

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> September 8, 2011    Time: 1:30 P.M	<b>Agenda Item No.:</b>
<b>Project Description:</b> Combined Development Permit to allow 1) a Coastal Administrative Permit for the demolition of an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construction of a 2,106 square foot two story residence and a 1,159 square foot patio with 108 square foot stairs, approximately 519 cubic yards cut and 102 cubic yards fill (417 cubic yards to be balanced on site); and a retaining wall (8 linear feet), 2) Coastal Development Permit for development within 50 feet of a coastal bluff; 3) Coastal Development Permit for development within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in the front yard setback to avoid development within the critical viewshed; and 5) Design Approval with colors and materials consisting of redwood siding, dark bronze window frames and hickory mineral composition roofing materials.	
<b>Project Location:</b> 53150 Highway 1, Big Sur	<b>APN:</b> 420-021-039-000
<b>Planning File Number:</b> PLN100342	<b>Owner:</b> David F. Brubaker, Trustee of the Brubaker Living Trust <b>Agent:</b> Allen Robinson AIA c/o The Sienna Company
<b>Planning Area:</b> Big Sur Coast Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation :</b> "WSC/40-D (CZ)" [Watershed and Scenic Conservation, 40 acre minimum, 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) Adopt Revised Mitigated Negative Declaration (**Exhibit F**);
- 2) Approve PLN100342, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt Mitigation Monitoring and Reporting Plan

### PROJECT OVERVIEW:

The project consists of the replacement of an existing structure with a new two story single family dwelling. The property is located between the ocean and Highway 1, and therefore requires entitlements for development within 50 feet of a coastal bluff and development within 750 feet of a known archaeological resource. Also, pursuant to Policy 3.2.2.1 of the Big Sur Coast Land Use Plan, the parcel is considered to be within the critical viewshed. Development proposals shall be modified for design, height, and/or bulk, or shall be re-sited, where such modifications will result in a project which does not intrude on the critical viewshed. The project has been designed and re-sited to be located in the same area as the existing structure. However, the existing structure encroaches into the front setback from Highway 1. Staff supports a variance to encroach into the front setback because the new structure will be located outside of the Critical Viewshed.

In accordance with CEQA, an Initial Study was prepared and circulated for public review from August 5, 2011 through September 5, 2011. Issues that were analyzed in the Draft Mitigated Negative Declaration include aesthetic resources, air quality, cultural resources, geology and soils, land use and planning, and noise. There are no unresolved issues.

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

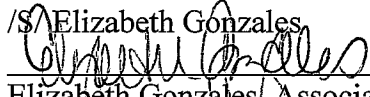
- RMA - Public Works Department
- Environmental Health Bureau
- ✓ Water Resources Agency
- Parks Department
- ✓ CDF-Coastal Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by RMA-Planning, Water Resources and CDF-Coastal have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

On March 8, 2011, the Big Sur Land Use Advisory Committee visited the site and continued the project because they felt the staking and flagging was not done correctly and that there was an issue with visibility within the Critical Viewshed. The applicant redesigned the project and re-staked the flagging for the proposed structure. On April 12, 2011, after another site visit, the Big Sur LUAC supported the project as revised (4-0 vote), and asked that the applicant/architect confirm with a land surveyor that there is no encroachment to the neighboring property and the setbacks are correctly stated on the plans. Staff has received confirmation.

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, [gonzalesl@co.monterey.ca.us](mailto:gonzalesl@co.monterey.ca.us)  
September 2, 2011

cc: Front Counter Copy; Zoning Administrator; CDF-Coastal; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Bob Schubert, Senior Planner; Wanda Hickman, Planning Services Manager; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary; David F. Brubaker, Trustee of the Brubaker Living Trust, Owner; Allen Robinson, AIA, Agent; Aengus Jeffers, Attorney; Planning File PLN100342

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Discussion
	Exhibit C	Draft Resolution, including:
		1. Conditions of Approval
		2. Site Plan, Floor Plan and Elevations
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (LUAC)
	Exhibit F	Revised Mitigated Negative Declaration
	Exhibit G	Applicant's Variance Justification Letter

This report was reviewed by Laura Lawrence, Planning Services Manager  
Brubaker (PLN100342)

## EXHIBIT A

### Project Information for PLN100342

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#### Project Information:

<b>Project Name:</b>	BRUBAKER DAVID F TR	
<b>Location:</b>	53150 HWY 1 BIG SUR	
<b>Permit Type:</b>	Combined Development Permit	
<b>Environmental Status:</b>	Mitigated Negative Declaration	<b>Final Action Deadline (884):</b> 10/1/2011
<b>Existing Structures (sf):</b>	2962	<b>Coverage Allowed:</b> 10%
<b>Proposed Structures (sf):</b>	1686	<b>Coverage Proposed:</b> 1%
<b>Total Sq. Ft.:</b>	2410	<b>Height Allowed:</b> 24 FEET
<b>Tree Removal:</b>	0	<b>Height Proposed:</b> 23.9
<b>Water Source:</b>	Well	<b>FAR Allowed:</b> n/a
<b>Water Purveyor:</b>	Private	<b>FAR Proposed:</b> n/a
<b>Sewage Disposal (method):</b>	Septic system	<b>Lot Size:</b> 3049200
<b>Sewer District:</b>	Private	<b>Grading (cubic yds.):</b> 360

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#### Parcel Information:

<b>Primary APN:</b>	420-021-039-000	<b>Seismic Hazard Zone:</b>	VI
<b>Applicable Plan:</b>	Big Sur Coast LUP	<b>Erosion Hazard Zone:</b>	No
<b>Advisory Committee:</b>	Big Sur Coast LUAC	<b>Fire Hazard Zone:</b>	Very High
<b>Zoning:</b>	WSC/40-D (CZ)	<b>Flood Hazard Zone:</b>	Low
<b>Land Use Designation:</b>	Watershed Scenic conserve	<b>Archaeological Sensitivity:</b>	High
<b>Coastal Zone:</b>	Yes	<b>Viewshed:</b>	Yes
<b>Fire District:</b>	CDF Coastal	<b>Special Setbacks on Parcel:</b>	No

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#### Reports on Project Parcel:

<b>Soils Report #:</b>	LIB110271
<b>Biological Report #:</b>	N/A
<b>Geologic Report #:</b>	LIB110272
<b>Forest Management Rpt. #:</b>	N/A
<b>Archaeological Report #:</b>	LIB110270
<b>Traffic Report #:</b>	N/A

## **EXHIBIT B**

### **DISCUSSION**

#### **PROJECT DESCRIPTION:**

Applicants propose to demolish an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construct a 2,106 square foot two story residence and a 1,159 square foot patio with 108 square feet of stairs, approximately 500 cubic yards cut and 100 cubic yards fill (to be balanced on site); and a retaining wall (8 linear feet).

The property is zoned "WSC/40-D (CZ)" Watershed and Scenic Conservation, 40 acre minimum, Design Control in the Coastal Zone. The 70 acre parcel, Assessor's Parcel Number 420-021-039-000, is located at 53154 Highway 1, on the west side of Highway in Big Sur. The parcel is surrounded by Julia Pfeiffer State Park. Pursuant to Policy 3.2.2.1 of the Big Sur Land Use Plan, the parcel is considered to be within the Critical viewshed.

#### **CRITICAL VIEWSHED:**

The Critical Viewshed is everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and specific locations. Policy 3.2.2.1 (BSLUP) states, "Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy (Critical Viewshed), then the applicant will be required to modify his proposal accordingly." The Big Sur Coast Land Use Plan encourages changes in design, height, or bulk of proposed structures where this will result in an approvable project. Because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure. During staff's review, it was determined that the original house was located slightly on the state park property. The project has been re-designed with the house re-sited to be located outside of the park. However, the applicant currently proposes a three foot front yard setback. The required front setback for WSC zoning is 30 feet. A Variance is requested to encroach 27 feet into the front setback. Staff supports a variance to encroach into the front setback because the new structure will be located outside of the Critical Viewshed and the project will be consistent with Policy 3.2.2.1 (BSLUP).

#### **ARCHAEOLOGY:**

The subject property is located within 750 of a known archaeological resource. Pursuant to Section 20.145.120, all development proposed on parcels with known archaeological resources, as identified through the survey report, or as shown on current County resource maps shall be subject to environmental review. The archaeological report prepared by Archaeological Consulting, concluded that there is surface evidence of potentially significant archaeological resources in the current project area. The deposit on the project parcel appears to be peripheral to a known archaeological resource on a contiguous parcel. The archaeological report recommends that a supplemental subsurface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts. Mitigation measures recommended in the report have been incorporated into the Conditions of Approval/Mitigation Monitoring Reporting Plan.

#### **GEOLOGY:**

Pursuant to Section 20.145.080.A.1.b.2, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater." The parcel is located between Highway 1 and the ocean. The proposed structure will be located in the same general area as the existing structure and at the

farthest end away from the ocean. The geologic report prepared by CAPROCK Engineering concludes that replacement of the existing building and foundation with a well-designed, site specific, engineered foundation would reduce any geologic hazard at the site. The geotechnical report prepared by Grice Engineering has recommendations for such a foundation. Since the project is approximately 40 feet from the top of the cliff, staff has included mitigation measures to mitigate safety impacts from any geologic hazards.

CEQA:

The Draft Mitigated Negative Declaration "MND" for PLN100342 was prepared in accordance with CEQA and circulated for public review from August 5, 2011 through September 5, 2011 (SCH# 2011081024). Issues that were analyzed in the Draft Mitigated Negative Declaration "MND" include aesthetic resources, air quality, cultural resources, geology and soils, land use and planning, and noise.

Mitigation Measures include additional archaeological testing prior to actual construction and having an archaeologist be on site during construction. A geologist is required to be on-site to ensure that the foundation recommendations are adhered to. A pre-construction meeting to discuss reports between all parties, including the County, will take place prior to issuance of building/grading permits.

In the description of the Initial Study, staff stated the new second story structure was 1,399 square feet. However, the actual proposal is 2,106 square feet (staff inadvertently left out the 707 square foot number of the second story in the Initial Study). Clarification has been made on the Notice of Intent to Adopt an MND and on page 2 of the Initial Study. This clarification does not change the analysis of the document with regard to the Critical Viewshed, archaeological or geologic hazards. Pursuant to CEQA Section 15073.5, recirculation of a document is not required if new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. Therefore, the Initial Study does not need to be re-circulated.

**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:

**David F. Brubaker, Trustee of the Brubaker Living Trust (PLN100342)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Adopting Revised Mitigated Negative Declaration;
- 2) Approving Combined Development Permit to allow 1) a Coastal Administrative Permit for the demolition of an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construction of a 2,106 square foot two story residence and a 1,159 square foot patio with 108 square foot stairs, approximately 519 cubic yards cut and 102 cubic yards fill (417 cubic yards to be balanced on site); and a retaining wall (8 linear feet), 2) Coastal Development Permit for development within 50 feet of a coastal bluff; 3) Coastal Development Permit for development within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in the front yard setback to avoid development within the critical viewshed; and 5) Design Approval with colors and materials consisting of redwood siding, dark bronze window frames and hickory mineral composition roofing materials; and
- 3) Adopting Mitigation Monitoring and Reporting Plan.

[PLN100342, David F. Brubaker, Trustee of the Brubaker Living Trust, 53150 Highway 1, Big Sur, Big Sur Coast Land Use Plan (APN: 420-021-039-000)]

**The Combined Development Permit application (PLN100342) came on for public hearing before the Monterey County Zoning Administrator on September 8, 2011. 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 1982 Monterey County General Plan;
- Big Sur Coast Land Use Plan;
- Monterey County Coastal Implementation Plan Part 3;
- Monterey County Zoning Ordinance (Title 20);

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

- b) The property is located at 53150 Highway 1, Big Sur (Assessor's Parcel Number 420-021-039-000, Big Sur Coast Land Use Plan. The parcel is zoned "WSC/40 (CZ)" [Watershed and Scenic Conservation, 40 acre minimum, Design Control District, (Coastal Zone)], which allows the first single family dwelling per legal lot of record. Therefore, the project is an allowed land use for this site.
- c) Entitlements include: 1) a Coastal Administrative Permit for the demolition of an existing two-story single family dwelling and construction of a two-story residence and a retaining wall (8 linear feet), 2) a Coastal Development Permit for development within 50 feet of a coastal bluff; 3) a Coastal Development Permit for development within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in sideyard setback to avoid development within the critical viewshed; and 5) Design Approval.
- d) Design Approval Pursuant to Chapter 20.44, Design Control Zoning District, 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. To ensure this is enforced, colors and materials will consist of redwood siding, dark bronze window frames and hickory mineral composition roofing materials. Although the retaining wall is proposed along the back of the structure, it will consist of natural stone materials.
- e) The project planner conducted a site inspection on November 19, 2010 and March 8, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- f) Cultural Resources. The subject property is located within 750 of a known archaeological resource. Pursuant to 20.145.120, development proposed within 750 feet of a known archaeological resource, as identified through the survey report, or as shown on current County resource maps shall be required to obtain a Coastal Development Permit. The archaeological report prepared by Archaeological Consulting, determined that there is surface evidence of potentially significant archaeological resources in the current project area. There pursuant to CEQA Section 15064.5, and an Initial Study was prepared (see Finding #5).
- g) Critical Viewshed. The Critical Viewshed is everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and specific locations (Policy 3.2.2.1 BSLUP). Pursuant to Section 20.145.030 (CIP), "all future public or private development which would be visible within the Critical Viewshed shall be prohibited." The parcel is considered to be within the critical viewshed. Development proposals shall be modified for design, height, and/or bulk, or shall be re-sited, where such modifications will result in a project which does

not intrude on the critical viewshed. (20.145.030.A.2.c CIP) The project has been designed and re-sited to be located in the same area as the existing structure. However, the existing structure encroaches into the front setback from Highway 1. Because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure. Staff supports a Variance to reduce the front setback in order to meet the policies of the critical viewshed (see Finding #7).

- h) Coastal Bluff. Pursuant to Section 20.145.080.A.1.b.2, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater. The parcel is located between Highway 1 and the ocean. The proposed structure will be located in the same area as the existing structure and at the farthest end away from the ocean. The geologic report prepared by CAPROCK Engineering concludes that replacement of the existing building and foundation with a well designed, site specific, engineered foundation would reduce any geologic hazard at the site. The geotechnical report prepared by Grice Engineering has recommendation mitigations for such a foundation.
- i) LUAC. On March 8, 2011, the Big Sur Land Use Advisory Committee visited the site and continued the project because they felt the staking and flagging was not done correctly and that there was an issue with visibility within the Critical Viewshed. The applicant redesigned the project and re-staked the flagging for the proposed structure. On April 12, 2011, after another site visit, the Big Sur LUAC supported the project as revised (4-0 vote), and asked that the applicant/architect confirm with a land surveyor that there is no encroachment to the neighboring property and the setbacks are correctly stated on the plans. Staff has received confirmation.
- 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 PLN100342.

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, CDF-Coastal 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 Water Resources, CDF-Coastal and RMA Planning Department have been incorporated.
  - b) Staff identified potential impacts to Archaeological Resources, Soil/Slope Stability, and Geology. With recommended mitigations, the project is consistent with applicable policies. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been



prepared:

- "Geotechnical Report for the Brubaker Residence" (LIB110271), prepared by Grice Engineering and Geology, Inc., dated December 2010;
  - "Geologic Report for Brubaker Residence" (LIB110272), prepared by CapRock Environmental Engineering and Marine Geology, dated November 15, 2010;
  - "Preliminary Archaeological Reconnaissance for a portion of Assessor's Parcel Number 420-021-039-000" (LIB110270), prepared by Archaeological Consulting, Salinas CA.
- c) Staff conducted a site inspection on November 19, 2010 and March 8, 2011 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN100342.

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

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, CDF-Coastal Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are currently available and being provided by a private water system (15,000 gallon tank) and an existing septic system. The Environmental Health Bureau has determined that the project will have no impact on the existing septic system or any other environmental health services.
- c) Preceding findings #1 and #2 and supporting evidence for PLN100342.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on November 19, 2010 and March 8, 2011 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 PLN100342.

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

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study identified several potentially significant effects, but applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN100342).
  - c) Hazards/Hazardous Materials - The project includes demolition of a single family dwelling built in the 1930s, but added onto in the 1970s. Therefore, there is a potential for the materials used in the original construction to contain asbestos and/or lead paint. The Monterey Peninsula Unified Air Pollution Control District (MPUAPCD) has an Asbestos Program in place to protect the public from uncontrolled emissions of asbestos by enforcement of the Federal Asbestos Standard and Air District Rule 424. Although staff received a "no comment" letter from the MPUPCD in response to the circulated Initial Study, staff has incorporated a standard condition of approval for demolition/deconstruction of structures (Condition #12).
  - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a standard condition of project approval. (Condition #4)
  - e) The Draft Mitigated Negative Declaration "MND" for PLN100342 was prepared in accordance with CEQA and circulated for public review from August 5, 2011 through September 5, 2011 (SCH#: 2011081024). Issues that were analyzed in the Draft Mitigated Negative Declaration "MND" include aesthetic resources, air quality, cultural resources, geology and soils, land use and planning, and noise.
  - f) Mitigation Measures include additional archaeological testing prior to actual construction and having an archaeologist be on site during construction. A geologist is required to be on-site to ensure that the foundation recommendations are adhered to. A pre-construction meeting to discuss reports between all parties, including the County, will take place prior to issuance of building/grading permits.

- g) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN100342) and are hereby incorporated herein by reference.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.  
The site supports development within 40 feet of a coastal bluff. For purposes of the Fish and Game Code, the project could have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- i) No comments from the public were received.
- j) In the description of the Initial Study, staff stated the new second story structure was 1,399 square feet. However, the actual proposal is 2,106 square feet (staff inadvertently left out the 707 square foot number of the second story). Clarification has been made on the Notice of Intent to Adopt an MND and on page 2 of the Initial Study. This clarification does not change the analysis of the document with regard to the Critical Viewshed, archaeological or geologic hazards. Pursuant to CEQA Section 15073.5, recirculation of a document is not required if new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. Therefore, the Initial Study does not need to be re-circulated.
- k) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 2 in the Big Sur Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing

- d) the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN100342.
- e) The parcel is surrounded by Julia Pfeiffer State Park. However, the parcel itself does not have any public access requirements to adhere to.
- f) The project planner conducted a site inspection on November 19, 2010 and March 8, 2011.

7. **FINDING: VARIANCE** – Variances shall only be granted based upon the following Findings:

- 1. That because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings, the strict application of development standards in the Monterey County Codes is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under and under identical zoning classification;
- 2. That the variance shall not constitute a grant of privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
- 3. A Variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

- EVIDENCE:**
- a) The parcel is zoned “WSC/40 (CZ)” [Watershed and Scenic Conservation, 40 acre minimum, Design Control District, (Coastal Zone)], which allows the first single family dwelling per legal lot of record, which is an authorized use. Required setbacks for this zoning district are as follows: 30 foot front setback required, 20 foot side setback required and 20 foot rear setback required. The project is oriented where the front setback would be from Highway 1.
  - b) The parcel is surrounded by Julia Pfeiffer State Park and pursuant to Policy 3.2.2.1 of the Big Sur Land Use Plan, the parcel is considered to be within the Critical viewshed. (*Finding 1g*) During staff’s review, it was determined that the original house was located slightly on the state park property. The project has been re-designed and re-sited to be located outside of the park. However, the applicant currently proposes a three foot front yard setback. The required front setback for WSC zoning is 30 feet. A Variance is requested to encroach into the front setback.
  - c) Policy 3.2.2.1 (BSLUP) states, “Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy (Critical Viewshed), then the applicant will be required to modify his proposal accordingly.” The Big Sur Coast Land Use Plan encourages changes design, height, or bulk of proposed structures where this will result in an approvable project. Staff supports a variance to encroach into the front setback because the new structure will be located outside of the Critical Viewshed.
  - d) Applicant submitted a Variance justification letter stating the reason for seeking a variance. Because of the special circumstances, the most reasonable and least environmental and view impact from Highway 1 to the ocean is to rebuild on the existing 70 acre site. Although most of

the parcel is not located on 30% slope there are other structures on the property. The existing building site is the farthest from the coastal bluff and the location does not affect the critical viewshed.

- e) There are special circumstances on the site that warrant a variance to reduce the front set back requirement provided there is no special privilege. Requiring the full set backs and to develop only in areas not located within the critical viewshed would prohibit development on this parcel. Because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure. Therefore, there is no special privilege to the property owner.
- f) Other property owners in the vicinity and under identical zoning classification and located on Highway 1 have been afforded the same privilege sought by the property owner of this application. Some of the residential projects that have been granted similar variances include: 1) PLN000579 (Dickstein) variance for "reduced side setback from 20 feet to 3 feet", 2) PLN990381 (Gozzi) variance for "zero front setback relative to road right-of-way", 3) PLN990151 (Pavey) variance for "reduced front setback from 30 feet to six feet from road easement"; and 4) PLN980186 (Schoendorf) variance for "reduced front yard setback". Similar to these projects, the subject project proposes to reduce front yard setback from 20 feet to 3 feet.
- g) The project planner conducted a site inspection on November 19, 2010 and March 8, 2011 to verify the circumstances related to the property.
- h) 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 PLN100342.

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

- EVIDENCE:**
- a) Section 20.86.030 Monterey County Zoning Ordinance (Board of Supervisors).
  - b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because project involves development that is permitted in the underlying zone as a conditional use and it is located between the sea and the first through public road paralleling the sea, which is Highway 1.

### **DECISION**

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

- A. Adopt Revised Mitigated Negative Declaration;
- B. Approve Combined Development Permit to allow 1) a Coastal Administrative Permit for the demolition of an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construction of a 2,106 square foot two story residence and a 1,159 square foot patio with 108 square foot stairs, approximately 519 cubic yards cut and 102 cubic yards fill (417 cubic yards to be balanced on site); and a retaining wall (8 linear feet), 2) Coastal Development Permit for development within 50 feet of a coastal bluff; 3) Coastal Development Permit for development

within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in the front yard setback to avoid development within the critical viewshed; and 5) Design Approval with colors and materials consisting of redwood siding, dark bronze window frames and hickory mineral composition roofing materials, 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 Mitigation Monitoring and Reporting Plan.

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Jacqueline Onciano, 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 \_\_\_\_\_.

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.

# Monterey County Planning Department

## DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN100342

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p><b>1. PD001 - SPECIFIC USES ONLY</b></p> <p>This permit for a Combined Development Permit to allow 1) a Coastal Administrative Permit for the demolition of an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construction of a 2,106 square foot two story residence and a 1,159 square foot patio with 108 square foot stairs, approximately 519 cubic yards cut and 102 cubic yards fill (417 cubic yards to be balanced on site); and a retaining wall (8 linear feet), 2) Coastal Development Permit for development within 50 feet of a coastal bluff; 3) Coastal Development Permit for development within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in sideyard setback to avoid development within the critical viewshed; and 5) Design Approval with colors and materials consisting of redwood siding, dark bronze window frames and hickory mineral composition roofing materials, was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. 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. 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. 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. (RMA - Planning Depart</p>	Planning	The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.
<p><b>2. PD002 - NOTICE PERMIT APPROVAL</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The applicant shall record a Permit Approval Notice and shall state, "Resolution Number _____ for Assessor's Parcel Number 420-021-039-000, was approved on September 8, 2011 by the Zoning Administrator. The permit was granted subject to 22 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."</p> <p>Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.</p> <p>(RMA - Planning Department)</p>	Planning	<p>Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.</p>
<p><b>3. PD005 - FISH &amp; GAME FEE NEG DEC/EIR</b></p> <p>Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.</p> <p>(RMA - Planning Department)</p>	Planning	<p>Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.</p> <p>If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.</p>
<p><b>4. PD006 - MITIGATION MONITORING</b></p> <p>The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement.</p> <p>(RMA - Planning Department)</p>	Planning	<p>Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:</p> <ol style="list-style-type: none"> <li>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</li> <li>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</li> </ol>
<p><b>5. NON STANDARD - PRECONSTRUCTION MEETING</b></p> <p>Mitigation Measure #1:</p> <p>An on-site pre-construction meeting shall be held between the applicant, the archaeologist, the representative of the Native American Heritage Commission and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations. (RMA - Planning Department)</p>	Planning	<p>Monitoring Action #1:</p> <p>Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA Planning Department. Evidence shall consist of a letter summarizing what was discussed.</p>



Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p><b>6. NON STANDARD - AGREEMENT WITH ARCHAEOLOGIST</b></p> <p>Mitigation Measure #2:</p> <p>An agreement between the applicant, a professional archaeologist and a Native American Monitor shall be signed stating that they shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc. (RMA - Planning Department)</p>	Planning	<p>Monitoring Action #2:</p> <p>A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.</p> <p>Additional on-going monitoring Action:</p> <p>The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>
<p><b>7. NON STANDARD - AUGER BORING TESTS</b></p> <p>Mitigation Measure #3:</p> <p>Because the depth of the cultural deposit in the direct project impact areas could not be determined at the time of the surface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts. A supplemental subsurface reconnaissance is required to include:</p> <p>A series of 4 auger borings should be hand excavated in 10cm increments and the excavated soil should be screened through 1/8 mesh. Materials should be field sorted and the cultural components identified, if the volume of materials allows. If the cultural materials are too numerous for field sorting, they should be bagged and returned to the lab for sorting. Following the augering and sorting, a determination of the potential for significance of the cultural deposit in the project impact area should be completed.</p> <p>If the deposit is determined to have a high potential for significance, a standard Secondary Archaeological Test should be completed prior to project approval, in order to make a determination of the nature, extent and significance of the archaeological resource on the project parcel. (RMA - Planning Department)</p>	Planning	<p>Monitoring Action #3:</p> <p>Prior to any construction, evidence of the supplemental subsurface reconnaissance shall be submitted to the Director of the RMA Planning Department.</p> <p>Additional on-going monitoring Action:</p> <p>The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>
<p><b>8. NON STANDARD (RESOURCES IF FOUND)</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>Mitigation Measure #4:</p> <p>If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>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</p> <p>If the coroner determines the remains to be Native American:</p> <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 local tribe of the Esselen, Salinan, Costanoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.</li> <li>- The most likely descendant 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> </ul> <p>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.</p> <ol style="list-style-type: none"> <li>1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.</li> <li>2. The descendant identified fails to make a recommendation; or</li> <li>3. The landown</li> </ol>	Planning	<p>Monitoring Action #4:</p> <p>Prior to issuance of any grading/building permits, the applicant shall submit the contracts with a Registered Professional Archaeologist, and a representative of the Ohlone Costanoane Esselen Nation to the Director of the RMA Planning Department for review and approval.</p>
9. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)</p>	Planning	<p>Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures.</p> <p>Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.</p> <p>On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.</p>
<p><b>10. NON STANDARD ON SITE GEOLOGIST</b></p> <p>Mitigation Measure #5:</p> <p>An on-site pre-construction meeting shall be held between the applicant, the contractor, the geologist and the geotechnical engineer to discuss the mitigation requirements, scheduling of construction and to assure an understanding of all recommendations in both the Geologic Report and Geotechnical Report. (RMA - Planning Department)</p>	Planning	<p>Monitoring Action #5:</p> <p>Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA Planning Department. Evidence shall consist of a letter summarizing what was discussed.</p> <p>Additional on-going monitoring Action:</p> <p>The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>
<p><b>11. NON STANDARD - FOUNDATION MEASURES</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p><b>Mitigation Measure #6:</b></p> <p>An agreement between the applicant, contractor, geologist, and geotechnical engineer shall be signed stating that they shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc.</p> <p>Specifically, during the replacement of the existing building and foundation the geologist shall confirm that a well-designed, site specific, engineered foundation is installed to reduce the geologic hazards. Such a foundation is also crucial to surviving the strong shaking and associated slope failure that could be generated at the subject property during a large magnitude earthquake.</p> <p>The geologist shall determine that the drainage design incorporate appropriate measures to ensure that drainage moving downslope on the property is properly channeled so that it does not have an adverse impact on the existing or proposed buildings or the slopes below them. All drainage should be routed so that it does not discharge on the earth materials on the property other than bedrock or beach sand.</p> <p>The geotechnical shall observe any site activity, especially grading and foundation excavations. The near surface soils are not suitable for continuous or isolated foundation purposes therefore, the geotechnical engineer shall ensure the structure be supported by a grade beam and caisson foundation with associated ground improvements, patio, etc, placed on soil mat foundation. (RMA - Planning Department)</p>	Planning	<p>Monitoring Action #6</p> <p>A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.</p> <p>Additional on-going monitoring Action:</p> <p>The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>
<p><b>12. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)</b></p> <p>In accordance with Monterey Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:</p> <ol style="list-style-type: none"> <li>1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process;</li> <li>2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building;</li> <li>3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour.</li> </ol> <p>All Air District standards shall be enforced by the Air District. (RMA - Planning Department)</p>	Planning	<p>Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor shall incorporate a "Demolition/Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.</p> <p>During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition activities as required by the Air District.</p>
<p><b>13. WRSPI - DRAINAGE PLAN - COASTAL (NON-STANDARD)</b></p> <p>The applicant shall provide a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Impervious surface stormwater runoff shall be routed to a non-erodible surface at the base of the bluff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	Water	<p>Prior to issuance of any construction permits, the owner/applicant shall submit 3 copies of the drainage plan to the Water Resources Agency for review and approval.</p>

Conditions of Approval and/or Mitigation Monitoring Measures		Responsible Department	Compliance or Monitoring Actions to be Performed
14.	<p><b>FIRE007 - DRIVEWAYS</b></p> <p>Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Cal-Fire Coastal)</p>	Fire	<ol style="list-style-type: none"> <li>1. Prior to issuance of grading and/or building permit, applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to final building inspection, applicant or owner shall schedule fire dept. clearance inspection</li> </ol>
15.	<p><b>FIRE008 -GATES</b></p> <p>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. (Cal-Fire Coastal)</p>	Fire	<ol style="list-style-type: none"> <li>1. Prior to issuance of grading and/or building permit, applicant or owner shall incorporate specification into design enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to final building inspection, applicant or owner shall schedule fire dept. clearance inspection.</li> </ol>
16.	<p><b>FIRE009 - BRIDGES</b></p> <p>All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than 12 feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges. (Cal-Fire Coastal)</p>	Fire	<ol style="list-style-type: none"> <li>1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection.</li> </ol>

#### 17. FIRE011-ADDRESSES FOR BUILDINGS

Conditions of Approval and/or Mitigation Monitoring Measures

All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Cal-Fire Coastal)

1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection

18. FIRE014 - WATER SUPPLY (SINGLE PARCEL)

EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)  
For development of structures totaling less than 3,000 square feet on a single parcel, the minimum fire protection water supply shall be 4,900 gallons. For development of structures totaling 3,000 square feet or more on a single parcel, the minimum fire protection water supply shall be 9,800 gallons. For development of structures totaling more than 10,000 square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available. (Cal-Fire Coastal)

1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection

19. FIRE015 - FIRE HYDRANTS AND FIRE VALVES

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 100 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (Cal-Fire Coastal)</p>	Fire	<ol style="list-style-type: none"> <li>1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection.</li> </ol>
<p><b>20. FIRE020 - DEFENSIBLE SPACE (HAZARDOUS)</b> Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Cal-Fire Coastal)</p>	Fire	<ol style="list-style-type: none"> <li>1. Prior to issuance of grading and/or building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection</li> </ol>
<p><b>21. FIRE027 - ROOF CONSTRUCTION (HAZARDOUS)</b> All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Cal-Fire Coastal)</p>	Fire	<ol style="list-style-type: none"> <li>1. Prior to issuance of building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</li> <li>2. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection.</li> </ol>
<p><b>22. FIRE022 - SPRINKLER SYSTEMS (HAZARDOUS)</b></p>		

Conditions of Approval and/or Mitigation Monitoring Measures

FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)  
 The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Cal-Fire Coastal)

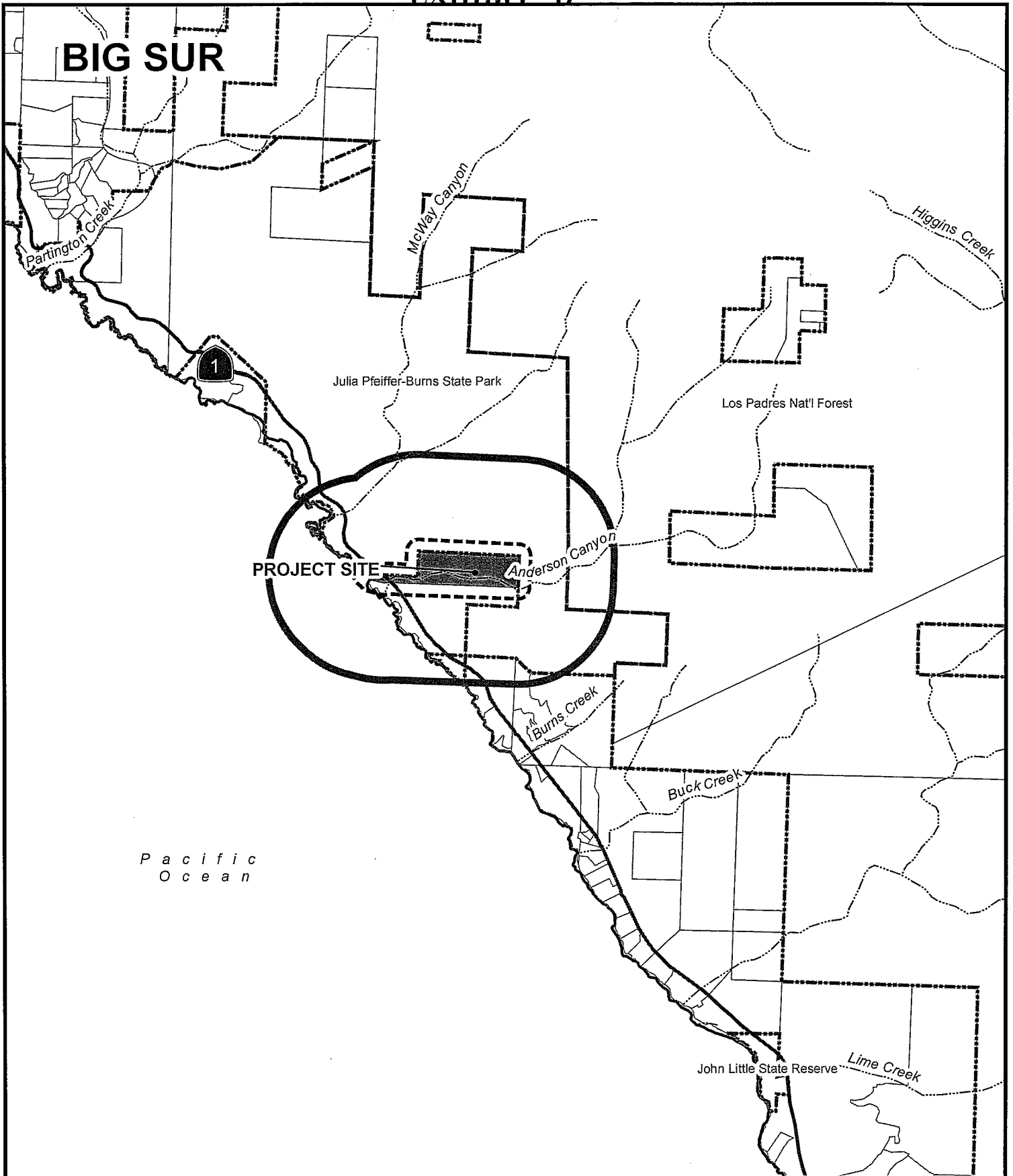
Responsible Department

Compliance or Monitoring Actions to be Performed

- Fire
1. Prior to issuance of building permit the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
  2. Prior to framing inspection the applicant or owner shall schedule fire dept. rough sprinkler inspection.
  3. Prior to final building inspection the applicant or owner shall schedule fire dept. clearance inspection.



# EXHIBIT "D"

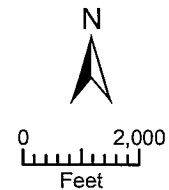


**APPLICANT: BRUBAKER**

**APN: 420-021-039-000**

**FILE # PLN100342**

Water 2500' Limit 300' Limit City Limits



**PLANNER: GONZALES**

**EXHIBIT "E"**

FILE COPY  
PLN100342

**MINUTES**  
**Big Sur Land Use Advisory Committee**  
**Tuesday, March 8, 2011**

1. Meeting called to order by Dan Priano at 10:15 am

2. Roll Call

Members Present: Ned Callihan, Steve Beck, Richard Ravich, Dan Priano

Members Absent: Mary Trotter, Barbara Layne

3. Approval of Minutes:

A. August 24, 2010 minutes

Motion: Steve Beck (LUAC Member's Name)

Second: Richard Ravich (LUAC Member's Name)

Ayes: Steve, Richard, Ned and Dan

Noes: 0

Absent: Barbara Layne, Mary Trotter

Abstain: 0

B. January 25, 2011 minutes

Motion: Steve Beck (LUAC Member's Name)

Second: Richard Ravich (LUAC Member's Name)

Ayes: Richard, Ned, Steve and Dan

Noes: 0

Absent: Barbara Layne, Mary Trotter

Abstain: 0

C. February 8, 2011 minutes

Motion: Steve Beck (LUAC Member's Name)

Second: Richard Ravich (LUAC Member's Name)

Ayes: Ned Callihan, Steve Beck, Richard Ravich and Dan Priano

Noes: 0

Absent: Mary Trotter, Barbara Layne

Abstain: 0

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. **Scheduled Item(s)**

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

7. Meeting Adjourned: 10:54 am

Minutes taken by: Dan Priano

Minutes received via email April 1, 2011

# Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department  
168 W Alisal St 2<sup>nd</sup> Floor  
Salinas CA 93901  
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **March 8, 2011**

**Project Title:** BRUBAKER DAVID F TR

Item continued from 1/25/11 meeting

**File Number:** PLN100342

**File Type:** ZA

**Planner:** GONZALES

**Location:** 53150 HWY 1 BIG SUR

**Project Description:**

Combined Development Permit to allow 1) a Coastal Administrative Permit for the demolition of an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construction of a 1,630 square foot two-story residence with a 52 square foot utility building and a 512 square foot patio, approximately 360 cubic yards of grading (cut/fill balanced on site) and a retaining wall (8 linear feet), 2) a Coastal Development Permit for development within 50 feet of a Coastal Bluff; 3) a Coastal Development Permit for development within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in sideyard setback to avoid critical viewshed; and 5) a Design Approval with colors and materials consisting of redwood siding, dark bronze window frames and hickory mineral composition roofing materials. The property is located at 53150 Highway 1, Big Sur (Assessor's Parcel Number 420-021-039-000), Big Sur Coast Land Use Plan, Coastal zone.

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

Steve Watts, owner's representative  
Allen Robinson, Applicant

**Was a County Staff/Representative present at meeting?** Liz Gonzales (Name)

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

**EXHIBIT "F"**

2011081024

County of Monterey

State of California

**MITIGATED NEGATIVE DECLARATION****FILED****AUG 05 2011**STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	BRUBAKER
<b>File Number:</b>	PLN100342
<b>Owner:</b>	BRUBAKER LIVING TRUST
<b>Project Location:</b>	53154 HIGHWAY 1, BIG SUR COAST LAND USE PLAN, COASTAL ZONE
<b>Primary APN:</b>	420-021-039-000
<b>Project Planner:</b>	ELIZABETH GONZALES
<b>Permit Type:</b>	COMBINED DEVELOPMENT PERMIT
<b>Project Description:</b>	Combined Development Permit to allow 1) a Coastal Administrative Permit for the demolition of an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construction of a 1,399 square foot two story residence and a 1,159 square foot patio with 108 square foot stairs, approximately 519 cubic yards cut and 102 cubic yards fill (417 cubic yards to be balanced on site); and a retaining wall (8 linear feet), 2) Coastal Development Permit for development within 50 feet of a coastal bluff; 3) Coastal Development Permit for development within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in sideyard setback to avoid critical viewshed; and 5) Design Approval with colors and materials consisting of redwood siding, dark bronze window frames and hickory mineral composition roofing materials.

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.

<b>Decision Making Body:</b>	Monterey County Board of Supervisors
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	AUGUST 5, 2011
<b>Review Period Ends:</b>	SEPTEMBER 5, 2011

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2<sup>nd</sup> Floor, Salinas, CA 93901 (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) 757-9516



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

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Brubaker, File Number PLN110342) at 53154 Highway 1, Big Sur Coast Land Use Plan, Coastal Zone (APN 420-021-039-000). (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, and the Salinas Steinbeck Library, Salinas, CA. The Zoning Administrator will consider this proposal at a meeting on September 8, 2011 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 5, 2011 to September 5, 2011. Comments can also be made during the public hearing.

**Project Description: Combined Development Permit to allow 1) a Coastal Administrative Permit for the demolition of an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construction of a 1,399 square foot two story residence and a 1,159 square foot patio with 108 square foot stairs, approximately 519 cubic yards cut and 102 cubic yards fill (417 cubic yards to be balanced on site); and a retaining wall (8 linear feet), 2) Coastal Development Permit for development within 50 feet of a coastal bluff; 3) Coastal Development Permit for development within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in sideyard setback to avoid critical viewshed; and 5) Design Approval with colors and materials consisting of redwood siding, dark bronze window frames and hickory mineral composition roofing materials.**

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](mailto: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.

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

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

Re: Brubaker: File Number PLN100342

From: Agency Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

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

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### DISTRIBUTION

1. State Clearinghouse (15 copies)—include Notice of Completion
2. CalTrans – San Luis Obispo office



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.

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\_\_\_\_ Comments noted below  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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# 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:** BRUBAKER

**File No.:** PLN100342

**Project Location:** 53154 Highway 1, Big Sur

**Name of Property Owner:** Brubaker Living Trust

**Name of Applicant:** Allen Robinson, AIA, c/o The Sienna Company

**Assessor's Parcel Number(s):** 420-021-039-000

**Acreage of Property:** 70 acres

**General Plan Designation:** Residential

**Zoning District:** "WSC/40-D (CZ)" Watershed and Scenic Conservation, 40 acre minimum, Design Control District in the Coastal Zone

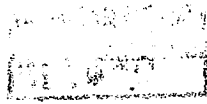
**Lead Agency:** Monterey County RMA Planning Department

**Prepared By:** Elizabeth Gonzales, Associate Planner

**Date Prepared:** July 20, 2011

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

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



3. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: galacatos@usace.army.mil; Paula Gill: paula.c.gill@@usace.army.mil; or Bryan Matsumoto: bryan.t.matsumoto@usace.army.mil)
4. California Coastal Commission
5. County Clerk's Office
6. Association of Monterey Bay Area Governments
7. Pacific Gas & Electric
8. Pacific Bell
9. Monterey Bay Unified Air Pollution Control District
10. CDF Coastal Fire Protection District
11. Monterey County Water Resources Agency
12. Monterey County Public Works Department
13. Monterey County Parks Department
14. Monterey County Division of Environmental Health
15. Libraries (Salinas Steinbeck Library)
16. Brubaker Living Trust, Owner
17. Allen Robinson, Agent; Aengus Jeffers, Agent;
18. Property Owners within 300 feet (Notice of Intent only)

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

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

Applicants propose to demolish an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construct a ~~1,399~~ 2,106 square foot two story residence and a 1,159 square foot patio with 108 square feet of stairs, approximately 500 cubic yards cut and 100 cubic yards fill (to be balanced on site); and a retaining wall (8 linear feet).

The property is zoned "WSC/40-D (CZ)" Watershed and Scenic Conservation, 40 acre minimum, Design Control in the Coastal Zone. The 70 acre parcel, Assessor's Parcel Number 420-021-039-000, is located at 53154 Highway 1, on the west side of Highway in Big Sur, Ca.

The parcel is surrounded by Julia Pfeiffer State Park and pursuant to Policy 3.2.2.1 of the Big Sur Land Use Plan, the parcel is considered to be within the Critical viewshed. However, because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure. During staff's review, it was determined that the original house was located on the state park property. The project has been re-designed and re-sited to be located outside of the park; however, will require a variance request of the land use plan policies. Details about the proposed project has addressed in Section 10. Land Use of this Initial Study.

The subject property is located within 750 of a known archaeological resource. Pursuant to 20.145.120, all development proposed on parcels with known archaeological resources, as identified through the survey report, or as shown on current County resource maps shall be subject to environmental review of the Monterey County CEQA Guidelines. The archaeological report prepared by Archaeological Consulting, concluded that there is surface evidence of potentially significant archaeological resources in the current project area. The deposit on the project parcel appears to be peripheral to a known archaeological resource on a contiguous parcel. Therefore, the archaeological report recommends that a supplemental subsurface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts. Mitigation measures are recommended in Section 5, Cultural Resources of this Initial Study.

Pursuant to Section 20.145.080.A.1.b.2, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater. The parcel is located between Highway 1 and the ocean. The proposed structure will be located in the same general area as the existing structure and at the farthest end away from the ocean. The geologic report prepared by CAPROCK Engineering concludes that replacement of the existing building and foundation with a well designed, site specific, engineered foundation would reduce any geologic hazard at the site. The geotechnical report prepared by Grice Engineering has recommendations for such a foundation. Since the project is approximately 40 feet from the top of the cliff, staff has included mitigation measures to ensure safety measures from any geologic hazards (See Section 6, Geology and Soils of this Initial Study).

The primary CEQA issues involve aesthetics, cultural resources, and geology/soils. These resources will be affected by the proposed project. However, evidence supports the conclusion that impacts will be less than significant for aesthetics and less-than-significant with mitigation incorporated for cultural resources and geology/soils. Detailed analysis for each issue can be found in Section VI. – Environmental Checklist.

Since this is a request to demolish one single family dwelling and construct a new residence, air quality and construction issues were addressed. Less than significant impacts have been identified for Air Quality and Greenhouse Gas Emissions (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.

### **Other Project Impacts**

The subject property is not located within Prime or Unique Farmlands, forest land, an area that contains environmentally sensitive habitat, nor poses a threat caused 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, Biological Resources, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation or Utilities/Service Systems.

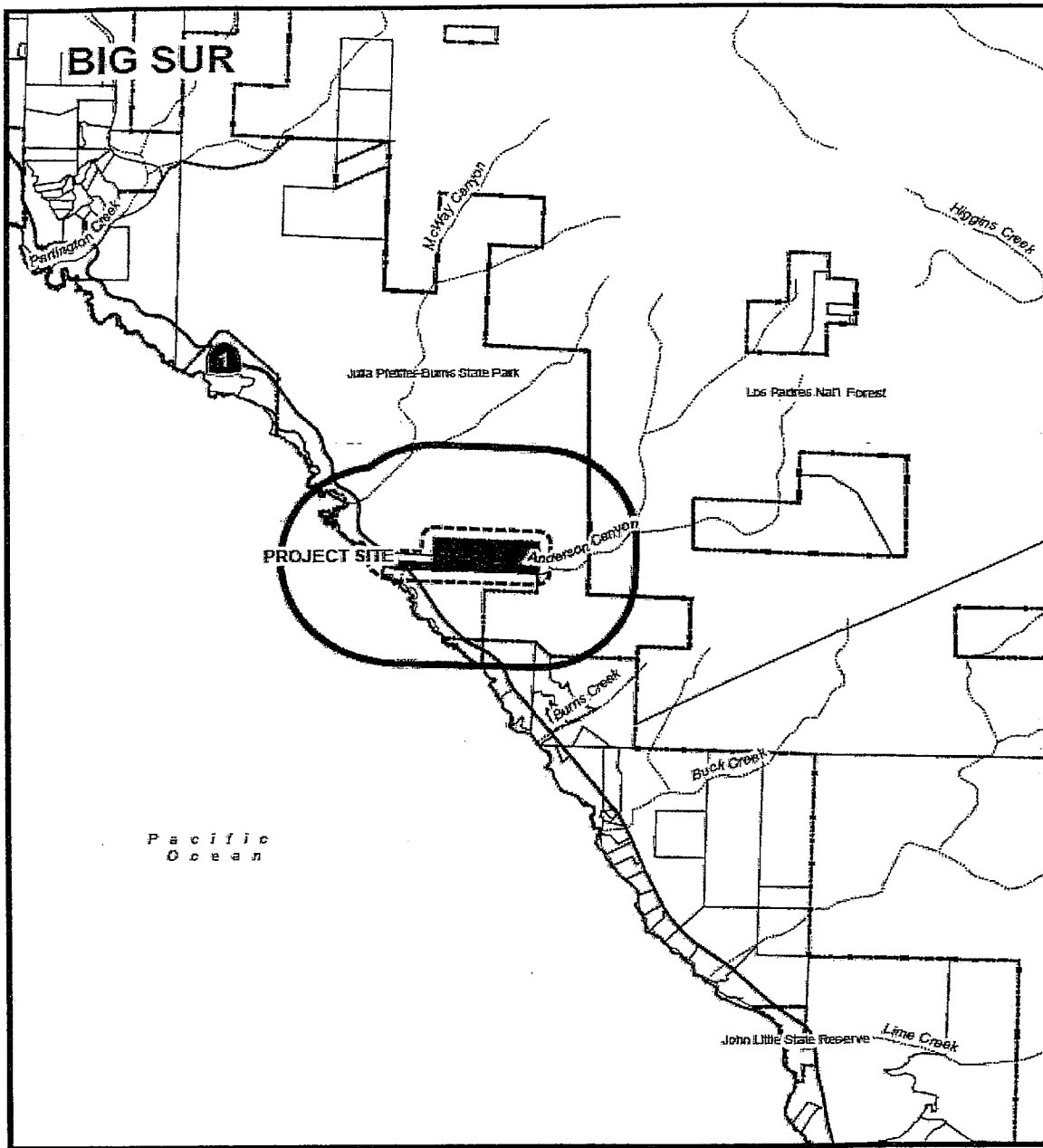
### **B. Environmental Setting and Surrounding Land Uses:**

The subject property is located in the Big Sur region of Monterey County, California, approximately seventeen miles south of Point Sur in the Santa Lucia mountains. The property extends from the Pacific Ocean on the west to California Highway 1 on the east. On the south, the property is bounded by Anderson Canyon.

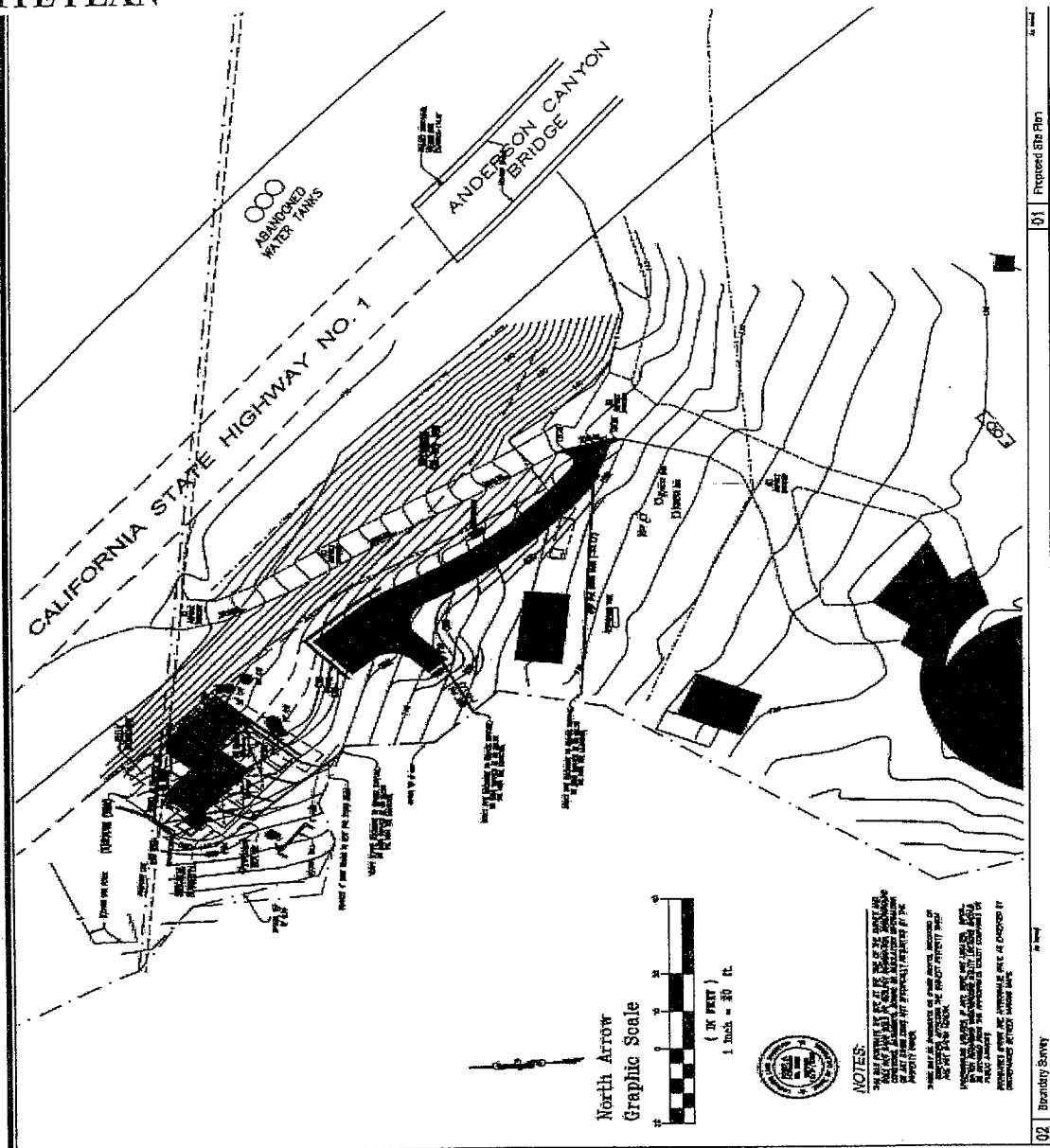
Topographically, the subject property is situated on a relatively flat older marine terrace about 150 feet above sea level. The site is generally an area of gentle plane adjacent to the slope to the entrance drive from State Highway 1. The topography of the site encompasses the more level plane of the terrace away from the oceanic bluff and adjacent to the slopes developed when creating access to the site. Ground cover consists of grasses with large pine and some mature oaks. The bluff front contains brush native to the area. The Julia Pfeiffer Burns State Park encompasses the Brubaker property on the north and south while the property entrance is from Highway 1 from the west and faces the Pacific Ocean to the east.

**C. Other public agencies whose approval is required:** (e.g. permits, financing approval, or participation agreement). No other public agency permits would be required under this request.

VICINITY  
MAP



# SITE PLAN



### **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 Big Sur Coast Land Use Plan (CLUP). Policy 5.3.1.3 of the BSLUP categorizes Watershed and Scenic Conservation as the primary use of this category. Rural Residential and employee housing are secondary, conditional uses that will be considered on their individual merits. The proposed project meets this category as there is an existing single family house and a caretaker unit on the property for the purpose of maintaining the property. 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)

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the Big Sur Coast Land Use Plan (BSLUP). 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 Big Sur Coast LUP. **CONSISTENT** (References IX 1, 3, 4, 6)

#### 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)

#### ***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 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 type="checkbox"/> Hydrology/Water Quality                       |
| <input checked="" type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                | <input checked="" type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                                    |
| <input type="checkbox"/> Transportation/Traffic              | <input type="checkbox"/> Utilities/Service Systems        | <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, cultural resources, geology/soils, and greenhouse gas emissions**. The project will have no 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 will have no impacts to agricultural and forest resources. (References IX 1, 2, 3, 6, 7)

The Big Sur Coast Land Use Plan states that in locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership. **(Policy 3.6.1 BSLUP)** The project parcel is not located near any grazing or farmland and therefore, there is no impact to agricultural and Forest resources.

- 3) Air Quality. See Section VI. for detailed analysis.
- 4) Biological Resources. The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as sensitive, or special status species, or effect on any riparian habitat or other sensitive natural community protected by local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services. The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act or conflict with any local policies or ordinances protecting biological resources. (References IX 1, 3, 6, 7)

**Policy 3.3.2** of the Big Sur Coastal Land Use Plan states that development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. Based on staff's site visits, the project site has been substantially disturbed, is not located near any environmentally sensitive habitat areas. Therefore, there is no impact to biological resources.

- 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, 3, 5, 6, 7, 8, 9)

The Big Sur Land Use Plan's key policy (**Policy 3.7.1 BSLUP**) states land use and development shall be carefully regulated through the best available planning practices in order to minimize risk to life and property and damage the natural environment. There is no evidence of such hazard with the proposed project. Therefore, there is no impact to hazards.

- 9) Hydrology/Water Quality. The proposed project will not violate any water quality standards or waste discharge requirements nor substantially alter the existing drainage pattern of the site or area. The proposed project is not located within a 100 year floodplain and would not impede or redirect flood flows. References IX 1, 3, 6, 7, 11)

The protection and maintenance of Big Sur's water resources is a basic prerequisite to the protection of all other natural systems. Therefore, water resources will be considered carefully in all planning decision and approvals. (**Policy 3.4.1 BSLUP**) There is an existing well located on the property. Drainage on the property consists of surface runoff and subsurface flow and is controlled by topography and earth materials. Drainage on most of the subject property and the surrounding area in general is to the west, directly into the Pacific Ocean. A drainage plan will be required as a condition of approval from the Water Resources Agency.

- 10) Land Use/Planning. See Section VI. for detailed analysis.
- 11) Mineral Resources. No mineral resources have been identified or would be affected by the project. (References IX 1, 2, 6, 7, 8, 9) Therefore, the proposed project would have no impacts on minimal resources.
- 12) Noise. See Section VI. for detailed analysis.
- 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 replaces an existing single family dwelling, the housing element had already been considered within the Big Sur Coast 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, 3, 6, 7, 11)

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. Fire Department and Environmental Health Bureau site visits determined that access and private utilities (septic system and well) are sufficient and have recommended Conditions of Approval for the project. Therefore, the proposed project will not have a significant impact on 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 2 (Shoreline Access Plan) of the Big Sur LUP and staff site visits. The project would not create significant recreational demands.

The Big Sur Land Use Plan requires that the public's right to shoreline access is ensured by the State Constitution and provisions of the California Coastal Act. **(Policy 6.1.1 BSLUP)** The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformance with the public access policies of Chapter 6 of the Big Sur Coast Land Use Plan, and Section 20.145.150 of the Monterey County Coastal Implementation Plan for Carmel (Part 3). Figure 2 does not identify the parcel as an area requiring existing or proposed public access. No public access points or trails are located on the parcel. The proposed project would have no impacts related to Recreation.

- 16) Transportation/Traffic. The project would not generate additional traffic since there is an existing house on the property. 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, 11)

The proposed project consists of the replacement of an existing structure. Construction activities will on-site and will not affect Highway 1 traffic. Therefore, proposed project would have no significant impact to Transportation or Traffic.

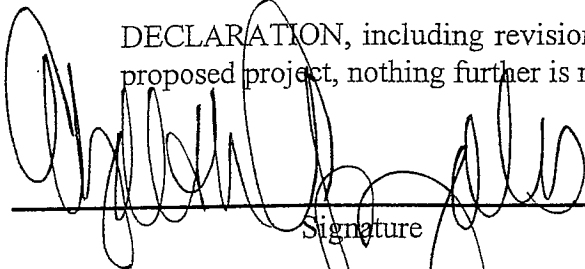
- 17) Utilities. The proposed project currently has sufficient water supplies and an existing septic system is available to service the replacement of an existing single family dwelling. Therefore, existing public utilities public utilities will not be affected. (Source IX. 1, 3, 6, 7, 11). Therefore, the proposed project would have no significant impacts related to Utilities and Service Systems.

## **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		Less Than Significant			
Would the project:		Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 6, 7)	<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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

The parcel is considered to be within the Critical Viewshed. The Critical Viewshed is everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and specific locations. "Development proposals shall be modified for design, height, and/or bulk, or shall be re-sited, where such modifications will result in a project which does not intrude on the Critical Viewshed. Because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure.

**1 (a), (c), (d): Less than Significant Impact.** The parcel is surrounded by Julia Pfeiffer State Park. However the structure cannot be seen by the public from the park. The parcel is located on Highway 1 between the road and the ocean. Highway 1 is considered a State scenic Highway. The existing structure can barely be seen from Highway 1 unless one is standing in front of it. There are trees located between the Highway and the existing structure. A condition of approval will be required to submit a lighting plan showing only soft, low wattage and downlit lighting.

### **1 (b): No Impact.**

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.



## 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)	<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)	<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)	<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)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See Section IV.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 3, 5, 7, 8)	<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, 7,8)	<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, 7,8)	<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, 7,8)	<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, 7,8)	<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, 7,8)	<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 replacement of an existing single family dwelling located generally in the same area. Construction impacts would be temporary and 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. 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. Once construction is

completed the disturbed areas will be fully restored to their pre-development state. Therefore, there are no impacts to Air Quality.

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

There is minimal grading proposed and there will be very minor increase in emissions from construction vehicles and dust generation; therefore, the project would result in construction-related air quality impacts that are less than significant. 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, 8)

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 6, 7, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 7)	<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, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion/Conclusion/Mitigation:

See Section IV.

5. CULTURAL RESOURCES	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 6, 7, 10)	<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, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion:

According to the Monterey County Geographic Information System, the project site is identified as an area of high archaeological sensitivity. The parcel is also located within 750 feet of a known archaeological resource. Pursuant to Section 20.145.120, Coastal Implementation Plan, Part 3, County staff requested that an archaeological report be prepared for the project to evaluate the impacts to potential for significant archaeological resources located on-site and the potential for impacts to these resources as a result of the project. Overall, surface visibility in and around the project area was considered marginally adequate for purposes of the reconnaissance. The survey consisted of a general surface reconnaissance of all project impact areas which could reasonably be expected to contain visible cultural resources, and which could be viewed without major vegetation removal or excavation. All exposed surface areas and open trenches west of the highway were examined. The report concluded that there is surface evidence of potentially significant archaeological resources in the current project area. The deposit on the project parcel appears to be peripheral to a known archaeological resource, (CA-MNT-224) which is located on the parcel to the south. Therefore, the archaeological report recommends that a supplemental subsurface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts.

## Conclusion:

**5 (a), (b), (d): No Impact.** Analysis was conducted to determine whether the proposed project has the potential to cause a substantial adverse change to an historic resource or an

archaeological resource pursuant to CEQA Section 15064.5 and/or the potential to disturb any human remains. The analysis concluded that although the structure is over 50 years of age, there will no evidence found that would determine the structure is historic.

**5 (c): Less than Significant Impact with Mitigation:** Areas of midden associated with CAMNT-224 were noted in exposed soil on the project parcel. A shallow midden deposit was also noted near the open utility trench near the proposed parking pad. Cultural materials seen on the parcel included dark midden soil, fragments of weathered marine shell, battered and ground stone, and fire-affected rock. Therefore, the following mitigations measures shall be implemented to ensure appropriate levels of protection of archaeological resources:

**Mitigation Measure #1:**

An on-site pre-construction meeting shall be held between the applicant, the archaeologist, the representative of the Native American Heritage Commission and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations.

**Monitoring Action #1:**

Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA – Planning Department. Evidence shall consist of a letter summarizing what was discussed.

**Mitigation Measure #2:**

An agreement between the applicant, a professional archaeologist and a Native American Monitor shall be signed stating that they shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc.

**Monitoring Action #2:**

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

Additional on-going monitoring Action:

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

**Mitigation Measure #3:**

Because the depth of the cultural deposit in the direct project impact areas could not be determined at the time of the surface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts. A supplemental subsurface reconnaissance is required to include:

- A series of 4" auger borings should be hand excavated in 10cm increments and the excavated soil should be screened through 1/8" mesh. Materials should be field sorted and the cultural components identified, if the volume of materials allows. If the cultural materials are too numerous for field sorting, they should be bagged and returned to the lab

for sorting. Following the augering and sorting, a determination of the potential for significance of the cultural deposit in the project impact area should be completed.

- If the deposit is determined to have a high potential for significance, a standard Secondary Archaeological Test should be completed prior to project approval, in order to make a determination of the nature, extent and significance of the archaeological resource on the project parcel.

### **Monitoring Action #3:**

Prior to any construction, evidence of the supplemental subsurface reconnaissance shall be submitted to the Director of the RMA – Planning Department.

Additional on-going monitoring Action:

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

### **Mitigation Measure #4:**

If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If 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.

1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendent identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

**Monitoring Action #4:**

Prior to issuance of any grading/building permits, the applicant shall submit the contracts with a Registered Professional Archaeologist, and a representative of the Ohlone Costanoane Esselen Nation to the Director of the RMA – Planning Department for review and approval.

6.	GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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, 7, 8, 9) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Strong seismic ground shaking? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv)	Landslides? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

Pursuant to Section 20.145.080.A.1.b.2, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater. The parcel is located between Highway 1 and the ocean. The proposed structure will be located in the same general area as the existing structure and at the farthest end away from the ocean. The geologic report prepared by CAPROCK Engineering concludes that replacement of the existing building and foundation with a well-designed, site specific, engineered foundation would reduce any geologic hazard at the site. The geotechnical report prepared by Grice Engineering has recommendations for such a foundation.

**6 a (ii), (iii), (iv) (b) & (c): Less Than Significant with Mitigation:**

The geologic material underlying the subject property has a significant potential for slope failure. Slope failures have been mapped within relatively unconsolidated sediments in the greater Big Sur region both north and south of the subject property. The surficial relatively unconsolidated marine terrace and colluvial sediment at the site is about 20-30 feet thick and overlies more resistant Cretaceous age shale, sandstone, and conglomerate bedrock. The bedrock is exposed along the vertical ocean-front cliff face.

Several large, dormant young, shallow debris slides have been mapped above the property on the eastern side of Highway 1. The topographic setting of the project site is such that there is a moderate risk of the building being struck by a debris slide. If a large debris slide should occur at a higher elevation on the ridge, upslope from the project site, the slide would most likely move immediately down the side slopes of the ridge, toward Anderson Creek and would be unlikely to have any impact on the building. Smaller debris slides are present above Highway 1 that could potentially cascade across Highway 1 and onto the subject property. Highway 1 serves as a partial buffer between these potential debris slides and the building site.

There are significant hazards associated with any construction projects on the subject property. Seismic shaking and slope instability are the most serious hazards, and it is crucial that the recommendations of the geotechnical engineer be rigorously adhered to.

In general, the undisturbed, *in-situ*, native soils and acceptable engineered fill are suitable for the purpose recommended and display engineering properties providing the following mitigation measures are followed:

**Mitigation Measure #5:**

An on-site pre-construction meeting shall be held between the applicant, the contractor, the geologist and the geotechnical engineer to discuss the mitigation requirements, scheduling of construction and to assure an understanding of all recommendations in both the Geologic Report and Geotechnical Report.

**Monitoring Action #5:**



Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA – Planning Department. Evidence shall consist of a letter summarizing what was discussed.

Additional on-going monitoring Action:

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

**Mitigation Measure #6:**

An agreement between the applicant, contractor, geologist, and geotechnical engineer shall be signed stating that they shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc.

- Specifically, during the replacement of the existing building and foundation the geologist shall confirm that a well-designed, site specific, engineered foundation is installed to reduce the geologic hazards. Such a foundation is also crucial to surviving the strong shaking and associated slope failure that could be generated at the subject property during a large magnitude earthquake.
- The geologist shall determine that the drainage design incorporate appropriate measures to ensure that drainage moving downslope on the property is properly channeled so that it does not have an adverse impact on the existing or proposed buildings or the slopes below them. All drainage should be routed so that it does not discharge on the earth materials on the property other than bedrock or beach sand.
- The geotechnical shall observe any site activity, especially grading and foundation excavations. The near surface soils are not suitable for continuous or isolated foundation purposes therefore, the geotechnical engineer shall ensure the structure be supported by a grade beam and caisson foundation with associated ground improvements, patio, etc, placed on soil mat foundation.

**Monitoring Action #6**

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

Additional on-going monitoring Action:

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

**6 a (i), (d) & (e): Less Than Significant Impact.**

The subject property lies in a highly seismically active region. The inactive Sur thrust fault is mapped on the subject property between the Cretaceous age sandstone and shale bedrock units along the coastal cliff face over fifty feet from the building site. No active faults are known to cross the project site, there is a low probability of fault related surface ground rupture at the proposed site during the next fifty years.

The site soils are not of a nature to lose strength during seismic activity as it is not affected with pore pressure increase. The site soils are considered resistant to dilatency and the resulting momentary liquefaction as they are dense sands and contain a significant cohesive clay-silt fraction. The relatively short duration of earthquake loading will not provide a significant number of high amplitude stress cycles to alter the strain characteristics. Additionally, the clay-silt fraction is not considered quick nor sensitive, as such it will not have the associated loss of strength.

The project includes an existing 1,500 gallon septic system that has been deemed adequate by the Environmental Health Bureau. Therefore, the soils are capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

7. GREENHOUSE GAS EMISSIONS	Less Than Significant			
	Potentially Significant Impact	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, 5, 6, 7)	<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, 5, 6, 7)	<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 an 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 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 of the replacement of an existing single family dwelling with a new single family dwelling 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.

8. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 6, 7)	<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, 6, 7)	<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, 6, 7)	<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, 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 result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 3, 6, 7)	<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, 6, 7)	<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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 2, 3, 6, 7)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See Section IV.

9. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3, 7, 12, 14)		<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, 7, 12, 14)		<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, 7, 12, 14)		<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, 7, 12, 14)		<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, 7, 12, 14)		<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
f) Otherwise substantially degrade water quality? (Source: 1, 3, 7, 12)	<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, 7, 12)	<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, 7, 12)	<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, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 3, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See Section 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, 12, 13)	<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, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 5, 6, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The parcel is surrounded by Julia Pfeiffer State Park and pursuant to Policy 3.2.2.1 of the Big Sur Land Use Plan, the parcel is considered to be within the Critical viewshed. The Critical viewshed is everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and specific locations. Development proposals shall be modified for design, height, and/or bulk, or shall be re-sited, where such modifications will result in a project which does not intrude on the critical viewshed. Because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure.

**Land Use 10 (b): Less than Significant:**

During staff's review, it was determined that the original house was located on the state park property. The project has been re-designed and re-sited to be located outside of the park. However, the applicant currently proposes a three foot front yard setback. The required front setback for WSC zoning is 30 feet. A Variance is requested to encroach into the front setback. Policy 3.2.2.1 states, "Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly." The Big Sur Coast Land Use Plan encourages changes design, height, or bulk of proposed structures where this will result in an approvable project.

**Land Use 10 (a), (c): No Impact:**

The proposed project does not physically divide an established community nor does it conflict with any applicable habitat conservation plan or natural community conservation plan.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (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 Section IV.

12. NOISE					
		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 6, 8, 9)	<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, 8, 9)	<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, 8, 9)	<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, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- 12) 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 single family dwelling, but those would cease once the project was completed. The subject parcel is surrounded by Julia Pfeiffer Burns State Park and there are no neighboring residences. Therefore, there are no significant impacts to noise. 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 Section IV.

**14. PUBLIC SERVICES**

14. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Police protection? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Schools? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Parks? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.



15. RECREATION		Less Than Significant With Mitigation Incorporated			Less Than Significant Impact		No Impact	
Would the project:		Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

See Section IV.

16. TRANSPORTATION/TRAFFIC		Less Than Significant With Mitigation Incorporated			Less Than Significant Impact		No Impact	
Would the project:		Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant Impact	Potentially Significant 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, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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, 12)	<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, 12)	<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, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

See Section IV.

17. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 3, 6, 7, 12)	<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, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 7, 12)	<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, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17. UTILITIES AND SERVICE SYSTEMS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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, 7, 12)	<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, 7, 12)	<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, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.

## 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, 6, 7, 11)	<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, 6, 7, 11) ("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, 6, 7, 11)	<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, 6, 7, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

**(a) Less Than Significant with Mitigation Incorporated:** Based upon the analysis throughout this Initial Study, because the project is located within 40 feet of a coastal bluff, 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. However, geologic and geotechnical analysis above indicates that replacement of the existing building and foundation with a well designed, site specific, engineering foundation would reduce any geologic hazards at the site. The applicant will be required to adhere to mitigations as required in the geology/soils section of this Initial Study.

Impacts relating to agriculture and forest resources, biological 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 Big

Sur 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.

**(b) 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. Because the project is not a construction project that will take many months to complete, there will be no cumulative effects from this project or any projects currently in the area.

**(c) Less than Significant Impact.** The subject property is located within 750 feet of a known resource. The archaeological report recommends that a supplemental subsurface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts. ~~Other mitigation measures will ensure that the impacts the archaeological resources are less than significant.~~

## ***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 PLN100342 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, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13).

## ***IX. REFERENCES***

1. Project Application, Plans and Materials in File No. PLN100342
2. Monterey County General Plan (1982) (Coastal projects );
3. Big Sur Coast Land Use Plan and Coastal Implementation Plan, Part 3;
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 – 420-021-039-000;
7. Site Visits Conducted by RMA Planning Department on November 19, 2010 and March 25, 2011;
8. Geotechnical Report for the Brubaker Residence at 53154 State Route 1, Big Sur CA, Assessor's Parcel Number 420-021-039-000 (LIB110271), prepared by Grice Engineering and Geology, Inc., dated December 2010.
9. Geologic Report for Brubaker Residence at 53154 Highway 1, Big Sur CA, Assessor's Parcel Number 420-021-039-000 (LIB110272), prepared by CapRock Environmental Engineering and Marine Geology, dated November 15, 2010;
10. Preliminary Archaeological Reconnaissance for a portion of Assessor's Parcel Number 420-021-039-000 in Big Sur, CA (LIB110270), prepared by Archaeological Consulting, Salinas CA prepared by Haro, Kasunich and Associates, Inc., dated August 12, 2010;
11. Interdepartmental Review Comments located in Project File PLN100342;
12. California Coastal Act of 1976;
13. Erosion Control Ordinance, Chapter 16.12;

### Attachments:

Plans

# EXHIBIT "G"

December 29, 2010

Allen Robinson – Applicant  
THE SIENNA COMPANY  
321 Alvarado Street, Suite H  
Monterey, CA 93940

Director of Planning and Building Inspection  
County of Monterey  
Resource Management Agency  
Planning Department  
168 West Alisal St., 2nd Floor  
Salinas, CA 93901

RE: Variance Justification letter  
per Monterey County Zoning Coastal Implementation Plan – Title 20  
(sec. 20.78.040 Application)

PROJECT: BRUBAKER RESIDENCE  
53150 Highway 1  
Big Sur, CA 93920  
APN: 420-021-039-000

Director,

The Project is seeking a variance for a side setback reduction. The required setback is 20 feet. The Project proposes a setback of 3 feet. The reason we are seeking a variance are as follows:

A. Because of special circumstances, the most reasonable and least environmental and view impact from Highway 1 to the Ocean is to rebuild on the existing site. . The Project proposes to replace an existing residence which presently encroaches over the side property line by as much as 12 feet. The proposed project will be built in a similar size and scale to the existing. To relieve the encroachment will further reduce the building area available. Several very large Cypress trees, the bluff and the steep hillside behind the existing structure, contribute to the reduced buildable area. The Julia Pieffer Burns State Park completely surrounds the Project site. There have been no objections regarding the encroachment. A strict application of Title 20, would deprive the subject property of privileges it now holds.

B. A variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated by virtue of the fact that the existing residence is there.

C. The proposed Project is an authorized use within the current zoning designation. The Project does not propose a use or activity which is not otherwise expressly authorized by zoning regulation governing the parcel of property.

Based on the evidence of the physical constraints of the natural site and the discussion set forth above, we respectfully ask that you permit our request for a side yard setback variance.

Sincerely,



Allen Robinson, Applicant