

MONTEREY COUNTY ZONING ADMINISTRATOR

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| Meeting: December 8, 2011 Time: 1:40 P.M | Agenda Item No.: 3 |
| Project Description: Coastal Development Permit for development with a positive archaeological report to allow the removal of existing rock and mortar walls and wood fence on the front property line and replace with a new engineered stone veneered CMU landscape wall to match existing similar walls along the front of neighboring parcels and new wood cladding to existing glass cabin; permit also clears remaining Code Enforcement case (11CE00138) to include a new sump and pump, trenching around the structures, and new stone facing and handrails to the existing main structure; and Design Approval. | |
| Project Location: 163 Spindrift Road, Carmel | APN: 241-192-007-000 |
| Planning File Number: PLN110132 | Owner: Pebble Props, LLC Agent: Aengus Jeffers, Attorney at Law |
| Planning Area: Carmel Area Land Use Plan | Flagged and staked: Yes/No |
| Zoning Designation: : "LDR/1-D (CZ)" [Low Density Residential, 1 unit per acre with Design Control (Coastal Zone)] | |
| CEQA Action: Adopt Negative Declaration | |
| Department: RMA - Planning Department | |

RECOMMENDATION:

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

- 1) Adopt a Negative Declaration; and
- 2) Approve PLN110132, based on the findings and evidence and subject to the conditions of approval (**Exhibit B**); and

PROJECT OVERVIEW:

The applicant is proposing the removal of existing rock and mortar walls and wood fence on the front property line and replacing it with a new engineered stone veneered CMU landscape wall on two sides of the perimeter of the property. During the processing of this permit, the applicant began work on the property and created a Code Enforcement case 11CE00138 which includes a new sump and pump, trenching around the structures, and new stone facing and handrails to the existing main structure. The project site is identified as an area of high archaeological sensitivity. Pursuant to Section 20.146.090, Coastal Implementation Plan, County staff requested that an archaeological report be prepared for the project. One of the reports was positive and required CEQA review. The work done previously was analyzed in the Initial Study.

Archaeological Consulting prepared an Archaeological Assessment for the construction of a perimeter rock wall with a continuous foundation along the eastern street side of the parcel to replace a wooden fence on piers. During the assessment Archaeological Consulting found no surface evidence of archaeological resources in the wall project area. A Supplementary Archeological Assessment was prepared for the remainder of the parcel. This is a positive report and concluded that the central and western parts of the project parcel contain surface and subsurface evidence of potentially significant archaeological resources. An additional letter prepared by Archaeological Consulting clarified both previous assessments with respect to the existing house and glass gazebo, perimeter wall replacement, and replacement of brick walkways and flagstones all of which are included in this permit. The specific work described above will not result in a reasonably foreseeable direct or indirect impact to the remaining intact cultural resources located on the subject property. This conclusion is based upon the fact that none of the work described above will disturb existing soils to an extent greater than they have already been disturbed for existing structures and hardscape.

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

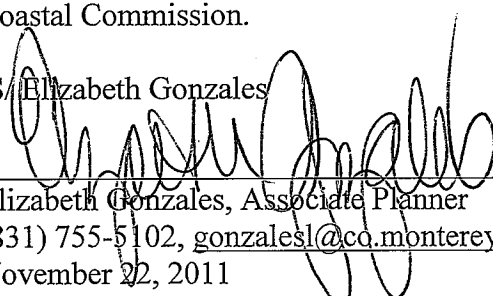
- RMA - Public Works Department
- Environmental Health Bureau
- Water Resources Agency
- √ Carmel Highlands Fire Protection District
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by RMA-Planning Department and Carmel Highlands Fire Protection District have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit B**).

The project was not referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because there were no significant land use issues; i.e., the project clears as built development and proposes construction of a landscape wall with a positive archaeological report.

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

/s/ Elizabeth Gonzales


Elizabeth Gonzales, Associate Planner
(831) 755-5102, gonzalesl@co.monterey.ca.us
November 22, 2011

cc: Front Counter Copy; Jacqueline Onciano, Zoning Administrator; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Wanda Hickman, Planning Services Manager; Bob Schubert, Senior Planner; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary; Pebble Props, LLC, Owner; Aengus Jeffers, Agent; The Open Monterey Project; LandWatch; Planning File PLN110132

Attachments: Exhibit A Project Data Sheet
 Exhibit B Draft Resolution, including:
 • Conditions of Approval
 • Site Plan, Floor Plan and Elevations
 Exhibit C Vicinity Map
 Exhibit D Negative Declaration

This report was reviewed by Bob Schubert, Senior Planner

EXHIBIT A

Project Information for PLN110132

Project Information:

| | | | |
|----------------------------------|-------------------------------|-------------------------------------|-----------|
| Project Name: | PEBBLE PROPS LLC | | |
| Location: | 163 SPINDRIFT RD CARMEL | | |
| Permit Type: | Coastal Administrative Permit | | |
| Environmental Status: | Negative Declaration | Final Action Deadline (884): | 3/24/2012 |
| Existing Structures (sf): | 3870 | Coverage Allowed: | n/a |
| Proposed Structures (sf): | 0 | Coverage Proposed: | n/a |
| Total Sq. Ft.: | 3870 | Height Allowed: | 6 |
| Tree Removal: | 0 | Height Proposed: | 6 |
| Water Source: | Cal Am | FAR Allowed: | n/a |
| Water Purveyor: | Public | FAR Proposed: | n/a |
| Sewage Disposal (method): | Septic | Lot Size: | 1.3 |
| Sewer District: | n/a | Grading (cubic yds.): | 0 |

Parcel Information:

| | | | |
|------------------------------|----------------------|------------------------------------|-----------|
| Primary APN: | 241-192-007-000 | Seismic Hazard Zone: | High |
| Applicable Plan: | Carmel LUP | Erosion Hazard Zone: | Low |
| Advisory Committee: | N/A | Fire Hazard Zone: | Very High |
| Zoning: | LDR/1-D (CZ) | Flood Hazard Zone: | No |
| Land Use Designation: | Residential | Archaeological Sensitivity: | High |
| Coastal Zone: | Yes | Viewshed: | No |
| Fire District: | Carmel Highlands FPD | Special Setbacks on Parcel: | N |

Reports on Project Parcel:

| | |
|----------------------------------|-------------------|
| Soils Report #: | N/A |
| Biological Report #: | N/A |
| Geologic Report #: | N/A |
| Forest Management Rpt. #: | N/A |
| Archaeological Report #: | LIB110244 382 417 |
| Traffic Report #: | N/A |

**EXHIBIT B
DRAFT RESOLUTION**

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

In the matter of the application of:

PEBBLE PROPS, LLC (PLN110132)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Adopting a Negative Declaration; and
- 2) Approving Coastal Development Permit for development with a positive archaeological report to allow the removal of existing rock and mortar walls and wood fence on the front property line and replace with a new engineered stone veneered CMU landscape wall to match existing similar walls along the front of neighboring parcels and new wood cladding to existing glass cabin; permit also clears remaining Code Enforcement case (11CE00138) to include a new sump and pump, trenching around the structures, and new stone facing and handrails to the existing main structure; and Design Approval.

[PLN110132, Pebble Props, LLC, 163 Spindrift Road, Carmel CA, Carmel Area Land Use Plan (APN: 241-192-007-000)]

The Coastal Development Permit application (PLN110132) 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 Area Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 2-5;
 - 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 163 Spindrift Road, Carmel (Assessor's Parcel Number 241-192-007-000), Carmel Area Land Use Plan. The parcel is zoned "LDR/1-D (CZ)" [Low Density Residential, 1 unit per acre with Design Control (Coastal Zone)], which allows for residential development. Therefore, the project is an allowed land use for this site.
- c) The project applicant requests to remove existing rock and mortar walls and wood fence on the front property line and replace them with a new engineered stone veneered CMU landscape wall which will match existing similar walls along the front of neighboring parcels. The rock wall will be situated along the road in roughly the same location as the existing fence; new wood cladding is also proposed for the existing glass cabin. There also exists a Code Enforcement case (11CE00138) that includes a new sump and pump, trenching around the structures, new stone facing and handrails to the existing main structure that was previously done without permits. This permit will clear the CE case (See Finding #4).
- d) Design Approval Pursuant to Chapter 20.44, Design Control Zoning Districts, zoning for the project requires design review of structures to make sure they are appropriate to assure protection of the public viewshed, neighborhood character, and assure visual integrity. To ensure that the landscape wall will not detract from the visual quality of Yankee Point, the exposed face of the wall will consist of natural wood trim and stone to match existing landscape walls in the neighborhood. All other work is located in the back of the property and cannot be seen by the public.
- e) Visual Resources. According to the Carmel Coastal Implementation Plan (CIP), the public viewshed are those areas visible from major public viewing areas such as 17 Mile Drive, Scenic Road, Highway 1 Corridor and turn-outs, roads/viewpoints/sandy beaches within Point Lobos Reserve and Carmel River State Beach, Garrapata State Park, and Carmel City Beach (20.146.020 CIP). Policy 2.2.3 CLUP states, "the design and siting of structures, whether residential, commercial, agricultural, or public and the access roads thereto, shall not detract from the natural beauty of the scenic shoreline and undeveloped ridgelines and slopes in the public viewshed." Although, Spindrift Road is located off Highway 1, the wall cannot be seen from Highway 1. However, the wall will match existing walls in the neighborhood.
Cultural Resources. The parcel is located within 750 feet of a known archaeological resource. Pursuant to 20.146.090.A.1, the entitlement for development within 750 feet of a known archaeological resource requires a Coastal Development Permit. County staff requested that an archaeological report be prepared for the project to evaluate the potential for significant archaeological resources on-site and the potential for impacts to these resources as a result of the project. On March 17, 2011, an Archaeological Assessment was prepared by Archaeological Consulting for the construction of a perimeter rock wall with a continuous foundation along the eastern street side of the parcel to replace a wooden fence on piers. During the assessment Archaeological Consulting found no surface evidence of archaeological

resources in the wall project area. On July 18, 2011, a Supplementary Archeological Assessment was prepared for the remainder of the parcel. This is a positive report that concludes that the central and western parts of the project parcel contain surface and subsurface evidence of potentially significant archaeological resources. The upper eastern portion of the parcel provided no surface or subsurface evidence of potentially significant cultural resources. Project requiring permits as well as normal landscape and irrigation maintenance activities in that area should not require further archaeological review. On August 15, 2011, an additional letter was prepared by Archaeological Consulting to clarify both previous assessments with respect to the interior remodel of the existing house and glass gazebo, perimeter wall replacement, and replacement of brick walkways and flagstones, all of which are included in Coastal Development Permit application PLN110132. The specific work described above will not result in a reasonably foreseeable direct or indirect impact to the remaining intact cultural resources located on the subject property. This conclusion is based upon the fact that none of the work described above will disturb existing soils to an extent greater than they have already been disturbed for existing structures and hardscape. Replacement of the perimeter fence with a wall, and replacement of brick pathways with flagstones will not modify or cover new portions of native soils. The recommendations for monitoring and data recovery mitigations included in the July 18, 2011 were expressly intended for soil disturbing activities below the depth of existing irrigation lines. Surface activities such as those related to PLN110132 need not be subject to monitoring. Although it is neither likely nor foreseeable, in the event cultural material is discovered, the project will be conditioned to require all work to be halted in the event that archaeological resources or human remains are unexpectedly discovered during construction (Condition #4).

- f) The project was not referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did not warrant referral to the LUAC because there were no significant land use issues; i.e., the project clears as-built development and proposes construction of a landscape wall with a positive archaeological report.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110132.

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 Archaeological Resources. Technical reports by outside archaeological 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:
 - "Archaeological Assessment for a wall replacement"(LIB110244) prepared by Archaeological Consulting, dated March 17, 2011
 - "Supplementary Archaeological Assessment"(LIB110382) prepared by Archaeological Consulting, dated July 18, 2011
 - "Archaeological letter clarifying previous reports" (LIB110417) prepared by Archaeological Consulting, dated August 15, 2011
- c) Staff conducted a site inspection on July 28, 2011 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110132.

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

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, 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 are available and provided by Cal Am for drinking water and Carmel Riviera Wastewater District for sewer services. The proposed project does not require intensification of these uses.
 - c) Preceding findings #1 and #2 and supporting evidence for PLN110132.

4. **FINDING:** **NO VIOLATIONS** - The subject property is not in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. A violation exists on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is aware of Code Enforcement case consisting of exterior work done without permits.
 - b) Staff conducted a site inspection on July 28, 2011 and researched County records to assess if any violation exists on the subject property.

- c) The proposed project cures an existing violation regarding a new sump and pump, trenching around the structures, and new stone facing and handrails to the existing main structure (11CE00138). When implemented, the project will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations. The work done without a permit required CEQA review as one of the reports was positive. The previous work was analyzed in the Initial Study.
- d) Zoning violation 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 PLN110132.

5. **FINDING:** **CEQA (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 and conditioned, will have a significant effect on the environment. The 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 (PLN110132).
 - 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 Negative Declaration. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN110132).
 - d) The Draft Negative Declaration (“ND”) for PLN110132 was prepared in accordance with CEQA and circulated for public review from November 7, 2011 through December 7, 2011 (SCH:#2011111031).
 - e) Issues that were analyzed in the Negative Declaration include: cultural resources and greenhouse gas emissions.
 - f) 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 (PLN110132) and are hereby incorporated herein by reference.
 - g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no

effect on fish and wildlife resources. The site supports development within 750 feet of cultural resources. 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) (See Condition #5).

- h) No comments from the public were received.
- i) 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 20.70.050.B.4.c 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 of the Public Access Map 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 PLN110132
 - e) The project planner conducted a site inspection on July 28, 2011.

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

- EVIDENCE:**
- a) Section 20.86.030 Monterey County Zoning Ordinance (Board of Supervisors).
 - b) Section 20.86.080.A.3 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project includes conditional uses (Coastal Development Permit) to allow development within 750 feet from a known archaeological resource. The project is also between the first public road and the ocean.

DECISION

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

1. Adopt a Negative Declaration; and
2. Approve Coastal Development Permit for development with a positive archaeological report to allow the removal of existing rock and mortar walls and wood fence on the front property line and replace with a new engineered stone veneered CMU landscape wall to match existing similar walls along the front of neighboring parcels and new wood

cladding to existing glass cabin; permit also clears remaining Code Enforcement case (11CE00138) to include a new sump and pump, trenching around the structures, and new stone facing and handrails to the existing main structure; and Design Approval, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 8th of December, 2011, upon motion of:

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

PLN110132

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit 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 stating that "Resolution Number ____ was approved by the Zoning Administrator on December 8, 2011 for Assessor's Parcel Number 241-192-007-000)" and that "The permit was granted subject to 6 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. 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 December 8, 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.

4. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remain are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and the RMA - Planning Department within 24 hours.

- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.

- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or

Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

1. The Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant failed to make a recommendation within 24 hours after being notified by the commission.

2. The descendant identified fails to make a recommendation; or

3. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist to the Director of the RMA-Planning Department for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

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.

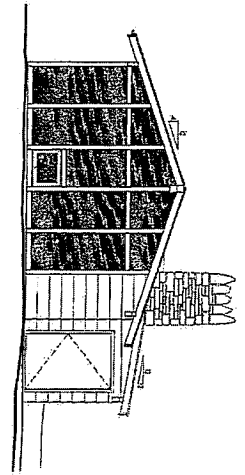
6. FIRE007 - DRIVEWAYS

Responsible Department: Fire

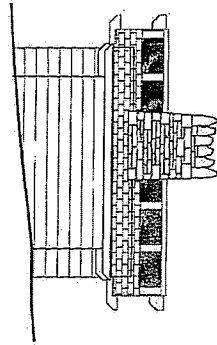
Condition/Mitigation Monitoring Measure: Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (Carmel Highlands Fire Protection District)

Compliance or Monitoring Action to be Performed:

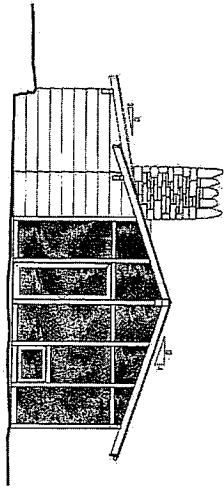
1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.



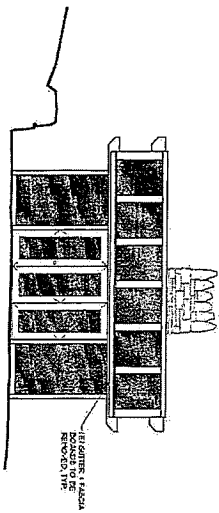
1 (E) WEST EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



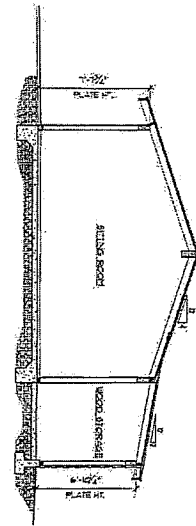
2 (E) SOUTH EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



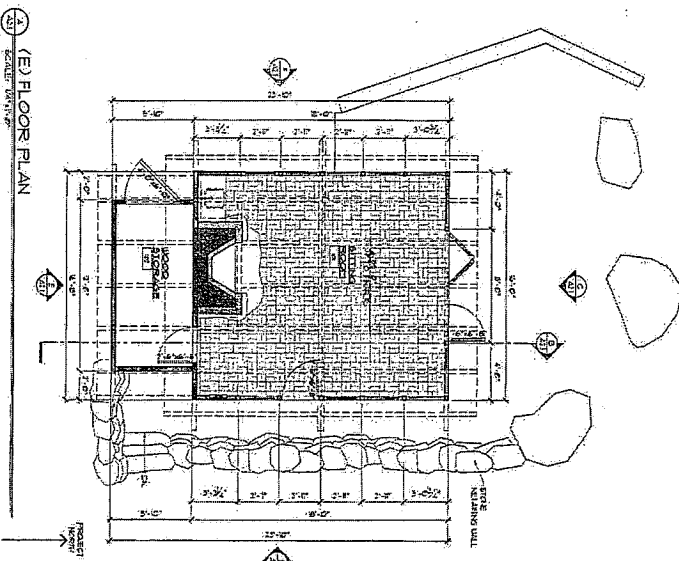
3 (E) EAST EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



4 (E) NORTH EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



5 (E) BUILDING SECTION
SCALE: 1/4" = 1'-0"



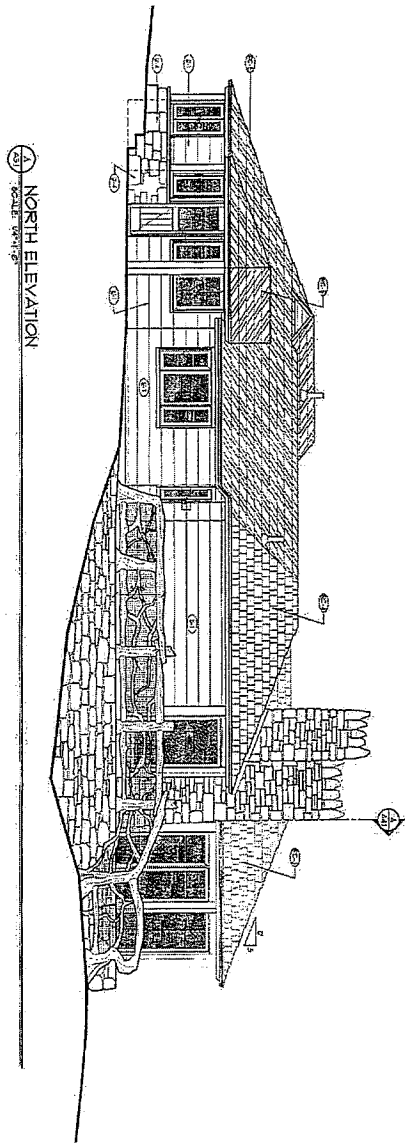
6 (E) FLOOR PLAN
SCALE: 1/4" = 1'-0"

| | |
|----------|----------------------|
| DATE | DESCRIPTION |
| 10/11/01 | CONCEPT DESIGN |
| 11/11/01 | PRELIMINARY DESIGN |
| 12/11/01 | FINAL DESIGN |
| 01/11/02 | CONSTRUCTION PERMITS |
| 02/11/02 | CONSTRUCTION |
| 03/11/02 | COMPLETION |

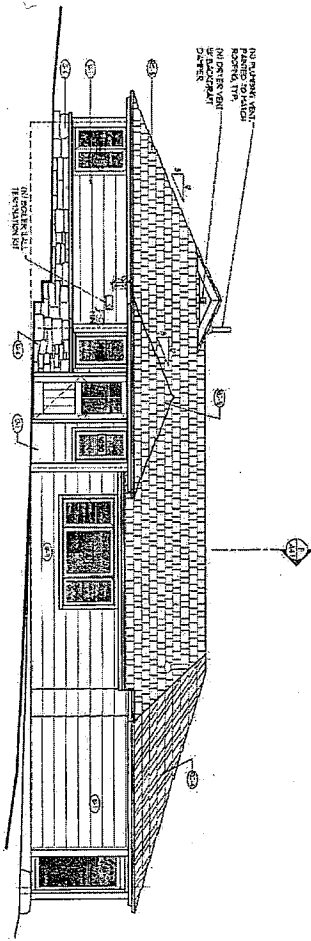
COASTAL RANCH- GLASS CABIN
163 SPINDRIFT ROAD, CARTEL, CALIFORNIA

PEARSON DESIGN GROUP, Inc.
163 SPINDRIFT ROAD, CARTEL, CALIFORNIA

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE, 2001 EDITION, AND ALL APPLICABLE LOCAL ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.



14 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

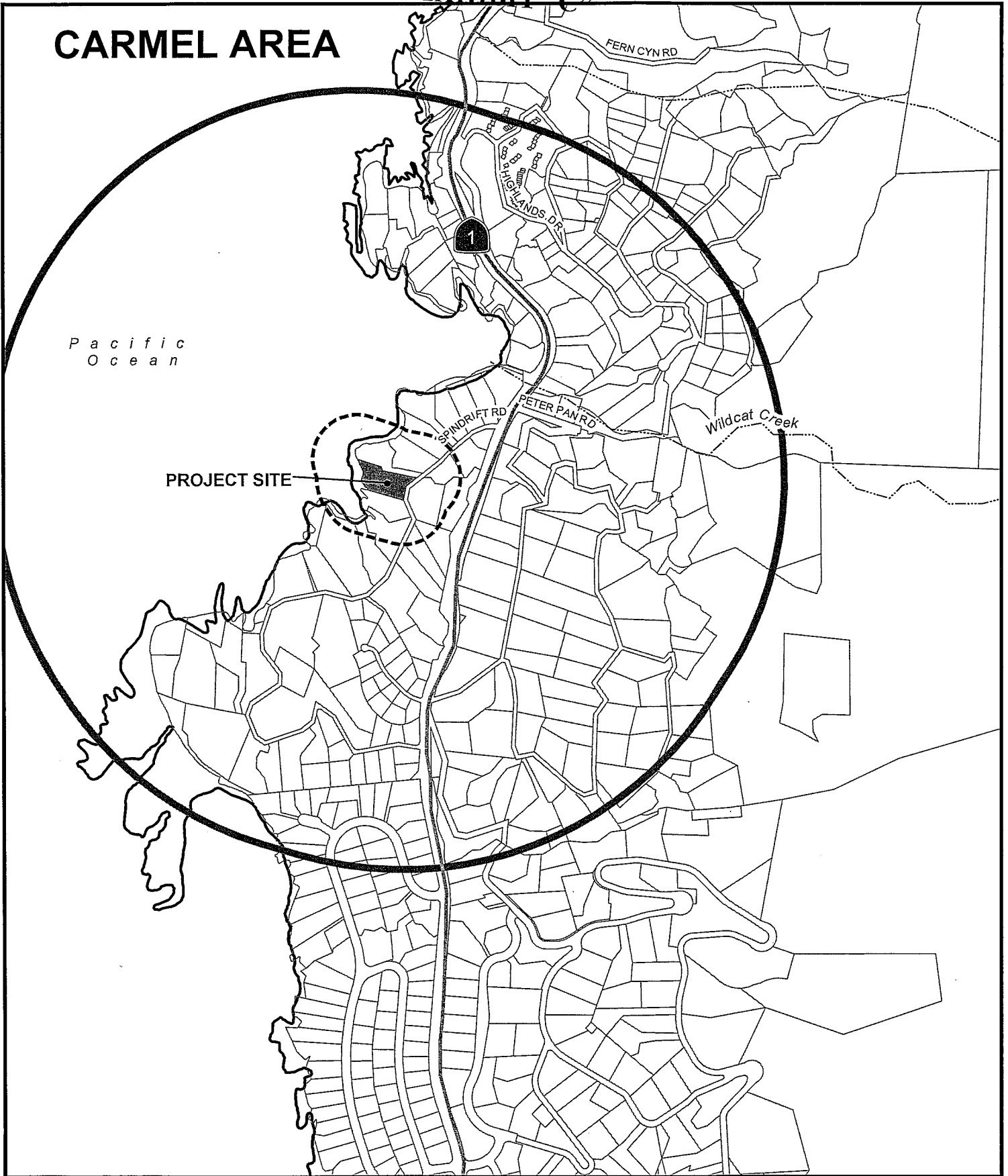


14 NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

(1) PLASTER, VENT
(2) PLASTER, VENT
(3) PLASTER, VENT
(4) PLASTER, VENT
(5) PLASTER, VENT
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EXHIBIT "C"

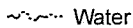



CARMEL AREA



APPLICANT: PEBBLE PROPS LLC

APN: 241-192-007-000

FILE # PLN110132

 Water
  2500' Limit
  300' Limit
  City Limits

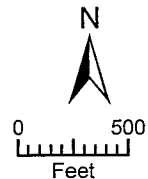
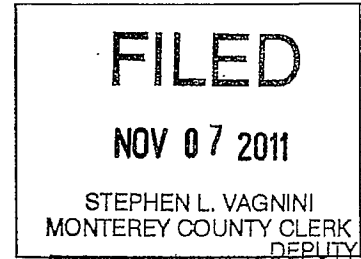


EXHIBIT "D"

County of Monterey
State of California
NEGATIVE DECLARATION



| | |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Title: | Pebble Props, LLC |
| PLN: | PLN110132 |
| Owner: | Pebble Props, LLC |
| Project Location: | 163 Spindrift Road, Carmel, Coastal Zone |
| Primary APN: | 241-192-007-000 |
| Project Planner: | Elizabeth Gonzales |
| Permit Type: | Coastal Development Permit |
| Project Description: | Coastal Development Permit for development with a positive archaeological report to allow the removal of existing rock and mortar walls and wood fence on the front property line and replace with a new engineered stone veneered CMU landscape wall. The wall will match existing similar walls along the front of neighboring parcels. |

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

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

| | |
|------------------------------|--------------------------------------|
| Decision Making Body: | Monterey County Board of Supervisors |
| Responsible Agency: | County of Monterey |
| Review Period Begins: | November 7, 2011 |
| Review Period Ends: | December 7, 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, 2nd Floor, Salinas, CA 93901 (831) 755-5025

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

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

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



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: PEBBLE PROPS, LLC

File No.: PLN110132

Project Location: 163 Spindrift, Carmel Highlands

Name of Property Owner: Pebble Props, LLC

Name of Applicant: Aengus Jeffers, Esq.

Assessor's Parcel Number(s): 241-192-007-000

Acreeage of Property: Approximately 1.3 acres

General Plan Designation: Residential

Zoning District: LDR/1-D (CZ)

Low Density Residential/1 unit per acre in the Coastal Zone

Lead Agency: RMA Planning Department

Prepared By: Elizabeth Gonzales

Date Prepared: November 7, 2011

Contact Person: Elizabeth Gonzales

Phone Number: (831) 755-5102

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The property is located at 163 Spindrift Road, Carmel (Assessor's Parcel Number 241-192-007-000), Carmel Area Land Use Plan, Coastal zone. The parcel is zoned low Density Residential/one unit per acre-Design Control area in the Coastal Zone "LDR/1-D (CZ)".

The parcel contains the main house, a small guesthouse, a garage and a glass gazebo. The driveway and semi-circular parking pullout were paved. Walkways and garden paths had previously been paved throughout with brick and flagstone. The parcel contained several mature Cypress trees and the understory was extensively landscaped with shrubs and succulents.

The applicant is proposing the removal of existing rock and mortar walls and wood fence on the front property line and replacing it with a new engineered stone veneered CMU landscape wall on two sides of the perimeter of the property. The wall will match existing similar walls along the front of neighboring parcels.

Pursuant to Section 20.146.090, Coastal Implementation Plan, County staff requested that an archaeological report be prepared for the project to evaluate the potential for significant archaeological resources on-site and the potential for impacts to these resources as a result of the project.

On March 17, 2011, an Archaeological Assessment was prepared by Archaeological Consulting for the construction of a perimeter rock wall with a continuous foundation along the eastern street side of the parcel to replace a wooden fence on piers.

The project site is identified as an area of high archaeological sensitivity. The parcel is also located within 750 feet of a known archaeological resource. Entitlements include a Coastal Development Permit for development with a positive archaeological report.

The rock wall will be situated along the road in roughly the same location as the existing fence. An examination of the surface to be impacted by the wall construction failed to produce evidence of potentially significant cultural resources. During the assessment Archaeological Consulting found no surface evidence of archaeological resources in the wall project area. Therefore, it is recommended that the wall project not be delayed for archaeological reasons. Because the possibility exists that unidentified (buried) cultural resources may be discovered during any construction involving soil disturbance, a Condition of Approval will require that if any archaeological resources or human remains are unexpectedly discovered, work shall be halted and the County shall be notified.

On July 18, 2011, a Supplementary Archeological Assessment was prepared for the remainder of the parcel. This is a positive report that concludes that the central and western parts of the project parcel contain surface and subsurface evidence of potentially significant archaeological resources. The upper eastern portion of the parcel provided no surface or subsurface evidence of potentially significant cultural resources. Project requiring permits as well as normal landscape and irrigation maintenance activities in that area should not require further archaeological review.

On August 15, 2011, an additional letter was prepared by Archaeological Consulting to clarify both previous assessments with respect to the interior remodel of the existing house and glass gazebo, perimeter wall replacement, and replacement of brick walkways and flagstones, all of which are included in Coastal Development Permit application PLN110132. The specific work described above will not result in a reasonably foreseeable direct or indirect impact to the remaining intact cultural resources located on the subject property. This conclusion is based upon the fact that none of the work described above will disturb existing soils to an extent greater than they have already been disturbed for existing structures and hardscape. Replacement of the perimeter fence with a wall, and replacement of brick pathways with flagstones will not modify or cover new portions of native soils. The recommendations for monitoring and data recovery mitigations included in the July 18, 2011 were expressly intended for soil disturbing activities below the depth of existing irrigation lines. Surface activities such as those related to PLN110132 need not be subject to monitoring. Although it is neither likely nor foreseeable, in the event cultural material is discovered, the project will be conditioned to require all work to be halted in the event that archaeological resources or human remains are unexpectedly discovered during construction.

The primary CEQA issues involve cultural resources and greenhouse gas emissions. Less than significant impacts have been identified (see Section VI, Environmental Checklist, of the Initial Study). Since this is a request to construct a perimeter CMU landscape wall, the proposed project meets the policies of the Carmel Area Land Use Plan. As these were considered less than significant impacts, no mitigations were required for the project. However, implementation of conditions of approval will be included to assure compliance with County requirements.

Other Project Impacts

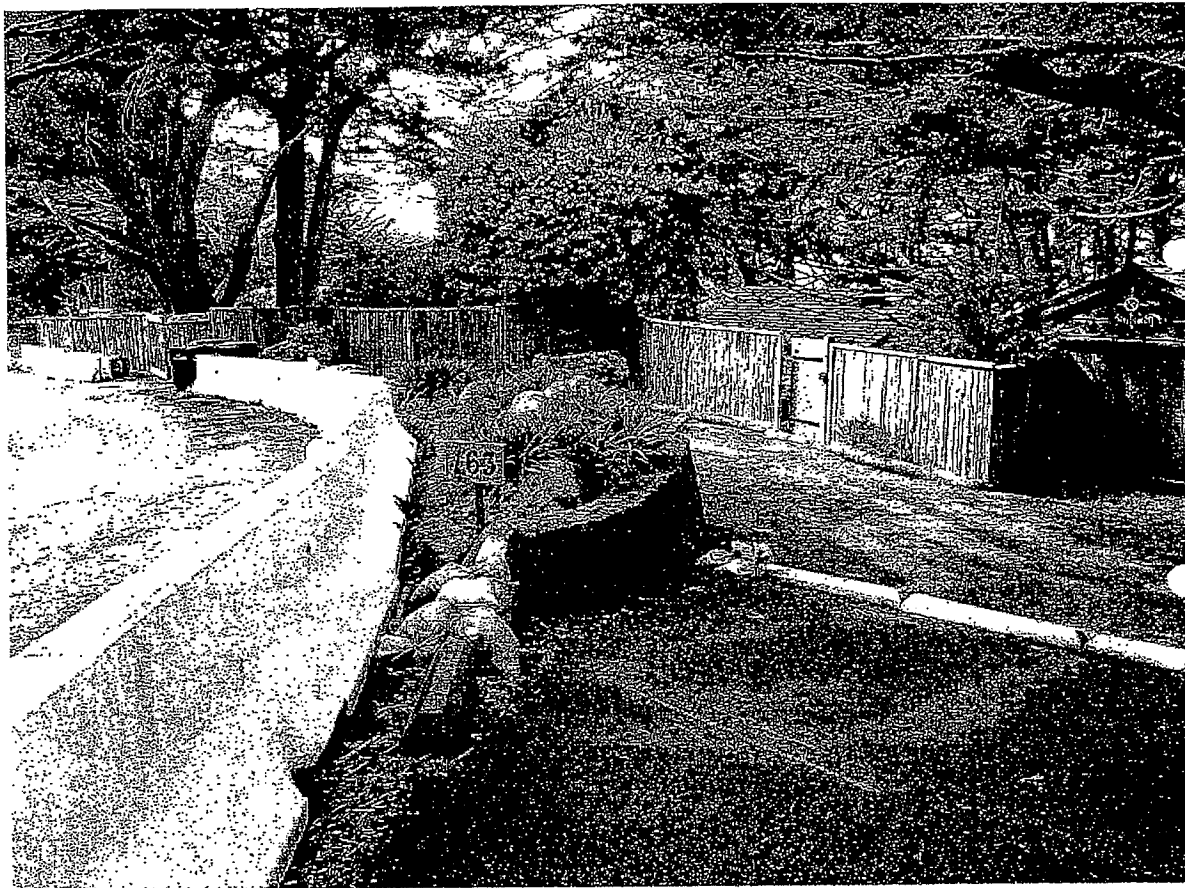
The subject property is not located within Prime or Unique Farmlands, forest land, environmentally sensitive habitat area, an area that poses a threat caused by flooding, earthquake fault zones, or on a mineral resource recovery site. The result of the project will not require large amounts of water,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

B. Surrounding Land Uses and Environmental Setting:

The parcel is located on Spindrift Road, west of Highway 1, in the Carmel Highlands known as the Yankee Point area. Spindrift Road is located right off Highway 1 and loops back onto Highway 1, with parcels abutting the Pacific Ocean along the way. Beginning at Highway 1, the terrain has a gentle slope toward the Pacific Ocean.

The parcel is surrounded by residential properties to the north, south and east of the parcel. The parcel size is approximately 1.3 acres, similar to sizes of the other residential parcels along

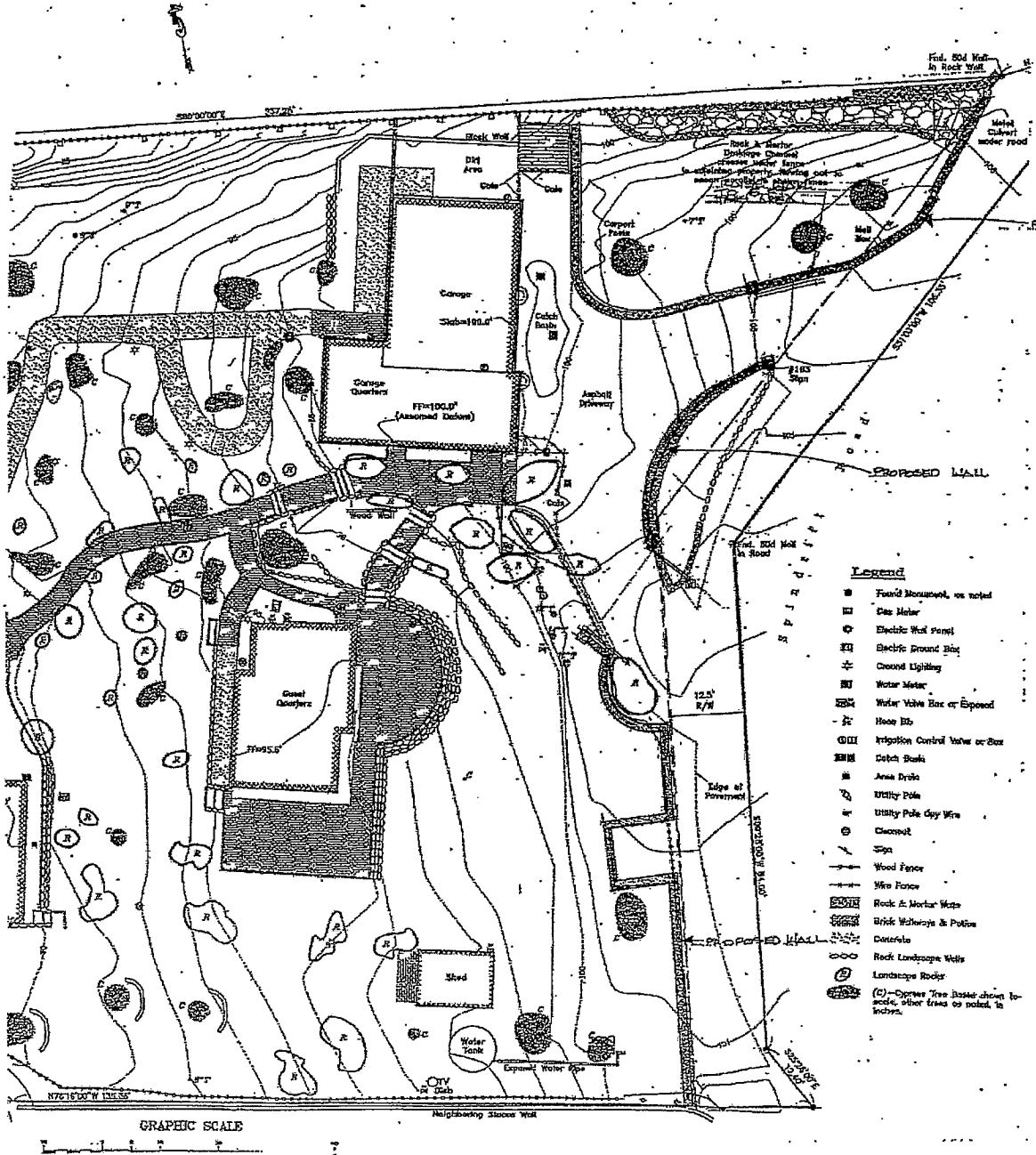
Spindrift Road. Most of the entrances are bordered by CMU walls similar to applicant's proposed wall.



It is important to remember that near surface soils on the subject property were substantially modified by the 1998 mud flows which inundated the subject property and were followed by emergency landscaping. As a result of flooding and subsequent restoration of the subject property, it is concluded that disturbance of soils above the depth of existing irrigation lines will not result in a reasonably foreseeable direct or indirect impact to the cultural resources located on the subject parcel.

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

SITE PLAN – SPINDRIFT ROAD



OCEAN

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 type="checkbox"/> | Air Quality Mgmt. Plan | <input 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"/> |

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

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

Check here if this finding is not applicable

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

EVIDENCE: Based upon the planner's project analysis, many of the above topics on the checklist do not apply. Less than significant impacts or potentially significant impacts are identified in **cultural resources and greenhouse gases**. The project will have no quantifiable adverse environmental effect on the categories not checked above as follows:

- 1) Aesthetics. The project will not have a substantial effect on a scenic vista nor substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway nor substantially degrade the existing visual character or quality of the site and its surroundings. The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (References IX 1, 3, 6, 7)

The Scenic qualities of the Carmel area have long been a cherished part of the Monterey coast. Therefore, future development is protected within the viewshed and must harmonize and be clearly subordinate to the natural scenic character of the area. (**Policy 2.2.2**) However, the parcel is not located within the General Viewshed according to Viewshed Map A of the Carmel Area Land Use Plan. Although the fence will be located in the front of the property, the subject parcel cannot be seen from any viewshed area. The parcel is located within a Design Control area and has provided colors and materials that blend into the character of the neighborhood. The project will have no impacts to Aesthetics.

- 2) Agricultural and Forest Resources: The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance, and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. (References IX 1, 2, 3, 6, 7)

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

- 3) 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). There is no grading proposed for the installation of the new CMU landscape wall; therefore, there will be no increase in emissions from construction vehicles and dust generation. The CEQA Air

Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM-10 to be 2.2 acres of disturbance a day. As less than 2.2 acres will be disturbed by this project it has been judged not to constitute a significant impact. Generally, in the long-term, the primary source of air emissions is vehicular traffic. The development on the project site for a CMU landscape wall will not affect AMBAG population projections. Therefore, the proposed project will have no impact upon air quality. (References IX 1, 2, 5, 6)

- 4) Biological Resources. The proposed site does not contain any environmentally sensitive habitat areas. The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a sensitive or special status species and would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. (References IX.1, 3, 6, 7).

The environmentally sensitive habitats of the Carmel Coastal Segment are unique, limited and fragile resources of statewide significance, important to the enrichment of present and future generations of County residents and visitors; accordingly, they shall be protected, maintained and where possible, enhanced and restored. **(Policy 2.3.2)** There is no evidence of ESHA on the property; therefore, no impact on biological resources is anticipated as a result of the project.

- 5) Cultural Resources. See Section VI. for detailed analysis.
- 6) Geology/Soils. The proposed project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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 nor have strong seismic ground shaking, Seismic-related ground failure, including liquefaction, landslides, result in substantial soil erosion or the loss of topsoil, 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 nor be located on expansive soil, nor 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 defined in Chapter 18A of the 2007 California Building Code, nor will it create substantial risks to life or property. (References IX 1, 2, 6, 7)

Land Uses and development in areas of high geologic, flood, and fire hazard shall be carefully regulated through the best available planning practices in order to minimize risks to life and property and damage to the natural environment **(Policy 2.7.2)** The proposed project is not located within any hazard areas and will have no impacts to geology/soils.

- 7) Greenhouse Gas Emissions. See Section VI. for detailed analysis

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

The Carmel Area Land Use Plan considers that various human activities can create or aggravate geologic hazards. Road construction and site excavation are leading causes of erosion. Vegetation removal, improper grading, cut and fill, operations, and inadequate drainage are all factors which trigger landslides. The Carmel area is characterized by a moderate to very high fire hazard. (Policy 2.7) Grading is very minimal for this project. The Carmel Highlands Fire Protection District reviewed the project and deemed it complete with no conditions. Therefore, there is no impact to hazards.

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

The County should require new development in the Cal-Am service area to employ water conservation techniques to the greatest possible extent. This would include, among other things, use of water-saving fixtures, retention of native vegetation, and use of drought-tolerant landscaping (Policy 3.2.3.3). The project does not include any addition of water use nor is there any construction that would impede flood flows. Therefore, the proposed project would have no impacts to hydrology/water quality.

- 10) Land Use/Planning. The proposed project will not physically divide an established community. The project does not conflict with any of the policies within the Carmel Area Land Use Plan and meets all zoning requirements. There is no habitat or natural community conservation plan that the proposed project is required to conform to. The project consists of the construction of a retaining wall in order to keep the structure safely set on the bluff. The zoning regulations allow for the first single family dwelling on a legal lot of record. (References IX 1, 2, 3, 4, 5, 6, 7)

The Carmel Area Land Use Plan states that the subdivided areas within the segment are concentrated primarily along the west side of Highway 1, except within Carmel Highlands, where the subdivided area lies also on the east side. It is the County's objective to promote the continued "infilling" of vacant parcels of recorded in all subdivided areas. (Policy 4.3.1) The project proposes to construct a CMU landscape wall on the front and side of the property that meets all site development standards. County Departments reviewed the project application and concurs. Therefore, the proposed project is consistent with the Land Use Plan policies.

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

12) Noise. The project would not change the existing residential use of the property, would not expose the surrounding properties to noise levels that exceed standards or to substantial vibration from construction activity, and would not substantially increase ambient noise levels. (References IX 1, 2, 6, 7)

The project site is not located in the vicinity of an airport or private airstrip. The generation of substantial or significant noise over the long-term is not typically associated with a project of this scope. The proposed project would have temporary minor noise impacts due to construction of the CMU landscape wall, but those would cease once the project was completed. Neighboring residences are located on both sides of the property. The temporary noise will be located on the front of the property. Therefore, there is no impact to noise.

13) Population/Housing The proposed project would not substantially induce population growth in the area, either directly, or indirectly, as no new infrastructure would be extended to the site. The project would not alter the existing location, distribution, or density of human population in the area, nor create a demand for additional housing, or displace people. (References IX 1, 2, 3, 6, 7)

Since the proposed project requests the construction of a CMU landscape wall to match the neighboring properties' walls, the housing element had already been considered within the Carmel Area Land Use Plan. There would be no impacts to Population or Housing.

14) Public Services. The project would have no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. (References IX. 1, 2, 3, 6, 7)

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

15) Recreation. The project, as proposed, would not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical deterioration. The proposed project does not include or require construction or expansion of recreational facilities. (References IX. 1, 3, 6, 7) No parks, trail easements, or other recreational opportunities would be adversely impacted by the

proposed project, based on review of Figure 3 (Public Access) of the Carmel Area LUP and staff site visits. The project would not create significant recreational demands.

The Carmel Area Land Use Plan requires that public access be protected and provided where consistent with public safety needs and the need to protect the rights of private property owners and natural resource areas from overuse. (**Key Policy 5.3.1**) The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformance with the public access policies of Chapter 5 of the Carmel Area Land Use Plan (CLUP), and Section 20.145.150 of the Monterey County Coastal Implementation Plan for Carmel (Part 2). Figure 3 does not identify the parcel as an area requiring existing or proposed public access. No public access points or trails are located on the parcel. The proposed project would have no impacts related to Recreation.

- 16) Transportation/Traffic. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. The project would not result in a change in air traffic patterns or an increase in traffic levels. It would not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity. The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation. (References IX. 1, 3, 6, 7)

The property has sufficient parking for a truck to bring in materials to construct a CMU landscape wall. There should not be more than two vehicles present during construction. Therefore, proposed project would have no impact to Transportation or Traffic.

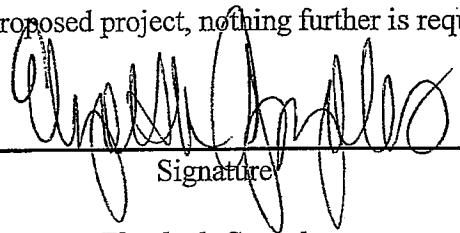
- 17) Utilities. The proposed project currently has sufficient water supplies and a wastewater treatment provider available to service the existing single family dwelling. The proposed project consists of a CMU landscape wall to be constructed in the front and side of the property. Therefore, existing public utilities public utilities will not be affected. (References IX. 1, 3, 6, 7). Therefore, the proposed project would have no impacts related to Utilities and Service Systems.

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Elizabeth Gonzales

Nov 7, 2011

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? (Source:) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

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.

| 2. AGRICULTURAL AND FOREST RESOURCES | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | | |
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 2, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

3. AIR QUALITY

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

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 5, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 2, 5, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 2, 5, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in significant construction-related air quality impacts? (Source: 1, 2, 5, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Expose sensitive receptors to substantial pollutant concentrations? (Source 1, 2, 5, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 5, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

4. BIOLOGICAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| 4. BIOLOGICAL RESOURCES | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
| Would the project: | | | | |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

| 5. CULTURAL RESOURCES | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
| Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 4, 6, 7, 8, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 3, 4, 6, 7, 8, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 3, 4, 6, 7, 8, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 4, 6, 7, 8, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

According to the Monterey County Geographic Information System, the project site is identified as an area of high archaeological sensitivity. The parcel is also located within 750 feet of an known archaeological resource. Pursuant to Section 20.146.090, Coastal Implementation Plan, County staff requested that an archaeological report be prepared for the project to evaluate the

potential for significant archaeological resources on-site and the potential for impacts to these resources as a result of the project.

In the Archaeological Assessment dated March 17, 2011 for the construction of a perimeter rock wall, research discovered prehistoric archaeological sites located on parcels adjacent to the north and east of the project area. Other sites are located further north and east along the top of the cliffs overlooking the ocean and Wildcat Creek. An examination of the surface to be impacted by the wall construction failed to produce evidence of potentially significant cultural resources. Only a couple of small fragments of *Haliotis* shell were noted in a tan granitic clay matrix, the remains of the debris flow. Native soil, where visible, was a medium brown loam. Decomposing granite was found in the southern part of the proposed wall footprint. During the assessment Archaeological Consulting found no surface evidence of archaeological resources in the wall project area. Therefore, it is recommended that the wall project not be delayed for archaeological reasons.

In the Supplementary Archeological Assessment dated July 18, 2011, prepared for the remainder of the parcel, the report was positive and concluded that the central and western parts of the project parcel contain surface and subsurface evidence of potentially significant archaeological resources. Because this portion of the site appears to be an extension of the Late Period Coastal Gathering deposit, its potential for producing significant cultural materials is limited but not altogether lacking. The Cypress tree well produced no evidence of cultural resources and necessary modification or demolition of the existing tree well should not be delayed for archaeological reasons. However, if development proposals were to apply to the central and western parts of the parcel, it is the recommendation of Archaeological Resources that monitoring and data recovery mitigation be required to reduce anticipated project impacts to a less than significant level, as required by CEQA.

On August 15, 2011, an additional letter dated August 15, 2011 was prepared to clarify both previous assessments with respect to the interior remodel of the existing house and glass gazebo, perimeter wall replacement, and replacement of brick walkways and flagstones, all of which are included in Coastal Development Permit application PLN110132. This conclusion is based upon the fact that none of the work described above will disturb existing soils to an extent greater than they have already been disturbed for existing structures and hardscape. Surface activities such as those related to PLN110132 need not be subject to monitoring.

Conclusion:

5 (a), (b), (d): No Impact

The project area lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group. The group followed a general hunting and gathering subsistence pattern with partial dependence on the natural acorn crop. Temporary camps or other activity areas can also be found along ridges or other travel corridors. Materials frequently associated with prehistoric cultural resources in this area, including dark midden soil and marine shell fragments, were observed on the surface in the central and lower parts of the parcel during the field assessment. The midden was most apparent on the surface around the main house and the glass gazebo, diminishing up the slope and on steeper portions of the lower slope. Six 4"

augers were successfully excavated with no apparent imported rock, no modern or historic materials or evidence of disturbance found.

It is important to remember that near surface soils on the subject property were substantially modified by the 1998 mud flows which inundated the subject property and were followed by emergency landscaping. As a result of flooding and subsequent restoration of the subject property, it is concluded that disturbance of soils above the depth of existing irrigation lines will not result in a reasonably foreseeable direct or indirect impact to the cultural resources located on the subject parcel.

5 (c): Less than Significant Impact

Although the Archaeological Reports state that initially the proposed development could have the potential to cause a significant impact, the conclusion of the reports state that the project site lies in an area considered to be a non-unique archaeological resource since it does not meet the criteria for unique archaeological resources contained in CEQA Section 21083.2(g). The project will not directly or indirectly destroy a unique paleontological resource or geologic feature. Archaeological investigations for the project and vicinity did not find any evidence of these resources at the site.

Staff has incorporated a standard condition of approval that states “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.”

| 6. GEOLOGY AND SOILS | Less Than Significant | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------------|------------------------------|-------------------------------------|
| | Potentially Significant Impact | With Mitigation Incorporated | Less Than Significant Impact | No Impact |
| Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:) 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? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| 6. GEOLOGY AND SOILS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

| 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? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion/Conclusion/Mitigation:

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

based on the best available information. At this time, the County of Monterey and the Monterey Bay Unified Air Pollution Control District (agency responsible for regulating air quality in the region) have not identified a significance threshold for GHG emissions. There will be GHG emissions associated with the use and transport of construction materials to and from the project site. However, quantifying the emissions has a level of uncertainty. Therefore, in lieu of State guidance or locally adopted thresholds, a primarily qualitative approach will be used to evaluate possible impacts for the proposed project.

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

Although the proposed project will create a temporary impact to air quality caused by construction activities, the result of the project will not increase the baseline amount of GHGs emitted prior to the project to a level of significance. The temporary impacts of construction for the CMU landscape wall will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide (CO₂) by fuel combustion.

| 8. HAZARDS AND HAZARDOUS MATERIALS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 2, 3, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2, 3, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1, 2, 3, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 3, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 3, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| 8. HAZARDS AND HAZARDOUS MATERIALS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2, 3, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 2, 3, 5, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

| 9. HYDROLOGY AND WATER QUALITY | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 3, 6, 7) | <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 <u>erosion or siltation</u> on- or off-site? (Source: 1, 3, 6, 7) | <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 <u>flooding</u> on- or off-site? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

9. HYDROLOGY AND WATER QUALITY

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| f) Otherwise substantially degrade water quality? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

10. LAND USE AND PLANNING

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Physically divide an established community? (Source:) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1,2, 3, 4, 5, 6, 7, 8, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

11. MINERAL RESOURCES

| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

12. NOISE

| Would the project result in: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

| 13. POPULATION AND HOUSING | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

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

Discussion/Conclusion/Mitigation: See Section IV

| 15. RECREATION | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

| 16. TRANSPORTATION/TRAFFIC | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: 1, 3, 6, 7) | <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 result in substantial safety risks? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| 16. TRANSPORTATION/TRAFFIC | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

| 17. UTILITIES AND SERVICE SYSTEMS | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|------------------------------|-------------------------------------|
| Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 3, 6, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation: See Section IV

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

| Does the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 3, 4, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1, 3, 4, 6) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 3, 4, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 3, 4, 6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

(a) Less Than Significant

Based upon the analysis throughout this Initial Study, the project shall not have the potential to degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The specific work described in the project application will not result in a reasonably foreseeable direct or indirect impact to the habitat of a fish or wildlife species. Replacement of the perimeter fence with a wall, and replacement of brick pathways with flagstones will not modify or cover new portions of native soils. All work is located at the front of the parcel and furthest away from the ocean. No biological resources are located on the property. The upper eastern portion of the parcel provided no surface or subsurface evidence of potentially significant cultural resources.

(b), (c) No Impact.

The project would not result in significant construction-related impacts, and would not create any long-term impacts on the local area. The temporary and short-term environmental effects from project-related construction activities would not cause substantial adverse effects on human beings, either directly or indirectly. Because the project is not a construction project that will take many months to complete, there will be no cumulative effects from this project or any projects currently in the area.

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 at 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.

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

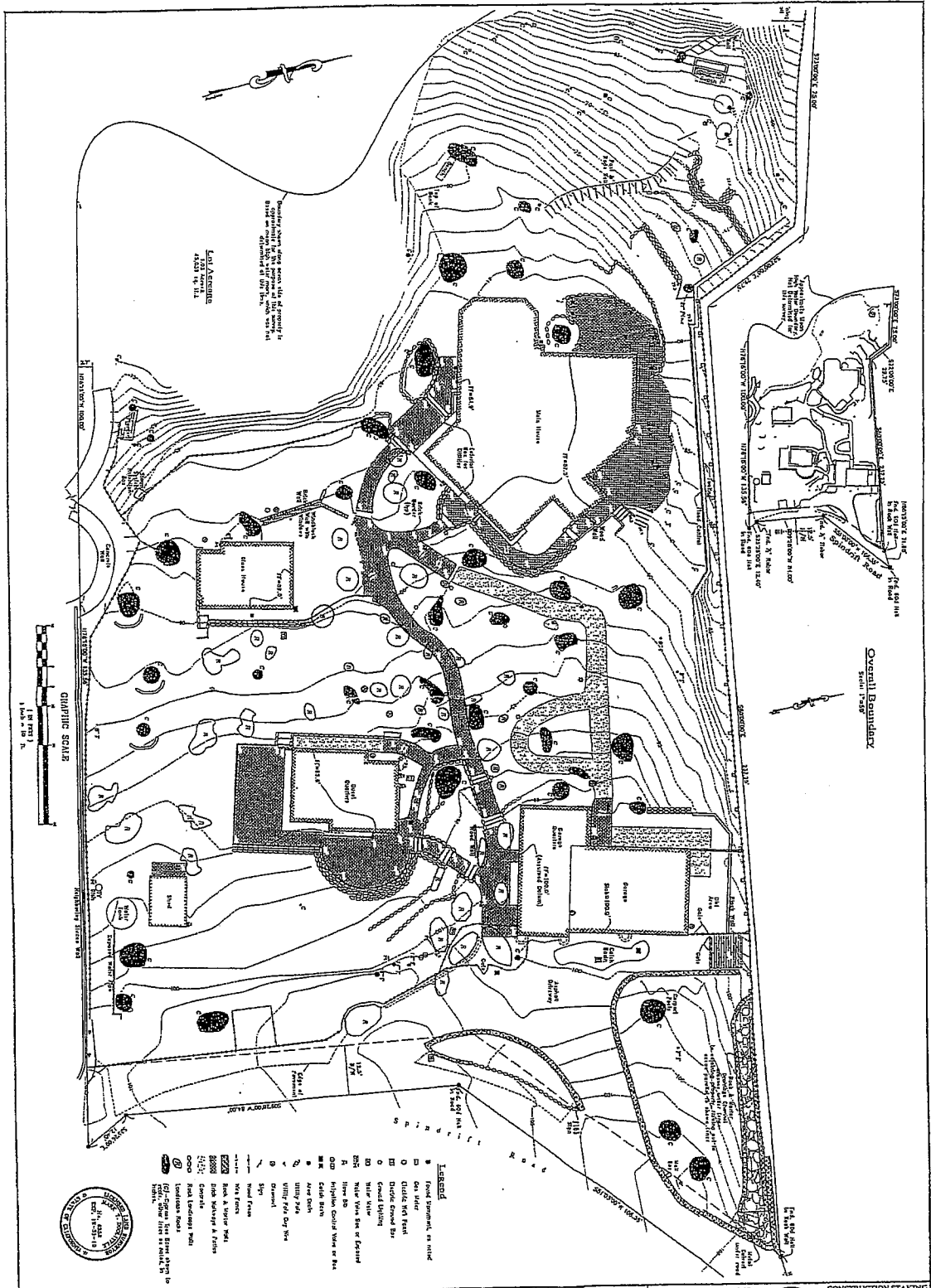
Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN110132 and the attached Initial Study / Proposed Negative Declaration.

IX. REFERENCES

1. Project Application/Plans in Planning file NO. PLN110132
2. 1982 Monterey County General Plan
3. Carmel Area Land Use Plan and Coastal Implementation Plan, Part 4
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008
6. Site Visit conducted by the project planner on July 28, 2011.
7. Planning Department's Geographic Information System
8. Archaeological Assessment for a wall replacement prepared by Archaeological Consulting, dated March 17, 2011 (LIB110244)
9. Supplementary Archaeological Assessment prepared by Archaeological Consulting, dated July 18, 2011 (LIB110382)
10. Archaeological letter clarifying previous reports prepared by Archaeological Consulting, dated August 15, 2011 (LIB110417)

ATTACHMENTS

Site Plans and Elevations



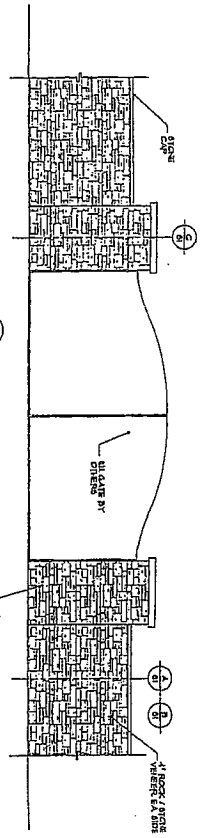
SITE PLAN
 APN 241-192-007
 163 Spindrift Road, Carmel, Ca
 prepared for:
 Gary Vickers

DRAWN BY: **MLD**
 APPROVED BY: **N. DOOLITTLE**
 L.S. 8332
 REVISION: **1" = 10'**
 SCALE: **07-30-10**
 DATE:

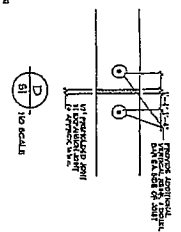
TOPOGRAPHIC SURVEYS
 ALTA SURVEYS
 831-373-3292 PH.
 301 HOFFMAN AVENUE, SUITE 8
 MONTEREY, CALIFORNIA 93940
 FAX 831-373-3294



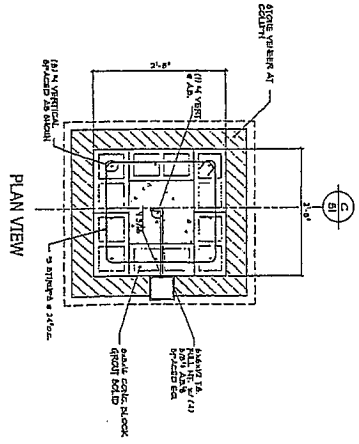
SHEET 1
 OF
 1 SHEETS



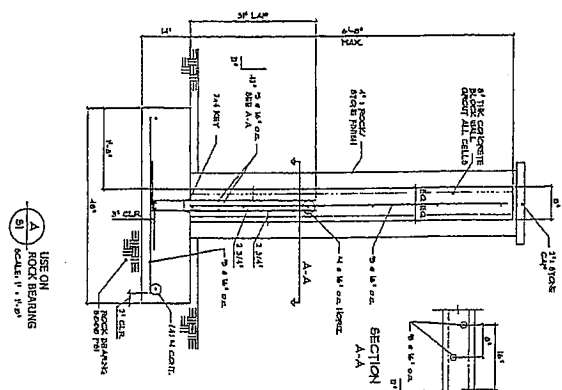
E DRIVEWAY GATE
SCALE: 1/4" = 1'-0"



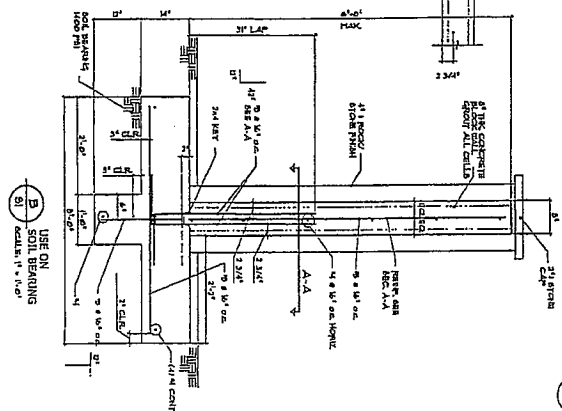
D 1/2\"/>



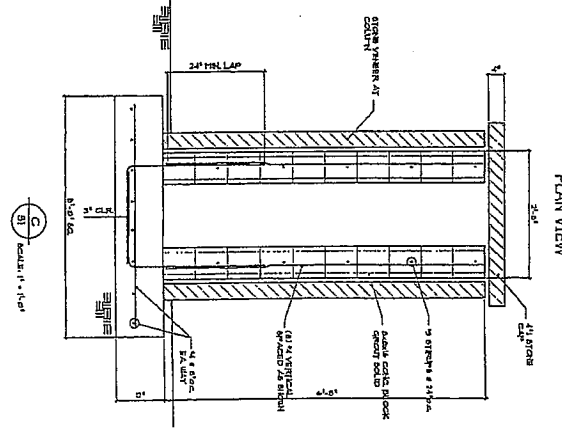
PLAN VIEW



A USE ON ROCK BEARING
SCALE: 1/4" = 1'-0"



B USE ON SOIL BEARING
SCALE: 1/4" = 1'-0"



C USE ON SOIL BEARING
SCALE: 1/4" = 1'-0"

| | | | | | | |
|-----------------------------|-----------------|----------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------|
| Sheet S1 of 01 | Date 3-10-11 | Job Number 11-121 | LANDSCAPE WALL 163 SPINDRFT CARMEL, CALIFORNIA | CONSTRUCTION TECHNOLOGIES P.O. Box 22804 Carmel, California 93923 Phone: 831-424-4444 Cell: 831-917-5281 Fax: 831-624-4941 | | Revision |
|-----------------------------|-----------------|----------------------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------|