

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> April 11, 2013	<b>Time:</b> 2:00 p.m.	<b>Agenda Item No.:</b> 4
<b>Project Description:</b> Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse, conversion of 1,004 square feet into an art studio and 176 square feet of storage and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill. The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, Carmel Land Use Plan, Coastal Zone.		
<b>Project Location:</b> 170 Spindrift Lane Carmel		<b>APN:</b> 241-321-002-000
<b>Planning File Number:</b> PLN120276		<b>Owner:</b> Richard Raley <b>Agent:</b> Pamela Silkwood
<b>Planning Area:</b> Carmel Area Land Use Plan		<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "LDR/1-D (CZ)" (Low Density Residential, 1 units per acre with Design Control Overlay (Coastal Zone))		
<b>CEQA Action:</b> Negative Declaration		
<b>Department:</b> RMA - Planning Department		

**RECOMMENDATION:**

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

- 1) Adopt a Negative Declaration for the Raley project; and
- 2) Approve the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**);

**PROJECT OVERVIEW:**

The applicant proposes construction of a new 4,338 square foot two-story single-family residence including an attached 509 square foot garage, a 216 square foot second story deck, and 324 square feet of at grade patio, and a 1,088 square foot concrete paver driveway and walk ways area and 260 cubic yards of cut and 260 cubic yards of fill grading. Currently there is an existing two-story single-family dwelling on the property that has been damaged by past storm events. As a result the owner is asking that they be allowed to convert the existing single family dwelling into a 423 square foot guest house and convert 1,004 square feet into an art studio with 176 square feet of storage area. The project will demolish a 360 square foot guest house retaining 485 square feet of the structure to be used as a detached garage for the new guesthouse (converted residence). The proposed residence is located within 100-feet of a Environmentally Sensitive Habitat and within 750 feet of a known archaeological resource; both requiring a Coastal Development Permit. For those reasons an archaeological report and a biological assessment were prepared for the project. No cultural; or sensitive biological species were found on site. Further, the geotechnical report prepared for the project determined that the proposed location, within 50 feet of the coastal bluff, is suitable and could safely sustain the new residence. The proposed project was reviewed by the Carmel unincorporated Highlands Land Use Advisory Committee who recommended approval of the project. An initial study was prepared Under Article 6, per Section 15070. (See attachment D) because the proposed development is located within 750 feet of a known archaeological resource,

on a coastal bluff and within 100 feet environmental sensitive habitat area. The Initial Study did not find any significant adverse environmental impacts that were not mitigated through the use of standard conditions or policy implementation.


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

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

Agencies that submitted comments are noted with a check mark. Conditions recommended by the Cypress Fire Protection District, Water Resources Agency, Public Works Department, and the Environmental Health Bureau have been incorporated into the Condition Compliance Matrix attached to the draft resolution (**Exhibit C**).

The project was reviewed by the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) at a public meeting on September 4, 2012. The LUAC received comments and concerns from neighbors attending the meeting. The LUAC discussed the project and recommended approval of the project on a 4 to 0 vote subject to the new residence complying with setbacks, and also expressed concern that the guesthouse should be approved as a second unit. (see attached minutes and consistency finding in this report.).

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



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Ramon Montano, Assistant Planner  
(831) 755-5169, montanor@co.monterey.ca.us  
April 3, 2013

cc: Front Counter Copy; Zoning Administrator; Cypress Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; John Ford, Senior Planner; Bob Schubert, Senior Planner; Ramon Montano, Project Planner; Carol Allen, Senior Secretary; Richard Raley, Owner; Pam Silkwood, Agent; The Open Monterey Project; LandWatch; Planning File PLN120276.

Attachments: Exhibit A Project Data Sheet  
Exhibit B Project Discussion  
Exhibit C Draft Resolution, including:  
• Conditions of Approval  
• Site Plan, Floor Plan and Elevations  
Exhibit D Initial Study (Negative Declaration)  
Exhibit E Carmel Unincorporated/Highlands Land Use Advisory Committee Minutes of September 4, 2012.  
Exhibit F Vicinity Map

This report was reviewed by John Ford, Senior Planner.

## EXHIBIT A

### Project Information for PLN120276

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#### Project Information:

<b>Project Name:</b>	RALEY RICHARD		
<b>Location:</b>	170 SPINDRIFT LN CARMEL		
<b>Permit Type:</b>	Combined Development Permit		
<b>Environmental Status:</b>	Exempt	<b>Final Action Deadline (884):</b>	2/3/2013
<b>Existing Structures (sf):</b>	2355	<b>Coverage Allowed:</b>	15%
<b>Proposed Structures (sf):</b>	4338	<b>Coverage Proposed:</b>	7.65%
<b>Total Sq. Ft.:</b>	6693	<b>Height Allowed:</b>	30
<b>Tree Removal:</b>	None	<b>Height Proposed:</b>	25'8"
<b>Water Source:</b>	Mutual	<b>FAR Allowed:</b>	15%
<b>Water Purveyor:</b>	California American Water	<b>FAR Proposed:</b>	7.65%
<b>Sewage Disposal (method):</b>	Septic	<b>Lot Size:</b>	871200
<b>Sewer District:</b>	NA	<b>Grading (cubic yds.):</b>	520

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#### Parcel Information:

<b>Primary APN:</b>	241-321-002-000	<b>Seismic Hazard Zone:</b>	UNDETERMINED
<b>Applicable Plan:</b>	CARMEL AREA LUP	<b>Erosion Hazard Zone:</b>	HIGH
<b>Advisory Committee:</b>	Carmel Unincorporated/Highlands LUAC	<b>Fire Hazard Zone:</b>	HIGH
<b>Zoning:</b>	LDR/1-D (CZ)	<b>Flood Hazard Zone:</b>	COASTAL
<b>Land Use Designation:</b>	Low Density Residential	<b>Archaeological Sensitivity:</b>	HIGH
<b>Coastal Zone:</b>	YES	<b>Viewshed:</b>	Yes
<b>Fire District:</b>	CARMEL HIGHLANDS FPD	<b>Special Setbacks on Parcel:</b>	NO

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#### Reports on Project Parcel:

<b>Soils Report #:</b>	LIB120258
<b>Biological Report #:</b>	LIB120257
<b>Geologic Report #:</b>	LIB120258
<b>Forest Management Rpt. #:</b>	LIB120259
<b>Archaeological Report #:</b>	LIB120256
<b>Traffic Report #:</b>	N/A

## **EXHIBIT B DISCUSSION**

### **Project Description**

The proposed project would allow the construction of a 4,338 square foot two-story single family dwelling with an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square foot square foot at grade patio, concrete paver driveway and walk ways. The conversion of an existing 1,603 single family dwelling into a 423 square foot guest house, conversion of 1,004 square foot area into an art studio and a 176 storage area. A Coastal Development Permit is required to allow the guesthouse to exceed the 12 foot height limit by 10 feet. The existing guesthouse is attached to a garage. The guesthouse will be demolished, (approximately 360 square feet) and the 485 square foot detached garage will remain. An additional Coastal Development Permit is required to allow development within 100 feet of Environmentally Sensitive Habitat. In addition, a Coastal Development Permit is required to allow development to occur within 750 feet of a known archaeological resource. The proposed project will require approximately 260 cubic yards of cut and 260 cubic yards of fill, any remaining spoils shall be retained on site.

### **Development within 50 feet of a Coastal Bluff**

The project parcel is located in an area of Carmel Highlands west of Highway 1. The site proposed for the new residence puts the dwelling within 50 feet of a coastal bluff. The land use plan requires an analysis of historic, current, and future degradation of the bluff from naturally occurring erosion. A Bluff Retreat Study was prepared in order to determine if any unusual geomorphic conditions currently exist that might pose a hazard to development at this location.. The Geotechnical reports concluded that the proposed site location is geotechnically suitable for the proposed Raley residence and that the potential for bluff retreat to affect the planned new residence is considered low.

### **Development within 750 of a known Archaeological Resources**

On November 7, 2011, an archaeological report was prepared by Archaeological Consulting. The report concludes that no evidence of potentially significant archaeological resources was found. Though the property is located 400 feet from a known archaeological site (CA-MNT-292), none of the resources associated with that site or with prehistoric cultural resources in the area (dark midden soil, fragments of weathered marine shell, bone fragments, etc...) were observed during field reconnaissance. It is not expected that any human remains or significant cultural resources will be encountered with this project. If resources are uncovered a standard condition of approval is added specifying protocol for evaluating human remains and the treatment of them. Based upon these factors the potential for impact to archaeological resources is low and is consistent with the objectives of the Carmel Area Land Use Plan to identify and avoid archaeological resources.

### **Development within 100 feet of Environmentally Sensitive Habitat**

The Carmel Area Land Use Plan identifies rocky intertidal areas and kelp beds as being Environmentally Sensitive Habitat. Map B of the Carmel Area LUP shows that the area along the coast adjacent to the site as containing both Kelp Beds and intertidal habitat areas, resulting in this proposed development being within 100 feet of Environmentally Sensitive Habitat. The Biological Survey prepared by Calfauna on November 21, 2011 did not find any native plant communities, habitats or any special-status species present on the site. The survey did not evaluate the adjacent ESHA, but as discussed in the Negative Declaration, the primary potential for impact to the adjacent ESHA comes from erosion and water run off. Standard erosion control measures will minimize the potential impacts. The recommendations of the biologist to plant native plants the top of the bluff will minimize the need for irrigation and impacts associated with irrigation run off. These measures will adequately protect the ESHA adjacent to the site.

## **Guesthouse**

The existing residence on site would be converted into a guesthouse, art studio office and storage. The existing guesthouse on site will be removed. The proposal for the new guesthouse requires approval of a Coastal Development Permit because the existing structure is two stories. The guesthouse will be on the lower floor, and the art studio, office and storage on the second floor. The existing structure is constructed into the rock bluff above the intertidal area and does not appear to be a large structure. The County has allowed art studios as accessory structures in the past, and combining a art studio and guesthouse is acceptable subject to standard deed restrictions on both the art studio and guesthouse. This structure is over 50 years old and a historic report was prepared, but was not determined to be of historic significance.

## **Carmel Highlands Land Use Advisory Committee comments**

The committee met on September 4, 2012 receiving public comments/concerns from two neighbors. The LUAC received comments on the following:

- 1) Clarify setbacks;
- 2) Is guesthouse a second unit;
- 3) Address lighting issues;
- 4) Viewshed concerns due to massive look;
- 5) Truck trips on spindrift lane.

The LUAC recommendation focused on compliance with the Zoning Ordinance setback standards and the nature of the guesthouse. A condition has been added to ensure that the main dwelling conforms to the setbacks required for the LDR zoning district. The concern relative to the guesthouse being a second unit is addressed through standard conditions requiring a deed restriction and removal of the kitchen. Two conditions have been added requiring the standard restrictions on the guesthouse and also on the art studio. The standard lighting condition has been imposed on the project for projects within visually sensitive areas.

## **CEQA Negative Declaration**

The project required an Initial Study (and Negative Declaration) to be prepared due to several areas where the project may cause a potentially significant effect on the environment. The areas discussed in the document were: Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology, Green House Gas Emissions, Noise, Hydrology and Water Quality.

The Initial Study and Negative Declaration is attached to this report as **(Exhibit D)** and on file in the office of the RMA – Planning Department and is hereby incorporated by reference under File No. PLN120276. All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. Substantial evidence supports the conclusion that the project impacts will be less than significant

## **Conclusion**

The proposed project is found to be consistent with the County of Monterey's Local Coastal Land Use Plan for the Carmel Area Land Use Plan including the Coastal Implementation Plan requirements. The Land Use Advisory Committee has reviewed the project and found it to be consistent with the existing visual character and the aesthetic of the surrounding area. Furthermore, the project has been analyzed for potentially significant impacts to the environment as a direct result of the development. It has been determined that the project as conditioned will not create any significant impact to the environment of the immediate or surrounding area. For these reasons staff is recommending the adoption of the Negative Declaration and approval of the project with conditions.

**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:

**Raley (PLN120276)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning Administrator:

1) Adopting a Negative Declaration for the Raley project; and Approving a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse, conversion of 1,004 square feet into an art studio and 176 square foot storage area and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill. The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, Carmel Land Use Plan, Coastal Zone. PLN120276, Richard Raley, 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000)

**The Richard Raley application (PLN120276) came on for public hearing before the Monterey County Zoning Administrator on April 11, 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 Monterey County General Plan,

- Carmel Area Land Use Plan,
- Monterey County Coastal Implementation Plan, Part 4,
- Monterey County Zoning Ordinance (Title 20)

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

- b) The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, under the Carmel Land Use Plan, within the Coastal Zone. The parcel is zoned "LDR/1-D (CZ)" (Low Density Residential, 1 units per acre with Design Control Overlay (Coastal Zone), which allows single family residences. Therefore, the project is an allowed land use for this site.
- c) The property is located in a Design Control Overlay district within the Carmel Area Land Use Plan. The Carmel Area Land Use Plan requires that structures be subordinate to and blended into the environment using appropriate materials that will achieve that effect. The proposed residence is located such that it will not be visible from public viewing areas. Materials of the proposed new residence consist of stone veneers similar to those on the existing residence, including copper gutters and down spouts with a copper seamed roof. All colors will match the existing structures on site. With these design considerations the proposed project achieves the goal of being subordinate to, and blended into the environment..
- d) **Coastal Implementation Plan Part 1, Title 20 Section 20.12.060.** The proposed new main residence complies with or is conditioned to comply with all of the applicable Site Development Standards. The proposed height is 25.8 from average natural grade less than the maximum of 30 feet, front, side and rear setback proposed, are 30 in the front greater than 20 feet on each side at 100 and 130 feet, and rear is 45 feet to the top of the bank of bluff; allowed lot coverage is 15%. The project proposes site coverage of 5.3%. The existing detached 484 square foot garage is more than 50' from the front property line, and is more than 6' from a side or rear property line and is less than 15' high.
- e) **LUP Policy 2.2.3.4:** This policy requires the development to be located in the least visible location on the parcel The proposed residence is oriented on the property such that it is not visible from Point Lobos or Highway 1 so it is consistent with this policy.
- f) A standard condition has been incorporated to reduce castoff light from widows and skylights.
- g) **LUP Policy 5.3.3.4.c:** The project complies with the Carmel Land Use Plan Policy which protects visual access to the shoreline from major public viewing corridors. The project will not alter existing public views from Highway 1 or Spindrift Road due to the topography and vegetation in the surrounding area.
- h) **Land Use Advisory Committee (LUAC).** The project was referred to the Carmel Unincorporated/Highlands for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338 this application did warrant referral to the LUAC because the project includes a Design Approval, which required a public hearing. At a public meeting with the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) on

September 4, 2012 the project was discussed. The LUAC received comments/ from two neighbors who expressed concern with viewshed impacts of the residence, and the impact of the lighting from the proposed residence. The LUAC shared these concerns and was concerned that the main residence encroached into the front setback and that the guest house was actually a second unit and not a guesthouse. The LUAC recommended that the structures on site conform to all setbacks, that the entitlement for the guesthouse be changed to an accessory dwelling unit. A condition has incorporated to require that the structure comply with all setbacks. There is not sufficient water or wastewater capacity associated with the site to support a second unit. The guesthouse is not a separate dwelling unit and a condition will be added to ensure that all future owners know it is only authorized to function as a guesthouse.

- i) **Archaeological Resources:** The project is located within an area identified as high sensitivity for archaeological resources and is within 750 feet of a known archaeological resource. An archaeological report was prepared for the proposed residence. The report indicated that there is no evidence that the project site contains archaeological resources. The location of the site within 750 of a known archaeological resource requires a Coastal Development Permit be processed to account for the potential for archaeological resources to be present on site. The project has been conditioned to require that all work stop if archaeological resources are discovered during excavation and that an archaeologist be contacted to evaluate the find. This approach is consistent with the Carmel Area Land Use Plan policies to identify and avoid archaeological resources to the extent possible.
- j) **Coastal Bluff:** The project is located within 50 feet of the Coastal Bluff. A detailed Geotechnical report was prepared which found that the site is geotechnically suitable for the proposed residence. The proposed residence will be located where the rock and soil is moderately hard to a depth of 9 feet below surface and below a depth of 9 feet there is hard rock. The residence will need to penetrate the hard rock providing a very stable foundation. In addition, an addendum was prepared for the project to determine if the site conditions are suitable for the proposed residence relative to the potential for bluff erosion. The report found that the coastal bluff is stable and there has only been minor erosion and bluff retreat on the property. As a result, the location of the house in relation to the bluff does not pose a danger to the structure or require special improvements to protect the bluff from further erosion.
- k) **Guest House regulations 20.64.020:** Section 20.64.020 of the Monterey County Coastal Zoning Ordinance requires that guesthouses be a maximum of 425 square feet, and be a maximum of 12 feet in height. The proposed guesthouse would be in the lower floor of a converted portion of the existing residence. The proposed guesthouse is 423 square feet in area which complies with the area requirements for a guesthouse. The existing structure in which the guesthouse will be located is two stories and 22 feet high above average natural grade. Thus the structure exceeds the height for a guesthouse. A guesthouse can be in a structure that exceeds 12 feet in height when it is combined with another permitted accessory structure on the property subject to



approval of a Coastal Development Permit. The second story of this structure will be an artists studio, home office and storage. Part of the entitlements is a Coastal Development Permit for a guesthouse which exceeds the 12 foot height limitation. The existing structure will not be expanded or modified on the outside so the guesthouse will not interfere with views of the scenic coast or detract from the natural beauty of the area. Thus approving the guesthouse within the existing structure is consistent with the goals and objectives of the Carmel Area Land Use Plan.

- l) The Staff conducted site inspections in August of 2012 and November of 2012 to verify that the project on the subject parcel is consistent with the plans listed above.
- m) 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 PLN120276.

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, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

b) Staff identified potential impacts to historical structure, geology, biology, Trees and Cultural resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- *“Biological Assessment” (LIB120257) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach,, CA November 21, 2011.*
- *“Arborist Tree Assessment” (LIB120259) prepared by Maureen Hamb Santa Cruz, CA, June 29, 2012.*
- *“Archaeological Assessment” (LIB120256) prepared by Archaeological Consulting, CA, November 7, 2011.*
- *“Geotechnical Engineering Report & Supplemental Bluff retreat study” (LIB120258) prepared by Earth Systems Pacific, CA, December 2, 2011 and October 31, 2012.*
- *“Historical Assessment” (LIB13) prepared by Anthony Kirk, Ph.D. Santa Cruz, CA, October 31, 2012.*

c) **Historical Structure** – The proposed guesthouse and art studio will be located in a structure that is more than 50 years old. The structure was evaluated by Anthony Kirk who determined that the structure was not significant either in architectural design or in the fact that it was once occupied by Kim Novak an actress.

d) Staff conducted site inspections in August of 2012 and November of 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 PLN120276.

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

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) The site is not served by a public sewer system and site constraints including limited area for a septic system, proximity to the bluff, the proximity of environmentally sensitive habitat and slopes exceeding 30% preclude use of a standard septic system. For these reasons County regulations require use of a specialized waste water treatment system. The Environmental Health Bureau has reviewed and approved the specialized waste water treatment system design for the Raley property and finds the proposed project meets the all County regulations insuring the health and safety of the occupants of the proposed residents and surrounding area and the general welfare of the County.
  - c) A Geotechnical report and bluff retreat study has determined that no unusual geomorphic conditions currently exist that might affect the site and that the coastal bluff is stable and does not appear to be eroding. The Geotechnical reports concluded that the proposed site location is geotechnically suitable for the proposed Raley residence and that the potential for bluff retreat to affect the planned new residence is considered low
  - d) The project planner conducted a site inspection in August of 2012 and November of 2012 to confirm site conditions.
  - e) Proceeding evidences in findings 1 and 2 for PLN120276.

4. **FINDING:** **NO VIOLATIONS** - The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the Monterey County Zoning Ordinance Title 20. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted site inspections in August of 2012 and November of 2012 and conducted research of 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 PLN120276.

5. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Carmel Areal Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development is required and the criteria to grant said permit have been met.
  - b) The Carmel Area Land Use Plan identifies rocky intertidal areas and kelp beds as being Environmentally Sensitive Habitat. Map B of the Carmel Area LUP shows that the area along the coast contains both Kelp Beds and intertidal habitat areas, resulting in this proposed development being within 100 feet of Environmentally Sensitive Habitat
  - c) The primary potential for impacts to this ESHA is from erosion and run off from the site. Standard County requirements of erosion control, and conditions requiring minimization of irrigation and use of native plant species along the bluff will protect the ESHA contained within the intertidal and kelp bed areas.
  - d) The project planner conducted a site inspection in August of 2012 and November of 2012.to verify ESHA locations and potential project impacts to ESHA.
  - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120276.
- 6 **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.
- EVIDENCE:**
- a) The project includes application for development within a sensitive viewshed. In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
  - b) The key policy (2.2.2) for Visual Resources in the Carmel Area Land Use Plan is to protect the scenic resources within the viewshed by requiring development to harmonize and be clearly subordinate to the natural scenic character of the area. Development should be located on the portion of the property least visible from public viewing areas.
  - c) The proposed new residence is not visible from a public viewing area, located either along Highway 1 or from Point Lobos. Therefore the proposed project is consistent with the Land Use Plan policies to protect scenic resources.
  - 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 PLN120276..
- 7 **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record

before the Monterey County Zoning Administrator, there is no substantial evidence that the proposed project as designed, and conditioned will have a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County.

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN120276).
  - c) The Initial Study discussed several areas where the project may cause a potentially significant effect on the environment. The areas identified and discussed in the Initial Study were: Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology, Green House Gas Emissions, Noise, Hydrology, Water Quality and Mandatory Findings of Significance.
  - d) No project changes were required to avoid significant effects on the environment. Monterey County Local Coastal Land Use Plan Policies and Regulations, are designed to mitigate potential impacts during project implementation, and are hereby incorporated herein by reference as conditions of approval.
  - e) The Draft Negative Declaration (“ND”) for PLN120276 was prepared in accordance with CEQA and circulated for public review from March 6, 2013 through April 5, 2013 (State Clearing House #: 2013031017 ).
  - f) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN120276) and are hereby incorporated herein by reference.
  - g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the 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. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
  - h) No comments were received from the public or from governmental agencies.
  - i) The Monterey County Planning Department, located at 168 W. Alisal,

2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

- j) The project includes Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse, conversion of 1,004 square feet into an art studio and 176 square feet of storage and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill.
- k) The project planner conducted a site inspection in August of 2012 and November of 2012 no adverse environmental effects were identified during staff review of the development application. Staff confirmed the circumstances and conditions of the site were correctly conveyed on the plans and in the reports
- l) See preceding findings 1, 2, 3 and supporting evidences the materials and reports contained within the file PLN120276.

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

- EVIDENCE:**
- a) No access is required as part of the proposed project as the project will not have an adverse impact on existing coastal access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The application, plans, and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120276.
  - e) The project planner conducted a site inspection in August of 2012 and November of 2012.

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

**EVIDENCE:** a) **BOARD OF SUPERVISORS**

- Section 20.86.030.a Monterey County Zoning Ordinance.
- b) **CALIFORNIA COASTAL COMMISSION**  
Section 20.86.080.1, Monterey County Zoning Ordinance. The project is appealable to the California Coastal Commission because the project is located between the sea and the first through road paralleling the sea. Spindrift Road is the first through public road paralleling the sea in the project area.

### **DECISION**

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

- A. Adopt a Negative Declaration for the Raley project; and
- B. Approve a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse conversion of 1,004 square feet into an art studio and 176 square feet of storage and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill in general conformance with the attached sketch and subject to the conditions all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of April 2013

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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.

# Monterey County Planning Department

## DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN120276

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This permit is a Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling including an attached 509 square foot garage, a 216 square foot second story deck, and 1,412 square feet of flatwork including an at grade patio, concrete paver driveway and walk ways; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot single family dwelling into a 423 square foot guesthouse, conversion of 1,004 square feet into an art studio and 176 square feet of storage and allow the structure to exceed the 12 foot height limit by 10 feet; and demolish an existing 360 square foot guesthouse within an existing 845 square foot structure retaining 485 square feet of the structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 260 cubic yards of cut and 260 cubic yards of fill. The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, Carmel Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.  
(RMA - Planning Department)

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



## 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation** The applicant shall record a Permit Approval Notice. This notice shall state:

**Monitoring Measure:** "A Combined Development Permit (Resolution Number \*\*\*) was approved by the Zoning Administrator for Assessor's Parcel Number 241-321-002 on April 11, 2013. The permit was granted subject to 18 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** Prior to the issuance of grading and building permits or commencement of use, the  
**Action to be Performed:** 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** The property owner agrees as a condition and in consideration of approval of this discretionary  
**Monitoring Measure:** 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** Upon demand of County Counsel or concurrent with the issuance of building permits, use of the  
**Action to be Performed:** 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. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning Department

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

**Compliance or Monitoring Action to be Performed:** The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

#### 5. 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:  
"The following reports have been prepared for this parcel:  
-"Biological Assessment" (LIB120257) prepared by Jeffrey B. Froke, Ph.D., Pebble Beach, CA, November 21, 2011;  
-"Arborist Tree Assessment" (LIB120259) prepared by Maureen Hamb, Santa Cruz, CA, June 29, 2012;  
-"Archaeological Assessment" (LIB120256) prepared by Archaeological Consulting, Salinas, CA, November 7, 2011;  
-"Geotechnical Engineering Report & Supplemental Bluff Retreat Study" (LIB120258) prepared by Earth Systems Pacific, Salinas, CA, December 2, 2011 and October 31, 2012; and  
-"Historical Assessment" (LIB13) prepared by Anthony Kirk, Ph.D. Santa Cruz, CA, October 31, 2012;  
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. The language of this condition shall be included as a note on all grading and building plans.

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.

**6. PD017 - DEED RESTRICTION-USE**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** (NON-STANDARD) Prior to issuance of a building permit the applicant shall record a deed restriction stating that:  
"Combined Development Permit PLN120276 (Resolution No. XXX) allowed the conversion of 1,004 square feet of the original single family dwelling to be used as an art studio and home office. No other use of this area is permitted. Use of the art studio/home office for dwelling or sleeping uses, whether temporary or permanent, is not permitted."  
(RMA - Planning Department)

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

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

**7. PD019(B) - DEED RESTRICTION-GUESTHOUSE (COASTAL)**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse (Coastal) as follows:  
\* Only 1 guesthouse shall be allowed per lot.  
\* Detached guesthouses shall be located in close proximity to the principal residence.  
\* Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.  
\* The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens.  
\* The guesthouse shall have a maximum of 6 linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of 8 square feet of cabinet space, excluding clothes closets.  
\* The guesthouse shall not exceed 425 square feet of livable floor area.  
\* The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect.  
\* Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.  
\* The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.  
\* The guesthouse height shall not exceed 12 feet nor be more than one story.  
(RMA - Planning Department)

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

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

**8. PD014(B) - LIGHTING-EXTERIOR LIGHTING PLAN (VS & RIDGELINE)**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** (NON-STANDARD) All exterior lighting shall be adequately shielded or shall be designed at near-ground level and directed downwards to reduce its long-range visibility. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lighting shall have recessed lighting elements. Exterior light sources that would be directly visible from when viewed from a common public viewing area, as defined in Section 20.06.195, are prohibited. Non-reflective and/or tinted glass materials shall be utilized for skylights and windows. The applicant shall submit three (3) copies of 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 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.

**9. PD009 - GEOTECHNICAL CERTIFICATION**

**Responsible Department:** Planning Department

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

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

## 10. PD010 - EROSION CONTROL PLAN

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** (NON-STANDARD) Erosion Control Plan shall be prepared to include temporary and permanent measures to prevent any debris, rocks or earth materials from being transported off the site or into the ocean. All cut and/or fill slopes exposed during the course of construction be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and the Director of RMA- Building Services. Temporary and permanent erosion control plantings shall utilize appropriate native species. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA-Planning and Director of RMA - Building Services.

The language of this condition shall be included as a note on all grading and building plans.

(RMA - Planning Department and RMA - Building Services Department)

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

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

Prior to final building inspection, the Owner/Applicant shall demonstrate to the Director of RMA-Planning that all permanent erosion control measures have been implemented as approved in the Erosion Control Plan.

**11. PDSP001 - LANDSCAPE PLAN & MAINTENANCE (SFD NON-STANDARD)**

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The site shall be landscaped with the use of native plant material. The landscaping plan shall be designed to establish a native habitat along the western side of the property and particularly along the top of the Bluff. The Landscape Plan shall be revised and approved by a County approved Biologist. The plant material may be established with drip irrigation, spray irrigation shall not be used within 50 feet of the bluff. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The final 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 final plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, either landscaping shall be 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 the final 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."

The language of this condition shall be included as a note on all building or grading plans.

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that either the landscaping shall be 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 and restored native vegetation shall be continuously maintained by the Owner/Applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

## 12. PDSP002 - CONSTRUCTION MANAGEMENT PLAN (NON-STANDARD)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize Traffic Impacts and Air Quality impacts during the construction/grading phase of the project and shall provide the following:

1) Duration of construction, an estimate of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, location of truck staging and best management practices to be implemented throughout the project.

2) To protect the ESHA in the intertidal areas and the kelp beds prior to any grading or construction work a construction barrier shall be designed and installed a minimum of 15 feet from the bluff top, to stop all construction materials and waste from entering the ESHA. The barrier shall be at least 5 feet in height and shall extend from north of the guesthouse demolition to the southern property. If during the construction period, the design of the fence proves to be inadequate to protect the sensitive resources of the ESHA, the fence shall be redesigned and reinstalled immediately. All construction materials must always be secured and stored properly on the site to prevent blowing or falling into the ocean, even when they are in use. The job must remain debris/garbage free at all times, day or night. All garbage shall be bagged and hauled away daily, or completely secured.

3) Hours of operation shall be as described in the building permit as a note. That during the grading and construction work shall be limited to Monday through Friday from 8am-5pm. Any alteration in hours of operation/work must first be approved by the Director of Planning.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a Construction Permit, a Construction Management Plan (CMP) shall be prepared. The Construction Management Plan must be reviewed and approved by a County-approved biologist/Forester or arborist prior to submitting the plan for review and approval by the RMA-Building Services Department and Planning Department.

Prior to commencement of work or issuance of grading and building permits, a pre construction meeting with the grading and building contractors and the RMA-Planning Department is required to review the requirements set under the approved CMP. On an on-going basis, the Owner/Applicant shall demonstrate compliance with the CMP to the Director of RMA-Planning Department.

## 13. PDSP003 - COMPLY WITH DEVELOPMENT STANDARDS (NON-STANDARD)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The proposed single family residence shall conform to all of the development standards of the Low Density Residential Zoning District (Section 20.14.060), including but not limited to the requirement for a 30-foot front setback from the edge of any road right-of-way.

**Compliance or Monitoring Action to be Performed:** Prior to the issuance of a grading or building permit the Applicant/Owner shall submit construction plans to the RMA-Planning Department for review and approval that demonstrate that the proposed single family residence is designed to comply with all of the Low Density Residential Zoning District Development Standards pursuant to Section 20.14.060.

Prior to the foundation inspection for the single family residence, the Applicant/Owner shall submit evidence from a licensed civil engineer or surveyor to verify that the structure complies with the approved setback from the edge of the road right-of-way as shown on the approved construction plans.

#### 14. 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 April 11, 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.

#### 15. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

**Responsible Department:** Public Works Department

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

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

#### 16. 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](http://www.mcwra.co.monterey.ca.us).

#### 17. 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.



**18. FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)**

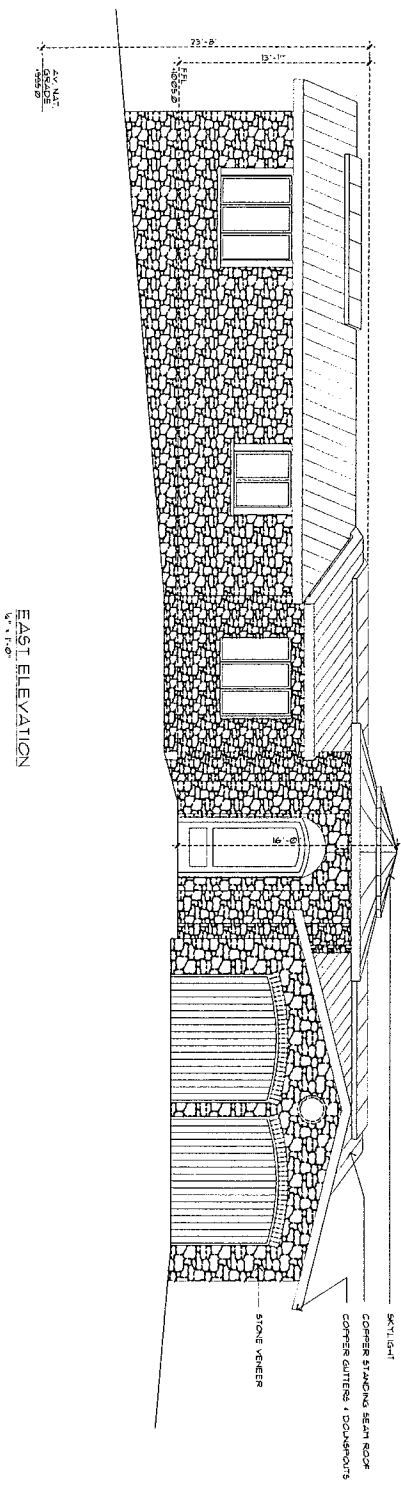
**Responsible Department:** Fire

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

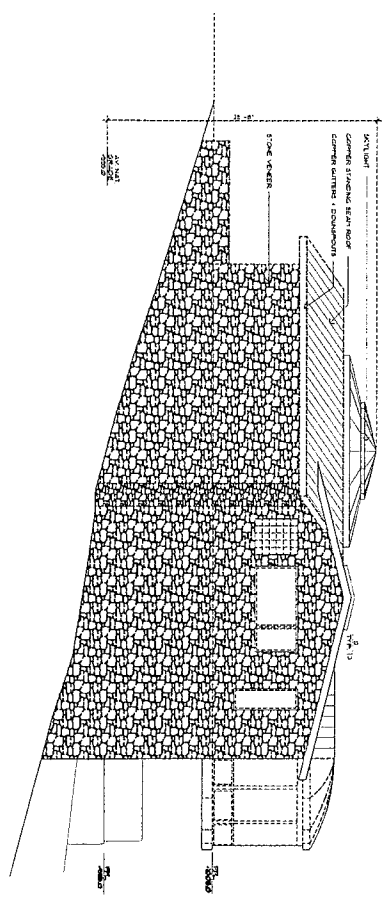
- Compliance or Monitoring Action to be Performed:**
1. Prior to issuance of building permit the applicant or owner shall enumerate as "Fire Dept. Notes" on plans.
  2. Prior to framing inspection the applicant or owner shall schedule fire dept. rough sprinkler inspection.
  3. Prior to final building inspection the applicant or owner shall schedule fire dept. final sprinkler inspection.







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



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

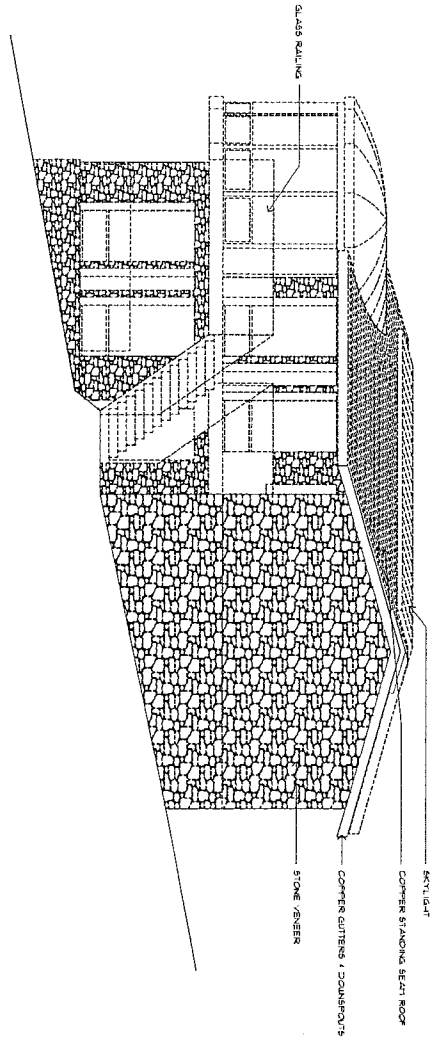
NEW RESIDENCE FOR  
**Mr. & Mrs. Richard Raley**  
 170 SPINDRIFT LANE CARMEL HIG-LANDS  
 APN 241-321-002

DATE: 11/28/83  
 PROJECT NO:  
 DRAWN BY:  
 CHECKED BY:  
 SHEET TITLE:  
**ELEVATIONS**

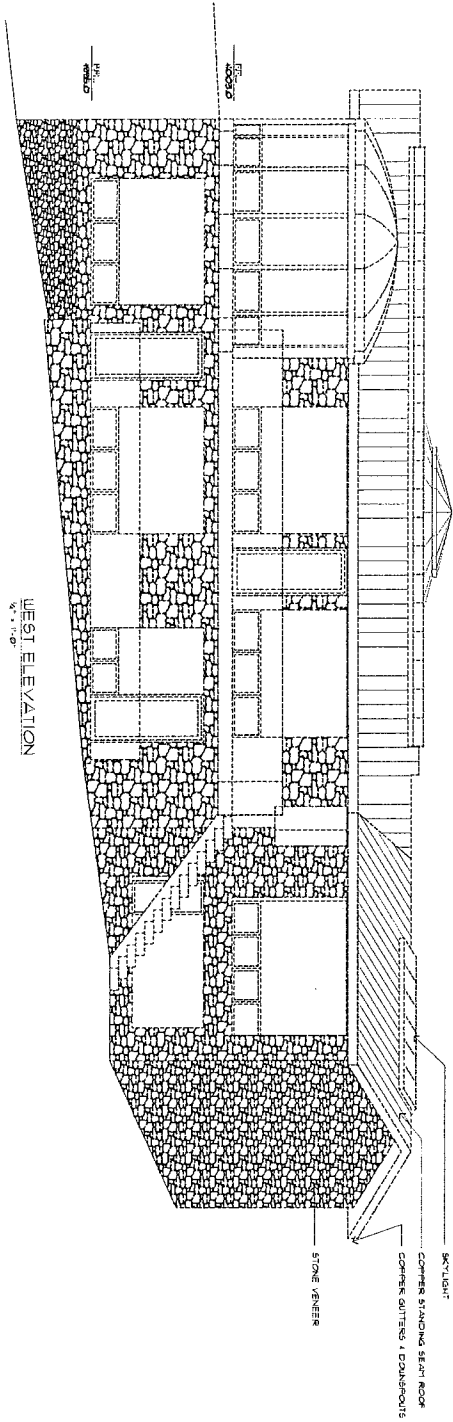
SHEET NO.  
**A-3**  
 OF FIVE SHEETS

**WILLIAM C MEFFORD**  
 ARCHITECT  
 P.O. BOX 1072 PACIFIC GROVE, CA 93950  
 (831) 373-4567 LICENSE # C-22893

REVISIONS	
NO.	DATE



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



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

REVISIONS

NO.	DATE

WILLIAM C MEFFORD  
ARCHITECT  
P.O. BOX 1072 PACIFIC GROVE, CA 93950  
(831) 573-4567 LICENSE# 4 C-22853

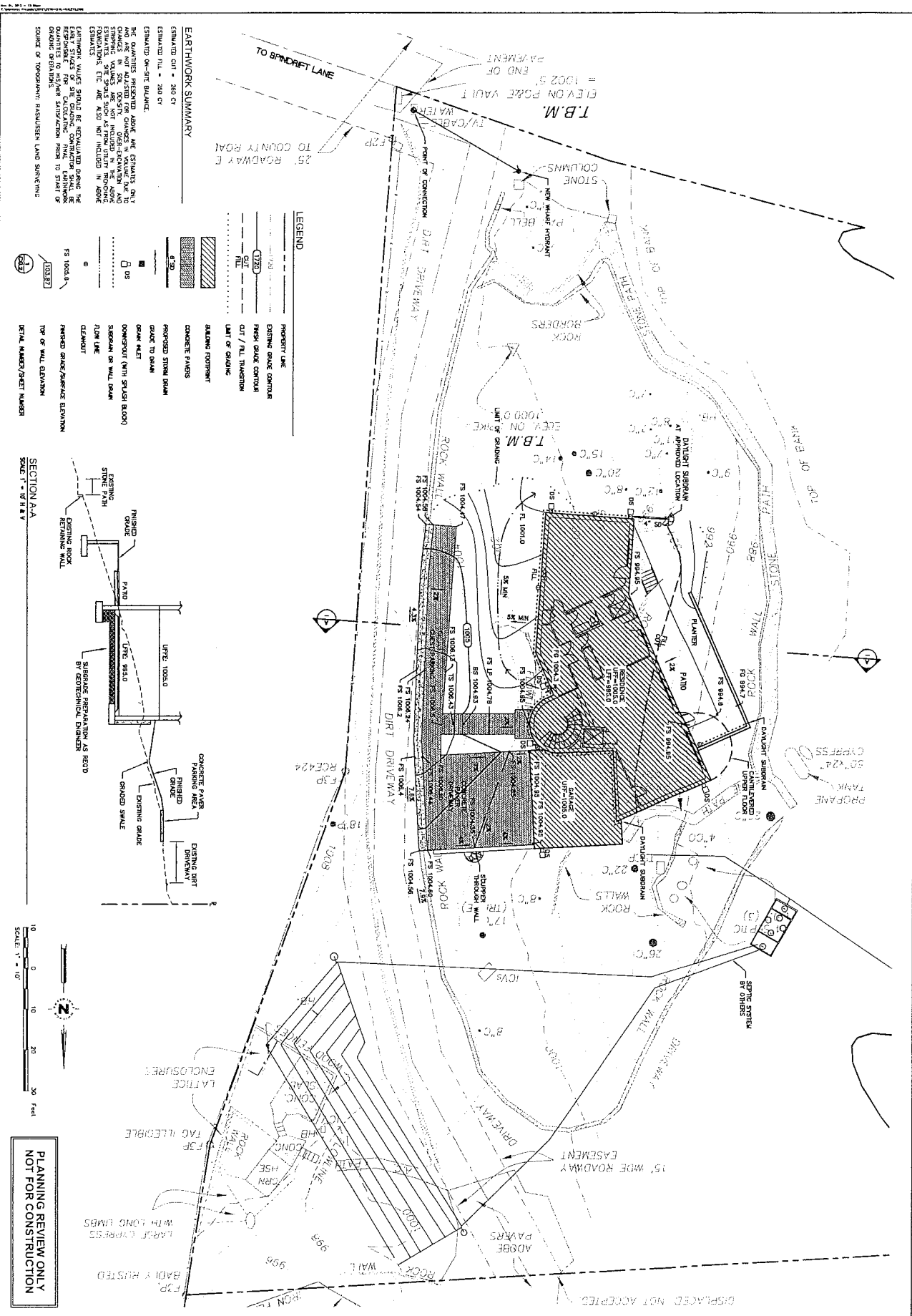
NEW RESIDENCE FOR  
**Mr. & Mrs. Richard Raley**  
110 SPINDRIFT LANE CARMEL HIGHLANDS  
APR 24-1972-222

DATE: 11/25/72  
PROJECT NO:  
DESIGN BY:  
CHECKED BY:  
SHEET TITLE:  
ELEVATIONS

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







SECTION A-A  
SCALE 1" = 8'-0"

FOR REDUCED PLANS  
ORIGINAL SCALE IS IN INCHES

RALEY RESIDENCE  
107 SPINDRIFT RD, CARMEL, CA 93923

GRADING AND DRAINAGE PLAN

WHITSON ENGINEERS  
9699 Blue Larkspur Lane • Suite 105 • Monterey, CA 93940  
831 649-5225 • Fax 831 373-5065  
CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

DATE: 11/11/22	SCALE: 1"=10'	NO.:	BY: DATE: DESCRIPTION:
NO.:	NO.:	NO.:	NO.:
NO.:	NO.:	NO.:	NO.:
NO.:	NO.:	NO.:	NO.:

DISPLACED, NOT ACCEPTED

PLANNING REVIEW ONLY  
NOT FOR CONSTRUCTION

APN 241-321-002

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291000

DRAFT

PROFESSIONAL ENGINEER

NO. 5279

STATE OF CALIFORNIA

CIVIL

REVISIONS

NO. BY: DATE: DESCRIPTION:

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**IRRIGATION NOTES**

- CONCEPT THE WHOLE AREA IS TO BE "ZERO SCAPE" PLANTING WITH NO WATERING BY THE SECOND YEAR. NEW AREA TO BE WATERED WITH ONLY SUPPLEMENTAL SPRAWLERS FOR THE MONTHS OF JULY AND AUGUST.
- MANUAL 6" STATION TIMER W/ RAIN SENSOR
- MANOR 1/2" BACKFLOW VALVES W/ FLUSH FILTERS
- MUNTER HD REGR CASTING SPRAWLERS

**NOTE:**

- ALL STONES FROM DEMO AND ORIGINAL YARD TO BE SAVED AND REUSED.
- ALL FOLIAGE AT AREA OF CONSTRUCTION TO BE TRANSPLANTED TO NEW AREAS.

**PLANT INDEX**

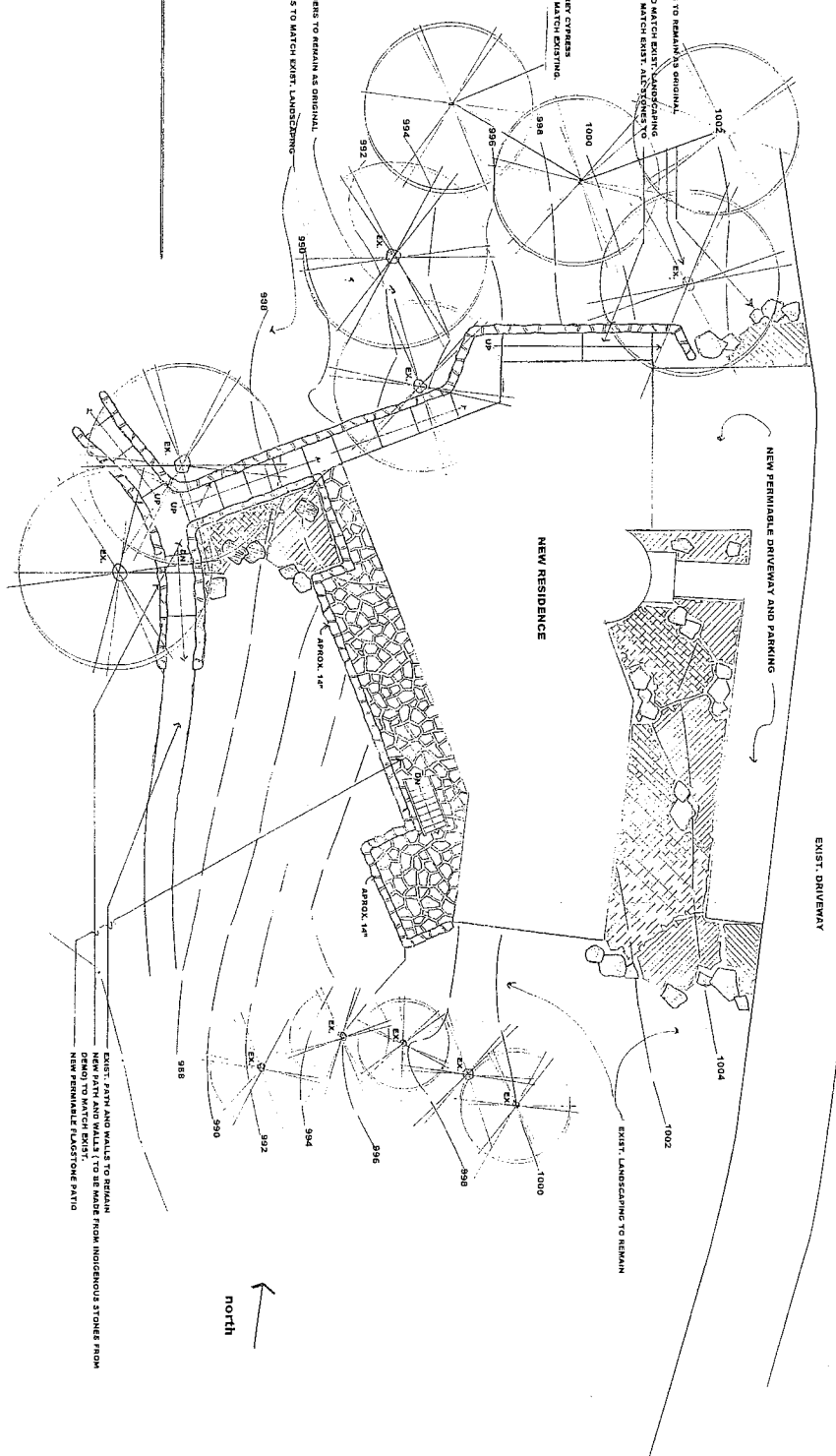
VARIETY	NAME	HEIGHT	SIZE
SEASIDE DAIKY	ERIGERON GLAUCOUS	6'-11"	15AL
SUCCULENTS	ECHINARIA	6'-11"	8POT
	AROUNM		
	SEDUM		
GRASSES	CAHEK	6'-11"	10ALL
	PHINUS		
	RESUES		

CONCEPT ALL FOLIAGE TO BE "ZERO SCAPE" IN STYLE AND WATER USAGE. NEW AREA IS TO MATCH EXIST. COSTAL PLANTSCAPE. ALL EXISTING PLANTS TO BE SAVED AND REUSED. PLANTING IS TO CONSIST OF THREE CLASSIFICATIONS: SUCCULENT CARBONIS, GRASS AND TRAILING COASTAL BROWDCOVER.

EXIST. TERRAIN / FOLIAGE AND Boulders TO REMAIN AS ORIGINAL. EXIST. TREES TO REMAIN. ALL TERRAIN / FOLIAGE AND Boulders TO MATCH EXIST. LANDSCAPING NEW STONES FROM DEMO TO MATCH EXIST. ALL STONES TO BE SAVED FROM SITE DEMO.

NOTE: PLANT 2X NEW 3/4" HD MOUNTAIN CYPRESS (CUNBERNA MACROCARPA L.) TO MATCH EXISTING

EXIST. TERRAIN / FOLIAGE AND Boulders TO REMAIN AS ORIGINAL. EXIST. TREES TO REMAIN. ALL TERRAIN / FOLIAGE AND Boulders TO MATCH EXIST. LANDSCAPING



**LANDSCAPE PLAN**  
SCALE: 1/8" = 1'-0"

EXIST. FOLIAGE AND Boulders TO REMAIN. EXIST. TREES TO REMAIN. ALL TERRAIN / FOLIAGE AND Boulders TO MATCH EXIST. LANDSCAPING NEW STONES FROM DEMO TO MATCH EXIST. NEW PERMEABLE FLAGSTONE PATIO



County of Monterey  
State of California

**EXHIBIT D**

**NEGATIVE DECLARATION**

**FILED**

**MAR 05 2013**

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	Raley Richard
<b>File Number:</b>	PLN120276
<b>Owner:</b>	Raley Richard
<b>Project Location:</b>	170 Spindrift Lane, Carmel
<b>Primary APN:</b>	241-321-002-000
<b>Project Planner:</b>	Ramon Montano
<b>Permit Type:</b>	Combined Development Permit
<b>Project Description:</b>	Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling with an attached 509 square foot garage, a 216 square foot second story deck, a 1,412 square foot square foot at grade patio, concrete paver driveway and walk ways, and the installation of a new septic disposal field; grading will include approximately 260 cubic yards of cut and 260 cubic yards of fill; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot two story single family dwelling into a 423 guest house and the first floor with the 1,004 square foot second floor converted into an art studio and to allow the guesthouse to exceed 12 feet in height by 2.7 feet; and demolish an existing 360 square foot guest house but retain 485 square feet of the existing structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource. The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, Carmel Land Use Plan, Coastal Zone.

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

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

e)

<b>Decision Making Body:</b>	Monterey County Zoning Administrator
<b>Responsible Agency:</b>	County of Monterey RMA-Planning Department
<b>Review Period Begins:</b>	March 6, 2013
<b>Review Period Ends:</b>	April 5, 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, 2<sup>nd</sup> Floor, Salinas, CA 93901, (831) 755-5025

# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT  
168 WEST ALISAL, 2<sup>ND</sup> FLOOR, SALINAS, CA 93901  
(831) 755-5025 FAX: (831) 757-9516



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

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Raley, File Number PLN120276) at 170 Spindrift Lane, Carmel (APN 241-321-002-000) (see description below).

The Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. The Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link:

<http://www.co.monterey.ca.us/planning/docs/environmental/circulating.htm>.

The Zoning Administrator will consider this proposal at a meeting on **April 11, 2013** at 1:30pm in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from March 6, 2013 to April 5, 2013. Comments can also be made during the public hearing.

**Project Description: Combined Development Permit consisting of:** 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling with an attached 509 square foot garage, a 216 square foot second story deck, a 1,412 square foot square foot at grade patio, concrete paver driveway and walk ways, and the installation of a new septic disposal field; grading will include approximately 260 cubic yards of cut and 260 cubic yards of fill; 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot two story single family dwelling into a 423 guest house and the first floor with the 1,004 square foot second floor converted into an art studio and to allow the guesthouse to exceed 12 feet in height by 2.7 feet; and demolish an existing 360 square foot guest house but retain 485 square feet of the existing structure as a detached garage; 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource. The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands Area, Carmel Land Use Plan, Coastal Zone.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

[CEQAcomments@co.monterey.ca.us](mailto:CEQAcomments@co.monterey.ca.us)

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at **(831) 757-9516**. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

**For reviewing agencies:** The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

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

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

Re: Raley; File Number PLN120276

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

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

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

## DISTRIBUTION

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. Cal-Trans District 5, San Luis Obispo office
4. California Coastal Commission
5. Association of Monterey Bay Area Governments
6. Monterey Bay Unified Air Pollution Control District
7. California American Water Company
8. Carmel Highlands Fire Protection District, Mark Mondragon
9. Monterey County Water Resources Agency
10. Monterey County Public Works Department
11. Monterey County Parks Department
12. Monterey County Environmental Health Bureau
13. Richard Raley, Owner
14. Pamela Silkwood, Agent
15. The Open Monterey Project
16. LandWatch
17. Property Owners within 300 feet (**Notice of Intent only**)

### **Distribution by e-mail only:**

18. Michael Stamp ([Stamp@stamplaw.us](mailto:Stamp@stamplaw.us)) (**Notice of Intent only**)
19. Margaret Robbins ([MM\\_Robbins@comcast.net](mailto:MM_Robbins@comcast.net)) (**Notice of Intent only**)
20. Michael Weaver ([michaelrweaver@mac.com](mailto:michaelrweaver@mac.com)) (**Notice of Intent only**)
21. Monterey/Santa Cruz Building & Construction ([Office@mscbctc.com](mailto:Office@mscbctc.com)) (**Notice of Intent only**)
22. Tim Miller ([Tim.Miller@amwater.com](mailto:Tim.Miller@amwater.com)) (**Notice of Intent only**)
23. Emilio Hipolito ([ehipolito@nccrc.org](mailto:ehipolito@nccrc.org)) (**Notice of Intent only**)
24. United Brotherhood of Carpenters & Joiners ([nedv@nccrc.org](mailto:nedv@nccrc.org)) (**Notice of Intent only**)

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

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

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



## *INITIAL STUDY*

### *I. BACKGROUND INFORMATION*

**Project Title:** Raley

**File No.:** PLN120276

**Project Location:** 170 Spindrift Lane, Carmel

**Name of Property Owner:** Richard Raley

**Name of Applicant:** Pamela Silkwood

**Assessor's Parcel Number(s):** 241-321-002-000

**Acreage of Property:** Two Acres or (87,120.00 sq. ft).

**General Plan Designation:** Carmel Area Land Use Plan (Coastal Zone)

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

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

**Prepared By:** RMA-Planning Department

**Date Prepared:** March 4, 2013

**Contact Person:** Ramon Montano

**Phone Number:** (831) 755-5169

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

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

Combined Development Permit consisting of:

- 1) Coastal Administrative Permit and Design Approval to allow the construction of a 4,338 square foot two-story single family dwelling with an attached 509 square foot garage, a 216 square foot second story deck, a 1,412 square foot square foot at grade patio, concrete paver driveway and walk ways, and the installation of a new septic disposal field;
- 2) Coastal Development Permit to allow the conversion of an existing 1,603 square foot two story single family dwelling into a 423 square foot first floor guest house with the 1,004 square foot second floor converted into an art studio and to allow the guesthouse to exceed 12 feet in height by 2.7 feet; and demolition of an existing 360 square foot guest house attached to a 485 square foot detached garage;
- 3) Coastal Development Permit to allow development within 100-feet of Environmentally Sensitive Habitat; and
- 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource;

Grading will include approximately 260 cubic yards of cut and 260 cubic yards of fill.

The subject site is located on a coastal bluff. The existing residence on the site is located on granite rock outcroppings immediately above the intertidal area and has been previously damaged by storm driven wave run up. The existing structure would be converted to a guest house on the first floor and art studio on the second floor. The proposed new residence would be located at a higher elevation on the property. A detached accessory building on the site currently houses a detached garage and guest house. The guesthouse will be removed, but the detached garage will remain,

The site is characterized by topography which slopes from east to west toward the ocean. There is approximately 20 feet of drop across the property and the coastal bluff has an approximate 25 foot fall to the ocean. The vegetation on the property is planted cypress trees and ornamental understory plantings.

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

The subject site is located in the Carmel Area Land Use Plan which covers the area south of Carmel and north of Big Sur. The site is located west of Highway 1 in an area identified as "Yankee Point." The land use and zoning in the area is "LDR/1-D (CZ)" (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone) The areas to the north, east and south are developed with single family residences consistent with the land use and zoning in the area.

The site is identified on Map A of the Carmel Area Land Use Plan as being in the viewshed of Highway 1 and other public lands within Monterey County. While the site is in a visually sensitive



location, it is not readily visible from either Highway 1 or any other public lands including Point Lobos to the north.

This area has a high sensitivity for archaeological resources and cultural resources have been found in close proximity to the site. There are four other properties within 750 feet of the site which have had reports prepared identifying that resources exist on site. The Archaeological Report prepared for the subject property did not identify the likely presence of resources on this site.

The Carmel Area Land Use Plan identifies rocky intertidal areas and kelp beds as being Environmentally Sensitive Habitat. Map B of the Carmel Area LUP shows that the area along the coast contains both Kelp Beds and intertidal habitat areas, resulting in this proposed development being within 100 feet of Environmentally Sensitive Habitat.

**C. Other public agencies whose approval is required:**

The project is in a location where appeals from a County decision on a Coastal Development Permit application can be made by and to the Coastal Commission. Absent an appeal, no permit is necessary from the Coastal Commission. The project will require a demolition permit, grading and building permits from the RMA – Building Department of the County of Monterey and a permit to install an onsite waste water system from the Environmental Health Bureau of Monterey County.



**FIG 1: Aerial view of project area for new residence within radius.**

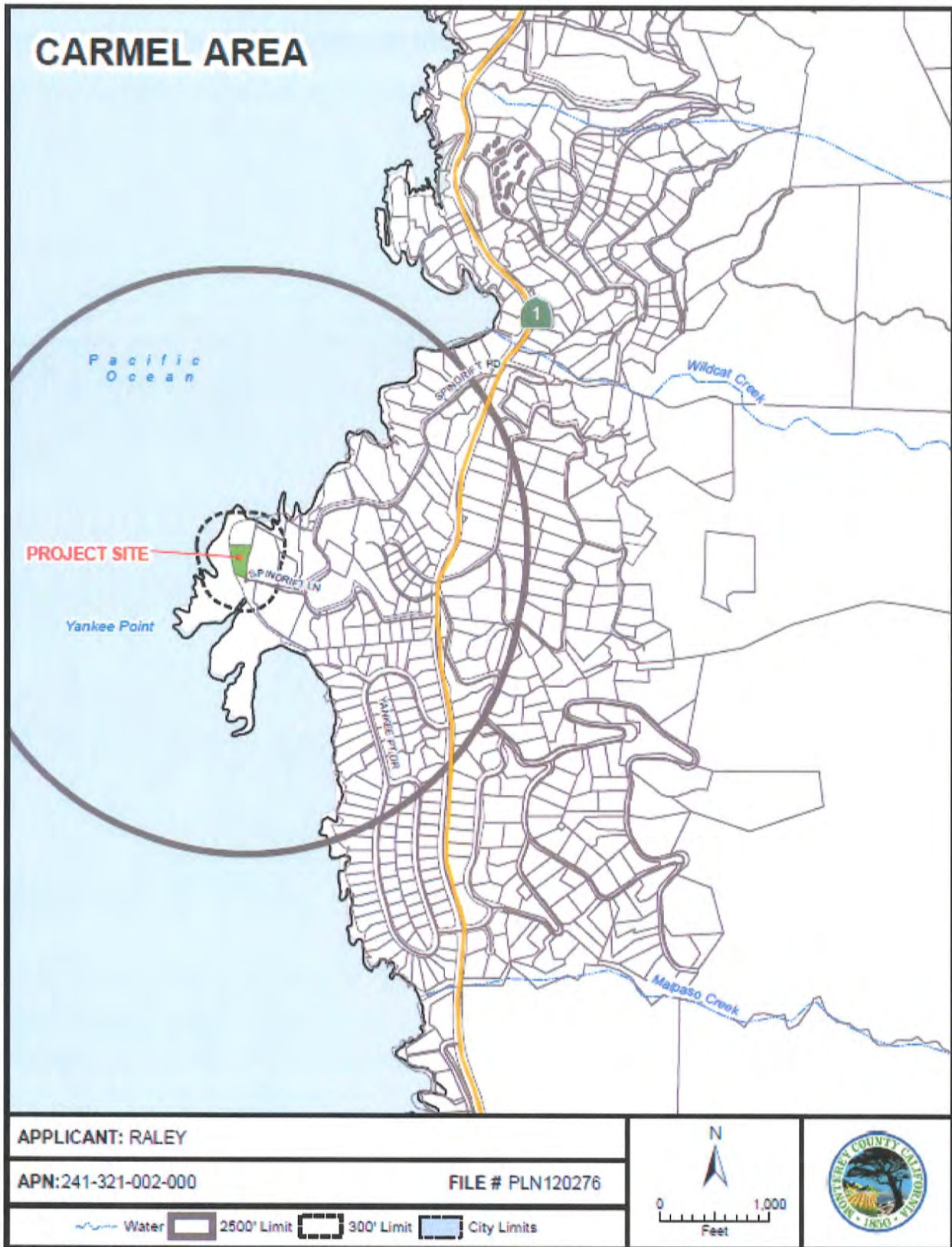


Figure 2: Vicinity Map

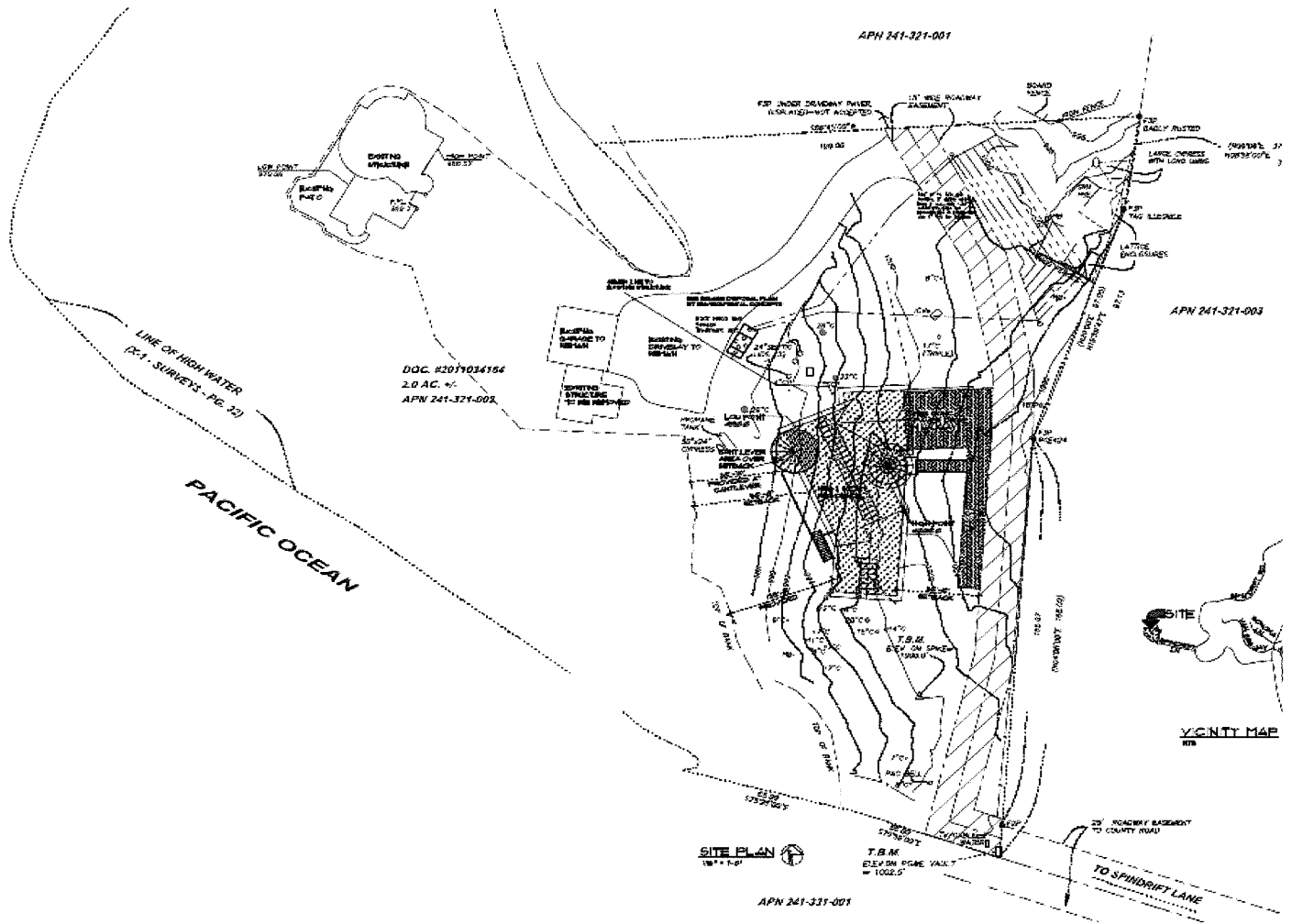


Figure 3: Site Plan

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

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

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

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Carmel Area Land Use Plan (CLUP). Policy 4.5.G of the CLUP categorizes Low Density Residential as the primary use of this parcel. The maximum development density of 1 unit per acre would be allowed. The land use plan allows development of a single family home and a guest house subject to resource protection requirements. The proposed project would develop a single family residence and guest house on the subject site which is consistent with the General Plan land use for the property. **CONSISTENT** (References IX)

Air Quality Management Plan (AQMP).

Consistency with the AQMP is an indication of a project’s contribution to a cumulative adverse impact on regional air quality. It is not an indication of project-specific impacts, which are evaluated according to the Air District’s adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP. The project is consistent with the 1982 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast. The proposed project will not increase the population of the area nor generate additional permanent vehicle trips above levels projected in the AQMP. Therefore, the project will be consistent with the AQMP. **CONSISTENT** (References IX)

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the Carmel Area Land Use Plan (CLUP). Section IV. 10 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or conflicts with any applicable habitat conservation plan or natural community conservation plan. As discussed, the proposed project is consistent with the Carmel Area LUP. The project proposes to construct a new residence on the parcel, convert the existing residence into a guesthouse and studio, and remove the existing guesthouse. The project does not adversely affect sensitive resources, or aesthetic values in the area. Based upon these factors the proposed project is consistent with the Carmel Area Land use Plan. **CONSISTENT** (References IX )

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

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

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

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

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

Check here if this finding is not applicable

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

##### **EVIDENCE:**

**2. Agriculture and Forest Resources:** The project site and surrounding area is zoned for residential uses and is developed with residential uses. The project site is not designated as prime or unique farmland or farmland of statewide importance. The proposed project would not result in conversion of prime agricultural lands to non-agricultural lands and is not under a Williamson Act contract. The project parcel is not located near any grazing or farmland, nor any permitted agricultural uses (Source: 1, 2, 3, 6, 7, 14). *Therefore, there are no impacts to the agricultural and forest resources.*

**3. Air Quality:** The Monterey Bay Unified Air Pollution Control District (MBUAPCD) prepared the Air Quality Management Plan (AQMP) for the Monterey Bay Region. The AQMP addresses the attainment and maintenance of State and Federal ambient air quality standards (AAQS) within the North Central Coast Air Basin (NCCAB). Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality. It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance.

The development of a single family dwelling on an existing legal lot of record is not subject to MBUAPCD regulations. Development of an existing residential lot for residential purposes is accommodated in the AQMP. Therefore, the proposed development would not increase population that would exceed the forecast in the AQMP. The establishment of a single family dwelling at the site will not create or produce objectionable odors. Most potentially significant air quality issues related to construction of the single family dwelling will involve site grading activities. In accommodating for residential development, the AQMP takes into account the minor impacts of building site grading and construction of a single family dwelling. These are not considered potentially significant unless there are unusual circumstances requiring large areas of site preparation and long-term involvement of heavy equipment. There is very minor grading associated with the construction. *Therefore, the project will have no impact on implementation of the Air Quality Plan, or expose people to substantial pollutants or objectionable odors.*

**8. Hazards/Hazardous Materials:** The project does not involve the transportation, 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, nor is the site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

The Low Density Residential (LDR) Zoning District (Chapter 20.14, County Zoning Ordinance) does not allow uses that may contain the storage or use of hazardous materials. The purpose of the LDR Zoning District is to accommodate low density residential uses in rural and suburban areas of the County. There is no evidence of such hazardous uses associated with the proposed project. (Source: 1, 2, 3, 4, 6) *Therefore, there is no impact due to hazardous uses or materials on-site.*

**10. Land Use Planning:** The project site is designated Low Density Residential (LDR) and is predominately surrounded by residential uses. The project will not physically divide an established community, conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect, or conflict with any applicable habitat or natural community conservation plan. The project, as designed, conditioned, and mitigated, would be consistent with the Carmel Area Land Use Plan, and the Monterey County Zoning Ordinance (Title 20) with regard to policy and regulatory conformance (Source: 1, 2). *Therefore, the project will not result in land use impacts.*

**11. Mineral Resources:** According to the Monterey County Geographic Information System, no mineral resources have been identified at or near the project site, nor is the site located in one of the areas designated by the California Department of Conservation Division of Mines and Geology as a “Regionally Significant Construction Aggregate Resource Area”. Therefore, the project will not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site (Source: 1, 2). *Therefore, the project will have no impact on mineral resources.*

**13. Population/Housing:** The property is zoned LDR/1-D (CZ) or “Low Density Residential, one acre minimum with a Design Approval overlay in the Coastal Zone” and will not impact population or housing. The proposed construction of a 4,338 square foot two-story single family dwelling, attached 509 square foot garage, and guesthouse is a low density residential use. The dwelling is intended to house the property owners, will not induce growth, and will not displace housing or people. (Source: IX. 1, 2) *Therefore, the project will have no impact on population or housing.*

**14. Public Services:** The proposed project will not create the need for new or expanded public services or facilities. The site is currently developed with a single family dwelling, a guesthouse and a detached garage. The project proposes the demolition of the existing guesthouse, conversion of the existing residence to a guesthouse and art studio and the construction of a new single family residence, resulting in the proposed project having the same number of bedrooms on the site after the project as currently exist on the site. Standard school impact fees will be assessed during the building permit process. (Source: IX. 1, 2) *Therefore, the project will not result in impacts on fire protection, police protection, schools, parks, and other public facilities*

**15. Recreation:** The project would not result in an increase in use of existing recreational facilities such as the Point Lobos State Reserve or the lateral access Spindriff Drive provides to the Yankee point area or physical deterioration of said facilities. No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights. The subject property is not indicated as part of any designated trails or shoreline access as shown in Figure 3 of the Public Access Maps shown in the Carmel Area Land Use Plan. The project does not include recreational facilities nor will the project require the construction or expansion of recreational facilities in the area, which might have an adverse physical effect on the environment. (Source: IX. 1, 2, 3) *Therefore, the proposed project would not result in impacts related to recreation.*

**16. Transportation/Traffic:** The project will construct a new two story single-family home and convert an existing residential unit into a guest house with an attached art studio on an existing lot of record. The project proposes approximately 520 cubic yards of cut and fill that will be balanced on site, so truck traffic related to grading will be minimal. Because the project will result in the same number of units on the site, it is not expected to generate additional traffic. The project site is located within a residential area and does not exceed the density allowed in the Carmel Area Land Use Plan. The project will not generate a permanent increase in traffic movements or create new traffic hazards which might result in inadequate emergency access. A standard condition will require the owner to pay the Regional Development Impact Fee (RDIF) pursuant to Monterey General Plan policy C-1.8 to mitigate traffic impacts. The project does not conflict with adopted

public transit plans or the 2010 Monterey County Regional Transportation Plan, nor will it affect or impact any programs regarding public transit, bicycle or pedestrian facilities.

The project site is not located in the vicinity of an airport and would not result in a change in air traffic patterns or result in an increase in traffic levels or a change in location that would result in substantial safety risks. The project will not increase hazards because the project will not change land use or require additional design and improvements to the existing roads (Source IX. 1, 3, & 6). *Therefore, the proposed project would not result in impacts related to traffic transportation systems, pedestrian facilities or public or transit policies, plans or programs.*

**17. Utilities and Service Systems:** The existing parcel is served by California American Water (Cal Am) for domestic water and the same connection will be utilized for the proposed project. No additional water fixture units are proposed. The Water Resources Agency has incorporated conditions of approval requiring the property owner to provide them with a completed Monterey Peninsula Water Management District water release form calculate the existing fixture count to be credited towards the proposed project. The existing advanced wastewater treatment system will continue to be utilized for the new project and the leach field will be re-located under the direction of the Environmental Health Bureau., The existing gas, and electric service provided by Pacific Gas & Electric will continue to be utilized. The proposed project will not cause a substantial increase nor exceed the capacity of these utilities and services or cause an increase exceeding the treatment requirements of the California Regional Water Quality Control Board's waste water treatment plan as monitored and controlled by Monterey County Environmental Health Bureau. Solid waste from the project will be collected by the Carmel Marina Corporation (Waste Management, Inc.) and brought to the Monterey Regional Waste Management District's Landfill and Recycling Facility, located near the City of Marina. The landfill has the total capacity of 48 million tons, of which 40 million tons is remaining, which is expected to provide service through the year 2107. Therefore, the landfill is sufficient to accommodate the project's solid waste disposal needs and will have no impact, resulting in compliance with federal, state, and local statutes and regulations related to solid waste. (Source IX. 1, 3, 16, 17). *Therefore, the proposed project would not result in impacts related to utilities and service systems.*

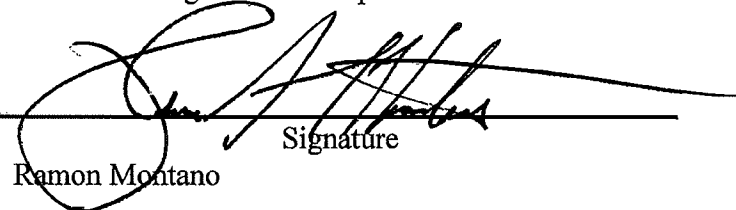
## **B. DETERMINATION**

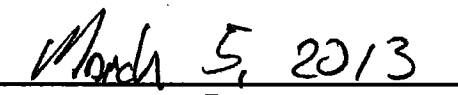
Based on this initial evaluation:

- 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

  
\_\_\_\_\_  
Date

Ramon Montano  
Assistant Planner

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

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation

measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3) (D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista? (1, 2, 3 and 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (1, 2, 3 and 6))	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (1, 2, 3 and 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (1, 2, 3 and 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion:

**1(a), (b), (c) Less Than Significant:** The proposed project is located between the first public road and the sea. The public first road identified in the Monterey County Carmel Area Land Use Plan and Geographical Information System is Spindrift Road adjunct to Highway 1, Carmel Highlands, specifically referred to as the Carmel Point area. The project although located within an area identified as visually sensitive is approximately 0.34 miles directly west of scenic Highway 1. The proposed structure is estimated to be approximately 15.8 feet above spindrift lane and will not be visible from scenic Highway 1. The proposed structure is located on a graduated slope downward from spindrift lane a private road but some portions of the roof may be visible from Spindrift Road. The proposed structure at the high point of the roof will be bellow the adjacent topography and residences in the immediate area. The structure will have limited visibility from the surrounding critical areas such as Point Lobos Reserve and public viewing areas along county and state routes, largely due to vegetation and topography. (Source 1, 2, 3 and 6)

The proposed residence is designed in a manor consistent with existing structures on the property using similar materials and colors. The proposed two story residence is sited in the only developable location on the two acre parcel. In order to reduce the profile of the easterly side of the residence the lower fist floor will be below grade thereby reducing the eastern elevation facing east towards the road to a height of 15.8 feet. (Source 1, 2, 3 and 6)

**1(d) Less than Significant:** The proposed residence is designed with several skylights directly atop the building along the ridge point of the residence. The County employs in areas of visual sensitivity as standard condition the requirement for the property owner to meet the Carmel Area Land Use Plan policies which require exterior lighting to be adequately shielded to control glare. All exterior lighting and skylights will be conditioned to eliminate glare. (Source 1, 2, 3 and 6)

The westerly side of the proposed residence is designed with several large windows. This view is directly west of the coast line and is not expected to increase nighttime glare to the surrounding area

because the westerly side of the structure is parallel to the coast line. Therefore, visibility of the widows is not expected to be a source of significant glare. The project impact will be less than significant with implementation of the County standard condition regulated light and glare. (Source 1, 2, 3 and 6)

**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.

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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, 4, 7, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**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.

<b>Would the project:</b>	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, 5)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 2, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**4. BIOLOGICAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source:1,3,8,13 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1,3,8,13 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>4. BIOLOGICAL RESOURCES</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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: 1,3,8,13 )	<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: 1,3,8,13 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1,3,8,13 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1,3,8,13 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The Carmel Area Land Use Plan identifies rocky intertidal areas and kelp beds as being Environmentally Sensitive Habitat. Map B of the Carmel Area LUP shows that the area along the coast contains both Kelp Beds and intertidal habitat areas, resulting in this proposed development being within 100 feet of Environmentally Sensitive Habitat. The project site does not contain any environmentally sensitive habitat area. A Biological Survey was prepared by Calfauna on November 21, 2011. The survey found that the site is a terraced and walled flower garden with ruderal patches of shrubs and grasses distributed among the flower beds. The vegetation is rough and partially in derelict condition. The survey found that there were not any native plant communities or habitats and that there were not any special-status species present. No special status plant or animal species are either known or expected to occupy the site. The biological survey did identify that there were Monterey Cypress trees on the site which is a regionally native species but is not indigenous to Yankee Point or other places south of Point Lobos. These cypress trees appear to have been planted as a windrow. A tree resource evaluation was prepared by Maureen Hamb addressing the condition and impacts to the Monterey Cypress trees on site from the proposed development.

**Discussion/Conclusion/Mitigation:**

**a), b) Less than significant.**

There are not any sensitive or listed species which have been identified on site, so the proposed construction of the new residence will not have an impact 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. The project site is

adjacent to areas identified as Environmentally Sensitive Habitat Areas because they contain kelp beds and intertidal habitat areas. Impacts to these unique habitat areas will be less than significant due to standard County requirements to prevent erosion from leaving the site and controlling irrigation through the planting of drought tolerant native plant materials on the site and using drip irrigation systems. Based upon these factors this will be a less than significant impact.

**c) No Impact.**

The project will not result in any work in a federally identified wetland, nor will the project as proposed affect any identified wetland area. There will be no direct filling or grading in any wetland, and the project will be conducted in such a way that the only erosion from the site will be from natural erosion along the coastline. Based upon this there will be no impact to wetlands from the proposed project.

**d) Less than significant.**

The site has not been identified as a wildlife corridor. The subject property is surrounded by other single family residences, and the subject lot is already developed. The Biological survey finds that it is conceivable that wildlife does traverse the property, but the proposed development will not interrupt an existing natural corridor. The Biological survey did not observe evidence that the property is used as a wildlife corridor. If wildlife does currently cross the property, the new residence will not preclude their continued ability to traverse the property. Based upon this the impact to wildlife is less than significant.

**e) Less than significant.**

The Monterey Cypress trees on site are planted and outside of their native habitat. One is sufficient size to be identified as a land mark tree. All the trees on site will be protected and retained through the construction process. Standard conditions of approval will require that the trees be fenced or protected through other means. The Arborists Report has identified that the trees can be protected through standard project conditioning. Currently the on-site waste water system has a line going through the critical root zone of two trees. A standard condition will be imposed to either relocate the line outside of the critical root zone or to hand trench and not cut any roots within the critical root zone. With standard conditions of approval the impact to the trees on site will be less than significant.

**f) No Impact.**

The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The only plan that is applicable to the subject site is the Local Coastal Plan adopted by the California Coastal Commission and implemented by Monterey County. As discussed above the project is in compliance with this plan so there is not an impact which would result in this project being inconsistent with any local, statewide or federal plan.

<b>5. CULTURAL RESOURCES</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 3, 7, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 7, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

According to County resource maps and the County GIS database, the subject property is located within 750 feet of a known archaeological resource. Pursuant to Section 20.146.090.B.1 of the Coastal Implementation Plan, an archaeological report is required for any development within 750 feet of a known archaeological resource.

The project also proposes modifications to the existing dwelling that was constructed in 1957. Pursuant to criteria from the National Register of Historic Places, a historic assessment is required for structures over 50 years in age. The existing dwelling is known as “The Gull House” which was owned by Kim Novak, a 1950’s motion picture actress.

**(a) Less than Significant:**

On October 31, 2012, a historical assessment was prepared by historian, Anthony Kirk, Ph.D. **The report determines that the structures on the property do not meet the criteria of the National Register of Historic Places, the California Register of Historical Resources, and the Monterey County Local Register of Historical Resources and, as such, does not comprise a historical resource as defined by the California Environmental Quality Act (CEQA).** Repair work from storm damage in 1983 and 2008 has resulted in significant modifications to the exterior façade of the house. Much of the current character was added in 2008. The house does not embody the distinctive characteristics of type, period, or method of construction, nor does it possess high artistic values or any other distinction that rises to a level of significance. The guest house which will be removed is not viewed as a structure with any significant value. In regards to the previous ownership by Kim Novak, the historical assessment states, “But despite her box-office popularity, the absence of a body of critical reviews or awards, then or later, as well as the lack of a major biography of her, leads to the conclusion that she did not make an important contribution to the American cinema or achieve distinction within the context of performing arts, as required for the property to be eligible for its association with her under Criterion B of the National Register of Historic Places, Criterion 2 of the California Register of Historical Resources, or Criterion A3 of the Monterey County Local Register of Historical Resources. There



**(b) Less than Significant:**

On November 7, 2011, an archaeological report was prepared by Archaeological Consulting. **The report concludes that no evidence of potentially significant archaeological resources was found.** Though the property is located 400 feet from a known archaeological site (CA-MNT-292), none of the resources associated with that site or with prehistoric cultural resources in the area (dark midden soil, fragments of weathered marine shell, bone fragments, etc...) were observed during field reconnaissance. The County as a standard condition of approval will require all work to stop within 50 meters of the site if archaeological resources are unexpectedly found. Based upon these factors the potential impact to archaeological resources will be less than significant.

**(c) & (d) No Impact**

**No evidence of human remains or paleontological resources was found during the preparation of the project geologic and archaeological surveys.** It is not expected that any human remains will be encountered with this project. If they are a standard condition of approval is added to projects with archaeological sensitivity specifying the protocol for evaluating the human remains, and how to treat the remains. Based upon this there is not expected to be an impact.

6. GEOLOGY AND SOILS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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: 11) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 11 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 11)	<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: 11 )	<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: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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: 11)	<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: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The basis for the answers in this section comes from a Geotechnical Engineering Report prepared by Earth Systems Pacific dated December 2, 2011. A subsequent Bluff Retreat Study was prepared by Earth Systems Pacific dated October 31, 2012.

**a.i) No Impact.** The site is located in a seismically active area but is outside Alquist Priolo Earthquake fault zones. The site itself is not subject to seismic rupture so there is No Impact

**a.ii) Less than Significant.** The site is in type B seismic source area as defined by the USGS Working Group on California Earthquake Probabilities. Type B sources are defined as faults that have slip-rate estimates but where data on distribution and timing of previous events are inadequate to estimate recurrence intervals. Type B faults are capable of producing earthquakes of significant magnitude. The San Gregorio Fault is located approximately 2.25 kilometers east of the site. The potential impacts from being located in proximity to this fault can be mitigated to a less than significant level through application of standards in the 2010 California Building Code which the County of Monterey has adopted. Based upon this the impact will be less than significant.

**a.iii, a.iv) No Impact.** Based on the Monterey County Relative Liquefaction Susceptibility map (L.I. Rosenberg, December 18, 2001) the site is in an area having a low liquefaction potential, and potentially liquefiable soils were not encountered in the borings conducted by Earth Systems Pacific. There is No Impact related to potential liquefaction. The topography and grading on the site do not raise a concern for landslides. The proposed residence will be located approximately 40 feet back from the top of the bluff. The proposed building will be anchored in granitic bedrock so there is No Impact associate with the potential for landslides.

**b), c), d). No Impact.** The project will not result in substantial soil erosion or loss of top soil. The project is limited in area (approximately 4,000 square feet.) Standard conditions of approval related to grading and erosion prevention will prevent erosion from the small area that is disturbed resulting in a finding of No Impact. The project is not located on a geologic unit that is unstable or would become unstable as a result of the project. The site consists of 2.5 feet to 6 feet of loose to dense silty sand over granitic bedrock. This soil type is not subject to liquefaction and it is not an expansive soil or landslide resulting in a finding of No Impact.

e) **Less Than Significant.** For purposes of a septic system the soils are fairly shallow over granitic bedrock. For this reason the existing residence is served by an alternative onsite wastewater treatment system, providing additional treatment of the septic discharge. The leach field for the system will be relocated as part of the proposed project. The potential impact is less than significant.

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

**Discussion/Conclusion/Mitigation:**

**a), b) Less than Significant.**

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

The proposed development would generate greenhouse gas emission through use of construction equipment and vehicle trips. Use of construction equipment is anticipated to be intermittent and limited to site preparation and some construction activities. Pollutant emissions resulting from heavy equipment use during construction are not anticipated to exceed any thresholds of significance or significantly contribute to greenhouse gas effects on the environment. The same applies to the minor addition of vehicle traffic associated with construction of a new single family dwelling.

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

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

Monterey County does not have an adopted plan for the reduction of greenhouse gases. Preparation of such a plan has begun, but is not yet applicable. Instead, the project is considered in terms of the multiple State and Federal laws passed regarding this subject. It is difficult to

implement the goals of the various legislations on a small project-level basis such as this project. Rather climate action plans are being developed, and the Office of Planning and Research (OPR) recommend that each jurisdiction establish their own thresholds of significance. Monterey County has not adopted either a climate action plan or thresholds of significance, but it can be inferred from other agencies, including the California Air Resources Board (ARB) (whose thresholds have been established) and the current environmental practices that the development of a new single family dwelling would not substantially conflict with greenhouse gas reduction planning. GHG sources targeted in such plans generally involve vehicle miles traveled reductions, waste diversions, and technologies such as electric vehicles, and renewable energy sources, not single residential projects. Therefore, the project is considered less-than-significant in regards to greenhouse-gas emissions. (Source: 1, 2, 5, 7)

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

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

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

9. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3, 6, 7, 11, 15, 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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)	<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, 11 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 6, 7, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 6, 7, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 3, 6, 7, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**9. HYDROLOGY AND WATER QUALITY**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 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, 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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**a) – Less than Significant:** The project site is located on a coastal bluff above the Pacific Ocean. Because of the site’s proximity to the ocean, the potential exists for impervious surface drainage or wastewater to impact water quality of the ocean. The project includes the demolition of the existing guesthouse and the construction of a new single family residence with associated site improvements, including the installation of a new leach field. The number of bedrooms on the site will remain the same, as will the amount of water used and wastewater produced. The existing septic system consists of an on-site wastewater treatment system with a standard leach field that is located where the new residence will be built.

As part of the proposed project, the existing on-site wastewater treatment system will continue to be utilized but the septic effluent will be disposed in a new leach field composed of shallow subsurface trenches in the northeast portion of the property, to the northeast of the road. In this type of system, because of the shallowness of the disposal area, the majority of the nutrients remaining in the effluent after treatment are taken up by plants and a high percentage of the water evaporates into the air through evapotranspiration. The onsite wastewater treatment system also meets all of the requirements of the County’s Onsite Wastewater Management Plan (OWMP) for the Carmel Highlands. Thus, the project will result in a smaller amount of higher quality water absorbing into the ground on the site from the septic system and fewer impacts to water quality due to effluent draining from the site.

The standard condition requiring an engineered drainage plan to mitigate on-site and off site impacts from impervious surface stormwater runoff has been imposed on the project and will prevent impacts to water quality due to stormwater drainage. The project has also been conditioned to require submittal of an erosion control plan that includes temporary as well as permanent measures to prevent erosion, siltation and movement of materials off the site or into the ocean. This

standard condition will prevent impacts to water quality due to erosion. Therefore, impacts to water quality standards or wastewater discharge requirements will be less than significant.

**b) – No Impact:** The existing residence and guesthouse on the site are currently served domestic water by California American Water Company (CalAm) and the new residence and guesthouse will utilize the same water connection. It is not anticipated that additional water from CalAm will be required to serve the project because the use of the property will remain the same and the number of water fixture units used will be the same after the project. No wells are proposed and the project will result in no withdrawals of groundwater on the site.

The project site is located on a bluff above the Pacific Ocean. According to the geotechnical report prepared for the project, the site is underlain by degraded granitic material to about 9 feet below the surface with hard rock below that. No subsurface water was encountered during soil borings conducted on the site in November of 2011. The project site is located at a lower elevation than other nearby properties to the north, south and east and no wells are located in the vicinity of the project site. There will be no impact to groundwater supply or recharge.

**c) and d) – Less than Significant:** The project site is located on a coastal bluff above the Pacific Ocean with no streams or rivers crossing the site at any point. Drainage for the currently developed areas of the site will not change. The existing residence is located on the edge of the bluff and drainage for that structure is currently directed to the rock bluff. The construction of the new residence, drive and walkway will result in an increase in impervious surfaces over the existing condition. As discussed in 9 (a) above, the standard condition requiring an engineered drainage plan that addresses on-site and off-site impacts has been imposed on the project. The project site is located at a lower elevation than adjacent properties and drainage from the site does not and will not cause flooding. The impact to drainage will be less than significant.

**e) - No Impact:** The project site does not drain to a stormwater drain system. The site is a bluff on the Pacific Ocean and drains to the ocean. There will be no impacts to any existing stormwater drain system. As discussed above in 9 (a), (c) and (d), the standard condition requiring an engineered drainage plan addressing on-site and off-site drainage impacts has been imposed on the project. There will be no impact.

**f) – Less than significant impact:** As discussed above in 9 (a), (c) and (d), implementation of the standard conditions of approval addressing erosion and drainage impacts that have been imposed on the project will prevent impacts to water quality. The impact to water quality will be less than significant.

**g), h) – No Impact:** The project site is located in FEMA Flood Insurance Rate Map Panel No. 06053C-0480G, effective April 2, 2009. It is in Zone X, which is not considered to be subject to inundation due to flooding and is not within a 100-year hazard area. There will be no impact due to housing or structures being placed within a 100-year hazard area.

**i) – No Impact:** The project site is located in FEMA Flood Insurance Rate Map Panel No. 06053C-0480G, effective April 2, 2009. It is in Zone X, which is not considered to be subject to inundation due to flooding. The Monterey County Local Hazard Mitigation Plan maps show the project site as not being within a dam failure hazard area. There will be no impact due to flooding.

**j) – No Impact.:** There are no bodies of water in the vicinity of the project site that are large enough to produce a seiche that could impact the project. The project site is located on a bluff above the Pacific Ocean. According to the Tsunami Inundation Maps prepared by the California Department of Conservation, the project site is located above the tsunami inundation line. Based on the information in the Monterey County GIS, the project site is located in an area of low landslide susceptibility. There will be no impact due to tsunamis, seiche or mudflow.

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

**Discussion/Conclusion/Mitigation:**

See Section IV.A.10.

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

**Discussion/Conclusion/Mitigation:**

See Section IV.A.11.



12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 7, 11, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Source: 1, 2, 7, 11, 15, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 7, 11, 15, 18)	<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: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 7, 14, 19)	<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, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**(a), (b) and (d)– Less than Significant:** The project involves the demolition of the existing guesthouse, remodeling of the existing residence to convert it to a guesthouse and art studio and the construction of a new residence on a 2 acre site. As discussed above in 12(c), the project will not result in a permanent increase in the ambient noise levels in the vicinity of the project site. However, the project will result in a temporary increase in ambient noise levels associated with construction activities during the period of construction. The new residence will be built into the slope, with the finished (lower) floor of the eastern side of the house approximately 6 feet below the existing grade. The geotechnical study prepared for the project documents the existence of moderately hard, degraded rock to a depth of about 9 feet below existing grade and hard rock at levels 8.5 – 9.0 feet below the existing grade. Heavy equipment will be required to make the excavations for the lower level and retaining wall footings, possibly including jackhammers or similar equipment that create noise and vibration. According to the U.S. Department of Transportation Construction Noise Handbook, jackhammers produce between 85dbA and 89dbA measured 50 feet away. This would be slightly over the maximum allowed by Monterey County Code Chapter 10.60, which limits that machines or equipment not produce a noise that exceeds 85dbA measured 50 feet away. In this case, the nearest residence is located approximately 100 feet

to the east and uphill from the project site and the second nearest about 200 feet to the north. The temporary noise will be attenuated to some extent by distance, intervening topography, and vegetation. The County does not have a standard for ground borne vibration, however the ground borne vibration generated by the project will be temporary and limited to the construction period. The standard condition of approval requiring a construction management plan that incorporates limiting hours of operation of noise producing equipment to 8:00 am to 5:00 pm will ensure that impacts due to temporary construction noise and vibration will be less than significant.

**(c) – No Impact:** Existing development on the site includes a single family residence and guesthouse with an attached garage. The project involves the construction of a new residence, conversion of the existing residence to a guesthouse and art studio and the demolition of the existing guesthouse. The project will not result in any change to the residential use of the property or any permanent increase or change in the ambient noise levels in the project vicinity above levels existing without the project. There will be no impact.

**(d) – Less than Significant: Noise 12(e) – No Impact:** The nearest public use airport is the Monterey Airport, approximately 8 miles to the northeast. According to the Comprehensive Land Use Plan (CLUP) for Monterey Peninsula Airport, the project site is not located within the CLUP area, nor is it located within the area identified on either the Airport Approaches Zoning Map (CLUP Figure 2) or the Noise Exposure Map (CLUP Figure 3). Therefore, aircraft noise will not impact the project.

**(f) – No Impact:** A review of county records and a reconnaissance of the area surrounding the project site show that there are no personal use airports operating in the vicinity (i.e. the area that could be impacted by take offs and landings which generate the most noise) of the project site. There will be no impact.

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

**Discussion/Conclusion/Mitigation:**

See Section IV.A.13.

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

**Discussion/Conclusion/Mitigation:**  
See Section IV.A.14.

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

**Discussion/Conclusion/Mitigation:**  
See Section IV.A.15.

16. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with 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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.A.16.

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

**Discussion/Conclusion/Mitigation:**

See Section IV.2.17.

## 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)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1) ("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: )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

a) **Less Than Significant:** The existing development pattern on site has resulted in the loss of the natural habitat which would have existed on site prior to development. The context of the proposed project is an area developed with single family residences. The proposed project does not have the potential to substantially reduce fish or wildlife species on the project site. The site is adjacent to the Pacific Ocean and Environmentally Sensitive Habitat of Kelp Beds and Intertidal Habitats. These habitats will be protected through the construction process, implementation of erosion prevention measures and re-establishment of native plant species on the site. The site is in an area where cultural resources have previously been found, but the surveys prepared for the subject site has determined that it is unlikely for the site to contain any archaeological resources. *Based upon these factors, the impact is determined to the Less than Significant.*

b) **Less Than Significant.** The proposed project will not adversely affect sensitive resources in such a way that the project impacts are less than significant but the cumulative impacts would be significant. The project would redevelop a site that has previously been developed in an area which was an ornamental garden.

c) **Less than Significant.** The proposed project will not result in a significant impact upon environmental factors which would result in either a direct or indirect impacts on human beings. The project will not significantly impact Aesthetics, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utility and Service Systems, and thus the impact is determined to be less than significant.

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](http://www.dfg.ca.gov).

**Conclusion:** The project (will/will not) be required to pay the fee.

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to PLN120276 and the attached Initial Study / Proposed (Mitigated) Negative Declaration.

## ***IX. REFERENCES***

1. Project Application/Plans contained in File Number PLN120276.

2. Monterey County 2010 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 June 2008. <http://www.mbuapcd.org/index.cfm/Cat/66.htm>
6. Site visits conducted by the project planner in May 4, of 2012.
7. Monterey County Planning Department GIS system and selected property report for Assessor's Parcel Number 241-321-002
8. Biological Report, prepared by Jeffery B. Froke, Ph.D., dated November 21, 2011. 3158 Bird Rock Road, Pebble Beach, CA 93953.
9. Preliminary Archaeological Reconnaissance, prepared by Archaeologist Consulting, dated November 7, 2011.
10. Historical Assessment prepared by Anthony Kirk, Ph.D., dated October 31, 2012. 134 McCormick St., Santa Cruz, CA 95062
11. Geotechnical Engineering Report prepared by Earth Systems Pacific, dated November 3, 2011. 15614 Moffett St., Suite G Salinas, CA 93905.
12. Geotechnical addendum (Bluff Retreat Study) Engineering Report prepared by Earth Systems Pacific, dated November 3, 2011. 500 Park Center Dr., Suite 1 Hollister, CA 95023.
13. Arborist Report prepared by Maureen Hamb-WCISA Certified Arborist WE2280 Professional Consulting Services, dated June 29, 2012. 849 Almar Ave. Suite C#319 Santa Cruz, CA 95060.
14. Monterey County Assessor's Database.
15. Monterey County Codes Chapters 10.60., and 18.03, 18.16, 18.17
16. Monterey Regional Waste Management District website.  
<http://www.mrwmd.org/pdf/mrwmd%20annual%20report%202008%20.pdf>
17. Onsite Wastewater Management Plan Ordinance  
[http://www.mtyhd.org/images/stories/Environmental\\_Health/PDF/EXHIBIT\\_A\\_Revised\\_12-15-09.pdf](http://www.mtyhd.org/images/stories/Environmental_Health/PDF/EXHIBIT_A_Revised_12-15-09.pdf)
18. U. S. Department of Transportation website.  
[http://www.fhwa.dot.gov/environment/noise/construction\\_noise/handbook/handbook09.cfm](http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm)  
accessed February 27, 2013.
19. Comprehensive Land Use Plan for Monterey Peninsula Airport, Monterey County Airport Land Use Commission, Adopted March 23, 1987

## ***X. ATTACHMENTS***

1. Site Plan

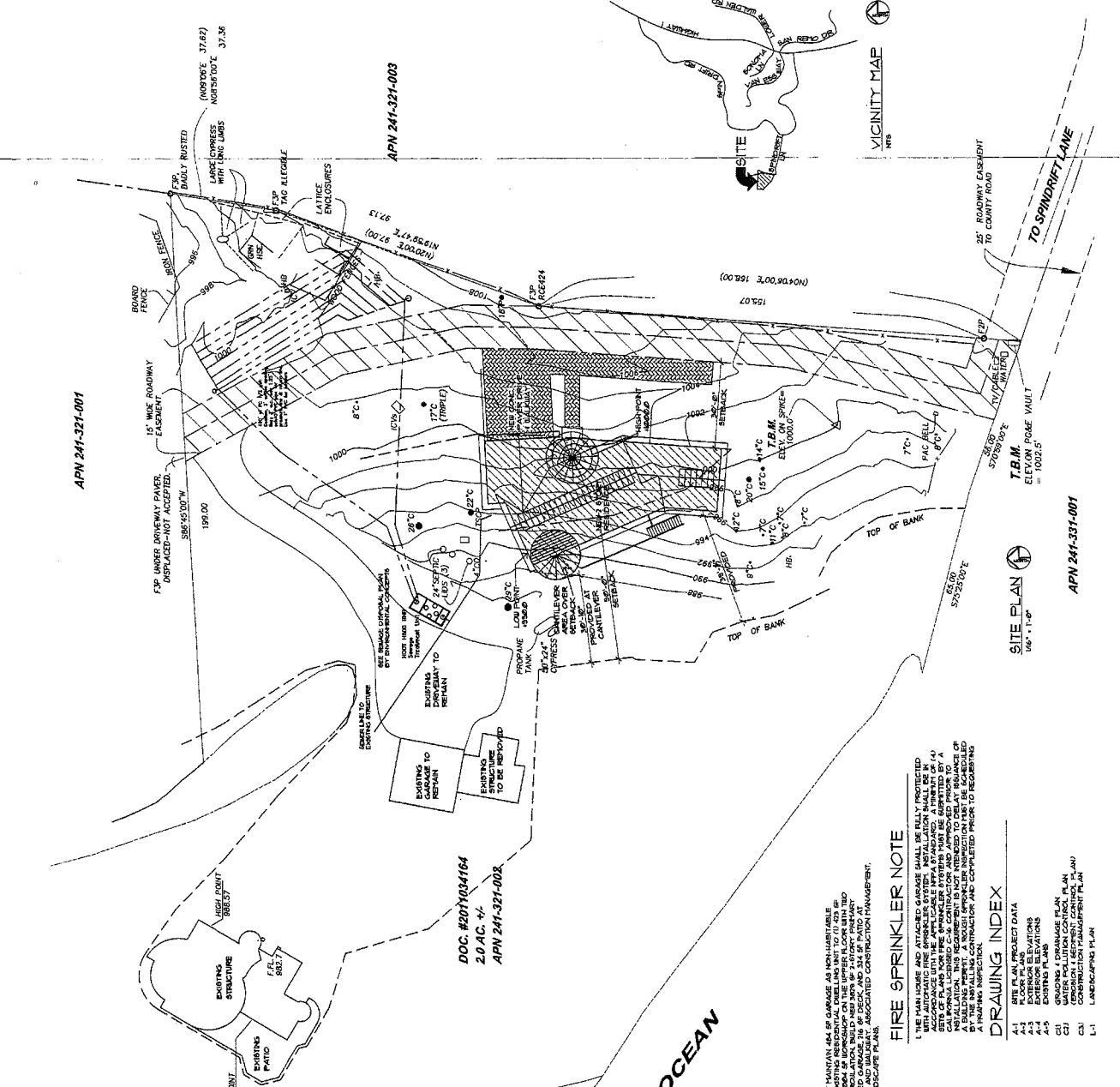


NO.	DATE

WILLIAM (ATTORNEY) ARCHITECT  
 P.O. BOX 1072 PACIFIC GROVE, CA 93950  
 (931) 773-4567 LICENSE # C-28993

NEW RESIDENCE FOR:  
 170 SPINDRIFT LANE  
 CARTEL HIGHLANDS  
 CHECKED BY:  
 PROJECT NO.  
 DESIGN BY:  
 DATE: 1/10/99

SHEET NO. A-1  
 OF FIVE SHEETS  
 SITE PLAN



VICINITY MAP

SITE PLAN

APN 241-321-001

APN 241-321-003

APN 241-321-007

DOC. #207034164  
 2.0 AC. +/-  
 APN 241-321-008

LINE OF HIGH WATER (X-1 - SURVEYS - PG. 32)

PACIFIC OCEAN

- FIRE SPRINKLER NOTE**  
 THE MAIN LINE AND ATTACHED GARAGE SHALL BE FULLY PROTECTED WITH AUTOMATIC FIRE SPRINKLER SYSTEM. INSTALLATION SHALL BE IN ACCORDANCE WITH CALIFORNIA FIRE SPRINKLER SYSTEMS ASSOCIATION (CFSA) AND CALIFORNIA FIRE SPRINKLER SYSTEMS ASSOCIATION (CFSA) CALIFORNIA LICENSED C-8 CONTRACTOR AND APPROVED PRIOR TO COMMENCEMENT OF WORK. A NIGHT INSPECTION MUST BE SCHEDULED TO VERIFY THE WORK. A NIGHT INSPECTION MUST BE SCHEDULED TO VERIFY THE WORK. A NIGHT INSPECTION MUST BE SCHEDULED TO VERIFY THE WORK.
- DRAWING INDEX**  
 L1 LANDSCAPING PLAN  
 L2 CONSTRUCTION PLAN  
 L3 CONSTRUCTION PLAN  
 L4 CONSTRUCTION PLAN  
 L5 CONSTRUCTION PLAN  
 L6 CONSTRUCTION PLAN  
 L7 CONSTRUCTION PLAN  
 L8 CONSTRUCTION PLAN  
 L9 CONSTRUCTION PLAN  
 L10 CONSTRUCTION PLAN

**PROJECT DATA**  
 OWNER: THE J. RICHARD RALEY  
 CARTEL HIGHLANDS  
 170 SPINDRIFT LANE  
 CARTEL HIGHLANDS, CA  
 93940  
 (931) 773-4567

SITE ADDRESS: 170 SPINDRIFT LANE  
 CARTEL HIGHLANDS, CA  
 93940  
 (931) 773-4567

APN: 241-321-001  
 ZONING: R-3 (RESIDENCE USE - GARAGE)  
 CONSTRUCTION TYPE: V-B  
 OCCUPANCY GROUP: 2  
 PROJECT SCOPE: 2

**SUBTOTALS:**  
 1500 SF  
 1500 SF  
 3000 SF  
 4500 SF  
 6000 SF  
 7500 SF  
 9000 SF  
 10500 SF  
 12000 SF  
 13500 SF  
 15000 SF  
 16500 SF  
 18000 SF  
 19500 SF  
 21000 SF  
 22500 SF  
 24000 SF  
 25500 SF  
 27000 SF  
 28500 SF  
 30000 SF

**NO TREE REMOVAL ALLOWED**  
 WATER SUPPLY BY CAL. AT FULL 240 CFS  
 SEWAGE DISPOSAL BY ON SITE SEPTIC SYSTEM

**EXHIBIT E**  
**MINUTES**  
**Carmel Highlands Land Use Advisory Committee**  
**TUESDAY, September 4, 2012**

1. Meeting called to order by Petar Davis, Chairman at 4:00 pm

2. Roll Call

Members Present: Davis, Wald, Mcheen, Rainer

Members Absent: Hurst, Jeselnick

3. Approval of Minutes:

A. July 2, 2012 minutes

Motion: P. Davis - approval (LUAC Member's Name)

Second: D. Wald (LUAC Member's Name)

Ayes: 4 - Davis, Wald, Mcheen, Rainer

Noes: None

Absent: Hurst, Jeselnick

Abstain: None

B. August 20, 2012 minutes

Motion: P. Davis - approval (LUAC Member's Name)

Second: D. Wald (LUAC Member's Name)

Ayes: 4 - Davis, Wald, Mcheen, Rainer

Noes: None

Absent: 2. Hurst, Jeselnick

Abstain: None

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SEP 12 2012

MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT

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

None

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

6. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

Sept. 17, 2012 LUAC meeting  
Monday, at 4:00 pm.

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PLANNING & BUILDING  
INSPECTION DEPT**

7. Meeting Adjourned: 5:05 pm

Minutes taken by: B. Rainer, acting Sect.

# Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: **September 4, 2012**

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**Project Title:** RALEY RICHARD  
**File Number:** PLN120276  
**File Type:** ZA  
**Planner:** MONTANO  
**Location:** 170 SPINDRIFT LN CARMEL

**MONTEREY COUNTY  
PLANNING & BUILDING  
INSPECTION DEPT**

**Project Description:**

Combined Development Permit consisting of: 1) Coastal Administrative Permit and Design Approval to allow the construction of a 3,826 square foot two-story single family residence with an attached 509 square foot garage, a 216 square foot deck, a 324 square foot at grade patio, and a 1,080 square foot concrete paver driveway and walks; 2) Coastal Administrative Permit to allow the conversion of an existing single family dwelling into a <sup>2nd dwelling</sup> guest house and convert the remaining area into an art studio and allow the demolition of an 844 square foot guest house; 3) Coastal Development Permit to allow development within 50-feet of a Coastal bluff; and 4) Coastal Development Permit to allow development within 750 feet of a known archaeological resource; Grading to include approximately 310 cubic yards of cut and 310 cubic yards of fill. The property is located at 170 Spindrift Lane, Carmel (Assessor's Parcel Number 241-321-002-000), Carmel Highlands area, Carmel Land Use Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting?  - Ramon Montano (Name)

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Richard Spencer, neighbor #24 Spindrift Lane.			Viewshed concerns due to massive look of proposed 2 story residence, on ocean front lot. Concern for numerous truck trips on Spindrift Lane to remove 844 sq. ft. guest house
Lee Otter-neighbor at #16 Spindrift Lane.	✓		Viewshed concerns for neighbors and other coastal points which could possibly see lighting from this large 2 story residence.

**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)
Planner needs to clarify set back requirement from edge of right of way, not measured from center of road. 30 ft set back is required for both public and private roads.		Please have planner check these set back regulations, and the situation with second residential unit.
Guest house in reality is a second residential unit when other guest house is removed. It		
is a second residential unit on a 2 acre parcel, concern for water allocation for second residence		??

**ADDITIONAL LUAC COMMENTS**

Please have planner correct Project Description to indicate 2nd family dwelling on the 2 acre parcel. LUAC members were concerned about lighting impacts from large ocean facing windows and numerous ridge skylights. Sea birds could be easily impacted by windows and lighting. All lighting of decks and patios should be at ground level sited in a sensitive manner - the fewer the better. Suggestion for applicants to post a bond for road repair if needed.

**RECOMMENDATION:**

Motion by: Davis - motion to approve (LUAC Member's Name)

Second by: Meheen (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

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

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

AYES: 4 - Davis, Wald, Meheen, & Rainor

NOES: None

ABSENT: Hurst, Jeselnick

ABSTAIN: None

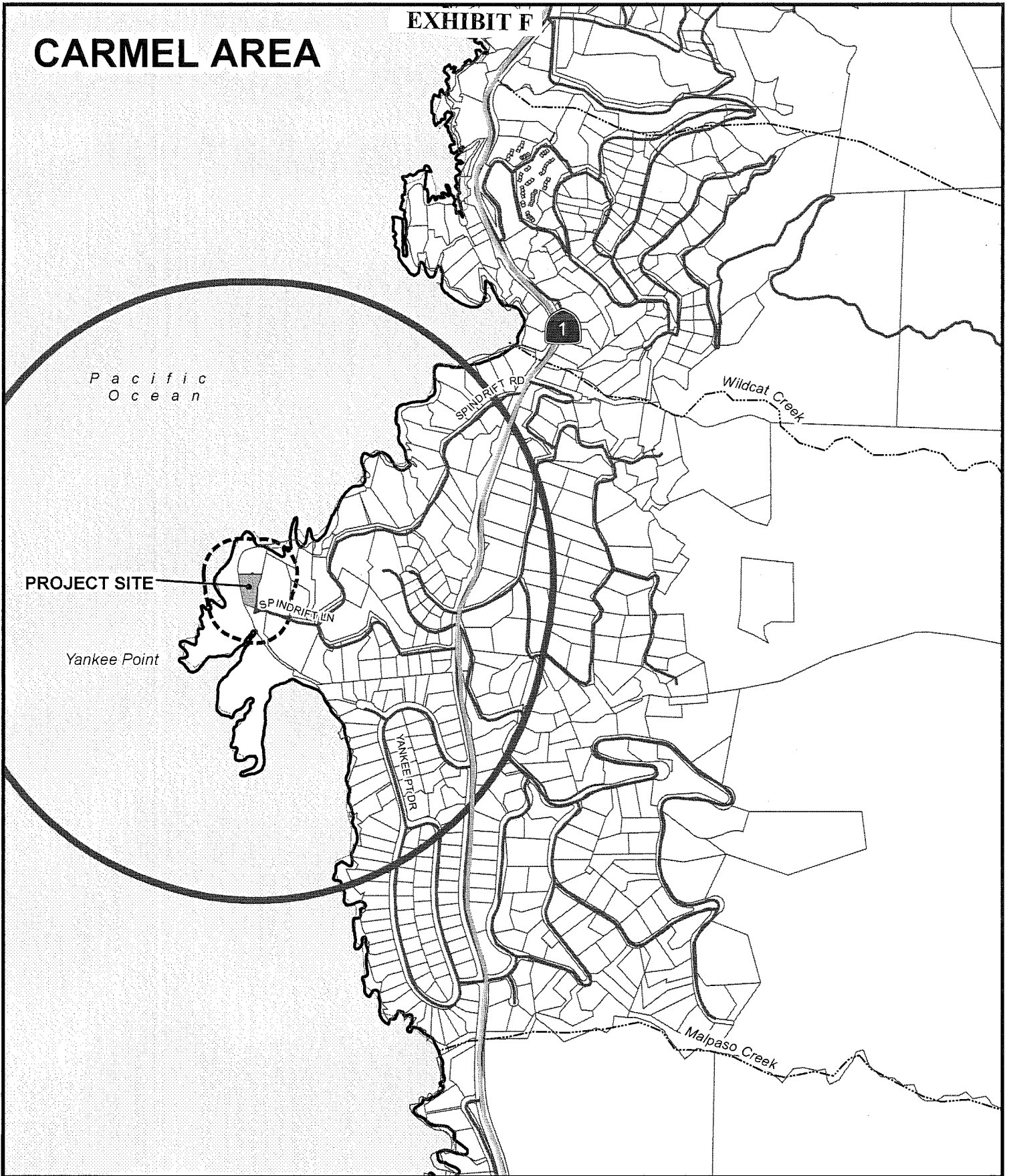
If changes of location of new proposed residence is required the plans should be returned to LUAC for review.

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MUNICIPALITY  
PLANNING & BUILDING  
INSPECTION DEPT

# CARMEL AREA



APPLICANT: RALEY

APN: 241-321-002-000

FILE # PLN120276

 Water 
  2500' Limit 
  300' Limit 
  City Limits

