



CITY OF DEL REY OAKS

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November 7, 2014

AGENDA

REGULAR DEL REY OAKS PLANNING COMMISSION MEETING
WEDNESDAY, NOVEMBER 12, 2014 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL, CITY HALL

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA:

A. Planning Commission Meeting Minutes, October 8, 2014

4. PUBLIC COMMENTS:

Anyone wishing to address the Commission on matters not appearing on the Agenda may do so now. The public may comment on any other matter listed on the Agenda at the time the matter is being considered by the Commission. *There will be a time limit of not more than three minutes for each speaker. No action will be taken by the Commission on matters brought up under this item and all comments will be referred to staff.*

5. REPORTS:

A. Building Activity Report, October 2014

6. OLD BUSINESS:

Applicant's Name:	Mark Bordonaro/Frank Lucido
Business Owner's Name:	Andy Tope/ Tope's Sustainable Garden Center
File Number:	ARC#14-02&CUP#14-08
Site Location:	899 Rosita Rd, at end of Angelus Way
Planning Area:	APN# 012-551-006
Environmental Status:	Draft Initial Study – Negative Declaration

Project Description: The applicants are requesting an Architectural Review and a Conditional Use Permit to remodel two existing buildings, upgrade and landscape the grounds, and operate Tope's Sustainable Garden Center. The proposed project would take place on a 1.96-acre portion of the former Del Rey Oaks Driving Range Property. The goal is to relocate the Tope's family garden center business

from its current location in Monterey, where it sells outdoor living, landscaping supplies and materials to the community. The proposed project would establish a new retail business on the area of the site immediately surrounding the old driving range clubhouse building. This site has a previous history of commercial use and development. No new buildings are proposed. Improvements to the buildings and surrounding grounds include remodeling, clearing and grubbing and would result in a maximum 75 cubic yards of earth moving.

The retail business will occupy the refurbished building and grounds immediately surrounding the existing clubhouse and within the area previously used for pathways and facilities at the former driving range. The front of the site will be utilized for parking. The project grounds will function as a retail facility surrounded by landscaped pathways, flowers, plants, supplies and accessories for the modern sustainable garden. An additional existing building on the site will function as a "saw shop" for repair and sale of lawnmowers, and other garden equipment. Working hours will be from approximately 7:30 am to 4:30 pm in the main showroom and saw shop; the equipment will usually be shut-down by 5:00 pm. The retail shop entrance will be at the end of the Angelus Way: the driveway leading to the cul-de-sac off of Rosita Road. The shop will staff approximately 12 employees, including a professional arborist. Staff will be on-site to greet the customers and assist with landscaping products on display. Parking will be in the front area of the building. There will be two small trucks parked on-site regularly, with other trucks visiting the site occasionally to deliver supplies and materials. Behind the retail building, a Home and Outdoor Living Courtyard will accommodate fireplaces, fountains, trellises, arbors, pergolas and more. Parking, to the south of the store, will be ADA compliant. A new driveway of decomposed granite (or another approved material) will curve around the south side of the main building and serve as access to the courtyard, material cribs, mulch area, and service yard. Employees and customers will park in front and walk through the grounds, or drive into the yard, turn around and exit. The site will comply with the Monterey Regional Post-Construction Storm Water Requirements Program.

The project has been significantly reduced from an earlier submittal that proposed to lease and develop the entirety of the existing 13.50-Acre property. This reduction to the 1.96-acre project plan and limited use for commercial and retail was proposed by the applicants. A previous City Planning Commission hearing identified neighborhood concerns with a former plan involving use of the entire site and the facilities and operations proposed (large equipment storage, operations with the formerly proposed tree-cutting business). This proposed operation has been eliminated from this current application to address issues with parking, resources, land use, and noise impacts. Additionally, applicants consulted with City Consulting biologists to reduce the project's useable area to those areas of previously disturbed or built property. The applicants also revised their application to only propose the retail shop and facilities, as described above.

The proposed building materials and colors will coincide with the Del Rey Oaks Municipal Code.

Recommended Action: Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.

7. ANNOUNCEMENTS/COMMENTS BY PLANNING COMMISSIONERS
8. NEXT MEETING: Wednesday, December 10, 2014 at 6:00 P.M.
9. ADJOURNMENT

All enclosures and materials regarding this agenda are available for public review at Del Rey Oaks City Hall. Information distributed to the Planning Commission at the meeting becomes part of the public Record. A copy of written material, pictures, etc. should be provided to the Secretary for this purpose.

**REGULAR MONTHLY MEETING DEL REY OAKS PLANNING
COMMISSION WEDNESDAY, OCTOBER 8, 2014 AT 6:00 P.M.
CHARLIE BENSON MEMORIAL HALL**

Present: Commissioner Reikes, Jaksha, Weir, Hayworth, Green and Chairman
Gaglioti

Absent: Commissioner Goetzelt

Also Present: City Manager Dawson, City Attorney Trujillo and Deputy City Clerk
Minami

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

The Commission considered **ITEM 3.A.**, Planning Commission Meeting Minutes,
September 10 2014

*Deputy City Clerk Minami: Commissioner Goetzelt asked via e-mail that the date of
the next meeting is changed to Oct. 8, 2014*

Motion by Commissioner Jaksha to approve, seconded by Commissioner Hayworth

No comments

6-0

PUBLIC COMMENT:

George Riley, Public Water Now: Reads “Water Update 1, Protest CDO fine” flyer
from September 2014, hands it out to Commission, public and puts into record.

*History of Cal Am to reduce pumping from the Carmel River.

*Cal Am won’t meet deadline of 2016, will be fined and passing it off to consumers, will
vigorously protest.

*Demands that the PUC hold a public hearing on the Monterey Peninsula if Cal Am
attempts to charge the fine to ratepayers.

BUILDING REPORT:

The Commission accepted **ITEM 5.A.**, Building Activity Report, Sept. 2014

NEW BUSINESS:

The Commission considered **ITEM 6.A.**,

- A. Owner/Applicant's Name:** Scott Donaldson
File Number: ARC#14-06/CUP#14-15
Site Location: 1007 Portola Drive
Planning Area: APN# 012-491-010
Environmental Status: Categorically Exempt
Project Description: Requesting Architectural Review to remodel and build addition to existing 1148 square foot single family dwelling to include the following: add 325 square feet to house, convert the existing 223 square foot garage to kitchen, add 820 square foot garage and hobby shop, add 110 square foot deck above shop area at the rear of garage and add 124 square foot covered front porch that will be open on front and side of house. Use permit to be decided on at the time of meeting for 42 square feet of new front porch that extends 3 feet in the front yard setback. Materials and colors to coincide with the Del Rey Oaks Municipal Code.
Recommended Action: Analyze provided material, make appropriate findings, impose conditions as appropriate, and give direction to staff.

Scott Donaldson, Applicant: Remain one story and existing roof line.

City Manager Dawson: Reads letter out loud from Mrs. Bettiga into record.

Commissioner Green: What is the propose of the observation deck?

Scott Donaldson, Applicant: Sun deck.

Commissioner Green: It doesn't look into houses?

Scott Donaldson, Applicant: No, yards only.

Commissioner Hayworth: Talked to neighbors?

Scott Donaldson, Applicant: Yes, before and after the netting was up, The Benoits are in favor of it.

Commissioner Weir: Variance needed for front porch?

Scott Donaldson, Applicant: Staff advised to apply for a Conditional Use Permit. 30 feet from road, it was surveyed.

City Attorney Trujillo: Yes, variance is needed.

City Manager Dawson: Asks Frank Lucido, Surveyor to explain. Set back and property line.

Frank Lucido, Surveyor: Discussion with staff and concluded variance wasn't needed because it isn't an enclosed deck. The houses along Portola, built in the 40's and 50's are anywhere from 20 to 30 feet from the road.

City Manager Dawson: Non-conforming. Is it higher than 18"? If not, then it doesn't need a variance.

PUBLIC COMMENT:

Mikki Breenan, Wallace Place: Too massive for the lot, 820 square foot garage is too big, wants the Commission to make a condition that the residents not park on the street and use the garage.

Commissioner Weir: How much car space in garage?

Scott Donaldson, Applicant: Enough for 2 cars plus shop.

Commissioner Jaksha: The description sounds huge, but it fits on the property and will look good. Rather have a big garage, then cars on the street.

Commissioner Hayworth: Rain runoff issue is a problem with the neighbors house, how will that be mitigated.

Deputy City Clerk Minami: Discovered during the Plan Check process, and will have to coincide with the Strom Water Ordinance. Asks for Commissioner Goetzolt, inside or outside access to deck.

Scott Donaldson, Applicant: Exterior.

Motion by Commissioner Jaksha to approve ARC #14-06 & CUP#14-15 with the condition that the front deck height is less than 18" or will need a variance, seconded by Commissioner Reikes.

No public comment was received.

Motion passed 6-0

The Commission considered ITEM 6.B.,

Owner/Applicant's Name:	Lonna Lewis-Blodgett Monterey Bay Alternative Medicine
File Number:	CUP#14-16
Site Location:	800 Portola Drive
Planning Area:	APN# 012-471-015
Environmental Status:	Categorically Exempt
Project Description:	Requesting Conditional Use Permit to operate a Medical Cannabis Dispensary.
Recommended Action:	Analyze provided material, make appropriate findings, and give direction to staff.

Chairman Gaglioti: The role of the Commission is to look at the application and not to and analyze the ordinance. Accepts the letters that were received in opposition to this item: David and Mary Purvis of 821 Portola Drive, Del Rey Oaks, Larry and Colleen Bettiga of 988 Portola Drive, Del Rey Oaks, and Laura Dadiw of Pacific Grove.

Lonna Lewis-Blodgett, Applicant: Thanks staff, wants to have the best place in the State of California.

Commission Green: Very important to have good staff and product knowledge.

Lonna Lewis-Blodgett, Applicant: Counselors will be on staff and they will be trained in different strains.

Commissioner Hayworth: Other tenants?

Lonna Lewis-Blodgett, Applicant: Would like to have alternative sources, presently there is the chiropractor.

Commissioner Hayworth: How is product purchased, grown?

Lonna Lewis-Blodgett, Applicant: Expert growers that test product before it's accepted to sell on site.

Commission Green: Other businesses would have to have business licenses to do business in the City.

Commissioner Hayworth: How many patrons a day and time of day? How much is a patient allowed to have, and how often can they purchase.

Lonna Lewis-Blodgett, Applicant: Hard to say, they will be prepared before the doors are open. Volume isn't important. Wants a relaxing environment. The prescription is verified first and must be written by a certified licensed M.D. or O.D., and will make sure it's not abused.

Commissioner Hayworth: Staff and patrons have to be 18, why?

Lonna Lewis-Blodgett, Applicant: 18 year olds are adults.

Commissioner Hayworth: All smoked?

Lonna Lewis-Blodgett, Applicant: Different products, edibles in the future.

Commissioner Hayworth: Holding security tape for 72 hours?

Chief Langford: Agreed with the applicant to change the time to 30-60 days.

Commissioner Hayworth: What happens when it's legalized?

Lonna Lewis-Blodgett, Applicant: No one knows what exactly will happen.

Commissioner Hayworth: Monterey County issues cards?

Commissioner Green: No.

City Attorney Trujillo: Doctor gives a prescription but the County will be able to provide a medical I.D. with photo for law enforcement proposes.

Commissioner Weir: Advertisement. No dancing marijuana leaves? Likes the signage proposal.

Commissioner Reikes: Wants them to be successful, but is concerned about being overly busy. How many customers?

Lonna Lewis-Blodgett, Applicant: Rather than 8 employees, if it gets busy hiring more. Wants to handle it very professionally.

Commissioner Reikes: Parking and traffic.

Chief Langford: Simple traffic study on Portola, resident/commuter or carwash non resident. Will address as it comes up.

Commissioner Hayworth: After City Council approval, does it come back?

City Manager Dawson: No, this is it. The first reading will be on Oct. 28th City Council and the 2nd will be on Nov. 18th. The signage will meet ordinance 279 and our sign ordinance.

Commissioner Green: Letters of concern were about business hours.

Lonna Lewis-Blodgett, Applicant: Trying to accommodate working customers, that will need to come after work, after 5:00 pm or on the weekends.

Chairman Gaglioti: Hours are a problem for him, lives down the street.

Lonna Lewis-Blodgett, Applicant: Must be open during the time that is on the application. Most dispensaries are open until 9 or 10 at night, and didn't want to be open that late. Wants customers to turn left out of drive way and not go down Portola, and will incorporate the rule about turning left into the membership agreement.

Pharmacies are open late.

Chairman Gaglioti: Nuisance? Shed patients, if the need comes up.

City Manager Dawson: The applicants have been more than cooperative and has no doubt that if need be, between the city and the applicant all situations will be rectified.

Chairman Gaglioti: Frequency of visits? And worried about being burglarized.

Lonna Lewis-Blodgett, Applicant: Some people buy monthly, weekly or daily. Think of it as a pharmacy. There is a regulation that the amount that a person can have on them legally.

Chief Langford: Much more concerned about satellite banks than this business.

Chairman Gaglioti: Loitering ordinance?

Chief Langford: Three ordinances have been given to the City Manager: 1) sit, lie, stand similar to the one that Monterey just passed. 2) No loitering around business with A.T.M.'s. 3) Work with owners of businesses to help with no trespassing issues.

Recommends passing all three.

Chairman Gaglioti: Has the applicant agreed to do a traffic study?

City Manager Dawson: Yes.

Chairman Gaglioti: How does adding staff help with getting busier?

Lonna Lewis-Blodgett, Applicant: Each patient will have one employee with them. More patients, more employees.

Chairman Gaglioti: Is the PD sub station a condition of approval?

Lonna Lewis-Blodgett, Applicant: If it will benefit Del Rey Oaks, then yes. Loves the idea.

Chief Langford: The City Hall will always be the home of DROPD. They won't need the entire top floor. Meeting rooms are needed. How can you be more transparent, than to have the PD move in with them? Overlooks the biggest problem, Safeway as well as the entire intersections with two other jurisdictions.

Commissioner Reikes: Rent?

Lonna Lewis-Blodgett, Applicant: No.

PUBLIC COMMENT:

Valentia Piccinini, Pebble Beach: Thanks Del Rey Oaks and is encouraging the Commission and Council to approve the ordinance. A patient for over 25 years and wants Del Rey Oaks to be the first one in Monterey County. Never smoked a joint in her life, suckers or edibles. Believes there are more than 300 Monterey residents that go to Santa Cruz right now that will be patients in Del Rey Oaks.

Antonella Randazzo, 837 Portola Drive: 800 patients equal 800 cars, and that's a HUGE problem!!

Mary Trucksis, 833 Portola Drive: Should be a business park. Happy to see children again in the neighborhood. Not enough data about traffic and parking. Speed bumps are needed, and it's only going to get worse. When she was in Chicago the police department says the crime is for the cash, not the pot.

Wendy (friend of Mary's): Knows someone who has a dispensary in the industrial area of Oakland and there is no foot traffic. Industrial area is better. Don't have it in an area, were there is high traffic. Why does the Chief like that location?

Chief Langford: The location is ideal for a stand alone business such as this, and the service level is all ready a D, F being the worse. Comparing Chicago and Oakland to Del Rey Oaks is apples and oranges.

Colin Disheroon, CEO of Santa Cruz Mountain Naturals and Association of Standardized Cannabis: They are serving 2 to 3 thousand Monterey County patients presently in there Santa Cruz location. Great conversation between neighbors and the people who get relief from cannabis. Traffic will increase, consider between 100 and 200 patients and cars a day. One of his businesses has been broken in and vandalized three times but nothing was stolen. Didn't have support of the local Sheriff's Department. Glad to see the local PD is here and assisting with the process. Open and available to help with any aspect of this project.

Pat Lintell, 860 Rosita Rd.: Went to the Monterey Study session and sat with Dan. Asks the Commission and Council not to rush into this. Del Rey Oaks isn't the place for it, let it go into Monterey. Needs to see a business plan, there will be more traffic, accidents, and crime. Employees will be parking on the street in front of residential. If there are 2 "cannabis clubs", 1 in Monterey and 1 in Del Rey Oaks, our City won't make as much money. Totally supports the idea of Cannabis clubs, just not in DRO.

Antonella Randazzo, 837 Portola Drive: Asks if the Santa Cruz business is in a residential area? The lot across Portola is vacant and has concerns.

Colin Disheroon: Less than 300 feet away from residential area, and was granted a variance. And they are close to a middle school. Staff is very pro active and has no issues with students and parents in 3 years.

Chairman Gaglioti: These concerns need to be address when the City Council hears the first reading of the ordinance.

Antonella Randazzo, 837 Portola Drive: Seems like the decision has been made and applicant is being congratulated.

Chairman Gaglioti: It isn't the final meeting.

Antonella Randazzo, 837 Portola Drive: Seems like it is!

Chairman Gaglioti: It's not, the ordinance will be heard on Oct. 28th and then again in November. It's the second of at least 4 meetings. Shares her concerns.

Jim Clark, Via Verde: Bad location. Zoning issues, Stone Creek and lack of parking spaces is the previous Planning Commission fault. Seaside Planning Commission messed up on Chili's and Starbucks. Is it really medical "mary jane" only? That's like thinking that only people with handicaps have handicap parking plaques. And we all know that's not true! When it's legal, the applicant will sell "giggle smoke" to anyone for profit. And then we will have the element that we don't want in our City.

Neighbors Sand City and Seaside, who would sell their mothers pet poodles for tax dollars and they aren't opening one up. Now our City Council is talking about how much money we can make from "boo boo bush". Argument is that if this won't bring in an undesirable element, then why is a Police Department sub station needed?

Aaron Johnson, L&G Attorneys: A patient and advocate for medical cannabis due to neck injury. Represents several shop owners. Legal in Denver and they have cannabis shops with gels and edibles. Once it was legal, it's didn't turn into a "420 hemp fest". Take the C.O.P.'s advice, don't hide it on the out skirts of City. People that open these shops want regulation and want to be considered legitimate businesses in the City.

Sam Raskin, Monterey: Lighthouse shop wasn't handled correctly and was against it. In favor of Ordinance 279, staff report and location. Bench mark is nearly perfect. A one year permit is very important and powerful. It will be coming to every city soon.

Public Comment Closed

Commissioner Hayworth: Did the ordinance come around because of the applicant? Parking? Could this be appealed? Can license be revoked in a year or sooner?

City Manager Dawson: Yes, and the ordinance is from Santa Rosa with a few changes to meet DRO's needs. It's the model in the State. Parking isn't a problem, 15 parking spots, plenty for the use. Permit could be ministerial but since we are transparent there was a study session and now this meeting. Application matches the ordinance and the

City is well protected. Could be appealed, just like any other land use matter brought to Planning Commission for approval.

Commissioner Hayworth: Wants to keep the tone of the meetings and comments respectful. A few things have been said and done lately that are dis-respectful. It's to heal and help and not for recreational use.

City Manager Dawson: This is a non-profit business and any extra money must come back into the City. 40% tax in Colorado and it goes directly to schools. This use has been legal in the State of California since 1996.

City Attorney Trujillo: Ordinance is almost 10 years old. Spoke to code enforcement in Santa Rosa and from that stand point there weren't any nuisance issues when they implemented their ordinance. The ordinance addresses issues that might arise, plus it will help to have the other 3 ordinances in place that C.O.P. recommended.

Commissioner Jaksha: If someone reads the Ordinance, all most all of the questions will be answered. To Mr. Clark: Planning Commission decisions were in other cities and as far as Stone Creek parking is concerned, it much better than they first applied to build. Hope DRO isn't doing this for revenue only, because it is really going to help people. Thanks the speakers. Honesty about the problems in Santa Cruz area. Ordinance needed for loitering. Thinks a 6 month permit would help. Doesn't like the "not in my back yard" attitude, it's going to happen, might as well be out in the open on the corner of a major intersection. Speed bumps are a necessity and left hand turn only sign coming out of driveway. How much is the limit and can cards be "faked"?

Colin Disheroon: According to SB420, the standard amount a person can have on them is 8 ounces. There are probably fake ID's but the shops call to verify every ID.

Commissioner Jaksha: Mr. Clark's comment weren't fair, it's not a pot shop. How does Seaside feel about it, because the one side of the building is in Seaside jurisdiction? Signage?

City Manager Dawson: All of the concerns will be addressed in the new ordinance.

Commissioner Jaksha: How many members will you have?

Lonna Lewis-Blodgett, Applicant: 10 to 20 thousand, based on the numbers in Santa Cruz County, but hard to say because it's new here.

City Manager Dawson: As part of the ordinance in front of the Commission tonight, the city can limit the amount of members.

Lonna Lewis-Blodgett, Applicant: Explains the waiting area in the front of business, so not more than the allowed members will be in the shop at any one time.

Commissioner Weir: Great speakers, thanks all.

Commissioner Reikes: Was the industrial ever looked at, with the amount of members they referring to, they might need a different space.

City Manager Dawson: Yes, but 800 Portola is a legit business and a great location.

Commissioner Weir: Likes the location, being out in the open is best. Put old ideas and misconception to rest.

Commissioner Jaksha: Monterey will eventually open one and will be less of a burden on our location.

Chairman Gaglioti: Raised here and on Portola, traffic has always been bad and it defiantly will get worse once this business is open. Kids riding bikes. Traffic data is important and glad to hear the applicant will pay for the measures to mitigate adverse impacts. The Commission has done more homework on this type of business and hopes that they do the same with others. In regard to criminal activity, the data doesn't support the speculations that are brought up in these meetings. Banks are two fold in criminal activity. Free pass because of the ordinance, not like if it's a Starbuck or Chili's. Comfortable with the safeguards in the ordinance.

Motion by Commissioner Weir to approve CUP 14-16 seconded by Commissioner Reikes.

No further public comment was received.

Motion passed 6-0

OLD BUSINESS: None

ANNOUNCEMENTS/COMMENTS:

Commissioner Jaksha: Thank you for the street repair.

NEXT MEETING: Wednesday, November 12, 2014 at 6:00 p.m.

8:15 p.m. Meeting Adjourned

Approved:

**CITY OF DEL REY OAKS
BUILDING ACTIVITY REPORT
October 2014**

PERMIT#	DATE	ADDRESS	NAME	PROJECT DESCRIPTION	TYPE	STATUS	LAST INSP.
B-13-28	08/20/13	908 Rosita Rd	Brewer/Owner Builder	Attic Vent and deck repair	R-1	Current	10/28/2013
B-13-35	10/18/13	908 Via Verde	Budrick/Sharp Const.	Foundation work	R-1	Current	4/1/2014
B-14-03	01/14/14	15 Brae Place	Trenner/Owner Builder	Interior remodel	R-1	Current	7/17/2014
B-14-07	03/06/14	463 CDR (Dentist)	AG Davi/Mtry. Custom Bld.	Tenant Improvement	C-1	Final	11/3/2014
B-14-11	04/02/14	800 Portola	Masscudi/Saroyan	Tenant Improvement	C-1	Current	7/28/2014
B-14-15	04/25/14	1130 Rosita	Jaksha/Acosta Builders	Interior remodel	R-1	Current	6/24/2014
B-14-17	05/08/14	907 Angelus Way	Von Essen/Reim Const.	Fire Remodel	R-1	Current	9/30/2014
B-14-23	05/28/14	817 Portola	DuVane Specialties/	Remove nextel shed	C-1	Final	5/28/2014
B-14-31	08/19/14	7 Voe Place	Munoz/Solar City	Solar Panels	R-1	Current	8/26/2014
B-14-32	08/20/14	5 Boronda Way	Strouse/Owner Builder	Addition	R-1	Current	10/29/2014
B-14-33	09/08/14	17 Los Encinos	Benich/TC Construction	Remodel	R-1	Final	10/29/2014
B-14-34	09/29/14	948 Paloma	Cardinelli/Avila Const.	Remodel	R-1	Current	9/29/2014
B-14-35	10/24/14	810 Canyon Del Rey	Alladeen/Thayer Const.	Vacuum Stations	C-1	Current	10/31/2014
B-14-36	10/24/14	2999 Mtry/Salinas	Tollner/Top Notch Const.	Kitchen & Office Remodel	C-1	Current	10/24/2014

STAFF REPORT

City of Del Rey Oaks

Office of the City Clerk

DATE: November 7, 2014
TO: Planning Commission
FROM: Karen Minami - Deputy City Clerk
RE: Agenda Item 6.A.- Angelus Way at 899 Rosita Rd

Note: this item was continued from the May 28, 2014 meeting.

Applicant's Name: Mark Bordonaro/Frank Lucido
Project Name: Andy Topes/Tope's Sustainable Garden Center
File Number: ARC#14-02&CUP#14-08
Site Location: Angelus Way at 899 Rosita Rd
Planning Area: APN# 012-551-006
Environmental Status: Initial Study/Negative Declaration prepared; Environmental document is required per CEQA.

Project Overview: The Proposed Project is to build and operate Tope's Sustainable Garden Center on a 1.96-acre portion of a 13.5-acre parcel in the City of Del Rey Oaks (City), located on Angelus Way at 899 Rosita Road (see **Proposed Project Vicinity Map**). The parcel is owned by the City, which until 2011 had leased the land to a private company for use as a golf driving range (commonly known as the "Old Del Rey Oaks Driving Range"). The applicant's stated goal is to establish a "retail business that would provide quality tree care and landscaping materials to the community at affordable rates." A full project description, site plan design, and proposed project vicinity are attached in the CEQA-compliant Initial Study/Negative Declaration (Draft Initial Study Negative Declaration for the Tope's Sustainable Garden Center, October 20, 2014).

Project Background: The proposed project was presented to the Planning Commission on May 28, 2014. At that time, the project was proposed as a greater area of development: the original proposed site plan showed development on nearly the entire 13.5-acre parcel that would serve as a commercial retail store and heavy equipment storage. The development footprint included significant changes to the existing landscape. During the hearing, public testimony and Planning Commissioners' comments focused on neighborhood concerns with the use of the site for the previously proposed project. Subsequently, the applicants significantly reduced the project scale and uses to the retail establishment described below.

Proposed Project: The proposed project under this document represents a smaller area of disturbance and a scaled-down commercial use. This proposed project would improve a portion of the site: the 1.96 acre area and the existing building that previously served as a golf clubhouse. The applicant is not proposing any new structures. Improvements to the garden courtyard, driveway, and service yard would require less-than 75 cubic yards of earth moving, after clearing and grubbing the site.

The proposed access road would follow the existing contours and be performed within the limits of existing disturbed land, as defined by the project site plan. Materials and colors will coincide with the Del Rey Oaks Municipal Code.

Discussion: Improvements to the garden courtyard, driveway, and service yard would require less than 75 cubic yards of earth moving, after clearing and grubbing the site. The proposed access road would follow the existing contours and be performed within the limits of existing disturbed land, as defined by the project site plan. The area of disturbed land was defined by City biological consultants (Denise Duffy & Associates Natural Resource Division biologists).

City biological consultants met with the applicants on the site to review former project plans, potential resources areas or constraints and areas of previous disturbance from the driving range and facilities. The proposal has been significantly reduced to limit development to that area defined in the field with City biologists as previously disturbed. Previous field observations identified potential wetland areas and revised project plans have been carefully sited to avoid these areas. All grading will be performed within the limits of existing disturbed land as defined in the field by biologist and located by the surveyor and biologist. Surveyor Frank Lucido provided digitized mapping of the area and biologists and GIS staff confirmed that the area labeled as "Proposed Lease Area" on the drawing called "Design Site Plan" is the developed area as defined in the field.

The proposed project would not have a substantial effect on any special-status species, nor would it interfere with the movement of any native resident or migratory fish or wildlife species. Riparian habitats are not within the proposed project area; the area would be improved and landscaped in a manner that incorporates the existing natural contours and causes a minimal amount of ground disturbance. Proposed grading, grubbing, and earth-moving would be performed in compliance with Clean Water Act regulations and guidelines, incorporating best management practices to minimize stormwater runoff.

Trees are proposed for removal. Trees must be removed in accordance to Chapter and section 12.16.010 of the Del Rey Oaks Municipal Code. As noted on the site plan, the trees proposed for removal are the following species and sizes: two (2) 36-inch eucalyptus; one (1) 24-inch eucalyptus; two (2) 18-inch eucalyptus; one (1) 12-inch eucalyptus; one (1) 16-inch pine. Conditions are identified to limit the tree removal to occur before January 31 and after September 15, in order to reduce or avoid potential impacts to nesting birds during this period.

An environmental document was prepared per the regulations of the California Environmental Quality Act (CEQA). In compliance with the CEQA, the City of Del Rey Oaks, as the lead agency for the project, has undertaken environmental review for the proposed Topes Sustainable Garden Center Project in the form of an Initial Study, and intends to adopt a Negative Declaration. A notice of intent to adopt a negative declaration was prepared and circulated for the required public review period. The notice and public review began October 21, 2014 and ended twenty days later on November 10, 2014. To date, no written testimony has been received. Any responses to written testimony on the environmental document will be provided at the hearing.

The City of Del Rey Oaks is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The initial study indicates that the proposed project there is no potential for significant environmental impact to occur from either the construction or operation of the proposed project.

Recommended Action:

Planning Commissioners are requested to review the materials, ask questions to the applicant's representative on the project and provide any comments based upon the presentation and materials provided.

Additionally, the Commission should open up the hearing to the public for oral and written testimony.

After close of public testimony, the Commission may consider action on the project. Actions for approval would include the approval of the conditional use permit for the use of the proposed project and approval of the Negative Declaration prepared.

In making the motion, the Planning Commission should indicate that they have read and reviewed the Negative Declaration for the project and find it adequate upon which to base their decision with the following findings: (1) The Commission has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project.

Proposed Conditions:

1. All tree removal shall be in accordance with Chapter and section 12.16.010 of the Del Rey Oaks Municipal Code. Tree removal shall occur before January 31 and after September 15, in order to reduce or avoid potential impacts to nesting birds during this period. If tree removal is proposed in other periods, there will be required mitigation, as identified in the Initial Study checklist (see specific requirements on page 12 of the attached Initial Study checklist).
2. The project will be required to stay within the limits of construction as defined on the attached site plan prepared by surveyor Frank Lucido and labeled as "Proposed Lease Area" on the attached "Design Site Plan," prepared by Lucido Surveyors, dated October 2014
3. In order to reduce any impacts and ensure protective measures are in place near Del Rey Creek, the following measures will be required for construction: Protective fencing shall be installed to limit access outside of the established construction areas adjacent to sensitive resources. This includes the placement of silt fencing at the top of the bank of Del Rey Creek along the projects length and adjacent to potential wetlands. Best Management Practices shall be employed to preclude the transport or fallback of sediment from the site into these sensitive resources.

**Chairman Gaglioti and Commissioner Jaksha will need to step down;
they own homes within 500 feet of the project.**

Topes Sustainable Garden Center Project Description:

The Tope family would like to build and operate Tope's Sustainable Garden Center on a 1.97 Acre portion of what is commonly known as the "Old Del Rey Oaks Driving Range". After studying the Architect's Concept drawing and analyzing the existing topography, the proposal is that there will be no more than 75 cubic yards of earth moving after clearing and grubbing the site. The overview is that it is a remodeling and reuse of an existing building, with a new business located where there is a previous history of use and development. The building and landscaped lands area will be upgraded, improved and otherwise made useful (as of this date, they are not).

The core of the business will be the refurbished building and surrounding grounds that will function as a work yard surrounded by beautiful displays of pathways, flowers, plants, supplies and accessories for the modern sustainable garden area. With approximately 12 employees working from 7:30 am to 4:30 pm in the main showroom, saw shop and trucks both on location and on site, the equipment is usually shut down by 5:00 pm. The entrance will be the newly remodeled building at the end of the driveway off of Rosita Road. Inside will be a professional staff to greet the customers along with quality landscaping products on display.

The saw shop is a building where equipment will be stored and operated. The noise production out of the saw shop will be no more than that of garbage trucks, leaf blowers and other currently accepted equipment within the City of Del Rey Oaks. The Parking Area next to the Sawshop will be available for two small trucks and four town cars, one compact car, two motorcycles and one vespa. There will be two small trucks parked on site on a regular basis, with other trucks visiting the site occasionally to deliver supplies and materials.

Just outside the back of the building will be the Home and Outdoor Living Courtyard with fireplaces, fountains, trellises, arbors, pergolas and more. There will be the appropriate amount of parking at the right side entrance designed to be ADA compliant. The decomposed granite (or approved material) driveway around the left side of the main building will serve as access to the Courtyard, Material Cribs, Mulch Area and Service Yard. Employees and customers will have the option to park in front and walk through the grounds, or drive into the yard, turn around and exit. The site will be designed to conform to the Monterey Regional Post-Construction Stormwater Requirements Program. As per our site meeting with DDA Natural Resources Manager Josh Harwayne on site, the access road will follow the exiting contours of the ground as closely as possible as to not only minimize grading, but will be performed within the limits of existing disturbed land and the resource area as defined in the field by Mr. Harwayne and located by me at said site meeting. I personally confirmed with DDA biologists and GIS staff that the area labeled as "PROPOSED LEASE AREA" on the drawing called "DESIGN SITE PLAN" is the resource area as defined in the field by Mr. Harwayne. There are no new buildings in this proposal.

The goal is to provide landscaping supplies and materials to the community at affordable rates. Customer satisfaction is guaranteed with all of the services at Tope's Sustainable Garden Center. With a certified arborist on site daily, the work will be performed to the highest standards.



*Boundary and Construction
Land Planning and Consulting
ALTA Surveys and GIS Database
Topographic and Planimetric Mapping*

LUCIDO SURVEYORS
245 Foam Street · Suite 210
Monterey, CA 93940
831-620-5032
frank@lucidosurveyors.com

15 October, 2014

Denise Duffy, Denise Duffy & Associates (DD&A)
947 Cass Street #5
Monterey Ca 93940

RE: Tope's Sustainable Garden Center in Del Rey Oaks

Dear Denise,

The Tope family would like to build and operate Tope's Sustainable Garden Center on a 1.97 Acre portion of what is commonly known as the "Old Del Rey Oaks Driving Range". After studying the Architect's Concept drawing and analyzing the existing topography, the proposal is that there will be no more than 75 cubic yards of earth moving after clearing and grubbing the site. The overview is that it is a remodeling and reuse of an existing building, with a new business located where there is a previous history of use and development. The building and landscaped lands area will be upgraded, improved and otherwise made useful (as of this date, they are not).

The core of the business will be the refurbished building and surrounding grounds that will function as a work yard surrounded by beautiful displays of pathways, flowers, plants, supplies and accessories for the modern sustainable garden area. With approximately 12 employees working from 7:30 am to 4:30 pm in the main showroom, saw shop and trucks both on location and on site, the equipment is usually shut down by 5:00 pm. The entrance will be the newly remodeled building at the end of the driveway off of Rosita Road. Inside will be a professional staff to greet the customers along with quality landscaping products on display.

Just outside the back of the building will be the Home and Outdoor Living Courtyard with fireplaces, fountains, trellises, arbors, pergolas and more. There will be the appropriate amount of parking at the right side entrance designed to be ADA compliant. The decomposed granite (or approved material) driveway around the left side of the main building will serve as access to the Courtyard, Material Cribs, Mulch Area and Service Yard. Employees and customers will have the option to park in front and walk through the grounds, or drive into the yard, turn around and exit. The site will be designed to conform to the Monterey Regional Post-Construction Stormwater Requirements Program. As per our site meeting with DDA Natural Resources Manager Josh Harwayne on site, the access road will follow the existing contours of the ground as closely as possible as to not only minimize grading, but will be performed within the limits of existing disturbed land and the resource area as defined in the field by Mr. Harwayne and located by me at said site meeting. I personally confirmed with DDA biologists and GIS staff that the area labeled as "PROPOSED LEASE AREA" on the drawing called "DESIGN SITE PLAN" is the resource area as defined in the field by Mr. Harwayne. There are no new buildings in this proposal.

The goal is to provide landscaping supplies and materials to the community at affordable rates. Customer satisfaction is guaranteed with all of the services at Tope's Sustainable Garden Center. With a certified arborist on site daily, the work will be performed to the highest standards.

Please feel free to contact me directly should you have any questions.

Sincerely,

Frank Lucido Jr., PLS 8368
LUCIDO SURVEYORS



CITY OF DEL REY OAKS

650 CANYON DEL REY RD. • DEL REY OAKS, CALIFORNIA 93940
PHONE (831) 394-8511 • FAX (831) 394-6421

In compliance with the California Environmental Quality Act (CEQA), the City of Del Rey Oaks has undertaken environmental review for the proposed Topes Sustainable Garden Center Project, and intends to adopt a Negative Declaration. The City invites interested persons and agencies to comment on the proposed negative declaration for the project per Section 15073 CEQA Guidelines.

Lead Agency: City of Del Rey Oaks

Project Location: Old Driving Range, Angelus Way at 899 Rosita Road, Del Rey Oaks, CA 93940

Project Description: The Proposed Project (Project) is to build and operate Tope's Sustainable Garden Center on an approximately 1.96-acre portion of a 13.5-acre parcel within the City of Del Rey Oaks (City). The parcel is owned by the City, which up until 2011 had been leasing the land to a private company for use as a golf driving range (commonly known as the "Old Del Rey Oaks Driving Range").

The applicant intends to improve the two existing buildings and surrounding grounds to serve as the retail business. The proposed retail business would be relocated from a current City of Monterey location and would be operated by the Tope family. The proposed project would use existing buildings and previously-disturbed grounds in the area of the existing clubhouse to house the sustainable garden retail facility. No new buildings would be constructed. The project involves approval from the Planning Commission and the approval of the City Council for lease approval. A **Planning Commission hearing is scheduled for November 12, 2014 at 6:00 PM at the Del Rey Oaks City Hall.**

Public Review Period: Begins – October 21, 2014
Ends – November 10, 2014

Proposed Negative Declaration is Available for Public Review at these Locations: City of Del Rey Oaks, 650 Canyon Del Rey Blvd, Del Rey Oaks, CA 93940 and City Website: <http://www.delreyoaks.org/>

Monterey County Free Libraries: Monterey and Seaside Branches
Seaside Branch Library Monterey Public Library
550 Harcourt Ave 625 Pacific St
Seaside, CA 93955 Monterey, CA 93940

Address Where Written Comments May be Sent: Karen Minami, Assistant City Clerk, City of Del Rey Oaks, 650 Canyon Del Rey Blvd, Del Rey Oaks, CA 93940
Comments must be received no later than 5PM on Monday, November 10, 2014. Email comments may be transmitted to kminami@delreyoaks.org.

*Draft Initial Study
Negative Declaration*

for the

Tope's Sustainable Garden Center

**Prepared for the City of Del Rey Oaks
650 Canyon Del Rey Blvd, Del Rey Oaks, CA 93940**

October 20, 2014

Prepared By
Denise Duffy & Associates, Inc.
947 Cass Street, Suite 5
Monterey, CA 93940
Tel. (831) 373-4341
www.ddaplanning.com

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Attachments: Project Maps

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Chapter 1. Background Information

PROJECT DATA

1. **Project Title:** Tope's Sustainable Garden Center
2. **Lead Agency Name and Address:** City of Del Rey Oaks
3. **Project Proponent:** Tope's Sustainable Garden Center, Tope Family
4. **Project Location:** APN 012-551-006, Old Driving Range, Angelus Way at 899 Rosita Road, and south of Canyon Del Rey Road at 899 Rosita Road, Del Rey Oaks, CA 93940
5. **Project Description:** The Proposed Project (Project) is to build and operate Tope's Sustainable Garden Center on a 1.96 acre portion of a 13.5-acre parcel within the City of Del Rey Oaks (City). The parcel is owned by the City, which up until 2011 had been leasing the land to a private company for use as a golf driving range (commonly known as the "Old Del Rey Oaks Driving Range"). The applicant intends to improve the two existing buildings and surrounding grounds to serve as the retail business. The proposed retail business would be relocated from a current City of Monterey location and would be operated by Tope family. The proposed project would use existing buildings and disturbed grounds in the area of the existing clubhouse to house the retail facility. No new buildings would be constructed.
6. **Zoning Designation:** The 1.96 acre project site and the surrounding remainder property are located in the C-1-V: Neighborhood Commercial with a Visitor Overlay District, City Parkland, under the City's zoning ordinance. The proposed use is consistent with the allowable uses in the zoning district.
7. **Surrounding Land Uses:** The adjacent and nearby land uses are residential and commercial: residential neighborhoods are situated to the north, across SR 218, to the east, and along the south perimeter of the property, behind a buffer of trees; a large commercial shopping center with parking, restaurants, grocery store, and gas station, sits approximately ¼-mile to the west; the Church of the Oaks are located directly next to the site on Angelus Way.
8. **Proposed Findings:** **The City of Del Rey Oaks** is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based. The initial study indicates that the proposed project there is no potential for significant environmental impact to occur from either the construction or operation of the proposed project.

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Chapter 2. Project Description

Location

The project is located on a portion of the old Driving Range, on Angelus Way at 899 Rosita Road, and south of Canyon Del Rey Road. Although the official address is 899 Rosita Road, Del Rey Oaks, CA 93940, the project site is at the end of a cul-de-sac called Angelus Way, with the cross street of Rosita Road.

Existing Setting

The Project is located off Angelus Way to the south of Canyon Del Rey Road (State Route 218) where it meets Rosita Road (see attached figure). Access to the Project is limited to a two-lane city road, Angelus Way, which turns off of Rosita Road, a 60-foot wide city surface street that feeds traffic from SR 218 to a residential neighborhood of single family homes. The adjacent and nearby land uses are residential and commercial: residential neighborhoods are situated to the north, across SR 218, to the east, and along the south perimeter of the property, behind a buffer of trees; a large commercial shopping center with parking, restaurants, grocery store, and gas station, sits approximately ¼-mile to the west; the Church of the Oaks and associated preschool lie approximately 90 yards to the east of the proposed project's retail building. In addition, there is open space, public recreational trails, and public tennis courts. The two existing buildings were used by the former driving range. The surrounding land has grown fallow with grass and weeds. Canyon del Rey Creek runs along the southern portion of the property, outside of the proposed project area.

Proposed Project

The applicant proposes to lease the land to build "Tope's Sustainable Garden Center." The Tope family has been owned a full-service tree company with a storefront on Franklin Street in Monterey; the family has been in business on the Central Coast since 1979. The applicant intends to improve the existing buildings to serve as a retail center for flowers, plants, and garden supplies. No new buildings are proposed. The surrounding grounds will be improved and landscaped in a manner that incorporates the existing natural contours and causes a minimal amount of ground disturbance.

Customer parking would be in the existing cul-de-sac driveway that would be improved to include ADA-compliant parking spaces; the number of parking spaces would be determined by the City code requirements for building design. Customers can park in the lot and walk through the entrance of the building, where there will be staff to assist with the landscaping and garden supplies. Alternately, customers and staff can drive through the gated driveway to access the courtyard, maintenance area, material cribs, and mulch. This access road would follow the existing contours of the ground to minimize grading. Cars can use the turnaround to exit back through the driveway. All improved parking and driveways would be surfaced with decomposed granite or another acceptable surface that would conform to Monterey County National Pollutant Discharge Elimination Service and Clean Water Act guidelines to reduce runoff and non-point source pollution.

Once in the retail building, customers will have the option of proceeding to the Home and Outdoor Living Courtyard that will feature fireplaces, fountains, trellises, arbors, pergolas and similar outdoor structures. In addition to landscaping furniture and plants, the courtyard would house material cribs that store landscaping materials such as mulch, soil, rock, and gravel.

Business hours would be approximately 7:30 AM to 4:30 PM, daily. Approximately 12 employees will work on-site; employee parking would be to the south of the customer parking area, next to the saw shop. The employee parking would accommodate two small trucks and four cars, one compact car, and two - three

motorcycles. There will be two small trucks parked on-site on a regular basis; additional trucks would enter and exit the site to deliver equipment and supplies.

The saw shop building would serve as equipment storage and operation. Noise produced in the saw shop would be a result of machinery that could potentially be used: drills, chainsaws, leaf blowers, and lawn mowers. The equipment would be used for repair purposes and would not be used for building or fabricating. The level of noise emitted from the saw shop would be no more than that of garbage trucks, leaf blowers, or landscape maintenance equipment that is commonly used in the nearby residential neighborhood.

Previous proposals before the Planning Commission proposed a garden center, storage area, and truck yard over the entire parcel, as well as the parking operation, and storage of heavy equipment associated with a tree cutting business. This proposal does not include operation of these types of heavy equipment and machinery. This Project is focused on the retail operation and mechanical equipment that would be limited to those discussed, above, as well as delivery trucks and cars, which would be quieted by close of business at or around 5:00 p.m.

Improvements to the garden courtyard, driveway, and service yard would require less-than 75 cubic yards of earth moving, after clearing and grubbing the site.

PROJECT APPROVALS

The project will require approval from the Planning Commission for the relocation and use of the retail facility to this location as proposed and the approval of the City Council for lease approval for use of the City owned facilities and a portion of the site.

PROJECT OBJECTIVES

The applicant proposes to lease the land to build "Tope's Sustainable Garden Center." The Tope family has been owned a full-service tree company with a storefront on Franklin Street in Monterey; the family has been in business on the Central Coast since 1979. No new buildings are proposed. The surrounding grounds will be improved and landscaped in a manner that incorporates the existing natural contours and causes a minimal amount of ground disturbance. The applicant intends to improve the two existing buildings and surrounding grounds to serve as a "retail business that would provide quality tree care and landscaping materials to the community at affordable rates."

Discussion of Environmental Documentation

Improvements to the garden courtyard, driveway, and service yard would require less-than 75 cubic yards of earth moving, after clearing and grubbing the site. This project was originally considered by the Planning Commission as a larger project with much greater area of development. The project was significantly reduced in size and scale, as well as use. The former project included the use of the entire former driving range site and heavy equipment and storage, as well as activities associated with another tree removal and trimming business of the applicant. The proposed project under this document is not proposing this type of use. This reduced and current project was considered as a possible categorical exemption under CEQA as a minor alteration of land (which would have been exempt from requirements of CEQA based on Categorical Exemption 15304 Minor Alterations of Land.) This Class 4 exemption consists of minor public or private alterations in the condition of the land, water, and/or vegetation that does not involve removal of healthy, mature, scenic trees. As shown on the attached site plan, the project site has been reduced, however, there are seven trees proposed for removal. (See updated project plans received by the City in October 2014,

attached.) The City determined that use of a negative declaration was appropriate after preparation of this Initial Study Checklist and review of the tree removal at the site.

Site design plans show six eucalyptus trees and one pine tree proposed for removal for the project. Trees must be removed in accordance to Chapter and section 12.16.010 of the Del Rey Oaks Municipal Code. As noted on the site plan, the trees proposed for removal are the following species and sizes: two (2) 36-inch eucalyptus; one (1) 24-inch eucalyptus; two (2) 18-inch eucalyptus; one (1) 12-inch eucalyptus; one (1) 16-inch pine. The City has required measures for tree removal and the applicant must go through the tree removal and application process.

In addition to the requirements for tree removal in the City ordinance, the City will condition the tree removal to occur before January 31 and after September 15, in order to reduce or avoid potential impacts to nesting birds during this period. If tree removal is proposed in other periods, there will be required mitigation as identified in this Initial Study checklist, as noted below:

“Construction activities, including ground disturbance and tree removal, that may affect nesting birds shall be timed to avoid the nesting season. Specifically, tree removal shall be scheduled after September 15 and before January 31. Alternatively, if construction activities or tree removal are to occur during the breeding season (February 1 through September 15), the project proponent shall conduct surveys for active nests no more than 30 days prior to construction. If nesting birds are identified during the pre-construction surveys, a buffer shall be imposed within which no construction activities or disturbance shall take place until the young of the year have fledged and are no longer reliant upon the nest or parental care for survival. The size of the buffer shall be determined by a qualified biologist, dependent on the species and site conditions. The biologist must be onsite at a frequency required to ensure that nesting birds are not disturbed by project activities and that nest abandonment or other potentially significant impacts do not occur. The biologist shall have the authority to halt project activities or increase the size of the buffer, if necessary to prevent or minimize impacts.”

The project will require approval from the Planning Commission for the use and operation of the site as a retail facility and the approval of the City Council for the lease approval of the City-owned facilities and a portion of the land under City ownership. After City Council approval, building and grading plans will be reviewed and approved however, these are non-discretionary permits. Del Rey Oaks typically processes discretionary permits for approval which then require subsequent non-discretionary review and approval of building and grading plans.

Chapter 3. Environmental Evaluation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors identified below are discussed within Chapter 3. Environmental Setting and Impacts. Sources used for analysis of environmental effects are cited in parenthesis after each discussion, and are listed in Chapter 4. References.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality |
| <input checked="" type="checkbox"/> Land Use/Planning | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population/Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

date

Printed Name

City of Del Rey Oaks, California

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
2. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. Negative Declaration: “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, (“Earlier Analyses,” may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. 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 less than significance.

ENVIRONMENTAL SETTING AND IMPACTS

The following section describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist were used to identify potentially significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

A. AESTHETICS

Setting

The proposed project is located on Angelus Way, off Rosita Road, and south of Canyon Del Rey Road (see attached figure). Access to the Project is limited to a two-lane city road, Angelus Way, which turns off of Rosita Road, a 60-foot wide city surface street that feeds traffic from SR 218 to a residential neighborhood of single family homes. The adjacent and nearby land uses are residential and commercial: residential neighborhoods are situated to the north, across SR 218, to the east, and along the south perimeter of the property, behind a buffer of trees; a large commercial shopping center with parking, restaurants, grocery store, and gas station, sits approximately ¼-mile to the west; the Church of the Oaks and associated preschool lie approximately 90 yards to the east of the proposed project's retail building. In addition, there is open space, public recreational trails, and public tennis courts. The two existing buildings were used by the former driving range. The surrounding land has grown fallow with grass and weeds. Canyon del Rey Creek runs along the southern portion of the property, outside of the proposed project area. The existing facility has outdoor lighting in various places.

Impacts and Mitigation

The proposed project would be sited below grade, south of SR 218, which is not a designated scenic road. Upgrades and improvements would be made to the two existing buildings and the surrounding land that were formerly used as a driving range. There would not be any additional structures created. Lands that currently lie fallow with weeds and grass would be improved to accommodate a garden center and gardening supplies, including trees, flowers, plants, and landscaping materials. The proposed 1.96 acre project would be sited on a larger 13.5-acre parcel within the City. The area outside the lease area is not proposed for any development and is not a part of the proposed project. The viewshed from SR218 would remain mostly unchanged: the grassy open space on the west side of the larger property surrounding the 1.96 acre project site. The trees along the south perimeter and trees along the Canyon del Rey Creek would remain unchanged; the existing driving range structures would be removed; and the existing buildings would remain with only improvements.

From the easternmost portion of SR218 and Rosita Road, the proposed project is sited below grade, behind trees and bushes, making it difficult for pedestrians, bicyclists, and passing cars to observe aesthetic changes to the area.

The proposed site plans (see attached Figure) propose the removal of six trees: two (2) 36-inch eucalyptus; one (1) 24-inch eucalyptus; two (2) 18-inch eucalyptus; one (1) 12-inch eucalyptus; one (1) 16-inch pine. All proposed trees to be removed would be on the southern side of the existing structure. Due to the location of the trees within a larger tree canopy, the essential visual character and quality of the existing area would not be significantly impacted. Existing lighting and buildings exist at the site, including large story poles and netting surrounding the project site. The majority of these will be eliminated, reducing some of the lighting and visual impact from current site characteristics. The proposed plan is to reposition the existing lighting for safety and security of the retail shop and pedestrians using the adjacent open space, but also to limit the glare and night sky-intrusion from the site. The operation of the property will be until approximately 5pm;

therefore, lighting associated with the operation of the project site will not be necessary during closed business hours.

The proposed project does not propose any new structures, would not adversely affect day or nighttime views in the area, would not substantially degrade the visual character or quality, and would not have a substantial adverse effect on a scenic vista. **Therefore, no impact on aesthetic resources would result.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. AESTHETICS. Would the project:					
a) Have a substantial adverse effect on a scenic vista?				X	1,2
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X	1,2
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X	1,2
e) Increase the amount of shade in public or private open space on adjacent sites?				X	1

B. AGRICULTURAL AND FOREST RESOURCES

Setting

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, “agricultural land” is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as “urban/built-up land” on the Monterey County Important Farmlands Map. CEQA requires the evaluation of forest and timber resources where they are present. The project site is located in an urban area that has been historically used for commercial and residential uses. The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Impacts and Mitigation

The proposed project does not affect any identified agriculture resources, land identified for potential agricultural production, lands zoned for agricultural use, or lands under a Williamson Act contract or as protected by the federal Farmland Protection Policy Act. The City also does not have any identified forest land use, nor land identified for potential Timberland Production or use. The proposed project does not propose any tree or shrub removal and, therefore, will not conflict with policies and ordinances protecting trees and shrubs. **Therefore, no impact would occur to agricultural resources.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
<p>2. AGRICULTURAL AND FOREST 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 Department 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:</p>					
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?				X	1,3
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1,2,3
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))?				X	1,2,3
d) Result in the loss of forest land or conversion of forest land to non-forest uses?				X	1
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?				X	1

C. AIR QUALITY

Setting

The project area is within the North Central Coast Air Basin (NCCAB), which is comprised of Santa Cruz, San Benito and Monterey counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the air basin. A project would conflict with or obstruct implementation of the 2008 *Air Quality Management Plan* for the Monterey Bay Region (AQMP) if it is inconsistent with the growth assumptions in the AQMP, in terms of population, employment, or regional growth in vehicle miles traveled. These population forecasts are developed, in part, on data obtained from local jurisdictions and projected land uses and population projections identified in community plans. Projects that result in an increase in population growth that is inconsistent with local community plans would be considered inconsistent with the Attainment Plan. Because the project will not affect population growth, the proposed project would not conflict with or impair the MBUAPCD AQMP. No mitigation measures are required.

The MBUAPCD is in attainment or unclassified status for national standards and no national attainment plans apply to the region. The NCCAB is a nonattainment area for the State Ambient Air Quality Standards for both ozone and inhalable particulate matter (PM10). The MBUAPCD adopted its first Attainment Plan for ozone in 1991. The California Clean Air Act requires that the AQMP be updated every three years. The most recent updated occurred in 2008. The 2008 AQMP addresses only attainment of the State ozone standard. Attainment of the State PM10 standard is addressed in the District's plan "Senate Bill 656

Implementation Plan,” (December 2005). Maintenance of the National eight-hour standard for ozone is addressed in the District’s “Federal Maintenance Plan for the Monterey Bay Region,” (March 2007). The MBUAPCD does not have threshold for the ozone precursors nitrogen oxide and reactive organic gas for construction projects less than one year because this is accounted for in their emission inventories.

Impacts and Mitigation

Temporary impacts to air quality may occur from the generation of air pollutant emissions during construction. Construction would include improvements to the existing structures and approximately 75 cubic yards of earth-moving. Equipment operations and construction-related vehicle traffic would be the primary emissions sources at the project site. These sources have the potential to generate a small amount of fugitive particles and diesel exhaust. However, construction would be limited to a few days to a week of construction of outdoor activities such as grading. The construction will include operation of equipment which is similar to remodeling and construction associated with a residential property of less than two acres and with existing buildings. The MBUAPCD threshold for PM₁₀ is 82 pounds per day and the threshold for all other pollutants is 137 pounds per day. The results of the analysis show that the construction and operational emission of the proposed project are substantially below the applicable MBUAPCD air quality standards. The construction activities will be well within the MBUAPCD established daily emissions thresholds.

Operation of the proposed business is a reactivation of business use in a property with a long history of use. The new business could potentially include an increase in vehicle trips to the area, in addition to trucks stored at the site. Generally, residences, as well as schools, are considered to be “sensitive receptors” in relation to air quality issues. The closest sensitive dust and noise receptors in the project vicinity are the surrounding residential neighborhoods and the Church of the Oaks pre-school, approximately 100 yards away. The proposed project would not cause objectionable odors and would expose sensitive receptors to an insubstantial amount of pollutant concentrations- similar to that of the surrounding cars, trucks, buses, and yard equipment used in the area. The proposed project would not affect population growth. **This is considered a less-than significant impact to air quality.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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?				X	1,2, 3,4
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X	1,2, 3,4
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X	1,2, 3,4
d) Expose sensitive receptors to substantial pollutant concentrations?			X		1,2, 3,4
e) Create objectionable odors affecting a substantial number of people?				X	1, 2

D. BIOLOGICAL RESOURCES

Setting

The area outside the 1.96 acre lease area is not proposed for any development and is not a part of the proposed project. The existing property contains commercial buildings, pavement, parking areas, previously used tee areas and other facilities from the former golf clubhouse driving range use on compacted or paved land. The site also contains open space and several trees. Trees that were identified on the site are noted in the design site plan (attached). Del Rey Creek runs along the southern portion of the parcel, outside of the proposed project area. As shown in the site plan, a new paved driveway is proposed approximately 50 feet away from the edge of the lease boundary near Del Rey Creek.

Impacts and Mitigation

Improvements to the garden courtyard, driveway, and service yard would require less-than 75 cubic yards of earth moving, after clearing and grubbing the site. The proposed access road would follow the existing contours and be performed within the limits of existing disturbed land, as defined by the project site plan. The area of disturbed land was defined by City biological consultants (Denise Duffy & Associates Natural Resource Division biologists).

Natural Resources Manager Josh Harwayne met with the applicants on the site to review former project plans, potential resources areas or constraints and areas of previous disturbance from the driving range and facilities. The proposal has been significantly reduced to limit development to that area defined in the field with DD&A biologists as previously disturbed. Previous field observations identified potential wetland areas and revised project plans have been carefully sited to avoid these areas. All grading will be performed within the limits of existing disturbed land as defined in the field by biologist and located by the surveyor and biologist. Surveyor Frank Lucido provided digitized mapping of the area and DD&A biologists and GIS staff confirmed that the area labeled as "Proposed Lease Area" on the drawing called "Design Site Plan" is the developed area as defined in the field.

The proposed project would not have a substantial effect on any special-status species, nor would it interfere with the movement of any native resident or migratory fish or wildlife species. Riparian habitats are not within the proposed project area; the area would be improved and landscaped in a manner that incorporates the existing natural contours and causes a minimal amount of ground disturbance. Proposed grading, grubbing, and earth-moving would be performed in compliance with Clean Water Act regulations and guidelines, incorporating best management practices.

Trees are proposed for removal; Trees must be removed in accordance to Chapter and section 12.16.010 of the Del Rey Oaks Municipal Code. As noted on the site plan, the trees proposed for removal are the following species and sizes: two (2) 36-inch eucalyptus; one (1) 24-inch eucalyptus; two (2) 18-inch eucalyptus; one (1) 12-inch eucalyptus; one (1) 16-inch pine. In addition to the requirements for tree removal in the City ordinance, the City will condition the tree removal to occur before January 31 and after September 15, in order to reduce or avoid potential impacts to nesting birds during this period.

The following condition will be placed on the project: Construction activities, including ground disturbance and tree removal, that may affect nesting birds would be timed to avoid the nesting season. Specifically, tree removal would be scheduled after September 15 and before January 31. Alternatively, if construction activities or tree removal are to occur during the breeding season (February 1 through September 15), the project proponent will conduct surveys for active nests no more than 30 days prior to construction. If nesting birds are identified during the pre-construction surveys, a buffer would be imposed within which no construction activities or disturbance would take place until the young of the year have fledged and are no longer reliant

upon the nest or parental care for survival. The size of the buffer shall be determined by a qualified biologist, dependent on the species and site conditions. The biologist must be onsite at a frequency required to ensure that nesting birds are not disturbed by project activities and that nest abandonment or other potentially significant impacts do not occur. The biologist would have the authority to halt project activities or increase the size of the buffer, if necessary to prevent or minimize impacts. **These impacts are less-than significant.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
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 Game or U.S. Fish and Wildlife Service?				X	1,2, 3
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 Game or U.S. Fish and Wildlife Service?				X	1,2, 3
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1,2, 3
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?				X	1,2, 3
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 2, 3
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?				X	1,2

Overall, this amount of grading and limits of grading have been strictly controlled based upon this redesigned project. Major portions of the site are paved, graded already or have other improvements from the previous facilities on the site and future improvements will follow existing land contours. Del Rey Creek runs along the southern portion of the parcel, outside of the proposed project area. Limited grading will be performed within the limits of existing disturbed land as defined in the field and identified by the lease boundary. As shown in the site plan, a new paved driveway is proposed approximately 50 feet away from the edge of the lease boundary (away from Del Rey Creek). In order to reduce any impacts and ensure protective measures are in place near Del Rey Creek, the following measures will be required for construction: Protective fencing shall be installed to limit access outside of the established construction areas adjacent to sensitive resources. This includes the placement of silt fencing at the top of the bank of Del Rey Creek along the projects length and adjacent to potential wetlands. Best Management Practices shall be employed to preclude the transport or fallback of sediment from the site into these sensitive resources.

E. CULTURAL RESOURCES

Setting

The proposed project would occur on previously disturbed land at the site of a defunct golf driving range. Improvements would be made to existing buildings.

Impacts and Mitigation

No cultural resources have been identified in the previously disturbed areas.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
5. CULTURAL RESOURCES. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?				X	1,2, 3,4
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?				X	1,2, 3,4
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	1,2, 3,4
d) Disturb any human remains, including those interred outside of formal cemeteries?				X	1,2, 3,4

F. GEOLOGY AND SOILS

Setting

The project site is located within the mapped Monterey County Liquefaction Hazard Zone. However, the project site is not located within the Monterey County Landslide Hazard Zone or the California Geological Survey Earthquake-Induced Landslide hazard zone.

Impacts and Mitigation

The proposed project will not increase the exposure of people and structures to seismic hazards including seismic ground shaking and seismic-related ground failure. All proposed improvements are subject to applicable laws, codes, and regulations, including, but not limited to, the California Building Code and California Labor Code, which have incorporated the most recent seismic design parameters and excavation safety for worker protection and that mitigate the potential for damage or loss of life to due seismic accelerations. The site is not subject to landslides and the project will not result in substantial soil erosion or loss of topsoil. The City of Del Rey Oaks is not located in an Alquist-Priolo Earthquake Fault Zone, as mapped by the State Geologist. The project does not propose to install septic tanks or alternative wastewater disposal systems. **The proposed project would have no impact to geology and soil resources.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
6. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				X	1,2
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.				X	1,2, 3
ii) Strong seismic ground shaking?				X	1,2, 3
iii) Seismic-related ground failure, including liquefaction?				X	1,2, 3
iv) Landslides?				X	1,2, 3
b) Result in substantial soil erosion or the loss of topsoil?				X	1, 2
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?				X	1,2, 3
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X	1,2, 3
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X	1,2, 3

G. GREENHOUSE GAS EMISSIONS

Setting

Various gases in the earth’s atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the earth’s surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth’s surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

Impacts and Mitigation

The project will not generate new vehicle trips or otherwise generate a new permanent stationary or mobile source of greenhouse gas emissions from operations. A small amount of emissions will result from construction activities, but the levels will be well below the thresholds of significance and potential impacts are considered **less than significant**. The project does not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG. **No impacts will occur.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. GREENHOUSE GAS EMISSIONS. Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1,4
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	1,2,4

H. HAZARDS AND HAZARDOUS MATERIALS

Impacts and Mitigation

The proposed project does not involve the routine transport, use, or disposal of hazardous materials. Additionally, all proposed project will comply with all pollution and environmental control rules, regulations, ordinances, and statutes that apply to the project. Short-term impacts may occur during construction activities from the removal of existing materials and the storage and use of hazardous materials. Construction activities have the potential to release petroleum products and other substances into the ocean. Hazardous materials may be temporarily stored and used on site during construction, including petroleum products, solvents, and cleaners, primarily used for operation and maintenance of construction equipment. These materials will be stored properly within the staging area, in accordance with BMPs and applicable regulations, and the staging area will be secured from public access and identified per city requirements. Runoff controls will be implemented to prevent water quality impacts, and a spill plan will be developed to address any accidental spills. Any waste products resulting from construction operations will be stored, handled, and recycled or disposed of in accordance with federal, state, and local laws, including any wood that has been treated with potentially hazardous preservation chemicals. The proposed project is located within ¼ mile of the Church of the Oaks preschool. However, the same safety precautions for routine hazardous materials used during construction would be employed. The project does not have the potential to interfere with an emergency response plan or to expose people or structures to wildland fires.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
7. 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?				X	1,2, 3
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?			X		1,2, 3
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?			X		1,2, 3
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1,2, 3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	1,2, 3
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	1,2, 3
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1,2, 3
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	1,2, 3

I. HYDROLOGY AND WATER QUALITY

Setting

The proposed project lies to the north of the Del Rey Oaks Creek; the parcel is not listed on the Federal Emergency Management Agency 100-year Flood area.

Impacts and Mitigation

The project has the potential to impact water quality in the Monterey Bay due to its proximity to the water. The City requires, prior to issuance of building permits, approval of a water quality protection plan during construction by the City Engineer and the applicant. The City’s requirements for this plan include a site plan showing a clear delineation of materials and equipment staging and storage areas; appropriate stockpile management; waste management devices and containment; storm water drainage protections; over-water measure to prevent debris/tools from leaving docks, etc. The plan must be accompanied by a text description

of construction methods and the applicable best management practices (BMPs) to be employed for each phase of construction. For guidance, the City provides the applicant with BMP fact sheets from the California Storm Water Quality Association (CASQA): Material Delivery and Storage; Materials Use; Spill Prevention and Control; Solid Waste Management; Materials Over Water; Pile Driving Operations; and other BMP guidance as applicable to the proposed project (see www.casqa.org). Therefore, the combination of project characteristics, City requirements, and BMPs in the Biological Resources section all address water quality and serve to avoid and reduce potential impacts relating to water quality.

Because the project would not disturb more than one acre of land, it would not be subject to coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit).

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a) Violate any water quality standards or waste discharge requirements?				X	1,2, 3
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1,2, 3
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.				X	1,2, 3
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				X	1,2, 3
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X		1,2, 3
f) Otherwise substantially degrade water quality?			X		1,2, 3
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	1,2, 3
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?				X	1,2, 3
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1,2
j) Inundation by seiche, tsunami, or mudflow?				X	1,2

The project will not result in a substantial depletion of groundwater, substantially alter the existing drainage pattern, create substantial run-off or flooding, place housing or structures within a 100-year flood hazard area, or expose people or structures to a significant risk of flooding. The project site is located in an area that is not prone to seiche and tsunami. **The impacts to hydrology and water quality are less-than significant.**

J. LAND USE

Impacts and Mitigation

The 1.96 acre project site and the surrounding remainder property are located in the C-1-V: Neighborhood Commercial with a Visitor Overlay District, City Parkland, under the City’s zoning ordinance. The proposed use is consistent with the allowable uses in the zoning district. The adjacent and nearby land uses are residential and commercial: residential neighborhoods are situated to the north, across SR 218, to the east, and along the south perimeter of the property, behind a buffer of trees; a large commercial shopping center with parking, restaurants, grocery store, and gas station, sits approximately ¼-mile to the west; the Church of the Oaks are located directly next to the site on Angelus Way. The proposed project proposes improvements to existing buildings and therefore would not physically divide an existing community. No habitat conservation plan or natural community conservation plan has been adopted within the vicinity of the project site. Additionally, the site will retain its current uses and will not conflict with any land use or habitat conservation plans, policies, or regulations. **As such, there will be no impact.**

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
9. LAND USE AND PLANNING. Would the project:					
a) Physically divide an established community?				X	1,2, 3,4
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	1,2, 3,4
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1,2, 3,4

K. MINERAL RESOURCES

Setting

There are no mineral resources within the City of Del Rey Oaks limits.

Impacts and Mitigation

No mineral resources exist within the project site and no impacts are anticipated.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
10. 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?				X	1,2
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X	1,2,3

L. NOISE

Setting

Adjacent and nearby land uses are residential and commercial: residential neighborhoods are situated to the north, across SR 218, to the east, and along the south perimeter of the property, behind a buffer of trees; a large commercial shopping center with parking, restaurants, grocery store, and gas station, sits approximately ¼-mile to the west; the Church of the Oaks and associated preschool lie approximately 90 yards to the east of the proposed project’s retail building. In addition, there is open space, public recreational trails, and public tennis courts.

The proposed saw shop building would serve as equipment storage and operation. Noise produced in the saw shop would be a result of machinery that could potentially be used: drills, chainsaws, leaf blowers, and lawn mowers. The equipment would be used for repair purposes and would not be used for building or fabricating. The level of noise emitted from the saw shop would be no more than that of garbage trucks, leaf blowers, or landscape maintenance equipment that is commonly used in the nearby residential neighborhood.

Impacts and Mitigation

There are noise receptors in the immediate surrounding vicinity: residences, a church, and preschool. Also surrounding the proposed project are sources of noise: two-land surface roads, state route 218, and large commercial businesses. Noise impacts will be limited to the temporary increases in local noise levels resulting from the proposed construction activities (trucks, heavy equipment) and during certain times of operation (saws, lawn mowers, leaf blowers).

Potential construction noise would be temporary during the X DAYS of construction. Operations noise would be kept to business hours (7:30 am through 4:30 pm, daily) and would not be any greater than the noise emitted from common yard maintenance equipment used in the surrounding neighborhoods. **This is considered a less-than significant impact.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
11. NOISE. Would the project result in					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?				X	1,2,3
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X	1,2,3
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1,2,3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1,2,3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	1,2,3
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	1,2,3

M. POPULATION AND HOUSING

Impacts and Mitigation

The project consists of improvement to existing commercial buildings and the surrounding land and will not result in any new development or induce population growth. **As such, there will be no impact.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
12. POPULATION AND HOUSING. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1,2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1,2

N. PUBLIC SERVICES

Impacts and Mitigation

The project involves the improvement of existing commercial buildings and the surrounding land and will not result in an increased demand on fire or police protection, schools, or other public facilities. Previous use on the property is established and no major additional public services will be required to provide this new use of a garden center. **As a result, there will be no impact.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or 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?				X	1,2, 3
b) Police protection?				X	1,2, 3
c) Schools?				X	1,2, 3
d) Parks?				X	1,2, 3
e) Other public facilities?				X	1,2, 3

O. RECREATION

Setting

The area surrounding the
Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
14. RECREATION. Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	1,2
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	2

P. TRANSPORTATION

Setting

The Project is located to the south of Canyon Del Rey Road (State Route 218) where it meets Rosita Road (see attached figure). Access to the Project is limited to a two-lane city road, Angelus Way, which turns off of Rosita Road, a 60-foot wide city surface street that feeds traffic from SR 218 to a residential neighborhood of single family homes.

Customer parking would be in the existing cul-de-sac driveway that would be improved to include ADA-compliant parking spaces; the number of parking spaces would be determined by the City code requirements for building design. Customers can park in the lot and walk through the entrance of the building, where there will be staff to assist with the landscaping and garden supplies. Alternately, customers and staff can drive through the gated driveway to access the courtyard, maintenance area, material cribs, and mulch. This access road would follow the existing contours of the ground to minimize grading. Cars can use the turnaround to exit back through the driveway. All improved parking and driveways would be surfaced with decomposed granite or another acceptable surface.

Impacts and Mitigation

The proposed project would not construct new roadways or alter existing roadways, and therefore would have no permanent impacts to vehicular transportation. Further, construction vehicle traffic would be minimal, and limited to trucks used for loading and unloading of materials, as well as worker transportation to the site. These factors may result in a temporary and intermittent addition of a minor amount of additional vehicles to the project site, which would not substantially impact traffic flow on nearby SR 218 and Rosita Road. Operations of the Garden Center would require passenger and employee vehicles turning onto Rosita Road from SR 218, but would not result in a substantially noticeable increase from the commercial and residential traffic that currently uses Rosita Road or from the previous use on the property.

The proposed project will not result in a change in air traffic patterns or interfere with emergency access/response routes. In addition, the proposed project will not conflict with any adopted policies, plans, or programs supporting alternative transportation and may provide opportunities for pedestrian and bicyclists to enjoy the open space area. **There would be no impact.**

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
15. TRANSPORTATION/TRAFFIC. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X	1,2, 3
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X	1,2, 3
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1,2, 3
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				X	1,2, 3
e) Result in inadequate emergency access?				X	1,2, 3
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X	2,3

Q. UTILITIES AND SERVICE SYSTEMS

Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment:
- Water Service:
- Storm Drainage:
- Solid Waste:
- Natural Gas & Electricity: PG&E

Impacts and Mitigation

The project will not increase the capacity of commercial or residential space in the area. Previous use on the property is established and no additional utility services will be required to provide this use of the site as a garden center. The current building and property, as an established use with City ownership and continued use, has water use associated with the property under Monterey Peninsula Water Management District rules and regulations. As such, there will not be an increased demand for public utilities or service systems and there will be **no impact**.

Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	1,2, 6
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects?				X	2, 5, 6
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	1,2,3
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	1,2, 5
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	1,2, 6
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	1,2,3
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	1,2

R. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:					
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	1, 2, 3
b) 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 the past projects, the effects of other current projects, and the effects of probable future projects.				X	1, 2, 3
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X	1, 2, 3

The preceding analysis describes the environmental setting and identifies the environmental impacts anticipated from implementation of the proposed project. The criteria provided in the CEQA environmental checklist were used to confirm the analysis of no significant environmental impacts associated with the project. Sources used for the environmental analysis are cited in the checklist and listed in Chapter 4 of this Initial Study.

Chapter 4. References

LEAD AGENCY

**City of Del Rey Oaks
650 Canyon Del Rey Blvd, Del Rey Oaks, CA 93940**

REPORT PREPARATION

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Matt Johnson, GIS Specialist and Natural Resources**

REFERENCES/CHECKLIST SOURCES

- 1. CEQA Guidelines and professional expertise of consultant**
- 2. Project Plan and Site Review, field review and field investigation, City files on property and proposed project, Consultation with City Staff**
- 3. City General Plan, Zoning Maps and City Ordinances**
- 4. MBUAPCD CEQA Guidelines, 2011**
- 5. Monterey Peninsula Water Management District Rules (mpwmd.org)**
- 6. Monterey Peninsula Water Pollution Water Control Agency (mpwpca.org)**

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Canyon del Rey Blvd

Rosita Rd

Angelus Way

Former Clubhouse

Existing Building



Title:

Proposed Project Vicinity Map

Date: 10/20/2014

Scale: NA

Project: Loye's Sustainable Garden Center



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