

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> December 8, 2011	<b>Time:</b> 1:35 p.m.	<b>Agenda Item No.:</b> 2
<b>Project Description:</b> Combined Development Permit consisting of: 1) A Coastal Administrative Permit to allow the construction of a 6,058 square foot single family dwelling with attached 1,167 square foot garage; 2) A Coastal Development Permit to allow a new 850 square foot Caretaker's Unit with 675 square foot garage; 3) A Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; 4) An Amendment to the Conservation and Scenic Easement to change the location of the existing building envelope; and 5) Design Approval.		
<b>Project Location:</b> 164 Corona Road		<b>APN:</b> 241-221-011-000
<b>Planning File Number:</b> PLN080046		<b>Owner:</b> Stephen P. Hartnett <b>Agent:</b>
<b>Planning Area:</b> Carmel Area Land Use Plan		<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "WSC"/40 (CZ) and WSC/80 (CZ)" [Watershed and Scenic Conservation/ 40 acres per unit and Scenic Conservation/ 80 acres per unit (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 the Mitigated Negative Declaration;
- 2) Adopt a Resolution of Intent to Approve PLN080046, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt a Mitigation Monitoring and Reporting Plan.

### PROJECT OVERVIEW:

The applicant proposes to construct a 6,058 square foot, two-story single family dwelling with a 1,167 square foot attached garage and a 449 square foot carport in front of the garage, an 850 square foot Caretaker's Unit with 676 square foot garage, 4,837 square feet of impervious area for a driveway, patio, and walkways, installation of two 5,000 gallon water tanks, installation of a new septic tank and leach fields, and approximately 2,800 cubic yards of grading (2,700 cut/100 fill). The excess fill material will be exported to a location permitted to receive soil materials. Twenty (20) Monterey Pine trees ranging in size from 4 to 6 inches in diameter will be removed for the proposed development and approximately 12,000 square feet of Coastal Scrub habitat including Hooker's Manzanita will be affected. Hooker's Manzanita is 1B.2 species of concern for the Department of Fish & Game.

The project involves the relocation of an approved building envelope on the site from its existing location that was approved as part of a lot line adjustment. The proposed building envelope is located to the north of the approved envelope, farther away from Corona Road. There is an existing conservation easement on those portions of the site outside of the approved building envelope. In order for the Board of Supervisors to approve an Amended Conservation and Scenic Easement with a proposed new building envelope, the Board must review an adopted Mitigated Negative Declaration analyzing the new building envelope as a better location for proposed development. Therefore, staff is recommending that the Zoning Administrator adopt the Mitigated Negative Declaration and adopt a Resolution of Intent to approve the project. Once the Amended Conservation and Scenic Easement has been approved and recorded, staff will then return the project to the Zoning Administrator for final action.

An Initial Study was prepared and circulated from July 8, 2011 to August 8, 2011. Issues addressed in the Initial Study include aesthetics, biological resources, greenhouse gas emissions, land use/planning, hazards/hazardous materials and geology/soils. No comments were received regarding the Initial Study. See **Exhibit B** for further discussion.

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

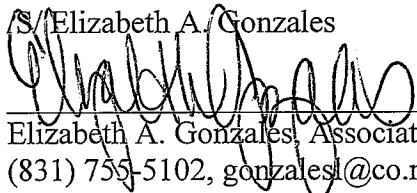
- ✓ RMA - Public Works Department
- ✓ Environmental Health Bureau
- ✓ Water Resources Agency
- ✓ Carmel Highlands Fire Protection District
- ✓ California Coastal Commission

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

The project was reviewed at the Carmel Land Use Advisory Committee (LUAC) on October 10, 2011. The LUAC recommended (5-0) vote to approve the project with no comments.

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

/s/ Elizabeth A. Gonzales

  
Elizabeth A. Gonzales, Associate Planner  
(831) 755-5102, gonzalesl@co.monterey.ca.us  
October 7, 2011

cc: Front Counter Copy; Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Bob Schubert, Senior Planner; Laura Laurence, Planning Services Manager; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary; Stephen Hartnett, Owner; Myron Etienne, Agent; The Open Monterey Project; LandWatch; Planning File PLN080046

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including:
		1. Conditions of Approval and Mitigation Monitoring and Reporting Program
		2. Site Plan, Floor Plan and Elevations
	Exhibit D	Vicinity Map
	Exhibit E	Mitigated Negative Declaration
	Exhibit F	Carmel Highlands/Unincorporated LUAC minutes

## EXHIBIT A

### Project Information for PLN080046

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#### Project Information:

<b>Project Name:</b>	HARTNETT STEPHEN P	
<b>Location:</b>	164 CORONA RD CARMEL	
<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>	0	<b>Coverage Allowed:</b> 10%
<b>Proposed Structures (sf):</b>	8664	<b>Coverage Proposed:</b> .001%
<b>Total Sq. Ft.:</b>	8664	<b>Height Allowed:</b> 24 feet
<b>Tree Removal:</b>	20 MONTEREY PINE	<b>Height Proposed:</b> 23 feet
<b>Water Source:</b>	PRIVATE WELL	<b>FAR Allowed:</b> n/a
<b>Water Purveyor:</b>	n/a	<b>FAR Proposed:</b> n/a
<b>Sewage Disposal (method):</b>	SEPTIC SYSTEM	<b>Lot Size:</b> 3615480
<b>Sewer District:</b>	n/a	<b>Grading (cubic yds.):</b> 2800

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#### Parcel Information:

<b>Primary APN:</b>	241-221-011-000	<b>Seismic Hazard Zone:</b>	III
<b>Applicable Plan:</b>	Carmel LUP	<b>Erosion Hazard Zone:</b>	High
<b>Advisory Committee:</b>	Carmel/Carmel Highlands Advisory Committee	<b>Fire Hazard Zone:</b>	Very High
<b>Zoning:</b>	WSC/80 (CZ)	<b>Flood Hazard Zone:</b>	n/a
<b>Land Use Designation:</b>	Carmel LUP	<b>Archaeological Sensitivity:</b>	moderate
<b>Coastal Zone:</b>	Carmel LCP	<b>Viewshed:</b>	N
<b>Fire District:</b>	Carmel Highlands	<b>Special Setbacks on Parcel:</b>	N

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#### Reports on Project Parcel:

<b>Soils Report #:</b>	LIB110129
<b>Biological Report #:</b>	LIB070305
<b>Geologic Report #:</b>	LIB110130
<b>Forest Management Rpt. #:</b>	n/a
<b>Archaeological Report #:</b>	n/a
<b>Traffic Report #:</b>	n/a

## **EXHIBIT B**

### **DISCUSSION**

#### **Project Description**

The proposed project consists of the construction of a 6,058 square foot, two-story single family dwelling with a 1,167 square foot attached garage and a 449 square foot carport in front of the garage, an 850 square foot Caretaker's Unit with 676 square foot garage, 4,837 square feet of impervious area for a driveway, patio, and walkways, installation of two 5,000 gallon water tanks, installation of a new septic tank and leach fields, and approximately 2,800 cubic yards of grading (2,700 cut/100 fill). Entitlements include:

- Coastal Administrative Permit to allow the construction of the single family dwelling with an garage;
- Coastal Development Permit to allow a caretaker's unit with a garage;
- Coastal Development Permit to allow development within 100 feet of ESHA; and
- Design Approval.

Water will be provided from a test well installed and inspected under a previous permit (PLN070033) that will be converted to a permanent well as part of the proposed project. Sewage disposal will be provided by a new septic system. The project will be served by electric power from an existing underground PG&E service.

#### **Environmental Setting**

The parcel is located above the Carmel Highlands at 164 Corona Road, east of Point Lobos State Park. The site contains over 84 acres between Gibson Creek to the north and Wildcat Creek to the south. The site is steep and densely covered with chaparral and can only be accessed from Highway 1 through the Carmel Highlands on either Corona Road or Mount Devon Road. Both roads become decomposed granite surface that meander through the rough terrain with sharp switch-backs. The existing building envelope at the site is located just south of Corona Road and is approximately 0.61 acres in size. The new building envelope is proposed just north of Corona Road and would contain the same amount of area. Vegetation within the proposed building envelope includes a mixture of small pine trees and dense chaparral. Adjacent to the proposed building envelope is a stand of redwood trees.

Zoning of the property is Watershed and Scenic Conservation in the Coastal Zone (WSC (CZ)). The area is mostly mountainous with large parcel sizes and mostly undeveloped spaces which provide good habitat for native wildlife and vegetation. It also lends itself to high fire hazards, especially during hot, dry periods. Loose top soils in the area, combined with steep slopes, require strict adherence to erosion control measures to prevent soils runoff and erosion at the site.

#### **Environmental Review**

The Mitigated Negative Declaration (MND) for PLN080046 was prepared in accordance with CEQA and circulated for public review from July 8, 2011 to August 8, 2011. Issues addressed in the Initial Study include aesthetics, biological resources, greenhouse gas emissions, land use/planning, hazards/hazardous materials and geology/soils. No comments were received regarding the MND.

## **Project Issues**

### **Building Envelope and Conservation Easement**

The applicant proposes relocating an approved building envelope by amending a record of survey found in Volume 16 Page 99 of the Monterey County Records. The Record of Survey was filed pursuant to Monterey County permit number PC-6251. PC-6251 required establishment of building envelopes for four (4) parcels located off of Corona Road including the subject property (Parcel D) and granting of a conservation and scenic easement over the land outside of the building envelope. The Conservation and Scenic Easement Deed recorded at the Monterey County Recorder's Office, document number 35437 located at Reel 2520 page 335 will also be amended to except the new building envelope location and include the area where the previous envelope was located. Staff supports the request to revise the existing building envelope because it moves the envelope outside of the viewshed, reduces tree removal, and reduces removal of environmentally sensitive habitat.

In order for the Board of Supervisors to approve an Amended Conservation and Scenic Easement with a proposed new building envelope, the Board must review an adopted Mitigated Negative Declaration analyzing the new building envelope as a better location for proposed development. Therefore, staff is recommending that the Zoning Administrator adopt the Mitigated Negative Declaration and adopt a Resolution of Intent to approve the project. Once the Amended Conservation and Scenic Easement has been approved and recorded, staff will then return the project to the Zoning Administrator for final action.

### **Visual Impacts**

Staking and flagging of the proposed building location and height could not be seen with unaided vision from Highway 1 or Point Lobos due to topography, vegetation, and distance. The staking and flagging were located in the area of the proposed new building envelope location. The new building envelope is set back slightly further from the west-facing crest of the ridge top than the original building envelope location, lending to a lesser degree of visibility than if the building envelope were not changed. The proposed structure will not be visible from Highway 1, Point Lobos, or other scenic vista areas.

The proposed dwelling will require removal of 20 small Monterey pine trees and approximately 12,000 square feet of Coastal Scrub habitat which will change the appearance of the site at the developed location, but not create a visibility issue. The area where the structures are proposed and vegetation removal is required includes a small portion of the site. The remainder of the parcel outside the proposed building envelope would continue to be protected through a conservation easement that will include the area where the building envelope was originally located. Trees will be retained and protected near the developed area minimizing the visual impact of the development when viewed from both on and off-site. The proposed dwelling and caretaker unit are clustered in an area close to the existing road and their development will have minimal impacts to the 84 acre site on the whole.

Consistent with Carmel LUP policies, a standard condition of approval will minimize visibility of lighting and off-site glare by requiring review of lighting plans for appropriate intensity and design so that only the areas intended will be illuminated and off-site glare is fully controlled (see Condition 10). In addition, the proposed dwelling and caretaker unit have been designed with earth-toned colors and materials, including stone veneer, light beige stucco, and mission clay tile roofing which are materials that provide little or no reflectivity.

### Environmentally Sensitive Habitat (ESHA)

The proposed project is located within 100 feet of Environmentally Sensitive Habitat. Pursuant to Section 20.146.040.B.3 of the Coastal Implementation Plan (Part 4), land uses adjacent to locations of environmentally sensitive habitats must be compatible with the long-term maintenance of the resources. New land uses are considered compatible only in a situation in which the proposal incorporates necessary site planning and design features which protect habitat impacts and which do not set a precedent for continued land development with the potential to degrade the resource.

A biology report prepared by Jud Vandevere identifies impacts to maritime chaparral and coastal sage habitat over about one tenth of an acre for the proposed development. The report states that the chaparral community is threatened habitat and is considered environmentally sensitive. Within the chaparral community there are individually threatened plants including Hooker's Manzanita and Monterey Ceanothus.

The Carmel Land Use Plan Section 2.3.1 lists dwarf coastal chaparral and Monterey Pine forest as sensitive environments for their habitat wildlife value and watershed protection qualities. Both of these types of habitats exist within the proposed building envelope and will be impacted by the improvements. The same is true for the existing building envelope. In both cases a relatively small area, approximately half an acre of the over 84 acre parcel would be developed.

Monterey Pines are threatened in their natural habitat (CNPS listing); however, the trees proposed for removal are small enough (less than 12 inches in diameter) that they do not require an additional entitlement for their removal. Approximately 20 small pine trees would be removed for grading and development. In addition, there are several pines located near where development will occur that can be preserved. Pines contribute to the scenic qualities of the site and provide habitat for nesting birds and other animal species. It is unlikely in this case that the small pines provide enough height and foliage to be nesting habitat but if not removed they may grow to a sufficient size for this purpose. A standard condition of approval requires tree protection measures for trees near the proposed development (see Condition 11). Replanting trees is not recommended because, due to the balance of chaparral and pine forest that is established at the site, it would not be desirable to replace existing chaparral with planted pine trees.

Maritime Chaparral mixed with pine forest covers most of the site. The chaparral is comprised of manzanita bushes including threatened Hooker's Manzanita and Monterey Ceanothus. Potential impacts to the habitat were evaluated under the permit that created the building envelope (PC6251) and those impacts were fully mitigated by placing the property outside the envelope in an easement. The proposed building envelope would remove less vegetation compared to the existing envelope. Although the impacts are mitigated through the conservation easement, the proposed development will require removal of seven hooker's manzanita shrubs. To ensure no net loss of Hooker's Manzanita, a mitigation measure would require the applicant/owner to consult with a qualified biologist to ensure that cuttings sufficient to ensure that at least seven locally genetic Hooker's Manzanita plants will be regenerated at the site (see Condition 16/Mitigation Measure #1).

### Defensible Space

To aid in the preservation of the remaining on-site habitat, fire clearance and landscaping are the main concerns. One hundred feet of vegetation clearance is required for defensible space around the home. Fire clearance will need to be controlled to strike a balance between the need to

provide adequate fire clearance for health and safety of residents while not clear-cutting sensitive vegetation beyond the minimum necessary. The Carmel Highlands Fire Protection District recognizes the need to balance these two objectives and in similar cases has allowed for thinning and removal of dead limbs and vegetation from 30 feet to 100 feet around dwellings. A mitigation measure would require a Fire Hazard Mitigation Plan that achieves this balance and is acceptable to the fire department (see Condition 17/Mitigation Measure #2).

**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:

**HARTNETT, STEPHEN P. (PLN080046)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Hearing Body:

- 1) Adopting a Mitigated Negative Declaration;
- 2) Adopting a Resolution of Intent to Approve a Combined Development Permit consisting of:
  - a) Coastal Administrative Permit to allow the construction of a 6,058 square foot single family dwelling with attached 1,167 square foot garage;
  - b) Coastal Development Permit to allow a 990 square foot Caretaker's Unit with 449 square foot garage;
  - c) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat area (ESHA); and
  - d) Design Approval; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan

[PLN080046, Hartnett, Stephen P., 164 Corona Road, Carmel Area Land Use Plan (APN: 241-221-011-000)]

**The Hartnett application (PLN080046) came on for public hearing before the Monterey County Zoning Administrator on December 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;
    - Carmel Land Use Plan;
    - Monterey County Coastal Implementation Plan Part 4;
    - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - b) The property is located at 164 Corona Road, Carmel (Assessor's Parcel



Number 241-221-011-000), Carmel Area Land Use Plan. The parcel is zoned "WSC"/40 (CZ) and WSC/80 (CZ)" [Watershed and Scenic Conservation/ 40 acres per unit and Scenic Conservation/ 80 acres per unit (Coastal Zone)], which allows for residential development. Therefore, the project is an allowed land use for this site.

- c) The proposed project consists of the construction of a 6,058 square foot, two-story single family dwelling with a 1,167 square foot attached garage with a 449 square foot carport in front of the garage, an 850 square foot Caretaker's Unit with 676 square foot garage, 4,837 square feet of impervious area for a driveway, patio, and walkways, installation of two 5,000 gallon water tanks, installation of a new septic tank and leach fields, and approximately 2,800 cubic yards of grading (2,700 cut/100 fill) and development within 100 feet of Environmentally Sensitive Habitat (ESHA). Entitlements include:
- Coastal Administrative Permit to allow the construction of the single family dwelling with an garage;
  - Coastal Development Permit to allow a caretaker's unit with a garage;
  - Coastal Development Permit to allow development within 100 feet of ESHA; and
  - Design Approval.

Pursuant to Section 20.17.060 of the Monterey County Code, the application meets all site development standards required for the above entitlements.

- d) The project planner conducted a site inspection on October 6, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
- e) **ESHA.** The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20/21), a Coastal Development Permit is required and the authority to grant said permit has been met. (**See Finding #8**).
- f) **CARETAKER UNIT.** The subject project meets the regulations, standards and circumstances for a caretaker unit (**See Finding #7**).
- g) **TREE REMOVAL.** Approximately 20 small Monterey pine trees would be removed for grading and development (less than 12 inches in diameter), and therefore, do not require an additional entitlement for their removal. These small pines do not contribute to the scenic qualities of the site nor do they provide habitat for nesting birds and other animal species. In addition, there are several pines located near where development will occur that can be preserved. A standard condition of approval requires tree protection measures for trees near the proposed development (Condition #11). Replanting trees is not recommended because, due to the balance of chaparral and pine forest that is established at the site, it would not be desirable to replace existing chaparral with planted pine trees.
- h) **VIEWSHED.** Staking and flagging of the proposed building location and height could not be seen with unaided vision from Highway 1 or Point Lobos due to topography, vegetation, and distance. The staking

and flagging were located in the area of the proposed new building envelope location. The new building envelope is set back slightly further from the west-facing crest of the ridge top than the original building envelope location, lending to a lesser degree of visibility than if the building envelope were not changed. The proposed structure will not be visible from Highway 1, Point Lobos, or other scenic vista areas. Therefore, there are no visual resource issues.

- i) **DESIGN APPROVAL.** Pursuant to Chapter 20.44, Design Control Zoning Districts, the project requires design review of structures to make sure they are appropriate to assure protection of the public viewshed, neighborhood character, and assure visual integrity. The proposed dwelling and caretaker unit have been designed with earth-toned colors and materials, including stone veneer, light beige stucco, and mission clay tile roofing which are materials that provide little or no reflectivity. In addition, a standard condition of approval will minimize visibility of lighting and off-site glare by requiring review of lighting plans for appropriate intensity and design so that only the areas intended will be illuminated and off-site glare is fully controlled (Condition #10).
- j) The project was reviewed at the Carmel Land Use Advisory Committee (LUAC) on October 10, 2011. The LUAC recommended (5-0) vote to approve the project with no comments.
- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080046.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, 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 have been incorporated.
  - b) Staff identified potential impacts to aesthetics, biological resources, greenhouse gas emissions, land use/planning, hazards/hazardous materials and geology/soils. 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" (LIB110130) prepared by Grice Engineering, Inc., Salinas, CA, January, 2008.
    - "Percolation and Groundwater Study with Septic Recommendations" (LIB110129) prepared by Grice Engineering, Inc., Salinas, CA, January 2009 and revised March 2009.
    - "Biological Report" (LIB070305) prepared by Jud Vandever, Carmel, CA, May 3, 2007.
    - "Preliminary Archaeological Reconnaissance" (LIB110131)

prepared by Archaeological Consulting, January 6, 2010.

- c) Staff conducted site inspections on April 9, 2010 and October 6, 2010 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 PLN080046.

3. 1 **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, Carmel Highlands Fire Protection District, 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 will be provided from a test well installed and inspected under a previous permit (PLN070033) that will be converted to a permanent well as part of the proposed project. Sewage disposal will be provided by a new septic system. The project will be served by electric power from an existing underground PG&E service.
  - c) Preceding Findings #1 and #2 and supporting evidence for PLN080046.

4. 1 **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 April 9, 2010 and October 6, 2010 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.
  - d) Zoning violation abatement costs, if any, have been paid. A condition is included to assure that all zoning abatement costs, if any, have been paid.
  - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080046.

5. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, conditioned

and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- 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 is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN080046).
  - c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration.
  - 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. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition #6).
  - e) The Draft Mitigated Negative Declaration ("MND") for PLN080046 was prepared in accordance with CEQA and circulated for public review from July 8, 2011 through August 8, 2011 (SCH#: 2011071023).
  - f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, forest resources, air quality, biological resources, geology/soils, greenhouse gas emissions, hazards/hazardous materials, and land use/planning.
  - g) The proposed development will require removal of seven hooker's manzanita shrubs. To ensure no net loss of Hooker's Manzanita, a mitigation measure would require the applicant/owner to consult with a qualified biologist to ensure that cuttings sufficient to ensure that at least seven locally genetic Hooker's Manzanita plants will be regenerated at the site (Condition #16/Mitigation Measure #1). The parcel is located in a very high fire State Responsibility area. To aid in the preservation of remaining habitat, and the protection of the structures, one hundred feet of vegetation clearance is required for defensible space around the structures. Condition #17/Mitigation Measure #2 required the applicant to prepare a Fire Hazard Mitigation Plan that would preserve as much native vegetation as possible within the defensible space required by the fire department (**see Finding #9**).
  - h) 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 (PLN080046) and are hereby incorporated herein by

reference.

- i) 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 environmentally sensitive habitat. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. 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).
- j) No comments from the public were received.
- k) The Monterey County Planning Department, located at 168 W. Alisal, 2nd 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 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080046.
- e) The project planner conducted a site inspection on April 9, 2010 and October 6, 2010.
7.       **FINDING:**       **CARETAKER UNIT** – The subject project meets the regulations, standards and circumstances for caretaker units in accordance with the applicable goals, policies, and regulations of the applicable area plan and zoning codes.
- EVIDENCE:**   a) That the establishment of the caretaker unit will not, under the circumstances of the particular application, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County

(see Finding 3).

- b) All zoning violation abatement costs, if any, have been paid (see Finding 4).
- c) The subject property upon which the caretaker unit is to be built is in compliance with all rules and regulations pertaining to zoning uses, subdivisions and any other applicable provisions of this Title. The caretaker unit meets site development standards for a habitable accessory structure with regard to height and setbacks required in the Watershed and Scenic Conservation zoning district.
- d) That adequate sewage disposal and water supply facilities are readily available from a test well installed and inspected under a previous permit (PLN070033) and a new septic system, as approved by the Director of Environmental Health (see Finding 3).
- e) That the proposed caretaker unit will not adversely impact traffic conditions in the area. The property is located within a small gated community above the Highlands on Corona Road. The owner lives out of state and needs a caretaker to live on site in order to provide security to the main residence.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080046.
- g) Caretaker Units shall not be allowed on parcels less than 40 acres in the Carmel Planning Area and shall not count towards maximum density. The parcel consists of 84 acres and therefore, meeting the required 40 acre minimum in the Carmel Area Land Use Plan.
- h) A condition of approval is required for the applicant to record a deed restriction stating that all regulations are met for a caretaker unit (Condition #14).
- i) The applicant travels extensively and needs someone to maintain the grounds and provide security to the main structure.

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

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20/21), a Coastal Development Permit is required and the authority to grant said permit has been met.
  - b) Pursuant to Section 20.146.040.B.3 of the Coastal Implementation Plan (Part 4), land uses adjacent to locations of environmentally sensitive habitats must be compatible with the long-term maintenance of the resources. New land uses are considered compatible only in a situation in which the proposal incorporates necessary site planning and design features which protect habitat impacts and which do not set a precedent for continued land development with the potential to degrade the resource. Maritime Chaparral mixed with pine forest covers most of the site. The chaparral is comprised of manzanita bushes including threatened Hooker's Manzanita and Monterey Ceanothus. Potential impacts to the habitat were evaluated under the permit that created the

building envelope (PC6251) and those impacts were fully mitigated by placing the property outside the envelope in an easement. The proposed building envelope contains similar vegetation compared to the existing envelope. Although the impacts are mitigated through the conservation easement, the proposed development will require removal of seven hooker's manzanita shrubs. To ensure no net loss of Hooker's Manzanita, a mitigation measure would require the applicant/owner to consult with a qualified biologist to ensure that cuttings sufficient to ensure that at least seven locally genetic Hooker's Manzanita plants will be regenerated at the site (see Condition #16/Mitigation Measure #1).

- c) Deed restrictions or dedications of permanent conservation easements covering the habitat and necessary buffer shall be required as conditions of approval for discretionary permits (20.146.040.B.7 CIP). The applicant proposes relocating an approved building envelope by amending a record of survey found in Volume 16 Page 99 of the Monterey County Records. The Record of Survey was filed pursuant to Monterey County permit number PC-6251. PC-6251 required establishment of building envelopes for four (4) parcels located off of Corona Road including the subject property (Parcel D) and granting of a conservation and scenic easement over the land outside of the building envelope. The Conservation and Scenic Easement Deed recorded at the Monterey County Recorder's Office, document number 35437 located at Reel 2520 page 335 will also be amended to except the new building envelope location and include the area where the previous envelope was located. Staff supports the request to revise the existing building envelope because it moves the envelope outside of the viewshed, reduces tree removal, and reduces removal of environmentally sensitive habitat.
- d) In order for the Board of Supervisors to approve an Amended Conservation and Scenic Easement with a proposed new building envelope, the Board must review an adopted Mitigated Negative Declaration analyzing the new building envelope as a better location for proposed development. Therefore, the Zoning Administrator adopted the Mitigated Negative Declaration and adopted a Resolution of Intent to approve the project. Once the Amended Conservation and Scenic Easement has been approved and recorded, the Zoning Administrator shall approve the project.
- e) The project planner conducted a site inspection on April 9, 2010 and October 6, 2010 to verify ESHA locations and potential project impacts to ESHA.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080046.
- g) Preceding Findings #2, #3 and #5 and supporting evidence for PLN080046.

9. **FINDING:**

**WILDFIRE PROTECTION STANDARDS IN STATE**

**RESPONSIBILITY AREAS** – The subject project, as conditioned, will ensure standardized basic emergency access and fire protection pursuant to Section 4290 of the Public Resource Code.

- EVIDENCE:**
- a) The proposed project is within the Monterey County State Responsibility Area.
  - b) The parcel is located above the Carmel Highlands at 164 Corona Road, east of Point Lobos State Park. The site contains over 84 acres between Gibson Creek to the north and Wildcat Creek to the south. The site is steep and densely covered with chaparral and can only be accessed from Highway 1 through the Carmel Highlands on either Corona Road or Mount Devon Road. Both roads become decomposed granite surface that meander through the rough terrain with sharp switch-backs. The existing building envelope at the site is located just south of Corona Road and is approximately 0.61 acres in size. The new building envelope is proposed just north of Corona Road and would contain the same amount of area. Vegetation within the proposed building envelope includes a mixture of small pine trees and dense chaparral. Adjacent to the proposed building envelope is a stand of redwood trees.
  - c) To aid in the preservation of the remaining on-site habitat, fire clearance and landscaping are the main concerns. One hundred feet of vegetation clearance is required for defensible space around the home. Fire clearance will need to be controlled to strike a balance between the need to provide adequate fire clearance for health and safety of residents while not clear-cutting sensitive vegetation beyond the minimum necessary. The Carmel Highlands Fire Protection District recognizes the need to balance these two objectives and in similar cases has allowed for thinning and removal of dead limbs and vegetation from 30 feet to 100 feet around dwellings. A mitigation measure would require a Fire Hazard Mitigation Plan that achieves this balance and is acceptable to the fire department (Condition #17/Mitigation Measure #2).
  - d) The Carmel Highlands Fire District has added an additional condition to ensure all wildfire protection standards are met (Condition #25).

10. **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 such as environmentally sensitive habitat and a caretakers unit.

### **DECISION**

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

1. Adopt the Mitigated Negative Declaration;
2. Adopt a Resolution of Intent to Approve Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a 6,058 square foot single family dwelling with attached 1,167 square foot garage; 2) Coastal Development Permit to allow an 850 square foot Caretaker's Unit with 676 square foot garage; 3) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive



- Habitat area (ESHA); and 4) Design Approval, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of December, 2011:

\_\_\_\_\_  
Jacqueline R. 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

PLN080046

### EXHIBIT "C"

#### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This permit for a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a 6,058 square foot single family dwelling with attached 1,167 square foot garage; 2) Coastal Development Permit to allow a new 850 square foot Caretaker's Unit with 675 square foot garage; 3) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat area (ESHA); and 4) Design Approval. The property is located at 164 Corona Road, Carmel (Assessor's Parcel Number 241-221-011-000), Carmel Area Land Use Plan, Coastal Zone, 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 Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

#### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice, for Resolution No. \_\_\_\_ for Assessor's Parcel Number 241-221-011-000), approved by the Zoning Administrator on October 13, 2011, with the statements, "The permit was granted subject to 31 conditions of approval which run with the land" and "A copy of the permit is on file with the Monterey County RMA - Planning Department."  
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. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** 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.

### 3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

### 4. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The permit shall be granted for a time period of 3 years, to expire on October 13, 2014 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

### 5. PD005 - FISH & GAME FEE NEG DEC/EIR

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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. (RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** 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.

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.

## 6. PD006 - MITIGATION MONITORING

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14 Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into agreement with the County to implement a Mitigation Monitoring Program.
- 2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.

## 7. PD007- GRADING WINTER RESTRICTION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department.  
(RMA - Planning Department and Building Services Department)

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

## 8. PD021 - DEED RESTRICTION-FIRE HAZARD

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to the issuance of a building permit the applicant shall record a deed restriction which states: "The parcel is located in a high fire hazard area and development may be subject to certain restrictions as per section(s) of the Coastal Implementation Plan and per the standards for development of residential property."  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall submit a signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the Director of the RMA-Planning Department.

**9: PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** 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)

**Compliance or Monitoring Action to be Performed:** 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."

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit one (1) set landscape plans of approved by the RMA-Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit the RMA-Planning Department approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to the RMA-Building Services Department.

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.

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.

#### 10. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.  
  
Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

#### 11. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits.  
(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

## 12. PD010 - EROSION CONTROL PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.  
(RMA - Planning Department and RMA - Building Services Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

The Owner/Applicant, on an on-going basis, shall comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

## 13. PD009 - GEOTECHNICAL CERTIFICATION

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.  
(RMA - Planning Department and Building Services Department)

**Compliance or Monitoring Action to be Performed:** Prior to final inspection, the Owner/Applicant/Geotechnical Consultant shall submit certification by the geotechnical consultant to the RMA-Building Services Department showing project's compliance with the geotechnical report.

#### 14. PD018(B) - DEED RESTRICTION-CARETAKER UNIT (COASTAL)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Deed Restriction stating the regulations applicable to a caretaker unit:

- \* Only 1 (one) caretaker unit per lot shall be allowed.
- \* The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under same ownership.
- \* The minimum lot size for establishment of a caretaker unit in areas not served by sewers shall be 2 acres. The minimum lot size for establishment of a caretaker unit in the Carmel Planning Area shall be 40 acres.
- \* Caretaker units shall not be subject to density requirements of the zoning district in which the lot is located, except in North County. In North County, caretaker units shall not be permitted on lots less than 5 acres if located in an area not served by public sewer systems.
- \* The maximum floor area for a caretaker unit is 850 square feet.
- \* A minimum of 1 covered off-street parking space shall be provided for the caretaker unit.
- \* The caretaker unit shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.
- \* Subsequent subdivisions which divide a main residence from a caretaker unit shall not be permitted except where lots created meet minimum lot size and density requirements of the existing zoning.
- \* Caretaker units are not permitted on any lot less than 10 acres where a senior citizen unit exists. Senior citizen units may be converted to a caretaker unit, subject to a Coastal Administrative Permit.

(RMA - Planning Department)

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of grading or building permits, the Owner/Applicant shall submit the signed and notarized document to the Director of RMA-Planning Department for review and signature by the County.

Prior to occupancy or commencement of use, the Owner/Applicant shall submit proof of recordation of the document to the RMA-Planning Department.

#### 15. PD035 - UTILITIES UNDERGROUND

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All new utility and distribution lines shall be placed underground.  
(RMA - Planning Department; Public Works)

**Compliance or Monitoring Action to be Performed:** On an on-going basis, the Owner/Applicant shall install and maintain utility and distribution lines underground.



## 16. MITIGATION MEASURE #1 - REPLANTING MANZANITA

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure #1: The applicant/owner shall consult with a qualified biologist to ensure that cuttings sufficient to ensure that at least 7 locally genetic Hooker's Manzanita plants can be regenerated for replanting at the site following construction activities prior to any grading or vegetation removal activities at the site. The biologist/owner shall ensure that the at least 7 Hooker's Manzanita of local genetic stock are replanted at the site following completion of construction activities. The survivability of the replanting shall be monitored. (RMA Planning Department)

**Compliance or Monitoring Action to be Performed:** Monitoring Action 1A:  
Prior to grading or vegetation removal the applicant/owner shall have a qualified biologist take cuttings of Hooker's Manzanita at the site for the purpose of generating new health plants of local genetic stock. Prior to issuance of permits, the biologist shall submit a letter to the RMA Planning Department verifying that cuttings have been obtained and that plants will be grown from these cuttings for planting within the landscape at the subject property.

Monitoring Action 1B:  
Prior to final building inspection, the applicant shall demonstrate to the satisfaction of the RMA Planning Department that at least 7 Hooker's Manzanita plants of local genetic stock have been planted at the site.

Monitoring Action 1C:  
Six months following the replanting of the Hooker's Manzanita, the applicant/owner shall submit a report from a qualified biologist describing the health and condition of the replanted shrubs. If there is shrub mortality resulting in fewer than 7 Hooker's Manzanita remaining, the applicant/owner shall have clippings taken from nearby Manzanita and the actions required by this mitigation shall start over until a 1:1 replacement is achieved

## 17. MITIGATION MEASURE #2 - FIRE MITIGATION PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** Mitigation Measure #2: Prior to the final decision on the Coastal permits, the owner/applicant shall prepare a Fire Hazard Mitigation Plan that would preserve as much native vegetation as possible within the defensible space required by the fire department. The owner/applicant shall have the plans reviewed and approved by the Carmel Highlands Fire Department representative and the RMA - Planning Department before the hearing is set. The Fire Mitigation Plan shall be incorporated into the permit and fire clearance shall be done in conformance with the plan. (RMA Planning Department)

**Compliance or Monitoring Action to be Performed:** Monitoring Action 2A:  
Prior to issuance of building permits the owner/applicant shall incorporate the Fire Hazard Mitigation Plan into the design and enumerate as 2 Fire Dept. Notes 2 on plans.

Monitoring Action 2B:  
Prior to final inspection the owner/applicant shall schedule a fire department clearance inspection for review and approval of fire clearance around the structure and other appropriate fire conditions.

Monitoring Action 2C:  
Ongoing annual maintenance to remove dead vegetation within the defensible space as directed by the Carmel Highlands Fire Department shall be required and is the sole responsibility of the owner/occupant.

## 18. WR2 - STORMWATER CONTROL

**Responsible Department:** Water Resources Agency

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

**Compliance or Monitoring Action to be Performed:** Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval. Prior to issuance of any grading or building permits.

## 19. WR40 - WATER CONSERVATION MEASURES

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:

- a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
- b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Compliance to be verified by building inspector at final inspection. Prior to final building inspection/occupancy

## 20. WR43 - WATER AVAILABILITY CERTIFICATION

**Responsible Department:** Water Resources Agency

**Condition/Mitigation Monitoring Measure:** The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

**Compliance or Monitoring Action to be Performed:** Submit the Water Release Form to the Water Resources Agency for review and approval. Prior to issuance of any building permits

## 21. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** Public Works Department

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

**Compliance or Monitoring Action to be Performed:** Applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Prior to issuance of Building Permits

## 22. FIRE011 - ADDRESSES FOR BUILDINGS

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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. Responsible Land Use Department: Carmel Highlands Fire District.

**Compliance or Monitoring Action to be Performed:** Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Prior to issuance of building permit.  
Applicant shall schedule fire dept. clearance inspection Prior to final building inspection

## 23. FIRE014 - EMERGENCY WATER STANDARDS - FIRE PROTECTION WATER SUPPLY - (SINGLE PARCEL)

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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. Carmel Highlands Fire District.

**Compliance or Monitoring Action to be Performed:** Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Prior to issuance of grading and/or building permit.  
Applicant shall schedule fire dept. clearance inspection Prior to final building inspection

#### 24. FIRE015 - FIRE HYDRANTS/FIRE VALVES

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. Carmel Highlands Fire District.

**Compliance or Monitoring Action to be Performed:** Applicant shall incorporate specification into design and enumerate as ¿Fire Dept. Notes¿ on plans. Prior to issuance of grading and/or building permit.  
Applicant shall schedule fire dept. clearance inspection Prior to final building inspection

#### 25. FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD)

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire 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. Carmel Highlands Fire District.

**Compliance or Monitoring Action to be Performed:** Applicant shall incorporate specification into design and enumerate as ¿Fire Dept. Notes¿ on plans. Prior to issuance of grading and/or building permit.  
Applicant shall schedule fire dept. clearance inspection. Prior to final building inspection

#### 26. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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 and completed prior to requesting a framing inspection. Carmel Highlands Fire District.

**Compliance or Monitoring Action to be Performed:** Applicant shall enumerate as ¿Fire Dept. Notes¿ on plans. Prior to issuance of building permit.  
Applicant shall schedule fire dept. rough sprinkler inspection. Prior to framing inspection  
Applicant shall schedule fire dept. final sprinkler inspection. Prior to final building inspection

**27. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)**

**Responsible Department:** Fire

**Condition/Mitigation Monitoring Measure:** 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. Carmel Highlands Fire District.

**Compliance or Monitoring Action to be Performed:** Applicant shall enumerate as ¿Fire Dept. Notes¿ on plans. Prior to issuance of building permit.

**28. EHSP01 - NEW WATER SYSTEM PERMIT (NON-STANDARD)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Pursuant to Monterey County Code Chapter 15.04, Domestic Water Systems, obtain a new water system permit from the Environmental Health Bureau. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of grading/building Owner/Applicant shall submit necessary application, reports and testing results to Environmental Health Bureau for review and approval.

**29. EHSP02 - WELL PROTECTION ZONE (NON-STANDARD)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Submit a map showing the proposed well protection zone at 164 Corona Rd, Carmel (APN 241-221-011-000) that will serve water to the subject parcel APN 241-221-011-00. The well protection zone shall be identified as ¿Well Protection Zone¿ and no residential use or any other development shall take place on the lot, other than those uses associated with the well. The well lot shall meet the requirements of the Water Works Standards. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Grading/ Building Permit the applicant/owner shall Submit a map showing the proposed well protection zone at 164 Corona Rd, Carmel that will serve water to the subject parcel APN 241-221-011-000. To EHB for review and approval.

**30. EHSP03 - FIRE FLOW STANDARDS (NON-STANDARD)**

**Responsible Department:** Health Department

**Condition/Mitigation Monitoring Measure:** Design the water system improvements to meet fire flow standards as required and approved by the local fire protection agency. (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to installing system improvements Applicant/Owner shall Submit plans for the proposed water system improvements to the local fire protection agency for review and approval. Submit a set of signed or wet-stamped water system plans approved by the local fire protection agency to EHB for review and approval.

### 31. EHSP04 DEED NOTIFICATION & PERCOLATION TESTING REPORT (NON-STANDARD)

**Responsible Department:** Health Department

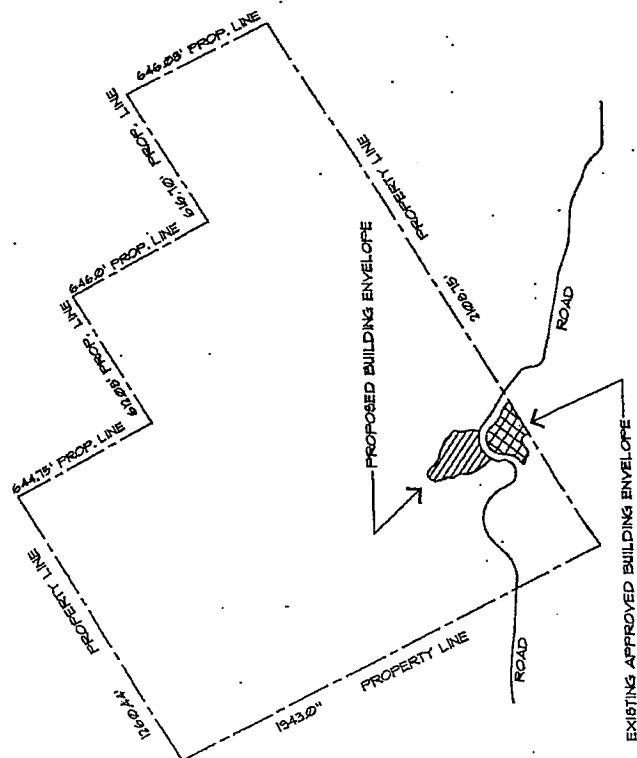
**Condition/Mitigation Monitoring Measure:** A deed notification shall be recorded concurrently with the final/parcel map with the Monterey County Recorder which states: "A soils and percolation report has been prepared for this parcel by Grice Eng. & Geo., dated January 1 , 2009 and is on record at the Environmental Health Bureau , Monterey County, File Number PLN 080046 All proposed development shall be in compliance with this report and the recommendations therein, including the recommendations regarding septic system layout on the site map within report C-1" (Environmental Health)

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Grading/Building Permit, the Owner/Applicant/Engineer shall Submit a draft deed notice for review and approval by the Environmental Health Bureau prior to filing the final map / parcel map. Record the deed notification with the Monterey County Recorder and provide proof to Environmental Health and P&BI.

REVISIONS	
NO.	DATE

[illegible]

RECEIVED  
JAN 22 2010  
MONTEREY COUNTY  
PLANNING DEPARTMENT



NEW RESIDENCE FOR  
Mr. Steve Hartnett  
464 CORONA RD. CARTEL, CA  
APR 24-221-08

DATE: 6/11/79  
PROJECT NO.  
DRAWN BY:  
CHECKED BY:  
SHEET TITLE:  
TITLE SHEET  
SHEET NO. A-1  
SHEET TOTALS

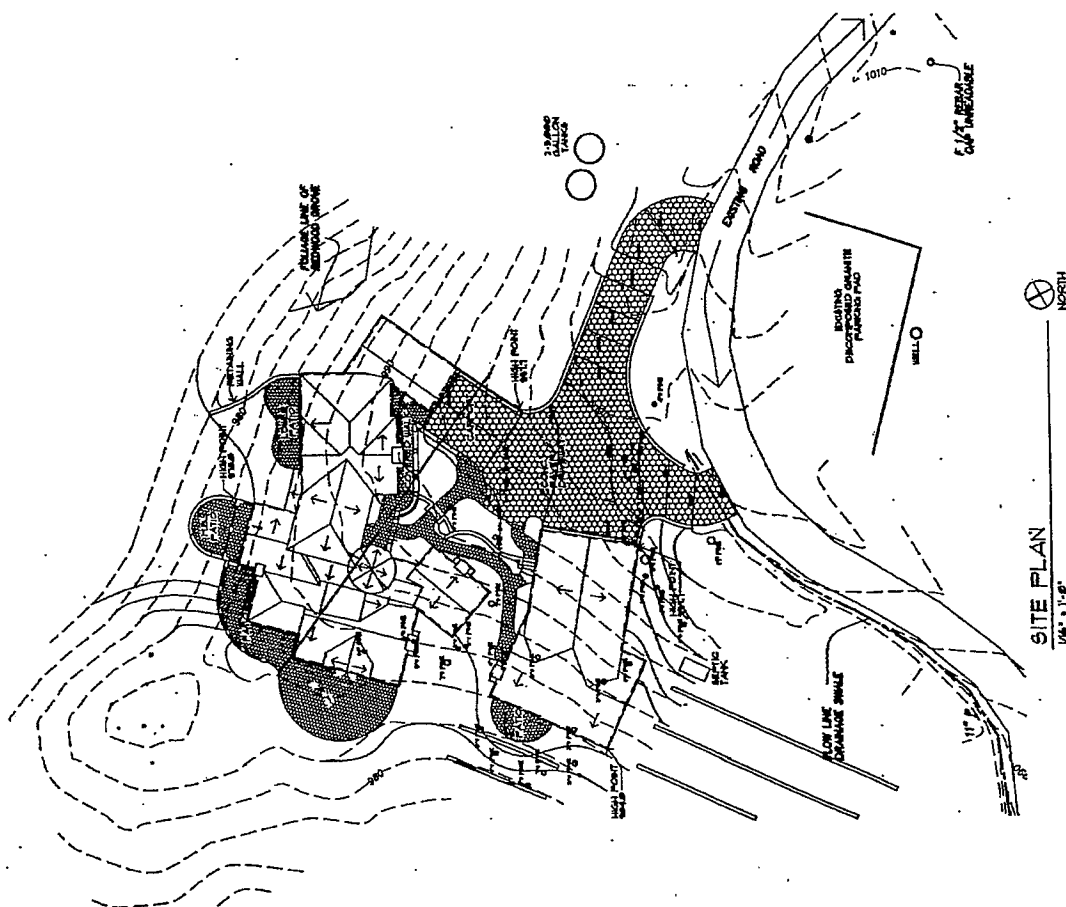
VICINITY MAP

REVISIONS	
NO.	DATE

WILLIAM C. METFORD  
 ARCHITECT  
 91 VIA CHARRON MONTEREY, CA 92040  
 (415) 373-4567 LICENSE # C-22893

NEW RESIDENCE FOR  
 Mr. Steve Hartnett  
 144 CORONA RD. CARPES, CA  
 APR 24-27-88

DATE 4/27/88  
 PROJECT NO. 84-008  
 DRAWN BY  
 CHECKED BY  
 SHEET TOTAL  
 SITE PLAN  
 SHEET NO. A-2  
 OF EIGHT SHEETS



SITE PLAN  
 1/8" = 1'-0"  
 NORTH





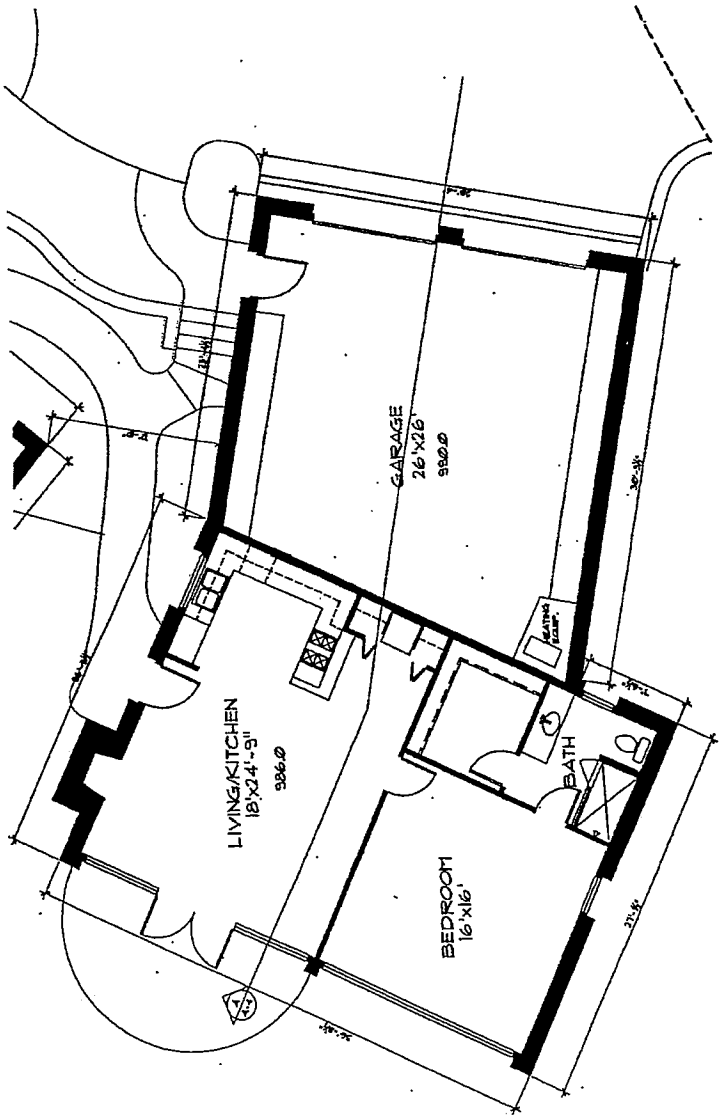
REVISIONS	
NO.	DATE

WILLIAM C McFORD  
ARCHITECT  
31 VIA CHARRON MONTEREY, CA 93940  
(415) 373-4567 LICENSE # C-22893

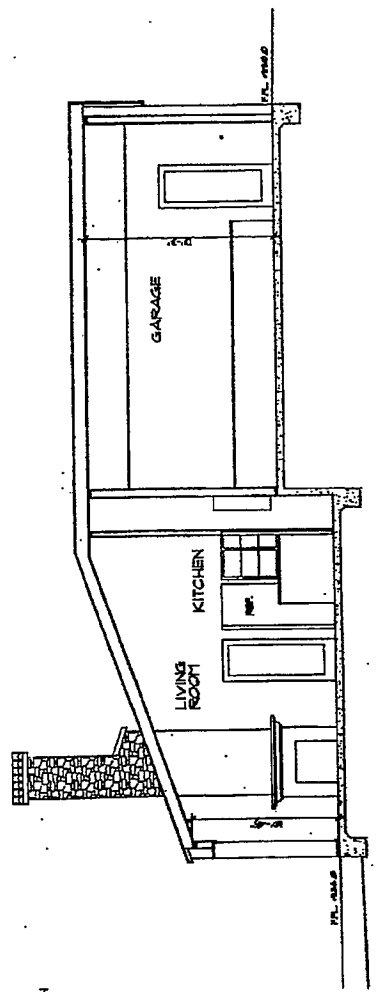
NEW RESIDENCE FOR  
Mr. Steve Hartnett  
164 CORONA RD. CARPENTEL, CA  
APR 24-21-81

DATE	4/21/81
PROJECT NO.	84-00
DRAWN BY	W.C.M.
CHECKED BY	W.C.M.
SHEET TITLE	FLOOR PLAN

SHEET NO.  
**A-4**  
OF EIGHT SHEETS



FLOOR PLAN  
1/4" = 1'-0"



SECTION A  
1/4" = 1'-0"

REVISIONS

NO. DATE

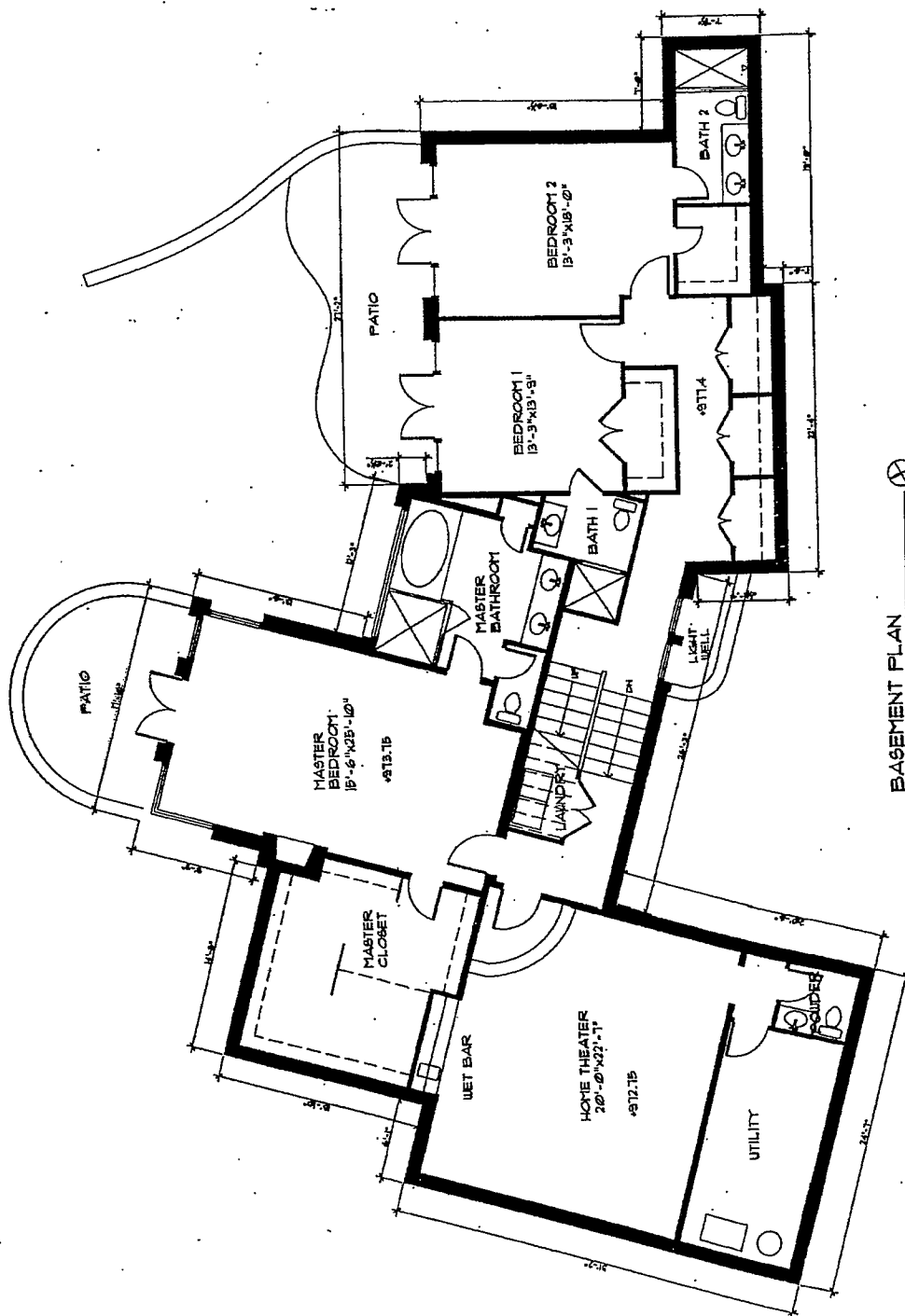
WILLIAM C McFORD  
ARCHITECT  
51 WA CLAYSON MONTEREY, CA 93940  
(415) 373-4567 MONTEREY, CA 93940

NEW RESIDENCE FOR  
Mr. Steve Hartnett  
14 CORONA RD, CARPENT, CA  
APN 241-221-011

DATE: 6/27/89  
PROJECT NO.: 84498  
DRAWN BY:  
CHECKED BY:

SHEET TITLE:  
BASEMENT  
PLAN

SHEET NO.  
A-5  
OF SEVEN SHEETS



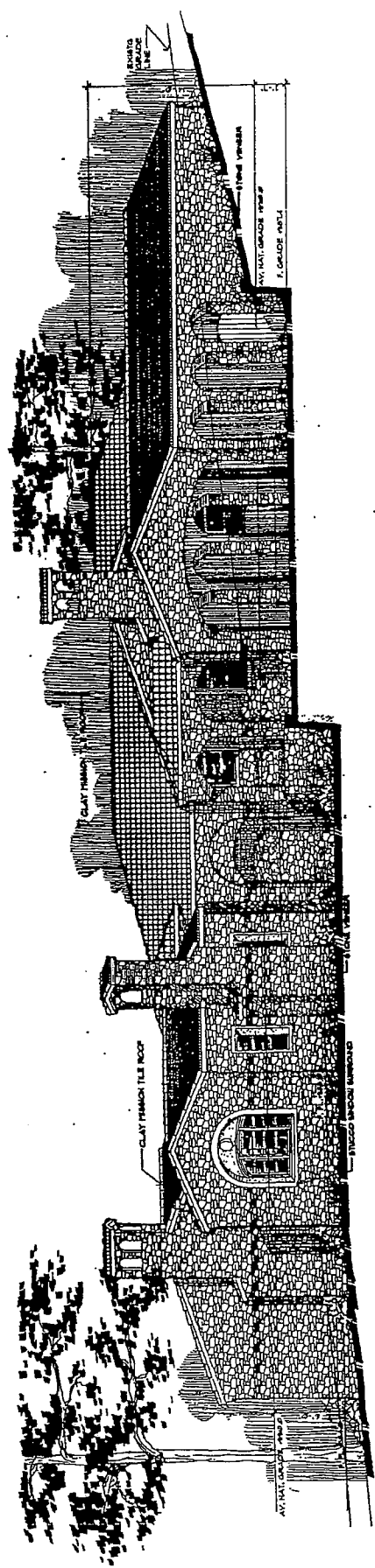
BASEMENT PLAN  
1/4" = 1'-0"

REVISIONS	
NO.	DATE

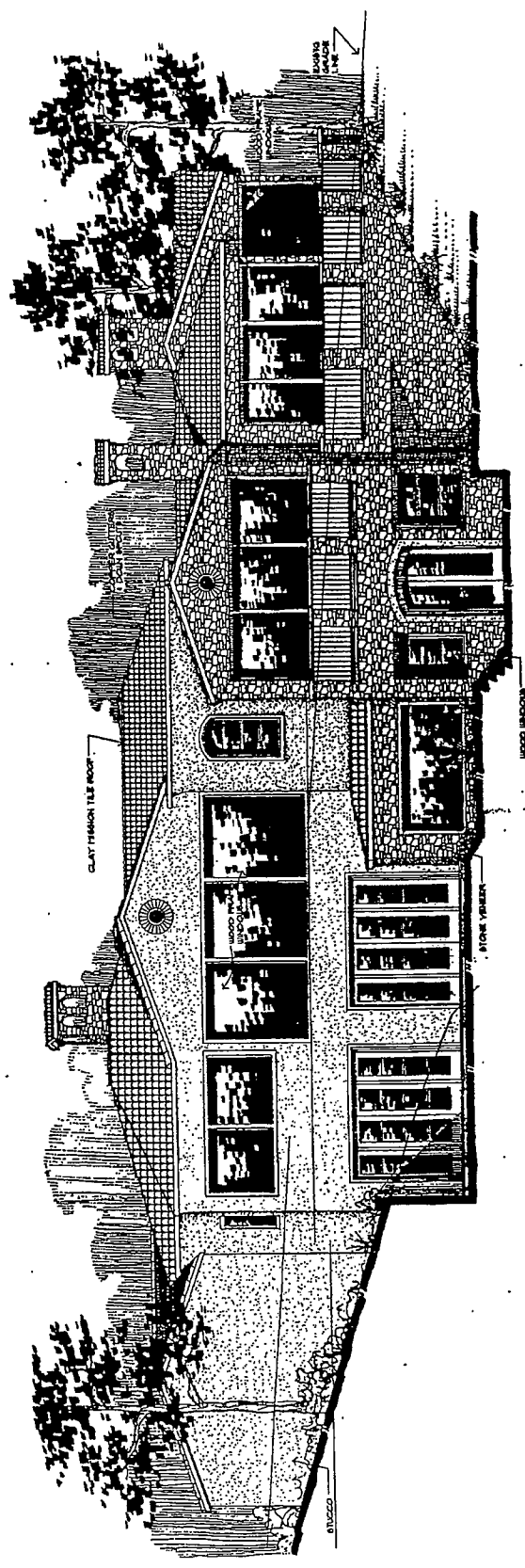
WILLIAM CATTORD  
ARCHITECT  
31 VIA QUARANTA WOODBURY, CA 92340  
(951) 373-4567 MOBILE 715-22893

NEW RESIDENCE FOR  
Mr. Steve Hartnett  
144 CORONA RD. CARPENTEL, CA  
APR 24-27-01

DATE: 6/15/01  
PROJECT NO.: 04-01  
DRAWN BY:  
CHECKED BY:  
SHEET TITLE:  
EXTERIOR  
ELEVATIONS  
SHEET NO.:  
A-6  
OF EIGHT SHEETS



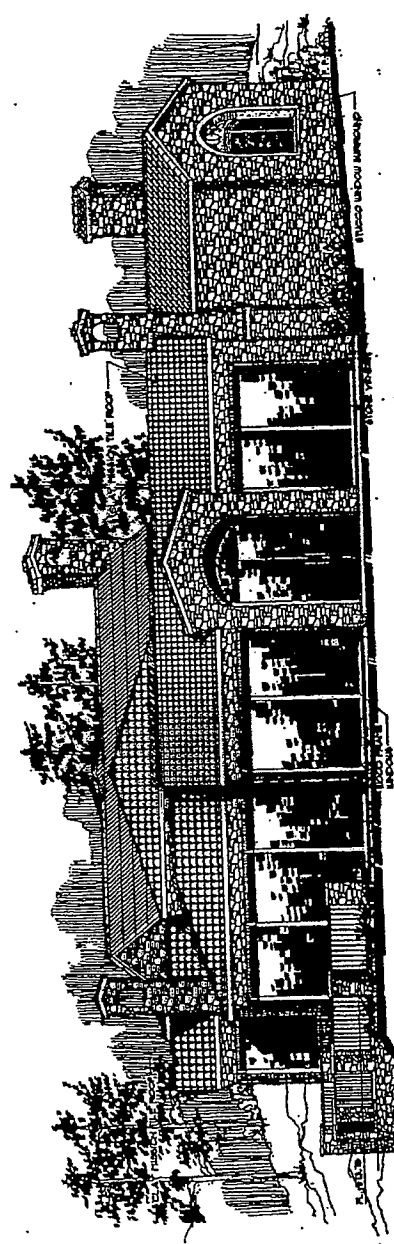
SOUTH  
1/4\"/>



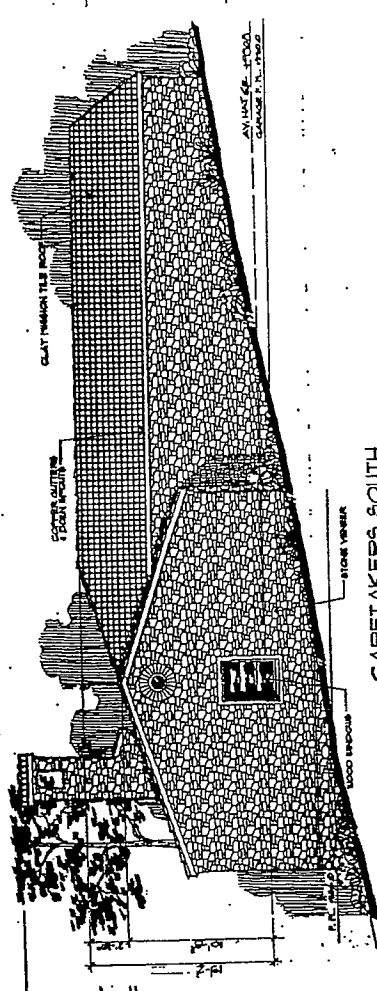
NORTH  
1/4\"/>

REVISIONS	
NO.	DATE

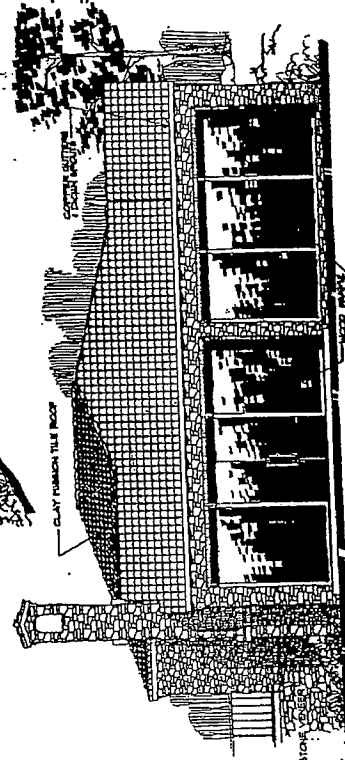
WILLIAM C. METFORD  
ARCHITECT  
91 VIA QUARTER, MONTEREY, CA 93940  
(415) 373-6567 MONROE # C-12833



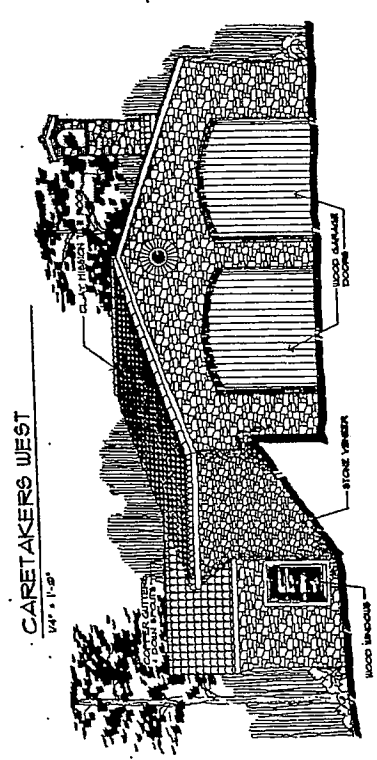
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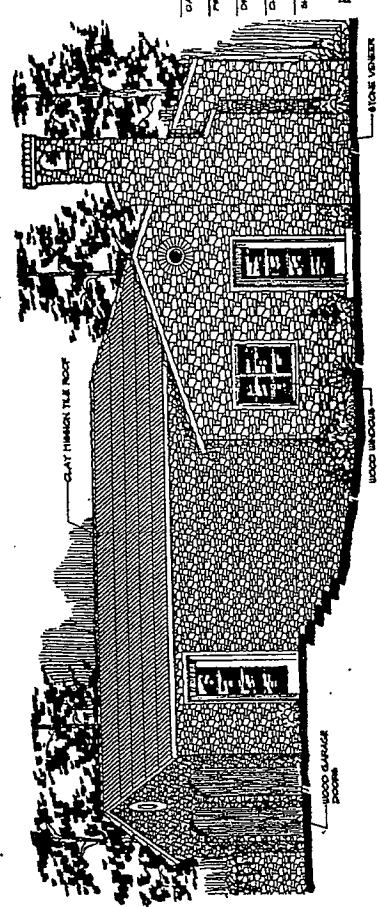
CARETAKERS SOUTH  
1/4" = 1'-0"



CARETAKERS WEST  
1/4" = 1'-0"



CARETAKERS EAST  
1/4" = 1'-0"



CARETAKERS NORTH  
1/4" = 1'-0"

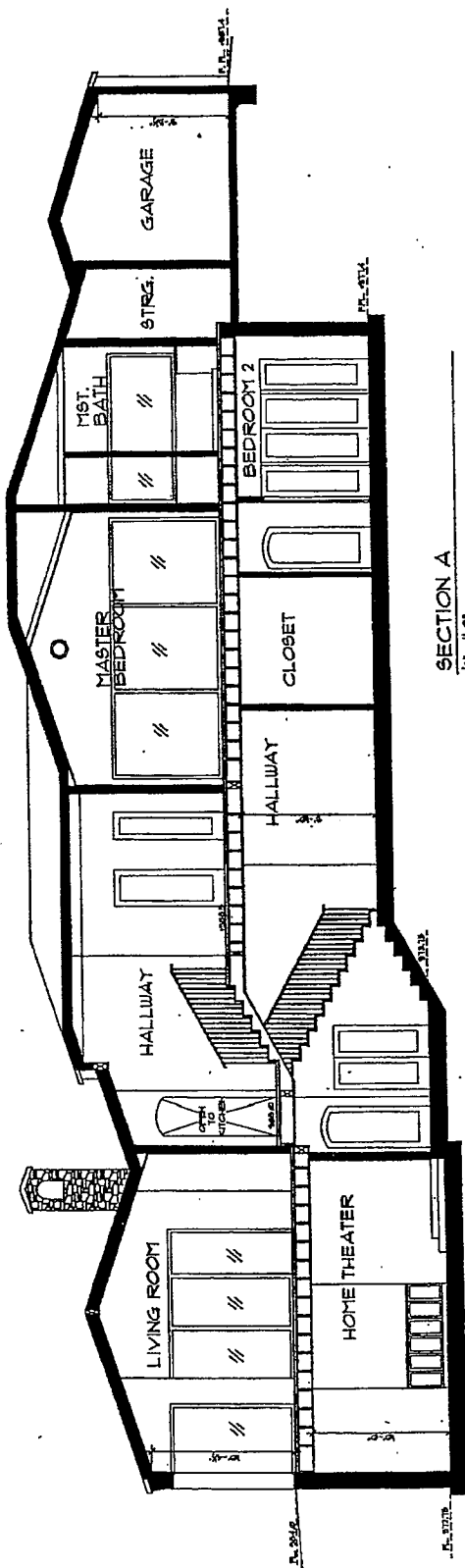
NEW RESIDENCE FOR  
Mr. Steve Hartnell  
14 CORONA RD. CARPENTEL, CA  
APR 24-25-81

DATE	4/24/81
PROJECT NO.	84-85
DRAWN BY	DR
CHECKED BY	DR
SHEET TITLE	EXTERIOR ELEVATIONS
SHEET NO.	A-7
OF SHEET	8

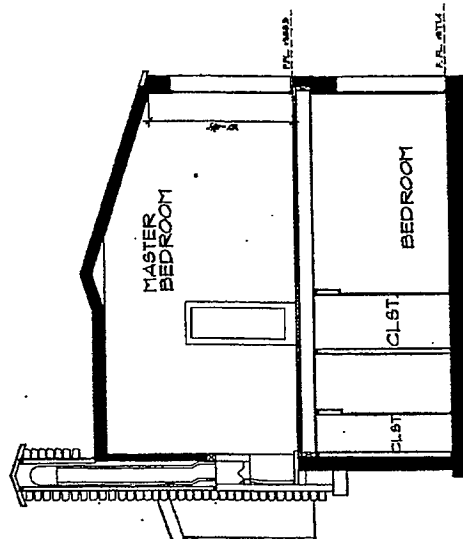
REVISIONS

NO. DATE

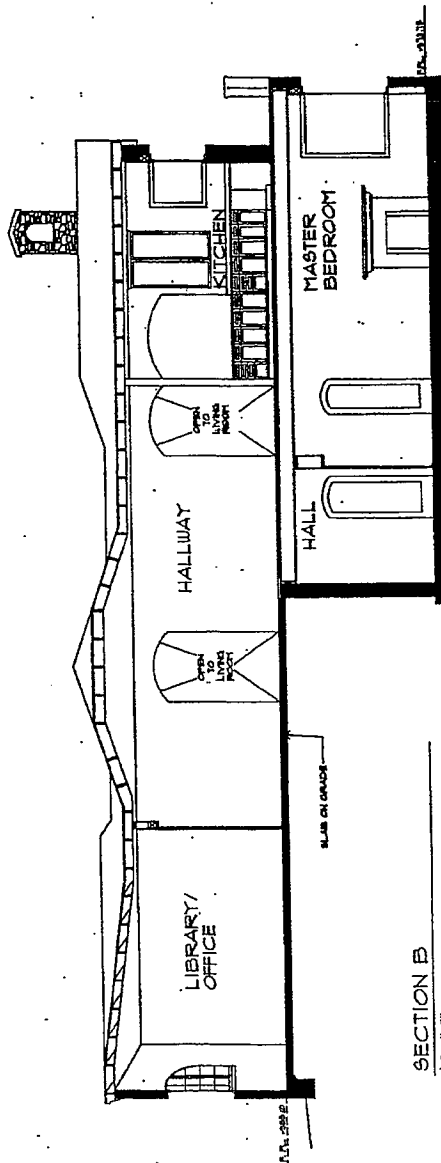
WILLIAM C McFORD  
ARCHITECT  
31 VIA CLAYTON, MONTREY, CA 92040  
(619) 373-4567 LICENSE # C-22893



SECTION A  
1/4" = 1'-0"



SECTION C  
1/4" = 1'-0"



SECTION B  
1/4" = 1'-0"

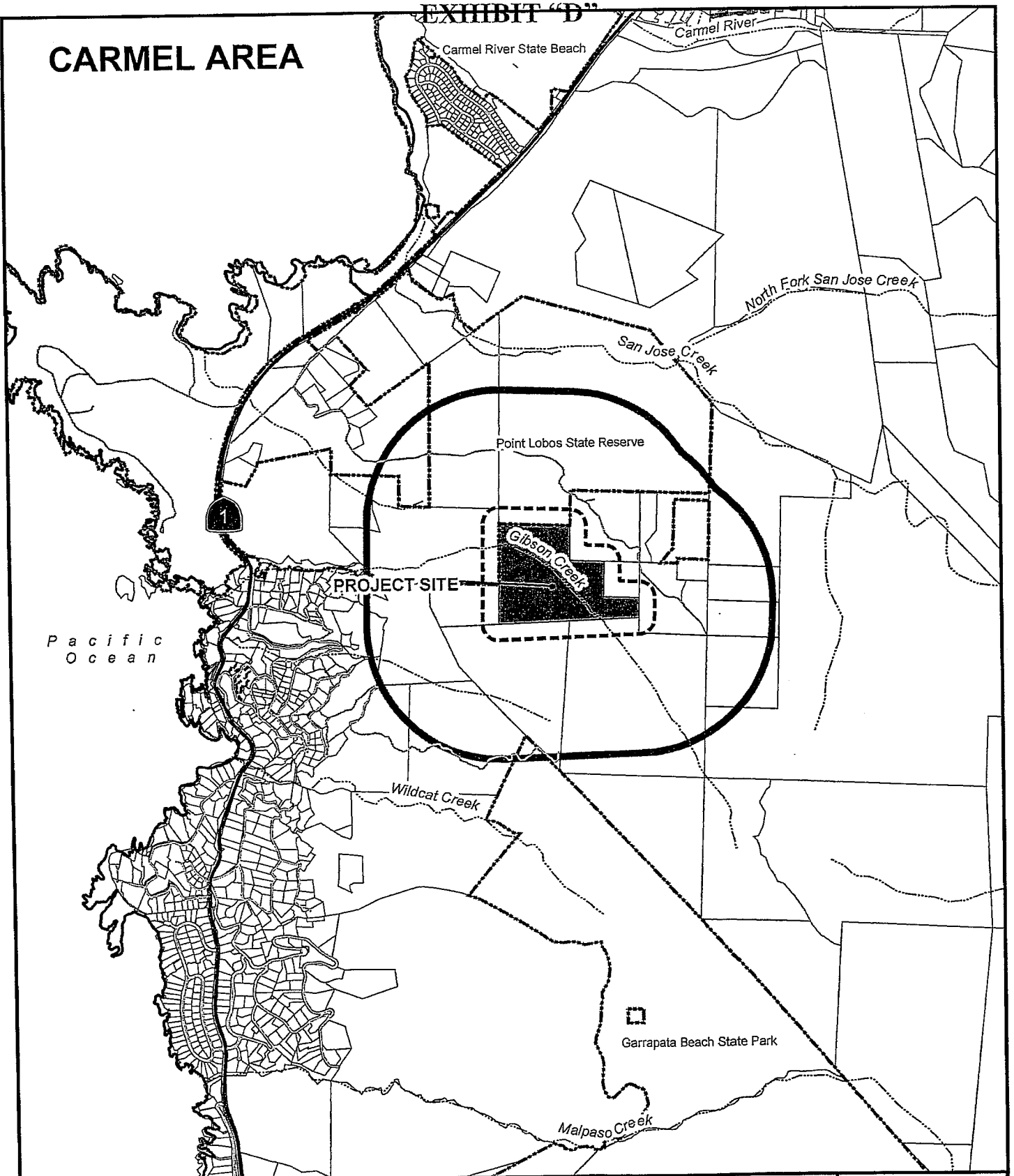
NEW RESIDENCE FOR  
M. Steve Hartnett  
14 CORONA RD. CARTEL, CA  
APN 241-271-01

DATE 4/20/98  
PROJECT NO. 98-001  
DRAWN BY JLM  
CHECKED BY JLM  
SHEET TITLE: SECTIONS

SHEET NO. A-8  
OF EIGHT SHEETS

EXHIBIT "D"

CARMEL AREA

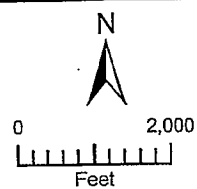


APPLICANT: HARTNETT

APN: 241-221-011-000

FILE # PLN080046

300' Limit 2500' Limit City Limits Water



PLANNER: GONZALES

**EXHIBIT "E"**

2011071023

**FILED**

JUL 06 2011

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
*Stephen L. Vagnini*

County of Monterey

State of California

**MITIGATED NEGATIVE DECLARATION**

<b>Project Title:</b>	Hartnett
<b>File Number:</b>	PLN080046
<b>Owner:</b>	Stephen P. Hartnett
<b>Project Location:</b>	164 Corona Road, Carmel
<b>Primary APN:</b>	241-221-011-000
<b>Project Planner:</b>	Elizabeth Gonzales
<b>Permit Type:</b>	Combined Development Permit
<b>Project Description:</b>	Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a 6,058 square foot single family dwelling with attached 1,167 square foot garage; 2) Coastal Development Permit to allow a 990 square foot Caretaker's Unit with 449 square foot garage; 3) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat area (ESHA); 4) a Coastal Administrative Permit to convert a test well into a production well; 5) A Coastal Development Permit to amend a Lot Line Adjustment map to relocate the building envelope at the site; and 6) Design Approval. The property is located at 164 Corona Road, Carmel (Assessor's Parcel Number 241-221-011-000), Carmel Area Land Use Plan, Coastal Zone.

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

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

<b>Decision Making Body:</b>	Monterey County Board of Supervisors
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	July 8, 2011
<b>Review Period Ends:</b>	August 8, 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

**POSTED 30 DAYS**



# 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 (Hartnett, File Number PLN080046) at 164 Corona Road, Carmel (APN 241-221-011-000) (see description below). The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. The Zoning Administrator will consider this proposal at a meeting on August 25, 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 July 8, 2011 to August 8, 2011. Comments can also be made during the public hearing.

**Project Description:** Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a 6,058 square foot single family dwelling with attached 1,167 square foot garage; 2) Coastal Development Permit to allow a 990 square foot Caretaker's Unit with 449 square foot garage; 3) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat area (ESHA); 4) a Coastal Administrative Permit to convert a test well into a production well; 5) A Coastal Development Permit to amend a Lot Line Adjustment map to relocate the building envelope at the site; and 6) Design Approval. The property is located at 164 Corona Road, Carmel (Assessor's Parcel Number 241-221-011-000), Carmel Area Land Use Plan, Coastal Zone.

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: Hartnett; File Number PLN080046

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
3. California Coastal Commission
4. County Clerk's Office
5. Association of Monterey Bay Area Governments
6. Carmel Unified School District

7. Pacific Gas & Electric
8. Pacific Bell
9. Monterey Bay Unified Air Pollution Control District
10. Carmel Highlands 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. Monterey County Sheriff's Office
16. Stephen P. Hartnett, Owner
17. Myron Etienne, Agent
18. Property Owners within 300 feet (Notice of Intent only)

# 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:** Hartnett

**File No.:** PLN080046

**Project Location:** 164 Corona Road, Carmel

**Name of Property Owner:** Hartnett, Stephen P.

**Name of Applicant:** Etienne, Myron E Jr. Esq.

**Assessor's Parcel Number(s):** 241-221-011-000

**Acreage of Property:** 84.7 acres

**General Plan Designation:** Watershed & Scenic Conservation

**Zoning District:** WSC/40 (CZ) and WSC/80 (CZ)

Watershed and Scenic Conservation/ 40 acres per unit in the Coastal Zone and Watershed and Scenic Conservation/ 80 acres per unit in the Coastal Zone

**Lead Agency:** Monterey County Resource Management Agency – Planning Department

**Prepared By:** Craig W. Spencer, Associate Planner

**Date Prepared:** May 26, 2011

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

**Phone Number:** (831) 755-5102

**Email:** [gonzalesl@co.monterey.ca.us](mailto:gonzalesl@co.monterey.ca.us)

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

**A. Description of Project:** The proposed project entails relocating a building envelope by amending a record of survey found in Volume 16 Page 99 of the Monterey County Records. The Record of Survey was filed pursuant to Monterey County permit number PC-6251. PC-6251 required establishment of building envelopes for four (4) parcels located off of Corona Road including the subject property (Parcel D) and granting of a conservation and scenic easement over the land outside of the building envelope. The Conservation and Scenic Easement Deed recorded at the Monterey County Recorder's Office, document number 35437 located at Reel 2520 page 335 will also be amended to except the new building envelope location and include the area where the previous envelope was located (Source IX. 1).

The project would also consist of construction of a new 6,058 square foot, two-story single family dwelling with a 1,167 square foot attached garage with a 449 square foot carport in front of the garage, a new 990 square foot detached caretaker's unit with garage, 4,837 square feet of impervious area for a driveway, patio, and walkways, installation of two 5,000 gallon water tanks, installation of a new septic tank and leach fields, and approximately 2,800 cubic yards of grading (2,700 cut/ 100 fill) to accommodate the new structures proposed on the relocated building envelope. The excess fill material will be exported to a location permitted to receive soil materials. Twenty (20) Monterey Pine trees ranging in size from 4 to 6 inches in diameter will be removed for the proposed development and approximately 12,000 square feet of Coastal Scrub habitat including Hooker's Manzanita will be affected. Hooker's Manzanita is 1B.2 species of concern for the Department of Fish & Game (hereafter referred to as DFG).

A permitted test well is located across Corona Road from the proposed development in the area of the existing building envelope. The project also involves conversion of a test well to a production well (Source IX. 1 & 14)

**B. Surrounding Land Uses and Environmental Setting:** The subject parcel is located in the Coastal Mountain range known as the Diablo Mountains above the Carmel Highlands, east of Point Lobos State Park. The site is over 84 acres spanning a southeast to northwest trending ridge top between Gibson Creek to the north and Wildcat Creek to the south. The site is steep and densely covered with chaparral. The site can only be accessed from Highway 1 through the Carmel Highlands on either Corona Road or Mount Devon Road. Both roads become decomposed granite surface that meander through the rough terrain with sharp switch-backs. The existing building envelope at the site is located just south of Corona Road and is approximately 0.61 acres in size. The new building envelope is proposed just north of Corona Road and would contain the same amount of area. Vegetation within the proposed building envelope includes a mixture of small pine trees and dense chaparral. Adjacent to the proposed building envelope is a stand of redwood trees.

Zoning for the property is Watershed and Scenic Conservation in the Coastal Zone (WSC (CZ)). The area is mostly mountainous with large parcel sizes and mostly undeveloped spaces which provide good habitat for native wildlife and vegetation. It also lends itself to high fire hazards, especially during hot, dry periods. Loose top soils in the area, combined with steep slopes,

require strict adherence to erosion control measures to prevent soils runoff and erosion at the site (Source IX. 1, 5, 7, & 10). The site will be served by electric power by an existing underground PG&E service. Water comes from a test well installed and inspected under a previous permit (PLN070033) that will be converted to a permanent well as part of the proposed project. Sewage disposal will be through a proposed new septic system.

**C. Other public agencies whose approval is required:** Approval of a small water system permit through the Monterey County Environmental Health Division is required to serve the proposed house and caretaker unit. Construction Permits will be required by the Resource Management Agency – Building Department prior to development. In addition, this study analyzes the effect of the proposed actions including Coastal Development Permits to allow vegetation removal and development. Coastal Development Permits are subject to review and appeal authority by the California Coastal Commission.

These described permits do not absolve the owner or other person or entity from obtaining any other permits that may be required by law. For instance, if State listed species are found at the site, consultation with the DFG is still required.

### ***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/Air Quality Management Plan / Local Coastal Program – LUP**

The proposal was reviewed for consistency with the Carmel Land Use Plan and the Coastal Implementation Plan Parts 1 & 4. The property is located within the Watershed and Scenic Conservation land use designation, which allows 40-80 acres/unit. Policy areas not addressed by the Local Coastal Program cited above include Noise Hazards and the Air Quality Management Plan (AQMP). As such, the County considers consistency with 1982 General Plan noise policies and the AQMP policies for projects in the Coastal Zone. The project is consistent with the 1982 General Plan noise policies, as explained below in Section IV.A.10. Discussion on consistency with the AQMP is contained in Section VI.3 below. Potential Impacts based on LUP policies, were identified but all impacts can be avoided or mitigated to a level of insignificance.

Staff has conducted site visits and reviewed the project and technical documents prepared for the project. The project includes construction of a new house and caretaker unit on an 84 acre site. Environmental impact avoidance and minimization measures will be applied as necessary.

Findings of consistency the Monterey County Local Coastal Program will be required prior to approval of the project by the appropriate authority.

#### ***IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION***

##### **A. FACTORS**

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

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture and Forest Resources       | <input checked="" type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources                     | <input checked="" type="checkbox"/> Geology/Soils                      |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality                       |
| <input checked="" type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                      | <input type="checkbox"/> Noise   |
| <input type="checkbox"/> Population/Housing                  | <input type="checkbox"/> Public Services                        | <input type="checkbox"/> Recreation                                    |
| <input type="checkbox"/> Transportation/Traffic              | <input type="checkbox"/> Utilities/Service Systems              | <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:** Many of the above topics on the checklist do not apply. Less than significant or potentially significant impacts are identified for aesthetics, air quality, greenhouse gases, biological resources, geologic and soils, hazards, hydrology and water

quality, and land use/planning. Mitigation measures are provided as warranted. The project will have no quantifiable adverse environmental effect on the categories not checked above, as follows:

1. Agricultural and Forestry Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance and project construction would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project site is located within mountainous area with steep slopes and is not located adjacent to agriculturally designated lands. *Therefore, the proposed project will have no impact to Agricultural Resources.* (Source: IX. 3, 7, & 8)
2. Cultural Resources The project is located within an area mapped in the Carmel Land Use Plan as 'High' in archaeological sensitivity. An archaeological report was submitted for the proposed development prepared by Archaeological Consulting dated January 6, 2010, that did not reveal any potentially significant resources and concluded that the project should not be delayed for archaeological reasons. A standard condition of approval requiring work to be halted and the Planning Department and an archaeologist be notified, if, during the course of construction potentially significant archaeological resources are discovered. *Therefore the proposed project will have no impact to Cultural Resources* (Source: IX. 4 & 12).
3. Hydrology and Water Quality The project involves the conversion of an existing test well into a production well that will be the source of water for the proposed single family dwelling and caretaker unit. Because the well will serve two units, it is required to be permitted as a small water system pursuant to the requirements of the Monterey County Environmental Health Division (EH). EH has reviewed the water quality and quantity of the test well and has determined that the well has adequate water quality and capacity to serve the proposed development. The subject site is outside the "study area" of the Interim Emergency Ordinance prohibiting wells on lots of less than 2.5 acres in the California American Water Service area. The lot is also outside of the Carmel Highlands "on-site waste management plan" area. There are no wetlands or waterways on the property and the site is not near a flood plain. It is located on a ridge high above Carmel Highlands. Erosion control and drainage control measures will be implemented for the project (Source IX. 1 & 16). *Therefore the proposed development will have no impact on Hydrology and Water Quality.*
4. Mineral Resources No mineral resources have been identified or would be affected by this project (Source: IX. 3, 8, & 10). *Therefore, the proposed project will have no impact to Mineral Resources.*
5. Noise The construction of one single-family home within this area would not expose people to noise levels that exceed standards and would not substantially increase ambient noise levels. The project site is not located in the vicinity of an airport or private airstrip. The project is located in a remote area with large distances between dwellings. The Health Department has reviewed and recommended approval of the proposal, without conditions relating to noise. There is no evidence that the persons residing or working near the project site would be significantly impacted by noise or vibrations related to this project. Temporary construction activities will comply with the County's noise requirements, as



required in the County Code, Chapter 10.60. (Source: IX. 2 & 7). *Therefore, the proposed project will have no impact to Noise.*

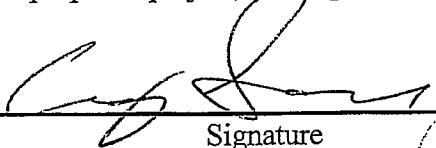
6. Population/Housing The proposed project would not induce substantial population in the area, either directly through the construction of one single-family home and a caretaker unit within an area that allows single family homes as a principally permitted use and caretaker units as a conditional use, or indirectly as no new infrastructure would be extended to the site. The project would not alter the location, distribution, or density of human population in the area in any significant way, or create a demand for additional housing (Source: IX. 1, 3, 5, & 7). *Therefore, the proposed project will have no impact related to Population/Housing.*
7. Public Services The proposed project consists of the construction of one new single family home which would be served by public and private services. The project would have no measurable effect on existing public services. The Monterey County Water Resources Agency, Monterey County Public Works Department, the Environmental Health Division, and the Carmel Highlands Fire Protection District have reviewed the project. These agencies provided comments on the project, which are incorporated into the project as conditions of approval. None of the County departments / service providers indicated that this project would result in potentially significant impacts as conditioned (Source: IX. 1). *Therefore, the proposed project will have no impact to Public Services.*
8. Recreation The proposed project would result in the construction of one new single family home and caretaker unit on a vacant lot. The project would not result in an increase in use of existing recreational facilities that would cause substantial physical deterioration. The Carmel Land Use Plan Figure 3 does not show any existing or proposed trail systems on the subject property. The Monterey County Parks Department has reviewed the application and has deemed the project complete without conditions or comments (Source IX. 1 & 3). *Therefore the project will have no impact on Recreation.*
9. Transportation/Traffic The development of a single-family dwelling and caretaker unit on an existing legal lot of record will not generate a significant increase in traffic movements. The County Department of Public Works has reviewed the project and has recommended a condition requiring payment of the Transportation Agency of Monterey County (TAMC) Regional Development Impact Fee. Payment of the TAMC fee is a standard requirement for new dwelling units. Payment of the fee off-sets cumulative traffic impacts by funding regional road improvement projects. There will be no substantial increase in air traffic movements or locations patterns from the proposed development. Parking exceeds the minimum requirements contained in the zoning ordinance (Source IX. 1 & 17). *Therefore, as conditioned the proposed project will have no impact related to Traffic.*
10. Utilities/Service Systems The proposed project consists of the construction of a single family dwelling and caretaker unit that would be served by mostly private utilities with the exception of electric which is available to the site from Pacific Gas and Electric. Water will be provided by a private well, permitted as a test well under PLN070033, which has been tested and approved by the Monterey County Environmental Health Division. The project also includes a new septic system and leach fields which has also been reviewed by Environmental Health. The County Department of Public Works and the Water Resources Agency have reviewed the project and find no adverse impacts. Storm water will be controlled and contained on site and allowed to percolate back into the ground. The

amount of solid waste generated by the proposed project, one new single family dwelling, will not significantly impact the area's solid waste facilities which are run by the Monterey Regional Waste Management District. This new single family dwelling and caretaker unit will not cause a significant increase nor exceed the capacity of the utilities and services being provided. (Source IX. 1). *Therefore, the proposed project will have no impact to Utilities/Services.*

## 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

Craig W. Spencer



7/6/11  
\_\_\_\_\_  
Date

Associate Planner

## ***V. EVALUATION OF ENVIRONMENTAL IMPACTS***

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

previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion:

#### **Aesthetics**

The subject parcel contains a building envelope created by a lot line adjustment (PC6251) that is located along a ridge top overlooking Highway 1 to the west. The subject application would change the location of the building envelope to an area just across the street from its current location and still on a ridge top. Monterey County regulates ridgeline development where any structure is proposed on the crest of a hill that would silhouette against the sky. Views from the property provide a line of sight to public viewing areas including Highway 1 to the north and south of the property, and Point Lobos to the west. Staking and flagging were required for the proposed project to determine visual impacts from the common public viewing areas.

### Conclusion:

#### **Aesthetics 1 (a & b) – No Impact**

Staking and flagging of the proposed building location and height could not be seen with unaided vision from Highway 1 or Point Lobos due to topography, vegetation, and distance. The staking and flagging were located in the area of the proposed new building envelope location. The new

building envelope is set back slightly further from the west-facing crest of the ridge top than the original building envelope location, lending to a lesser degree of visibility than if the building envelope were not changed. The proposed structure will not be visible from Highway 1, Point Lobos, or other scenic vista areas (Source IX. 7). *Therefore, the proposed project will have no impact on designated scenic vistas or substantially damage scenic resources.*

#### **Aesthetics 1 (c) – Less Than Significant**

The site is located in a mountainous area mostly undisturbed except for a graded dirt road and utilities. Currently, the area contains a dense vegetative cover of coastal scrub habitat with pine trees and redwood trees mixed in along the ridge top. The proposed dwelling will require removal of 20 small Monterey pine trees and approximately 12,000 square feet of Coastal Scrub habitat which will change the appearance of the site at the developed location. The area where the structures are proposed and vegetation removal is required includes a small portion of the site north of Corona Road which is a road that cuts through the site. The remainder of the parcel outside the proposed building envelope would continue to be protected through a conservation easement that will include the area where the building envelope was originally located. Trees will be retained and protected near the developed area minimizing the visual impact of the development when viewed from both on and off-site. The proposed dwelling and caretaker unit are clustered in an area close to the existing road and their development will have minimal impacts to the 84 acre site on the whole (Source IX. 1, 7, & 13).

#### **Aesthetics 1 (d) – Less Than Significant**

Construction of a new single family dwelling and caretaker unit will introduce new exterior lighting at the site. The project site is located at a distance and elevated substantially from Highway 1 and Point Lobos making the site indiscernible from these public viewing areas; however, lighting can significantly increase visibility at night. Consistent with Carmel LUP policies, a standard condition of approval will be applied to minimize visibility of lighting and off-site glare by requiring review of lighting plans for appropriate intensity and design so that only the areas intended will be illuminated and off-site glare is fully controlled. In addition, the proposed dwelling and caretaker unit have been designed with earth-toned colors and materials, including stone veneer, light beige stucco, and mission clay tile roofing which are materials that provide little or no reflectivity (Source IX. 1, 3, & 7). *Therefore, the proposed project will have a less than significant impact on scenic resource and will not create a new substantial source of glare*

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

**Discussion/Conclusion/Mitigation:** (See Sections II and IV.A.1)

### 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?	<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?	<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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in significant construction-related air quality impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion:

##### **Air Quality**

The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB). Consistency with the AQMP is an indication of a project's 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.

#### Conclusion:

##### **Air Quality 3(a, b, e, & f) – No Impact**

The development of a single family dwelling and caretaker unit on an existing legal lot of record is not subject to MBUAPCD regulations. Development of an existing residential lot for residential purposes is accommodated in the AQMP. Therefore, the proposed development would not increase population that would exceed the forecast in the AQMP. The establishment of a single family dwelling and caretaker unit at the site will not create or produce objectionable odors. Most potentially significant air quality issues related to construction of single family

homes involve the site grading activities. In accommodating for residential development, the AQMP takes into account the minor impacts of building site grading and construction of a single family dwelling. These are not considered potentially significant unless there are unusual circumstances requiring large areas of site preparation and long-term involvement of heavy equipment (Source: IX. 1 & 6). *Therefore, the project will have no impact on implementation of the Air Quality Plan or expose people to substantial pollutants or objectionable odors.*

#### **Air Quality 3 (c & d) – Less Than Significant**

The North Central Coast Air Basin is in non-attainment for the State 8-hour PM<sub>10</sub> standards. The CEQA Air Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM<sup>10</sup> to be 2.2 acres of disturbance per day. As less than 2.2 acres will be disturbed by this project, the grading proposed will not constitute a significant impact. Grading of the project site will result in minor increases in emissions from construction vehicles and dust generation. Best Management practices for construction and grading activities are to wet exposed soil to minimize the potential for dirt to become airborne through wind erosion or vehicle disturbance and to replant and stabilize graded areas as soon as possible. For construction vehicles, adherence to state required idle restrictions and use of properly maintained and tune equipment with diesel particulate matter filters would minimize vehicle exhaust related emissions during construction. The relocating of the building envelope on the property does not change the air quality analysis because, about the same or more grading would be required due to the sloping topography within the existing building envelope. Generally, in the long-term, the primary source of air emissions is vehicular traffic. Vehicle traffic reduction measures are considered on a regional basis through regional planning efforts. The development of a single family dwelling and caretaker unit will not affect the regional traffic planning efforts and will not cause significant increases in traffic congestion in the area. Standard conditions requiring adherence to Best Management Practices will minimize construction related air quality impacts for the project (Source: IX. 1, 6, & 7). *Therefore the impacts to Air Quality from construction vehicles and equipment will be less than significant.*

4. BIOLOGICAL RESOURCES	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



4. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **Discussion:**

##### **Biological Resources**

The subject property is over 84 acres in size and supports a variety of vegetation and wildlife. The California Natural Diversity Database (CNDDB) shows the area as potential habitat for Monterey Pine Forest, Central Maritime Chaparral, and Smith's Blue butterfly habitats. Due to the potential for biological impacts, a report from a qualified biologist was prepared for the project pursuant to the Carmel Land Use Plan requirements (CIP 20.146.040.A). A report, prepared by Jud Vandever, was submitted for the proposed project. The project report identifies impacts to maritime chaparral and coastal sage habitat over about one tenth of an acre for the proposed development. Review of the plans submitted indicate that that area is considerably more and appears to be approximately 12,000 square feet of area or just over a third of an acre. The report identifies that the chaparral community itself is threatened habitat and is considered environmentally sensitive. Within the chaparral community there are individually threatened plants including Hooker's Manzanita and Monterey Ceanothus. This plant community requires fire for propagation. Construction of homes and associated fire prevention has impacted the plant community. There are also twenty Monterey Pine trees ranging in size from 4 to 6 inches in diameter to be removed for the proposed development.

#### **Conclusion:**

##### **Biological Resources 4 (c) – No Impact**

The building site is located on the crest of a hill in the dry mountainous area behind the Carmel Highlands. There are no wetlands, streams, or other water-related habitats near the building

envelope or access road (Source IX. 7). *Therefore, the proposed project will have no impact on wetlands or waterways.*

#### **Biological Resources 4 (d) – No Impact**

The remote and mostly undisturbed nature of the site and surroundings, combined with the chaparral and pine forest, provides habitat and corridors for a wide variety of wildlife. The proposed development will not significantly impact the ability of wildlife to move through or around the site. The house will be located off an existing road and will occupy a small area of the large lot. The remainder of the lot will be protected through the conservation and scenic easement. For future reference, highly exclusive fencing should not be constructed at the site except for around small garden areas. There are no wetlands or waterways on the property so the project will not interfere with migratory fish (Sources IX. 1 & 7). *Therefore, the project will have no impact on migratory fish or other wildlife.*

#### **Biological Resources 4 (f) – No Impact**

There is an existing building envelope and recorded conservation and scenic easement deed that was established as part of a lot line adjustment project (PC6251). The proposed project would require relocation of the established building envelope and amendment to the conservation and scenic easement deed. The environmental effects of the proposed amendments to the map and easement are discussed herein. Overall, the proposed location appears to be superior to the original location due to fewer impacts from development on slopes and for visual impacts. The remaining topics of discussion would either not be affected or would be substantially the same impacts in either location. The proposed project will be considered by the appropriate authority pursuant to the Zoning Ordinance (Title 20) for the Combined Development Permit and the map amendment and the revisions to the conservation and scenic easement deed will be considered by the Board of Supervisors prior to being recorded at the Monterey County Recorder's Office. There are no other conservation plans applicable to the site (Source IX. 1, 5, & 13). *Therefore, the project will have no impact on Habitat plans or Conservation Planning.*

#### **Biological Resources 4 (a, b, & e) – Less Than Significant with Mitigation**

The Carmel Land Use Plan Section 2.3.1 lists dwarf coastal chaparral and Monterey Pine forest as sensitive environments for their habitat wildlife value and watershed protection qualities. Both of these types of habitats exist within the proposed building envelope and will be impacted by the improvements. The same is true for the existing building envelope. In both cases a relatively small area, approximately half an acre, of the over 84 acre parcel could be developed (Source IX. 1, 3, 7, & 9).

*Monterey Pines* are threatened in their natural habitat (CNPS listing); however, the trees proposed for removal are small enough (less than 12 inches in diameter) that they do not require an additional entitlement for their removal (Source: IX. 1, 3, 7, & 9). Approximately 20 small pine trees would be removed for grading and development. In addition, there are several pines located near where development will occur that can be preserved. Pines contribute to the scenic qualities of the site and provide habitat for nesting birds and other animal species. It is unlikely in this case that the small pines provide enough height and foliage to be nesting habitat but if not removed they may grow to a sufficient size for this purpose. Although a permit is not required for

the removal of these small pines, it will be recommended that conditions requiring tree protection for preservation of trees near the development due to the beneficial qualities they provide. Replanting trees is not recommended because of the balance of chaparral and pine forest that is established at the site. It would not be desirable to replace existing chaparral with planted pine trees in this case.

The site where the existing building envelope is located, presents essentially the same foreseeable conflicts with pines and vegetation. Therefore, the relocation of the building envelope is acceptable from a tree preservation perspective. Even though pines will be removed, there are many more pines at the site that will be preserved within the amended conservation and scenic easement providing adequate mitigation inherently (Sources IX. 1 & 7).

*Maritime Chaparral* mixed with pine forest covers most of the over 84 acre site. The chaparral community contains habitat for many animal species and can contain threatened plant species. In this case the chaparral is comprised of manzanita bushes including the threatened Hooker's Manzanita and Monterey Ceanothus. Here again, the area of proposed development is a small portion of the over 84 acre site. The development will be located adjacent to the existing roadway, so impacts will not divide or create pockets in the habitat. Potential impacts to the habitat were evaluated under the permit that created the building envelope (PC6251) and those impacts were fully mitigated by placing the property outside the envelope in an easement. The existing building envelope contains similar vegetation and the change in the building envelope location will reflect the new area and maintain the easement over the remaining property. Although the impacts are mitigated through the conservation easement, the proposed development will require removal of 7 hooker's manzanita shrubs. To minimize impacts to Hooker's Manzanita the applicant has submitted a letter from the biologist for the project indicating that native manzanita plants will be grown at a local nursery using cuttings from existing plants at the site. To ensure no net loss of Hooker's Manzanita at the site the following Mitigation is suggested:

**Mitigation Measure #1:** The applicant/owner shall consult with a qualified biologist to ensure that cuttings sufficient to ensure that at least 7 locally genetic Hooker's Mazanita plants can be regenerated for replanting at the site following construction activities prior to any grading or vegetation removal activities at the site. The biologist/owner shall ensure that the at least 7 Hooker's Manzanita of local genetic stock are replanted at the site following completion of construction activities. The survivability of the replanting shall be monitored.

**Monitoring Action 1A:**

Prior to grading or vegetation removal the applicant/owner shall have a qualified biologist take cuttings of Hooker's Manzanita at the site for the purpose of generating new health plants of local genetic stock. Prior to issuance of permits, the biologist shall submit a letter to the RMA – Planning Department verifying that cuttings have been obtained and that plants will be grown form these cuttings for planting within the landscape at the subject property.

**Monitoring Action 1B:**

Prior to final building inspection, the applicant shall demonstrate to the satisfaction of the RMA – Planning Department that at least 7 Hooker's Manzanita plants of local genetic stock have been planted at the site.

**Monitoring Action 1C:**

Six months following the replanting of the Hooker's Manzanita, the applicant/owner shall submit a report from a qualified biologist describing the health and condition of the replanted shrubs. If there is shrub mortality resulting in fewer than 7 Hooker's Manzanita remaining, the applicant/owner shall have clippings taken from nearby Manzanita and the actions required by this mitigation shall start over until a 1:1 replacement is achieved.

To aid in the preservation of the remaining habitat, fire clearance and landscaping are the main concerns. One hundred (100) feet of vegetation clearance is required for defensible space around the home. Fire clearance will need to be controlled to strike a balance between the need to provide adequate fire clearance for health and safety of residents while not clear-cutting sensitive vegetation beyond the minimum necessary. The Carmel Highlands Fire Department recognizes this need to balance the two objectives and in similar cases has allowed for thinning and removal of dead limbs and vegetation from 30 feet to 100 feet around the dwelling. Mitigation is suggested to create and implement a Fire Hazard Mitigation Plan that achieves this balance and is acceptable to the Fire Department. Within 30 feet of the dwelling a "green vegetation zone" should be maintained. This usually includes landscaping. Landscaping plans will be required as a condition of approval. Pursuant to Mitigation Measure #1, native manzanita plants will be grown at a local nursery using cuttings from existing plants at the site. These plants will then be used in the landscaping at the site. Native species used in landscaping and implementation of erosion control measures will help avoid introduction of invasive species that could threaten the native chaparral community at the site (Source: IX. 1, 4, 5, 7, 9, 13, & 18).

**Mitigation Measure #2:** Prior to the final decision on the Coastal permits, the owner/applicant shall prepare a Fire Hazard Mitigation Plan that would preserve as much native vegetation as possible within the defensible space required by the fire department. The owner/applicant shall have the plans reviewed and approved by the Carmel Highlands Fire Department representative and the RMA - Planning Department before the hearing is set. The Fire Mitigation Plan shall be incorporated into the permit and fire clearance shall be done in conformance with the plan.

**Monitoring Action 2A:**

Prior to issuance of building permits the owner/applicant shall incorporate the Fire Hazard Mitigation Plan into the design and enumerate as "Fire Dept. Notes" on plans.

**Monitoring Action 2B:**

Prior to final inspection the owner/applicant shall schedule a fire department clearance inspection for review and approval of fire clearance around the structure and other appropriate fire conditions.

**Monitoring Action 2C:**

Ongoing annual maintenance to remove dead vegetation within the defensible space as directed by the Carmel Highlands Fire Department shall be required and is the sole responsibility of the owner/occupant.

*As designed and mitigated, the project will have a less than significant impact on sensitive plant and animal species and trees.*

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

**Discussion/Conclusion/Mitigation:** (See Section IV.A.2)

## 6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Discussion:**

#### **Geology and Soils**

The project site is located on a ridge top in a mountainous area with steep slopes over much of the large lot. These steep slopes combined with loose top soils and proposed grading activities could result in erosion and loss of top soil. All of Monterey County is susceptible to seismic related ground shaking due to the many active faults in the region having the capability to produce earthquakes that can be felt at large distances including the San Andreas Fault. The site contains loose top soils with weathered granite below. The granite is a benefit from a seismic stability standpoint but can provide difficult conditions for septic systems. A geotechnical and geoseismic report and a percolation and groundwater study were prepared for the proposed project by Grice Engineering and Geology Inc., dated January 2008 and March 2009 respectively.

### **Conclusion:**

#### **Geology and Soils a (i, iii, iv), c, & d – No Impact**

The geotechnical and geoseismic report did not identify any risks from ground rupture or liquefaction. Conclusions of the report indicated that "It is our opinion that this site is suitable for the proposed development, provided the recommendations [in this report] are followed." Conformance with recommendations, including footing design suggestions, will be required through Monterey County standard conditions of approval. According to the geotechnical report, the site does not have soils characteristics or other evidence that are indicative of fault ruptures, liquefaction, or landslides (Source: IX. 10). *Therefore, there are not impacts resulting from fault ruptures, liquefaction, or landslides.*

#### **Geology and Soils a (ii) – Less Than Significant**

The Carmel Land Use Plan identifies high geologic hazard areas within 1/8 mile of an active or potentially active fault. The geotechnical report indicates that the nearest known potentially active fault is line is the San Gregorio-Palo Colorado (Sur) Fault, located approximately 3.4 miles to the southwest. This fault is a Type B fault and is not expected to produce earthquakes and ground shaking at the intensity that the Type A San Andreas Fault is capable of. Because the site is not within 1/8 mile of a potentially active fault does not mean that the site is not subject to seismic related ground shaking. As all of Monterey County has the potential for ground shaking at some point in the future, the geotechnical engineer has made recommendations including locating the foundation in undisturbed native soils found at depth or on engineered fill and that the foundation be designed and constructed using the current Building Code standards for seismic zone IV. These recommendations will prevent resonance amplification between soils and the structure and is the standard for construction of habitable structures in Monterey County (Source IX. 3 & 10). *Therefore, the proposed project will have a less than significant impact to seismic related ground shaking.*

#### **Geology and Soils b – Less Than Significant**

Saturated soils and erosion severely increase the risks of ground movement so proper control of drainage and runoff are essential to preventing ground movement. An erosion control plan has been submitted showing measures that will be employed during grading and construction activities. The plans were prepared by civil engineers with Benjamini and Associates. Among other measures, fiber Rolls will be used to trap sediment on site during construction and the site will be reseeded and stabilized following completion of grading. Following construction, runoff from the proposed impervious surfaces will need to be controlled to prevent on-going erosion hazards. The geotechnical report prepared for the project indicates that subsurface drainage may not be used at this site. Therefore, several points of release for the storm water, with adequate dissipation and erosion control measures must be developed. The release points will need to be located away from the proposed leach fields and off of slopes greater than 30%. The Monterey County Water Resources Agency has recommended a standard condition requiring submittal review and approval of a stormwater control plan prior to issuance of permits. In addition, standard building and grading requirements will be imposed on the project including erosion control measures during construction and proper drainage control from newly constructed structures. These measures are required to be shown in construction plans and are inspected by Monterey County building inspectors. The weathered granite soils, combined with proper control

of drainage and current vegetative cover, make it unlikely that there will be a significant loss of top soils or landslides at the site (Source IX. 1 & 10). *Therefore, the proposed project will have a less than significant impact to erosion*

### **Geology and Soils e – Less Than Significant**

A Percolation and Groundwater study with Septic Recommendations, prepared by Grice Engineer Inc. dated January 2009 and revised March 2009, was submitted for the project. The report states "In general, this study indicates that the soils generally have acceptable rates of percolation suitable for dispersal of septic effluent by leachfield methods. However, the area for septic dispersal is moderately constrained but provides area for primary, secondary and tertiary leachfields." Percolation testing was conducted and it was found that the soils at the site have moderate to medium slow percolation rates in the range of 10 to 120 minutes per inch Taft Equivalent. Based on the studies and testing the report recommends that a medium to deep depth trench type system be installed to achieve the best function and longevity. Primary leach fields are proposed just west of the proposed building locations. Secondary and Tertiary leach fields are proposed north of the proposed structure locations. All leachfield locations avoid 30% slopes and their installation is being considered in terms of area of disturbance in this study. The proposed septic system and leach field design has been reviewed by the Monterey County Division of Environmental Health has recommended standard conditions of approval that will be carried forward for the project. Based on this information, soils at the site are expected to be suitable for septic system installation and use (Source IX. 1 & 11).

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Discussion:**

Greenhouse gases such as Carbon Dioxide and Methane contribute to the "ozone" effect that leads to global warming. Generally, development of an existing lot of record for residential purposes is not a significant contributor to the global problem; however, the project will involve the temporary and stationary sources that generate minor amounts of greenhouse gas emissions.

### **Conclusion:**

#### **Greenhouse Gas Emissions b – No Impact**

Monterey County does not have an adopted plan for the reduction of greenhouse gases. Preparation of such a plan has begun but is not yet applicable. Instead, the project is considered



in terms of the multiple state and federal laws passed regarding this subject. It is difficult to implement the goals of the various legislations on a small project level basis such as this one. Rather climate action plans are being developed and the Office of Planning and Research (OPR) recommends that each jurisdiction establish their own thresholds of significance. Monterey County has not adopted either a climate action plan or thresholds of significance but it can be inferred from other agencies, including the California Air Resources Board (CARB) whose thresholds have been established well in excess of a single family project and the current environmental practices that the development of a new single family dwelling and caretaker unit would not substantially conflict with greenhouse gas reduction planning. GHG sources targeted in such plans generally involve vehicle miles traveled reductions, waste diversions, and technologies such as electric vehicles, and renewable energy sources, not single residential projects.

### **Greenhouse Gas Emissions a – Less Than Significant**

The proposed development would generate greenhouse gas emission through removal of trees and vegetation that not only processes Carbon Dioxide and releases Oxygen back into the air but also releases CO<sub>2</sub> once removed and composted or burned. Greenhouse gases would also be created through use of construction equipment, vehicle trips, and stationary operations within the proposed dwellings including furnaces, fireplaces, and hot water heaters. Use of construction equipment is anticipated to be intermittent and limited to site preparation and some construction activities. Pollutant emissions resulting from heavy equipment use during construction are not anticipated to exceed any significance thresholds or significantly contribute to greenhouse gas effects on the environment. The same applies to the minor addition of vehicle traffic associated with construction of a new single family dwelling and caretaker unit.

For the stationary sources, current building codes require new development to use energy efficient furnaces and water heaters to comply with Title 24. The applicant is also encouraged to consider the use of solar panels (preferably roof mounted) to help generate electricity for the proposed dwellings and off-set some additional stationary source impacts.

All of these impacts are anticipated to provide minuscule and nearly immeasurable contributions of greenhouse gases when viewed in connection with the global contributions on a cumulative basis. It is not anticipated that greenhouse gases generated by the proposed project would have a significant impact on the ozone or the environment. *Therefore, impacts to greenhouse gases are less than significant.*

8. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<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?	<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?	<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?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion:

##### Hazards and Hazardous Materials

The property is located in a remote area above the residential community of the Carmel Highlands to the west. The site is predominantly covered with Coastal dwarf chaparral consisting of shaggy bark manzanita, ceanothus, and other high fire load chaparral plant species. According to the biological report, this chaparral community typically would burn by natural causes, such as a lightning strike, every forty to eighty years. Many of the plant species within the chaparral community benefit from these regular burns and, in fact, some species need the fire to propagate.

Risks to the proposed structure and residence from fire are high. No other hazards or hazardous materials are anticipated at the site in association with the new single family dwelling and caretaker unit with the exception of a common propane tank that could provide gas to the dwellings. The project application does not include installation of a propane tank at this time.

#### **Conclusion:**

##### **Hazards and Hazardous Materials 7 (a-g) – No Impact**

The proposal involves residential development where there would be no use of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. The project, given the nature of its proposed use (one single-family residence and caretaker unit), would not involve the transport, use, or disposal of any hazardous materials. There are no known hazards or hazardous materials associated with this project. The proposed residence would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on and adopted emergency response or emergency evacuation plans. The site is not located near an airport or airstrip (Source: IX. 1, 3, 7, & 15). *Therefore, the proposed project will have no impact to Hazardous materials or emissions that could expose people working or residing in the area hazardous or unsafe conditions.*

##### **Hazards and Hazardous Materials 7 (h) – Less Than Significant**

The proposed development has been reviewed by the Carmel Highlands Fire Department and conditions were recommended to reduce risks from fire including emergency water standards (water tanks), fire sprinkler requirements, very high hazard roof construction standards, and clearance for defensible space. These are standard conditions of approval from the fire department and will be included as conditions of approval for the proposed development.

More information was determined to be required to clarify the defensible space requirement due to the sensitive biological nature of the site and surroundings. A Fire Hazard Mitigation Plan (FHMP) is required pursuant to Mitigation Measure #1 as described in Section VI.4. The FHMP must address two zones of fire protection, the first being the "lean and green zone" within an approximately 30 feet radius of the structure and beyond that the 100-foot fuel reduction area. Mitigation Measure #2 requires review and approval of the Fire Hazard Mitigation Plan by the Fire Department to ensure adequate fire protection. A deed notice has been recorded on the subject property, which satisfied a condition of approval from a previous permit (PC6251), stating that the site is within a high fire hazard zone consistent with the requirements of the Carmel Land Use Plan (Source: IX. 1, 4, 7, & 13).

The amended building envelope location will not change the fire hazard circumstances. The structure will be located off the existing roads with other single family dwelling located in the vicinity making this area one that already has land uses that are not compatible with fire. Because there was a deed notice recorded for the property and based on common sense, the owner of the property should already be aware of the risk of fire. *By incorporating the Fire Hazard Mitigation Plan and the standard Fire Department recommended conditions the project will have a less than significant risk of loss, injury or death involving wildland fires.*

## 9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<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)?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** (See Section IV A.3)

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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Discussion:**

#### **Land Use and Planning**

The main area of potential conflict with adopted plans and policies is regarding environmentally sensitive habitat. The Carmel Land Use Plan sets forth policies to protect, maintain, and, where possible, enhance environmentally sensitive habitat areas. These policies recommend avoiding development within sensitive habitat except for resource dependant development such as that required for research, maintaining a buffer from sensitive habitat where possible, and appropriate design and conditions to minimize impacts to the long term maintenance of the habitat. The project also involves amending a building envelope location and a recorded conservation and scenic easement deed that were resulting conditions of a previous planning permit (PC6251).

### **Conclusion:**

#### **Land Use and Planning 9 (a) – No Impact**

Development of one new single family dwelling and a caretaker unit is proposed on an existing legal lot of record within an established building envelope. Land Uses in the area are predominantly Watershed Conservation and Residential. Development of the vacant lot for residential purposes will not divide any established community (Source IX. 1, 3, & 7). *Therefore, the project will not physically divide an established community.*

#### **Land Use and Planning 9 (b & c) – Less Than Significant**

Proposed development at the site will directly impact sensitive habitat and species. However, the site maintains a zoning that allows for single family dwellings and caretaker units. Through previous permitting activity, in which residential development was the primary foreseeable use of the site, a building envelope was created and the remaining property was placed in a scenic easement. The building envelope was created based on site characteristics such as proximity to the existing road, slopes, views, and vegetation. The applicant now proposes to move the building envelope and construct new residential structures within the revised building envelope. The revision to the building envelope has been considered in terms of resource policies and

environmental impacts. The proposed building envelope appears to better achieve the goals and policies of the Carmel Land Use Plan by maintaining proximity to the road, clustering the proposed development, avoiding slopes (the proposed envelope has a flatter area than the current building envelope), and reducing visibility. Other resource protection goals such as sensitive habitat and vegetation impacts would be substantially the same under either case.

The over 84 acre site is covered with steep slopes and vegetation and development anywhere on the lot would impact sensitive habitat. The Carmel Land Use Plan requires that impacts to sensitive habitat be minimized to the maximum extent feasible. The caretaker unit is a conditionally allowed use and if it were removed from the plans the impact area could be reduced slightly; however, the development has been situated in a manner that manner where even if the caretaker unit were omitted only a very small area of disturbance would be achieved. Therefore, the clustered design is appropriate and consistent with the uses allowed at the site and the intent of the Carmel Land Use Plan.

When development within sensitive habitat cannot be avoided, conservation and scenic easements are required to preserve and maintain habitat outside the developed areas. A conservation and scenic easement currently exists over the entire parcel with the exception of the existing building envelope. As part of this project, the conservation and scenic easement deed will be amended to exclude the proposed building envelope area and to include the area where the old building envelope existed. Other conditions described in Section VI. 4 including a condition requiring native landscaping will aid in protecting the sensitive habitat and vegetation outside the building envelope.

With the suggested conditions the project complies with the goals and policies of the Carmel Land Use Plan. The appropriate authority will need to make specific findings of consistency with the Local Coastal Program before approving the project. The conservation and scenic easement will remain in keeping with the original intent and effect of the recorded easement (Source IX. 1, 3, 4, 5, 7, 9, 13, & 18). *Therefore, there is a less than significant impact regarding conflicts with the Local Coastal Plan and the conservation and scenic easement.*

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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** (See Section IV A.4)

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?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** (See Section IV A.5)

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

**Discussion/Conclusion/Mitigation:** (See Section IV A.6)

14. PUBLIC SERVICES				
Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** (See Section IV A.7)



**15. RECREATION**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** (See Section IV A.8)

**16. TRANSPORTATION/TRAFFIC**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**Discussion/Conclusion/Mitigation:** (See Section IV A.9)

17. UTILITIES AND SERVICE SYSTEMS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<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?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** (See Section IV A.10)

## 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Conclusion:

#### **(a) Less Than Significant with Mitigation Incorporated**

The project will impact sensitive habitat including maritime chaparral and Monterey Pine trees. The impacts have already been mitigated through the previous permit (PC6251) by placing approximately 84 acres in permanent scenic easement. Revisions to the easement will not change this. Conditions are suggested to minimize impacts to sensitive habitat at the site consistent with Local Coastal Program requirements. Mitigation to minimize impacts to sensitive habitat to a less than significant level for fire clearance around the proposed structures is suggested. The project will not substantially impact fish or wildlife or their habitat in a manner that would threaten to eliminate rare or endangered plant or animal species. An archaeological report has been prepared for the subject property and potential impacts to cultural resources, history or prehistory, are unlikely (Source: IX. 1, 3, 5, 7, 9, 13, & 18).

#### **(b) Less Than Significant**

The project includes the placement of a single family dwelling and caretaker unit on an existing legal lot of record, created through a Combined Development Permit/Lot Line Adjustment, file number PC6251. Construction of the proposed project will not significantly increase population

in the area, demand on utilities and services, or contribute significantly to traffic congestion. The proposed project has been reviewed and appears to be consistent with the Local Coastal Plan. Construction related impacts are temporary and as conditioned are not considered to be significant. There is one cumulative impact discussed in Section VI. 7 relating to generation of greenhouse gases. The contribution of greenhouse gases from the proposed project are considered to be minuscule and not in conflict with current programs or policies to reduce generation of gases, in main part due to the nature of the project in relation to the global contributors (Source IX. 1). *Therefore, the project will have less than significant cumulative impacts.*

### **(c) Less Than Significant**

The project includes construction of a single family dwelling and caretaker unit on a vacant lot of record. Construction of the project is not likely to affect humans in any significant manner. The only potential foreseeable impact would be to the residence of the proposed structures from the threat of fire. Construction methods and fire requirements will be implemented in the project to aid in fire protection. It is foreseeable that if a fire were to occur in the vicinity, structures could be evacuated to avoid adverse effects on humans. (Source: Sections IV, VI, and IX. 1).

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

## ***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 PLN080046 and the attached Initial Study / Proposed Mitigated Negative Declaration.

## ***IX. REFERENCES***

1. Project Application/Plans (PLN080046)
2. Monterey County General Plan (1982), pages 84-89 regarding noise hazards
3. Carmel Area Land Use Plan
4. Coastal Implementation Plan Part 4 (Regulations for Development in the Carmel Area Land Use Plan Area)
5. Title 20 of the Monterey County Code (Zoning Ordinance)
6. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008. <http://www.mbuapcd.org/index.cfm/Cat/66.htm>
7. Site Visit conducted by the project planner on May 10, 2010 and June 25, 2010.
8. Monterey County Planning Department GIS system and selected property report for Assessor's Parcel Number 241-221-011-000
9. Biological Report prepared by Jud Vandever dated May 3, 2007 (LIB070305).
10. Geotechnical Report prepared by Grice Engineering, Inc. dated January 2008 (LIB110130)
11. Percolation and Groundwater Study with Septic Recommendations prepared by Grice Engineering, Inc. dated January 2009 revised March 2009 (LIB110129)
12. Preliminary Archaeological Reconnaissance prepared by Archaeological Consulting dated January 6, 2010.
13. Plans and materials contained in file number PC6251 (creation of building envelopes and scenic easement)
14. Plans and materials contained in file number PLN070033 (test well)
15. California Department of Toxic Substance Control Hazardous Waste and Substances Site List – Site Cleanup (CorteseList). [http://www.dtsc.ca.gov/SiteCleanup/Cortese\\_List.cfm](http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm)
16. Monterey County Resource Management Agency – Planning Department website [http://www.in.co.monterey.ca.us/planning/docs/ordinances/Well%20Moratorium/Ord\\_5163\\_and\\_5160.htm](http://www.in.co.monterey.ca.us/planning/docs/ordinances/Well%20Moratorium/Ord_5163_and_5160.htm) (Interim Well Moratorium Ordinance)

17. Transportation Agency of Monterey County (TAMC) website  
[http://www.tamcmonterey.org/programs/devimpfee/pdf/2008-0326 TAMC Nexus Study Update.pdf](http://www.tamcmonterey.org/programs/devimpfee/pdf/2008-0326_TAMC_Nexus_Study_Update.pdf)
18. Biological Letter prepared by Jud Vandevere dated June 2, 2011 recommending replanting of native manzanita species at the site.

# EXHIBIT "F"

## MINUTES SPECIAL MEETING

Carmel Highlands Land Use Advisory Committee  
Monday, October 10, 2011

1. Site visit at 3:00 PM at 164 CORONA RD CARMEL

Attendees: Pete Davis, Don Wald, Mike Hirst, Adam Seelbeck  
Al Weber

2. Meeting called to order by Pete Davis at 4:00 pm

3. Roll Call

Members Present: Pete Davis, Don Wald, Mike Hirst, Adam Seelbeck  
Al Weber

Members Absent: Barbara Rainer, Jack Mehen, Karyl Hall

4. Approval of Minutes: No Minutes

a. September 19, 2011 minutes

Motion: \_\_\_\_\_ (LUAC Member's Name)

Second: \_\_\_\_\_ (LUAC Member's Name)

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

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PLANNING & BUILDING  
INSPECTION DEPT.

5. **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.

N/A

6. **Scheduled Item(s)** – Refer to attached project referral sheet(s)

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

N/A

B) Announcements

N/A

8. Meeting Adjourned: 4:10 pm

Minutes taken by: HIRST

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INSPECTION DEPT



# 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: **Carmel Unincorporated/Highlands**

Please submit your recommendations for this application by: **October 10, 2011**

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**Project Title:** HARTNETT STEPHEN P

**File Number:** PLN080046

**File Type:** ZA

**Planner:** GONZALES

**Location:** 164 CORONA RD CARMEL

**Project Description:**

Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the construction of a 6,058 square foot single family dwelling with attached 1,167 square foot garage; 2) Coastal Development Permit to allow a 990 square foot Caretaker's Unit with 449 square foot garage; 3) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat area (ESHA); and 4) Design Approval. The property is located at 164 Corona Road, Carmel (Assessor's Parcel Number 241-221-011-000), Carmel Area Land Use Plan, Coastal Zone.

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT

Was the Owner/Applicant/Representative present at meeting? Yes ☒ No ☐

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

**PUBLIC COMMENT:**

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

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

ADDITIONAL LUAC COMMENTS

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RECOMMENDATION :

Motion by: Al Weber (LUAC Member's Name)

Second by: Don Wald (LUAC Member's Name)

☒ Support Project as proposed

☐ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: \_\_\_\_\_

Continued to what date: \_\_\_\_\_

AYES: All Present (Davis, Wald, Hirst, Jeselnick, Weber)

NOES: None

ABSENT: Rainer, Meheen, Hall

ABSTAIN: None