

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: January 10, 2013 Time: 1:50 P.M.	Agenda Item No.: 5
Project Description: Consider Combined Development Permit consisting of 1) a Coastal Development Permit for a Lot Line Adjustment to merge two existing lots of record (parcel 241-251-003-00 is 1.17 acres) and (parcel 241-251-004-000 is 1.28 acres) into a 2.45 acre parcel; 2) a Coastal Administrative Permit to allow a demolition of an existing 3,508 square foot single family dwelling and the construction of a new 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees; 3) a Coastal Development Permit to allow development with a positive archaeological report; 4) Coastal Development Permit for development within 50 feet of a Coastal bluff; and 5) Design Approval. The property is located at 29922 Spindrifft Road, Carmel (Assessor's Parcel Numbers 241-251-003-000 & 241-251-004-000), Carmel Area Land Use Plan; Coastal Zone.	
Project Location: 29922 Spindrifft Road, Carmel	APN: 241-251-003-000 AND 241-251-004-000
Planning File Number: PLN120412	Owner: John J Nelson, TR Agent:
Planning Area: Carmel Area Land Use Plan	Flagged and staked: Yes
Zoning Designation: : "LDR/1 (CZ)" [Low Density Residential/1 unit per acre in the Coastal Zone] (i.e. "LDR/2.5-D-S" [Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review Overlays]) or "LDR/2.5 (CZ) [Low Density Residential, 2.5 acres per unit (Coastal Zone)])	
CEQA Action: Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Adopt a Mitigated Negative Declaration (**Exhibit G**);
- 2) Approve Combined Development Permit, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt a Mitigation Monitoring and Reporting Plan.

PROJECT OVERVIEW:

The applicant is proposing a Lot Line Adjustment in order to will merge two existing lots of record (parcel 241-251-003-00 is 1.17 acres) and (parcel 241-251-004-000 is 1.28 acres) into a 2.45 acre parcel in order to allow for demolition of an existing 3,508 square foot single family dwelling and the construction of a new 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees. Other entitlements include allowing development with a positive archaeological report; development within 50 feet of a Coastal bluff and Design Approval.

A Mitigated Negative Declaration was circulated. Due to County wide winter recess, the circulation period was from November 28, 2012 through January 3, 2013. At the time of preparation of this staff report, no comments have been received. Should any comments be received from now until January 3, staff will read them into the record at the public hearing on January 10, 2013. See further discussion as (**Exhibit B**)

There are no unresolved issues.

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

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

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

On August 20, 2012, the Carmel Highlands Land Use Advisory Committee recommended approval of the project as proposed (5-0 vote) with a reminder that all exterior lighting be minimal, downcast and not visible from offsite.

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

/s/ ELIZABETH GONZALES

Elizabeth Gonzales, Associate Planner
(831) 755-5102, gonzalesl@co.monterey.ca.us
December 10, 2012

cc: Front Counter Copy; Subdivision Committee; Carmel 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; John J Nelson, TR, Owner; W. David Martin, Agent; The Open Monterey Project; LandWatch; Planning File PLN120412

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:

- Conditions of Approval and Mitigation Monitoring and Reporting Program
- Site Plan, Floor Plan and Elevations, Tentative Map

Exhibit D Vicinity Map
Exhibit E Advisory Committee Minutes (LUAC)
Exhibit F Project Correspondence
Exhibit G Mitigated Negative Declaration

This report was reviewed by Bob Schubert, Senior Planner 

EXHIBIT B DISCUSSION

Project Description

The applicant is proposing a Coastal Development Permit for a Lot Line Adjustment in order to merge two existing lots of record, both owned by the applicant, into a 2.45 acre parcel in order to allow a Coastal Administrative Permit to construct a 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees. Other entitlements include a Coastal Development Permit to allow development with a positive archaeological report; a Coastal Development Permit for development within 50 feet of a Coastal bluff; and a Design Approval.

Parcel 241-251-004-000 contains an existing 3,508 square foot single family dwelling that is proposed for demolition. The existing terraces, pathways and driveway make up approximately 14,270 square feet of impervious surfaces. Most of these areas will also be demolished. The two parcels are forested with existing Monterey Cypress trees. Several trees growing on the bluff above the water are native Monterey Cypress trees that are a fragment of an old forest system. All other cypress trees on the undeveloped parcel were planted.

Project Issues

A Tree Resource Evaluation was prepared by Maureen Hamb, Certified Arborist. The arborist identified three trees that are in conflict with the proposed development. Although two of the trees meet the County's criteria as "landmark trees", they are both planted trees. Removal of non-native or planted trees do not require a Coastal Development Permit unless removal would result in the exposure of structures in the critical viewshed area or where they are defined as habitat or where they are previously protected by another coastal permit or forest management plan. However, these exceptions do not apply. A Biological Letter Report dated May 15, 2012 prepared by Jeff Froke, confirms that the three Cypress trees are not native to the Carmel Riviera site and do not qualify as landmark trees. There is also no potential for the project as proposed to affect individuals or populations of special-status or sensitive wildlife species. Therefore, mitigation or replacement of the trees or any other species is not required for biological reasons.

According to Monterey County GIS system, the project site is identified as an area of high archaeological sensitivity and located within 750 feet of a known archaeological resource. Therefore, 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.

A Cultural Resource Evaluation of the project site was prepared by Archaeological Resource Management, Dr. Robert Cartier, on June 4, 2012. This cultural resource evaluation was carried out for the project at 29922 Spindrift Road in the Carmel Highlands. The research included an archival search in the State records and a surface survey of the property. The archival research revealed that there is one previously recorded archaeological site located to the north of the subject area. One fragment of prehistoric abalone shell was noted on the property during surface reconnaissance. However, visibility was limited by a thick layer of leaf litter across the majority of the surface area. Therefore, current plans call for archaeological monitoring be carried out during all subsurface excavation for the project.

Mitigation Measures will require on-site monitoring during soil disturbing activities, such as demolition, tree removal, grading and foundation excavation. Mitigation will also require that if at any time, potentially significant archaeological resources or intact features are discovered, the monitor will be authorized to temporarily halt work until the find can be evaluated by the monitor. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated in concurrence with the County of Monterey RMA - Planning Department.

Environmental Review

A Mitigated Negative Declaration was circulated. Due to County wide winter recess, the circulation period was from November 28, 2012 through January 3, 2013. At the time of preparation of this staff report, no comments have been received. Should any comments be received from now until January 3, 2012, staff will read them into the record at the public hearing on January 10, 2013.

The primary CEQA issues involve air quality, cultural resources, geology/soils and greenhouse gas emissions. Less than significant impacts with mitigation measures for cultural resources and less than significant for air quality, geology/soils and gas emissions have been identified.

The proposed project is consistent with the policies of the Carmel Area Land Use Plan. Mitigation Measures have been required along with conditions of approval to assure compliance with County requirements. Therefore, staff recommends the Zoning Administrator approve the project.

**EXHIBIT C
DRAFT RESOLUTION**

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

In the matter of the application of:
JOHN J NELSON, TR (PLN120412)

RESOLUTION NO. ----

Resolution by the Monterey County Zoning
Administrator:

- 1) Adopting a Mitigated Negative Declaration;
- 2) Approving Combined Development Permit consisting of 1) a Coastal Development Permit for a Lot Line Adjustment to merge two existing lots of record (parcel 241-251-003-00 is 1.17 acres) and (parcel 241-251-004-000 is 1.28 acres) into a 2.45 acre parcel; 2) a Coastal Administrative Permit to allow a demolition of an existing 3,508 square foot single family dwelling and the construction of a new 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees; 3) a Coastal Development Permit to allow development with a positive archaeological report; 4) Coastal Development Permit for development within 50 feet of a Coastal bluff; and 5) Design Approval; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan

[PLN120412, John J. Nelson, TR, 29922 Spindrift Road, Carmel, Carmel Area Land Use Plan (APN: 241-251-003-000 AND 241-251-004-000)]

The Combined Development Permit application (PLN120412) came on for public hearing before the Monterey County Zoning Administrator on January 10, 2013. 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 4;
- Monterey County Zoning Ordinance (Title 20);
- Monterey County Subdivision Ordinance (Title 19);

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 29922 Spindrift Road, Carmel (Assessor's Parcel Number 241-251-003-000 AND 241-251-004-000), Carmel Area Land Use Plan. The parcels are zoned "LDR/1 (CZ)" [Low Density Residential/1 unit per acre in the Coastal Zone], which allow for residential development. Therefore, the project is an allowed land use for this site.
- c) The Coastal Development Permit for a Lot Line Adjustment will merge two existing lots of record (APN 241-251-003-00 is 1.17 acres) and (APN 241-251-004-000 is 1.28 acres) into a 2.45 acre parcel in order to allow a Coastal Administrative Permit for a demolition of an existing 3,508 square foot single family dwelling and the construction of a new 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees. Other entitlements include a Coastal Development Permit to allow development with a positive archaeological report; a Coastal Development Permit for development within 50 feet of a Coastal bluff and a Design Approval.
- 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. Colors and materials include earth tone colors and materials that will blend into the site and surroundings, including grey metal cladding, natural stone hardscape and pavers, natural pebbles (roof ballast); and bronze clad doors and windows.
- 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, the parcels are located on Spindrift Road facing Point Lobos, staff's site visit confirmed the proposed structure cannot be seen from Point Lobos nor can it been seen from Highway 1.
- f) Cultural Resources. According to Monterey County GIS system, the project site is identified as an area of high archaeological sensitivity and located within 750 feet of a known archaeological resource. Therefore,

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. A Cultural Resource Evaluation of the project site was prepared by Archaeological Resource Management, Dr. Robert Cartier, on June 4, 2012. This cultural resource evaluation was carried out for the project at 29922 Spindrift Road in the Carmel Highlands. The research included an archival search in the State records and a surface survey of the property. The archival research revealed that there is one previously recorded archaeological site located to the north of the subject area. One fragment of prehistoric abalone shell was noted on the property during surface reconnaissance. However, visibility was limited by a thick layer of leaf litter across the majority of the surface area. Therefore, current plans call for archaeological monitoring be carried out during all subsurface excavation for the project. (See Finding #5)

- g) Tree Removal. A Tree Resource Evaluation was prepared by Maureen Hamb, Certified Arborist. The arborist identified three trees that are in conflict with the proposed development. Although two of the trees meet the County's criteria as "landmark trees", they are both planted trees. Removal of non-native or planted trees do not require a Coastal Development Permit unless removal would result in the exposure of structures in the critical viewshed area or where they are defined as habitat or where they are previously protected by another coastal permit or forest management plan. However, these exceptions do not apply. A Biological Letter Report dated May 15, 2012 prepared by Jeff Froke, confirms that the three Cypress trees are not native to the Carmel Riviera site and do not qualify as landmark trees. There is also no potential for the project as proposed to affect individuals or populations of special-status or sensitive wildlife species. Therefore, mitigation or replacement of the trees or any other species is not required for biological reasons.
- h) The project planner conducted a site inspection on July 6, 2012 to verify that the project on the subject parcel conforms to the plans listed above.
- i) On August 20, 2012, the Carmel Highlands Land Use Advisory Committee recommended approval of the project as proposed (vote 5-0) with a reminder that all exterior lighting be minimal, downcast and not visible from offsite.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120412.

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 Biological Resources, Archaeological Resources, Soil/Slope Stability and tree removal. The following reports have been prepared:
 - Cultural Resource Evaluation of the project site (LIB120280) prepared by Archaeological Resource Management, Dr. Robert Cartier, San Jose CA, June 4, 2012;
 - Forest Management Plan/Tree Analysis Report (LIB120282) prepared by Maureen Hamb, Certified Arborist, Santa Cruz CA, July 20, 2012;
 - Biological Letter Report (LIB120283) prepared by Califauna, Jeff Froke, Pebble Beach CA, dated May 15, 2012;
 - Geologic Report (LIB120284) prepared by Earth Systems Pacific, Hollister CA, dated May 22, 2102;
 - Geotechnical Report (LIB120285) prepared by Earth Systems Pacific, Hollister CA, dated, June 15, 2012.

The above-mentioned technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) The geologic report concluded that the proposed single family residence on the subject site is considered feasible from a geologic viewpoint, provided the recommendations of their report and those of the geotechnical engineer are incorporated into the design and construction of the project. Therefore, a Condition of Approval requires the applicant to record a notice on the property stating that all development shall be in accordance with the Geologic and Geotechnical Reports (Condition #8).
- d) Staff conducted a site inspection on July 6, 2012 to verify that the site is suitable for this use.
- e) 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 PLN120412.

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

EVIDENCE: a) The project was reviewed by the RMA - Planning Department, Carmel Highlands Fire Protection District, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective 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. Water credits from existing single family dwelling will be provided by Cal-Am and a new geo-flow septic dispersal system has been approved by Environmental Health Bureau (EBH). Non-standard conditions of approval have been incorporated by EHB (Conditions #11, #12, #13).
- c) Staff conducted a site inspection on July 6, 2012 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 PLN120412.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on July 6, 2012 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120412.

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

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN120412).
 - c) The Initial Study identified several potentially significant effects, but revisions have been made to the project and the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference.

The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition #5).

- e) The Draft Mitigated Negative Declaration ("MND") for PLN120412 was prepared in accordance with CEQA and circulated for public review from November 28, 2012 through January 3, 2013.
- f) Issues that were analyzed in the Mitigated Negative Declaration include: air quality, cultural resources, geology/soils, and greenhouse gas emissions.
- g) Mitigation Measures will require on-site monitoring during soil disturbing activities, such as demolition, tree removal, grading and foundation excavation. Mitigation will also require that if at any time, potentially significant archaeological resources or intact features are discovered, the monitor will be authorized to temporarily halt work until the find can be evaluated by the monitor. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated in concurrence with the County of Monterey RMA - Planning Department (Mitigation Measures #21, #22, #23).
- h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN120412) and are hereby incorporated herein by reference.
- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) 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. There is a possibility that the project may eliminate important examples of the major periods of California history or prehistory. An Archaeological report recommends monitoring during construction. For purposes of the Fish and Game Code, 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) (Condition #4).
- j) At the time of preparation of this staff report, no comments have been received. Should any comments be received from now until January 3, 2013, staff will read them into the record at the public hearing on January 10, 2013.
- k) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

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

EVIDENCE:

interfere with any form of historic public use or trust rights.

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.

The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).

No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.

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 PLN120412.

The project planner conducted a site inspection on July 6, 2012.

7. **FINDING:**

LOT LINE ADJUSTMENT – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustments may be granted based upon the following findings:

1. The lot line adjustment is between four (or fewer) existing adjoining parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot line adjustment;
3. The parcels resulting from the lot line adjustment conforms to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

EVIDENCE:

- a) The parcel is zoned "LDR/1-D (CZ)" Low Density Residential, 1 unit per acre, Design Control in the Coastal Zone.
- b) The Lot Line Adjustment is to merge two existing lots of record (parcel 241-251-003-00 is 1.17 acres) and (parcel 241-251-004-000 is 1.28 acres) into a 2.45 acre parcel in order to build a new single family dwelling in the middle of the two lots.
- c) The lot line adjustment will not create a greater number of parcels than originally existed. Two contiguous separate legal parcels of record will be merged into one separate legal parcel of record as a result from the adjustment. No new parcels will be created.
- d) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property. The resulting parcel will consist of 2.45 acres which meets minimum lot size of 1 acre. The proposed development meets all Site Development standards of Low Density Residential zoning (MCC) and is consistent with the policies of the Carmel Area Land Use Plan.
- e) Because there is an existing single family dwelling, infrastructure is existing. The Environmental Health Bureau has approved a new geo-flow septic dispersal system.
- f) As an exclusion to the Subdivision Map Act, no map is recorded for a Lot Line Adjustment. In order to appropriately document the boundary changes, a Certificate of Compliance for each new lot is required per a

standard condition of approval (Condition #9).

- g) The project planner conducted a site inspection on July 6, 2012 to verify that the project would not conflict with zoning or building ordinances.
- h) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120412.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission
- EVIDENCE:**
- a) Section 20.86.030 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.86.080.A.3 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project includes conditional uses (Coastal Development Permits) and nonexempt development, i.e., positive archaeological report.

DECISION

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

1. Adopt a Mitigated Negative Declaration;
2. Approve Combined Development Permit consisting of 1) a Coastal Development Permit for a Lot Line Adjustment to merge two existing lots of record (parcel 241-251-003-00 is 1.17 acres) and (parcel 241-251-004-000 is 1.28 acres) into a 2.45 acre parcel; 2) a Coastal Administrative Permit to allow a demolition of an existing 3,508 square foot single family dwelling and the construction of a new 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees; 3) a Coastal Development Permit to allow development with a positive archaeological report; 4) Coastal Development Permit for development within 50 feet of a Coastal bluff; and 5) Design Approval, in general conformance with the attached sketch and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED this 10th day of January, 2013 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 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.

Form Rev. 05-09-2012

EXHIBIT "C"

Monterey County Planning Department

DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN120412

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Combined Development Permit consisting of 1) a Coastal Development Permit for a Lot Line Adjustment to merge two existing lots of record (parcel 241-251-003-00 is 1.17 acres) and (parcel 241-251-004-000 is 1.28 acres) into a 2.45 acre parcel; 2) a Coastal Administrative Permit to allow a demolition of an existing 3,508 square foot single family dwelling and the construction of a new 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees; 3) a Coastal Development Permit to allow development with a positive archaeological report; 4) Coastal Development Permit for development within 50 feet of a Coastal bluff; and 5) Design Approval 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. This notice shall state: "A Combined Development Permit (Resolution Number _____) was approved by the Zoning Administrator for Assessor's Parcel Numbers 241-251-004-000 & 241-251-003-000 on January 10, 2013. The permit was granted subject to 23 conditions of approval which run with the land. 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. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Director of RMA-Planning Department for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA-Planning Department.

4. 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.

5. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

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

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

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

6. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."
Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.

On an on-going basis, all landscaped areas and fences shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

7. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to occupancy and on an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

8. PD016 - NOTICE OF REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building or grading permits, a notice shall be recorded with the Monterey County Recorder which states:

"A Geologic Report prepared by Earth Systems Pacific, Hollister CA, dated May 22, 2102 (LIB120284) and a Geotechnical Report prepared by Earth Systems Pacific, Hollister CA, dated, June 15, 2012 (LIB120285) were prepared for the project and are on file in the Monterey County RMA - Planning Department. All development shall be in accordance with these reports."

(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit proof of recordation of this notice to the RMA - Planning Department.

Prior to occupancy, the Owner/Applicant shall submit proof, for review and approval, that all development has been implemented in accordance with the report to the RMA - Planning Department.

9. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional certificates of compliance for the newly configured parcels.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the expiration of the entitlement, the Owner/Applicant/Surveyor shall submit a map and legal descriptions for each newly configured parcel as prepared by the Surveyor. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the map and legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

10. 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 January 10, 2016, 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.

11. EHSP01 - ALTERNATIVE OWTS-REQUIREMENTS- DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The Environmental Health Bureau (EHB) has determined that adequate area exists on the property to accommodate an alternative onsite wastewater treatment system (Alt OWTS). Submit a completed permit application with applicable fees and two (2) copies of the following:

- Alt OWTS proposal, designed by a registered engineer having experience in alternative wastewater treatment and disposal, to EHB for review and acceptance
- A completed CRWQCB Basin Subsurface Disposal Plan Exemption Application form.
- Percolation and soils testing results prepared by a qualified individual as specified by MCC, Section 15.20.70.
- Linear Loading rate evaluation.

(ENVIRONMENTAL HEALTH BUREAU)

Compliance or Monitoring Action to be Performed: In conjunction with building permit submit a proposal for an Alt OWTS to EHB for review and approval.
Once approved obtain the Alt OWTS permit from EHB and install the system.

12. EHSP02 - ALTERNATIVE OWTS REQUIREMENTS: OPERATIONS AND MAINTENANCE CONTRACT

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The Property Owner shall maintain in effect a valid contract with an authorized service provider to operate and maintain the Alternative OWTS. Submit to EHB an executed service contract which includes, but is not limited to, the following provisions:

- Contract term, frequency of service and specification of services to be performed
- Monitoring/maintenance reports shall be submitted to EHB twice yearly, or as specified by the EHB operating permit
- Statement indicating that EHB will be notified if either party fails to comply with the contract terms
- An executed copy of the service contract shall be provided to EHB at each contract renewal term

(ENVIRONMENTAL HEALTH BUREAU)

Compliance or Monitoring Action to be Performed: Prior to final inspection of building permit, the Property Owner shall submit to EHB for review and approval an executed operations and maintenance contract from an authorized service provider

13. EHSP03 - ALTERNATIVE OWTS REQUIREMENTS DEED RESTRICTION

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: The applicant shall record a deed restriction with the Monterey County Recorder for parcel 241-251-004-000 which indicates that an Alternative Onsite Wastewater Treatment System (Alt OWTS) is installed on the property. The deed restriction shall include, but is not limited to, the following details:

- The Alt OWTS is subject to all future federal, state or local laws and ordinances regarding the permitting, operation and maintenance and/or monitoring of Alt OWTS
- The system is subject to an annual operating permit with applicable fees paid to the Environmental Health Bureau
- Property owner agrees to enter into and maintain a maintenance contract with an authorized service provider

Contact EHB for specific wording to be included on the deed restriction.
(ENVIRONMENTAL HEALTH BUREAU)

Compliance or Monitoring Action to be Performed:

14. WR001 - DRAINAGE PLAN

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts from impervious surface stormwater runoff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

15. WR049 - WATER AVAILABILITY CERTIFICATION

Responsible Department: Water Resources Agency

Condition/Mitigation Monitoring Measure: The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permit, the owner/applicant shall submit a Water Release Form to the Water Resources Agency for review and approval.

A copy of the Water Release Form can be obtained at the Monterey Peninsula Water Management District, the Water Resources Agency, or online at:
www.mcwra.co.monterey.ca.us.

16. 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 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:**

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the driveway into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of driveway improvements and obtain fire department approval the final fire inspection.

17. FIRE008 - GATES

Responsible Department: Fire

**Condition/Mitigation
Monitoring Measure:**

All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Carmel Highlands Fire Protection District)

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

Prior to issuance of grading and/or building permits, the Applicant shall incorporate the specification of the entry gate into design and print the text of this condition as "Fire Department Notes" on plans.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the entry gate and obtain fire department approval the final fire inspection.

18. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

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

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, Applicant shall incorporate specification into design and print the text of this condition as "Fire Dept. Notes" on plans.

Prior to requesting a final building inspection, Applicant shall install the required address signage and shall obtain fire department approval of the fire department final inspection.

19. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (Carmel Highlands Fire Protection District)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permit, Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

Prior to requesting a framing inspection, the Applicant shall obtain fire department approval of the rough sprinkler inspection.

Prior to requesting a final building inspection, the Applicant shall complete the installation of the fire sprinkler system and obtain fire department approval of the final fire sprinkler inspection.

20. FIRE029 - ROOF CONSTRUCTION - (CYPRESS/PEBBLE BEACH)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction
(Carmel Highlands Fire Protection District)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, the Applicant shall print the text of this condition as "Fire Dept. Notes" on construction plans.

21. MITIGATION MEASURE #1 - ON-SITE PRECONSTRUCTION MEETING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: An on-site pre-construction meeting shall be held between the applicant, the archaeologist and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations. (RMA-Planning Department)

Compliance or Monitoring Action to be Performed: Monitoring Action #1:
Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA – Planning Department. Evidence shall consist of a letter summarizing what was discussed.

22. MITIGATION MEASURE #2 - AGREEMENT BETWEEN ALL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: An agreement between the applicant and a professional archaeologist shall be executed stating that the archaeologist shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc. The monitor shall be authorized to determine the level of monitoring, i.e., intermittent or continuous, as well as the appropriate end of such oversight.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Monitoring Action #2:
A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

Additional on-going monitoring Action:
The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

23. MITIGATION MEASURE #3 - IF RESOURCES FOUND

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

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

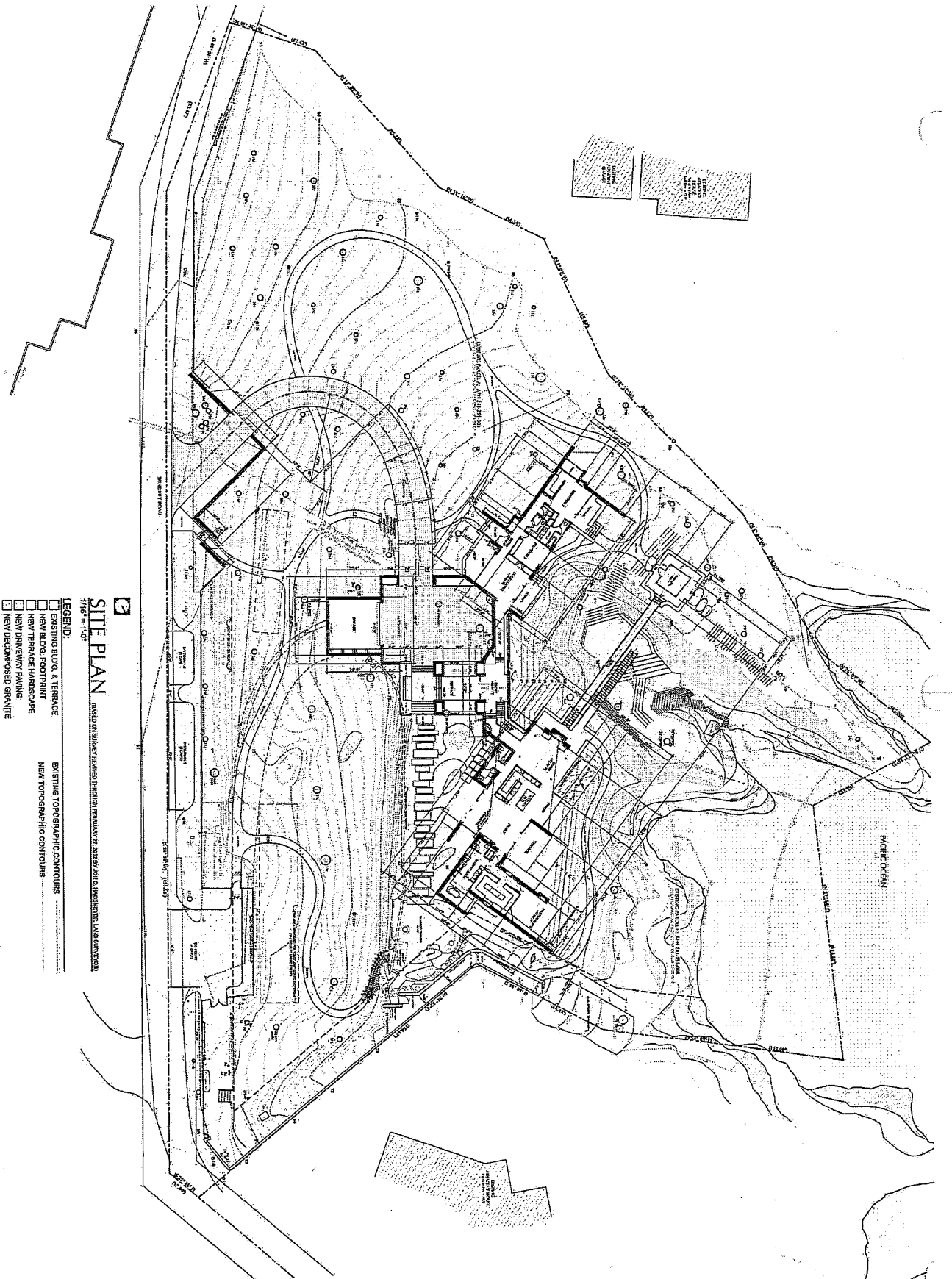
- (a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- (b) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- (c) 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, Costanoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or

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

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

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

Monitoring Action #3:
Upon evidence of archaeological resources found on site, the applicant shall submit the contracts with a Registered Professional Archaeologist, and a representative of the Ohlone Costanoane Esselen Nation to the Director of the RMA – Planning Department for review and approval.

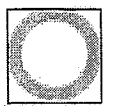


SITE PLAN 1/8" = 1'-0"
BASED ON SURVEY PROVIDED THROUGH TERRACEWAY 21, 2012 BY JAMES MCMILLIN AND ASSOCIATES

LEGEND:

- EXISTING BLDG. & TERRACE
- NEW BLDG. FOOTPRINT
- NEW TERRACE INLAND
- NEW DRIVEWAY PAVING
- NEW DECOMPOSED GRANITE
- EXISTING TOPOGRAPHIC CONTOURS
- NEW TOPOGRAPHIC CONTOURS

07-12-12 SCHEMATIC REVIEW



Wm David Martin
 AIA + ASSOCIATES
 ARCHITECTURE +
 LAND PLANNING
 610 400-3101
 4000 12th Street
 NW, Suite 200
 Seattle, WA 98119

PROJECT
NELSON
RESIDENCE

12101 SPENCER BL.
 DESHAYES, OREGON
 PROJECT NO. 211210041

DRAWING TITLE
 SITE PLAN

DATE	DESCRIPTION
08/11/11	PRELIMINARY
11/09/11	REVISED
01/24/12	REVISED
04/05/12	REVISED
01-23-12	REVISED
01-23-12	REVISED
05-31-12	REVISED
05-31-12	REVISED
05-31-12	REVISED

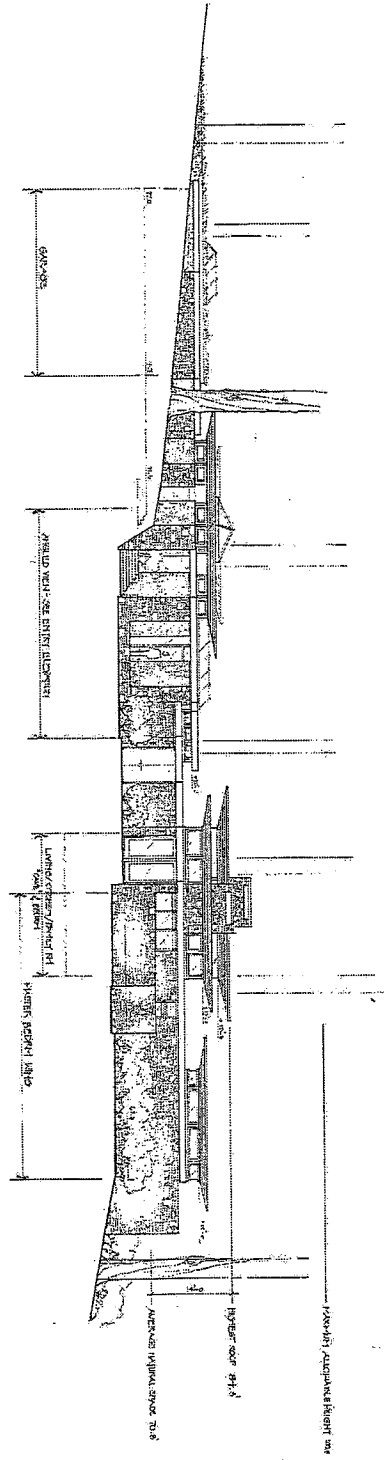
A-20



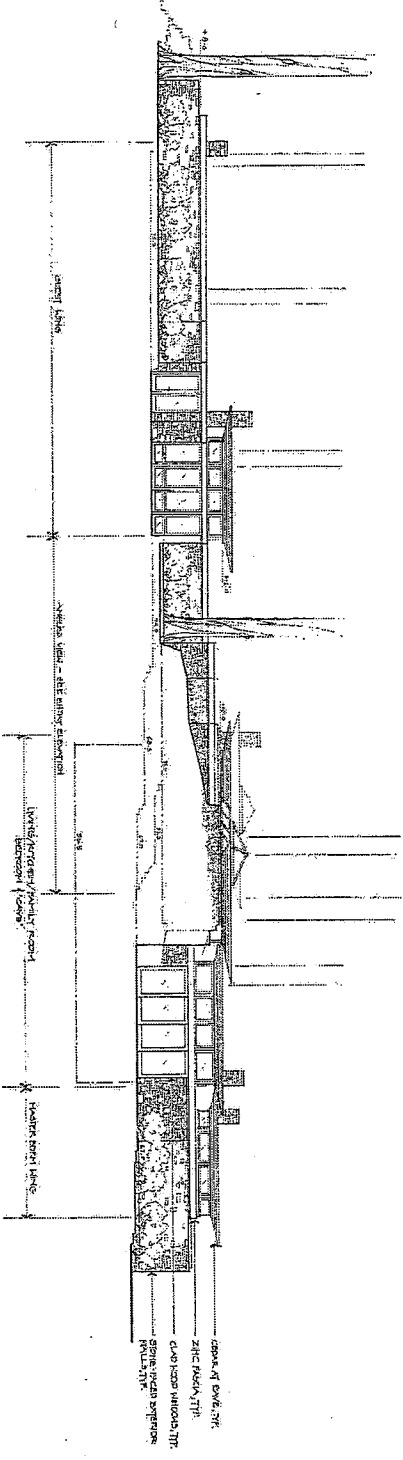
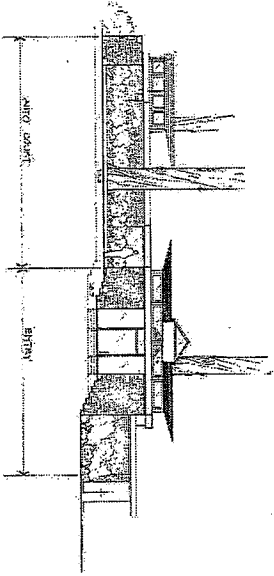
W DAVID MARTIN
AIA + ASSOCIATES

ARCHITECTURE +
Landscape
PO BOX 3003
UNIVERSITY OF ARIZONA
PH: 520/325-1211

PROJECT
**NELSON
RESIDENCE**
2500 S. SHILSHUR BL.
TAMPA, FLORIDA 33609
PH: 813/251-2011



NORTH ELEVATION 1/8" = 1'-0"



EAST ELEVATION 1/8" = 1'-0"

EXTERIOR
ELEVATIONS

DATE: 03/14/12
DRAWN BY: [illegible]
CHECKED BY: [illegible]

PROJECT NAME: [illegible]
PROJECT NUMBER: [illegible]
SHEET NUMBER: [illegible]

A-5.0



W. DAVID MARTIN
AIA + ASSOCIATES

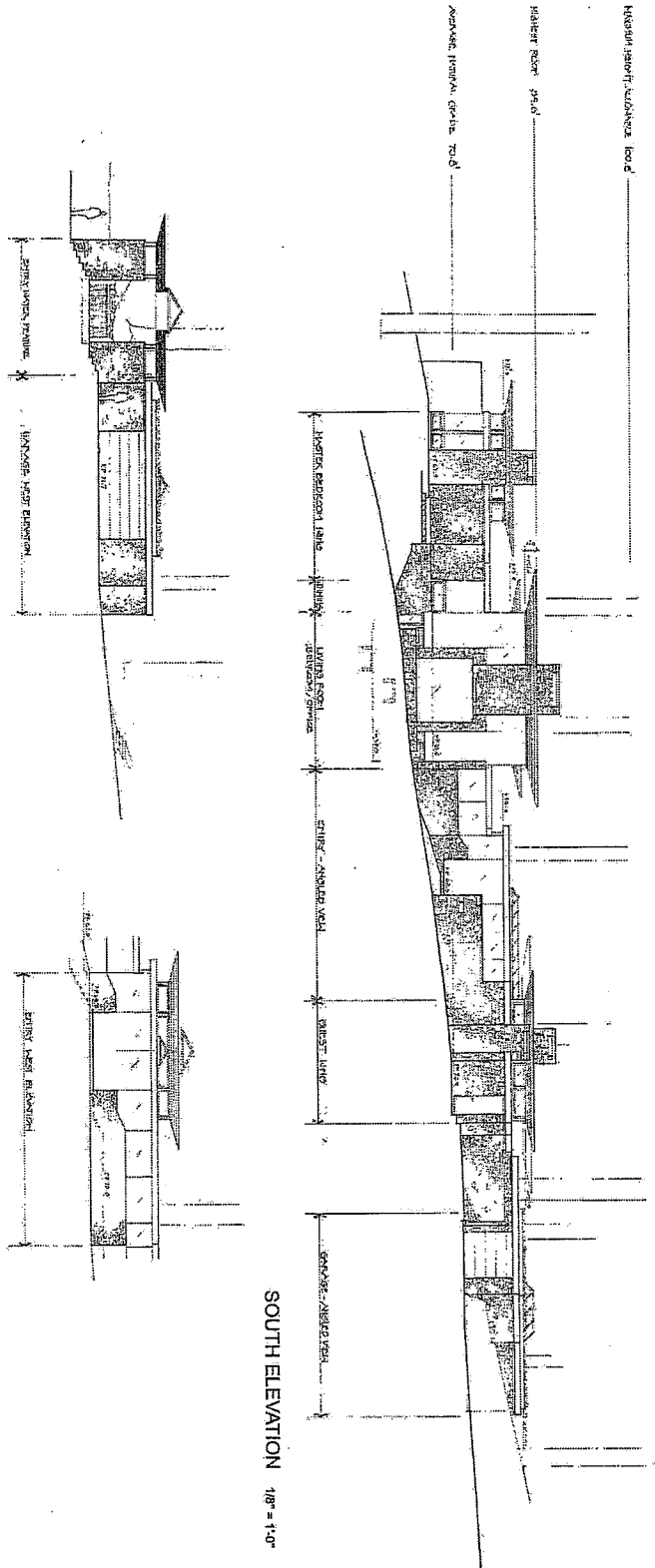
ARCHITECTURE +
LAND PLANNING
PROJECT ARCHITECT
ARCHITECT OF RECORD
PLANNING CONSULTANT

**NELSON
RESIDENCE**

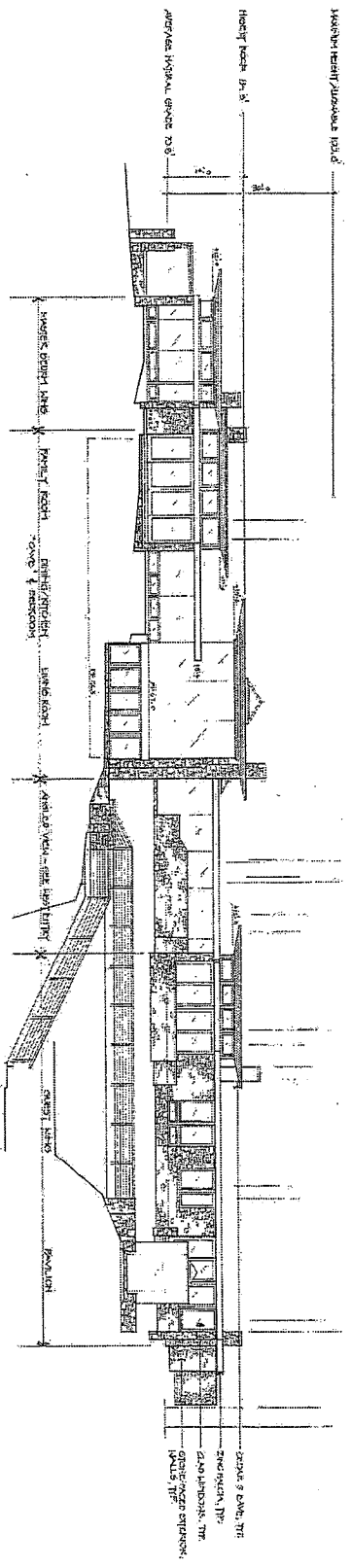
PROJECT:
1200 HUNTERS CREEK
LAKELAND, CALIFORNIA
ARCHITECT OF RECORD:
WDM + ASSOCIATES
1/25/2011

EXTERIOR
ELEVATIONS

SOUTH ELEVATION 1/8" = 1'-0"



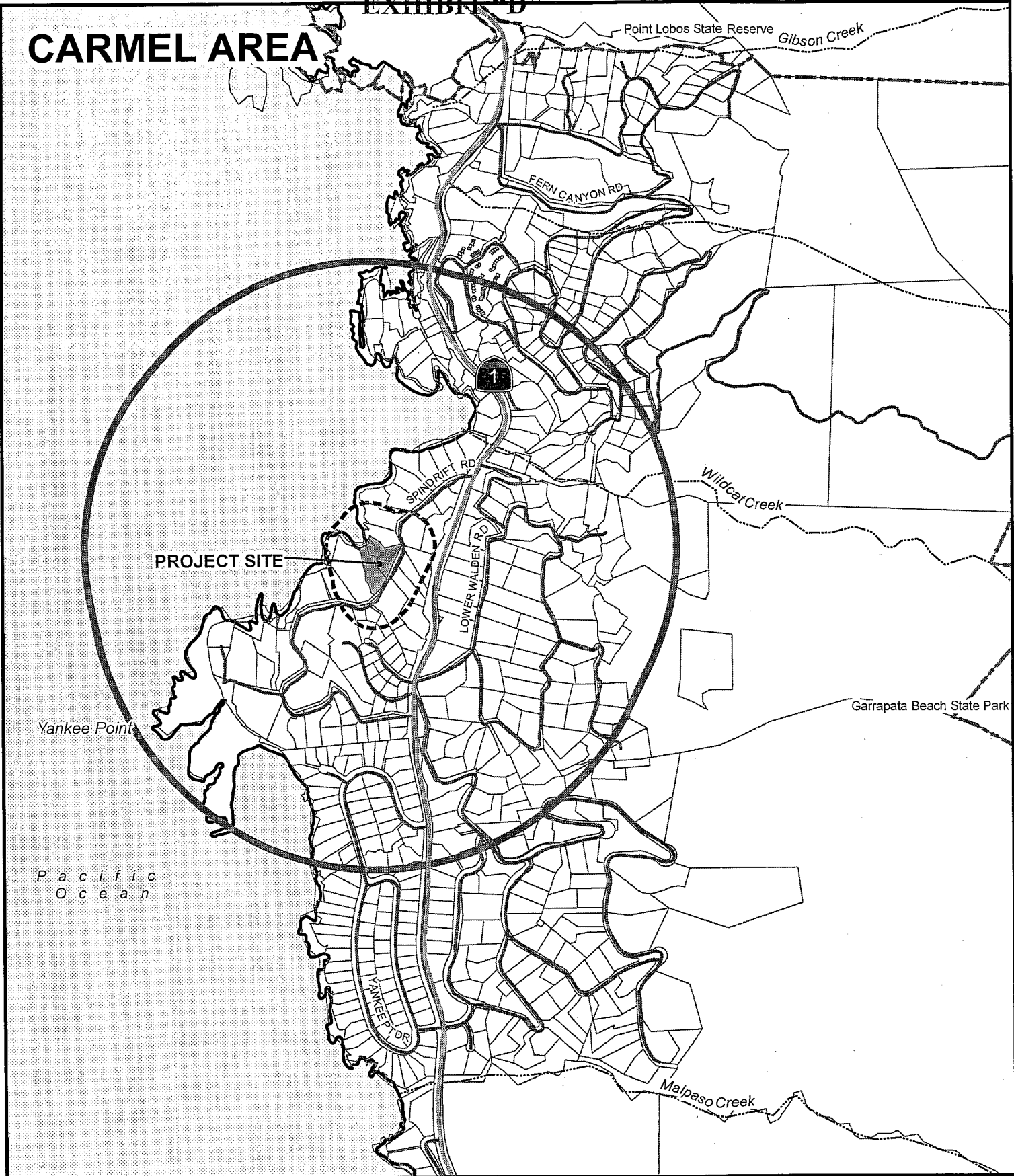
WEST ELEVATION 1/8" = 1'-0"



A-5.1

DATE: 11/25/2011
DRAWN BY: WDM
CHECKED BY: WDM
SCALE: 1/8" = 1'-0"

CARMEL AREA



APPLICANT: NELSON

APN: 241-251-003-000 & 241-251-004-000

FILE # PLN120412

 Water
  2500' Limit
  300' Limit
  City Limits

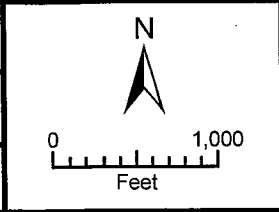


EXHIBIT "E"

MINUTES

Carmel Highlands Land Use Advisory Committee
Monday, August 20, 2012

1. Site visit at 3:00 PM at 29922 SPINDRIFT RD CARMEL (NELSON)

ATTENDEES: Peter Davis, Barbara Rainer, Don Wald, Michael Hirst,
Jack Meheen

2. Meeting called to order by Peter Davis at 4:07 pm

3. Roll Call

Members Present: Davis, Rainer, Wald, Hirst, Meheen

Members Absent: Adam Jeselnick

4. Approval of Minutes: Continued

A. July 2, 2012 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

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

None

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

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

8. Meeting Adjourned: 5:18 pm

Minutes taken by: Mike Hirst

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Action by Land Use Advisory Committee Project Referral Sheet

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

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Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: August 20, 2012

Project Title: COUNTY OF MONTEREY PUBLIC WORKS DEPT (HWY 1 CLIMBING LANE)

File Number: PLN110289

File Type: PC

Planner: SCHUBERT

Location: SOUTH OF RIO RD TO CARMEL VALLEY RD CARMEL

Project Description:

Combined Development Permit consisting of: 1) a Coastal Development Permit for the construction of a climbing lane on northbound Highway 1 from 625 feet south of Rio Road through the Carmel Valley Road intersection to connect with the existing climbing lane on northbound Highway 1 north of Carmel Valley Road; the addition of a turn lane and traffic signals at the intersection of Highway 1 and Rio Road; and grading of approximately 3,400 cubic yards of cut and 2,600 cubic yards of fill; and 2) a Coastal Development Permit for the removal of 6 trees greater than 6 inches in diameter (one double-trunked Coast Live Oak and five Black Cottonwoods). The property is located in the right-of-way on the east side of Highway 1 from 625 feet south of Rio Road through the Carmel Valley Road intersection to connect with the existing climbing lane on northbound Highway 1 north of Carmel Valley Road, Carmel, Carmel Area Land Use Plan and Carmel Valley Master Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting? Taven Kinison Brown (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
<i>None</i>			

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
Northbound needs a dedicated lane turning right on Rio Rd.	—	Widen rd south of Rio to allow right turning lane
—	—	—
—	—	—
—	—	—

ADDITIONAL LUAC COMMENTS

Jack Meheen was against project as he feels it would not solve the real traffic issue which is Ocean Ave & Carpenter Street lights on Hwy 2.

RECOMMENDATION :

Motion by: Barbara Rainer (LUAC Member's Name)

Second by: Peter Davis (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Barbara Rainer, Peter Davis, Don Wald, Mike Hirst (4)

NOES: Jack Meheen (1)

ABSENT: Adam Jeselnick (1)

ABSTAIN: A

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

Monterey County Planning Department
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Salinas CA 93901
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Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: **August 20, 2012**

Project Title: NELSON JOHN J TR

File Number: PLN120412

File Type: ZA

Planner: GONZALES

Location: 29922 SPINDRIFT RD CARMEL

Project Description:

Combined Development Permit consisting of 1) a Coastal Development Permit for a Lot line Adjustment to merge two existing lots of record into one lot; 2) a Coastal Administrative Permit to allow a demolition of an existing single family dwelling and the construction of a new single family dwelling; 3) a Coastal Development Permit to allow development with a positive archaeological report; 4) Coastal Development Permit for development within 50 feet of a Coastal bluff; and 5) Design Approval. The property is located at 29922 Spindrift Road, Carmel (Assessor's Parcel Numbers 241-251-003-000 & 241-251-004-000), Carmel Area Land Use Plan; Coastal Zone.

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

Was a County Staff/Representative present at meeting? Taven Kinison Brown (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
<i>None</i>			

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
All lighting to be downcast		exterior lighting to be minimal and the source not visible.

ADDITIONAL LUAC COMMENTS

RECOMMENDATION :

Motion by: Jack Meheen (LUAC Member's Name)

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

- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Jack Meheen, Don Wald, Mike Host, Barbara Rainer, Peter Davis (5)

NOES: None

ABSENT: Adam Jaschick (1)

ABSTAIN: None

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EXHIBIT "F"

S t o c k e r & A l l a i r e

General Contractors, Inc.

Lic. # 504797

August 17, 2012

Liz Gonzales
Monterey County Planning Department
168 W. Alisal Street
Salinas, CA 93901

Re: Nelson Project, 29922 Spindrift Rd, Carmel Highlands

Hi Liz,

As I think you know we are the General Contractors and local Agent for the Fineberg property that abuts the Nelson property on the southwest side. I have reviewed the plans for this project with the Finebergs as well as the netting erected on site and have their approval to let everyone know that they are in full support of the project.

In addition, I will be working with the architect, David Martin, and landscape architect, Bernard Trainor, to develop a landscape screening plan that will provide mutual privacy between both properties.

Call if you have any questions.

Sincerely,



David Stocker
Stocker and Allaire, General Contractors

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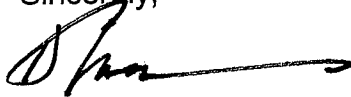
Liz Gonzales
Monterey County Planning and Building Services Department
168 W. Alisal Street
Salinas, CA 93901

August 17, 2012

Re: PLN 120412

I am writing in support of the proposed residential project at 29922 Spindrift Road in Carmel Highlands. I live at 163A Spindrift Road, directly across the street from the project. I have reviewed the plans and the netting with the project architect, David Martin, and appreciate the efforts made to minimize adverse impacts to the ocean views from our property.

Sincerely,

A handwritten signature in black ink, appearing to read "Deryl Moses", with a long horizontal flourish extending to the right.

Deryl Moses

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AUG 21 2012

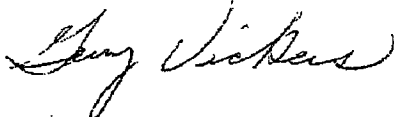
**MONTEREY COUNTY
PLANNING & BUILDING
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Liz Gonzales
Monterey County Planning Department
168 W. Alisal Street
Salinas, CA 93901

August 16, 2012

I live at 163 Spindrift Road in Carmel Highlands, north of the Nelson property (formerly Speer) at 29922 Spindrift Road. I am writing in support of John Nelson's proposed residence on this property. I have reviewed the netting and appreciate the flat roofs that minimize impacts to neighbor's views and feel the building envelop and plans have been thoughtfully laid out.

Respectfully,



Gary Vickers

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EXHIBIT "G"

County of Monterey

State of California

MITIGATED NEGATIVE DECLARATION

FILED

NOV 26 2012

STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

Project Title:	NELSON JOHN J TR
File Number:	PLN120412
Owner:	NELSON JOHN J TR
Project Location:	29922 SPINDRIFT RD CARMEL
Primary APN:	241-251-004-000 & 241-251-003-000
Project Planner:	ELIZABETH GONZALES
Permit Type:	COMBINED DEVELOPMENT PERMIT
Project Description:	Combined Development Permit consisting of 1) a Coastal Development Permit for a Lot Line Adjustment to merge two existing lots of record (parcel 241-251-003-00 is 1.17 acres) and (parcel 241-251-004-000 is 1.28 acres) into a 2.45 acre parcel; 2) a Coastal Administrative Permit to allow a demolition of an existing 3,508 square foot single family dwelling and the construction of a new 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees; 3) a Coastal Development Permit to allow development with a positive archaeological report; 4) Coastal Development Permit for development within 50 feet of a Coastal bluff; and 5) Design Approval.

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 28, 2012
Review Period Ends:	January 3, 2013

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: NELSON

File No.: PLN120412

Project Location: 29922 Spindrift Road, Carmel Highlands

Name of Property Owner: Nelson, John J. TR

Name of Applicant: William David Martin, AIA, Architect

Assessor's Parcel Number(s): 241-251-004-000/241-251-003-000

Acreage of Property: 241-251-004 = 1.282 acres & 241-251-003 = 1.169 acres (A 2.45 acre lot after proposed lot line adjustment)

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 8, 2012

Contact Person: Elizabeth Gonzales

Phone Number: (831) 755-5102

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

The properties are located at 29922 Spindrift Road, Carmel (Assessor's Parcel Number 241-251-004-000 & 241-251-003-000), Carmel Area Land Use Plan, Coastal zone. The parcels are zoned Low Density Residential/one unit per acre-Design Control area in the Coastal Zone "LDR/1-D (CZ)".

Parcel 241-251-004-000 contains an existing 3,508 square foot single family dwelling that is proposed for demolition. The existing terraces, pathways and driveway make up approximately 14,270 square feet of impervious surfaces. Most of these areas will also be demolished. The two parcels are forested with existing Monterey Cypress trees. Several trees growing on the bluff above the water are native Monterey Cypress trees that are a fragment of an old forest system. All other cypress trees on the undeveloped parcel were planted at some point in the past.

Although the existing structure is less than 50 years old, a Phase I Historic Assessment was prepared by CIRCA, San Francisco on March 27, 2012. The assessment concluded that the residence was built in 1964 and does not meet the applicable criteria of exceptional importance.

The applicant is proposing a Lot Line Adjustment in order to merge two existing lots of record, both owned by the applicant, into a 2.45 acre lot in order to construct a 6,739 square foot single family dwelling with 688 square foot attached garage; 121 square foot pavilion, a new geo-flow septic dispersal system and the removal of three planted Cypress trees. Other entitlements include a Coastal Development Permit to allow development with a positive archaeological report; a Coastal Development Permit for development within 50 feet of a Coastal bluff; and a Design Approval.

A Tree Resource Evaluation was prepared by Maureen Hamb, Certified Arborist. The arborist identified three trees that are in conflict with the proposed development. Although two of the trees meet the County's criteria as "landmark trees", they are both planted trees. Removal of non-native or planted trees do not require a Coastal Development Permit unless removal would result in the exposure of structures in the critical viewshed area or where they are defined as habitat or where they are previously protected by another coastal permit or forest management plan. However, these exceptions do not apply. A Biological Letter Report dated May 15, 2012 prepared by Jeff Froke, confirms that the three Cypress trees are not native to the Carmel Riviera site and do not qualify as landmark trees. There is also no potential for the project as proposed to affect individuals or populations of special-status or sensitive wildlife species. Therefore, mitigation or replacement of the trees or any other species is not required for biological reasons.

According to Monterey County GIS system, the project site is identified as an area of high archaeological sensitivity and located within 750 feet of a known archaeological resource. Therefore, 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.

A Cultural Resource Evaluation of the project site was prepared by Archaeological Resource Management, Dr. Robert Cartier, on June 4, 2012. This cultural resource evaluation was carried out for the project at 29922 Spindrift Road in the Carmel Highlands. The research included an archival search in the State records and a surface survey of the property. The archival research revealed that there is one previously recorded archaeological site located to the north of the subject area. One fragment of prehistoric abalone shell was noted on the property during surface reconnaissance. However, visibility was limited by a thick layer of leaf litter across the majority of the surface area. Therefore, current plans call for archaeological monitoring be carried out during all subsurface excavation for the project.

Mitigation Measures will require on-site monitoring during soil disturbing activities, such as demolition, tree removal, grading and foundation excavation. Mitigation will also require that if at any time, potentially significant archaeological resources or intact features are discovered, the monitor will be authorized to temporarily halt work until the find can be evaluated by the monitor. If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated in concurrence with the County of Monterey RMA - Planning Department.

The primary CEQA issues involve air quality, cultural resources, geology/soils and greenhouse gas emissions. Less than significant impacts with mitigation measures for cultural resources and less than significant for air quality, geology/soils and gas emissions have been identified (see Section VI, Environmental Checklist, of the Initial Study). The proposed project is consistent with the policies of the Carmel Area Land Use Plan. Mitigation Measures have been required along with conditions of approval 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, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation or Utilities/Service Systems.

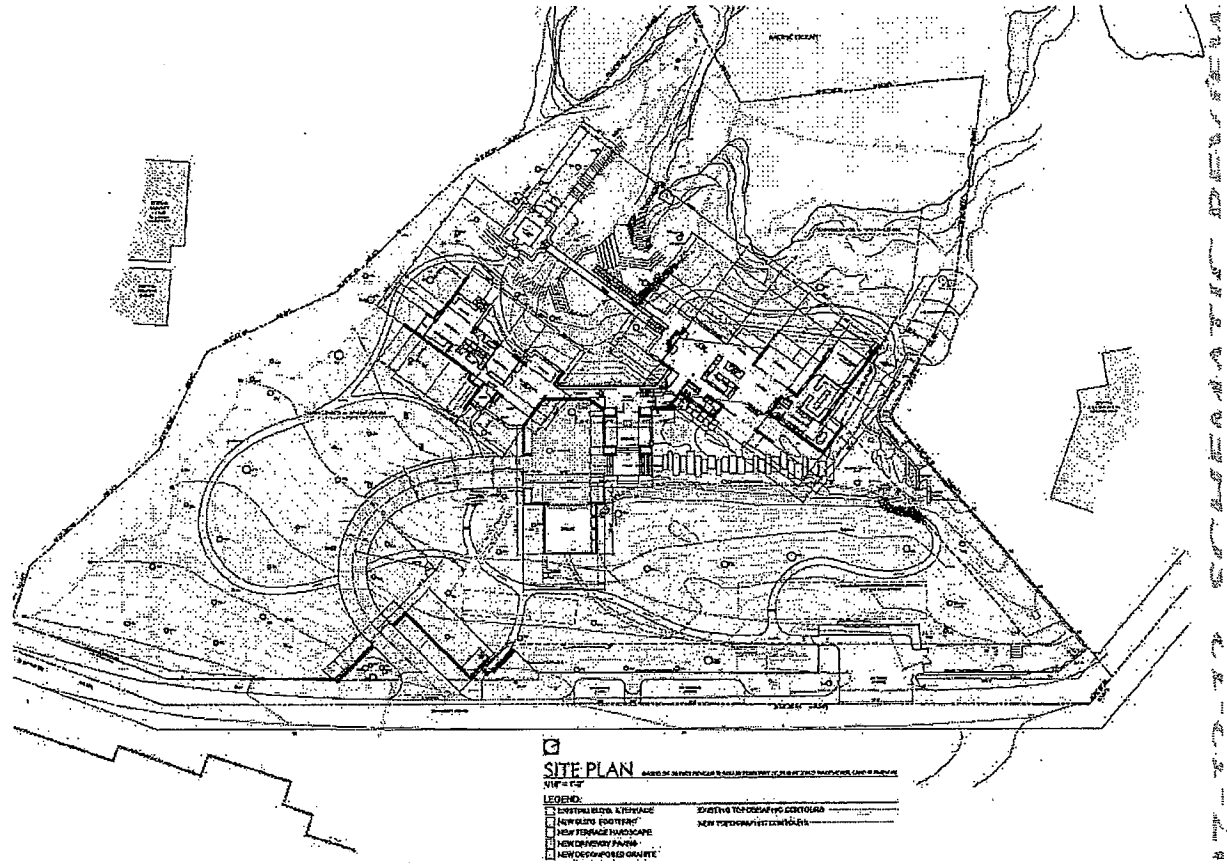
B. Surrounding Land Uses and Environmental Setting:

The project site is located at 29922 Spindrift Road, (Assessor's Parcel Numbers 241-251-003 and 004) in the Carmel Highlands area of Monterey County, California. The approximate location of the proposed residence is 36.4948 N latitude and 121.9396 W longitude on the United States Geological Survey's Soberanes Point 7.5-Minute Quadrangle. The northern parcel is occupied by a single story residence atop the coastal bluff that descends to the Pacific Ocean. The residence is accessed by a driveway that descends toward a parking/turnaround area at the north side of the residence. Patios, planters, and two retaining walls were present in front of the residence. Along the northern property line is a concrete drainage channel that discharges toward the ocean.

Topographically, the parcels slope toward the northwest at moderate inclinations near Spindrift Road, and at more gentle inclinations near the top of the coastal bluff. The bluff had highly variable slope inclinations, ranging from nearly vertical where resistant rock was present to the natural angle of repose where talus deposits were present. A broad, semi-circular bowl-shaped feature was incised into the bluff northwest of the proposed southern wing of the residence. Within that terrace feature were wooden crib-type retaining walls and stairways. Wooden crib-type retaining walls were also present within a small bowl-shaped feature northwest of the proposed main wing of the residence. The site is variably vegetated with sparse grass, succulents, and mature trees.

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.

PROPOSED SITE PLAN



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

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

General Plan/Area Plan	<input checked="" type="checkbox"/>	Air Quality Mgmt. Plan	<input 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"/>

Monterey County Certified Local Coastal Program – Carmel Area Land Use Plan: The Carmel Area Land Use Plan (Reference #3) designates the site as a “Low Density Residential” (LDR) land use designation. Single-family dwellings are an allowed use in this zoning district; and therefore, is consistent with the site development standards under this designation.

Although between the road and the ocean, the project is consistent with the Local Coastal Program’s public coastal-access requirements since the project will not block any designated historic shoreline access routes to the shoreline.

Monterey County General Plan: The only policy areas of the General Plan that are not addressed by the documents cited above are Noise and Hazards. The project is consistent with these General Plan policies. Refer to Section IV.A for relevant discussion related to Noise and Hazards.

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 checked="" type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology/Soils
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality
<input 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

- Transportation/Traffic Utilities/Service Systems 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 mitigated impacts are identified in **air quality, cultural resources, geology/soils, 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, 4, 6)

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. The new single family dwelling will be located downslope of the road and cannot be seen from any viewshed area. Staff has confirmed that the structure cannot be seen from Point Lobos, as well. 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) See Section VI for detailed analysis.
- 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)** A Biological Report confirmed 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. See Section VI for detailed analysis.
- 7) Greenhouse Gas Emissions. See Section VI. for detailed analysis
- 8) Hazards/Hazardous Materials: The project does not involve the transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. There is no storage of large quantities of hazardous materials on site. The project would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. (References IX 1, 2, 3, 5, 6, 7)

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)** 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 includes conservation techniques to the greatest extent possible and has been approved by Water Resources Agency. Construction will not 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 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 proposed project includes demolishing an existing structure, merging two existing lots of record and constructing a new single family dwelling in the middle of both lots. Careful consideration has been done to keep the structure safely setback from the bluff. The proposed project 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 on Mineral Resources.
- 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 addition, 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 merging of two legal lots of record, housing has been reduced, although 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 single family dwelling. Construction management will apply. Therefore, proposed project would have no impact to Transportation or Traffic.

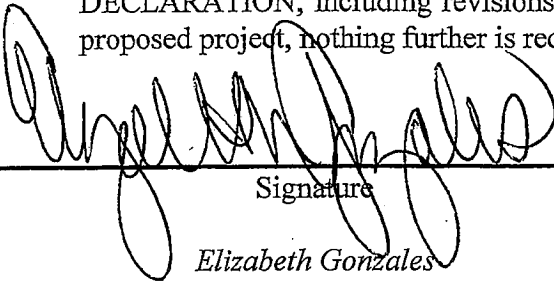
- 17) Utilities. The proposed project currently has sufficient water supplies and a wastewater treatment provider available to service the existing single family dwelling. The proposed project consists of replacing an existing single family dwelling. Therefore, existing public utilities will not be affected. (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



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: 1, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 3, 4, 6)	<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 checked="" type="checkbox"/>	<input 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"/>

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

The proposed project site is located in the North Central Coast Air Basin, which is comprised of Monterey, Santa Cruz, and San Benito counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the subject air basin. In 2008, the MBUAPCD adopted an Air Quality Management Plan, which outlines the steps necessary to reach attainment with the state standards of air quality for criteria pollutants. The project involves demolishing an existing house and constructing a new single family dwelling located in the middle of two lots that are proposed for merging. Construction impacts would be temporary and will not permanently conflict with or obstruct the implementation of Air Quality Management Plan, nor would it violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. The project would not expose any sensitive receptors to substantial pollutant concentrations, and would not create any objectionable odors affecting a substantial number of people. The generation of substantial or significant odors over the long-term is not typically associated with a project of this scope. Once construction is completed the disturbed areas will be fully restored to their pre-development state.

Air Quality 3(d) – Less than Significant

Applicants propose 1400 cubic yards cut and 900 cubic yards fill, therefore 500 cubic yards that will be exported to the local landfill. There will be very minor increase in emissions from construction vehicles and dust generation; therefore, the project would result in construction-related air quality impacts that are less than significant. Construction activities will be required to comply with the Air Quality Guidelines, including the standard MBUAPCD measures addressing

dust control. Implementation of these standard dust-control measures will maintain any temporary increases in PM-10 at insignificant levels.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV

5. CULTURAL RESOURCES

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

Discussion:

According to Monterey County GIS system, the project site is identified as an area of high archaeological sensitivity and considered to be located within 750 feet of a known archaeological resource. Therefore, 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.

A Cultural Resource Evaluation of the project site was prepared by Archaeological Resource Management, on June 4, 2012. A general surface reconnaissance was conducted by a field archaeologist on open land on the northern parcel of the project area in July of 2011, with additional surface reconnaissance carried out on the southern parcel of the project area in May of 2012. A controlled intuitive reconnaissance was performed in places where burrowing animals, exposed banks and inclines, and other activities had revealed subsurface stratigraphy and soil contents. The project boundaries were well established in the field by the existing roadway, fence lines, and through consultation with the project representative. Accessibility to the project area was good; all areas were available for a walking survey. Vegetation on the property consisted of cypress trees, juniper trees, ivy, succulents, small amounts of poison ivy, and domestic shrubs. Soil visibility was fair to poor; approximately 80% of the surface area was obscured by a thick layer of tree litter. Where soils were exposed, a topsoil consisting of a medium brown sandy loam was observed. Rock types noted included granite gravel, cobbles, and bedrock.

One fragment of prehistoric *Haliotis* abalone shell was noted in the southern parcel of the project area during surface reconnaissance. However, visibility was limited by a thick layer of leaf litter across the majority of the surface area. Current plans call for archaeological monitoring be carried out during all subsurface excavation for the proposed project. Any subsurface excavation

carried out by other consultants (i.e., arborist, soils engineer) will also be observed by the archaeological monitor.

Conclusion:

5 (a), (b), (c), (d): Less than significant with Mitigation Incorporated

The archival report revealed that one previously recorded archaeological site is located adjacent to the proposed project area. It is described as a coastal shell midden containing abalone and other shellfish species. The site record notes historic features within the site including a residence and associated fencing and decks. The originally recorded site boundaries were expanded in 1990 when dark gray-black soil containing fragments of abalone and mussel were encountered during a road cut to allow access for a drilling rig onto the parcel. Because of the location of the known site and evidence found on the project site, the following mitigations measures shall be implemented to ensure appropriate levels of protection of archaeological resources:

Mitigation Measure #1:

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

Monitoring Action #1:

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

Mitigation Measure #2:

An agreement between the applicant and a professional archaeologist shall be executed stating that the archaeologist shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc. The monitor shall be authorized to determine the level of monitoring, i.e., intermittent or continuous, as well as the appropriate end of such oversight.

Monitoring Action #2:

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

Additional on-going monitoring Action:

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

Mitigation Measure #3:

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

- (a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- (b) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- (c) 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, Costanoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or
Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 2. The descendent identified fails to make a recommendation; or
 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Monitoring Action #3:

Upon evidence of archaeological resources found on site, the applicant shall submit the contracts with a Registered Professional Archaeologist, and a representative of the Ohlone Costanoane Esselen Nation to the Director of the RMA – Planning Department for review and approval.

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1, 3, 7, 12, 13) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 3, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 3, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source : 1, 3, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 3, 7, 12, 13)	<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, 3, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 3, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 3, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

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**)

Pursuant to Section 20146.080, Hazardous Area Development Standards, if a parcel is located in Seismic Hazard Zone VI, an Unstable Uplands or Recent Alluvium area, or in an area of a known hazard, a geologic report shall be require for, but not limited to...single family dwellings. Also,

regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located in the following areas: ...2) within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater.

6 (a) I, ii, iii, iv (c) - Less than significant:

A Geologic Report was prepared by Earth Systems Pacific, dated May 22, 2102. The main identified geologic hazards at the site are the potential for strong seismic shaking due to an earthquake on one of more of the more active faults in the Carmel – Monterey Bay Area, and the potential for erosion induced landsliding. The slope below the southern wing should be protected from ocean wave and overland runoff erosion. A rock wall or rock riprap should be placed at the base of the steep slope nearest the south wing. The slope protection should extend upward to at least half the slope height and laterally extend at least 20 feet either side of center. Surface drainage should be directed away from the face of slopes.

No evidence of large scale active or dormant landsliding which might affect the proposed building site was noted during review of aerial photos or site reconnaissance. No landslides have been mapped by others on or near the proposed building site. Therefore, it is the opinion of the geologist that the hazard posed by landsliding at the proposed building site is low.

6 (b), (d) (e) – No Impact:

A Geotechnical Report was prepared by Earth Systems Pacific, dated, June 15, 2012. Based on the results of the subsurface investigation and laboratory testing program, the site is geotechnical suitable for the proposed Nelson residence and related improvements provided that the recommendations contained herein are implemented in the design and construction. The upper soils and rock at the site are essentially non-plastic and therefore, have a very low expansion potential. Thus, measures other than moistening and compact the soil are not considered necessary to mitigate soil expansion.

Small dormant young debris flow deposits have been mapped above the site by Will et al, and a debris flow that originated east of Highway 1 impacted the vicinity of the site during heavy rainfall in 1995. A portion of the debris flow crossed the property immediately north of the subject site. A concrete debris flow channel has since been constructed along the southern boundary of the adjacent parcel. As a result of the debris flow, improvements to culverts and other drainage facilities have been made since that time.

The geologist concluded that the proposed single family residence on the subject site is considered feasible from a geologic viewpoint, provided the recommendations of this report and those of the geotechnical engineer are incorporated into the design and construction of the project. Therefore, a Condition of Approval requires the applicant to record a notice on the property stating that all development shall be in accordance with the Geologic and Geotechnical Reports.

7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 construction of the single family dwelling will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide (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"/>
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**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3, 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"/>
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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: 1, 2, 3, 4, 5, 6, 7)	<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)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV

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

Discussion/Conclusion/Mitigation: See Section IV

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 6, 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"/>

13. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (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, 6, 7, 9, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1, 3, 6, 7) Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 3, 6, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) Less Than Significant With Mitigation Incorporated

Based upon the analysis throughout this Initial Study, the project 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. 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. A Biological report was prepared for the replacement of an existing single family dwelling and confirmed there was no biological resources located on the property. However, there is a possibility that the project may eliminate important examples of the major periods of California history or prehistory. The parcel is located within a high archaeological sensitivity zone. An Archaeological report recommends monitoring during construction. Therefore, the potential impact is less than significant with mitigation in place.

(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. Therefore, 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.

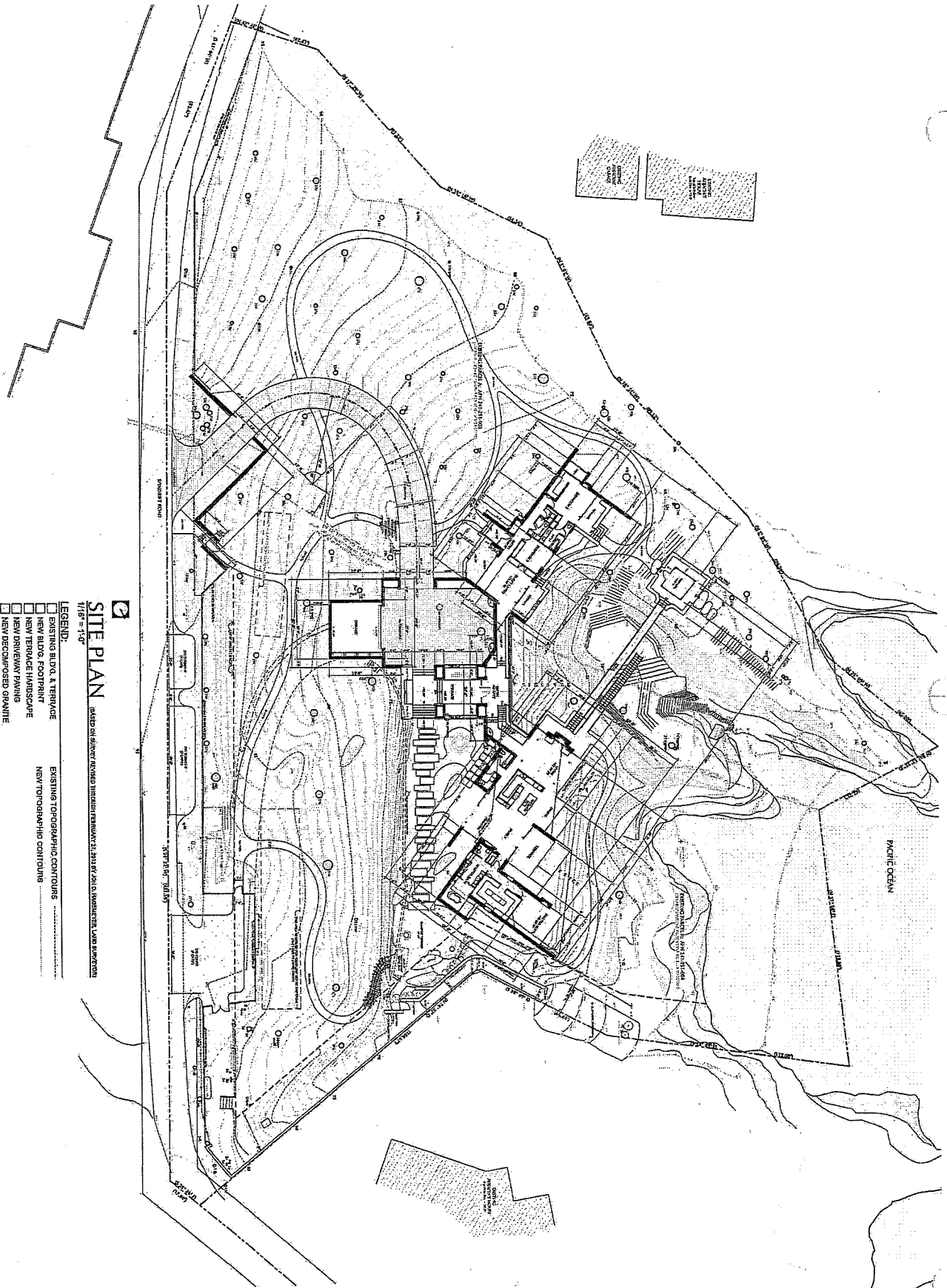
Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN120412 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. REFERENCES

1. Project Application/Plans in Planning file NO. PLN120412
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 6, 2012.
7. Planning Department's Geographic Information System
8. Phase I Historic Assessment prepared by CIRCA, San Francisco CA, March 27, 2012 (LIB120281)
9. Cultural Resource Evaluation of the project site prepared by Archaeological Resource Management, Dr. Robert Cartier, San Jose CA, June 4, 2012. (LIB120280)
10. Forest Management Plan/Tree Analysis Report prepared by Maureen Hamb, Certified Arborist, Santa Cruz CA, July 20, 2012 (LIB120282)
11. Biological Letter Report prepared by Califauna, Jeff Froke, Pebble Beach CA, dated May 15, 2012 (LIB120283)
12. Geologic Report prepared by Earth Systems Pacific, Hollister CA, dated May 22, 2012 (LIB120284)
13. Geotechnical Report prepared by Earth Systems Pacific, Hollister CA, dated, June 15, 2012 (LIB120285)

ATTACHMENTS

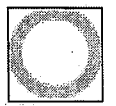
Site Plans and Elevations



SITE PLAN

- LEGEND:**
- EXISTING BLDG. & TERRACE
 - NEW BLDG. FOOTPRINT
 - NEW TERRACE HANDSCOPE
 - NEW DRIVEWAY PAVING
 - NEW DECOMPOSED GRANITE
 - EXISTING TOPOGRAPHIC CONTOURS
 - NEW TOPOGRAPHIC CONTOURS

07-12-12 SCHEMATIC REVIEW



**WM DAVID MARTIN
P.A. + ASSOCIATES**
ARCHITECTURE +
LAND PLANNING
3000
MONTICELLO
MONTICELLO, VA

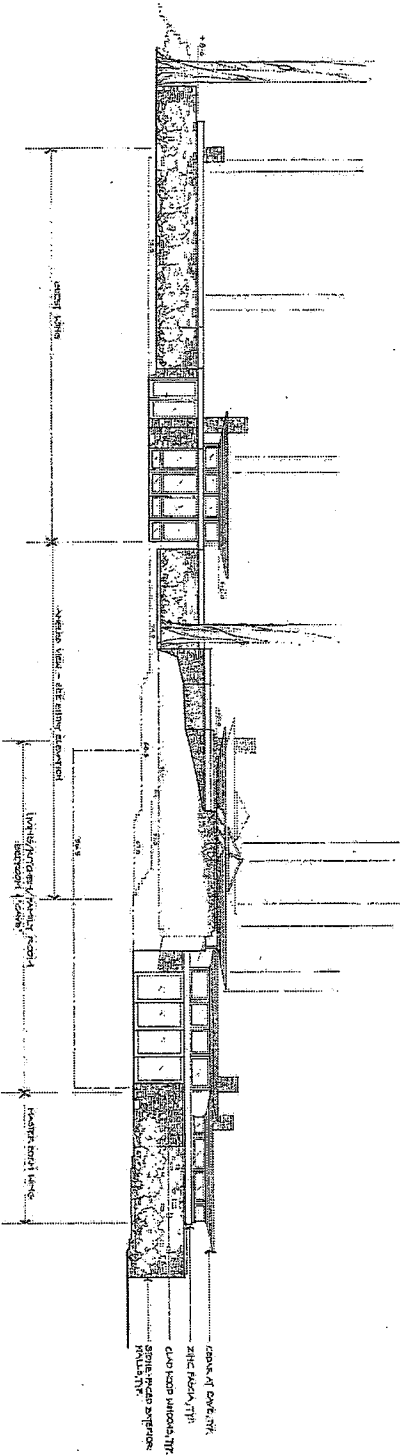
**PROJECT
NELSON
RESIDENCE**

2747 SHERBROOK BL.
DUNN CENTER
DUNN, VA 22028

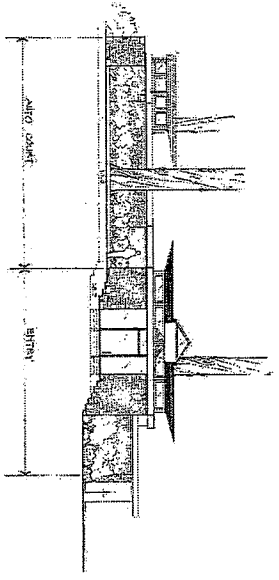
**DATE: 07-12-12
SITE PLAN**

NO.	REVISION	DATE
01	ISSUED FOR PERMIT	07-12-12
02	REVISION	08-13-12
03	REVISION	08-13-12
04	REVISION	08-13-12
05	REVISION	08-13-12
06	REVISION	08-13-12
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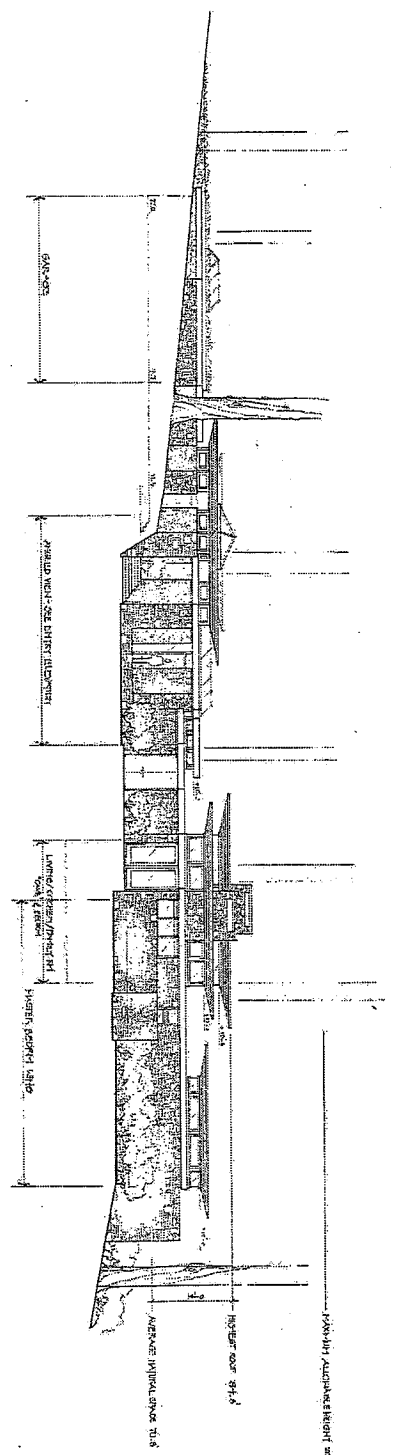
A-2.0



EAST ELEVATION 1/8" = 1'-0"



NORTH ELEVATION 1/8" = 1'-0"



PROJECT
**NELSON
 RESIDENCE**
 10000 10th Street NE
 Seattle, WA 98115
 206.465.1000



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DATE: 08/14/13
 DRAWING NO.: A-5.0
 PROJECT NO.: 10000 10th Street NE
 206.465.1000

A-5.0



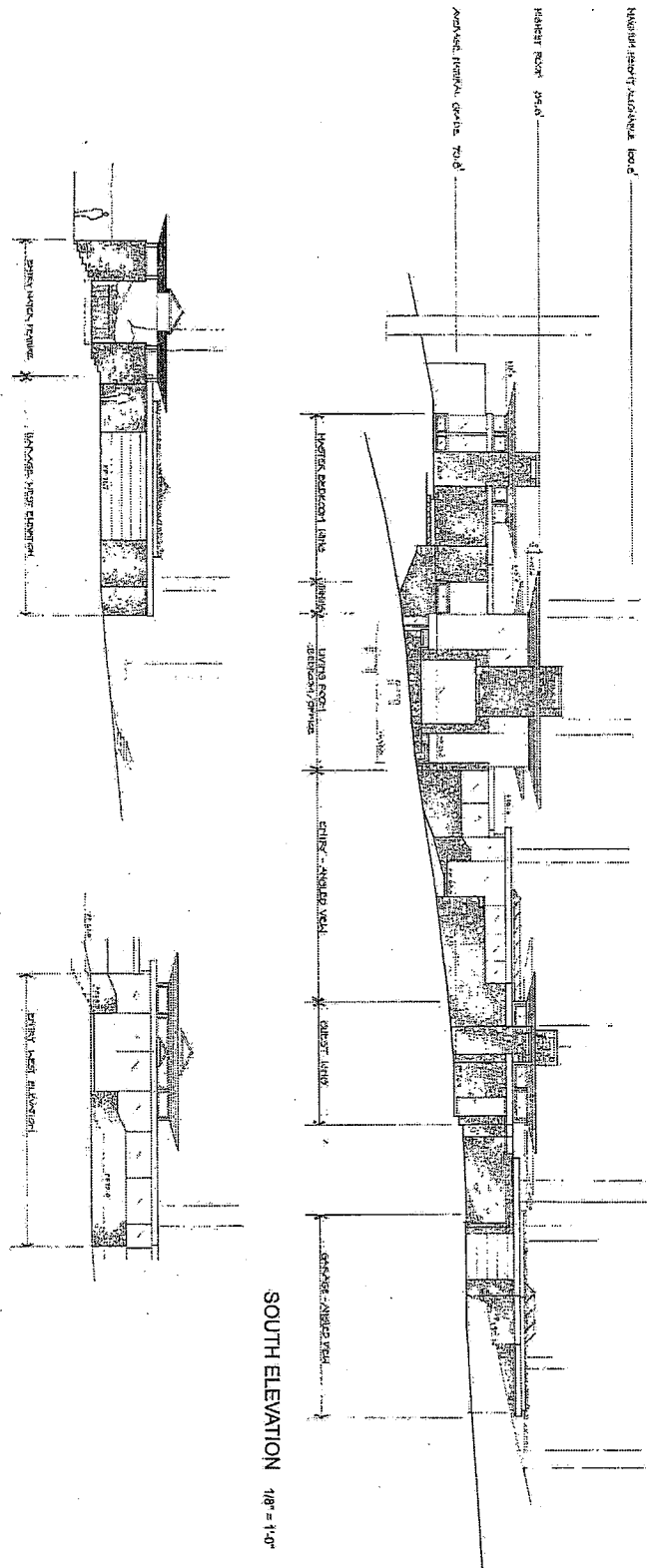
W. DAVID MARTIN
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RESIDENCE**
39411 10TH AVE
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80239
ARCHITECT:
W. DAVID MARTIN
AIA + ASSOCIATES

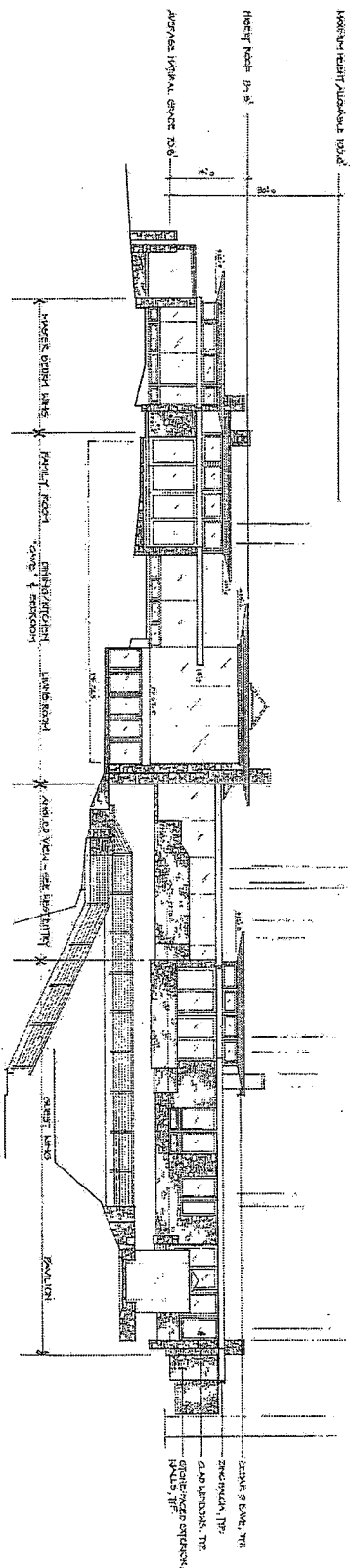
SOUTH ELEVATION 1/8" = 1'-0"



DOORWAY TITLE:
**EXTERIOR
ELEVATIONS**

DATE: 05/11/11
DRAWN BY: [Name]
CHECKED BY: [Name]
PROJECT NO.: [Number]
SHEET NO.: [Number]

WEST ELEVATION 1/8" = 1'-0"



A-5.1