

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> November 18, 2010 Time: 1:30 P.M.	<b>Agenda Item Nos.:</b> 1 & 2
<b>Project Description:</b> Combined Development Permit consisting of: 1) Coastal Development Permit for development on slopes in excess of 30% to replace three retaining walls (approximately 200 linear feet) within the bluff to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; 2) Coastal Development Permit and Design Approval for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola; natural wood and earth tone colors will be used; 3) Coastal Development Permit for development with a positive archaeological report; 4) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); and grading of approximately 650 cubic yards of fill.	
<b>Project Location:</b> 29300 Highway 1, Carmel	<b>APN:</b> 241-071-002-000
<b>Planning File Number:</b> PLN050708 & PLN050591	<b>Owner:</b> Emmett O'Boyle et al <b>Agent:</b> Steve Wilson, Monterey Bay Engineers
<b>Planning Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "LDR/1-D (CZ)" [Low Density Residential, 1 unit per acre-Design Control District (Coastal Zone)]	
<b>CEQA Action:</b> Mitigated Negative Declaration	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

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

- 1) Consider an Addendum to the Mitigated Negative Declaration adopted by the Planning Commission on October 27, 2010;
- 2) Approve PLN050708 & PLN050591, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**): and
- 3) Adopt the Mitigation Monitoring and Reporting Program for this project (**Exhibit C1**)

### PROJECT OVERVIEW:

This application is for two separate projects on the same parcel. One project cannot be done without the other, so the recommendation is to approve both. The first project application (PLN050708) is to replace three retaining walls (approximately 200 linear feet) to protect the existing house from coastal bluff erosion, replace the storm drain, and fill eroded drainage channel within the coastal bluff.

The second application (PLN050591) is for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveways and patios; and a new pergola.

This project has been delayed for many reasons. When the original planner left the County in late 2006, the project was assigned to a consultant who had the file for almost a year with no progress. The project was then assigned to the current planner. Staff began working with another consultant on the Initial Study; however it was never completed. Due to the complexity of the retaining walls, the applicant's geotechnical engineer needed to work with the California

Coastal Commission regarding construction of the retaining walls. The California Commission's geotechnical engineers in San Francisco noted concerns they had. Issues were resolved in January 2010. Due to geology/soils at the site, a septic system was no longer a viable option. The applicant submitted an application to the Local Agency Formation Commission of Monterey County (LAFCO) to be annexed into the Carmel Area Wastewater District public sewer system. This was approved on January 26, 2009. An amendment to connect this parcel and three other parcels to the original Highlands Inn Sewer project was approved by the Planning Commission (PC) on October 27, 2010 under file number PLN090342.

The Mitigated Negative Declaration ("MND") was prepared in accordance with CEQA and circulated for public review from September 2, 2010, through October 1, 2010 (SCH#: 2010091005). Issues that were analyzed in the MND include aesthetic resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, and utilities and service systems. The MND was adopted by the Planning Commission (PC) on October 27, 2010 when they approved PLN090342. Therefore, the Zoning Administrator must only consider the Addendum. See **Exhibit B** for a more detailed discussion.

There are no unresolved issues.

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

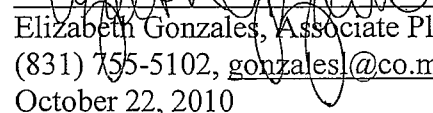
- RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ Carmel Highlands Fire Protection District
- Parks Department
- California Coastal Commission

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

On January 3, 2006, The Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) recommended approval (5-0 vote) to approve the plans as submitted. They recognized the need for the retaining walls and the removal of the one 8" Cypress tree. They suggested that Caltrans be responsible for replacing the storm drain pipe that crosses under Highway 1 and connects with the drain at the northern edge of the Currivan/O'Boyle property. This drain has evidently been the source of water and erosion on the Currivan/O'Boyle parcel.

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

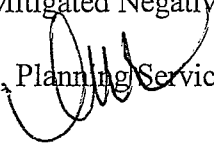
/s/ Elizabeth Gonzales

  
Elizabeth Gonzales, Associate Planner  
(831) 755-5102, [gonzales@co.monterey.ca.us](mailto:gonzales@co.monterey.ca.us)  
October 22, 2010

cc: Front Counter Copy; Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary; Emmett O'Boyle et al, Owner; Steve Wilson, Monterey Bay Engineers, Agent; Jon Erlandson, Architect; Planning File PLN050708 & PLN050591

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project 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 North County Coastal Advisory Committee Minutes (LUAC)  
Exhibit F Mitigated Negative Declaration  
Exhibit G Addendum to Mitigated Negative Declaration

This report was reviewed by Laura Lawrence, Planning Services Manager



## EXHIBIT A

### Project Data Sheet for PLN050591.PLN050708

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<b>Project Title:</b> Currivan O'Boyle	<b>Primary APN:</b> 241-071-002-000
<b>Location:</b> 104 Highway 1, Carmel	<b>Coastal Zone:</b> Yes
<b>Applicable Plan:</b> Carmel Area Land Use Plan	<b>Zoning:</b> LDR/1-D (CZ)
<b>Permit Type:</b> Combined Development Permit	<b>Plan Designation:</b> Residential
<b>Environmental Status:</b> Mitigated Negative Declaration	<b>Final Action Deadline (884):</b> March 29, 2007
<b>Advisory Committee:</b> Carmel Highlands Unincorporated LUAC	

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#### Project Site Data:

<b>Lot Size:</b> 29,938 square feet	<b>Coverage Allowed:</b> 15%
<b>Existing Structures (SF):</b> 3,900 square feet	<b>Coverage Proposed:</b> 13%
<b>Proposed Structures (SF):</b> 3,900 square feet	<b>Height Allowed:</b> 30 Feet
<b>Total SF:</b> 3,900 square feet	<b>Height Proposed:</b> 26 Feet
	<b>Floor Area Ratio Allowed:</b> N/A
	<b>Floor Area Ratio Proposed:</b> N/A

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#### Resource Zones and Reports:

<b>Environmentally Sensitive Habitat:</b> Yes	<b>Erosion Hazard Zone:</b> IV
<b>Biological Report #:</b> LIB050808	<b>Soils Report #:</b> LIB050809
<b>Forest Management Rpt. #:</b> N/A	
<b>Archaeological Sensitivity Zone:</b> HIGH	<b>Geologic Hazard Zone:</b> IV
<b>Archaeological Report #:</b> LIB050807	<b>Geologic Report #:</b> LIB060804
<b>Fire Hazard Zone:</b> HIGH	<b>Traffic Report #:</b> N/A

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#### Other Information:

<b>Water Source:</b> Public	<b>Sewage Disposal (method):</b> Public Sewer
<b>Water Dist/Co:</b> Cal-Am	<b>Sewer District Name:</b> CAWD
<b>Fire District:</b> Carmel Highlands FPD	<b>Total Grading (cubic yds.):</b> 650 cubic yards of fill
<b>Tree Removal:</b> N/A	

## EXHIBIT B DISCUSSION

### **Project Description:**

The project application is for two separate projects on the same parcel. One project cannot be done without the other. The first project application (PLN050708) is to replace three retaining walls (approximately 200 feet in total length) to protect the existing house from coastal bluff erosion, replace the storm drain, and fill eroded drainage channel and grading of approximately 650 cubic yards of fill for the eroded drainage channel and backfill of the retaining walls. One 8-inch Monterey Cypress tree is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove and must be removed. It is one of eight Cypress trees (ranging from 8 inches to 36 inches in diameter) that appear to have been planted on the property sometime in the past. Pursuant to Section 20.146.060.A.1 of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), planted trees do not require a Coastal Development Permit for removal as long as they do not expose structures in the critical viewshed, are not defined as habitat or are not previously protected by permit or easement. The three retaining walls are necessary to stabilize the existing residence and would provide safe access for renovation construction activity.

The second application (PLN050591) is for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveways and patios; and a new pergola from parking to residence.

Entitlements include:

- 1) Coastal Development Permit for development on slopes in excess of 30%;
- 2) Coastal Development Permit and Design Approval for the extensive remodel of an existing residence within 50 feet of a coastal bluff;
- 3) Coastal Development Permit for development with a positive archaeological report;
- 4) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat)

The parcel is zoned Low Density Residential, 1 unit per acre, Design Control, Coastal Zone "LDR/1-D (CZ)". Therefore, the property is suitable for the proposed development. The project, as proposed, is consistent with the policies of the Carmel Area Land Use Plan.

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

The property is located at 29300 Highway 1, Carmel Highlands, (Assessor's Parcel Number 241-071-002-000), and is within the Coastal Zone. The property is located within the General Viewshed Map A of the Carmel Area Land Use Plan which is a highly scenic area of the Carmel Highlands and is within the immediate vicinity of Point Lobos State Park. The property is accessed directly off of Highway 1. The project property slopes steeply downward from the highway, dropping off sharply along the northern border to the Pacific Ocean. The terrace deposits fronting the ocean side of the property are underlain by granite bedrock. These bedrock cliffs descend to the Pacific Ocean. The project property is located about 70 feet above the ocean on a small ridgeline at the back of a cove.

The 29,938 square foot property currently contains a single family residence and two detached garages. One garage is located at the entrance to the property along Highway 1, and the second is located along the northern border of the property, accessed by the driveway. The project lot is fairly well developed with structures and includes some landscaping and several mature cypress trees.

In 1997-1998, abnormally heavy rainfall caused severe erosion and slope movement downslope and adjacent to the existing residence. An undrained wooden retaining wall had failed and several areas showed signs of soil creep or slippage. A large Caltrans culvert on the neighboring properties plugged and failed causing serious erosion and landsliding on the subject property due to the resulting overland flow downslope from where the culvert was plugged. The current project consists of construction of three retaining walls two of which are immediately adjacent to the home and the other, which is near the outlet of the failed culvert, which will be repaired. The existing 36-inch diameter culvert that drains the Caltrans culvert inlet box will be buried and supported by a retaining wall acting as the culvert head wall. Grading will be completed to develop construction access routes and restore the areas affected by landsliding. Revegetation, erosion control measures will be included in the project.

After working with the California Coastal Commission, Haro, Kasunich and Associates prepared a Supplemental Slope Stability Evaluation, dated July 20, 2009. The slope stability evaluation presented in the August 2005 Haro Kasunich report focuses on the slopes immediately below the proposed retaining walls at the existing residence. As requested by the California Coastal Commission Engineering Geologist, the supplemental letter presents a slope stability evaluation of the existing slopes and proposed slopes (pre-retaining wall condition versus post retaining wall conditions) for the areas up-coast of the existing residence at the eroded gully below the garage turn around area.

### **C. CEQA:**

A Mitigated Negative Declaration ("MND") for PLN050708, PLN050591 and PLN090342 was prepared in accordance with CEQA and circulated for public review from September 2, 2010 to October 1, 2010 (SCH#: 2010091005).

The primary CEQA issues in the MND involve visual resources, archaeological resources, biological resources, geology/soils, and drainage. These issues will be affected by the proposed project. However, evidence supports the conclusion that impacts will be less-than-significant with mitigation incorporated for visual resources and archaeological resources, and less-than-significant for geology/soils, hydrology/water quality, and utilities. Impacts to visual resources will be mitigated to a less-than-significant level through relocation of one of the retaining walls and the use of natural materials that blend into the surrounding area.

Mitigations include: using appropriate design techniques and materials and colors, adhering to tree and root protection methods; submitting restoration plan to address protection of buckwheat plants and eradication and control of non-native species and submitting written agreements to use slope stabilization methods.

The MND was adopted by the Planning Commission on October 27, 2010 when they approved the project allowing the property to connect to sewer (PLN090342). Pursuant to Article 11, Section 15164 of the California Environmental Quality Act an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none

of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

A Biological Assessment was prepared for the retaining wall portion of the project. The report found that although the project site contains five buckwheat plants, they are located outside of the project impact areas. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. To avoid adverse impacts to Smith's blue butterfly and reduce to a less-than-significant level, the Biological Assessment suggested that erosion control and site mitigation address the eradication and control of non-native species including landscape plants currently impacting natural habitat. Specifically, to enhance, establish, manage and monitor for habitat of the Smith's blue butterfly. A mitigation measure in the Initial Study requires a restoration plan in order to ensure that the habitat of Smith's blue butterfly (buckwheat plants) be protected during project construction and project development.

The purpose of the addendum is to amplify and clarify what should also be addressed in the restoration plan. Since the last biological assessment was prepared five years ago, the restoration plan must reassess the location of the buckwheat plants. If it is determined that the buckwheat plants are located within the area of construction, the plants shall be voided. Condition #18/Mitigation #3 addresses this additional requirement.

The reassessment of the location of the buckwheat plants in the restoration plan only clarifies and amplifies the requirement in the mitigation measure. Therefore, pursuant to CEQA Section 15088.5 (b), recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The MND addresses all potential impacts for the retaining walls and the remodel of the house. Mitigation measures implemented will ensure less than significant impacts. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. Therefore, since the MND was adopted, the Zoning Administrator need only consider the MND.

**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:

**EMMETT O'BOYLE ET AL (PLN050708 & PLN050591)**

**RESOLUTION NO. **

Resolution by the Monterey County Zoning  
Administrator:

- 1) Considers an Addendum to the Mitigated Negative Declaration adopted by the Planning Commission on October 27, 2010;
- 2) Approves Combined Development Permit consisting of: 1) Coastal Development Permit for development on slopes in excess of 30% to replace three retaining walls (approximately 200 linear feet) within the bluff to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; 2) Coastal Development Permit and Design Approval for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola; natural wood and earth tone colors will be used; 3) Coastal Development Permit for development with a positive archaeological report; 4) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); and grading of approximately 650 cubic yards of fill, based on the findings and evidence and subject to the conditions of approval (**Exhibit 1**): and
- 3) Adopts the Mitigation Monitoring and Reporting Program for this project (**Exhibit 1**)  
(PLN050708 & PLN050591, Emmett O'Boyle et al, 29300 Highway 1, Carmel, Carmel Area Land Use Plan (APN: 241-071-002-000))

**The Combined Development Permit application (PLN050708 & PLN050591) came on for public hearing before the Monterey County Zoning Administrator on November 18, 2010. 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:** a) 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,
- Carmel Area Land Use Plan,
- Monterey County Coastal Implementation Plan, Part 4,
- 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.

- b) The property is located at 104 Highway 1, Carmel (Assessor's Parcel Number 241-071-002-000, Carmel Area Land Use Plan. The parcel is zoned "LDR/1-D (CZ)" [Low Density Residential, 1 unit per acre-Design Control District (Coastal Zone)], which allows for residential development. Therefore, the project is an allowed land use for this site.
- c) Pursuant to Chapter 20.44, Design Control Zoning Districts, the project requires design review of structures to make sure they are appropriate to assure protection of the public viewshed, neighborhood character, and assure visual integrity. Exterior changes consist of medium brown stucco siding, clad wood windows and doors, redwood ceramic tile porches and decks and dark grey quarry slate roofing materials, giving the general appearance of natural materials (Policy 2.2.4.10.c Carmel Area Land Use Plan). The retaining walls will be sprayed with sculpted and colored shotcrete to match the existing rock on the bluff. The roof will be raised an additional 2-3 feet to a maximum height of 25 feet, which is lower than the 30 foot maximum allowed. Therefore, the project is consistent with the Design Control regulations.
- d) The project planner conducted site inspections on April 27, 2007 and January 10, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- e) Viewshed: The project will be located within a sensitive scenic area of the Carmel Area and has the potential to degrade the area's visual quality through grading and increased visual prominence due to new retaining walls and proposed exterior renovations including heightened roof. Further, the project's location is highly visible from Point Lobos State Park, and as such, the scale and massing of the new retaining walls and height of roof may detract from the visual quality of the shoreline. The project proposes to remove one 8-inch Cypress tree. It is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove. It is one of eight Cypress trees (ranging from 8 inches to 36 inches in diameter) that appear to have been planted on the property sometime in the past. Although, this tree does not require replacement, the biological report recommends replacement for further visibility. The project as designed and conditioned is consistent with the scenic resource policies in the Carmel Area Land Use Plan, Local Coastal Program (Chapter 2.2) and the Monterey County Coastal Implementation Plan, Part 4 (Chapter 20.146.030). (See Finding 9)

- f) Archaeological Resources: The project site is identified in an area of high archaeological sensitivity zone with archaeological resources located on the project site. County staff requested that an archaeological report be prepared for the project to evaluate the potential for significant archaeological resources on-site and the potential for impacts to existing resources as a result of the project. A Preliminary Archaeological Reconnaissance of Assessor's Parcel 241-071-002-000 was prepared by Archaeological Consulting (March 15, 2005) for the project. A subsequent archaeological report (January 13, 2006) was prepared to analyze potential impacts to cultural resources as a result of the proposed residential remodel, specifically to the 550 square foot area proposed for concrete removal and placement of pergola structure. The archaeologist stated that unless prior grading removed all of the archaeological midden from the project impact area, demolition of existing hardscape may expose cultural resources which will be subject to project impacts. They also stated that because the new retaining walls will help to preserve the cultural resources remaining on the parcel and because there is limited potential for impacts to significant cultural resources from the construction, they recommended an archaeological monitor be present for all demolition and removal of existing hardscape and retaining walls; excavations for the pergola, foundations and excavation of soil from the slope above wall #1 and for the grading of temporary road for wall #2. Staff is requiring an archaeological monitor be present during construction. (Condition #19 /Mitigation Measure #4) Also, a standard mitigation measure will also be implemented if any archaeological resources or human remains are accidentally discovered during construction (Condition #20/Mitigation Measure #5)
- g) Development on Slope: The project includes application for development on slopes exceeding 30%. The subject property has steep, natural slopes, and there are no alternative which would avoid 30% slope. The Carmel Area Land Use Plan Policy 2.7.4.1 and Section 20.146.080.D.1.a of the Coastal Implementation Plan (Part 4) direct that all development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The topography of the parcels, and the scope of the project, does not allow development to avoid slope over 30%. (See Finding 5)
- h) ESHA: The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). LUP Policy 2.3.2.2 directs that land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource, and LUP Policy 2.3.2.7 directs that development within environmentally sensitive areas shall restrict the removal of indigenous vegetation and land disturbance. The project as designed, conditioned, and mitigated is consistent with ESHA policies of the Carmel Area Land Use Plan. (See Finding 6)
- i) On January 3, 2006, The Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) recommended approval (5-0 vote) to approve the plans as submitted. They recognized the need for the retaining walls and the removal of the one 8" Cypress tree. They suggested that Caltrans be responsible for replacing the storm drain pipe

that crosses under Highway 1 and connects with the drain at the northern edge of the Currivan/O'Boyle property. This drain has evidently been the source of water and erosion on the Currivan/O'Boyle parcel.

- j) 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 PLN050708 & PLN050591.

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, Carmel Highlands Fire Protection District, Parks, Public Works, Environmental Health Bureau, 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 by RMA Planning, Water Resources Agency and Carmel Highlands Fire have been incorporated.

b) In 1997-1998, abnormally heavy rainfall caused severe erosion and slope movement downslope and adjacent to the existing residence. An undrained wooden retaining wall had failed and several areas showed signs of soil creep or slippage. A large Caltrans culvert on the neighboring properties plugged and failed causing serious erosion and landsliding on the subject property due to the resulting overland flow downslope from where the culvert was plugged. The current project consists of construction of three retaining walls two of which are immediately adjacent to the home and the other is near the outlet of the failed culvert, which will be repaired. Grading will be completed to develop construction access routes and restore the areas affected by landsliding. Revegetation and erosion control measures will be included in the project.

c) A Geotechnical Investigation and Focused Geologic Study was prepared by Haro, Kasunich and Associates, dated August, 2005, for the proposed project. This report presents the results of a previous Limited Geotechnical Investigation and Focused Study (August 1999) and Limited Geotechnical Investigation Slope Stabilization Recommendations prepared by Reynolds and Associates dated September 4, 1998, and provides substantial recommendations to address impacts to less-than-significant with mitigation.

d) The slope stability evaluation presented in the August 2005 Haro Kasunich report focuses on the slopes immediately below the proposed retaining walls at the existing residence. As requested by the California Coastal Commission Engineering Geologist, a Supplemental Slope Stability Evaluation, dated July 20, 2009, was also prepared by Haro, Kasunich and Associates. The supplemental letter presents a slope stability evaluation of the existing slopes and proposed slopes (pre-retaining wall condition versus post-retaining wall conditions) for the areas up-coast of the existing residence at the eroded gully below the garage turn around area.

e) Staff identified potential impacts to slope stability, archaeological

resources and biological resources. Technical reports by outside consultants indicated that there may be physical or environmental constraints that would limit suitability for the use proposed; however they have proposed mitigation to make them less than significant impacts. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- "Limited Geotechnical Investigation Slope Stabilization Recommendations for 104 Coast Highway 1" (LIB060084) prepared by Reynolds and Associates, Inc., dated September 04, 1998.
- "Limited Geotechnical Investigation for Seaward Slippage and Incipient Bank Failure" prepared by Haro, Kasunich and Associates, Inc, dated August 1999.
- "Limited Geotechnical Investigation and Focused Geologic Study for Coastal Bluff Retaining Walls for 104 Highway 1" (LIB050809) prepared by Haro, Kasunich & Associates, Inc., dated August 2005.
- "Supplemental Slope Stability Evaluation to Limited Geotechnical Investigation and Focused Geologic Study", prepared by Haro, Kasunich & Associates, Inc., dated July 20, 2009.
- "Letter Report Geotechnical Foundation Criteria for the Proposed Covered Pedestrian Walkway from Garage to Residence" prepared by Haro, Kasunich and Associates, Inc., dated May 15, 2006.
- "Archaeological Letter for APN 241-071-002, for retaining walls" (LIB050807) prepared by Archaeological Consulting, dated March 15, 2005.
- "Archaeological Report for APN 241-071-002, the Currivan Parcel", prepared by Archeological Consulting, dated January 13, 2006.
- "Biological Assessment prepared by Rana Creek Habitat Restoration" (LIB050808) dated September 2005.

This is a request to remodel an existing structure and construction of three retaining walls in order to secure the structure. Therefore, as proposed, the project better meets the policies and goals of the Carmel Area Land Use Plan.

- f) Staff conducted a site inspection on April 27, 2007 and January 10, 2010 to verify that the site is suitable for this use.
- g) 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 Files PLN050708 & PLN050591.

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 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 are available and will be provided. This parcel is currently served by the Cal Am public water system, and will continue to use the same service connection. Currently, this parcel is one of four parcels using its own septic system and/or holding tank for wastewater. PLN090342 was approved on October 27, 2010. This approval allows the parcel to connect to the Carmel Area Wastewater District (CAWD). CAWD has reviewed the project and has the available capacity to service this parcel.
- c) Preceding Findings #1 and #2 and supporting evidence for PLN050708 & PLN050591.

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 site inspections on April 27, 2007 and January 10, 2010 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - 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 PLN050708 & PLN050591.

5. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Carmel Area 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.
  - b) The project includes application for development on slopes exceeding 30%. The subject property has steep, natural slopes, and there are no alternative which would avoid 30% slope. Much of the sloped areas proposed for development have been previously disturbed by structural development, retaining walls, landscaping, driveways, and Highway 1.
  - c) The project application includes development (trenching) on slopes exceeding 30%. The Carmel Area Land Use Plan Policy 2.7.4.1 and Section 20.146.080.D.1.a of the Coastal Implementation Plan (Part 4) direct that all development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The topography of the parcels, and the scope of the project, does not allow development to avoid slope over 30%. Staff has reviewed the project plans and visited the sites to analyze possible development alternatives. Based on the site topography and scope of work, there is no feasible alternative which would allow development to

occur on slopes of less than 30%. The proposed replacement of the retaining walls avoids slopes in excess of 30% as much as possible, adheres to the site development standards required of the slope analysis reports, and using sprayed shotcrete blends with the surrounding topography and environment.

- 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 Files PLN050510 and PLN050708.
- e) The project planner conducted site inspections on April 27, 2007 and January 10, 2010.
- f) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

6. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Area Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.
  - b) LUP Policy 2.3.2.2 directs that land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource, and LUP Policy 2.3.2.7 directs that development within environmentally sensitive areas shall restrict the removal of indigenous vegetation and land disturbance. A biological assessment report was prepared to document and assess existing biological resources within the proposed site for proposed grading and construction of retaining walls and restoration of a coastal terrace direction over the ocean's edge. The vegetation consists of coastal bluff herbs and shrubs, planted cypress trees, and a multitude of horticultural landscape plants. There were no rare plants species found on or within the areas proposed for development. Therefore, the project as designed, conditioned, and mitigated is consistent with ESHA policies of the Carmel Area Local Coastal Program.
  - c) The project site contains habitat for Smith's blue butterfly, a federally endangered species, as such, its habitat, coast buckwheat and dune buckwheat, are afforded protection. A Biological Assessment was prepared by Rana Creek Habitat Restoration (September 2005) for the retaining wall portion of the project. The report found that although the project site contains five buckwheat plants they are located outside of the project impact areas. The areas planned for retaining wall installation, and erosion control, totals approximately 16,000 sq. ft. on the project site. The report concluded there was no rare plant and/or animal species afforded protection within the areas to be developed. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. Adverse impacts to

Smith's blue butterfly will be reduced to a less than significant level with the implementation of the Mitigation Measure No. 3 in the Initial Study. Also, since the last biological assessment was prepared five years ago, as part of the required restoration plan, reassessment of the location of the buckwheat plants will be required along with the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly.

- d) The project planner conducted site inspections on April 27, 2007 and January 10, 2010 to verify ESHA locations and potential project impacts to ESHA.
- e) 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 Files PLN050591 and PLN050708.

7. **FINDING: CEQA (Addendum):** - An Addendum to a previously certified MND was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

- EVIDENCE:**
- a) A Mitigated Negative Declaration ("MND") for PLN050708, PLN050591, and PLN090342 was prepared in accordance with CEQA and circulated for public review from September 2, 2010, through October 1, 2010 (SCH#: 2010091005). Issues that were analyzed in the MND include aesthetic resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, and utilities and service systems.
  - b) An amendment to connect PLN090342 and three other parcels to the original Highlands Inn Sewer project was approved and the MND for Currivan/O'Boyle PLN050708, PLN050591 and PLN090342 was adopted by the Planning Commission on October 27, 2010.
  - c) An Addendum to MND for this Currivan/O'Boyle project was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).
  - d) The Addendum attached as Exhibit G to the November 18, 2010 staff report to the Zoning Administrator reflects the County's independent judgment and analysis.
  - e) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior MND. The projects evaluated were for cohesiveness purposes. The project involves the construction of three retaining walls that would provide support for the existing residence from the failing bluffs, and to allow repairs to erosion caused by past flooding. The remodel portion of the proposed project will not be possible until the eminent needs of structure stabilization is completed by the proposed retaining walls are built. During the construction of the retaining walls, the sewer line will be installed.
  - f) Pursuant to Section 15162 of the CEQA Guidelines, there is no new information of substantial importance that was not known at the time the MND was adopted. Since the last biological assessment was prepared five years ago, the restoration plan must reassess the location

of the buckwheat plants. If it is determined that the buckwheat plants are located within the area of construction, the plants shall be avoided. Condition #18/Mitigation #3 addresses this additional requirement. Pursuant to CEQA Section 15088.5 (b), recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

- g) 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.

8. **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 20.146.130 of the Monterey County Coastal Implementation Plan (Part 4) can be demonstrated.
  - b) The subject properties are not described as areas where the Local Coastal Program requires public access (Figure 3, Public Access, in the Carmel Area 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 Files PLN050708 & PLN050591
  - e) The project planner conducted site inspections on April 27, 2007 and January 10, 2010.

9. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The visual resource policies set forth in the Carmel Area Land Use Plan are intended to safeguard the coast's scenic beauty and natural appearance. These policies were used as thresholds in order to determine visual impacts resulting from the proposed project. (Key Policy 2.2.2. Carmel Area Land Use Plan (CLUP))
  - b) Applicable policies require that the design and siting of structures not detract from the natural beauty of the scenic shoreline in the public viewshed, that development be designed to minimize visibility and blend into the natural surroundings, and that siting and design control measures be applied to new development to ensure protection of the Carmel areas scenic resources. (General Policies 2.2.3. CLUP)
  - c) The project will be located within a sensitive scenic area of the Carmel Area and has the potential to degrade the area's visual quality through grading and increased visual prominence due to new retaining walls and proposed exterior renovations including heightened roof. Further, the project's location is highly visible from Point Lobos State Park, and as



such, the scale and massing of the new retaining walls and height of roof may detract from the visual quality of the shoreline. In order to blend the retaining walls into the surrounding landscape, appropriate shotcrete earth tone materials and colors will be used. In addition, the remodeled residence will use natural colors and materials to reduce the appearance. New roofing materials will further blend the residence into the natural landscape.

- d) The project as proposed, conditioned, and mitigated is consistent with policies of the Carmel Area Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed. As stated in the Initial Study, impacts can be reduced to a less than significant level with the implementation of mitigation measure to screen the retaining wall structures, maintain existing vegetation, and require retaining wall material colors and unobtrusive roof materials which would be harmonious with the area. (Condition #16/MM #1 & Condition #17/MM #2)
- e) 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 PLN050708 & PLN050591.
- f) The project planner conducted site inspections on April 27, 2007 and January 10, 2010 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

10. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20). An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
  - b) California Coastal Commission: Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea, is proposing development within 300 feet of the top of the seaward face of any coastal bluff and is development involving a conditional use.

### DECISION

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

- A. Consider an Addendum to the Mitigated Negative Declaration adopted by the Planning Commission on October 27, 2010 (**Exhibit 1**);
- B. Approve Combined Development Permit consisting of: 1) Coastal Development Permit for development on slopes in excess of 30% to replace three retaining walls (approximately 200 linear feet) within the bluff to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; 2) Coastal Development Permit and Design Approval for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and

changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola; natural wood and earth tone colors will be used; 3) Coastal Development Permit for development with a positive archaeological report; 4) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); and grading of approximately 650 cubic yards of fill, based on the findings and evidence and subject to the conditions of approval (**Exhibit 1**), 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; and

C. Adopt the Mitigation Monitoring and Reporting Program for this project (**Exhibit 1**)

**PASSED AND ADOPTED** this 18<sup>th</sup> day of November, 2010 by the following:

\_\_\_\_\_  
Mike Novo, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_

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 [DATE]

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT 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 3 years after the above date of granting thereof unless construction or use is started within this period.

<b>RESOLUTION ### - EXHIBIT 1</b> <b>Monterey County Resource Management Agency</b> <b>Planning Department</b> <b>Condition Compliance and/or Mitigation Monitoring</b> <b>Reporting Plan</b>	<b>Project Name:</b> <u>Currivan/O'Boyle</u> <b>File No:</b> <u>PLN050708 &amp; PLN050591</u> <b>APNs:</b> <u>241-071-002-000</u> <b>Approved by:</b> <u>Zoning Administrator</u> <b>Date:</b> <u>November 18, 2010</u>
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*\*Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

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)
<b>RMA – Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Combined Permit (PLN050708 & PLN050591) allows Combined Development Permit consisting of: 1) Coastal Development Permit for development on slopes in excess of 30% to replace three retaining walls (approximately 200 linear feet) within the bluff to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; 2) Coastal Development Permit and Design Approval for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola; natural wood and earth tone colors will be used; 3) Coastal Development Permit for development with a positive archaeological report; 4) Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); and grading of approximately 650 cubic yards of fill. The property is located at 29300 Highway 1, between Highway 1 and the ocean, south of	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.  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.	Owner/ Applicant  RMA - Planning  WRA  RMA - Planning	Ongoing unless otherwise stated	

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)
		the intersection of Corona Road and Highway 1, Carmel (Assessor's Parcel Number 241-071-002-000), Coastal Zone. Highway 1, Carmel (Assessor's Parcel Number 241-071-002-000), Carmel Area 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. <b>(RMA-Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution [REDACTED]) was approved by the <b>Zoning Administrator</b> for Assessor's Parcel Number 241-071-002-000 on November 18, 2010. The permit was granted subject to <b>21</b> conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b>	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.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on November 18, 2013 unless use of the property or actual construction has begun within this period. <b>(RMA - Planning Department)</b>	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><b>PD004 - INDEMNIFICATION AGREEMENT</b></p> <p>The property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. <b>(RMA - Planning Department)</b></p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, whichever occurs first and as applicable	

<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>Certification of Compliance (name/date)</i>
5.		<b>PD007 - GRADING-WINTER RESTRICTION</b> 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. <b>(RMA – Planning Department and Building Services Department)</b>	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	
6.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA – Planning Department and Building Services Department)</b>	Submit certification by the geotechnical consultant to the RMA – Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	
7.		<b>PD010 - EROSION CONTROL PLAN AND SCHEDULE</b> The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services. <b>(RMA - Planning Department and RMA - Building Services Department)</b>	An Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department prior to issuance of building and grading permits.	Owner/ Applicant	Prior to the issuance of grading and building permits	
			Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.	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)
8.		<p><b>PD014(B) – LIGHTING – EXTERIOR LIGHTING PLAN (VISUAL SENSITIVITY DISTRICT)</b>  All exterior lighting shall be unobtrusive, down-lit, harmonious 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 when viewed from a common public viewing area, as defined in general policies 2.2.4 of the Carmel Area Land Use Plan are prohibited. The applicant shall submit 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. <b>(RMA – Planning Department)</b></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> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the issuance of building permits.</p> <p>Prior to Occupancy / Ongoing</p>	
<b>Monterey County Water Resources Agency</b>						
9.		<p><b>WR40 - WATER CONSERVATION MEASURES</b>  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</p>	<p>Compliance to be verified by building inspector at final inspection.</p>	<p>Owner/ Applicant</p>	<p>Prior to final building inspection/ occupancy</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>
		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. <b>(Water Resources Agency)</b>				
10.		<b>WR43 - WATER AVAILABILITY CERTIFICATION</b> The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
11.		<b>WRSP001 - DRAINAGE PLAN (NON-STANDARD)</b> A drainage plan incorporating the recommendations of the Limited Geotechnical Investigation and Focused Geologic Study prepared by Haro, Kasunich & Associates, Inc., dated August 2005, shall be prepared by a registered civil engineer that includes routing stormwater runoff to areas identified as resistant to erosion. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b>	Submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any grading or building permits	
<b>Environmental Health Bureau</b>						
12.		<b>EHSP001 EXISTING SEPTIC SYSTEM (NON-STANDARD)</b> Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property. Any sewage disposal system or part thereof which does not meet the setback	Submit a plot plan to the Division of Environmental Health showing the locations of all existing septic systems on the property.	CA Licensed Engineer /Owner/ Applicant	Prior to issuance of a 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	Certification of Compliance (name/date)
		requirements specified in Monterey County Code, Chapter 15.20 will require proper abandonment and replacement with an approved system. A permit for the system replacement shall be obtained from the Monterey County Health Department. <b>(Environmental Health Buruea)</b>				
<b>Fire Agency (Carmel Highlands Fire Protection District)</b>						
13.		<b>FIRE008 - GATES</b> 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 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. (Carmel Highlands Fire Protection District)	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.	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection.	
14.		<b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b> 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	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing 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>
		issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. <b>(Carmel Highlands Fire Protection District)</b>	Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
15.		<b>FIRE011 - ADDRESSES FOR BUILDINGS</b> 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. <b>(Carmel Highlands Fire Protection District)</b>	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	

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)
<b>Mitigation Measures</b>						
16.	1	<b>Mitigation Measure #1:</b> In order to ensure that the residence will blend into the surrounding natural landscape, the applicant shall utilize appropriate design techniques and materials and colors which will achieve this effect. Specifically, the applicant shall adhere to the design techniques and materials and colors approved by the Director of Planning. (RMA – Planning Department)	Prior to issuance of a building permit, evidence regarding appropriate design techniques, materials and colors shall be submitted to the Director of Planning for review and approval.	Owner/ Applicant	Prior to the issuance of building permits.	
			Prior to final building permit, the applicants shall submit evidence of implementation of appropriate design techniques to the Director of Planning for review and approval.	Owner/ Applicant	Prior to Final of building permits.	
17.	2	<b>Mitigation Measure #2:</b> In order to minimize impacts to visual resources, the applicant shall arrange for all mature cypress trees located within the proposed development to be adequately protected from grading and construction activities. Eight Monterey Cypress trees (ranging from 8” to 36” in diameter) have been identified; although only one 8” Cypress is requested for removal. Therefore, any excavation, grading, digging, or any other soil removal located within the tree’s critical root zone (CRZ) shall be monitored by a qualified arborist or forester and best management practices for tree protection measures shall be implemented. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified forester/arborist immediately prior to commencement of excavation operations. In addition, grading and construction vehicle and equipment staging shall be sited in order to minimize their visibility	Prior to issuance of grading and/or building permits, the owner/applicant shall include a note on the site plan encompassing all language within Mitigation Measure No. 2. The owner/applicant shall submit plans to the RMA-Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of building permits.	
			Submit documentation to the RMA-Planning Department for review and approval that foundation excavation (including grading, digging, or any soil removal) for the proposed retaining walls, located approximately 1-foot of any mature Cypress tree and within the trees’ critical root zone (CRZ), shall be monitored by a qualified arborist or	Owner/ Applicant	Prior to scheduling of the foundation inspection.	

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)
		from the public viewshed. (RMA – Planning Department)	forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Any roots damaged during excavation shall be exposed to sound tissue and cut cleanly with a saw.			
			Submit documentation to the RMA-Planning Department for review and approval that excavation (including grading, digging, or any soil removal) for the proposed retaining walls within the its critical root zone (CRZ) shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment.	Owner/ Applicant	Prior to scheduling of the foundation inspection	
18.	3	<b>Mitigation Measure #3:</b> In order to ensure that the habitat of Smith’s blue butterfly buckwheat plants will be protected during project construction and project development, the applicant shall prepare a restoration plan which will address the eradication and control of non-native species including landscape plants currently impacting the natural habitat. The plan shall be specific to the enhancement, establishment, management, and monitoring of habitat for Smith’s blue butterfly. <u>Since the last biological assessment was prepared five years</u>	Prior to the issuance of a grading or building permit, a restoration plan shall be submitted to the Director of Planning for review and approval. The restoration plan shall avoid buckwheat plants ( <i>Euphilotes enoptes Smithi</i> ) when implementing landscaping on the project site. <u>Along with a new assessment of the site for the location of the buckwheat plants.</u>	Owner/ Applicant	Prior to the issuance of grading or building permits.	

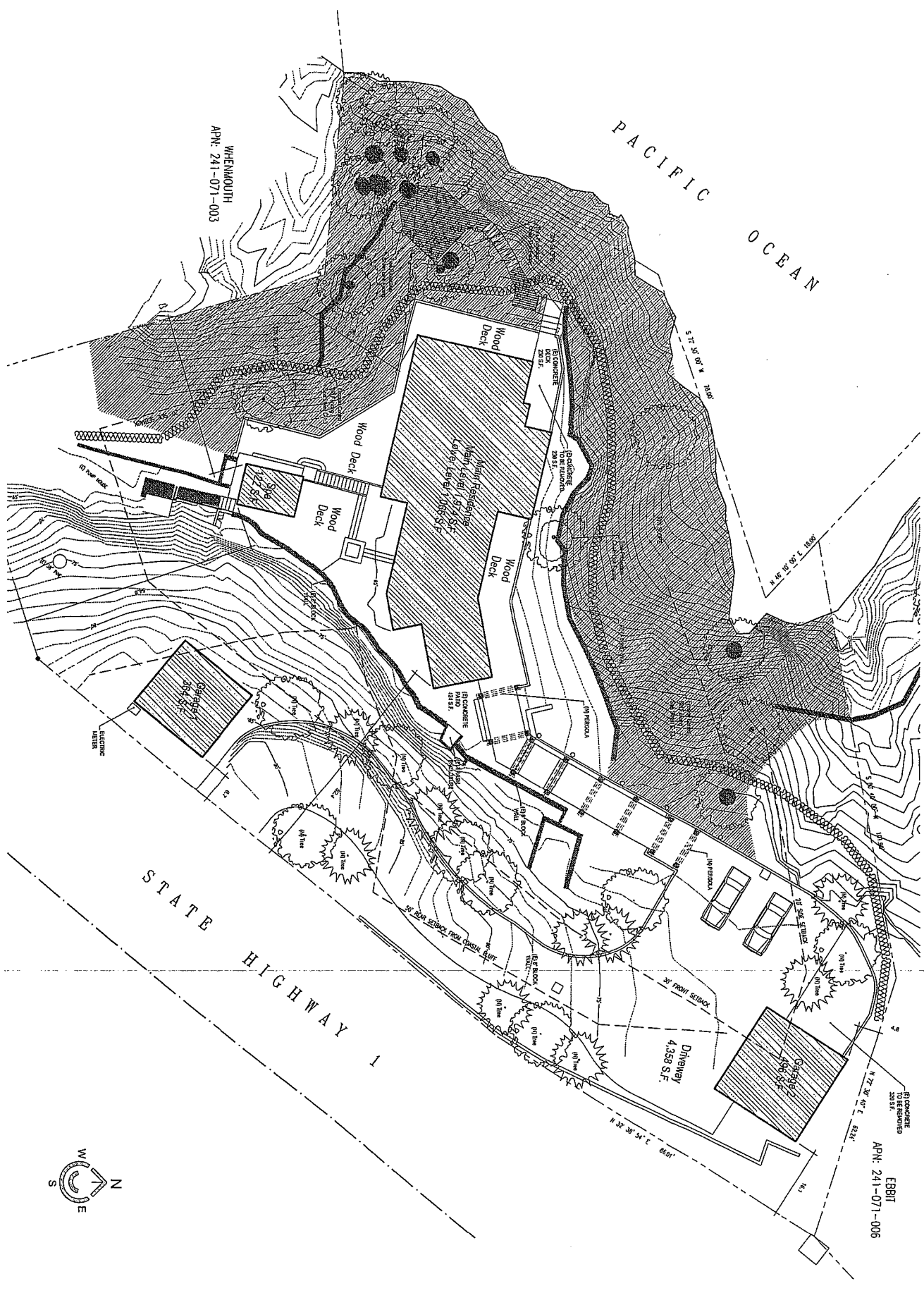
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		ago, the restoration plan must reassess the location of the buckwheat plants. If it is determined that the buckwheat plants are located within the area of construction, the plants shall be avoided. (RMA – Planning Department)				
19.	4	<b>Mitigation Measure #4:</b> The archaeological reports state the possibility of archaeological midden may be extracted from the project impact area during construction. They also stated that because the new retaining walls will help to preserve the cultural resources remaining on the parcel and because there is limited potential for impacts to significant cultural resources from the construction, they recommended an archaeological monitor be present for all demolition and removal of existing hardscape and retaining walls; excavations for the pergola, foundations and excavation of soil from the slope above wall #1 and for the grading of temporary road for wall #2. (RMA – Planning Department)	Prior to the issuance of grading or building permits, a copy of a signed agreement between the applicant and a Registered Professional Archeologist or a Registered Professional Anthropologist stating that the archaeologist shall be on site to monitor all construction activities. The signed agreement shall be submitted to the Director of the RMA – Planning Department for approval.	Owner/ Applicant	Prior to the issuance of grading or building permits.	
20.	5	<b>Mitigation Measure #5:</b> If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken: There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and if the coroner determines the remains to be Native American: <ul style="list-style-type: none"> <li>- The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours;</li> <li>- The Native American Heritage Commission shall identify the person or persons from a recognized</li> </ul>	Prior to the issuance of grading or building permits, a copy of a signed agreement between the applicant and a Registered Professional Archeologist or a Registered Professional Anthropologist stating that they will adhere to Mitigation Measure #4 shall be submitted to the Director of the RMA – Planning Department for approval.	Owner/ Applicant	Prior to the issuance of grading or 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)
		<p>local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent;</p> <ul style="list-style-type: none"> <li>- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or</li> <li>- Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. <b>(RMA – Planning Department)</b></li> </ul>				
21.	6	<p><b>Mitigation Measure #6:</b> To ensure that all geotechnical recommendations be adhered to during construction, an agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understands the Geotechnical Investigation and Supplemental Slope Stability Evaluation, to include the following but not be limited to:</p>	<p>Prior to the issuance of grading or building permits, a copy of the signed agreement between the contractor and applicant shall be submitted to the RMA-Planning Department for review and approval</p>	Owner/ Applicant	Prior to the issuance of grading or building permits.	
		<ul style="list-style-type: none"> <li>a) The geotechnical engineer should be notified at least <b>four working days</b> prior to any clearing or grading.</li> <li>b) The retaining wall footprint area to be graded should be cleared of obstructions including old fill and gravel, debris, or other unsuitable material.</li> <li>c) After excavation, clearing and grubbing, the exposed ground surface in areas to receive</li> </ul>	<p>The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	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)
		<p>engineered fill should be scarified to a depth of 6 inches, moisture conditioned, and compacted to at least 90 percent relative compaction.</p> <p>d) Engineered fill should be placed in thin lifts not exceeding 8 inches in loose thickness, moisture conditioned, and compacted to at least 90 percent relative compaction.</p> <p>e) If grading is performed during, or shortly after the rainy season, the grading contractor may encounter compaction difficulty from high moisture contents in the near surface clayey and silty sands. If compaction cannot be achieved by reducing the soil moisture content, it may be necessary to over excavate the wet subgrade soil and replace it with angular crushed rock to stabilize the subgrade.</p> <p>f) Landscape fills that are located on the temporary bench seaward of the proposed retaining wall should not be sloped steeper than 3:1 (horizontal to vertical).</p> <p>g) Fills should be keyed and benched into firm soil or bedrock in areas where slope gradients exceed 5:1.</p> <p>h) Permanent engineered fill slopes should be inclined no steeper than 2:1 (horizontal to vertical).</p> <p>i) Temporary cut banks, exposing firm terrace deposits materials, excavated during the summer, may be included at a 1.5 to 1 (horizontal to vertical) for heights up to 15 feet.</p> <p>j) Materials used for engineered fill should be free of organic materials, large debris and contain no rocks or clods greater than 6 inches in diameter, with no more than 15 percent larger than 4 inches and a Plasticity index of less than 18.</p>				



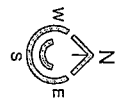




Plot Plan


Scale: 1"=10'

1



Plot Plan	Sheet Number	C-1.2	
	of	Sheets	
Job Number	2004-14	Drawn By	AA
Date	02-14-05	Revised	

**Currivan Family Residence**  
 Highway 1  
 Highlands, California

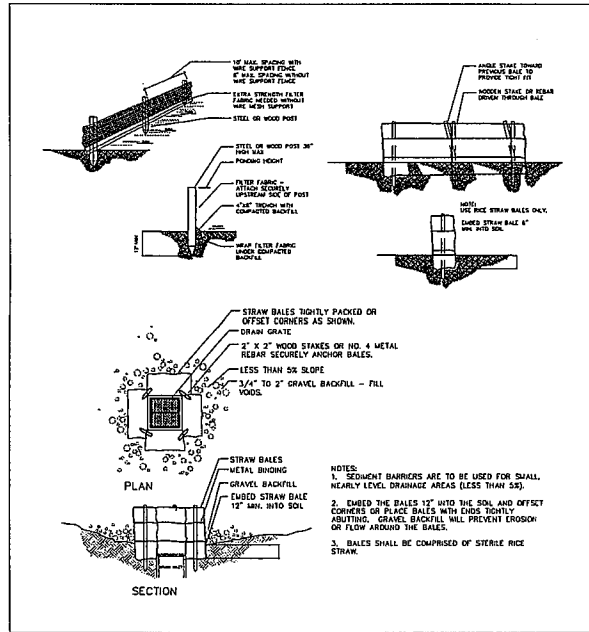


**Jon Sather Erlandson** Architect - C11925

"The MEWS" North East Corner of Dolores and Fith, Carmel By The Sea

Mail: Jon Sather Erlandson, Architect Post Office Box 223420 Carmel, California 93922  
 Phone: (831) 625-6163 Facsimile: (831) 625-1578 Email: jsa-architect@prodigy.net

DATE	REVISION



**EROSION CONTROL NOTES:**

- ALL EROSION CONTROL MEASURES SHALL BE IN PLACE AT THE END OF THE WORKING DAY, BETWEEN OCTOBER 15 AND APRIL 15. ALL GRADING SHALL CONFORM TO THE MONTEREY COUNTY GRADING ORDINANCE #2535 AND EROSION CONTROL ORDINANCE #2806.
- THE CONTRACTOR SHALL SUBMIT AN EROSION CONTROL PLAN ILLUSTRATING LOCATIONS OF ALL EROSION CONTROL MEASURES PRIOR TO START OF CONSTRUCTION.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF THE EROSION CONTROL FACILITIES AND SHALL CONDUCT PERIODIC INSPECTION OF THE PROJECT SITE DURING STORMS OF PROLONGED AND/OR HEAVY INTENSITY TO ASSURE THAT THEY FUNCTION IN THE MANNER DESCRIBED HEREIN.
- ALL DISTURBED AREAS, WITH THE EXCEPTION OF BUILDING ENVELOPES AND DRIVEWAYS SHALL BE SEEDED OR LANDSCAPED AS SOON AS PRACTICABLE AFTER GRADING. CONTRACTOR SHALL AVOID DAMAGE TO EXISTING GRASSLAND AND/OR ESTABLISHED EROSION CONTROL ON THE SITE.
- STRAW BALE DIKES AND SILT FENCING SHALL BE INSTALLED TO PREVENT SILTATION FROM EXITING THE CONSTRUCTION LIMITS. THESE MEASURES SHALL BE MAINTAINED IN PLACE UNTIL THE CONCLUSION OF THE SITE PAVING AND INSTALLATION OF PERMANENT LANDSCAPING.
- AS SOON AS POSSIBLE FOLLOWING EACH STORM, THE CONTRACTOR SHALL REMOVE ANY ACCUMULATION OF SILT OR DEBRIS FROM THE SEDIMENT TRAPS AND SILT FENCES.
- ALL PAVED AREAS SHALL BE KEPT CLEAR OF EARTH MATERIALS AND DEBRIS. THE SITE SHALL BE MAINTAINED SO AS TO PREVENT SEDIMENT LOADS FROM ENTERING THE NATURAL DRAINAGE COURSES OR ADJACENT PROPERTIES.
- ALL EROSION CONTROL FACILITIES SHALL BE INSPECTED BY THE CONTRACTOR AND REPAIRED AS REQUIRED. AT THE CONCLUSION OF EACH WORKING DAY BETWEEN OCTOBER 15 THROUGH APRIL 15, THE CONTRACTOR SHALL INSPECT THE EROSION CONTROL FACILITIES AND MAKE NECESSARY REPAIRS THERETO PRIOR TO ANTICIPATED STORMS AND SHALL PERIODICALLY INSPECT THE SITE AT REASONABLE INTERVALS DURING STORMS OF EXTENDED DURATION. REPAIRS TO DAMAGED FACILITIES SHALL BE EFFECTUATED IMMEDIATELY.
- ANY DAMAGE TO REVEGETATED SLOPES SHALL BE REPAIRED AS SOON AS PRACTICABLE.
- WATER UTILIZED IN CONNECTION WITH STABILIZATION MATERIALS SHALL BE OF SUCH QUALITY TO PROMOTE GERMINATION AND STIMULATE GROWTH OF PLANTS. IT SHALL BE FREE OF POLLUTANTS AND WEED SEED.
- ALL CUT OR FILL SLOPES 2:1 OR GREATER SHALL BE COVERED WITH A 50/50 COCONUT STRAW FIBER BLANKET. MATING SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS.  
  
FIBER BLANKET IS AVAILABLE FROM:  
NORTH AMERICAN GREEN, INC. 812-857-6632  
PRODUCT: SC150, OR APPROVED EQUAL.
- ALL SLOPES DISTURBED BY CONSTRUCTION SHALL BE SEEDED WITH THE FOLLOWING SEED MIX AS AVAILABLE FROM: RANA CREEK RANCH, 35351 EAST CAROL VALLEY ROAD, CARNEAL VALLEY, CA 93924. PH: (831) 659-3811. REP: PAUL KEPHART  
  
SEED MIX APPLIED AT RATE OF 60LBS/ACRE (50% GERMINATION)  
12 lbs BROMUS CARINATUS - CALIFORNIA BROME  
15 lbs ELYMUS CLAUDIUS - BLUE WILD RYE  
2 lbs ESCHSCHOLZIA CALIFORNICA - CALIFORNIA POPPY  
14 lbs FESTUCA RUBRA - RED FESCUE  
12 lbs NASSELLA PULCHRA - PURPLE NEEDLE GRASS  
  
REFER TO SECTION 02930 GRASSES FOR HYDROSEED APPLICATION.

**TREE PROTECTION NOTES:**

- CONTRACTOR SHALL CONTACT CONSULTING ARBORIST IMMEDIATELY WITH ANY QUESTIONS REGARDING EXISTING TREES OR SITE CONDITIONS NEAR OR ADJACENT TO EXISTING TREES.
- ESTABLISHMENT OF A TREE PRESERVATION ZONE (TPZ). CHAIN LINK FENCING, WITH STAKES IN THE GROUND, NO LESS THAN 48" IN HEIGHT, SHALL BE INSTALLED AT THE DRIPLINE (THE PERIMETER OF THE FOLIAR CANOPY) OF THE TREE. THE INSTALLATION WILL BE DONE PRIOR TO ANY CONSTRUCTION ACTIVITIES ON SITE. ONCE IN PLACE, FENCING WILL NOT BE REMOVED WITHOUT THE CONSENT OF THE CONSULTING ARBORIST.
- NO STORAGE OF CONSTRUCTION EQUIPMENT, MATERIALS, TOOLS, DEBRIS OR EXCESS SOIL WILL BE ALLOWED WITHIN THE TPZ. SOLVENTS OR LIQUIDS OF ANY TYPE SHOULD BE DISPOSED OF PROPERLY, NEVER WITHIN THIS PROTECTED AREA.
- SOIL COMPACTION SHALL BE MINIMIZED WITHIN THE TPZ. SOIL SURFACE WITHIN THE TPZ SHALL BE MULCHED WITH A 6" LAYER OF MULCH. TREE CHIPS FROM SITE TREE REMOVAL ARE ACCEPTABLE.
- NATURAL GRADE AROUND TPZ SHALL BE MAINTAINED. NO ADDITIONAL FILL OR EXCAVATION WILL BE PERMITTED WITHIN AREAS OF TREE ROOT DEVELOPMENT. IF TREES ROOTS ARE UNEARTHED DURING THE CONSTRUCTION PROCESS THE CONSULTING ARBORIST WILL BE NOTIFIED IMMEDIATELY. EXPOSED ROOTS WILL BE COVERED WITH MOISTENED BURLAP UNTIL A DETERMINATION IS MADE BY THE ON SITE ARBORIST.
- ANY AREAS OF PROPOSED TRENCHING WILL BE EVALUATED WITH THE CONSULTING ARBORIST AND THE CONTRACTOR PRIOR TO CONSTRUCTION. ALL TRENCHING ON THIS SITE WILL BE APPROVED BY THE ON SITE ARBORIST. TRENCHING WITHIN A TREE'S DRIPLINE WILL BE PERFORMED BY HAND. TREE ROOTS ENCOUNTERED WILL BE AVOIDED OR PROPERLY PRUNED UNDER GUIDANCE OF THE CONSULTING ARBORIST.
- UNAUTHORIZED PRUNING OF ANY TREE ON THIS SITE SHALL NOT BE ALLOWED. IF ANY TREE CANOPY ENCROACHES ON THE BUILDING SITE THE REQUIRED PRUNING WILL BE DONE ON THE AUTHORITY OF THE CONSULTING ARBORIST AND TO ISA GUIDELINES AND ANSI A-300 PRUNING STANDARDS.

DATE	REVISION

**Jon Sather Erfandson** Architect - C11693  
The Weaver North East Corner of Debris and Earth, Created By The Sea

Multi-Jon Sather Erfandson, Architect Post Office Box 225420, Carmel, California 93922  
Pasadena, (818) 655-5163 Email: jon-architect@comcast.net

**Curriuan Family Residence**  
Highway 7  
Highlands, California

Job Number 2004-14	Drawn By: AA
Date 02-14-05	Revisions

Sheet Number <b>C-1.3</b>	of: Sheets
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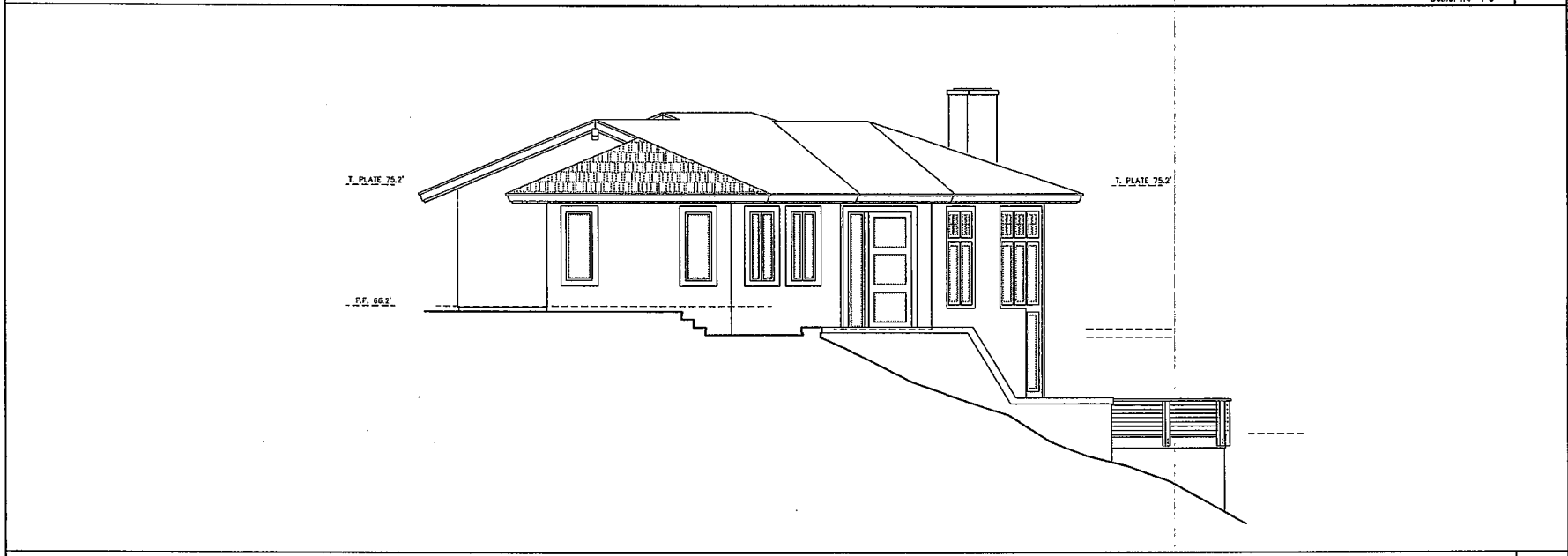




North Elevation

Scale: 1/4"=1'-0"

N



East Elevation

Scale: 1/4"=1'-0"

E

DATE	REVISION

**Jon Sather Erlanson** Architect - CI1925  
 "The MEN'S" North East Corner of Diverse and Fill, Carmel By The Sea  
 Mail: Jon Sather Erlanson, Architect Post Office Box 223120 Carmel, California 93922  
 Phone: (831) 625-8163 Facsimile: (831) 625-1578 Email: jsa-architect@comcast.net

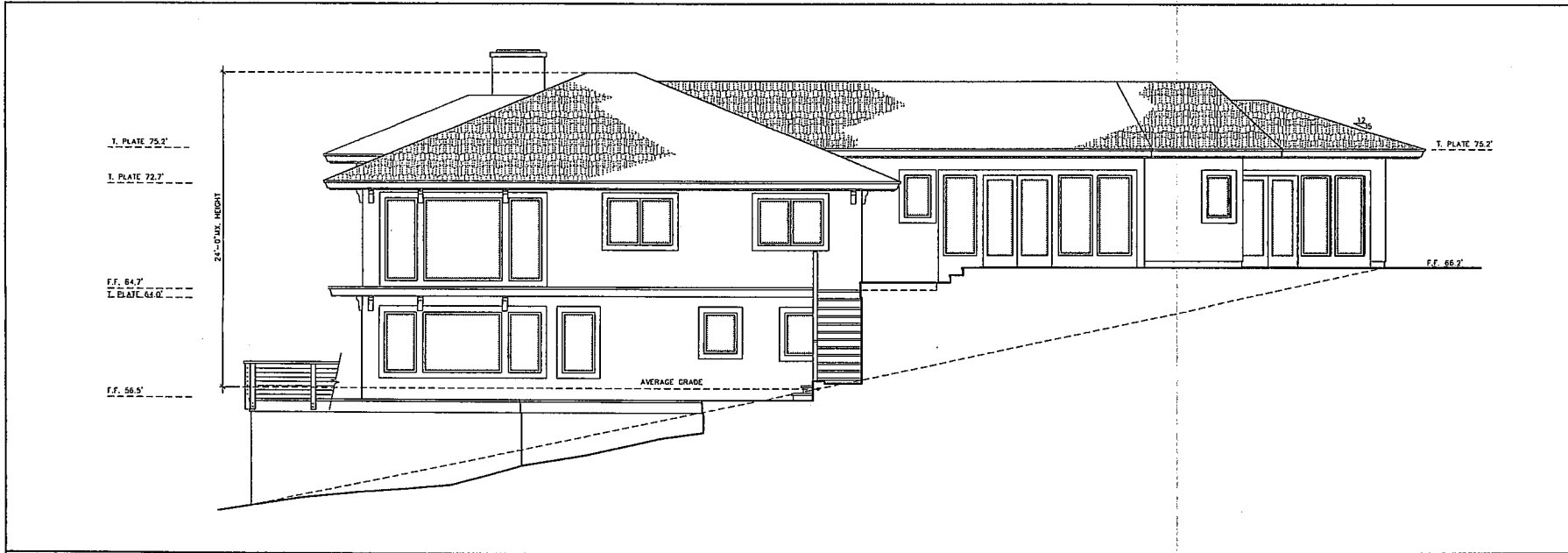


**Curriuan Family Residence**  
 Highway 1  
 Highlands, California

Job Number 2004-14	Drawn By: AA
Date 02-14-05	Revisions

Sheet Number  
**A-3.2**  
 of Sheets

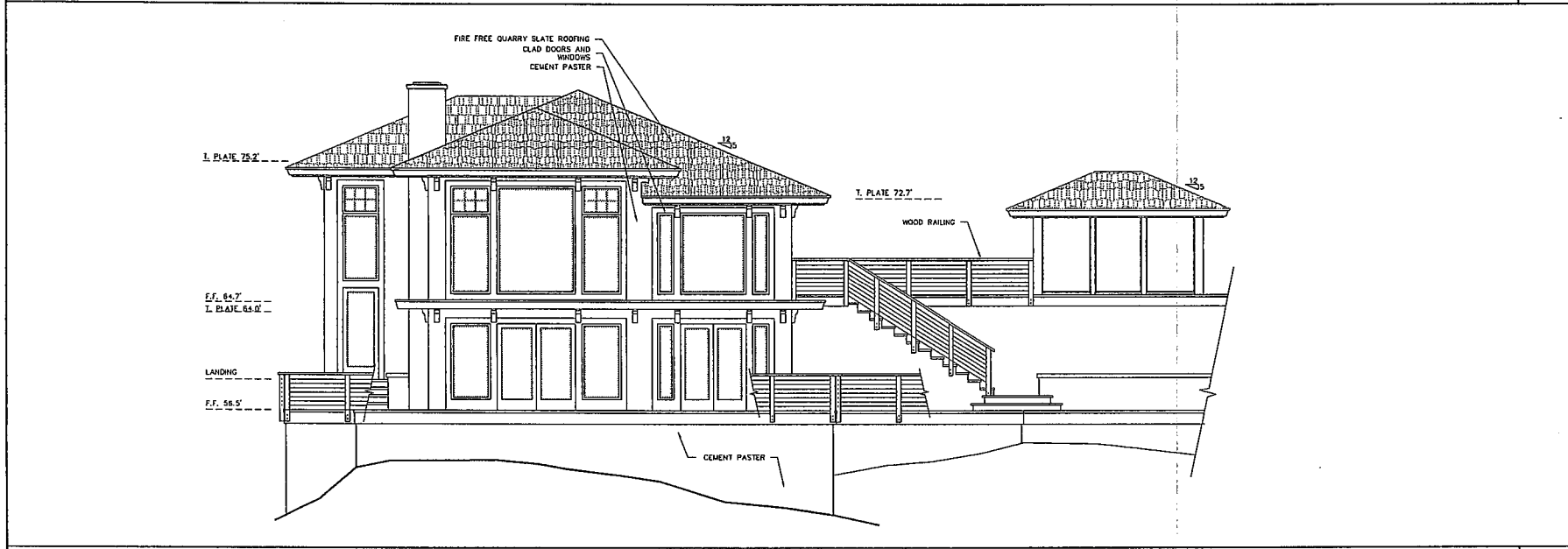
Exterior Elevations



South Elevation

Scale: 1/4"=1'-0"

S



West Elevation

Scale: 1/4"=1'-0"

W

DATE	REVISION

**Jon Sather Eriandson** Architect - C11925  
 The MENS - North East Corner of Dobson and Fair, Canal By The Sea

**Currihan Family Residence**

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**Currihan Family Residence**  
 Highway 1  
 Highlands, California

Job Number 2004-14	Drawn By: AA
Date 02-14-05	Revisions

Sheet Number  
**A-3.1**  
 of Sheets

Exterior Elevations

PACIFIC OCEAN

EBBIT  
APN: 241-071-006

(E) CONCRETE TO BE REMOVED 320 S.F.

(E) CONCRETE TO BE REMOVED 230 S.F.

Garage

(M) PERGOLA

Main Residence

Deck

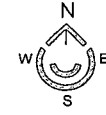
Deck

Spa

Garage

STATE HIGHWAY 1

WHENMOUTH  
APN: 241-071-003



DATE	REVISION

**Jon Sather Erlandson** Architect - C11925  
 The HEWES' North East Corner of Del Norte and Park, Carmel By The Sea  
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 Phone: (831) 625-5153 Fax: (831) 625-5178 Email: jsae-arch@aol.com



**Curriuan Family Residence**  
 Highway 1  
 Highlands, California

Job Number 2004-14	Drawn By: AA
Date 02-14-05	Revisions

Sheet Number  
**C-1.1**  
of: Sheets

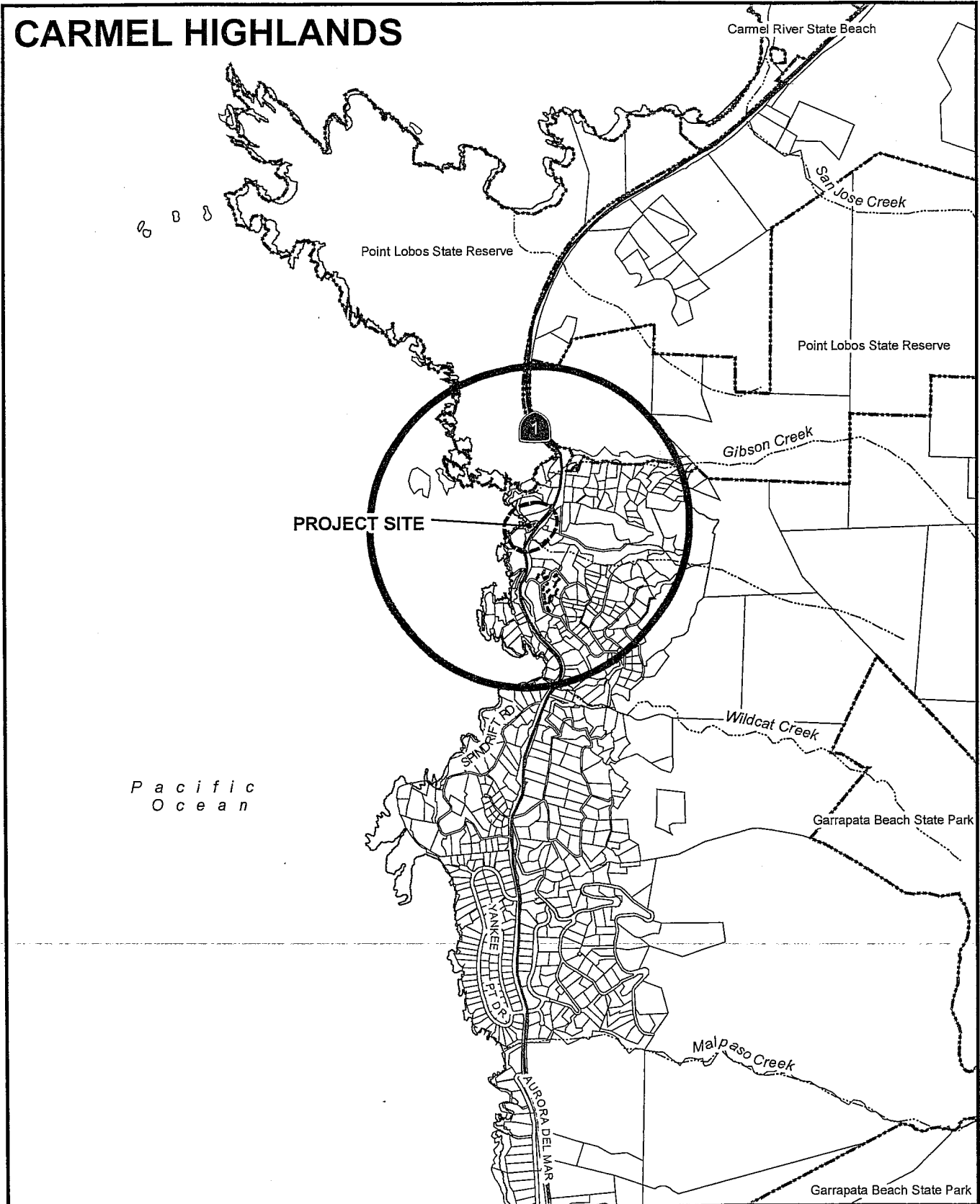
Proposed Site Plan

Site Plan

Scale: 1"=10'

EXHIBIT "D"




CARMEL HIGHLANDS

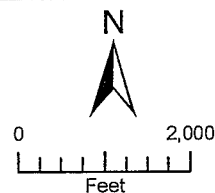


APPLICANT: O'BOYLE

APN: 241-071-002-000

FILE # PLN050708

 300' Limit
  2500' Limit
  City Limits



PLANNER: MCCUE

# EXHIBIT "E"

## MINUTES

Carmel Unincorporated/Highlands Land Use Advisory Committee  
Tuesday, January 3, 2006

1. Meeting called to order 4:05 p.m.

2. Members Present: Wald, Berry, Melnick, Rainer, Weber

3. Members Absent: Davis, ~~Weber~~ (both excused)

4. Approval of Minutes: Motion: Berry (LUAC Member's Name)  
(December 5, 2005)

Second: Weber (LUAC Member's Name)

Ayes: 5

Noes: None

Absent: Davis - excused

Abstain: None

5. Public Comments:

Barbara Rainer introduced Thom McCue, planner for all 3 projects on agenda, as present at today's meeting.

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

None



# Action by Land Use Advisory Committee

## Project Referral Sheet

Planning & Building Inspection Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA  
(831) 755-5025

Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by Tuesday, January 03, 2006.

Project Title: O'BOYLE EMMETT ET AL (CURRIVAN FAMILY)

File Number: PLN050708

File Type: PC

Planner: MCCUE

Location: 9999 (NO ADDRESS ASSIGNED BY PUBLIC WORKS)

**Project Description:**

COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL DEVELOPMENT PERMIT AND DESIGN APPROVAL TO PLACE THREE RETAINING WALLS (APPROXIMATELY 200 FEET IN TOTAL LENGTH) TO PROTECT EXISTING HOUSE FROM COASTAL BLUFF EROSION, REPLACE STORM DRAIN, AND FILL ERODED DRAINAGE CHANNEL; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; AND A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 750 FEET OF A KNOWN ARCHAEOLOGICAL RESOURCE; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT (COASTAL HABITAT); GRADING OF APPROXIMATELY 650 CUBIC YARDS OF FILL. THE PROPERTY IS LOCATED AT 104 HIGHWAY 1, CARMEL (ASSESSOR'S PARCEL NUMBER 241-071-002-000), COASTAL ZONE.

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

**PUBLIC COMMENT:**

Benjamin Wilson  
John Kasunich  
Street address is 104 Hwy. 1, Carmel. This address should be noted on the project description.

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

Applicants stated that existing retaining walls are rotting and falling down. The use of a material called Shotcrete will be sprayed on eroded cliff and colored in earth tones to match the existing rocks along the area to be restored.

These cliff/seaside rocks can be seen from Pt. Lobos State Park. The use of the Shotcrete should help to minimize any visual impacts. The Shotcrete will also be scripted to blend with existing rock surfaces.

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

An additional retaining wall will be added - wall # 3, at south end of house and deck.

The failing storm drain from across Hwy. 1 which is used to direct drainage across Currivan property will be replaced and an eroded channel will be filled with rocks and soil to prevent further erosion. Drainage is directed over bluff of sea cliff and any future erosion must be addressed by engineers.

One 8" cypress tree will be removed in order to rebuild the retaining wall. Since there are several large cypress trees on this parcel the removal of this one tree should not impact view shed from Pt. Lobos State Park.  
ADDITIONAL LUAC COMMENTS: and the 8" cypress is not a landmark tree.

Committee members suggested that Cal Trans should be responsible for replacing the storm drain pipe that crosses <sup>under</sup> Hwy. 1 and connects with the drain at the northern edge of the Currivan property. This drain has evidently been the source of water and erosion on the Currivan parcel.

Monterey Bay Engineers, Inc. have stated in their letter of 12-15-05 that much of the repair work will take place in areas with 30% slopes. Apparently there is no alternative but to do the work required to stabilize the soil erosion that has occurred on the slopes of this property.

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

Meheon: Motion to approve plans as submitted.

Berry - and to motion

CONCUR WITH RECOMMENDATION:

AYES: 5 - Wald, Booy, Meheon, Weber, Rainer

NOES: None

ABSENT: Davis - excused

ABSTAIN: None

MEETING ADJOURNED AT: 6:05 pm.

**MITIGATED NEGATIVE  
DECLARATION**

**FILED**  
AUG 27 2010  
STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

**Project Title:** O'BOYLE EMMETT ET AL  
**File Number:** PLN050708, PLN050591, PLN090342  
**Owner:** O'BOYLE EMMETT ET AL  
1035 5TH ST  
MONTEREY CA 93940

**Project Location:** 29300 HWY 1 CARMEL  
**Primary APN:** 241-071-002-000  
**Project Planner:** ELIZABETH GONZALES  
**Permit Type:** Coastal Development Permit

**Project Description:** COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL DEVELOPMENT PERMIT AND DESIGN APPROVAL TO PLACE THREE RETAINING WALLS (APPROXIMATELY 200 FEET IN TOTAL LENGTH) TO PROTECT EXISTING HOUSE FROM COASTAL BLUFF EROSION, REPLACE STORM DRAIN, AND FILL ERODED DRAINAGE CHANNEL; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; AND A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 750 FEET OF A KNOWN ARCHAEOLOGICAL RESOURCE; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT (COASTAL HABITAT); GRADING OF APPROXIMATELY 650 CUBIC YARDS OF FILL. THE PROPERTY IS LOCATED AT 104 HIGHWAY 1, CARMEL (ASSESSOR'S PARCEL NUMBER 241-071-002-000), 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):

- Planning Commission
- Zoning Administrator
- Board of Supervisors
- Subdivision Committee
- Chief of Planning Services
- Other: \_\_\_\_\_

Responsible Agency: County of Monterey  
Review Period Begins: August 30, 2010  
Review Period Ends: September 30, 2010

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, 2<sup>ND</sup> 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 Coastal Development Permit (Currivan/O’Boyle, File Numbers PLN050708, PLN050591, PLN090342) at 104 Highway 1, Carmel Highlands (APN 241-071-002-000) (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, 2<sup>nd</sup> Floor, Salinas, California. The Zoning Administrator will consider this proposal at a meeting on October 28, 2010 at 1:30 p.m. in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from August 30, 2010 to September 30, 2010. Comments can also be made during the public hearing.

**Project Description:** COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL DEVELOPMENT PERMIT AND DESIGN APPROVAL TO PLACE THREE RETAINING WALLS (APPROXIMATELY 200 FEET IN TOTAL LENGTH) TO PROTECT EXISTING HOUSE FROM COASTAL BLUFF EROSION, REPLACE STORM DRAIN, AND FILL ERODED DRAINAGE CHANNEL; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; AND A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 750 FEET OF A KNOWN ARCHAEOLOGICAL RESOURCE; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT (COASTAL HABITAT); GRADING OF APPROXIMATELY 650 CUBIC YARDS OF FILL. THE PROPERTY IS LOCATED AT 104 HIGHWAY 1, CARMEL (ASSESSOR’S PARCEL NUMBER 241-071-002-000), 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, 2<sup>nd</sup> 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 High School District
6. Carmel Riveria Water Company
7. Carmel Area Wastewater District
8. Pacific Gas & Electric
9. Monterey Bay Unified Air Pollution Control District
10. City of Carmel
11. Carmel Highlands Fire Protection District
12. Monterey County Agricultural Commissioner

3. Monterey County Water Resources Agency
14. Monterey County Public Works Department
15. Monterey County Parks Department
16. Monterey County Division of Environmental Health
17. Monterey County Sheriff's Office
18. Libraries (Steinbeck Library Salinas)
19. Emmitt O'Boyle, Owner
20. Steve Wilson, Monterey Bay Engineering, Agent
21. Property Owners within 300 feet (Notice of Intent only)
22. John Kasunich, Haro, Kasunich Associates
23. *Caltrans, District 5*

*Revised 02-02-2007*

# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

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



## *INITIAL STUDY*

### *I. BACKGROUND INFORMATION*

**Project Title:** O'Boyle Emmett et al (Currivan Family)

**File No.:** PLN050708 & PLN050591 & PLN090342

**Project Location:** 104 Highway 1, Carmel Highlands, CA

**Name of Property Owner:** Currivan Family Trust

**Name of Applicant:** Steve Wilson (Monterey Bay Engineers)

**Assessor's Parcel Number(s):** 241-071-002-000

**Acreage of Property:** 29,938 sq. ft.

**General Plan Designation:** Low Density Residential

**Zoning District:** LDR/1-D (CZ) (Low Density Residential, 1 unit per acre, Design Control, Coastal Zone)

**Lead Agency:** Monterey County Planning Department

**Prepared By:** Elizabeth Gonzales, Associate Planner, Joseph Sidor, Associate Planner and Denise Duffy & Associates, Elizabeth Guzman

**Date Prepared:** August 20, 2010

**Contact Person:** Elizabeth Gonzales, Associate Planner

**Phone Number:** (831) 755-5102 or gonzalesl@co.monterey.ca.us



## *II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING*

### **A. Project Description:**

The project application is for three separate projects on the same parcel. One project cannot be done without the other, so they will be evaluated concurrently in this Initial Study. The first project application (PLN050708-Currivan/O'Boyle) is to replace three retaining walls (approximately 200 feet in total length) to protect the existing house from coastal bluff erosion, replace the storm drain, and fill eroded drainage channel; development on slopes in excess of 30%; development within 750 feet of a known archaeological resource; development within 100 feet of environmentally sensitive habitat (coastal habitat); grading of approximately 650 cubic yards of fill for the eroded drainage channel and backfill of the retaining walls. One 8-inch Monterey Cypress tree is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove and must be removed. It is one of eight Cypress trees (ranging from 8 inches to 36 inches in diameter) that appear to have been planted on the property sometime in the past. Pursuant to Section 20.146.060.A.1 of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), planted trees do not require a Coastal Development Permit for removal as long as they do not expose structures in the critical viewshed, are not defined as habitat or are not previously protected by permit or easement. The three retaining walls are necessary to stabilize the existing residence and would provide safe access for renovation construction activity. An abnormally heavy rainfall of 1997-1998 resulted in severe erosion on the project site, north of the existing residence. A large Caltrans culvert east of the project site failed resulting in overland flow downslope on the subject property. The proposed northern most retaining wall is meant to stabilize the eroded hillside from the damage caused by the undrained outfall event as well as protect mature cypress trees located atop adjoining bluffs, three trees in particular.

The second application (PLN050591-Currivan/O'Boyle) is for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 sq. ft. of concrete driveways and patios; and a new pergola from parking to residence.

The Carmel Highlands is an area which has experienced severe problems with septic systems and contaminated water wells. Both the Regional Water Quality Control Board and the County of Monterey Environmental Health Bureau support the proposal as improving the current situation. The proposal will result in an improvement to the Carmel Highlands' environmental health. While this proposal can be justified on health and safety grounds, it is important to understand that this is an interim solution only. The County is proceeding with an Onsite Wastewater Management Plan and feasibility study for the Carmel Highlands area.

Therefore, the Initial Study also evaluates the potential impacts of PLN090342 (O'Boyle), the third application, which is an Amendment to a previously-approved Combined Development Permit (PLN030325). PLN030325 consisted of the construction of a sewer connection from the Highlands Inn to the Carmel Area Wastewater District treatment facility north of the Carmel River. This application included a Coastal Development Permit for development on slopes of 30% or greater, a Coastal Development Permit for development with a positive archaeological

report, a Coastal Development Permit for the removal of protected trees, and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat. The project also included grading of approximately 2,900 cubic yards of cut and approximately 2,600 cubic yards of fill and the construction of retaining walls. The properties included under PLN030325 were located at and around the Highlands Inn and the Tickle Pink Inn (Assessor's Parcel Numbers 241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000, and 241-351-005-000), and the Caltrans right-of-way along Highway 1 from the Highlands Inn to the Point Lobos entrance and from the intersection of Ribera Road with Highway 1, westerly along Ribera Road to an existing pump station near Calle la Cruz, in the Carmel Highlands, Point Lobos, and Carmel Meadows areas of the Carmel Area Land Use Plan. This Amendment (PLN090342) will add four new properties to the main sewer pipeline, including the subject parcel, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff. The addition of three of the four parcels under this Amendment (241-073-001-000, 241-073-002-000, and 241-182-006-000) will not result in potentially significant impacts and are categorically exempt under CEQA Guidelines Section 15303. However, potential impacts related to development on slope and development within 100 feet of environmentally sensitive marine habitat were identified on the subject parcel (APN 241-071-002-000). The new connecting sewer line from this property to the existing main line located within the Caltrans Highway 1 right-of-way will follow behind the retaining walls proposed under PLN050708. Therefore, the potential impacts of the connecting sewer line will be minimized by incorporating it behind the retaining walls, and the potential impacts of the retaining walls are addressed under PLN050708 and this Initial Study.

In 1997-1998, abnormally heavy rainfall causes severe erosion and slope movement downslope and adjacent to the existing residence. An undrained wooden retaining wall had failed and several areas showed signs of soil creep or slippage. A large Caltrans culvert on the neighboring properties plugged and failed causing serious erosion and landsliding on the subject property due to the resulting overland flow downslope from where the culvert was plugged. The current project consists of construction of three retaining walls two of which are immediately adjacent to the home and the other, which is near the outlet of the failed culvert, which will be repaired. The existing 36-inch diameter culvert that drains the Caltrans culvert inlet box will be buried and supported by a retaining wall acting as the culvert head wall. Grading will be completed to develop construction access routes and restore the areas affected by landsliding. Revegetation, erosion control measures will be included in the project.

A Geotechnical Investigation and Focused Geologic Study was prepared by Haro, Kasunich and Associates, dated August, 2005, for the proposed project. This report presents the results of a previous Limited Geotechnical Investigation and Focused Study (August 1999) and Limited Geotechnical Investigation Slope Stabilization Recommendations prepared by Reynolds and Associates dated September 4, 1998, and provides substantial recommendations to address impacts to less-than-significant with mitigation. After working with the California Coastal Commission, Haro, Kasunich and Associates also prepared a Supplemental Slope Stability Evaluation, dated July 20, 2009.

The slope stability evaluation presented in the August 2005 Haro Kasunich report focuses on the slopes immediately below the proposed retaining walls at the existing residence. As requested by the California Coastal Commission Engineering Geologist, the supplemental letter presents a slope stability evaluation of the existing slopes and proposed slopes (pre-retaining wall condition versus post retaining wall conditions) for the areas up-coast of the existing residence at the eroded gully below the garage turn around area.

The projects are evaluated in this initial study concurrently for cohesiveness purposes. The project involves the construction of three retaining walls that would provide support for the existing residence from the failing bluffs, and to allow repairs to erosion caused by past flooding. The remodel portion of the proposed project will not be possible until the eminent needs of structure stabilization is completed by the proposed retaining walls are built.

The primary CEQA issues involve visual resources, archaeological resources, geology/soils, and drainage. These issues will be affected by the proposed project. However, evidence supports the conclusion that impacts will be less than significant with mitigation incorporated for visual resources and archaeological resources, and less-than-significant for geology/soils, hydrology/water quality, and utilities. Impacts to visual resources will be mitigated to a less-than-significant level through relocation of one of the retaining walls and the use of natural materials that blend into the surrounding area. Detailed analysis for each issue can be found in Section VI. – Environmental Checklist.

Since this is a request to remodel an existing structure and construction of three retaining walls in order to secure the structure, the proposed project meets the policies of the Carmel Area Land Use Plan. The project does not affect population, agriculture, mineral resources, public utilities, or recreation.

### **Other Project Impacts**

The subject property is not located within Prime or Unique Farmlands, forest land, an area that poses a threat cause by flooding, or on a mineral resource recovery site. The result of the project will not require large amounts of water, induce or reduce the population or availability of housing, or cause reduction of the existing level of services for fire, police, public schools, or parks. Therefore, the project will have no impact on Agriculture/Forest Resources, Hazards, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, or Transportation.

Less than significant impacts have been identified for Air Quality, Hydrology/Water Quality, Greenhouse Gas Emissions, and Utilities/Service Systems (see Section VI, Environmental Checklist, of the Initial Study). As these were considered less than significant impacts, no mitigations were required for the project. However, implementation of conditions of approval will be included to assure compliance with County requirements. Impacts to Aesthetics, Biological, Cultural Resources and Geology/Soils can be reduced to less-than-significant with mitigation measures incorporated.

## **B. Environmental Setting and Surrounding Land Uses:**

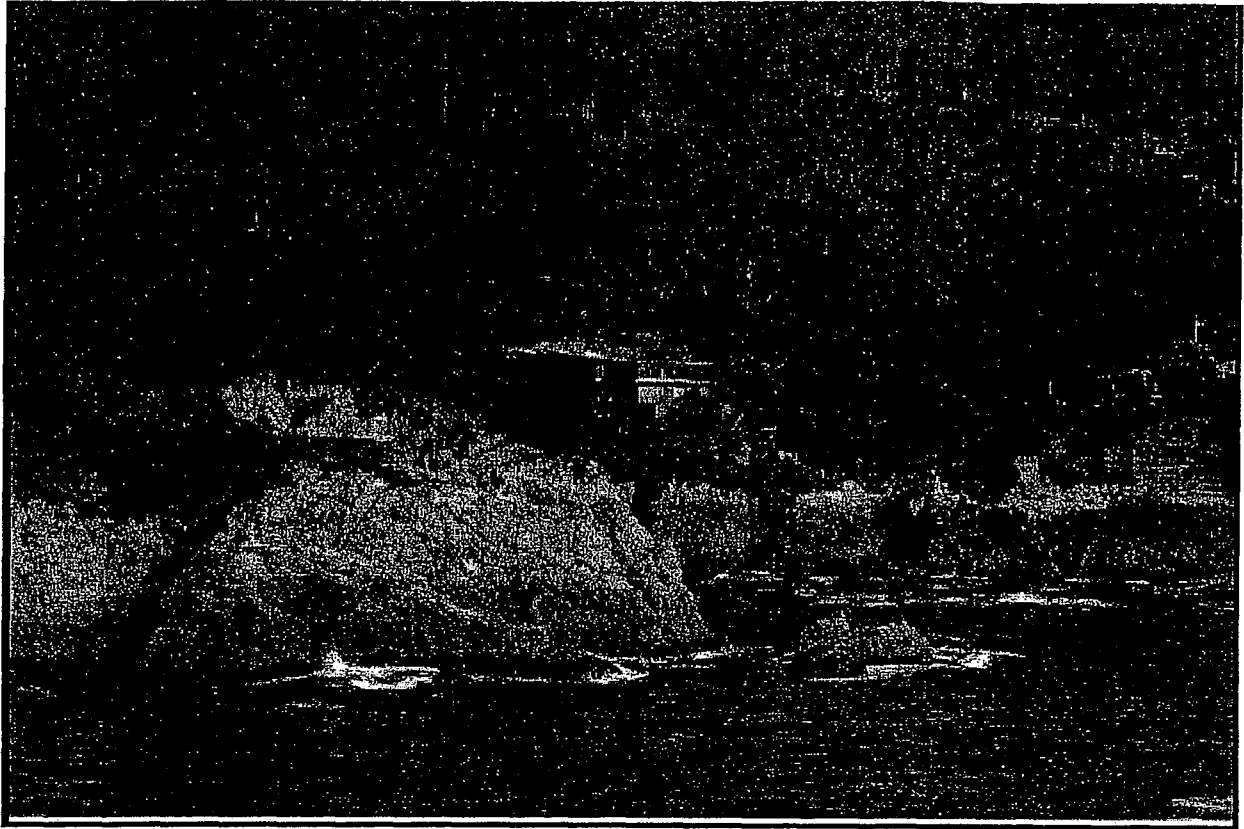
The property is zoned LDR/1-D (CZ) and is located at 104 Highway 1, Carmel Highlands, CA (Assessor's Parcel Number 241-071-002-000), and is within the Coastal Zone. The property is located within the General Viewshed Map A of the Carmel Area Land Use Plan which is a highly scenic area of the Carmel Highlands and is within the immediate vicinity of Point Lobos State Park. The property is accessed directly off of Highway 1. The project property slopes steeply downward from the highway, dropping off sharply along the northern border to the Pacific Ocean. The terrace deposits fronting the ocean side of the property are underlain by granite bedrock. These bedrock cliffs descend to the Pacific Ocean. The project property is located about 70 feet above the ocean on a small ridgeline at the back of a cove.

The 29,938 sq. ft. property currently contains a single family residence and two detached garages. One garage is located at the entrance to the property along Highway 1, and the second is located along the northern border of the property, accessed by the driveway. The project lot is fairly well developed with structures and includes some landscaping and several mature cypress trees.

The surrounding properties are similarly zoned Low Density Residential with lot sizes averaging one half to one acre. All of these properties are currently developed with single family dwellings and are primarily used for residential purposes.

In July 2008, the Carmel Area Wastewater District Board of Directors adopted a resolution (Resolution 09-04; dated January 26, 2009) directing the Carmel Area Wastewater District staff to request that the Local Agency Formation Commission of the Monterey County (LAFCO) amend the Carmel Area Wastewater District's Sphere of Influence and to initiate proceedings for the Carmel Highlands to annex three discontinuous parcels, to include the Currivan/O'Boyle parcel (241-182-006-000).

The property owner will construct a new wastewater (sewer) connection to an existing wastewater infrastructure line along the Highway 1 right-of-way. The property owner proposes to pump wastewater from the existing septic/holding tank to the existing sewer line that connects to the CAWD treatment facility. The sewer line on the property that will connect the holding tank to the existing infrastructure sewer line will be placed behind the retaining walls proposed under PLN050708.



**Project site**

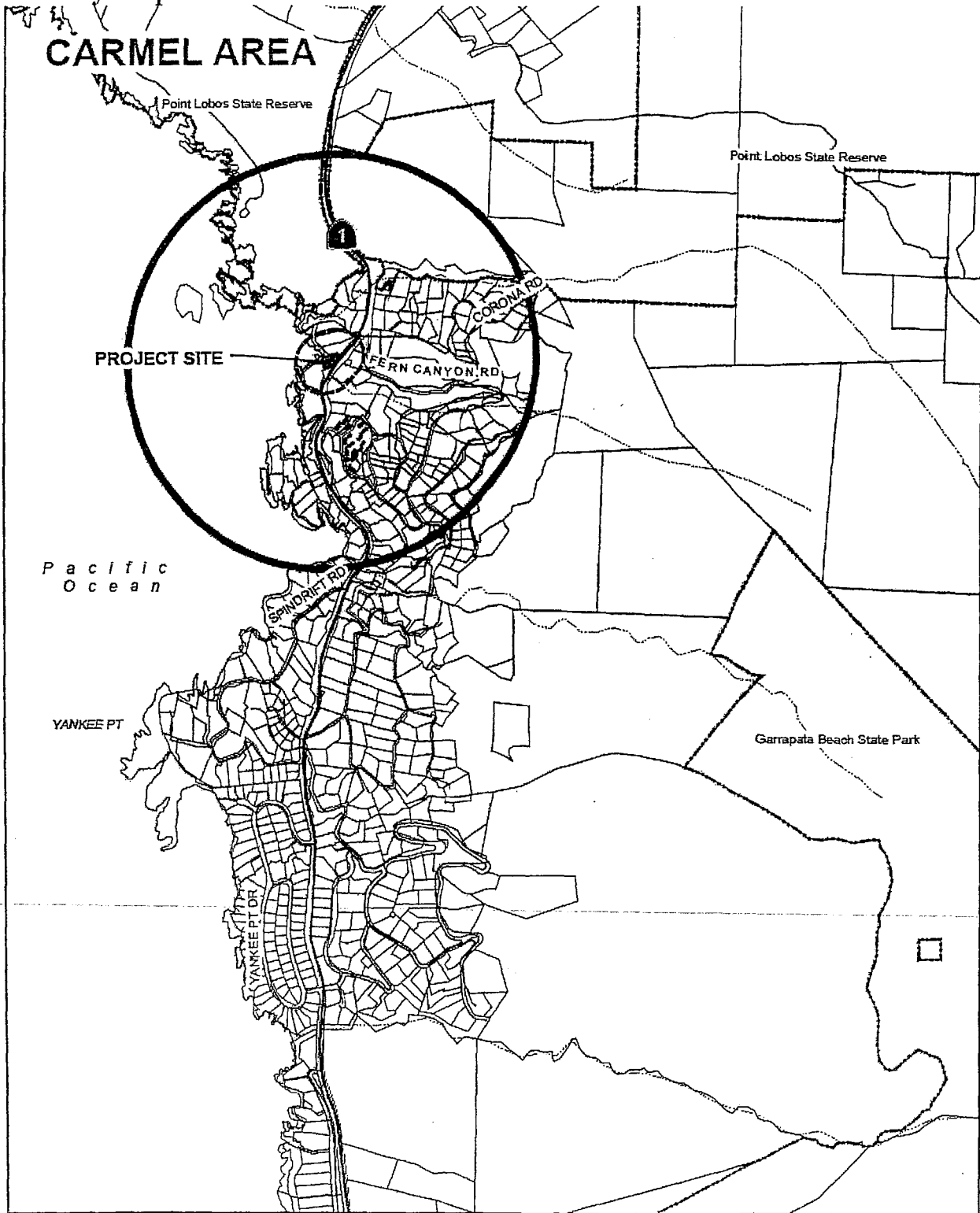




**Existing Single Family Dwelling**

Vicinity Map

# CARMEL AREA





### III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

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

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input checked="" type="checkbox"/>
Specific Plan	<input type="checkbox"/>	Airport Land Use Plans	<input type="checkbox"/>
Water Quality Control Plan	<input type="checkbox"/>	Local Coastal Program-LUP	<input checked="" type="checkbox"/>

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Carmel Area Land Use Plan (CLUP). Policy 4.5.G of the CLUP categorizes Low Density Residential as the primary use of this category. Maximum development densities from 1 unit per 2.5 acres to 1 unit per acre would be allowed according to site evaluation of slope and natural resource, septic system and public facility constraints. The proposed project meets those categories as there is an existing single family dwelling remodeled and new retaining walls being proposed. Also, the project has been approved to annex into a connection with a public sewer purveyor. Land Use and Planning (Section IV. evidence) 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** (References IX 1, 2, 3, 4, 6, 7)

Air Quality Management Plan (AQMP).

Consistency with the AQMP is an indication of a project's contribution to a cumulative adverse impact on regional air quality. 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 above levels projected in the AQMP. Therefore, the project will be consistent with the AQMP. **CONSISTENT** (References IX 1, 2, 5)

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the Carmel Area Land Use Plan (CLUP). Land Use and Planning (Section IV. Evidence) 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 Carmel Area LUP. **CONSISTENT** (References IX 1, 3, 4, 6)

#### ***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 checked="" type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forest Resources     | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources        | <input checked="" type="checkbox"/> Geology/Soils                      |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input 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 checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

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:**Based upon the planner's project analysis, many of the above topics on the checklist do not apply. Less than signification impacts or potentially significant impacts are identified for **aesthetics, air quality, biological, cultural resources, geology/soils, greenhouse gas emissions, hydrology/water quality and utilities.** The project will have not quantifiable adverse environmental effect on the categories not checked above as follows:

- 1) Aesthetics. See Section VI. for detailed analysis.
- 2) Agricultural and Forest 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 proposes to remove one 8-inch Cypress tree. The Monterey Cypress is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove. Pursuant to Section 20.146.060.A.1 of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), planted trees do not require a Coastal Development Permit for removal as long as they do not expose structures in the critical viewshed, are not defined as habitat or are not previously protected by permit or easement. The project will have no impacts to agricultural and forest resources. (References IX 1, 2, 3, 6, 7, 18)

The Carmel Area Land Use Plan states that development adjacent to prime farmland shall be planned to be compatible with the continued agricultural use of the land. **(Policy 2.6.2)** The project parcel is not located near any farmland and therefore, there is no impact to agricultural and Forest resources.

- 3) Air Quality. See Section VI. for detailed analysis.
- 4) Biological Resources. See Section VI. for detailed analysis.
- 5) Cultural Resources. See Section VI. for detailed analysis.
- 6) Geology/Soils. See Section VI. for detailed analysis.
- 7) Greenhouse Gas Emissions. See Section VI. for detailed analysis.
- 8) 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. (References IX 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)

The Carmel Area land use Plan considers that various human activities can create or aggravate geologic hazards. Road construction and site excavation are leading cause of erosion. Vegetation removal, improper grading, cut and fill, operations, and inadequate drainage are all factor which trigger landslides. The Carmel area is characterized by a moderate to very high fire hazard. **(Policy 2.7)** Project construction will be required to be in conformance with the five site-specific geotechnical reports, which will address geological stability and potential seismic hazards. The Carmel Highlands Fire Protection District reviewed the project and deemed it complete with standard fire protection conditions.

- 9) Hydrology/Water Quality. See Section VI. for detailed analysis.
- 10) Land Use/Planning. The proposed project will not physically divide an established community. The project does not conflict with any of the policies within the Carmel Area 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. The project consists of remodeling an existing single family dwelling and construction of retaining walls in order to keep the structure safety set on the bluff. The zoning regulations allow for the first single family dwelling on a legal lot of record. (Source: IX. 1, 2, 3, 4, 5, 6, 7, 21, 22)

The Carmel Area Land Use Plan states that the subdivided areas within the segment are concentrated primarily along the west side of Highway 1, except within Carmel Highlands, where the subdivided area lies also on the east side. It is the County's objective to promote the continued "infilling" of vacant parcels of recorded in all subdivided areas. **(Policy 4.3.1)** The project proposes to construct three retaining walls, add a sewer connection and remodel an existing new single family and meets all site development standards. County Departments reviewed the project application, concur and provided recommended conditions appropriately. Therefore, the proposed project is consistent with the Land Use Plan policies.

- 11) Mineral Resources. No mineral resources have been identified or would be affected by the project. (References IX 1, 2, 6, 7)
- 12) 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. (References IX 1, 2, 6, 7)

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 of the retaining walls, but those would cease once the project was completed. The subject parcel is approximately ½ acre. Neighboring residences are located on larger parcels of 1

acre and more so noise impacts would be very minimal. Therefore, there is no impact to the noise element.

- 13) 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. (References IX 1, 2, 3, 6, 7)

Since the proposed project requests the construction of retaining walls and the remodel of an existing single family dwelling, the housing element had already been considered within the Carmel Area Land Use Plan. There would be no impacts to Population or Housing.

- 14) 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. (References IX. 1, 2, 3, 6, 7, 21)

The proposed project's residential use and proximity to other residential uses signify that any potential impact to public services will be insignificant, given that adequate public services exist to properly serve the area, as evidenced by the County's interdepartmental review and recommended Conditions of Approval for the project. The Carmel Highlands Fire Protection District is approximately two miles from the property. Therefore, the proposed project will not impact Public Services.

- 15) 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. (References IX. 1, 3, 6, 7) No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project, based on review of Figure 3 (Public Access) of the Carmel Area LUP and staff site visits. The project would not create significant recreational demands.

The Carmel Area Land Use Plan requires that public access be protected and provided where consistent with public safety needs and the need to protect the rights of private property owners and natural resource areas from overuse. (**Key Policy 5.3.1**) 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 5 of the Carmel Area Land Use Plan (CLUP), and Section 20.145.150 of the Monterey County Coastal Implementation Plan for Carmel (Part 2). Figure 3 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.

- 16) 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. (References IX. 1, 3, 5, 6, 7)

Construction of the retaining walls will require approximately 650 cubic yards of fill to replace eroded drainage channel due to years of a failing storm drain. The property has sufficient parking for the truck to bring the fill in. Therefore, proposed project would have no impact to Transportation or Traffic.

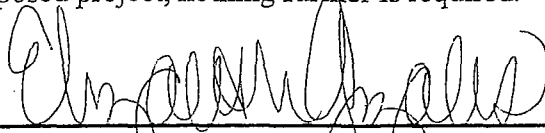
- 17) Utilities. See Section VI. for detailed analysis.

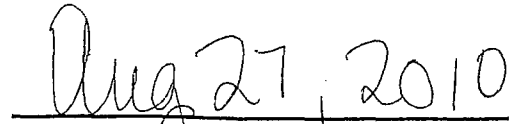
## B. DETERMINATION

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  
Elizabeth Gonzales

  
\_\_\_\_\_  
Date  
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
<b>Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 3, 4, 6, 7, 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 3, 4, 6, 7, 23)	<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: 1, 3, 4, 6, 7, 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 3, 4, 6, 7, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

**1(a), (c): Less Than Significant With Mitigation Incorporated.** The proposed project has the potential to affect a scenic vista, the existing visual character of the site and surroundings, and degrade the existing visual character or quality of the site and its surroundings.

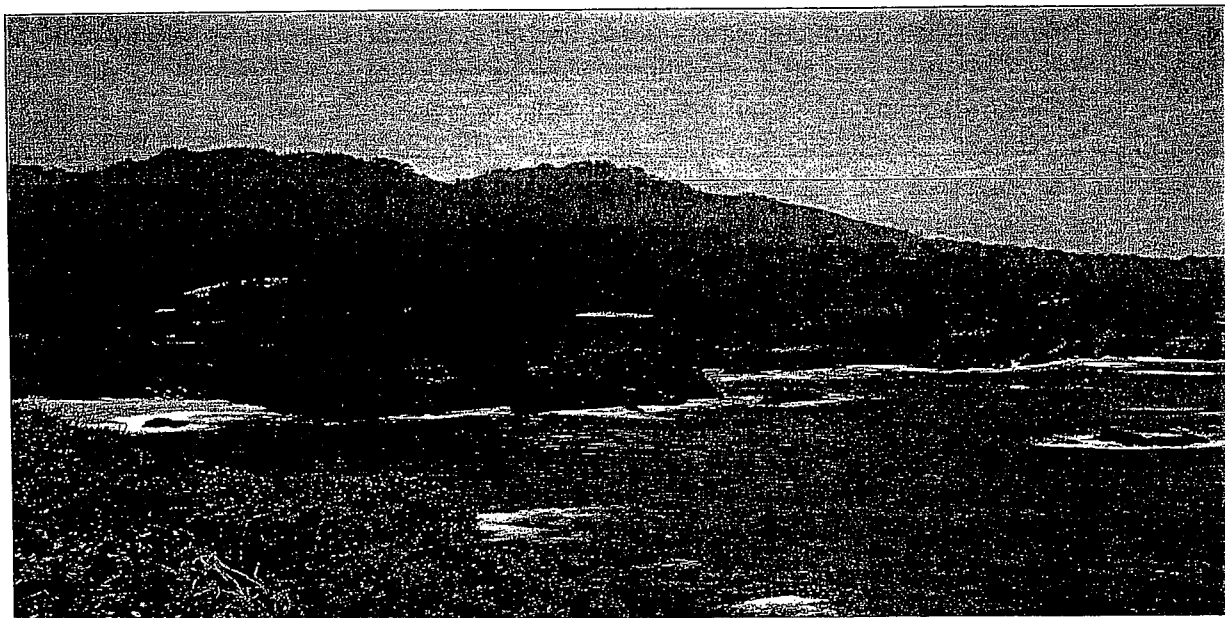
According to the Carmel Area Land Use Plan, the scenic qualities of the Carmel area have long been a cherished part of the Monterey coast. Sweeping vistas of rocky headlands and sandy beaches, architecturally-compatible residences and farm buildings, pine and cypress-topped ridges, open grazing lands, and cultivated fields are all interrelated elements of the natural mosaic that attracts visitors from all around the world. Of particular concern is the potential for new development to degrade the visual quality of what is presently a highly scenic stretch of California's coastline. Development within the Carmel Highlands vicinity which disrupts or intrudes into the viewshed will significantly degrade the area's scenic quality as surely as would improper recreational development at Point Lobos Reserve or Carmel River State Beach. (Policy 2.2.1)

The project will be located within a sensitive scenic area of the Carmel Area and has the potential to degrade the area's visual quality through grading and increased visual prominence due to new retaining walls and proposed exterior renovations including heightened roof. Further, the project's location is highly visible from Point Lobos State Park, and as such, the scale and massing of the new retaining walls and height of roof may detract from the visual quality of the shoreline. According to the Carmel Area Land Use Plan, many of the Carmel areas visual resources are highly sensitive by virtue of their prominence in the viewshed as well as their unique scenic quality. These include: the rocky promontories, sandy beaches, and the bluffs of

the immediate shoreline, the open Palo Corona slopes, the Carmelite Monastery and surrounding forested slopes, the rural pasturelands south of San Jose Creek, Point Lobos Ridge, and the ridgetop immediately south of Point Lobos Ridge and Gibson Creek. According to the Carmel Coastal Implementation Plan, the public viewshed are those areas visible from major public viewing areas such as 17 Mile Drive, Scenic Road, Highway 1 Corridor and turn-outs, roads/viewpoints/sandy beaches within Point Lobos Reserve and Carmel River State Beach, Garrapata State Park, and Carmel City Beach (20.146.020 CIP). Development within the public viewshed would require mitigation in order to reduce visual impacts to a less than significant level. Appropriate mitigations include implementation of screening measures such as tree and native vegetation planting and monitoring, habitat protection and special design techniques.

The visual resource policies set forth in the Carmel Area Land Use Plan are intended to safeguard the coast's scenic beauty and natural appearance. These policies were used as thresholds in order to determine visual impacts resulting from the proposed project. Applicable policies require that the design and siting of structures not detract from the natural beauty of the scenic shoreline in the public viewshed, that development be designed to minimize visibility and blend into the natural surroundings, and that siting and design control measures be applied to new development to ensure protection of the Carmel areas scenic resources.

Denise Duffy & Associates and the RMA Planning Department staff conducted a site visit on April 27, 2007 to determine visibility of the proposed residence. The staking and flagging was visible from Point Lobos State Park trails. These included points along Bird Island trail and South Plateau trails. From these vantage points, the staking and orange flagging was visible. Some of the staking and flagging was obscured by existing mature cypress trees, which will help prevent full visibility of the proposed retaining walls and exterior of the existing residence. Proposed retaining wall #1 on the north side of the project property was not visible from trail vantage points within Point Lobos State Park. A photo of the project site from Bird Island in Point Lobos State Park vantage point is shown on page 17.



As seen from southern point Bird Island Trail in Point Lobos State Park.

In order to blend the retaining walls into the surrounding landscape, appropriate shotcrete earth tone materials and colors will be used. In addition, the remodeled residence will use natural colors and materials to reduce the appearance. New roofing materials will further blend the residence into the natural landscape. The potential visual impacts of the proposed connecting sewer line from this property to the existing main line located within the Caltrans Highway 1 right-of-way will be eliminated by incorporating it behind the proposed retaining walls. Therefore, the proposed sewer line will not result in any visual impacts.

The proposed project has the potential to affect a scenic vista and degrade the existing visual character of the area through the introduction of new retaining walls and exterior renovation including heightened roof within the public viewshed. However this impact can be reduced to a less than significant level with the implementation of mitigation measure to screen the retaining wall structures, maintain existing vegetation, and require retaining wall material colors and unobtrusive roof materials which would be harmonious with the area. Specifically these mitigation measures are:

**Mitigation Measure #1:** *In order to ensure that the residence will blend into the surrounding natural landscape, the applicant shall utilize appropriate design techniques and materials and colors which will achieve this effect. Specifically, the applicant shall adhere to the design techniques and materials and colors approved by the Director of Planning.*

**Mitigation Monitoring Action #1a:** *Prior to issuance of a building permit, evidence regarding appropriate design techniques, materials and colors shall be submitted to the Director of Planning for review and approval.*

**Mitigation Monitoring Action #1b:** *Prior to final building permit, the applicants shall submit evidence of implementation of appropriate design techniques to the Director of Planning for review and approval.*

**Mitigation Measure #2:** *In order to minimize impacts to visual resources, the applicant shall arrange for all mature cypress trees located within the proposed development to be adequately protected from grading and construction activities. Eight Monterey Cypress trees (ranging from 8" to 36" in diameter) have been identified; although only one 8" Cypress is requested for removal. Therefore, any excavation, grading, digging, or any other soil removal located within the tree's critical root zone (CRZ) shall be monitored by a qualified arborist or forester and best management practices for tree protection measures shall be implemented. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified forester/arborist immediately prior to commencement of excavation operations. In addition, grading and construction vehicle and equipment staging shall be sited in order to minimize their visibility from the public viewshed.*

**Mitigation Measure Monitoring Action No. 2a.** *Prior to issuance of grading and/or building permits, the owner/applicant shall include a note on the site plan encompassing all language*

within Mitigation Measure No. 2. The owner/applicant shall submit plans to the RMA-Planning Department for review and approval.

**Mitigation Measure Monitoring Action No. 2b.** *Foundation excavation (including grading, digging, or any soil removal) for the proposed retaining walls, located approximately 1-foot of any mature Cypress tree and within the trees' critical root zone (CRZ), shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Any roots damaged during excavation shall be exposed to sound tissue and cut cleanly with a saw. Prior to scheduling of the foundation inspection, the owner/applicant shall submit documentation to the RMA-Planning Department for review and approval, that compliance with Mitigation Measure Monitoring Action No. 2b has occurred.*

**Mitigation Measure Monitoring Action No. 2c.** *Excavation (including grading, digging, or any soil removal) for the proposed retaining walls within its critical root zone (CRZ) shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Prior to scheduling of the foundation inspection, the owner/applicant shall submit documentation to the RMA-Planning Department for review and approval, that compliance with Mitigation Measure Monitoring Action No. 2c has occurred.*

**1(b), (d): No Impact.** The project cannot be seen from Highway 1; however the project may be seen from Point Lobos. The project as proposed will not affect scenic resources such as trees, rock outcroppings, and historic buildings within a state scenic highway. Rock outcroppings are located within the 30 percent sloped areas. The project consists of a remodel to an existing single family dwelling; most of the work will be done inside the structure. The new retaining walls will not require any lighting. At part of the house remodel, a condition of approval will require applicant to submit an exterior lighting plan showing downlit and limited low lighting to the single family dwelling for RMA-Planning approval.

**2. AGRICULTURAL AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1, 2, 3, 6, 7, 18)	<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: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland; to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and 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: 1, 2, 3, 5, 7)	<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: 1, 2, 3, 5, 7)	<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: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 3, 5, 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: 1, 2, 3, 5, 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 three retaining walls that would provide support for the existing residence from the failing bluffs, and to allow repairs to erosion caused by past flooding. Construction is a temporary impact that will 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, 3, 5, 7) 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 project is focused

on the retaining walls and remodel of the existing house. Once construction is completed the parcel will be fully restored. Therefore, there are no impacts to Air Quality.

**Air Quality 3(d) – Less than Significant.**

The temporary and short-term impacts from project-related construction activities, such as grading (650 cu. yds. fill) will be required to accommodate the new retaining walls and sewer lateral. This amount of grading will result in very minor increases in emissions from construction vehicles and dust generation; therefore, the project would result in construction-related air quality impacts that are less than significant. In order for all projects, including demolition of structures, to be compliant with Rule 439 of the Monterey Bay Unified Air Pollution Control District, the County of Monterey requires a condition of approval that incorporates certain demolition work standards. Construction activities will be required to comply with the Air Quality Guidelines, including the standard MBUAPCD measures addressing dust control. Implementation of these standard dust-control measures will maintain any temporary increases in PM-10 at insignificant levels. (References 1, 2, 5, 6, 7)

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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: 1, 3, 6, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 1, 3, 6, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1, 3, 6, 18)	<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: 1, 3, 6, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 6, 18)	<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: 1, 3, 6, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The property is situated in a small cove, the house perched on coastal terrace overlain atop uplifted granite rock outcrops. Bordering the property is an ephemeral stream to the south. Large weathered granite boulder and rocks emerge from terrace soils that support herbaceous and succulent plants. The vegetation of the property consists of coastal bluff herbs and shrubs, planted cypress trees, and a multitude of horticulture landscape plants. The project site contains habitat for Smith's blue butterfly (*Euphilotes enoptes emithi*), a federally endangered species, as such, its habitat, coast buckwheat and dune buckwheat, are afforded protection.

Environmentally sensitive habitats of the Carmel Coastal Segments are unique, limited and fragile resources of statewide significance, important to the enrichment of present and future generations of County residents. The Carmel Area Land Use Plan states that where private or public development is proposed in documented or expected locations of environmentally sensitive habitats - particularly those habitats identified in General Policy 1, field surveys by qualified individuals or agency shall be required in order to determine precise locations of the habitat and to recommend mitigating measures to ensure its protection. (Policy 2.3.3.5)

**4(a); (d): Less than Significant with Mitigation Incorporated.** The proposed project, the proposed retaining walls and exterior renovations, has the potential to cause an adverse effect, either directly or through habitat modification, on sensitive species, or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Game or US Fish and Wildlife Service. In addition, the project has the potential to interfere with the movement of native resident wildlife species or with established native resident wildlife corridors.

The proposed wastewater or sewer connection to the existing wastewater infrastructure line along the Highway 1 right-of-way will not result in any additional impacts not already evaluated under PLN050708. In addition, the proposed sewer connection will not result in any significant impacts to environmentally sensitive habitat, and will create a beneficial result for the adjacent riparian and marine habitats by reducing the amount of effluent discharge into the habitats from the existing septic system.



A Biological Assessment was prepared by Rana Creek Habitat Restoration (September 2005) for the retaining wall portion of the project. The report found that although the project site contains five buckwheat (*Euphilotes enoptes Smithi*), they are located outside of the project impact areas. The areas planned for retaining wall installation, and erosion control, totals approximately 16,000 sq. ft. on the project site. The report concluded there was no rare plant and/or animal species afforded protection within the areas to be developed. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. Adverse impacts to Smith's blue butterfly will be reduced to a less than significant level with the implementation of the following mitigation measure:

**Mitigation Measure #3:** *In order to ensure that the habitat of Smith's blue butterfly buckwheat plants will be protected during project construction and project development, the applicant shall prepare a restoration plan which will address the eradication and control of non-native species including landscape plants currently impacting the natural habitat. The plan shall be specific to the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly.*

**Mitigation Monitoring Action #3:** *Prior to the issuance of a grading or building permit, a restoration plan shall be submitted to the Director of Planning for review and approval. The restoration plan shall avoid buckwheat plants (*Euphilotes enoptes Smithi*) when implementing landscaping on the project site.*

**4(b), (e): Less than Significant.** An ephemeral stream is located on the southern extremis of the property and flows from a culvert directly under Highway 1. The boulder-exposed is characterized as "steep but stable" in the biological report prepared for the project. Small emergent vegetation was found within the drainage. While the drainage is not found within the projects limit of work, proximity to the drainage will require protection of the resource during construction. A small seep, associated with the 36" culvert pipe within the eroded gully and project area, daylight at the end of the failed culvert. The culvert is lain ovetop by uplifted granite and winter run off is conveyed directly into the sea. The area supports similar moisture-loving species as the ephemeral stream, but the presence of these resources is a result of diverted water flows and not necessarily natural hydrological condition. As a condition of approval, project development will be required to adhere to the guidelines and restrictions contained in the biological assessment prepared by Rana Creek for the project to maintain impacts to riparian habitats during construction to a less than significant level.

The project proposes to remove one 8-inch Cypress tree. The Monterey Cypress is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove. It is one of eight Cypress trees (ranging from 8 inches to 36 inches in diameter) that appear to have been planted on the property sometime in the past. Pursuant to Section 20.146.060.A.1, of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), planted trees do not require a Coastal Development Permit for removal as long as they do not expose structures in the critical viewshed, are not defined as habitat or are not previously protected by permit or easement. Although, this tree does not require replacement, the biological report recommends a

replacement ratio of three-to-one. Given the likelihood that this tree was planted as a landscape tree and is not naturally occurring on the site, its removal is less than significant.

**4(c), (f): No Impact.** The project will not affect any federally protected wetlands. The project will not conflict with any local policies or ordinances protecting biological resources or with the provisions of an approved local, regional, state or federal habitat conservation plan. The applicant has been working diligently with the California Coastal Commission to ensure construction of the retaining walls will not negatively affect the Pacific Ocean.

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 6, 16, 17, 18)	<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: 1, 3, 6, 16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 3, 6, 16, 17, 18)	<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: 1, 3, 6, 16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

According to the Monterey County Geographic Information System, the project site identified as an area of high archaeological sensitivity and is located within 750 feet of an identified archaeological resource, CA-MNT-820, of which a portion is located on the project site. County staff requested that an archaeological report be prepared for the project to evaluate the potential for significant archaeological resources on-site and the potential for impacts to existing resources as a result of the project. A Preliminary Archaeological Reconnaissance of Assessor's Parcel 241-071-002-000 was prepared by Archaeological Consulting (August 1989) for the project. Two subsequent archaeological reports were prepared to analyze potential impacts to cultural resources as a result of the proposed residential remodel, specifically to the 550 sq. ft. area proposed for concrete removal and placement of pergola structure. The proposed minor foundation is slab on grade and will not affect any archaeological resources.

The Carmel Area Land Use Plan states that when other site planning constraints do not permit avoidance of construction on archaeological or other types of a cultural site, adequate preservation measures shall be required. (Policy 2.8.4)

The 29,938 sq. ft. property currently contains a single family residence with two detached garages. The primary garage is accessed via a private gated right of way, the other garage is located atop the property prior to the gated entrance. A portion of a known archeological resource, CA-MNT-820, is located on a portion of the project site. According to the preliminary cultural resources reconnaissance (August 1989) by Archaeological Consulting background research and surface evidence demonstrate the possibility of potentially significant cultural resources located on site. Site materials noted were shell and dark soil, the location of the parcel within the area of CA-MNT-820 makes it highly probable that other materials might be discovered below the present surface. However, the extensive remodel will not affect any ground disturbance. The retaining walls and sewer lateral will be located on the bluff and are proposed for protection of the existing house. Evidence has shown that there are no resources there to protect.

**Conclusion/Mitigation:**

**5(b), (d): Less Than Significant Impact.** Analysis was conducted to determine whether the proposed project has the potential to cause a substantial adverse change to an archaeological resource pursuant to CEQA Section 15064.5 and/or the potential to disturb any human remains. According to the archaeology report, the parcel is located within a positive archaeological site. The archaeological report dated January 13, 2006, prepared for the project evaluated each proposed location for a retaining wall was evaluated for the potential to impact archeological resources. The report found that the wing wall portion of proposed retaining wall #1, which will rest on bedrock and run northward onto the adjoining parcel, is not expected to cause impacts to archaeological resources, since any resources which might have been in that area would have eroded out along with the soil. The removal of soil from higher up on the steep slope to achieve a more stable angle of repose presents little likelihood of encounter significant cultural materials. The proposed wall #2 along the north side of the house will run along the existing wooded wall. The slope is quite steep below the existing wall and the likelihood of significant *in situ* cultural materials outside of the existing wall is very small. The area above and behind the wall will present some possibility for impacts to previously undisturbed cultural materials. The few sparse fragments of *Haliotis* (abalone) shell visible on the surface below the wall appear to have sloughed off of the top of slope where other fragments were noted on the surface. The presence of these *Haliotis* fragments would indicate that the cultural materials at the top of the slope probably represent a Late Period Coastal Gathering deposit, a type of site abundant along the rocky shore of the Carmel Highlands. Typical cultural components are copious amounts of *Haliotis* shell, fire-affected rock, sparse lithic artifacts and debitage, charcoal, occasional ash features, very sparse bone or other constituents and few other artifacts. The retaining wall #3 on the south side of the house also will replace an existing wooden retaining wall which is halfway down the steep slope. No *in situ* cultural resources are expected to be found that far down the slope.

The retaining walls will help to preserve the cultural resources remaining on the parcel and because there is limited potential for impacts to significant cultural resources from their construction the following mitigation measure will reduce the impacts to historic resources onsite to a less than significant level. The sewer lateral will be placed in the areas that will be disturbed

for construction of the retaining walls. Therefore, placement of the sewer lateral will not increase the potential impacts.

Although the archaeological report states the potential to disturb any human remains is low, the archaeological report is positive. Therefore, a standard mitigation measure will be implemented if any archaeological resources or human remains are accidentally discovered during construction.

**Mitigation Measure #4:** *If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:*

*There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and if the coroner determines the remains to be Native American:*

- *The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours;*
- *The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent;*
- *The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or*
- *Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.*

**Mitigation Monitoring Action #4:** *Prior to the issuance of grading or building permits, a copy of a signed agreement between the applicant and a Registered Professional Archeologist or a Registered Professional Anthropologist stating that they will adhere to Mitigation Measure #4 shall be submitted to the Director of the RMA – Planning Department for approval.*

**5(a), (c): No Impact.** The project will not directly or indirectly destroy a unique paleontological resource or geologic feature. Based on preliminary reconnaissance, both geological and archaeological investigations for the project and vicinity did not find any evidence of these resources at the site. With the above mentioned mitigation, staff has ensured that if anything is found it will be protected.

**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: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<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: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<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: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The project site lies in an area identified by the Monterey County Geographic Information System as Undetermined in terms of seismic sensitivity, and that the site lies within 1/8 of a mile of a potentially active fault line (Cypress Point). A Geotechnical Investigation and Focused Geologic Study was prepared by Haro, Kasunich dated August 2005, for the proposed project,

This report presents the results of a previous Limited Geotechnical Investigation and Focused Study (August 1999) and Limited Geotechnical Investigation Slope Stabilization Recommendations prepared by Reynolds and Associates dated September 4, 1998. After working with the California Coastal Commission, Haro, Kasunich and Associates also prepared a Supplemental Slope Stability Evaluation dated July 20, 2009.

The slope stability evaluation presented in the 2005 Haro, Kasunich report focuses on the slopes immediately below the proposed retaining walls at the existing residence. As requested by the California Coastal Commission Engineering Geologist, a supplemental letter presents a slope stability evaluation of the existing slopes and proposed slopes (pre-retaining wall condition verses post-retaining wall conditions) for the areas up-coast of the existing residence at the eroded gully below the garage turn around area.

The current civil engineering plan sheets by Haro, Kasunich and Associates, dated December 2004, shows that the existing 36-inch diameter culvert that drains the Caltrans culvert inlet box will be buried with engineered backfill and supported by a retaining wall acting as a culvert head wall. The retaining wall will be: 1) setback from the top of the vertical bluff at least 15 feet; 2) pounded into very dense granite bedrock; 3) constructed with a replica rock fascia; and 4) not be visible from Point Lobos. The purpose of the retaining wall/culvert head wall will be to: 1) provide back drains to intercept subsurface seepage that could potentially further destabilize the existing slope and existing culvert; and 2) to allow repair of the existing culvert by backfilling the eroded gully.

The Carmel Area Land Use Plan states that in addition to seismic activity, various human activities can create or aggravate geologic hazards. Road construction and site excavation are leading cause of erosion. Vegetation removal, improper grading, cut and fill operations, and inadequate drainage are all factors which trigger landslides. (Policy 2.7.1)

**6 a (i), (ii): Less Than Significant with Mitigation Incorporated:**

The subject property is located across a broad boundary between the North American and Pacific plates. The San Andreas Fault makes up the majority of movement between the two plates; however, there are other faults within the broad system that have also experienced movement at one time or another. The regional faults of significance to the subject property include the San Andreas and San Gregorio faults.

The San Andreas Fault is active and represents the major seismic hazard in Northern California. The fault is located about 85.3 miles to the northeast of the property and, because of this distance, probably does not represent a significant hazard. The San Gregorio Fault is an active Holocene fault zone that skirts the coastline of Santa Cruz County and extends southward from Monterey Bay to Big Sur. The fault is located about 4.5 miles to the west of the property. The southern portion of the San Gregorio fault is reported to be capable of a Maximum Moment Magnitude 7.0 earthquake with a recurrence interval of 411 years. Seismic shaking at the site will be intense during the next major earthquake along local fault systems.

**Mitigation Measure #5:** *To ensure that all geotechnical recommendations be adhered to during construction, an agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understands the Geotechnical Investigation and Supplemental Slope Stability Evaluation, to include the following but not be limited to:*

- a) *The geotechnical engineer should be notified at least four working days prior to any clearing or grading.*
- b) *The retaining wall footprint area to be graded should be cleared of obstructions including old fill and gravel, debris, or other unsuitable material.*
- c) *After excavation, clearing and grubbing, the exposed ground surface in areas to receive engineered fill should be scarified to a depth of 6 inches, moisture conditioned, and compacted to at least 90 percent relative compaction.*
- d) *Engineered fill should be placed in thin lifts not exceeding 8 inches in loose thickness, moisture conditioned, and compacted to at least 90 percent relative compaction.*
- e) *If grading is performed during, or shortly after the rainy season, the grading contractor may encounter compaction difficulty from high moisture contents in the near surface clayey and silty sands. If compaction cannot be achieved by reducing the soil moisture content, it may be necessary to over excavate the wet subgrade soil and replace it with angular crushed rock to stabilize the subgrade.*
- f) *Landscape fills that are located on the temporary bench seaward of the proposed retaining wall should not be sloped steeper than 3:1 (horizontal to vertical).*
- g) *Fills should be keyed and benched into firm soil or bedrock in areas where slope gradients exceed 5:1.*
- h) *Permanent engineered fill slopes should be inclined no steeper than 2:1 (horizontal to vertical).*
- i) *Temporary cut banks, exposing firm terrace deposits materials, excavated during the summer, may be included at a  $1\frac{1}{2}$ :1 (horizontal to vertical) for heights up to 15 feet.*
- j) *Materials used for engineered fill should be free of organic materials, large debris and contain no rocks or clods greater than 6 inches in diameter, with no more than 15 percent larger than 4 inches and a Plasticity index of less than 18.*
- k) *Following grading, exposed slopes should be re-planted as soon as possible with erosion resistant vegetation.*
- l) *After earthwork operations are completed and geotechnical engineer completes observation work, no further earth work operations shall be performed except with the approval of and under the observation of the geotechnical engineer.*

**Mitigation Monitoring Action #5a:** *Prior to the issuance of grading or building permits, a copy of the signed agreement between the contractor and applicant shall be submitted to the RMA-Planning Department for review and approval*

**Mitigation Monitoring Action #5b:** *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.*

**6 a (iii), (b), (c): Less Than Significant Impact.**

Haro, Kasunich & Associates evaluated the rate of cliff retreat in the vicinity of the subject property. Based on the shape of the bluff and their observations of site geomorphology, it is their opinion that portions of the bluff top near the home have receded landward about 6 feet between 1945 and 2003. On the basis of these measurements, the range of average annual long term retreat is probably between 0.1 feet/yr 96 feet in 58 years). The relatively low rate of retreat is primary the result of the hardness of the granitic bedrock. The terrace deposits are protected from the direct wave impact much of the time. The dense nature of the terrace deposits underlying the building site and the granite bedrock at depth indicate that the potential for liquefaction at the site is low.

Because the proposed project consists of constructing retaining walls, it will have a positive impact on the stability of the adjacent coastal bluff. Compliance with the recommendations in Mitigation #5 above, will reduce the geologic risks at the site.

**6(a)(iv), (d), (e): No Impact.** The proposed project will be served by a new sewer system hook up and will not be located on expansive soils, nor will it be located within areas susceptible to landslides.

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 2, 3, 5, 7, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 2, 3, 5, 7, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

Greenhouse gases (GHG) are emitted by natural processes and human activities such as electricity production, motor vehicle use, and agricultural uses. It has been found that elevation of GHGs has led to a trend of unnatural warming of the earth's climate, otherwise known as the "greenhouse effect". In order to reduce the statewide level of GHG emissions, the State Legislature adopted California Assembly Bill 32 (AB 32) California Global Warming Solutions Act of 2006. AB 32 established a comprehensive statewide program of regulatory and market mechanisms to achieve reductions in GHG emissions, thereby reducing the State's vulnerability to global climate change (GCC). Pursuant to Senate Bill 97 (SB 97), the Governor's Office of Planning and Research (OPR) issued interim guidance for addressing climate change through CEQA and recommends that each agency develop and approach to address GHG emissions based on the best available information. At this time, the County of Monterey and the Monterey



Bay Unified Air Pollution Control District (agency responsible for regulating air quality in the region) have not identified a significance threshold for GHG emissions. There will be GHG emissions associated with the use and transport of construction materials (such as dry wall, steel, concrete, wood, etc.) to and from the project site. However, quantifying the emissions has a level of uncertainty. Therefore, in lieu of State guidance or locally adopted thresholds, a primarily qualitative approach will be used to evaluate possible impacts for the proposed project.

**7(a) and (b). Conclusion: Less than Significant.**

Although the proposed project will create a temporary impact to air quality caused by construction activities, the result of the project will not increase the baseline amount of GHGs emitted prior to the project to a level of significance. The temporary impacts of construction for the three retaining walls will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide (CO<sub>2</sub>) by fuel combustion.

Furthermore, Title 24, Part 6 of California Building Code (Energy Efficiency Standards or Residential Buildings) requires that new construction meet the minimum requirements for energy efficient windows, insulation, lighting, plumbing, and mechanical equipment. Prior to the issuance of the building permit, a Certificate of Compliance (CR-1R) is submitted demonstrating how the project meets the minimum requirements for energy efficiency. Prior to the final of the building permit, the contractor and all sub-contractors responsible for installation of windows, insulation, lighting, plumbing, and mechanical equipment are required to submit an Installation Certificate (CF-6R) certifying that the installed features, materials, components or manufactured devices conform to the construction plans and the Certificate of Compliance documents which were approved. Therefore, the extensive remodel of the existing single family dwelling will be consistent with the CR-1R requirements for energy efficiency.

The Carmel Area Wastewater District (CAWD) produces 1.5 million gallons of wastewater per day (MGD). The electricity for the CAWD operation is generated by Pacific Gas & Electric (P.G. & E.) in Moss Landing and CAWD uses approximately 261,130 kilowatt hours of electricity per month. Using a calculator on the P.G. & E. website, 261,130 kilowatt hours per month generates 1,641,985 lbs CO<sub>2</sub>/year or an average of 4,499 lbs CO<sub>2</sub>/day or .003 lbs of CO<sub>2</sub> per gallon of wastewater treated. The average household generates 300 gallons per day of wastewater which calculates to 328.5 lbs CO<sub>2</sub>/year. This is equivalent to .15 metric tons of CO<sub>2</sub>/per household. This quantifiable calculation determines that the increase of CO<sub>2</sub> emissions as a result of re-direction from the on-site septic system to the Carmel Area Wastewater District treatment facility will result in a less than significant impact to GHGs.

**8. HAZARDS AND HAZARDOUS MATERIALS**

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<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: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<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: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<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: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<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: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<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: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<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: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1, 3, 21)	<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: 1, 3, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1, 3, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1, 3, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 3, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: 1, 3, 21)	<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: 1, 3, 21)	<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: 1, 3, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**9. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 3, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**10. LAND USE AND PLANNING**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2, 3, 4, 5, 6, 7, 21, 22)	<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: 1, 2, 3, 4, 5, 6, 7, 21, 22)	<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: 1, 2, 3, 4, 5, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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: 1, 2, 6, 7)	<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: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
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: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 6, 7)	<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: 1, 2, 6, 7)	<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: 1, 2, 6, 7)	<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: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**12. NOISE**

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**13. POPULATION AND HOUSING**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1, 2, 3, 6, 7)	<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: 1, 2, 3, 6, 7)	<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: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**14. PUBLIC SERVICES**

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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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: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**15. RECREATION**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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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: 1, 3, 6, 7)	<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: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source: 1, 3, 5, 6, 7, 21)	<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: 1, 3, 5, 6, 7, 21)	<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: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.



17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: 1, 3, 6, 13, 14, 21)	<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: 1, 3, 6, 13, 14, 21)	<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: 1, 3, 6, 13, 14, 21)	<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: 1, 3, 6, 13, 14, 21)	<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: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

In July 2008, the Carmel Area Wastewater District Board of Directors adopted a resolution (Resolution 09-04; dated January 26, 2009) directing the Carmel Area Wastewater District staff to request that the Local Agency Formation Commission of the Monterey County (LAFCO) amend the Carmel Area Wastewater District's Sphere of Influence and to initiate proceedings for the Carmel Highlands to annex three discontinuous parcels, to include the Currivan/O'Boyle parcel (241-182-006-000). Because of steep slopes and shallow granitic soils, septic systems are not conducive on these three parcels; LAFCO approved an annexation on January 26, 2009 (Resolution No. 012609) to incorporate them into the public sewer system.

The Carmel Area Land Use Plan supports wastewater reclamation in conjunction with any permit request to extend main wastewater collection pipelines in the segment, The County shall require

that (1) any accompanying service district formation and/or expansion within the segment be within the urban boundary or rural enclaves and (2) the permittee agrees not to assess for or guarantee sewer service in areas outside sewer districts within the segments (application of reclaimed wastewater outside sewer district is permitted). (Specific Policy 3.3.3.6)

**Utilities and Service Systems 16(a and c - g) - No Impact.**

The project does not propose to add any new structures that would require increases to service from existing systems. Utilities such as electricity, gas, water, and phone service are already in place, and the proposed project would not generate additional demand. Although the project will not result in an increase of wastewater produced on site, the wastewater will be re-directed from the on-site septic system to the Carmel Area Wastewater District (CAWD) treatment facility. Therefore, the current infrastructure will be modified to install a sewer lateral to re-direct the effluent to an existing sewer main running adjacent to the property along Highway 1. Based on the LAFCO staff report supporting the annexation, the CAWD facility currently operates at approximately 63 percent of the permitted flow. This added flow will have no impact on the facilities' current capacity.

Therefore, the project would not exceed wastewater treatment requirements, would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, would have sufficient water supplies available to serve the project from existing entitlements and resources, would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would comply with federal, state, and local statutes and regulations related to solid waste. In addition, the wastewater treatment provider, Carmel Area Wastewater District (CAWD), which will serve the property has determined it has adequate capacity to serve the projected demand in addition to the provider's existing commitments, and the property has been annexed to the CAWD service area.

**Utilities and Service Systems 16(b) – Less Than Significant Impact (Benefit).**

The project will not increase wastewater/septic requirements, will not require the construction of new water or wastewater treatment facilities, or expansion of existing treatment facilities. However, to address existing wastewater (septic) discharge concerns, the property owner will construct a new wastewater (sewer) lateral connection to an existing wastewater infrastructure line along the Highway 1 right-of-way. The sewer line project (PLN090342) is an Amendment to a previously-approved Combined Development Permit (PLN030325). PLN030325 involved the construction of a sewer connection for the Highlands Inn. For PLN090342, the property owner proposes to pump wastewater from the existing septic/holding tank to the existing sewer line that connects to the CAWD treatment facility. The sewer line on the property that will connect the holding tank to the existing infrastructure sewer line will be placed behind the retaining walls proposed under PLN050708. This approach will not result in any additional impacts not already evaluated under PLN050708. There will be no new impacts to environmentally sensitive habitat or slopes. Therefore, the new sewer line connection will not result in any significant impacts to utilities and service systems, and will create a beneficial result for the adjacent riparian and marine habitats by reducing the amount of effluent discharge from the existing septic system.

## 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: 1, 3, 5, 13, 18, 21)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1, 3, 5, 13, 18, 21) ("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: 1, 3, 5, 13, 18, 21)	<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: 1, 3, 5, 13, 18, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

**(a) Less Than Significant with Mitigation** 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 a habitat for Smith's blue butterfly. The applicant will be required to provide a restoration plan which will address the eradication and control of non-native species including landscape plants currently impacting the natural habitat. The plan shall be specific to the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly.

**(b) No Impact.** Due to sloughing of the bluff on the parcel, the project involves the construction of three retaining walls so the applicant can remodel an existing residence zoned for residential

use. Connection to the Carmel Area Wastewater District will reduce wastewater onsite, and therefore the proposed project is not cumulatively considerable. As a result, impacts relating to agriculture and forest resources, hazards/hazardous materials, land use/planning, mineral resources, noise, population/housing, public services, recreation, and transportation/traffic attributable to the project have been addressed in the Carmel Area 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](http://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 PLN050708, PLN050591 and PLN090342 and the attached Initial Study / Proposed 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, 7, 11, 17, 18, 21).

## ***IX. REFERENCES***

1. Project Application, Plans and Materials in File No. PLN040581
2. Monterey County General Plan (1982)
3. Carmel Area Land Use Plan and Coastal Implementation Plan, Part 4
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008
6. Monterey County Planning Department GIS System, Property Report for Selected Parcel – 241-071-002-000
7. Site Visit Conducted by DD&A and RMA Planning Department on April 27, 2007; Site Visit Conducted by RMA Planning Department on January 8, 2010
8. Limited Geotechnical Investigation Slope Stabilization Recommendations for 104 Coast Highway 1, prepared by Reynolds and Associates, Inc., dated September 04, 1998 (LIB060084)
9. Limited Geotechnical Investigation for Seaward Slippage and Incipient Bank Failure prepared by Haro, Kasunich and Associates, Inc, dated August 1999
10. Limited Geotechnical Investigation and Focused Geologic Study for Coastal Bluff Retaining Walls for 104 Highway 1 prepared by Haro, Kasunich & Associates, Inc., dated August 2005 (LIB050809)
11. Supplemental Slope Stability Evaluation to Limited Geotechnical Investigation and Focused Geologic Study prepared by Haro, Kasunich & Associates, Inc., dated July 20, 2009
12. Letter Report Geotechnical Foundation Criteria for the Proposed Covered Pedestrian Walkway from Garage to Residence prepared by Haro, Kasunich and Associates, Inc, dated May 15, 2006
13. Letter regarding sewer service for APN 241-071-002 (Currivan Property, 104 Coast Hwy 1) from by Carmel Area Wastewater District, dated November 6, 2006
14. Resolution No. 09-04 from the Local Agency Formation Commission of Monterey County authorizing Parcel 241-071-002-000 to connect to Carmel Area Wastewater District and Annexation to the District
15. Preliminary Cultural Resources Reconnaissance of APN 241-071-002, Carmel Highlands, Monterey County, California prepared by Anna Runnings, M.A., and Trudy Haversat, SOPA, dated August 25, 1989
16. Archaeological Letter for APN 241-071-002, for retaining walls, prepared by Archaeological Consulting, dated March 15, 2005 (LIB050807)

17. Archaeological Report for APN 241-071-002, the Currivan Parcel, prepared by Archeological Consulting, dated January 13, 2006
18. Biological Assessment prepared by Rana Creek Habitat Restoration, dated September 2005 (LIB050808)
19. California Coastal Commission Memorandum re: Preliminary Questions and Comments on Geotechnical Study from Rick Hyman, dated March 20, 2006;
20. Response Memorandum to California Coastal Commission Memorandum prepared by Haro, Kasunich & Associates, dated February 21, 2008;
21. Interdepartmental Review Comments located in Project Files PLN050591, PLN050708, and PLN090342;
22. California Coastal Act of 1976;
23. Erosion Control Ordinance, Chapter 16.12
24. Pacific, Gas & Electric web link for calculating household generated CO<sub>2</sub>  
<http://www.pge.com/mybusiness/environment/calculator/tips.shtml>

## **EXHIBIT G**

### **Addendum Pursuant to the California Environmental Quality Act Article 11, Section 15164**

#### **Currivan/O'Boyle Planning File Nos. PLN050591/PLN050708 Combined Development Permit**

##### 1. Introduction

An Initial Study was prepared for three separate projects on the same parcel. One project cannot be done without the other, so they were evaluated concurrently in the Initial Study. The first project application (PLN050708) is to replace three retaining walls (approximately 200 feet in total length) to protect the existing house from coastal bluff erosion, replace the storm drain, and fill eroded drainage channel; development on slopes in excess of 30%; development within 750 feet of a known archaeological resource; development within 100 feet of environmentally sensitive habitat (coastal habitat); grading of approximately 650 cubic yards of fill for the eroded drainage channel and backfill of the retaining walls. The second application (PLN050591) is for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 sq. ft. of concrete driveways and patios; and a new pergola from parking to residence. The Initial Study also evaluated the potential impacts of PLN090342 the third application, which is an Amendment to construct a sewer connection from the Highlands Inn to the Carmel Area Wastewater District treatment facility north of the Carmel River.

A Mitigated Negative Declaration ("MND") for PLN050708, PLN050591 and PLN090342 was prepared in accordance with CEQA and circulated for public review from September 2, 2010 to October 1, 2010 (SCH#: 2010091005). Issues that were of concern in the Mitigated Negative Declaration ("MND") include aesthetic resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, and utilities and service systems.

The Amendment to connect this parcel and three other parcels to the original Highlands Inn Sewer project was approved by the Planning Commission (PC) on October 27, 2010 along with adopting the Mitigated Negative Declaration (MND) for PLN050708, PLN050591 and PLN090342.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes

to the project analyzed in the MND. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

## 2. Scope and Purpose of this Addendum

A Biological Assessment was prepared for the retaining wall portion of the project. The report found that although the project site contains five buckwheat plants, they are located outside of the project impact areas. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. To avoid adverse impacts to Smith's blue butterfly and reduce to a less than significant level, the Biological Assessment suggested that erosion control and site mitigation address the eradication and control of non-native species including landscape plants currently impacting natural habitat. Specifically, to enhance, establish, manage and monitor for habitat of the Smith's blue butterfly. A mitigation measure in the Initial Study requires a restoration plan in order to ensure that the habitat of Smith's blue butterfly (buckwheat plants) be protected during project construction and project development.

The purpose of this addendum is to amplify and clarify what should also be addressed in the restoration plan. Since the last biological assessment was prepared five years ago, the restoration plan must reassess the location of the buckwheat plants. If it is determined that the buckwheat plants are located within the area of construction, the plants shall be avoided. Condition #18/Mitigation #3 addresses this additional requirement.

## 3. Conclusion

Pursuant to Article 11, Section 15164 of the California Environmental Quality Act an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. The MND addresses all potential impacts for the retaining walls and the remodel of the house. Mitigation measures implemented address the project and will ensure no significant impacts occur.

The reassessment of the location of the buckwheat plants in the restoration plan only clarifies and amplifies the requirement in the mitigation measure. Therefore, pursuant to CEQA Section 15088.5 (b), recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. Therefore, since the



MND was adopted by the Planning Commission on October 27, 2010, the Zoning Administrator need only consider the Addendum.

Attachment: Mitigated Negative Declaration for PLN050591, PLN050708 and PLN090342.