

MITIGATION MEASURES & MONITORING PROGRAM

for:

Marie Mathews
1725 Sunset Drive (APN 007-061-036)
File No. CDP/AP 19-0550

Project Proponent(s):

Eric Miller Architects, Inc.
(Architect)

Lead Agency:



**CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT**

REVIEWED FOR A RECOMMENDATION BY ARCHITECTURAL REVIEW BOARD ON _____, 2021

ADOPTED BY THE PLANNING COMMISSION ON _____, 2021

State Clearinghouse # _____

INTRODUCTION

BACKGROUND

Since January 1, 1989, public agencies have been required to prepare a mitigation monitoring or reporting program to assure compliance with mitigation measures adopted pursuant to the California Environmental Quality Act (CEQA). A mitigation monitoring program must be designed to ensure a project's compliance with adopted mitigation measures during project implementation. It also provides feedback to agency staff and decision makers about the effectiveness of their actions, offers learning opportunities for improving mitigation measures on future projects, and identifies when enforcement actions are necessary.

PURPOSE

The purpose of the mitigation monitoring program for the major renovation of a single-family dwelling at 1725 Sunset Drive is to ensure that all mitigation measures adopted as part of project approval are implemented and completed during and after construction. This program will be used by the City of Pacific Grove to verify that all required mitigation measures are incorporated into the project and will serve as a convenient tool for logging the progress of mitigation measure completion and for determining when required mitigation measures have been fulfilled.

MANAGEMENT

The City of Pacific Grove Community Development Department (CDD) is the lead agency for the project and will be responsible for overseeing the administration and implementation of the mitigation monitoring program.

The staff planner for the project will be responsible for managing the mitigation monitoring program. Duties of the staff planner responsible for managing the program shall include, but not be limited to, the following:

- ◆ Conduct inspections, zoning plan checks, and reporting activities as required.
- ◆ Serve as a liaison between the City and applicant regarding mitigation monitoring issues.
- ◆ Coordinate activities of consultants and contractors hired by applicant to implement and monitor mitigation measures.
- ◆ Address and provide follow-up to citizen's complaints.
- ◆ Complete and maintain documents and reports required for the mitigation monitoring program.
- ◆ Coordinate and assure enforcement measures necessary to correct actions in conflict with the mitigation monitoring program, if necessary.

BASELINE DATA

Any baseline data for the mitigation-monitoring program are contained in the Mitigated Negative Declaration adopted by the Pacific Grove Planning Commission.

DISPUTE RESOLUTION

As with any regulatory document, disputes may arise regarding the interpretation of specific language or program requirements; therefore, a procedure for conflict resolution needs to be included as part of this mitigation monitoring program. In the event of a disagreement about appropriate mitigation measure implementation, the project planner will notify the Community Development Director via a brief memo and hold a meeting with the project applicant and any other parties deemed appropriate. After assessing the information, the project planner will determine the appropriate measure for mitigation implementation and will notify the Community Development Director via memo of the decision. The project applicant or any interested party may appeal the decision of the project planner to the **City decision-making body that adopted the project mitigated negative declaration and mitigation monitoring program** within five (5) calendar days of the planner's decision. That decision may be appealed to the City Council.

ENFORCEMENT

All mitigation measures must be complied with in order to fulfill the conditions of approval. Some of the conditions of approval are required before the commencement of construction; therefore, they will be verified before the issuance of a building permit. Other conditions will be implemented during construction and after construction is completed. For those conditions implemented during construction, if work is performed in violation of conditions of approval, a stop work order will be issued. A performance bond or deposit of funds, at the discretion of the City of Pacific Grove in an amount necessary to complete the condition of approval, with the City of Pacific Grove is required for ongoing conditions of approval, such as a landscape restoration plan. Failure to implement these conditions of approval will result in the forfeiture of the funds for use in implementing these conditions.

PROGRAM

This mitigation monitoring program includes a table of mitigations measures adopted for the project. This table identifies the mitigation measure and parties responsible for its monitoring and implementation. It also identifies at which project stage the mitigation measure is required and verification of the date on which the mitigations measure is completed.

FUNDING

For the project at 1725Sunset Drive, the project proponent(s) shall be responsible for the costs of implementing and monitoring the mitigation measures.

Mitigation Measures for the Mitigated Negative Declaration adopted for 1661 Sunset Drive:

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>BIO-1: Bird Nesting Survey. In the event land clearing and construction start during the local bird nesting season (January 1 - July 31 of any year) the applicant will retain a qualified wildlife biologist or ornithologist to conduct a preconstruction nesting survey of the project area to ascertain whether nesting birds and their active nest could be jeopardized by the new activities. This survey should take place no more than 15 days before the start of the potentially disruptive work (demolition and ground disturbance). Should nesting be detected where there would be a threat to the nest/eggs/nestlings, the biologist should coordinate with the owner and contractor to work out an alternative work pattern or calendar to provide time necessary for the birds to complete their nesting effort.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to Start of Demolition and Again at Next Phase of Ground Disturbance</p>	<p>Project Biologist, CDD</p>	
<p>BIO-2: Pre-Construction Meeting. Prior to demolition and again at the start of construction of the new home, the Project Biologist shall conduct an educational meeting to explain the purpose of the monitoring, to show the construction personnel what is being monitored and to explain what will happen in the incidence of locating a species of special concern during construction activities. The Project Biologist will explain the life history of the species of special concern, why they may be found on the property, and what construction staff should do if one is spotted on the project site. The construction personnel will be shown a photo of the species of special concern and asked to be prepared to immediately stop demolition activity if a species of special concern is discovered and wait until the species is safely removed from the construction zone before restarting. This meeting may be concurrent with the similar pre-construction meeting for archaeological /Tribal resources.</p>	<p>Applicant or Applicant's Representative</p>	<p>Following demolition on -035 and prior to work on proposed development site (-034)</p>	<p>Project Biologist, CDD</p>	
<p>BIO-3: Construction Fencing..</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to demolition and maintained through construction</p>	<p>Project Biologist, CDD</p>	

<p>BIO-4: Restoration. To meet LCP requirements of 2:1 mitigation, landscape restoration and maintenance activities on the merged property (-033, -034) will be carried out in accordance with the project’s approved Habitat Restoration Plan for Mathews Residence (APN 007-061-036). Prepared by Thomas K. Moss, Coastal Biologist. Revised April 28, 2020. and shall be supervised and monitored by a qualified biologist.</p> <p>Phase 1 - Debris Remediation. The remediation of debris collection by removal, including raking and shaping, will be tasked and scheduled by the ‘recovery manager’ (Project Biologist) in coordination with the project/construction manager. Most work will be completed with hand crews and small tractor with a tine rake and rear blade. The work could run alongside the site clearing for the residential footprint and utilities.</p> <p>Phase 2 - Iceplant Remediation. Remediation also requires raking out all of the iceplant from inside the work area (recovery site plus the residential site). Collected iceplant must be covered and hauled offsite to the Marina Landfill. To save travel weight, the piled iceplant may be spread out to desiccate for a maximum of one week before hauling.</p> <p>Phase 3 - Selected native plants will be installed in a mixed, random pattern over the property according to the quantities and spacing specifications indicated in the Plan. The installation of plants shall be completed prior to final building permit inspection approval and granting of occupancy.</p> <p>Phase 4 - Following satisfactory installation of the new landscape, a 5-year maintenance and monitoring program shall commence, overseen and directed by the Project Biologist. <u>Monitoring</u> - the Project Biologist will conduct:</p> <ul style="list-style-type: none"> (a) bi-weekly site check for the first two months after plantings are completed [4 visits]; (b) three quarterly inspections for the following nine months [3 visits]; and (c) for the following 4 years (yrs 2-5 of 5) at 2 visits [15]. 	<p>Applicant or Applicant’s Representative</p>	<p>Prior to demolition and prior to start of construction of new residence</p>	<p>Project Biologist, CDD</p>	
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<p>Total = 17 visits (estimated total of 8 hrs). A final report and verification of success/failure will be submitted to the City of Pacific Grove at the completion of the monitoring effort. (CALIFAUNA Native Botanical & Restoration Plan, April 2020, as amended)</p>				
<p>CUL-1: Tribal and Archaeological Monitoring. Archaeological monitoring shall be conducted by a qualified archaeologist who meets the Secretary of the Interior’s Qualification Standards for prehistoric archaeology and by Tribal monitors assigned by the Tribal leadership of the Esselen Tribe and OCEN, for all soil-disturbing construction-related activities, including but not limited to grading, trenching, and area excavations, during the proposed project. If archaeological resources are exposed during soil disturbing construction-related activities, all construction operations shall stop within 50 feet of the find and a qualified professional archaeologist shall further review the materials then make recommendations for treatment. If a find is determined to be potentially significant, the archaeologist shall recommend appropriate treatment measures such as preservation in place, if feasible, data recovery, or heritage recovery. Appropriate treatment shall be formulated and implemented based on an agreement between the Property Owner, or their Agent, the Tribal monitor, and the Consulting Archaeologist.</p> <p>If sufficient quantities of cultural material are recovered during monitoring/data recovery, appropriate mitigation measures shall be determined by the Tribal entity tasked with project monitoring. This might include re-burying the cultural material, radiocarbon dating, faunal analysis, lithic analysis, etc.</p> <p>Furthermore, full time monitoring is required for any ground disturbing activities during this Project, occurring between 0 to 4-feet below the ground surface.</p>	<p>Applicant or Applicant’s Representative</p>	<p>Throughout all project-related demolition and ground disturbing activities</p>	<p>Project archaeologist, Tribal monitors, CDD</p>	

<p>CUL-2: Resource Sensitivity Training. Management and construction personnel shall be made aware of the possibility of the discovery of these materials, and procedures to follow through a brief Cultural Resources Sensitivity Training that shall take place at the commencement of each phase of earth disturbing construction related activities. This training shall be conducted by the Tribe given monitoring responsibilities.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to demolition and again prior to ground disturbing activities relating to new development.</p>	<p>OCEN and/or Esselen tribal cultural resources monitor and archaeological monitor</p>	
<p>CUL-3: Final Report. At the discretion of the professional archaeologist, a report suitable for compliance documentation may be prepared and provided to the appropriate State agencies. This report will document the field methodology and findings and make management recommendations, as necessary. If required, this report shall be completed within six (6) months of completion of monitoring.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to issuance of occupancy.</p>	<p>Project Archaeologist</p>	

THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WAS PASSED AND ADOPTED AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE ON THE ____ DAY OF _____, 2021, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTENTIONS:

ABSENCE:

APPROVED:

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.

Marie Mathews property owners

Date