
   f. Maintain sufficient erosion-control materials on site.
3. The following temporary sediment-control best management practices shall be implemented in conformance with the following guidelines and in accordance with the standard best management practice guidance:
   a. **Silt Fence:** As practical and necessary, silt fencing may be placed at the perimeter of disturbed site areas to mitigate discharge of sediment from site stormwater flows.
   b. **Weed-Free, Plastic-Free (No Monofilament) Fiber Rolls:** Fiber rolls may be used for several different applications, including but not limited to perimeter control, grade break and separation, and alternate

check dam. They shall not be used on paved or hardscape media. Temporary fiber rolls installed to control erosion and sedimentation during construction shall be removed once construction is complete.

c. **Stabilized Construction Entrances and Exits:** Stabilized construction entrances and exits shall be placed at ingress and egress points of the disturbance area.

4. Construction padding material, if required, shall be free of any weed seeds, contaminants, or pollutants.
5. No debris, silt, slash, sawdust, rubbish, cement, or concrete, or washings thereof; oil or petroleum products; or other organic or earthen material from any maintenance, construction, or associated activity of any nature shall be allowed to enter or be placed where it may be washed by rainfall or runoff into sensitive habitats and potential aquatic resources in and surrounding the work areas.
6. Construction equipment with visible mud or dirt cakes on tracks, wheels, and undercarriage shall be power washed at a minimum of 100 feet from the limits of work areas to prevent weeds from entering the project site.
7. Construction vehicles and equipment shall be repaired and refueled a minimum of 100 feet from the limits of sensitive habitats and potential aquatic resources within and surrounding the work areas, including the disturbed dune scrub, to the maximum extent feasible. If refueling or repairing equipment or vehicles in or near sensitive habitats or aquatic resources within or surrounding the work areas is unavoidable, appropriate secondary containment shall be employed to prevent spills from entering these sensitive areas. Drip pans and spill containment materials shall always be present and accessible on the construction site.

PDF-4: Nesting Bird Survey. No grubbing, trimming, or clearing of vegetation from the project site shall occur during the general raptor and bird breeding season (January 15 through August 31). If grubbing, trimming, or clearing of vegetation cannot feasibly occur outside the general bird breeding season, a qualified person shall perform a pre-construction nesting bird survey no more than 1 week prior to the start of vegetation grubbing, trimming, or clearing to determine if active bird nests are present in the affected areas. Should an active bird nest be located, the qualified person shall establish a buffer and direct vegetation clearing away from the nest until it has been determined that the young have fledged or the nest has failed. If no nesting birds (including nest building or other breeding or nesting behavior) are in the construction area, grubbing, trimming, or clearing shall proceed.

Project Location

The survey area is in the City of Pacific Grove in Monterey County (County), California, at 36.628508 N, −121.935744 W (Figures 1 and 2). The survey area is composed of three segments, Railroad Way, Asilomar Avenue, and Arena Avenue, which differ in vegetation community and land use composition. The Asilomar Dunes and Arena Avenue segments occur within the Asilomar Dunes Environmentally Sensitive Habitat Area and Coastal Zone Planning Area VI of the Pacific Grove Local Coastal Program (LCP) Land Use Plan, which provides policies and guidelines for land use and development in the Pacific Grove Coastal Zone (City of Pacific Grove 2020). The Railroad Way segment is to the east, within the Coastal Zone Planning Area V and outside the Asilomar Dunes habitat area.

Environmental Setting

The following subsections serve to describe the existing conditions in the survey area.

Land Use

The Asilomar Avenue and Arena Avenue segments are in a low-density residential portion of the City and include large, spread-out single-family residential properties including and surrounded by open sand dunes previously altered by development, scattered remnant Monterey pine (*Pinus radiata*) and Monterey cypress (*Hesperocyparis macrocarpa*) trees, and other ornamental species planted for landscaping (Figure 2) (City of Pacific Grove 2020). Sunset Drive, Asilomar State Beach, and the Pacific Ocean coastline border the Asilomar Avenue and Arena Avenue segments of the survey area to the west. The Railroad Way segment includes an established walking trail also used for municipal access that is surrounded by medium-density residential and commercial development and is approximately 0.3 mile east of the Pacific Ocean coastline (Figure 2).

Topography and Soils

The topography of the Asilomar Avenue and Arena Avenue segments is gently sloping, decreasing in elevation from east to west. The topography of the Railroad Way segment is primarily flat. Elevation in the survey area ranges from approximately 20 feet to 105 feet above mean sea level (Figure 3, USGS Topographic Map). The survey area is in Township 15 south, Range 1 west, and Section 14 in the U.S. Geological Survey 7.5-minute Monterey Quadrangle.

The U.S. Department of Agriculture Natural Resources Conservation Service soil series search of the survey area included two soils, Baywood Sand (2 to 15 percent slopes) and Dune Land (USDA 2019) (Figure 4, Soils). A description of each soil series is provided below:

- **Baywood Sand –** The Baywood series consists of deep, somewhat excessively drained soils that formed in old sand dunes near the coast with slopes of zero to 50 percent. This type of soil is typically found within a few miles of the coast from Sonoma to Santa Barbara Counties in California and comprises the majority, approximately 10 acres, of the survey area.
- **Dune Land –** Dune land consists of fine sand composed of primarily quartz and feldspar. It is found predominantly along the coast and comprises approximately 3.5 acres of the survey area.

The soil types that occur in the survey area are not classified as hydric (wetland) soils and do not have potential to contain hydric inclusions (USDA 2019).

Hydrology

The project site is in the Soberanes Creek-Frontal Pacific Ocean Hydrologic Unit of the Central Coast Watershed (180600060203). Based on the National Wetlands Inventory and National Hydrologic Dataset mapping results, no aquatic resources are documented in the survey area (USFWS 2022a; USGS 2022). Two potentially aquatic resources, preliminarily determined to be erosional drainages, were observed in the southern portion of the survey area along Arena Avenue outside the project site. These potential aquatic features were likely constructed or formed from periodic surface stormwater flows directed away from the residence south of the survey area in this location. Upland and developed land surround these two erosional drainages. There is potential for these erosional drainages to flow into the Pacific Ocean, which is defined as a traditional navigable water (TNW) by the U.S. Army Corps of Engineers (USACE), approximately 0.1 mile to the west (USACE 2022).

Further discussion on potentially jurisdictional aquatic resources is provided in the Jurisdictional Aquatic Resources section below.

Climate

The survey area is in Monterey County on the Monterey Peninsula. On a regional level, the County has a Mediterranean climate, which is characterized by wet winters and dry summers. The Monterey Peninsula is defined by the Pacific Ocean and the Santa Lucia Range. Monterey Bay's bottom is 2 miles deep, which lowers the surface temperatures of the bay and influences temperatures inland. Monterey Bay acts as a funnel, channeling ocean air into the Salinas Valley and Santa Lucia Highlands. Habitats in the Monterey County region include both mesic (moist) habitats, such as redwood forest, and xeric habitats, such as coastal scrub. Generalized climate in the region is characterized by warm, dry summers and cold, moist winters, which pushes the growing season to the wet months of the year (late winter to early spring). Vegetation often goes dormant (senescent) during the later summer months until initial rains start in the fall. The rainy season in the County typically lasts from October through March and has an annual winter precipitation average of approximately 18 inches (Western Regional Climate Center 2022).

Regulatory Setting

Federal

Endangered Species Act (U.S. Code, Title 16, Sections 1531 through 1543)

The federal Endangered Species Act and subsequent amendments prohibit the "take" (i.e., harm, harass, or kill individuals, or destroy associated habitat) of species federally listed as threatened or endangered. Take incidental to otherwise lawful activities can be authorized by the U.S. Fish and Wildlife Service (USFWS) through a permit under Sections 4(d), 7, or 10(a).

Migratory Bird Treaty Act (U.S. Code, Title 16, Sections 703 through 711)

The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms or implements a commitment by the United States to four international conventions (Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. The MBTA makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season. The MBTA makes it unlawful to take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States.

Clean Water Act

Clean Water Act (CWA), Section 401 (40 CFR 121). Section 401 of the CWA gives the state authority to grant, deny, or waive certification of proposed federally licensed or permitted activities resulting in discharge to waters of the United States. The State Water Resources Control Board directly regulates multi-regional projects and supports the Section 401 certification and wetlands program statewide. The Regional Water Quality Control Board (RWQCB) regulates activities pursuant to Section 401(a)(1) of the federal CWA, which specifies that certification from the state is required for any applicant requesting a federal license or permit to conduct any activity, including but not limited to the construction or operation of facilities that may result in any discharge into navigable waters. The certification shall originate from the state or appropriate interstate water pollution control agency in/where the discharge originates or will originate. Any such discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA.

CWA, Section 404 (33 CFR 328.3[a]). These provisions regulate the discharge of dredged or fill material in waters of the United States, including wetlands. Activities that discharge dredge or fill material into waters of the United States can be authorized by the USACE.

The USACE and the U.S. Environmental Protection Agency (USEPA) have issued a set of guidance documents detailing the process for determining CWA jurisdiction over waters of the United States following the 2008 Rapanos decision. The USEPA and USACE issued a summary memorandum of the guidance for implementing the Supreme Court's decision in Rapanos that addresses the jurisdiction over waters of the United States under the CWA. The complete set of guidance documents, summarized as key points below, was used to collect relevant data for evaluation by the USEPA and USACE to determine CWA jurisdiction over the project and to complete the "significant nexus test" as detailed in the guidelines.

The significant nexus test includes consideration of hydrologic and ecologic factors. For circumstances such as those described in Point B below, the significant nexus test would take into account physical indicators of flow (evidence of an ordinary high water mark [OHWM]) if a hydrologic connection to a TNW exists and if the aquatic functions of the water body have a significant effect (more than speculative or insubstantial) on the chemical, physical, and biological integrity of a TNW. The USACE and USEPA will apply the significant nexus standard to assess the flow characteristics and functions of the tributary drainage to determine if it significantly affects the chemical, physical, and biological integrity of the downstream TNW.

Wetlands (including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas) are also considered waters of the United States and are defined by the USACE as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances

do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3[b]; 40 CFR 230.3[t]). Indicators of three wetland parameters (i.e., hydric soils, hydrophytic vegetation, and wetlands hydrology), as determined by field investigation, must be present for a site to be classified as a wetland by the USACE (USACE 1987).

Rapanos Guidance Key Points Summary

A. The USACE and USEPA will assert jurisdiction over the following waters:
   - TNWs
   - Wetlands adjacent to TNWs
   - Non-navigable tributaries of TNWs that are relatively permanent (flows 3 months or longer)
   - Wetlands that abut such tributaries

B. The USACE and USEPA will decide jurisdiction over the following waters based on whether they have a significant nexus with a TNW:
   - Non-navigable tributaries that are not relatively permanent
   - Wetlands adjacent to non-navigable tributaries that are not relatively permanent
   - Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary

C. The USACE and USEPA will not assert jurisdiction over the following waters:
   - Swales or erosional features (gullies, small washes characterized by low-volume, infrequent, or short-duration flow)
   - Ditches (including roadside ditches) that are excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water

The Navigable Waters Protection Rule, published by the USACE and USEPA on April 21, 2020, was vacated during a federal court ruling in Arizona (Pascua Yaqui Tribe v. USEPA) on August 30, 2021. With this ruling, the regulatory agencies have halted implementation of the Navigable Waters Protection Rule and are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime (i.e., Rapanos guidance).

State

Birds of Prey Protection Provision (California Fish and Game Code, Section 3503.5)

This provision prohibits the taking of birds of prey (Orders Falconiformes and Strigiformes), including their nests and eggs.

California Endangered Species Act (California Fish and Game Code, Sections 2050 et seq.)

The California Endangered Species Act prohibits any activities that would jeopardize or take a species designated as threatened or endangered by the state.

Streambed Alteration Agreement (California Fish and Game Code, Section 1600)

The California Fish and Game Code (CFGC) requires any person who proposes a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or their tributaries or use materials from a streambed to submit a notification for a Streambed Alteration Agreement to the California Department of Fish and Wildlife (CDFW).

California Fish and Game Code, Section 1602

Section 1602 regulates water resources in the State of California. Activities that divert or obstruct the natural flow of or change or use material from the bed, channel, or bank of any river stream or lake may be authorized by the CDFW. CDFW jurisdiction includes intermittent and perennial watercourses and extends to the top of the bank of a stream or lake if unvegetated or to the limit of the adjacent riparian vegetation, located contiguous to the watercourse, if the stream or lake is vegetated.

California Fish and Game Code, Section 3503

Section 3503 of the CFGC prohibits the take, possession, or needless destruction of the nests or eggs of any birds except as otherwise provided by the CFGC or any regulation made pursuant thereto.

California Environmental Quality Act, as Amended (California Public Resources Code, Section 21000 et seq.)

The goal of the California Environmental Quality Act (CEQA) is to assist California public agencies in identifying potential significant negative environmental impacts caused by their actions and avoiding or mitigating those impacts when feasible.

California Fully Protected Wildlife Species Provision (California Fish and Game Code, Sections 3511, 4700, 5050, and 5515)

These provisions prohibit the take of fully protected birds, mammals, amphibians, and fish.

California Native Plant Protection Act of 1977 (California Fish and Game Code, Section 1900–1913)

These provisions preserve, protect, and enhance endangered or rare native plants of the state.

Regional Water Quality Control Board

The RWQCB regulates impacts on water quality under Section 401 of the CWA. A project must comply with Section 401 of the CWA before the USACE can issue a Section 404 Permit. The RWQCB will issue a Section 401 Water Quality Certification or Waiver of Certification depending on the extent of impacts on waters of the United States. The RWQCB also regulates impacts on waters of the state (usually limited to “isolated” waters or swales that may not fall under USACE jurisdiction) under the Porter-Cologne Water Quality Control Act (Porter-Cologne).

Porter-Cologne Water Quality Control Act

The Porter-Cologne is regulated by the RWQCB for impacts on waters of the state. The RWQCB is the regional agency responsible for protecting water quality in California. The jurisdiction of this agency includes waters of the state and waters of the United States as mandated by Section 401 in the CWA and Porter-Cologne. Although water quality issues related to impacts on waterways are normally addressed during Section 401 Water Quality Certification, should a water of the State of California be determined by the USACE to not have CWA jurisdiction, Porter-Cologne would be addressed under a Construction General Permit, State General Waste Discharge Order, or Waste Discharge Requirements depending on the level of impact and the properties of the waterway.

Local

City of Pacific Grove General Plan

The City of Pacific Grove General Plan Natural Resources Element provides the following goals and policies that apply to the project and the vegetation communities, wildlife habitat, and aquatic resources in the survey area (City of Pacific Grove 1994):

- **Goal 1**: Comprehensively manage Pacific Grove’s vegetation and wildlife habitat.
  - **Policy 4**: Mitigate development in environmentally sensitive areas.
- **Goal 2**: Protect Pacific Grove’s coastal resources.
- **Goal 4**: Protect Pacific Grove’s water and marine resources.
  - **Policy 9**: Prohibit the unsafe use of chemical pesticides and herbicides.
- **Goal 5**: Protect Pacific Grove’s biological resources.
- **Goal 6**: Protect endangered species.
  - **Policy 12**: Develop methods to maintain endangered species within the Asilomar Dunes neighborhood, Asilomar State Beach and Conference Grounds, the U.S. Coast Guard Reservation, the Pacific Grove shoreline, and other appropriate areas.

City of Pacific Grove Local Coastal Program

The Pacific Grove LCP is a planning tool used by the City in partnership with the California Coastal Commission to guide development in the Pacific Grove Coastal Zone (City of Pacific Grove 2015). The Pacific Grove LCP consists of the City's Land Use Plan and Implementation Plan (Zoning Ordinances, Zoning District Maps, etc.) that implement the provisions and policies of the Pacific Grove LCP (City of Pacific Grove 2020). The Pacific Grove Coastal Zone is broken into seven planning areas. The Land Use Plan contains written policies that provide direction for decision-makers, property owners, and the public regarding the types and intensities of land uses that are most suited to each coastal area. The Pacific Grove LCP requires coastal development permits for any development within the Coastal Zone, including project activities that require grading, design review, and conditional use permits.

The Asilomar Avenue and Arena Avenue segments occur within the Asilomar Dunes Environmentally Sensitive Habitat Area and Coastal Zone Planning Area VI of the Pacific Grove LCP Land Use Plan, which provides policies and guidelines for land use and development in the Pacific Grove Coastal Zone (City of Pacific Grove 2020). The Railroad Way segment is located within Coastal Zone Planning Area V. Therefore, project activities in these three segments are subject to the policies and requirements outlined in the Pacific Grove LCP.

Methods

This biological resources analysis includes the results of a database review and biological resources survey that serve to document the existing biological conditions of the survey area. The results of the database review provide information on the permitting requirements and potential constraints to project construction due to the presence (or lack thereof) of sensitive biological resources.

Database Review

A review of online databases including the CDFW California Natural Diversity Database (CNDDB) (CDFW 2022a), CDFW Biogeographic Information and Observation System (BIOS) (CDFW 2022b), USFWS Information for Planning and Consultation (IPaC) (USFWS 2022b), USFWS National Wetlands Inventory Wetlands Mapper (USFWS 2022a), Consortium of California Herbaria database (CCH 2022), Calflora database (Calflora 2022), and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 2022) was conducted for the project and within a 1-mile radius of the survey area.

Field Reconnaissance Survey

A biological resources survey of the survey area was conducted by a Harris biologist on October 6, 2022. A 100-foot buffer was used for the 2022 biological resources survey where feasible. The survey was conducted by walking meandering transects throughout the survey area and mapping vegetation communities, documenting plant and wildlife species, noting suitable habitat, and evaluating the potential for occurrence of sensitive, rare, threatened, and endangered plant and wildlife species (Attachment 2, Observed Wildlife and Plant Species). Vegetation mapping was recorded in the field using the ArcGIS Collector application with an aerial image of the survey area. A list of plant and wildlife species observed or detected in the survey area was prepared. Plant species were identified in the field or later in the laboratory with the aid of voucher specimens. Wildlife species were identified in the field by direct visual observation with the aid of binoculars or indirectly by detection of calls, tracks, burrows, or scat. The potential for sensitive plant and wildlife species to occur in the survey area is presented in Table 2, Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area, in the Results section.

The results of this analysis provide information on the potential constraints to project development due to the presence of special-status biological resources. No focused wildlife, plant, or other surveys were conducted as part of this analysis.

Survey Limitations

Plants and wildlife were identified by direct observation, vocalizations, or other observance, including tracks, scat, and other signs. Therefore, lists of species observed are not necessarily comprehensive because species can be

outside their blooming period, nocturnal, secretive, or within the region and survey area seasonally (i.e., during migration) and, therefore, may not have been observed.

Some areas within the 100-foot buffer were not accessible on foot due to private property constraints; therefore, these areas were either surveyed with binoculars or avoided entirely.

Results

Vegetation Communities and Land Cover Types

The survey area is in the central western California region of the California Floristic Province (Jepson eFlora 2022). Three vegetation communities and land cover types were identified in the survey area and include disturbed dune scrub, disturbed (ruderal) habitat, and urban/developed land (Holland 1986; CDFW 2022c) (Figure 5, Vegetation Communities and Land Cover Types). Table 1, Vegetation Communities and Land Cover Types in the Survey Area, presents the acreages of the vegetation communities that occur in the survey area. Figure 5 presents the vegetation community and land cover type boundaries.

Table 1. Vegetation Communities and Land Cover Types in the Survey Area

Vegetation Community and Land Cover Type	Survey Area (acres)[1]	Sensitivity Ranking[2]
Scrub-Shrub		
Dune scrub (disturbed)	3.2	G1S1
Disturbed/Developed		
Disturbed (ruderal) habitat	4.1	None
Urban/developed land	6.2	None
Subtotal	*10.3*	—
Total	13.5	—

Sources: Holland 1986; CDFW 2022a, 2022c.
Notes: None = No sensitivity ranking
[1] Acreages rounded up to one-hundredth.
[2] CNDDB rarity ranking. NatureServe Global (G) and State (S) rarity rankings are between 1 and 5 and are interpreted as follows: 1 = critically imperiled; at very high risk of extinction due to extreme rarity (often five or fewer populations), very steep declines, or other factors; 2 = imperiled; at high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors; 3 = vulnerable to extirpation or extinction; at moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors; 4 = apparently secure; uncommon but not rare; some cause for long-term concern due to declines or other factors; 5 = secure; demonstrably widespread, abundant, and secure; common; widespread and abundant (CDFW 2022a).

The vegetation communities observed in the survey area are described in the following subsections.

Scrub-Shrub Vegetation Community

Dune Scrub (Disturbed)

Dune scrub is a dense coastal scrub community of scattered shrubs, subshrubs, and herbs (Holland 1986). Dune scrub is restricted to the coast on stabilized back dune slopes, ridges, and flats and often colonized by foredune species. Typical species includes goldenbush (*Ericameria* sp.), lupines (*Lupinus* sp.), and beach sagewort (*Artemisia pycnocephala*). Dune scrub is considered a sensitive vegetation community (CDFW 2022a).

Approximately 3.2 acres of disturbed dune scrub occurs in the Asilomar Avenue and Arena Avenue segments of the survey area (Figure 5). Previous residential development has completely altered the natural topography of the dunes and altered the plant composition. The disturbed dune scrub in the Asilomar Avenue segment is dominated by non-native Chilean sea fig (*Carpobrotus chilensis*), with coyote brush (*Baccharis pilularis*) and smooth cat's ear (*Hypochaeris glabra*) throughout and shows evidence of modification from the planting of non-native ornamental species from the surrounding residential development. In comparison, the disturbed dune scrub in Arena Avenue segment is dominated by native species, including beach sagewort and dune sedge grass (*Carex pansa*), with

scattered goldenbush, seacliff buckwheat (*Eriogonum parvifolium*), liveforever (*Dudleya* sp.), pink sand verbena (*Abronia umbellata*), California aster (*Symphyotrichum chilense*), and saltgrass (*Distichlis spicata*). Although the dune scrub in the Arena Avenue segment supports more native species, this area is characterized as disturbed because of large open weedy patches, apparent historical modification from the surrounding development, and current disturbance from pedestrians as evidenced by bicycle tire tracks and footprints.

Disturbed (Ruderal) Habitat/Developed Lands

Disturbed (Ruderal) Habitat

Disturbed (ruderal) habitat consists of previously disturbed areas that either are devoid of vegetation (dirt roads/trails) or support scattered non-native plant species, such as escaped ornamentals or ruderal exotic species that take advantage of disturbance, such as short-pod mustard (*Hirschfeldia incana*), black mustard (*Brassica nigra*), filaree (*Erodium* spp.), and other weedy grass species. These species are opportunistic and typically found in recently and/or repeatedly disturbed habitats, particularly in areas that have been graded, have been cleared for fuel management purposes, and/or experience ongoing use that prevents natural revegetation.

Approximately 4.1 acres of disturbed (ruderal) habitat occurs throughout the survey area (Figure 5). Disturbed (ruderal) habitat in the survey area is dominated by ornamentally planted grasses and vegetation, walking trails, and access roads for residences.

Urban/Developed Land

Urban/developed land represents areas that have been constructed on or otherwise physically altered to an extent that native vegetation communities are not supported. This land cover type generally consists of semi-permanent structures, homes, parking lots, pavement or hardscape, and landscaped areas that require maintenance and irrigation (e.g., ornamental greenbelts). Typically, this land cover type is unvegetated or supports a variety of ornamental plants and landscaping.

Approximately 6.2 acres of urban/developed land occurs throughout the majority of the survey area and includes residential properties and transportation infrastructure (Figure 5).

Jurisdictional Aquatic Resources

A formal aquatic resources delineation was not conducted in the survey area during the 2022 biological resources survey. Two potentially jurisdictional aquatic resources were observed in the southern portion of the survey area along Arena Avenue adjacent to a private residence (Figure 6, Potentially Jurisdictional Aquatic Resources). These two features were preliminarily determined to be erosional drainages and were likely constructed or formed from periodic surface stormwater flows directed away from the residence south of the survey area in this location. These two erosional drainages are surrounded by upland, disturbed habitat, and developed land (Figure 6). The two erosional drainages are outside of the project impact area and disturbance of these potential aquatic resources is not expected to occur during construction.

The two erosional drainages observed in the southern portion of the survey area are not documented as aquatic resources based on the National Wetlands Inventory and National Hydrologic Dataset mapping results (USFWS 2022a; USGS 2022). However, if avoidance of these erosional drainages is determined to not be feasible, a formal aquatic resources delineation would be required to establish if they have direct surface water connections to the Pacific Ocean, which is defined as a TNW by the USACE, approximately 0.1 mile to the west (USACE 2022). The formal aquatic resources delineation would be used to determine if the two erosional drainages are under the jurisdiction of the USACE, RWQCB, and CDFW, pursuant to Sections 404 and 401 of the CWA and Section 1602 of the CFGC Lake and Streambed Alteration Agreement.

Plant Species

Attachment 2 lists the vascular plant species observed in the survey area during the 2022 biological resources survey. Seventeen plant species were identified to genus in the survey area, 11 (65 percent) of which were native and six (35 percent) of which were non-native. Two sensitive plant species, Monterey cypress and Monterey pine,

were identified in the survey area during the 2022 biological resources survey (Figure 7, Sensitive Species Observed). An abundance of ornamental plantings is in the survey area due to residential development. It is important to note that the 2022 biological resources survey was conducted outside the blooming period for the majority of the sensitive plant species with potential to occur in the survey area, and these sensitive species may not have been able to be identified because they may have already gone into senescence and could not be identified to species or were no longer above ground and, therefore, not visible for identification.

Arena Avenue can be described as disturbed dune scrub habitat, mixed with disturbed habitat, and developed land. The areas that contain remnant dune scrub habitat have been significantly altered and continue to be highly disturbed by not only the immediate surrounding residential uses and municipal development but also with foot and bicycle traffic. The dominant native plant species were beach (dune) sagewort and coyote brush, followed by seacliff buckwheat and sand dune sedge. Pink sand verbena and an unknown species of stonecrop (liveforever [*Dudleya albiflora*]) succulent were also observed throughout the disturbed scrub area to the west. The dominant non-native species observed was Chilean sea fig.

Asilomar Avenue contained many live and dead Monterey pines. The observed individuals are likely remnants of a long-gone Monterey pine forest that was mostly cleared of trees during construction of the residence occupying this portion of the survey area. This likely significantly modified the amount and coverage of this species. Highly disturbed dune scrub areas are west of the residence and former Monterey pine stand. One Monterey cypress was identified on the far western edge of the survey area long Sunset Drive near the edge of the access road to the residential property on the project site. The project site overall along Asilomar Avenue is dominated by Chilean sea fig. Coyote brush, dune grasses, and California goldenbush (*Ericameria ericoides*) are dotted throughout. Invasive pampas grass (*Cortaderia selloana*) was observed in the north-central portion.

Railroad Way is mostly developed and is characterized by the ornamental planted Bermuda grasses (*Cynodon dactylon*) and other shrubs and trees throughout that line a walking trail through the middle of the area. In the southern portion of Railroad Way is a row of large evergreens, some of which are cypresses. It was not determined what type of cypress they are, but they are potentially Monterey cypress. It is likely that they were purposefully planted along the walking path that also serves as a municipal access road.

The sensitive plant species with potential to occur in the survey area are discussed in the Sensitive Plant and Wildlife Species section.

Wildlife Species

Attachment 2 lists the wildlife species observed in the survey area during the 2022 biological resources survey. Five native wildlife species, red-shouldered hawk (*Buteo lineatus*), American crow (*Corvus brachyrhynchos*), California scrub jay (*Aphelocoma california*), California mule deer (*Odocoileus hemionus californicus*), and northern Sierran treefrog (*Pseudacris sierra*), were documented as occurring in the survey area. No sensitive wildlife species were observed in the survey area during the 2022 biological resources survey.

Mule deer are abundant in the survey area and in the larger surrounding Pacific Grove area. Mule deer scat was observed on a driveway edge along Arena Avenue. Although the project site contains a large ungulate species in high numbers, it is unlikely that other large mammals are using the survey area as major routes of movement or refugia. A northern Sierran treefrog was heard calling in the area containing pampas grass in the north-central portion of the survey area. The survey area does not provide ample opportunities for sensitive reptile and amphibians due to the highly disturbed nature of the area and dense suburban environment, but some areas may provide foraging, nursery, and refugia opportunities for common species such as Sierran tree frogs and coast range fence lizards (*Sceloporus occidentalis biseriatus*). The Monterey Peninsula is directly within the Pacific Flyway, and it is to be expected that many migratory birds, including seabird species foraging over the open ocean, would be observed. Plenty of nesting opportunities occur for local breeding birds in the many native and ornamental trees and scrub habitat in the survey area. The City is also known as an overwintering monarch butterfly (*Danaus plexippus*) destination where individuals of this species gather and roost by the thousands on eucalyptus

(*Eucalyptus* sp.), cypress (*Hesperocyparis* sp.), and pine (*Pinus* sp.) trees. The survey area contains many pine and several cypress trees that may provide roosting habitat for overwintering monarch butterflies.

The sensitive wildlife species with potential to occur in the survey area are discussed in the Sensitive Plant and Wildlife Species section.

Sensitive Plant and Wildlife Species

This section includes sensitive plant and wildlife species, including nesting birds and critical habitat, as defined by the CDFW, CNPS, and USFWS (CDFW 2022a, 2022b; CNPS 2022; USFWS 2022b). Sensitive species are those recognized by federal or state agencies as being potentially vulnerable to impacts because of rarity, local or regional reductions in population numbers, isolation/restricted genetic flow, or other factors. Sensitive plants include those listed as threatened or endangered, proposed for listing, or candidates for listing by the USFWS and CDFW; those considered sensitive by the CDFW; and those species included in the California Rare Plant Rank (CRPR) inventory maintained by the CNPS. Sensitive wildlife species include those listed as threatened or endangered, proposed for listing, or candidates for listing by the USFWS and CDFW or those considered sensitive by the CDFW.

As described in the Database Review section, distributions of historical sensitive species observations within the project vicinity were reviewed in preparation of this letter report. For the purposes of this biological constraints analysis, those species that either are known to occur or have some potential to occur within the vicinity of the project site are addressed in this section. Figure 8, Sensitive Species with Potential to Occur in the Survey Area, presents the CNDDB database results for sensitive species with potential to occur on the project site and within a 1-mile radius. Database results (i.e., CNPS, IPaC) that did not provide GIS mapping data are listed in Table 2 and are not shown on Figure 8. Table 2 provides the list of sensitive plant and wildlife species that have potential to occur, along with an assessment of their potential for occurrence on the project site. Listing status, habitat requirements, and observation or potential for occurrence information is also provided in Table 2.

Review of the USFWS IPaC database returned 50 migratory bird species protected under the MBTA that are not listed under the federal Endangered Species Act but are otherwise considered sensitive (i.e., USFWS Birds of Conservation Concern) and have known locations within 1 mile of the project site. Although some of these species may be California State Species of Special Concern, no historical locations are known on the project site, and they did not appear on CNDDB search results. Three of these 50 migratory bird species, Allen's hummingbird (*Selasphorus sasin*), Bullock's oriole (*Icterus bullockii*), and Nuttall's woodpecker (*Picoides nuttallii*), have high potential to occur as nesting pairs or found foraging on the project site. These species are discussed in Table 2. The other 47 species either are not expected to be found nesting or foraging on the project site or have low potential to be foraging only and, therefore, are not discussed further in this letter report.

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Plants				
Arctostaphylos hookeri ssp. *hookeri*	Hooker's manzanita	None/None/1B.2	Prefers sandy soils in closed-cone coniferous forest, chaparral, cismontane woodland, and coastal scrub. Blooms Jan.–Jun. Elevation 195–1,760 feet amsl.	*Not Expected.* Databases show several points attributed to Pacific Grove from 1900 and prior, which are likely extirpated (Figure 8). Another location is unspecific; mapped "1.5 miles inland from Point Joe," south of the survey area. Scrub habitat available within the survey area, but area is greatly disturbed. No known locations known within survey area, and the project site is out of the elevational range of this species (CDFW 2022a; CNPS 2022; Calflora 2022).
Arctostaphylos pumila	Sandmat manzanita	None/None/1B.2	Occurs in sandy openings in coastal dunes, coastal scrub, cismontane woodland, maritime chaparral, and closed-cone coniferous forests. Blooms Feb.–May. Elevation 10–675 feet amsl.	*High.* Sandy openings in dune scrub habitat available. Historical location from 1980 mapped as occurring within survey area on western end of Arena Avenue, but individual plant not observed during survey (Figure 8) (CDFW 2022a; CNPS 2022; Calflora 2022).
Arenaria paludicola	Marsh sandwort	FE/SE/1B.1	Found in brackish and freshwater marshes and swamps. Blooms May–Aug. Elevation 10–560 feet amsl.	*Not Expected.* No suitable habitat present. Historical location within 1 mile of survey area (USFWS 2022b). No known locations within survey area (USFWS 2022b).
Astragalus tener var. *titi*	Coastal dunes milk-vetch	FE/SE/1B.1	Found in mesic and vernally mesic habitats, within sandy coastal bluff scrub, mesic coastal prairie, and coastal dune habitats. Blooms Mar.–May. Elevation 5–165 feet amsl.	*Not Expected.* No suitable habitat present. Historical location within 1 mile of survey area (USFWS 2022b). No known locations within survey area (USFWS 2022b).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Castilleja ambigua	Pink Johnny-nip	None/None/1B.1	Occurs in coastal prairie and coastal scrub habitats. Blooms May–Aug. Elevation 0–330 feet amsl.	*Not Expected.* No suitable habitat present. Historical location exists within 0.5 mile southeast of survey area (Figure 8). No known locations within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Chorizanthe pungens var. *pungens*	Monterey spineflower	FT/None/1B.2	Occurs in sandy soils in maritime chaparral, cismontane woodland, coastal dunes, coastal scrub, and valley and foothill grasslands. Blooms Apr.–Jun. (Jul.–Aug.). Elevation 10–1,475 feet amsl.	*High.* Scrub habitat available within the survey area, but area is greatly disturbed, and no locations known within project site. Historical locations exist less than 0.25 mile from survey area (Figure 8) (CDFW 2022a; CNPS 2022; Calflora 2022).
Clarkia jolonensis	Jolon clarkia	None/None/1B.2	Occurs in chaparral, cismontane woodland, coastal scrub, and riparian woodland. Blooms Apr.–Jun. Elevation 65–2,165 feet amsl.	*Not Expected.* Databases show several points attributed to Pacific Grove from prior to 1910 (Figure 8). Scrub habitat available within the survey area, but area is greatly disturbed, and no known locations within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Collinsia multicolor	San Francisco collinsia	None/None/1B.2	Found in closed-cone coniferous forest and coastal scrub. Sometimes in serpentinite habitats. Blooms (Feb.) Mar.–May. Elevation 100–900 feet amsl.	*Not Expected.* This location is unspecific and exact information is not known. Other historical and current known populations are more than 10 miles away from the survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Delphinium hutchinsonsiae	Hutchinson's larkspur	None/None/1B.2	Occurs in broadleaf upland forest, chaparral, coastal prairie, and coastal scrub. Blooms Mar.–Jun. Elevation 0–1,400 feet amsl.	*Low.* Historical location prior to 1950 and location unspecific in Pacific Grove near "Asilomar" (Figure 8). Scrub habitat available within the survey area, but area is greatly disturbed, and no known locations occur within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Erysimum menziesii	Menzies' wallflower	FE/SE/1B.1	Occurs in coastal dunes. Blooms Mar.–Jun. Elevation 0–115 feet amsl.	*High.* Historical location mapped as a polygon that falls within the survey area and project site at Arena Avenue, however, description says Asilomar State Beach in dunes (Figure 8). Survey conducted outside blooming period. Species not observed during survey. Polygon may be larger than individuals exist (Figure 8) (CDFW 2022a; CNPS 2022; Calflora 2022).
Gilia tenuiflora ssp. *arenaria*	Monterey gilia	FE/ST/1B.2	Prefers sandy openings in cismontane woodland, maritime chaparral, coastal dunes, and coastal scrub. Associated with *Lupinus tidestromii* ssp. *tidestromii* and *Polygonum paronychia*. Blooms Apr.–Jun. Elevation 0–150 feet.	*Not Expected.* Historical (before 2000) and recent (2017) locations less than 0.75 mile south of survey area (Figure 8). Sandy openings in dune scrub available on the project site, although habitat is greatly disturbed. No known locations within survey area, and no associations observed within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Hesperocyparis macrocarpa	**Monterey cypress**	**None/None/1B.2**	**Occurs in (or as a) closed-cone coniferous forest from 35 to 100 feet amsl. Perennial evergreen tree.**	***Present.* Observed within survey area near Arena Avenue, Asilomar Avenue, and potentially Railroad Way (Figure 7). Historical locations within 1 mile of survey area (Figure 8; CNPS 2022; Calflora 2022).**
Horkelia cuneata var. *sericea*	Kellogg's horkelia	None/None/1B.1	Prefers openings (sometimes gravelly or sandy) in closed-cone coniferous forests, maritime chaparral, coastal dunes, and coastal scrub. Blooms Apr.–Sep. Elevation 35–655 feet amsl.	*Not Expected.* Historical locations prior to 1940 and location unspecific in Pacific Grove near "Asilomar . . . in wind-swept grassy dunes" (Figure 8). Scrub habitat available within the survey area, but area is greatly disturbed and lacks open grassy dunes. No known locations within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Layia carnosa	Beach layia	FT/SE/1B.1	Found in sandy coastal scrub and coastal dunes. Blooms Mar.–Jul. Elevation 0–195 feet amsl.	*Low.* Sandy dune scrub habitat present but is highly disturbed. Known from Asilomar State Beach northern end with Tidestrom's lupine in stabilized open dune (Figure 8). Other locations in Pacific Grove likely extirpated. No known locations within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Lupinus tidestromii	Tidestrom's lupine	FE/SE/1B.1	Occurs in open coastal dunes from zero to 330 feet amsl. Blooms Apr.–Jun.	*Low.* Known locations near Point Pinos, Asilomar State Beach in dunes near Conference grounds and Sunset Drive, and Moss Beach and Spanish Bay Dunes near golf course (Figure 8). No known locations within survey area. Coastal dunes within survey area, but area is highly disturbed (CDFW 2022a; CNPS 2022; Calflora 2022).
Malacothamnus palmeri var. *involucratus*	Carmel Valley bush-mallow	None/None/1B.2	Prefers openings in chaparral but also found in cismontane woodland and coastal scrub. Blooms Apr.–Oct. Elevation 100–3,610 feet amsl.	*Not Expected.* Historical location is unspecific, and exact information is not known (Figure 8). Other historical and current known populations are more than 5 miles away (CDFW 2022a; CNPS 2022; Calflora 2022).
Microseris paludosa	Marsh microseris	None/None/1B.2	Found in moist valley and foothill grassland, open cismontane woodland, and closed-cone coniferous forest habitats. Blooms Apr.–Jun. (Jul). Elevation 15–1,165 feet amsl.	*Not Expected.* No suitable habitat present. Historical location is unspecific, and information states either further than 1 mile or in pine woods in Pacific Grove (Figure 8). Other historical and current known populations are more than 1 mile away. No known locations within the survey area (CDFW 2022a; CNPS 2022; Calflora 2022).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Monardella sinuata ssp. *nigrescens*	Northern curly-leaved monardella	None/None/1B.2	Occurs in sandy coastal dunes and openings in sandy coastal scrub in Monterey County. Blooms (Apr.) May–Jul. (Sep.). Elevation 0–985 feet amsl.	*Low.* Suitable habitat present, but habitat is disturbed. Historical location is unspecific, and information states it was found in 1932 in stabilized sand dunes (Figure 8). No known locations within the survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Piperia yadonii	Yadon's rein orchid	FE/None/1B.1	Occurs in sandy coastal bluff scrub, closed-cone coniferous forest, and maritime chaparral. Blooms (Feb.) May–Aug. Elevation 35–1,675 feet amsl.	*Not Expected.* No suitable habitat present. Known locations are extant or possibly extirpated along 17 Mile Drive south of Sinex and north of Navajo and Washington Park, respectively (Figure 8). No known locations within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Pinus radiata	**Monterey pine**	**None/None/1B.1**	**Occurs in closed-cone coniferous forest and cismontane woodland.**	***Present.* Multiple living and remnant dead individuals observed within survey area near Asilomar Avenue (Figure 7). Only three native stands of Monterey pines exist in California at Año Nuevo, Cambria, and the Monterey Peninsula. Historical locations are not known within survey area but within 1 mile (CDFW 2022a; CNPS 2022; Calflora 2022).**
Potentilla hickmanii	Hickman's cinquefoil	FE/SE/1B.1	Occurs in coastal bluff scrub, closed-cone coniferous forest, vernally mesic meadows and seeps, and freshwater marshes and swamps. Blooms Apr.–Aug. Elevation 35–490 feet amsl.	*Not Expected.* No suitable habitat present. Historical location within 1 mile from survey area. No known locations within survey area (USFWS 2022b).
Rosa pinetorum	Pine rose	None/None/1B.2	Occurs in closed-cone coniferous forest and cismontane woodland from 5 to 3100 feet. Blooms May–Jul.	*Not Expected.* No suitable habitat present. Known location near Point Pinos Lighthouse (Figure 8). No known locations within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Sidalcea malachroides	Maple-leaved checkerbloom	None/None/4.2	Occurs in coastal prairie, broadleaf upland forest, riparian woodland, North Coast coniferous forest, and coastal scrub habitats, often in disturbed areas. Blooms (Mar.) Apr.–Aug. Elevation 0–2,395 feet amsl.	*Low.* Disturbed coastal dune scrub habitat present within project site, but no openings within woodlands available. Known location within 1 mile of survey area but likely extirpated and record is prior to 1890 (Figure 8). No known locations within survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Trifolium hydrophilum	Saline clover	None/None/1B.2	Occurs in vernal pools, marshes and swamps, and mesic and alkaline valley and foothill grasslands. Blooms Apr.–Jun. Elevation 0–985 feet.	*Not Expected.* No suitable habitat present. Historical locations exist unspecific in region prior to 1905 in open dry ground in forest (Figure 8). No known locations in the survey area (CDFW 2022a; CNPS 2022; Calflora 2022).
Trifolium polyodon	Pacific Grove clover	None/CR/1B.1	Found in granitic or mesic soils in closed-cone coniferous forest, coastal prairie, meadows and seeps, and valley and foothill grasslands. Blooms Apr.–Jun. (Jul.). Elevation 15–1,395 feet amsl.	*Not Expected.* No suitable habitat present. Historical locations exist less than 0.5 mile to the southeast but none in the survey area (Figure 8) (CDFW 2022a; CNPS 2022; Calflora 2022).
Trifolium trichocalyx	Monterey clover	FE/SE/1B.1	Found in burned areas and sandy openings in closed-cone coniferous forest. Blooms Apr.–Jun. Elevation 100–1,000 feet amsl.	*Not Expected.* No suitable habitat present. Historical location within 1 mile from survey area. No known locations within survey area (USFWS 2022b).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Wildlife				
Invertebrates				
Bombus occidentalis	Western bumble bee	RFC/RSC/—	Broadly distributed in western North America along Pacific coast and inland to middle western states. Requires suitable nesting site for colonies, nectar and pollen from floral resources, and suitable overwintering sites for queens. Nests occur primarily in underground cavities such as fossorial mammal burrows and prefer open west–southwest slopes bordered by trees but can be found above ground. Active February to late November.	*Moderate.* Suitable foraging available throughout project site; unknown if nesting potential within survey area. Mostly extirpated from original range and is now largely confined to higher-elevation areas away from development. Historical locations within 1 mile of survey area (collected in 1930s from Point Pinos area) (Figure 8) (CDFW 2022a; USFWS 2022b).
Branchinecta lynchi	Vernal pool fairy shrimp	FT/None/—	Occurs in ephemeral freshwater habitats including roadside ditches and tire ruts, clay flats, vernal lakes, vernal pools, vernal swales, and other season wetlands and depressions in California. Occurs in southern Oregon and 32 counties in California.	*Not Expected.* No suitable vernal pool or other ephemeral pool habitat available in the survey area. Historical locations exist within 1 mile of the survey area (USFWS 2022b).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Danaus plexippus population 1	Monarch butterfly (overwintering population)	FC/None/—	Overwintering roots are in eucalyptus Monterey pines and Monterey cypresses in California.	*High Potential Overwintering; High Potential Migration.* Suitable overwintering habitat available in all three locations in survey area in the pines and cypresses. High potential to fly through. Historical locations exist within 1 mile but none in the survey area (Figure 8) (CDFW 2022a; USFWS 2022b). Pacific Grove contains mass populations of monarchs in winter.
Euphilotes enoptes smithi	Smith's blue butterfly	FE/None/—	Occurs an extremely limited range in Monterey Bay in coastal dune, coastal scrub, chaparral, and grassland habitats that contain seacliff and coast buckwheat.	*Moderate.* Suitable seacliff buckwheat available at Arena Avenue in survey area only, which is highly disturbed. No suitable habitat at other two project site locations. Historical location within 1 mile of project site. No known locations within survey area (USFWS 2022b).
Fish				
Eucyclogobius newberryi	Tidewater goby	FE/None/—	Found in brackish lagoons, estuaries, and marshes along the California coast.	*Not Expected.* No suitable habitat present. Historical location within 1 mile of survey area (USFWS 2022b).
Amphibians				
Rana draytonii	California red-legged frog	FT/ST/—	Breeding habitats are aquatic, typically ephemeral or permanent pools, or backwaters within streams and creeks, also ponds, marshes, springs, dune ponds, lagoons, cattle ponds, and marshes. Requires upland areas for movement and dispersal and areas for refugia and aestivation when waters dry up.	*Not Expected.* No suitable habitat present. Historical location within 1 mile of survey area (USFWS 2022b).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Ambystoma californiense population 1	California tiger salamander – Central California DPS	FT/ST/—	Occurs in grassland, oak savanna, and mixed woodlands edges or lower elevation coniferous forest edges. Will migrate from November through May at night to seek breeding ponds and pools.	*Not Expected.* No suitable habitat present. Historical location within 1 mile from survey area (USFWS 2022b).
Reptiles				
Anniella pulchra ssp. *nigra*	Black legless lizard	None/SSC/—	Occurs in moist warm loose soil with plant cover. Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Leaf litter under trees and bushes in sunny areas and dunes stabilized with bush lupine and mock heather often indicate suitable habitat.	*Low.* Suitable (disturbed) dune habitat is not on beach and is not sparsely vegetated. Collected in 1950s from Point Pinos Lighthouse area (Figure 8). No known historical locations within survey area (CDFW 2022a).
Birds				
Brachyramphus marmoratus (nesting)	Marbled murrelet	FT/SE/—	Spends majority of life on open ocean, resting and feeding in near-shore marine waters (1–3 miles out in waters less than 100 feet), and comes inland to nest in mountains near coast.	*Not Expected Foraging; Not Expected Nesting.* No suitable open ocean habitat present for foraging or mountain habitat for nesting in survey area. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Charadrius alexandrinus nivosus (nesting)	Western snowy plover	FT/SSC/—	Forages along shoreline on open beaches. Nests are shallow scrapes or depressions on flat, open sandy areas or areas with saline substrates where driftwood and vegetation are absent or sparse.	*Not Expected Foraging; Not Expected Nesting.* No suitable habitat present. Dune scrub habitat is too dense with vegetation and highly disturbed. Known historical locations within 1 mile are prior to 1920 and are unspecific (Figure 8). No historical locations within survey area (CDFW 2022a; USFWS 2022b).
Coccyzus americanus occidentalis (nesting)	Western yellow-billed cuckoo	FT/SE/—	Breeds in low- to moderate-elevation native forests lining river and streams in western United States. Prefers cottonwood-willow forests.	*Not Expected Foraging; Not Expected Nesting.* No suitable cottonwood-willow riparian or stream/riverside habitat present for foraging or mountain habitat for nesting in survey area. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).
Coturnicops noveboracensis (nesting)	Yellow rail	BCC/SSC/—	Nests in shallow freshwater sedge marshes; winters in wet meadows and marshes with cordgrass, saltgrass, sedges, and other low vegetation.	*Not Expected Foraging; Not Expected Nesting.* No suitable marsh or meadow habitat present. Known historical locations within 1 mile are prior to 1980 from Crespi Pond (Figure 8). No historical locations within survey area (CDFW 2022a; USFWS 2022b).
Empidonax traillii extimus (nesting)	Southwestern willow flycatcher	FE/SE/—	Breeds in patchy to dense riparian habitats with water present. Usually found in riparian woodlands with a well-developed canopy and a thick understory but not uniformly dense. Restricted to a few known breeding sites in San Diego County.	*Not Expected Foraging; Not Expected Nesting.* No suitable riparian habitat present for foraging or nesting. Historical locations exist within 1 mile of the survey area but not within (USFWS 2022b).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Gymnogyps californianus	California condor	FE/SE/—	Occurs in rocky, forested regions including canyons, gorges, and mountains. Nests mainly in cavities or caves in cliffs but occasionally uses trees (redwoods).	*Not Expected Foraging; Not Expected Nesting.* No canyons or remote gorge/mountain habitat required to support foraging and nesting California condors are available within survey area. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).
Icterus bullockii	Bullock's oriole	BCC/None/—	Found in riparian and open woodlands, including in urban parks. Prefers large trees (sycamores, cottonwoods, willows, deciduous oaks, madrones, and large mesquites) spaced far apart or in isolated clumps.	*Low Foraging; Low Nesting.* Habitat required to support foraging and nesting Bullock's orioles is available along Railroad Way and Arena Avenue but not Asilomar Avenue. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).
Laterallus jamaicensis coturniculus (nesting)	California black rail	None/ST; FP/—	Found in tidal marsh areas and wet meadows with tulles and reeds. Extirpated from most of historical range in California; mostly found in San Francisco Bay Area now.	*Not Expected Foraging; Not Expected Nesting.* Habitat required to support foraging and nesting California black rails is not available in the survey area. No tidal marshes, marshes, or wet meadows available with adequate reed or rush species for refugia/foraging. Historical locations exist within 1 mile of survey area but not within (Figure 8) (CDFW 2022a).
Picoides nuttallii	Nuttall's woodpecker	BCC/None/—	Occurs within wooded canyons, foothills, and woods along rivers. Typically found near oaks, and where oaks meet rivers, and pine-oak woodlands in foothills. Also found in riverside cottonwood trees, sycamores, and willows if oaks not present.	*Moderate Foraging; Moderate Nesting.* Pines, cypress, and oak trees available along Railroad Way. Some pines and cypress along Arena Avenue but not Asilomar Avenue. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Pterodroma sandwichensis	Short-tailed albatross	FE/SSC/—	Forages over open ocean. Breeds in several colonies in small island groups south of Japan (most colonies on slopes of Torishima Island).	*Not Expected Foraging; Not Expected Nesting.* No suitable habitat present; project site outside Japan and open ocean. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).
Phoebastria (=*Diomedea*) *albatrus*	Hawaiian petrel	FE/None/—	Nests in burrows primarily in remote montane locations, along large rock outcrops, under cinder cones, under old lichen-covered lava, or in soil beneath dense vegetation on Hawaiian Islands. Forages over open ocean.	*Not Expected Foraging; Not Expected Nesting.* No suitable habitat present; project site outside Hawaiʻi and open ocean. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).
Selasphorus sasin	Allen's hummingbird	BCC/None/—	Nests in trees or shrubs, preferably blackberry, bracken fern, eucalyptus, cypress, and Douglas fir trees. Forages for ants and other tiny insects when nectar is not available.	*High Foraging; High Nesting.* Abundant nectar sources and pines and cypress trees within survey area. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).
Sternula antillarum browni (nesting colony)	California least tern	FE/SE/—	Forages over open oceans, bays, and lagoons. Nests are shallow scrapes or depressions on flat, open sandy areas, or areas with saline substrates where driftwood and vegetation are absent or sparse.	*Not Expected Foraging; Not Expected Nesting.* No suitable habitat present. Dune scrub habitat is too dense with vegetation and highly disturbed. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).
Vireo bellii pusillus (nesting)	Least Bell's vireo	FE/SE/—	Occurs in riparian scrub and riparian forest and is a summer resident in California below 2,000 feet.	*Not Expected Foraging; Not Expected Nesting.* No suitable riparian habitat present. Known historical locations within 1 mile. No historical locations within survey area (USFWS 2022b).

Table 2. Sensitive Plant and Wildlife Species with Potential to Occur in the Survey Area

Scientific Name	Common Name	Status Federal/State/CRPR	Habitat	Potential to Occur
Mammals				
Enhydra lutris nereis	Southern sea otter	FT/FP/—	Forages in marine coastal areas along the central California coastline, including rocky and sandy areas along the exposed outer coast and protected areas (bays and estuaries).	*Not Expected Foraging.* No suitable habitat marine habitat present. Known historical locations within 1 mile in open ocean. No historical locations within survey area (USFWS 2022b).

Notes: amsl = above mean sea level; None = No status indicated for species
CNPS Rare Plant Ranking: 1B = Species rare, threatened, or endangered in California and elsewhere; 4 = A watch list of species of limited distribution; 0.1 = Species is seriously threatened in California (over 80 percent of occurrences threatened/high degree and immediacy of threat); 0.2 = Species is moderately threatened in California (20–80 percent occurrences threatened/moderate degree and immediacy of threat).
Federal Status: BCC = Bird of Conservation Concern; FT = federally listed as threatened; FC = federal candidate; FE = federally listed as endangered; RFC = review federal candidacy
State Status: CR = State of California rare; SE = state listed as endangered; ST= state listed as threatened; FP = state listed as fully protected; RSC = review state candidacy; SSC = California species of special concern

Sensitive Plant Species

Two sensitive plant species, Monterey cypress and Monterey pine, were observed during the 2022 biological resources survey (Figure 7). No other sensitive plant species were observed; however, a focused rare plant survey was not conducted. Three other sensitive plant species have high potential to occur in the survey area: sandmat manzanita (*Arctostaphylos pumila*), Monterey spineflower (*Corizanthe pungens* var. *pungens*), and Menzies' wallflower (*Erysimum menziesii*). These five species are discussed in further detail in the following subsections.

Sensitive Plant Species Observed

Monterey Cypress

Monterey cypress is a CNPS CRPR ranked 1B.2 species that is endemic to the Central Coast of California. It is a fast-growing evergreen conifer with an asymmetric crown that is often open and flat topped to widely conic. It bears brown spheric to elliptic cones. This species was once widely distributed along the Central Coast, and now, only two small forest stands are left near Monterey and Carmel where individuals are around 2,000 years old. Monterey cypress are widely planted as an ornamental in California, yet some remnant natural individual trees remain in areas that have long been developed. The two stands that remain are protected, but individuals outside those stands are threatened by continued urban and residential development.

This species was observed along Arena Avenue and Asilomar Avenue (Figure 7). Individuals may be in the stands of Monterey cypress along Railroad Way.

Monterey Pine

Monterey pine is a CNPS CRPR ranked 1B.1 species. It is a coniferous evergreen tree that grows between 49 and 98 feet in height with upward pointing branches and a rounded top. It is native to Santa Cruz, Monterey (Peninsula), and San Luis Obispo Counties in California and the Cedros and Guadalupe Islands in Mexico. It is typically found in closed-cone coniferous forests where it shares dominance with Monterey cypress. A remnant forest stand in the City north of the project site is habitat used by monarch butterflies for overwintering. This species is threatened by continued urban and residential development, as well as encroachment.

Several Monterey pines are throughout the survey area at Asilomar Way (Figure 7). There is high potential for this species to be found at Arena Avenue in the eastern portion of the survey area and along Railroad Way in the disturbed areas between residences.

Sensitive Plant Species Not Observed but with High Potential to Occur

Sandmat Manzanita

Sandmat manzanita is a CNPS CRPR ranked 1B.2 plant. This species is a perennial evergreen shrub endemic to the California coast in and near Monterey. It is a small, low-lying manzanita that forms flat bushes and patchy, creeping mats in sandy soils. The bark is reddish but typically does not shred. Flowers appear in clusters (sparse) and are white to pale pink. It does not grow in areas with direct salt spray, and it is threatened by residential, commercial, and other urban development.

CNDDB research returned three results for sandmat manzanita within 1 mile of the survey area, including one location directly in the survey area (Figure 8). A sandmat manzanita individual was mapped in 1980 (without GPS) in an unspecified location approximately 0.10 mile from Sunset Drive along Arena Avenue, between Asilomar Avenue and Sunset Drive (Figure 8). This individual is considered extant but has not been verified or re-surveyed. This individual was not observed during the 2022 biological resources survey; however, a focused rare plant survey was not conducted. This species has high potential to be found in the survey area.

Monterey Spineflower

Monterey spineflower is a federal listed threatened and CNPS CRPR ranked 1B.2 species. This species of spineflower is endemic to California in Monterey, typically found growing in sandy dune habitats, but also found in chaparral and woodland areas that contain loose, sandy soils. It is a prostrate plant that ascends slightly and has an involucre with white to pink margins. This species is threatened by trampling, urbanization, recreational activities, non-native invasive species, and residential development.

The survey area falls in Monterey spineflower critical habitat. One Monterey spineflower record is known for 1 mile surrounding the survey area (Figure 8). However, the only source for this individual is a 1906 reference for somewhere within 0.20 mile of the CNDDB mapped location. Therefore, this point is unspecified, and the plant may be extirpated by residential development since the date of observation. This species remains in high potential due to the proximity of the previously known location, presence of critical habitat in the survey area, and availability of suitable habitat (sandy dune habitat) on the project site. However, the likelihood of encountering this species is considered low to moderate because the dunes are disturbed and the species has not been recorded in the survey area since 1906.

Menzies' Wallflower

Menzies' wallflower is a federally listed threatened, state listed endangered, and CNPS CRPR ranked 1B.1 plant species. Historically, this species was found in coastal dunes and cliffs in Northern California and southern Oregon. Currently, Menzies' wallflower is known to occur in sandy beach dune habitats in Humboldt, Mendocino, and Monterey Counties. The species can be described as a "mustard-like" biennial or perennial that is short in stature, typically not more than 15 centimeters in height. It has wide yellow petals that are "clawed," and when it is in fruit, the fruit is cylindric when green and flat parallel to septum when dry. This species is removed from its former range by development and military activities and continues to be threatened by recreational activities, urban and residential development, trampling, and non-native invasives species.

CNDDB research shows a polygon of mapped Menzies' wallflower individuals that extends into the survey area along the western edge of the project site at Arena Avenue (Figure 8). The polygon crosses the road and ends at Asilomar State Beach. Information for this occurrence states that the population was mapped on Asilomar State Beach near Spanish Bay. It is unknown if the polygon extends into the project site because individuals were specifically mapped on the project site, or it is a general polygon, and the individuals are confined to the state beach. This species was not observed during the 2022 biological resources survey; however, a focused rare plant survey was not conducted. In addition, this species blooms from April through June, with occasional late-blooming

individuals still flowering in July and August. In addition to this polygon, approximately seven other records of individuals and/or polygons were found within 1 mile of the survey area. Therefore, this species has high potential to be found in the survey area.

Sensitive Wildlife Species

No sensitive wildlife species were observed in the survey area. Two sensitive wildlife species, monarch butterfly overwintering population (*Danaus plexippus* population 1) and Allen's hummingbird, have high potential to occur in the survey area. These two species are discussed in further detail in the following subsections.

Sensitive Wildlife Species Not Observed but with High Potential to Occur

Monarch Butterfly

On December 15, 2020, the USFWS found that adding the monarch butterfly to the list of threatened and endangered species is warranted but precluded by higher-priority species reviews and work. Monarch butterfly is one of the most recognizable butterfly species, with orange wings laced with black lines and bordered with white dots. Its wingspan is 3.7 to 4.1 inches. This species occurs in patches of milkweed (*Asclepias* sp.), the monarch caterpillar host plant. Although larvae only eat milkweed, adult monarchs feed on a variety of nectar-bearing flowers. Monarch butterflies are found across North America wherever suitable feeding, breeding, and overwintering habitat exists. Monarch butterflies overwinter in groves of eucalyptus, cypress, and pine trees along the California coast and high-elevation forests in Mexico (Xerces Society 2017). Threats to this species include habitat loss, climate change, and agriculture.

Typically arriving in October, monarch butterflies cluster on pine, cypress, and eucalyptus trees in the City by the hundreds of thousands in the Pacific Grove Monarch Sanctuary. Some are expected to migrate through and potentially rest on the project site due to its placement within the path of migration and the proximity to the sanctuary. Historical occurrences are documented within 1 mile of the survey area (Figure 8). Cypress and pine trees are available along Arena Avenue and Railroad Way in the survey area. No milkweed patches suitable as host plants for caterpillars to occupy were observed in the survey area; however, there are abundant nectar sources for monarchs to feed.

Allen's Hummingbird

Allen's hummingbird is a USFWS Bird of Conservation Concern. Allen's hummingbird is coppery orange and green hummingbird approximately 3 to 3.5 inches in size, with a straight bill approximately the size of its head. This species can be found wherever nectar sources for feeding are available in or surrounding breeding sites. Nests are typically placed in tall shrubs or trees such as eucalyptus, pine, oak, and cypress trees. They will also nest in riparian areas in cottonwoods, willows, and mulefat.

Allen's hummingbird nests were not observed in the survey area; however, the survey was conducted outside breeding season, and a focused nest survey was not conducted. This species has high potential to be found nesting in the trees and larger shrubs in the survey area because plentiful sources of nectar from native plants and ornamental plantings are in residential gardens.

Nesting Birds

Nesting birds are protected by the MBTA and similar provisions of the CFGC. No bird nests were observed in the survey area. However, the survey was conducted at the end of the breeding season when active bird nests are least likely to be observed. The multitude of buildings and trees and shrubs, both native and non-native, provide plentiful nesting habitat for passerines and raptors. Therefore, there is high potential for birds to be nesting in the survey area.

Roosting Bats

While no bats were observed using the survey area for roosting or foraging during the survey, no nighttime focused acoustic surveys were conducted. Database research results yielded no known historical locations of sensitive bat species in the survey area. However, the availability of suitable roosting habitat (i.e., buildings, rock

crevices, coniferous trees) and suitable foraging habitat (i.e., ornamental plantings) indicates that bats are likely to be found in the survey area. Common species including Mexican free-tailed bats (*Tadarida brasiliensis*), California myotis (*Myotis californicus*), big brown bat (*Eptesicus fuscus*), and hoary bat (*Lasiurus cinereus*), which are habitat generalists or can be found roosting in buildings, crevices, and coniferous forests/trees, are likely to be found in the survey area.

Critical Habitat

Critical habitat for Monterey spineflower occurs in the survey area (Figure 8). USFWS designated critical habitat for Monterey spineflower in 2006 and separated areas into nine specific units. Unit 4, the Asilomar Unit, is approximately 48 acres and consists of coastal dunes and bluffs near the communities of Pacific Grove and Pebble Beach on the Monterey Peninsula in northern Monterey County, including a portion of Asilomar State Beach, extending just beyond Lighthouse Avenue to the north and terminating at the boundary of the Asilomar Hotel & Conference Grounds. The unit's eastern boundary extends from Highway 68 North along Asilomar Avenue, then turns along Arena Avenue, and heads west until it connects with Sunset Drive (USFWS 2006). The entire survey area is included in Unit 4.

Critical habitat for Yadon's piperia (*Platanthera yadonii*) touches into the 1-mile data research buffer in the southeast. No Yadon's piperia critical habitat falls in the survey area. No other critical habitat occurs within 1 mile of the survey area.

Wildlife Corridors and Linkages

Wildlife corridors provide routes for local movement and regional linkages and corridors and often following linear topographic, vegetation, or water features. These corridors can be continuous habitats features, or "stepping stone" areas, providing critical rest and foraging areas for, for example, birds traveling along migratory routes. Local routes of movement provide constant connections to resources that include sources of water, home/cover sites, and foraging areas. Regional linkages and movement corridors provide larger patches of open space to allow relatively free movement of wildlife species along multiple paths between important resources. These areas allow for not only long-term genetic flow between subpopulations but also critical pathways of seasonal/migratory movements. Larger predatory mammals often use regional corridors for hunting and reproduction needs. Potential wildlife corridors can include streams, riparian areas, and culverts under roadways. Habitat characteristics considered included topography, habitat quality, and adjacent land uses.

The California Essential Habitat Connectivity Project has not identified any wildlife movement corridors occurring on or within the vicinity of the project site (CDFW 2022d). The nearest designated wildlife movement corridor is 4.6 miles to the southeast.

The survey area is in a relatively densely populated portion of Pacific Grove that is bordered by the Pacific Ocean. While mule deer, a large ungulate/mammal, are abundant in the survey area, the survey area is unlikely to be used as a major movement corridor for other large mammals due to the disturbance by humans and lack of connectivity to larger open space. Mesocarnivores, including foxes and coyotes, have some potential to be found in the survey area but are not likely to use the area as major routes of movement or for nursey sites. The survey area falls within the Pacific Flyway and, therefore, is used by birds during migration.

Project Impacts

Potential direct and indirect impacts on sensitive plant and wildlife species, sensitive vegetation communities, potentially jurisdictional aquatic resources, and wildlife corridors and habitat linkages are discussed in the following subsections.

Sensitive Plant and Wildlife Species

Direct Impacts

As discussed in the Project Description section, the project has been designed to avoid impacts on sensitive resources to the maximum extent feasible, including the Monterey cypress and Monterey pine trees and the disturbed dune scrub that may have the potential to support sensitive plant and wildlife species. Avoidance of impacts on Monterey cypress would further ensure that impacts would not occur on monarch butterflies potentially using these trees during migration. The proposed area of potential effect occurs in the developed land and disturbed habitat of the roadways and residential properties that have a low likelihood to support sensitive plant and wildlife species due to continued mechanical (and potentially chemical) disturbance (Figure 4). As discussed in the Project Description section, PDF-1, Focused Rare Plant Clearance Survey and Avoidance, and PDF-2, Sensitive Habitats Flagging and Fencing, would require a pre-construction focused rare plant clearance survey and the installation of avoidance flagging and fencing around the sensitive dune habitat and Monterey cypress and Monterey pine trees prior to construction to avoid potential encroachment. Further, construction equipment would remain within developed portions (i.e., paved roads and maintained access roads), and activities set to occur outside these locations would be minor, mostly confined to disturbed areas, and temporary in nature. Therefore, implementation of the project is unlikely to result in impacts on habitat that could support sensitive plant and wildlife species. Direct impacts on sensitive plant species would be less than significant, and no mitigation is required.

Indirect Impacts

Temporary construction-related indirect impacts on sensitive plant and wildlife species generally include trampling, dust generation, pollutant discharges, soil erosion and runoff, noise, vibration, lighting, increased human activity, introduction of non-native and invasive plant species, and accumulation of trash and garbage, which can attract introduced terrestrial, native terrestrial, and avian predators (i.e., corvids, canids, raccoons, and striped skunks). These temporary construction-related impacts in the form of habitat disturbance, dust generation, pollutant discharges, soil erosion and runoff, and increased predation could have a significant impact on the sensitive plant and wildlife species that could occur in the survey area. Implementation of PDF-1 and PDF-2 would require a pre-construction focused rare plant clearance survey and the installation of avoidance flagging and fencing around the sensitive dune habitat prior to construction to avoid potential habitat disturbance. Standard best management practices (BMPs), including those required by PDF-3, Water Quality Protection Measures, for dust suppression measures, erosion- and sediment-control measures (sand and gravel bags, plastic-free [no monofilament] fiber rolls, and silt fencing), use of weed-free erosion-control products, and preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), would be required of the construction contractor. The SWPPP would be prepared pursuant to the National Pollution Discharge Elimination System General Construction Permit (Water Quality Order 99-08-DWQ). The SWPPP would address the potential sources and locations of stormwater contamination characteristics, impacts of specific contaminants, and temporary and permanent erosion-control practices and would include water sampling data, construction practices that minimize stormwater contamination, coordination of BMPs with planned construction activities, and compliance with County, state, and federal regulations. Additional BMPs that would be required during construction include noise suppression measures and trash containment methods. With implementation of PDF-1 through PDF-3 and standard construction BMPs, temporary indirect impacts on sensitive plant and wildlife species observed and with high potential to occur in the survey area would be less than significant, and no mitigation is required.

Nesting Birds and Roosting Bats

As previously discussed, no trees are proposed for removal, and no tree trimming is expected to occur during project construction; therefore, implementation of the project would not remove potential nesting habitat for protected raptors and birds. However, if construction is conducted during the general bird breeding season (January 15 through August 31), PDF-4, Nesting Bird Survey, would require a pre-construction nesting bird survey to avoid direct and indirect impacts on bird species protected under the MBTA and CDFW. Therefore, the project would not result in significant impacts on nesting birds, and no mitigation is required.

Similarly, for roosting bats, no removal of potential roosting habitat in the nearby buildings, rock crevices, and coniferous trees or of suitable foraging habitat in the ornamental plantings in and surrounding the survey area would occur during project construction. Further, no nighttime work is proposed that would disturb bats potentially roosting in or around the survey area. Therefore, the project would not result in significant impacts on roosting bats, and no mitigation is required.

Sensitive Vegetation Communities

Direct Impacts

As discussed under Direct Impacts in the Sensitive Plant and Wildlife Species section, the project has been designed to avoid impacts on sensitive resources to the maximum extent feasible, including the sensitive disturbed dune scrub that occurs in the survey area. Construction would be limited to the paved and dirt roadways that directly border the disturbed dune scrub in the Asilomar Avenue and Arena Avenue segments, avoiding direct impacts on the disturbed dune scrub vegetation (Figure 3). Further, no trees or shrubs would be trimmed or removed during implementation of the project, and as required by PDF-2, sensitive dune habitat, Monterey cypress trees, and Monterey pine trees would be flagged and/or fenced for avoidance prior to construction. The disturbed habitat and developed land in the survey area are not considered sensitive vegetation communities and impacts on these land cover types would be considered less than significant. Therefore, the project would avoid impacts on the sensitive vegetation community disturbed dune scrub in the survey area, no direct impacts would result, and no mitigation is required.

Indirect Impacts

Most of the indirect impacts on sensitive plant species described under Indirect Impacts in the Sensitive Plant and Wildlife Species section also result in potentially significant indirect impacts on sensitive vegetation communities. Indirect impacts on the sensitive vegetation community, disturbed dune scrub, in the survey area could result from invasion by exotic species, exposure to construction-related pollutant discharges, and trampling by humans. As previously discussed, implementation of PDF-2 would require the installation of avoidance flagging and fencing around the sensitive dune habitat prior to construction to avoid potential disturbance. Standard construction BMPs, including those required by PDF-3 for dust suppression measures, erosion- and sediment-control measures (sand and gravel bags, plastic-free [no monofilament] fiber rolls, and silt fencing), use of weed-free erosion-control products, and preparation and implementation of a SWPPP, would be required of the construction contractor during project implementation. With implementation of PDF-2, PDF-3, and standard construction BMPs, indirect impacts on the sensitive vegetation community in the survey area would be less than significant, and no mitigation is required.

Potentially Jurisdictional Aquatic Resources

Direct Impacts

As discussed under Sensitive Plant and Wildlife Species direct impacts, the project has been designed to avoid impacts on sensitive resources to the maximum extent feasible, including potentially jurisdictional aquatic resources that occur in the survey area. Construction activities in the Arena Avenue segment adjacent to the aquatic resources would be limited to the paved roadway and would not disturb the banks or bottom of the drainages. Therefore, the project would avoid impacts on the potentially jurisdictional aquatic resources in the survey area, no direct impacts would result, and no mitigation is required.

Indirect Impacts

Most of the indirect impacts on sensitive plant species and sensitive vegetation communities described for sensitive vegetation communities also result in potentially significant indirect impacts on potentially jurisdictional aquatic resources. Indirect impacts on potentially jurisdictional aquatic resources could result from generation of fugitive dust, changes in hydrology resulting from construction (including sedimentation and erosion), and exposure to construction-related pollutant discharges. As previously discussed under the impacts sections in the Sensitive Plant and Wildlife and Sensitive Vegetation Communities sections, standard construction BMPs,

including those required by PDF-3 for dust suppression measures, erosion- and sediment-control measures (sand and gravel bags, plastic-free [no monofilament] fiber rolls, and silt fencing), use of weed-free erosion-control products, and preparation and implementation of a SWPPP, would be required of the construction contractor during project implementation. With implementation of PDF-3 and standard construction BMPs, indirect impacts on the potentially jurisdictional aquatic resources in the survey area would be less than significant, and no mitigation is required.

Wildlife Corridors and Habitat Linkages

The project would not permanently impact the majority of the survey area, including the existing trees and disturbed dune scrub, and would not impede wildlife movement through the survey area. General wildlife movement routes that may occur through the survey area would remain after implementation of the project. The project would not impact the potential aquatic resources or any other downstream aquatic areas that would interfere with the movement of native resident or migratory fish species. Implementation of the project would not substantially interfere with the movement or established migratory corridors of native resident or migratory fish or wildlife species, including the use of native wildlife nursery sites. Therefore, impacts on wildlife movement corridors would be less than significant, and no mitigation is required.

Local Policies and Ordinances and Habitat Conservation Plans

As previously discussed, the project would not result in significant impacts on sensitive biological resources, including sensitive plant and wildlife species, sensitive vegetation communities, potentially jurisdictional aquatic resources, or wildlife movement corridors. Through implementation of PDF-1 through PDF-4, avoidance of impacts on biological resources, and compliance with the permit requirements of the Pacific Grove LCP, the project would comply with the local policies and ordinances protecting biological resources identified in the Natural Resources Element of the Pacific Grove General Plan and the Pacific Grove LCP (City of Pacific Grove 1994, 2022). Therefore, no impacts on local policies or ordinances would occur from implementation of the project, and no protection measures are required.

The survey area is not in an adopted Habitat Conservation Plan and is not subject to the Natural Community Conservation Planning program. Therefore, no impacts on local conservation plans would occur from implementation of the project, and no protection measures are required.

Conclusions

With implementation of PDF-1 through PDF-4 and avoidance of impacts on biological resources, the project would not result in significant impacts on sensitive plant and wildlife species, nesting birds, roosting bats, sensitive vegetation communities, potentially aquatic resources, and wildlife corridors and habitat linkages. The project would comply with the permit requirements of the Pacific Grove LCP and the local policies and ordinances protecting biological resources identified in the Natural Resources Element of the Pacific Grove General Plan and the Pacific Grove LCP. Therefore, the project would not result in significant impacts on biological resources.

Preparers

Harris & Associates
Emily Mastrelli, Principal Biologist
Katie Laybourn, Biologist/Aquatic Resources Specialist

If you have any questions regarding this letter report, please contact me at (619) 510-5372 or Emily.Mastrelli@WeAreHarris.com.

Sincerely,

Emily Mastrelli
Principal Biologist

Attachments

1, Figures

2, Observed Wildlife and Plant Species

References

Calflora. 2022. "Information on Wild California Plants." Accessed November 2022. http://www.calflora.org/.

CCH (Consortium of California Herbarium). 2022. "Consortium of California Herbarium." Updated November 8. Accessed November 2022. http://ucjeps.berkeley.edu/consortium/.

CDFW (California Department of Fish and Wildlife). 2022a. Database Query. California Natural Diversity Database (CNDDB). Commercial version dated March 1. Wildlife and Habitat Data Analysis Branch.

CDFW. 2022b. Biogeographic Information and Observation System (BIOS). Accessed November 2022. https://apps.wildlife.ca.gov/bios/.

CDFW. 2022c. California Natural Community List. July 5. Accessed November 2022. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline.

CDFW. 2022d. California Essential Habitat Connectivity Project. Accessed November 2022. https://wildlife.ca.gov/Conservation/Planning/Connectivity/CEHC.

CNPS (California Native Plant Society). 2022. Inventory of Rare and Endangered Plants of California. Online edition, v9-01 1.5. Accessed November 2022. http:www.rareplants.cnps.org/.

City of Pacific Grove. 1994. Pacific Grove General Plan. Accessed November 2022. https://www.cityofpacificgrove.org/our_city/departments/community_development/programs___projects/general_plan.php#outer-269.

City of Pacific Grove. 2020. Local Coastal Program, including Land Use Plan and Implementing Ordinances. Accessed November 2022. https://www.cityofpacificgrove.org/our_city/departments/community_development/programs___projects/local_coastal_program.php#outer-270.

Holland, Robert F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Game. October.

Jepson eFlora. 2022. The Jepson Herbarium. Accessed November 2022. https://ucjeps.berkeley.edu/eflora/filter_keys.html.

USACE (U.S. Army Corps of Engineers). 1987. Corps of Engineers Wetlands Delineation Manual. Final. Wetlands Research Program Technical Report Y-87-1. Online edition. Prepared by Environmental Laboratory, U.S. Army

Corps of Engineers, Waterways Experiment Station. Wetlands Research Program. January. Accessed November 2022. https://www.lrh.usace.army.mil/Portals/38/docs/USACE%2087%20Wetland%20Delineation%20Manual.pdf.

USACE. 2022. Traditional Navigable Waters in San Francisco District. Accessed November 2022. https://www.spn.usace.army.mil/Missions/Regulatory/Jurisdiction/.

USDA (U.S. Department of Agriculture). 2019. Web Soil Survey. Natural Resources Conservation Service, Soil Survey Staff. Accessed November 2022. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.

USFWS (U.S. Fish and Wildlife Service). 2006. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Monterey Spineflower (*Chorizanthe pungens* var. *pungens*). Federal Register 50 CFR 17. 71 FR 75189. 27 pp. 75189–75215. December 14.

USFWS. 2022a. National Wetlands Inventory Wetlands Mapper. Accessed November 2022. https://www.fws.gov/wetlands/data/Mapper.html.

USFWS. 2022b. Information for Planning and Consultation (IPaC). Accessed November 2022. https://ecos.fws.gov/ipac/.

USGS (U.S. Geological Survey). 2022. National Hydrologic Dataset. Accessed November 2022. https://www.arcgis.com/home/webmap/viewer.html?url=https://hydro.nationalmap.gov/arcgis/rest/services/nhd/MapServer&source=sd.

Western Regional Climate Center. 2022. "Climate of California." Accessed November 2022. https://wrcc.dri.edu/Climate/narrative_ca.php.

Attachment 1. Figures

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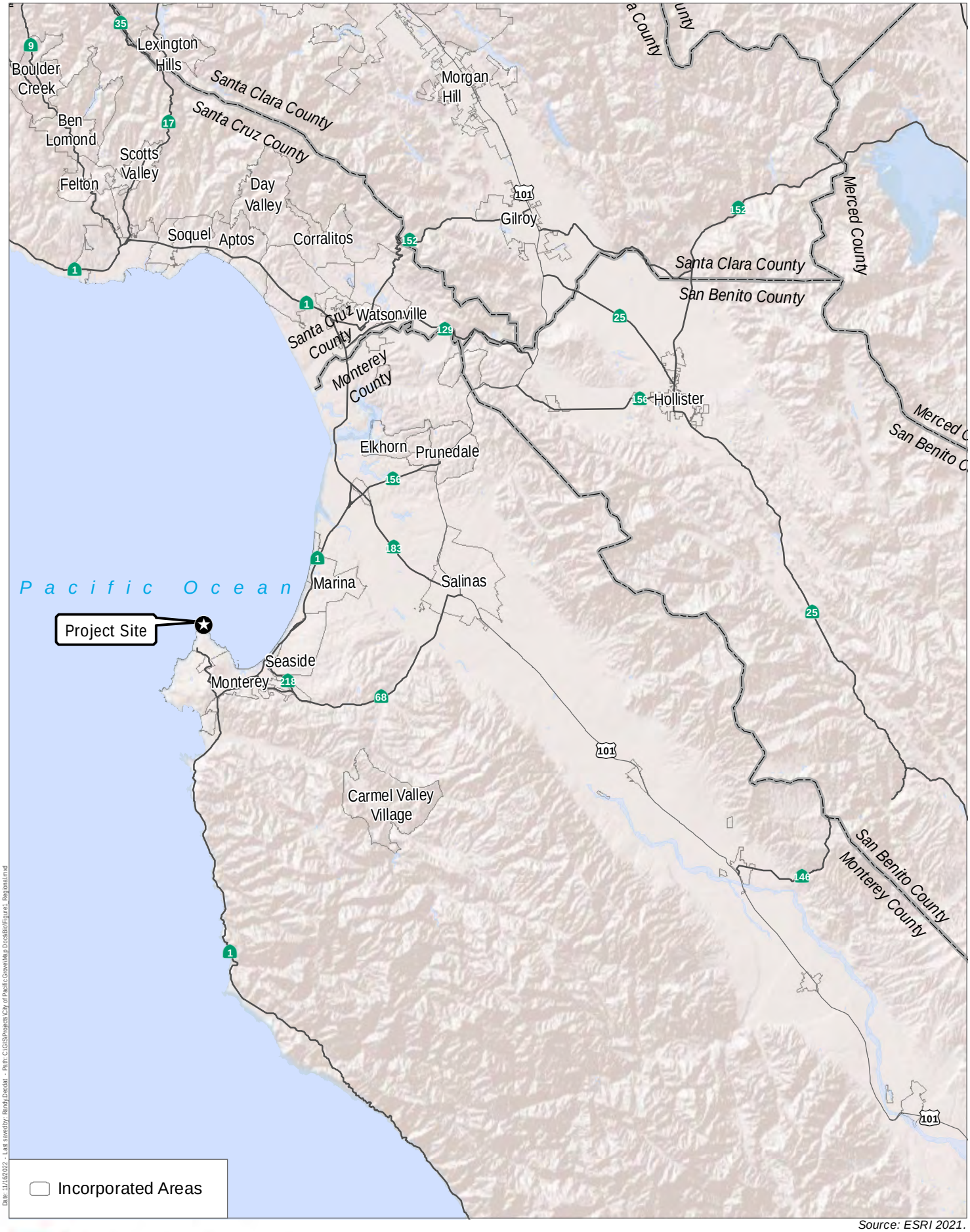


Source: ESRI 2021.

Harris & Associates

N

0 5 10
Miles

Figure 1

Regional Location

City of Pacific Grove Capital Improvement Project for Wastewater Collection System Phase 9

Source: Maxar Imagery 2021.

Harris & Associates

N

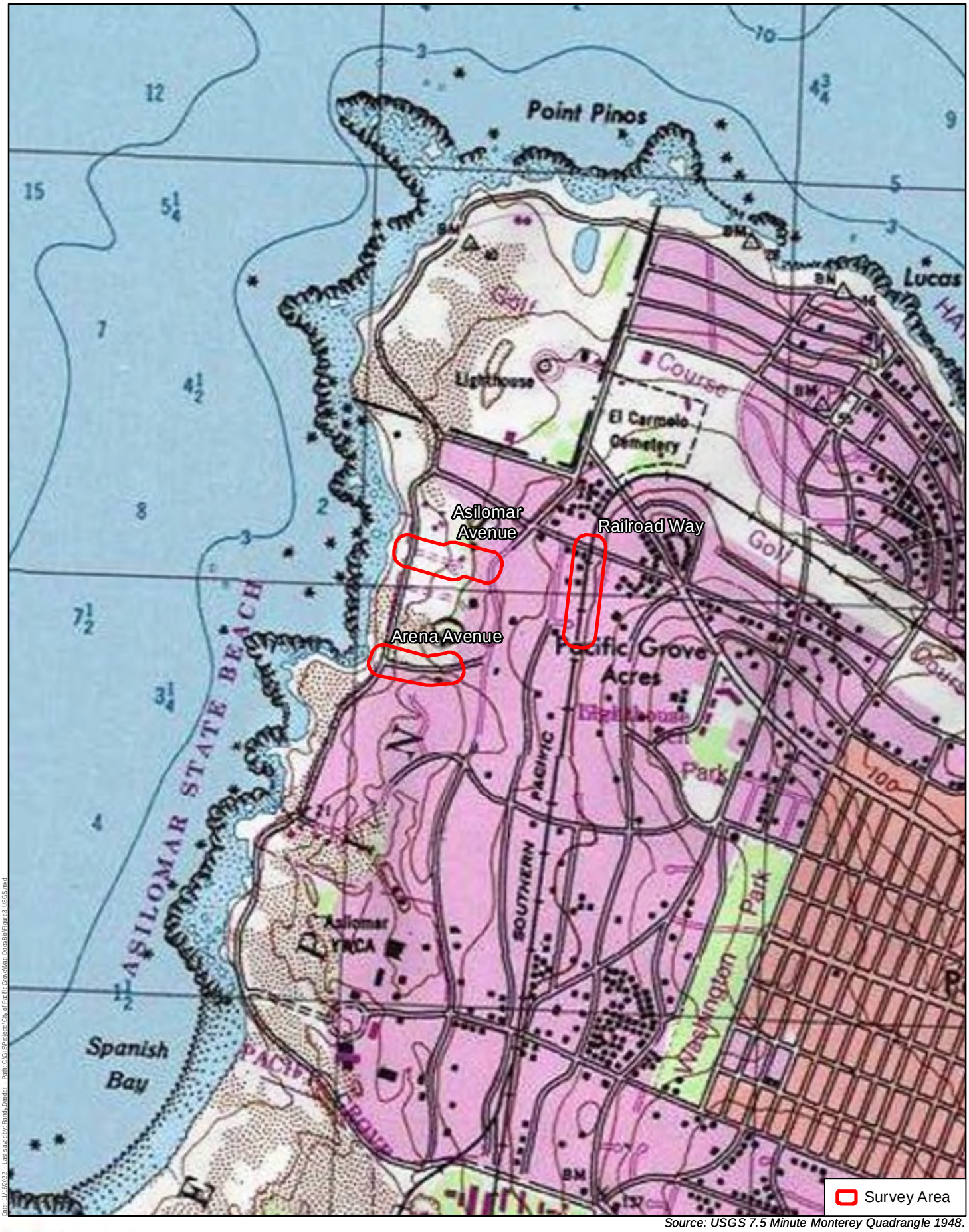
0 250 500

Feet

Figure 2

Survey Area

City of Pacific Grove Capital Improvement Project for Wastewater Collection System Phase 9



Source: USGS 7.5 Minute Monterey Quadrangle 1948.

Harris & Associates

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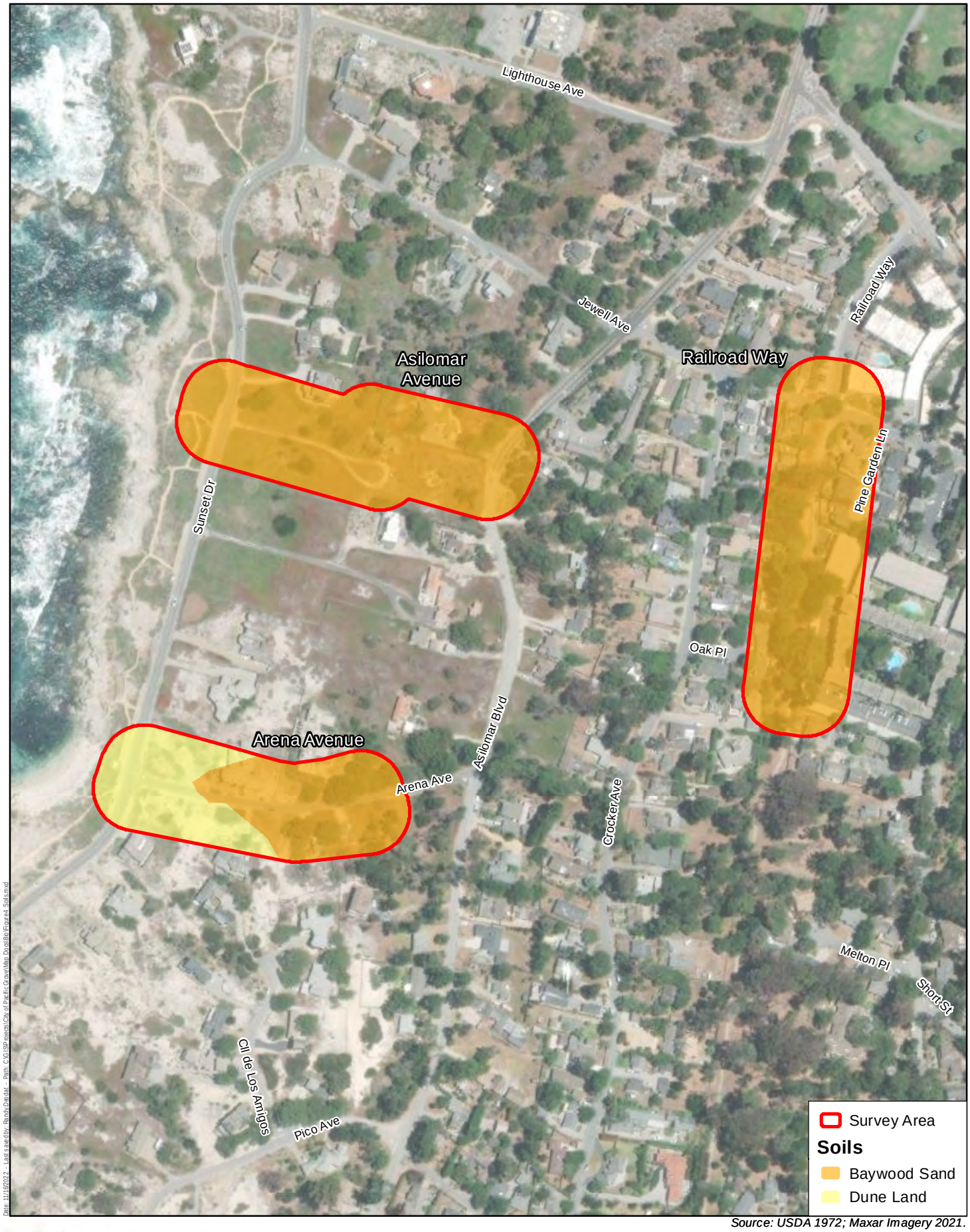
Feet

Figure 3

USGS Topographic Map

City of Pacific Grove Capital Improvement Project for Wastewater Collection System Phase 9

Date: 11/16/2022 - Last saved by: Randy Dardat - Path: C:\GIS\Projects\City of Pacific Grove\Map Docs\Bio\Figure3_USGS.mxd



Source: USDA 1972; Maxar Imagery 2021.

Harris & Associates

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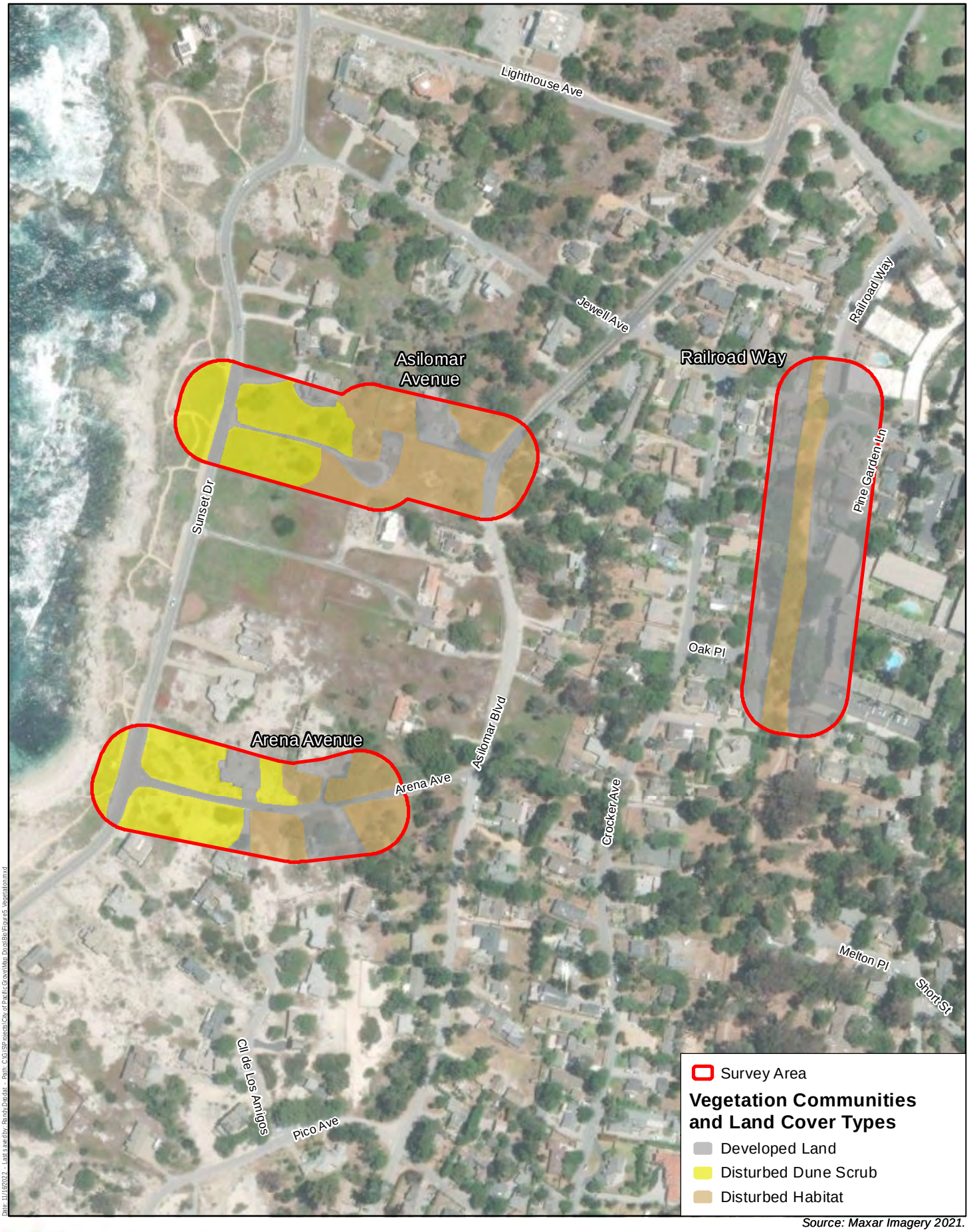
Figure 4
Soils



Source: Maxar Imagery 2021.

Harris & Associates

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Figure 5

Vegetation Communities and Land Cover Types

City of Pacific Grove Sewer Improvement
Project for Wastewater Collection System Phase 9

Source: Maxar Imagery 2021.

Harris & Associates

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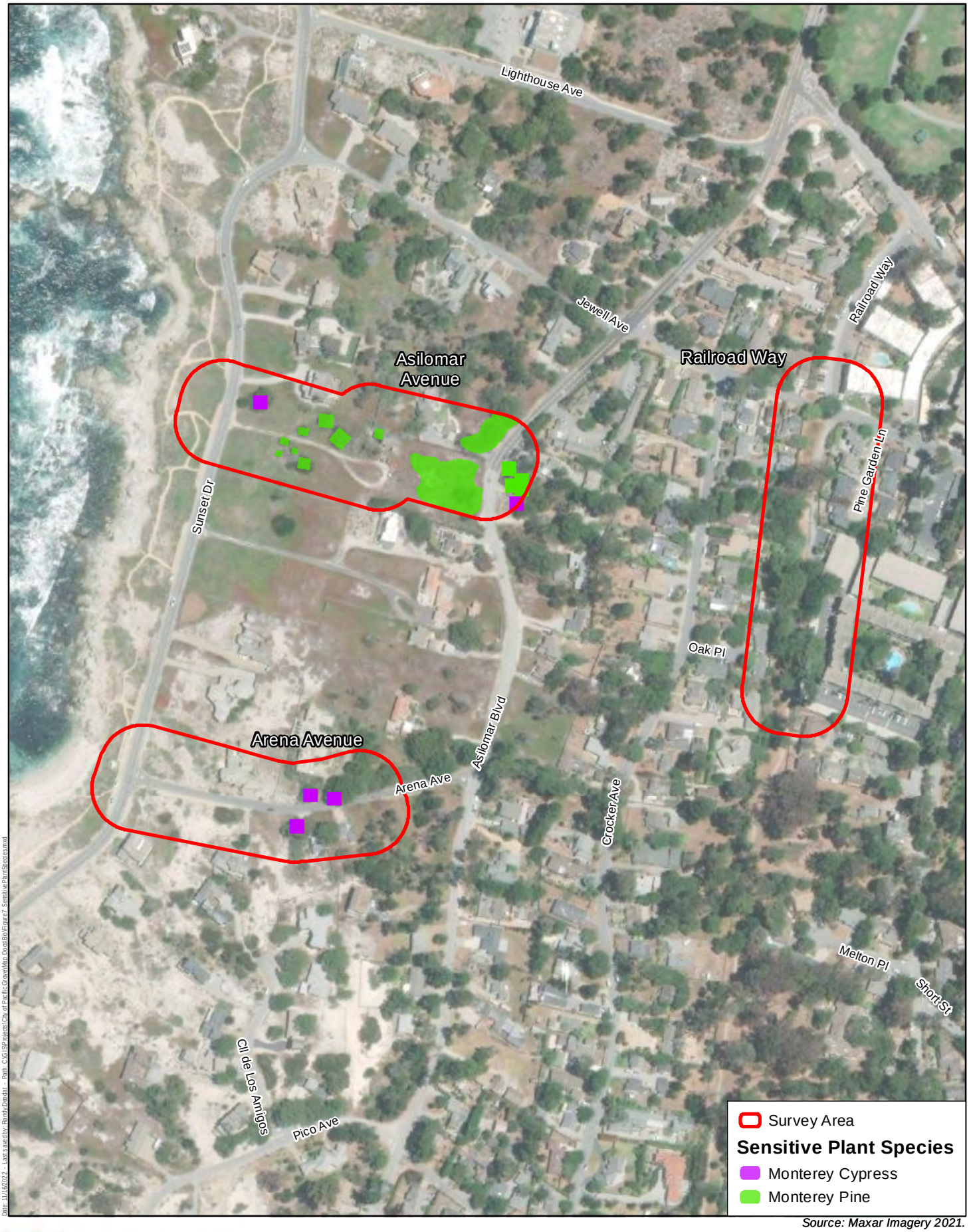
Feet

Figure 6

Potentially Jurisdictional Aquatic Resources

City of Pacific Grove Capital Improvement Project for Wastewater Collection System Phase 9



Source: Maxar Imagery 2021.

Harris & Associates

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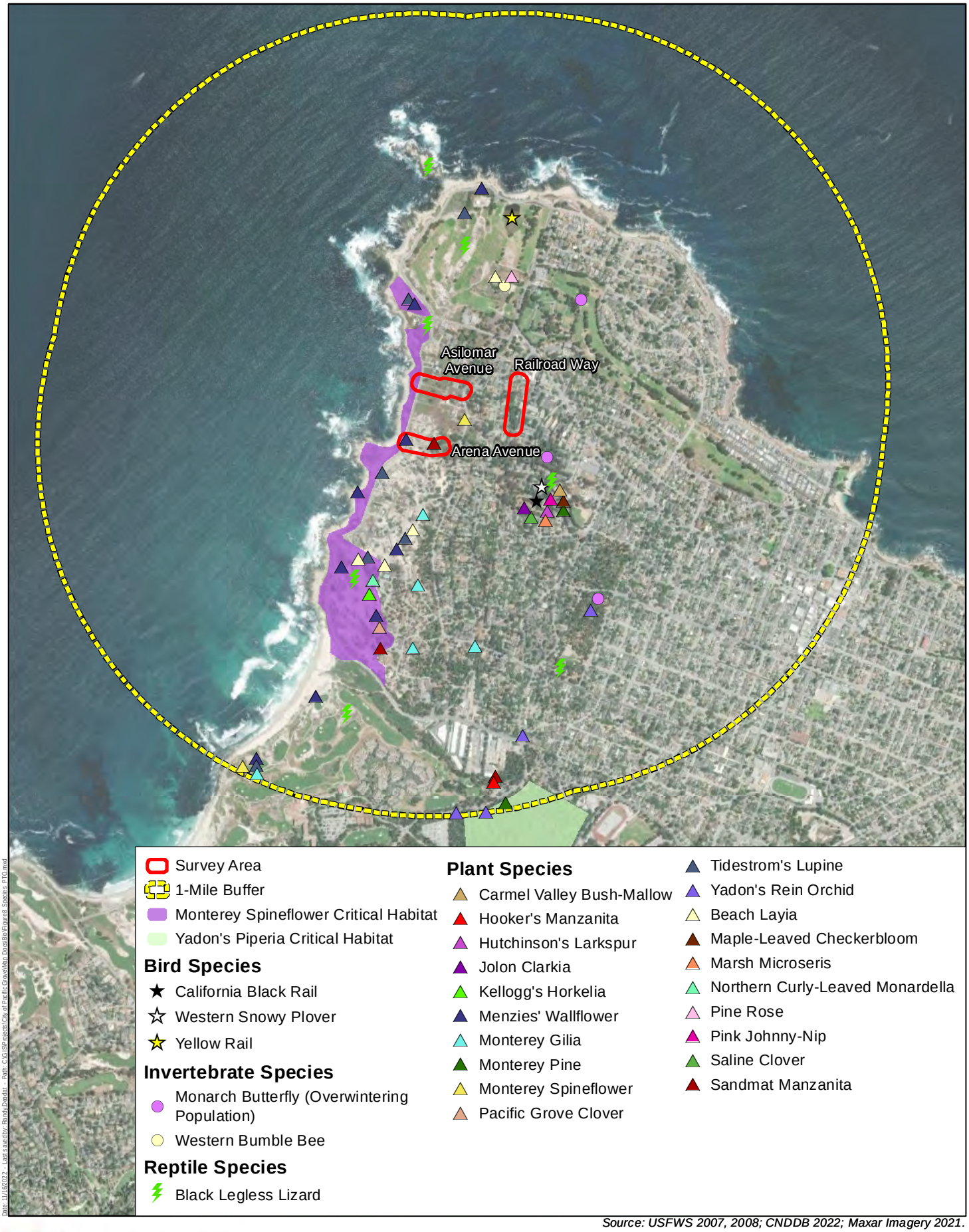
Figure 7

Sensitive Species Observed

City of Pacific Grove Capital Improvement Project for Wastewater Collection System Phase 9



Source: USFWS 2007, 2008; CNDDB 2022; Maxar Imagery 2021.

Harris & Associates

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Figure 8

Sensitive Species with Potential to Occur in the Survey Area

Attachment 2. Observed Wildlife and Plant Species

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Table X. Wildlife Species Detected

Scientific Name	Common Name	Special Status
VERTEBRATES		
Amphibians		
Pseudacris sierra	Sierran Treefrog	
Birds		
Buteo lineatus	Red-shouldered Hawk	
Aphelocoma californica	California Scrub-Jay	
Corvus brachyrhynchos	American Crow	
Mammals		
Odocoileus hemionus	California Mule Deer	

Legend

*= Non-native or invasive species

Special Status:

Federal:
FE = Endangered
FT = Threatened

State:
SE = Endangered
ST =Threatened
CSC = California Species of Special Concern
CFP = California Fully Protected Species

Table for Report 3

	Scientific Name	Common Name	Special Status
	GYMNOSPERMS		
	Cupressaceae - Cypress family		
	Hesperocyparis macrocarpa	Monterey cypress	CRPR 1B.2
	Pinaceae - Pine family		
	Pinus radiata	Monterey pine	CRPR 1B.1
	EUDICOTS		
	Aizoaceae - Fig-marigold family		
*	*Carpobrotus chilensis*	Chilean sea fig	
	Asteraceae - Sunflower family		
	Artemisia pycnocephala	Dense fruit sagebrush	
	Baccharis pilularis ssp. pilularis	Coyote brush	
	Corethrogyne filaginifolia	Common sand aster	
	Heterotheca sp.	False goldenaster	
*	*Hypochaeris glabra*	Smooth cat's-ear	
	Brassicaceae - Mustard family		
	Descurainia longipedicellata	Western tansymustard	
	Fabaceae - Legume family		
*	*Acacia longifolia*	Sydney golden wattle	
	Fagaceae - Oak family		
	Quercus sp.	Oak	
	Plantaginaceae - Plantain family		
*	*Plantago coronopus*	Buckhorn plantain	
	Polygonaceae - Buckwheat famil		
	Eriogonum parvifolium	Seacliff buckwheat	
	MONOCOTS		
	Cyperaceae - Sedge family		
	Carex pansa	Sand dune sedge	
	Poaceae - Grass family		
*	*Cortaderia selloana*	Pampas grass	
*	*Cynodon dactylon*	Bermuda grass	
	Distichlis spicata	Salt grass	

Scientific Name	Common Name	Special Status

Legend

*= Non-native or invasive species

Special Status:

Federal:
FE = Endangered
FT = Threatened

State:
SE = Endangered
ST =Threatened

CRPR – California Rare Plant Rank
1A. Presumed extinct in California and elsewhere
1B. Rare or Endangered in California and elsewhere
2A. Presumed extinct in California, more common elsewhere
2B. Rare or Endangered in California, more common elsewhere
3. Plants for which we need more information - Review list
4. Plants of limited distribution - Watch list

Threat Ranks
.1 - Seriously endangered in California
.2 – Fairly endangered in California
.3 – Not very endangered in California

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Appendix C – Cultural Resources Report (cover page only)

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CULTURAL RESOURCES SURVEY LETTER REPORT – NEGATIVE FINDINGS

City of Pacific Grove Capital Improvement Project for Wastewater Collection System Phase 9

Lead Agency:

City of Pacific Grove
2100 Sunset Drive
Pacific Grove, CA 93950

Preparer:

Donna Beddow, RPA
Harris & Associates
600 B Street, Suite 2000
San Diego, CA 92101
(619) 236-1778

Project Proponent:

Daniel Gho
Director of Public Works/Deputy City Manager
City of Pacific Grove
2100 Sunset Drive
Pacific Grove, CA 93950

December 2022

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Brian Pierik, City Attorney
MEETING DATE:	September 06, 2023
SUBJECT:	Ordinance Amending Salary Classification Schedule to Include Salary for City Manager Pro Tempore
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Request City Attorney to read title of ordinance;
2. Motion to waive further reading of the ordinance;
3. Introduce and hold for first reading an Ordinance Amending Salary Classification Schedule to include Salary for City Manager Pro Tempore;
4. Direct that publication of the ordinance will be satisfied by publication of a summary approved by the City Attorney;
5. Alternatively, discuss and take other action related to this item.

DISCUSSION

On August 2, 2023, the City Council directed the City Attorney to prepare an ordinance to amend the salary classification schedule to include a salary for City Manager Pro Tempore at $103.85 an hour effective retroactive to July 28, 2023.

Attached to this Agenda Report is a proposed Ordinance Amending Salary Classification Schedule to include Salary for City Manager Pro Tempore.

The recommended action is for the City Council to request the City Attorney to read the title of the Ordinance and to waive further reading and introduce for first reading an Ordinance Amending Salary Classification Schedule to include Salary for City Manager Pro Tempore.

OPTIONS

Not adopt an ordinance amending salary classification schedule to include salary for City Manager Pro Tempore.

FINANCIAL IMPACT:

There will be no net cost to the City as a result of adopting this Ordinance because the City Manager Pro Tempore will serve as the City Manager and the City will be paying the City Manager Pro Tempore the same salary as would have been paid to the City Manager.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Ordinance Amending Salary Classification Schedule to Include Salary for City Manager Pro Tempore

ORDINANCE NO. 23-XXX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AMENDING THE CLASSIFICATION SCHEDULE TO INCLUDE A SALARY FOR CITY MANAGER PRO TEMPORE

Findings

1. On August 2, 2023, the City Council directed the City Attorney to prepare an ordinance to amend the salary classification schedule to include a salary for City Manager Pro Tempore at 103.85 per hour effective retroactive to July 28, 2023.

2. Amendments to the salary classification plan must be adopted by the City Council pursuant to Charter Article 25 and Pacific Grove Municipal Code (PGMC) Section 4.20.280; and

3. In the enactment of this ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq. Enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment pursuant Section 15378.

Ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing findings of the City Council are incorporated into this Ordinance as if set forth in full.

SECTION 2. The position classification plan approved and adopted by the City Council pursuant to Charter Article 15 and PGMC § 4.20.280 is hereby amended to include a salary for City Manager Pro Tempore at 103.85 per hour effective retroactive to July 28, 2023.

SECTION 3. In accord with Article 15 of the City Charter, this ordinance shall become effective upon the second reading of the ordinance.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this ___ day of _____, 2023, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

DATED:_____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN PIERIK, City Attorney

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Daniel Gho, Public Works Director/Deputy City Manager
MEETING DATE:	September 06, 2023
SUBJECT:	George Washington Park Forest Management Plan - 2022 FMP & Approach Forward
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

1. Receive the 2022 George Washington Park Forest Management Plan (FMP) and provide direction.
2. Direct staff to proceed with developing a multi-seasonal biological assessment for all zones of the park (1-4)
3. Authorize maintenance activities consistent with the approved 1999 GWP Master Plan until a new plan is developed and approved.
4. Alternatively, discuss and take other action related to this item.

DISCUSSION

This report intends to provide an overview of the 2022 George Washington Park (GWP) Forest Management (FMP) Plan effort and discuss the additional efforts recently funded through the FY23/24 Budget that pertain to GWP management.

This report aims to provide the Council an opportunity to:

(1) Review the 2022 GWP FMP (Attachment 1)

(2) Provide direction on a path forward for park management. This approach, discussed in greater detail below, will harness the FY23/24 Budget to produce a new multi-seasonal biological assessment for all zones of the park (zones 1-4), which will serve as a basis for updating the 1999 GWP Master Plan and melding the various forest management plan documents to collectively address the park, in its entirety, and provide a clear set of directions for management.

2022 GEORGE WASHINGTON PARK FOREST MANAGEMENT PLAN (FMP)

Background

As part of the FY21/22 Capital Improvement Plan (CIP) $46,000 was allocated for the development of a management plan to address the ~17-acres of forested areas of George Washington Park (GWP),

Zones 2, 3 & 4. The intent of the plan was to provide the City with strategies to ensure the forest flourishes but remains safe for the users and the surrounding neighborhood.

This CIP project originated due to continued conflicting opinions from community stakeholders on management strategies for the park; these conflicting opinions have thwarted the City's ability to move forward with maintenance activities and have not provided the City with adequate direction to balance long term health and fire suppression of the natural areas. As a result of these challenges, at the September 18, 2019, meeting, City Council recommended the City work with a forest management consultant to provide short and long-term recommendations for park management of the forested areas. Development of a formal plan allows for a set of recommendations to be developed by experts to ensure proper management of the forest, while also providing a public avenue, through meetings like this, to obtain review and comment by community stakeholders.

Zone 1 of the park, which is approximately 4.3 acres, is excluded from the GWP FMP. Zone 1 encompasses the recreation area of the park which contains play structures, picnic tables, barbecue grills, restrooms, and a baseball field. This action is consistent with Council direction, to allow the BNRC and Recreation Board to develop subcommittees to provide direction on their distinct park elements. The subcommittees communicated and determined Zone 1 should be the jurisdiction of the Recreation Board, while the BNRC would concentrate on the parts of the park reserved for natural area resources, Zones 2, 3 and 4.

Development of the Forest Management Plan
Following execution of a contract with Dudek, authorized at the August 4, 2021 council meeting, development of a management plan for the forested areas of GWP began. The management plan development included:

· Field visits
· Review of relevant documents
· Review of maintenance activities performed in the park
· Review of volunteer planting efforts
· A tree inventory
· A vegetation inventory

A formal data analysis was performed to obtain and map forest characteristics, including average tree height, species composition, regeneration information, forest surface composition, and fire behavior models. This information serves as the basis for the FMP.

Current Forest Conditions
Ultimately, the assessment revealed vital information on existing tree health, forest composition, tree regeneration and forest threats. A high-level overview of current forest conditions is provided below. A full summary of the current conditions can be found in Section 4 of the FMP.

- · Tree Health
    - The trees in the forested areas of the park are generally in fair to good condition
- · Forest Composition
    - The overall composition of the forest in the park consists of Monterey pine (32%) and coast live oak (67%). Other tree species present account for only 1% of the trees.
    - The composition of the forest overstory is in the process of transitioning away from Monterey pine to Oak dominance because of limited pine reproduction
        - The forest overstory is currently predominantly Monterey pine; however, many of the mature pines are at the end of their typical lifespan and are in decline due to environmental stressors – insects, disease and climate. Pines are absent from the mid

and under story with no maturing pine trees to replace pine trees that die and fall out of the crown.
    - In the absence of pine regeneration, the oak tree component in the midstory is becoming the dominant forest canopy tree. Oak trees are abundant and are well represented across all age and size classes and have a health distribution, with more small young trees than older trees. They are also less impacted by insect and disease threats than the pines.
- · Tree Regeneration
    - Oak regeneration is more abundant and appears to be the result of natural seeding but is still limited to patches.
    - Pine regeneration is less abundant and appears to be the result of deliberate planting by the City and Volunteers or transplanting effort.
    - Surface vegetation, particularly non-native grasses, outcompete tree seedlings and prohibit regeneration on the forest floor.
- · Forest Threats
    - Several threats exist, but drought is the most prevalent threat to the trees in the park.
    - Drought conditions increase the risk of a destructive wildfire spreading.
    - No recorded wildfires have occurred in the park; however, several large wildfires have occurred nearby burning through similar vegetation as presented in the park.
    - Insects, such as red turpentine beetle, and diseases such as dwarf mistletoe and pitch canker, have been observed in the park and present a threat to existing trees.
    - Invasive plants and grasses have created a continuous and dense layer of surface vegetation that outcompetes pine and oak seedlings from resources and inhibits the germination of seedlings.

The Forest Management Plan
The FMP describes the management strategies that the City can take in the forested areas of GWP over the 5-year FMP timeframe to:
- Reduce wildfire hazards to the homes surrounding the park, and
- Restore healthy forest conditions to the interior of the park

The FMP was developed to meet goals of having a safe and healthy forest in George Washington Park that can be sustainably maintained by the City. The FMP proposes these goals can be achieved through the following objectives:

1. Reduce the Risk of Wildfire to the surrounding community by reducing or removing flammable vegetation in the park that is within 100 feet of homes.
2. Improve forest health and foster a forest with a healthy distribution of trees ages and sizes by reducing competition from surface vegetation and encouraging tree regeneration.
3. Improve the safety of park users and residents by removing trees that have a high likelihood of failing and causing injury or property damage.

The FMP provides the City with a specific set of management activities, a robust toolkit of methods for execution, and blueprint for implementation to manage and foster a healthy forest at GWP.

FMP Recommendations
The management recommendations in the FMP, section 6, are divided into two (2) categories:

1. **Fire Hazard Reduction Activities**
The plan recommends fire hazard reduction activities within 100ft of the homes surrounding the park, which is comprised of a “U” shaped area around the park, referred to as the Fire Hazard Reduction Zone

(FMP Figure 4). The area is an approximately 30-40' wide strip around the permitter of the park. The width of the strip widens to 100' at the northwest corner where a strip of homes backup to the park boundary. Within the Fire Hazard Reduction Zone, vegetation management actions will be performed that adhere to CAL FIRE's defensible space requirements.
The intent of these activities is to reduce the risk of a destructive wildfire by reducing the volume of surface vegetation and reducing the risk of fire moving from the surface to the tree canopy by trimming or removing vegetation on the forest surface.

- *Activities include cutting/mowing tall annual grasses and vegetation to 4" or less in height, removing dead trees and woody shrubs, removing fallen dead trees/tree parts that are 6" or less in diameter, cutting up and scattering fallen leaf trees or parts larger than 6" in diameter, trimming off lower branches on mature trees to create 10' of space between the ground and lower branches, and removing shrubs, bushes, and thickets within the dripline of a mature tree.*

2. **Forest Regeneration Activities**
The plan recommends forest restoration activities in the interior of the park with the focus on creating conditions favorable to tree regeneration. Activities should occur at plots with ideal site conditions (canopy closure <50%, grass/annual vegetation on the surface, and several mature pine and oak trees nearby). FMP Figure 6 provides recommended restoration and tree planting sites.
This intent of forest regeneration activities is to create conditions conducive to the reproduction and development of new trees.

- *Activities include felling dead and dying overstory trees, removing concentrations of dead/down logs, mowing grass, and herbaceous cover, removing understory woody surface vegetation, and raking, removing, and reducing the pine needle and leaf litter layer to expose mineral soil, tree plantings, and follow-up treatments to ensure new tree protection.*

Section 6 also provides recommendations on trial management activities and an annual work schedule with actions and targeted date ranges for execution.

Treatment Methods
Several treatment methods are available to execute the management activities described above and in section 6 of the FMP. Section 7 of the FMP provides pros and cons of several treatment methods including mechanism, manual, biological, chemical, and prescribed fire methods.

The FMP posits that the optimal path forward is a combination of treatment methods. The FMP provides the City with a toolkit of effective methods for each management task, while allowing staff the flexibility to complete the task by another means if one option is not available.

Public Review Process
The draft FMP was distributed for public review and comment on August 4, 2022. The FMP was made available on the City's website and at the Pacific Grove Public Library. The public comment period was advertised on the City's social media accounts, the City's website, and in the City Manager's Report. The public was encouraged to review the documents and provide comments/feedback by close of business on September 14, 2022.

Between August 4, 2022, and September 14, 2022, the formal comment period, **35** public comments were received. Following the closing of the public comment period, the City received 1 additional comment.

BNRC Review
At their November 15, 2022, meeting, the Beautification and Natural Resource Commission (BNRC) reviewed the draft plan. Ultimately, the BNRC did not recommend implementation of any of the noted treatments and did not recommend FMP adoption primarily due to their concerns regarding CEQA. The

BNRC expressed concerns that the full plan would require a CEQA analysis prior to the implementation of any individual proposed plan treatment.

Following the meeting, the City, in conjunction with Dudek, prepared a Revised Plan Memo (Attachment 2), that addresses the BNRCs concerns. This memo was also reviewed by the City Attorney's office. The memo provides clarity that although the plan provides a robust toolkit of strategies, the initial approach to executing the plan is to proceed with the vegetation treatment recommendations for creating defensible space and reducing wildfire risks within the park near the homes around the park perimeter. Moreover, the memo states that this action is Categorically Exempt from CEQA (Class 4).

CEQA Compliance
The FMP provides the City with a roadmap and toolkit for forest maintenance and management. Should the Council direct staff to proceed with implementation of individual treatment activities, each method would be analyzed for CEQA compliance.

As previously noted, moving forward with the creation of a defensible space up to 100 feet from property fence lines into the park, is CEQA exempt. Annually, the City mows the park perimeter (30-40 ft) but has not historically addressed the defensible space adjacent to properties as prescribed in the plan.

The FMP provides a set of management activities, a robust toolkit of methods for execution, and blueprint for implementation to manage and foster a healthy forest at GWP. The park requires proper management and can no longer sit idle or proceed with piecemeal management activities that do not consider the long-term forest health and minimally address known issues – like the need for fuel management and forest regeneration.

Ultimately, staff is bringing the 2022 management plan before the Council to allow public discourse on a path forward. Staff is aware that stakeholders are not receptive to the plan, as it is written and the BNRC did not recommend approval as written.

Nevertheless, due diligence requires staff to formally bring this item before the Council for review and direction.

As noted above and below, additional funding has been allocated to proceed with the initial process of updating the 1999 GWP Master Plan. Staff has met with stakeholders to discuss a collective vision and plan forward.

ADDITIONAL EFFORTS FUNDED FOR GEORGE WASHINGTON PARK MANAGEMENT
As part of the FY23/24 Budget hearing process, the City Council approved the following additional effort which directly pertains to park management:

Effort	Budget Allocation	Purpose
1999 George Washington Park Master Plan Update	$28,000	Update the biological assessment for all zone of the park (1-4)

On August 23, 2023, City Staff, Councilmember Coletti, and George Washington Park stakeholders met to discuss the newly funded FY23/24 effort and ongoing efforts associated with GWP management (2022 FMP & Community Wildfire Protection Plan). The goal of the meeting was to discuss the shared vision and approach forward.

Ultimately, the group reached consensus on the following approach:

- Proceed with producing a new multi-seasonal biological assessment for all zones of the park
- Once complete, the biological assessment would be used as a basis for updating the 1999 George Washington Park Master Plan
    - This process would also consider information and recommendations gathered from the 2022 GWP FMP, the Community Wildfire Protection Plan (currently in development) and any other relevant data sources to develop one cohesive set of recommendations for the entirety of the park (Zones 1 – 4).

Next Steps

If direction is provided to proceed with the multi-seasonal, comprehensive biological assessment staff will begin obtaining quotes for the service. If $28,000 is not sufficient for this effort, staff will return to council to provide costing and potential options/next steps.

PROPOSED MAINTENANCE ACTIVITIES IN ACCORDANCE WITH THE 1999 GWP MASTER PLAN & APPROVED CIP PROJECTS

The Public Works Department continues to receive requests to perform maintenance to the trail and improve park signage. Staff is looking for formal direction to proceed with trail and signage improvements and other maintenance activities consistent with the approved 1999 GWP Master Plan until a new plan can be developed and approved.

As part of the FY23/24 Capital Improvement Program, the City Council approved the GWP Enhancement Project, with a budget of $50,000. This project aims to address the trail network maintenance and enhance/replace existing park signage. These activities are consistent with the approved 1999 George Washington Park Master Plan.

OPTIONS

1. Approve the 2022 FMP
2. Reject the 2022 FMP
3. Provide alternative direction on the FMP
4. Authorize staff to proceed with a multi-seasonal biological assessment
5. Do not authorize staff to proceed with a multi-seasonal biological assessment
6. Provide alternative direction on the biological assessment

FINANCIAL IMPACT:

There is no fiscal impact associated with receiving this report.

$46,000 was allocated to allow for the development of the 2022 FMP as part of the CIP; approximately 90% of the project funding has been expended and the draft plan is complete. If the City Council opted to proceed with FMP recommendations, the costs would be assessed from a CEQA and a budgetary perspective, and staff would return to council for authorization.

If directed to proceed with producing an updated biological assessment for all zones of the park, staff will harness the $28,000 approved via the FY23/24 operating budget.

FOCUSED PRIORITY AREA: Environmental Stewardship

Attachments

Forest Management Plan
Revised Plan Memo
1999 Master Plan

Forest Management Plan

George Washington Park

JULY 2022

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
City	City of Pacific Grove
FMP	Forest Management Plan
Park	George Washington Park

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Executive Summary

This Forest Management Plan (FMP) describes the management strategies that the City of Pacific Grove will take in the approximately 17-acre forested area of George Washington Park (Park) over the 5-year FMP timeframe to reduce wildfire hazard to the homes surrounding the Park and to restore healthy forest conditions to the interior of the Park. This FMP was developed to meet the City of Pacific Grove's goals of reducing the risk of a destructive wildfire spreading in the Park and to improve the overall forest health within the forested area of the Park.

Development of this FMP included a forest inventory, which was used to describe the current vegetative conditions within the forest, determine the wildfire hazards in the areas near the surrounding homes, and map the trail system in the forested area. The data collected during the inventory was used to identify and map conditions, such as composition, health, and disease, throughout the forested area of the Park.

George Washington Park is a 20-acre urban park with a 17-acre Monterey pine–coast live oak forest. The forested area of the Park is unique in that it contains relatively natural forest conditions in an urban area and that it contains a Monterey pine (*Pinus radiata*)–dominated forest, a forest type with a range limited to the California coastal area. The composition of the forest overstory is in the process of transitioning away from Monterey pine dominance to oak dominated because of limited pine reproduction and a dense layer of surface and understory vegetation. The dense layer of surface vegetation, mainly non-native grasses, also creates a wildfire hazard by forming a continuous layer of readily ignitable fuel on the forest floor.

The forested areas of the Park are threatened by several factors that are driving the transition from a pine forest to an oak forest, decreasing overall forest health, and increasing the risk of destructive wildfire. Drought and the closely related wildfire risk are the most prevalent in the forested areas, but they impact all the vegetation. Insect infestations and disease infections are most directly impactful to the Monterey pine in the forest, degrading tree health and killing mature trees. Invasive vegetation is indirectly impactful on the entire forest overstory and understory vegetation by competing for moisture in the soil and preventing tree and shrub reproduction on the forest floor.

This FMP describes management strategies for the forested area of the Park to address the decline in Monterey pine trees in the forest overstory and to reduce of the risk of destructive wildfire spreading through the Park. It recommends vegetation management activities applied to overstory, understory, and surface vegetation. Specific recommendations are divided into to two categories. The first recommendation is to conduct vegetation management actions in an area around the perimeter of the forested area of the Park to reduce the risk of a destructive wildfire by reducing the overall volume of surface vegetation and to reduce the risk of fire moving from the surface to the tree canopy by trimming or removing vegetation on the forest surface. The second recommendation is for vegetation management within the Park interior to create conditions that are conducive to the reproduction and development of new trees. In addition to the recommendations, a timeline is provided that describes the forest management activities and when they should occur over the FMP's 5-year timeline.

George Washington Park is a unique natural feature of Pacific Grove. The strategies described in this FMP are intended to help maintain the forested area of the Park in a healthy and safe condition for the enjoyment of nearby residents and the community.

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1 Introduction

George Washington Park (Park) is a 20-acre park located on the west side of Pacific Grove, California. The Park is composed of an approximately 3-acre developed recreation area and an approximately 17-acre natural forest area. The developed area of the Park is largely covered with well-spaced mature oak trees, and the forested area contains a Monterey pine–coast live oak forest. The Park is surrounded by a residential neighborhood (see Figure 1, Project Location).

The forested area of the Park is changing in composition and tree size, moving from a pine tree–dominant forest to an oak tree–dominant forest. Forest management activities in the forested areas of the Park have been primarily focused on removing dead or hazardous trees and reducing the buildup of flammable vegetation. Because the Monterey pine (*Pinus radiata*) element of the forest is reliant on disturbance for regeneration (e.g., low-intensity fire), there has been a gradual transition away from a forest where pine trees are the dominant trees to a forest where oak trees are the dominant trees as the mature pines die without suitable replacement. The forested area of the Park is also at risk from threats that are increasing stress on all the trees, regardless of species, such as drought, insects, and disease. Ongoing drought, combined with an overall warmer, dryer climate, not only threatens the health of the forest, but also increases the risk of a destructive wildfire occurring within the Park.

This Forest Management Plan (FMP) identifies general practices and Plan-specific management recommendations to address the City of Pacific Grove's goal of creating a safe and healthy forest in George Washington Park. The goals, objectives, and recommendations identified in this FMP are based on existing conditions observed in the Park and have been designed to reduce the risk of a destructive wildfire spreading out of the Park and to promote overall forest health in the Park, because a healthier forest is more resilient to threats. Finally, this FMP includes a treatment prescription and timetable for the City of Pacific Grove (City) to create its desired conditions within the Park.

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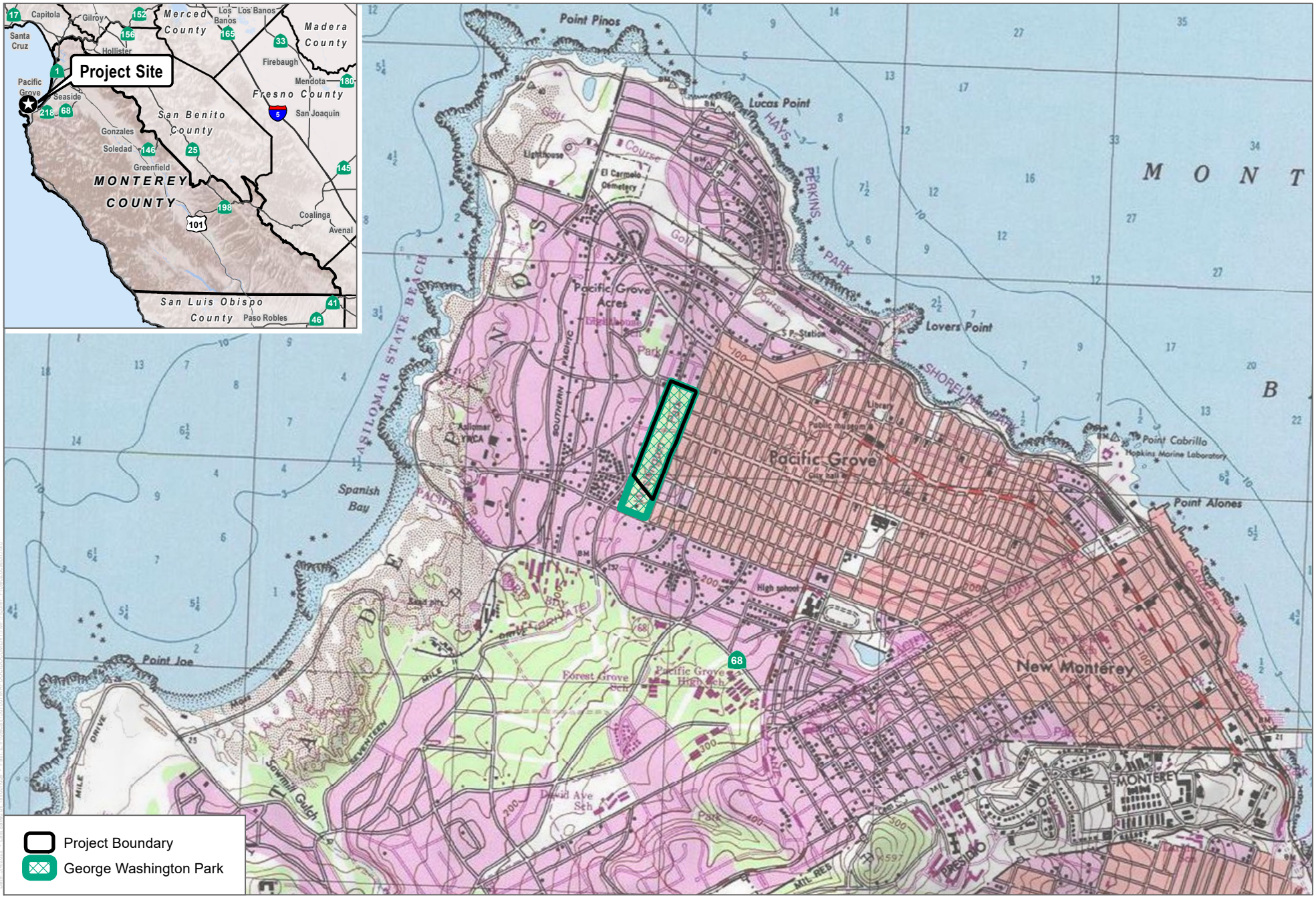

SOURCE: USGS 7.5-Minute Series Monterey Quadrangle

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FIGURE 1

Project Location

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2 Overview of Objectives, Scope, and Goals

2.1 Objectives

The City of Pacific Grove desires to have a safe and healthy forest in George Washington Park, one that can be sustainably maintained by the City. To achieve this goal, three objectives were developed for the management of the forested areas within the Park:

1. Reduce the risk of wildfire to the surrounding community by reducing or removing flammable vegetation in the Park that is within 100 feet of homes.
2. Improve forest health and foster a forest with a healthy distribution of trees ages and sizes by reducing competition from surface vegetation and encouraging tree regeneration.
3. Improve the safety of Park users and residents by removing trees that have a high likelihood of failing and causing injury or property damage.

This FMP provides direction for achieving these three objectives.

2.2 Scope

The scope of this FMP covers the forested area of George Washington Park that begins north of the baseball diamond and ends at the border of the Park along Short Street. The management recommendations in this FMP are divided into two strategies relating to location in the Park and the objective to be achieved. The first strategy is to create a wildfire risk reduction zone along the perimeter of the forested area where the goal is to maintain the vegetation in a condition that minimizes the risk of a high-intensity wildfire spreading throughout the Park. The second strategy is to create a forest restoration zone in the interior of the forested area where the goal is to maintain conditions to support a healthy Monterey pine–oak forest. The recommendations described for each zone are specific to the management objectives for the zone.

The timeframe for the FMP is 5 years, which is suitable to accomplish the FMP's management recommendations for wildfire risk reduction and to establish the conditions required for successful forest restoration. The goals, objectives, and recommendations contained in this FMP should be reviewed at the end of the 5-year timeframe, following a re-evaluation of the Park's forested areas and an evaluation of the success of the management activities recommended in this FMP. Following such a review, revisions to FMP goals, objectives, and/or recommendations may be necessary to reflect forest conditions within the Park at that time.

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3 Methods

3.1 Forest Inventory

3.1.1 Inventory Plots and Plot Location

To assess the composition and condition of the forest in George Washington Park, Dudek foresters conducted an inventory of the trees and vegetation in the forested area of the Park. The foresters measured approximately 20% of the forested area of the Park. The measured area was divided evenly among 14 measurement plots, with each plot covering an area of approximately 0.25 acres. Working with Dudek GIS specialists, the 14 plots were laid out on a map of the Park, with the plots evenly spaced and well-distributed across the entire forested area, and located a minimum of 50 feet from the edge of the Park, road, or developed area of the Park. Figure 2, Forest Inventory Plot Locations, is a map of the plot locations.

3.2 Field Visits

Dudek's foresters conducted an inventory of the forest on October 5 and 8, 2021. Each of the 14 pre-determined plots was visited during the inventory. At each plot, Dudek foresters pinned the plot center with a marking pin and measured out 59 feet from the pin to the north, east, west, and south to establish the plot's borders. Within the plot boundaries, Dudek foresters measured all of the trees that were larger than 3 inches in diameter at standard height (4.5 feet above the ground). For each measured tree Dudek foresters recorded the following data:

- Diameter: Tree diameter at standard height was measured at 4.5 feet above the ground using a diameter tape. Tree diameters were visually estimated when trunks were inaccessible due to poison oak (*Toxicodendron diversilobum*) vines.
- Height: Tree height was measured with a clinometer at a baseline of 66 feet from the tree trunk. Tree heights were visually estimated for nearby trees when a similar-sized tree had been measured with the clinometer.
- Condition: Tree condition was assessed based on the overall health of the tree (e.g., live crown ratio, presence of disease or infestation) and overall structure. Trees were graded on a scale from "Excellent" to "Dead."
- Species: Tree species was recorded.

In addition, Dudek foresters recorded the following data at each plot:

- Tree Regeneration Information: Trees that were smaller than 3 inches in diameter were counted and had their species identified.
- Forest Surface Composition: Plant species composition and the percentage of the surface area of the plot they covered were taken.
- Flammable Vegetation: Flammable vegetation types and estimates of fuel loads were recorded.
- Photographs: Photos were taken facing north, east, south, and west.

During a separate site visit on September 23, 2021, Dudek foresters walked the perimeter of the forested zones of the Park to identify dead or trees with significant defects that could potentially fail and strike one of the surrounding roads or nearby structures.

3.3 Data Analysis

After the 14 plots were inventoried, the data collected was analyzed to obtain the following forest characteristics:

- Basal area is a measure of the cross-sectional area (in square feet) of the trees on a unit of land. For this FMP, basal area is provided as the cross-sectional area of the trees per acre. Basal area is a useful measurement for determining forest density, and forest density is an indicator of forest health and productivity.
- Quadratic mean diameter is the average diameter of the trees measured on a per-acre basis. Quadratic mean diameter is preferred in forestry because it better represents the average diameter of the trees in a forest, particularly when the forest is composed of larger, mature trees.
- Trees per acre is the count of the number of trees per acre. Trees per acre is another measurement of forest density.
- Average tree height is the average height of the trees in the forest on a per-acre basis. Average height is a useful measurement of tree age, and when organized by species, helps to understand the structure of a forest.
- Species composition measures the unique tree species observed and a count of each tree by species at each plot. This data is then used determine the composition of the forest by zone by comparing the number of trees observed by species to the number of trees counted.
- Regeneration is the number of seedlings counted at each plot. The data collected at each plot is summed with the regeneration data from the three adjacent plots to get the number of seedlings per acre.
- Forest surface composition was determined based on the plant species identified and recorded for each plot during the inventory, and by the data recorded during the biological resource assessment.
- Fire behavior fuel models were determined by visual estimation and photographic comparison with the fuel mode descriptions in the Standard Fire Behavior Fuel Models: A Comprehensive Set for Use with Rothermel's Surface Fire Spread Model (Brugan and Scott 2005).

SOURCE: Bing Maps 2021, Monterey County

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FIGURE 2

Forest Inventory Plot Locations

George Washington Park Tree Management Plan

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4 Summary of Current Forest Conditions

4.1 General Description

George Washington Park is located within Pacific Grove and is situated between 140 and 180 feet above sea level. The Park is bordered by Short Street to the north, Alder Street to the east, Sinex Avenue to the south, and Melrose Street/17 Mile Drive to the west. The Park is rectangular in shape, covering 20 acres. The Park is divided by Pine Street, an east/west street that separates the Park into a north and south section, with the south section being the larger of the two. The Park has been divided by the City into four zones (1–4) (Figure 3, Project Site), with Zone 1 being the southern zone and Zone 4 being the northern zone. The zones vary in size; Zone 4 is the largest, Zones 2 and 3 are roughly equal in size, and Zone 1 is the smallest. Zone 1 contains developed recreation sites, including a playground, ballfield, picnic facilities, and restrooms. Zones 2, 3, and 4 are generally unimproved forest land. There are several trails that run roughly south to north through the forested area, as well as benches and trash cans along the perimeter of the forested area.

Adjacent land uses consist of residential development composed entirely of single-family homes. Most of the homes are separated from the Park by a public street, with the exception of two rows of homes on the west side of the Park: one near the northern border of the Park and the other at the southern border of the Park.

4.2 History

The current forest that covers George Washington Park has its origins in the 1850s when the area that comprises the Park was last logged and burned. Cattle were grazed on the site following logging until they were removed sometime before the end of the century. By 1925, when the City purchased the land containing the present-day boundaries of the Park, the property supported a Monterey pine forest with an expanding understory of oak trees. In 1948, the City passed an ordinance to limit the use of the property to a recreational park (City of Pacific Grove 1999).

Recent management of the forested area of the Park has been focused on maintaining a safe environment for Park users and nearby residents. Management activities performed by the City include the removal of downed trees, slash (i.e., the treetops, limbs, and other woody material left behind after tree work), and logs. Standing dead trees have been removed that are within striking distance of the structures near the Park or trails within the Park. On an annual basis, surface vegetation within 50 feet of the Park borders is weed-whacked or mowed. The City has planted new trees at several locations throughout the forested area of the Park in the last 20 years, including a cluster of Monterey pine trees on the east side of Zone 4 and a cluster of Canary Island pine (*Pinus canariensis*) trees near the south border of Zone 2.

In addition to managing the vegetation in the forest, the City has also maintained the trail system that traverses the Park. Designated trails have been reconstructed in areas of excessive wear and vegetation, particularly poison oak, that has encroached on a designated trail has been cut back. Old trails and unofficial trails that impact the forest have been decommissioned and blocked with logs or piled cut material.

The City's forest management work has been supplemented by volunteer activities. Volunteer gardeners have completed several vegetation management projects within the forested area, including establishment of a native plant area and several successful Monterey pine plantings (or transplanting).

4.3 Geology, Topography, and Soils

4.3.1 Geology

The underlying geologic units of the Park are quaternary alluvium and marine deposits from the Pliocene to Holocene epoch, between the present time and 1.6 million years ago. The quaternary alluvium deposits are generally young and made up of unconsolidated sand, silt, and clay-bearing material. The Park is located on a marine terrace (CGS 2021).

4.3.2 Topography

The Park property occupies a portion of the west-facing slope and the ridgeline of a gentle (2% to 8%), low-elevation ridge that runs from Huckleberry Hill to the ocean. The Park has a predominantly west-facing aspect, and elevations in the Park generally run from lowest to highest moving from west to east. However, there is a hill located in the middle of the Park near the corner of Pine Street and Alder Street. This hill creates a noticeable "hump" on the terrain when moving from south to north through the Park, and near the hill the aspect changes from west-facing to north- or south-facing, depending on which side of the hill a viewer is on.

4.3.3 Soils

Soils within the Park are composed of three soil types, all characterized as being predominantly sandy soils and being of a similar parent material: clayey marine deposits derived from sedimentary rock or stabilized sands (NRCS 2021). A detailed description of the soil types found within the Park can be found in Appendix A.

4.4 Climate

Pacific Grove, California, is in a warm-summer Mediterranean climate that is defined by temperate, wet winters, and warm or hot dry summers (Seager et al. 2019). Pacific Grove has an average daytime high temperature of 69°F in the summer and 60°F in the winter. Average daytime low temperatures are 54°F in the summer and 44°F in the winter. Precipitation averages approximately 20 inches per year, with January being the wettest month of the year. Prevailing winds are out the west and west-northwest (WRCC 2021).

SOURCE: Bing Maps 2021, Monterey County

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FIGURE 3

Project Site

George Washington Park Vegetation Management Plan

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4.5 Vegetation Forest Types and Wildlife Habitat Relationships

4.5.1 Forest Description

The forested areas of George Washington Park contain one forest or vegetation type: a Monterey pine forest. Within the forested zones of the Park, Monterey pine exists as the dominant tree, with mature pine trees forming an open, discontinuous canopy in the forest overstory. Below the pine trees is a generally continuous mid-story canopy, predominantly made up of coast live oak (*Quercus agrifolia*) trees with scattered smaller Monterey pines and several other tree species.[1] As a result of the combined pine and oak canopies, the forested area of the Park is a predominantly closed canopy forest. Areas of open canopy forest are present, notably in the portions of the forest where there has been recent mature pine tree loss. The understory and surface vegetation in the forested area varies, ranging from minimal surface vegetation in heavily shaded areas, to areas of continuous grass and thickets of native vines and low shrubs (poison oak, California blackberry [*Rubus ursinus*], wild cucumber [*Cucumis anguria*]) in forest canopy openings. Areas of non-native grasses are the most common component of the understory throughout the forest. Dead and down trees are present throughout the forested zones of the Park, with two areas of concentrated dead and down trees: near the south border of Zone 2 and near the corner of Pine Avenue and Melrose Street in Zone 4.

4.5.2 Wildlife

Wildlife species observed or expected to occur in the Park are those that are adapted to forested lands, Monterey cypress–Monterey pine stands, and urban landscapes with moderate human activity. Western fence lizard (*Sceloporus occidentalis*) was the only amphibian or reptile species observed during the site visit, although common species such as Sierran tree frog (*Pseudacris sierra*), gopher snake (*Pituophis catenifer*), and western rattlesnake (*Crotalus oreganus*) are also likely to occur. Common bird species observed included black phoebe (*Sayornis nigricans*), red-shouldered hawk (*Buteo lineatus*), Anna's hummingbird (*Calypte anna*), California scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), dark-eyed junco (*Junco hyemalis*), and California towhee (*Melozone crissalis*). Black-tailed deer (*Odocoileus hemionus*) were observed in the Park during the forest inventory. The Park is within the historic overwintering range for monarch butterfly (*Danaus plexippus*), which were observed during the site visits.

Tables 1 and 2 describe the special-status plant and animal species native to the region that have the potential to occur within the Park. A detailed description of the special-status plants and wildlife with the potential to be present within the Park is provided in Appendix B.

[1] Other tree species observed included toyon (*Heteromeles arbutifolia*), coast redwood (*Sequoia sempervirens*), and acacia. These tree species make up a very minor component of the forest.

Table 1. Potential to Occur: Special-Status Plants

Scientific Name	Common Name	Habitat/Blooming Period/Elevation (feet)	Potential to Occur
Allium hickmanii	Hickman's onion	Closed-cone coniferous forest, Chaparral (maritime), coastal prairie, coastal scrub, valley and foothill grassland/ perennial bulbiferous herb/Mar–May/ 16–655	**Moderate potential to occur.** The closest known occurrences is within 1.3 miles of George Washington Park (Park). Bulb species can persist in understory for a long time. There is suitable habitat.
Arctostaphylos hookeri ssp. *hookeri*	Hooker's manzanita	Closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub; sandy/ perennial evergreen shrub/Jan–June/ 197–1,755	**Moderate potential to occur.** The closest known occurrences is within 0.1 miles of the Park. There is suitable habitat.
Arctostaphylos pumila	sandmat manzanita	Closed-cone coniferous forest, chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub; sandy, openings/ perennial evergreen shrub/Feb–May/ 10–675	**High potential to occur.** There are three known locations of this species within 0.5 miles of the Park. There is suitable habitat for this species.
Castilleja ambigua var. *insalutata*	pink Johnny-nip	Coastal prairie, coastal scrub/annual herb (hemiparasitic)/ May–Aug/0–330	**Low potential to occur**. California Natural Diversity Database (CNDDB) Occ. No. 12 for the Monterey Quad overlaps the Park, and the population is noted as presumed extant. However, the Park does not contain much suitable habitat.
Chorizanthe pungens var. *pungens*	Monterey spineflower	Chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub, valley and foothill grassland; sandy/annual herb/ Apr–June(July–Aug)/ 10–1,475	**Low potential to occur**. CNDDB Occ. No. 17 for the Monterey Quad overlaps the Park and the population is noted as presumed extant. However, the Park does not contain much suitable habitat.
Clarkia jolonensis	Jolon clarkia	Chaparral, cismontane woodland, coastal scrub, riparian	**Low potential to occur**. CNDDB Occ. No. 13 for the Monterey Quad overlaps the Park, but the population is extirpated. The closest extant

Table 1. Potential to Occur: Special-Status Plants

Scientific Name	Common Name	Habitat/Blooming Period/Elevation (feet)	Potential to Occur
		woodland/annual herb/Apr–June/ 66–2,165	population is more than 7.5 miles from the Park.
Collinsia multicolor	San Francisco collinsia	Closed-cone coniferous forest, coastal scrub; sometimes serpentinite/ annual herb/ (Feb)Mar–May/ 98–902	**High potential to occur**. CNDDB Occ. No. 1 for the Monterey Quad overlaps the Park, and the population is noted as presumed extant. There is suitable habitat.
Cordylanthus rigidus ssp. *littoralis*	seaside bird's-beak	Closed-cone coniferous forest, chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub; sandy, often disturbed sites/annual herb (hemiparasitic)/Apr–Oct/0–1,685	**Low potential to occur.** The Park does have suitable habitat. However, the closest known extant occurrences are more than 5.3 miles away.
Delphinium hutchinsoniae	Hutchinson's larkspur	Broadleafed upland forest, chaparral, coastal prairie, coastal scrub/ perennial herb/Mar–June/0–1,400	**Low potential to occur**. CNDDB Occ. No. 9 for the Monterey Quad overlaps the Park, and the population is noted as presumed extant. However, the Park does not contain much suitable habitat.
Ericameria fasciculata	Eastwood's goldenbush	Closed-cone coniferous forest, chaparral (maritime), coastal dunes, coastal scrub; sandy, openings/perennial evergreen shrub/July–Oct/98–900	**Low potential to occur.** The Park does have suitable habitat. The closest known occurrences are 0.5 miles away.
Gilia tenuiflora ssp. *arenaria*	Monterey gilia	Chaparral (maritime), cismontane woodland, coastal dunes, coastal scrub; sandy, openings /annual herb/Apr–June/0–150	**Moderate potential to occur.** There are four known occurrences within 0.5 miles of the Park. However, suitable habitat would be most likely in forest canopy openings.
Hesperocyparis macrocarpa	Monterey cypress	Closed-cone coniferous forest/	**Not expected to occur.** This species is present in the Park but is not naturalized. This species only occurs in two natural stands in Monterey

Table 1. Potential to Occur: Special-Status Plants

Scientific Name	Common Name	Habitat/Blooming Period/Elevation (feet)	Potential to Occur
		perennial evergreen tree/N.A./33–100	County (not in the Park). The species is widely planted and naturalized elsewhere on the coast and beyond.
Horkelia cuneata var. *sericea*	Kellogg's horkelia	Closed-cone coniferous forest, chaparral (maritime), coastal dunes, coastal scrub; sandy or gravelly, openings/ perennial herb/Apr–Sep/33–655	**Moderate potential to occur**. CNDDB Occ. No. 8 for the Monterey Quad overlaps the Park, and the population is noted as presumed extant. There is suitable habitat, especially along forest edges and in canopy openings.
Layia carnosa	beach layia	Coastal dunes, coastal scrub (sandy)/annual herb/ Mar–July/0–195	**Low potential to occur**. There are two known occurrences within 0.5 miles of the Park. However, the Park does not contain much suitable habitat.
Lupinus tidestromii	Tidestrom's lupine	Coastal dunes/ perennial rhizomatous herb/Apr–June/ 0–330	**Low potential to occur**. There are seven known occurrences within 1 mile of the Park. However, the Park does not contain much suitable habitat.
Malacothamnus palmeri var. *involucratus*	Carmel Valley bush-mallow	Chaparral, cismontane woodland, coastal scrub/ perennial deciduous shrub/Apr–Oct/ 98–3,605	**Moderate potential to occur**. CNDDB Occ. No. 20 for the Monterey Quad overlaps the Park, and the population is noted as presumed extant. However, the Park does not contain much suitable habitat.
Microseris paludosa	marsh microseris	Closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland/ perennial herb/Apr–June(July)/16–1,160	**High potential to occur**. CNDDB Occ. No. 3 for the Monterey Quad overlaps the Park, and the population is noted as presumed extant. There is suitable habitat for this species.
Monardella sinuata ssp. *nigrescens*	northern curly-leaved monardella	Chaparral (SCR Co.), coastal dunes, coastal scrub, lower montane coniferous forest (SCR Co., ponderosa pine sandhills); sandy/ annual herb/ (Apr)May–July(Aug–Sep)/0–985	**High potential to occur**. CNDDB Occ. No. 4 for the Monterey Quad overlaps the Park, and the population is noted as presumed extant. There is suitable habitat for this species.

Table 1. Potential to Occur: Special-Status Plants

Scientific Name	Common Name	Habitat/Blooming Period/Elevation (feet)	Potential to Occur
Pinus radiata	Monterey pine	Closed-cone coniferous forest, cismontane woodland/ perennial evergreen tree/N.A./82–605	**Present.** This species is present in the Park and is within the CNDDB occurrence of its estimated historic range on the Monterey peninsula. The species is widely planted and naturalized elsewhere.
Piperia yadonii	Yadon's rein orchid	Coastal bluff scrub, closed-cone coniferous forest, chaparral (maritime); sandy/perennial herb/(Feb)May–Aug/33–2,475	**Present.** CNDDB Occ. No. 4 for the Monterey Quad states that there is a known population in the Park.
Potentilla hickmanii	Hickman's cinquefoil	Coastal bluff scrub, closed-cone coniferous forest, meadows and seeps (vernally mesic), marshes and swamps (freshwater)/perennial herb/Apr–Aug/33–490	**Moderate potential to occur**. There is a known occurrence within 0.6 miles of the Park. There is suitable habitat.
Ramalina thrausta	angel's hair lichen	North coast coniferous forest; on dead twigs and other lichens/fruticose lichen (epiphytic)/ N.A./246–1,410	**Moderate potential to occur**. There is a known occurrence within 1.4 miles of the Park. There is suitable habitat.
Rosa pinetorum	pine rose	Closed-cone coniferous forest, cismontane woodland/ perennial shrub/ May,July/7–3,100	**Moderate potential to occur**. There are two known occurrence within 0.6 miles of the Park. There is suitable habitat.
Trifolium hydrophilum	saline clover	Marshes and swamps, valley and foothill grassland (mesic, alkaline), vernal pools/annual herb/ Apr–June/0–985	**Low potential to occur**. CNDDB Occ. No. 20 for the Monterey Quad overlaps the Park. This based on a 1907 herbarium collection. However, the Park does not contain much suitable habitat.
Trifolium polyodon	Pacific Grove clover	Closed-cone coniferous forest, coastal prairie, meadows and seeps, valley and foothill grassland; mesic,	**Moderate potential to occur**. There is a known occurrence within 0.5 miles of the Park. There is suitable habitat.

Table 1. Potential to Occur: Special-Status Plants

Scientific Name	Common Name	Habitat/Blooming Period/Elevation (feet)	Potential to Occur
		sometimes granitic/ annual herb/Apr–June (July)/16–1,390	
Trifolium trichocalyx	Monterey clover	Closed-cone coniferous forest (sandy, openings, burned areas)/annual herb/Apr–June/98–1,000	**Moderate potential to occur**. There are several known occurrences within 2 miles of the Park. There is suitable habitat.

Source: CDFW 2021

Table 2. Potential to Occur: Special-Status Animals

Row Labels	Common Name	Potential to Occur
Amphibians		
Taricha torosa (Monterey Co. south only)	California newt	**Low potential to occur**. Although George Washington Park (Park) contains suitable oak forest habitat to support this species, there is no aquatic breeding features to support this species. Additionally, there are no California Natural Diversity Database (CNDDB) occurrences for this species within 5 miles of the Park (CDFW 2021).
Reptiles		
Anniella pulchra	northern California legless lizard	**High potential to occur**. The Park contains suitable woodland habitat with sandy soils to support this species. This species was documented within the southwest corner of the Park in 2017 (Occ. No. 375) (CDFW 2021).
Birds		
Elanus leucurus (nesting)	white-tailed kite	**Moderate potential to nest on site**. The Park contains several suitable nesting trees for this species (e.g., *Quercus* spp., *Pinus* spp.), but foraging habitat is limited and the Park is surrounded by residential development. There are no CNDDB occurrences for this species within 5 miles of the Park (CDFW 2021).
Corynorhinus townsendii	Townsend's big-eared bat	**Moderate potential to occur**. Although the Park contains suitable coniferous and deciduous forest habitat, limestone caves, lava tubes, and built structures are absent from the site for roosting. However, the species may forage on the site from time to time. There are no documented CNDDB occurrences of this species within 5 miles of the Park (CDFW 2021).
Lasiurus blossevillii	western red bat	**High potential to occur**. The numerous trees on the Park are suitable for roosting by this species.

Table 2. Potential to Occur: Special-Status Animals

Row Labels	Common Name	Potential to Occur
Invertebrates		
Danaus plexippus pop. 1	monarch butterfly	**Present.** The Park contains suitable habitat for this species, and the species was observed on site during the October 2021 site visit. Additionally, numerous observations of this species has been made from 1960–2014 (Occ. No. 89) (CDFW 2021).

4.6 Current Forest Conditions

On October 5 and October 8, 2021, Dudek foresters performed an inventory of the forested areas in Zones 2, 3, and 4. Measurements were taken at 14 pre-determined inventory plots that were evenly distributed throughout the three forest zones. The data recorded during the inventory and the conclusions drawn from this data are the basis for the management strategies described in Chapter 6 of this FMP. Below is a description of the current forest conditions.

4.6.1 Forest Composition

The overall species composition of the forest in the Park consists of Monterey pine, accounting for 32% of the trees, and cost live oak, accounting for 67% of the trees. The other tree species present account for only 1% of the trees in the forest. Species composition varies by zone. In Zone 2, Monterey pine comprises 39% of the forest, coast live oak comprises 56%, and other tree species comprise 5% of the forest. Zone 2 is the only zone where tree species other than Monterey pine or coast live oak were recorded. In Zone 3, Monterey pine comprises 41% of the forest, and coast live oak comprises 59% of the forest. Zone 4 is noticeably different from the other two zones, with Monterey pine composing only 21% of the forest and coast live oak composing 79% of the forest (Table 3).

Table 3. Forest Composition by Zone

Species	Total Number	Zone 2	Zone 3	Zone 4
All	414	109	123	182
Pine	132	43	50	39
Oak	277	61	73	143
Other	5	5	0	0

4.6.2 Tree Age and Size

All age and size classes are represented within the forested zones of the Park. The distribution of age and size classes differs between the pine and oak trees. Pine trees within the Park are represented evenly across the different age and size classes, while most of the oak trees are in the smaller age and size classes (Tables 4a–4c). Regeneration[2] is present throughout the forest, occurring in scattered patches. Oak regeneration is more abundant and appears to be the result of natural seeding. Pine regeneration is less abundant and appears to be the result of

[2] Trees less than 3 inches in diameter were classified as regeneration.

deliberate planting or transplanting efforts[3] (Table 5). All the observed regeneration occurred in openings in the forest canopy where sunlight can reach the forest floor.

Table 4a. Tree Diameter Class (Quadratic Mean Diameter): Zone 2

Species	3 to 8 (Diameter in Inches)	9 to 14 (Diameter in Inches)	15 to 20 (Diameter in Inches)	21 to 26 (Diameter in Inches)	27 to 32 (Diameter in Inches)	>32 (Diameter in Inches)
All	45	31	17	12	2	2
Pine	11	7	12	9	2	1
Oak	33	23	3	1	0	1
Other	1	1	1	2	0	0

Table 4b. Tree Diameter Class (Quadratic Mean Diameter): Zone 3

Species	3 to 8 (Diameter in Inches)	9 to 14 (Diameter in Inches)	15 to 20 (Diameter in Inches)	21 to 26 (Diameter in Inches)	27 to 32 (Diameter in Inches)	>32 (Diameter in Inches)
All	43	41	19	14	5	1
Pine	9	15	9	12	4	1
Oak	34	26	10	2	1	0
Other	0	0	0	0	0	0

Table 4c. Tree Diameter Class (Quadratic Mean Diameter): Zone 4

Species	3 to 8 (Diameter in Inches)	9 to 14 (Diameter in Inches)	15 to 20 (Diameter in Inches)	21 to 26 (Diameter in Inches)	27 to 32 (Diameter in Inches)	>32 (Diameter in Inches)
All	60	68	23	16	10	5
Pine	9	3	7	8	9	3
Oak	51	65	16	8	1	2
Other	0	0	0	0	0	0

Table 5. Forest Regeneration – Tree Seedlings Observed by Species

Species	All Zones	Zone 2	Zone 3	Zone 4	Per Acre
Pine	48	16	26	6	3
Oak	177	127	37	13	10
Other	0	0	0	0	0

[3] Based on personal communications with City staff and residents encountered during the inventory.

4.6.3 Tree Health

Overall tree health for the forested zones of the Park is generally fair to good, with approximately 67% of the pines and 82% of the oaks being observed to be in fair or good condition. Trees in poor condition account for 17% of both the pine and oak trees. Dead standing trees account for 17% of the pine trees inventoried and 1% of the oak trees. Tree health varies by zone, with pine trees in fair or good condition composing 86% of the forest in Zone 2, but decreasing to 80% in Zone 3, and 75% in Zone 4. Oak tree health is more varied than pine, with oak trees in fair to good condition composing 87% in Zone 2, increasing to 96% in Zone 3, and then decreasing to 75% in Zone 4. Dead trees are evenly distributed across the three forested zones (Tables 6a–6d). The reasons for the distribution of tree health and a specific discussion of the threats to the forest is provided in Chapter 5, Summary of Potential Forest Threats, of this FMP. Photographs of pine and oak trees for health condition categories are included in Appendix C.

Table 6a. Forest Tree Health by Zone: All Zones

Species	Good Condition	Fair Condition	Poor Condition	Dead
Pine	44	45	22	21
Oak	88	139	47	3
Other	5	0	0	0

Table 6b. Forest Tree Health by Zone: Zone 2

Species	Good Condition	Fair Condition	Poor Condition	Dead
Pine	14	18	6	5
Oak	25	27	8	1
Other	5	0	0	0

Table 6c. Forest Tree Health by Zone: Zone 3

Species	Good Condition	Fair Condition	Poor Condition	Dead
Pine	16	17	10	7
Oak	38	32	3	0
Other	0	0	0	0

Table 6d. Forest Tree Health by Zone: Zone 4

Species	Good Condition	Fair Condition	Poor Condition	Dead
Pine	14	10	6	9
Oak	25	80	36	2
Other	0	0	0	0

4.6.4 Stand Density

The number of trees growing in a forest at any point in time shapes the look and character of a forest. Competition among trees has a powerful effect on the growth, health, resiliency, and character of a forest. It affects trees individually, but also as a forest, of which each tree is a part. Therefore, it is important to be aware of the degree of competition influencing trees within a stand. Stand density is a good indicator of this competition being based on tree diameter and the number of trees per acre (Maguire and Withrow-Robinson 2018).

Stand density for the forested zones varies based on tree species. Zones 2 and 3 have relatively similar stand density for pine trees (43–50 trees per acre) and oak trees (61–73 trees per acre). Zone 4 differs, with a lower stand density for pine trees (26 trees per acre) and a higher stand density for oak trees (95 trees per acre). A typical mature Monterey pine stand has a stand density of 32 to 49 trees per acre, and oak trees constitute 25% to 50% of trees in the stand (McDonald and Laacke 1990). Young Monterey pine trees are a component in a typical mature pine forest, but are noticeably absent from the forested zones in the Park, particularly in Zone 4 (see Table 7).

Table 7. Average Trees Per Acre by Species and Zone

Species	All Zones	Zone 2	Zone 3	Zone 4
Pine	38	43	50	26
Oak	79	61	73	95
Other	1	5	0	0

4.7 Summary of Conditions

The trees in the forested areas of the Park are generally in fair to good condition. The forest overstory is predominantly Monterey pine for most of the forested area; however, many of these mature pines are at the end of the typical lifespan, and are in decline due to multiple environmental stresses, including insects, disease, and climate. Pine trees are generally absent from the mid-story and understory, so there are no maturing pine trees to replace the mature trees that die and fall out of the crown. This is particularly noticeable in Zone 4, where mature pines are a scattered and widely separated component of the overstory. In the absence of pine regeneration, the oak tree component in the mid-story is becoming the dominant forest canopy tree. Oak trees are abundant and well represented across all age and size classes, and have a healthy distribution, with more small young trees than older trees. The oak tree component appears less impacted by insect and disease threats than the pine component.

Tree regeneration within the forested areas of the Park is limited. Natural pine regeneration appears to be rare, and, based on conversations with City staff and residents, is supplemented by City and Park volunteer tree planting projects. Natural oak regeneration is more abundant than pine, but is limited to small patches in the Park, mainly in Zones 2 and 3. There appears to be an adequate seed source on the mature trees for natural regeneration of both pine and oak trees. Competition from surface vegetation, particularly the dense layer of grass, inhibits the establishment of new trees.

Overall Forest Condition Summary

- Monterey pine overstory is made up of trees reaching the end of their natural lifespan
- Monterey pine is generally absent from the mid-story and is absent in regeneration
- Monterey pine trees per acre/stocking levels are near the bottom of their typical range and are dropping because of lack of regeneration

- Relatively open stands of mature pine is typical for the species, but it is accompanied by young pine trees growing in the openings
- Oak trees are becoming the dominant tree cover in the Park
- Oak trees are well represented across all age classes and shows a more healthy distribution, with more young small trees than older trees
- Oak tree health and vigor are overall good, and in many areas there is a high density of trees
- Oak tree regeneration is better than pine, but still limited to patches
- Surface vegetation, particularly non-native grasses, outcompete tree seedlings and prohibit regeneration on the forest floor

Forest inventory data tables that display the individual tree measurements and tree data summaries for each zone are provided in Appendix D.

4.8 Fire Environment

4.8.1 Fire History

Information about fires in the Park and the surrounding area was obtained from the Monterey Fire Department and by reviewing CAL FIRE's Fire and Resource Assessment Program (FRAP) database. Monterey Fire Department has not recorded any vegetation fires within the Park in the last 2 years (Personal Communication MFD 2021). A search of the FRAP database revealed no recorded wildfires have occurred within the Park since 1900 (CAL FIRE 2018).

4.8.2 Fuel Model and Fuel Loads

Forests are assessed for their wildfire potential by looking at the dominant vegetation cover present on the forest surface and in the forest canopy. When assessing wildfire potential, all vegetation present that could burn is described as fuel. The assessment is made by estimating which vegetation would be the most important to the spread of the fire (the primary carrier), and the volume of this type of vegetation that is present. The observed primary carrier and the estimated fuel volume are then compared to fire behavior models created by the U.S. Forest Service to provide a description of the anticipated wildfire potential.

The primary carriers of a wildfire are the small, flashy fuels present on the surface. Within the forested area of the Park there are two primary surface fuels that would allow a wildfire to spread when conditions permitted fire growth: the areas with continuous annual herbaceous plant and grass cover, and the areas with continuous pine needle cast and hardwood leaf litter. These two fuel types are described below.

TU1 – Low Load Dry Climate Timber–Grass–Shrub

The primary carrier of fire in the TU1 model is a low load of grass and/or shrub with litter. Spread rate is low; flame length low. TU1 represents the heavily shaded areas within the forested zones of the Park where fallen leaf litter and pine needles cover most of the forest floor.

GR4 – Moderate Load, Dry Climate Grass

The primary carrier of fire in the GR4 model is continuous, dry-climate grass; fuel bed depth (height of grass) is about 2 feet. Spread rate is moderate; flame length is low. GR4 represents the open and shade-dappled areas of the forested zones where a continuous layer of grass or other annual herbaceous plants cover most of the forest floor.

Of the two fuel models, GR4 was the most common in the Park, with 13 out of the 14 plots (Plots 1–13) supporting a dominant annual grass cover. Plot 14 was the only plot meeting the criteria for TU1.

Standing dead and fallen dead trees would contribute to a wildfire but are not well described by the standard fuel models. Throughout the forested zones of the Park there are standing and fallen dead trees, sometimes occurring individually, but more often occurring in clumps. From forester observations during the inventory, the fallen dead trees can be divided into two categories: the large pine trees that have already lost all their needles and branches are generally in an advanced stage of decomposition and lying on the ground, and the smaller fallen oak trees (or large broken pieces of the tree's crown) that are smaller in diameter but have retained their branches except for the smallest branches; these trees and portions of trees are generally less decayed and are in loose piles. Accumulations of dead and fallen trees were observed in Plots 2, 12, and 16.

4.8.3 Field Assessment

It is expected that the continuous grass layer on the forest surface will allow a wildfire to spread across the forested zones of the Park. The public streets around the perimeter of the Park, and Pine Street that cuts through Zones 3 and 4 are expected to present barriers to the spread of surface fire in the Park. Throughout all three forested zones, there is a limited understory of woody vegetation and there is adequate space between the tree crowns and the surface vegetation to prevent a surface fire from moving into the tree crowns. Occasional torching is possible where piles of deadwood or fallen trees lie beneath a standing tree.

4.8.4 Fire Hazards

Potential ignition sources for a wildfire include cigarettes; arson; sparks from automobiles, lawnmowers, and landscaping equipment; and unattended cooking fires. High-voltage powerlines are present along the west side of the Park, and a downed wire or equipment failure are potential ignition sources near these wires.

4.8.5 Fire Hazard Severity Zones

The Park and the surrounding neighborhoods are not within a CAL FIRE designated High Fire Hazare Severity Zone. The nearest High Fire Hazard Severity Zone begins approximately 0.3 miles to the southwest by the Rip Van Winkle Open Space area (CAL FIRE 2018). Between the Park and nearest High Fire Hazard Severity Zone is a developed residential area without the continuous flammable vegetation that could spread a wildfire to the Park.

4.9 Recreation

Zone 1, the developed area at the south end of the Park, contains most of the built structures, including picnic tables, barbecue grills, restrooms, a large play structure, and a baseball field. The forested zones of the Park contain some changes, including a trail system that runs south/north, several benches around the perimeter of the forested area of the Park, and several native habitat restoration enclosures. The trail system consists of two main trails that run the south to north length of the Park, and several accessory trails that connect the main trails to each other or connect a main trail to one of the adjacent streets. Several unofficial or casual trails are present in forested areas, mainly forming connections between the two main trails.

5 Summary of Potential Forest Threats

The trees within the forested zones of George Washington Park are subject to a variety of threats. The impact of each threat on forest health varies by tree species, age, and size, and existing condition of the tree. The condition of the trees in the forested areas are generally the result of several threats whose impacts are cumulative. As a result, there is not a single dominant threat to the forested area of the Park.

5.1 Climate

5.1.1 Drought

Drought is a recurring feature of California's climate. Recent drought events include a 5-year drought in 2012–2016, and a 3-year drought in 2007–2009, as well as the current drought event that began in 2020. Monterey County is currently experiencing severe drought (D2) conditions (NIDIS 2022).

Drought is the most prevalent threat to the trees within the Park. Drought or water stress results in reduced photosynthesis, which reduces a tree's growth rate, reduces the ability of the tree to make and store energy reserves, reduces the tree's ability to compartmentalize wounds, and reduces the amount of energy the tree has for defense, predisposing it to infestation or infection by damaging insects and diseases.

The effects of drought are visible on Park trees by leaf or needle drooping, a sparse crown, branch tip dieback, and leaf drop. Pine and oak trees within the Park are both being affected by drought, with 18% of the pines showing signs of significant drought stress and 10% of the oaks showing signs of significant drought stress.

Drought conditions also increase the risk of a destructive wildfire spreading in the forested areas of the Park.

5.1.2 Wildfire

Wildfire is another recurring feature of California's climate. Increases in wildfire frequency and severity are correlated to periods of drought. No recorded wildfires have occurred within the Park; however, several large wildfires have occurred nearby and have burned through similar vegetation as present in the Park.

Conditions that would support the spread of a wildfire in the Park occur after the annual grass and herbaceous plants have cured, generally in the late spring and persisting until the area receives significant rainfall in the fall. During drought years, the time of year available for wildfire to spread lengthens.

5.2 Insects

Red Turpentine Beetle

Red turpentine beetle (*Dendroctonus valens*) is a bark beetle that attacks several species of pine trees, including Monterey pine. Red turpentine beetles attack trees by tunneling into the inner bark of the tree where they then mate and lay eggs, and the offspring feed on tree as well. Red turpentine beetles occasionally kill Monterey pine trees; more commonly, the beetle attacks trees that are already stressed or in poor health and so are at an increased risk of dying (Owen 2003).

Pine trees infested with red turpentine beetles are identifiable by the pitch tubes, which are piles of pink and white granular material present on the lower half of the trunk. Beetle infestations are assessed by looking at the overall tree health and the number of fresh or active pitch tubes on the trunk. Old pitch tubes, ones that are yellow or brown, are a sign of a successful resistance to the attack by the tree and are not a concern.

Evidence of red turpentine beetle infestation was observed on 20 (15%) pine trees during the inventory, with Zone 2 having the most frequent occurrence of infestations. Of the trees that were observed to be infested, 15% appeared to be heavily infested. Red turpentine beetle does not infest coast live oak.

Red turpentine beetles are also a vector for Pitch Canker disease, described below.

5.3 Disease

Dwarf Mistletoe

Dwarf mistletoe is a small, leafless plant that parasitizes the stems of pine trees, extracting water and nutrients from the host tree. Dwarf mistletoe suppresses growth and reduces vigor in infected trees, and can kill pine trees outright. Mortality from mistletoe is more common in younger trees than mature trees; however, infected mature trees rarely overcome the parasite (Sinclair and Lyon 2005).

Pine trees infested with mistletoe are identifiable by the yellowish aerial shoots growing out the branches in the tree crowns and on the tree trunk. Other signs are swellings on the small, infected branches and branch dieback. Many of the pines infected with mistletoe in the Park have aerial shoots growing out of the trunk near ground level.

Evidence of dwarf mistletoe infection was observed on 20 (15%) pine trees during the inventory, with Zone 3 having the greatest number of infected trees. Dwarf mistletoe infestation is limited to the Monterey pine trees and does not infect coast live oak.

Pitch Canker

Pitch Canker is fungal disease that infects several species of pine trees in California. The disease was first identified in native Monterey pine forests in the mid-1980s, where it quickly spread. Pitch Canker infections attack trees by creating cankers around the circumference of branches and stems, girdling them, and ultimately leading to dieback in the portions of the tree above the canker. Monterey pines have varying levels of susceptibility to the disease, with some trees being seriously harmed or killed while others can persist. Because Pitch Canker has been present in the area for more than 30 years, it is likely that the most susceptible trees in the Park have already succumbed to the disease, and the remaining pines have some degree of resistance (Sinclair and Lyon 2005). The California State Board of Forestry has designated a zone of Pitch Canker infestation that includes most of coastal California including the area the park is located in (UC IPM 2021).

Pitch Canker disease is identifiable by the large swollen areas (the canker) on the trunk and branches, plus the copious amount of pitch that is exuded by the canker. Brown needles and dieback in the branch tips are other signs of an infection.

Evidence of Pitch Canker infection was observed on 8 (6%) pine trees during the inventory, with Zones 2 and 4 having the greatest number of infected trees. Pitch Canker disease is limited to species of pine, and does not infect coast live oak trees.

5.4 Invasive Plants

Grasses

The surface vegetation within the forested zones of the Park is dominated by several species of non-native, invasive annual grasses, including rattlesnake grass (*Briza maxima*), ripgut brome (*Bromus diandrus*), soft brome (*Bromus hordeaceus*), and panic veldt grass (*Ehrharta erecta*). These grasses have formed a continuous and dense layer of surface vegetation that outcompetes pine and oak seedlings for space and resources. The dense layer of grass also inhibits the germination of seedlings. These are annual grasses whose stems go dormant and dry out during the summer, creating a large volume of flammable vegetation.

Non-native grasses are easily identified during the summer months by their yellowish-brown stems and their abundance on the forest floor. Non-native grasses were observed at all 14 measurement plots and generally covered 75% or more of the forest surface.

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6 Management and Maintenance Recommendations for Promoting Forest Health and Minimizing Risk Over the Next 5 Years

Management activities within the forested areas of the Park are divided into two categories: management actions for reducing flammable vegetation and management actions for improving forest health/restoring a healthy distribution of pine tree age classes/improving tree regeneration. A description of trail management activities is also provided in this section.

6.1 Fire Hazard Reduction

Fire hazard reduction activities will be conducted within 100 feet of the homes surrounding the Park. The management area is "U"-shaped and generally forms a 30- to 40-foot-wide strip around the perimeter of the Park, beginning on the east side of the Park at Gibson Avenue, wrapping around the north end of the Park, and ending on the west side of the Park near the intersections of 17 Mile Drive and Melrose Drive. The width of the strip widens to 100 feet at the northwest corner of the Park where there is a strip of homes that back up to the Park boundary (Figure 4). Within this strip, vegetation management actions will be performed that adhere to CAL FIRE's defensible space requirements. These include the following:

- Cutting or mowing tall annual grasses and annual herbaceous vegetation to 4 inches in height or less
- Removing dead trees and woody shrubs
- Removing fallen dead trees and tree parts that are 6 inches in diameter or smaller
- Cutting up and scattering fallen dead trees or tree parts larger than 6 inches in diameter
- Trimming off lower branches on mature trees to create 10 feet of space between the ground and lower branches
- Removing shrubs, bushes, and thickets within the dripline of a mature tree

Some small oak tree removal is recommended to improve horizontal spacing.

The condition of the vegetation within 100 feet of the adjacent homes should be evaluated on an annual basis. Mowing annual grasses will be needed yearly; however, other activities will be needed on an as-needed basis. Fire hazard reduction activities should be performed in the later spring/early summer, preferably after the annual vegetation has started to cure but before the hottest and driest times of the year.

6.2 Forest Restoration

Forest restoration activities will be conducted in the interior of the Park, on the inside on the fire hazard reduction zone (Figure 5). The management area is composed of two rectangles divided by Pine Street. The rectangles are approximately 300 feet wide. Within this area, management activities will be focused on creating conditions favorable for tree regeneration. Treatment actions will be performed on 12 to 16 plots, each with a radius of 60 feet (0.25-acre plot). Treatment sites will be selected based on the surface vegetation, crown closure, and the availability of nearby mature trees to serve as seed sources. The ideal site will have predominantly grass or annual vegetation on the surface, a canopy with less than 50% closure, and several mature pine and oak trees nearby. Treatment sites will be separated from each other by at least 100 feet. Figure 6 shows the recommended reforestation and tree planting sites (Figure 6). Treatment actions include the following:

- Felling dead and dying overstory trees
- Removing concentrations of dead and down logs (individual logs can remain); removal off site is an option, or logs can be cut up and scattered on site
- Mowing grass and herbaceous cover and removing understory woody surface vegetation
- Raking and removing/reducing the pine needle and leaf litter layer to expose mineral soil

All of the reforestation actions described above will be performed on the initial treatment on each plot to prepare the site for tree planting or to allow natural regeneration from nearby mature trees. The site preparation work will be done in the late spring/early summer to have the site ready for cone and acorn drop later in the year. Tree plantings can be used on sites that may be ideal for pine or oak regeneration but lack a seed source, or if the City desires to improve the odds of successful regeneration. Tree plantings should take place January through March when the soil is moist. Twenty-five to 50 trees planted at each site is ideal (MacLaren 1993); it is acceptable to plant fewer trees at each site, but more than the recommended amount will likely result in overcrowding.

Follow up treatments will consist of annual weed whacking/mowing and supplemental water during unusually dry or hot weather. Deer cages, fences, or other protective measures may be needed to protect new trees from grazing.

Section 6.4 of this FMP provides general timetables for completing the recommended management actions throughout the year and over a period of 5 years.

SOURCE: Bing Maps 2021, Monterey County

DUDEK

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FIGURE 4

Fire Hazard Reduction Zone

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SOURCE: Bing Maps 2021, Monterey County

DUDEK

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FIGURE 5

Reforestation Zones

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SOURCE: Bing Maps 2021, Monterey County

DUDEK

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FIGURE 6

Tree Planting Locations

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6.3 Trails Management

A trails management strategy and trail maintenance will be performed on the trail systems within the forested areas of the Park. The City has identified the two south/north trails that begin at the baseball field and end on the north side of the Park at Short Street as the Park's official main trails. A connector trail, that begins at Alder Street and runs west to one of the main trails, is also part of the official trail system. The forested area of the Park contains several casual or unofficial trails created by Park users. These trails serve as connectors between the two main trails or connectors to the roads surrounding the Park. Unofficial trails will not be maintained by the City and may be blocked if continued use is detrimental to the soil or vegetation along the trail. The official main trails are shown in Figure 7.

Trail maintenance work will be performed with the goal of maintaining the current main trail location and a width that permits use by pedestrians and cyclists, with a minimum width of 4 feet. Maintenance activities will consist of the following:

- Removing fallen trees and branches that are blocking a trail.
- Cutting back tree branches, shrubs, and vines that encroach the trail.
- Repairing the trail surface. This includes leveling the trail surface, installing water diversion features, or adding new trail surface material. When available, wood chips produced by the removal of woody vegetation during fire hazard reduction or forest restoration work can be repurposed for use on the trails and spread onto the trail, particularly on areas of excessive wear.
- Blocking unofficial trail connections with downed or cut logs.
- Felling dead or hazardous trees that are likely to fall onto the trail.

Trail maintenance work will be performed on an as-needed basis and based on comments or requests from trail users. Dudek recommends that City staff walk the trail system at least once per year to assess trail conditions and determine if there is a need to block an unofficial trail.

6.4 Five-Year Management and Maintenance Schedule

Annual Work Schedule

Annual goals for fire risk reduction and forest restoration are provided in the annual work schedule and in Table 8.

Action	Description	Target Date Range
Inspection	Walkthrough of the fire risk reduction area	March–May
Grass and Annual Removal	Mowing or cutting annual plants and grasses	May–June
Dead Tree Removal	Felling standing dead trees	January–June
Tree Trimming	Trimming lower branches of trees and woody shrubs	May–July
Woody Debris Removal	Removing fallen trees and piles of broken branches and safely disposing them	January–June

Action	Description	Target Date Range
Understory Thinning	Removing woody shrubs and thickets beneath midstory trees	January–June
Dead Vegetation Removal	Removing dead woody vegetation, shrubs, bushes, thickets, and small trees	January–June

Actions	Description	Target Date Range
Inspection	Walking through the forest and identifying restoration sites	January–May
Plot Layout	Laying out and mapping forest restoration sites	January–May
Site Preparation	Removing surface vegetation and raking soil. Trimming lower branches of trees and woody shrubs	May–September
Planting	Installing new seedlings or planting prepared seeds	January–March
Site Maintenance	Controlling grass and annual vegetation, supplemental water, protection from grazing	April–October

Five-Year Work Schedule

The 5-year timetable for Goals 1 and 2 is provided in Table 8.

Table 8. Goals 1 and 2 Five-Year Timetable

Goal	Action	Zone 2	Zone 3	Zone 4	2022	2023	2024	2025	2026	2027
Reduction										
Wildfire Risk Reduction	Inspection	X	X	X	X	X	X	X	X	X
Wildfire Risk Reduction	Mowing	X	X	X	X	X	X	X	X	X
Wildfire Risk Reduction	Tree Felling			X	X					
Wildfire Risk Reduction	Woody Debris Removal	X	X	X	X					
Wildfire Risk Reduction	Tree Trimming	X	X	X	X					X
Wildfire Risk Reduction	Brush Removal		X		X				X	

Table 8. Goals 1 and 2 Five-Year Timetable

Goal	Action	Zone 2	Zone 3	Zone 4	2022	2023	2024	2025	2026	2027
Restoration										
Reforestation	Inspection	X	X	X	X	X	X	X	X	X
Reforestation	Plot Layout	X	X	X	X					
Reforestation	Site Preparation	X	X	X	X	X		X		X
Reforestation	Tree Planting	X	X	X	X	X		X		X
Reforestation	Site Maintenance	X	X	X	X	X	X	X	X	X

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SOURCE: Bing Maps 2021, Monterey County

DUDEK

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FIGURE 7

Main Trail System

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7 Materials and Labor Needed to Reach Management and Maintenance Recommendations Over the Next 5 Years

7.1 Treatment Methods

Several treatment methods are available to achieve the management goals described in Chapter 6 of this FMP. A combination of treatment methods is not only acceptable but is likely the optimal choice because it allows the City to pick the most effective method for each task and allows some flexibility if one option is not available.

Described below are treatments methods suited to the conditions in the forested zones and the goals. Also included is a recommended treatment plan based on observations of the forest and of treatment methods that have been successful elsewhere in Monterey County.

7.1.1 Mechanical

Only light mechanical equipment is recommended for operating in the forested zones because of the conditions in the Park and the location of the Park in a residential neighborhood. A tracked or rubber-wheel skid steer (e.g., bobcat) is small enough to operate efficiently within the Park. Skid steers can equip a variety of attachments that enable them to complete many of the treatment actions, including a mulcher or masticator head for removing brush and small trees plus processing the cut material, a grapple for carrying cut material, and a mower for cutting annuals and grass. The equipment operator will need be briefed on proper work procedures, cut material disposal, and equipment cleaning because the Park lies in a Pitch Canker Zone of Infestation where the intent is to minimize the likelihood that the disease (or the beetle that aids in its transmission) would be transported to area where the infection is not present.

Pros

- Quickly able to treat heavy fuel loads over large areas
- One piece of equipment can complete many of the management actions
- Poison oak is not an issue

Cons

- Expensive
- Can create soil compaction and soil damage, particularly if used when the soil is wet
- Needs a large, safe working space
- Hand crews needed to perform tree trimming, tree felling, and cutting up large logs

Neutral

- The most cost-effective use of mechanical equipment is to perform all the fire hazard reduction and forest restoration site preparation at the same time; however, this would result in performing some of the work at a less-than-ideal time of year.

7.1.2 Manual

Hand crews will be equipped with powered equipment such as chain saws, mowers, and weed whips, as well as hand tools such as hand saws, pruners, loppers, and shears. Hand crews can perform all the treatment actions described in the FMP, and will likely be used even if other methods are selected. Hand crews will need to work with a chipper parked on the nearest street while they are performing fire hazard reduction work. Crews will need to be briefed on proper processing, disposal of chips, and equipment cleaning because the Park lies in a Pitch Canker Quarantine Zone and because of the presence of bark beetles.

Pros

- Minimal damage to soil and remaining vegetation
- Can perform all the treatment actions
- Generally, not disruptive to other Park uses

Cons

- Areas of poison oak may not be treated or may cost significantly more to treat
- May require multiple hand crew contractors to complete all the treatment actions
- Expensive

7.1.3 Biological

Grazing is an effective method for treating surface vegetation and low-growing woody vegetation. Goat grazing is used in California for resource management and the most widely available in the area. Goats will graze on a variety of vegetation, including grasses, annual herbaceous plants, and small woody shrubs. They will also eat poison oak. Grazing will not address the tree trimming or down woody debris removal needs. Grazing also takes the longest to complete, sometimes taking a week or longer to complete what mechanical methods could complete in 1 day.

Pros

- Low impact on the soils and mature trees
- Will consume nearly all the herbaceous, grass, and woody shrubs species present
- Effective at controlling surface vegetation on large areas
- Animal movement and grazing exposes mineral soil

Cons

- Logistical needs, including fencing, access to water, and trailer access to treatment areas
- Goats will eat tree seedlings and other desirable plants if not protected

- Have a specific time window for when they will consume different types of plants
- Goats will graze on small trees and shrubs, but hand crews are still needed to perform tree trimming, tree felling, and cutting up large logs
- Grazing contractors have a minimum acreage requirement

7.1.4 Chemical

Selective and non-selective herbicides are useful for controlling the growth of undesirable vegetation. Properly applied herbicides are effective at controlling understory vegetation, particularly when dealing with aggressive invasive grasses and annuals. Herbicide use is not recommended for fire hazard reduction because it does not accomplish fuel reduction objectives, but it could be used on as-needed basis for forest restoration site preparation and maintenance to control the abundant non-native grasses present throughout the Park. A licensed pesticide applicator is required to perform any treatment application.

Pros

- Cost effective
- Provides effective control of aggressive invasive plants

Cons

- Considerable social stigma associated with herbicide use, even when done properly
- Other treatment methods still required for fire hazard reduction work and woody debris removal

7.1.5 Prescribed Fire

Monterey pine cones are serotinous, opening and releasing their seeds in the heat generated from a fire or high air temperatures. Fire also prepares an ideal seed bed for the new trees to become establish (Cope 1993). Low-intensity fire is also effective at controlling understory vegetation. Finally, a well-performed prescribed fire substantially reduces the risk of wildfire occurring for several years.

Pros

- Accomplishes multiple treatment actions in one treatment
- Most effective method for reducing fire hazard and reducing woody debris

Cons

- Carries the risk of fire escape
- Requires a great deal of planning to properly carry out
- Some site preparation is needed pre and post burn
- Has specific personnel, equipment, and environmental requirements that must be met to be performed

7.1.6 Recommendations

Dudek's recommended treatment method is to use a combination of hand crews to remove the large dead trees and downed trees (6 inches in diameter or greater) and then use goats to remove the surface and small understory vegetation. Goats are highly effective at consuming surface and understory vegetation, and in combination with the hand crews, removing the larger woody material will create an effective buffer around the Park while minimizing soil disruption. The main drawback of relying on goats is timing, because goats graze different vegetation types at different times of year, and goats need several days to several weeks to cover an entire treatment area. If there is limited time to complete the fire hazard reduction work, then the recommended treatment method is to use mechanical treatments for performing the fire hazard reduction work within the Park. The ideal treatment strategy is to have the surface and understory chipped or masticated by a lightweight skid steer or mini-excavator. Hand crews would then be used to cut and remove large, downed trees (typically over 9 inches in diameter or greater) or standing dead trees. Hand crews would also need be used in the monarch butterfly and sensitive habitat areas.

The ideal treatment method for the forest restoration work is to have the site preparation work be completed with a combination of hand crews to remove the large dead trees and downed trees, and then use goats to remove the surface and small understory vegetation. The goats would be allowed to graze the areas surrounding each plot and within the plot boundaries to help control the encroachment of competing vegetation within each tree planting site. The tree planting and follow up tree care work would be performed by hand crews.

7.2 Treatment Plan

7.2.1 Fire Hazard Reduction

Fire hazard reduction work will begin with an assessment of the vegetation within the fire hazard reduction zone, followed by a walkthrough with a vendor, if one is used. This assessment should be done in the spring; April is ideal, but there is some flexibility for earlier or later in the season depending on the weather. The treatment actions begin with the mowing/cutting of grass and annuals as soon as they cure, usually in April or May. Tree felling, tree trimming, and cut material removal is performed next. While mid-summer is the preferred time to trim coast live oak trees and winter is the preferred time to trim pine trees, it is acceptable to trim both the pines and oaks in the early summer for fire hazard reduction. Fire hazard reduction work should be completed prior to the onset of hot, dry conditions and the arrival of high fire danger. The initial treatment will likely require the most work to meet the defensible space requirements. Follow-up treatments for most years will be limited to mowing/cutting the grass and annuals, with tree trimming needed every 5 to 10 years. Dead tree removal and brush/small tree removal will likely be performed during the initial treatment and then on an as-needed basis.

Fire hazard reduction will be accomplished with a combination of hand crews and grazing. Hand crews will be used to perform all the treatment actions within 100 feet of the homes on Melrose Street that back up to the Park. This method is preferred because it ensures that the work can be scheduled and performed regardless of the condition of the vegetation for grazing or when the onset of hot and dry weather occurs. Hand crews will perform the tree trimming, dead tree removal, and woody debris removal on the remainder of the wildfire hazard reduction zone. Cut woody material will be chipped and used on site, but not spread within 30 feet of a wooden fence. All flammable vegetation will be raked away from private property fences. A permit will need to be obtained prior to trimming or removing trees within the Park.

Grazing will be used to control the surface vegetation and thickets of poison oak, blackberry, and wild cucumber.

7.2.2 Forest Restoration

Forest restoration will be accomplished using hand crews and grazing. Hand crews will be used to remove standing dead trees, raking accumulated leaf litter, and planting trees. Hand crew work will be limited to the area within the plot or, in the case of dead tree felling, the trees that have a high potential to fall into the reforestation plot. Cut woody material will be left on site, provided it is resting on the ground and not obstructing a plot or trail. Grazing will be performed over the entire forest reforestation zone, with the exception of the areas specified for exclusion (wildlife habitat, native plant restoration sites, existing reforestation sites).

Forest restoration work will begin with an assessment of the forest restoration zone. This includes determining the plot locations and mapping their location for the reforestation actions. The assessment should be followed up with a walkthrough of the zone with the tree service vendor and grazing vendor. If supplemental tree planting will be performed, then the trees should be ordered in the spring to ensure there is sufficient stock available. Appendix E contains a list of local nurseries that stock or can order Monterey pine. Treatment action will begin with the site preparation work. Depending on contractor availability, either the hand crews or grazing can begin first. Site preparation is not as time sensitive as the fire hazard reduction work, but it may be more cost effective to have the hand crews perform all the work at one time. Tree planting will take place in the fall after the first sufficient rainfall.

The initial site preparation will likely require the most work. Follow up treatments will depend on whether trees are being allowed to regenerate naturally or if trees will be planted. On natural regeneration sites, follow-up site maintenance will be limited to controlling surface vegetation and raking the topsoil to keep the seed bed in optimal condition. On planted sites or after natural regeneration has occurred, follow-up site maintenance will include controlling surface vegetation and installing protection from browsing; supplemental watering may be needed throughout the summer if drought conditions persist.

Initial forest restoration treatments do not need to be completed for all the plots in the same year. It is acceptable to perform treatment actions on a few of the plots each year over a period of several years until all the plots have been treated. However, it is not recommended to partially treat one plot, specifically not to partially plant a plot over a period of several years because the oldest trees have a high probability of outcompeting and overtopping the later plantings, limiting the growth potential or killing the younger trees.

7.2.3 Biological Resource Protection

As previously described, there are three special-status plants and four special-status wildlife species that are known to be present within the forested area of the Park or have the potential to occur within the Park or in the vicinity. Forest treatment actions will be implemented in a manner that either avoids impacting the special-status species or minimizes unavoidable impacts to special-status species. Described below are protection measures for each special-status species or special-status group.

7.2.3.1 Special-Status Plants

To protect special-status plant species, it is recommended that appropriately timed surveys be conducted prior to vegetation removal activities by a qualified botanist at the appropriate period when these species are evident and identifiable. If special-status plant species are observed during the surveys, it is recommended that the individuals

or populations be flagged with high-visibility flagging and completely avoided. If avoidance is not feasible, a species-specific mitigation plan should be prepared that describes the measures to be implemented to reduce and mitigate unavoidable impacts to special-status plants.

A detailed description of the protective measures to be implemented for each identified species is provided the Biological Constraints report that is attached to this FMP (Appendix B).

8 Conclusion

George Washington Park is a community park within a residential neighborhood. Approximately three-quarters of the Park is covered with a natural Monterey pine–coast live oak forest. This forested area is trending toward a decline of Monterey pine as the dominant tree in the overstory. Monterey pine decline is due to several accumulative factors (e.g., drought, insects, disease) and the lack of young pines in the understory to replace the mature pines as they die. Coast live oak trees are more abundant than the pine trees and have a better distribution of trees sizes and age. Oak trees are filling in the gaps in the tree canopy created by the loss of mature pine trees; however, these replacement oaks do not reach the diameter or height of the pines they are replacing. There are four main threats affecting the forested zones in the Park, with drought being the most widespread and having the greatest impact. Drought has an added impact in that it increases the risk of a destructive wildfire spreading through the forested area of the Park. Disease and insects are also damaging agents, but their impact is primarily on the pine trees. Competition from surface vegetation is impacting the structure and composition of the forest by limiting natural regeneration but is not impacting the health of existing trees.

The City is interested in improving the health and safety of the forested area, and has created two management goals for the forested area: first is to maintain the vegetation along the perimeter of the Park to reduce the risk of a destructive wildfire in the Park spreading to nearby homes, and second is to encourage the development of a healthy forest on the interior of the Park by creating conditions that are optimal for the growth of new trees.

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9 References

Brugan, Robert E., and Joe H. Scott. 2005. Standard Fire Behavior Fuel Models: A Comprehensive Set for Use with Rotheremel's Surface Fire Spread Model (General Technical Report RMRS-GTR-153). USDA Forest Service, Rocky Mountain Research Station.

CAL FIRE. 2018. Fire and Resource Assessment Program (FRAP) database Fire Perimeters. https://frap.fire.ca.gov/mapping/pdf-maps/.

CDFW (California Department of Fish and Wildlife). 2021. California Natural Diversity Database. CDFW, Biogeographic Data Branch. Accessed October 2021. https://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp.

CGS (California Geological Survey). 2021. Department of Conservation Maps Data Viewer: California Geology. California Department of Conservation. https://maps.conservation.ca.gov/geology/#webmaps.

City of Pacific Grove. 1999. Master Plan for George Washington Park. Natural Resources Committee and City Forester, Frank Ono. July 1999.

Cope, Amy B. 1993. "Pinus radiata." In: Fire Effects Information System [Online]. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fire Sciences Laboratory (Producer). Accessed June 6, 2022. https://www.fs.fed.us/database/feis/plants/tree/pinrad/all.html.

MacLaren, J.P. 1993. Radiata Pine Growers' Manual. New Zealand Ministry of Forestry, FRI Bulletin No. 184.

Maguire and Withrow-Robinson. 2018. Competition and Density in Woodland Stands. Oregon State University; Forestry & Natural Resources Extension. EM 9206. June 2018. https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em9206.pdf.

McDonald, Philip M., and Robert J. Laacke. 1990. "Pinus radiata D. Don Monterey Pine Silvics of North America." Volume 1 Conifers Agriculture Handbook 654. U.S. Department of Agriculture, Forest Service, Washington, DC. vol. 2, 877 p.

MFD (Monterey Fire Department). 2021. Personal communication via phone conversation with a member of the Fire Prevention Department.

NIDIS (National Integrated Drought Information System). 2022. Drought Information By Location-States-California. National Oceanic and Atmospheric Administration (NOAA) 2022. https://www.drought.gov/states/california.

NRCS (National Resource Conservation Service). 2021. Web Soil Survey. U.S. Department of Agriculture. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.

Owen, Donald R. 2003. The Red Turpentine Beetle. California Department of Forestry and Fire Protection. Tree Notes #9.

Seager, R., T. Osborn, Y. Kushnir, I. Simpson, J. Nakamura, and H. Liu. 2019. "Climate Variability and Change in Mediterranean-Type Climates." Journal of Climate, 32(10), 2887–2915. https://doi.org/10.1175/JCLI-D-18-0472.1.

Sinclair, W.A., and H.H. Lyon. 2005. Diseases of Trees and Shrubs. 2nd ed. Ithaca, NY: Cornell University Press. 659 p.

University of California Statewide IPM Program 2013 Pitch Canker Integrated Pest Management For Home Gardeners and Landscape Professionals University of California Agriculture and Natural Resources Statewide Integrated Pest Management Program (IPM). Pest Notes Publication 74107

WRCC (Western Regional Climate Center). 2021. Monterey, California (045795). Monthly Climate Summary. Accessed October 2021. https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca5795.

Appendix A
Soil Types

Soils in George Washington Park

Soils present within the park a primarily composed of sand and are typical of the soils that were formed from sedimentary rock. Below is a description of the soil types present within the park. This information was obtained from the Natural Resource Conservation Service (NRCS) Web Soil Survey (WSS).

Baywood sand, 2 to 15 percent slopes (BbC)-Consists of somewhat excessively drained soils that formed in stabilized sand dunes. In a representative profile the surface layer is dark grayish brown and brown, slightly acid and medium acid sand 21 inches thick. Below this is pale brown, slightly acid sand 6 inches thick. It is underlain by very pale brown, slightly acid sand that extends to a depth of more than 60 inches.

Permeability is rapid, and the available water capacity is 2.5 to 3 inches. Roots penetrate to a depth of more than 60 inches.

Baywood sand soils in the park are limited to a small area on the west side of the park near the ballfield and account for 13% of the soils in the park by area.

Narlon loamy fine sand, 2 to 9 percent slopes (NcC)- This is a gently sloping and moderately sloping soil on dissected marine terraces. The Narlon series consists of somewhat poorly drained soils that formed on uplands in soft marine sediments. In a representative profile the surface layer is gray, medium acid loamy fine sand about 3 inches thick. The subsurface layer is white, mottled, medium acid and slightly acid loamy fine sand 10 inches thick. The subsoil is light brownish gray, gray, and light gray, mottled, very strongly acid clay 40 inches thick. The substratum is mottled white, extremely acid weathered sandstone. Permeability is very slow, and the available water capacity is 2 to 3 inches. Most roots penetrate to a depth of 12 to 24 inches, but some tree roots penetrate very deeply into cracks.

Narlon loamy fine sand, 2 to 9 percent slopes soils are the dominant soil type and account for 51% of the soils in the park by area.

Narlon loamy fine sand, 15 to 30 percent slopes (NcE)- This is a strongly sloping and moderately steep soil on uplands. The Narlon series consists of somewhat poorly drained soils that formed on uplands in soft marine sediments. In a representative profile the surface layer is gray, medium acid loamy fine sand about 3 inches thick. The subsurface layer is white, mottled, medium acid and slightly acid loamy fine sand 10 inches thick. The subsoil is light brownish gray, gray, and light gray, mottled, very strongly acid clay 40 inches thick. The substratum is mottled white, extremely acid weathered sandstone. Permeability is very slow, and the available water capacity is 2 to 3 inches. Most roots penetrate to a depth of 12 to 24 inches, but some tree roots penetrate very deeply into cracks.

Narlon loamy fine sand, 15 to 30 percent slopes soils occur in two bands near the hilltop located at the corner of Pine St. and Alder St. These soils account for 36% of the soils in the park by area.

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Appendix B
Biological Constraints Report

1630 SAN PABLO AVENUE, SUITE 300
OAKLAND, CALIFORNIA 94612
T 510.601.2500 F 510.601.2501

May 10, 2022 13676

Office of the City Clerk
City of Pacific Grove
300 Forest Avenue
Pacific Grove, California 93950

Subject: Biological Resources Constraints Assessment for the Proposed Management Plan for Forested Area of George Washington Park, Pacific Grove, Monterey County, California

Dear Sir or Madam:

At the request of the City of Pacific Grove, Dudek conducted a biological resources assessment for the approximately 17-acre proposed Forest Management Plan (Plan) site within George Washington Park (project site or site) in the City of Pacific Grove, California. In October 2021, Dudek biologists conducted a literature review of various resource databases and followed up with reconnaissance-level field surveys to identify and describe existing biological resources, including natural vegetation communities, aquatic resources (e.g., wetlands), sensitive natural communities, and potential habitat for special-status plant and wildlife species. This letter report summarizes our findings and identifies potential biological resource constraints to Plan activities. Recommendations to avoid or minimize impacts to biological resources are also provided.

Project Site Location and Description

The project site is approximately 17-acres of undeveloped parks land within the George Washington Community Park east of 17 Mile Drive in the central limits of the City of Pacific Grove (Figure 1, Project Location and Figure 2, Project Site).

The project site is in Sections 13 and 14 of Township 18S and Range 1W of the Monterey U.S. Geological Survey 7.5-minute quadrangle. The approximate center of the project site corresponds to 36.620564 north latitude, and 121.928463 west longitude.

At the time of the site visits, the project site consisted largely of undeveloped parkland with the exception of a community baseball field, restroom facility, and playground at the southern boundary of the site. A review of historical Google Earth imagery shows that the site has historically remained undisturbed. The site is currently surrounded by residential development in all directions. The Rip Van Winkle Open Space is located south of the project site, and the Monarch Butterfly Sanctuary is located northwest of the project site.

Topography of the project site is gently sloping, with the steepest section at the northeast corner averaging 180 feet above mean sea level. Monterey County experiences a Mediterranean climate with warm, dry summers and cool, wet winters. The average annual daytime temperature in the general vicinity of the site is 65°F, and the average minimum temperature is approximately 48°F (WRCC 2021). Average annual precipitation in the general vicinity of the site is 19.73 inches, nearly all of which falls from October to April (WRCC 2021). Coastal fog and fog drip contributes to a small amount of precipitation in the months between May and October.

DUDEK
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Methods

Literature Review

Special-status species potentially present on the project site were identified through a literature search of the following sources: U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) (USFWS 2021), California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) (CDFW 2021a), and the California Native Plant Society's Inventory of Rare and Endangered Plants of California (CNPS 2021). Searches of the above-referenced databases were completed for the Monterey and four surrounding U.S. Geological Survey 7.5-minute quadrangles: Seaside, Soberanes Point, Marina, and Mt. Carmel.

For this report, special-status plant and wildlife species are defined as those that are (1) listed, proposed for listing, or candidates for listing as threatened or endangered under the federal Endangered Species Act; (2) listed or candidates for listing as threatened or endangered under the California Endangered Species Act; (3) designated as Fully Protected under the California Fish and Game Code; (4) designated as a California Species of Special Concern by CDFW; or (5) assigned a California Rare Plant Rank (CRPR) of 1A, 1B, 2A or 2B by the California Native Plant Society. The CRPR system includes six rarity and endangerment ranks for categorizing plant species of concern, as follows:

- CRPR 1A – Plants presumed to be extinct in California
- CRPR 1B – Plants that are rare, threatened, or endangered in California and elsewhere
- CRPR 2A – Plants presumed to be extinct in California, but more common elsewhere
- CRPR 2B – Plants that are rare, threatened, or endangered in California, but more common elsewhere
- CRPR 3 – Plants about which more information is needed (a review list)
- CRPR 4 – Plants of limited distribution (a watch list)

Plants with CRPR 1A, 1B, 2A, or 2B may qualify as endangered, rare, or threatened species within the definition of California Environmental Quality Act (CEQA) Guidelines Section 15380. CDFW recommends that potential impacts to CRPR 1 and 2 species be evaluated in CEQA review documents. In general, CRPR 3 and 4 species do not meet the definition of endangered, rare, or threatened pursuant to CEQA Guidelines Section 15380, but these species may be evaluated on a case-by-case basis.

Field Reconnaissance

Following the literature review, Dudek Urban Forestry Specialist Michele Laskowski and Biologist Emily Scricca determined the potential for special-status species to occur within the project site. Determinations were based on a review of habitat types, soils, and elevation preferences, as well as the known geographic range of each species. For example, if the project site is within the elevation range of a particular plant species, but a specific soil type for that species was not present, the species was determined to have "low potential to occur" on the project site. Species were considered "not expected to occur" when the project site was clearly outside the known geographic range of the species or when potential habitat was absent from the project site.

Ms. Laskowski performed a tree inventory and special-status plant habitat assessment on the project site on October 5, 2021, from 9 a.m. to 4 p.m. and on October 8, 2021, from 9:00 a.m. to 4:00 p.m. Weather during the

site visits was overcast with an ambient temperature of approximately 65°F. The survey consisted of walking the entire site on foot and recording field notes on observed vegetation and wildlife species and habitat suitability for special-status plants.

Ms. Scricca performed a biological field reconnaissance of the project site on October 21, 2021, from 10:30 a.m. to 12:30 p.m. Weather during the site visit was partly cloudy, with an ambient temperature of approximately 65°F at the start and 72°F at the completion of the field visit. The site visit included mapping vegetation communities and land cover types present on the project site and assessing habitat for special-status wildlife species. The visit was conducted on foot to ensure visual coverage of the entire project site. Field notes and an aerial photograph (Google Earth Pro 2021) with an overlay of the project boundary were used to map vegetation communities and record any sensitive biological resources while in the field. Representative project site photographs are included in Attachment A.

All plant species were identified to the lowest taxonomic group possible. Nomenclature for plant species follow the Jepson Manual, Vascular Plants of California, Second Edition (Jepson Flora Project 2021).

Wildlife species detected by sight, calls, tracks, scat, or other signs were recorded into a field notebook. The project site was scanned with and without binoculars to aid in the identification of wildlife. Wildlife species not observed but expected to use the project site were identified based on known habitat preferences and regional distribution.

No formal wetland delineation or focused surveys for special-status plant or animal species were conducted. The field visit was sufficient to generally describe aquatic features on the project site that could be subject to regulation by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and/or CDFW.

Existing Conditions

Vegetation Communities and Land Cover Types

The project site is mostly undeveloped parkland except for a community baseball field, restroom facility, and playground at the southern boundary of the site. This area is surrounded by dirt pedestrian trails and scattered picnic tables mixed amongst individual coast live oak (*Quercus agrifolia),* Monterey cypress (*Hesperocyparis macrocarpa*), Monterey pine (*Pinus radiata*), and coast redwood (*Sequoia sempervirens*) trees.

The remainder of the site is dominated by the Monterey cypress – Monterey pine stands (*Hesperocyparis macrocarpa – Pinus radiata* Forest & Woodland Semi-Natural Alliance) (Figure 3, Vegetation Communities and Land Cover Types). This vegetation community is dominated by a Monterey cypress and Monterey pine overstory with a lower canopy dominated by coast live oak. Common understory vegetation includes a shrub layer that is sparse to intermittent and an herbaceous layer that is sparse to grassy. Monterey cypress – Monterey pine stands have been planted as windbreaks, groves, or individual trees and are naturalized in coastal areas. Because of their artificial origin, they do not contain a global or state rarity ranking.

Soils and Hydrology

According to the U.S. Department of Agriculture Natural Resources Conservation Service (USDA 2021), three soil types occur within the project site: Baywood sand, 2 to 15 percent slopes; Narlon loamy fine sand, 2 to 9 percent slopes; and Narlon loamy fine sand, 15 to 30 percent slopes (see Figure 4, Soils). The project site mostly consists of the Narlon loamy fine sand complex; the Baywood sand soil type is found along the southwestern boundary of the site, north of the baseball field. The Narlon loamy fine sand complexes are considered to be poorly drained hydric soils with a very high runoff class. Baywood sand in non-hydric, although hydric inclusions may occur. None of the soil types are known to support edaphic special-status plant species (i.e., the soils of the site are neither serpentine nor alkaline).

The project site lies within the Soberanes Creek-Frontal Pacific Ocean Hydrologic Unit (HUC 12 180600060203) (Figure 5, Hydrologic Setting). An unnamed drainage is located approximately 0.25 miles south of the project site, originating from within the Rip Van Winkle Open Space, and ultimately drains into the Pacific Ocean, a traditional navigable water of the United States. According to the U.S. Geological Survey National Hydrography Dataset (USGS 2021), predefined waters of the United States or state are absent from the project site.

Plant and Wildlife Species Observed

Most vegetation on the project site consists of native or naturalized species; 47 species of plants (28 native [60%] and 19 non-native [40%] species) were recorded on the site (see Attachment B). The field visit was conducted late in the growing season when many plants are not evident or identifiable. As such, floristic surveys conducted at the appropriate time of the growing season would likely yield a greater number of identifiable species. The understory vegetation observed on the project site included annual grasses such as ripgut brome (*Bromus hordeaceus),* big quakinggrass (*Briza maxima*), wild oats (*Avena barbata/fatua*), perennial rye grass (*Festuca perennis*), mouse barley (*Hordeum murinum)* and others. Perennials, subshrubs and shrubs include blackberry (*Rubus ursinus*), toyon (*Heteromeles arbutifolia*), poison oak (*Toxicodendron diversilobum*), monkey flower (*Diplacus aurantiacus*), western brakenfern (*Pteridium aquilinum*), English ivy (*Hedera helix*), hedgenettle (*Stachys bullata*), broom (*Cytisus scoparius*), vining honeysuckle (*Lonicera hispidula*), and others.

Wildlife species observed or expected to occur on the project site are those that are adapted to forested parklands, Monterey cypress – Monterey pine stands, and urban landscapes with moderate human activity. Western fence lizard (*Sceloporus occidentalis*) was the only amphibian or reptile species observed during the site visit, although common species such as Sierran tree frog (*Pseudacris sierra*), gopher snake (*Pituophis catenifer*), and western rattlesnake (*Crotalus oreganus*) are also likely to occur. Common bird species observed included black phoebe (*Sayornis nigricans*), red-shouldered hawk (*Buteo lineatus*), Anna's hummingbird (*Calypte anna*), California scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), dark-eyed junco (*Junco hyemalis*), and California towhee (*Melozone crissalis*). Scat belonging to black-tailed deer (*Odocoileus hemionus*) was observed throughout the project site. A full list of wildlife species observed during the site visit is included in Attachment C.

Results

Special-Status Plant and Wildlife Species

Special-Status Plant Species

Results of the CNDDB, California Native Plant Society, and IPaC database searches revealed 75 special-status plant species as historically or potentially occurring in the site vicinity (Attachment D, Special-Status Plant Species Potential to Occur). Of these, 31 were eliminated from consideration because they were CRPR rankings of 3 and 4. This narrowed the list to include plants that are state and federally listed and/or with a CRPR of 1 or 2.

Each of the remaining 44 species were evaluated based on suitable habitat or edaphic conditions (i.e., alkaline or serpentine soils), or the sites' location outside of their known range and the proximity of known populations to the project areas. The site supports planted Monterey cypress but is outside the range of naturally occurring stands at Cypress Point and Point Lobos State Park near Carmel with a CRPR of 1B.2; therefore, this species is not expected to occur. Two special-status plant species are known to occur on or near the project site: Monterey pine (*Pinus radiata*) and Yadon's rein orchid (*Piperia yadonii*). Four species were determined to have a high potential to occur in the project site. Those include sandmat manzanita (*Arctostaphylos pumila*), San Francisco collinsia (*Collinsia multicolor*), marsh microseris (*Microseris paludosa*), northern curly-leaved monardella (*Monardella sinuata* ssp. *nigrescens*). The status of these species is briefly discussed below.

Marsh microseris has a CRPR of 1B.2 and is a perennial herb with a high potential to occur on the site. It occurs in closed-cone coniferous forest, cismontane woodland, and coastal scrub habitat. The project site overlaps an area of known occurrence of this species. A historical occurrence comprised of four collections at unspecified locations in "Pacific Grove" from 1906 to 1956 overlaps much of Pacific Grove, including the project site (Occ. No. 3; CDFW 2021a).

Native Monterey cypress has a CRPR of 1B.2 and is limited to two stands at Cypress Point and Point This species occurs on the project site but is naturalized and therefore the on-site trees are not considered special-status plants. The species is widely planted and naturalized elsewhere on the coast and beyond.

Native Monterey pine has a CRPR of 1B.1 and is present on the project site. The trees in this location are within the estimated historic range of this species as mapped by the CNDDB (Occ. No. 4) (CDFW 2021a) and are naturally occurring. The species is widely planted and naturalized elsewhere. Records provided by the City of Pacific Grove indicate that this stand of Monterey pine has been present on the site since the beginning of the twentieth century.

Northern curly-leaved monardella has a CRPR of 1B.2 and is a perennial herb with a high potential to occur on the site. This species occurs in chaparral, lower montane coniferous forest, coastal scrub, and coastal dunes. The collection source for the CNDDB occurrence of this species in the area is from 1932, so the location description is based on a best guess (Occ. No. 4) (CDFW 2021a). It is likely to be found on stabilized dunes in the vicinity.

Sandmat manzanita has a CRPR of 1B.2 and is a perennial evergreen shrub with a high potential to occur on the site. This species has three known populations within 0.5 miles of the project site. Within those locations the species has been extensively mapped and a noted increase in population density from 2004 to 2015 (Occ. Nos. 9, 14, and 20) (CDFW 2021a).

San Francisco collinsia has a CRPR or 1B.2 and is an annual herb with a high potential to occur on the site. This species occurs in closed-cone coniferous forest and coastal scrub habitat. A historical occurrence composed of a 1903 collection at an unspecified location overlaps a 1-mile-radius area centered on Pacific Grove, including the project site (Occ. No. 3; CDFW 2021a). The site provides high-quality habitat for this species.

Yadon's rein orchid is federally endangered with the CRPR or 1B.1. It is a perennial herb that is known to occur in closed cone coniferous forest, coastal bluff scrub and chaparral. It is known to occur on the project site (Occ. No. 4) (CDFW 2021a) and there are multiple occurrences in the vicinity. It has been noted as occurring in the understory of Monterey pine within patchy but dense *Calamagrostis nutkaensis* (CDFW 2021a). It was noted that the roadside mowing and vehicles parking along the road are a threat to this species.

Because the site visits were conducted outside of the blooming period for the above-mentioned plant species, most of these species would not have been evident or identifiable during the site visit.

Special-Status Wildlife Species

Based on the results of the CNDDB and IPaC database searches and field reconnaissance, Dudek identified 33 special-status wildlife species as occurring or potentially occurring in the region of the project site (Attachment E, Special-Status Wildlife Species Potential to Occur). Of these, 28 species were eliminated from consideration due to the absence of suitable habitat and/or the project site's location outside of their known range. The remaining species have some potential to occur within or near the project site and are described in more detail below.

Northern California Legless Lizard

Northern California legless lizard (*Anniella pulchra*) is a California species of special concern. This species is a fossorial (i.e., burrowing) animal and is found primarily in areas with sandy or loose soils, where they typically are found beneath leaf litter and in the soil (Holland and Goodman 1998; Morey 2000). This species may be found in sparsely vegetated areas in a variety of habitats, including beach dunes; chaparral; California sagebrush scrub; oak woodlands; pine forests; pine–oak woodland; sandy washes; and stream terraces with sycamores, cottonwoods, or oaks (Morey 2000; Stebbins 2003; Holland and Goodman 1998).

This species was documented within sandy soil within the southwest corner of the project site in 2017 (Occ. No. 375) (CDFW 2021a). The project site contains suitable woodland habitat with sandy soils to support this species. This species was not observed in the study area during the site survey; however, there is high potential for it to be present.

White-Tailed Kite

The white-tailed kite (*Elanus leucurus*) is a California Fully Protected species. It generally occurs in low-elevation grassland, wetland, oak woodland, low shrub, open woodlands, or savannah habitats. This species also uses fencerows, irrigation ditches with residual vegetation, and freeway edges and medians. Nests are constructed in a variety of trees, with coast live oak perhaps the most common, and placed high in the crown on thin branches (Peeters and Peeters 2005).

White-tailed kite has a moderate potential to nest within the project site. The project site contains suitable nest trees (*Quercus* spp., *Pinus* spp., etc.); however, foraging habitat is marginal due to the lack of open habitat and

density of trees on the site, and the site is immediately surrounded by residential development. This species was not observed during any of Dudek's site visits and has not been documented in the CNDDB within 5 miles of the project site (CDFW 2021a). However, there are several recent eBird observations of this species within and adjacent to the project site from 2015 to 2021, including one observation from 2019 within the middle of the project site (eBird 2021).

Special-Status Bats

Townsend's big-eared bat *(Corynorhinus townsendii*) is a California Species of Special Concern that is known to roost in limestone caves and lava tubes, man-made structures, and tunnels. This species inhabits deciduous forests and riparian habitat. The project site does not contain suitable roosting habitat for this species due to the lack of human-made structures and caves on site. However, there is moderate potential for this species to occasionally forage on site and roost within the structures adjacent to the project site. Because the project site is surrounded by urban development and subject to frequent human disturbance, Townsend's big-eared bat is unlikely to occur in large numbers, if present.

The numerous trees on the site provide suitable roosting habitat for special-status (e.g., western red bat) and common foliage-roosting bat species. Additionally, many of the trees on site contain hollowed-out cavities in which common bat species may roost.

Signs of roosting bat occupancy (i.e., guano or staining) were not observed within the project site during the field visit.

Special-Status Butterflies

The monarch butterfly (*Danaus plexippus pop. 1*) is a candidate species for listing under the federal Endangered Species Act. This species is known to inhabit wind-protected tree groves with nectar sources and nearby water sources.

The project site contains suitable habitat for this species, and there are numerous documented occurrences of this species within the site from 1960 to 2014 (Occ. No. 89) (CDFW 2021a). Additionally, this species was observed within the project site during the October site visits.

This project site is within the historic overwintering range for this species. There is a growing body of research that examines the characteristics that create suitable overwintering habitat for this species. Loss of overwintering habitat is one among several identified stressors that may be driving the monarch population decline. The Xerces Society recognizes the Pacific Grove Sanctuary, approximately 900 feet northwest of the site, among the top ten highest priority overwintering sites remaining in California (Xerces Society 2020).

Nesting and Migratory Birds

In California, all native active bird nests (with eggs or young) are protected by provisions in the federal Migratory Bird Treaty Act of 1918 and Sections 3503 and 3503.5 of the California Fish and Game Code. The trees and shrubs within and adjacent to the project site provide suitable nesting habitat for several native local and migratory bird species.

Potentially Jurisdictional Aquatic Resources

The project site does not support any aquatic resource features that may be regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, San Francisco Bay Regional Water Quality Control Board under

Section 401 of the Clean Water Act or California Porter-Cologne Act, and/or CDFW under Section 1602 of the California Fish and Game Code.

Sensitive Natural Communities

Sensitive natural communities are vegetation communities that are of limited distribution statewide or within a county or region. A list of sensitive natural communities in California is maintained by CDFW (2021b) based on rarity of and threats to these communities in California. Impacts on high-quality occurrences of sensitive natural communities are typically considered significant under CEQA.

The project site consists of one vegetation community—Monterey cypress – Monterey pine stands—which is not listed as a sensitive vegetation community under the California Natural Community List (CDFW 2021b).

Protected Trees

Chapter 12.20.020 of the City of Pacific Grove's municipal code describes five categories of protected trees:

(1) Native Trees. All Gowen cypress, regardless of size; all Coast live oak, Monterey cypress, Shore pine, Torrey pine, and Monterey pine six inches or greater in trunk diameter, measured at 54 inches above native grade.

(2) All Other Private Trees. In addition to subsection (a)(1) of this section, all other Trees on private property, regardless of species, 12 inches or greater in trunk diameter, measured at 54 inches above native grade.

(3) Monarch Butterfly Habitat Trees. All Trees in or within 100 yards of designated Monarch sanctuaries. For the purposes of this title, the following sites are designated as Monarch sanctuaries, serving as official Pacific Grove Monarch butterfly over-wintering sites:

   (A) Monarch Grove Sanctuary. That portion of land bordered on the east and west by Ridge Road and Grove Acre Avenue, respectively, on the south by Short Street, and on the north by the northerly boundary of assessor's parcel numbers 006-361-30-031, -032, -033, and -034, extended from Grove Acre easterly to Ridge Road.

   (B) Washington Park Site. That portion of land bordered on the east and west by Alder Street and Melrose Avenue, respectively, on the north by Pine Avenue, and on the south by the imaginary extension of Junipero Avenue westerly from Alder to Melrose.

(4) Public Trees. All Trees on Public Property six inches or greater in trunk diameter, measured at 54 inches above native grade, and all Street Trees, regardless of size.

(5) Designated Trees. All Trees that are otherwise Protected and will be impacted as a result of Development, both proposed for Pruning or Removal and where the Development will impact the Critical Root Zone of the Tree that requires protection during construction, and all Trees otherwise identified—during Development or otherwise—for special protection by the property owner. Trees that are proposed to be Removed as part of a Development project shall be processed as part of the community.

Based on the forest inventory conducted by Dudek foresters, about two-thirds of the trees present within the project site would qualify as a protected tree by being a native tree (category 1), a public tree (category 2) or a Monarch Butterfly Habitat Tree (category 3) and being over 6 inches in diameter.

Summary of Site Constraints and Recommendations

The implementation of the proposed project could potentially be constrained by the following biological resources present or potentially present within or immediately adjacent to the project site.

Special-Status Plants

As described above, two special-status plants are known to occur within the project site: Monterey pine and Yadon's rein orchid. Additionally, four special-status plants have a high potential to occur in within the project site: sandmat manzanita, San Francisco collinsia, marsh microseris, and northern curly-leaved monardella. Vegetation removal activities associated with project implementation could directly impact these species, if present. To protect special-status plant species, Dudek recommends that a qualified botanist conduct appropriately timed special-status plant surveys prior to vegetation removal activities at the appropriate period when these species are evident and identifiable. If any special-status plants are identified, they should be flagged with high-visibility flagging and completely avoided. If avoidance is not feasible, a species-specific mitigation plan should be prepared that describes the measures to be implemented to reduce and mitigate unavoidable impacts to special-status plants.

Special-Status Wildlife

Four special-status wildlife species—Northern California legless lizard, white-tailed kite, Townsend's big-eared bat, and monarch butterfly—have potential to occur on or in the vicinity of the project site.

Northern California Legless Lizard. As previously described, the project site provides suitable habitat for Northern California legless lizard, and this species has historically been documented within the project site. Proposed vegetation removal activities could disturb habitat for this species, and potentially impact individual Northern California legless lizards. To prevent impacts to Northern California legless lizards, Dudek recommends that a qualified biologist conduct a pre-activity survey for this species no more than 7 days prior to the start of project activities. The survey shall consist of gently raking any loose soil, sand, or leaf litter with a wooden rake until all Northern California legless lizards are found. Any Northern California legless lizards found within the project site shall be relocated to similar habitat outside of the area of impact.

White-Tailed Kite and Other Nesting and Migratory Birds. As previously described, the project site provides suitable nesting habitat for white-tailed kite and other native bird species. If project activities occur during the nesting season (typically defined by CDFW as February 15 to September 1), direct impacts to white-tailed kite and nesting and migratory birds could occur through destruction of active nests. Additionally, prolonged loud vegetation removal noise and increases in human activity could disturb nesting birds, resulting in nest abandonment or failure. To protect white-tailed kite and nesting and migratory birds, Dudek recommends that a pre-activity nesting bird survey be conducted by a qualified biologist within 10 days prior to vegetation removal or ground-disturbance activities to determine if any native birds are nesting on or near the site (including a 250-foot buffer for white-tailed kite and other raptors). If any active nests are observed during surveys, a suitable avoidance buffer will be determined by the qualified biologist based on species, location, and planned project activity. These nests would be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.

Townsend's Big-eared Bat and Other Roosting Bats. As previously described, the project site provides suitable foraging habitat for Townsend's big-eared bat, and suitable roosting habitat for foliage-roosting, and cavity-roosting

bat species. If project activities require the removal of trees during peak activity timeframes when young or overwintering bats may be present (generally March through April and August through October), such activities could directly impact active bat roosts. To avoid impacts to active bat roosts, Dudek recommends that tree removals occur outside peak activity timeframes to the extent practicable. Additionally, it is recommended that daily restrictions on the timing of any work activities should be limited to daylight hours to reduce disturbance to roosting (and foraging) bat species.

Finally, Dudek recommends that a biologist with demonstrated experience conducting bat habitat assessments and roost surveys conduct a focused survey of subject trees within 30 days of the commencement of vegetation management activities. The survey should include a determination on whether active bat roosts are present on or within 50 feet of the project site. If Townsend's big-eared bat is detected to be roosting within the project site, CDFW should be contacted for additional instruction. If a non-breeding and non-wintering common bat colony is found, the individuals shall be evicted under the direction of a qualified biologist to ensure their protection and avoid unnecessary harm. If a maternity colony or overwintering colony is found within the project site, then the qualified biologist shall establish a suitable work-free buffer around the location. The buffer shall remain in place until the qualified biologist determines that the nursery is no longer active.

Monarch Butterfly. As previously described, Monarch butterfly has been documented within the project site, and the species may use the project site for overwintering, nectar foraging and possible larval rearing should host plants occur within the site. Because the Monarch butterfly is a candidate species for listing under the federal Endangered Species Act (ESA), it does not currently receive any legal protection under Section 9 of the ESA but any direct impacts to individuals or their host plants would be considered significant under CEQA. However, the City would be required to adhere to the management restrictions for tree removal inside of and within 100 yards of a Monarch Sanctuary. This would include limiting removals to the prescriptions in the approved Monarch Habitat Management plan and prohibiting the removal or pruning of trees during the months of October through April. Therefore, direct impacts to any Monarch butterflies potentially overwintering on the site are not expected.

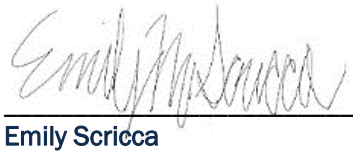
Protected Trees

Approximately two-thirds of the trees on the site meet the criteria for protection under Chapter 12.20 of the City's municipal code. The City would not be required to obtain a permit to remove trees within the park as part of City-approved forest management plan. However, the City would be required to adhere to the management restrictions for tree removal inside of and within 100 yards of a Monarch Sanctuary. This would include limiting removals to the prescriptions in the approved Monarch Habitat Management plan and prohibiting the removal or pruning of trees during the months of October through April. Tree pruning on protected trees is permitted provided no more than 25% of the live crown is removed during any treatment.

All tree pruning and removal work would be required to take place outside of the nested periods of listed threatened, endangered, or special status species as specified by CDFW or U.S. Fish and Wildlife Service.

Please contact me if you have any questions regarding the content of this report.

Sincerely,



Emily Scricca
Biologist

Att.: *Figures 1-5*
Attachment A, Representative Photographs of the Project Site
Attachment B, Plant Species Compendium
Attachment C, Wildlife Species Compendium
Attachment D, Special-Status Plant Species Potential to Occur
Attachment E, Special-Status Wildlife Species Potential to Occur

cc: *Matt Ricketts, Dudek*
Jeremy Cawn, Dudek

References Cited

CDFW (California Department of Fish and Wildlife). 2021a. California Natural Diversity Database (CNDDB). RareFind (Commercial Subscription). Sacramento, California: CDFW, Biogeographic Data Branch. Accessed October 2021. https://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp.

CDFW. 2021b. California Natural Communities List. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153609&inline.

CNPS (California Native Plant Society). 2021. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Accessed October 2021. http://www.rareplants.cnps.org.

eBird. 2021. eBird: An Online Database of Bird Distribution and Abundance [web application]. Ithaca, New York: Cornell Lab of Ornithology. Accessed October 2021. http://www.ebird.org.

Google Earth Pro. . 2021. Search query: 36° 62' 05.64"N, 121° 92' 84.63"W. Borders and labels; places layers. Google Earth 7.3.3.7699 [64-bit]). May 5, 2018. Accessed October 2021. http://www.google.com/earth/index.html.

Holland, D.C., and R.H. Goodman Jr. 1998. *A Guide to the Amphibians and Reptiles of MCB Camp Pendleton, San Diego County, California*. Prepared for AC/S Environmental Security, Resource Management Division, MCB Camp Pendleton. Contract M00681-94-C-0039. Fallbrook, California: Camp Pendleton Amphibian and Reptile Survey. November 6, 1998.

Jepson Flora Project. 2021. *Jepson eFlora*. Berkeley, California: University of California. Accessed October 2021. https://ucjeps.berkeley.edu/eflora/.

Morey, S. 2000. "California Legless Lizard, *Anniella pulchra*." In *Life History Accounts and Range Maps—California Wildlife Habitat Relationships System*, edited by R. Duke. California Department of Fish and Game, California Interagency Wildlife Task Group. Updated September 2000. http://www.dfg.ca.gov/biogeodata/cwhr/cawildlife.aspx.

Peeters, H., and P. Peeters. 2005. *Raptors of California.* Berkeley: University of California Press.

Stebbins, R.C. 2003. *A Field Guide to Western Reptiles and Amphibians*. 3rd ed. Peterson Field Guide. New York, New York: Houghton Mifflin Company.

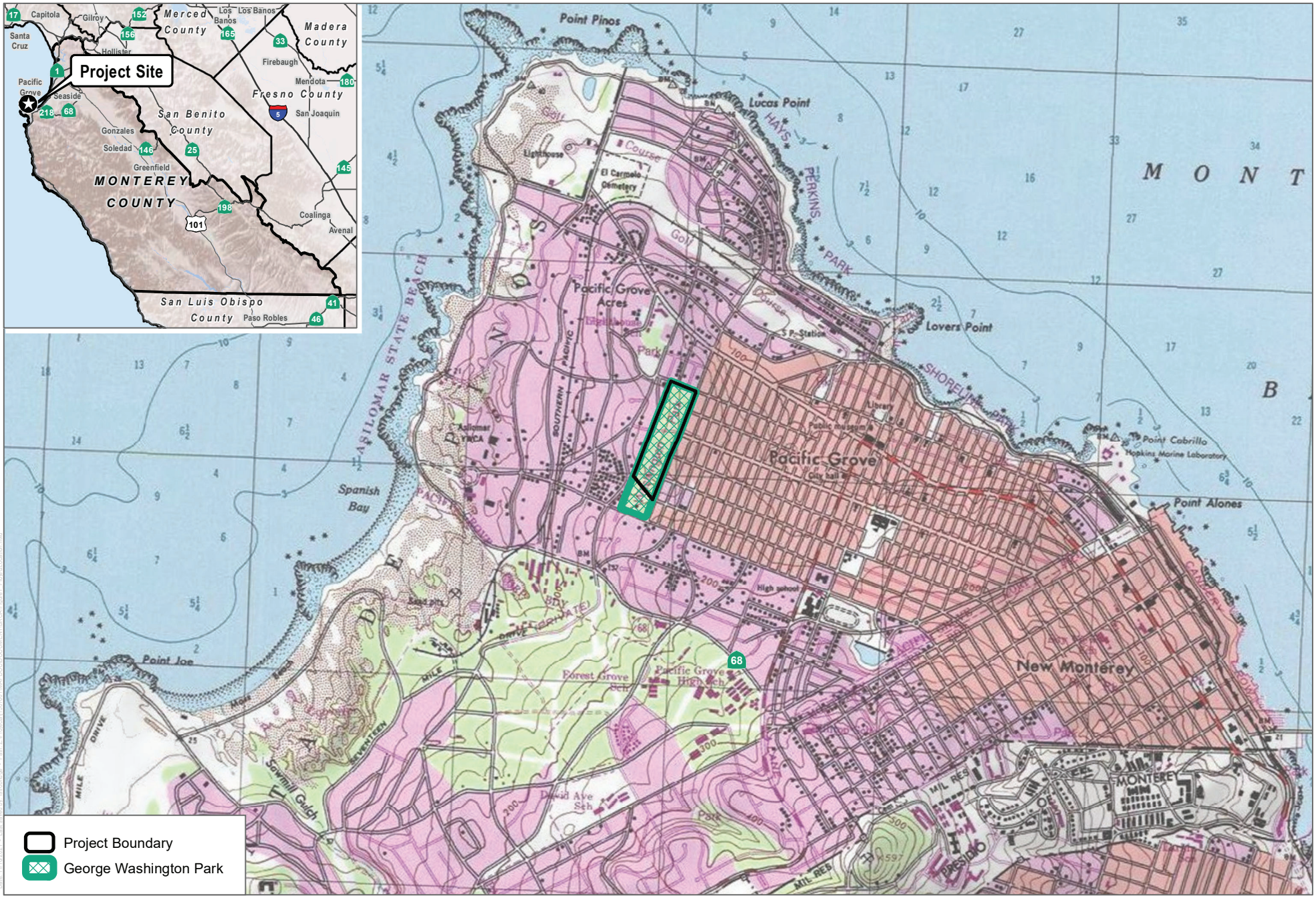
USDA (U.S. Department of Agriculture). 2021. Web Soil Survey. USDA, Natural Resources Conservation Service, Soil Survey Staff. http://websoilsurvey.nrcs.usda.gov/.

USFWS (U.S. Fish and Wildlife Service). 2021. IPaC (Information for Planning and Consultation) [database]. Accessed October 2021. https://ipac.ecosphere.fws.gov/.

USGS (U.S. Geological Survey). 2021. National Hydrography Dataset: GIS Online viewer. Accessed October 2021. http://nhd.usgs.gov/.

WRCC (Western Regional Climate Center). 2021. Monterey, California (045795). Monthly Climate Summary. Accessed October 2021. https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca5795

Xerces Society. 2020. *State of the Monarch Butterfly Overwintering Sites in California*. Report to the U.S. Fish and Wildlife Service. Prepared by Xerces Society. Accessed December 20, 2021. https://xerces.org/sites/default/files/2018-05/16015_01_XercesSoc_State-of-Monarch-Overwintering-Sites-in-California_web.pdf.



SOURCE: USGS 7.5-Minute Series Monterey Quadrangle

FIGURE 1

Project Location

DUDEK

0 1,000 2,000 Feet

SOURCE: Bing Maps 2021, Monterey County

FIGURE 2

Project Site

DUDEK

0 200 400 Feet

SOURCE: Bing Maps 2021, Monterey County

DUDEK

0 200 400 Feet

FIGURE 3

Vegetation Communities and Land Cover Types

Biological Resources Constraints Assessment for the Proposed Management Plan for Forested Area of George Washington Park, Pacific Grove, Monterey County, California

SOURCE: Bing Maps 2021, USDA NRCS, Monterey County

DUDEK

0 200 400 Feet

FIGURE 4

Soils

SOURCE: Bing Maps 2021, NHD, Monterey County

DUDEK

0 500 1,000 Feet

FIGURE 5

Hydrology

Attachment A

Representative Photographs of the Project Site

View of the project site from the southwest corner of the site, facing northwest

View of the project site from the center of the site, facing northeast

View of the project site from the center of the site, facing north

Acorn woodpecker granary tree within the project site

View of the project site from the center of the site, facing north

Sandy soil within the project site that is suitable for Northern California legless lizard

Old, inactive stick bird nest within a coast live oak tree within the project site

Potential bat roosting habitat within a cavity of an oak tree within the project site

Attachment B

Plant Species Compendium

Vascular Species

Eudicots

ANACARDIACEAE – SUMAC OR CASHEW FAMILY

Toxicodendron diversilobum – poison oak

ARALIACEAE – GINSENG FAMILY

* *Hedera helix* – English ivy

ASTERACEAE – SUNFLOWER FAMILY

* *Arctotheca prostrata* – no common name
Artemisia douglasiana – Douglas' sagewort
* *Carduus pycnocephalus* – Italian plumeless thistle
* *Delairea odorata* – Cape-ivy
Erigeron canadensis – Canadian horseweed
Pseudognaphalium stramineum – cottonbatting plant

BORAGINACEAE – BORAGE FAMILY

* *Borago officinalis* – common borage
* *Echium candicans* – pride of Madeira
Phacelia ramosissima – branching phacelia

BRASSICACEAE – MUSTARD FAMILY

* *Brassica rapa* – field mustard

CAPRIFOLIACEAE – HONEYSUCKLE FAMILY

Lonicera hispidula – pink honeysuckle

CARYOPHYLLACEAE – PINK FAMILY

Cardionema ramosissimum – sandcarpet

CUCURBITACEAE – GOURD FAMILY

Marah fabacea – California man-root

FABACEAE – LEGUME FAMILY

* *Acacia melanoxylon* – blackwood
* *Cytisus scoparius* – broom
Lathyrus vestitus – Pacific pea

FAGACEAE – OAK FAMILY

Quercus agrifolia – coast live oak

GROSSULARIACEAE – GOOSEBERRY FAMILY

Ribes malvaceum – chaparral currant

LAMIACEAE – MINT FAMILY

Clinopodium douglasii – yerba buena

Stachys bullata – California hedgenettle

PHRYMACEAE – LOPSEED FAMILY

Diplacus aurantiacus – bush monkeyflower

RHAMNACEAE – BUCKTHORN FAMILY

Ceanothus thyrsiflorus – blue blossom

Frangula californica – California coffee berry

ROSACEAE – ROSE FAMILY

Heteromeles arbutifolia – toyon

Rubus ursinus – California blackberry

RUBIACEAE – MADDER FAMILY

Galium aparine – stickywilly

SCROPHULARIACEAE – FIGWORT FAMILY

* *Myoporum laetum* – myoporum

VISCACEAE – MISTLETOE FAMILY

Arceuthobium campylopodum – western dwarf mistletoe

Ferns and Fern Allies

DENNSTAEDTIACEAE – BRACKEN FAMILY

Pteridium aquilinum – western brackenfern

Gymnosperms and Gnetophytes

CUPRESSACEAE – CYPRESS FAMILY

Hesperocyparis macrocarpa – Monterey cypress

Sequoia sempervirens – redwood

PINACEAE – PINE FAMILY

Pinus radiata – Monterey pine

Monocots

AMARYLLIDACEAE – AMARYLLIS FAMILY

* *Amaryllis belladonna* – belladonna lily

CYPERACEAE – SEDGE FAMILY

Carex praegracilis – clustered field sedge

JUNCACEAE – RUSH FAMILY

Juncus lescurii – salt rush

POACEAE – GRASS FAMILY

* *Avena barbata* – slender oat
* *Avena fatua* – wild oat
* *Briza maxima* – big quakinggrass
* *Bromus diandrus* – ripgut brome
* *Bromus hordeaceus* – soft brome
* *Ehrharta erecta* – panic veldtgrass

Elymus condensatus – giant wild rye

Elymus triticoides – creeping ryegrass

* *Festuca perennis* – perennial rye grass
* *Hordeum murinum* – mouse barley

* signifies introduced (non-native) species

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Attachment C

Wildlife Species Compendium

Wildlife Species – Birds

Bushtits

Aegithalidae—Long-Tailed Tits and Bushtits

Psaltriparus Minimus—Bushtit

Creepers

Certhiidae—Creepers

Certhia Americana—Brown Creeper

Flycatchers

Tyrannidae—Tyrant Flycatchers

Sayornis Nigricans—Black Phoebe

Hawks

Accipitridae—Hawks, Kites, Eagles, and Allies

Buteo Lineatus—Red-Shouldered Hawk

Hummingbirds

Trochilidae—Hummingbirds

Calypte Anna—Anna's Hummingbird

Jays, Magpies and Crows

Corvidae—Crows and Jays

Aphelocoma Californica—California Scrub-Jay

Corvus Brachyrhynchos—American Crow

Cyanocitta Stelleri—Steller's Jay

Pigeons and Doves

Columbidae—Pigeons and Doves

Zenaida Macroura—Mourning Dove

Titmice

Paridae—Chickadees and Titmice

Poecile Rufescens—Chestnut-Backed Chickadee

Wood Warblers and Allies

Parulidae—Wood-Warblers

Setophaga Townsendi—Townsend's Warbler

Woodpeckers

Picidae—Woodpeckers and Allies

Melanerpes Formicivorus—Acorn Woodpecker

Dryobates Nuttallii—Nuttall's Woodpecker

Dryobates Pubescens—Downy Woodpecker

New World Sparrows

Passerellidae—New World Sparrows

Junco Hyemalis—Dark-Eyed Junco

Melozone Crissalis—California Towhee

Zonotrichia Atricapilla—Golden-Crowned Sparrow

Invertebrates

Butterflies

Nymphalidae—Brush-Footed Butterflies

Adelpha Bredowii—California Sister

Danaus Plexippus—Monarch

Vanessa Annabella—West Coast Lady

Mammals

Hares and Rabbits

Leporidae—Hares and Rabbits

Sylvilagus Bachmani—Brush Rabbit

Squirrels

SCIURIDAE—SQUIRRELS

Sciurus Griseus—Western Gray Squirrel

* *Sciurus Niger*—Eastern Fox Squirrel*

Ungulates

Cervidae—Deers

Odocoileus Hemionus—Mule Deer

Reptiles

Lizards

Phrynosomatidae—Iguanid Lizards

Sceloporus Occidentalis—Western Fence Lizard

* Signifies Introduced (Non-Native) Species

Attachment D

Special-Status Plant Species Potential to Occur

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Agrostis lacuna-vernalis	vernal pool bent grass	None/None/1B.1	Vernal pools (mima mounds)/annual herb/Apr–May/ 377–475	**Not expected to occur.** The site is outside of the species' known elevation range.	N
Allium hickmanii	Hickman's onion	None/None/1B.2	Closed-cone coniferous forest, Chaparral (maritime), Coastal prairie, Coastal scrub, Valley and foothill grassland/perennial bulbiferous herb/ Mar–May/16–655	**Moderate potential to occur.** The closest known occurrences is within 1.3 miles of the project site. Bulb species can persist in understory for a long time. There is suitable habitat.	M
Arctostaphylos edmundsii	Little Sur manzanita	None/None/1B.2	Coastal bluff scrub, Chaparral; sandy/ perennial evergreen shrub/Nov–Apr(May)/ 33–345	**Not expected to occur.** Closest known occurrence to a project site is over 7.25 miles away. The project site does not contain suitable habitat.	N
Arctostaphylos hookeri ssp. *hookeri*	Hooker's manzanita	None/None/1B.2	Closed-cone coniferous forest, Chaparral, Cismontane woodland, Coastal scrub; sandy/ perennial evergreen shrub/Jan–June/197–1,755	**Moderate potential to occur.** The closest known occurrences is within 0.1 miles of the project site. There is suitable habitat.	M
Arctostaphylos montereyensis	Toro manzanita	None/None/1B.2	Chaparral (maritime), Cismontane woodland, Coastal scrub; sandy/perennial evergreen shrub/ Feb–Mar/98–2,395	**Not expected to occur.** Closest known occurrence to a project site is over 4.8 miles from theproject site. There is no suitable habitat.	N

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Arctostaphylos pajaroensis	Pajaro manzanita	None/None/1B.1	Chaparral (sandy)/ perennial evergreen shrub/Dec–Mar/ 98–2,490	**Not expected to occur.** While there is a known occurrence within 1 mile of the project site. There is no suitable habitat for this species.	N
Arctostaphylos pumila	sandmat manzanita	None/None/1B.2	Closed-cone coniferous forest, Chaparral (maritime), Cismontane woodland, Coastal dunes, Coastal scrub; sandy, openings/ perennial evergreen shrub/Feb–May/ 10–675	**High potential to occur.** There are three known locations of this species within 0.5 miles of the project site. There is suitable habitat for this species.	H
Arenaria paludicola	marsh sandwort	FE/SE/1B.1	Marshes and swamps (freshwateror brackish); sandy, openings/perennial stoloniferous herb/ May–Aug/10–560	**Not expected to occur.** The project sites do not contain suitable habitat.	N
Astragalus tener var. *titi*	coastal dunes milk-vetch	FE/SE/1B.1	Coastal bluff scrub (sandy), Coastal dunes, Coastal prairie (mesic); often vernally mesic areas/annual herb/Mar–May/ 3–165	**Not expected to occur.** The project sites do not contain suitable habitat.	N
Castilleja ambigua var. *insalutata*	pink Johnny-nip	None/None/1B.1	Coastal prairie, Coastal scrub/annual herb (hemiparasitic)/ May–Aug/0–330	**Low potential to occur**. CNDDB Occ. No. 12 for the Monterey Quad overlaps the project site and the population is noted as presumed extant. However, the project site does not contain much suitable habitat.	L

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Centromadia parryi ssp. *congdonii*	Congdon's tarplant	None/None/1B.1	Valley and foothill grassland (alkaline)/ annual herb/May–Oct(Nov)/0–755	**Not expected to occur**. The project sites do not contain suitable habitat. The closest occurrence is over 10 miles away.	N
Chorizanthe minutiflora	Fort Ord spineflower	None/None/1B.2	Chaparral (maritime), Coastal scrub; Sandy openings/annual herb/Apr–July/ 180–490	**Not expected to occur**. The project sites do not contain suitable habitat. The closest occurrence is over 7 miles away.	N
Chorizanthe pungens var. *pungens*	Monterey spineflower	FT/None/1B.2	Chaparral (maritime), Cismontane woodland, Coastal dunes, Coastal scrub, Valley and foothill grassland; sandy/ annual herb/Apr–June(July–Aug)/ 10–1,475	**Low potential to occu**r. CNDDB Occ. No. 17 for the Monterey Quad overlaps the project site and the population is noted as presumed extant. However, the project site does not contain much suitable habitat.	L
Clarkia jolonensis	Jolon clarkia	None/None/1B.2	Chaparral, Cismontane woodland, Coastal scrub, Riparian woodland/annual herb/Apr–June/ 66–2,165	**Low potential to occu**r. CNDDB Occ. No. 13 for the Monterey Quad overlaps the project site however the population is extirpated. The closest extant population is over 7.5 miles from the project site.	L
Collinsia multicolor	San Francisco collinsia	None/None/1B.2	Closed-cone coniferous forest, Coastal scrub; sometimes serpentinite/annual herb/(Feb)Mar–May/ 98–902	**High potential to occu**r. CNDDB Occ. No. 1 for the Monterey Quad overlaps the project site and the population is noted as presumed extant. There is suitable habitat.	H

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Cordylanthus rigidus ssp. *littoralis*	seaside bird's-beak	None/SE/1B.1	Closed-cone coniferous forest, Chaparral (maritime), Cismontane woodland, Coastal dunes, Coastal scrub; sandy, often disturbed sites/annual herb (hemiparasitic)/ Apr–Oct/0–1,685	**Low potential to occur.** The project sites does have suitable habitat. However the closest known extant occurnaces are over 5.3 miles.	L
Delphinium californicum ssp. *interius*	Hospital Canyon larkspur	None/None/1B.2	Chaparral (openings), Cismontane woodland (mesic), Coastal scrub/perennial herb/ Apr–June/640–3,590	**Not expected to occur.** The site is outside of the species' known elevation range.	N
Delphinium hutchinsoniae	Hutchinson's larkspur	None/None/1B.2	Broadleafed upland forest, Chaparral, Coastal prairie, Coastal scrub/ perennial herb/ Mar–June/0–1,400	**Low potential to occur**. CNDDB Occ. No. 9 for the Monterey Quad overlaps the project site and the population is noted as presumed extant. However, the project site does not contain much suitable habitat.	L
Ericameria fasciculata	Eastwood's goldenbush	None/None/1B.1	Closed-cone coniferous forest, Chaparral (maritime), Coastal dunes, Coastal scrub; sandy, openings/perennial evergreen shrub/ July–Oct/98–900	**Low potential to occur.** The project sites does have suitable habitat. The closest known occurrences are 0.5 mile away.	L
Eriogonum nortonii	Pinnacles buckwheat	None/None/1B.3	Chaparral, Valley and foothill grassland; sandy, often on recent burns/annual herb/(Apr)May–Aug(Sep)/984–3,195	**Not expected to occur.** The site is outside of the species' known elevation range.	N

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Erysimum ammophilum	sand-loving wallflower	None/None/1B.2	Chaparral (maritime), Coastal dunes, Coastal scrub; sandy, openings/perennial herb/Feb–June/ 0–195	**Not expected to occur.** There is not suitable habitat for this species	N
Erysimum menziesii	Menzies wallflower	FE/SE/1B.1	Coastal dunes/ perennial herb/ Mar–Sep/0–115	**Not expected to occur.** While there are a few known occurrences within 0.5 mile of the project site. This species has specific habitat requirements and the project site does not contain suitable habitat.	N
Fritillaria liliacea	fragrant fritillary	None/None/1B.2	Cismontane woodland, Coastal prairie, Coastal scrub, Valley and foothill grassland; Often serpentinite/perennial bulbiferous herb/ Feb–Apr/10–1,345	**Not expected to occur.** This species has specific habitat requirements and the project site does not contain suitable habitat.	N
Gilia tenuiflora ssp. *arenaria*	Monterey gilia	FE/ST/1B.2	Chaparral (maritime), Cismontane woodland, Coastal dunes, Coastal scrub; sandy, openings/ annual herb/ Apr–June/0–150	**Moderate potential to occur.** There are 4 known occurrences within 0.5 mile of the project site. However, suitable habitat would be most likely in forest canopy openings.	M
Hesperocyparis goveniana	Gowen cypress	FT/None/1B.2	Closed-cone coniferous forest, Chaparral (maritime)/ perennial evergreen tree/N.A./98–985	**Not expected to occur.** Closest known occurrence to a project site is over 3.7 miles from the project site. This species is an evergreen tree so would be easily detected if it was present.	N

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Hesperocyparis macrocarpa	Monterey cypress	None/None/1B.2	Closed-cone coniferous forest/ perennial evergreen tree/N.A./33–100	**Not expected to occur.** This species is present in the project site but is naturalized. This species only occurs in two natural stands in Monterey County (not in the project site). The species is widely planted and naturalized elsewhere on the coast and beyond.	N
Horkelia cuneata var. *sericea*	Kellogg's horkelia	None/None/1B.1	Closed-cone coniferous forest, Chaparral (maritime), Coastal dunes, Coastal scrub; sandy or gravelly, openings/ perennial herb/ Apr–Sep/33–655	**Moderate potential to occur**. CNDDB Occ. No. 8 for the Monterey Quad overlaps the project site and the population is noted as presumed extant. There is suitable habitat especially along forest edges and in canopy openings.	M
Horkelia marinensis	Point Reyes horkelia	None/None/1B.2	Coastal dunes, Coastal prairie, Coastal scrub; sandy/ perennial herb/ May–Sep/16–2,475	**Not expected to occur.** The project sites do not contain suitable habitat and there are no known occurrences nearby.	N
Lasthenia conjugens	Contra Costa goldfields	FE/None/1B.1	Cismontane woodland, Playas (alkaline), Valley and foothill grassland, Vernal pools; mesic/ annual herb/ Mar–June/0–1,540	**Not expected to occur.** The project sites do not contain suitable habitat and there are no known occurrences nearby.	N
Layia carnosa	beach layia	FE/SE/1B.1	Coastal dunes, Coastal scrub (sandy)/annual herb/ Mar–July/0–195	**Low potential to occur**. There are two known occurrences within 0.5 miles of the project site. However, the project site does not contain much suitable habitat.	L
Lupinus tidestromii	Tidestrom's lupine	FE/SE/1B.1	Coastal dunes/ perennial rhizomatous herb/Apr–June/ 0–330	**Low potential to occur**. There are seven known occurrences within 1.0 mile of the project site. However, the project site does not contain much suitable habitat.	L

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Malacothamnus palmeri var. *involucratus*	Carmel Valley bush-mallow	None/None/1B.2	Chaparral, Cismontane woodland, Coastal scrub/perennial deciduous shrub/ Apr–Oct/98–3,605	**Moderate potential to occur**. CNDDB Occ. No. 20 for the Monterey Quad overlaps the project site and the population is noted as presumed extant. However, the project site does not contain much suitable habitat.	M
Microseris paludosa	marsh microseris	None/None/1B.2	Closed-cone coniferous forest, Cismontane woodland, Coastal scrub, Valley and foothill grassland/ herb/Apr–June(July)/ 16–1,160	**High potential to occur**. CNDDB Occ. No. 3 for the Monterey Quad overlaps the project site and the population is noted as presumed extant. There is suitable habitat for this species.	H
Monardella sinuata ssp. *nigrescens*	northern curly-leaved monardella	None/None/1B.2	Chaparral (SCR Co.), Coastal dunes, Coastal scrub, Lower montane coniferous forest (SCR Co., ponderosa pine sandhills); Sandy./ annual herb/(Apr)May–July(Aug–Sep)/0–985	**High potential to occur**. CNDDB Occ. No. 4 for the Monterey Quad overlaps the project site and the population is noted as presumed extant. There is suitable habitat for this species.	H
Pinus radiata	Monterey pine	None/None/1B.1	Closed-cone coniferous forest, Cismontane woodland/perennial evergreen tree/ N.A./82–605	**Present.** This species is present in the project site and is within the CNDDB occurrence of its estimated historic range on the Monterey peninsula.The species is widely planted and naturalized elsewhere.	P
Piperia yadonii	Yadon's rein orchid	FE/None/1B.1	Coastal bluff scrub, Closed-cone coniferous forest, Chaparral (maritime); sandy/perennial herb/(Feb)May–Aug/33–2,475	**Present.**CNDDB Occ. No. 4 for the Monterey Quad states that there is a known population in the project site.	P

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Potentilla hickmanii	Hickman's cinquefoil	FE/SE/1B.1	Coastal bluff scrub, Closed-cone coniferous forest, Meadows and seeps (vernally mesic), Marshes and swamps (freshwater)/perennial herb/Apr–Aug/ 33–490	**Moderate potential to occur**. There is a known occurrence within 0.6 miles of the project site. There is suitable habitat.	M
Ramalina thrausta	angel's hair lichen	None/None/2B.1	North Coast coniferous forest; On dead twigs and other lichens/fruticose lichen (epiphytic)/ N.A./246–1,410	**Moderate potential to occur**. There is a known occurrence within 1.4 miles of the project site. There is suitable habitat.	M
Rosa pinetorum	pine rose	None/None/1B.2	Closed-cone coniferous forest, Cismontane woodland/perennial shrub/May,July/ 7–3,100	**Moderate potential to occur**. There are two known occurrence within 0.6 miles of the project site. There is suitable habitat.	M
Trifolium buckwestiorum	Santa Cruz clover	None/None/1B.1	Broadleafed upland forest, Cismontane woodland, Coastal prairie; gravelly, margins/annual herb/ Apr–Oct/344–2,000	**Not expected to occur**. The site is outside of the species' known elevation range.	N
Trifolium hydrophilum	saline clover	None/None/1B.2	Marshes and swamps, Valley and foothill grassland (mesic, alkaline), Vernal pools/annual herb/ Apr–June/0–985	**Low potential to occur**. CNDDB Occ. No. 20 for the Monterey Quad overlaps the project site. This based on a 1907 herbarium collection. However, the project site does not contain much suitable habitat.	L

Scientific Name	Common Name	Status (Federal/State)	Habitat	Potential to Occur	PTO
Trifolium polyodon	Pacific Grove clover	None/SR/1B.1	Closed-cone coniferous forest, Coastal prairie, Meadows and seeps, Valley and foothill grassland; mesic, sometimes granitic/ annual herb/Apr–June(July)/16–1,390	**Moderate potential to occur**. There is a known occurrence within 0.5 miles of the project site. There is suitable habitat.	M
Trifolium trichocalyx	Monterey clover	FE/SE/1B.1	Closed-cone coniferous forest (sandy, openings, burned areas)/annual herb/Apr–June/ 98–1,000	**Moderate potential to occur**. There is are several known occurances within 2 miles of the project site. There is suitable habitat.	M

Attachment E

Special-Status Wildlife Species Potential to Occur

Row Labels	Common Name	Status (Federal/State)	Habitat	Potential to Occur
Amphibians				
Ambystoma californiense pop. 1	California tiger salamander - central California DPS	FT/ST, WL	Annual grassland, valley–foothill hardwood, and valley–foothill riparian habitats; vernal pools, other ephemeral pools, and (uncommonly) along stream courses and man-made pools if predatory fishes are absent	**Not expected to occur.** The project site lacks grassland, vernal pool, and ephemeral pool habitat to support this species. There are no California Natural Diversity Database (CNDDB) occurrences for this species within 5 miles of the project site (CDFW 2021).
Rana boylii	foothill yellow-legged frog	None/SSC, SE	Rocky streams and rivers with open banks in forest, chaparral, and woodland	**Not expected to occur.** The project site lacks rocky streams and rivers to support this species. The nearest CNDDB occurrence for this species is approximately 1.5 miles southwest of the project site in Sawmill Gulch (CDFW 2021).
Rana draytonii	California red-legged frog	FT, BCC/SSC	Lowland streams, wetlands, riparian woodlands, livestock ponds; dense, shrubby or emergent vegetation associated with deep, still or slow-moving water; uses adjacent uplands	**Not expected to occur.** The project site lacks suitable stream wetland, livestock pond and emergent vegetated habitat to support this species. The nearest CNDDB occurrence is approximately 2.4 miles southwest of the project site in Seal Rock Creek (CDFW 2021).
Taricha torosa (Monterey Co. south only)	California newt	None/SSC	Wet forests, oak forests, chaparral, and rolling grassland	**Low potential to occur.** Although the project site contains suitable oak forest habitat to support this species, there is no aquatic breeding features to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Reptiles				
Actinemys marmorata	northwestern pond turtle	None/SSC	Slow-moving permanent or intermittent streams, ponds, small lakes, and reservoirs with emergent basking sites; adjacent uplands used for nesting and during winter	**Not expected to occur**. The project site lacks stream, pond, lake and reservoir habitat to support this species. The nearest CNDDB occurrence is approximately 0.8 miles southeast of the project site in Pacific Grove Reservoir (CDFW 2021).

Row Labels	Common Name	Status (Federal/State)	Habitat	Potential to Occur
Anniella pulchra	northern California legless lizard	None/SSC	Coastal dunes, stabilized dunes, beaches, dry washes, valley–foothill, chaparral, and scrubs; pine, oak, and riparian woodlands; associated with sparse vegetation and sandy or loose, loamy soils	**High potential to occur.** The project site contains suitable woodland habitat with sandy soils to support this species. This species was documented within the southwest corner of the project site in 2017 (Occ. No. 375) (CDFW 2021).
Phrynosoma blainvillii	Blainville's horned lizard	None/SSC	Open areas of sandy soil in valleys, foothills, and semi-arid mountains including coastal scrub, chaparral, valley–foothill hardwood, conifer, riparian, pine–cypress, juniper, and annual grassland habitats	**Not expected to occur.** The project site does not contain suitable open sandy and coastal scrub habitat to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Birds				
Agelaius tricolor (nesting colony)	tricolored blackbird	None/SSC, ST	Nests near freshwater, emergent wetland with cattails or tules, but also in Himalayan blackberrry; forages in grasslands, woodland, and agriculture	**Not expected to nest or forage.** The project site lacks freshwater emergent wetland nesting habitat and grassland foraging habitat for this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Athene cunicularia (burrow sites & some wintering sites)	burrowing owl	None/SSC	Nests and forages in grassland, open scrub, and agriculture, particularly with ground squirrel burrows	**Not expected to nest or forage.** The project site lacks grassland and open scrub habitat for this species. The nearest CNDDB occurrence is approximately 3.5 miles southeast of the project site (CDFW 2021).
Brachyramphus marmoratus (nesting)	marbled murrelet	FT/SE	Nests in old-growth coastal forests, forages in subtidal and pelagic habitats	**Not expected to nest or forage.** The project site lacks old-growth forest to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).

Row Labels	Common Name	Status (Federal/State)	Habitat	Potential to Occur
Charadrius alexandrinus nivosus (nesting)	western snowy plover	FT/SSC	On coasts nests on sandy marine and estuarine shores; in the interior nests on sandy, barren or sparsely vegetated flats near saline or alkaline lakes, reservoirs, and ponds	**Not expected to nest or forage.** The project site lacks sandy marine and estuarine shore habitat to support this species. The nearest CNDDB occurrence for this species is approximately 4.6 miles east of the project site (CDFW 2021).
Coturnicops noveboracensis	yellow rail	None/SSC	Nesting requires wet marsh/sedge meadows or coastal marshes with wet soil and shallow, standing water	**Not expected to nest or forage.** The project site lacks wet marsh/sedge meadow habitat to support this species. The nearest CNDDB occurrence for this species is approximately 0.9 miles northwest of the project site (CDFW 2021).
Cypseloides niger (nesting)	black swift	None/SSC	Nests in moist crevices, caves, and cliffs behind or adjacent to waterfalls in deep canyons; forages over a wide range of habitats	**Not expected to nest or forage.** The project site lacks moist crevices, caves and cliffs behind waterfalls to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Elanus leucurus (nesting)	white-tailed kite	None/FP	Nests in woodland, riparian, and individual trees near open lands; forages opportunistically in grassland, meadows, scrubs, agriculture, emergent wetland, savanna, and disturbed lands.	**Moderate potential to nest on site.** The project site contains several suitable nesting trees for this species (*Quercus* spp., *Pinus* spp., etc.), however, foraging habitat is limited and the project site is surrounded by residential development. There are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Empidonax traillii extimus (nesting)	southwestern willow flycatcher	FE/SE	Nests in dense riparian habitats along streams, reservoirs, or wetlands; uses variety of riparian and shrubland habitats during migration	**Not expected to nest or forage.** The project site lacks dense riparian habitat to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).

Row Labels	Common Name	Status (Federal/State)	Habitat	Potential to Occur
Gymnogyps californianus	California condor	FE/FP, SE	Nests in rock formations, deep caves, and occasionally in cavities in giant sequoia trees (Sequoiadendron giganteus); forages in relatively open habitats where large animal carcasses can be detected	**Not expected to nest or forage.** The project site lacks rock formations, deep caves, and open habitat to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Laterallus jamaicensis coturniculus	California black rail	None/FP, ST	Tidal marshes, shallow freshwater margins, wet meadows, and flooded grassy vegetation; suitable habitats are often supplied by canal leakage in Sierra Nevada foothill populations	**Not expected to nest or forage.** The project site lacks tidal marsh and wet meadow habitat to support this species. The nearest CNDDB occurrence for this species is approximately 1.2 miles southwest of the project site (CDFW 2021).
Oceanodroma homochroa (nesting colony)	ashy storm-petrel	None/SSC	Nests on rocky offshore islands on talus slopes, rock walls, sea caves, cliffs, and under piles of driftwood; they do not excavate their own nesting burrows	**Not expected to nest or forage.** The project site lacks rocky talus slope habitat to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Pelecanus occidentalis californicus (nesting colonies & communal roosts)	California brown pelican	FPD/FP, SCD	Forages in warm coastal marine and estuarine environments; in California, nests on dry, rocky offshore islands	**Not expected to nest or forage.** The project site lacks coastal marine and estuarine habitat to support this species. The nearest CNDDB occurrence for this species is approximately 1.2 miles southwest of the project site (CDFW 2021).
Riparia riparia (nesting)	bank swallow	None/ST	Nests in riparian, lacustrine, and coastal areas with vertical banks, bluffs, and cliffs with sandy soils; open country and water during migration	**Not expected to nest or forage.** The project site lacks riparian, lacustrine and coastal habitat to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).

Row Labels	Common Name	Status (Federal/State)	Habitat	Potential to Occur
Sternula antillarum browni (nesting colony)	California least tern	FE/FP, SE	Forages in shallow estuaries and lagoons; nests on sandy beaches or exposed tidal flats	**Not expected to nest or forage.** The project site lacks shallow estuary and lagoon habitat to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Vireo bellii pusillus (nesting)	least Bell's vireo	FE/SE	Nests and forages in low, dense riparian thickets along water or along dry parts of intermittent streams; forages in riparian and adjacent shrubland late in nesting season	**Not expected to nest or forage.** The project site lacks dense riparian habitat to support this species. Additionally, there are no CNDDB occurences for this species within 5 miles of the project site (CDFW 2021).
Fishes				
Eucyclogobius newberryi	tidewater goby	FE/None	Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County, to the mouth of the Smith River	**Not expected to occur.** Aquatic habitat to support this species is absent from the project site.
Lavinia exilicauda harengus	Pajaro/Salinas hitch	None/SSC	Found in Pajaro and Salinas river systems, both tributary to Monterey Bay.	**Not expected to occur.** Aquatic habitat to support this species is absent from the project site.
Oncorhynchus mykiss irideus pop. 9	steelhead - south-central California coast DPS	FT/None	Coastal basins from Redwood Creek south to the Gualala River, inclusive; does not include summer-run steelhead	**Not expected to occur.** Aquatic habitat to support this species is absent from the project site.

Row Labels	Common Name	Status (Federal/State)	Habitat	Potential to Occur
Mammals				
Corynorhinus townsendii	Townsend's big-eared bat	None/SSC	Mesic habitats characterized by coniferous and deciduous forests and riparian habitat, but also xeric areas; roosts in limestone caves and lava tubes, man-made structures, and tunnels	**Moderate potential to occur.** Although the project site contains suitable coniferous and deciduous forest habitat, limestone caves, lava tubes, and man-made strcutres are absent from the site for roosting. However, the species may forage on the site from time to time. There are no documented CNDDB occurences of this species within 5 miles of the project site (CDFW 2021).
Eumetopias jubatus	Steller (=northern) sea-lion	FPD/SSC	Beaches, ledges, and rocky reefs	**Not expected to occur.** Habitat for this species is absent from the project site.
Lasiurus blossevillii	Western red bat	None/SSC	Roosts primarily in trees, typically adjacent to open fields or streams, which are protected above and open below for foraging; prefers habitat edges and mosaics with trees. Winter range includes western lowlands and coastal regions south of San Francisco Bay.	**High potential to occur.** The numerous trees on the project site are suitable for roosting by this species.
Sorex ornatus salarius	Monterey shrew	None/SSC	Saltmarsh, riparian, wetlands, uplands of Salinas River Delta	**Not expected to occur.** Saltmarsh and riparian habitat for this species is absent from the project site. This species has been documented in the vicinity of Monterey (CDFW 2021).
Taxidea taxus	American badger	None/SSC	Dry, open, treeless areas; grasslands, coastal scrub, agriculture, and pastures, especially with friable soils	**Not expected to occur.** The project site is too densely forested to support this species, and grassland/coastal scrub habitats are absent from the site. This species has been documented in the vicinity of Seaside (CDFW 2021).

Row Labels	Common Name	Status (Federal/State)	Habitat	Potential to Occur
Invertebrates				
Branchinecta lynchi	vernal pool fairy shrimp	FT/None	Vernal pools, seasonally ponded areas within vernal swales, and ephemeral freshwater habitats	**Not expected to occur.** Vernal pool and ephemeral freshwater habitats to support this species is absent from the project site.
Danaus plexippus pop. 1	monarch butterfly	FC/None	Wind-protected tree groves with nectar sources and nearby water sources	**Present.** The project site contains suitable habitat for this species, and the species was observed on site during the October 2021 site visit. Additionally, numerous observations of this species has been made from 1960-2014 (Occ. No. 89) (CDFW 2021).
Euphilotes enoptes smithi	Smith's blue butterfly	FE/None	Sand dunes, scrub, chaparral, grassland, and their ecotones	**Not expected to occur.** The project site does not contain suitable sand dune, scrub, chaparral, or grassland habitat to support this species. The nearest documented CNDDB occurrence of this species is approximately 4 miles southeast of the project site (CDFW 2021).

Methods

Literature Review

Special-status species potentially present on the project site were identified through a literature search of the following sources: U.S. Fish and Wildlife Service's Information for Planning and Consultation (IPaC) (USFWS 2021), California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) (CDFW 2021a), and the California Native Plant Society's Inventory of Rare and Endangered Plants of California (CNPS 2021). Searches of the above-referenced databases were completed for the Monterey and four surrounding U.S. Geological Survey 7.5-minute quadrangles: Seaside, Soberanes Point, Marina, and Mt. Carmel.

For this report, special-status plant and wildlife species are defined as those that are (1) listed, proposed for listing, or candidates for listing as threatened or endangered under the federal Endangered Species Act; (2) listed or candidates for listing as threatened or endangered under the California Endangered Species Act; (3) designated as Fully Protected under the California Fish and Game Code; (4) designated as a California Species of Special Concern by CDFW; or (5) assigned a California Rare Plant Rank of 1A, 1B, 2A or 2B by the California Native Plant Society. The California Rare Plant Ranking (CRPR) system includes six rarity and endangerment ranks for categorizing plant species of concern, as follows:

- CRPR 1A – Plants presumed to be extinct in California
- CRPR 1B – Plants that are rare, threatened, or endangered in California and elsewhere
- CRPR 2A – Plants presumed to be extinct in California, but more common elsewhere
- CRPR 2B – Plants that are rare, threatened, or endangered in California, but more common elsewhere
- CRPR 3 – Plants about which more information is needed (a review list)
- CRPR 4 – Plants of limited distribution (a watch list)

Plants with CRPR 1A, 1B, 2A, or 2B may qualify as endangered, rare, or threatened species within the definition of California Environmental Quality Act (CEQA) Guidelines Section 15380. CDFW recommends that potential impacts to CRPR 1 and 2 species be evaluated in CEQA review documents. In general, CRPR 3 and 4 species do not meet the definition of endangered, rare, or threatened pursuant to CEQA Guidelines Section 15380, but these species may be evaluated on a case-by-case basis.

Field Reconnaissance

Following the literature review, Dudek Urban Forestry Specialist Michele Laskowski and Biologist Emily Scricca determined the potential for special-status species to occur within the project site. Determinations were based on a review of habitat types, soils, and elevation preferences, as well as the known geographic range of each species. For example, if the project site is within the elevation range of a particular plant species, but a specific soil type for that species was not present, the species was determined to have "low potential to occur" on the project site.

Species were considered "not expected to occur" when the project site was clearly outside the known geographic range of the species or when potential habitat was absent from the project site.

Ms. Laskowski performed a tree inventory and special-status plant habitat assessment on the project site on October 5, 2021 from 9 a.m. to 4 p.m. and on October 8, 2021 from 9 a.m. to 4 p.m. Weather during the site visits was overcast with an ambient temperature of approximately 65°F. The survey consisted of walking the entire site on foot and recording field notes on observed vegetation and wildlife species and habitat suitability for special-status plants.

Ms. Scricca performed a biological field reconnaissance of the project site on October 21, 2021, from 10:30 a.m. to 12:30 p.m. Weather during the site visit was partly cloudy, with an ambient temperature of approximately 65°F at the start and 72°F at the completion of the field visit. The site visit included mapping vegetation communities and land cover types present on the project site and assessing habitat for special-status wildlife species. The visit was conducted on foot to ensure visual coverage of the entire project site. Field notes and an aerial photograph (Google Earth Pro 2021) with an overlay of the project boundary were used to map vegetation communities and record any sensitive biological resources while in the field. Representative project site photographs are included in Attachment A.

All plant species were identified to the lowest taxonomic group possible. Nomenclature for plant species follow the Jepson Manual, Vascular Plants of California, Second Edition (Jepson Flora Project 2021).

Wildlife species detected by sight, calls, tracks, scat, or other signs were recorded into a field notebook. The project site was scanned with and without binoculars to aid in the identification of wildlife. Wildlife species not observed but expected to use the project site were identified based on known habitat preferences and regional distribution.

No formal wetland delineation or focused surveys for special-status plant or animal species were conducted. The field visit was sufficient to generally describe aquatic features on the project site that could be subject to regulation by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and/or CDFW.

Existing Conditions

Vegetation Communities and Land Cover Types

The project site is mostly undeveloped parkland except for a community baseball field, restroom facility, and playground at the southern boundary of the site. This area is surrounded by dirt pedestrian trails and scattered picnic tables mixed amongst individual coast live oak (*Quercus agrifolia),* Monterey cypress (*Hesperocyparis macrocarpa*), Monterey pine (*Pinus radiata*), and coast redwood (*Sequoia sempervirens*) trees.

The remainder of the site is dominated by the Monterey cypress – Monterey pine stands (*Hesperocyparis macrocarpa – Pinus radiata* Forest & Woodland Semi-Natural Alliance) (Figure 3, Vegetation Communities and Land Cover Types). This vegetation community is dominated by a Monterey cypress and Monterey pine overstory with a lower canopy dominated by coast live oak. Common understory vegetation includes a shrub layer that is sparse to intermittent and an herbaceous layer that is sparse to grassy. Monterey cypress – Monterey pine stands have been

planted as windbreaks, groves, or individual trees and are naturalized in coastal areas. Because of their artificial origin, they do not contain a global or state rarity ranking.

Soils and Hydrology

According to the U.S. Department of Agriculture Natural Resources Conservation Service (USDA 2021), three soil types occur within the project site: Baywood sand, 2 to 15 percent slopes; Narlon loamy fine sand, 2 to 9 percent slopes; and Narlon loamy fine sand, 15 to 30 percent slopes (see Figure 4, Soils). The project site mostly consists of the Narlon loamy fine sand complex; the Baywood sand soil type is found along the southwestern boundary of the site, north of the baseball field. The Narlon loamy fine sand complexes are considered to be poorly drained hydric soils with a very high runoff class. Baywood sand in non-hydric, although hydric inclusions may occur. None of the soil types are known to support edaphic special-status plant species (i.e., the soils of the site are neither serpentine nor alkaline).

The project site lies within the Soberanes Creek-Frontal Pacific Ocean Hydrologic Unit (HUC 12 180600060203) (Figure 5, Hydrologic Setting). An unnamed drainage is located approximately 0.25 miles south of the project site, originating from within the Rip Van Winkle Open Space, and ultimately drains into the Pacific Ocean, a traditional navigable water of the United States. According to the U.S. Geological Survey National Hydrography Dataset (USGS 2021), predefined waters of the United States or state are absent from the project site.

Plant and Wildlife Species Observed

Most vegetation on the project site consists of native or naturalized species; 47 species of plants (28 native [60%] and 19 nonnative [40%] species) were recorded on the site (see Attachment B). The field visit was conducted late in the growing season when many plants are not evident or identifiable. As such, floristic surveys conducted at the appropriate time of the growing season would likely yield a greater number of identifiable species. The understory vegetation observed on the project site included annual grasses such as ripgut brome (*Bromus hordeaceus),* big quakinggrass (*Briza maxima*), wild oats (*Avena barbata/fatua*),perennial rye grass (*Festuca perennis*), mouse barley (*Hordeum murinum)* and others. Perennials, subshrubs and shrubs include blackberry (*Rubus ursinus*), toyon (*Heteromeles arbutifolia*), poison oak (*Toxicodendron diversilobum*), monkey flower (*Diplacus aurantiacus*), western brakenfern (*Pteridium aquilinum*), English ivy (*Hedra helix*), hedgenettle (*Stachys bullata*), broom (*Cytisus scoparius*), vining honeysuckle (*Lonicera hispidula*) and others.

Wildlife species observed or expected to occur on the project site are those that are adapted to forested parklands, Monterey cypress – Monterey pine stands, and urban landscapes with moderate human activity. Western fence lizard (*Sceloporus occidentalis*) was the only amphibian or reptile species observed during the site visit, although common species such as Sierran tree frog (*Pseudacris sierra*), gopher snake (*Pituophis catenifer*), and western rattlesnake (*Crotalus oreganus*) are also likely to occur. Common bird species observed included black phoebe (*Sayornis nigricans*), red-shouldered hawk (*Buteo lineatus*), Anna's hummingbird (*Calypte anna*), California scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), dark-eyed junco (*Junco hyemalis*), and California towhee (*Melozone crissalis*). Scat belonging to black-tailed deer (*Odocoileus hemionus*) was observed throughout the project site. A full list of wildlife species observed during the site visit is included in Attachment C.

Results

Special-Status Plant and Wildlife Species

Special-Status Plant Species

Results of the CNDDB, California Native Plant Society, and IPaC database searches revealed 75 special-status plant species as historically or potentially occurring in the site vicinity (Attachment D, Special-Status Plant Species Potential to Occur). Of these, 31 were eliminated from consideration because they were CRPR rankings of 3 and 4. This narrowed the list to include plants that are state and federally listed and/or with a CRPR of 1 or 2.

Each of the remaining 44 species were evaluated based on suitable habitat or edaphic conditions (i.e., alkaline or serpentine soils), or the sites' location outside of their known range and the proximity of known populations to the project areas. The site supports planted Monterey cypress but is outside the range of naturally occurring stands at Cypress Point and Point Lobos State Park near Carmel with a CRPR of 1B.2; therefore, this species is not expected to occur. Two special-status plant species are known to occur on or near the project site: Monterey pine (*Pinus radiata*) and Yadon's rein orchid (*Piperia yadonii*). Four species were determined to have a high potential to occur in the project site. Those include sandmat manzanita (*Arctostaphylos pumila*), San Francisco collinsia (*Collinsia multicolor*), marsh microseris (*Microseris paludosa*), northern curly-leaved monardella (*Monardella sinuata ssp. nigrescens*). The status of these species is briefly discussed below.

Marsh microseris has a CRPR of 1B.2 and is a perennial herb with a high potential to occur on the site. It occurs in closed-cone coniferous forest, cismontane woodland, and coastal scrub habitat. The project site overlaps an area of known occurrence of this species. A historical occurrence comprised of four collections at unspecified locations in "Pacific Grove" from 1906 to 1956 overlaps much of Pacific Grove, including the project site (Occ. No. 3; CDFW 2021a).

Native Monterey cypress has a CRPR of 1B.2 and is limited to two stands at Cypress Point and Point This species occurs on the project site but is naturalized and therefore the on-site trees are not considered special-status plants. The species is widely planted and naturalized elsewhere on the coast and beyond.

Native Monterey pine has a CRPR of 1B.1 and is present on the project site. The trees in this location are within the estimated historic range of this species as mapped by the CNDDB (Occ. No. 4) (CDFW 2021a) and are naturally occurring. The species is widely planted and naturalized elsewhere. Records provided by the City of Pacific Grove indicate that this stand of Monterey pine has been present on the site since the beginning of the 20th Century.

Northern curly-leaved monardella has a CRPR of 1B.2 and is a perennial herb with a high potential to occur on the site. This species occurs in chaparral, lower montane coniferous forest, coastal scrub and coastal dunes. The collection source for the CNDDB occurrence of this species in the area is from 1932 so the location description is based on a best guess (Occ. No. 4) (CDFW 2021a). It is likely to be found on stabilized dunes in the vicinity.

Sandmat manzanita has a CRPR of 1B.2 and is a perennial evergreen shrub with a high potential to occur on the site. This species has three known populations within 0.5 mile of the project site. Within those locations the species has been extensively mapped and a noted increase in population density from 2004 to 2015 (Occ. Nos. 9, 14, and 20) (CDFW 2021a).

San Francisco collinsia has a CRPR or 1B.2 and is an annual herb with a high potential to occur on the site. This species occurs in closed-cone coniferous forest and coastal scrub habitat. A historical occurrence comprised of a 1903 collection at an unspecified location overlaps a 1-mile-radius area centered on Pacific Grove, including the project site (Occ. No. 3; CDFW 2021a). The site provides high-quality habitat for this species.

Yadon's rein orchid is federally endangered with the CRPR or 1B.1. It is a perennial herb that is known to occur in closed cone coniferous forest, coastal bluff scrub and chaparral. It is known to occur on the project site (Occ. No. 4) (CDFW 2021a) and there are multiple occurrences in the vicinity. It has been noted as occurring in the understory of Monterey pine within patchy but dense *Calamagrostis nutkensis* (CDFW 2021a). It was noted that the roadside mowing and vehicles parking along the road are a threat to this species.

Because the site visits were conducted outside of the blooming period for the above-mentioned plant species, most of these species would not have been evident or identifiable during the site visit.

Special-Status Wildlife Species

Based on the results of the CNDDB and IPaC database searches and field reconnaissance, Dudek identified 33 special-status wildlife species as occurring or potentially occurring in the region of the project site (Attachment E, Special-Status Wildlife Species Potential to Occur). Of these, 28 species were eliminated from consideration due to the absence of suitable habitat and/or the project site's location outside of their known range. The remaining species have some potential to occur within or near the project site and are described in more detail below.

Northern California Legless Lizard

Northern California legless lizard (*Anniella pulchra*) is a California species of special concern. This species is a fossorial (i.e., burrowing) animal and is found primarily in areas with sandy or loose soils, where they typically are found beneath leaf litter and in the soil (Holland and Goodman 1998; Morey 2000). This species may be found in sparsely vegetated areas in a variety of habitats, including beach dunes; chaparral; California sagebrush scrub; oak woodlands; pine forests; pine–oak woodland; sandy washes; and stream terraces with sycamores, cottonwoods, or oaks (Morey 2000; Stebbins 2003; Holland and Goodman 1998).

This species was documented within sandy soil within the southwest corner of the project site in 2017 (Occ. No. 375) (CDFW 2021a). The project site contains suitable woodland habitat with sandy soils to support this species. This species was not observed in the study area during the site survey; however, there is high potential for it to be present.

White-Tailed Kite

The white-tailed kite (*Elanus leucurus*) is a California Fully Protected species. It generally occurs in low-elevation grassland, wetland, oak woodland, low shrub, open woodlands, or savannah habitats. This species also uses fencerows, irrigation ditches with residual vegetation, and freeway edges and medians. Nests are constructed in a variety of trees, with coast live oak perhaps the most common, and placed high in the crown on thin branches (Peeters and Peeters 2005).

White-tailed kite has a moderate potential to nest within the project site. The project site contains suitable nest trees (*Quercus* spp., *Pinus* spp., etc.), however foraging habitat is marginal due to the lack of open habitat and

density of trees on the site, and the site is immediately surrounded by residential development. This species was not observed during any of Dudek's site visits and has not been documented in the CNDDB within 5 miles of the project site (CDFW 2021a). However, there are several recent eBird observations of this species within and adjacent to the project site from 2015-2021, including one observation from 2019 within the middle of the project site (eBird 2021).

Special-Status Bats

Townsend's big-eared bat *(Corynorhinus townsendii*) is a California Species of Special Concern that is known to roost in limestone caves and lava tubes, man-made structures, and tunnels. This species inhabits deciduous forests and riparian habitat. The project site does not contain suitable roosting habitat for this species due to the lack of man-made structures and caves onsite, however, there is moderate potential for this species to occasionally forage on site and roost within the structures adjacent to the project site. Because the project site is surrounded by urban development and subject to frequent human disturbance, Townsend's big-eared bat is unlikely to occur in large numbers, if present.

The numerous trees on the site provide suitable roosting habitat for special-status (e.g., western red bat) and common foliage-roosting bat species. Additionally, many of the trees on site contain hollowed out cavities in which common bat species may roost.

Signs of roosting bat occupancy (i.e., guano or staining) were not observed within the project site during the field visit.

Special-Status Butterflies

The monarch butterfly (*Danaus plexippus pop. 1*) is a candidate species for listing under the federal Endangered Species Act. This species is known to inhabit wind-protected tree groves with nectar sources and nearby water sources.

The project site contains suitable habitat for this species, and there are numerous documented occurrences of this species within the site from 1960-2014 (Occ. No. 89) (CDFW 2021a). Additionally, this species was observed within the project site during the October site visits.

This project site is within the historic overwintering range for this species. There is a growing body of research that examines the characteristics that create suitable overwintering habitat for this species. Loss of overwintering habitat is one among several identified stressors that may be driving the monarch population decline. The Xerces Society recognizes the Pacific Grove Sanctuary, approximately 900 feet northwest of the site, among the top ten highest priority overwintering sites remaining in California (Xerces 2020).

Nesting and Migratory Birds

In California, all native active bird nests (with eggs or young) are protected by provisions in the federal Migratory Bird Treaty Act of 1918 and Sections 3503 and 3503.5 of the California Fish and Game Code. The trees and shrubs within and adjacent to the project site provide suitable nesting habitat for several native local and migratory bird species.

Potentially Jurisdictional Aquatic Resources

The project site does not support any aquatic resource features that may be regulated by the USACE under Section 404 of the Clean Water Act, San Francisco Bay RWQCB under Section 401 of the Clean Water Act or California Porter-Cologne Act (Porter-Cologne), and/or CDFW under Section 1602 of the California Fish and Game Code.

Sensitive Natural Communities

Sensitive natural communities are vegetation communities that are of limited distribution statewide or within a county or region. A list of sensitive natural communities in California is maintained by CDFW (2021b) based on rarity of and threats to these communities in California. Impacts on high-quality occurrences of sensitive natural communities are typically considered significant under the California Environmental Quality Act (CEQA).

The project site consists of one vegetation community, Monterey cypress – Monterey pine stands, which is not listed as a sensitive vegetation community under the California Natural Community List (CDFW 2021b).

Protected Trees

Chapter 12.20.020 of the City of Pacific Grove's municipal code describes five categories of protected trees;

(1) Native Trees. All Gowen cypress, regardless of size; all Coast live oak, Monterey cypress, Shore pine, Torrey pine, and Monterey pine six inches or greater in trunk diameter, measured at 54 inches above native grade.

(2) All Other Private Trees. In addition to subsection (a)(1) of this section, all other Trees on private property, regardless of species, 12 inches or greater in trunk diameter, measured at 54 inches above native grade.

(3) Monarch Butterfly Habitat Trees. All Trees in or within 100 yards of designated Monarch sanctuaries. For the purposes of this title, the following sites are designated as Monarch sanctuaries, serving as official Pacific Grove Monarch butterfly over-wintering sites:

    (A) Monarch Grove Sanctuary. That portion of land bordered on the east and west by Ridge Road and Grove Acre Avenue, respectively, on the south by Short Street, and on the north by the northerly boundary of assessor's parcel numbers 006-361-30-031, -032, -033, and -034, extended from Grove Acre easterly to Ridge Road.

    (B) Washington Park Site. That portion of land bordered on the east and west by Alder Street and Melrose Avenue, respectively, on the north by Pine Avenue, and on the south by the imaginary extension of Junipero Avenue westerly from Alder to Melrose.

(4) Public Trees. All Trees on Public Property six inches or greater in trunk diameter, measured at 54 inches above native grade, and all Street Trees, regardless of size.

(5) Designated Trees. All Trees that are otherwise Protected and will be impacted as a result of Development, both proposed for Pruning or Removal and where the Development will impact the Critical Root Zone of the Tree that requires protection during construction, and all Trees otherwise identified- during Development or otherwise- for special protection by the property owner. Trees that are proposed to be Removed as part of a Development project shall be processed as part of the community.

Based on the forest inventory conducted by Dudek foresters, about two-thirds of the trees present within the project site would qualify as a protected tree by being a native tree (category 1), a public tree (category 2) or a Monarch Butterfly Habitat Tree (category 3) and being over 6 inches in diameter.

Summary of Site Constraints and Recommendations

The implementation of the proposed project could potentially be constrained by the following biological resources present or potentially present within or immediately adjacent to the project site.

Special-Status Plants

As described above, two special-status plants are known to occur within the project site (Monterey pine, and Yadon's rein orchid). Additionally, four special-status plants have a high potential to occur in within the project site (sandmat manzanita, San Francisco collinsia, marsh microseris, and northern curly-leaved monardella). Vegetation removal activities associated with project implementation could directly impact these species, if present. To protect special-status plant species, Dudek recommends that a qualified botanist conduct appropriately timed special-status plant surveys prior to vegetation removal activities at the appropriate period when these species are evident and identifiable. If any special-status plants are identified, they should be flagged with high-visibility flagging and completely avoided. If avoidance is not feasible, a species-specific mitigation plan should be prepared that describes the measures to be implemented to reduce and mitigate unavoidable impacts to special-status plants.

Special-Status Wildlife

Four special-status wildlife species—Northern California legless lizard, white-tailed kite, Townsend's big-eared bat, and monarch butterfly—have potential to occur on or in the vicinity of the project site.

Northern California legless lizard. As previously described, the project site provides suitable habitat for Northern California legless lizard, and this species has historically been documented within the project site. Proposed vegetation removal activities could disturb habitat for this species, and potentially impact individual Northern California legless lizards. To prevent impacts to Northern California legless lizards, Dudek recommends that a qualified biologist conduct a pre-activity survey for this species no more than 7 days prior to the start of project activities. The survey shall consist of gently raking any loose soil, sand, or leaf litter with a wooden rake until all Northern California legless lizards are found. Any Northern California legless lizards found within the project site shall be relocated to similar habitat outside of the area of impact.

White-Tailed Kite and Other Nesting and Migratory Birds. As previously described, the project site provides suitable nesting habitat for white-tailed kite and other native bird species. If project activities occur during the nesting season (typically defined by CDFW as February 15 to September 1), direct impacts to white-tailed kite and nesting and migratory birds could occur through destruction of active nests. Additionally, prolonged loud vegetation removal noise and increases in human activity could disturb nesting birds, resulting in nest abandonment or failure. To protect white-tailed kite and nesting and migratory birds, Dudek recommends that a pre-activity nesting bird survey be conducted by a qualified biologist within 10 days prior to vegetation removal or ground-disturbance activities to determine if any native birds are nesting on or near the site (including a 250-foot buffer for white-tailed kite and other raptors). If any active nests are observed during surveys, a suitable avoidance buffer will be determined by

the qualified biologist based on species, location, and planned project activity. These nests would be avoided until the chicks have fledged and the nests are no longer active, as determined by the qualified biologist.

Townsend's Big-eared Bat and Other Roosting Bats. As previously described, the project site provides suitable foraging habitat for Townsend's big-eared bat, and suitable roosting habitat for foliage-roosting, and cavity-roosting bat species. If project activities require the removal of trees during peak activity timeframes when young or overwintering bats may be present (generally March through April and August through October), such activities could directly impact active bat roosts. To avoid impacts to active bat roosts, Dudek recommends that tree removals occur outside peak activity timeframes to the extent practicable. Additionally, it is recommended that daily restrictions on the timing of any work activities should be limited to daylight hours to reduce disturbance to roosting (and foraging) bat species.

Finally, Dudek recommends that a biologist with demonstrated experience conducting bat habitat assessments and roost surveys conduct a focused survey of subject trees within 30 days of the commencement of vegetation management activities. The survey should include a determination on whether active bat roosts are present on or within 50 feet of the project site. If Townsend's big-eared bat is detected to be roosting within the project site, CDFW should be contacted for additional instruction. If a non-breeding and non-wintering common bat colony is found, the individuals shall be evicted under the direction of a qualified biologist to ensure their protection and avoid unnecessary harm. If a maternity colony or overwintering colony is found within the project site, then the qualified biologist shall establish a suitable work-free buffer around the location. The buffer shall remain in place until the qualified biologist determines that the nursery is no longer active.

Monarch Butterfly. As previously described, Monarch butterfly has been documented within the project site, and the species may use the project site for overwintering, nectar foraging and possible larval rearing should host plants occur within the site. Because the Monarch butterfly is a candidate species for listing under the federal Endangered Species Act (ESA), it does not currently receive any legal protection under Section 9 of the ESA but any direct impacts to individuals or their host plants would be considered significant under CEQA. However, the City would be required to adhere to the management restrictions for tree removal inside of and within 100 yards of a Monarch Sanctuary. This would include limiting removals to the prescriptions in the approved Monarch Habitat Management plan and prohibiting the removal or pruning of trees during the months of October through April. Therefore, direct impacts to any Monarch butterflies potentially overwintering on the site are not expected.

Protected Trees

Approximately two-thirds of the trees on the site meet the criteria for protection under Chapter 12.20 of the City's municipal code. The City would not be required to obtain a permit to remove trees within the park as part of City approved Forest Management Plan. However, the City would be required to adhere to the management restrictions for tree removal inside of and within 100 yards of a Monarch Sanctuary. This would include limiting removals to the prescriptions in the approved Monarch Habitat Management plan and prohibiting the removal or pruning of trees during the months of October through April. Tree pruning on protected trees is permitted provided no more than 25% of the live crown is removed during any treatment.

All tree pruning and removal work would be required to take place outside of the nested periods of listed threatened, endangered, or special status species as specified by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Please contact me if you have any questions regarding the content of this report.

Sincerely,

Emily Scricca
Biologist

Att.: Figures 1-5
Attachment A, Representative Photographs of the Project Site
Attachment B, Plant Species Compendium
Attachment C, Wildlife Species Compendium
Attachment D, Special-Status Plant Species Potential to Occur
Attachment E, Special-Status Wildlife Species Potential to Occur

cc: Matt Ricketts, Dudek
Jeremy Cawn, Dudek

References Cited

CDFW (California Department of Fish and Wildlife). 2021a. California Natural Diversity Database. CDFW, Biogeographic Data Branch. Accessed October 2021. https://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp.

CDFW. 2021b. California Natural Community List. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153609&inline

CNPS (California Native Plant Society, Rare Plant Program). 2021. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Accessed October 2021. http://www.rareplants.cnps.org.

eBird. 2021. *eBird: An online database of bird distribution and abundance* [web application]. Ithaca, New York: Cornell Lab of Ornithology. Accessed October 2021. http://www.ebird.org.

Google Earth Pro (7.3.3.7699 [64-bit]). 2021. 36° 62' 05.64"N, 121° 92' 84.63"W. Borders and labels; places layers. Google, LLC. May 5, 2018. Accessed October 2021. http://www.google.com/earth/index.html.

Holland, D.C., and R.H. Goodman Jr. 1998. *A Guide to the Amphibians and Reptiles of MCB Camp Pendleton, San Diego County, California*. Prepared for AC/S Environmental Security, Resource Management Division, MCB Camp Pendleton. Contract M00681-94-C-0039. Fallbrook, California: Camp Pendleton Amphibian and Reptile Survey. November 6, 1998.

Jepson Flora Project. 2021. *Jepson eFlora*. Berkeley, California: University of California. Accessed October 2021. https://ucjeps.berkeley.edu/eflora/.

Morey, S. 2000. "California Legless Lizard, *Anniella pulchra*." In *Life History Accounts and Range Maps—California Wildlife Habitat Relationships System*, edited by R. Duke. California Department of Fish and Game, California Interagency Wildlife Task Group. Updated September 2000. http://www.dfg.ca.gov/biogeodata/cwhr/cawildlife.aspx.

Peeters, H., and P. Peeters. 2005. Raptors of California. Berkeley, CA: University of California Press.

Stebbins, R.C. 2003. *A Field Guide to Western Reptiles and Amphibians*. 3rd ed. Peterson Field Guide. New York, New York: Houghton Mifflin Company.

USDA (U.S. Department of Agriculture). 2021. Web Soil Survey. USDA, Natural Resources Conservation Service, Soil Survey Staff. http://websoilsurvey.nrcs.usda.gov/.

USFWS. 2021. IPaC (Information for Planning and Consultation) Search. Accessed October 2021. http://www.fws.gov/data.

USGS (U.S. Geological Survey). 2021. National Hydrography Dataset: GIS Online viewer. Accessed October 2021. http://nhd.usgs.gov/.

WRCC (Western Regional Climate Center). 2021. Monterey, California (045795). Monthly Climate Summary. Accessed October 2021. https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca5795

Xerces Society. 2020. State of the Monarch Butterfly Overwintering Sites in California. Report to the U.S. Fish and Wildlife Service. Accessed Online 12-20-21 at: https://xerces.org/sites/default/files/2018-05/16 015_01_XercesSoc_State-of-Monarch-Overwintering-Sites-in-California_web.pdf

Appendix C
Site Photos

Photo Number 1. Plot 1 looking north

Photo Number 2. Plot 2 looking east

Photo Number 3. Plot 3 looking south

Photo Number 4. Plot 4 looking west

Photo Number 5. Plot 6 looking north

Photo Number 6. Plot 8 looking south

Photo Number 7. Plot 11 looking west

Photo Number 8. Plot 14 looking north

Appendix D
Forest Inventory Data Forms

Forest Inventory Data, Zone 2, Plots: 2, 4, 14, 12								
Tree #	Species	Diameter (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
1	Monterey Pine	19	50	Poor	Pitch Tubes, Cankers, Frass	Y	Y	1.96894815
2	Coast Live Oak	10	25	Fair		N	N	0.545415
3	Coast Redwood	21	30	Good	3 stems: 6,6,9	N	N	2.40528015
4	Coast Live Oak	10	20	Fair		N	N	0.545415
5	Monterey Pine	7	25	Good	Pitch Tubes, Cankers	Y	Y	0.26725335
6	Monterey Pine	9	25	Good		N	N	0.44178615
7	Monterey Pine	6	30	Good		N	N	0.1963494
8	Coast Live Oak	9	15	Fair		N	N	0.44178615
9	Coast Live Oak	6	25	Good		N	N	0.1963494
10	Coast Live Oak	4	20	Fair		N	N	0.0872664
11	Coast Live Oak	7	15	Fair		N	N	0.26725335
12	Coast Live Oak	4	15	Fair		N	N	0.0872664
13	Coast Live Oak	7	15	Fair		N	N	0.26725335
14	Monterey Pine	20	35	Dead		N	N	2.18166
15	Monterey Pine	22	25	Dead		N	N	2.6398086
16	Monterey Pine	4	15	Good		N	N	0.0872664
17	Monterey Pine	16	45	Good	Old Pitch tubes, branch tip dieback	Y	N	1.3962624
18	Monterey Pine	6	30	Good	Branch tip dieback	N	N	0.1963494
19	Monterey Pine	5	25	Fair	Dead top, branch tip dieback	N	N	0.13635375
20	Monterey Pine	5	10	Dead		N	N	0.13635375
21	Monterey Pine	19	50	Fair	Branch tip dieback	N	N	1.96894815
22	Monterey Pine	33	75	Fair		N	N	5.93956935
23	Coast Live Oak	4	10	Fair		N	N	0.0872664
24	Monterey Pine	12	40	Good		N	N	0.7853976
25	Monterey Pine	7	35	Fair	Pitch Tubes, Branch Tip Dieback	Y	N	0.26725335
26	Monterey Pine	7	25	Good		N	N	0.26725335
27	Monterey Pine	12	30	Fair		N	N	0.7853976
28	Monterey Pine	25	75	Poor	Mistletoe, 50% dieback, Pitch tubes	Y	N	3.40884375
29	Monterey Pine	25	75	Fair	Frass, Beetle exit holes, Branch tip dieback	Y	N	3.40884375
30	Monterey Pine	10	40	Good		N	N	0.545415
31	Monterey Pine	17	55	Fair	Branch Tip Dieback	N	N	1.57624935
32	Golden Wattle (Acacia)	6	10	Good		N	N	0.1963494
33	Monterey Pine	23	55	Poor	Heavy Pitch Streamers on trunk	N	Y	2.88524535
34	Coast Live Oak	43	20	Good	5 Stems:6,12,9,8,8	N	N	10.08472335
35	Monterey Pine	19	55	Fair		N	N	1.96894815
36	Monterey Pine	20	45	Fair		N	N	2.18166
37	Coast Live Oak	5	10	Good		N	N	0.13635375
38	Monterey Pine	18	50	Fair	Branch dieback	N	N	1.7671446
39	Coast Live Oak	12	20	Good		N	N	0.7853976
40	Monterey Pine	27	70	Good	Branch tip dieback	N	N	3.97607535

Forest Inventory Data, Zone 2, Plots: 2, 4, 14, 12								
Tree #	Species	Diameter (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
41	Toyon	9	20	Good		N	N	0.44178615
42	Toyon	18	25	Good	3 Stems: 7,6,5	N	N	1.7671446
43	Coast Live Oak	6	20	Fair		N	N	0.1963494
44	Coast Live Oak	6	15	Dead		N	N	0.1963494
45	Coast Live Oak	7	15	Poor	Hypoxolon conk, Trunk decay	N	N	0.26725335
46	Coast Live Oak	5	15	Good		N	N	0.13635375
47	Coast Live Oak	7	15	Fair		N	N	0.26725335
48	Coast Live Oak	12	25	Fair	Internal decay, Branch decay, bark staining	N	N	0.7853976
49	Coast Live Oak	10	20	Good		N	N	0.545415
50	Coast Live Oak	7	20	Fair		N	N	0.26725335
51	Coast Live Oak	13	30	Good		N	N	0.92175135
52	Coast Live Oak	11	30	Good		N	N	0.65995215
53	Coast Live Oak	8	30	Fair		N	N	0.3490656
54	Coast Live Oak	12	35	Fair	Dieback in the crown, sparse crown	N	N	0.7853976
55	Coast Live Oak	15	35	Fair	Sparse crown	N	N	1.22718375
56	Coast Live Oak	10	10	Poor	Broken top	N	N	0.545415
57	Coast Live Oak	8	10	Poor	Broken top	N	N	0.3490656
58	Coast Live Oak	8	15	Poor	Broken top	N	N	0.3490656
59	Toyon	23	35	Good	5 Stems:6,4,5,4,4	N	N	2.88524535
60	Coast Live Oak	10	35	Fair	poor vigor	N	N	0.545415
61	Coast Live Oak	14	35	Fair	poor vigor	N	N	1.0690134
62	Coast Live Oak	4	10	Good		N	N	0.0872664
63	Coast Live Oak	6	15	Fair		N	N	0.1963494
64	Monterey Pine	13	45	Poor	Mistletoe, small crown, high crown	N	N	0.92175135
65	Monterey Pine	17	55	Poor	Pitch tubes, mistletoe	Y	N	1.57624935
66	Monterey Pine	22	55	Dead		N	N	2.6398086
67	Monterey Pine	22	55	Fair		N	N	2.6398086
68	Coast Live Oak	7	15	Good		N	N	0.26725335
69	Monterey Pine	6	40	Fair	Pitch tubes, branch dieback, damage on lower trunk	Y	N	0.1963494
70	Monterey Pine	25	80	Good		N	N	3.40884375
71	Coast Live Oak	7	10	Fair		N	N	0.26725335
72	Coast Live Oak	6	10	Fair		N	N	0.1963494
73	Monterey Pine	27	75	Fair	Conks, Pitch tube, internal decay	Y	N	3.97607535
74	Monterey Pine	19	50	Good		N	N	1.96894815
75	Coast Live Oak	7	25	Fair		N	N	0.26725335
76	Coast Live Oak	8	10	Poor	Dead top	N	N	0.3490656
77	Coast Live Oak	8	25	Fair		N	N	0.3490656
78	Coast Live Oak	4	10	Good		N	N	0.0872664
79	Coast Live Oak	6	10	Good		N	N	0.1963494
80	Coast Live Oak	12	45	Poor	Branch tip dieback, dead top	N	N	0.7853976

Forest Inventory Data, Zone 2, Plots: 2, 4, 14, 12								
Tree #	Species	Diameter (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
81	Monterey Pine	5	10	Good		N	N	0.13635375
82	Coast Live Oak	11	30	Good		N	N	0.65995215
83	Monterey Pine	14	50	Fair	Pitch tubes, damage to trunk	Y	N	1.0690134
84	Coast Live Oak	9	25	Good		N	N	0.44178615
85	Coast Live Oak	5	15	Good		N	N	0.13635375
86	Coast Live Oak	13	35	Good		N	N	0.92175135
87	Coast Live Oak	12	30	Good		N	N	0.7853976
88	Monterey Pine	21	60	Fair	Pitch tubes	Y	N	2.40528015
89	Coast Live Oak	10	20	Fair		N	N	0.545415
90	Coast Live Oak	10	20	Fair		N	N	0.545415
91	Coast Live Oak	14	25	Fair	Sapsucker/woodpecker damage	N	N	1.0690134
92	Coast Live Oak	6	20	Poor		N	N	0.1963494
93	Coast Live Oak	18	35	Good		N	N	1.7671446
94	Coast Live Oak	14	35	Good		N	N	1.0690134
95	Coast Live Oak	5	15	Fair		N	N	0.13635375
96	Coast Live Oak	24	35	Fair	2 Stems: 9, 15	N	N	3.1415904
97	Coast Live Oak	12	30	Good		N	N	0.7853976
98	Monterey Pine	15	60	Fair	Canopy raised, small crown	N	N	1.22718375
99	Monterey Pine	14	40	Dead		N	N	1.0690134
100	Coast Live Oak	4	10	Good		N	N	0.0872664
101	Coast Live Oak	5	15	Good		N	N	0.13635375
102	Coast Live Oak	3	5	Good		N	N	0.04908735
103	Coast Live Oak	11	40	Poor		N	N	0.65995215
104	Monterey Pine	26	60	Good	2 Stems: 8,18	N	N	3.6870054
105	Monterey Pine	18	60	Fair	Branch tip dieback	N	N	1.7671446
106	Monterey Pine	8	20	Fair		N	N	0.3490656
107	Coast Live Oak	17	25	Good	2 Stems: 8,9	N	N	1.57624935
108	Coast Live Oak	5	10	Good		N	N	0.13635375
109	Monterey Pine	15	50	Poor	Thin crown	N	N	1.22718375
Count All	*109*	*Average Height All*	*31*	*—*	*QMD All*	*14.2*	*—*	*—*
Count Pine	*43*	*Average Height Pine*	*45*	*—*	*QMD Pine*	*17.5*	*—*	*—*
Count Oak	*61*	*Average Height Oak*	*21*	*—*	*QMD Oak*	*11.1*	*—*	*—*
Count Other	*5*	*Average Height Other*	*17.2*	*—*	*QMD Other*	*16.8*	*—*	*—*
TPA	*109*	*—*	*—*	*—*	*—*	*—*	*—*	*—*
Total BA	**120.2312826**	**71.6457144**	**40.88976**	**7.695806**	**—**	**—**	**—**	**—**
Avg BA	*1.10303929*	*1.666179405*	*0.670324*	*1.539161*	*—*	*—*	*—*	*—*

Forest Inventory Data, Zone 2, Plots: 2, 4, 14, 12								
Tree #	Species	Diameter (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
Tree Diameter Distribution (by diameter inches)								
	3 to 8	9 to 14	15 to 20	21 to 26	27 to 32	>32		
All	43	31	17	12	2	2		
Pine	11	7	13	9	2	1		
Oak	32	23	3	1	0	1		
Other	0	1	1	2	0	0		

Forest Inventory, Data Zone 3, Plots: 11, 13, 15, 16								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	BA
1	Monterey Pine	15	75	Good		N	N	1.23
2	Monterey Pine	23	85	Fair	Branch tip dieback, mistletoe	N	N	2.89
3	Monterey Pine	23	100	Poor	Sparse crown, Branch tip dieback	N	N	2.89
4	Coast Live Oak	12	25	Good		N	N	0.79
5	Coast Live Oak	8	20	Fair		N	N	0.35
6	Coast Live Oak	11	15	Fair	Trunk decay	N	N	0.66
7	Monterey Pine	24	100	Fair	Damage on trunk, Pitch tubes	Y	N	3.14
8	Monterey Pine	21	85	Fair	Mistletoe	N	N	2.41
9	Monterey Pine	17	85	Good	Dieback in upper half of the crown	N	N	1.58
10	Coast Live Oak	5	15	Good		N	N	0.14
11	Coast Live Oak	8	20	Good		N	N	0.35
12	Coast Live Oak	7	15	Fair	Internal decay	N	N	0.27
13	Monterey Pine	24	75	Fair	Mistletoe, pitch tubes, branch tip dieback	Y	N	3.14
14	Coast Live Oak	10	15	Fair	2 Stems:5,5	N	N	0.55
15	Coast Live Oak	28	40	Good	3 Stems: 10,10,8	N	N	4.28
16	Coast Live Oak	4	15	Good		N	N	0.09
17	Coast Live Oak	8	15	Poor	Damage to tree top	N	N	0.35
18	Coast Live Oak	19	25	Fair	3 Stems: 4,7,8	N	N	1.97
19	Monterey Pine	8	60	Poor	Small live crown	N	N	0.35
20	Coast Live Oak	12	20	Fair	2 Stems: 7,5, Decay in Branches	N	N	0.79
21	Coast Live Oak	16	35	Good	2 Stems: 7,9	N	N	1.4
22	Coast Live Oak	10	40	Fair	Internal decay	N	N	0.55
23	Coast Live Oak	7	30	Good		N	N	0.27
24	Coast Live Oak	10	15	Good		N	N	0.55
25	Monterey Pine	33	70	Dead		N	N	5.94
26	Monterey Pine	14	45	Poor	Sparse crown, Branch tip dieback	N	N	1.07
27	Monterey Pine	18	60	Fair	Dieback	N	N	1.77

Forest Inventory, Data Zone 3, Plots: 11, 13, 15, 16								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	BA
28	Monterey Pine	17	65	Dead		N	N	1.58
29	Monterey Pine	7	35	Fair	Pitch tubes	Y	N	0.27
30	Monterey Pine	8	30	Good		N	N	0.35
31	Monterey Pine	6	30	Good		N	N	0.2
32	Monterey Pine	11	45	Dead		N	N	0.66
33	Coast Live Oak	14	30	Good	2 Stems: 11, 3	N	N	1.07
34	Coast Live Oak	6	15	Poor	Fungal conks	N	N	0.2
35	Coast Live Oak	5	20	Good		N	N	0.14
36	Coast Live Oak	10	20	Good		N	N	0.55
37	Coast Live Oak	7	20	Fair		N	N	0.27
38	Coast Live Oak	3	10	Good		N	N	0.05
39	Coast Live Oak	8	10	Fair	Decay in branches	N	N	0.35
40	Coast Live Oak	12	20	Fair	2 Stems: 6,6, decay in trunk	N	N	0.79
41	Coast Live Oak	10	15	Fair		N	N	0.55
42	Monterey Pine	14	55	Good	Pitch tubes	Y	N	1.07
43	Coast Live Oak	21	20	Fair	4 stems: 9,5,4,3	N	N	2.41
44	Monterey Pine	8	45	Good		N	N	0.35
45	Coast Live Oak	4	15	Poor		N	N	0.09
46	Monterey Pine	12	35	Poor	Branch dieback	N	N	0.79
47	Coast Live Oak	7	15	Fair		N	N	0.27
48	Monterey Pine	23	85	Good	Mistletoe	N	N	2.89
49	Monterey Pine	23	85	Fair	Mistletoe	N	N	2.89
50	Monterey Pine	29	90	Good	Mistletoe	N	N	4.59
51	Monterey Pine	21	70	Fair	Mistletoe	N	N	2.41
52	Monterey Pine	28	85	Fair	Mistletoe	N	N	4.28
53	Coast Live Oak	18	30	Good	2 Stems: 9,9	N	N	1.77
54	Coast Live Oak	6	20	Fair		N	N	0.2
55	Monterey Pine	13	55	Poor	Mistletoe, branch tip dieback, small crown	N	N	0.92
56	Coast Live Oak	19	30	Fair	2 stems: 11,8	N	N	1.97
57	Coast Live Oak	13	20	Fair	Damage to trunk	N	N	0.92
58	Coast Live Oak	14	15	Fair	2 stems: 7,7	N	N	1.07
59	Coast Live Oak	14	15	Good	2 stems: 7,7	N	N	1.07
60	Monterey Pine	14	40	Dead		N	N	1.07
61	Monterey Pine	9	45	Dead		N	N	0.44
62	Monterey Pine	22	90	Good	Mistletoe	N	N	2.64
63	Monterey Pine	16	35	Poor	Broken top, Mistletoe	N	N	1.4
64	Coast Live Oak	5	15	Good		N	N	0.14
65	Coast Live Oak	5	20	Good		N	N	0.14
66	Coast Live Oak	19	35	Good	2 stems: 11, 8	N	N	1.97
67	Coast Live Oak	18	20	Fair	2 Stems: 9,9, Broken top	N	N	1.77

Forest Inventory, Data Zone 3, Plots: 11, 13, 15, 16								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	BA
68	Monterey Pine	25	70	Dead		N	N	3.41
69	Monterey Pine	11	35	Poor	Branch tip dieback	N	N	0.66
70	Coast Live Oak	10	20	Good		N	N	0.55
71	Coast Live Oak	11	20	Good		N	N	0.66
72	Monterey Pine	15	55	Good	Old Pitch Tubes	Y	N	1.23
73	Coast Live Oak	13	35	Fair	Decay in Trunk	N	N	0.92
74	Monterey Pine	16	70	Good	Pitch tubes, Branch tip dieback, pitch streamers on trunk	Y	Y	1.4
75	Monterey Pine	9	45	Good	Branch tip dieback	N	N	0.44
76	Coast Live Oak	15	15	Good	2 Stems: 9,6	N	N	1.23
77	Monterey Pine	14	65	Poor	Small crown, Dead top	N	N	1.07
78	Coast Live Oak	23	25	Good	2 Stems:14, 9	N	N	2.89
79	Monterey Pine	12	45	Fair	Small crown, branch dieback	N	N	0.79
80	Monterey Pine	32	70	Poor	dead top	N	N	5.59
81	Monterey Pine	6	20	Fair	Branch tip dieback	N	N	0.2
82	Monterey Pine	6	35	Fair		N	N	0.2
83	Monterey Pine	11	50	Good		N	N	0.66
84	Monterey Pine	18	65	Poor	Dead top, small crown, branch dieback	N	N	1.77
85	Monterey Pine	6	20	Good		N	N	0.2
86	Monterey Pine	9	30	Fair	Trunk Damage	N	N	0.44
87	Monterey Pine	13	35	Fair	Damage to trunk and crown	N	N	0.92
88	Coast Live Oak	14	20	Good	2 stems: 8,6	N	N	1.07
89	Coast Live Oak	5	20	Fair		N	N	0.14
90	Coast Live Oak	8	20	Good	2 Stems:5,3	N	N	0.35
91	Coast Live Oak	5	20	Fair		N	N	0.14
92	Monterey Pine	14	45	Good		N	N	1.07
93	Coast Live Oak	11	30	Good	Damage to crown	N	N	0.66
94	Coast Live Oak	10	35	Good		N	N	0.55
95	Coast Live Oak	7	15	Fair	Damage to trunk	N	N	0.27
96	Coast Live Oak	7	20	Fair		N	N	0.27
97	Coast Live Oak	6	20	Fair	Damage to crown	N	N	0.2
98	Monterey Pine	24	65	Dead		N	N	3.14
99	Coast Live Oak	11	35	Good		N	N	0.66
100	Coast Live Oak	11	35	Good	Damage to crown	N	N	0.66
101	Monterey Pine	22	70	Good		N	N	2.64
102	Coast Live Oak	8	15	Fair	Damage to crown, Decay in branches	N	N	0.35
103	Coast Live Oak	18	35	Good	2 Stems: 6,12	N	N	1.77
104	Monterey Pine	27	75	Fair	Dieback, overmature tree	N	N	3.98
105	Coast Live Oak	11	35	Fair	Thin crown	N	N	0.66
106	Coast Live Oak	5	20	Fair	Decay in trunk	N	N	0.14

Forest Inventory, Data Zone 3, Plots: 11, 13, 15, 16								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	BA
107	Coast Live Oak	15	20	Good	2 stems:9,6	N	N	1.23
108	Coast Live Oak	7	15	Good		N	N	0.27
109	Coast Live Oak	9	20	Good		N	N	0.44
110	Coast Live Oak	16	20	Good	2 Stems:10,6	N	N	1.4
111	Coast Live Oak	12	35	Good		N	N	0.79
112	Coast Live Oak	9	30	Good		N	N	0.44
113	Monterey Pine	16	60	Fair	Pitch streamers on trunk, Pitch tubes, cankers	Y	Y	1.4
114	Coast Live Oak	6	20	Fair		N	N	0.2
115	Coast Live Oak	4	10	Fair		N	N	0.09
116	Coast Live Oak	8	25	Good		N	N	0.35
117	Coast Live Oak	8	25	Good		N	N	0.35
118	Coast Live Oak	8	25	Fair		N	N	0.35
119	Coast Live Oak	7	15	Fair	Decay in trunk	N	N	0.27
120	Coast Live Oak	3	10	Fair		N	N	0.05
121	Monterey Pine	8	50	Fair	Broken top	N	N	0.35
122	Coast Live Oak	9	10	Good	Branch decay, bent over top-previously hit by larger tree	N	N	0.44
123	Coast Live Oak	5	15	Good		N	N	0.14
Count All	*123*	*Average Height All*	*37*		*QMD All*	*14.4*		
Count Pine	*50*	*Average Height Pine*	*59*		*QMD Pine*	*17.8*		
Count Oak	*73*	*Average Height Oak*	*22*		*QMD Oak*	*11.4*		
Count Other	*0*	*Average Height Other*	*0*		*QMD Other*	*0.0*		
TPA	*123*							
Total BA	**138.5736**	**86.6719**	**51.90169**					
Avg BA	*1.126615*	*1.733438*	*0.710982*					
Tree Diameter Distribution (by diameter inches)								
	3 to 8	9 to 14	15 to 20	21 to 26	27 to 32	>32		
All	43	41	19	14	5	1		
Pine	9	15	9	12	4	1		
Oak	34	26	10	2	1	0		
Other	0	0	0	0	0	0		

Forest Inventory Data Zone 4, Plots: 1, 3, 6, 7, 8, 9								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
1	Coast Live Oak	9	20	Fair	Broken Top	N	N	0.44179
2	Coast Live Oak	8	20	Poor	2 Stems: 8,5, branch tip dieback	N	N	0.34907
3	Monterey Pine	20	60	Good		N	N	2.18166
4	Coast Live Oak	5	15	Fair		N	N	0.13635
5	Coast Live Oak	5	15	Fair		N	N	0.13635
6	Coast Live Oak	4	15	Poor		N	N	0.08727
7	Coast Live Oak	4	10	Poor		N	N	0.08727
8	Coast Live Oak	7	35	Fair		N	N	0.26725
9	Coast Live Oak	8	20	Good	2 stems:5, 3	N	N	0.34907
10	Coast Live Oak	21	35	Good	2 stems: 12, 9	N	N	2.40528
11	Coast Live Oak	15	35	Good		N	N	1.22718
12	Coast Live Oak	8	15	Poor	Hypoxylon canker	N	N	0.34907
13	Coast Live Oak	12	30	Fair		N	N	0.78540
14	Coast Live Oak	7	15	Fair	Decay in trunk	N	N	0.26725
15	Coast Live Oak	7	20	Fair	Damage to trunk with sprout growth	N	N	0.26725
16	Coast Live Oak	22	30	Fair	2 stems: 13, 9, dieback	N	N	2.63981
17	Coast Live Oak	22	30	Fair	2 stems,: 13,9	N	N	2.63981
18	Coast Live Oak	8	30	Fair		N	N	0.34907
19	Monterey Pine	16	20	Dead		N	N	1.39626
20	Monterey Pine	8	35	Poor	Dead top	N	N	0.34907
21	Monterey Pine	21	85	Poor	Broken top with regrowth, pitch streamers on trunk	N	Y	2.40528
22	Coast Live Oak	6	15	Poor		N	N	0.19635
23	Coast Live Oak	4	10	Poor		N	N	0.08727
24	Coast Live Oak	16	25	Fair	Decay in crown	N	N	1.39626
25	Coast Live Oak	9	30	Poor	Dieback in crown	N	N	0.44179
26	Monterey Pine	30	35	Dead		N	N	4.90874
27	Coast Live Oak	11	30	Good		N	N	0.65995
28	Coast Live Oak	8	25	Fair		N	N	0.34907
29	Coast Live Oak	9	30	Fair		N	N	0.44179
30	Monterey Pine	34	130	Good		N	N	6.30500
31	Monterey Pine	18	60	Good	Old Pitch tubes	Y	N	1.76714
32	Monterey Pine	17	60	Dead		N	N	1.57625
33	Coast Live Oak	4	10	Fair		N	N	0.08727
34	Coast Live Oak	7	15	Poor		N	N	0.26725
35	Coast Live Oak	6	10	Good		N	N	0.19635
36	Coast Live Oak	6	25	Fair		N	N	0.19635
37	Coast Live Oak	9	30	Poor	Trunk damage	N	N	0.44179
38	Coast Live Oak	7	30	Fair	Dieback in crown	N	N	0.26725
39	Coast Live Oak	7	30	Fair		N	N	0.26725
40	Coast Live Oak	6	30	Poor		N	N	0.19635

Forest Inventory Data Zone 4, Plots: 1, 3, 6, 7, 8, 9								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
41	Coast Live Oak	7	30	Fair		N	N	0.26725
42	Coast Live Oak	4	15	Poor		N	N	0.08727
43	Coast Live Oak	7	30	Fair	Dieback in crown	N	N	0.26725
44	Coast Live Oak	6	25	Poor	Dieback in crown	N	N	0.19635
45	Coast Live Oak	13	40	Good		N	N	0.92175
46	Coast Live Oak	22	30	Fair	2 Stem:10, 12, previously uprooted and fell over-has compensated & is stable	N	N	2.63981
47	Coast Live Oak	9	30	Fair		N	N	0.44179
48	Coast Live Oak	13	30	Good		N	N	0.92175
49	Coast Live Oak	7	25	Fair	Trunk Decay, Branch Decay	N	N	0.26725
50	Coast Live Oak	12	35	Fair		N	N	0.78540
51	Coast Live Oak	14	35	Fair	Branch Decay	N	N	1.06901
52	Coast Live Oak	8	30	Good		N	N	0.34907
53	Coast Live Oak	9	30	Fair	Trunk Decay, Branch Decay	N	N	0.44179
54	Monterey Pine	14	40	Dead		N	N	1.06901
55	Monterey Pine	39	80	Fair	Thin Crown, Branch tip dieback	N	N	8.29576
56	Monterey Pine	26	70	Fair	Dead top, Dieback in crown, unbalanced crown	N	N	3.68701
57	Monterey Pine	14	55	Poor	Significant Dieback	N	N	1.06901
58	Coast Live Oak	15	35	Fair		N	N	1.22718
59	Coast Live Oak	13	35	Good		N	N	0.92175
60	Monterey Pine	30	80	Fair	Branch tip Dieback	N	N	4.90874
61	Coast Live Oak	9	30	Fair		N	N	0.44179
62	Coast Live Oak	6	15	Fair	2 Stem: 3,3	N	N	0.19635
63	Coast Live Oak	14	35	Good	Decay in Trunk	N	N	1.06901
64	Coast Live Oak	5	15	Poor		N	N	0.13635
65	Coast Live Oak	9	20	Fair	Damage on trunk, decay in trunk, broken top	N	N	0.44179
66	Coast Live Oak	18	35	Fair	2 Stems: 10, 8	N	N	1.76714
67	Coast Live Oak	8	30	Fair		N	N	0.34907
68	Coast Live Oak	5	15	Fair		N	N	0.13635
69	Coast Live Oak	14	35	Fair		N	N	1.06901
70	Coast Live Oak	12	20	Fair	2 stems: 6,6	N	N	0.78540
71	Coast Live Oak	8	25	Fair		N	N	0.34907
72	Coast Live Oak	9	35	Fair	Decay in Trunk	N	N	0.44179
73	Coast Live Oak	7	30	Fair		N	N	0.26725
74	Coast Live Oak	5	10	Fair	Dead top	N	N	0.13635
75	Coast Live Oak	14	30	Fair	Conks, decay in branches	N	N	1.06901
76	Monterey Pine	23	60	Poor	! Increased Risk of falling on to trail	N	N	2.88525
77	Coast Live Oak	4	10	Poor	Significant Decay	N	N	0.08727
78	Coast Live Oak	12	30	Good		N	N	0.78540
79	Coast Live Oak	20	30	Fair	2 Stems: 7,13, Branch Decay	N	N	2.18166

Forest Inventory Data Zone 4, Plots: 1, 3, 6, 7, 8, 9								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
80	Coast Live Oak	4	15	Fair		N	N	0.08727
81	Coast Live Oak	13	35	Good		N	N	0.92175
82	Coast Live Oak	25	30	Fair	3 Stems: 10,8,7	N	N	3.40884
83	Coast Live Oak	14	30	Fair	2 Stems: 8,6, Thin Crown	N	N	1.06901
84	Coast Live Oak	14	30	Fair	2 Stems: 9,5, Dieback in the crown, Large Dead Branches	N	N	1.06901
85	Coast Live Oak	13	30	Fair	2 Stems: 6,7, dieback in the crown, thin crown	N	N	0.92175
86	Coast Live Oak	5	20	Poor		N	N	0.13635
87	Coast Live Oak	10	30	Fair		N	N	0.54542
88	Coast Live Oak	14	35	Good		N	N	1.06901
89	Coast Live Oak	13	35	Fair		N	N	0.92175
90	Coast Live Oak	10	30	Fair		N	N	0.54542
91	Coast Live Oak	6	15	Poor	Decay in Trunk	N	N	0.19635
92	Coast Live Oak	17	35	Fair	2 Stems: 12,5, Thin crown, decay in branches	N	N	1.57625
93	Coast Live Oak	8	20	Good		N	N	0.34907
94	Coast Live Oak	18	20	Good	Decay in Branches	N	N	1.76714
95	Coast Live Oak	14	25	Fair	Decay in Branches, Dieback in Crowns	N	N	1.06901
96	Coast Live Oak	9	20	Fair	Large Cavity on Trunk, Decay in Trunk	N	N	0.44179
97	Coast Live Oak	11	25	Good		N	N	0.65995
98	Coast Live Oak	11	20	Fair		N	N	0.65995
99	Coast Live Oak	9	20	Fair		N	N	0.44179
100	Coast Live Oak	23	30	Fair	2 Stems: 11,12	N	N	2.88525
101	Coast Live Oak	13	30	Good		N	N	0.92175
102	Coast Live Oak	13	25	Fair	Large Cavity on Trunk, Decay in Trunk	N	N	0.92175
103	Coast Live Oak	6	15	Dead	Decay in Trunk, Dead Top	N	N	0.19635
104	Coast Live Oak	5	10	Poor	Large Cavity on Trunk, Decay in Trunk	N	N	0.13635
105	Coast Live Oak	12	30	Fair	Thin Crown	N	N	0.78540
106	Coast Live Oak	11	30	Poor	Thin Crown, Woodpecker activity	N	N	0.65995
107	Coast Live Oak	14	30	Poor		N	N	1.06901
108	Coast Live Oak	14	35	Good	Decay in trunk	N	N	1.06901
109	Coast Live Oak	10	30	Poor		N	N	0.54542
110	Monterey Pine	26	50	Good		N	N	3.68701
111	Coast Live Oak	34	35	Good	2 Stems: 17, 17	N	N	6.30500
112	Coast Live Oak	13	15	Poor	Decay in Trunk and Branches	N	N	0.92175
113	Coast Live Oak	11	20	Fair		N	N	0.65995
114	Coast Live Oak	9	20	Fair	Thin crown	N	N	0.44179
115	Coast Live Oak	13	15	Poor	2 stems: 9,4, Decay in trunk	N	N	0.92175
116	Monterey Pine	3	15	Good		N	N	0.04909
117	Monterey Pine	4	15	Good	canker on trunk with pitch streamers	N	Y	0.08727
118	Coast Live Oak	10	30	Poor	Decay in trunk. Dieback in crown	N	N	0.54542
119	Coast Live Oak	6	15	Dead		N	N	0.19635

Forest Inventory Data Zone 4, Plots: 1, 3, 6, 7, 8, 9								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
120	Monterey Pine	7	30	Good		N	N	0.26725
121	Monterey Pine	8	30	Good	Large canker on trunk, pitch tubes	Y	Y	0.34907
122	Monterey Pine	8	30	Good		N	N	0.34907
123	Monterey Pine	8	30	Good		N	N	0.34907
124	Coast Live Oak	29	30	Fair	2 Stems: 14,15, Decay in trunk and branches	N	N	4.58694
125	Coast Live Oak	9	15	Poor	Broken top	N	N	0.44179
126	Coast Live Oak	23	30	Fair	2 stems: 13, 10, Decay in trunk	N	N	2.88525
127	Coast Live Oak	8	20	Poor		N	N	0.34907
128	Coast Live Oak	12	20	Fair	Decay in trunk	N	N	0.78540
129	Coast Live Oak	12	25	Fair	2 stems: 4,8	N	N	0.78540
130	Coast Live Oak	16	35	Fair	Thin crown	N	N	1.39626
131	Coast Live Oak	15	35	Poor	Dead top	N	N	1.22718
132	Coast Live Oak	7	20	Poor	broken top, decay in branches	N	N	0.26725
133	Coast Live Oak	14	35	Fair	Thin crown, poor vigor	N	N	1.06901
134	Coast Live Oak	14	35	Fair	Decay in branches	N	N	1.06901
135	Coast Live Oak	12	30	Poor	Thin crown	N	N	0.78540
136	Coast Live Oak	16	35	Fair	Decay in branches	N	N	1.39626
137	Coast Live Oak	13	35	Fair		N	N	0.92175
138	Coast Live Oak	10	20	Poor	Decay in branches	N	N	0.54542
139	Coast Live Oak	13	20	Fair	Decay in trunk, Broken top	N	N	0.92175
140	Monterey Pine	18	35	Fair		N	N	1.76714
141	Coast Live Oak	12	30	Fair	Thin crown	N	N	0.78540
142	Coast Live Oak	5	10	Poor		N	N	0.13635
143	Coast Live Oak	9	30	Fair		N	N	0.44179
144	Coast Live Oak	38	40	Good	2 Stems: 16, 22	N	N	7.87579
145	Coast Live Oak	24	25	Poor	2 Stems: 12,12, Thin crown, Decay in branches	N	N	3.14159
146	Monterey Pine	21	60	Good		N	N	2.40528
147	Monterey Pine	16	60	Poor	Significant dieback	N	N	1.39626
148	Monterey Pine	28	70	Good		N	N	4.27605
149	Coast Live Oak	10	25	Fair		N	N	0.54542
150	Coast Live Oak	6	20	Poor		N	N	0.19635
151	Monterey Pine	28	20	Dead		N	N	4.27605
152	Coast Live Oak	15	30	Fair		N	N	1.22718
153	Monterey Pine	22	70	Fair	Thin crown, branch tip dieback	N	N	2.63981
154	Coast Live Oak	6	15	Fair		N	N	0.19635
155	Monterey Pine	30	95	Fair	Heavy mistletoe infestation, small crown, branch tip dieback, damage on trunk	N	N	4.90874
156	Monterey Pine	31	65	Dead		N	N	5.24144
157	Coast Live Oak	13	15	Good	2 Stems: 6,7	N	N	0.92175
158	Monterey Pine	28	40	Fair	Broken branches, mistletoe, branch tip dieback	N	N	4.27605

Forest Inventory Data Zone 4, Plots: 1, 3, 6, 7, 8, 9								
Tree #	Species	Diameter at Standard Height (inches)	Height (inches)	Condition	Notes	Evidence of Beetle Infestation? Y/N	Evidence of Pitch Canker Infection? Y/N	Basal Area
159	Coast Live Oak	10	20	Poor	Conks, dead top	N	N	0.54542
160	Monterey Pine	24	55	Poor	Thin crown, branch tip dieback, mistletoe	N	N	3.14159
161	Coast Live Oak	13	35	Fair	Decay in trunk	N	N	0.92175
162	Coast Live Oak	18	35	Good		N	N	1.76714
163	Coast Live Oak	17	35	Good		N	N	1.57625
164	Coast Live Oak	8	20	Fair	Decay in trunk	N	N	0.34907
165	Coast Live Oak	4	10	Poor	Significant dieback, decay in trunk, conks	N	N	0.08727
166	Coast Live Oak	8	20	Fair	Damage to crown, broken branches	N	N	0.34907
167	Coast Live Oak	12	25	Fair		N	N	0.78540
168	Monterey Pine	18	70	Dead		N	N	1.76714
169	Coast Live Oak	7	10	Poor	2 Stems: 5, 2	N	N	0.26725
170	Coast Live Oak	17	25	Good	Decay in trunk	N	N	1.57625
171	Monterey Pine	29	40	Dead		N	N	4.58694
172	Monterey Pine	24	55	Dead		N	N	3.14159
173	Monterey Pine	30	75	Fair	Mistletoe, branch dieback, thin crown	N	N	4.90874
174	Coast Live Oak	11	25	Fair		N	N	0.65995
175	Coast Live Oak	9	20	Fair		N	N	0.44179
176	Coast Live Oak	14	30	Poor	Thin crown, Branch tip dieback	N	N	1.06901
177	Monterey Pine	14	50	Good		N	N	1.06901
178	Monterey Pine	4	20	Fair	Mistletoe	N	N	0.08727
179	Monterey Pine	7	35	Fair	Mistletoe	N	N	0.26725
180	Coast Live Oak	15	25	Good	2 stems: 7, 8	N	N	1.22718
181	Coast Live Oak	19	30	Fair		N	N	1.96895
182	Monterey Pine	33	80	Good	Old pitch tubes	Y	N	5.93957
Count All	*182*	*Average Height All*	*31*		*QMD All*	*15.2*		
Count Pine	*39*	*Average Height Pine*	*53*		*QMD Pine*	*22.1*		
Count Oak	*143*	*Average Height Oak*	*25*		*QMD Oak*	*12.7*		
Count Other	*0*	*Average Height Other*	*0*		*QMD Other*	*0.0*		
TPA	*120*							
Total BA	**230.3615**	**104.0379**	**126.3236**					
Avg BA	*1.265722*	*2.667639*	*0.883382*					
Tree Diameter Distribution (by diameter inches)								
	3 to 8	9 to 14	15 to 20	21 to 26	27 to 32	>32		
All	60	68	23	16	10	5		
Pine	9	3	7	8	9	3		
Oak	51	65	16	8	1	2		
Other	0	0	0	0	0	0		

Appendix E
Local Tree Nurseries

Local Tree Nuseries	
Griggs Nursery 831.626.0680	9220 Carmel Valley Rd. Carmel, CA 93923 info@griggsnursery.com
Drought Resistant Nursery 831.375.2120	850 Park Ave, Monterey, CA 93
Blue Moon Native Garden 831.659.1990	Carmel Valley, CA info@bluemoonnative.com
Rana Creek Wholesale Nursery 831.659.2830	7480 Williams Ranch Rd, Carmel, CA 93923 www.ranacreeknursery.com

INTENTIONALLY LEFT BLANK

DUDEK
1630 SAN PABLO AVENUE, SUITE 300
OAKLAND, CALIFORNIA 94612
T 510.601.2500 F 510.601.2501

City of Pacific Grove-George Washington Park Forest Management Plan Revised Plan Memo

This revised plan has been created in response to comments received during the November 15, 2022, Beautification and Natural Resources Commission (BNRC) meeting, specifically comments alleging that the proposed treatment activities would not be exempt under the California Environmental Quality Act (CEQA) and may require CEQA review to address potential impacts to biological resources in the park.

Although the original draft of the George Washington Park Forest Management Plan provided a toolkit of various forest management treatments, it is now recommended that the City proceed solely with the vegetation treatment recommendations for creating defensible space and reducing wildfire risk within the park near the homes around the park perimeter. This addendum describes those treatment recommendations, methods, and timing below. Moreover, this memo demonstrates why approval of the Washington Park Forest Management Plan limited to the vegetation treatments described herein qualifies for the Class 4 Categorical Exemption from CEQA for projects consisting of minor alterations to land.

The forested area in the park contains sufficient fuels to support the spread of a wildfire; continuous annual grasses and herbaceous plants on the surface, trees with crowns extending close to the ground, and standing/fallen dead trees. Reducing the volume of these fuels will result in lower fire intensity within the treated area which will reduce the risk of wildfire igniting the structures surrounding the park.

The vegetation treatments described in this addendum shall be limited to areas within 100 feet of the homes and structures adjacent to the fire hazard reduction zone as shown in Figure 5. For most of the park perimeter there is a city street separating the nearby structures from the vegetation in the park. In these areas the treatment area consists of a strip of land that extends approximately 30 to 40 feet from the curb into the park. The exception to this is the portion of the park behind the homes near the northwest corner of the park which directly abut the park without a road separating the park from the structures. Behind these homes the vegetation treatments will need to be applied approximately 80 to 100 feet from the property fence into the park.

Activities

Vegetation treatments will consist of the following activities.

1. Annual grasses and herbaceous plants will be cut or mowed to 4 inches in height or less.
2. Live trees will be trimmed to remove the smallest, lowest limbs in the canopy to create at least 6 feet of vertical clearance between the ground and the lowest branches. Live branches within that 6 foot clearance area that are over 4 inches in diameter are not likely to ignite and do not need to be removed.
3. Standing dead trees and shrubs will be felled, upon review and approval of a certified arborist, cut up into manageable pieces, and removed. Cut up tree pieces can be scattered in the park interior if desired provided the pieces are more than 30 feet apart and more than 150 feet from a structure.
4. Piles or accumulations of dead logs and large branches on the surface will be removed. Logs and branches can be scattered in the park interior if desired provided the pieces are more than 30 feet apart

and more than 150 feet from a structure. Individual logs or branches can be left in place if they are more than 30 feet from a structure.

5. Live tree removal will be limited to trees identified by a certified arborist or registered professional forester as an imminent risk of failure and have the potential to strike a nearby structure or public street.

Methods

The vegetation treatments described above will be performed by hand crews using hand tools and powered equipment only (chainsaws, weed whips, etc.). Hand crews can perform all the recommended activities in a single pass. The treatment areas are sufficiently close to public streets that equipment such as a chipper can be parked on the road and cut material can be dragged to street for chipping.

Timing

Vegetation treatments will be performed after the annual grasses and herbaceous plants have cured, typically June-July.

CEQA

The vegetation treatments recommended for reducing wildfire risk around the perimeter of the forested area of the park have been determined not to have a significant effect on the environment and are exempt from the provisions of CEQA (Cal. Code Regs. Tit. 14, § 15304 - Minor Alterations to Land (i)). The treatments will not involve the removal of healthy or mature trees. Fuel management activities will be performed within 30 -100 feet of structures to reduce the volume of flammable vegetation. These activities will not result in the taking of endangered, rare, or threatened plant or animal species or cause erosion and sediments to enter surface waters.

Prior to any tree trimming or removals, a nesting bird survey will be conducted if the scheduled activities are to occur during nesting season.

_____

Jeremy Cawn
Forester/Urban Forestry Specialist

Figure 1: Vegetation Treatment Area Map

SOURCE: Bing Maps 2021, Monterey County

DUDEK

FIGURE 5
Fire Hazard Reduction Zone
George Washington Park Forest Management Plan

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Master Plan for George Washington Park

City of Pacific Grove

Compiled by the Natural Resources Committee
& City Forester, Frank Ono

July - 1999

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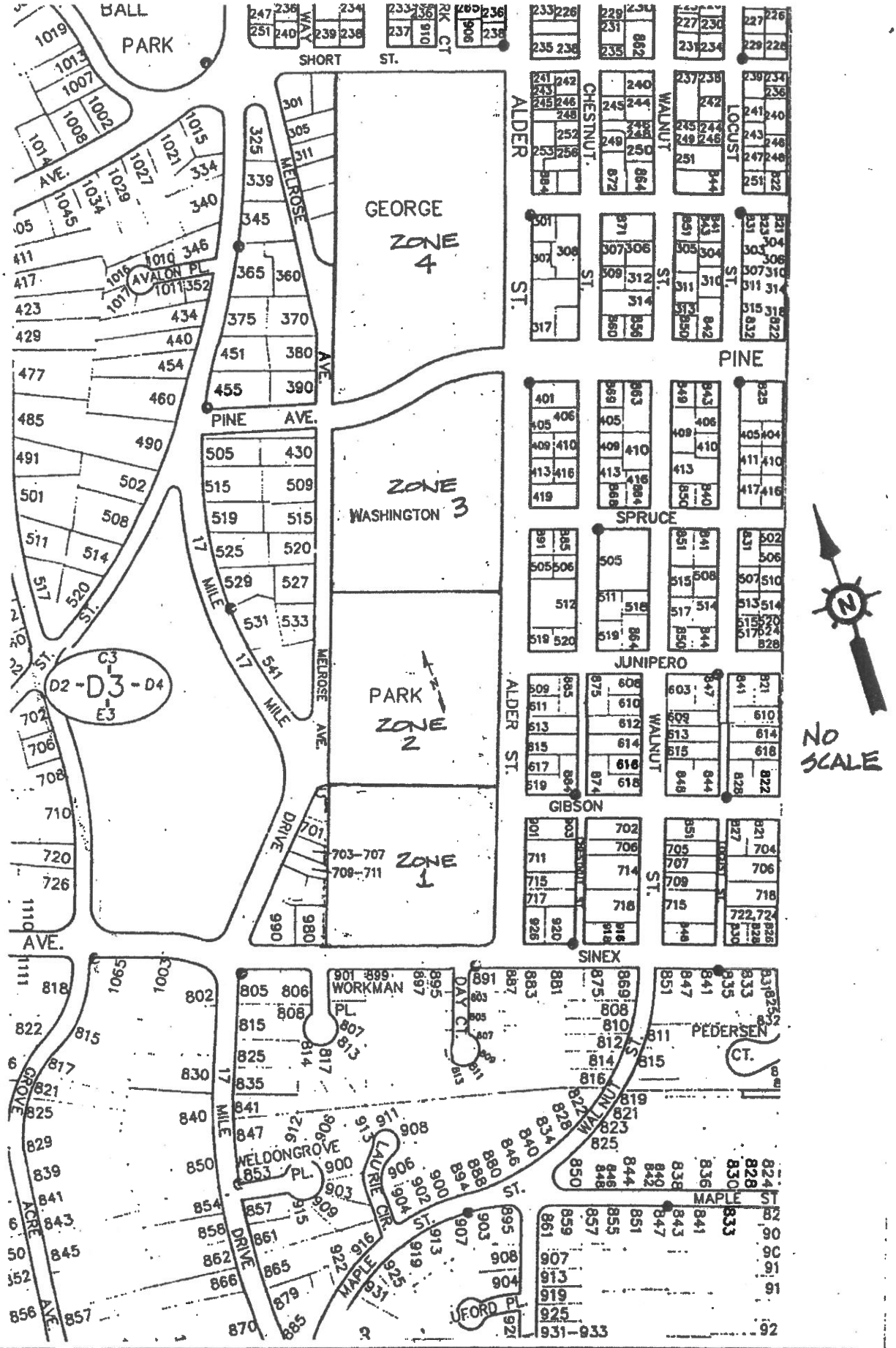
BALL PARK
SHORT ST.
ALDER
CHESTNUT
WALNUT
LOCUST
GEORGE
ZONE 4
MELROSE
AVALON PL
PINE AVE.
PINE
ZONE 3
WASHINGTON
SPRUCE
17 MILE DRIVE
JUNIPERO
PARK
ZONE 2
ALDER ST.
WALNUT
GIBSON
ZONE 1
SINEX
WORKMAN PL.
DAY CT.
PEDERSEN CT.
WELDONGROVE PL.
LAURIE CIR.
MAPLE ST
UFORD PL.
NO SCALE

Introduction

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BACKGROUND

George Washington Park (GWP) consists of a natural forested area of 20 acres located in the west central portion of Pacific Grove on the Monterey Peninsula (36° 30' latitude, 121° 50' longitude). It is six blocks long, roughly north and south, and has varying widths which average close to two city blocks. It is bounded on the north by Short Street, on the east by Alder Street, on the south by Sinex Avenue, and on the west by Melrose Street in places and in other places by private property which fronts on Melrose Street. Only one road, Pine Avenue, crosses through the park. It is located approximately one-third of the distance south of the north boundary. To facilitate recreation, accessibility and resource management discussions, the park has been divided into four zones (see map on page 1):

Zone 1 is the southernmost portion of the park and encompasses the approximately 4 acre day use area managed by the Recreation Department as a high use recreation area. It includes restrooms, picnic grounds with both single and multiple user grills, a ball field and snack bar that is used in conjunction with ball games.

Zone 2 stretches from the ball field to the Southern boundary of the traditional butterfly "Cluster Site". This area is a ravine with steep user defined trails. It should be kept in a natural state to provide a transition zone from the active high use recreation area to the natural forest areas of the other zones.

Zone 3 begins at the top of the ravine, extends to Pine Ave and encompasses the historical monarch butterfly "Cluster Site". It is primarily native forest and should be managed to preserve its value as monarch habitat while at the same time accommodating visitors drawn to the Park to witness the overwintering butterflies.

Zone 4 is the northern portion of the Park which stretches from Pine Ave. to Short Street. We should encourage only passive recreation use in this area so as to sustain its remaining native forest and resident wildlife and provide visitors with a quiet, natural experience unavailable in the other more highly used zones.

A number of native birds, squirrels and other mammals live in the park. The Park is located in the oldest known area for monarch overwintering in California. Natural vegetation consists principally of Monterey pines, Coast live oaks and a number of other species of trees, shrubs, poison oak, and some flowers and native grasses. In some places the forest canopy is closed and there are open spaces under the trees and very few shrubs. In other places the where the forest canopy is open, there are a good many shrubs and thicket areas which are difficult to walk through. Scattered throughout the park are a number of standing dead trees. The City recognizes the value of these trees as wildlife habitat and the City Forester will carefully consider their removal following the guidelines of the attached document, Hazard Tree Risk Management for the City of Pacific Grove

The objectives of the management of this park must be to carry out the purposes for which GWP was established. Management of the area must be carried out in such a way that its pleasures are preserved and enhanced, and that its features are conserved and preserved for the benefit and enjoyment of present and future generations; recognizing at the same time, that this 20-acre park with its included day use area is too small an area for maintaining unaltered forest conditions.

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PARK HISTORY

"The natural history of the Washington Park forest parallels that of the other remaining forested portions of the Monterey Peninsula. The forest had been subjected to hundreds of years of constant disturbance from various human activities. Although the native Costanoan people regularly ran fire through this area, it was during the Spanish era that much of the forest was converted to open range for grazing cattle. Since grassland and browse species are not important in the terrestrial ecosystem at Washington Park, grazing impact was probably light and the forest recovered. In about 1850 the forest was logged; the area burned one or more times and then was used for cattle grazing again. With the exception of a few oak trees, most of the [marketable] trees were removed during this time.

"Few, if any, fires occurred in the area subsequent to logging and the burning that shortly followed. Cattle grazing effectively reduced fire potential in the area until they were removed sometime prior to 1900. By then, the area supported scattered 50-year-old pines that had become established in the ashes following earlier logging. Pine and oak seedlings became widely established after the cattle were removed. Today these pines, together with an expanding understory of oak trees, comprise the Washington Park forest.

"The city purchased the pine forest land comprising Washington Park from Del Monte Properties Company in 1925 for ten dollars. Although there were no deed restrictions on the use of the property, the city used it as a park, and it was known as 'Municipal Park,' 'Forest Park,' and 'George Washington Park.' Over the years, there was talk about using the property for purposes such as a trail camp, a campground, or business. Pacific Grove citizens have long supported its use as a park. In 1948, the voters of Pacific Grove passed an initiative ordinance to limit the use of the property to a recreational park. The City of Pacific Grove now manages Washington Park for visitor use and its natural resources."[1]

It is the City of Pacific Grove's objective to protect and enhance Washington Park's natural resources. If the declining forest stand of Washington Park remains unmanaged, the Monterey pines, and the monarch habitat along with them, will continue to deteriorate.

RELATIONSHIP TO OTHER DOCUMENTS

One of the principal documents used in creating portions of this master plan is the Conceptual Plan for the Conservation and Management Program for [George] Washington Park, (CPCMPWP) published by The Monarch Project (an endeavor of the Xerces Society, a non-profit group dedicated to the conservation of rare invertebrates and their habitats), in February, 1990. The report was accepted by the City in 1990, and has formed the basis for the past decade of management decisions governing the park's natural resources. That document should be used in conjunction with this current management plan for in-depth understanding of the topics excerpted in this plan within the section entitled Environmental Considerations. A complete copy of the CPCMPWP is available at the Department of Public Works.

Also referenced in this plan are the City's Integrated Pest Management Plan and Hazard Tree Management Plan, both of which are on file in the Department of Public Works office.

[1] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, page 6.

Goals and Objectives

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The following goals and objectives are intended to provide guidance for future conservation and management of George Washington Park. These goals should be implemented as feasible and as funding is available.

GOAL 1: RETAIN AND ENHANCE THE EXISTING CHARACTER OF THE PARK.

Maintain four distinct management zones within the park. (These zones are illustrated in the map on page 1).

Zone 1 covers the southern-most portion of the Park and encompasses an area of approximately 4 acres which is managed by the Recreation Department as a high-use, daytime recreation area. Maintain existing day use area without expansion.

Zone 2 is a broad ravine which covers the area from the ball field to the southern boundary of the historic Monarch butterfly habitat. It is primarily native forest of predominately mixed Monterey pine and Coast live oaks and contains steep user-defined trails along the northern hillside leading to the butterfly habitat.

Zone 3 begins at the top of the ravine and extends northward to Pine Avenue. It encompasses the historical Monarch butterfly habitat including the "cluster site". It is primarily native forest predominantly comprised of Monterey pine and Coast live oak.

Zone 4 covers the northern portion of the park between Pine Avenue and Short Street and is also a primarily native forest. While it contains a mix of tree species, principally Monterey pine and California live oak, the live oak are the most dominant in number.

GOAL 2: PROTECT PARK RESOURCES

1. Achieve a balance between maximizing the protection of valuable park resources and maximizing public enjoyment of the park.
2. Restore and enhance park resources to a healthy state to ensure the aesthetic enjoyment and protection of habitat areas and forest resources.
3. Protect, restore and enhance environmentally sensitive habitat areas.
4. Preserve and enhance the existing park environment to protect forest and recreational resources.
5. Retain natural land forms to preserve scenic and habitat values where feasible.
6. Install protective barriers where necessary to protect, preserve and enhance park resources.

GOAL 3: PROTECT AND ENHANCE THE VISUAL QUALITY AND APPEARANCE OF THE PARK

1. Protect and enhance the scenic and visual quality of the park by promoting activities which provide for proper preservation, restoration and maintenance of the forest and recreation facilities.
2. Protect and enhance the natural character of the park by coordinating the use of appropriate landscape materials.
3. Assure that the design and materials of such items as signs, benches and trash containers are appropriate to the character of the park area in which they are located.
4. Enhance, preserve and restore the natural conditions of the historic Monarch butterfly habitat and other forested areas of the park.
5. Allow new signs only as necessary for education, public safety and/or environmental protection. Encourage the use of graphic symbols for the convenience and safety of non-English speaking visitors.

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GOAL 4: PROMOTE A BARRIER-FREE PARK

1. Maximize opportunities to provide barrier-free accessways and viewing areas for people with limited mobility.
2. Provide and clearly mark parking areas to accommodate people with limited mobility.
3. Maintain trails suitable for persons with disabilities, as defined in the Americans with Disabilities Act (ADA), where reasonable and feasible.
4. Where feasible, grade trail improvements according to ADA standards to accommodate visually or mobility impaired persons.
5. Integrate accessibility into the overall design program to ensure that the components work together, for example, to ensure safe and comfortable movement between parking and trails. An accessible parking space loses its value if the trail and viewing area are not barrier free, and vice versa.
6. Provide representative sections of the park experience which are entirely accessible and user friendly, recognizing that not all portions of the park can safely and feasibly be made accessible and that access improvements should be sensitive to the natural character and scenic qualities of the park.
7. Provide benches that are wide enough and placed at the appropriate height to accommodate the placement of a wheelchair next to the bench or the transfer of a wheelchair user to the bench.
8. Assure that signs are designed, and facilities are appropriately signed, to accommodate the visually impaired by using large print, easy-to-read fonts, delineated surfaces, simple messages and maps where necessary.
9. Prepare and distribute a handout which would include a map of the entire park that shows ADA access points, viewing areas, parking spaces, grades of streets and trails, placement of benches and trash cans. For the visually impaired, prepare a large print version and/or audio tapes.

Environmental Considerations

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"Monterey pine (*Pinus radiata D.Don*) occurs naturally along the coast of mainland California in three disjunct populations: Ano Nuevo, Monterey, and Cambria. There are also two island populations, on the Cedros and Guadalupe Islands off the coast of Baja California... The largest Monterey pine stand occurs on and adjacent to the Monterey Peninsula, covering about 4,000 hectares... .

"The health and vigor of different individual Monterey pine stands on the Monterey Peninsula vary from one another, depending on such environmental factors as soil type, soil depth, exposure, distance from the coast, rainfall, pathogens, and degree of human disturbance... In the short-term, however, each stand fluctuates, as individual trees or groups of trees die and are replaced by their seedlings. In this process it may appear to the uninformed observer that the forests are declining when in fact they are surviving, but not at a high level of health and vigor. A key to long-term vigorous survival is the forest's ability to regenerate itself, and it is here that human influence can impact the continued survival of the Monterey pine forest."[2]

The following topics are thoroughly explained and discussed in The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990. This report was accepted by the City Council in 1990, and forms the basis for the past decade of management decisions governing the park's natural resources. That document should be used in conjunction with this current management plan for in-depth understanding of the following topics, which have been excerpted below:

Terrain And Vegetation

GWP "slopes gently at approximately two to five percent towards the west. Soils are generally Tangair fine sand with some Narlon sandy loam. Many Pacific Grove residents and visitors use the park, as evidenced by the labyrinthine matrix of paths throughout the forest. The monarch roosting sites in the park attract a plethora of visitors every year, who come to view the phenomenon of clustering monarchs. That this unique forest is actually suffering from overuse is demonstrated by the exposed tree roots along many of the beaten paths. Uncontrolled, indiscriminate use of the park by visitors is damaging the root systems of the pines, inducing stress and making the pines susceptible to bark beetle infestation and other pests.

"The vegetated, gently sloping areas pose no erosion problems, However, the prolific trail network throughout the park shows exposed bare soil and tree roots in many areas. This exposure suggests that erosion presents a potential hazard to tree health and vigor. Drainage from Junipero and Gibson Avenues used to be heavy, and a drainline was installed in 1998 running from Alder Street to Melrose Avenue to capture surface water and run it underground.

"The forest of Washington Park is dominated by a mature overstory of Monterey pine and a dense understory of coast live oak. Other native understory species include a variety of shrub and herbaceous plants... (See Appendix C for Plant Species List.)

"The native shrub and herbaceous layer once spread more widely and continuously throughout Washington Park than it now does. Native species are trampled by pedestrian foot traffic, and are seriously threatened by the spread of invasive exotic vegetation, particularly the annual grasses, rattlesnake grass (*Briza major*) and ripgut (*Bromus diandrus*). These grasses grow rapidly during the rainy season and by April form a dense cover more than two feet high that inhibits the establishment of slower growing native species, including Monterey pine seedlings. The dense understory of exotic annual species is the prime factor prohibiting pine seedling establishment. The diverse array of native understory species are also unable to compete against the invasive grasses and in time are displaced.

"Soils, drainage and climatic factors make Washington Park an ideal site for Monterey pine as evidenced by the landmark trees, which make up about 20 percent of the total number of Monterey pines. The pine and coast live oak form a mature, even-aged stand, meaning that the dominant trees were established at about the same time. The site is currently stocked at close to 100 percent, with occasional openings in the tree canopies. The mature pine canopy is open and the oaks exhibit a

[2] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, page 5.

resplendent, closed canopy. The forest provides wildlife habitat, especially to cavity-nesting birds utilizing snags (standing dead trees).

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"Several pines of unknown origin have been planted over the years in the picnic area and around the park perimeter along Alder Street, Short Street, and Pine Avenue... The City should examine the possibility of removing and replacing them with native Monterey pine or another native species... Monterey pines outside the park, particularly on the western and northern sides, serve to buffer the park's forest from direct exposure to the wind and other climatic influences. Since these trees are gradually being cut down (and are not commonly replaced) the health of the Washington Park forest and its suitability as monarch habitat may be adversely affected. Regeneration, critical to continuation of short-lived pine species, is sparse to non-existent. The lack of new growth is a major contributor to the decline of the monarch overwintering habitat.

"The health of the pines in Washington Park is in serious decline. Approximately 10 per cent of the pines are dead or dying and those remaining pines are under considerable stress and declining. [*NOTE: In the nine years since the Monarch Project report, pitch canker has become rampant on the Monterey Peninsula. Estimates of the current (1999) rate of infection range from 80-90%: Katy Travaille, Natural Resources Committee*] The oaks, on the other hand, can be described as "thrifty" at this point in time, that is, in good but not vigorous health, and not obviously declining. If the present trend continues uninterrupted, the coast live oak will be the dominate tree in the park in about 20 years. However, if the soil compaction problem is left unadvised, the quality of the environment for supporting the oaks would degrade as well."[3]

Forest Succession

"The Washington Park forest is going through a successional change in which the pines are old and dying out and the oaks are filling in. Coast live oak has two characteristics that give it a competitive advantage over Monterey pine. First, it has a long life span of 150-300 years, whereas the Monterey pine, with an average life of 80 to 100 years, is short-lived. Second, the coast live oak reproduces well in shade, whereas shade suppresses Monterey pine regeneration. In the absence of any type of disturbance to control the growth of the oak, the pine forest will generally move toward an oak forest climax. Under natural conditions where intense wildfires periodically kill and thin out mature oaks, and where browsing activity of deer suppress the growth of young oaks, the pine forest can maintain itself indefinitely. But since fire has essentially been removed as an ecological force and deer rarely use the park, there is no longer a controlling factor in the successional process and therefore the forest would naturally, in time, culminate as oak woodland.

"The situation in Washington Park recalls the problems experienced in Sequoia National Park where overuse resulted in serious decline of the giant sequoias. Washington Park is covered by a labyrinthine, uncontrolled trail system and excessive visitor use causes severe soil compaction and soil erosion which has exposed roots in some areas. Soil compaction stresses the tree and invites pathogen infestation... The stressed pines are vulnerable to several biological problems and the beetle infestation is of epidemic proportions and requires immediate attention."[4]

The ravages of the rampant spread of pitch canker throughout the pine forest of the Monterey Peninsula is very apparent in Washington Park. Unless something is done to arrest the progress of the disease and control the invasive exotics which inhibit the regeneration of the pine forest, the park will continue in its succession of pine-to-oak-woodland, and the overwintering population of monarch butterflies will be lost.

"Fortunately, the same mitigation measures employed at Sequoia National Park are transferable to this site. The soil compaction must be treated and any further damage avoided by establishing a controlled trail system. This trail system will be designed to carry a significant number of park visitors while minimizing soil compaction and root damage. Furthermore, because regeneration is woefully lacking, encouragement of natural regeneration (seeds established on site) and artificial regeneration (seeds gathered on site and propagated elsewhere, then planted) are recommended to ensure continuance of the stand.

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[3] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, pages 7 and 8.

[4] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, pages 8.

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MONARCH HABITAT CHARACTERISTICS

"In selecting overwintering habitats, migrant monarch butterflies in the fall search out areas near the California coastline characterized by a very special subset of climatic variables that provide them protection from desiccation (drying out), starvation, and freezing while at the same time providing enough sunny days for them to warm up sufficiently to be able to fly, mate, and search for nearby nectar supplies. The proper set of conditions are known as the "microclimatic envelope.

"Proximity to the Pacific Ocean protects the butterflies from severe freezing and provides high humidity; tree cover and topography protect them from wind exposure; and a south and/or westerly exposure of the grove provides them access to direct rays of the sun for thermoregulation, i.e. orienting to the direct rays of the sun that allows them to warm rapidly and attain flight threshold on cool winter days. It is therefore extremely important that microclimatic data be gathered in Washington Park while the butterflies are still selecting the area in order to maintain and enhance the microclimatic envelope through future management of the site. The single most important basis for the long-term survival of Washington Park's monarch habitat is accurate biological information.

"At Washington Park, monarch butterflies aggregate in the northeast portion of the southern rectangle of the park. Here the butterflies form clusters each year in an area approximately 700 square meters within the forest of Monterey pine. The forest is dominated by the pines and includes many old trees of about 30 meters in height with a predominance of smaller, mature trees at approximately 20 meters in height. Coast live oaks with a height of up to approximately 10 meters are also abundant. Monarchs cluster only on the smaller, mature trees and do not use the coast live oaks or the tallest pines. The tallest pines are close to senescence, and will die off soon, as eventually will the younger ones they now cluster on. As noted, there is little or no regeneration of the pines from seeds. Hence the importance of planting new trees.

"To the south of the overwintering aggregations, the pines thin out considerably. The oaks and pines in that area once bore larger amounts of epiphytic lichen, or lichen living in the air. The combination of a thinner stand of trees and less lichen suggests that the overwintering habitat is subjected to greater winds now than in the past, a significant and growing deterrent to overwintering.[*NOTE: As of the 1999 writing of this Management Plan, it appears that the microclimatic conditions that supported GWP's overwintering butterflies have deteriorated to the point that the forest can no longer support large quantities of overwintering monarchs. We have included this segment of the CPCMPWP to encourage management which will, in time, bring back the forest to conditions which can sustain traditional monarch butterfly populations: Katy Travaille, Natural Resources Committee*]

The Overstory Canopy: Cover And Insulation

"Research in Mexico has established that overwintering forest density at 250-800 trees per hectare and basal areas of 25-85 meters squared per hectare are most effective for monarch overwintering. These figures suggest a mature, climax forest community with active regeneration.

"The overstory canopy in monarch overwintering habitats should be predominantly closed and formed by mature, reproductive trees at heights of approximately 10 to 30 meters. A closed canopy reduces temperature loss at night and insulates the forest from excessive heating during the day. Temperatures within closed canopy forests are significantly warmer at night and cooler during the day than those in adjacent clearings or open canopy forests. Closed canopy forests are also more humid and retain moisture better that open forests.

"The closed canopy shields the interior of the overwintering habitat from direct sunlight and makes excessive monarch movement less necessary and less likely. Monarchs must establish an energy balance between conserving sufficient stored fat as an energy source to power movements that may be necessary to escape excessively cold ground temperatures and predators. An excessively open canopy makes it more likely that monarchs will be (a) dislodged from their clusters during storms; (b) subject to greater predation from birds and mice, (c) forced to expend valuable fat stores to fuel movement back to clusters, and (d) subject to involuntarily increased body temperatures, by exposure to direct sunlight that also expends fat reserves."[5]

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[5] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, pages 9 and 10.

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The Understory Vegetation: Sustenance And Shelter

"The understory is a second, too frequently underrated, factor in creating a successful overwintering habitat. The understory should include a diverse collection of plants which have varying heights, so that the plant cover is somewhat redundant of the protection provided by larger trees. Thus, as the large trees age and their lower branches become more barren, the understory still provides shelter and protection from winds. The mingling of tall pine and lower oak in Washington Park provides a good example of this, but it needs to be maintained and enhanced. However, in Washington Park there is a paucity of lower ground vegetation in the monarch habitat.

"Monarchs use understory vegetation within and near overwintering habitat as a substrate to crawl up onto from the ground and sometimes as a source of flower nectar. The understory also helps shelter clustered monarchs from excessive winds. Understory plants tend to reduce heat loss and, by providing insulation on the ground, reduce excessive warming.

"Overall, the understory helps to regulate the microclimate, increases humidity and makes water available to monarchs through condensation. Monarchs need to escape from the ground onto understory vegetation and tree trunks in order to avoid mouse predation and possible freezing temperatures from cold air drainage. Where visitors to monarch overwintering sites are numerous, understory vegetation also helps monarchs avoid being trampled to death and limits visitor access. Overall, the understory at Washington Park is clearly insufficient and unable to fulfill these basic requirements for overwintering monarchs.

Problems In Forest Health

"Currently the pine stand in Washington Park is rapidly declining with about 10 percent of the trees dead or dying. At the current rate of decline, the pine stand will essentially be dead in ten to twenty years. The long term recovery of the pine stand is dependent on the regeneration of the pines through seedling establishment and a return to health of some of the large trees. The current obstacles to regeneration are the dense understory of primarily weedy species and the serious problem of soil compaction. The current seed supply, which is adequate, falls and germinates in the weedy understory and on the compacted soil. The seedlings die in the understory due to competition with the weeds and on the compacted soils due to lack of root penetration.

Soil Compaction

"There are two primary sources of soil compaction in Washington Park: visitor use and the impact of rain on bare mineral soil. Pedestrian and bicycle traffic tend to create paths of bare mineral soil with a heavily compacted layer extending down through the soil profile for several inches. The sheer number of annual visitors in Washington Park and the lack of pedestrian path control ensures that significant soil compaction will continue to occur. Once a path has lost its cover of organic matter, raindrops striking the soil tend to increase compaction and reduce aeration of the soil even further.

"Soil compaction causes a range of problems in the park, including loss of soil aeration, forest disease and insect problems, and surface erosion... .

"Rainwater doesn't sufficiently penetrate compacted soils, leading to an additional set of problems. Instead of entering the compacted soil, rainwater collects on the surface and flows away downhill causing surface erosion. The trees suffer from a lack of soil moisture since insufficient rain water penetrates the compacted soil to replace the water the trees utilize for growth. The soil washing away in surface erosion exposes tree roots, as can be seen in Washington Park. Soil compaction has stressed the pines and invited a beetle infestation of epidemic proportions."[6]

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[6] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, pages 10 and 11.

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Pitch Canker

In 1990 the authors of Monarch Project Report said that though pitch canker had been identified 40 miles north of Pacific Grove in Santa Cruz County, they saw no evidence of the disease in GWP. Since that time pitch canker has spread rampantly throughout the Peninsula, and has become the most significant factor in the forest's decline.

Pitch canker is caused by a fungus (*Fusarium subglutinans forma specialis pini*). It was first identified in California in 1986, and has now spread throughout large areas of coastal California. It is spread by insects that feed and reproduce on pines. This includes the Monterey pine cone beetle (*Conophthorus radiatae*) and several species of both twig beetles (*Pityophthorus spp.*) and engraver beetles (*Ips spp.*), all of which are native to California.

"The infections which result from feeding by twig and cone beetles lead to the girdling of young branches. The death of these infected branches weakens the tree and provides substrate suitable for breeding by twig beetles. Beetles emerging from infected branches commonly carry the pathogen and may proceed to establish new infections. Engraver beetles can introduce the pathogen into larger branches and ultimately the bole or the main trunk of the tree. Bole cankers further weaken the tree and render it more prone to engraver beetle attacks. Death of the affected tree often follows, which in turn enhances the reproductive opportunities for both Ips and Pityophthorus species.

"Although it is most conspicuous as a disease of mature trees, pitch canker can also affect seeds and seedlings. Seeds collected in pitch canker-infested areas commonly carry the pathogen, even where they originate from cones on unaffected branches. Infected seeds may fail to germinate or germinate to produce infected seedlings. Infected seedlings may die shortly after germination or survive without obvious symptoms for several months. Consequently, both seed and seedlings can serve as vehicles for dispersal of the pathogen... . Moreover, we have confirmed the ability of *F. s. pini* to survive in litter and in soil. Consequently, the potential for pitch canker to contribute to seeding mortality will continue to increase concomitantly with the incidence of disease in mature trees, which constitute the principal source of the inoculum found on and in the soil... ."[7]

"The occurrence of fire would enhance the prospects for regeneration. In addition to opening Monterey pine's serotinous cones and freeing space for the establishment of younger trees, fire sanitizes the top layer of soil, greatly reducing the levels of fungal inoculum and thereby minimizing pitch canker-induced seedling mortality. Fire, and or alternative treatment that mimics the effects of fire may enhance regeneration by reducing F.s.pini inoculum during the critical years when young trees are most susceptible to the disease."[8]

All wood from downed trees or hazard trees felled in the park should be considered to harbor the pitch canker fungus. In order to slow the spread of the disease, Pacific Grove citizens should be discouraged from gathering wood and storing it next to living pine trees or transporting it to uninfected areas.

There is presently no cure for this devastating disease. There is some evidence that the occurrence of naturally resistant genotypes within the native pine population may offer the Monterey pine a chance to successfully adapt to the pitch canker pathogen. Though the use of fire as a management tool for GWP has been dismissed in the past as too dangerous and drastic, it may be the only way to preserve the forest in GWP. Studies are currently being conducted on the use of small controlled burns as a regeneration tool in the pine forests of Pebble Beach and elsewhere in local State Parks. Based on the success of these studies, NRC encourages the consideration of small mosaic burns in the park to regenerate the pine forest and enhance pitch canker-resistance.

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[7] Thomas R. Gordon, Karen R. Wikler, Andrew J Storer, and David L. Wood, Fremontia: A Journal of the California Native Plant Society, Vol. 25, No.2, April 1997, page 7.

[8] Thomas R. Gordon, Karen R. Wikler, Andrew J Storer, and David L. Wood, Fremontia: A Journal of the California Native Plant Society, Vol. 25, No.2, April 1997, page 9.

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Pest Infestation: Beetles

In Washington Park, two genera of bark beetles are common, *Ips* and *Dendroctonus*. "These beetles primarily attack trees weakened by stress. Stress can be caused by soil compaction, root injury, old age, competition from other trees or weeds, or insufficient water or too little or too much of some other agent. Vigorous healthy pines usually resist beetles by producing abundant amounts of pitch when the beetles try to bore in. The pitch hampers the insects' invasion and impedes their development beneath the bark... Compounded by the old age of the stand, [current] beetle infestation is attributable to several factors, including: 1) root damage from construction activity within and on the perimeter of the park; 2) soil compaction and mechanical injury to roots from increased visitor use of the park, particularly in the area where the butterflies congregate, and from vehicles driven through the park; 3) increased competition for available soil, water, and nutrients by exotic plants; and 4) changes in forest microclimate as a result of deforestation occurring around the periphery of the park.

"Any measures that can be taken to prevent pines from becoming stressed will reduce the likelihood of serious losses from bark beetles. Such measures should include prohibiting or minimizing any activity which would damage tree roots, and reducing soil compaction and preventing reoccurrence of compaction around trees.

"Recognizing that an infestation is in progress and that the forest and, therefore, the monarch butterfly population is vulnerable to severe tree loss, remedial action should be taken soon to control the infestation. Heavily infested trees or dying trees should be promptly removed or debarked.

"Removal of infested bark is the best manual method of beetle population control, and will improve the general health of the forest quickly. The bark, which harbors the beetles, should be removed from standing and fallen dead trees to the greatest extent possible. Both the bark and the fallen dead trees will then be chipped for use as mulch on the designated trail system."[9]

The control of beetles through the use of insecticides is not recommended in GWP as it could adversely affect the monarchs.

Pest Infestation: Other Pathogens

"Western gall rust (*Endocronartium harknessii*) is ubiquitous throughout the Monterey Peninsula and is responsible for deformation and wind breakage of trunks and large branches in mature trees, and significant mortality in small trees. The western gall rust fungus produces round branch and stem galls which eventually girdling the tree (remove strips of bark around its circumference). Trees usually survive branch girdling, however they are eventually killed by stem girdling.

"Another stem disease, [Coastal]dwarf mistletoe (*Arceuthobium [littorum]*) is also widespread over the Monterey population and affects pines of all ages, though primarily those of sapling size. Mistletoe infested trees are weakened and thus become more susceptible to insect attack... .

"Washington Park also contains a large stand of coast live oak, which hosts a common pathogen called oak root fungus (*Armillaria mellea*). It infects the roots of all oak trees in Washington Park. Under normal conditions this fungus is not harmful to the tree. Oaks typically are infected over their lives and remain in balance with the fungus unless the environment changes. Summer irrigation and soil compaction are two of the environmental changes that can promote the fungus infection to the detriment of stand health. If the soil compaction around oak trees in Washington Park is allowed to continue, then the fungus could seriously infect the roots and eventually kill some or many of the oaks. The proposed program taking measures to alleviate and prevent further soil compaction will benefit those oak trees currently affected by it."[10]

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[9] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, page 12.

[10] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, page 13.

Restricted Activities

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CONCEPT

The concept for listing specific activities to be prohibited within the park on a seasonal or on-going basis is to ensure the continued health of park flora and fauna, particularly the overwintering Monarch butterflies and their remaining historic habitat. Emergency vehicles and emergency maintenance or repairs are excepted from these prohibitions at the City Manager's discretion.

MANAGEMENT GUIDELINES

These guidelines are presented in order to protect the existing park vegetation, and any future restoration, as well as overwintering Monarch butterflies and their historic habitat.

1. Prohibit the use of gasoline-powered equipment in the Monarch butterfly roosting sites while Monarch butterflies are in residence.
2. As asphalt continues to radiate heat after application and heat changes the microclimate within the historic Monarch butterfly roosting site, prohibit asphalt work near historic Monarch butterfly roosting sites within Zone 3.
3. Because soil compaction is detrimental to forest vegetation, prohibit driving of trucks or other heavy equipment into the park within Zones 2, 3, and 4, except in emergencies as determined and sanctioned by the City Manager.
4. Limit the driving of trucks or other heavy equipment into the park within Zone 1 only as needed for repair and maintenance of recreational facilities as determined by the Department of Public Works and the Recreation Director.
5. Since bicycle traffic also contributes to soil compaction and erosion, prohibit bicycle traffic in Zones 2, 3, and 4.

Hazard Tree Management

CONCEPT

Standing dead trees in and of themselves do not necessarily impose significant risk to public safety or property and, along with the dead wood (coarse woody debris) on the forest floor, they form a critical component in the ongoing replenishment of forest soils, and provide food and habitat for a variety of birds, insects, small mammals and other vertebrates.

MANAGEMENT GUIDELINES

1. Periodically inspect trees within the park for risk to public safety or property.
2. In accordance with the City's Hazard Tree Risk Management Plan (HTRM), evaluate trees that are suspected of posing a significant risk using Tree Hazard Evaluation guidelines published by the International Society of Arboriculture. (Reference copies of the HTRM are available from Public Works.)
3. Take remedial action as deemed necessary.

Pest Management and Control of Non-Native Plants

Agenda Item No. 7B

CONCEPT

The City of Pacific Grove General Plan prohibits the unsafe use of chemical pesticides and herbicides and also requires that City personnel using approved pesticides and herbicides be properly trained and licensed for their use. The City's Public Works Department has implemented an Integrated Pest Management Plan (IPM) to best comply with General Plan mandates and to deal with critical decisions concerning pest problems. An IPM is designed to minimize the use of pesticides and herbicides, and implement a balanced program of sound ecological practices to control those pests which occur. Trained personnel identify pests and their symptoms, and consider what interrelation of cultural practices, environmental conditions, biology of plants pests, and beneficial organisms are present before prescribing and administering remedial measures. Those measures may include cultural, mechanical, physical, biological and/or chemical controls.

MANAGEMENT GUIDELINES

1. Prohibit application of biocides and/or herbicides year-round in the historic Monarch butterfly roosting sites within Zone 3.
2. Apply biocides and/or herbicides with known residual effects, prior to September 1 in Zones 1, 2, and 4.
3. During the months when monarch butterflies are in residence, historically from October to April, prohibit application of biocides and/or herbicides anywhere within the park.
4. Remove poison oak around park perimeter and in Zone 1 due to high recreational use in that area. However, as poison oak is a valuable source of food and cover for wildlife and discourages off-trail passage by visitors to the park, control poison oak in all other zones only where it encroaches on authorized trails.
5. In all other dealings with pests found to occur within the Park, including non-native plants such as pampas grass, French broom, ice plant, etc., consult the Integrated Pest Management [Plan] for Use by Public Works Personnel on Pacific Grove's Parks, Open Spaces and Public Facilities and follow the guidelines set out therein. (Reference copies of the IPM are available from Public Works.)

Fire Management

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CONCEPT

"The key to fire management in an urban forest setting is to control the fuel load within the forest and to provide adequate safeguards against the introduction of fire from outside the park."[12]

MANAGEMENT GUIDELINES

The following measures are intended to reduce the risk of a catastrophic fire within the park:

1. Manage understory levels to prevent a localized buildup of dead plant materials.
2. As live understory plants and grasses are valuable to the monarch butterfly habitat, remove only excess dead material and plant rubbish, particularly within Zones 2, 3 and 4.
3. Monitor yearly buildup of live brush.
4. Remove live brush buildup as needed as determined by City Public Works and Fire Department personnel in consultation with a forest ecologist and monarch butterfly experts. Special attention should be given to understory requirements for monarch butterfly habitat.
5. Remove all standing dead trees smaller than six inches in diameter at breast height, and chip for use as mulch on park trails.
6. Mulch open areas as needed to inhibit the growth of weed species.
7. Mow a five to ten foot wide strip in grassy areas along roads to provide protection against fires from cigarettes and similar ignition sources. Mowing should be done once or twice in both the spring and summer and no vegetation other than grasses should be cut.
8. Establish a 30 foot fuel break around the perimeter of the park by removing all dead material (trees, shrubs and grasses) within this area. On pines within the area, remove branches to a height of eight feet about the ground. Live shrubs should be retained.
9. Post signs in the picnic area in Zone 1 prohibiting fires outside of the barbecue pits provided.
10. During times of critical fire danger, City Public Works and Recreation staff, in consultation with City Fire Department personnel, may wish to prohibit smoking and fires of any kind within the park as conditions warrant.
11. If the results of small controlled burns elsewhere on the Peninsula warrant, consider future use of this method to foster reduction of pitch canker and promote natural regeneration of the pine forest within the park. Controlled burns do not have to be done by City personnel. California Division of Forestry will perform controlled burns on private property at no cost; they also accept the liability.

[12] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, page 24.

Recreation Plan

Agenda Item No. 7B

CONCEPT

To allow active recreation use in the 4.3 acre day use area (Zone 1) in a manner best in keeping with the character of the overall park and community needs, while preserving to the utmost, the natural environment. The park should continue to create the illusion of being as far removed from the urban scene as possible.

MANAGEMENT GUIDELINES

The 4.3 acre day use area (Zone 1) should be an extension of the park proper, and as such, be maintained in as much of a natural state as its intended use will permit.

Priorities

1. The existing day use area should not be expanded.
2. Any trail plan will not interfere with any present or future plan use of this area.
3. Only authorized vehicles will be allowed in the park and all parking shall be on the park perimeter.
4. The approved 1993 4.3 acre drawing shall be used as the site map for future use of the area.
5. All dead limbs and trees which appear to be extremely hazardous should be trimmed or felled and removed. Any tree removed shall be replaced, within one year at the latest, with at least a one gallon tree.
6. All non-indigenous plants and poison oak should be removed.
7. All playground equipment, picnic areas and restrooms shall be maintained in a non-hazardous condition with weekly inspections. Maintenance work shall be provided as necessary.
8. A service club could help with major maintenance at intervals of no more that two years.

ADA Access

Agenda Item No. 7B

CONCEPT

As outlined in the goals for this document, the City of Pacific Grove believes that George Washington Park should be made accessible so that individuals with varying levels of disabilities can enjoy the park's recreational opportunities and natural beauty. Efforts to do so began in 1993 with improvements to the picnic areas and playground in Zone 1. This plan is intended to continue those accessibility improvements without compromising the natural beauty of the park or damaging the fragile ecosystem that supports overwintering monarch butterflies.

MANAGEMENT GUIDELINES

Priorities

The priorities for improving accessibility within the park, as listed below, were drafted by the A.D.A.C.A.C. and approved in January, 1999. The A.D.A.C.A.C. would work with the Recreation and Public Works Departments to:

1. Provide at least one whole access restroom within the park in Zone 1.
2. Provide whole access to the Youth Ball Diamond area in Zone 1.
3. Provide whole access to the Group Picnic area within Zone 1.
4. Provide resources for the development of the Park Master Trails Plan as outlined below.

Trail System Development Review

The Washington Park trail system was developed by the City's Monarch Habitat Restoration, Natural Resources, and Americans with Disabilities Compliance Committees in conjunction with the Recreation Department, Public Works and the City's ADA advisor. We have sought advice and incorporated information from the following government agencies: The Department of Justice's Federal Register, Vol. 56, No 144, (1991), The Recreation Access Advisory Committee's Recommendations for Accessibility Guidelines: Recreational Facilities and Outdoor Developed Areas (1994), The State of California Department of Parks and Recreation's Access to Parks Guidelines (1993), The Pacific Disability and Business Technical Assistance Center, and the California State Community Access Network.

Trail Plan

Accessible trails throughout George Washington Park should follow the specifications provided in the State of California Department of Parks and Recreation's Access to Parks Guidelines. Trails should allow visitors to the park to have reasonable access to its various natural and recreational experiences while also protecting the park's remnant stand of Monterey pine forest and one of California's most significant examples of aboriginal monarch butterfly overwintering habitat.

1. Have the Pacific Grove Recreation Department develop and the Pacific Grove Public Works Department maintain ADA accessible trails, bathrooms and other recreation facilities in the high use recreation area of Zone 1.
2. Sign the trails through Zone 2 as "Most Difficult" since the topography makes development of formal ADA-accessible trails impractical there.
3. Zone 3 is the prime area in which to develop an easily ADA accessible trail and rest area. If the monarchs return to the Park in the future, visitors with (and without) disabilities will be able to find the butterflies easier with less impact on the forest. If the butterflies do not return to over winter in the Park, this area contains a representative sample of native Monterey Pine forest plant and bird species and could be developed as a an educational nature trail. The City should strive for a high degree of accessibility here by constructing a boardwalk or lining the trail with logs and building up a firm walking surface with decomposed granite or ADA approved stabilized mulch. Signed Handicapped Parking should be available at the entrance to this trail. Junctions with the natural area cross trails necessitate constructing ramp transitions and would be signed to give visitors the information they need to determine whether they would be able to negotiate alternate

routes. This portion of the trail system should be designed by a qualified engineer who is knowledgeable in accessibility issues and sensitive to the delicate environmental requirements of the butterfly habitat.

4. Keep the trails in Zone 4 in their current natural condition to encourage quiet passive recreation. Create 2 wheelchair accessible curb cuts and trail heads with designated Handicapped Parking, one on Alder Street near the corner of Pine, and the other on Short Street across from Bentley Street. The existing use trail which connects these points is nearly level with only two areas of exposed roots which could be mulched to prevent a tripping hazard. Sign both ends of this trail as having a moderate degree of difficulty.

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Fencing

CONCEPT

"Forest entomologist Dr. Clifford P. Ohmart wrote, '...all uses [in natural areas] are simply not compatible in every situation. A given type of natural environment can only sustain so much impact by people, no matter how well-regulated this impact is, before it is affected by it.'

"Washington Park has entertained unrestricted human use for so long that the impacts from it have now seriously degraded the forest and the monarch habitat. The best and only hope that the park and its monarch habitat will survive is if the most important areas are well-protected. The choice now is between completely unrestricted use on the one hand, and the very survival of the forest on the other"[12]

GUIDELINES

The use of eyebolt-and-cables to delineate the main butterfly cluster site has been successful in controlling aimless wandering through the damaged understory. Since its installation, there has been marked improvement in the survival and growth of young restoration plantings. However, maintenance has proved problematic as vandalism has been a recurring problem necessitating repeated repairs by public works. We recommend that a more permanent solution to the problem of habitat degradation be installed.

1. Construct a rustic split rail fence around the park perimeter with openings to the managed trail system.
2. Post signs at entry points informing the public about the need to stay on designated trails to preserve the health of the forest.

[12] The Monarch Project, Conceptual Plan for the Conservation and Management Program for Washington Park, February 1990, page 16.

Revegetation Plan

Agenda Item No. 7B

The following Revegetation Plan (pages 18-23) was prepared by Bruce Cowan in February, 1992, after the 1991 consultation visit by butterfly scientist Dr. Lincoln P. Brower, Dept. of Zoology, University of Florida. It was intended to supplement Dr. Brower's comments and serve as a guideline for the restoration of natural habitat in George Washington Park to encourage recolonization of overwintering monarch butterflies.

EXISTING CONDITIONS

The park contains a stand of aging Monterey pines with most of the foliage at the top. These trees do not provide sufficient windbreak for monarch butterflies. Few young pines are growing under the old trees due to several factors:

- An extended period of fire suppression.
- Excessive shading and root competition from mature trees.
- An understory of coast live oak which may shade out pine seedlings. In many places the oaks are on their way to becoming the dominant tree.
- Groundcovers of mostly introduced weedy annual grasses and other weeds compete excessively with newly germinated pine seedlings and other native plants.

Steps have already been taken to correct some of these factors by planting young pines and creating mulched trails throughout the park.

The native understory vegetation has changed over the years due to intensive use of the park, including trampling, mowing to reduce fire hazard, and deliberate or accidental introduction of a number of exotic species, such as genista or French broom (*Genista monpessulanus*), annual grasses--mainly ripgut (*Bromus diandrus*), rattlesnake grass (*Briza maxima*), foxtail (*Hordeum murinum ssp. loporinum*), and ryegrass (*Lolium spp.*); ornamental plants such as English ivy (*Hedera helix*), montbretia (*Tritonia*), and yellow oxalis or Bermuda buttercup (*Oxalis pescaprae*).

Some of the tougher native species, including poison oak (*Toxicodendron diversilobum*), blackberry (*Rubus ursinus*) and hedge nettle (*Stachys bullata*) still remain in the park. Many of the other native species have either become scarce or have been eliminated.

The native understory that once existed can be estimated by comparing Washington Park with Rip Van Winkle Park, which is much less disturbed. In addition to poison oak, blackberry and hedge nettle, the groundcover in Rip Van Winkle Park contains a number of fragile species, including creeping snowberry (*Symphoricarpos mollis*), Douglas iris (*Iris douglasiana*), sticky monkey flower (*Mimulus aurantiacus*), yerba buena (*Satureja douglasii*), wood strawberry (*Fragaria vesca*) and milkmaids (*Cardamine californica*). These plants are highly subject to trampling, and they do not compete well with weedy annual grasses. Most of the grasses in Rip Van Winkle Park are native species, except near the edges.

Larger shrubs in Rip Van Winkle Park include blueblossom ceanothus (*Ceonothus thyrsiflorus*), toyon (*Heteromeles arbutifolia*), coffeeberry (*Rhamnus californica*), huckleberry (*Vaccinium ovatum*), currant (*Ribes malvaceum*) and pink flowering currant (*Ribes sanguiem glutinosum*). A few coffeeberry and ceanothus remain in Washington Park, but the ceanothus are dying out due to aging and excessive shading. This species reseeds itself mainly after fires.

Both species of Ribes are probably less abundant in Rip Van Winkle Park than they once were, partly due to heavy deer browsing. They no longer occur naturally in Washington Park; however, they are extremely important species as nectar source for monarch butterflies and overwintering Anna's hummingbirds, being the only native shrubs that bloom abundantly during the winter months. Chaparral currant blooms mainly from November to February, and pink flowering currant blooms abundantly from mid January to mid March. Monarch butterflies and Anna's hummingbirds are frequently observed feeding on these shrubs. [*NOTE: Since Bruce Cowan's Revegetation Plan was written in 1992, both species of currants have been planted in the butterfly roosting area and have survived deer browsing to mature and flower; Katy Travaille, Natural Resources Committee.*]

Blue blossom ceaothous blooms in early March, and provides a possible nectar source for butterflies at the end of their overwintering period.

Shaggy bark manzanita (*Archtostaphylos tomentosa*) also blooms in late winter, and may provide some food source. However, most of the habitats in Washington Park are presently too shady for this species to flourish.

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CONCEPT

Restoration of habitat in Washington Park should include four objectives:

1) Restore the overall health of the forest.
2) Retain the natural character of the park.
3) Recreate habitat more favorable to monarch butterflies.
4) Provide for passive recreational use only, except in designated locations such as picnic areas and the baseball field.

To retain the natural character of the park, exotic species--including weeds--should be eliminated as much as feasible, and only native species should be planted.

To recreate butterfly habitat, native plants that provide nectar sources should be planted extensively. Also, meadows of low-growing native grass should be planted in the middle of the "magic circles" (see Brower report) for moisture. Pine trees should be planted to provide windbreaks, but in a way that allows for sunny openings. Oaks may need to be thinned.

To provide for passive recreational use, designated trails should be installed, and native groundcovers protected from trampling.

MANAGEMENT GUIDELINES

Eradicating Non-Native Plants

Though different methods apply for different species, the principles of eliminating undesirable exotics or weeds are the same. These are:

1) Kill or remove existing plants before they produce or disperse seeds. It is important to let none go unnoticed; each plant missed can produce enough seeds to quickly undo previous eradication efforts.
2) If existing weeds have gone to seed, remove the material as carefully as possible to prevent dispersal of the seeds. Note: A "weedeater" is efficient at cutting weeds to reduce fire hazard, but it can also disperse the seeds far and wide and can quickly enlarge weed infestations.
3) Eliminate seedlings each year that sprout from existing seed sources in the soil until all viable seeds have been exhausted. The amount of time required may vary considerably between species.

Establishing a good cover of native perennial shrubs, herbaceous plants and grasses will also help to suppress weeds. However, native annual wildflowers are generally non-competitive and are soon overrun with weeds unless:

1) Existing soil conditions favor the wildflowers over weeds. This may be the case where natural soil has been left undisturbed, but not where imported topsoil has been spread.
2) Weeds have not been introduced.
3) Careful and continued maintenance is done to control weeds. In a large area this is often impractical; therefore early eradication and prevention of weed introductions is of utmost importance.

Pampas grass

Pampas grass is a giant grass with large feathery plumes produced in late summer or early fall. Each plume has hundreds of thousands of seeds that quickly disperse in the wind. If plumes have already formed they should be clipped and disposed of in plastic garbage bags. Small pampas grass plants can be easily dug out, but large ones may be killed with a non-persistent systemic herbicide (ex. a 1 or 2 percent solution of Roundup or other herbicide containing isopropylamine salt of glyphosate), as recommended by a licensed Pest Control Advisor. It is best applied when the plants are vigorously growing in June or July prior to producing seed plumes. Pampas grass has leaves like

saw blades that can inflict deep cuts. Protective clothing, gloves and goggles should be worn when handling it.

Seed viability is short term, and once existing plants and the current and following year's crop of seedlings has been eliminated, future control involves finding and eliminating occasional new pioneers before seeds are produced.

Agenda Item No. 7B

Genista/French broom

Eradicating genista (upright shrubs 3 to 8-feet tall recognized by clover-like leaves on spindly stems, yellow pea like flowers in spring, and small bean-like seed pods) from any property is a long term commitment. Small ones are easily pulled. Large ones can be cut at the base, but sometimes re-sprout. Seedlings, which may appear in the thousands, can be hoed out or covered with thick mulch such as bark chips. It is important to locate and remove new seedlings and young shrubs before they have produced seeds; each pioneer seedling removed is a preventive measure against a new infestation. Genista should be removed only before or during flowering stage not while containing seed pods, as the seeds are likely to scatter and spread the infestation. Young seedlings may be pulled at any time. Since existing seeds in the soil may be viable for at least 50 years, genista must be controlled on a yearly basis.

English Ivy

English ivy (*Hedera helix*) is an invasive plant in forested areas where the soil is sufficiently deep and moist to sustain it. It was most likely established in Washington Park by birds, which eat the berries and pass the seeds. It can grow thick enough on the ground to eliminate most native ground covers, and competes well with weeds. Ivy also climbs trees and can eventually shade out much of the tree's foliage, weakening it. In those areas where it occurs in Washington Park it forms a dense cover and climbs both pines and oaks.

Ivy shows some resistance to herbicides, even Roundup, and may require repeated sprayings to kill it. Removing small patches by hand is not too hard; however some of those patches at Washington Park are large enough to make removal difficult.

At the very least, the ivy should be contained and not allowed to climb the trees. The arboreal parts of the ivy can be killed by cutting through all the stems of ivy near the base of the tree, and either pulling the ivy out of the tree or leaving it to die. This should be done on a yearly basis as long as the ivy remains.

Ice plant

Ice plant may be rolled like a carpet and the roots cut to free it, but sheer weight makes removal cumbersome for all but small patches. It does not re-sprout from the roots; however, since any piece containing succulent foliage may re-root in place and continue growing, it is important to pick up all the pieces. Spraying with a non-persistent systemic herbicide (ex. a 1 or 2 percent solution of Roundup or other herbicide containing isopropylamine salt of glyphosate), as recommended by a licensed Pest Control Advisor more easily controls large patches. The dead ice plant looks unsightly, but usually decomposes within two years.

Numerous ice plant seedlings may reappear, especially where ice plant or dead ice plant mulch has been removed; these seedlings are easily pulled by hand or dislodged with a hula hoe and raked up. Dead ice plant mulch left on the ground helps prevent weed invasions until native plants have a chance to fill in, and seems to discourage re-invasions of ice plant seedlings.

Tough perennial weeds

Kikuyu grass, Bermuda grass, Bermuda buttercup (*oxalis*) and certain other perennials may be controlled by spraying with a non-persistent systemic herbicide (ex. a 1 or 2 percent solution of Roundup or other herbicide containing isopropylamine salt of glyphosate), as recommended by a licensed Pest Control Advisor, according to directions on the label. The systemic herbicide reacts best on plants that are vigorously growing. Control will be most successful if the target species has been fertilized and irrigated prior to spraying, and if spraying is done during the season of most rapid growth. One or more follow-up sprayings may be needed to achieve complete eradication.

Agenda Item No. 7B

Annual weeds

Ripgut grass, rattlesnake grass, foxtail, annual sow thistle and most annual weeds are easily pulled by hand or hoed. However, such weeds left on the ground can re-root and continue growing. On a large scale such intensive hand weeding is often impractical. These weeds can often be controlled initially by removing old weed growth and applying a pre-emergent herbicide in the fall months just as the rainy season begins. Scattered weeds that appear can be spot-sprayed or hand pulled. If no weeds are allowed to set seed it may be possible to discontinue the pre-emergent applications after two or three years and simply do careful hand weeding and/or selective spraying, especially where the goal is to re-establish native vegetation from seed. However, a few annual weeds such as bur clover have seeds with long term viability that can persist in the soil for decades; these will need to be controlled on a yearly basis for an indefinite period.

Annual weeds can usually be suppressed by applying thick mulches of bark chips, pine needles or leaves over the bare soil, or simply letting the natural leaf litter accumulate.

Due to the size of Washington Park and the cost of spraying, chemical control may not be practical. Roundup, which is relatively harmless to humans and animals, must be sprayed during winter before the weeds go to seed. If spraying is done on a large scale, it should be done during years that monarch butterflies have not established overwintering sites in the park. Spot spraying of individual weeds or small patches could be done at any time.

If large scale weed control is not practical, then weeds should be pulled by hand around individual young trees and plants, and a mulch should be spread around the base of each plant.

Suggested Plantings

Any species in the ***List of Appropriate Plants*** (See page 22) may be used. However, it is suggested unless weed eradication is feasible, the majority of the plantings should be native shrubs and groundcovers which provide nectar sources for the butterflies and are able to compete with existing weeds.

Both species of currants (*Ribes*) are important nectar sources for monarch butterflies. They are attractive, easy to grow from cuttings, and adapt well to partially shaded environments. Hundreds of these may be planted. Note: these may need protection from deer when small.

Blue blossom ceanothus should be reintroduced into habitats that are not too shady. Again these may provide a late source of nectar.

Douglas iris is probably not a good nectar source, but the plants are attractive and tough enough to withstand mild abuse and compete somewhat with weeds. Patches of Douglas iris may be used extensively.

Creeping red fescue (*Festuca rubra*) is a native grass that is often used as a component of lawn grasses in partially shaded areas. Planted alone it forms a meadow of attractive fine-leafed grass. This species is probably the best for use in the "magic circles". The sprinkler used to provide water for the butterflies may also be used to keep the grass green during summer. Red fescue is somewhat drought tolerant, however, and may survive without irrigation once established. Occasional mowing during the growing season will help to keep it low and suppress annual weedy grasses.

Exotic Nectar Sources

A wide variety of non-native flowering plants that bloom during winter months may be considered as nectar sources for the butterflies. The best one seems to be Pride of Madeira (*Echium candicans*), a shrub with large purple spikes of tiny flowers. Monarch butterflies are highly attracted to this plant.

Other species are included in a small brochure entitled Nectar Sources for the Monarch Butterfly Overwintering in P.G. [available from Friends of the Monarchs organization.].

The planting of these non-natives in Washington Park is not appropriate to preserving the natural character of the park. However, these plants may be very appropriate for private residences surrounding the park. A volunteer program encouraging the use of these plants may be effective.

LIST OF APPROPRIATE NATIVE PLANTS

Agenda Item No. 7B

Scientific Name	Common Name	Suggested Spacing
A. Trees		
Pinus radiata	Monterey Pine	15'
B. Shrubs		
* *Arctostaphylos tomentosa*	Shaggy-bark Manzanita	6'
Baccharis pilularis var. consanguineum	Coyote Brush	6'
* *Ceanothus thyrsiflorus*	Blue Blossom Ceanothus	10'
Heteromeles arbutifolia	Toyon	10'
Lonicera hispidula	Hairy Honeysuckle	4'
Lupinus arboreus	Yellow Bush Lupine	8'
Mimulus aurantiacus	Sticky Monkey Flower	4'
Rhamnus californica	Coffeeberry	8'
* *Ribes malvaceum*	Chaparral Currant	6'
* *Ribes sanguineum glutinosum*	Pink Flowering Currant	6'
Rosa californica	California Wild Rose	6'
* *Rubus ursinus*	California Blackberry	4'
Symphoricarpos mollis	Creeping Snowberry	4'
Vaccinium ovatum	Huckleberry	8'
C. Perennials		
Achillea borealis	Yarrow	3'
Agrostis spp.	Native Bent Grass	2'
Aquilegia formosa	Western Columbine	2'
Artemisia douglasiana	Mugwort	3'
Aster chilensis	Common California aster	3'
Bromus carinatus	California Brome	seeded
Calamagrostis koelerioides	Tufted Pine Grass	seeded
Calamagrostis nutkaensis	Pacific Reed Grass	seeded
Calochortus albus	White Globe Lily	1'
Calystegia (Convolvulus) cyclostegius	Coast Mourning Glory	3'
* *Cardamine californica var. integrifolia*	Milkmaids	1'
Carex pansa	Sand Sedge	2'
Chlorogalum pomeridianum	Soap Root	4'
Deschampsia spp.	Hair Grass	1'
* *Dichelostemma (Brodiaea) pulchella*	Blue Dicks	1'
Dryopteris arguta	Wood Fern Rye	6'
Erigeron glaucus	Seaside Daisy	3'
Festuca rubra	Red Fescue	seeded
Fragaria vesca	Wood Strawberry	1'
* *Iris douglasiana*	Douglas Iris	3'
* *Lathyrus vestitus*	Pacific Pea	3'
Marah fabaceus	Manroot/Wild cucumber	6'
Pteridium aquilinum	Bracken Fern	
Satureja douglasii	Yerba Buena	2'
Sisyrinchium bellum	Blue-eyed Grass	1'
Stachys bullata	Hedge Nettle	1'
Stipa pulchra	Purple Needlegrass	2' or seeded
Triteleia ixioides (Brodiaea lutea)	Golden Brodiaea	1'
* *Zigadenus fremontii*	Star Lily	2'
D. Annuals or Biennials		
Clarkia lewesii	Fairwell to Spring	seeded
Collinsia heterophylla	Chinese Houses	seeded
Eschscholzia californica	California Poppy	seeded
Montia perfoliata	Miner's Lettuce	seeded

* **Possible nectar source**

References for Revegetation Plan

Agenda Item No. 7B

Brower, Lincoln, P., 1991. Follow-up Report to Mayor Schaefer and the Monarch Restoration Habitat Committee after our 10-11 October 1991 Meeting in Pacific Grove.

California Native Plant Society, 1988. Unpublished List of Vascular Plants for S.F.B. Morse Botanical Reserve.

Friends of the Monarchs, 1992. Nectar Sources for the Monarch Butterfly Overwintering in P.G. Unpublished brochure.

Howitt, Beatrice F., 1972. Forest Heritage--A Natural History of the Del Monte Forest. California Native Plant Society, Berkeley.

Howitt, Beatrice F. and John Thomas Howell, 1996. The Vascular Plants of Monterey County, California. University of San Francisco Press.

General References

The Monarch Project, 1990. Conceptual Plan for the Conservation and Management Program for Washington Park, 10 Southwest Ash Street, Portland, Oregon. Report accepted by City Council, January 2, 1991. Excerpted recommendations approved for implementation by City Council, November 17, 1992.

Agenda Item No. 7B

GEORGE WASHINGTON PARK
PLANT SPECIES LIST

Botanical Name	Common Name	Native	Non-local Native	Exotic
Trees				
Acacia baileyana	Bailey Acacia			X
Araucaria excelsa	Norfolk Island Pine			X
Cupressus macrocarpa	Monterey Cypress		X	
Ilex aquifolium	English Holly			X
Pinus radiata	Monterey Pine	X		
Prunus sp.	Flowering Plum			X
Quercus agrifolia	Coast Live Oak	X		
Sequoia sempervirens	Coast Redwood		X	
Shrubs				
Acacia longifolia	Sydney Golden Wattle			X
Arctostaphylos tomentosa	Shaggy-bark Manzanita	X		
Baccharis pilularis var. consanguineum	Coyote Brush	X		
Ceanothus thyrsiflorus	Blue Blossom Ceanothus	X		
Cistus sp.	Rockrose			X
Genista monospessulanus	French Broom			X
Mimulus aurantiacus	Sticky Monkey Flower	X		
Echium candicans	Pride-of-Madeira			X
Eriophyllum staechadifolium	Lizard-tail	X		
Heteromeles arbutifolia	Toyon	X		
Lonicera hispidula	Hairy Honeysuckle	X		
Lupinus arboreus	Yellow Bush Lupine		X	
Rhamnus californica	Coffeeberry	X		
Ribes malvaceum	Chaparral Currant	X		
Ribes sanguineum glutinosum	Pink flowering Currant	X		
Rosa californica	California Wild Rose	X		
Rubus vitifolius	California Blackberry	X		
Symphoricarpos mollis	Creeping Snowberry	X		
Toxicodendron diversiloba	Poison Oak	X		
Vaccinium ovatum	Huckleberry	X		
Perennials				
Achillea borealis	Yarrow	X		
Agoseris apargioides	Dandelion	X		
Agrostis spp.	Native Bent Grass	X		
Avena barbata	Wild Oak			X
Briza major	Rattlesnake Grass			X
Bromus carinatus	California Brome	X		
Bromus diandrus	Ripgut			X
Bromus rubra	Red Foxtail			X
Calamagrostis koelerioides	Tufted Pine Grass	X		
Calamagrostis nutkaensis	Pacific Reed Grass	X		

Botanical Name	Common Name	Native	Non-local Native	Non-local Exotic
Perennials				
Calochortus albus	White Globe Lily	X		
Cardamine californica var. integrifolia	Milkmaids	X		
Carex pansa	Sand Sedge	X		
Carpobrotus edulis	Hottentot Fig			X
Claytonia perfoliata	Miner's Lettuce	X		
Cortaderia jubata	Pampas Grass			X
Crocosmia crocosmiiflora	Montbretia			X
Deschampsia spp.	Hair Grass	X		
Dichelostemma (Brodiaea) pulchella	Blue Dicks	X		
Dryopteris arguta	Wood Fern	X		
Elymus condensatus	Giant Wild rye	X		
Erodium cicutarium	Red-stemmed Filaree	X		
Festuca rubra	Red Fescue	X		
Iris douglasiana	Douglas Iris	X		
Lathyrus vestitus	Pacific Pea	X		
Marah fabaceus	Manroot/Wild Cucumber	X		
Medicago hispida	Bur Clover			X
Oxalis oregona	Redwood Sorrel		X	
Oxalis pes-caprae	Bermuda Buttercup			X
Pennisetum clandestinum	Kikuyu Grass			X
Piperia yadonii	Yadon's Piperia	X (endangered species)		
Pteridium aquilinum var. pubescens	Bracken Fern	X		
Ranunculus californicus	California Buttercup	X		
Satureja douglasii	Yerba Buena	X		
Sisyrinchium bellum	Blue-eyed Grass	X		
Stachys bullata	Hedge Nettle	X		
Stellaria media	Chickweed			X
Stipa pulchra	Purple Needlegrass	X		
Triteleia ixioides (Brodiaea lutea)	Golden Brodiaea	X		
Tropaeolum majus	Nasturtium			X
Zantedeschia aethiopica	Calla Lily			X
Zigadenus fremontii	Star Lily	X		
Vicia sp.	Vetch	X		
Vulpia myuros var. hirsuta	Foxtail Fescue			X

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Erica Vega, Assistant City Attorney
MEETING DATE:	September 06, 2023
SUBJECT:	Planning Commission Recommendations for the Cannabis Regulatory Draft Ordinances
CEQA:	Categorical Exemption, CEQA Guidelines Section 15061(b)(3)

RECOMMENDATION

1. Consider and accept Planning Commission recommendations for the draft Cannabis Zoning Ordinance for Title 23 and the draft Cannabis Licensing Ordinance for Title 11.
2. Recommend staff bring final draft ordinances back to City Council for a first reading/introduction.
3. Alternatively, discuss and take other action related to this item.

DISCUSSION

Pacific Grove voters approved Measures M and N at the November 8, 2022 general election. Measure M was an advisory measure asking the voters the following question: "Should the Pacific Grove City Council be authorized to amend the Municipal Code to allow retail sales of medical or recreational cannabis, limited to one single location within the City, at a location no closer than 1000 feet from any existing licensed Daycare/Preschools, Youth Center, and Schools, to engage in commercial cannabis activities?" Measure N established a tax on cannabis businesses at the rate of 6% of gross receipts from the retail sale of cannabis (storefront and delivery sales). Copies of Measure M and Measure N are attached to this report.

At the December 7, 2022 City Council meeting, the Council directed the City Manager and City Attorney to create a cannabis licensing program to authorize one cannabis retail storefront to operate in the City, consistent with the voter approval of Measure M.

Two draft ordinances have been prepared, a licensing ordinance and a zoning ordinance, and are attached to this report for the Council's review and feedback. The City Council previously reviewed the draft ordinances on May 17, 2023, and requested that the Planning Commission provide recommendations concerning the zoning districts where cannabis retailers may be allowed, whether additional separation requirements beyond the 1,000 feet from any existing licensed daycare/preschools, youth centers, and schools be required, and whether additional parameters for delivery-only retailers be required.

On August 10, 2023, the Planning Commission reviewed the draft ordinances and after careful deliberation proffered the following recommendations.

Title 23 Recommendations for the Draft Cannabis Zoning Ordinance
The Planning Commission recommended that the sole storefront cannabis retailer be allowed in the C-1, C-D, C-FH or C-2 zones and medicinal delivery-only retailers be allowed in the I, C-1, C-FH or C-2 zones. The Planning Commission recommended that no additional parameters be set beyond the 1000 feet from any existing licensed daycare/preschools, youth centers, and schools.

Title 11 Recommendations for the Draft Cannabis Licensing Ordinance
The Planning Commission recommended removing the requirement for the license applicant to obtain a location prior to obtaining the license. The Planning Commission also recommended that language referring to the physical property of storefront retailers be moved from Title 11 to Title 23 finding that these sections were typically regulated through zoning regulations and processes.

Summary of Ordinances
The attached ordinances have been updated to include the Planning Commission's recommendations. The two ordinances are proposed to create a two-step regulatory framework that requires a proposed cannabis retailer to first obtain a license to operate from the City and then a conditional use permit. The allows the City to have regulations in place that address both the use (conditional use permit) and the user (license).

One license will be available to operate a storefront retail location, consistent with the Measure M advisory measure. Additionally, licenses will be available to medicinal cannabis retailers proposing to operate delivery-only with no walk-in customers allowed. There is no cap proposed on the number of delivery-only retail licenses. SB 1186 goes into effect on January 1, 2024, and prohibits a local agency from adopting or enforcing ordinances that prohibit or have the effect of prohibiting the retail sale by delivery of medicinal cannabis. The City Council will be the approval body for a license.

The licensing process will involve review of the applicant's business operations plan and the conduct of a background check. If approved, the license will be good for one year and must be renewed annually. A licensee will be required to operate in compliance with State law and regulations, and the operational requirements included in the ordinance. The licensing ordinance calls for administrative rules to be approved by the city council that provide more detail on the implementation of the licensing application process and procedures. Draft rules will be brought to Council at a future meeting, and will include the proposed competitive process for selecting the sole licensee to operate a storefront retail location.

Once a license is issued by the City, the applicant can submit an application for a conditional use permit for their proposed location. The zoning ordinance allows the sole storefront retailer to be located in the C-1, C-D, C-FH or C-2 zones. Medicinal delivery-only retailers may be located in the I, C-FH, C-1 or C-2 zones. All retail locations must be at least 1,000 feet from a day care center, a youth center, a preschool, or a public or private school. The ordinance includes some standard conditions of approval, including conditions for odor control. However, conditions may also be applied case-by-case based on what is appropriate for the proposed site and use.

OPTIONS

1. Accept all Planning Commission recommendations for the draft Cannabis Zoning Ordinance and the draft Cannabis Licensing Ordinance.
2. Accept select Planning Commission recommendations for the draft Cannabis Zoning Ordinance and the draft Cannabis Licensing Ordinance and provide staff with direction on proposed changes.
3. Do not accept Planning Commission recommendations for the draft Cannabis Zoning Ordinance and the draft Cannabis Licensing Ordinance and provide staff with direction on proposed changes.

4. Alternatively, discuss and take other action related to this item.

FINANCIAL IMPACT:

There is no fiscal impact associated with receiving this report. The estimated annual revenue from cannabis sales is up to $300,000. While the administrative costs are unknown, the City is currently conducting a fee-study that will assist with cost-recovery efforts.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Draft Cannabis Licensing Ordinance 8-30-23

Draft Cannabis zoning ordinance 8-30-23

Cannabis Radius Map

Cannabis Advisory - Measure M

Cannabis Business Tax - Measure N

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE, AMENDING CHAPTER 11.100 TO THE PACIFIC GROVE MUNICIPAL CODE ESTABLISHING COMMERCIAL CANNABIS LICENSING REGULATIONS

FACTS

1. In 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.et seq., and entitled the Compassionate Use Act of 1996, which intended to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under limited, specified circumstances; and
2. In 2004, the California legislature enacted Senate Bill 420, the Medicinal Marijuana Program (the "MMP"), which, as codified in California Health and Safety Code Section 11362.7 et seq., was intended to clarify the CUA's scope and immunize from criminal prosecution, under specified state laws, certain activities and conduct related to the provision of medicinal marijuana to qualified patients; and
3. On November 8, 2016, the voters of the State of California approved Proposition 64, entitled the "Control, Regulate and Tax Adult Use of Marijuana Act," which legalizes and regulates recreational marijuana in California; and,
4. The State has established an integrated licensing and regulatory system for both medicinal and recreational marijuana businesses consistent with Propositions 215 and 64 entitled the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), codified in Business and Professions Code section 26000 et seq.; and
5. Business and Professions Code section 26200 expressly recognizes the ability of cities to completely prohibit all medicinal and recreational cannabis businesses or to allow and regulate such businesses; and,
6. A majority of the voters in Pacific Grove who voted on Measure M at the November 8, 2022 election voted in favor of Measure M, which was an advisory measure asking whether the electors supported amending the Municipal Code to allow one cannabis retailer in the City at a location at least 1000 feet from any existing licensed daycare/preschool, youth center, or school; and
7. In order to protect the public health, safety, and welfare, and consistent with the will of the voters of Pacific Grove, the City desires to amend the Municipal Code to allow one cannabis retailer to be located in the City consistent with Measure M.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. The City Council finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the common sense

exemption (CEQA Guideline 15061(b)(3)) because it can be see with certainty that there is no possibility that permitting one cannabis retail location to operate within the City may have a significant effect on the environment. Cannabis retail operations are small footprint and retailers are likely to operate within an existing vacant location rather than engage in new construction, and would likely qualify for the in-fill development exemption (CEQA Guideline 15332). In the event the sole retailer permitted in Pacific Grove does not qualify for the in-fill development exemption or another CEQA exemption, CEQA review would be conducted concurrently with project processing, ensuring that any environmental impacts are less than significant.

SECTION 3. Pacific Grove Municipal Code Chapter 11.100 shall be amended in its entirety to read as follows:

CHAPTER 11.100
CANNABIS

11.100.010 Statement of purpose.
11.100.020 Relationship to other laws.
11.100.030 Definitions.
11.100.040 Local license in addition to business license or other permit.
11.100.050 Local license required.
11.100.060 Local license application process.
11.100.070 Conditions of approval, administrative rules.
11.100.080 Changes and modifications of local licenses.
11.100.090 Renewal of local license.
11.100.100 Appeal of decision on local license.
11.100.110 Cannabis business operational requirements.
11.100.120 Limitations on city's liability
11.100.130 Inspections
11.100.140 Enforcement; Suspension and Revocation of License.
11.100.150 Residential cannabis cultivation.
11.100.160 Consumption of cannabis.
11.100.170 Exceptions.

11.100.010 Statement of purpose.

A. This chapter shall provide for the regulation and licensing of medicinal and adult-use cannabis businesses throughout the city in conformance with applicable state and local laws and regulations pertaining to medicinal and adult-use cannabis.

B. The city council finds that it is necessary for the city to adopt local licensing standards for medicinal and adult-use cannabis businesses for the purpose of controlling and regulating the sale of medicinal cannabis and medicinal cannabis products to qualified patients, and adult-use cannabis and adult-use cannabis products to adults twenty-one years of age and over.

C. The purpose of this chapter is to regulate all commercial cannabis activity in the city, as defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), to the extent authorized by state law and in a manner designed to minimize

negative impacts on the city and neighboring uses, and promote the health, safety, morals, and general welfare of residents and businesses within the city.

11.100.020 Relationship to other laws.

A. Except as otherwise specifically provided herein, this chapter incorporates the requirements and procedures set forth in MAUCRSA. In the event of any conflict between the provisions of this chapter and the provisions of MAUCRSA or any other applicable state or local law or regulation, the more restrictive provision shall control.

B. Except as expressly stated herein, cannabis businesses must comply with all other city codes and regulations. Nothing in this chapter shall be construed as permitting a cannabis business to operate at any time in a manner that is in violation of other applicable state and local laws.

11.100.030 Definitions.

Unless otherwise defined herein, the terms in this chapter shall have the same meaning as set forth in MAUCRSA and any rules promulgated pursuant thereto. In addition, the following terms shall be defined as follows:

“Adult-use cannabis” means cannabis and cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician’s recommendation, or are intended for use on, or consumption by, animals.

"Cannabis business" means any person engaged in commercial cannabis activity.

"City" means Pacific Grove, California.

"City manager" shall mean the city manager of the city or their designee.

"Identification card" or "ID card" means a valid identification card issued pursuant to Section 11362.7 et seq., of the California Health and Safety Code.

"Identification card holder" or "ID card holder" means an individual who is a qualified patient who has applied for and received a valid ID card pursuant to Article 2.5 of Chapter 6 of Division 10 of the California Health and Safety Code.

"Licensed premises" means a premises for which a local license has been issued pursuant to this chapter.

"Licensee" means a person who has been issued a local license pursuant to this chapter.

"Local license" means a license issued pursuant to this chapter.

"Medicinal and Adult-Use Cannabis Regulation and Safety Act" or "MAUCRSA" means Division 10 of the California Business and Professions Code.

“Medicinal cannabis” means cannabis and cannabis products that are intended to be sold or donated for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.

"Medicinal cannabis patient" means both a qualified patient without an identification card and an ID card holder.

“Owner” shall have the definition provided in MAUCRSA, as it may be amended from time to time, which as of the date of the adoption of this definition means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The chief executive officer of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the person applying for a license.

"Physician," as used in this chapter, shall mean an individual who possesses a license in good standing to practice medicine or osteopathy from the state of California.

"Qualified patient" shall have the meaning set forth in Section 11362.7(f) of the California Health and Safety Code.

“Retail, delivery-only” shall mean a cannabis business that does not allow on-site sales of cannabis to customers, and has or will have a Type 9 license from the California Department of Cannabis Control.

“Retail, storefront” shall mean a cannabis business that has a physical location from which cannabis is sold to retail customers on-site, and has or will have a Type 10 license from the California Department of Cannabis Control.

"State law(s)" shall mean and include California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.85 (Medicinal Marijuana Program Act); the MAUCRSA, and all other applicable laws and regulations of the state of California.

"State license" means a state license issued under MAUCRSA, and includes both an A-license and an M-license, as well as a testing laboratory license.

"State licensing authority" shall mean the state agency responsible for the issuance, renewal, or reinstatement of a state license, or the state agency authorized to take disciplinary action against a state licensee.

11.100.040 Local license in addition to business license or other permit.

The local license required by this chapter shall be in addition and supplemental to any other business registration or any permit required by any ordinance of the city.

11.100.050 Local license required.

A. It is unlawful to operate any cannabis business in the city without first having obtained a local license under this chapter.

B. The City shall not grant a license to any cannabis business proposing to engage in cannabis cultivation, manufacturing, distribution, or laboratory testing. The City may

approve a license for a cannabis business proposing to operate as a cannabis retailer subject to the following limitations:

1. No more than one (1) local license to engage in storefront retail sales shall be active in the City at any time.

2. A license for delivery-only retail sales shall only be granted to a business engaging exclusively in retail sale of medicinal cannabis and medicinal cannabis products. No license shall be granted to a delivery-only retailer for the retail sale of adult-use cannabis or adult-use cannabis products.

C. The city may grant a local license prior to the applicant having obtained a state license. A cannabis business must possess the requisite state and local licenses and a conditional use permit prior to receiving a certificate of occupancy from the city.

11.100.060 Local license application process.

A. For the single storefront retail license, there shall be an initial 60-day application period, the precise days of which shall be determined by the city manager. The city manager shall open up subsequent 60-day application periods if there are no active local license for a storefront retail cannabis business in the City.

B. An application for a local license shall be made upon the form prescribed by the city manager and accompanied by the application fee established by resolution of the city council. The application shall include the following basic information, in addition to any additional information that the city manager requests.

1. An operating plan for the proposed cannabis business including the following information:

a. A general description of the types of products and services to be provided by the facility;

b. A statement confirming whether delivery service of cannabis to any location outside the premises will be provided and the extent of such service, and in the event delivery is provided, a detailed delivery plan detailing how the retailer will comply with all requirements of this chapter, MAUCRSA, and any other applicable state or local laws.

2. Authorization for the city manager to seek verification of the information contained within the application and to conduct background checks of the owners of the cannabis business. If the background check shows that any owner has been convicted of a crime listed in Business & Professions Code Section 26057(b)(4)(A)-(E) the application shall be denied.

3. Proof of the nature of the cannabis business's organizational status, such as articles of incorporation, by-laws, organizational minutes, partnership agreements, or such other documentation acceptable to the city.

C. The city manager shall conduct an initial review of an application submitted to determine completeness. All complete applications shall be reviewed under the criteria set forth in administrative rules adopted pursuant to Section 11.100.070.

D. The one (1) storefront retail local license shall be provisionally granted to the applicant who is selected pursuant to the review and selection criteria set forth in the administrative rules. From the date the local license is provisionally approved, the applicant will have twelve (12) months to secure approval of a conditional use permit for a premises, in

addition to any other land use permits or entitlements that may be required by this code for the premises. If the applicant who received a provisional license does not obtain the conditional use permit or any other required land use permits or entitlements for the premises within this time frame, then the provisional license shall become null and void and a provisional license shall be granted to another applicant in the manner specified in the administrative rules.

E. A local license issued pursuant to this chapter shall specify the date of issuance, the expiration date, the name of the licensee, and whether the cannabis business is storefront retail or delivery-only retail. A provisional local license is valid for one (1) year from the date of issuance. A non-provisional local license is valid for one (1) year from the date the conditional use permit for the premises is approved.

11.100.070 Conditions of approval, administrative rules.

A. The city council shall have the authority to approve or deny an application for a local license. The city council may place conditions upon the approval of any local license which are, in the opinion of the city council, reasonably related to the protection of the health, safety and welfare of the general public.

B. The city council shall establish by resolution rules, policies and procedures consistent with the intent and spirit of this chapter concerning the applications, the application process, the information required of applicants, the application procedures, and the administration and procedures to be used and followed in the application process, including but not limited to those required by Section 11.100.060.

11.100.080 Changes and modifications of local licenses.

In addition to any applicable requirements in Chapter 23.92 of this code, the following requirements apply for transfers of or changes to the ownership of a licensee,

A. Subsequent to the issuance of a local license, the licensee shall report any transfer of ownership in the cannabis business to the city manager on forms prescribed by the city manager and pay the application fee established by resolution of the city council.

B. A change of ownership that solely involves a previously approved owner no longer being an owner of the cannabis business shall be reported to the city manager within thirty calendar days of the change. The City will administratively remove a previously approved owner from a license only if notarized statements are submitted by all approved owners consenting to the change, or the change is mandated by order of a court of competent jurisdiction.

C. A change in ownership that involves adding a new owner to the previously approved ownership must be approved by the city council in advance and a background check must be conducted on the proposed new owner. The city council shall have the sole and absolute discretion to approve or deny a proposed change of ownership that involves the addition of a new owner. All owners must submit notarized statements agreeing to the addition of a new owner to the business.

11.100.090 Renewal of local license.

A. A cannabis business that desires to renew its license shall apply for the renewal no less than sixty (60) calendar days prior to the local license's expiration date. If the cannabis business files a renewal application within sixty (60) calendar days prior to expiration, the

cannabis business must provide a written explanation detailing the circumstances surrounding the late filing. The city manager may accept or reject such late filing in its discretion. The city manager may elect to administratively continue a local license past its expiration date, provided that the licensee has submitted a renewal application that is pending final action.

B. An application for renewal shall be submitted on forms provided by the city manager, accompanied by the application fee established by resolution of the city council. The following information shall be submitted as a part of the renewal application:

1. Verification that no changes to the ownership of the cannabis business has occurred since last approved by the city manager.

2. Verification that the licensee is still entitled to the possession and use of the premises for which a conditional use permit has been granted.

3. Any other information that the city manager deems necessary to determine whether to renew the local license.

C. The city council shall renew a local license if the licensee has submitted a complete application and paid the application fee, unless the city council finds that there are grounds to suspend or revoke the license as provided in Section 11.100.210. Notwithstanding the foregoing, the city council in its discretion may elect not to renew any local license if it determines that the licensed premises has not been used for a cannabis business, without reasonable cause as determined by the city council, during the term of the license.

D. Unless administratively continued pursuant to subsection A, a local license is immediately invalid upon expiration and the cannabis business shall cease operations. If a local license expires, the city council may approve a renewal of the expired license at any time up to three months from the expiration date of the license. After the license has been expired for three months, the license may not be renewed by the city council, and the holder of the expired license must apply for and obtain a new cannabis license to resume operations.

11.100.100 Appeal of decision on local license.

Any applicant may appeal the city council's approval, conditional approval, or denial of an initial local license, renewal thereof, or a change to the license requested under Section 11.100.080, or a revocation or suspension of the license under Section 11.100.210. Such appeal shall be filed with the city clerk within ten calendar days of the date of the decision of the city council and must state the basis for the appeal. The city clerk will give the appellant written notice of the date, time and place of the appeal hearing. A hearing officer shall hear the appeal de novo and shall not be limited by the rules of evidence. The hearing officer may affirm, amend or reverse the decision of the city council.

11.100.110 Cannabis business operational requirements.

All cannabis business must comply with the requirements set forth in this section.

A. General Obligation to Operate in Compliance. A cannabis business shall operate in compliance with all applicable state and local laws and regulations governing cannabis businesses.

B. General Obligation to Pay Taxes. A cannabis business must pay all applicable taxes pursuant to federal, state, and local law, including but not limited to state and local sales and use taxes and state excise taxes.

C. Age Requirement. A cannabis business shall not allow an individual less than twenty-one years of age to work within the licensed premises or handle cannabis and cannabis products.

D. Age Restrictions. A cannabis business may not permit an individual less than twenty-one years of age to enter, or be within, its licensed premises, except that a cannabis business with an M-license from the state may allow persons eighteen years of age or older within the licensed premises if they are an ID card holder or qualified patient with physician's recommendation from a licensed physician.

E. Secure Storage of Product. Cannabis and cannabis products possessed by a cannabis business shall be kept and stored in a secured manner at all times.

F. Cannabis Consumption on Licensed Premises. Smoking, vaporizing, ingesting, or otherwise consuming cannabis and cannabis products at a licensed premises is prohibited. "Licensed premises" as used in this subsection includes the actual building, as well as any accessory structures, common areas and parking areas. A sign shall be posted at each entrance to a licensed premises that clearly and legibly states, "Smoking, vaporizing, ingesting, or otherwise consuming cannabis or cannabis products on these premises or in their vicinity is prohibited and a violation of the Pacific Grove Municipal Code."

G. Prohibition on Alcohol and Tobacco Sales, Distribution, or Consumption on Licensed Premises. A cannabis business shall not sell, provide, store, or distribute any alcoholic beverages or tobacco products, or allow such products to be consumed on the licensed premises.

H. Advertising. A cannabis business shall not advertise in a manner intended to encourage persons under twenty-one years of age to consume cannabis or cannabis products. It shall be unlawful for any cannabis business to make any claims that a product is safe because it is tested. All advertisements, including off-site advertising signs, shall comply with Chapter 15 of MAUCRSA.

I. Display of License. A cannabis business shall display a copy of its local license issued pursuant to this chapter in a conspicuous place at or near the entrance to the licensed premises.

J. No Physician Evaluations on Licensed Premises. A cannabis business shall not permit a physician to evaluate potential medicinal cannabis patients or to provide a physician's recommendation for medicinal cannabis within its licensed premises. Cannabis businesses shall not offer or provide any form of remuneration to a physician who provides physician's recommendations for medicinal cannabis.

K. Community Relations Designee. A cannabis business must provide the city with the name, phone number, facsimile number, and email address of an on-site community relations representative or staff member or other representative whom the city can contact regarding operating concerns associated with the cannabis business. The cannabis business shall report any change in their community relations designee to the city within ten calendar days.

L. Security Requirements. The licensed premises of a cannabis business must comply with all of the following security requirements:

1. Video Surveillance. The licensed premises must be equipped with a video surveillance system that meets all of the requirements set forth in this subsection.

a. Security cameras and digital storage of recordings shall be maintained in good condition and used in an on-going manner, twenty-four hours per day, seven days per week.

b. The security system must maintain at least 90 days of digitally recorded video for each security camera in the licensed premises. Security footage should be stored in an MPEG4, MJPEG, H.264, or another format approved by the city manager in writing.

c. Security cameras must provide adequate and sufficient coverage for the facility, which must include, but need to be limited to, all limited access areas, all areas of ingress and egress, point of sale, the public areas, storage areas, and any other areas as required by this chapter and the MAUCRSA.

d. The video surveillance system must be equipped with a failure notification system that provides prompt notification to the manager of record of the licensed premises of the cannabis business of any surveillance interruption or complete failure of the surveillance system that lasts longer than fifteen minutes.

e. The video surveillance system shall have sufficient battery backup to support a minimum of twenty-four hours of recording in the event of a power outage.

2. Alarm System. The licensed premises shall have an audible interior and exterior security alarm system installed on all perimeter entry points and perimeter windows, operated, and monitored by a security company licensed by the Department of Consumer Affairs, Bureau of Security and Investigative Services.

3. Signage Requirement. The licensed premises must comply with the following signage requirements.

a. A sign shall be posted in a conspicuous place near each point of public access which shall be not less than twelve inches wide and twelve inches long, composed of letters not less than one inch in height, stating "All Activities Monitored by Video Camera."

b. Limited access areas shall be clearly identified by the posting of a sign which shall be not less than twelve inches wide and twelve inches long, composed of letters not less than one-half inch in height, which shall state, "Limited Access Area—Authorized Personnel Only."

4. Lighting. The business entrance(s) and all window areas shall be illuminated during evening hours. The cannabis business shall comply with the city's lighting standards regarding fixture type, wattage, illumination levels, and shielding.

5. Commercial-Grade Locks. All points of ingress and egress to a licensed premises shall ensure the use of commercial-grade, nonresidential door locks or window locks.

6. Notification of City Manager and Law Enforcement. A cannabis business shall notify the city manager and the appropriate law enforcement authorities within twenty-four hours after discovering any of the following:

a. Significant discrepancies identified during inventory;

b. Diversion, theft, loss, or any criminal activity involving the retailer or any employee or agent of the retailer;

c. The loss or unauthorized alteration of records related to cannabis, cannabis patients, primary caregivers, or retailer employees or agents; or

d. Any other breach of security.

M. Subletting Prohibited. Licensees are not authorized to sublet any portion of a licensed premises for any purpose.

N. Recordkeeping. Cannabis businesses shall keep and maintain all records specified in Chapter 16 of the MAUCRSA and shall make the same available for inspection and examination of the city manager or their duly authorized representatives during standard business hours of the licensed facility or at any other reasonable time. Cannabis businesses are required to exercise due diligence in preserving and maintaining all required records.

O. Transactions. Licensees shall only do business with cannabis businesses that are licensed or permitted to do business in their respective jurisdictions.

P. Limited Hours of Operation. A retailer may only be open to the public and engage in sales between the hours of 8:00 a.m. and 10:00 p.m.

Q. Window Displays. Cannabis, cannabis products and cannabis paraphernalia shall not be placed in a window display or otherwise placed in a manner primarily intended for individuals outside of the premises to view the products.

R. Cannabis Paraphernalia Sales. Retailers may sell or otherwise provide equipment, supplies, and paraphernalia used to consume cannabis and cannabis products.

S. Electronic Point-of-Sale System Required. Retailers must have an electronic point of sale system. The electronic point of sale system must be capable of producing an electronic or automatic paper record for all transactions associated with any product sold, rented, or otherwise provided to the customer.

T. No Sales of Expired Product. A retailer may not sell any expired products, cannabis or cannabis products. A retailer shall not alter, edit, or adjust in any manner an expiration date on any item or product once affixed by its manufacturer.

U. Handling of Edible Cannabis Products. A retailer that possesses edible cannabis products shall comply with the provisions of all relevant state and local laws regarding the storage, handling, and sale of food.

V. Delivery of Cannabis and Cannabis Products. A retailer that provides delivery service shall comply with the following requirements:

1. The retailer shall not delivery cannabis or cannabis products to any location outside of California or to any location within California where the delivery of cannabis or cannabis products has been prohibited by the city or county.

2. The delivery service must be approved by the city manager as a part of the licensing process. The deliveries must be conducted in accordance with any relevant state laws, this code, any applicable local laws in the delivery location, and any conditions imposed upon the license.

3. The retailer must keep in place standard operating procedures that ensure the safety and security of those individuals engaging in delivery and the and security of all cannabis being delivered, including procedures to prevent diversion.

4. A retailer may only deliver cannabis to a specific street address requested by the purchaser. Delivery to parks, schools or any other public facilities is prohibited.

5. Upon arrival at the delivery address and prior to transferring any cannabis or cannabis products, the delivery person must verify and confirm that the identity of the

recipient is the same as the person who requested the delivery and that the person is either twenty-one years of age or a qualified patient or primary caregiver.

6. A retailer shall report to the city manager and local law enforcement any vehicle accidents, diversions, losses, or other reportable incidents such as thefts or suspicious activity, that occur during transportation and delivery, within twenty-four hours.

7. The delivery shall keep a delivery manifest that includes the following information:

a. All cannabis that will be transported, accurately inventoried;

b. Departure date and approximate time of departure;

c. Arrival date and approximate time of arrival;

d. Name, address, local license number and CUP number of the originating cannabis business;

e. Name and address of the individual requesting the delivery;

f. Delivery vehicle make, model, and license plate number; and

g. Name and signature of the individual transporting the cannabis.

8. Sale of Live Plants. A retailer may sell and offer for sale seeds and immature cannabis plants, but shall not sell or offer for sale live mature cannabis plants. The retailer may provide light and water to immature cannabis plants being offered for sale but may not engage in any other cultivation activity. For the purposes of this provision, an immature cannabis plant is defined as a non-flowering cannabis plant that is shorter and narrower than 18 inches.

11.100.120 Limitations on City's liability.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any local license pursuant to this chapter or the operation of any cannabis business approved for such local license pursuant to this chapter. As a condition of approval a local license granted under this chapter, the applicant or its legal representative shall:

A. Indemnify and hold the city harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of federal law associated with the operation of the cannabis business and delivery of cannabis as provided in this chapter; and

B. Maintain insurance in the amounts and of the types that are acceptable to the city pursuant to guidelines and policies set forth by the city; and

C. Name the city as an additionally insured on all city-required insurance policies; and

D. Defend, at its sole expense, any action against the city, its agents, officers, and employees related to the approval of a local license or the operation of the cannabis business; and

E. Reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of any legal challenge (or federal enforcement action) related to the city's approval of a local license or conditional use permit. The city may, at its sole

discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

11.100.130 Inspections.

A. Recordings made by security cameras at any cannabis business shall be made immediately available to the city manager upon verbal request for law or regulatory enforcement and criminal investigation purposes. Such recordings shall be considered confidential and shall not be released to the public pursuant to Government Code Section 7923.600 without the consent of the licensee.

B. The city manager shall have the right to enter all cannabis businesses from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter. Such inspections shall be limited to observing the licensed premises for purposes of determining whether the cannabis business is being operated or maintained in compliance with this code, state law, and other applicable laws and regulations. Any cannabis business licensed pursuant to this chapter may be required to demonstrate, upon demand by the city manager that the source and quantity of any cannabis or cannabis products found upon the licensed premises is in full compliance with any applicable local or state law or regulation.

C. The city manager shall have the right to inspect records of medicinal cannabis patients and primary caregivers that have made purchases of medicinal cannabis or medicinal cannabis products from a retailer for the sole purpose of determining whether any and all such individuals are qualified to make such purchases. Such inspections of records shall not be used for any other purposes, nor shall the records be removed off-site by the city without a court order.

D. The city manager may delegate an act required to be performed pursuant to this section to any code enforcement officer or official of the city, including, without limitation, the chief of police, the fire chief, the building official, the finance director, the city attorney, or any designee of such officers or officials.

E. Applicants and licensees must cooperate with the city manager and his designees who are conducting inspections or investigations relevant to the enforcement of laws and regulations related to this chapter.

11.100.140 Enforcement; Suspension and Revocation of License.

A. The provisions of this chapter may be enforced by the city manager by any means provided for in Chapter 1.16 or Chapter 1.19 of this code in addition to any and all other remedies, civil, equitable or criminal, afforded to the city under the law. Any use or condition caused, or permitted to exist, in violation of any provision of this chapter is hereby deemed to be a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure Section 731 or by any other remedy available to the city. Any violation of this chapter is declared to be a public nuisance per se contrary to the public interest and will, at the discretion of the city, be subject to a cause of action for injunctive relief.

B. Any violation of this chapter shall constitute a misdemeanor and a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be enforced pursuant to Chapters 1.16 and 1.19 PGMC.

C. In addition to any other remedies available to the city under the law, a license issued under the terms of this chapter may be suspended or revoked by the city council if they conclude any of the following:

1. The cannabis business or licensee has violated any of the requirements of this chapter, Chapter 23.92, or the applicable conditional use permit.

2. The cannabis business is being operated in a manner which constitutes a nuisance.

3. The cannabis business is being operated in a manner which conflicts with or violates State Laws.

4. A licensee's conditional use permit issued pursuant to Chapter 23.92 of this code has been terminated or revoked.

5. A licensee's state license has been suspended, terminated, or revoked.

11.100.150 Residential cannabis cultivation

A. All cannabis cultivation within city limits is prohibited except that a person, 21 years of age or older, may cultivate no more than six living cannabis plants inside a private residence, regardless of the number of persons that reside in the private residence, or inside a fully enclosed and secure accessory structure to a private residence located upon the grounds of that private residence. Such cultivation shall only occur in residences and accessory structures that are fully enclosed and secured against unauthorized entry.

B. The primary use of the property must be for a private residence, and cultivation must not prevent the property owner's primary use as a residential use. The property shall remain at all times a private residence with a legal and functioning kitchen, bathroom(s) and bedroom(s) for their intended use and such cultivation shall not prevent the property's primary use as a residential use. The cultivation activities shall be conducted in a manner that is child resistant.

C. If a private residence is not occupied or inhabited by the owner of the private residence, then no persons living in the residence may cultivate cannabis without written consent signed by the owner expressly allowing cannabis cultivation to occur at the private residence.

D. Persons cultivating cannabis in a residence shall comply with all applicable building code requirements set forth in the Pacific Grove Municipal Code.

E. There shall be no use of gas products (CO2, butane, propane, natural gas, etc.) on the property for purposes of cannabis cultivation.

F. All private cannabis cultivation under this section shall comply with Health and Safety Code Section 11362.2.

G. The cannabis cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts and shall not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to cultivation.

H. The outdoor cultivation of cannabis is prohibited within city limits.

11.100.160 Consumption of cannabis

Smoking and vaporizing of cannabis and cannabis products are prohibited in all public places and any place that is open to the public; reference Chapter 11.24 PGMC. Additionally, consumption and the use of any and all forms of cannabis, including edible cannabis product, shall be prohibited in all public places.

11.100.170 Exceptions

A. To the extent that the following activities are permitted by state law, nothing in this chapter shall prohibit a person 21 years of age or older from:

1. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older without compensation whatsoever not more than 28.5 grams of cannabis not in the form of concentrated cannabis; or

2. Possessing, processing, purchasing, transporting, obtaining or giving away to persons 21 years of age or older without compensation whatsoever up to eight grams of cannabis in the form of concentrated cannabis; or

3. Possessing, smoking or ingesting cannabis or cannabis products in a manner consistent with California Health and Safety Code Section 11362.3.

B. This chapter shall not prohibit any person from transporting cannabis through the jurisdictional limits of the city for delivery or distribution to a person located outside of the city, where such transport does not involve delivery or distribution within the jurisdictional limits of the city.

SECTION 4. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 5. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 6. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS __day of _____, 2023, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED

_____
BILL PEAKE, Mayor

ATTEST:
DATED:_____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE, ADDING CHAPTER 23.92 TO THE PACIFIC GROVE MUNICIPAL CODE ESTABLISHING CANNABIS BUSINESS ZONING REGULATIONS

FACTS

1. In 1996, the voters of the State of California approved Proposition 215, which was codified as Health and Safety Code Section 11362.et seq., and entitled the Compassionate Use Act of 1996, which intended to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under limited, specified circumstances; and
2. In 2004, the California legislature enacted Senate Bill 420, the Medicinal Marijuana Program (the "MMP"), which, as codified in California Health and Safety Code Section 11362.7 et seq., was intended to clarify the CUA's scope and immunize from criminal prosecution, under specified state laws, certain activities and conduct related to the provision of medicinal marijuana to qualified patients; and
3. On November 8, 2016, the voters of the State of California approved Proposition 64, entitled the "Control, Regulate and Tax Adult Use of Marijuana Act," which legalizes and regulates recreational marijuana in California; and,
4. The State has established an integrated licensing and regulatory system for both medicinal and recreational marijuana businesses consistent with Propositions 215 and 64 entitled the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), codified in Business and Professions Code section 26000 et seq.; and,
5. Business and Professions Code section 26200 expressly recognizes the ability of cities to completely prohibit all medicinal and recreational cannabis businesses or to allow and regulate such businesses; and,
6. A majority of the voters in Pacific Grove who voted on Measure M at the November 8, 2022 election voted in favor of Measure M, which was an advisory measure asking whether the electors supported amending the Municipal Code to allow one cannabis retailer in the City at a location at least 1000 feet from any existing licensed daycare/preschool, youth center, or school; and
7. In order to protect the public health, safety, and welfare, and consistent with the will of the voters of Pacific Grove, the City desires to amend the Municipal Code to allow one cannabis retailer to be located in the City consistent with Measure M.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth in fully within the body of this ordinance.

SECTION 2. The City Council finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the common sense

exemption (CEQA Guideline 15061(b)(3)) because it can be see with certainty that there is no possibility that permitting one cannabis retail location to operate within the City may have a significant effect on the environment. Cannabis retail operations are small footprint and retailers are likely to operate within an existing vacant location rather than engage in new construction, and would likely qualify for the in-fill development exemption (CEQA Guideline 15332). In the event the sole retailer permitted in Pacific Grove does not qualify for the in-fill development exemption or another CEQA exemption, CEQA review would be conducted concurrently with project processing, ensuring that any environmental impacts are less than significant.

SECTION 3. The City Council makes the following findings required for a zoning ordinance amendment.

A. The proposed amendment is consistent with the general plan and, if applicable, the certified local coastal program.

This ordinance is consistent with General Plan Goal 1: "Provide for orderly, well-planned, and balanced development consistent with the historic nature of Pacific Grove, the capacity of the City's infrastructure, and ability to assimilate new growth." This ordinance establishes regulations to allow for a new type of commercial use to be established in the City in limited quantities. Cannabis retailers will likely move into existing vacant structures and as such will not create new burdens on existing infrastructure. The ordinance is also consistent with General Plan Policy 2: "Ensure new development is compatible with adjacent existing development." The ordinance limits cannabis retailers to specific commercial and industrial zones and includes separation requirements to ensure the businesses do not locate in close proximity to sensitive uses.

B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare.

This ordinance will facilitate access to medicinal and adult-use cannabis in a safe manner consistent with all applicable State regulations. The ordinance limits the number of storefront retailers that may open in the City to one, which ensures there will not be an overconcentration of these uses. Delivery-only retailers will only be permitted to sell medicinal cannabis. The ordinance requires odor control systems to be installed to ensure that nuisance odors do not impact neighbors and the general public.

C. The proposed amendment is internally consistent with other applicable provisions of the zoning code.

This ordinance relies on the existing use permit process as the mechanism for the approval of cannabis retailers. The ordinance incorporates existing enforcement provisions as well. There are no inconsistencies between the proposed ordinance and existing provisions of the zoning code.

SECTION 4. Chapter 23.92 (Cannabis Businesses) is hereby added to the Pacific Grove Municipal Code to read as follows:

CHAPTER 23.92 CANNABIS BUSINESSES

23.92.010 Purpose.
23.92.020 Relationship to other laws.
23.92.030 Definitions.
23.92.040 Conditional use permit required.
23.92.050 Conditional use permit application.
23.92.060 Findings for approval of conditional use permit.
23.92.070 Separation requirements.
23.92.080 Conditions of approval.
23.92.090 Limitations on City's liability.
23.92.100 Inspections.
23.92.110 Enforcement.

23.92.010 Purpose.

A. The purpose of this chapter is to regulate cannabis business land uses, as permitted by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (Section 26200 of the California Business and Professions Code), in a manner designed to minimize negative impacts on the city and neighboring uses, and promote the health, safety, morals, and general welfare of residents and businesses within the city.

B. This chapter is further adopted and established pursuant to the specific authority granted to Pacific Grove in Section 7 of Article XI of the California Constitution and Section 26200 of the California Business and Professions Code. This chapter shall govern all cannabis businesses within the jurisdiction of Pacific Grove.

23.92.020 Relationship to other laws.

A. In the event of any conflict between the provisions of this chapter and the provisions of Medicinal and Adult-Use Cannabis Regulation and Safety Act or any other applicable state or local law, the more restrictive provision shall control.

B. Except as expressly stated herein, cannabis businesses must comply with all other city codes and regulations. Nothing in this chapter shall be construed as permitting a cannabis business to operate at any time in a manner that is in violation of all other applicable state and local laws.

23.92.030 Definitions.

Unless otherwise defined herein, the terms in this chapter shall have the same meaning as set forth in Medicinal and Adult-Use Cannabis Regulation and Safety Act and any rules promulgated pursuant thereto. In addition, the following terms shall be defined as follows:

"Adult-use cannabis" means cannabis and cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician's recommendation, or are intended for use on, or consumption by, animals.

“Cannabis business” means any person engaged in commercial cannabis activity as defined in California Business and Professions Code Section 26001.

"Local license" means a license granted by the City pursuant to Chapter 11.100 of this code.

"Medicinal and Adult-Use Cannabis Regulation and Safety Act" or "MAUCRSA" means Division 10 of the California Business and Professions Code.

“Medicinal cannabis” means cannabis and cannabis products that are intended to be sold or donated for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.

“Retail, delivery-only” shall mean a cannabis business that does not allow on-site sales of cannabis to customers, and has or will have a Type 9 license from the California Department of Cannabis Control.

“Retail, storefront” shall mean a cannabis business that has a physical location from which cannabis is sold to retail customers on-site, and has or will have a Type 10 license from the California Department of Cannabis Control.

"State law(s)" shall mean and include California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.85 (Medical Marijuana Program Act); MAUCRSA, and all other applicable laws and regulations of the state of California.

23.92.040 Conditional use permit required.

A. No person may operate a cannabis business of any type in the city unless they are in compliance with the following:

1. A conditional use permit has been approved for the cannabis business and remains valid; and

2. A local license has been approved for the cannabis business and remains valid; and

3. A State license to operate the cannabis business has been approved and remains valid.

B. Section 23.70.080(a) of this code shall govern and apply to conditional use permits for cannabis businesses applied for or obtained pursuant to this chapter unless this chapter expressly states otherwise. All requirements contained in this chapter shall be in addition to the applicable requirements of Section 23.70.080(a).

23.92.050 Conditional use permit application.

A. An application for a conditional use permit shall be filed with the planning director on the official form supplied by the city and shall be accompanied by the application fee established by resolution of the city council, as may be amended from time to time.

B. An application for a conditional use permit shall include, but shall not be limited to, the following information:

1. Proof that the applicant has received a local license, and the local license is in good standing.

3. The address of the proposed cannabis business.

4. A site plan and floor plan of the cannabis business denoting the use of areas within the cannabis business, including storage, employee areas, restrooms, areas of ingress and egress, limited access areas, and restricted access areas, if included. The plans shall also note the locations of proposed exterior lighting and security cameras.

5. The name and address of the person that owns the real property upon which the cannabis business is to be operated. In the event the applicant does not legally own the property, the application must be accompanied by a notarized acknowledgement from the person that owns the property that a cannabis business will be operated on his or her property.

6. A description of the design of the proposed premises evidencing that the design conforms to applicable city design standards.

7. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

8. Authorization for the planning director to seek verification of the information contained within the application.

9. Any such additional and further information as is deemed necessary by the planning director to administer this section or this chapter.

C. The planning director and appropriate city staff shall review, verify and investigate all information on the application and prepare a report for the planning commission incorporating the findings of such investigation and verification, including, but not limited to, the suitability of the proposed location, and the applicant's compliance with the requirements of this chapter, Chapter 11.100 and Section 23.70.080(a).

23.92.060 Findings for approval of conditional use permit.

A. The planning commission shall not hold a public hearing on or approve any application for a conditional use permit to operate a cannabis business unless the applicant holds a local license in good standing.

B. In addition to the findings set forth in Section 23.70.080(a)(4) of this code, a conditional use permit for a cannabis business shall only be granted subject to the following additional findings:

1. The cannabis business fully complies with and meets all operating criteria required pursuant to state laws, Chapter 11.100 of this code, any other provisions of this code, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in the conditional use permit; and

2. The cannabis business will be located in one of the following zones:

a. For storefront retail, the use will be located in the C-1, C-D, C-FH or C-2, zone.

b. For delivery-only retail, the use will be located in the I, C-FH, C-1 or C-2 zone.

3. The cannabis business meets the separation requirements in Section 23.92.070.

C. The planning commission may deny an application for a conditional use permit if it determines that one or more of the findings required by Section 23.70.080(a)(4) or Section 23.92.060(b) of this code cannot be made.

D. Based on the information set forth in the application and city staff's report and testimony presented at the public hearing, the planning commission may impose reasonable conditions on the proposed cannabis business in addition to those specified in and required to be included in every conditional use permit granted under this chapter.

23.92.070 Separation requirements.

A. A conditional use permit for a cannabis business shall not be approved unless the proposed cannabis business will be located more than 1,000 feet from a day care center, a youth center, a preschool, or a public or private school.

B. All distances specified in this section shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point on the property line on which the cannabis business is or will be located, to the nearest property line of the parcel where such use is located.

C. For the purposes of this section the following definitions apply:

1. "Day care center" means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers, and includes child care centers licensed pursuant to California Health & Safety Code Section 1596.951.

2. "Youth center" means any facility that is operated by a public agency or non-profit entity with the sole purpose of providing educational and/or recreational services to minors. Dance studios, gymnasiums, martial arts studios, or other similar uses that provide services to both adults and minors shall not be considered a youth center.

3. "Public or private school" means any location appearing in the California Department of Education School Directory as the location of a public or private school.

23.92.080 Conditions of approval.

A conditional use permit for a cannabis business shall be subject to the following conditions of approval.

1. The premises must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside the cannabis business, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis business. As such, cannabis businesses must install and maintain the following equipment or any other equipment which the City determines has the same or better effectiveness:

a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

b. An air system that creates negative air pressure between the cannabis businesses' interior and exterior so that the odors generated inside the cannabis business are not detectable outside the cannabis business.

2. The applicant or its legal representative shall indemnify and hold the city harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of federal law associated with the operation of the cannabis business; defend, at its sole expense, any action against the city, its agents, officers, and employees related to the approval of a conditional use permit or the operation of the cannabis business; reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of any legal challenge (or federal enforcement action) related to the city's approval of a conditional use.

3. All windows on the premises of the cannabis business shall be appropriately secured and cannabis securely stored.

4. All cannabis businesses shall comply with the city's lighting standards including, without limitation, fixture type, wattage, illumination levels, shielding, and secure the necessary approvals and permits as needed.

5. All cannabis businesses and all equipment used in the conduct of the business, must be operated in compliance with all applicable state and local laws and regulations, including all building, electrical, and fire codes, and in compliance with the businesses' state and local licenses.

6. For delivery-only retail, the business will only sell medicinal cannabis and medicinal cannabis products. The sale of adult-use cannabis or adult-use cannabis products is prohibited.

7. The cannabis business shall not engage in cultivation, manufacturing, distribution, or laboratory testing of cannabis, and shall limit its commercial cannabis activities to those permitted by a State retail license.

8. On-site signage for a cannabis business that is viewable from the exterior of the cannabis business shall comply with all local signage laws applicable to the licensed premises, including Chapters 17.251 and 17.254 of this code. Signage may not be designed to appeal to children, or contain any false or misleading statements, or make any misrepresentations.

23.92.090 Limitations on City's liability.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any conditional use permit pursuant to this chapter or the operation of any cannabis business approved for such permit pursuant to this chapter.

23.92.100 Inspections.

A. Recordings made by security cameras at any cannabis business shall be made immediately available to the planning director or designee upon verbal request for the purposes of determining compliance with this chapter and the cannabis business' conditional use permit.

B. The planning director or designee shall have the right to enter all cannabis businesses from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter and the cannabis business' conditional use permit. Such inspections shall be limited to observing the premises for purposes of determining whether the cannabis business is being operated or maintained in compliance with this code, state law, and other applicable laws and regulations.

C. Applicants and permittees must cooperate with employees and investigators of the city who are conducting inspections or investigations relevant to the enforcement of this chapter. No applicant or permittee shall by any means interfere with, obstruct or impede the any city official from exercising their duties under the provisions of this chapter and all rules promulgated pursuant to it.

23.92.110 Enforcement.

The operation of a cannabis business in violation of any conditions of approval or the provisions of this chapter or Section 23.70.080(a) is a violation of this code, and a public nuisance. The city may seek to remedy such violations by any means provided for in law or equity, including but not limited to the enforcement mechanisms and remedies provided for in Chapters 1.16 and 1.19 of this code, or take action to revoke the conditional use permit.

Revocation may be effected by the planning commission after a public hearing to which the operator has had 10 days' notice by certified mail, and in which the planning commission finds that the cannabis business has not complied with one or more use permit conditions or requirements of this chapter. In the event that service by certified mail is not effected, service may be by personal service on an owner, or if personal service is not effected, the property shall be posted with a notice of the hearing, and a copy of the notice shall be published in an official newspaper of this city.

SECTION 5. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 6. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 7. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS ___day of _____, 2023, by the following vote:

AYES:
NOES:

ABSENT:

APPROVED

_____
BILL PEAKE, Mayor

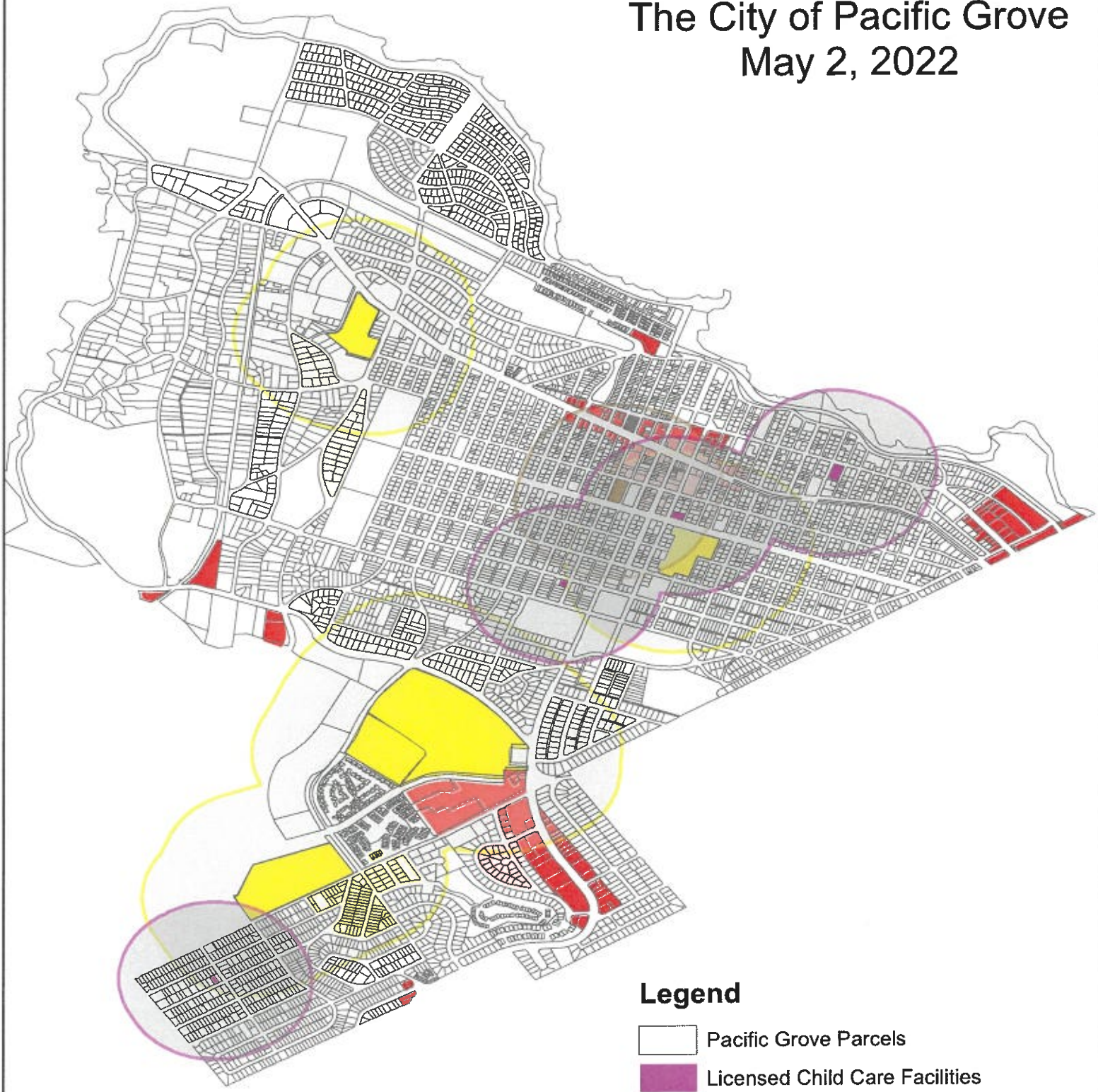
ATTEST:
DATED:_____

_____
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

_____
BRIAN A. PIERIK, City Attorney

Cannabis Map
The City of Pacific Grove
May 2, 2022



Legend

- Pacific Grove Parcels
- Licensed Child Care Facilities
- Licensed Child Care Facility Buffer 1000'
- Pacific Grove Youth Center
- Pacific Grove Youth Center 1000' Buffer
- Pacific Grove Schools
- Pacific Grove Schools Buffer 1000'
- Commercial Zone

0 1,200 Feet

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RESOLUTION NO. 22-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AUTHORIZING AN ADVISORY MEASURE TO BE PLACED ON THE BALLOT FOR THE CITY OF PACIFIC GROVE, ORDERING AN ELECTION, REQUESTING CONSOLIDATION OF THE ELECTION WITH THE GENERAL AND STATEWIDE CONSOLIDATED ELECTION TO BE HELD ON NOVEMBER 8, 2022

WHEREAS, Proposition 64 of 2016, approved by California voters in November 2016, legalized adult recreational use of cannabis; and

WHEREAS, Pacific Grove Municipal Code (PGMC or Code) Chapter 11.100, enacted in 2017, prohibits cannabis activities and makes it unlawful for any person to sell cannabis or cannabis products within city limits; and

WHEREAS, PGMC section 11.100.040 also prohibits sale or provision of medicinal cannabis within city limits; and

WHEREAS, This Resolution shall place a non-binding advisory ballot measure before Pacific Grove voters at the November 8, 2022, election to determine if there is support or opposition for the City Council to amend the PGMC to create a licensing process that would allow cannabis retail sales at a single licensed and regulated commercial cannabis establishment; and

WHEREAS, The ballot measure referenced in this Resolution shall have no independent force or effect, and shall not require the City Council to take action or withhold action based on the results of the election; and

WHEREAS, This Resolution is exempt from the CEQA, Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378, 15061).

WHEREAS, pursuant to Elections Code Section 10002, the governing body of the City of Pacific Grove requests the Board of Supervisors of Monterey County to permit Monterey County Elections to provide any and all services necessary for conducting an election on November 8, 2022, for purposes of placing a ballot measure before the electorate; and

WHEREAS, pursuant to Elections Code Section 10002, Monterey County Elections shall supply the elections official with a list of its precincts, or consolidated precincts, as applicable; and

WHEREAS, pursuant to Elections Code Section 10002 the City shall reimburse the county in full for the services performed upon presentation of a bill; and

WHEREAS, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices, and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election;

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, except as otherwise recited in this resolution, the election shall be held and conducted as provided by the law for holding elections.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AND ORDER that the Whereas provisions set forth above are an integral part of this Resolution and are adopted as if set forth in their entirety.

BE IT FURTHER RESOLVED AND ORDERED the governing body of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held on **November 8, 2022** insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10400, 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Elections Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County Elections Department shall conduct the election to be held on November 8, 2022 and submit to the electorate the following question:

ADVISORY MEASURE ( )

Should the Pacific Grove City Council be authorized to amend the Municipal Code to allow retail sales of medical or recreational cannabis, limited to one single

location within the City, at a location no closer than 1000 feet from any existing licensed Daycare/Preschools, Youth Center, and Schools, to engage in commercial cannabis activities?

Yes ( )
No ( )

BE IT FURTHER RESOLVED AND ORDERED that the City Council directs the City Clerk to take all actions necessary to submit the measure to the Registrar of Voters for placement on the November 8, 2022 ballot and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies regarding the conduct of that election.

BE IT FURTHER RESOLVED that the City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, in accordance with the California Elections Code. Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument shall be signed and filed with the City Clerk and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. on August 18, 2022. Authors of any argument in favor or in opposition may prepare and submit rebuttal arguments not exceeding 250 words, in the same manner as the direct arguments. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. on August 25, 2022.

BE IT FURTHER RESOLVED that in the interest of providing relevant information to the voters on the potential effect of the measure, the City Council requests that Exhibit A – a Cannabis Map dated July 20, 2022 be included in the voter guide as an example as of the date of the map where cannabis businesses could be allowed should the City Council implement the measure as authorized.

BE IT FURTHER RESOLVED that the City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. Submittal of the Impartial Analysis is to be delivered to the City Clerk no later than 12:00 p.m. on August 18, 2022.

BE IT FURTHER RESOLVED that that if any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

BE IT FURTHER RESOLVED THAT voter approval requirement is by majority vote of people of the City of Pacific Grove.

BE IT FURTHER RESOLVED that that this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pacific Grove on this 20TH day of July, 2022 by the following vote:

AYES: Mayor Peake, Councilmembers Coletti, McAdams, Poduri, Smith, and Tomlinson.
NOES: Mayor Pro Tem Amelio.
ABSENT: None.

APPROVED:

DocuSigned by:
Bill Peake
2E6F9DE48137414...
BILL PEAKE, Mayor

ATTEST:
DATED: 7/25/2022

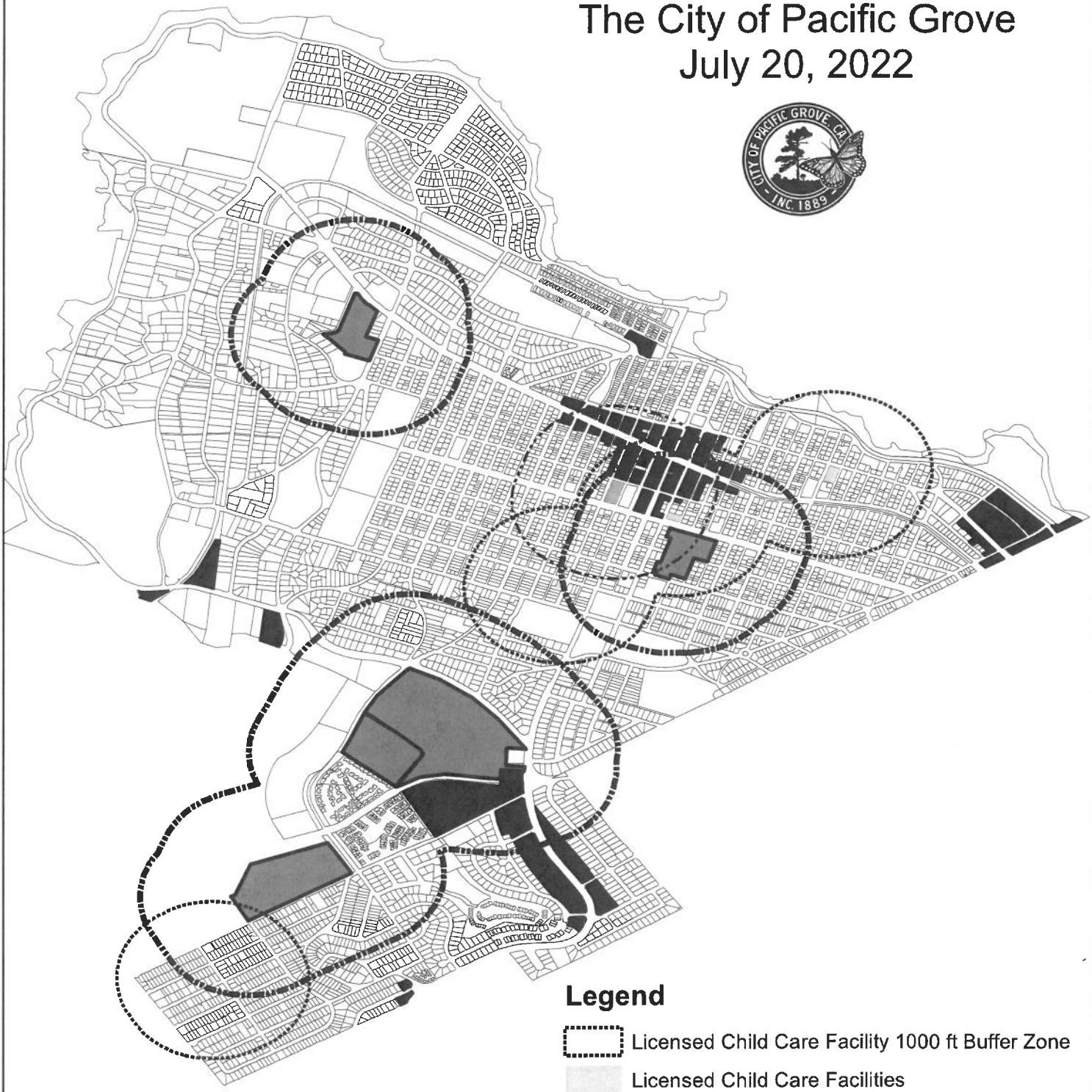
DocuSigned by:
Sandra Kandell
7882F89E4EDE420...
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DocuSigned by:
Brian Pierik
01871FB17BD8435...
BRIAN A. PIERIK, City Attorney

EXHIBIT A

Map of Cannabis Buffer Zones
The City of Pacific Grove
July 20, 2022



Legend

- Licensed Child Care Facility 1000 ft Buffer Zone
- Licensed Child Care Facilities
- Pacific Grove Youth Center 1000 ft Buffer Zone
- Pacific Grove Youth Center
- Pacific Grove Schools 1000 ft Buffer Zone
- Pacific Grove Schools
- Commercial Zone
- Pacific Grove Parcels

0 1,000 Feet

N W E S

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RESOLUTION NO. 22-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE SUBMITTING TO THE CITY VOTERS A BALLOT MEASURE TO ESTABLISH A BUSINESS TAX ON BUSINESSES WHICH SELL AND DELIVER CANNABIS AND CANNABIS PRODUCTS INCLUDING INDUSTRIAL HEMP AND HEMP PRODUCTS; ORDERING AN ELECTION, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION AND REQUESTING CONSOLIDATION OF THE ELECTION WITH THE GENERAL MUNICIPAL AND STATEWIDE CONSOLIDATED ELECTION TO BE HELD ON NOVEMBER 8, 2022

WHEREAS, Sections 37101 and 37100.5 of the California Government Code authorize the City to levy a license tax, for revenue purposes, upon business transacted in the City; and

WHEREAS, as a result of recent voter-approved changes to state law and new state regulations being implemented, there has been a very strong interest by cannabis businesses to open in the City; and

WHEREAS, the California Industrial Hemp Farming Act, (Government Code Section 81600 et seq. and related regulations) authorize the commercial production of Industrial Hemp in California; and

WHEREAS, the City Council will consider enactment of a cannabis and hemp regulatory ordinance; and

WHEREAS, if cannabis and hemp businesses are authorized, they are likely to create demands upon City services, and the City's current tax system does not currently impose any taxes on retail and delivery cannabis businesses, aside from generally applicable municipal taxes; and

WHEREAS, the City Council desires to adopt a tax ordinance in order to impose the tax upon cannabis and hemp businesses, to be known as the "Cannabis Business Tax"; and

WHEREAS, proceeds of the Cannabis Business Tax will be used to offset demands on City service and to augment the City's General Fund; and

WHEREAS, the Cannabis Business Tax cannot be imposed without majority voter approval; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of the City of Pacific Grove requests the Board of Supervisors of Monterey County to permit Monterey County Elections to provide any and all services necessary for conducting an election on November 8, 2022, for purposes of placing a ballot measure before the electorate; and

WHEREAS, pursuant to Elections Code Section 10002, Monterey County Elections shall supply the elections official with a list of its precincts, or consolidated precincts, as applicable; and

WHEREAS, pursuant to Elections Code Section 10002 the City shall reimburse the county in full for the services performed upon presentation of a bill; and

WHEREAS, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices, and provide information as may be necessary or convenient to assure the orderly conduct of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election;

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, except as otherwise recited in this resolution, the election shall be held and conducted as provided by the law for holding elections.

WHEREAS, the City Council desires to submit a Cannabis Business Tax measure to the voters of the City at a General Municipal Election to be held on Tuesday, November 8, 2022, and to be consolidated with the general municipal election and the statewide election to be held on that date.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE RESOLVES AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. Proposal. The City Council hereby proposes that the voters adopt an ordinance (hereafter also referenced as "measure") establishing a Cannabis Business Tax. The proposed ordinance submitted to the voters is entitled "An Ordinance of the City of Pacific Grove, California Adding Chapter 7.14 (Cannabis Business Tax) to Title 7 of the Pacific Grove Municipal Code Establishing a Tax on Cannabis and Hemp Business Activities within the City." The full text of the ordinance is attached to this Resolution as Exhibit "A" and incorporated by reference. The full text of the proposed ordinance is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text shall be made available to the public and to any voter at the County Elections Department and the Pacific Grove City Clerk.

Section 3. Election. Pursuant to Article 8 and Elections Code Sections 10400, 10401, and 10403, the City Council of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held at the General Election for Tuesday November 8, 2022 (the "Election") insofar as said elections are to be held in the same territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey and orders and orders, pursuant to Section 9222 of the Elections Code, that the Cannabis Business Tax Ordinance be submitted to the voters at that election.

Section 4. Ballot Question. The question submitted by Section 4 of this Resolution shall appear on the ballot as follows:

To fund general municipal expenses such as police, fire, roads and recreation, and for unrestricted general fund purposes, shall an ordinance be adopted establishing a City excise tax on cannabis businesses (which includes hemp) at an annual rate not to exceed 6% of gross receipts for retail and delivery cannabis businesses, which is expected to generate an estimated $300,000 annually and will be levied until repealed by the voters?	**YES**	
	NO	

Section 5. Publication of Measure. The City Clerk is directed to publish a synopsis of the measure at least one time not later than one week before the election in accordance with Section 12111 of the Elections Code.

Section 6. Approval. Under Article XIII C of the Constitution, the vote requirement for this measure to pass shall be a majority of those casting ballots on the measure (50% plus 1).

Section 7. Consolidation. Pursuant to Section 10400 et seq. of the Elections Code, the governing body of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections to be held, and the Board of Supervisors of Monterey County and requests to consolidate the Election with the General Municipal Election and Statewide Election to be held on November 8, 2022. The City Clerk and the County Registrar of Voters are authorized to print such forms, publish such notices, and provide such information as may be necessary or convenient to assure the orderly holding of the election,

and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

Section 8. California Environmental Quality Act. The City Council hereby finds and determines that this resolution is exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. ("CEQA") and 14 Cal. Code Re. Sections 15000 et seq. ("CEQA Guidelines"). The calling and noticing of an election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines 15378. The tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions.

As such, under CEQA Guidelines Section 15378 (b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue generated by the tax were used for a purpose that would have such an effect, the City of Pacific Grove would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guideline Section 15060 CEQA analysis is not required.

Section 9. Canvass. The Board of Supervisors is authorized to canvass the returns of the Election pursuant to Section 10411 of the Elections Code.

Section 10. Conduct of Election. Pursuant to Section 10002 of the Elections Code, the Board of Supervisors is requested to permit the County Elections Department to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the City agrees to reimburse the County, in accordance with current County pro-rations and allocation procedures.

Section 11. Filing with County. The City Clerk shall file a certified copy of this Resolution with the County Elections Department.

Section 12. Analysis and Argument. Pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis of the measure that shall exceed 500 word no later than 12:00 p.m. on August 18, 2022. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. The last day to submit arguments for or against the proposed measure shall be August 18, 2022. Submittals are to be delivered to the City Clerk no later than 12:00 p.m. Rebuttal arguments shall be permitted pursuant to applicable law. The last day to submit rebuttal arguments to the City Clerk shall be August 25, 2022. Submittals are to be delivered to the City Clerk no later than 12:00 p.m.

Section 13. Implementation. The City Clerk and City Manager are authorized to take all actions as necessary to effectuate the purposes of this resolution and the election. The City Manager is authorized to execute all documents and to perform all other necessary acts to enter into a service agreement for the provision of election services with Monterey

County Registrar of Voters. The City Clerk and City Attorney are authorized to make any typographical, clerical, and non-substantive corrections to this resolution as may be deemed necessary by the Monterey Elections Department.

Section 14. Declaration. The City Council shall meet to declare the results of the election called for by this Resolution at their regular meeting following certification of election results.

Section 15. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Council of the City of Pacific Grove on this 20th day of July, 2022, by the following vote:

AYES: Mayor Peake, Councilmembers Coletti, McAdams, Poduri, Smith, and Tomlinson.
NOES: Mayor Pro Tem Amelio.
ABSENT: None.

APPROVED:

DocuSigned by:
Bill Peake
2E6F9DE48137414...
BILL PEAKE, Mayor

ATTEST:
DATED: 7/25/2022

DocuSigned by:
Sandra Kandell
7882F89F4EDE420...
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DocuSigned by:
Brian Pierik
01871FB17BD8435...
BRIAN A. PIERIK, City Attorney

EXHIBIT A

DocuSign Envelope ID: 925ECA93-5753-45C9-BE7D-C8C795AE93B7

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PACIFIC GROVE, CALIFORNIA ADDING CHAPTER 7 (CANNABIS BUSINESS TAX) TO TITLE 7, OF THE PACIFIC GROVE MUNICIPAL CODE ESTABLISHING A TAX ON CANNABIS BUSINESS ACTIVITIES WITHIN THE CITY

THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT. Chapter 7.14 is added to Title 7, of the Pacific Grove City Municipal Code to read as follows:

CHAPTER 7.14
CANNABIS BUSINESS TAX

7.14.010 Title.
7.14.020 Authority and purpose.
7.14.030 Intent.
7.14.040 Definitions.
7.14.050 Tax imposed.
7.14.060 Registration, reporting, and remittance of tax.
7.14.070 Payments and communications –timely remittance.
7.14.080 Payment – when taxes deemed delinquent.
7.14.090 Notice not required by City.
7.14.100 Penalties and interest.
7.14.110 Refunds and credits.
7.14.120 Refunds and procedures.
7.14.130 Personal cultivation not taxed.
7.14.140 Administration of the tax.
7.14.150 Appeal procedure.
7.14.160 Enforcement –action to collect.
7.14.170 Apportionment.
7.14.180 Constitutionality and legality.
7.14.190 Audit and examination of premises and records.
7.14.200 Other licenses, permits, taxes or charges.
7.14.210 Payment of tax does not authorize unlawful business.
7.14.220 Deficiency determinations.
7.14.230 Failure to report – nonpayment, fraud.
7.14.240 Tax assessment –notice requirements.
7.14.250 Tax assessment – hearing, application, and determination.
7.14.260 Relief from taxes-disaster relief.
7.14.270 Conviction for violation – taxes not waived.
7.14.280 Violation deemed misdemeanor.
7.14.290 Severability.
7.14.300 Remedies cumulative.

7.14.310 Amendment or modification.

7.14.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance. This ordinance shall be applicable in the City of Pacific Grove, California which shall be referred to herein as "City."

7.14.020 Authority and Purpose.

The purpose of this Ordinance is to adopt a tax, for revenue purposes, pursuant to Sections 7284, and 7284.4 of the Revenue and Taxation Code, upon cannabis businesses that engage in business in the City. The Cannabis Business Tax is levied based upon business gross receipts. It is not a sales and use tax, a tax upon income, or a tax upon real property and shall not be calculated or assessed as such. The Cannabis Business Tax shall not be separately identified or otherwise specifically assessed or charged to any member, customer, patient, or caretaker. The Cannabis Business Tax is a general tax enacted solely for general, governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's general fund and be available for any lawful City purpose.

7.14.030 Intent.

The intent of this Ordinance is to levy a tax on all cannabis retail businesses that operate in the City, regardless of whether such business would have been legal at the time this chapter was adopted. Nothing in this chapter shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

7.14.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this chapter:

A. An "arm's length transaction" is a sale entered into in good faith and for valuable consideration at a sales price that reflects the fair market value in the open market between two informed and willing parties, neither under any compulsion to participate in the transaction.

B. "Business" shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

C. "Calendar year" means January 1 through December 31, of the same year.

D. "Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or

purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" shall not include "industrial hemp," unless otherwise specified.

E. "Cannabis product" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Cannabis product" also means cannabis products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medicinal cannabis products.

F. "Cannabis business" means any business activity involving cannabis or industrial hemp, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing, and wholesaling of cannabis, cannabis products, industrial hemp, industrial hemp products or of ancillary products and accessories, whether or not carried on for gain or profit.

G. "Cannabis business tax" means the tax due pursuant to this chapter for engaging in a cannabis business in the City.

H. "Commercial cannabis permit" means a permit, license, certificate, or other approval issued by the City to a person to authorize that person to operate a cannabis business or engage in business as a cannabis business within the City.

I. "Employee" means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager, or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

J. "Engaged in business as a cannabis business" means the commencing, conducting, operating, managing, or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise. A person shall be deemed engaged in business within the City if:

1. Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;

2. Such person or person's employee owns or leases real property within the City for business purposes;

3. Such person or person's employee maintains a stock of tangible personal property in the City for sale in the ordinary course of business;

4. Such person or person's employee conducts solicitation of business within the City; or

5. Such person or person's employee performs work or renders services in the City.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

K. "Evidence of doing business" means evidence such as, without limitation, use of signs, circulars, cards, or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City.

L. "Fiscal year" means July 1, through June 30, which is the period used by the City for financial reporting and budgeting.

M. "Gross Receipts," except as otherwise specifically provided, means, whether designated as a sales price, royalty, rent, membership fee, ATM service fee, delivery fee, slotting fee, any other fee, vaping room service charge, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, services and property of any kind or nature) received or payable for sales of goods, wares or merchandise, or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. In the event the business is involved in a "non-arms" length transaction the gross receipts will be subject to the fair market value using a methodology approved by the Tax Administrator. However, the following shall be excluded from Gross Receipts:

1. Cash discounts were allowed and taken on sales;

2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

5. Cash value of sales, trades or transactions between departments or units of the same business located in the City of Pacific Grove and if authorized by the Tax Administrator in writing in accordance with Section 7.14.140 (B);

6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected, they shall be included in the amount of gross receipts for the period when they are recovered;

7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded;

8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Tax Administrator with the names and the addresses of the others, and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees;

9. Retail sales of non-cannabis products, such as t-shirts, sweaters, hats, stickers, key chains, bags, books, posters, rolling papers, cannabis accessories such as pipes, pipe screens, vape pen batteries (without cannabis or industrial hemp) or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 7.14.140 shall not be subject to the cannabis business tax under this chapter. However, such transaction may be subject to Chapter 7.04 and Section 7.04.040.

10. Payments made by the tax-reporting cannabis business (Seller) to a cannabis business (Buyer) for the difference in the original acquisition price and subsequent renegotiated or finalized selling price of products or services sold to a specific end customer. This type of transaction is referred to as a "Billback". The tax-reporting cannabis business must provide supporting documentation to substantiate the transaction in order to be eligible for an exemption.

11. Any business which sells industrial hemp and/or hemp products or offers services or activities related to industrial hemp or hemp products and /or which is not required to obtain a cannabis or industrial hemp permit or license from the City or the State for the purpose of cultivating, growing, drying, curing, manufacturing, processing, packaging, transporting, distributing, testing or selling of industrial hemp either wholesale or retail shall be exempt from the cannabis tax provided that such business does not generate more than 50% of their total gross receipts in the reporting period from the business from industrial hemp activities. However, the exemption may be amended by the City Council by resolution or ordinance pursuant to Section 7.14.050 (B) to increase or decrease the percentage of the business's hemp and/or hemp products gross receipts reporting from zero to one hundred percent. To the extent the gross receipts from the hemp activities do not meet the relevant percentage to be included, this exclusion shall reduce the gross receipts to zero for the sole purpose of calculating the cannabis tax.

N. "Industrial hemp" means a crop that is limited to types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced therefrom. However, should the federal or state legislative body increase or decrease the percentage of tetrahydrocannabinol (THC) then this new limit shall be applicable to the tax unless modified by resolution or ordinance of the City Council pursuant to Section 7.14.310.

O. "Industrial hemp products" means any raw hemp that has undergone a process

whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. "Hemp product" also means hemp products as defined by Section 11018.5 of the California Health and Safety Code.

P. "Medicinal cannabis" or "medicinal cannabis product" means cannabis or a cannabis product, intended to be sold or sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, for a medicinal cannabis patient in California who possesses a physician's recommendation, or a cannabis card issued pursuant to Health and Safety Code Section 11362.71.

Q. A "non-arm's length transaction" is a transaction that does not meet the definition of an "arm's length transaction." In other words, the transaction is not a sale entered into in good faith and that reflects fair market value in the open market. One example of a non-arm's length transaction would be when a cultivator sells cannabis goods to a cannabis distributor at a sales price that is lower than what the same cultivator would to other cannabis distributors, or which does not reflect the fair market value in the open market.

R. "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

S. "Retailer" means a person as defined in Section 7.14.040 (R) who sells cannabis, cannabis products, hemp and/or hemp products at their place of business or by delivery to an end user or customer for use or consumption rather than to another person or business for resale.

T. "Sale" "Sell" and "to sell" means and includes any sale, exchange, or barter either as a retailer or wholesaler by a person as defined by Section 7.14.040 (R) . It shall also mean any transaction whereby, for any consideration, title to cannabis, cannabis products, industrial hemp and/or industrial hemp products are transferred from one person to another and includes the delivery of cannabis, cannabis products, industrial hemp and/or industrial hemp products pursuant to an order placed for the purchase of the same, but does not include the return of cannabis, cannabis products, industrial hemp and/or industrial hemp products to the licensee from whom the cannabis, cannabis product, industrial hemp and/or industrial hemp product was purchased.

U. "State" means the State of California.

V. "State license," "license," or "registration" means a state license issued pursuant to California Business & Professions Code Section 26050, and all other applicable state laws, required for operating a cannabis business.

W. "Tax Administrator" means the City Manager of the City of Pacific Grove or his/her designee(s).

7.14.050 Tax Imposed.

A. Beginning January 1, 2023, there is imposed upon each person who is engaged in

business as a cannabis business a cannabis business tax. Such tax is payable regardless of whether the person has been issued a commercial cannabis business license, permit, or certificate to operate lawfully in the City or is operating unlawfully. The City's acceptance of a cannabis business tax payment from a cannabis business operating illegally shall not constitute the City's approval or consent to such illegal operations.

B. The City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax, including the initial rate of the cannabis business tax. The City Council may, by resolution or ordinance, increase or decrease the rate of the cannabis business tax on hemp or hemp products, including the initial rate of the tax on hemp or hemp products independent of other cannabis activities. Notwithstanding the foregoing, in no event shall the City Council repeal this tax or set any adjusted rate that exceeds the maximum rates calculated pursuant to this chapter.

C. The maximum rate of the cannabis business tax shall be calculated as follows:

1. For every person engaged in retail sales of cannabis, cannabis products, industrial hemp, and/or industrial hemp products, including as a retailer (dispensary) or non-storefront retailer (retail delivery business), or microbusiness, the person shall be subject to the maximum tax rate not to exceed six percent (6%) of gross receipts.

D. Persons subject to the cannabis business tax shall register with the City and if applicable pay the registration fee adopted by resolution or ordinance by the City Council.

7.14.060 Registration, reporting and remittance of tax.

A. Registration of Cannabis Business. All cannabis businesses shall be required to annually register as follows:

1. All persons engaging in business as a cannabis business, whether an existing, newly established or acquired business shall register with the Tax Administrator within thirty (30) calendar days of commencing operation and shall annually renew such registration within 30 calendar days of the business registration anniversary date of each year thereafter. In registering, such persons shall furnish to the Tax Administrator a sworn statement, upon a form prescribed by the Tax Administrator, setting forth the following information:

i. The name of the business

ii. The names and addresses of each owner

iii. The exact nature or kind of business;

iv. The place where such business is to be carried on; and

v. Any additional information which the Tax Administrator may require.

B. An annual registration fee in accordance with the current and approved City fee schedule shall be presented with the sworn statement submitted under this chapter and may be adjusted annually by resolution or ordinance of the City Council.

C. The cannabis business tax imposed by this chapter shall be paid, in arrears, on a monthly basis. Each person owing a cannabis business tax shall on or before the last day of the month following the close of each month file with the Tax Administrator a statement ("tax statement") of the tax owed for that calendar month and the basis for calculating that tax. The Tax Administrator may require that the tax statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar month shall be due and payable on the same date that the tax statement is due.

D. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar months up through the calendar month during which cessation occurred.

E. In the event that there is a change in ownership of any cannabis business:

a. The new owner is required to submit an updated registration form to the Tax Administrator;

b. The new owner is subject to an audit by the Tax Administrator; and

c. Unless otherwise provided by law, it is the joint and several liability of both the seller and buyer to remit any taxes, interest, penalties, and fees due up until the date of sale; otherwise, enforcement action may be taken pursuant to Section 7.14.160 of this chapter against both the seller and/or buyer in an amount to be determined by the Tax Administrator.

F. The Tax Administrator may, at his or her discretion, establish alternative reporting and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure effective collection of the cannabis business tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar month, be made by a taxpayer at the beginning of that calendar month. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar month. The Tax Administrator may require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.

7.14.070 Payments and communications – timely remittance.

Whenever any payment, statement, report, request, or other communication is due, it must be received by the Tax Administrator on or before the due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

7.14.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this chapter, the taxes required to be paid pursuant to this chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 7.14.060 and 7.14.070.

7.14.090 Notice not required by the City.

The City may as a courtesy send a tax notice to the cannabis business which owes the City a cannabis business tax. However, the Tax Administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this chapter.

7.14.100 Penalties and interest.

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1%) per month.

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1%) per month on the unpaid tax and on the unpaid penalties.

3. Interest shall be applied at the rate of one percent (1%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties, and interest as provided for in this chapter, and any other amount allowed under state law.

C. The Tax Administrator may waive the penalties imposed upon any person under this Section 7.14.100 if:

1. The person requests a waiver of penalties by submitting a written request for waiver to the Tax Administrator no later than June 30 of the second fiscal year following the fiscal year in which the tax became delinquent; and

2. The person provides evidence satisfactory to the Tax Administrator that the failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and in the absence of willful

neglect; and the person paid the delinquent taxes, penalties, accrued interest, and fees owed prior to applying to the Tax Administrator for a waiver.

D. The waiver provisions specified in Section 7.14.100 (C) shall not apply to interest accrued on the delinquent taxes and a waiver shall be granted only once during any twenty-four month period. The Tax Administrator's decision on a request for a waiver of penalties is final and conclusive and not subject to appeal under Section 7.14.150.

7.14.110 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this chapter, except as provided in Section 7.14.120.

B. No refund of any tax collected pursuant to this chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

7.14.120 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund signed under the penalty of perjury is filed with the Tax Administrator within one (1) year of the date the tax was originally due or paid, whichever came first. A person may only file a claim for refund if the person paid the tax. No person shall be entitled to a refund unless the person can support the claim by written records sufficient to show entitlement thereto. The Tax Administrator's decision on a claim for refund is final and conclusive and not subject to appeal under Section 7.14.150.

B. The Tax Administrator, his or her designee which may include a third party, or any other City officer charged with the administration of this chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after requested by the Tax Administrator to do so. The Tax Administrator may collect a fee adopted by resolution by the City Council to pay for the cost of examination and audit should the books and records be provided in a form insufficient to allow the Tax Administrator to make a determination on the claim for refund.

C. In the event that the cannabis business tax was erroneously paid in an amount in excess of the tax due, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid; provided that (i) a claim for refund has been timely filed with the Tax Administrator; and (ii) the refund cannot exceed, under any circumstance, the amount of tax overpaid during the twelve months preceding the last month for which the claim states the tax was overpaid.

7.14.130 Personal Cultivation Not Taxed.

The provisions of this chapter shall not apply to personal cannabis cultivation or personal use of cannabis, to the extent those activities are authorized in the "Medicinal and Adult Use

Cannabis Regulation and Safety Act," as may be amended. This chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and provided that the individual receives no compensation whatsoever related to that personal cultivation or use.

7.14.140 Administration of the tax.

A. It shall be the duty of the Tax Administrator to collect the taxes, interest, penalties, fees, and perform the duties required by this chapter.

B. For purposes of administration and enforcement of this chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the cannabis business tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;

2. Provide information to any taxpayer concerning the provisions of this chapter;

3. Receive and record all taxes remitted to the City as provided in this chapter;

4. Maintain records of taxpayer reports and taxes collected pursuant to this chapter;

5. Assess penalties and interest to taxpayers pursuant to this chapter;

6. Determine amounts owed under and enforce collection pursuant to this chapter.

7.14.150 Appeal procedure.

A taxpayer aggrieved by a decision of the Tax Administrator with respect to the amount of tax, interest, penalties, and fees, if any, due under this chapter may appeal only if a hearing was requested and attended pursuant to Section 7.14.250. An appeal may be made by filing a notice of appeal with the City Clerk within fifteen (15) calendar days of the serving or mailing of the Tax Administrator's decision of the amount due. Upon receipt of a timely notice of appeal, the City Clerk, or his or her designee, shall fix a time and place for hearing such appeal with an Administrative Hearing Officer selected pursuant to PGMC Chapter 1.19.110. The appeal shall be deemed a request for hearing on an administrative citation. An appeal fee shall be paid in advance as determined by the Master Fee Schedule. The City Clerk, or his or her designee, shall give at least ten (10) calendar days' notice of the appeal hearing in writing to such taxpayer at the last known place of address. The Administrative Hearing Officer shall render a written decision that shall be served on the taxpayer at the last known place of address. The decision of the Administrative Hearing Officer shall be final and conclusive. Any amount found to be due by the Administrative Hearing Officer shall be immediately due and payable upon the service of the decision. If no notice of appeal is filed within the time prescribed in this Section, the Tax

Administrator's decision with respect to the amount of tax, interest, penalties, and fees due is final and conclusive.

7.14.160 Enforcement - action to collect.

A. Any taxes, interest, penalties, and/or fees required to be paid under the provisions of this chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this chapter shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, interest, penalties, and/or fees imposed by this chapter or the failure to comply with any of the provisions of this chapter.

7.14.170 Apportionment.

If a person subject to the tax is operating both within the City and outside the City, it is the intent of the City to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

7.14.180 Constitutionality and legality. This tax is intended to be applied in a manner consistent with the United States and California Constitutions and state law. None of the tax provided for by this chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or state law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

7.14.190 Audit and examination of premises and records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of his or her tax calculation, the Tax Administrator or his/her designees which may include a third party shall have the power to inspect any location where commercial cannabis activity occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, access to METRC data, and/or point-of-sale data, state and/or federal income tax returns, excise tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the Tax Administrator, or his/her designees which may include a third party shall have the power to inspect any equipment or software, such as computers, software systems, platforms, and databases (including METRC), and/or point of sale systems, to include any keys or access codes for access to and use of the equipment and/or software, that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this chapter to keep and preserve, for a period of at least three (3) years, all

records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee which may include a third party shall have the right to inspect at all reasonable times.

7.14.200 Other licenses, permits, taxes, fees, or charges.

A. Nothing contained in this chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any commercial cannabis permit, City license, permit, or other certificate required by, under or by virtue of any provision of any other Chapter of this code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required under any other Chapter of this code or any other ordinance or resolution of the City. Any references made or contained in any other Chapter of this code to any licenses, permits, certificates, taxes, fees, or charges, or to any schedule of license, permit, certificate, or fees, shall be deemed to refer to the licenses, permits or certificates, and their respective taxes, fees or charges, or schedule of fees, provided for in other Chapters of this code.

B. A commercial cannabis permit issued under the Pacific Grove Municipal Code may be revoked, suspended or not renewed in the event that the business holding that permit has failed to (i) make a deposit required by the Tax Administrator pursuant to Section 7.14.60 or (ii) timely pay all taxes, interest and penalties owed by that business under this chapter.

7.14.210 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this chapter, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this code and all other applicable state laws.

B. No tax paid under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

7.14.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a cannabis business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such cannabis business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Sections 7.14.240 and 7.14.250.

7.14.230 Failure to report—nonpayment, fraud.

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this chapter;

2. If the person has not paid the tax due under the provisions of this chapter;

3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this chapter; or

4. If the Tax Administrator determines that the nonpayment of any cannabis business tax due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise payable under this chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable provision of this chapter and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment. The notice shall state that the person has thirty (30) calendar days from the date of the notice to make a written request for an informal hearing before the Tax Administrator. The notice shall also state that if the person fails to timely request an informal hearing within the time allowed, the amount determined by the Tax Administrator is final and conclusive and is immediately due and payable.

7.14.240 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, by overnight delivery by a nationally-recognized courier service, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purpose of Section 7.14.240, a service by overnight delivery shall be deemed to have occurred one (1) calendar day following deposit with a courier and service by mail shall be deemed to have occurred three (3) days following deposit in the United States mail.

7.14.250 Tax assessment - hearing, application, and determination.

Within thirty (30) calendar days after the date of service of the notice of assessment the person may apply in writing to the Tax Administrator for an informal hearing on the assessment. If application for an informal hearing is not made within the time herein prescribed, the tax

assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) calendar days of the receipt of any such application for an informal hearing, the Tax Administrator shall cause the matter to be set for an informal hearing before him or her, or his/her designee, no later than thirty (30) calendar days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the informal hearing. Notice of such informal hearing shall be given by the Tax Administrator to the person requesting such informal hearing no later than five (5) calendar days prior to such informal hearing. A hearing under this section shall be informal and need not follow any formal rules of evidence. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. After such hearing the Tax Administrator shall determine and reassess (if necessary) the proper amount of tax, interest, penalties, and fees to be charged and shall give written notice of the decision to the person in the manner prescribed in Section 7.14.240 for giving notice of assessment. No appeal of a notice of assessment may be made under Section 7.14.150 unless an informal hearing is timely requested, and the person attends the hearing. If the person fails to appear at the informal hearing, the amount due determined by the Tax Administrator in the notice of assessment is final and conclusive.

7.14.260 Relief from taxes – disaster relief.

A. If a person is unable to comply with any tax requirement imposed under this chapter due to a disaster impacting its cannabis business, the person may notify the Tax Administrator of its inability to comply and request relief from the tax requirement. For purposes of this chapter, "disaster" means fire, flood, storm, tidal wave, earthquake, or similar public calamity resulting in physical damage to real property, whether or not resulting from natural causes.

B. The person shall provide any information required by the Tax Administrator including, without limitation, why relief is requested, the time period for which the relief is requested, and the reason relief is needed for the specific amount of time. The person agrees to grant the Tax Administrator or his/her designee access to the location where the cannabis business has been impacted due to a disaster.

C. The Tax Administrator, in his/her sole discretion, may provide relief from the cannabis business tax requirement for businesses whose operations have been impacted by a disaster if such tax relief does not exceed ten thousand ($10,000) dollars. Such temporary relief may be granted for a reasonable amount of time, in the Tax Administrator's sole discretion, and the amount and duration of relief should be based upon how long it would reasonably take for the cannabis business to recover from the disaster. The Tax Administrator may require that the cannabis business follow certain conditions to receive temporary relief from the cannabis business tax requirement. The Tax Administrator's decision on a request for relief and the conditions that may be imposed for relief under this section are final and conclusive and not subject to appeal under Section 7.14.150.

7.14.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this chapter or of any state law requiring the payment of all taxes.

7.14.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. Any violation of the provisions of this chapter is unlawful and may be enforced pursuant to Chapter 1.16 PGMC.

7.14.290 Severability.

If any provision of this chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

7.14.300 Remedies cumulative.

All remedies and penalties prescribed by this chapter, or which are available under any other provision of this code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

7.14.310 Amendment or modification.

Except as set forth in Section 7.14.310, this chapter may be amended or modified but not repealed by the City Council without a vote of the people. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would expand, extend, or increase the rate of any tax levied pursuant to this chapter beyond the maximums set forth in this chapter. The people of the City of Pacific Grove affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that allowed by this chapter, in those circumstances where, among others, the City Council has previously acted to reduce the rate of the tax or is incrementally implementing an increase authorized by this chapter;

B. An action that interprets or clarifies (i) the methodology of applying or calculating the tax or (ii) any definition applicable to the tax, so long as the interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the provisions of this chapter; or

C. The collection of the tax imposed by this chapter even if the City had, for some period of time, failed to collect the tax.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The people of the City of Pacific Grove hereby declare that they would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 3. ENVIRONMENTAL COMPLIANCE. The City Council hereby finds and determines that this resolution or ordinance is exempt from the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. ("CEQA") and 14 Cal. Code Re. Sections 15000 et seq. ("CEQA Guidelines"). The calling and noticing of an election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines 15378. The tax submitted to the voters is a general tax that can be used for any governmental purpose; it is not a commitment to any particular action or actions.

As such, under CEQA Guidelines Section 15378 (b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue generated by the tax were used for a purpose that would have such an effect, the City of Pacific Grove would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guideline Section 15060 CEQA analysis is not required.

SECTION 4. EFFECTIVE DATE. Pursuant to the California Constitution, Article XIIIC(2)(b) and California Elections Code § 9217, if a majority of the voters voting in the election on this measure vote in favor of the adoption of this measure, this ordinance shall be deemed valid and binding and shall be considered adopted upon the date that the vote is declared by the City Council and shall go into effect ten (10) days after that date.

This Ordinance was approved and adopted by the People of the City of Pacific Grove at the City's November 8, 2022 statewide election.

This Ordinance was approved by Declaration of the vote by the City Council of Pacific Grove on _____.

_____
BILL PEAKE, Mayor

ATTEST:
DATED:_____

_____
SANDRA KANDELL, City Clerk

DocuSign Envelope ID: 925ECA93-5753-45C9-BE7D-C8C795AE93B7

APPROVED AS TO FORM:

_____

BRIAN PIERIK, City Attorney

DRAFT

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Mayor and Members of the City Council
FROM:	Leticia Livian, Human Resources Director
MEETING DATE:	September 06, 2023
SUBJECT:	Memorandum of Understanding between the City of Pacific Grove and the General Employees Association (GEA)
CEQA:	Does not constitute a "Project" per California Environmental Quality Act Guidelines Section 15378

RECOMMENDATION

Approve a resolution approving the Memorandum of Understanding between the City of Pacific Grove and the General Employees Association to cover the period of July 1, 2023, through June 30, 2026.

DISCUSSION

The City and General Employees Association (GEA) have been negotiating a successor to the Memorandum of Understanding (MOU) that expired in June 2023.

The attached resolution implements the tentative agreement reached with GEA. GEA's membership authorized this agreement. Below are key items that have been negotiated:

- Multi-year agreement, term ending June 30, 2026
- Cost of Living Adjustments (COLA)
  - 3% COLA effective 8/20/2023
  - 3% COLA effective the first full pay period of July 2024
  - 3% COLA effective the first full pay period of July 2025

  The annual costs for each COLA are projected to be approximately $125,000, $129,000, and $133,000. While the annual costs for the first year is listed as $125,000, the actual impact to the Fiscal Year 23/24 Budget is estimated to be approximately $23,000. This is primarily due to the City incorporating an estimated 2% COLA into the Fiscal Year 23/24 Budget; and an effective COLA implementation date of August 20, 2023.

- Increase to Employer Health Contributions
  - Employee plus a dependent, from $1,300 monthly to $1,400 monthly
  - Employee plus two or more dependents, from $1,600 monthly to $1,825 monthly
  - $25 increase in 2024 for employee plus one dependent ($1,425) and $50 increase for employee plus two dependents or more ($1,875)
  - $25 increase in 2025 for employee plus one dependent ($1,450) and $50 increase for employee plus two dependents or more ($1,925)

- $25 increase in 2026 for employee plus one dependent ($1,475) and $50 increase for employee plus two dependents or more ($1,975)
- Health benefit re-opener (meet and confer) if premiums increase on average 15% or more for CalPERS Region 1

The annual cost of health care increase in the first year is estimated to be $16,800, with increases of approximately $4,500 in the remaining years.

- Paid Time Off (PTO) and Holidays
  - Eliminate PTO tiering for those hired after July 1, 2015
  - Eliminate Holiday tiering for those hired after July 1, 2015

- Deferred Compensation
  - Employer match of up to $50 monthly for participating employees

The annual costs could vary dependent upon employee participation, however they are not anticipated to exceed $30,000.

- Bilingual Pay
  - $200 monthly for Spanish/English bilingual pay for those who qualify

- Employee Fitness Program
  - Redesign to a fitness reimbursement program for up to $300 reimbursement for fitness memberships to gyms, fitness classes, or similar

- Employee Contribution to the CalPERS Employer Share
  - Employees continue to pay 5% of the CalPERS employer share for a total of 12% CalPERS employee contribution (7% employee share and 5% employer share)

The amount of Bilingual Pay and participation in the Employee Fitness Program may vary; however it is anticipated not to exceed $15,000 annually.

The negotiations were fully collaborative and were based on shared interests of the GEA employees, and the City. This is a continuation of the GEA's ongoing approach to seek what is best for its members, and to do so in the larger context of what is best for the City as a whole.

Approval of the attached resolution confers authority upon the City Manager Pro Tem to take all steps necessary to implement this MOU, and authorizes budget adjustments if necessary, to implement expenditures during FY 23/24, FY 24/25 and FY 25/26.

OPTIONS

Provide alternate direction to staff.

FINANCIAL IMPACT:

It is anticipated that the impact to the Fiscal Year 23/24 Budget will be approximately $80,000. This represents the amount of the projected first year increase, net of the 2% COLA that was incorporated into the original budget. If approved, a budget amendment will be prepared in October.

The increases to the remaining two years of the contract are estimated to be approximately $138,000 annually, which represent the increase in healthcare and the additional COLA's.

The increase in the annual unfunded liability payment for each 3% COLA is estimated to be approximately $22,350 (Approximately $69,000 for the combined three year contract period); however the City's budget will not be impacted for the first $22,350 amount until Fiscal Year 26/27. The projected increase in the unfunded liability payment may also change based on investment returns and CalPERS actuarial assumptions.

FOCUSED PRIORITY AREA: Not Applicable.

Attachments

Resolution

Proposed GEA MOU

RESOLUTION NO. 23 - _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE PACIFIC GROVE GENERAL EMPLOYEES ASSOCIATION.

FINDINGS

1. The City of Pacific Grove and the General Employees Association (GEA) have negotiated and have reached agreement on a successor Memorandum of Understanding amending the Memorandum of Understanding that governs wages, benefits, hours and working conditions General Employee Association members.

2. This action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment; and

RESOLUTION

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds each recital set forth above to be true and correct, and by this reference incorporates each as an integral part of this Resolution.

SECTION 2. The City Council approves the attached Memorandum of Understanding with the General Employees Association that covers the period July 1, 2023, through June 30, 2026.

SECTION 3. The City Manager is authorized to execute all documents and to perform all other necessary City acts to implement the Memorandum of Understanding.

SECTION 4. This resolution confers authority upon the City Manager to take all steps necessary to implement this MOU and authorizes budget adjustments if necessary to implement expenditures during FY 23/24, FY 24/25, and 25/26.

SECTION 5. This Resolution shall take effect immediately following its adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____

_____
BILL PEAKE
Mayor

ATTEST:

_____
SANDRA ANN KANDELL
City Clerk

APPROVED AS TO FORM:

_____
BRIAN PIERIK
City Attorney

CITY OF PACIFIC GROVE

General Employees Association
Memorandum of Understanding

July 1, 2023 – June 30, 2026

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Memorandum of Understanding Between
City of Pacific Grove and
General Employees' Association

July 1, 2023 – June 30, 2026

In accordance with State requirements, the City of Pacific Grove, through its negotiating team, and the Pacific Grove General Employees' Association, through its negotiating team, have met and conferred in good faith on matters within the scope of representation. As a result of these meetings, the parties make the following Memorandum of Understanding as required and subject to the conditions of Government Code Section 3503.1.

ARTICLE 1 ADMINISTRATIVE

1.1 Parties

This agreement is made and entered into between the City of Pacific Grove (herein called the "City") and the Pacific Grove General Employees' Association, (herein called the "Association").

1.2 Recognition

The City recognizes the Pacific Grove General Employees' Association as the exclusive representative of the employees in the General Unit. The City further recognizes the Pacific Grove General Employees' Union affiliation with UPEC 792, LIUNA AFL/CIO.

1.3 Unit Description

The General Unit consists of all regular full- time and 30-hour weekly employees of the City occupying positions in the following job classes (including classes denoted with *, which are not presently funded or listed on the salary schedule):

Accounting Assistant	Maintenance Supervisor
Accounting Assistant, Senior	Maintenance Technician/Safety Coordinator*
Administrative Analyst (formerly Administrative Technician)	Maintenance Worker
Animal Control Officer	Maintenance Worker, Senior
Arborist*	Office Assistant
Code Compliance Officer	Parking Enforcement Officer
Community Service Officer	Planner, Assistant
Engineering Technician*	Planner, Associate
Equipment Mechanic	Planner, Senior
Equipment Mechanic, Senior	Police Records Supervisor
IT Support Specialist	Police Service Technician
Library Assistant	Property & Evidence Technician
Library Assistant, Senior	Recreation Coordinator
Library Clerk	Recreation Program Supervisor
Library Technician*	Volunteer Coordinator

Classifications that align with GEA as determined by the City will be added to the Unit Description after 60 days of the classification becoming eligible.

1.4 Coverage

This Memorandum of Understanding applies only to full-time and 30-hour weekly positions in a classification represented by the Association only.

1.5 Duration and Scope of MOU

The MOU shall govern the period July 1, 2023, through June 30, 2026. It is understood that as to any terms not covered by this MOU. Section 4.20 of the Pacific Grove Municipal Code and Administrative Policy & Procedures Manual is applicable.

1.6. Nondiscrimination

The provisions of this Memorandum of Understanding shall be applied equally to all employees covered hereby without discrimination because of Association membership.

Employees may elect to exercise their right to join and participate in the activities of the Association for the purpose of representation in all matters of their working conditions and employer-employee relations.

1.7 Association Dues

Employees in classifications and positions recognized to be represented by the Association may authorize the City to deduct specified amounts for payment of dues to the Association. The City is not a party to any matters regarding the process and any other terms applicable to employee authorization or rescission of authorization for such deductions. Such matters are exclusively between the Association and affected employee(s) only.

The Association will maintain records of employee authorizations for such payroll deductions and will provide the City with a document identifying unit employees who have authorized payroll deductions and the amount that each employee has authorized the City to deduct. The City will rely upon the list of employees and the deduction amounts contained in the document provided by the Association, subject to the following terms:

Deduction of membership dues will cease starting with the next pay period following the effective date of promoting or demoting out of the association.

No payroll deductions shall be made under this Section during any pay period in which an employee's earnings, after all other deductions are made, are insufficient to cover the full amount authorized.

When an employee is in a non-pay status for an entire pay period, no deduction will be made to cover the pay period from future earnings.

In the case of an employee who is in a non-pay status during less than an entire pay period and whose earnings, after all other deductions are made, are insufficient to cover the full amount authorized under this Section, no deduction shall be made from future earnings to cover the pay period.

The City shall transmit to the Association, as soon as reasonably possible, the aggregate of such deductions, along with an itemized statement of the deductions taken. Dues deducted and paid to the Association in error shall be refunded to City upon presentation of proof of such error. The Association shall indemnify, defend, and hold the City harmless against any liability arising in any forum, whether judicial, administrative, or otherwise, from any claims, demands, or other action relating to the City's compliance with any obligations imposed under Section 1.7 including but not limited to payroll deductions made in reliance on information provided by the Association and the Association's use of monies collected under these provisions.

1.8 Release Time for Association Business

Up to three (3) designated Association representatives (in addition to the Association's business agent) shall be allowed, as long as there is no disruption in work, a reasonable amount of release time off without loss of pay for purposes of participating in meetings and conferring or meeting and consulting sessions with City representatives on matters within the scope of representation. Such Association representatives shall first obtain permission through the appropriate management channel before leaving the work or work location.

1.9 Contracting Out/Bidding

The City has the right to contract out bargaining unit services, however, when feasible, the City will perform cost analysis to meet the best interest of the City. In the event that the City exercises its right to contract out bargaining unit work, the City shall provide at least 60 days' notice to Association and an opportunity for the Association to meet and confer on the impacts and effects of this decision and comply with current law.

1.10 Safety

The City recognizes its obligation and is committed to providing a safe place of employment for its employees. To assist in accomplishing this goal, it is agreed that the City reserves the right to adopt reasonable City rules and regulations, which become effective when posted. City agrees to meet and discuss with the Association proposed changes prior to implementation.

The Association agrees that it is the duty of all employees to comply with all reasonable rules and regulations and to be alert to all unsafe places, equipment and conditions and to report any such unsafe practices or conditions to their immediate supervisor.

Association representatives shall have reasonable access to work locations of unit employees to inspect worksites to ensure a safe work place.

1.11 Safety Committee

The City shall convene a Safety Committee to discuss the provision of safety equipment appropriate to specific job classifications. The Safety Committee will include at minimum, one member of the GEA.

##########

ARTICLE 2 COMPENSATION

2.1 Salary

A. Effective August 20, 2023, 3% Cost of Living Adjustment (COLA). Two reads of a salary ordinance is required to change the salary schedule and is anticipated to be completed in October 2023. COLA will be retroactive to August 20, 2023.

B. 3% COLA effective the first full pay period in July of 2024.

C. 3% COLA effective the first full pay period in July of 2025.

2.1.1 Market Adjustments

The City will adjust the Recreation Coordinator classification to 95% of total compensation after new compensation increases are calculated into total compensation. The Bryce Consulting report (referenced above) will provide the base for the calculation of the new compensation (first year COLA, employer 2023 increase to health contributions, deferred comp match, bilingual pay and fitness reimbursement). Market adjustment effective retroactive to August 20, 2023, following completion of the salary ordinance process set forth in Section 2.1.A.

2.2 Certificate/Special Pay

Employees covered under this agreement that hold certain licenses and/or certificates may be eligible for a pay differential of 5% of base salary. Once an employee receives special pay under this section, it shall not cease unless and until the employee no longer maintains the license or certificate. The pay differential may be obtained as follows:

A. With the approval of the department manager and the City Manager, employees covered under this agreement that hold and maintain a license or certificate that is not required by the employee's job description, and is deemed by the approving authorities to provide significant benefit to the operation of the department, shall receive a 5% pay differential.

   The department manager, with the City Manager's approval, shall decide how many such licenses or certificates are necessary to the efficient operation of the department and shall use fair and appropriate procedures to make a selection among qualified candidates.

B. Employees assigned responsibility for back flow prevention and who possess a back-flow certificate shall receive a 5% pay differential.

C. Employees who are certified (40 hours of HAZWHOPPER level training) and required to perform HAZ MAT* duties shall receive a 5% pay differential.

D. Employees who are required to maintain a Class B driver license shall receive a 5% pay differential.

2.3 Shift Differential

Employees regularly assigned to work a shift between the hours of 7:00 p.m. and 7:00 a.m. shall receive a shift differential premium pay equal to 2.5% of the employee's base rate of pay.

2.4 Bilingual Pay

Effective with Council approval of this MOU, the City will offer bilingual pay at a rate of $200 per month for eligible employees. To be eligible, employees must take and pass the test for verbal Spanish as required by the City. Once eligibility is verified by Human Resources, bilingual pay will be provided starting with the next full pay period.

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ARTICLE 3 INSURANCE BENEFITS

3.1 Employee Health Plan Eligibility

Association employees shall be entitled to participate in the City-sponsored group health plans including medical, dental and vision as well as optional benefits.

Eligible employees enrolling in the group health plans within 60 days following their appointment will be covered subject to the contract limitation with the group health plan carrier. Coverage shall commence when the employee is eligible for coverage under CalPERS rules and the group health plan carriers' rules.

Human Resources will notify employees of annual open enrollment periods to change group health plans or enroll in additional benefits; unless the employee can certify a qualifying loss of coverage (an eligible spouse, domestic partner, or minor child requiring health coverage because of a court order; new children by birth or adoption, or placement of adoption; new family members due to marriage or domestic partnership registration; or those whose health plan was cancelled due to an involuntary loss of coverage).

A. Cash In Lieu
   Beginning January 2021, employees who are not currently grandfathered in the cash-in-lieu program may opt out of health (medical, dental and vision) during open enrollment and receive $250 per month taxable cash in lieu. Employees

who receive the cash-in-lieu, must provide proof of other coverage for medical (see 3.3).

3.2 City Paid Group Health Premiums

A. City shall pay the employer required statutory minimum contribution for employees enrolled in the PERS medical plans as required by the Public Employee Medical and Hospital Care Act (PEMHCA).

B. Health care premiums include medical, dental and vision.

C. For employees participating in all three group health plans: medical, dental and vision:

(1) Effective the first full pay period following City Council approval of the MOU, the City will contribute according to the below plan enrollment levels:

Plan Enrollment Level	Monthly Employer Contribution (amount excludes PEMHCA)
Employee Only	$950
Employee + 1 Dependent	$1,400
Employee + 2 or More Dependents	$1,825

(2) Effective the first pay period in 2024, the employer contribution will increase to the chart amounts below.

Plan Enrollment Level	Monthly Employer Contribution (amount excludes PEMHCA)
Employee Only	$950
Employee + 1 Dependent	$1,425
Employee + 2 or More Dependents	$1,875

(3) Effective the first pay period in 2025, the employer contribution will increase to the chart amounts below.

Plan Enrollment Level	Monthly Employer Contribution (amount excludes PEMHCA)
Employee Only	$950
Employee + 1 Dependent	$1,450
Employee + 2 or More Dependents	$1,925

(4) Effective the first pay period in 2026, the employer contribution will increase to the chart amounts below.

Plan Enrollment Level	Monthly Employer Contribution (amount excludes PEMHCA)
Employee Only	$950

Employee + 1 Dependent	$1,475
Employee + 2 or More Dependents	$1,975

D. Employee only enrollees participating in all three group health plans are eligible to receive the balance of their City health contributions, excluding PEMHCA) placed in a medical Flexible Spending Account (FSA) with a 10% administrative fee deducted annually.

D. Medical Premium Re-opener
Contract will be re-opened to meet and discuss medical premiums only, if premiums increase an average of 15% between all four eligible plans for CalPERS Region 1 (PERS Platinum, PERS Gold, Anthem HMO Select, and Blue Shield Trio HMO) at one or more of the employee, employee plus one, or employee plus family enrollment levels.. Only enrollment levels that meet the 15% average increase criteria will be subject to the re-opener. No rounding shall be applied for purposes of this section (e.g. an average increase of 14.995% at the employee-only enrollment level does not meet the 15% percent requirement.)

3.3 Proof of Other Coverage

Employees who opt out of the group medical plan and receive cash in lieu must provide the following:

A. proof the employee and all individuals for whom the employee intends to claim a personal exemption deduction ("tax family"), have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies ("opt out period");

and

the employee must sign an attestation that the employee and his/her tax family have or will have such minimum essential coverage for the opt out period. An employee must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year.

3.4 Section 125 Plan

Employees may elect to participate in three Section 125 programs offered by the City. The available programs are Pre-Tax Premium Option, Dependent Care, and Flexible Spending Account. Each of these programs shall be administered in accordance to the IRS Code. For purposes of information, the following provides a description of the programs.

- Pre-Tax Premium Option- Permits payment of health insurance premiums subject to salary deduction with pre-tax income.
- Dependent Care- Permits payment of eligible dependent care with pre-tax income.
- Flexible Spending Account- Permits payment of eligible health care expenses not reimbursed by health insurance with pre-tax income.

- Optional Insurance Programs (e.g. AFLAC) or other pre-tax offerings sponsored by the City

Other Optional Benefits:

- 457 Deferred Compensation Plan (City shall match employee contributions up to $50 per month. In no case shall the City contribute in excess of $50 per month.)

3.5 Group Life Insurance
The City shall provide at its cost Group Life Insurance with Accidental Death and Dismemberment at a minimum benefit of $75,000.

3.6 Short-Term/ Long-Term Disability Plan (STD/ LTD)
The City shall provide at its cost supplemental Short-Term and Long-Term Disability Insurance.

3.7 State Disability Income Protection Plan
It is agreed that Association employees shall be covered by the State Disability Income (SDI) Protection Plan at their expense. The SDI benefit will be integrated with City PTO leave benefits.

3.8 Medical, Dental, and Vision Insurance
The City and Association agree to periodically review health insurance policies currently in place to provide the most favorable insurance coverage available.

3.9 Medicare
Medicare is withheld for employees.

3.10 Workers Compensation Salary Continuation
Association members who suffer a bona fide on the job injury or illness, as determined under the provisions of the California Workers' Compensation laws, and who, as a result of such injury or illness, are unable to work in their regularly assigned position or other position as determined by the City will be entitled to receive full salary and benefits for the first 90 days of such absence from the date of the incurred injury or illness. No charge to the member's sick leave, vacation, compensatory time off or other leave will be made during the 90 days from the date of the incurred injury or illness for which a claim has been finally accepted. It is noted that the City offers a Disability Insurance policy which establishes additional benefits for absences due to disabilities.

If a claim has been filed with, but not yet finally accepted or rejected by, the City's Worker's Compensation provider, the employee will be required to use any accrued and available paid leave to cover their absence. If the claim is finally accepted, the employee's leave banks will be restored for days actually used, up to 90 days.

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ARTICLE 4 FITNESS INCENTIVE REIMBURSEMENT

4.1 Fitness Incentive Reimbursement Program

A. City will reimburse up to $300 per calendar year for employee's personal fitness costs. Eligible covered fitness reimbursement are listed below.

- Fitness Classes (Yoga, Pilates, Cycling, etc.)
- Fitness Subscriptions (such as Peloton, etc.)
- Gym Membership
- Weight Management Programs (such as Weight Watchers)

B. Reimbursement for fitness programs not listed above, will be subject to the City Manager's discretion and approval. To avoid declination of reimbursement, items not listed should be pre-approved by the City Manager, or designee. Declination of reimbursement for items not listed above are not grieveable.

C. Annual requests for reimbursement must be submitted by December 1st of calendar each year.

D. To be eligible for reimbursement, a requesting employee must be in active status and remain a current employee through December 31st of the year in which seeking reimbursement.

E. Subject to IRS guidelines, the fitness incentive is taxable income.

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ARTICLE 5 RETIREMENT

This MOU shall incorporate the two-tiered retirement system to address Classic Members and New CalPERS Members required for Miscellaneous Employees by the California Public Employees' Pension Reform Act (PEPRA) of 2013.

5.1 Definition

The terms Classic Member and New CalPERS members are defined by PERS law and regulations, but in general these are construed to have the following meanings:

A. Classic CalPERS Member

"Classic Member" is typically defined as an employee who was hired on or before December 31, 2012 or is a member of a reciprocal retirement system.

B. New Employee

"New Employee" means an employee of a public employer who is employed for the first time by any public employer on or after January 1, 2013, and who was either:

(1) Not employed by any other public employer prior to that date; or

(2) Employed by another public employer prior to that date, but who was not subject to reciprocity between his new employer's plan and another public retirement system.

C. New CalPERS Member

"New Member" means an individual who either:

(1) Becomes a member of the plan for the first time on or after January 1, 2013 and either (i) was not a member of any other public retirement system prior to that date or (ii) was a member of another public retirement system prior to that date but was not subject to reciprocity between his new employer's plan and another public retirement system; or

(2) Was an active member in the plan and, after a break in service of more than six months, returned to active membership in that plan with a new employer.

5.2 Service Pension for Classic Members

The retirement formula expressed in Government Code Section 21354 commonly known as 2% at 55 local miscellaneous members shall apply to covered Classic Members.

5.3 Cost Sharing - Service Pension for Classic Members

A. The parties shall engage in sharing the City's employer contribution towards retirement benefits in accordance with Government Code Section 20516. As soon as administratively possible, cost-sharing shall be in effect and will require the employee to pay the portion of the employer contribution.

B. For the duration of the MOU, the employee shall pay a total of 12% of the employee and employer share (7% of the employee share and 5% of the employer share).

C. Following MOU ratification, the City will initiate a contract amendment with CalPERS under Section 20516 that allows for employee cost sharing of the employer rate and provides member's contribution to be credited to each member's account. Following the expiration of the current MOU, the City will initiate a contract amendment with CalPERS to end the Section 20516 amendment if not re-negotiated at that time. The Association recognizes that the CalPERS amendment process may take up to 90 days or longer.

5.4 Final Compensation for Classic Members
"Final Compensation" shall be applied for retirement purposes as specified in Government Code Section 20042, as one year's highest compensation.

5.5 Credit for Unused Sick Leave for Classic Members
Employees shall be given service credit upon retirement for unused sick leave as specified in Government Code Section 20965.

5.6 New CalPERS Members Benefit Rate, Contribution and Final Compensation
New CalPERS Members shall receive and make contributions for PERS benefits in compliance with PEPRA.

A. **Benefit Rate:** New Members benefit rate shall be MISC 2% @ 62.
B. **Contribution:** New Members shall pay 50% of the normal cost of their pension benefit.
C. **Final Compensation:** Three-year average final compensation period.

5.7 1959 Survivor's Allowance
The "1959 Survivor's Allowance Fourth Level" as defined in Government Code Section 21574 shall apply to both Classic and New CalPERS Members.

5.8 Military Service Credit
Military Service Credit as defined in Government Code Section 21024 shall apply to both Classic and New CalPERS Members

5.9 Continued Application
The Parties agree that all elements of the CalPERS article shall have continued application until or unless it is amended by mutual agreement of the parties.

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ARTICLE 6 LEAVE PROVISIONS

6.1 Sick Leave

A. Sick Leave Buy Out

Upon separation of employment, other than retirement, the employee shall be entitled to be paid for 50% of his/her sick leave accumulated at the time of such termination up to a maximum pay off of 1,000 hours. All remaining sick leave will have no monetary value and will be written off.

Upon retirement the employee shall be entitled to be paid for 50% of any accumulated sick leave in excess of that for which retirement credit is given.

In the event the employee is terminated by virtue of a conviction of a felony or any other illegal act, the City shall have no obligation to provide sick leave buy-out.

6.2 Personal Necessity Leave

Employees may use accrued sick leave and or PTO leave in the event of the personal illness or injury of a family member, including father, mother, brother, sister, spouse, registered domestic partner, child, step-child, grandparent, or in-laws.

6.3 Bereavement Leave

Up to a maximum of five (5) days of paid leave will be granted per occurrence in the case of the death of a family member, including father, mother, brother, sister, spouse, child, stepparent, step child, grandparent, grandchild, in-laws, registered domestic partner, child of registered domestic partner or any other member of the immediate household.

6.4 Paid Time Off (PTO)

Employees will accrue Paid Time Off (PTO).

A. Accrual Rate

PTO Accruals are based upon full years of consecutive employment. Employees shall earn PTO according to the rates set out in the following table.

Employees working 30 hours weekly will accrue at a prorated rate.

Employee Years of Service	Hours Earned per Pay Period	Hours Earned per Month
Less than 5	4.923	10.667
5 to 6	6.462	14.00
7 to 8	6.769	14.667
9 to 10	7.077	15.333
11 to 12	7.385	16.00
13 to 14	7.692	16.667
15	8.000	17.333
16	8.308	18.00
17	8.616	18.667
18	8.923	19.333
19	9.231	20.00
20 plus	9.539	20.667

B. PTO Accumulation

PTO shall not be accrued anytime the employee's balance exceeds 320 PTO hours.

C. Sick Leave Balances

Employees with Sick Leave balances may be retained as a sick leave bank.

Sick leave accrued before June 30, 2015, may be used as PTO or may be retained as a sick leave bank.

D. PTO/Vacation Buy Back Program

Employees may sell back to the City up to 80 hours of their PTO/ vacation in any calendar year if both of the following conditions are met:

(1) The employee has used (taken) at least 40 hours of PTO during the preceding calendar year.

(2) The employee must have at least 40 hours of PTO remaining after the "cash out" of some of his or her vacation.

(3) On or before the pay period which includes December 15 of each calendar year, an employee may make an irrevocable election to cash out up to forty (80) hours of accrued PTO (in whole hour increments) which will be earned in the following calendar year at the employee's base rate of pay. On the pay day for the pay period which includes Thanksgiving in the following year, the employee will receive cash for the amount of vacation the employee irrevocably elected to cash out in the prior year. However, if the employee's PTO leave balance is less than the amount the employee elected to cash out (in the prior calendar year) the employee will receive cash for the amount of leave the employee has accrued at the time of the cash out.

E. PTO/Vacation Pay Out

PTO/Vacation leave balance shall be paid out upon employee's separation from employment in compliance with CalPERS rules and regulations.

6.5 Holidays

A. Paid Holiday Schedule

Employees shall receive annually the following nine (9) paid holidays:

	Paid Holiday Schedule
1.	New Year's Day
2.	Memorial Day
3.	Independence Day
4.	Labor Day
5.	Veteran's Day
6.	Thanksgiving Day
7.	Thanksgiving Holiday/Day after Thanksgiving
8.	Christmas Eve Day
9.	Christmas Day

B. Paid Holiday Pay

Paid holidays will be calculated at eight (8) hours of holiday pay for full-time employees and will be calculated at six (6) hours of holiday pay for 30-hour weekly employees. Holiday pay is paid at the base hourly rate (8 hours x base pay, or 6 hours x base pay).

C. Holiday Schedule Observance

Unless otherwise provided, when a holiday falls on a Sunday, the following Monday shall be observed; a holiday falls on a Saturday, the prior Friday shall be observed. When a holiday falls on an employee's time off, the working day immediately preceding or immediately following such holiday, at the determination of the department manager and subject to approval of the personnel officer, shall be observed as a holiday.

D. Floating Holidays

Employees shall receive five (5) floating holidays each fiscal year.

Employees may select the date upon which they shall use any floating holiday, subject to the scheduling needs of the City. If a floating holiday is not used within the fiscal year, the time shall be forfeited.

Floating holidays denied due to staffing shortages or other operational reasons will be paid or accumulated at the employee's choice at the end of the fiscal year. The employee will have the burden to prove the request was made in a timely manner and then denied.

E. Prorated Allocation for New Employees

Employees who are hired during the Fiscal Year (FY) shall have the number of floating holidays prorated based upon their date of hire as follows:

Date of Hire	Number of Floating Days
July 1 to September 30	5 floating holidays
October 1 to December 31	4 floating holidays
Jan 1 to March 31	3 floating holidays
April 1 to June 30	2 floating holiday

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ARTICLE 7 WORKING CONDITIONS

7.1 Hours

Forty hours shall constitute a week's work for each full-time employee. The work week begins on Sunday at 12 am and ends on Saturday at 11:59 pm.

The City will consider any alternative work schedule, but any modification to the work schedule must be recommended by the department manager and approved by the City Manager.

7.2 Overtime

Employees who are required to work in addition to regular straight time 40 hours for five consecutive days shall be paid at the overtime rate. Consistent with FLSA, compensatory time may apply only upon mutual agreement of the employee and the City.

7.2.1 Overtime Hours Worked Special Events Exception

During a workweek in which an employee works a City special event under this Section 7.2.1., all time in paid status (not just time actually worked) shall count as hours worked in determining whether the employee has more than 40 hours worked for overtime calculation.

Special Events are defined as City-specified special events (as listed on the City Event Calendar i.e., Good Old Days, etc.), or department head designated special events, and projects.

The opportunity to work a Special Event shall be offered on a first-come, first-served basis, using seniority (seniority is based on hire date) if merited for selection.

To qualify for overtime pay under this Section, eligible employees must commit to working the event thirty (30) days in advance, unless a Supervisor or Manager determines that an exception to the 30-day requirement is necessary.

The employee will be guaranteed to receive pay at an overtime rate for working the event as long as they were in paid status (either due to actual hours worked, paid leave, or minimum call-back) for at least 40 hours during the same work week. For example, an employee working a Monday through Friday schedule, 8 hours per day, who works their full shifts Monday through Thursday and takes 8 hours of PTO on Friday would be eligible for overtime pays for any hours actually worked at a special event on Saturday. Supervisors and/or Management may authorize exceptions to this 30-day requirement when necessary.

7.3 Call Back

In those situations in which an employee who, following the completion of his/her work day and departure from his/her place of employment, is unexpectedly called back and must report to a work site in response to a directive from management because of

unanticipated work requirements, that employee shall be credited with a minimum of three (3) hours of work compensated at the rate of one and one-half times base pay.

7.4 Work Schedules

Notice of changes in the work schedule shall be made in writing a minimum of five working days in advance, and where practicable, at least two weeks prior to the expected duty. Such written notice will be provided in a format reasonably calculated for affected employees to receive notice promptly. Work hours assigned for special events shall be scheduled in addition to the regular work week.

7.5 Alternative Work Schedules

Department heads may place full-time (80 hours bi-weekly) employees on a 9/80 alternative work schedule. Employee may request an alternative work schedules in writing. The requests shall go to their department head, who may approve or deny the request based on the needs of the Department and the position. The decision on granting or denying an alternative work schedule is privilege, not a right and is not grievable. Alternative work schedules will be granted up to 6-month increments but not less than one month. Please refer to Alternative Work Schedule Policy for additional information.

7.6 Uniform

A. Uniforms Provided

The City will provide uniform service for designated members of the field departments.

B. Safety Shoes

The City will reimburse up to $250 each year for OSHA-compliant safety boots for those employees required to wear safety boots as part of the regular work uniform.

C. Uniform Allowance

The City will provide a uniform allowance for designed members of field departments in the amount of $92.50 each calendar month. The classifications to which this Article applies shall be the Police Services Technician, Community Services Officer, Police Property and Evidence Technician, Animal Control Officer, Parking Enforcement Officer and any other classification approved by the City Manager or designee.

7.7 Performance Evaluations

Annual written performance evaluations shall be made by department managers, on forms provided by the City, for all employees.

The department manager shall discuss the evaluations with each employee evaluated.

Changes to job descriptions that result in a substantial change in duties are subject to the meet and confer process.

Regular employees serving in regular established positions shall be advanced to the next higher salary step for their respective classifications after successful completion

and satisfactory service in each of the salary steps for the classification until the top of the range is reached. Advancements are not automatic but are based on successful performance. Evaluations more than 90 days late will be deemed satisfactory and employee will receive a merit/step increase. The City agrees to pay retroactively (no more than 90 days) when applicable. In an effort to ensure members are evaluated in a timely manner and reduce the need for retroactive pay for step/merit or longevity increases, the City Manager will be notified of a delinquent evaluation within 30 days.

7.8 Step Advancement
Employees are eligible for a salary step increase on their anniversary or new classification date following completion of 2,080 hours of paid service, whichever is longer. Time spent on legally protected leaves of absence such as FMLA or CFRA count towards step increase eligibility. Salary step increases will be effective the first full pay period following the step eligibility date.

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ARTICLE 8 GRIEVANCE PROCEDURE

8.1 Definitions

A. "Grievant" means an employee(s) filing a grievance.

B. "Grievance" is a statement that the grievant has been adversely affected by a violation, misapplication or misinterpretation of the Memorandum of Understanding.

C. "Immediate Supervisor" is the management employee directly supervising the grievant or in his/her absence his/her designee.

D. "Day" is a calendar day.

8.2 Grievance Procedure Steps

Informal Step
Before filing a grievance, the grievant shall discuss the matter with his/her immediate supervisor.

Step 1

a) If this grievant is not satisfied with the response at the informal step, the grievant shall submit the grievance in writing to his or her immediate supervisor within 21 days of the action causing the grievance or of the date the action reasonably could have been expected to be known to the grievant.
b) Within 14 days of filing the grievance, the immediate supervisor shall respond in writing to the grievance.

Step 2

a) If the grievant is not satisfied with the Step 1 response, the grievant may bring the grievance to the department manager, within 14 days of receipt of the Step 1 response.

b) The department manager shall respond to the grievance in writing within 14 days of receipt of the grievance at Step 2.

Step 3

a) If the grievant is not satisfied with the Step 2 response, the grievant may bring the grievance to the City Manager within 14 days of receiving Step 2 response.

b) The City Manager shall respond to the grievance in writing within 14 days of receipt of the grievance at Step 3. The City Manager's response shall be final.

Step 4

c) If the grievant is not satisfied with the Step 3 response, the grievant may bring the grievance to management for referral to the City's 3rd-party hearing officer panel within 14 days of receiving Step 3 response.

d) The assigned City 3rd-party hearing officer shall respond to the grievance in writing within 30 days of receipt of the grievance at Step 4. The 3rd-party hearing officer's response shall be advisory, and non-binding.

8.3 Release Time

The grievant shall be entitled to release from duty without loss of pay for the hearing of grievances. Other employees may be released from duty without loss of pay to serve as representatives or witnesses. Such releases are subject to the staffing and operational needs of the department.

8.4 No Discrimination

There shall be no restraint, interference, coercion, discrimination or reprisal against any employee for exercising any rights under the grievance procedure.

8.5 Representation

A. The employee may be represented by the Association at any step of the grievance.

B. An employee is also entitled to represent her/himself individually at any step of the grievance procedure.

C. A grievant may not change her/his designation of representative organization, during the processing of a grievance except by mutual agreement of the parties.

8.6 Grievance Withdrawal
By mutual agreement of both parties the grievant and his/her representative may withdraw a grievance at any stage of the grievance procedure by giving written notice to the City representative who last took action on the grievance.

8.7 Review by the Association
If a grievant is not represented by the Association and reaches a solution during any of the first three steps of the grievance procedure, the City representative will provide written notice of the solution to the Association. The Association will be given seven calendar days from receipt of the written notice in which to comment on the solution, and if it disagrees, to bring its position to the City Manager. The City Manager shall consider the Association's views before adopting a solution. In any event, the Association's position will be noted in the official grievance documentation. The City Manager's decision shall be final.

8.8 Waiver of Steps
By mutual written consent of both parties, any step of the grievance procedure may be waived.

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ARTICLE 9. EDUCATION INCENTIVE AND PROFESSIONAL DEVELOPMENT

9.1 Education Incentive Pay

A. Conditions

With the approval of the department manager and the City Manager, an employee may undertake a course of study that, when completed as set out below, will make the employee eligible for additional pay as described. Any employee whose job description includes a requirement for a particular level of education or the possession of certain degrees, professional certificates, or credentials, shall not be eligible for additional pay under sections A or B. Any employee who is eligible to receive the benefits contained within sections A or B, shall not be eligible for additional pay under section C. Employees who, prior to or in the course of their employment with the City, have obtained college level credits, degrees, certificates, or credentials as specified below, may present proof of such to their department manager and the City Manager and request additional pay under this section.

B. Definitions

- "Base Pay" means the hourly salary for the range and step of the eligible employee, and shall exclude any compensation received for overtime, clothing allowance, or other fringe benefits.

- “Satisfactory completion” means obtaining a grade of “C” or better in each course.

- “College level” means any post high school institution accredited by the California State Department of Education, the Western Association of Schools and Colleges, or equivalent organizations in other states or counties, or which has the prior approval of the City Manager.

- “Job related” means any academic course, the content of which would reasonably be expected to assist the employee in the performance of their duties. The City Manager’s determination of the eligibility of any course shall be final. In the case of doubt, the employee may request the written determination of the department head and City Manager.

C. Procedure

(1) Upon compliance with this section, employees shall receive an amount equal to 2.5% of their base pay upon satisfactory completion of 30 units of college level, job-related courses.

(2) Upon compliance with this section, employees shall receive an amount to total 5% of their base pay upon satisfactory completion of 60 units of college level, job-related courses. Compliance with the section shall also be satisfied by presentation of a certificate, diploma, or transcripts indicating attainment of an AA, AS, BA, BS, or other City approved degree from a post high school educational institution as defined above.

(3) Upon compliance with this section, employees whose job description includes a requirement for a particular level of education or the possession of certain degrees, professional certificates or credentials and who are deemed ineligible to receive the benefits under sections A or B, shall receive a lump sum payment of $500.00 upon satisfactory completion of a course of study and/or examination that results in attaining an acknowledged level of professional development – evidenced, for example, by degree, credential or certification – in the employee’s field of work. To qualify for this payment, the achievement must demonstrate, as determined by the department manager, attainment of a significant achievement based on national, state, or professional department standards. Employees who are eligible to receive the benefits contained within sections A or B shall not be eligible for payments under this section.

The City Manager shall determine, prior to employee’s embarking on the work and study required for the desired degree, credential or certification, whether the desired goal qualifies for the payment.
No more than three such payments shall be paid to an individual during his/her tenure with the City.

(4) No person shall be eligible for benefits under section A through C unless and until they have completed one year of continuous full-time employment with the City of Pacific Grove and have satisfactorily completed the probationary period. Units completed prior to employment with the City of Pacific Grove, or during the probationary period, shall be considered in determining eligibility, provided the other requirements of this section are met.

(5) Prior to payment or compensation under this section, eligible employees shall submit a list of courses and credits to the department manager together with the transcripts or other proof of satisfactory completion as may be required.

(6) Compensation shall be paid the eligible employee for the pay period beginning on the first pay period following submission of the forms and proof required in Section e. Compensation shall not be paid unless and until all said forms and proof are submitted to the department manager in a satisfactory manner not later than the 29th day of the month preceding the month at when compensation is to commence.

(7) Any person promoted, reclassified or transferred to a position not eligible for benefits as set forth in sections A or B shall lose the compensation under this section - on said promotion, reclassification or transfer effective date.

9.2 Education Reimbursement

A. Definition
Expenses incurred by employees for the payment of registration, tuition, laboratory fees, or travel outside of Monterey County but within the State, and the purchase of required textbooks in certain courses are reimbursable by the City.

B. Conditions
Reimbursement provided under section 9.2 above is subject to the following conditions:

(1) The City must determine in advance that the course is job related. These courses are for the benefit of the City and the department to which the employee is assigned.

(2) Reimbursement is provided only upon satisfactory completion of the course.

(3) The course must be taken on other than City time.

(4) The limit payable in respect to courses taken in any one fiscal year by one employee is $1,000.00.

C. Continuing Education Units
The foregoing shall also cover course work required to maintain Continuing Education Units, where required.

9.3 Training Opportunity

The City shall provide all eligible regular full-time employees three (3) full days paid

training sessions per year. All training(s) shall be offered by the City during the employees regularly scheduled work shift. No overtime shall be incurred as a result of the training. Location of training shall be at the discretion of City. City shall pay standard per diem for necessary and approved overnight lodging. In-service conducted solely by staff shall not qualify as a training day under this section.

9.4 City Training Day

Effective 2021, the City will close operations to the public for non-sworn personnel on the third Monday in October and provide a mandatory employee training day. If "Training Day" is a day personnel with alternative work schedules, including non-sworn safety personnel, are normally scheduled off, such personnel would be required to attend the training day and "flex" their day off on an alternate date or by paid in compliance with FLSA rules. It is understood not all non-sworn safety personnel may be able to attend due to operational necessity.

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ARTICLE 10 MISC

10.1 MOU Negotiations Timing

At least six (6) months prior to the MOU expiring, management will initiate MOU negotiations with GEA.

10.2 Future Negotiations

The parties hereto acknowledge and agree that they have reached settlement regarding all total compensation and non-compensation items, and that said issues are settled through the period expiring June 30, 2026, provided that either party may request to meet and confer upon written notice given to the other party.

The parties therefore agree to waive any and all rights or obligations to meet and confer on any subject fully covered by this MOU with the exception of the economic re-opener until a reasonable period prior to June 302026.

10.3 Recruitment of Vacancies

It is the intent of the City to fill vacant budgeted positions as soon as administratively possible. Means, methods, types of recruitment and selection process and corresponding timeline are at the City's sole discretion.

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ARTICLE 11 SAVINGS CLAUSE

If any Article or Section of this Memorandum or Understanding should be found invalid, unlawful or unenforceable by reason of any existing or subsequent enacted legislation or by judicial authority, all remaining Articles and Sections of this Memorandum of Understanding shall remain in full force and effect for the duration of the MOU. In the event of invalidation of any Article or Section, the City and the Association agree to meet within 30 calendar days of such invalidation for the sole purpose of meeting and conferring upon said Article or Section.

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This MOU constitutes a full and complete agreement between the parties on all matters within the scope of representation.

Tori Hannah, City Manager Pro Tempore
City of Pacific Grove

Vincent Garcia, President
General Employees' Association (GEA)

Leticia Livian, HR Director
City of Pacific Grove

Ryan Heron, Labor Relations Representative, United Public Employees of California (UPEC) Local 792

Katy Suttorp, Legal Counsel
Burke

Stacy Matthews
GEA Bargaining Team Member

Andrew Butler
GEA Bargaining Team Member

Garrett McCown
GEA Bargaining Team Member