

## MONTEREY COUNTY ZONING ADMINISTRATOR

<b>Meeting:</b> August 29, 2013 Time: 1:30 PM	<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Consider Combined Development Permit consisting of a: 1) Coastal Administrative Permit for the demolition of an existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property line and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval. Colors and materials to consist of cement plaster siding, clay tile roofing, piecast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill. No tree removal proposed.	
<b>Project Location:</b> 26247 Scenic Road, Carmel, Ca 93923	<b>APN:</b> 009-432-028-000
<b>Planning File Number:</b> PLN130128	<b>Owner:</b> Frederick Richard Medero and Joanne Trimble TRS <b>Agent:</b> Darren Davis
<b>Planning Area:</b> Carmel Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> MDR/2-18 (CZ) [Medium Density Residential, 2.0 acres per unit, 18 foot height limit (Coastal Zone)]	
<b>CEQA Action:</b> Mitigated Negative Declaration	
<b>Department:</b> RMA - Planning Department	

**RECOMMENDATION:**

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

- 1) Adopt a Mitigated Negative Declaration for the project; and
- 2) Approve PLN130128, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**)

**PROJECT OVERVIEW:**

The applicant proposes construction of a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage with a 758 square foot basement, a new stone 11 foot-tall outdoor fireplace in the rear yard, a new 6 foot high redwood grape stake fence on the side and rear property lines. In addition, a Coastal Development Permit to allow development within 750 feet of a known archaeological resource. The project will require grading of 540 cubic yards of cut and 170 cubic yards of fill for an expansion to the existing basement and leveling of the existing driveway. No tree removal is proposed. The site is accessed directly off of Scenic Road.

An archaeological report was conducted because the site is located within 750 feet of a positive archaeological resource and it was found that the site is within the boundaries of a previously recorded site. However because this particular property is situated on granite bedrock and had been extensively graded and void of topsoils it is unlikely that any resources would exist. As a precaution, an archaeological monitor will be on site during construction activities. In order to expand the existing basement, there will be heavy construction equipment which generate large amounts of noise. As a mitigation to lessen the impacts on noise levels, the applicant will be required to provide alternative lodging if impacted neighbors sleep during the day as part of their employment (**Exhibit B**).

**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  
California Coastal Commission

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

The project was reviewed by the Carmel Unincorporated/Highlands Land Use Plan Advisory Committee (LUAC) at a publicly noticed meeting on July 1, 2013. The LUAC recommended approval of the project on a 4-0 vote. The LUAC commented that the setback of the main structure should maintain the required 30 foot, neighbors should be informed of noise from excavation, the basement level should be carefully excavated, the design of the home should not detract from the Jeffers Tor house next door, the driveway should be sand set pavers, the fireplace should be gas not wood burning, the cut stone of chimney should be level to the house and not to ground, and erosion from construction to be retained on site. (See minutes, discussion and consistency findings in the attached resolution).

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

/S/ Valerie Negrete

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Valerie Negrete, Assistant Planner  
(831) 755-5227, negretev@co.monterey.ca.us  
(August 6, 2013)

cc: Front Counter Copy; Zoning Administrator; Cypress Fire Protection District; RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Aengus Jeffers, Interested Party; Laura Lawrence, Planning Services Manager; John Ford, Senior Planner; Valerie Negrete, Project Planner; Frederick Richard Medero and Joanne Trimble TRS, Owner; Darren Davis, Agent; The Open Monterey Project; LandWatch; Planning File PLN130128

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including:
		• Conditions of Approval and Mitigation Monitoring and Reporting Program
		• Site Plan, Floor Plan and Elevations
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (LUAC)
	Exhibit F	Mitigated Negative Declaration

This report was reviewed by John Ford, Senior Planner

## EXHIBIT A

### Project Information for PLN130128

**Application Name:** Medero Frederick Richard & Joanne Trimble Trs  
**Location:** 26247 Scenic Rd, Carmel  
**Applicable Plan:** Carmel LUP  
**Advisory Committee:** Carmel/Carmel Highlands Advisory Committee  
**Permit Type:** Combined Development Permit  
**Environmental Status:** Negative Declaration  
**Zoning:** MDR/2-D(18)(CZ)

**Primary APN:** 009-432-028-000  
**Coastal Zone:** Yes  
**Final Action Deadline (884):** 12/18/2013  
**Land Use Designation:** Residential - Medium Density

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#### Project Site Data:

<b>Lot Size:</b> 6055	<b>Coverage Allowed:</b> 35%
<b>Existing Structures (sf):</b> 2313	<b>Coverage Proposed:</b> 33%
<b>Proposed Structures (sf):</b> 2724	<b>Height Allowed:</b> 18
<b>Total Sq. Ft.:</b> 5037	<b>Height Proposed:</b> 18
<b>Special Setbacks on Parcel:</b>	<b>FAR Allowed:</b> 45%
	<b>FAR Proposed:</b> 45%

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#### Resource Zones and Reports:

<b>Seismic Hazard Zone:</b> UNDETERMINED	<b>Soils Report #:</b> LIB130165
<b>Erosion Hazard Zone:</b> Moderate	<b>Biological Report #:</b> LIB130163
<b>Fire Hazard Zone:</b>	<b>Forest Management Rpt. #:</b> LIB130164
<b>Flood Hazard Zone:</b> X (unshaded)	<b>Geologic Report #:</b> LIB130165
<b>Archaeological Sensitivity:</b> high	<b>Archaeological Report #:</b> LIB130162
<b>Visual Sensitivity:</b> Sensitive	<b>Traffic Report #:</b> NA

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#### Other Information:

<b>Water Source:</b> Public	<b>Grading (cubic yds.):</b> 540
<b>Water Purveyor:</b> Cal Am	<b>Sewage Disposal (method):</b> Public
<b>Fire District:</b> Cypress FPD	<b>Sewer District Name:</b> Carmel Wastewater
<b>Tree Removal:</b> none	

## **EXHIBIT B DISCUSSION**

### Project Description

The site is located at 26247 Scenic Road, Carmel. The proposed project consists of a Coastal Administrative Permit for the demolition of an existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage with a 758 square foot basement, a new stone 11 foot-tall outdoor fireplace in the rear yard, a new 6 foot high redwood grape stake fence on the side and rear property lines and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource and Design Approval. The project will require grading of 540 cubic yards of cut and 170 cubic yards of fill for an expansion to the existing basement and leveling of the existing driveway. No tree removal is proposed. The site is accessed directly off of Scenic Road.

### **Development within 750 feet of a known Archaeological Resource**

Carmel Land Use Plan Policy 2.8.3.4 requires that when development is proposed on or in close proximity to archaeological sites, the project design shall minimize impacts to cultural sites and emphasis should be placed on preserving the entire site rather than on excavation of the resource. Two Archaeological Reports have been prepared for this parcel, one in March, 2013 and another in June, 2013. The archaeologist reports identify that the project site is located within the boundaries of a previously recorded archaeology site, CA-MNT-16 and is in close proximity to another site CA-MNT-17 which is approximately 215 feet to the south. Human remains have been found within these sites. The combination of the location in previously identified archaeological sites and the policy to avoid excavation in such circumstances would dictate that excavation should be avoided.

The project includes the expansion of an existing basement which will require excavation. The archaeologist conducted subsurface sampling on both sides of the existing driveway and found no shell or any other constituent that would indicate the presence of potential archaeological resources. The site geology is also characterized by granitic formations leaving a minimal soil layer and little likelihood of archaeological resources. In addition the Medero site is already developed and whatever topsoil that may have existed on site, has been removed for the construction of the existing residence. Further the existing residence is partially underground and has a basement already so this application is an expansion of this basement.

As a precaution, an archaeological monitor will be on site during demolition and excavation to insure that if archaeological resources are found they can be protected. In addition, a pre-construction meeting between the applicant, contractor, archaeologist and RMA Planning Staff is required to ensure adherence to mitigation measures. If resources are discovered on-site, the archaeologist has authority to halt excavation or grading in order to inspect any cultural materials.

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

The committee met on July 1, 2013 receiving public comments and concerns. The LUAC's concerns were the following:

- 1) Setbacks should be 30 feet;
- 2) Excavation with heavy equipment should be done after neighbors are notified of the excavation activities;

- 3) That the basement level be carefully excavated
- 4) The design of home not to detract from the Jeffers Tor house next door;
- 5) The driveway should be sand set pavers;
- 6) The fireplace should be gas not wood burning;
- 7) The cut stone of chimney be level to the house and not to ground level;
- 8) All excavation shall not impact neighboring homes stability; and
- 9) Erosion from construction shall be maintained on site.

The front setback for the proposed house will be 30 feet. Excavation and the stability of the existing residences will be addressed through implementation of the building code and geological recommendations. To lessen the impact to noise levels experienced from construction the excavation of granite bedrock which produces sound disturbance of 85 decibels or greater when measured at a distance of 50 feet will be limited to the absolute minimal time feasible, and shall be restricted to the hours between 9AM and 5PM. In addition, during the period of removal of granite bedrock requiring the use of any equipment, the applicant shall offer to provide alternative lodging to the immediate neighbors who due to the nature of their employment sleep during the day (Assessor's Parcel Numbers 009-432-021-000, 009-432-026-000 and 009-432-029). A standard condition of approval for an erosion control plan will be required and will ensure that sediment is maintained on site.

#### CEQA (Mitigated Negative Declaration)

An Initial Study was prepared due to the site being located within the boundaries of a previously recorded archaeology site and to address noise levels associated with excavation that is expected to be loud. The areas discussed in the document were, Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology, Green House Gas Emissions, Noise and Hydrology and Water.

The Initial Study and Mitigated Negative Declaration is attached to this report as (Exhibit F) and on file in the office of the RMA – Planning Department and is hereby incorporated by reference under Planning File No. PLN130128. All project changes to avoid significant effects on the environment have been incorporated into the project.

#### Conclusion

Staff recommends that the Zoning Administrator find the project consistent with the County of Monterey Local Coastal Land Use Plan, adopt the Negative Declaration and approve the Combined Development Permit based upon the following:

1. The proposed single family residence replaces an existing residence on a legal lot designated for residential development.
2. The structure is consistent with the size and height policies of the Carmel Land Use Plan.
3. The project is consistent with the archaeological policies of the Land Use Plan.
4. All potentially significant impacts can be mitigated to a less than significant level.
5. The Land Use Advisory Committee (LUAC) reviewed the project and voted 4-0 to recommend approval of the project.

For these reasons staff recommends approval of the Mitigated Negative Declaration and approval of the project with the subject conditions (**Exhibit C**).

**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:  
Frederick Richard Medero and Joanne Trimble TRS  
**(PLN130128)**

**RESOLUTION NO. ----**

Resolution by the Monterey County Zoning  
Administrator:

- 1) Adopting a Mitigated Negative Declaration;  
and
- 2) Approving a Combined Development Permit  
consisting of a: 1) Coastal Administrative  
Permit for the demolition of an existing 2,313  
square foot single family dwelling to  
construct a new 2,724 square foot single  
family dwelling, 190 square foot veranda, a  
494 square foot underground garage and 758  
square foot basement, new stone 11 foot  
outdoor fireplace at western corner of the lot,  
new 6 foot high redwood grape stake fence on  
the side and rear property line and; 2) a  
Coastal Development Permit for development  
within 750 feet of a known archaeological  
resource and 3) Design Approval. Colors and  
materials to consist of cement plaster siding,  
clay tile roofing, piecast stone and metal clad  
windows. Grading of approximately 540  
cubic yards of cut and 170 cubic yards of fill.  
No tree removal proposed; and
- 3) Adopting a Mitigation Monitoring and  
Reporting Plan.

[PLN130128, Frederick Richard Medero and Joanne  
Trimble TRS, 26247 Scenic Road, Carmel, Carmel  
Land Use Plan (APN: 009-432-028-000)]

**The Frederick Richard Medero and Joanne Trimble TRS application (PLN130128) came on for public hearing before the Monterey County Zoning Administrator on August 31, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Zoning Administrator finds and decides as follows:**

**FINDINGS**

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Combined Development Permit consisting of a: 1) Coastal Administrative Permit

for the demolition of an existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property lines and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval. Colors and materials to consist of cement plaster siding, clay tile roofing, piecast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill. No tree removal proposed.

**EVIDENCE:** 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 PLN130128

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

**EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

- the 1982 Monterey County General Plan;
- Carmel Land Use Plan;
- Monterey County Coastal Implementation Plan Part 2-5;
- Monterey County Zoning Ordinance (Title 20);

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

- b) The property is located at 26247 Scenic Road, Carmel (Assessor's Parcel Number 009-432-028-000), Carmel Land Use Plan. The parcel is zoned MDR/2-18 (CZ) [Medium Density Residential, 2.0 acres per unit, 18 foot height limit (Coastal Zone)], which allows the construction of a single family dwelling. Therefore, the project is an allowed land use for this site.
- c) **Visual Resources.** In accordance with Coastal Implementation Plan Part 1, Title 20 Section 20.146.303 Visual Resource design guidelines. The proposed new main residence complies with or is conditioned to comply with all of the applicable site development standards.
- d) Site development standards require any structures to be not more than 18 feet high. The proposed structure will conform to the height limitation at 18 feet high from average natural grade. The front setback along Scenic Road is 30 feet and the structure was designed to adhere to this setback from Scenic Road.
- e) Carmel Area Land Use Plan implements Policy 2.2.3.6 states: *Structures shall be subordinate to and blended into the environment, using appropriate materials to that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.* The proposed structure is located in a residential neighborhood with other dwellings of varying eclectic designs and architectural styles, but similar size, colors

and materials, and will not be visually inconsistent with surrounding structures.

- f) Carmel Land Use Plan Specific Policy 2.2.4.10.d & e siting and design measures state that exterior lighting shall be adequately shielded and designed so that it is directed downwards to reduce its long-range visibility. Further that existing trees and other native vegetation be retained both during the construction process and after the development is completed. There is no tree removal proposed with the rebuilding of the existing house and the project will be conditioned so that new lighting will be low glare and non-intrusive.
- g) Carmel Land Use Plan Policy 2.2.3.4 requires development to be located in the least visible location on the parcel. The site is .13 acres which does not provide flexibility in placing the structure in a less visible location. The structure complies with all other policy and ordinance requirements.
- h) **Archaeological Resources.** The subject property is located within a “high” archaeological sensitivity zone. Pursuant to Section 20.146.090 CIP, an archaeological survey was prepared. The archaeologist noted that the project site is located within the boundaries of a previously recorded archaeology site, CA-MNT-16 and is in close proximity to another site CA-MNT-17 which is approximately 215 feet to the south. The archaeologist was able to auger along the existing driveway and did not see any indication of a resources being located at this location.
- i) Carmel Land Use Plan Specific Policy 2.8.4.5 states that no development proposals in archaeologically sensitive areas shall be categorically exempt from environmental review. A Mitigated Negative Declaration has been prepared including mitigation measures to protect archaeological resources and noise (See Finding 7 for more detail).
- j) Carmel Land Use Plan Policy 2.8.3.4 requires that when development is proposed for parcels where archaeological resources are located, project design shall avoid or minimize impacts including not excavating the resource. This particular site was previously excavated leaving limited topsoil. Two Archaeological Reports were prepared for this parcel, dated March 2013 and June 2013. Subsurface sampling was conducted to determine the likelihood of any resources on this site. Due to the granitic soil and previous excavation it is unlikely that resources exist. The expansion of the basement is not likely to impact any cultural resources. In order to address the possibility that resources exist, an archaeological monitor will be on site during excavation and a pre-construction meeting will be required to ensure understanding of the mitigation measures prior to construction activities.
- k) The project planner conducted a site inspection on March 6, 2013 and July 24, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- l) The project was reviewed by the Carmel Unincorporated/Highlands Land Use Plan Advisory Committee (LUAC) on July 1, 2013. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because the project involved a design approval which was going to be heard by the Zoning Administrator. The LUAC



recommended approval of the project on a 4-0 vote. The LUAC recommendations included maintaining the required setback for the main structure, inform neighbors of noise from excavation, the basement should be carefully excavated, design of the home should not detract from the Jeffers Tor house next door, the driveway should be sand set pavers, fireplace should be gas not wood burning, cut stone of chimney should be level to the house and not to ground level, and erosion from construction to be retained on site. The proposed house will maintain a 30 foot To lessen the impact to noise levels experienced from construction the during the period excavation, the applicant shall offer to provide alternative lodging to the immediate neighbors who due to the nature of their employment sleep during the day (Assessor's Parcel Numbers 009-432-021-000, 009-432-026-000 and 009-432-029). In addition the applicant shall provide evidence that neighbors were notified of excavation prior to work being conducted on the site. Erosion control measures will be managed by a standard condition of approval requiring erosion control measures to ensure that sediment is retained on site.

- 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 PLN130128.

3. **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, Public Works, Environmental Health Bureau, Coastal Commission, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

b) Staff identified potential impacts to Archaeological Resources, Soils, and Biological Resources. The following reports have been prepared:

- “Preliminary Cultural Resources Reconnaissance for Assessor’s Parcel Number 009-432-028-000” dated June 2013, Salinas, CA (LIB130162) prepared by Susan Morley, MA;
- Preliminary Cultural Resources Reconnaissance for Assessor’s Parcel Number 009-432-028-000” dated March 2013, Salinas, CA prepared by Susan Morley, MA;
- “Tree Resource Assessment and Management Plan for Assessor’s Parcel Number 009-432-028-000” dated April 17, 2013, Pacific Grove, CA (LIB130164) prepared by Frank Ono;
- “Biological Survey of Assessor’s Parcel Number 009-432-028-000” dated April 3, 2013 (LIB130163) prepared by Ed Mercurio;
- “Geotechnical and Geological Hazards report for Assessor’s

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

- c) Staff conducted a site inspection on March 6, 2013 and July 24, 2013 to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130128.

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

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, Cypress Fire Protection District, Public Works, Environmental Health Bureau, Coastal Commission, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
  - b) Necessary public facilities are available. The proposed project consists of the replacement of an existing single family home with existing public utilities and services provided by California American Water Company and the Carmel Area Wastewater District.
  - c) Staff conducted a site inspection on March 6, 2013 and July 24, 2013 to verify that the site is suitable for this use.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130128.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
  - b) Staff conducted a site inspection on March 6, 2013 and July 24, 2013 and researched County records to assess if any violation exists on the subject property.
  - c) There are no known violations on the subject parcel.

- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN130128.

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 involves development within a sensitive viewshed. The proposed building site is located on an existing parcel that is visible from Scenic Road, which is a designated scenic roadway.
  - b) LUP Policy 2.2.3.4 requires development which is located within a public view shed be located in the least visible location on the parcel. The site is .13 acres which does not provide flexibility in placing the structure in a less visible location. The structure complies with all other policy and ordinance requirements.
  - c) The project involves the demolition of an existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling. The new dwelling is similar in size to other residences and complies with the LCP height and coverage requirement limitations.
  - d) Section 20.146.030 states in part that structures shall be subordinate to and blended into the environment, using appropriate materials that will achieve that effect. The site is located in an area of varying eclectic designs and architectural styles, but is similar in size, colors and will be visually consistent with surrounding structures.
  - e) Three Monterey Cypress trees on the property which are not native will be retained during the construction of the proposed dwelling. These trees are situated along Scenic Road and help to integrate the site into the natural setting of Scenic Road. As a condition of approval, these three trees will be protected during construction under the direction of the arborist.
  - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN130128.

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

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN130128).
  - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the

effects or mitigate the effects to a point where clearly no significant effects would occur.

- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
- e) The Draft Mitigated Negative Declaration ("MND")/Negative Declaration ("ND") for PLN130128 was prepared in accordance with CEQA and circulated for public review from July 19, 2013 through August 27, 2013 (SCH#:2013071091).
- f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, and noise.
- g) **Archaeological Resources.** The subject property is located within a "high" archaeological sensitivity zone. Pursuant to Section 20.146.090 CIP, an archaeological survey is required for a development within areas of high archaeological sensitivity as mapped on current county resource maps. The archaeological report noted that the project site is located within the boundaries of a previously recorded archaeology site, CA-MNT-16 and is in close proximity to another site CA-MNT-17 approximately 215 feet to the south. Human remains have been found within these sites. The archaeological report concluded that based upon the facts that subsurface sampling did not provide evidence of the presence of resource deposits on site, the granitic base rock underlying the site and existing development it is unlikely that any resources are located on this site. Because human remains were found at nearby sites, archaeological monitoring is required during demolition and excavation. Conditions will require a pre-construction meeting between the applicant, a County approved archaeologist, the RMA Planning Department and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigation measures. In addition, an agreement between the applicant and a Registered Professional Archaeologist will be established stating that the archaeologist will be present during demolition of the existing single family dwelling, and during all excavation activities (including trenching for utilities and foundations). Lastly, if resources are discovered the on-site archaeologist shall have authority to halt excavation or grading in order to inspect any cultural materials.
- h) **Noise.** The construction of the proposed additional basement space will require the removal of granite bedrock material. Removal of this material will require the use of jackhammers or similar heavy equipment which produce sound levels of approximately 130 decibels at close range and 95 decibels at a distance of 50 feet. A mitigation measure will require that the removal of granite bedrock must be limited to the absolute minimal time feasible, and is restricted to the hours between 9AM and 5PM. If there is sound disturbance of 85 decibels or

greater when measured at a distance of 50 feet, the applicant will provide immediate neighbors who due to the nature of their employment sleep during the day alternative lodging (Assessor's Parcel Numbers 009-432-021-000, 009-432-026-000 and 009-432-029-000).

- i) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN130128) and are hereby incorporated herein by reference.
- j) 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).
- k) The project is for a Combined Development Permit consisting of a: 1) Coastal Administrative Permit for the demolition of existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property line and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval. Colors and materials to consist of cement plaster siding, clay tile roofing, precast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill. No tree removal proposed.
- l) Staff conducted a site inspection on March 6, 2013 and July 24, 2013 and 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.
- m) The county has not received any comments from the public.
- n) 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.

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 effect on existing coastal access, with 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 existence of historic public use or trust rights over the property.
  - d) The project planner conducted a site inspection on March 6, 2013 and July 24, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
  - 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 PLN130128.
9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Section 20.86.080.1, of the Monterey County Zoning Ordinance states that the proposed project is appealable to the California Coastal Commission because the site is located between the sea and the first through road paralleling the sea.
  - b) Board of Supervisors, Section 20.86.030.a of the Monterey County Zoning Ordinance Title 20.

### **DECISION**

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

1. Adopt a Mitigated Negative Declaration for the project; and
2. Approve a Combined Development Permit consisting of a: 1) Coastal Administrative Permit for the demolition of an existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property line and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval. Colors and materials to consist of cement plaster siding, clay tile roofing, pie cast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill. No tree removal is proposed, in general conformance with the attached site plan and subject to the attached conditions, all being attached hereto and incorporated herein by reference; and
3. Adopt the attached Mitigation Monitoring and Reporting Program.

**PASSED AND ADOPTED** this 29th day of August, 2013

COPY OF THIS DECISION MAILED TO APPLICANT ON **DATE**

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 **DATE**

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

PLN130128

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** This Combined Development Permit consisting of a: 1) Coastal Administrative Permit for the demolition of existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property line and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval (Colors and materials to consist of cement plaster siding, clay tile roofing, piecast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill) was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.  
(RMA - Planning Department)

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

### 2. PD002 - NOTICE PERMIT APPROVAL

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:  
"A Combined Development Permit (Resolution Number \*\*\*) was approved by Zoning Administrator for Assessor's Parcel Number 009-432-028-000 on August 29, 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 Action to be Performed:** Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.



### 3. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

**Responsible Department:** Planning Department

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

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

If the coroner determines the remains to be Native American:

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

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

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

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

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

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

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

(RMA - Planning)

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

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

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

#### 4. PD004 - INDEMNIFICATION AGREEMENT

**Responsible Department:** Planning Department

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

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

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

#### 5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

**Responsible Department:** Planning Department

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

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

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to RMA-Planning.

## 6. 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 and RMA - Building Services)

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

## 7. PD010 - EROSION CONTROL PLAN

**Responsible Department:** Planning Department

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

**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 RMA - Planning and RMA - Building Services for review and approval.

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

Prior to final inspection, the Owner/Applicant shall provide evidence of compliance with the Implementation Schedule to RMA - Planning Department and RMA - Building Services.

## 8. PD011 - TREE AND ROOT PROTECTION

**Responsible Department:** Planning Department

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

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

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

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

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

**Responsible Department:** Planning Department

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

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

Prior to occupancy, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall ensure that the landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning.

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

## 10. PD014(B) - LIGHTING-EXTERIOR LIGHTING PLAN (VS & RIDGELINE)

**Responsible Department:** Planning Department

**Condition/Mitigation Monitoring Measure:** All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. 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 21.06.195, are prohibited. 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 RMA - Planning, prior to issuance of building permits. (RMA - Planning)

**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 RMA - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

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

## 11. PD032(A) - PERMIT EXPIRATION

**Responsible Department:** Planning Department

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

**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 RMA-Director of Planning. Any request for extension must be received by RMA-Planning at least 30 days prior to the expiration date.

## 12. PW0044 - CONSTRUCTION MANAGEMENT PLAN

**Responsible Department:** Public Works 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 during the construction/grading phase of the project and shall provide the following information:  
Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the Construction/grading phase of the project.

**Compliance or Monitoring Action to be Performed:** 1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.

2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

### 13. SPPD001 - Preconstruction Meeting with Applicant and Contractor

**Responsible Department:** Planning Department

**Condition/Mitigation** Mitigation Measure #1:

**Monitoring Measure:** An on-site pre-construction meeting shall be held between the applicant, a County approved archaeologist, the RMA Planning Department and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations.

**Compliance or** Monitoring Action #1:

**Monitoring** 1) Prior to issuance of grading or building permits, this meeting shall occur; and  
**Action to be Performed:** 2) The Planning Department representative shall write a memo summarizing the issues discussed at the meeting. Said memo shall be kept onsite with the construction plans.

### 14. SPPD002 - Agreement/Contract with Registered Professional Archaeologist

**Responsible Department:** Planning Department

**Condition/Mitigation** Mitigation Measure #2:

**Monitoring Measure:** An agreement between the applicant and a Registered Professional Archaeologist shall be signed stating that they shall be present during demolition of the existing single family dwelling, and during all excavation activities (including trenching for utilities and foundations). The agreement shall allow the archaeologist to make a determination that monitoring may cease during excavation if the remaining excavation is in either granite or material that clearly will not support cultural materials. In the event that the archaeologist will cease monitoring, written notice of that event shall be provided to the RMA-Planning Department prior to cessation of monitoring.

**Compliance or** Monitoring Action #2:

**Monitoring** A copy of the signed agreement shall be submitted to RMA-Planning Department for review and  
**Action to be Performed:** approval prior to conducting on-site preconstruction meeting.

**Additional on-going monitoring Action:**

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

## 15. SPPD003 - Archaeological Precautions

**Responsible Department:** Planning Department

**Condition/Mitigation** Mitigation Measure #3:

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

- A. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- B. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- C. If the coroner determines the remains to be Native American:
  - i. The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.
  - ii. The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
  - iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or
  - iv. Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
  - v. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
  - vi. The descendent identified fails to make a recommendation; or
  - vii. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

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

**Monitoring Action #3:**

The archaeologist shall have permission to halt excavation or grading in order to inspect any cultural materials should they be present in the project soils. The archaeologist shall be permitted to screen these soils to determine whether or not they are significant. If significant archaeological deposits such as intact features—meaning burials, hearths, house pits, stone tool deposits—are encountered, work will stop until a new mitigation plan is developed to investigate these cultural materials. If artifacts are encountered that are suitable for radiocarbon dating, a minimum of two radiocarbon dates shall be conducted. Any artifacts recovered shall be archived in the public domain.

If human remains are encountered all work shall be halted within 50 feet until the Native American Heritage Commission (CNAHC) is contacted and a Native American responds to the CNAHC with recommendations on how to treat the remains.

## 16. SPPD004 - Noise Standards

**Responsible Department:** Planning Department

**Condition/Mitigation** Mitigation Measure #1

**Monitoring Measure:** Removal of granite bedrock will be limited to the absolute minimal time feasible, and shall be restricted to the hours between 9AM and 5PM. During the period of removal of granite bedrock requiring the use of any equipment which produces sound disturbance of 85 decibels or greater when measured at a distance of 50 feet, the applicant shall offer to provide alternative lodging to the immediate neighbors who due to the nature of their employment sleep during the day (Assessor's Parcel Numbers 009-432-021-000, 009-432-026-000 and 009-432-029). Said lodging shall be located within the greater Carmel area and shall be rated at no lesser than "Four Diamonds" according to the AAA Approved Lodging Rating System.

**Compliance or Monitoring** Prior to Issuance of grading or building permits, 1) The applicant/owner shall provide evidence that notification of excavation was provided to neighbors 350 feet;

**Action to be Performed:** 2) The applicant/owner shall provide evidence that alternative lodging was provided to the immediate neighbors who due to the nature of their employment sleep during the day (Assessor's Parcel Numbers 009-432-021-000, 009-432-026-000 and 009-432-029).shall be provided. Written evidence of lodging arrangements, if any needed, was provided.

## 17. WR001 - DRAINAGE PLAN

**Responsible Department:** Water Resources Agency

**Condition/Mitigation** 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** Prior to issuance of any construction permit, the owner/applicant shall submit a drainage plan with the construction permit application.

**Action to be Performed:** The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

## 18. WR049 - WATER AVAILABILITY CERTIFICATION

**Responsible Department:** Water Resources Agency

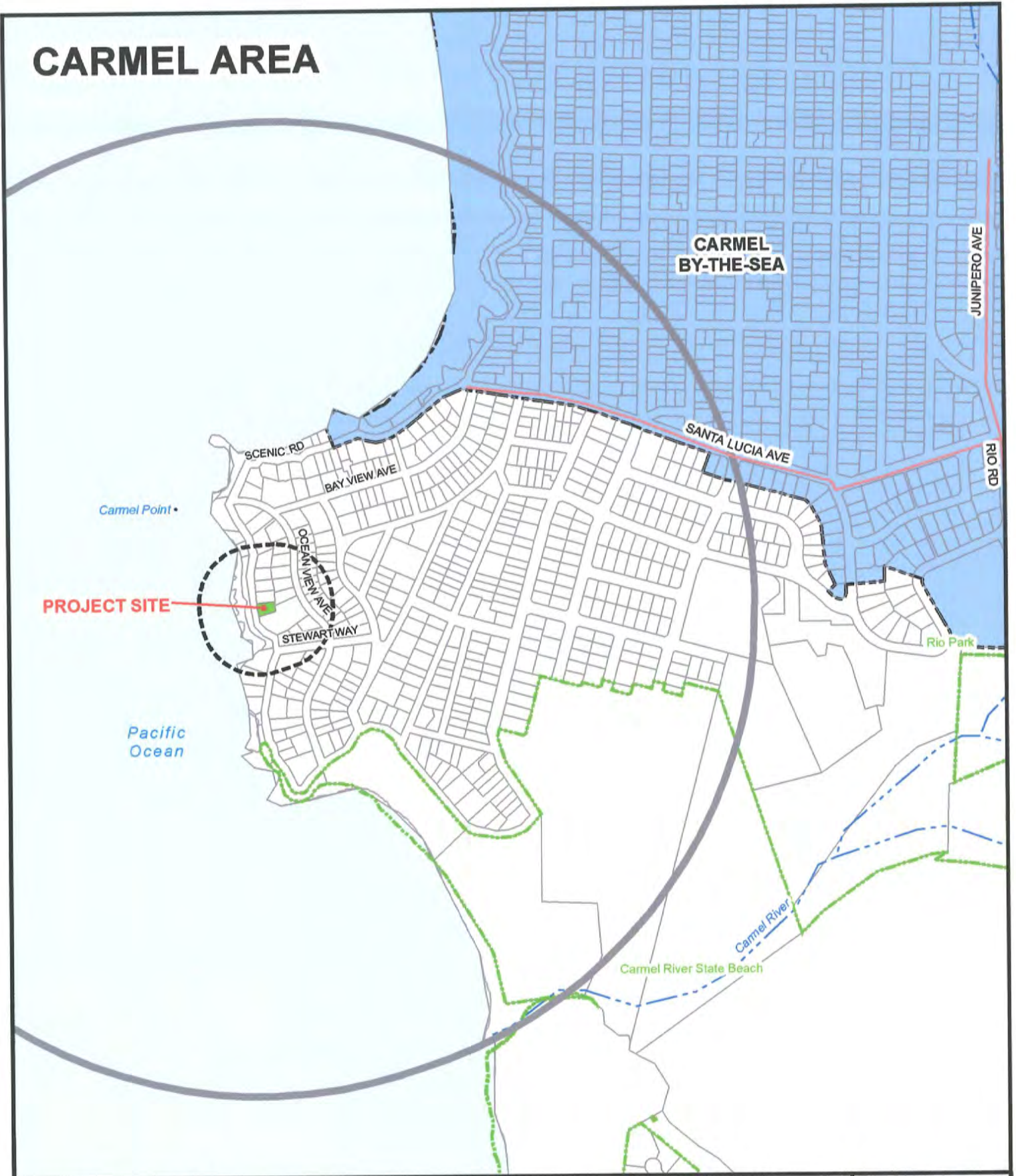
**Condition/Mitigation** The applicant shall provide the Monterey County Water Resources Agency proof of water availability in the form of a complete Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)

**Compliance or Monitoring** 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.

**Action to be Performed:** 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).



# CARMEL AREA



APPLICANT: MEDERO

APN: 009-432-028-000

FILE # PLN130128

2500' Limit    300' Limit    Water    City Limits



## Exhibit D

**Exhibit E**

**MINUTES**

**Carmel Highlands Land Use Advisory Committee**

**Monday, July 1, 2013**

1. Meeting called to order by Peter Davis at 4:03 pm

2. Roll Call

Members Present: Davis, Mehren, Wald, Rainer

Members Absent: Jeselnick

3. Approval of Minutes:

a. June 3, 2013 minutes

Motion: Davis (LUAC Member's Name)

Second: Mehren (LUAC Member's Name)

Ayes: 4, (Davis, Mehren, Wald, Rainer)

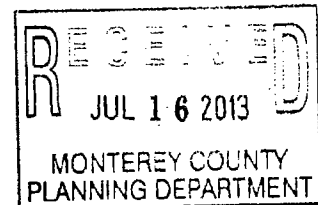
Noes: None

Absent: Jeselnick

Abstain: None

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

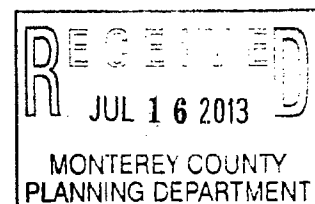
None

B) Announcements

July LUAC: 7-15-13 at 4:00 pm to discuss  
continued item ROP/Montgomery PLN 130146

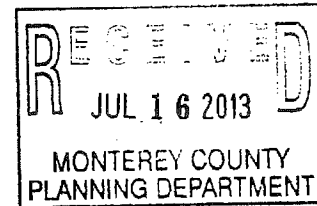
7. Meeting Adjourned: 6:15  
~~4:15~~ pm

Minutes taken by: J. Rainetz



# 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: **July 1, 2013**

**Project Title:** DEL MONTE PAUL ET AL (FORMERLY HUANG YIFEI CHARLES & WEI XIAOBO SHERRY)

**Item continued from 6/3/13 meeting**

**File Number:** PLN070515

**File Type:** ZA

**Planner:** SIDOR

**Location:** LOCATED BETWEEN 143 & 151 SAN REMO DR CARMEL (NO ADDRESS ASSIGNED TO DATE)

**Project Description:**

Combined Development Permit consisting of 1) a Coastal Administrative Permit and Design Approval to allow the construction of a 4,220 square foot two-story single family dwelling with a 625 square foot attached garage, 528 square foot attached workshop, 382 square feet of deck area, approximately 5,325 square feet of hardscape (patio area, paths, front entry stairs, and driveway), and grading (approximately 735 cubic yards of cut and 500 cubic yards of fill, and 230 cubic yards of net export); 2) a Coastal Development Permit to allow development on slope greater than 30 percent; 3) a Coastal Development Permit to allow the removal of seven trees (six Monterey Pine and one Oak). The property is located on San Remo Drive, Carmel [NO ADDRESS ASSIGNED; OWNER MUST CONTACT PUBLIC WORKS] (Assessor's Parcel Number 243-193-018-000), Carmel Highlands area, Carmel Area Land Use Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting? Anna Puengza (Name)

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Wayne Daniel 151 & 141 San Remo	✓		Location of replacement trees
Dan Clarke #3 Mentone	✓		Concerns for elevations of driveway retaining walls and culvert for run off of water at entrance of culvert
Stephen and Ida Hader 149 San Remo (across the street)	✓		Concerns for drainage from uphill property and steep driveway. Needs address sign
Charyl Daniel 151 & 141 San Remo	✓		Concerns for properly designed septic system. To keep septic from leaching into to ground and becoming part of run-off.

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)
A 24" pipe will be installed under driveway entrance from San Ramo		Applicant (at request of LUAC) addressed driveway pipe at entrance to property from San Ramo.
Elevations of retaining walls for hillside driveway show heights and detailing to reduce visual impacts from San Ramo Rd.		
A 24" pine at corner of hammer head turn around is considered "landmark". Redesign hammer head to retain tree.		
Workshop must not be allowed to become a guest unit at later date.		

ADDITIONAL LUAC COMMENTS

Entrance pilars at street will be stucco and color to match stucco paint on house.

Redesigned front elevation which is great improvement over earlier plan. Post & cable of balcony design will cut down on reflection of glass from San Ramo Rd.

All lighting of decks, entrance to residence, and entrance pilars at street and all other exterior lighting must be down cast to avoid visual impacts for neighbors at night.

Driveway surface to be concrete - textured for safety.

RECOMMENDATION:

Motion by: Mehreen - motion to approve <sup>with condition</sup> (LUAC Member's Name) to retain landmark tree and redesign parking turnaround. No pumping in guest house/workshop.

Second by: Wald (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above) Retain landmark pine at corner of hammer head parking turnaround.

Continue the Item

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

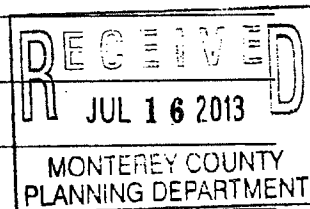
Continued to what date: \_\_\_\_\_

AYES: 4 (Mehreen, Wald, Louis, Rainer)

NOES: None

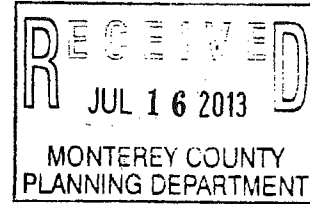
ABSENT: Jeselnick (1)

ABSTAIN: None



# 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: **July 1, 2013**

**Project Title:** THE ROP TRUST  
**File Number:** PLN130146  
**File Type:** ZA  
**Planner:** MONTANO  
**Location:** 32691 COAST RIDGE DR CARMEL

**Project Description:**  
Combined Development consisting of: 1) Coastal Development permit to allow development within 750 feet of a known archaeological resource; 2) Variance for encroachment of an existing second story deck and a new second story addition to encroach into the required 50 foot front yard setback; and 3) Design Approval to allow the construction of a 450 square foot first floor addition, a 608 square foot second floor addition, 45 square foot addition to the existing 260 square foot deck located on the garage and entry to court yard and new doors and windows, repaint the single family dwelling, replace roof and relocate existing interior fireplace to exterior. The colors and materials consist of tile roof with copper gutters, faux wood for beams and garage doors, windows trims of beige and Navajo Sand for dwelling; grading less than 100 cubic yards of cut and fill. The property is located at 32691 Coast Ridge Road, Carmel (Assessor's Parcel Number 243-292-001-000), Carmel Land Use Plan, Coastal Zone.

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

*~~Darran Davis designer / agent~~  
Wanderwege - architect*

Was a County Staff/Representative present at meeting? Anna Puringa (Name)

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Patricia Dahl 32694 Coast Ridge	✓		Concerns for drainage down steep driveway and across Coast Ridge Drive into neighboring properties. Black rubber mats in gutter at bottom of driveway must be removed as they impede drainage in gutter.

**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)
Second floor office has a closet which signifies bedroom.		
Deck at 2nd story is being restored and is no longer enclosed so should not be counted as liveable space only partial liveable space.		
Existing variance is being applied for encroachment of second story deck and also variances for encroachment in 50ft. set back.		

**ADDITIONAL LUAC COMMENTS**

Project Description needs to be corrected according to colors and materials.  
 New additions will occur at south end of residence.  
 Relocation of interior fireplace and chimney to exterior of residence.  
 Please have Public Health Dept. address septic system and leach field locations.  
 All exterior lighting of decks and balconies must be down cast and shaded to avoid light impacts.

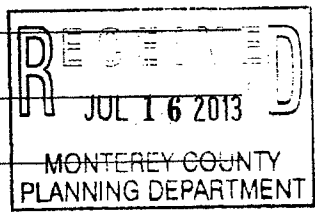
**RECOMMENDATION:**

Motion by: Rainer - motion to continue (LUAC Member's Name)  
 for samples of materials (roof tiles) and exterior paint colors for LUAC review  
 Second by: Mehreen (LUAC Member's Name)

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

Reason for Continuance: Need roofing materials, and exterior color samples  
 Continued to what date: July 15, 2013

AYES: 4 (Davis, Mehreen, Wald, Rainer)  
 NOES: None  
 ABSENT: Jeselnick  
 ABSTAIN: None

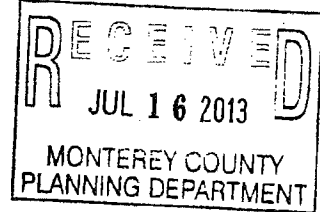


# Action by Land Use Advisory Committee Project Referral Sheet

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: **July 1, 2013**



**Project Title:** MEDERO FREDERICK RICHARD & JOANNE TRIMBLE TRS

**File Number:** PLN130128

**File Type:** ZA

**Planner:** NEGRETE

**Location:** 26247 SCENIC RD CARMEL

**Project Description:**

Combined Development Permit consisting of a: 1) Coastal Administrative Permit for the demolition of existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property line and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval. Colors and materials to consist of cement plaster siding, clay tile roofing, piecast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill. No tree removal proposed. The property is located at 26247 Scenic Road, Carmel (Assessor's Parcel Number 009-432-028-000), Carmel Land Use Plan, Coastal Zone.

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

Was a County Staff/Representative present at meeting? *Anna Quenga* (Name)

**PUBLIC COMMENT:**

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



**LUAC AREAS OF CONCERN**

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
30 ft. front yard set back must be maintained. No porch or pillars should encroach on set back.		
Due to extensive ground level amount of granite and need for heavy equipment removal neighbors should be warned of excavation activities. Media room below ground level must be carefully excavated.		
New owners and design of house should not detract from Jeffers Tor House to the right of this property.		(*) Applicant should work closely with Jeffers Tor House (and tower).

**ADDITIONAL LUAC COMMENTS**

Driveway will be sand set pavers  
 Five place is gas (not wood burning). Cut stone chimney on exterior of residence is only at 2nd level of house and does not go to ground level.  
 Demolition of existing house should be done carefully so no damage to Jeffers house and tower occurs. Any jack hammering of granite rock or droppings under existing house and else where on property must not affect stability of neighboring properties. Erosion control must not allow any water drainage across scenic Drive, down cliff into Pacific Ocean.  
**RECOMMENDATION:** All exterior lighting must be at a minimum and down cast in this visually scenic location.

Motion by: Davis - to approve with (LUAC Member's Name)  
 condition that exterior colors come back to committee for review.  
 Second by: Meheeen (LUAC Member's Name)

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

One LUAC member felt very strongly that design of this house does NOT fit rustic location of this project.

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

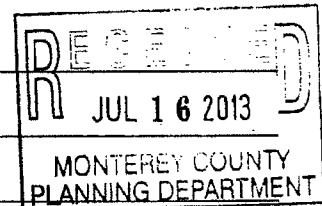
Continued to what date: \_\_\_\_\_

AYES: 4 (Davis, Wald, Meheeen, Rainier)

NOES: 0 None

ABSENT: Jeselnick

ABSTAIN: 0 None



# Exhibit F

Appendix C

## Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #
-------

Project Title: Fred and Joanne Medero

Lead Agency: County of Monterey

Contact Person: Valerie Negrete

Mailing Address: 168 West Alisal Street

Phone: 831-755-5227

City: Salinas

Zip: 93906

County: Monterey

Project Location: County: Monterey City/Nearest Community: Carmel

Cross Streets: Stewart Way and Ocean View Avenue Zip Code: 93923

Longitude/Latitude (degrees, minutes and seconds): \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " N / \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ " W Total Acres: \_\_\_\_\_

Assessor's Parcel No.: 009-432-028-000 Section: \_\_\_\_\_ Twp.: \_\_\_\_\_ Range: \_\_\_\_\_ Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: 1 Waterways: Pacific Ocean

Airports: \_\_\_\_\_ Railways: \_\_\_\_\_ Schools: \_\_\_\_\_

### Document Type:

CEQA:  NOP  Draft EIR NEPA:  NOI Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec (Prior SCH No.)  Draft EIS  Other: \_\_\_\_\_  
 Mit Neg Dec Other: \_\_\_\_\_

### Local Action Type:

General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: \_\_\_\_\_

### Development Type:

Residential: Units 1 Acres .12  Transportation: Type \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Power: Type \_\_\_\_\_ MW  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD  
 Educational: \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
 Recreational: \_\_\_\_\_  Other: \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD

### Project Issues Discussed in Document:

Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other: \_\_\_\_\_

### Present Land Use/Zoning/General Plan Designation:

MDR/2-18 (CZ)

### Project Description: (please use a separate page if necessary)

Combined Development Permit consisting of a: 1) Coastal Administrative Permit for the demolition of existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property line and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval. Colors and materials to consist of cement plaster siding, clay tile roofing, piecast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill. No tree removal proposed.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2008

**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".  
If you have already sent your document to the agency please denote that with an "S".

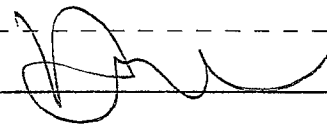
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board                 | <input type="checkbox"/> Office of Emergency Services                        |
| <input type="checkbox"/> Boating & Waterways, Department of             | <input type="checkbox"/> Office of Historic Preservation                     |
| <input type="checkbox"/> California Highway Patrol                      | <input type="checkbox"/> Office of Public School Construction                |
| <input checked="" type="checkbox"/> Caltrans District #5                | <input type="checkbox"/> Parks & Recreation, Department of                   |
| <input type="checkbox"/> Caltrans Division of Aeronautics               | <input type="checkbox"/> Pesticide Regulation, Department of                 |
| <input type="checkbox"/> Caltrans Planning                              | <input type="checkbox"/> Public Utilities Commission                         |
| <input type="checkbox"/> Central Valley Flood Protection Board          | <input type="checkbox"/> Regional WQCB # _____                               |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy             | <input type="checkbox"/> Resources Agency                                    |
| <input checked="" type="checkbox"/> Coastal Commission                  | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input type="checkbox"/> Colorado River Board                           | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of                    | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input type="checkbox"/> Corrections, Department of                     | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Delta Protection Commission                    | <input type="checkbox"/> State Lands Commission                              |
| <input type="checkbox"/> Education, Department of                       | <input type="checkbox"/> SWRCB: Clean Water Grants                           |
| <input type="checkbox"/> Energy Commission                              | <input type="checkbox"/> SWRCB: Water Quality                                |
| <input checked="" type="checkbox"/> Fish & Game Region #4               | <input type="checkbox"/> SWRCB: Water Rights                                 |
| <input type="checkbox"/> Food & Agriculture, Department of              | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input type="checkbox"/> Forestry and Fire Protection, Department of    | <input type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> General Services, Department of                | <input type="checkbox"/> Water Resources, Department of                      |
| <input type="checkbox"/> Health Services, Department of                 | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Housing & Community Development                | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Integrated Waste Management Board              |  |
| <input checked="" type="checkbox"/> Native American Heritage Commission |  |

**Local Public Review Period (to be filled in by lead agency)**

Starting Date July 29, 2013 Ending Date August 28, 2013

**Lead Agency (Complete if applicable):**

Consulting Firm: _____	Applicant: <u>Darren A. Davis</u>
Address: _____	Address: <u>2150 Garden Road, Suite B-3</u>
City/State/Zip: _____	City/State/Zip: <u>Monterey, CA 93940</u>
Contact: _____	Phone: <u>(831) 646-5986</u>
Phone: _____	

Signature of Lead Agency Representative:  Date: July 26, 2013

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

County of Monterey  
 State of California  
**MITIGATED NEGATIVE DECLARATION**

**FILED**  
 JUL 26 2013  
 STEPHEN L. VAGNINI  
 MONTEREY COUNTY CLERK  
 DEPUTY

<b>Project Title:</b>	Frederick Richard Medero and Joanne Trimble TRS
<b>File Number:</b>	PLN130128
<b>Owner:</b>	Frederick Richard Medero and Joanne Trimble TRS
<b>Project Location:</b>	26247 Scenic Road, Carmel, Ca 93923
<b>Primary APN:</b>	009-432-028-000
<b>Project Planner:</b>	Valerie Negrete
<b>Permit Type:</b>	Combined Development Permit
<b>Project Description:</b>	Combined Development Permit consisting of a: 1) Coastal Administrative Permit for the demolition of existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property line and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval. Colors and materials to consist of cement plaster siding, clay tile roofing, precast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill. No tree removal proposed. The property is located at 26247 Scenic Road, Carmel (Assessor's Parcel Number 009-432-028-000), Carmel Land Use Plan, Coastal Zone.

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

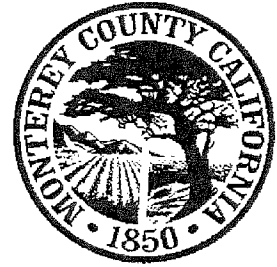
- a) That said project will not have the potential to significantly degrade the quality of the environment.
- b) That said project will have no significant impact on long-term environmental goals.
- c) That said project will have no significant cumulative effect upon the environment.
- d) That said project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

<b>Decision Making Body:</b>	Zoning Administrator
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	July 29, 2013
<b>Review Period Ends:</b>	August 28, 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 MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY ZONING ADMINISTRATOR

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (Medero, File Number PLN130128) at 26247 Scenic Road, Carmel) (see description below).

The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. The Mitigated 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 August 29, 2013 at 1:30 in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. Written comments on this Mitigated Negative Declaration will be accepted from July 29, 2013 to August 28, 2013. Comments can also be made during the public hearing.

**Project Description:** Combined Development Permit consisting of a: 1) Coastal Administrative Permit for the demolition of existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage and 758 square foot basement, new stone 11 foot outdoor fireplace at western corner of the lot, new 6 foot high redwood grape stake fence on the side and rear property line and; 2) a Coastal Development Permit for development within 750 feet of a known archaeological resource and 3) Design Approval. Colors and materials to consist of cement plaster siding, clay tile roofing, piecast stone and metal clad windows. Grading of approximately 540 cubic yards of cut and 170 cubic yards of fill. No tree removal proposed. The property is located at 26247 Scenic Road, Carmel (Assessor's Parcel Number 009-432-028-000), 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: Medero; File Number PLN130128

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. Carmel Highlands Fire Protection District, Mark Mondragon
8. Monterey County Water Resources Agency
9. Monterey County Public Works Department
10. Monterey County Parks Department
11. Monterey County Environmental Health Bureau
12. Fred and Joanne Medero, Owner & Applicant
13. Darren Davis, Agent
14. Michael Harrington, C/O Brian Finegan A Professional Corporation
15. The Open Monterey Project
16. LandWatch
17. Property Owners within 300 feet (**Notice of Intent only**)

### **Distribution by e-mail only (Notice of Intent Only):**

16. Michael Stamp (Stamp@stamlaw.us)
17. Margaret Robbins (MM\_Robbins@comcast.net)
18. Michael Weaver (michaelrweaver@mac.com)
19. Monterey/Santa Cruz Building & Construction (Office@mscbctc.com)
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# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

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

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



## *INITIAL STUDY*

### *I. BACKGROUND INFORMATION*

**Project Title:** Frederick Richard Medero and Joanne Trimble TRS

**File No.:** PLN130128

**Project Location:** 26247 Scenic Road, Carmel, Ca 93923

**Name of Property Owner:** Frederick Richard Medero and Joanne Trimble TRS

**Name of Applicant:** Darren Davis

**Assessor's Parcel Number(s):** 009-432-028-000

**Acreage of Property:** .13 ac.

**General Plan Designation:** Carmel Land Use Plan

**Zoning District:** MDR/2-18 (CZ)

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

**Prepared By:** Steve Mason/Valerie Negrete

**Date Prepared:** July 25, 2013

**Contact Person:** Valerie Negrete, Assistant Planner

**Phone Number:** 831-755-5227



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

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

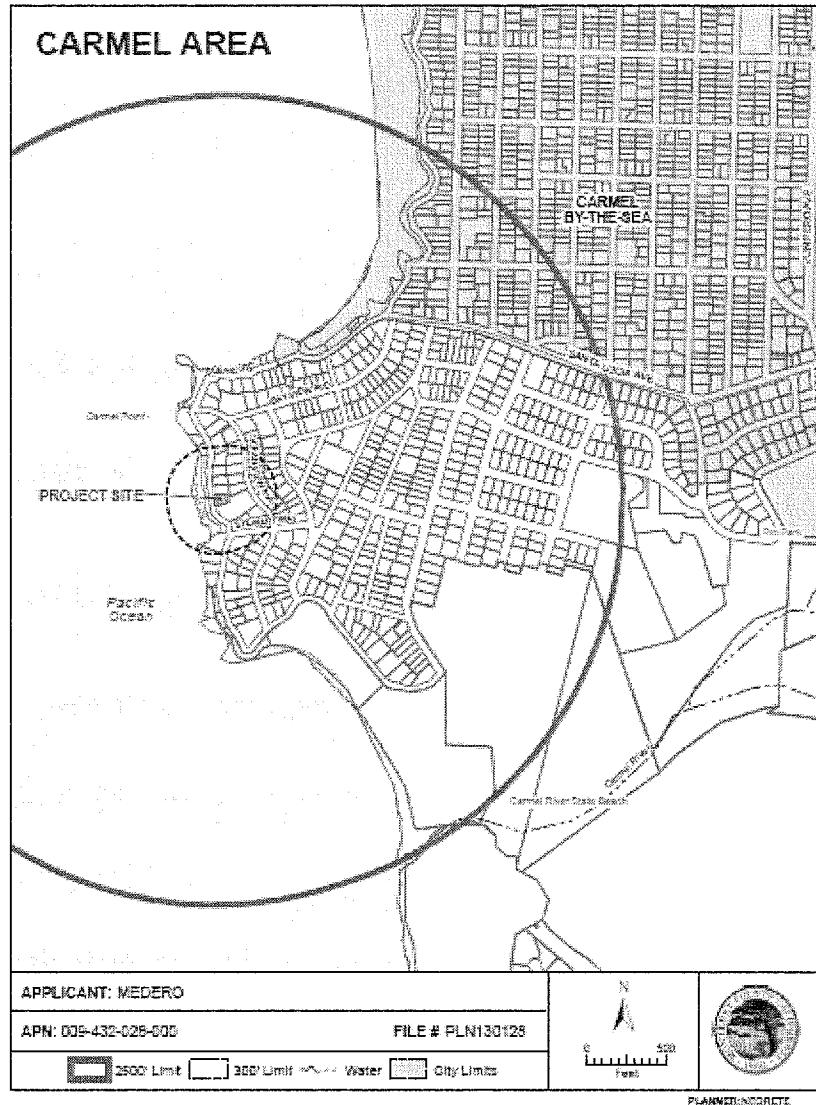
The site is located at 26247 Scenic Road, Carmel. The proposed project consists of a Coastal Administrative Permit for the demolition of an existing 2,313 square foot single family dwelling to construct a new 2,724 square foot single family dwelling, 190 square foot veranda, a 494 square foot underground garage with a 758 square foot basement, a new stone 11 foot-tall outdoor fireplace in the rear yard, a new 6 foot high redwood grape stake fence on the side and rear property lines and a Coastal Development Permit to allow development within 750 feet of a known archaeological resource and Design Approval. The project will require grading of 540 cubic yards of cut and 170 cubic yards of fill for an expansion to the existing basement and leveling of the existing driveway. No tree removal is proposed. The site is accessed directly off of Scenic Road.

**B. Surrounding Land Uses and Environmental Setting:** The subject property is a 6,055 square foot parcel located in the unincorporated area of Carmel-By-The-Sea between Stewart Way and Ocean View Ave. The project parcel is on a rise and sits above and to the east of Scenic Road. The site elevation ranges from approximately 30 feet to 42 feet above mean sea level. The lot depth is 102 linear feet along the north property line and 100 linear feet along the south. There is an approximate 10 percent slope on the property from the high point in the rear down to Scenic Drive. A portion of the existing house extends out over a large section of exposed granitic bedrock. Vegetation on the project parcel consists of mature cypress trees and various non-native ornamentals. Currently, there is a 2,313 square foot, single-family, single-story house with an attached garage on the project parcel that was constructed in 1967. Most of the parcel is covered by the existing house and pavement and concrete. There are, however, places at the margins of the property where soils are exposed. The soils are also exposed at the top of the driveway under the house. The house is part of a neighborhood of one and two story houses of many of ages, sizes, styles and materials. The site is landscaped with little native vegetation on site with only a few isolated native plants present. Trees on the property are planted Monterey Cypress (*Hesperocyparis macrocarpa*). Some Monterey pines (*Pinus radiata*) and coast live oaks (*Quercus agrifolia*) are present in some of the yards in the local area and are remnants of former natural populations. A biological report determined that there are no areas of concern present on the site and the closest sensitive habitat is the rocky intertidal habitat (located along Scenic by the ocean) approximately 135 feet away from the development.

The project is located within an undetermined seismic hazard zone and with ¼ mile of an earthquake fault. A geotechnical investigation with geologic considerations determined that the soil conditions are suitable for the proposed new residential building at the project site with the recommendations noted in the report.

The subject property is located within a “high” archaeological sensitivity zone. Pursuant to Section 20.146.090 CIP, an archaeological survey shall be required for a development within a high archaeological sensitivity zone as mapped on current county resource maps. Accordingly, an archeological report and supplemental report have been prepared for the parcel.

Vicinity Map:



**C. Other public agencies whose approval is required:** The project is in a location where appeals of a County decision for 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

**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 checked="" 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. Section IV. 9 below (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 (refer to *Local Coastal Program-LUP* discussion below); or conflicts with any applicable habitat conservation plan or natural community conservation plan. The proposed project will demolish and replace a single family residence on a parcel designated for a single family residence the project is therefore consistent with the General Plan Designation. **CONSISTENT**

Air Quality Management Plan (AQMP).

Consistency with the AQMP is an indication of a project’s cumulative adverse impact on regional air quality (ozone levels). 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. Therefore, the project will be consistent with the AQMP. **CONSISTENT**

Water Quality Control Plan.

The Regional Water Quality Control Board (RWQCB) incorporates the County’s General Plan in its preparation of regional water quality plans. In addition, the project is consistent with the parameters required for a Regional Board Subsurface Disposal Exemption. Section VI. 8 (Hydrology and Water Quality) below discusses whether the proposed project violates any water quality standards or waste discharge requirements, substantially depletes groundwater supplies or interferes substantially with groundwater recharge, substantially alters the existing drainage pattern of the site or area or creates or contributes runoff water that would exceed the capacity of existing or planned stormwater drainage. **CONSISTENT**

Local Coastal Program – LUP

The proposal was reviewed for consistency with the Carmel Area Land Use Plan (CLUP). Section IV. 9 (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. The local Carmel Area Land Use Plan contains policies for protection of the Coastline, biological resources, visual resources and archaeological resources. Compliance with the policies of the LUP will protect these resources. As discussed below, the proposed project is consistent with the Carmel Area LUP. **CONSISTENT**

***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"/> 1. Aesthetics               | <input type="checkbox"/> 2. Agriculture and Forest Resources | <input checked="" type="checkbox"/> 3. Air Quality                         |
| <input checked="" type="checkbox"/> 4. Biological Resources -   | <input checked="" type="checkbox"/> 5. Cultural Resources -  | <input checked="" type="checkbox"/> 6. Geology/Soils                       |
| <input checked="" type="checkbox"/> 7. Greenhouse Gas Emissions | <input type="checkbox"/> 8. Hazards/Hazardous Materials      | <input type="checkbox"/> 9. Hydrology/Water Quality                        |
| <input type="checkbox"/> 10. Land Use/Planning                  | <input type="checkbox"/> 11. Mineral Resources               | <input checked="" type="checkbox"/> 12. Noise                              |
| <input type="checkbox"/> 13. Population/Housing                 | <input type="checkbox"/> 14. Public Services                 | <input type="checkbox"/> 15. Recreation                                    |
| <input checked="" type="checkbox"/> 16. Transportation/Traffic  | <input type="checkbox"/> 17. Utilities/Service Systems       | <input checked="" type="checkbox"/> 18. 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.

**FINDING:** For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or

maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

**EVIDENCE:** Many of the above topics on the checklist do not apply. Less than significant or potentially significant impacts are identified for cultural resources, aesthetics, geologic and soils. Mitigation measures are provided as warranted. The project will have no quantifiable adverse environmental effect on the categories not checked above, as follows:

2. Agricultural Resources. The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance and project construction would not result in conversion of prime agricultural lands to non-agricultural uses. The project site is located within an urban area and is not located adjacent to agriculturally designated lands. (Source: (Note: all sources cited in this document are listed in section IX) IX.1, 2, 5 & 6) *Therefore, the proposed project will have no impacts related to Agricultural Resources.*

8. Hazards/Hazardous Materials. The proposal involves residential development where there would be no use of hazardous materials that would constitute a threat of explosion or other significant release that poses a threat to neighboring properties. The project, given the nature of its proposed use (one single-family residence), would not involve the transport, use, or disposal of hazardous materials. There are no known hazards or hazardous materials associated with this project. The proposed residence would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. The Cypress Fire Protection District reviewed the project application and recommended conditions of approval regarding fire safety, including a fire sprinkler system. (Source: 1, 5 & 6). *Therefore, the proposed project would have no impacts related to Hazards/Hazardous Materials.*

9. Hydrology/Water Quality. The proposed project will not violate any water quality standards or waste discharge requirements nor substantially alter the existing drainage pattern of the site or area. The proposed project is not located within a 100 year floodplain and would not impede or redirect flood flows. The County requires that new development in the Cal-Am service area to employ water conservation techniques to the greatest possible extent. This would include, among other things, use of water-saving fixtures, retention of native vegetation, and use of drought-tolerant landscaping (CALUP 3.2.3.3). The California American Water Company currently provides and will continue to provide water for the property. Fixtures will be replaced with low flow and water saving facilities. The Monterey County Water Resources Agency and Environmental Health Division have reviewed the project application and as conditioned deemed that the project complies with applicable ordinances and regulations. (Source: 1, 2, 3, 4, 5 & 6). *Therefore, the proposed project would have no impacts related to Hydrology/Water Quality.*

10. Land Use/Planning The project will not physically divide an established community nor disrupt, divide, or otherwise have a negative impact upon the existing neighborhood or adjacent properties. The project does not conflict with any applicable land use plan, policy or habitat conservation plan. All future development within the Carmel Coastal segment must be clearly

consistent with and subordinate to the foremost priority of protecting the area's scenic beauty and natural resource values (CALUP 4.4.1). The parcel is zoned for Medium Density Residential Use and the project as proposed meets all the site development standards including the 18-foot height limit (Source: 1, 2, 3, 4, 5 & 6). *Therefore, the proposed project will have no impacts related to Land Use/Planning.*

11. Mineral Resources. No mineral resources have been identified or would be affected by this project (Source: 1, 3, 5 & 6). *Therefore, the proposed project would have no impacts related to Mineral Resources.*

13. Population/Housing. As this is a replacement of an existing structure, the proposed project would not induce substantial population in the area, either directly through the replacement of one single-family home within a residential area or indirectly as no new infrastructure would be extended to the site. The project would not alter the location, distribution, or density of human population in the area in any significant way, or create a demand for additional housing (Source: 1, 2, 3 & 5). *Therefore, the proposed project would have no impacts related to Population and Housing.*

14. Public Services. The project would have no substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, such as fire, police, schools and parks. There will be no measurable effect on existing public services in that the incremental increase demand would not require expansion of any services to serve the project. The proposed project consists of the construction of one new single-family home to replace an existing single family home proposed for demolition which is currently being served by existing services and utilities. The Monterey County Water Resources Agency, Monterey County Public Works Department, the Environmental Health Division, and the Cypress Fire Protection District have reviewed the project. These agencies provided comments on the project, which will be incorporated into the project as conditions of approval. None of the County departments / service providers indicated that this project would result in significant impacts (Source: 1, 2, 3 & 5). *Therefore, the proposed project would have no impacts related to Public Services.*

15. Recreation. The proposed project would not 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 nor does it include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Public Access shall be protected and provided where consistent with public safety needs and the need to protect the rights of private property owners and natural resource areas from overuse (CALUP 5.3.1). No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project (Source: IX. 1, 2, 3 & 5). *Therefore, the proposed project would have no impacts related to Recreation.*

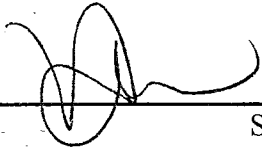
17. Utilities/Service Systems. The proposed project currently has sufficient water supplies and a wastewater treatment provider available to service the existing single family dwelling. The

proposed project will also have sufficient landfill permitted capacity. The proposed project consists of the replacement of an existing single family home with existing public utilities and services provided by California American Water Company and the Carmel Area Wastewater District (Source: 1, 3, 5 & 6). *Therefore, the proposed project would have no impacts related to Utilities and Service Systems.*

**B. DETERMINATION**


On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature

*Valerie Negrete*

*Steve Mason*

  
\_\_\_\_\_  
Date

*Assistant Planner*

*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? (Source: 1, 3, 4, 5 & 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? (Source: 1, 3, 4, 5 & 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? (Source: 1, 3, 4, 5 & 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? (Source: 1, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

#### Aesthetics 1(a), (b), (c), (d) - Less Than Significant Impact

The proposed building site is located on an existing parcel that is visible from Scenic Road, which is a designated scenic roadway. In order to protect the scenic character of the area, the Carmel Area Land Use Plan implements Policy 2.2.3.6 which states: *Structures shall be subordinate to and blended into the environment, using appropriate materials that that effect. Where necessary, modification of plans shall be required for siting, structural design, color, texture, building materials, access and screening.* The proposed structure is located in a residential neighborhood with other dwellings of varying eclectic designs and architectural styles, but similar size, colors and materials, and is not expected to be construed as visually inconsistent with surrounding structures. The proposed structure will maintain the 18' height limit required in this area and will comply with the maximum coverage requirement. The demolition of the existing, and construction of the new single-family dwelling which will be visually consistent with the surrounding, and similar, single-family dwellings, is not expected to have an effect on a scenic vista, damage scenic resources, degrade the existing visual character of the site and its surroundings, nor create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

**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>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 3, 5 & 6)	<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, 5 & 6)	<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, 5 & 6)	<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, 5 & 6)	<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, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.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, 6 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 5, 6 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 5, 6 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 5, 6 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 5, 6 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 5, 6 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

**Air Quality**

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

**Conclusion:**

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

The development on the project site for a single family home will be in accordance with the AMBAG population projections, which is accommodated in the AQMP. 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 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 single family homes involve the site grading activities (Source: IX. 1 & 8). *Therefore, the project will have no impact on implementation of the Air Quality Plan or expose people to substantial pollutants or objectionable odors.*

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

The CEQA Air Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM<sup>10</sup> to be 2.2 acres of disturbance per day. As less than 2.2 acres will be disturbed by this project, the grading proposed will not constitute a significant impact. Grading of the project site will result in minor increases in emissions from construction vehicles and dust generation. Source: IX. 1 & 5). *Therefore, the impacts to Air Quality from construction vehicles and equipment will be less than significant.*

<b>4. BIOLOGICAL RESOURCES</b>	Less Than Significant			
<b>Would the project:</b>	Potentially Significant Impact	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, 3,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 3,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 3,12)	<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, 3,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4.	BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The property is located on Scenic Road facing Pacific Ocean and located within the Carmel Area Land Use Plan. The Carmel Area Land Use Plan identifies rocky intertidal areas and kelp beds as being Environmentally Sensitive Habitat (ESHA). Map B of the Carmel Area LUP shows that the area along the coast contains both Kelp Beds and intertidal habitat areas. The project is located over 100 feet from this habitat. A Biological report was prepared in order to assess possible impacts to any plant and wildlife species. The site is heavily landscaped and does not contain any environmentally sensitive habitat area. According to the biological report there were only a few remnant native plants and several naturalized, non-native weeds, however virtually every plant observed was part of the landscaping and had been planted.

**Biological Resources (a) - No Impact**

The most abundant sensitive habitat in Monterey County is central maritime chaparral. Although there are records for plants characteristic of the central maritime chaparral plant community within a one mile radius of the property, no central maritime chaparral habitat was observed on or close to the landscaped property. No sensitive habitat was observed on the property. The closest sensitive habitat to the property is the rocky intertidal habitat to the west of the property, on the other side of Scenic Road. The closest distance to this habitat from the area of proposed new development is approximately 135 feet. The closest distance to this habitat from the boundary of the property is approximately 105 feet. *Therefore the project will have no 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.*

**Biological Resources (b) - No Impact**

Prior to development, the environment of the project area was most likely northern coastal bluff scrub vegetation with some central coastal scrub vegetation and perhaps some scattered coast live oaks and Monterey pines. The central coastal scrub vegetation would be likely to become more common further away from the immediate coast as would the coast live oaks and Monterey pines. This is the typical vegetation mosaic seen on the gentler, western facing slopes near the immediate coast in the Carmel area. The closest native plant community to the property is some rather disturbed central coastal scrub vegetation on the neighboring parcel to the south, which is part of the Robinson Jeffers Tor House Property. The site is not located in a riparian habitat or other sensitive natural community. According to the California Department of Fish and Game Natural Diversity Data Base records for the Monterey Quadrangle there are no sensitive plant species identified around the property. *Therefore, the project will have no impact on 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*

**Biological Resources (c) - No Impact**

The closest wetlands to the Medero Property are approximately .25 mile to the southeast of the property, bordering the Carmel River and Carmel River lagoon in the Carmel River Lagoon and Wetlands Nature Preserve. The area between these wetlands and the subject property is entirely developed residential. There will be no direct filling or grading in any wetland. The project is not immediately adjacent to the coastline or a coastal bluff so it will not cause erosion along the coastline. *Therefore, the project will no impact 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*

**Biological Resources (d) - No Impact**

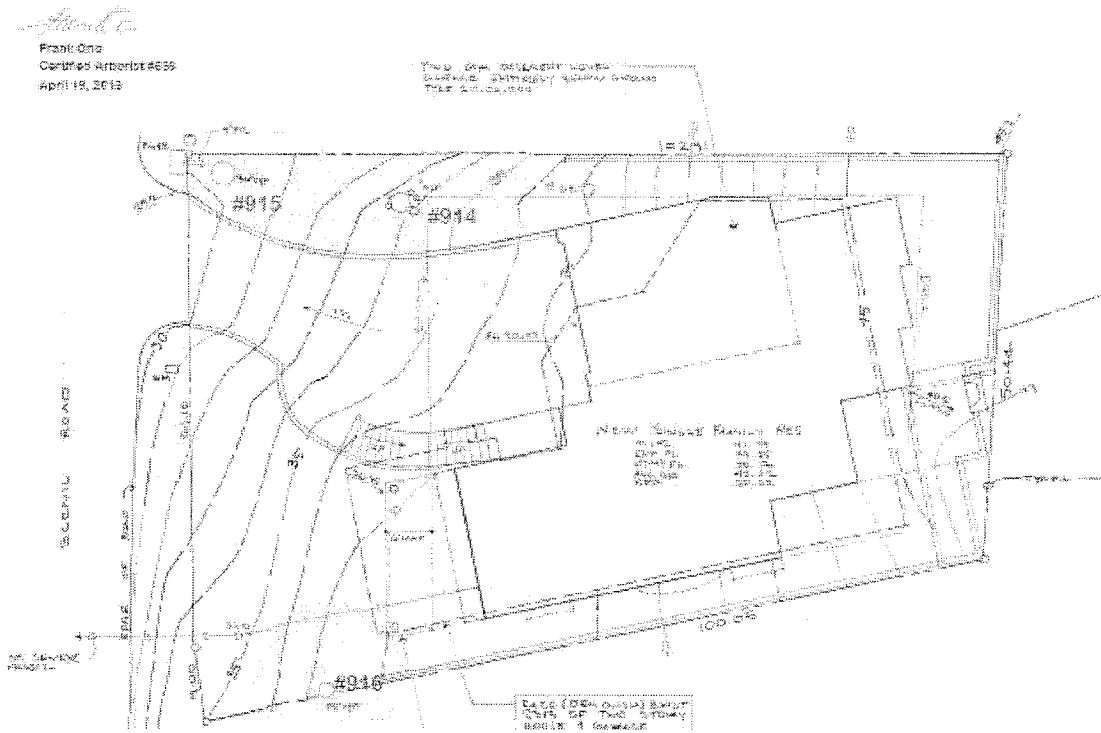
There are no sensitive animal species known to occur on the site from California Department of Fish and Game Natural Diversity Data Base records for the Monterey Quadrangle and surrounding area. There are records for three sensitive species of animals within a one mile radius of the property. They are the California red-legged frog, monarch butterfly and steelhead. There is a low probability for the occurrence California red-legged frog and monarch butterfly on a property that has been developed and landscaped to the degree observed. *Therefore, there is no impact to 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*

**Biological Resources (e) (f) - Less than Significant Impact**

There are three Monterey Cypress trees on the property which are not native, but planted trees. Some Monterey pines (*Pinus radiata*) and coast live oaks (*Quercus agrifolia*) are present in some of the yards in the local area and some of these could be remnants of former natural populations.

An Arborist Report prepared by Frank Ono the Monterey Cypress trees on site (referred to as 914, 915 and 916). The three Monterey Cypress trees are 25” in diameter (Tree #916) and 36” in diameter (Trees #914 and #915). The Local Coastal Plan identifies these as Landmark Trees due to their size and thus they are protected. The impacts that affect these trees will be excavation for the driveway. Excavation up to six feet deep will encroach onto the existing root zone of Monterey cypress tree 914. The arborist report finds that this tree should be able to be retained because less than 25% of the root zone is being lost due to grading. The arborist report has recommended conditions of approval which will be implemented as part of the Coastal Development Permit for construction on this site. Part of these conditions will require that construction activities near the subject trees be monitored by a Certified Arborist in accordance with the recommendations in the Arborists report.

**Figure 1: Monterey Cypress on the site**



With standard conditions of approval the impact to the trees on site will be less than significant. *Therefore, the project will have a less than significant impact to any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

5. CULTURAL RESOURCES	Less Than Significant			
	Potentially Significant Impact	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, 4, 5, 6 & 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 3, 4, 5, 6 & 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 3, 4, 5, 6 & 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



5.	CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 4, 5, 6 & 10)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The Carmel area shoreline from Carmel Point to Point Lobos Reserve contains one of the densest remaining concentrations of shellfish gathering activities by native American populations in central California. These archaeological deposits have been identified as a highly significant and sensitive resource. As such, archaeological surveys shall be required for all development within close proximity of known sites. Such surveys shall be performed by qualified individuals (**Policy 2.8.3.5 Carmel Area Land Use Plan**).

**Historic Resources 5(a) - No Impact.**

The proposed project includes the demolition of an existing single family dwelling. This single family dwelling was constructed 1966. There is no record indicating that this house was the site of any significant historic event. The structure is not listed in any registrar of historic places and has no historical significance. Therefore, CEQA Section 21084.1, requiring that any substantial adverse effect to a known historic resource be considered a significant environmental effect, does not apply to this project. There is no impact to a Historic Resource.

**Cultural Resources 5(b), 5(c), & 5(d) – Less than significant with mitigation incorporated.**

Specifically, the subject property is located within a “high” archaeological sensitivity zone. Pursuant to Section 20.146.090 CIP, an archaeological survey shall be required for a development within a high archaeological sensitivity zone as mapped on current county resource maps.

Two Archaeological Reports have been prepared for this parcel, one in March, 2013 and another in June, 2013. The results and recommendations were the same in both instances. The archaeologist found that due to the building foundation, patio, driveway, etc., test augering areas are limited on the subject parcel but two auger holes were drilled on each side of the existing driveway. There was no shell or any other constituent that define a ‘site’. There was only dark brown loamy sand to dark brown sand present with various sized granitic pebbles ranging in size from approximately ½ centimeter to approximately 4 centimeters. The auger hole on the south side of the driveway was drilled to 70 centimeters when the soils changed color and the fine dark brown sand stopped. At 70 centimeters the color of the soils changed significantly to 7YR 5/8, “true brown (Munsell Color Series)” which looks brownish orange. On the North side of the driveway the auger hole went to 50 centimeters and found exactly the same type of soil with the same constituents. There was no evidence of marine shell or any other material that suggests this is part of an archaeology site.

Howard G. Carter, the engineer who worked in the original (existing) house wrote:

*We believe that after the site is excavated, the wall footing will rest on rock or firm decomposed granite soil. Such material will be capable of supporting in excess of 2000 psf. Should the contractor encounter other bearing material at the footing level, the size of footings may be adjusted at the time (Carter 1966, p.2).*

This supports the current soils engineer's statement that most of the soils have been removed from the project parcel. In bore hole 3 on the north (See Figure 5 of soils report) soil cuttings reveal "Dark brown – grayish brown sand, (dark brown) fine (grayish brown) fine to coarse, subangular to round granite base" (Grice, 1966, Appendix B). In Bore Hole 4 at the rear of the existing house soils engineer hit weathered granite" at one foot in depth (Grice 2013, Appendix B). In Bore Hole 5 they hit weathered granite at a depth of one foot. Therefore, the areas where we could not auger (as described below) appear to be incapable of holding native soil."

The archaeologist identified that the parcel adjacent to the project site, 009-432-021, has visible midden with shell fragments visible from eroding along Scenic Road. There are fragments of both abalone (*Haliotis* spp.) and mussel (*H. californicus*) shell in midden soils. The archaeologist identifies that the adjacent parcel is in a protected position from the windward position of the subject site. The subject site is on the front side of the dune, while the adjacent site is on the back or protected side of the dune.

The archaeologist also notes that the project site is located within the boundaries of a previously recorded archaeology site, CA-MNT-16 and is in close proximity to another site CA-MNT-17 is approximately 215 feet to the south. Human remains have been found within these sites. For these reasons archaeological monitoring is recommended during demolition and excavation.

**Mitigation Measure #1:**

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

**Monitoring Action #1:**

Prior to issuance of grading or building permits, this meeting shall occur and the Planning Department representative shall write a memo summarizing the issues discussed at the meeting. This memo shall be kept onsite with the construction plans.

**Mitigation Measure #2:**

An agreement between the applicant and a Registered Professional Archaeologist shall be signed stating that they shall be present during demolition of the existing single family dwelling, and during all excavation activities (including trenching for utilities and foundations). The agreement shall allow the archaeologist to make a determination that monitoring may cease during excavation if the remaining excavation is in either granite or material that clearly will not support cultural materials. In the event that the archaeologist will cease monitoring, written notice of that event shall be provided to the RMA-Planning Department prior to cessation of monitoring.

**Monitoring Action #2:**

A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to conducting on-site preconstruction meeting.

Additional on-going monitoring Action:

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

**Mitigation Measure #3:**

If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

- A. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- B. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- C. If the coroner determines the remains to be Native American:
  - i. The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.
  - ii. The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
  - iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or
  - iv. Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
  - v. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
  - vi. The descendent identified fails to make a recommendation; or
  - vii. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

**Monitoring Action #3:**

The archaeologist shall have permission to halt excavation or grading in order to inspect any cultural materials should they be present in the project soils. The archaeologist shall be permitted to screen these soils to determine whether or not they are significant. If significant archaeological deposits such as intact features—meaning burials, hearths, house pits, stone tool deposits—are encountered, work will stop until a new mitigation plan is developed to investigate these cultural materials. If artifacts are encountered that

are suitable for radiocarbon dating, a minimum of two radiocarbon dates shall be conducted. Any artifacts recovered shall be archived in the public domain.

If human remains are encountered all work shall be halted within 50 feet until the Native American Heritage Commission (CNAHC) is contacted and a Native American responds to the CNAHC with recommendations on how to treat the remains.

With the implementation of these Mitigation Measures the potential for impact to Archaeological resources is less than significant.

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? Refer to Division of Mines and Geology Special Publication 42. (Source: 1, 2, 3, 5, 6, 9 & 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 2, 3, 5, 6 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2, 3, 5, 6, 9 & 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 1, 2, 3, 5, 6, 9 & 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 2, 3, 5, 6, 9 & 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 2, 3, 5, 6, 9 & 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: 1, 2, 3, 5, 6, 9 & 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS		Less Than Significant	Less Than Significant	No Impact
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 2, 3, 5, 6, 9 & 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Geology and Soils 6 (a-i, iii & iv), (c), (d) & (e) - No Impact.**

According to County GIS sources and the Geotechnical and Geohazards Report commissioned for the project, the project site is rated as having “low” risk of liquefaction, and a “low/moderate” landslide risk. No fault traces are known to cross the proposed building site and the nearest B-type fault zone is the San Andreas Rift System located approximately 30 miles to the northeast. Therefore there will be no impact related to exposure of people to risk of loss, injury or death related to geologic events, unstable soil, or use of soil for septic.

**Geology and Soils 6 (a-ii) - Less Than Significant Impact.**

The Geotechnical and Geohazards Report commissioned for the project indicates that intensity of ground shaking in the event of a significant seismic event could create the potential for structural damage as influenced by local soil conditions. The Geotechnical Report Recommends that the structure be built in compliance with the 2010 California Building Code and founded on un undisturbed native soils or tested and accepted engineering fill to prevent resonance and amplification between soils and the structure. The building will be subject to the requirements of the 2010 California Building Code and will need to comply with the recommendations of the Geotechnical report, so no mitigation is needed for this and the impact will be less than significant.

**Geology and Soils 6 (b) - Less Than Significant Impact.**

The Geotechnical and Geohazards Report commissioned for the project indicates that loose and disturbed soils will be encountered. The project will be required to comply with standard erosion control measures, as outlined in the Monterey County Grading and Erosion Control Ordinances (Chapter 16.08 and 16.12) shall be observed throughout the demolition and construction process. Compliance with these provisions will limit the potential impact to 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, 3 & 8)	<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, 3 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The Office of Planning and Research (OPR) is the state-wide, comprehensive planning agency that is responsible for making policy recommendations and coordinating land use planning efforts. The OPR also coordinates the state-level review of environmental documents pursuant to the CEQA. Currently, the OPR's stance on greenhouse gases (GHG) significance thresholds has been to allow each lead agency to determine their own level of significance. At this time, the Monterey Bay Unified Air Pollution Control District (MBUAPCD) has not finalized specific GHG thresholds of significance. However, construction-related air quality impact thresholds are addressed in the MBUAPCD's Air Quality Management Plan (AQMP). The short-term impacts of the proposed project are well under said threshold. On October 24, 2008, the California Air Resources Board (CARB) released their interim CEQA significance thresholds for GHG impacts dictating that a project would be considered less than significant if it meets minimum performance standards during construction and if the project, with mitigation, would emit no more than approximately 7,000 million metric tons of carbon dioxide per year during operation. This projects impact is well below this CARB threshold. There are presently no County-based thresholds for GHG emissions.

The primary source of criteria air pollutant and GHG emissions would stem from the use of heavy equipment; including crew trucks and a bull dozers. However, heavy equipment use is anticipated to be limited in nature. Pollutant emissions resulting from heavy equipment use during construction are not anticipated to exceed significance thresholds established by the CARB for GHG because the duration of use is expected to be very limited.

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>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 5 & 6)	<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, 5 & 6)	<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, 5 & 6)	<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, 5 & 6)	<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, 5 & 6)	<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, 5 & 6)	<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, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.8

**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
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 2, 3, 4, 5 & 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, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 2, 3, 4, 5 & 6)	<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, 2, 3, 4, 5 & 6)	<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, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



**9. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2, 3, 4, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**  
See Section IV.9

**10. LAND USE AND PLANNING**

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

**Discussion/Conclusion/Mitigation:**  
See Section IV.10

**11. MINERAL RESOURCES**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source:1, 3, 5, & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.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, 3, 5 & 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source:1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 3, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source:1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source:1, 2, 3, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**Noise 12 (c), (e) & (f) - No Impact.**

The proposed project will not create a substantial permanent increase in ambient noise levels in the project vicinity. The project is not located within an airport land use plan or, within two miles of a public airport or public use airport or vicinity of a private airstrip. (Source: IX. 1, 2, 6, 7 & 8).

**Noise (a), (b) & (d) Less Than Significant With Mitigation Incorporated**

Pursuant to County Noise Control Ordinance, Section 10.60.030 (Operation of noise-producing devices restricted):

*No person shall, within the unincorporated limits of the County of Monterey, operate any machine, mechanism, device, or contrivance which produces a noise level exceeding eighty-five (85) dbA measured fifty (50) feet therefrom.*

As indicated by the project plans, and the geotechnical report commissioned for the project, the construction of the proposed additional basement space will require the removal of granite bedrock material. Removal of said material will require the use of jackhammers or similar heavy equipment which produce sound levels of approximately 130 decibels at close range and 95 decibels at a distance of 50 feet. Accordingly the following Mitigation Measure is required:

**Mitigation Measure #1**

Removal of granite bedrock will be limited to the absolute minimal time feasible, and shall be restricted to the hours between 9AM and 5PM. During the period of removal of granite bedrock requiring the use of any equipment which produces sound disturbance of 85 decibels or greater when measured at a distance of 50 feet, the applicant shall offer to provide alternative lodging to the immediate neighbors who due to the nature of their employment sleep during the day (Assessor’s Parcel Numbers 009-432-021-000, 009-432-026-000 and 009-432-029). Said lodging shall be located within the greater Carmel area and shall be rated at no lesser than “Four Diamonds” according to the AAA Approved Lodging Rating System.

<b>13. POPULATION AND HOUSING</b>	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)? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.13

<b>14. PUBLIC SERVICES</b>		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? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Police protection? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Schools? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Parks? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.4

<b>15. RECREATION</b>		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? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.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? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

At the present time, Highway 1 north of the Carmel River serves peak hour traffic volumes at Caltrans Levels of Service E and F, while south of the Carmel River the Level of Service is D to E during peak hours. To date, there has been adequate highway capacity to accommodate peak traffic flows, but only at very low levels of service characterized by congested and undesirable driving conditions which detract from the visitor’s enjoyment of the Carmel area.

**Transportation/Traffic 15(a) – Less than significant impact.**

Given that the project represents a replacement structure, construction on the project site will insignificantly increase traffic temporarily from trips generated by the individuals on the construction site. No adverse impact is expected. The temporary excavation for the basement

and driveway will require 540 cubic yards of cut and 170 cubic yards of fill will be part of this temporary traffic. As a standard practice the County requires a Construction Management Plan to show the truck route during. This will enable the County to manage the temporary truck traffic away from known areas and times of congestion, resulting in a less than significant impact.

**Transportation/Traffic 15 (b-g) –No Impact.**

The proposed project will not exceed a level of service standard established by the county or result in a change to traffic patterns (see discussion above), substantially increase hazards due to a design feature or result in inadequate emergency access or parking. The proposed project does not conflict with any adopted policies or programs supporting alternative transportation. The Public Works Department did not condition the project to require any traffic impact fees.

<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, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**  
See Section IV.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: 1,2,6,10,11,12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1,2,3,5,6,7) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1,7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1,2,5,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **Discussion/Conclusion/Mitigation:**

### **(a) No Impact**

The proposed site does not contain any environmentally sensitive habitat areas. The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community. The project as proposed and mitigated will not have the potential to degrade the environment. The potential for impacts to Cultural Resources (See Section VI. Number 5) is addressed through monitoring of the demolition and excavation on site. This site is not expected to contain any resources. Based upon these factors there is no impact expected.

### **(b) No Impact**

Because the project includes the replacement of a single family dwelling in almost the same location there is no foreseeable or observable cumulative impact to the environment (Source: Section VI above). The project would redevelop a site that has previously been developed.

### **(c) No Impact.**

There is no evidence in the record that the project will cause substantial effects to human beings (Source: Sections IV and VI above). 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 be none.

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 Wildlife. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

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

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to PLN130128 and the attached Initial Study / Proposed (Mitigated) Negative Declaration.

## ***IX. REFERENCES***

1. Project Application/Plans as found in File PLN130128
2. 1982 Monterey County General Plan
3. Carmel Area Land Use Plan and Coastal Implementation Plan (Part 4)
4. Title 20 of the Monterey County Code (Coastal Zoning Ordinance)
5. Site Visits conducted by the project planner on March 6, 2013 and July 24, 2013.
6. Monterey County Planning Department GIS system and selected property report for Assessor’s Parcel Number 009-432-028-000
7. Monterey County Code Title 10.60 – Noise Control
8. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008
9. Geotechnical and Geological Hazards report for Assessor’s Parcel Number 009-432-028-000 (LIB130165) prepared by Grice Engineering and Geology, Inc., dated January 2013
10. Preliminary Cultural Resources Reconnaissance for Assessor’s Parcel Number 009-432-028-000 (LIB130162) prepared by Susan Morley, MA, June 2013
11. Tree Resource Assessment and Management Plan for Assessor’s Parcel Number 009-432-028-000 (LIB130164) prepared by Frank Ono, April 17, 2013
12. Biological Survey of Assessor’s Parcel Number 009-432-028-000 (LIB130163) prepared by Ed Mercurio, April 3, 2013
13. Monterey County Code Chapter 16.08 (Grading) and 16.12 (Erosion Control)