

to each lot for mitigation in the Conservation Easement. Removal of the Canopy exceeding 0.37 acre (up to 0.5 acre) shall be mitigated on individual lots by replanting prior to occupancy.

Note 9 on the Tree Preservation Plan map dated February 2014 is subject to Development Services Division Director approval and may require additional CEQA analysis or another public hearing.

A Notice of Restriction (NOR) shall be recorded that limits the oak canopy removal for each lot to the allocations listed on the Table on the Tree Preservation Plan for the development of a residence on each lot. A note shall be placed on the recorded map identifying the applicability and standards of said Notice. The draft NOR shall be reviewed and approved by Planning Services prior to recordation, and recordation shall occur with the recordation of the final map.

The Planning Commission heard the proposed Boundary Line Adjustment and revision to an approved Tentative Subdivision Map on February 13, 2014. The applicants requested the project be continued to allow them to assemble a new tree preservation plan.

The newly proposed Tree Preservation Plan map (February 2014), the Arborist Confirmation of Oak Woodlands Conservation easement (February 19, 2014), and the Oak Woodland Conservation Easement APN 110-430-03 (February 2014), were received February 20th and 24th, 2014 and are attached. They are intended to replace the Arborist Report for the Migianella Project Tree Canopy Mitigation Plan (July 25, 2013), and the Tree Preservation Plan map (July 2013). The new plan proposes a combination of on-site replanting and off-site conservation easement. The proposed existing oak woodland to be used as a conservation easement is parcel number 110-430-03-10, located across Kaila Way from the project and also owned by the applicant.

The Option A tree removal for roads and grading is still 0.72 acres of canopy by developer and 3.9 acres for the lot development, for a total of 4.62 acres of total planned tree canopy removal. The total available on-site mitigation area is 2.3 acres. The total proposed conservation easement is up to 3.7 acres with 3.7 acres set aside to mitigate canopy loss. Each Lot is allocated 0.37 acre of mitigation area within the easement. Removal beyond 0.37 acre (and up to 0.5 acre) will require on-site mitigation by replanting.

An additional Finding has been added to specifically note the project has been found to be compliant with Policy 7.4.4.4 as conditioned. Along with this additional finding, Planning believes the previous findings can be made, and that the revised condition reduces the impacts, and that no new significant impacts have been identified.

Transportation Division Conditions 33, 34, and 35

The Transportation Division is recommending keeping the conditions 36 (Off-site Improvements-Security), 37 (Off-site Improvements-Acquisition), and 38 (Off-site Access Easements), that had been previously shown with strikeout in the staff report for the February 13th hearing. They would become

Conditions 33, 34, and 35 and the subsequent conditions would have their numbers increased respectively.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074 (d) as incorporated in the Revised Conditions of Approval and Mitigation Measures;
3. Approve Boundary Line Adjustment BLA13-0015 based on the Revised Findings presented; and
4. Conditionally approve Tentative Map TM07-1458-R based on the Revised Findings and subject to the Revised Conditions of Approval dated February 27, 2014.

ATTACHMENTS TO STAFF MEMO

Revised Conditions of Approval; Planning Commission/February 27, 2014
Revised Findings; Planning Commission/February 27, 2014

New Exhibit F-1 Tree Preservation Plan map; February 2014
New Exhibit F-2 Arborist Confirmation of Oak Woodlands Conservation
Easement; February 19, 2014
New Exhibit F-3 Oak Woodland Conservation Easement APN 110-430-03;
February 2014