

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: October 29, 2009 Time: 1:30 P.M	Agenda Item No.:
Project Description: Combined Development Permit consisting of 1) Coastal Administrative Permit for the construction of a 3,771 square foot single family dwelling with an attached 280 square foot carport, permanent well (previously approved by PLN080262) an alternative septic system design; 2) Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; and 3) Coastal Development Permit to allow the removal of one Redwood tree (22 inches in diameter) for development.	
Project Location: 38250 Palo Colorado Road, Big Sur	APN: 418-131-024-000
Planning File Number: PLN070309	Owners: Seebaugh, Russ & Woodward, Jane
Planning Area: Big Sur Coast Land Use Plan	Flagged and staked: Yes
Zoning Designation: : "RDR/40 (CZ)" Rural Density Residential/40 acres per unit (Coastal Zone)	
CEQA Action: Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Adopt the Mitigated Negative Declaration;
- 2) Approve PLN070309, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**)

PROJECT OVERVIEW:

Applicant proposes to construct a 3,771 square foot single family dwelling with an attached 280 square foot carport. A previously approved project (PLN080262) authorized the construction of a test well along with a new state-of-the-art alternative septic system. The proposal also includes development with 100 feet of Environmentally Sensitive Habitat and the removal of one Redwood tree (22 inches in diameter) for development.

The Woodward-Seebaugh parcel is located at 38250 Palo Colorado Road, approximately three miles inland from Highway One in Monterey County, near the confluence of Brandon Creek and Rocky Creek. The property is accessed from Palo Colorado Road at an unpaved private driveway immediately east of Brandon Creek. The subject property is generally bordered on the north by the embankment of Palo Colorado Road and by Rocky Creek on the south.

An Initial Study was prepared and circulated from September 15, 2009 to October 15, 2009. Issues addressed in the Initial Study are biological resources, geology and soils, hydrology/water quality, utilities and service systems. Two comments on the Initial Study have been received. They do not change the analysis or mitigation already imposed. They are addressed in the Discussion (**Exhibit B.**)

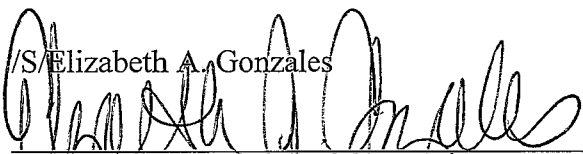
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- RMA - Public Works Department
- √ Environmental Health Division
- √ Water Resources Agency
- √ Cal Fire Coastal
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by Water Resources Agency, Environmental Health and Cal Fire Coastal have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

On November 27, 2007, the Big Sur Land Use Advisory Committee (LUAC) recommended a vote of (6 to 0) to approve the project. They agreed that drain field requirements force the removal of mature trees and that alternate technologies should be allowed.

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

/s/ Elizabeth A. Gonzales

Elizabeth A. Gonzales, Associate Planner
(831) 755-5102, gonzalesl@co.monterey.ca.us
October 9, 2009

cc: Front Counter Copy; Zoning Administrator; Cal Fire Coastal; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary; Seebaugh, Russ & Woodward, Jane, Owner; Planning File PLN070309

- Attachments:
- | | |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exhibit A | Project Data Sheet |
| Exhibit B | Discussion |
| Exhibit C | Draft Resolution, including:
1. Conditions of Approval and Mitigation Monitoring and Reporting Program
2. Site Plan, Floor Plan and Elevations, |
| Exhibit D | Vicinity Map |
| Exhibit E | Big Sur Coast Land Use Advisory Committee Minutes (LUAC) |
| Exhibit F | Mitigated Negative Declaration |
| Exhibit G | Comments on Mitigated Negative Declaration |

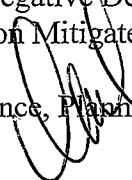
This report was reviewed by Laura Lawrence, Planning Services Manager


EXHIBIT A

Project Information for PLN070309

Project Title: SEEBAUGH WILLIAM R ET AL

Location: 38250 PALO COLORADO RD CARMEL

Primary APN: 418-131-024-000

Applicable Plan: Big Sur Coast Land Use Plan

Coastal Zone: Yes

Permit Type: Combined Development Permit

Zoning: RDR/40 (CZ)

Environmental Status: MND

Plan Designation: RESIDENTIAL

Advisory Committee: N/A

Final Action Deadline (884): 8/5/2009

Project Site Data:

Lot Size: 5.1 AC

Coverage Allowed: 25%

Coverage Proposed: <1%

Existing Structures (sf): 0

Height Allowed: 30 FEET

Proposed Structures (sf): 4051 SF

Height Proposed: 22 FEET

Total Sq. Ft.: 4051 SF

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes

Erosion Hazard Zone: HIGH

Biological Report #: LIB090389

Soils Report #: LIB090392

Forest Management Rpt. #: LIB090391

Archaeological Sensitivity Zone: MODERATE

Geologic Hazard Zone: HIGH

Archaeological Report #: LIB070572

Geologic Report #: LIB070570

Fire Hazard Zone: HIGH

Traffic Report #: N/A

Other Information:

Water Source: PRIVATE WELL

Sewage Disposal (method): SEPTIC

Water Dist/Co: N/A

Sewer District Name: N/A

Fire District: CAL FIRE COASTAL

Grading (cubic yds.): 0.0

Tree Removal: 1 REDWOOD

EXHIBIT B DISCUSSION

Project Description

The proposed project consists of the construction of a 3,771 square foot single family dwelling with an attached 280 square foot carport, a permanent well, alternative septic system design, development within 100 feet of Environmentally Sensitive Habitat and the removal of one Redwood tree (22 inches in diameter). Entitlements include:

- Coastal Administrative Permit for the single family dwelling, well and septic system per Section 20.16.040 (MCC);
- Coastal Development Permit for development within 100 feet of mapped or field identified Environmentally Sensitive Habitat per Section 20.16.030 (MCC);
- Coastal Development Permit for the removal of one protected Redwood tree (22 inches in diameter) per Section 20.145.060.A (CIP).

The well has been installed (PLN080262) and is located with the proposed house well above the floodplain as shown on "Site A" in the site plan.

Environmental Setting

The Woodward-Seebaugh parcel is located at 38250 Palo Colorado Road, approximately three miles inland from Highway One in Monterey County, near the confluence of Brandon Creek and Rocky Creek. The property is accessed from Palo Colorado Road at an unpaved private driveway immediately east of Brandon Creek. The subject property is generally bordered on the north by the embankment of Palo Colorado Road and by Rocky Creek on the south. Slopes vary from flat to extremely steep.

The parcel is undeveloped, but is zoned to allow for residential development. The owners propose one single family dwelling. Water will be provided by a new well and an alternative septic system at appropriate on-site locations. Runoff is very rapid and the erosion hazard is very high. The project site is also in an area identified in County records as having a moderate archaeological sensitivity, and is in a high seismic hazard zone. The fire hazard is designated "High." There are no Aesthetic issues with the project since it has been revised to reduce tree removal from approximately 10 trees to 1 tree.

Preliminary studies indicate three general areas for development of the structures. "Site A" is along the southwest side of the existing driveway in the middle of the property. The second, "Site B" is between Brandon creek and Palo Colorado Road. The third, "Site C" is between Palo Colorado Road, the driveway and Rocky Creek. The most feasible location for the single family dwelling is "Site A" and the most feasible location for the alternative septic system design is "Site C". Nothing will be developed on "Site B".

CEQA

The Draft Mitigated Negative Declaration (MND) for PLN070309 was prepared in accordance with CEQA and circulated for public review from September 15, 2009 through October 15, 2009 (SCH#: 2009091056). Issues addressed in the Initial Study are biological resources, geology and soils, hydrology/water quality, utilities and service systems. The original application included a standard septic system and standard leach fields with drip irrigation lines that would have required the removal of approximately 10 Redwood trees. Redwood trees have very large root balls and are spread out and shallow. Removal would not only require substantial grading but also require additional fill. Environmental Health Division could not allow a standard septic system to be placed in engineered fill. The California Department of Fish and Game was also concerned with the substantial grading for tree removal and the potential impacts to both Rocky SEEBAUGH (PLN070309)

Creek and Brandon Creek if this type of system was to be used. Therefore, an upgraded Geoflow Wasteflow Dripline system has been approved as an available alternative non-invasive system by the California Regional Water Quality Control Board (CRWQCB). This specific design still requires final approval from the CRWQCB.

Issues Addressed in Initial Study:

A Biological Assessment was prepared by Nicole Nedeff, Consulting Ecologist on June 5, 2008. Focused surveys for owl, frog and newt were conducted on the subject property on June 1, 2008 as these biologically significant species are known to occur in Palo Colorado and Rocky Creek Canyons in the general vicinity of the project area. At no time were the California spotted owl, Foothill yellow-legged frog, California red-legged frog, or Coast Range newt observed on or near the subject property. There is no evidence of owl nesting or roosting on the property, however, it is possible that owls periodically fly through the forested site and perch on redwood branches. The Monterey dusky-footed woodrat is the preferred prey for spotted owl, however no woodrat stick nests or tree cavity nests were observed.

A Forest Management Plan was prepared by Roy Webster on September 2007. The project site is vegetated with mostly second-growth Redwood Forest, with a few notable landmark old-growth trees. Several of the larger second-growth individuals have diameters at breast height (DBH) in excess of 24" and canopy closure over most of the property is approximately 90%. Pockets of shrub vegetation occur along the existing driveway in areas receiving more light from openings in the dense forest canopy. Tanbark oaks on the project site are infected with the pathogen resulting in Sudden Oak death and all tanbark oaks are either dead or in various stages of mortality. Many dead and fallen tanbark oaks have been cut, chipped and disposed of on-site.

A Geologic Hazards Investigation of the proposed Woodward –Seebaugh Residential Building Site "A" was prepared by Gasch & Associates on October 2006. There are no visible indications of historic ground ruptures, ground failures, or other recent geological hazards on the proposed construction site that may have been caused by historically recent seismic activity.

A Percolation and Groundwater Study with Septic Recommendations for the Proposed Residence was prepared by Grice Engineering and Geology, Inc. on October 2004 and then revised on September 2007. An addendum to the Percolation and Groundwater Study was prepared on June 26, 2009 to incorporate the new information to replace the standard leachfields with drip irrigation lines. This modification was required to eliminate the removal of trees.

Based on field reconnaissance and analysis of site plans from each professional noted above, it has been determined that if appropriate engineering, erosion control, restoration, and use of Best Management Practices (BMPs) are properly addressed during the design and construction phases the project will not have significant impacts on the surrounding environment.

Comments Received:

The County received two comments during the public review period. They are as follows:

- 1) Native American Heritage Commission, dated September 29, 2009, states that "any project that causes a substantial adverse change in the significance of an historical resource, which includes archaeological resources, is a significant effect requiring the preparation of and EIR. To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. Also, lack of surface evidence of archaeological resources does not preclude their subsurface existence."

A Preliminary Cultural Resources Reconnaissance prepared by Susan Morley, states that no evidence of historic or pre-historic cultural activity was observed during the site reconnaissance and that there is no reason to preclude commencement of development of the project site. However, staff has conditioned the project that if, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it (*Condition #4*).

2) Department of Forestry and Fire Protection (Cal Fire), dated October 6, 2009, states:

- The project is a single family rural residence located in a High Fire Hazard Zone and could be susceptible to damage by a wildfire. Any structure build on the property would be subject to Public Resources Code 4291 fire clearance requirements in addition to building codes.
- Given the fact that a Coast Redwood (*Sequoia sempervirens*) is deemed to be a "Commercial Species" in the California Forest Practice Rules, a less than three acre conversion Exemption will be required. This one-time exemption is required for property owners who intend to cut or remove trees for structures and other needed improvements. A Registered Professional Forester must prepare this exemption;
- There are trees located in the area exhibiting Sudden Oak Death (SOD) Syndrome symptoms. Measure to mitigate the spread of SOD will have to be taken. Such mitigations could include the washing of vehicles, tools and boots prior to leaving the area. Also, any cut and chipped tanoak materials must be left on site.

Staff has conditioned the project to require the Forester to follow the recommendations received from the Department of Forestry and Fire Protection during the Initial Study comment period (*Conditions #33, #34, and #35*). Roy Webster, Professional Forester, identified the possibility of SOD in the current Forest Management Plan dated September 2007.

**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:

SEEBAUGH, RUSS & WOODWARD, JANE (PLN070309)

RESOLUTION NO. 070309

Resolution by the Monterey County Zoning
Administrator:

- 1) Adopts the Mitigated Negative Declaration;
- 2) Approves Combined Development Permit consisting of 1) Coastal Administrative Permit for the construction of a 3,771 square foot single family dwelling with an attached 280 square foot carport, permanent well (previously approved by PLN080262) an alternative septic system design; 2) Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; and 3) Coastal Development Permit to allow the removal of one Redwood tree (22 inches in diameter) for development; and
- 3) Adopts the Mitigation Monitoring and Reporting Program.

(PLN070309, Seebaugh, Russ & Woodward, Jane, 38250 Palo Colorado Road, Big Sur Coast Land Use Plan (APN: 418-131-024-000))

The Combined Development Permit application (PLN070309) came on for public hearing before the Monterey County Zoning Administrator on October 29, 2009. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: b) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the Monterey County General Plan,
- Big Sur Coast Land Use Plan,
- Monterey County Coastal Implementation Plan, Part 3,
- Monterey County Zoning Ordinance (Title 20)

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- c) The property is located at 38250 Palo Colorado Road, Big Sur. (Assessor's Parcel Number 418-131-024-000, Big Sur Coast Land Use Plan. The parcel is zoned "RDR/40 (CZ)" Rural Density Residential/40 acres per unit (Coastal Zone), which allows for residential development. Therefore, the project is an allowed land use for this site.
- d) The proposed project consists of the construction of a 3,771 square foot single family dwelling with an attached 280 square foot carport, a permanent well, alternative septic system design, development within 100 feet of Environmentally Sensitive Habitat and the removal of one Redwood tree (22 inches in diameter). Entitlements include:
- Coastal Administrative Permit for the single family dwelling, well and septic system per Section 20.16.040 (MCC);
 - Coastal Development Permit for development within 100 feet of mapped or field identified Environmentally Sensitive Habitat per Section 20.16.030 (MCC);
 - Coastal Development Permit for the removal of one protected Redwood tree (22 inches in diameter) per Section 20.145.060.A (CIP).

The proposed application meets all site development standards required of the entitlements above.

- e) On August 6, 2008, applicant secured a Coastal Administrative Permit (PLN080262) authorizing construction and use of the well for testing. That permit has been cleared by Environmental Health.
- f) Pursuant to Chapter 20.44.020.C, the Design Control District applies to the Big Sur Coast Land Use Plan. This chapter applies to the visual impacts of structures to adequately mitigate by regulation of the location, size, configuration, materials and colors, only. The proposed application is not located within the critical viewshed. Colors and materials shall be of natural weathered wood and olive green stucco with cedar shingles which blend into the character of the neighborhood.
- g) The project planner conducted a site inspection on March 13, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- h) The proposed project is located within 100 feet of Environmentally Sensitive Habitat. Pursuant to 20.145.040.A.1.c of the Coastal Implementation plan, a structure may be located within 100 feet of Environmentally Sensitive Habitat if the project does not have the potential to negatively impact the long-term maintenance of the habitat. Biological report prepared by Nicole Nedeff Consulting Ecologist, on June 5, 2008 stated that the proposed project as mitigated will not significantly impact perennial flow in the Rocky Creek and will not result in changes to aquatic or riparian habitat that sustains fish and other aquatic species. (*See Finding #2*)
- i) The project minimizes tree removal in accordance with applicable goals and policies of the Big Sur Coast Land Use Plan. Originally, 10 redwood trees and associated clonal sprouts were to be removed for the installation of a standard septic system. However, removal would have required substantial grading which would cause potential impacts to the streams. Therefore, County staff recommended installing an alternative septic system design to reduce the number of tree removal to one

- Redwood tree (22 inches in diameter) (*see Finding #7*).
- j) On November 27, 2007, the Big Sur Land Use Advisory Committee (LUAC) recommended a vote of (6 to 0) to approve the project. They agreed that drain field requirements force the removal of mature trees and that alternate technologies should be allowed. (*Exhibit E*)
 - k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070309.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cal Fire Coastal, Parks, Public Works, Environmental Health Division, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to biological, geologic and hydrology & water quality. Staff prepared a Mitigated Negative Declaration which addresses these issues and mitigates them to a less than significant level. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The project is located within a moderate archaeological sensitivity zone. A Preliminary Cultural Resources Reconnaissance states that no evidence of historic or pre-historic cultural activity was observed during the site reconnaissance and that there is no reason to preclude commencement of development of the project site. A comment letter received from the Native American Heritage Commission states that lack of evidence of archaeological resources does not preclude subsurface existence and recommends provisions for the identification and evaluation of accidentally discovered archaeological resources. Staff has conditioned the project that if, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it (**Condition #4**). The following reports have been prepared:
 - "Preliminary Cultural Resources Reconnaissance" (LIB070572), prepared by Susan Morley, Pacific Grove, California, August 2004.
 - "Geotechnical Soils-Foundation and Geoseismic Report" (LIB070570), prepared by Grice Engineering and Geology, Inc., Salinas, California, September 2007.
 - "Geologic Hazards Investigation of Proposed Woodward – Seebaugh Residential Building Site" (LIB070576), prepared by Gasch & Associates, Rancho Cordova,

California, October 2006.

- "Percolation, Groundwater & Contamination Study" (LIB090392), prepared by Grice Engineering, Inc., Salinas, California, October 2004; and revised September 27, 2007; and Addendum No. 1, dated June 26, 2009.
- "Biological Assessment" (LIB090389), prepared by Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, October 1, 2007.
- "Addendum to Biological Assessment" (LIB090390), prepared by Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 5, 2008.
- "Forest Management Plan" (LIB090391), prepared by Roy Webster, Webster & Associates Professional Foresters, Santa Cruz, California, September, 2007.

- c) Staff conducted a site inspection on March 13, 2008 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN070309.

3. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, Cal Fire Coastal, Parks, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Necessary public facilities will be provided by a private well. Due to the biological and hydrologic issues at the site, an alternative non-invasive system pre-approved by the California Regional Water Quality Control Board will be used. This system will eliminate the need for substantial grading and tree removal.
 - c) See Findings #1, #2, and #5 and supporting evidence for PLN070309.

4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

- b) Staff conducted a site inspection on March 13, 2008 and researched County records to assess if any violation exists on the subject property.
- c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070309.

5. **FINDING: CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- b) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - c) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN070309).
 - d) The Initial Study identified several potentially significant effects, but revisions have been made to the project and the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN070309).
 - e) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (**Condition #6**)
 - f) The Draft Mitigated Negative Declaration (MND) for PLN070309 was prepared in accordance with CEQA and circulated for public review from September 15, 2009 through October 15, 2009 (SCH#: 2009091056). Issues that were analyzed in the Draft Mitigated Negative Declaration (MND) include: biological resources, geology and soils, hydrology/water quality, utilities and service systems. However, the MND determined that the project as designed and mitigated reduces impacts to a less than significant level.
 - g) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding #2*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN070309) and are hereby incorporated herein by reference.
 - h) The County received two comments during the public review period. They are as follows:

- 1) Native American Heritage Commission, dated September 29, 2009, states that “any project that causes a substantial adverse change in the significance of an historical resource, which includes archaeological resources, is a significant effect requiring the preparation of and EIR. To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. Also, lack of surface evidence of archaeological resources does not preclude their subsurface existence.”

A Preliminary Cultural Resources Reconnaissance prepared by Susan Morley, states that no evidence of historic or pre-historic cultural activity was observed during the site reconnaissance and that there is no reason to preclude commencement of development of the project site. However, staff has conditioned the project that if, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it (*Condition #4*).

- 2) Department of Forestry and Fire Protection (Cal Fire), dated October 6, 2009, states:
 - The project is a single family rural residence located in a High Fire Hazard Zone and could be susceptible to damage by a wildfire. Any structure build on the property would be subject to Public Resources Code 4291 fire clearance requirements in addition to building codes.
 - Given the fact that a Coast Redwood (*Sequoia sempervirens*) is deemed to be a “Commercial Species” in the California Forest Practice Rules, a less than three acre conversion Exemption will be required. This one-time exemption is required for property owners who intend to cut or remove trees for structures and other needed improvements. A Registered Professional Forester must prepare this exemption;
 - There are trees located in the area exhibiting Sudden Oak Death (SOD) Syndrome symptoms. Measure to mitigate the spread of SOD will have to be taken. Such mitigations could include the washing of vehicles, tools and boots prior to leaving the area. Also, any cut and chipped tanoak materials must be left on site.

Staff has conditioned the project to require the Forester to follow the recommendations received from the Department of Forestry and Fire Protection during the Initial Study comment period (*Conditions #33, #34, and #35*). Roy Webster, Professional Forester, identified the possibility of SOD in the current Forest Management Plan dated September 2007.

- i) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.
- j) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in

Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

- k) For purposes of the Fish and Game Code, the project may have the potential to degrade the fish and wildlife resources upon which the wildlife depends. Therefore, the project will be required to pay the State fee of \$1,993.00 plus a fee of \$50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD) (*Condition #5*).
- l) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

6 **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.050 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Big Sur Coast Land Use Plan).
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070309
 - e) The project planner conducted a site inspection on March 13, 2008.

7 **FINDING:** **TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the applicable land use plan and the Coastal Implementation Plan.

- EVIDENCE:**
- a) The proposed project includes the removal of one Redwood tree (22 inches in diameter). In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met (20.145.060.A CIP)
 - b) A Forest Management Plan was prepared by Roy Webster in September 2007. Originally, 10 redwood trees and associated clonal sprouts were to be removed for the proposed project. However, removal would have required substantial grading which would cause potential impacts to the streams. Installation of a less invasive alternative septic system design will reduce the number of tree removal to one Redwood tree (22 inches in diameter) The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible

- (20.145.060.D.3 CIP). Therefore, the removal will not involve a risk of adverse environmental impacts.
- c) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots (*Condition #8*).
 - d) Native trees to be removed which are 12 inches or more in diameter, when measured at breast height shall be replaced on the parcel (20.145.060.D.6 CIP). However, the Forest Management Plan does not recommend replacement because the subject parcel is a fully stocked stand with 90% canopy closure.
 - e) Staff conducted a site inspection on March 13, 2008 to verify that the tree removal is the minimum necessary for the project and to identify any potential adverse environmental impacts related to the proposed tree removal.
 - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN070309.

- 8 **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission
- EVIDENCE:**
- a) Section 20.86.030 Monterey County Zoning Ordinance (Board of Supervisors).
 - b) Section 20.86.080.A.3 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because Development permitted as a conditional use may be appealed to the Coastal Commission.
 - c)

DECISION

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

- A. Adopt the Mitigated Negative Declaration; and
- B. Approve Combined Development Permit, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.
- C. Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**)

PASSED AND ADOPTED this 29th day of October 2009

Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

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

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

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

2. This permit expires 4 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION 070309- EXHIBIT 1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Seebaugh/Woodward
 File No: PLN070309 APNs: 418-131-024-000
 Approved by: Zoning Administrator Date: October 29, 2009

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
RMA – Planning Department						
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN070309) consists of 1) Coastal Administrative Permit for the construction of a 3,771 square foot single family dwelling with an attached 280 square foot carport, permanent well (previously approved by PLN080262) an alternative septic system design; 2) Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; and 3) Coastal Development Permit to allow the	Adhere to conditions and uses specified in the permit. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department.	Owner/ Applicant RMA - Planning	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		removal of one Redwood tree (22 inches in diameter) for development. The property is located at 38250 Palo Colorado Road, Big Sur (Assessor's Parcel Number 418-131-024-000), Big Sur Coast Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)	To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.	WRA RMA - Planning		
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution 070309) was approved by the Zoning Administrator for Assessor's Parcel Number 418-131-024-000 on October 29, 2009. The permit was granted subject to 35 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 4 years, to expire on October 29, 2013, unless use of the property or actual construction has begun within this period. (RMA – Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
4.		<p>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	<p>Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Owner/ Applicant/ Archaeologist</p>	<p>Ongoing</p>	
5.		<p>PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Within 5 working days of project approval.</p>	
			<p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p>	<p>Owner/ Applicant</p>	<p>Prior to the start of use or the issuance of building or grading permits</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
6.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	1) Enter into agreement with the County to implement a Mitigation Monitoring Program. 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.		PD007 - GRADING-WINTER RESTRICTION No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department. (RMA – Planning Department and Building Services Department)	Obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.	Owner/ Applicant	Ongoing	
8.		PD011 – TREE AND ROOT PROTECTION Trees which are located close to the construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is	Submit evidence of tree protection to the RMA - Planning Department for review and approval. Submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
				Owner/ Applicant/ Arborist	During Construction	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.(RMA - Planning Department)	Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
9.		PD012(F) - LANDSCAPE PLAN AND MAINTENANCE (SINGLE FAMILY DWELLING ONLY) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to Occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
10.		<p>PD014(C) – LIGHTING – EXTERIOR LIGHTING PLAN (BIG SUR) All exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from critical viewshed viewing areas, as defined in Section 20.145.020.V, are prohibited. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)</p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
			<p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to Occupancy / Ongoing	

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Monterey County Water Resources Agency						
11.		WR40 - WATER CONSERVATION MEASURES The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system. b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
Fire Agency Cal Fire Coastal						
12.		FIRE007 - DRIVEWAYS Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Cal Fire Coastal)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
13.		FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit.	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Cal Fire Coastal)	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
14.		FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Cal Fire Coastal)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
15.		<p>FIRE014 – EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)</p> <p>For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (Cal Fire Coastal)</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection	
16.		<p>FIRE015 - FIRE HYDRANTS/FIRE VALVES</p> <p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire</p>	<p>Applicant shall incorporate specification into design and enumerate as “Fire Dept. Notes” on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings along State Highways and Freeways, May 1988. (Cal Fire Coastal)</p>	<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	
17.		<p>FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS) Manage combustible vegetation within a minimum of 30 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Cal Fire Coastal)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	<p>Applicant or owner</p>	<p>Prior to issuance of grading and/or building permit.</p>	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	<p>Applicant or owner</p>	<p>Prior to final building inspection</p>	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
18.		FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Cal Fire Coastal)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	<i>Applicant or owner</i>	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	<i>Applicant or owner</i>	Prior to final building inspection	
19.		FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Cal Fire Coastal)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit.	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
Mitigation Measures						
20.	1.	<p>Mitigation Measure #1: An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understood the Biological Report and Addendum prepared by Nicole Nedoff on October 1, 2007, and June 5, 2008 and all recommendations shall be adhered to during construction. (RMA - Planning Department)</p>	<p>Monitoring Action #1: A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.</p> <p>Additional on-going monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	Owner/ Applicant	Prior to the issuance of building permits	
21.	2.	<p>Mitigation Measure #2: Riparian habitat buffers and the limit of the work zone shall be protected with temporary plastic "snow" fencing to demarcate Environmentally Sensitive Habitat Areas (Redwood trees) where equipment should not be allowed. (RMA - Planning Department)</p>	<p>Monitoring Action #2: The applicant shall have the contractor sign an agreement that protection of snow fencing will be done prior to any construction. Proof of protective fencing and such agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of building permits.</p> <p>Additional on-going monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	Owner/ Applicant	Prior to the issuance of building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land-Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
22.	3.	<p>Mitigation Measure #3: Silt-stop fencing and coconut fiber rolls should be installed at appropriate intervals along steep slope contours to minimize soil loss during excavation and prevent the down-slope movement of loose soil during fill placement. Redwood leaf litter should be stockpiled before soil disturbance begins at all sites and used to cover exposed soils when disturbances are finished. (RMA - Planning Department)</p>	<p>Monitoring Action #3: The applicant shall have the contractor sign an agreement that coconut fibers will be installed at appropriate intervals along steep slope contours prior to any construction. Proof of installation and such agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of building permits.</p> <p>Additional on-going monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	Owner/ Applicant	Prior to the issuance of building permits	
23.	4.	<p>Mitigation Measure #4: During trenching along the existing driveway for the installation of water and sewage pipes, employ Best Management Practices at all times to avoid erosion and runoff. There should be no side casting of excess fill off the roadway and no scraping of additional fill materials from adjacent habitat areas. (RMA - Planning Department)</p>	<p>Monitoring Action #4: The applicant shall have the contractor sign an agreement that no side casting of excess fill off the roadway and no scraping of additional fill materials from adjacent habitat areas will be done. Proof of such agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of building permits.</p> <p>Additional on-going monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	Owner/ Applicant	Prior to the issuance of building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
24.	5.	<p><u>Mitigation Measure #5:</u> A rigorous program of weed eradication should be developed to control the spread of non-native invasive species, particularly genista, which is present along the right of way fringing Palo Colorado Road. (RMA - Planning Department)</p>	<p><u>Monitoring Action #5:</u> The Biologist shall provide a program of weed eradication to the applicant. The applicant shall submit a copy to the RMA-Planning Department for review and approval prior to issuance of building permits.</p>	Owner/ Applicant	Prior to the issuance of building permits	
25.	6.	<p><u>Mitigation Measure #6:</u> Fill shall not be deposited around retained trees, which could compact soils and alter water and air relationships. Excavation contractor shall be careful not to damage stems and/or exposed roots of trees with heavy equipment. Boards or other material shall be used to protect retained trees within 20 feet of the perimeter of soil disturbance. (RMA - Planning Department)</p>	<p><u>Monitoring Action #6:</u> An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understood the Forest Management Plan prepared by Roy Webster on September, 2007, and all recommendations shall be adhered to during construction. A copy of the signed agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of any grading/building permits.</p> <p>Additional on-going monitoring Action: The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	Owner/ Applicant	Prior to the issuance of building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
26.	7.	<u>Mitigation Measure #7:</u> The applicant shall provide a slope stability evaluation prepared by the Geotechnical Engineer to determine the foundation requirements and recommendations for management of water runoff to maintain erosion and slope stability. An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understands the evaluation and all recommendations shall be adhered to during construction. (RMA - Planning Department)	<u>Monitoring Action #7:</u> The applicant shall submit the evaluation to the RMA-Planning Department for review and approval prior to issuance of any building permits.	Owner/ Applicant	Prior to the issuance of building permits	
27.	8.	<u>Mitigation Measure #8:</u> An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understood the Geotechnical Soils-Foundation Report prepared by Grice Engineering, dated September 7, 2009, and all recommendations shall be adhered to during construction. (RMA - Planning Department)	<u>Monitoring Action #8:</u> A copy of the agreement shall be submitted to the RMA Planning Department for review and approval prior to issuance of any grading/building permits.	Owner/ Applicant	Prior to the issuance of building permits	
28.	9.	<u>Mitigation Measure #9:</u> The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)	<u>Monitoring Action #9:</u> Prior to issuance of any grading or building permits, the applicant shall provide a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to the issuance of building permits and/or grading permits	

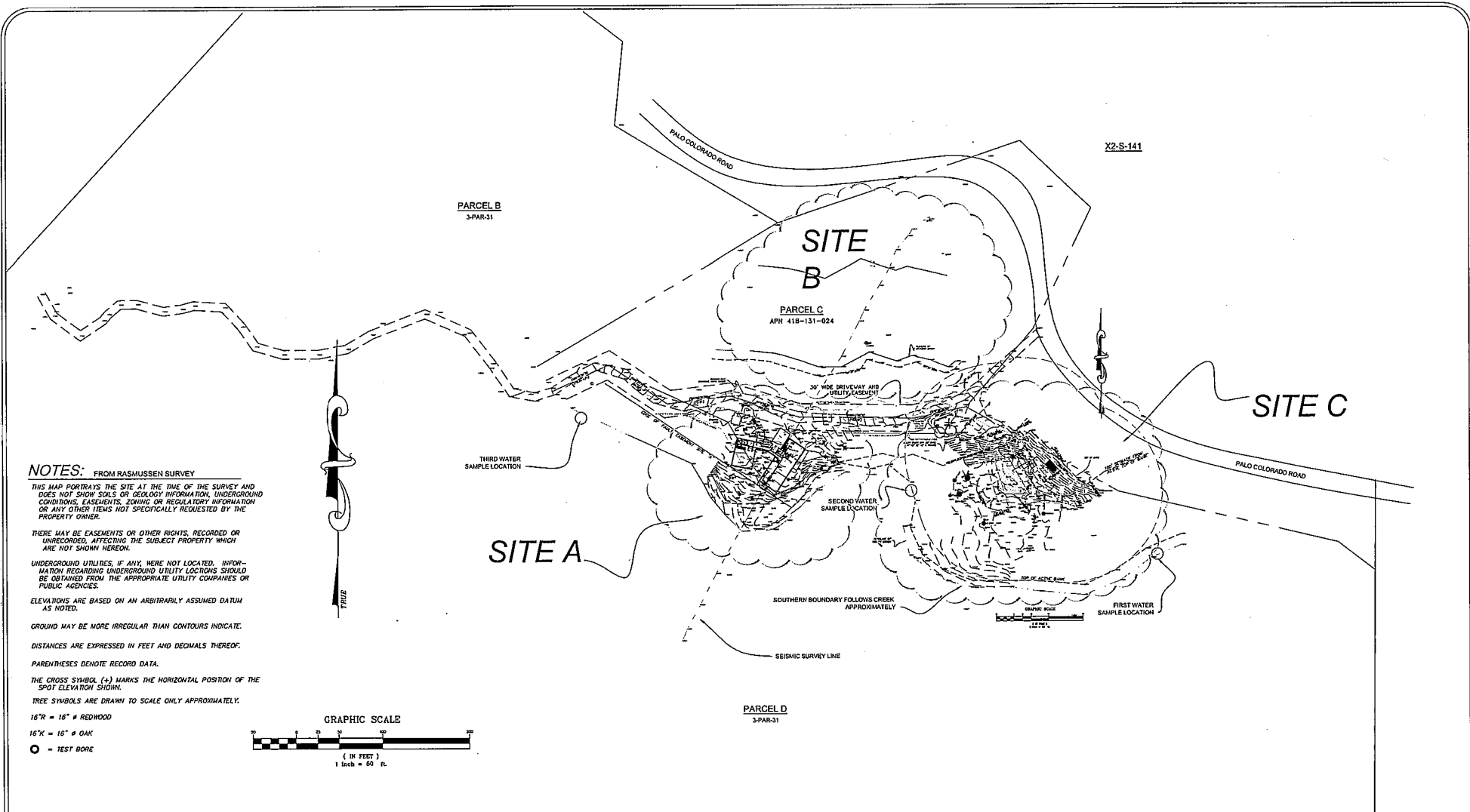
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
29.	10.	<p>Mitigation Measure #10: The Applicant shall have the contractor sign an agreement that all the reports (Percolation, Groundwater & Contamination Study on October 2004, and <u>revised</u> September 27, 2007; and <u>Addendum No. 1</u>, dated June 26, 2009 prepared by Grice Engineering, Inc., Salinas, California were fully read and understood and that all recommendations shall be adhered to during construction. (RMA - Planning Department)</p>	<p>Monitoring Action #10: A copy of the agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of any building permits.</p>	Owner/ Applicant	Prior to the issuance of building permits	
30.	11.	<p>Mitigation Measure #11: Subsurface Disposal Exemption- Waiver of Waste Discharge Requirement Pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board – Central Coast Region (RWQCB), Monterey County refers all new alternative onsite wastewater treatment systems to the RWQCB for regulation. A waiver of Waste Discharge Requirements (WDRs) shall be obtained from the RWQCB and submitted to Environmental Health Division (EHD). (Environmental Health)</p>	<p>Monitoring Action #11: The applicant shall submit an application for subsurface disposal exemption – waiver of WDRs to the RWQCB for review and approval. The form can be found at: http://www.waterboards.ca.gov/central_coast/publications_forms/forms/docs/application_for_subsurface_disposal_exempt_submittal.pdf</p> <p>The applicant shall submit evidence to Environmental Health Division (EHD) that the RWQCB has issued individual Waiver of WDRs for this property prior to issuance of any grading and/or building permits.</p>	Owner/ Applicant	Prior to the issuance of building permits	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
31.	12.	<p>Mitigation Measure #12: Alternate Wastewater Treatment Systems Requirements: Operations and Maintenance Contract The applicant shall establish a signed operations and maintenance contract from a licensed septic contractor. It shall include:</p> <ul style="list-style-type: none"> • Statement that if either party fails to comply with the contract Environmental Health Division will be notified. • Effluent quality reports shall be submitted to Environmental Health Division bi-annually. • Environmental Health Division shall be notified at each renewal term, and a contract shall be submitted to Environmental Health Division. • All testing requirements in county, state and federal regulations shall be complied with. <p>(Environmental Health)</p>	<p>Monitoring Action #12: The applicant shall submit a signed operations and maintenance contract from a licensed septic contractor to Environmental Health Division for review and approval, prior to final of building permit.</p> <ul style="list-style-type: none"> • All lab results and service reports shall be submitted to the Environmental Health Division twice a year to commence six months after use and every six months thereafter. • All renewed contracts shall be submitted to Environmental Health Division for review and approval. • Operations and Maintenance Contract is an ongoing condition. 	Owner/ Applicant	Prior to the issuance of building permits	
32.	13.	<p>Mitigation Measure #13: Alternate Wastewater Treatment System: Deed Notice The applicant shall record a deed notification with the Monterey County Recorder for parcel 418-131-024-000 with the approved language indicating that an alternative onsite wastewater treatment system is installed on the property. The applicant shall contact Environmental Health Division for specific wording to be included on the deed notification. (Environmental Health)</p>	<p>Monitoring Action #13: Prior to issuance of any grading/building permits, the Deed Notification form shall be prepared by the Environmental Health Division and provided to the applicant for recording. Prior to Final inspection, a copy of the recorded document shall be submitted to the Environmental Health Division.</p>	Owner/ Applicant	Prior to the issuance of building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
33.		<p>PDSP0001 – CAL FIRE PRC REQUIREMENTS (NON STANDARD) The Department of Forestry and Fire Protection has identified the project as a single family rural residence located in a High Fire Hazard Zone and could be susceptible to damage by a wildfire. Any structure build on the property would be subject to Public Resources Code 4291 fire clearance requirements in addition to building codes. (RMA - Planning Department)</p>	The Applicant must submit evidence to the RMA Planning Department that recommendations from the Department of Forestry and Protection were followed.	Owner/ Applicant	Prior to the issuance of building permits.	
34.		<p>PDSP0001 – CAL FIRE FPR REQUIREMENTS (NON STANDARD) Given the fact that a Coast Redwood (<i>Sequoia sempervirens</i>) is deemed to be a “Commercial Species” in the California Forest Practice Rules, a less than three acre conversion Exemption will be required. This one-time exemption is required for property owners who intend to cut or remove trees for structures and other needed improvements. A Registered Professional Forester must prepare this exemption. (RMA - Planning Department)</p>	The Applicant must submit evidence to the RMA Planning Department that recommendations from the Department of Forestry and Protection were followed.	Owner/ Applicant	Prior to the issuance of building permits.	
35.		<p>PDSP0001 – CAL FIRE FPR REQUIREMENTS (NON STANDARD) There are trees located in the area exhibiting Sudden Oak Death (SOD) Syndrome symptoms. Measure to mitigate the spread of SOD will have to be taken. Such mitigations could include the washing of vehicles, tools and boots prior to leaving the area. Also, any cut and chipped tanoak materials must be left on site. (RMA - Planning Department)</p>	The Applicant must have the professional removing the trees submit evidence to the RMA Planning Department that recommendations from the Department of Forestry and Protection were followed.	Owner/ Applicant	Prior to the issuance of building permits.	

END OF CONDITIONS

Rev. 07/29/2009



NOTES: FROM RASMUSSEN SURVEY

THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SOILS OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, ZONING OR REGULATORY INFORMATION OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.

THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.

UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNDERGROUND UTILITY LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

PARENTHESES DENOTE RECORD DATA.

THE CROSS SYMBOL (+) MARKS THE HORIZONTAL POSITION OF THE SPOT ELEVATION SHOWN.

TREE SYMBOLS ARE DRAWN TO SCALE ONLY APPROXIMATELY.

16"R = 16" # REDWOOD
16"O = 16" # OAK
○ = TEST BONE

BOUNDARY AND TOPOGRAPHY PROVIDED BY RASMUSSEN LAND SURVEYING, INC.
SOME ELEMENTS MOVED, NOT DISPLAYED OR ALTERED FOR READABILITY, REFER TO THE ORIGINAL FOR COMPLETE DATA

PROJECT NO. 24048	BOUNDARY AND TOPOGRAPHIC SURVEY PARCEL C ON PARCEL MAP FILED 10/12/72 IN VOLUME 3, OF PARCEL MAPS AT PAGE 31, IN SECTION 9 T.18S. R.1E, M.D.B.&M. COUNTY OF MONTEREY, STATE OF CALIFORNIA	RLS	RASMUSSEN LAND SURVEYING, INC. P.O. BOX 3135 MONTEREY, CALIFORNIA 93942 (831)375-7240 (831)375-2545 FAX	DATE OF SURVEY: 8/12/2004
				DRAWING SCALE: 1"=20'
PREPARED FOR: Jane Woodward				DRAWN BY: Moll
				REVISED:

GRICE ENGINEERING INC

ENGINEERING • GEOTECHNICS • HYDROLOGY • SOILS • FOUNDATIONS • EARTH STRUCTURES

561A Bruken Avenue Salinas, California Salinas: (831) 422-9619 Monterey: (831) 375-1198 FAX: (831) 422-1886

LAWRENCE E. GRICE, P.E., R.C.E. 6687

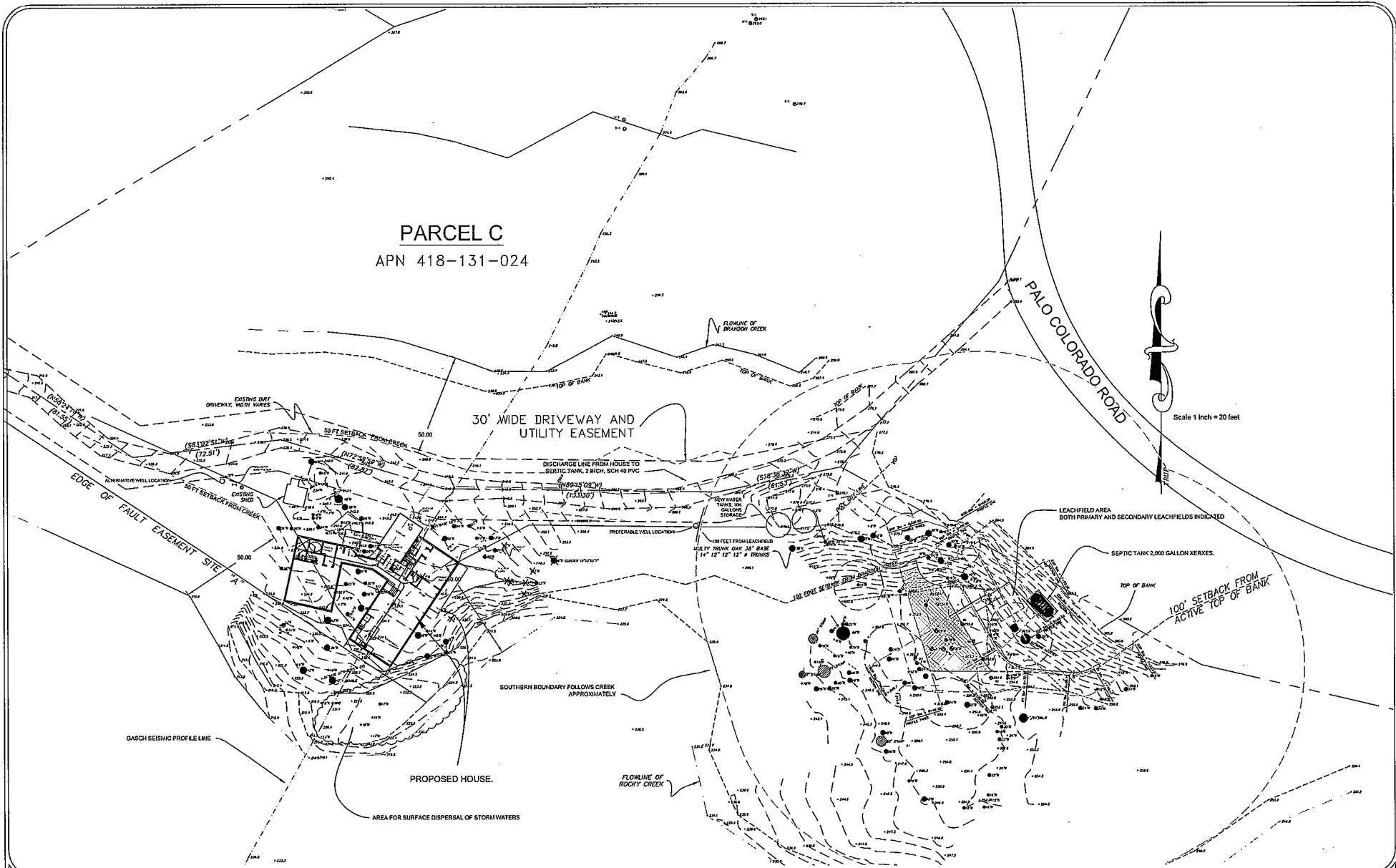
SEEBAGH-WOODWARD RESIDENCE - A.P.N. 418-131-024
PALO COLORADO ROAD, BIG SUR, CALIFORNIA

SITE PLAN
COMPLETE PARCEL MAP

SHT 1 OF 2

Date Plotted: 9/24/2007

SEEBAGH-WOODWARD ESTATE
FILE NO. 4355-04.01



GRICE ENGINEERING INC

ENGINEERING • GEOTECHNICS • HYDROLOGY • SOILS • FOUNDATIONS • EARTH STRUCTURES
581A Brunken Avenue Salinas, California Salinas (831) 422-9619 Monterey (831) 375-1198 FAX: (831) 422-1896

PRELIMINARY WITHOUT STAMP AND SIGNATURE

LAWRENCE E. GRICE, P.E., R.C.E. 06007

SEEBAUGH-WOODWARD RESIDENCE - A.P.N. 418-131-024
PALO COLORADO ROAD, BIG SUR, CALIFORNIA
SITE PLAN WITH BORE LOCATION PLAN
SITE PLAN - HOUSE AND LEACHFIELD AREAS

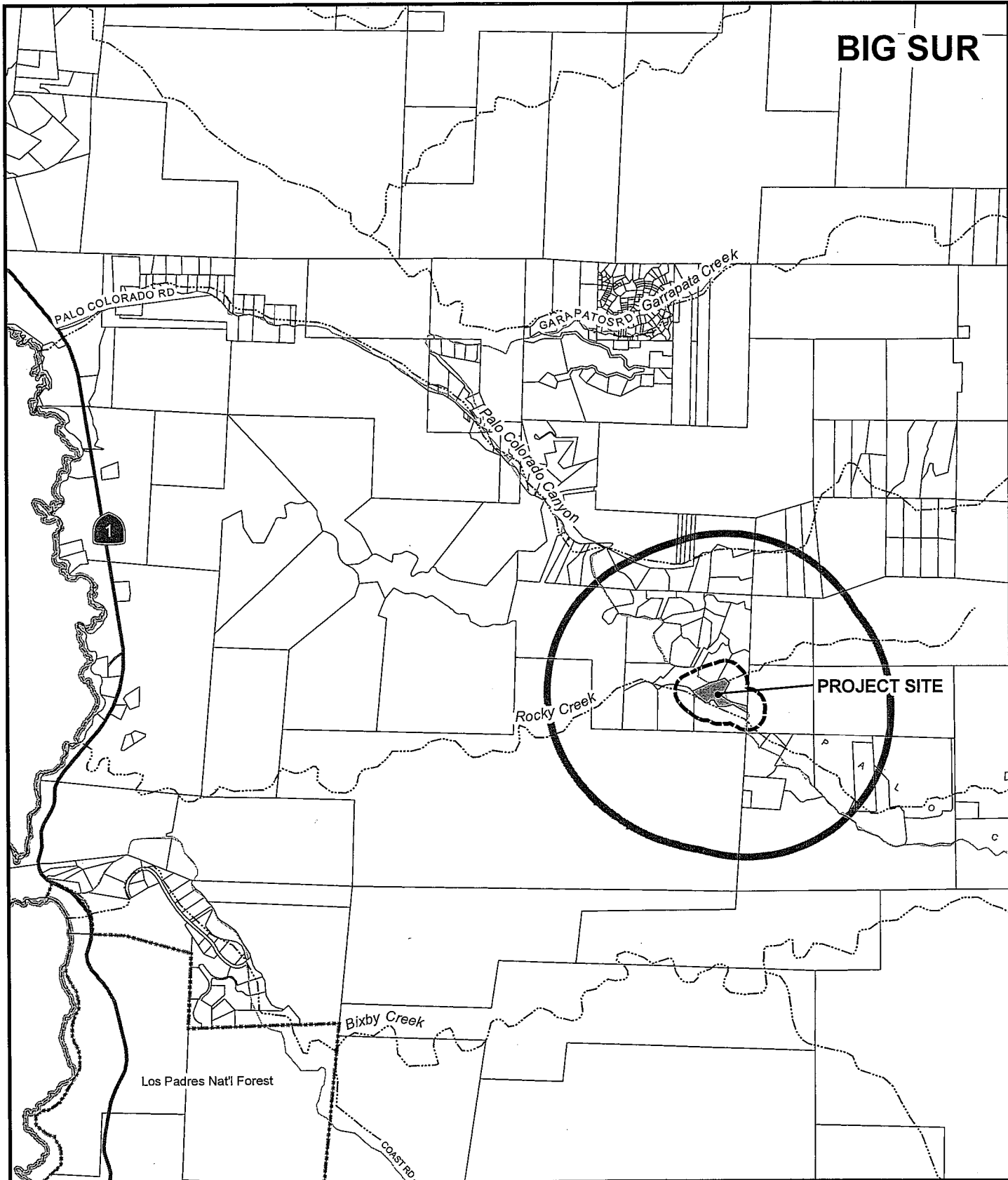
SHT 2 of 2

Date Plotted: Sep 17, 2007

SEEBAUGH-WOODWARD ESTATE
FILE NO. 4353-04.01

EXHIBIT "D"


BIG SUR




APPLICANT: SEEBAUGH

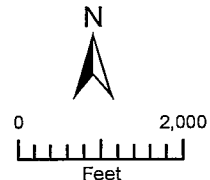
APN: 418-131-024-000

FILE # PLN070309

 300' Limit

 2500' Limit

 City Limits



PLANNER: GONZALES

EXHIBIT "E"

MINUTES

Big Sur Land Use Advisory Committee

Tuesday, November 27, 2007

1. Meeting called to order 11:05A

2. Members Present: CALLAHAN, LAYNE, WOTT, SCHINDLER, PEK, PRIANO (6)

3. Members Absent: TROTTER (1)

4. Approval of Minutes: (July 24, 2007) Motion: SCHINDLER (LUAC Member's Name)

Second: PRIANO (LUAC Member's Name)

Ayes: CALLAHAN, LAYNE, WOTT, SCHINDLER, PEK, PRIANO (6)

Noes: 0

Absent: TROTTER (1)

Abstain: 0

5. Public Comments:

NONE

6. Other Items: A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects/Applications

NONE

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

NONE.

ADDITIONAL LUAC COMMENTS:

DRAIN FIELD REQUIREMENTS FORCE THE REMOVAL OF MATURE TREES. ALTERNATE TECHNOLOGIES SHOULD BE ALLOWED IN THESE CASES.

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

RECOMMEND APPROVAL.

CONCUR WITH RECOMMENDATION:

AYES: CALLHAN, LAYNE, VORT, SCHINDLER, PECK, PRYND (6)

NOES: 0

ABSENT: TROTTER (1)

ABSTAIN: 0

MEETING ADJOURNED AT: 11:32 Am

PREPARED BY: NED CALLHAN.

**Action by Land Use Advisory Committee
Project Referral Sheet**

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas, California
(831) 755-5025

Advisory Committee: Big Sur

Please submit your recommendations for this application by Tuesday, November 27, 2007.

Project Title: SEEBAUGH WILLIAM R ET AL
File Number: PLN070309
File Type: ZA
Planner: GONZALES
Location: 38250 PALO COLORADO RD CARMEL

Project Description:
COMBINED DEVELOPMENT PERMIT CONSISTING OF A COMBINED DEVELOPMENT PERMIT TO ALLOW A COASTAL ADMINISTRATIVE PERMIT FOR THE CONSTRUCTION OF A 3,771 SQUARE FOOT SINGLE FAMILY DWELLING WITH AN ATTACHED 280 SQUARE FOOT CARPORT AND COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL OF 29 TREES (26 REDWOOD AND 3 TAN OAK) FOR DEVELOPMENT. THE PROPERTY IS LOCATED AT 38250 PALO COLORADO ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 418-131-024-000), BIG SUR AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

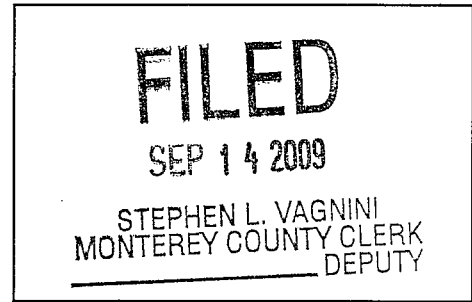
PETER DAVIS, ARCHITECT, WILLIAM SEEBAUGH, OWNER, WOODWARD, OWNER.
PUBLIC COMMENT:

NONE

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

NONE

County of Monterey, State of California **EXHIBIT "F"**
**MITIGATED NEGATIVE
DECLARATION**



Project Title: SEEBAUGH WILLIAM R ET AL
File Number: PLN070309
Owner: SEEBAUGH WILLIAM R ET AL
PO BOX 221578
CARMEL CA 93922

Project Location: 38250 PALO COLORADO RD CARMEL
Primary APN: 418-131-024-000
Project Planner: ELIZABETH GONZALES
Permit Type: Combined Development Permit

Project Description: COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL ADMINISTRATIVE PERMIT FOR THE CONSTRUCTION OF A 3,771 SQUARE FOOT SINGLE FAMILY DWELLING WITH AN ATTACHED 280 SQUARE FOOT CARPORT, PERMANENT WELL (PLN080262) AND ALTERNATIVE SEPTIC SYSTEM DESIGN; AND COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT (ROCKY AND BRANDON CREEKS). THE PROPERTY IS LOCATED AT 38250 PALO COLORADO ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 418-131-024-000), BIG SUR AREA, COASTAL ZONE.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project will not cause substantial adverse effects on human beings, either directly or indirectly.

Decision Making Body (check one):

- | | | |
|-----------------------------------------------|-----------------------------------------------------|----------------------------------------|
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Subdivision Committee | Responsible Agency: County of Monterey |
| <input type="checkbox"/> Zoning Administrator | <input type="checkbox"/> Chief of Planning Services | Review Period Begins: 09/15/2009 |
| <input type="checkbox"/> Board of Supervisors | <input type="checkbox"/> Other: _____ | Review Period Ends: 10/15/2009 |

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 755-9516



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY ZONING ADMINISTRATOR

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Seebaugh File Number PLN070309) at 38250 Palo Colorado Road, Carmel (APN 418-131-024-000) (see description below). The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California. The Zoning Administrator will consider this proposal at a meeting on October 29, 2009 at 1:30 p.m. in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from September 15, 2009 to October 15, 2009. Comments can also be made during the public hearing.

Project Description: COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL ADMINISTRATIVE PERMIT FOR THE CONSTRUCTION OF A 3,771 SQUARE FOOT SINGLE FAMILY DWELLING WITH AN ATTACHED 280 SQUARE FOOT CARPORT, PERMANENT WELL (PLN080262) AND ALTERNATIVE SEPTIC SYSTEM DESIGN; AND COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT (ROCKY AND BRANDON CREEKS). THE PROPERTY IS LOCATED AT 38250 PALO COLORADO ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 418-131-024-000), BIG SUR AREA, COASTAL ZONE.

All written comments on the Initial Study should be addressed to:

County of Monterey
Resource Management Agency – Planning Department
Attn: Mike Novo, Interim Director of Planning
168 West Alisal, 2nd Floor
Salinas, CA 93901

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- No Comments provided
 Comments noted below
 Comments provided in separate letter

COMMENTS: _____

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us.

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

DISTRIBUTION

1. State Clearinghouse (15 copies)—include Notice of Completion
2. California Coastal Commission
3. County Clerk's Office
4. Association of Monterey Bay Area Governments
5. Carmel Unified School District
6. Pacific Gas & Electric
7. Pacific Bell
8. Monterey Bay Unified Air Pollution Control District
9. City of Carmel
10. Cal Fire Protection District (Coastal)
11. Monterey County Agricultural Commissioner

12. Monterey County Water Resources Agency
13. Monterey County Public Works Department
14. Monterey County Parks Department
15. Monterey County Division of Environmental Health
16. Monterey County Sheriff's Office
17. Department of Fish and Game – Fresno CA
18. Central Coast Regional Water Quality Control Board
19. City of Monterey Libraries on Pacific Street
20. Jane Woodward and Russell Seebaugh, Owner
21. Property Owners within 300 feet (Notice of Intent only)

Revised 02-02-2007

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Seebaugh

File No.: PLN070309

Project Location: 38250 Palo Colorado Road

Name of Property Owner: Seebaugh/Woodward

Name of Applicant: Seebaugh/Woodward

Assessor's Parcel Number(s): 418-131-024-000

Acreage of Property: 5.1 acres

General Plan Designation: RESIDENTIAL

Zoning District: RDR/40(CZ) (Rural Density Residential, maximum gross density of 40 acres per unit, Coastal Zone)

Lead Agency: Monterey County Resource Management Agency - Planning Department

Prepared By: Elizabeth Gonzales

Date Prepared: August, 2009

Contact Person: Elizabeth Gonzales, Associate Planner
gonzalesl@co.monterey.ca.us *egonzales*

Phone Number: (831) 755-5102

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description:

The project consists of a Combined Development Permit to allow a Coastal Administrative Permit for the construction of a 3,771 square foot single family dwelling with an attached 280 square foot carport, permanent well (previously approved by PLN080262) an alternative septic system design; and Coastal Development Permit to allow the removal of one Redwood tree (22 inches in diameter) for development.

The well has been installed (PLN080262) and is located with the proposed house well above the floodplain as shown on "Site A" in the site plan on page 5.

B. Environmental Setting, Surrounding Land Uses, and Site Background:

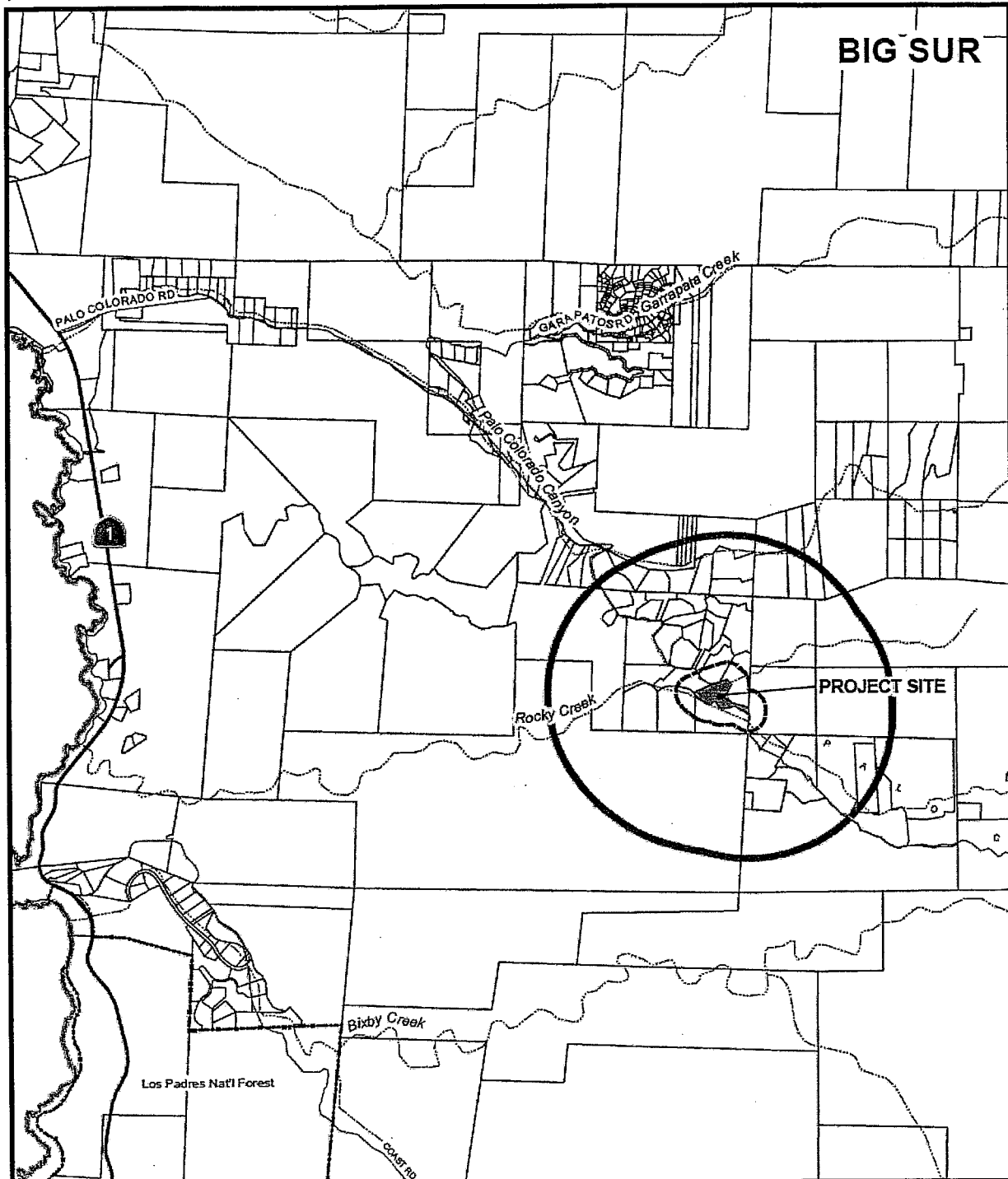
The Woodward-Seebaugh parcel is located at 38250 Palo Colorado Road, approximately three miles inland from Highway One in Monterey County, near the confluence of Brandon Creek and Rocky Creek. It sits in a valley on the north side of Long Ridge, within the Santa Lucia Mountain Range, in the NE ¼ of Section 9, Township 18S, Range 1 East, Mount Diablo Base and Meridian. The property is accessed from Palo Colorado Road at an unpaved private driveway immediately east of Brandon Creek. The subject property is generally bordered on the north by the embankment of Palo Colorado Road and by Rocky Creek on the south. Slopes vary from flat to extremely steep.

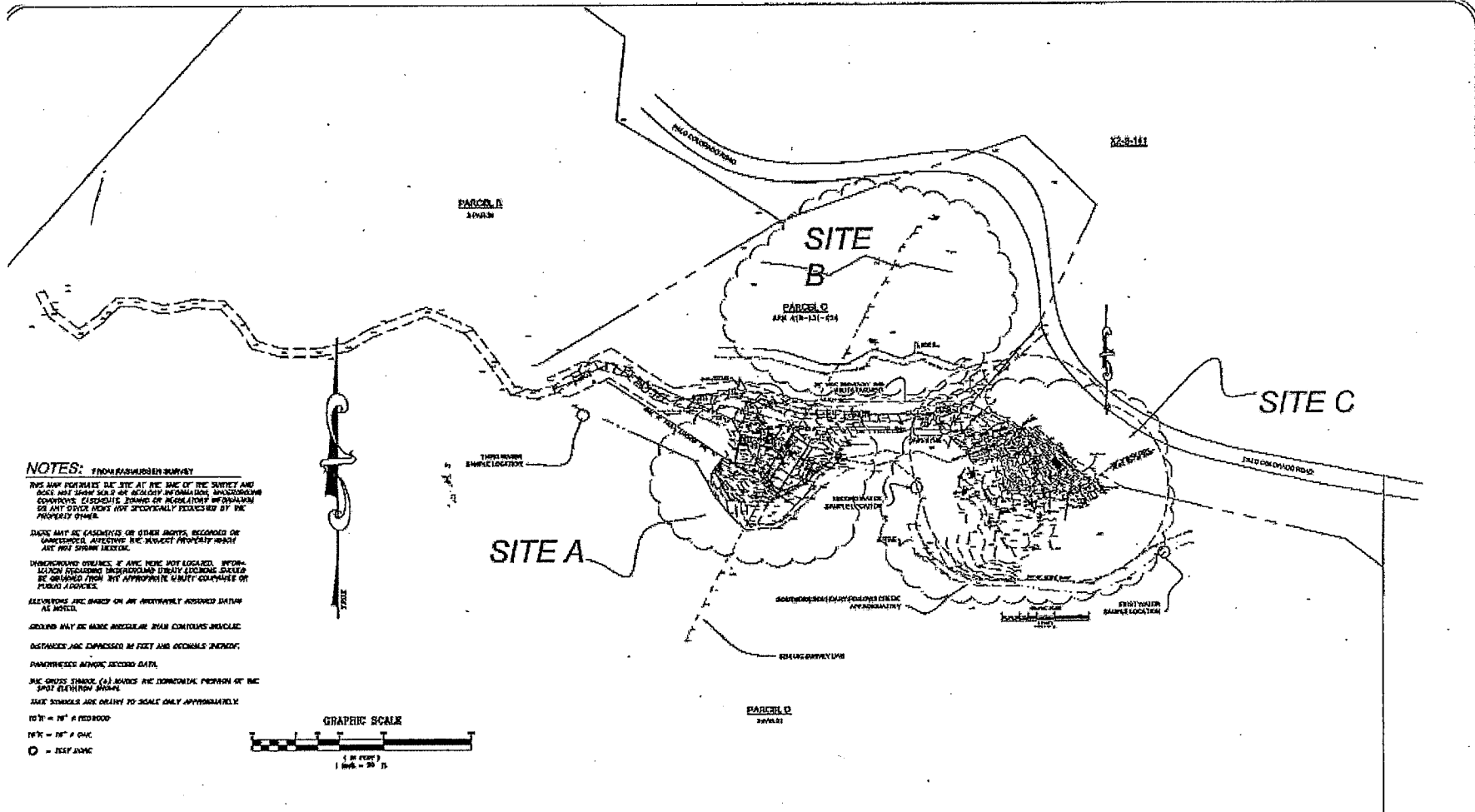
The parcel is undeveloped, but is zoned to allow for residential development. The owners propose one single family dwelling. Water will be provided by a new well and an alternative septic system at appropriate on-site locations. Slopes on the parcel are variable from flat and gentle in places up to about 50%. The soil is predominantly of the Gamboa series, Gamboa-Sur complex. The soils formed in material that was derived from sandstone, schistose, or granitic rocks on uplands. Gamboa soils make up about 35 percent of this complex and Sur soils 25 percent. Junipero soils make up about 15 percent of this complex, and the rest consists of Plaskett, McMullin, Los Osos, and Gazos soils. In a representative profile the soil is very dark gray and very dark grayish brown, mildly alkaline and neutral, very gravelly fine sandy loam about 59 inches deep to bedrock. It is underlain by light brownish gray sandstone. Runoff is very rapid and the erosion hazard is very high. The project site is also in an area identified in County records as having a moderate archaeological sensitivity, and is in a high seismic hazard zone. The fire hazard is designated "High." There are no Aesthetic issues with the project since it has been revised to reduce tree removal from approximately 10 trees to 1 tree.

Preliminary studies indicate three general areas for development of the structures. Referring to the Site Plan on page 5, the first area, "Site A" is along the southwest side of the existing driveway in the middle of the property. The second, "Site B" is between Brandon creek and Palo Colorado Road. The third, "Site C" is between Palo Colorado Road, the driveway and Rocky Creek. For purposes of this Initial Study, the most feasible location for the single family dwelling is "Site A" and the most feasible location for the alternative septic system design is "Site C". Nothing will be developed on "Site B".

Issues addressed in the Initial Study are biological, geologic and hydrology & water quality. The original application included a standard septic system and standard leachfields with drip irrigation lines that would require the removal of approximately 10 Redwood trees within "Site C". Redwood trees have very large root balls and are spread out and shallow. Removal would not only require substantial grading but also require additional fill. Environmental Health Division could not allow this type of system to be placed in engineered fill. Staff contacted the CA Department of Fish and Game for direction. They were concerned with the substantial tree removal and grading and the potential impacts to both waterways if this type of system was to be used. Although the standard septic system was tentatively approved 5 years ago, Environmental Health Division recommended an upgraded Geoflow Wasteflow Dripline system that has been approved as an available alternative non-invasive system by the CA Regional Water Quality Control Board. This specific design still requires final approval from the CRWQCB.

1) Vicinity Map:





NOTES: FROM RASHUSSEN SURVEY

THIS MAP REPRESENTS THE STATE AT THE DATE OF THE SURVEY AND DOES NOT SHOW CHANGES OF ACQUIRED INFORMATION, UNLESS OTHERWISE INDICATED. EXISTING RECORDS OF RECORDATION INFORMATION DO NOT COVER THIS PROPERTY INDIVIDUALLY IDENTIFIED BY THE PROPERTY OWNER.

THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDS OF WHICH ARE NOT SHOWN, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.

UNRECORDED EASEMENTS, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNRECORDED EASEMENTS SHOULD BE OBTAINED FROM THE APPROPRIATE COUNTY CLERK'S OFFICE OR PUBLIC AGENTS.

ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.

BOUNDARIES MAY BE MADE IRREGULAR BY THE CONTROLS INDICATED.

DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

PARENTHESES AROUND ANGLES DENOTE.

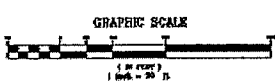
THE CROSS SYMBOL (X) MARKS THE HORIZONTAL POSITION OF THE SPOT ELEVATION POINTS.

THEY SYMBOLS ARE ONLY TO SCALE ONLY APPROXIMATELY.

10' = 1" = 1' = 1" = 1"

1" = 1" = 1" = 1"

○ = TEST POINT



BOUNDARY AND TOPOGRAPHY PROVIDED BY RASHUSSEN LAND SURVEYING, INC.
 SOME ELEMENTS MOVED, NOT DISPLAYED OR ALTERED FOR READABILITY, REFER TO THE ORIGINAL FOR COMPLETE DATA.

PROJECT NO. 24048	BOUNDARY AND TOPOGRAPHIC SURVEY PARCEL C ON PARCELS 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 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III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans are applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	■	Air Quality Mgmt. Plan	■
Specific Plan	□	Airport Land Use Plans	□
Water Quality Control Plan	■	Local Coastal Program-LUP	■

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Big Sur Coast Land Use Plan. Section IV. 9 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (refer to *Local Coastal Program-LUP* discussion below); or conflicts with any applicable habitat conservation plan or natural community conservation plan. **CONSISTENT**

Air Quality Management Plan (AQMP).

Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP. The project is consistent with the 1982 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast. The proposed project will not increase the population of the area nor generate additional permanent vehicle trips. Therefore, the project will be consistent with the AQMP. **CONSISTENT**

Water Quality Control Plan. The Regional Water Quality Control Board (RWQCB) incorporates the County's General Plan in its preparation of regional water quality plans. In addition, the project is consistent with the parameters required for a Regional Board Subsurface Disposal Exemption. The Environmental Health Department has reviewed the documents for conformance with Monterey County Code 15.20 and Basin Plan Requirements, and has submitted the documents to the RWQCB for a Waiver of Waste Discharge Permit. Section VI. 8 (Hydrology and Water Quality) below discusses whether the proposed project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage. **CONSISTENT**

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the Big Sur Coast Land Use Plan (LUP). Section IV. 9 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or conflicts with any applicable habitat conservation plan or natural community conservation plan. As discussed therein, the proposed project is consistent with the Big Sur Coast LUP. **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

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

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

- Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

- 1) Aesthetics. The project site will not have a substantial adverse effect on a scenic vista nor substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. The project site will not substantially degrade the existing visual character or quality of the site and its surroundings nor create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (Source IX. 1, 3, 5, 6)

The project site is not visible from Highway One or major public viewing areas including the Critical Viewshed as defined by policy 3.2.2 of the Big Sur Coast Land Use Plan. The proposed structure will be located where existing trees provide for natural screening and is not sited in any open hillsides or silhouetted ridges. Because the project reduced the number of tree removal from approximately 10 trees to one tree (22 inches in diameter) for construction of the house, there are no visibility issues. Colors and materials will be subordinate and will blend with its environment. (Policy 3.2.4.2 and 3.2.4.3)

- 2) Agricultural Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance, and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project will have no impacts to agricultural resources. (Source IX. 1, 2, 3, 4, 5, 6)

Agriculture, especially grazing, is a preferred use of coastal lands. Residential, recreational and other land use development shall not be sited on land suitable for grazing. (Policy 3.6.1) The project site is currently zoned Rural Density Residential and allows for single family dwellings as its primary use. The proposed use does not fall within agricultural resources.

- 3) Air Quality. See Section VI. for detailed analysis.

- 4) Biological Resources. See Section VI. for detailed analysis.

- 5) Cultural Resources. The proposed project will not cause a substantial adverse change in the significance of a historical resource as defined in 15064.5 nor directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. There is no evidence of any human remains, including those interred outside of formal cemeteries. (Source IX. 1, 3, 5, 6, 8)

It is the policy of the County to protect, maintain, and where feasible, enhance and restore the cultural heritage of the County and its man-made resources and traditions (Policy 3.10.01). There are no historic structures on the existing parcel. A Preliminary Cultural Resources Reconnaissance shows that there are no known mapped archaeological resources on the existing parcel. Therefore, development is compatible with the objective (Policy 3.11.1).

- 6) Geology and Soils. See Section VI. for detailed analysis.

- 7) Hazards/Hazardous Materials. The project does not involve the transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. There is no storage of large quantities of hazardous materials on site. The project would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. The site is located in a residential area and would not be subject to wildland fire hazards. The project would have no impacts regarding hazards or hazardous materials. (Source: IX. 1, 2, 3, 5, 6, 7, 10)

The proposed project consists of the construction of a new single family dwelling. All development will meet the guidelines contained in the Fire Safe Guide for Residential development in California (Policy 3.7.4.3). The approved development plans will identify and minimize fire safety hazards as required by the local fire protection district (Policy 3.7.3.C.4).

- 8) Hydrology and Water Quality. See Section VI. for detailed analysis.
- 9) Land Use and Planning. The proposed project will not physically divide an established community. The project does not conflict with any of the policies within the Big Sur Coast Land Use Plan and meets all zoning requirements. There is not habitat or natural community conservation plan that the proposed project is required to conform to. (Source: IX. 1, 2, 3, 4, 5, 6, 7, 8)

Rural Residences are considered a principal use on vacant parcels where applicable resource protection policies can be met. (Policy 5.3.1.6) The proposed project consists of the construction of a new single family dwelling within an area that is currently developed with nine other single family dwellings. Power poles are located near the project and the local fire department is approximately one mile of the property. County Departments reviewed the project application and have provided recommended Conditions of Approval. New well (PLN080262) was approved and has been installed; and an alternative septic treatment design has been reviewed and approved by Environmental Health Division. Because the project reduced the number of tree removal from approximately 10 trees to one tree (22 inches in diameter), the project better meets the intent of the policies in the Big Sur Coast Land Use Plan. Therefore, the proposed project is consistent with applicable policies.

- 10) Mineral Resources. No mineral resources have been identified or would be affected by the project. (Source: IX. 1, 2, 3, 5, 6, 11)

The Big Sur area has a number of sites of historic and potential mineral resources which may be proposed for extraction in the future. (Policy 3.8) There is no evidence within the project site that would result in impacts to mineral resources.

- 11) Noise. The project would not change the existing residential use of the property, would not expose the surrounding properties to noise levels that exceed standards or to substantial vibration from construction activity, and would not substantially increase ambient noise levels. (Source: IX. 1, 2, 3, 5, 7, 9, 11, 14)

The project site is not located in the vicinity of an airport or private airstrip. The generation of substantial or significant noise over the long-term is not typically associated with a project of this scope. The proposed project would have temporary minor noise impacts due to construction but would cease once the single family dwelling was completed.

- 12) Population/Housing The proposed project would not substantially induce population growth in the area, either directly, or indirectly, as no new infrastructure would be extended to the site. The project would not alter the existing location, distribution, or density of human population in the area, nor create a demand for additional housing, or displace people (Source: IX. 1, 3, 5, 6). There would be no impacts to population or housing.

Development in designated rural residential areas shall continue to be limited to residential use in order to protect residents from unwanted intrusion by other incompatible activities and because neither available vacant land, water, nor roads are adequate to support more intensive uses. (Policy 5.4.3.G.2) The proposed project is a legal lot of record which allows for the construction of one single family dwelling.

- 13) Public Services. The project would have no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. (Source: IX. 1, 2, 3, 5, 6).

- 14) Recreation. The project, as proposed, would not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical deterioration. The proposed project does not include or require construction or expansion of recreational facilities. (Source: IX. 1, 2, 3, 5, 6) No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project, based on review of Figure 2 (Shoreline Access Plan) of the Big Sur Coast LUP and staff site visits. The project would not create significant recreational demands.

The rights of access to the shoreline, public lands, and along the coast, and opportunities for recreational hiking access, shall be protected, encouraged and enhanced. (Policy 6.1.3) The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights

(Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformance with the public access policies of Chapter 6 of the Big Sur Coast Land Use Plan (LUP), and Section 20.145.150 of the Monterey County Coastal Implementation Plan for the Big Sur Coast (Part 3). Figure 2 does not identify the parcel as an area requiring existing or proposed public access. No public access points or trails are located on the parcel. The proposed project would have no impacts related to recreation.

- 15) Transportation/Traffic. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. The project would not result in a change in air traffic patterns or an increase in traffic levels. It would not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity. The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation (Source: IX. 1, 2, 3, 5, 6).

Palo Colorado Road should be maintained at a level that resident and visitor traffic can safely be accommodated. Improvements to the width or alignment of these roads shall only be approved when negative visual and environmental impacts will not result and where the improvements will not adversely impact adjacent residents. (Policy 4.1.3.5) Palo Colorado Road is not degraded at a level that would be impacted by development of a single family dwelling located on an existing lot of record.

16. Utilities and Service Systems. See Section VI. for detailed analysis.

B. 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

Elizabeth Gonzales

Associate Planner

V. 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) 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.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis/Mitigations: See Section IV.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

2. AGRICULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: IX. 1, 2, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX. 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis/Mitigations: See Section IV.

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:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: IX. 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Air Quality 3(a, b, c, e, and f) - No Impact.

The proposed project site is located in the North Central Coast Air Basin, which is comprised of Monterey, Santa Cruz, and San Benito counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the subject air basin. In 2008, the MBUAPCD adopted an Air Quality Management Plan, which outlines the steps necessary to reach attainment with the state standards of air quality for criteria pollutants. The project involves the construction of a new residence with grading of less than 100 cubic yards. The project would not permanently conflict with or obstruct the implementation of Air Quality Management Plan, nor would it violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. (Source: IX. 1, 2, 3) The project would not expose any sensitive receptors to substantial pollutant concentrations, and would not create any objectionable odors affecting a substantial number of people. The generation of substantial or significant odors over the long-term is not typically associated with a project of this scope. The parcel is approximately 5.1 acres. Since the applicant revised the septic system to a state-of-the-art alternative system that

will not require tree removal, grading is minimal. The house will be constructed on helical piers and will not require grading as well.

Air Quality 3(d) – Less than Significant.

The project would result in construction-related air quality impacts that are less than significant. The temporary and short-term impacts from project-related construction activities only have the potential to affect local air quality. Emissions may include on-site and off-site generation of fugitive dust from construction equipment.

4. BIOLOGICAL RESOURCES			Less Than Significant		
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
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? (Source: IX. 1, 3, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX. 1, 3, 12, 13)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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? (Source: IX. 1, 3, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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? (Source: IX. 1, 3, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: IX. 1, 3, 12, 13, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Discussion/Conclusion/Mitigation:

Development or land use activities shall be sited to protect riparian habitat values. Development adjacent to stream courses shall be restricted to low intensities and constructed to minimize erosion, runoff, and water pollution. In order to protect riparian habitats, land use development activities will not be permitted that will have the effect of diminishing surface flows in coastal streams to levels that will result in loss of plant or wildlife habitat. **(Policy 3.3.3.A.3 Big Sur Coast Land Use Plan)**

Setbacks of 150 feet on each side of the streambank shall be required for all streams to protect riparian plant communities unless a narrower corridor can be demonstrated to be sufficient to protect existing vegetation and provide for restoration of previously disturbed vegetation. **(Policy 3.3.3.A.4 Big Sur Coast Land Use Plan)** A structure may be located within 100 feet of Environmentally Sensitive Habitat if the project does not have the potential to negatively impact the long-term maintenance of the habitat. **(20.145.040.A.1.c CIP)**

A Biological Assessment was prepared by Nicole Nedeff, Consulting Ecologist on June 5, 2008. She conducted six field surveys over a nearly five year period, at various times of the day and into the early evenings from November, 2003 to June 1, 2008. Focused surveys for owl, frog and newt were conducted on the subject property on June 1, 2008 as these biologically significant species are known to occur in Palo Colorado and Rocky Creek Canyons in the general vicinity of the project area. At no time were the California spotted owl, Foothill yellow-legged frog, California red-legged frog, or Coast Range newt observed on or near the subject property.

There is no evidence of owl nesting or roosting on the property, however, it is possible that owls periodically fly through the forested site and perch on redwood branches. The Monterey dusky-footed woodrat is the preferred prey for spotted owl, however no woodrat stick nests or tree cavity nests were observed.

No evidence of frog or newt presence was observed on the property, either along Rocky Creek or Brandon Creek. No egg masses, tadpoles, juveniles or mature frogs or newts were observed during any of the six site visits over the course of nearly five years.

Careful examination of the reach of Rocky Creek revealed the presence of small, minnow like fish approximately 1.5 inches long. These could be steelhead, however without trapping the minnows or electro-fishing the stream, a positive identification cannot be made. Rocky Creek supports a population of steelhead in the lower reaches of the stream, however, the upper drainage has not been surveyed by wildlife management agencies, California Department of Fish and Game or NOAA Fisheries or qualified fisheries biologists and its is not known what the upper limit of steelhead presence in the watershed.

The installation and use of a domestic well on the property will not significantly impact perennial flow in the Rocky Creek and will not result in changes to aquatic or riparian habitat that sustains fish and other aquatic species. The well has been installed (PLN080262) and is located well above the floodplain on "Site A" with the proposed house and will not impact the stream corridor.

Big Sur is rich in forest resources. The California Coast Redwood reaches the southern limit of its range in the forested canyons of the south coast. Many species of hardwood trees are found as well. Oaks and Madrones often dominate the drier slopes above the moist canyons. Many water-loving hardwoods grown along the streams form rich riparian zones. Landmark trees of all species shall be protected in perpetuity as significant features of Big Sur's natural heritage. Landmark trees shall be defined as visually significant, historically significant, exemplary of its species, or more than 1,000 years old. **(Policy 3.5.2.4 Big Sur Coast Land Use Plan)**

A Forest Management Plan was prepared by Roy Webster on September 2007. The project site is vegetated with mostly second-growth Redwood Forest, with a few notable landmark old-growth trees. Several of the larger second-growth individuals have diameters at breast height (DBH) in excess of 24" and canopy closure over most of the property is approximately 90%. Pockets of shrub vegetation occur along the existing driveway in areas receiving more light from openings in the dense forest canopy. Tanbark oaks on the project site are infected with the pathogen resulting in Sudden Oak death and all tanbark oaks are either dead or in various stages of mortality. Many dead and fallen tanbark oaks have been cut, chipped and disposed of on-site.

Originally, 10 redwood trees and associated clonal sprouts were to be removed for the installation of the septic system, including an individual tree with a DBH of 22 inches, for the single family dwelling. Most of these qualified as Landmark Trees based on the General Policies for Forest Resources outlined in the Big Sur Coast LUP. Also, the California Department of Fish and Game determined that there were potential impacts to the streams. Planning and Environmental Health staff recommended that the applicant reduce the number of tree removal by installing an alternative septic system design. Just the one Redwood tree (22 inches in diameter) will be removed for the single family dwelling (*See Utilities Section 16*).

The residence and garage are proposed to be constructed on gently-sloped areas above the floodplain of Rocky Creek. The house has been designed to minimize disturbance to the laterally spreading redwood tree roots that span most of the area; there will be no grading at the house site and the foundation will rest on helical piers or similar "screw" anchors. The residence and adjacent garage structure will require the removal of one redwood tree and various redwood forest under story species, including clintonia, trillium, sword fern and huckleberry. Drainage from the roof of the residence and other impervious surfaces will be directed to percolation areas on a terrace above the active flood plain of Rocky Creek.

Based on field reconnaissance and analysis of site plans, it has been determined by both the Biologist and the Forester that if appropriate engineering, erosion control, restoration, and use of Best Management Practices (BMP's) are incorporated into project design and implementation, the project will not have significant impacts on the surrounding environment. In addition, if suggestions to minimize potential biological impacts are implemented, the proposed development of the single family residence, well and septic system will not significantly impact biological resources on the property.

Biological Resources 4(b) – Less Than Significant with Mitigation Incorporated.

The area of the subject property proposed for development is positioned between Rocky Creek and a small tributary that is locally referred to as Brandon Creek. Brandon Creek appears to

support perennial flow in a deeply incised channel that flanks the existing driveway north of the proposed development areas. This tributary to Rocky Creek has very little riparian cover along its course through the subject parcel and should not be affected by the proposed project.

A biological report and Addendum were prepared by Nicole Nedeff, Consulting Ecologist for the project site. They both identified direct and indirect impacts resulting from the excavation of soil for installation of the water tanks, septic tank, leach field, pipes and equipment access ramp adjacent to Rocky Creek. The following mitigation measures are recommended to avoid potential impacts.

Mitigation Measure #1:

An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understood the Biological Report and Addendum prepared by Nicole Nedoff on October 1, 2007, and June 5, 2008 and all recommendations shall be adhered to during construction.

Monitoring Action #1:

A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Mitigation Measure #2:

Riparian habitat buffers and the limit of the work zone shall be protected with temporary plastic "snow" fencing to demarcate Environmentally Sensitive Habitat Areas (Redwood trees) where equipment should not be allowed.

Monitoring Action #2:

The applicant shall have the contractor sign an agreement that protection of snow fencing will be done prior to any construction. Proof of protective fencing and such agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of building permits.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Mitigation Measure #3:

Silt-stop fencing and coconut fiber rolls should be installed at appropriate intervals along steep slope contours to minimize soil loss during excavation and prevent the down-slope movement of loose soil during fill placement. Redwood leaf litter should be stockpiled before soil disturbance begins at all sites and used to cover exposed soils when disturbances are finished.

Monitoring Action #3:

The applicant shall have the contractor sign an agreement that coconut fibers will be installed at appropriate intervals along steep slope contours prior to any construction. Proof of installation and such agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of building permits.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Mitigation Measure #4:

During trenching along the existing driveway for the installation of water and sewage pipes, employ Best Management Practices at all times to avoid erosion and runoff. There should be no side casting of excess fill off the roadway and no scraping of additional fill materials from adjacent habitat areas.

Monitoring Action #4:

The applicant shall have the contractor sign an agreement that no side casting of excess fill off the roadway and no scraping of additional fill materials from adjacent habitat areas will be done. Proof of such agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of building permits.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Mitigation Measure #5:

A rigorous program of weed eradication should be developed to control the spread of non-native invasive species, particularly genista, which is present along the right of way fringing Palo Colorado Road.

Monitoring Action #5:

The Biologist shall provide a program of weed eradication to the applicant. The applicant shall submit a copy to the RMA-Planning Department for review and approval prior to issuance of building permits.

Biological Resources 4(a), 4(d) and 4(e) – Less than Significant

Monterey County Ordinance recognizes that a protected Redwood tree will need to be removed for construction of home sites. Given this, they have established standards to mitigate for the loss of trees by a scheme of re-planting. For this particular property, however, it is not recommended that any replanting be done. The forest is fully stocked with 90% crown closure.

Even if tree planting were recommended, the long-term viability of any planted seedlings would be poor because of the lack of sunlight and heavy competition. As the forest is fully stocked, it would create overcrowded conditions making it more susceptible to wildfire. The only openings are where improvements are sited, and planting in such locations is undesirable.

After tree removal, the remaining stand of trees on the property will persevere as a healthy forest stand. This stand will naturally regenerate as individual trees fall due to natural process/disturbances. The health of tree remaining should not be affected if the following practices are adhered to:

Mitigation Measure #6:

Fill shall not be deposited around retained trees, which could compact soils and alter water and air relationships. Excavation contractor shall be careful not to damage stems and/or exposed roots of trees with heavy equipment. Boards or other material shall be used to protect retained trees within 20 feet of the perimeter of soil disturbance.

Monitoring Action #6:

An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understood the Forest Management Plan prepared by Roy Webster on September, 2007, and all recommendations shall be adhered to during construction. A copy of the signed agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Biological Resources 4(c) and 4(f) – No Impact.

The project will not have any substantial adverse effects on federally protected wetlands as defined by Section 404 of the Clean Water Act nor will the project conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5. CULTURAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: IX. 1, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: IX. 1, 3, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX. 1, 3, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX. 1, 3, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Analysis/Mitigations: See Section IV.

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 1, 3, 6, 10, 11) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: IX. 1, 3, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
iii) Seismic-related ground failure, including liquefaction? (Source: IX. 1, 3, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: IX. 1, 3, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: IX. 1, 3, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 3, 6, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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? (Source: IX. 1, 3, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 3, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation

All development shall be sited and designed to minimize risk from geologic, flood, or fire hazards to a level generally acceptable to the community. Areas of a parcel which are subject to high hazard(s), shall generally be considered unsuitable for development. For any development proposed in hazard areas, an environmental or geotechnical report shall be required prior to County review of the project. **(Policy 3.7.2.3 Big Sur Coast Land Use Plan)**

The lands within 1/8 mile of active or potentially active faults shall be treated as a fault zone characterized by high seismic hazards until geotechnical investigation accepted by the County indicate otherwise for either an entire fault zone or for any specific location with any zone. **(Policy 3.7.3.2 Big Sur Coast Land Use Plan)**

Soils and geologic reports shall be required for all new land divisions and for the construction or roads and structures, excluding minor structures and not occupied by people in areas of known or suspected geologic hazards. Both potential onsite and offsite impacts shall be evaluated in the report. **(Policy 3.7.3.11)**

Monterey County and the surrounding area are traversed by numerous faults, many of which have caused considerable earthquake activity in the past and will continue to cause activity into the future. Although most are considered “Inactive”, a large number of faults are “Active” or Potentially Active”. A fault is considered “Active” if evidence indicates it has moved during the last 11,000 years and it is considered “Potentially Active” if the available evidence indicates activity during 11,000 and 1,600,000 years. The “Inactive” faults are those, which display no evidence of activity during the 1,600,000 years.

A Geologic Hazards Investigation of the proposed Woodward –Seebaugh Residential Building Site “A” was prepared by Gasch & Associates on October 2006.

Geology and Soils 6(a) i & ii, 6(e) – Less Than Significant Impact.

The nearest major fault zone to the parcel is the “Active” San Gregorio Fault Zone. The fault zone is approximately 130 miles in length and has estimated Maximum Credible Earthquake of approximately 7.0 to 7.3 Mw. Clark and Rosenberg (1999) have hypothesized that an onshore

portion (shear zone) of the San Gregorio Fault zone is represented by the en echelon Garrapata (onsite), Palo Colorado (onsite) and Rocky Creek (1.8 miles southwest) Faults.

This investigation found that the "Active" Garrapata Fault is located approximately 300 feet northeast of the site and the "Potentially Active" Palo Colorado Fault is located approximately 50 feet southwest of the site. As a result of the close proximity and because the local faults are thought to be part of the large "Active" San Gregorio Fault Zone, Peak Ground Accelerations as high as .78g were estimated for the project area.

It is the opinion of Gasch & Associates that seismic related hazards exist in the proposed residential construction area, because there is the potential for major ground shaking by one or more of the numerous "Active" and Potentially Active faults found in the region and nearby. However there are no visible indications of historic ground ruptures, ground failures, or other recent geological hazards on the proposed construction site that may have been caused by historically recent seismic activity.

Little observed evidence suggests active landsliding has occurred on site or nearby. However, because of the steep slopes along the edges of the terraces, Gasch & Associates recommends that a slope stability evaluation be conducted by a qualified Geotechnical Engineer to determine the foundation requirements and to determine if setback issues exist. In addition, management of runoff water, irrigation water, and septic wastewater should also be observed to keep the water away from the slopes, for both erosion and slope stability control.

Providing the potential geological hazards noted above are properly addressed during the design and construction phases, and that proper Geotechnical Soils Engineering and Structural design practices are followed, most of the potential geological hazards for this site can be mitigated. Any remaining potential for seismic and non-seismic related geologic hazards are low.

Mitigation Measure #7:

The applicant shall provide a slope stability evaluation prepared by the Geotechnical Engineer to determine the foundation requirements and recommendations for management of water runoff to maintain erosion and slope stability. An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understands the evaluation and all recommendations shall be adhered to during construction.

Monitoring Action #7:

The applicant shall submit the evaluation to the RMA-Planning Department for review and approval prior to issuance of any building permits.

Geology and Soils 6(a) iii, iv (b) (c) (d) -No Impact

Although the very large old redwood trees growing throughout the parcel suggest the surface soils and hillsides in the area are relatively stable, both Brandon Creek and Rocky Creek have deeply cut into the terrace material on the parcel. Rocky Creek, the larger of the two, appears relatively stable; where as, Brandon Creek appears to be actively cutting downward. The structure is located on "Site A" where Rocky Creek is located.

“Site A” has large diameter redwood and oak trees (up to 43 inches in diameter) growing onsite as well as on the west, south, and eastern slopes between Rocky Creek and the site. The relatively undisturbed root systems (little exposure) and the substantial age of the trees suggest the terrace in this area has been relatively suitable for a number of years. In all likelihood, it will remain stable unless the on-site or offsite dynamics are changed, either through altered weather patterns or by man-made runoff modification.

7. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

8. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate any water quality standards or waste discharge requirements? (Source: IX. 1, 3, 6, 9, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 groundwater table level (e.g., 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)? (Source: IX. 1, 3, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 3, 5, 6, 9, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 which would result in flooding on- or off-site? (Source: IX. 1, 3, 5, 6, 9, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX. 1, 6, 9, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f)	Otherwise substantially degrade water quality? (Source: IX. 1, 3, 5, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: IX. 1, 3, 5, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: IX. 1, 5, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 5, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: IX. 1,3, 5, 6, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The County will require adherence to the best watershed planning principals including: stream setbacks, stream flow maintenance, performance controls for development site features, maintenance of safe and good water quality, protection of natural vegetation along streams, and careful control of grading to avoid erosion and sedimentation. **(Policy 3.4.2.2 Big Sur Coast Land Use Plan)**

The County shall, in concert with the State Department of Water Resources, the Division of Water Rights, and the Department of Fish and Game, be responsible for cooperating with residents to manage surface and groundwater supplies, and to implement the goals and policies of this section. In approving new development, the County will require the monitoring of water use and the observance of water conservation measures. **(Policy 3.4.2.5 Big Sur Coast Land Use Plan)**

The applicant has already secured a permit for a test well (authorizing construction and use of the well for testing). The well was constructed on December 2008 and testing was credited at 10.63 gpm during the 72 hour pump test.

As a condition of approval of the project the applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: 1) All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system; and 2) Landscape plans shall apply xeriscape principles, including such techniques and materials as

native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices.

A Percolation and Groundwater Study with Septic Recommendations for the Proposed Residence was prepared by Grice Engineering and Geology, Inc. on October 2004 and then revised on September 2007. The field investigation included a soils investigation, percolation testing, groundwater observation and water quality testing. An addendum to the Percolation and Groundwater Study was prepared on June 26, 2009 to incorporate the new information to replace the standard leachfields with drip irrigation lines. This modification was required to eliminate the removal of trees.

The soils investigation consisted of drilling test bores to establish the subsurface soil profile and depth to groundwater and provide bores for percolation test. The site soils were tested for their ability to absorb water by the falling head test method as required by Monterey County. For this test, bores were advanced at selected locations and to various depths. In preparation for computing the change in the water quality of Rocky Creek and the associated aquifer, water samples were obtained from the surface flow as required by the Monterey County Health Department. In August 2004, water samples were taken at three separate locations along Rocky Creek and analyzed for nitrates, MBAS surfactants, and total and fecal coliform. The test results for both nitrates and surfactants (MBAs) were below detectable levels in all tests and were thus well within pertinent water quality standards.

Hydrology and Water Quality 8(a) – Less than significant Impact.

Percolation test results for this particular study indicate the soils are quite acceptable for discharge of septic effluent and have moderately rapid to slow percolation rates (absorption rates). Inspection indicates the rates approximately coincide with the soils type and consistency as noted on the bore logs. (*See Utilities Section 16*)

Hydrology and Water Quality 8(c, d, e) –Less than significant with Mitigation Incorporated.

In general, the undisturbed, in-situ, native soils and acceptable, certified, engineered fill are suitable for foundation purposes and display engineering properties adequate for the anticipated soil pressures providing the recommendations in this report are followed.

In general, the near surface soils to a moderate depth are relatively loose. In addition, multiple trees are located around the perimeter of the proposed structure and heavy roots are expected to cross underneath the building envelope. As such, it is recommended that the structure be supported by a low impact system such as a pier and grade beam foundation. Caissons may be either drilled cast in place concrete or helical pier.

Mitigation Measure #8:

An agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understood the Geotechnical Soils-Foundation Report prepared by Grice

Engineering, dated September 7, 2009, and all recommendations shall be adhered to during construction.

Monitoring Action #8:

A copy of the agreement shall be submitted to the RMA Planning Department for review and approval prior to issuance of any grading/building permits.

Mitigation Measure #9:

The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Stormwater runoff from impervious surfaces shall be dispersed at multiple points, away from and below any septic leach fields, over the least steep available slopes, with erosion control at outlets. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency.

Monitoring Action #9:

Prior to issuance of any grading or building permits, the applicant shall provide a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts to the Water Resources Agency for review and approval.

Hydrology and Water Quality 8(b, f-j) – No Impact.

The proposed project is not located within the 100-year flood hazard areas as mapped on a Federal Flood Hazard Boundary and therefore, would not impede or redirect flood flows or cause failure of a levee or dam.

9. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: IX. 1, 2, 3,4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

10. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 2, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

11. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: IX. 1, 2, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

12. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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)? (Source: IX. 1, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

13. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

14. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: IX. 1, 3, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

15. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: IX. 1, 3, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 2, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: IX. 1, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Result in inadequate parking capacity? (Source: IX. 1, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: IX. 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

16. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: IX. 1, 3, 5, 10, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: IX. 1, 3, 5, 10, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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? (Source: IX. 1, 3, 5, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: IX. 1, 5, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX. 1, 5, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: IX. 1, 5, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: IX. 1, 3, 5, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The effects of all development proposals or intensification of land use activities or water uses on the natural character and values of the Big Sur Coast's rivers and streams will be specifically considered in all land use decisions. Subjects to be addressed in such evaluations include protection of scenic quality, water quantity and quality, wildlife and fish habitat, and recreational values. Land use proposals determined to pose significant impacts to the natural integrity of the stream must be modified accordingly. The County will require assistance from the California Department of Fish and Game as a technical expert on wildlife and fish habitat and mitigation measures. **(Policy 3.4.3.B.1 Big Sur Coast Land Use Plan)**

Residential development shall be sited and designed to have minimum impacts on redwood trees from soil compaction and other disturbances to tree roots. With similar considerations, recreation should be encouraged as an appropriate use for redwood forests. **(Policy 3.3.3.A.8 Big Sur Coast Land Use Plan)**

The original application included a standard septic system and standard leachfields with drip irrigation lines that would require the removal of approximately 10 Redwood trees within "Site C". Redwood trees have very large root balls and are spread out and shallow. Removal would not only require substantial grading but also require additional fill. Environmental Health Division (EHD) could not allow this type of system to be placed in engineered fill. Staff contacted the California Department of Fish and Game for direction. They were concerned with the substantial tree removal and grading and the potential impacts to both waterways if this type of system was to be used. Although the standard septic system was tentatively approved 5 years ago, Environmental Health Division recommended an upgraded Geoflow Wasteflow Dripline system that has been approved as an alternative non-invasive system by the Regional Water Quality Control Board. An adequate area has been field located on the site with certain setbacks and restrictions to avoid any tree removal. Any affect of the effluent on the water basin will be further reduced due to the Advantex Pod and the shallow dripline irrigation. In order to ensure proper installation, the following mitigation is proposed:

Mitigation Measure #10:

The Applicant shall have the contractor sign an agreement that all the reports (Percolation, Groundwater & Contamination Study on October 2004, and revised September 27, 2007; and Addendum No. 1, dated June 26, 2009 prepared by Grice Engineering, Inc., Salinas, California were fully read and understood and that all recommendations shall be adhered to during construction.

Monitoring Action #10:

A copy of the agreement shall be submitted to the RMA-Planning Department for review and approval prior to issuance of any building permits.

Mitigation Measure #11:

Pursuant to the Memorandum of Understanding between Monterey County and the Regional Water Quality Control Board – Central Coast Region (RWQCB), Monterey County refers all new alternative onsite wastewater treatment systems to the RWQCB for regulation. A waiver of Waste Discharge Requirements (WDRs) shall be obtained from the RWQCB and submitted to Environmental Health Division (EHD).

Monitoring Action #11:

The applicant shall submit an application for subsurface disposal exemption – waiver of WDRs to the RWQCB for review and approval. The form can be found at:
http://www.waterboards.ca.gov/centralcoast/publications_forms/forms/docs/application_for_subsurface_disposal_exempt_submittal.pdf

The applicant shall submit evidence to Environmental Health Division (EHD) that the RWQCB has issued individual Waiver of WDRs for this property prior to issuance of any grading and/or building permits.

Mitigation Measure #12:

The applicant shall establish a signed operations and maintenance contract from a licensed septic contractor. It shall include:

- Statement that if either party fails to comply with the contract Environmental Health Division will be notified.
- Effluent quality reports shall be submitted to Environmental Health Division bi-annually.
- Environmental Health Division shall be notified at each renewal term, and a contract shall be submitted to Environmental Health Division.
- All testing requirements in county, state and federal regulations shall be complied with.

Monitoring Action #12:

The applicant shall submit a signed operations and maintenance contract from a licensed septic contractor to Environmental Health Division for review and approval, prior to final of building permit.

- All lab results and service reports shall be submitted to the Environmental Health Division twice a year to commence six months after use and every six months thereafter.
- All renewed contracts shall be submitted to Environmental Health Division for review and approval.
- Operations and Maintenance Contract is an ongoing condition.

Mitigation Measure #13:

The applicant shall record a deed notification with the Monterey County Recorder for parcel 418-131-024-000 with the approved language indicating that an alternative onsite wastewater treatment system is installed on the property. The applicant shall contact Environmental Health Division for specific wording to be included on the deed notification.

Monitoring Action #13:

Prior to issuance of any grading/building permits, the Deed Notification form shall be prepared by the Environmental Health Division and provided to the applicant for recording. Prior to Final inspection, a copy of the recorded document shall be submitted to the Environmental Health Division.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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? (Source: IX. 1, 3, 5, 6, 7, 8, 9, 12, 13)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 past projects, the effects of other current projects, and the effects of probable future projects?) (Source: IX. 1, 2, 3, 4, 5, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: IX. 1, 3, 4, 5, 6, 7, 10, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) Less than Significant with Mitigation Incorporated. Based upon the analysis throughout this Initial Study, the project may 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. The biological resources analysis above indicates there could be impacts to special-status plants and animals and sensitive natural communities, including environmentally sensitive habitat (ESHA).

(b) No Impact. The project involves the construction of a new residence on a parcel zoned for residential use. As a result, impacts relating to air quality, noise, population/housing, public services, recreation, transportation/traffic, and utilities and service systems attributable to the project have been addressed in the Big Sur Coast Land Use Plan, which is equivalent to an EIR. Implementation of the project, as proposed, conditioned, and mitigated would not result in an increase of development potential for the project site.

(c) No Impact. The project would not result in significant construction-related impacts, and would not create any long-term impacts on the local area. The temporary and short-term environmental effects from project-related construction activities would not cause substantial adverse effects on human beings, either directly or indirectly.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a “de minimis” (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a “de minimis” effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of “de minimis” effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

Conclusion: The project will be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN070309 and the attached Initial Study / Mitigated Negative Declaration. The project as proposed may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community. The project as proposed, conditioned, and mitigated will not have the potential to degrade the environment (Source: IX. 1, 3, 5, 6, 12, 13, 14).

IX. REFERENCES

1. Project Application/Plans for Planning File No. PLN070309.
2. Monterey County General Plan.
3. Big Sur Coast Land Use Plan and Coastal Implementation Plan, Part 3.
4. Title 20 of the Monterey County Code (Zoning Ordinance).
5. Site Visits conducted by the project planner on March 13, 2008.
6. Monterey County Planning Department GIS System, Property Report for Selected Parcel – APN 418-131-024-000.
7. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008.
8. Preliminary Cultural Resources Reconnaissance (LIB070572), prepared by Susan Morley, Pacific Grove, California, August 2004.
9. Geotechnical Soils-Foundation and Geoseismic Report (LIB070570), prepared by Grice Engineering and Geology, Inc., Salinas, California, September 2007.
10. Geologic Hazards Investigation of Proposed Woodward – Seebaugh Residential Building Site (LIB070576), prepared by Gasch & Associates, Rancho Cordova, California, October 2006.
11. Percolation, Groundwater & Contamination Study (LIB090392), prepared by Grice Engineering, Inc., Salinas, California, October 2004; and revised September 27, 2007; and Addendum No. 1, dated June 26, 2009.
12. Biological Assessment (LIB090389), prepared by Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, October 1, 2007.
13. Addendum to Biological Assessment (LIB090390), prepared by Nicole Nedeff, Consulting Ecologist, Carmel Valley, California, June 5, 2008.
14. Forest Management Plan (LIB090391), prepared by Roy Webster, Webster & Associates Professional Foresters, Santa Cruz, California, September, 2007.
15. Determination of Consistency Letter (LIB090399), prepared by Steph A. Nelson, AMBAG, dated September 11, 2009.

X. ATTACHMENTS

1. Site Plans, floor plans, elevations



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
San Benito-Monterey Unit
2221 Garden Road
Monterey, California 93940
(831) 333-2600
Website: www.fire.ca.gov



October 6, 2009

Ms. Elizabeth Gonzales, Project Planner
County of Monterey
Resource Management Agency – Planning Department
168 West Alisal, 2nd Floor
Salinas, California 93901

Dear Ms. Gonzales:

Following are CAL FIRE's comments on the Seebaugh Project, File Number PL070309:

1. On page 9, it is stated that this project "is located in a residential area and would not be subject to wildland fire hazards." This project is a single family rural residence definitely located in a High Fire Hazard Zone and could be susceptible to damage by a wildfire. Any structures built on the property would be subject to Public Resources Code 4291 fire clearance requirements in addition to all applicable building codes.
2. On page 18, it is noted that "one Redwood tree (22 inches in diameter) will be removed...." Given the fact that a Coast Redwood (Sequoia sempervirens) is deemed to be a "Commercial Species" in the California Forest Practice Rules, a Less than Three Acre conversion Exemption will be required. This one-time exemption is required for property owners who intend to cut or remove trees for structures and other needed improvements. This exemption is required whether or not wood products are offered for sale, barter or exchange or trade. A Registered Professional Forester must prepare this exemption. Building contractors are ineligible to perform this work, unless they are also a Licensed Timber Operator. The exemption is valid for one year. See CCR 1104.1.
3. There are trees located in the area exhibiting Sudden Oak Death (SOD) Syndrome symptoms. Measures to mitigate the spread of SOD will have to be taken. Such mitigations could include the washing of vehicles, tools and boots prior to leaving the area. Also, any cut and chipped tanoak material must be left on site.

If you have any questions regarding these comments, please feel free to contact me or Forester Jonathan Pangburn at CAL FIRE at (831) 333-2600.

Sincerely,

GEORGE W. HAINES
UNIT CHIEF

By


Robert E. Taylor
Assistant Chief, Resource Management
RPF No. 1314

cjr
cc: Brian Barrette

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NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



September 29, 2009

Eliz Gonzales
Monterey County RMA Planning
168 West Alisal
Salinas, CA 93901


RE: SCH#2009091056 Seebaugh: Monterey County.

Dear Ms. Gonzales:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,


Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse