

**MONTEREY COUNTY PLANNING COMMISSION**

<b>Meeting:</b> June 30, 2004, at 9:20 AM	<b>Agenda Item:</b> 2
<b>Project Description:</b> Combined Development Permit (PLN030325/Carmel Area Wastewater District) for the Highlands Inn sewer connection project consisting of a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (3 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San José and Gibson Creeks); grading (approximately 2,908 cu. yds. of cut & 2,611 cu. yds. of fill) and retaining walls.	
<b>Project Location:</b> Properties for which construction is proposed are located at and around the Highlands Inn and the Tickle Pink Inn (Assessor's Parcel Numbers 241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000 & 241-351-005-000), and the Caltrans right-of-way along Highway 1 from the Highlands Inn to the Point Lobos entrance and from the intersection of Ribera Road with Highway 1, westerly along Ribera Road to an existing pump station near Calle La Cruz, in the Carmel Highlands, Point Lobos, and Carmel Meadows areas of the Carmel unincorporated area.	
<b>Plan Area:</b> Carmel Area LUP (Coastal Zone)	<b>Flagged &amp; Staked:</b> Yes
<b>Zoning Designation:</b> LDR/1-D (CZ) and VSC-D (CZ); “ <i>Low Density Residential, 1 unit per acre,</i> ” and “ <i>Visitor Serving Commercial,</i> ” both within a Design Control District in the Coastal Zone.	
<b>CEQA Action:</b> Consider the Initial Study & Mitigated Negative Declaration prepared by the Carmel Area Wastewater District as lead agency	
<b>Date application deemed complete:</b> April 15, 2004	
<b>Department:</b> Planning and Building Inspection Department (PBID)	

**RECOMMENDATION**

Staff recommends that the Planning Commission:

- Consider and affirm the conclusions contained in the Mitigated Negative Declaration prepared by the Carmel Area Wastewater District that no significant impacts will occur from implementation of the project;
- Approve the project as described above and grant the Design Approval based on the recommended Findings and Evidence (**Exhibit “B”**) and subject to the recommended Conditions of Approval (**Exhibit “C”**).

**OVERVIEW**

The proposed project seeks to eliminate the existing wastewater treatment and disposal facilities of the Highlands Inn (HI) and the Highlands Sanitary Association (HSA) and the connection of these systems by a new pipeline to the Carmel Area Wastewater District (CAWD). The project would eliminate a history of fines imposed by the Central Coast Regional Water Quality Control Board (RWQCB) against the HSA for continued violations of the system’s permitted effluent-discharge limit. Construction for the proposed project involves trenching from the Highlands Inn to the Point Lobos entrance, directional drilling under San José Creek, and trenching from the intersection of Highway 1 and Ribera Road down the length of Ribera Road to a CAWD easement near Calle La Cruz and the Calle La Cruz pump station.

The CAWD has prepared an Initial Study for the proposed project and the PBID was consulted during its preparation. Primary issues identified in the initial study and through staff analysis include aesthetic, biological, archaeological/historical, geology/soils, noise, and traffic. Staff's concerns were addressed in the final version of the Mitigated Negative Declaration adopted by the CAWD's Board of Directors on June 17, 2004. Measures from the Negative Declaration and conditions including tree protection measures, revegetation, archaeological monitoring, erosion control measures and engineering certification, noticing for the reporting of noise impacts, and measures for minimizing traffic impacts have been incorporated into the permit approval. No unresolved issues remain for this project.

### **OTHER AGENCY INVOLVEMENT**

All of the following agencies have reviewed the subject projects:

- ✓ Water Resources Agency (WRA)
- ✓ Environmental Health Division (EHD)
- ✓ Public Works Department (PWD)
- ✓ Carmel Highlands FPD (CHFPD)

Public Works and the Planning and Building Inspection Department (PBID) have recommended conditions.

The Carmel Area LUAC voted unanimously to recommend approval of the proposed project by a vote of 7 to 0. (**Exhibit "D"**)

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cc: Coastal Commission; Planning Commission; Health Department; Public Works; Carmel Highlands FPD; Monterey County Water Resources Agency; Jeff Main; Timothy Johnston; Applicant/Representative; Owners

Attachments:	Exhibit "A"	Discussion
	Exhibit "B"	Recommended Findings and Evidence
	Exhibit "C"	Recommended Conditions of Approval
	Exhibit "D"	Land Use Advisory Committee Recommendations
	Exhibit "E"	Initial Study, Final MND, & MMRP adopted by CAWD, June 2004
	Exhibit "F"	Vicinity Maps
	Exhibit "G"	Project Plans
	Exhibit "H"	Resolution of adoption by CAWD's Board of Directors
	Exhibit "I"	Draft Initial Study, April 2004

This report was reviewed by Jeff Main, Planning and Building Services Manager

**Note:** This project is appealable to the Board of Supervisors and to the California Coastal Commission

## **EXHIBIT “A”**

### **Discussion**

**PLN030325/Carmel Area Wastewater District**

**June 30, 2004**

### **PROJECT DESCRIPTION**

The proposed project seeks to replace the existing wastewater treatment and disposal facilities of the Highlands Inn (HI) and the Highlands Sanitary Association (HSA), which includes 12 residential parcels and the Tickle Pink Inn, by connecting these wastewater systems by a new pipeline along Highway 1 with that of the Carmel Area Wastewater District (CAWD). The purpose of the project is to improve water quality along the Central Coast, which will also have the effect of increasing the amount of water that may be reclaimed through the CAWD treatment plant. The project would also eliminate a history of fines imposed by the Central Coast Regional Water Quality Control Board (RWQCB) against the HSA for continued violations of the system’s permitted effluent-discharge limit.

Construction required for the proposed project involves the elimination of some elements of the existing wastewater facilities of the Highlands Inn and the HSA, as well as the installation of new infrastructure. This includes a new underground junction box between the Senator’s Cottage at the Highlands Inn, and the Tickle Pink Inn, as well as new sewer lines that will extend northward from here to the location of the Highlands Inn’s existing wastewater facility, which will be modified to accommodate the connection with the CAWD’s infrastructure. Although new retaining walls are required in this area they will not be visible from Highway 1. A new redwood fence will be erected at the location of the Highland Inn’s existing facility which will hide views of the new infrastructure from Highway 1. Only a portion of the new redwood fence will be visible from Highway 1.

Trenching will be required along two stretches, as shown in Exhibit “F,” and drilling will be required under San José Creek. An approximately 3 foot by 10 foot trench will be dug from the Highlands Inn to the entrance of Point Lobos State Reserve. This trenching will crisscross Highway 1 in order to avoid or minimize impacts to native forest resources, known archaeological sites, and the perimeter wall of the historic “R. L. James” residence (a.k.a., “Seaward”). The next segment of the new sewer line will be directionally drilled approximately 20 feet below San José Creek. Consistent with the first segment, the third segment will be trenched from the intersection of Ribera Road and Highway 1, down the length of Ribera Road to a CAWD easement near Calle La Cruz to the Calle La Cruz pump station. The entire project involves approximately 2,908 cubic yards of excavation and approximately 2,611 cubic yards of fill.

In total, the proposed project involves the annexation of the Tickle Pink Inn, the Highlands Inn, the 12 residential parcels that make up the HSA, and two additional residential parcels with existing single-family dwellings into the CAWD. The two new parcels will not currently connect to the system as part of the proposed project but were included in the annexation to avoid “holes” in the service area. With the proposed project, the CAWD will remain well within its maximum treatment capacity.

## **PERMITTING ISSUES**

Coastal Development Permits are required for the Highlands Inn sewer connection project in order to allow development on slopes of 30% or greater, development with a positive archaeological report, the removal of protected trees (3 Monterey pines), and to allow development within 100 feet of environmentally sensitive habitat (to include San José and Gibson Creeks).

The prohibition against development on 30% slopes can be waived for the proposed project since there is no feasible alternative which would allow development to occur on slopes of less than 30% and since the proposed development better achieves the goals, policies, and objectives of the Monterey County Local Coastal Program. This is because the proposed project will improve the wastewater treatment infrastructure for the Highlands & Tickle Pink Inns and the Highlands Sanitary Association; see project plans (Exhibit "G").

The proposed project will pass through two registered archaeological sites and close to a third. However, the first two sites have already been impacted by the construction of Highway 1, and the proposed project will place new sewer lines in existing fill material along the shoulder of the highway that lies above the archaeological material. In this way, impacts will be minimized if not avoided. The subject project is not expected to impact the third archaeological site due to its location in relation to the project. Condition 23 has been added to require that work be stopped in the event that any archaeological resources are found during construction. Pursuant to Section 20.146.090.D of the *Regulations for Development in the Carmel Area Land Use Plan*, the mitigation measures recommended by the archaeological report prepared for the project are required as a condition of approval (Conditions 21, 22, & 23), preservation measures recommended by the mitigation plan prepared by the project archaeologist for resources discovered during construction shall be undertaken concurrent with grading or other soil disturbing activities (Condition 6), and a report on any preservation activities undertaken pursuant to the mitigation plan prepared by the project archaeologist shall be submitted to the County prior to final inspection (Conditions 7 & 22). The LCP requirements that the archaeological site shall be placed in an archaeological easement and that the property owner shall request that the "parcel" be rezoned to include the "HR" designation are deemed unfeasible since these areas are not located on parcels but within the Caltrans right-of-way. (Exhibit "C")

The project plans depict how the proposed sewer alignment crisscrosses Highway 1 at several points in an attempt to reduce impacts to the greatest number of trees possible (as well as to archaeological and historic resources). Three (3) Monterey pines will be removed from the Highlands Inn area (one 34", one 16", and one 7" pine) and at least 11 other native trees will require specific mitigation measures to ensure that any impact to them remain at less-than-significant levels (Conditions 11, 16, 17, 18, & 19). The landmark tree is not visually or historically significant, exemplary of its species, or more than 1,000 years old. Alternatives to its removal, or that of the other two, are not possible because they lay directly in the required path of the sewer alignment. (See project plans, Exhibit "G")

As conditioned, the new development required for the subject project is compatible with the protection and maintenance of the adjacent environmentally sensitive resources, to include native Monterey pine forest and the riparian habitats of San José and Gibson Creeks, as well as another unnamed drainage. In addition, as conditioned, the removal of indigenous vegetation and land disturbance adjacent to these environmentally sensitive habitats are restricted to only those

amounts necessary for the required infrastructure improvements (Conditions 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, & 21).

### **CARMEL AREA LAND USE ADVISORY COMMITTEE RECOMMENDATION**

On Monday April 19, 2004, the Carmel Area LUAC voted unanimously (7 to 0) to recommend approval of the proposed project, but felt that every effort should be made to try and save the 3 Monterey pines proposed for removal. In addition, the Committee stated that all members “*feel strongly that once this new 4” pipe is laid and connected to Calle La Cruz pump station no [un]treated sewage should be allowed to drain into the bay waters. Any drainage pipes over steep cliff area used for discharge must be removed and the Monterey Marine Sanctuary protected.*”

### **CEQA REVIEW AND RELEVANT ENVIRONMENTAL ISSUES**

Pursuant to Section 15300.2(c) of the CEQA guidelines, the proposed project was found not to be categorically exempt because of a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances related to the presence of sensitive habitats within the proposed construction corridor, as well as the potential for aesthetic, noise, and traffic impacts, as well as the potential for impacts to archaeological resources and from existing geologic and soil conditions. Therefore, an Initial Study was prepared for the project pursuant to CEQA Guidelines Section 15378(a) and Public Resources Code Section 21065. A Mitigated Negative Declaration was filed and circulated for public review on April 14, 2004 through May 14, 2004, by the CAWD as lead agency. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the proposed project were adopted by the CAWD’s Board of Directors on June 17, 2004.

Potential impacts from the project relating to the presence of sensitive habitats within the proposed construction corridor, the potential for aesthetic, noise, and traffic impacts, and the potential for impacts to archaeological resources and from existing geologic and soil conditions, were identified in the Initial Study and mitigation measures were identified to reduce all impact to less-than-significant levels. No additional potential impacts were identified. The identified potential significant impacts can be summarized as follows:

- (1) Aesthetics: The potential for aesthetic impacts arise mainly from the loss of up to 3 Monterey pines, one of which is a 34” landmark tree. Necessary mitigations for the removal of these trees are addressed under the section on biological resources, and include the replanting of Monterey pines at a ratio of 3:1 in order minimize impacts to aesthetic resources.
- (2) Biological Resources:
  - A. A Forester’s Report was prepared to address the removal of up to 3 Monterey pines, one of which is a 34” landmark tree, whose removal may be unavoidable. Replacement trees will be planted at a 3:1 ratio and monitored for at least 3 years (mitigation measure 1). The report also addresses the potential for impacts to forest resources along the construction corridor. These impacts are addressed by mitigation measures (MM) 6 through 9 of the Mitigated Negative Declaration adopted by the CAWD, and involve measures to minimize impacts to the root systems of trees near the path of the trenching that is required for installation of the new sewer line. Condition 5 additionally protects trees during construction.
  - B. A biological survey was prepared for the proposed project to address potential impacts to native habitats along the construction corridor, which include Monterey pine forest, riparian habitats (San José & Gibson Creeks, and another unnamed drainage), as well as

native brush habitat off Calle La Cruz at the northern end of the project. Impacts to San José Creek will be avoided or minimized to the extent feasible by drilling approximately 20 feet below the creek in order to install the new sewer line (MM 2 & 3). MMs 4 and 5 are designed to further protect the native riparian habitats by requiring measures to prevent construction debris from entering these areas. MM 10 is designed to protect the native brush habitat beyond Calle La Cruz by requiring revegetation with native species and ongoing monitoring to ensure success.

- C. Cultural Resources: Archeological Consulting, Inc., produced an archeological report dated October 30, 2003, for the subject project. The results of this report were positive. The proposed project will pass through two registered archaeological sites and will be close to a third. The first two sites have already been impacted by the construction of Highway 1, and the subject project will place new sewer lines in existing fill material along the shoulder of the highway that lies above the archaeological material. In this way, impacts will be minimized if not avoided. The subject project is not expected to impact the third archaeological site due to its location in relation to the project. MM 13 has been added to require that work be stopped in the event that any archaeological resources are found during construction. Pursuant to Section 20.146.090.D of the *Regulations for Development in the Carmel Area Land Use Plan*, the mitigation measures recommended by the archaeological report prepared for the project are required as a condition of approval (MMs 11, 12, & 13). Additional requirements for the timing of these measures and reporting on them are contained within Conditions 6 and 7. The LCP requirements that the archaeological site shall be placed in an archaeological easement and that the property owner shall request that the “parcel” be rezoned to include the “HR” designation are deemed unfeasible since these areas are not located on parcels but within the Caltrans right-of-way.

In addition, a portion of the project alignment will pass by the perimeter wall of the historic “R. L. James” residence (a.k.a., “Seaward”), which lies on the west side of Highway 1 just north of the Highlands Inn. The Initial Study indicates that the *“siting of the pipeline on or near the western shoulder of the highway in this location could have the potential to impact the historic clinkered sandstone brick wall that separates the highway from the D.L. James Residence. However, the project alignment is being designed to be as far away from the historic wall as feasible to avoid potential construction impacts on the wall. This means that the alignment will be either in the eastern portion of the southbound lane or even further east in the northbound lane.”* This approach intends to preclude potential impacts on the wall. Condition 11 requires that the project design is required to substantially minimize if not completely avoid impacts to the perimeter wall of the historic “R. L. James” residence (a.k.a., “Seaward”), in order to comply with General Policy 2.8.3.4 of the *Carmel Area Land Use Plan*. (Exhibit “C”)

- (3) Geology & Soils: Successful compliance with MMs 14, 15, & 16 of the MND are expected to reduce the potential impacts from geologic and soil conditions to a less-than-significant levels by requiring an erosion control plan, the use of BMPs, and certified compliance with the geotechnical report prepared for the subject project.
- (4) Noise: Short-term noise impacts will occur during construction activities which include the operation of heavy machinery. In order to reduce the potential noise-related impacts to sensitive receptors, the CAWD will ensure that all residents within the construction corridor are notified by mail of the dates that construction is planned for their area; notices will also be posted in the area (MM 17). CAWD will also ensure that all heavy machinery used on the project will be equipped with proper mufflers in good working condition (MM 18).

- (5) Traffic: Any potential traffic impacts that may arise from the project will be mitigated by coordinating with Caltrans to ensure that any Highway 1 lane closures will be kept to a minimum and at least one lane will be open at all times on Highway 1 and Ribera Road. In addition, work will not occur on Highway 1 during the peak tourist season, from Memorial Day to Labor Day (MM 19). Highlands Drive may be obstructed during construction, but impacts will be minimized by coordinating with the County's Public Works Department through the parameters of an encroachment permit (MM 20).

Comment Received on Environmental Review: According to the CAWD's final initial study, no negative comments were received from the public or other responsible agencies during the 30-day circulation period for the Initial Study.

For the reasons cited above, Staff recommends that the Planning Commission consider as adequate the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program adopted by the CAWD, and that the Combined Development Permit for the project as described herein be approved. No unresolved issues remain for this project.

## EXHIBIT "B"

### RECOMMENDED FINDINGS AND EVIDENCE

PLN030325/Carmel Area Wastewater District

June 30, 2004

- 1. FINDING: CONSISTENCY, SITE SUITABILITY, & PUBLIC ACCESS** – The subject Combined Development Permit, as described in Condition 1 of the attached Exhibit "D," and as conditioned, conforms to the plans, policies, requirements, and standards of the certified Monterey County Local Coastal Program (LCP). The LCP for the project consists of the *Carmel Area Land Use Plan*, the *Regulations for Development in the Carmel Area Land Use Plan* (Part 4), Part 6 of the Coastal Implementation Plan (Appendices), and the Monterey County Zoning Ordinance (Title 20). Properties for which construction is proposed are located at and around the Highlands Inn and the Tickle Pink Inn (Assessor's Parcel Numbers 241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000 & 241-351-005-000), and the Caltrans right-of-way along Highway 1 from the Highlands Inn to the Point Lobos entrance and from the intersection of Ribera Road with Highway 1, westerly along Ribera Road to an existing pump station near Calle La Cruz, in the Carmel Highlands, Point Lobos, and Carmel Meadows areas of the Carmel unincorporated area. The parcels are zoned "LDR/1-D (CZ)" and "VSC-D (CZ)"; i.e., "*Low Density Residential, 1 unit per acre*," and "*Visitor Serving Commercial*," within a Design Control District and within the Coastal Zone. The sites are physically suitable for the use proposed. The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and do not interfere with any form of historic public use or trust rights (see Section 20.70.050.B.4 of Title 20). No access is required as part of the project as no substantial adverse impact on public coastal access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

- EVIDENCE:**
- (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for conformity with the certified Monterey County Local Coastal Program and have determined that the project is consistent as conditioned. Permit application, plans, and materials contained in Project File No. PLN030325.
  - (b) The project planner conducted an onsite inspection on June 8, 2004, to verify that the project on the subject parcel conforms to the certified Monterey County Local Coastal Program.
  - (c) The requested Combined Development Permit involves development on slopes of 30% or greater, development with a positive archaeological report, the removal of protected trees (up to 3 Monterey pines), and development within 100 feet of environmentally sensitive habitat. All of these activities are conditionally allowable for the subject properties pursuant to Chapters 20.14 (LDR [CZ] District) and 20.22 (VSC [CZ] District) of the Zoning Ordinance (Title 20).
  - (d) **LAND USE ADVISORY COMMITTEE:** The Carmel Area Land Use Advisory Committee recommended approval of the project by a

- unanimous vote of 7 to 0; LUAC meeting minutes dated April 19, 2003.
- (e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File No. PLN030325.
  - (f) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
  - (g) As conditioned, the new development required for the subject project is compatible with the protection and maintenance of the adjacent environmentally sensitive resources, to include native Monterey pine forest and the riparian habitats of San José and Gibson Creeks, as well as another unnamed drainage. In addition, as conditioned, the removal of indigenous vegetation and land disturbance adjacent to these environmentally sensitive habitats are restricted to only those amounts necessary for the required infrastructure improvements (Conditions 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, & 21).
  - (h) The prohibition against development on 30% slopes can be waived for the subject project since there is no feasible alternative which would allow development to occur on slopes of less than 30% and since the proposed development better achieves the goals, policies, and objectives of the Monterey County Local Coastal Program since the project will improve the wastewater treatment infrastructure for the Highlands & Tickle Pink Inns and the Highlands Sanitary Association; see project plans in File No. PLN030325.
  - (i) The project as proposed is consistent with policies of the *Carmel Area Land Use Plan* dealing with development in archaeologically sensitive areas. An archaeological report, dated October 30, 2003, has been prepared by Archaeological Consulting, Inc., for the proposed project, the results of which were positive (report contained in the project file PLN030325). The subject project will pass through two registered archaeological sites and close to a third. However, the first two sites have already been impacted by the construction of Highway 1, and the subject project will place new sewer lines in existing fill material along the shoulder of the highway that lies above the archaeological material. In this way, impacts will be minimized if not avoided. The subject project is not expected to impact the third archaeological site due to its location in relation to the project. Condition 24 has been added to require that work be stopped in the event that any archaeological resources are found during construction. Pursuant to Section 20.146.090.D of the *Regulations for*

*Development in the Carmel Area Land Use Plan*, the mitigation measures recommended by the archaeological report prepared for the project are required as a condition of approval (Conditions 22, 23, & 24), preservation measures recommended by the mitigation plan prepared by the project archaeologist for resources discovered during construction shall be undertaken concurrent with grading or other soil disturbing activities (Condition 6), and a report on any preservation activities undertaken pursuant to the mitigation plan prepared by the project archaeologist shall be submitted to the County prior to final inspection (Conditions 7 & 23). The LCP requirements that the archaeological site shall be placed in an archaeological easement and that the property owner shall request that the “parcel” be rezoned to include the “HR” designation are deemed unfeasible since these areas are not located on parcels but within the Caltrans right-of-way. (Exhibit “C”)

- (j) In order to comply with General Policy 2.8.3.4 of the *Carmel Area Land Use Plan*, Condition 11 requires that the project design substantially minimize if not completely avoid impacts to the perimeter wall of the historic “R. L. James” residence (a.k.a., “Seaward”).
- (k) The subject property is not adjacent to the seashore and is not described as an area where the Local Coastal Program requires public coastal access, according to Sections 20.70.050.B.4.c.i and ii of the Zoning Ordinance (Title 20).

**2. FINDING: TREE REMOVAL** – The subject project, as designed and conditioned, minimizes tree removal in accordance with the applicable goals and policies of the *Carmel Area Land Use Plan* and with the *Regulations for Development in the Carmel Area Land Use Plan*. Three (3) native Monterey pine trees are proposed for removal, one of which is a 34” landmark tree. The landmark tree is not visually or historically significant, exemplary of its species, or more than 1,000 years old. Alternatives to its removal, or that of the other two, are not possible because they lay directly in the required path of the sewer alignment.

- EVIDENCE:**
- (a) The project plans depict how the sewer alignment crisscrosses Highway 1 at several points in an attempt to reduce impacts to the greatest number of trees possible (as well as to archaeological and historic resources). Three (3) Monterey pines will be removed from the Highlands Inn area (one 34”, one 16”, and one 7” pine) and at least 11 other native trees will require specific mitigation measures to ensure that any impact to them remain at less-than-significant levels (Conditions 12, 17, 18, 19, & 20).
  - (b) As found in the Mitigated Negative Declaration adopted by the Board of Directors of the Carmel Area Wastewater District on June 17<sup>th</sup>, 2004, “*the pipe near station 4+15 needed to be placed near the 34” Monterey pine because the pipe for this portion of the alignment is an 'at grade' sewer and is based on the existing topography. The pipe transitions from an 'at grade' sewer to a 'below grade' sewer near the pine, which means there will be excavation on the downslope side of the tree. The excavation will likely destabilize the tree in the future and cause it to unexpectedly fall down. Removal is prudent to assure the safety of the public and property owners. The project area in question is primarily a rock outcropping, which limits*

*the choice of pipe alignment. The designed route was chosen to avoid large rocks and to avoid a previous landslide area. In order to maintain gravity flow, the pipeline could have been sited further uphill, but that would have put it into the landslide area and could have threatened the existing structures. Going further down slope would not have allowed the necessary grade to be made for a gravity line. The current alignment also avoids other trees, including a 24" Monterey pine. It is clear that other alternatives were evaluated but that no feasible alternatives exist whereby the removal of the 34" Monterey pine could be avoided."*

- (c) *Forester's Preliminary Report on Potential Tree Impacts Associated with Trenching and Pipe Installation for the Highlands Sewer Connection Project*, Stephen R. Staub, forester and environmental consultant, June 12, 2003.
- (d) *Biotic Report for the Highlands Sanitary Sewer Connection Project*, Denise Duffy & Associates, April 2004.
- (e) Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program prepared by Denise Duffy & Associates, and adopted by the Board of Directors of the Carmel Area Wastewater District on June 17<sup>th</sup>, 2004.
- (f) Project plans as contained in File No. PLN030325

**3. FINDING:** CEQA - Pursuant to Section 15096 (Process for a Responsible Agency) of the CEQA guidelines, the County, as a Responsible Agency, has followed the process set forth in this section and as such has considered the Mitigated Negative Declaration prepared and adopted by the Carmel Area Wastewater District as Lead Agency. The County finds that there is no substantial evidence, based on the record as a whole, that would support a fair argument that the project, as designed and mitigated, may have a significant environmental impact.

**EVIDENCE:** The Carmel Area Wastewater District (CAWD), as lead agency, oversaw the preparation of an Initial Study for the project in compliance with the California Environmental Quality Act (CEQA) and its Guidelines. The Initial Study provides substantial evidence that the project, with the addition of Mitigation Measures, would not have significant environmental impacts. A Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the County Clerk on April 15, 2004, noticed for public review and circulated to the State Clearinghouse. All comments received on the Initial Study were considered and addressed by the CAWD. Among the studies, data, and reports analyzed as part of the environmental determination by both the CAWD and the Planning and Building Inspection Department are the following reports:

1. *Forester's Preliminary Report on Potential Tree Impacts Associated with Trenching and Pipe Installation for the Highlands Sewer Connection Project*, Stephen R. Staub, forester and environmental consultant, June 12, 2003;
2. *Historic Property Survey Report*, Archaeological Consulting, Inc., October 2003;

3. *Geotechnical Investigation*, D&M Consulting Engineers, Inc., March 1, 2004; and
4. *Biotic Report for the Highlands Sanitary Sewer Connection Project*, Denise Duffy & Associates, April 2004.

**3. FINDING: NO VIOLATIONS** – The subject properties are 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 properties, and all zoning violation abatement cost, if any, have been paid.

**EVIDENCE:** Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject properties.

**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:** Preceding findings and supporting evidence.

**5. FINDING: APPEALABILITY** – The project, as approved by the Planning Commission, is appealable to the Board of Supervisors and the California Coastal Commission.

**EVIDENCE:** Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

<b>Planning and Building Inspection Department</b> <b>Condition Compliance Matrix</b>		<b>Project Name:</b> Carmel Area Wastewater District <b>File No:</b> <u>PLN030325</u> <b>APNs:</b> <u>241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000 &amp; 241-351-005-000</u> <b>Approval by:</b> <u>Planning Commission</u> <b>Date:</b> <u>June 30, 2004</u>			
<b>Permit Cond. No.</b>	<b>Conditions of Approval and Responsible Land Use Department</b>	<b>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</b>	<b>Responsible Party for Compliance</b>	<b>Timing</b>	<b>Verification of Compliance (name/date)</b>
1.	<p>The subject permit approval allows a Combined Development Permit (PLN030325/Carmel Area Wastewater District) for the Highlands Inn sewer connection project consisting of a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (3 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San José and Gibson Creeks); grading (approximately 2,908 cu. yds. of cut &amp; 2,611 cu. yds. of fill) and retaining walls. The properties for which construction is proposed are located at and around the Highlands Inn and the Tickle Pink Inn (Assessor's Parcel Numbers 241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000 &amp; 241-351-005-000), and the Caltrans right-of-way along Highway 1 from the Highlands Inn to the Point Lobos entrance and from the intersection of Ribera Road with Highway 1, westerly along Ribera Road to an existing pump station near Calle La Cruz, in the Carmel Highlands, Point Lobos, and Carmel Meadows areas of the Carmel unincorporated area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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 Planning and Building Inspection. 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. <b>(Planning and Building Inspection)</b></p>	<p>Adhere to conditions and uses specified in the permit.</p>	<p>Applicant</p>	<p>Ongoing unless otherwise stated</p>	

2.	This permit shall expire two years from the date of adoption unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan. <b>(Planning and Building Inspection)</b>	None		June 30, 2006	
3.	No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of Planning and Building Inspection. <b>(Planning and Building Inspection)</b>	None	Applicant	October 15 <sup>th</sup> to April 15 <sup>th</sup>	
4.	The applicant shall record a notice which states: “A permit ( <i>Resolution _____</i> ) was approved by the Planning Commission for Assessor's Parcel Numbers 241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000 & 241-351-005-000 on June 30, 2004. The permit was granted subject to 31 conditions of approval that run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department.” Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. <b>(Planning and Building Inspection)</b>	Proof of recordation of this notice shall be furnished to PBI.	Applicant	Prior to issuance of grading and/or building permits if required; otherwise prior to commencement of construction	
5.	Native trees which are located close to the 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 shall be demonstrated prior to issuance of grading permits subject to the approval of the Director of Planning and Building Inspection. <i>In addition, during construction, the parking of vehicles and/or heavy equipment shall not extend beyond the compacted area of the shoulders along Highway 1.</i> <b>(Planning and Building Inspection)</b>	Submit evidence of tree protection to PBI for review and approval.	Applicant	Prior to issuance of grading and/or building permits if required; otherwise prior to commencement of construction	
6.	Any archaeological resource preservation measures that may be required by Conditions 23 & 24 (MMs 12 & 13), below, shall be undertaken concurrent with grading or other soil disturbing activities and shall be undertaken in accordance with the mitigation plan if such resources are discovered during construction. <b>(Planning and Building Inspection)</b>	Preserve any archaeological resources discovered during construction concurrent with grading or other soil disturbing activities, in accordance w/ Conditions 23 & 24 (MMs 12 & 13), below.	Applicant/ Registered Professional Archaeologist	Concurrent with grading or other soil disturbing activities	

7.	The results of any preservation activities shall be compiled into a final report prepared by the project archaeologist and submitted to the Planning & Building Inspection Department, and shall be subject to approval by the Director, prior to final inspection. <b>(Planning and Building Inspection)</b>	Submit final report on the preservation activities for any archaeological resources discovered during construction.	Applicant/ Registered Professional Archaeologist	Prior to final inspection	
8.	<b>NON-STANDARD WORDING:</b> Obtain an encroachment permit from the Department of Public Works for any work within the County right of way. <b>(Public Works)</b>	Obtain encroachment permit from Public Works	Applicant	Prior to issuance of grading and/or building permits if required; otherwise prior to commencement of construction	
9.	The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to: <ul style="list-style-type: none"> <li>• Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. <b>(Planning &amp; Building Inspection)</b></li> </ul>	Compliance to be verified by building inspector at final inspection.	Applicant	Prior to final inspection	
10.	The area at the Highlands Inn impacted by construction of the subject project shall be landscaped. At least 60 days prior to final inspection, three (3) copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. 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. The landscaping shall be installed and inspected prior to final inspection. All landscaped areas and/or fences shall be continuously maintained by the applicant and all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. <b>(Planning and Building Inspection)</b>	Submit landscape plans and contractor's estimate to PBI for review and approval.	Applicant/ Contractor	At least 60 days prior to final inspection	
		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.	Applicant	Ongoing	

11.	<i>In order to comply with General Policy 2.8.3.4 of the Carmel Area Land Use Plan, the project design is required to substantially minimize if not completely avoid impacts to the perimeter wall of the historic “R. L. James” residence (a.k.a., “Seaward”).</i>	Final project plans shall be submitted to the PBID demonstrating that the alignment will be either in the eastern portion of Highway 1’s southbound lane or even further east in the northbound lane, which shall be subject to approval by the Director of PBID.	Applicant	Prior to issuance of grading and/or building permits if required; otherwise prior to commencement of construction	
<b>The following Conditions of Approval are adapted from the Mitigation Measures (MM) required by the Mitigated Negative Declaration adopted by the Board of Directors of the Carmel Area Wastewater District on June 17, 2004</b>					
12.	MM1 – <i>In order to minimize potential impacts to native forest resources to less-than-significant levels, all Monterey pine trees greater than six inches in diameter dbh removed as a result of implementation of the subject project shall be replaced at a 3:1 ratio. The replacement trees shall be at least five-gallon in size and come from strictly native, rather than horticultural, varieties to avoid adding non-native pollen to the area. If possible, local stock that has shown resistance to pitch canker disease shall be used. (Planning and Building Inspection Department)</i>	The planted trees shall be inspected every year, by a qualified biologist or arborist, for a minimum of three years following planting, until the number of fully established replacement trees is equal to or greater than the number of trees removed. <i>The CAWD shall annually provide the PBID with evidentiary documentation from a qualified biologist or arborist that this condition is being met, as well as final certification once it has been fully met, which shall be subject to approval by the Director of PBID.</i>	Applicant	Immediately after completion of construction and yearly for at least 3 years and until establishment of the number of replacement trees is equal to or greater than the number of trees removed	

13.	MM2 – <i>In order to ensure that accidental impacts resulting from directional drilling beneath San José Creek are avoided or minimized to less-than-significant levels</i> , the CAWD shall ensure that the contractor adheres to all requirements and contingency measures included in the CDFG Streambed Alteration Agreement during construction of the subject project, which may include, but are not limited to, those standard CDFG requirements for directional drilling listed in Appendix D of the MND adopted by the CAWD. <b>(Planning and Building Inspection Department)</b>	<i>The CAWD shall provide the PBID with evidentiary documentation from the CDFG that the conditions of the subject Streambed Alteration Agreement were successfully met.</i>	Applicant/ Contractor	Upon completion of the directional drilling	
14. A	MM3.A – <i>In order to ensure that any excess lubricating “mud” used during the directional drilling under San José Creek does not enter the creek</i> , silt barriers shall be placed between the drilling area and the creek bank to avoid contamination of the creek so that such construction debris does not enter the streambed. <b>(Planning and Building Inspection)</b>	A qualified biological monitor shall inspect the barriers to insure proper installation. After the monitor has provided written and <u>photographic</u> verification of compliance to CAWD that all preventative measures are in place, CAWD will authorize the contractor to begin drilling. <i>CAWD shall forward a copy of the biologist’s verification to the PBID as soon as possible, which shall be subject to approval by the Director of PBID.</i>	Applicant/ Biologist	Prior to the commencement of directional drilling and during construction	
14.B	MM3.B – As the excess mud is pumped out of the drilling holes, it shall be immediately placed in watertight containers to prevent spreading and accidental contamination of the creek. The mud shall be transported to the CAWD treatment plant sludge beds as soon as possible to be dried and disposed of properly. <b>(Planning and Building Inspection)</b>	<i>CAWD shall provide written certification to the PBID that Condition 14.B has been successfully completed, which shall be subject to approval by the Director of PBID.</i>	Applicant	Upon transportation of excess mud	
15.	MM4 – <i>In order to minimize potential impacts to the riparian habitats of San José &amp; Gibson Creeks and an unnamed drainage to less-than-significant levels</i> , a qualified biological monitor shall inspect the construction operations while working in the vicinity of San Jose Creek, Gibson Creek, and the unnamed drainage. The monitor shall inspect the installation of erosion control measures, barriers for construction debris, and general	Monitoring & inspections of construction operations while working in the vicinity of San Jose Creek, Gibson Creek, and the unnamed drainage by a qualified biologist	Applicant/ Biologist	During construction	

<sup>1</sup> Including mitigation measures 2 through 5 of the MND adopted by the CAWD (i.e., Conditions 13 to 16 herein)  
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	<p>construction practices for impacts to the sensitive habitats. <i>In addition, the monitor shall be onsite during construction initiation and throughout the construction window, as required, to insure all permit conditions and mitigation measures are properly complied with.</i><sup>1</sup> The monitor shall be the point of contact with CDFG, CAWD, and the Monterey County Planning &amp; Building Inspection Department in the event the project falls out of compliance with any conditions of the project. If this happens, the biological monitor shall submit additional mitigation measures to all appropriate agencies for approval and implementation. <b>(Planning and Building Inspection)</b></p>	<p>The monitor shall submit a report, including photos, to CAWD documenting the level of compliance with all project conditions and mitigation measures that address the protection of biological resources. <i>CAWD shall provide written certification, including a copy of the biologist's final report, to the PBID to demonstrate that Condition 15 has been successfully completed, which shall be subject to approval by the Director of PBID.</i></p>	Applicant/ Biologist	<p>Upon completion of construction activities in the vicinity of the waterways</p>	
16.	<p>MM5 – <i>In order to minimize potential impacts to the riparian habitats of San José &amp; Gibson Creeks and an unnamed drainage to less-than-significant levels, no construction debris or materials shall be allowed to enter the creek beds, either directly or indirectly. Stockpiles shall be protected and kept far enough from the banks of the active channel to prevent material from entering the creek beds. Protective fencing shall be placed around the drainages and culverts, to prevent any inadvertent debris from entering the waterways. (Planning and Building Inspection)</i></p>	<p>Monitoring &amp; inspections of construction operations while working in the vicinity of San Jose Creek, Gibson Creek, and the unnamed drainage by a qualified biologist.</p>	Applicant/ Biologist	<p>During construction</p>	
		<p>The monitor shall submit a report, including photos, to CAWD documenting the level of compliance with all project conditions and mitigation measures that address the protection of biological resources. <i>CAWD shall provide written certification, including a copy of the biologist's final report, to the PBID to demonstrate that Condition 16 has been successfully completed, which shall be subject to approval by the Director of PBID.</i></p>	Applicant/ Biologist	<p>Upon completion of construction activities in the vicinity of the waterways</p>	
17.	<p>MM6 – <i>In order to minimize potential impacts to native forest resources to less-than-significant levels, prior to the start of each day's trenching activity, all trees within 18 feet of proposed trench walls shall be identified by species and diameter at breast height to confirm that appropriate root protection is maintained. (Planning and Building Inspection)</i></p>	<p>Monitoring &amp; inspections of trenching activities while working in the vicinity of protected native trees.</p>	Applicant/ qualified forester or arborist	<p>Prior to the start of each day's trenching activity</p>	

18.	MM7 – <i>In order to minimize potential impacts to native forest resources to less-than-significant levels</i> , wherever possible, trenching shall not be permitted within a four-trunk diameter tangent offset of all trees. If trenching is absolutely necessary within the four-trunk diameter zone, practices indicated in Condition 18 (MM8) shall be implemented in such a way that the tree’s survival is ensured. <b>(Planning and Building Inspection)</b>	Monitoring & inspections of trenching activities while working in the vicinity of protected native trees.	Applicant/qualified forester or arborist	During trenching activities near protected native trees	
19.	MM8 – <i>In order to minimize potential impacts to native forest resources to less-than-significant levels</i> , the following practices shall be implemented to prevent damage to retained roots and promote rapid healing of cut roots: <ul style="list-style-type: none"> <li>• If any roots two inches in diameter or larger are encountered during trenching, they shall be exposed and cleanly severed one foot farther from the tree than the finished trench wall, then hand dug just enough to be cleanly re-cut at the trench wall.</li> <li>• Once the trench is dug, all roots of any size should be cleanly pruned flush with the trench wall with pruning shears or a sawzall. <b>(Planning and Building Inspection)</b></li> </ul>	Implement Condition 19 (MM8) as necessary during trenching activities while working in the vicinity of protected native trees.	Applicant/qualified forester or arborist	During trenching activities near protected native trees	
20.	MM9 – <i>In order to minimize potential impacts to native forest resources to less-than-significant levels</i> , trenched areas containing live tree roots shall be excavated and refilled in the same day. Where tree roots are present, trench sidewalls and fill material shall be moistened as the trench is refilled. <b>(Planning and Building Inspection)</b>	Implement Condition 19 (MM9) as necessary during trenching activities while working in the vicinity of protected native trees.	Applicant/qualified forester or arborist	During trenching activities near protected native trees	
		The monitor shall submit a report, including photos, to CAWD documenting the level of compliance with Conditions 17 –20 (MM6 – 9). <i>CAWD shall provide written certification, including a copy of the monitor’s final report, to the PBID to demonstrate that Conditions 17 –20 (MM6 – 9) have been successfully fulfilled, which shall be subject to approval by the Director of PBID.</i>	Applicant/qualified forester or arborist	Upon completion of trenching activities in the vicinity of protected native trees.	

21.	<p>MM10 – <i>In order to minimize potential impacts to native brush habitat to less-than-significant levels</i>, native grass seed shall be applied to all areas of ground disturbance in the CAWD easement, off of Ribera Road, after the completion of construction and prior to the onset of the fall rains (between September 15 and October 15). The seeding area shall be prepared by hand by a qualified revegetation expert and sterilized rice straw placed over the seed. Seed species shall be determined at the time of reseeding based on appropriate habitat typing and local seed source availability. The revegetation expert shall monitor the seeding after application for a minimum of three years, until the seeding is deemed successful (more than 75% cover). The revegetation expert shall submit a written annual report to CAWD. If the success criterion is not met, CAWD will be notified and corrective and/or additional mitigation measures applied. <b>(Planning and Building Inspection)</b></p>	<p>A written report documenting the level of compliance with Condition 21 (MM10) shall be produced by a qualified revegetation expert upon completion of reseeding, as well as yearly until successful, which shall be submitted to the CAWD. <i>CAWD shall provide written certification, including a copy of the qualified revegetation expert’s first and annual reports, to the PBID to demonstrate that Condition 21 (MM10) is being successfully fulfilled, which shall be subject to approval by the Director of PBID.</i></p>	Applicant/ qualified revegetation expert	<p>After the completion of construction and prior to the onset of the fall rains, with an initial report upon completion of reseeding, and then annual reports thereafter until success can be verified.</p>	
22.	<p>MM11 – <i>In order to minimize potential impacts to archaeological resources to less-than-significant levels</i>, prior to issuance of grading permits, a qualified archaeological monitor shall be retained and shall submit their professional credentials to the CAWD for approval. The contract with the qualified archaeological monitor shall contain professionally acceptable archaeological standards for investigation as established by the Register of Professional Archaeologists. <b>(Planning and Building Inspection)</b></p>	<p><i>CAWD shall forward a copy of the contract to retain a qualified archaeological monitor to the PBID, which shall be subject to approval by the Director of PBID</i></p>	Applicant	<p>Prior to issuance of grading and/or building permits if required; otherwise prior to commencement of construction</p>	
23.	<p>MM12 – <i>In order to minimize potential impacts to archaeological resources to less-than-significant levels</i>, the qualified archaeological monitor shall be present during pre-construction and construction activities that involve earth disturbance through the area immediately adjacent to the</p>	<p>A qualified archaeological monitor shall be present during all earth disturbance in the area of identified sites</p>	Applicant/ qualified archaeological monitor	<p>Just prior to and during earth disturbing activities</p>	

	<p>three recorded archaeological sites. All cultural, archaeological, and/or paleontological finds made during construction shall be handled in accordance with the standards established by the Register of Professional Archaeologists. <b>(Planning and Building Inspection)</b></p>	<p>The archaeological monitor shall submit a letter to CAWD reporting all monitoring actions that took place during construction and, if necessary, certifying that all cultural, archaeological or paleontological finds were handled in accordance with the standards established by the Register of Professional Archaeologists. <i>CAWD shall provide written certification, including a copy of the archaeologist's final report, to the PBID to demonstrate that Condition 23 (MM12) has been successfully fulfilled, which shall be subject to approval by the Director of PBID.</i></p>	<p>Applicant/qualified archaeological monitor</p>	<p>Prior to final grading inspection</p>	
24.	<p>MM13 – <i>In order to minimize potential impacts to archaeological resources to less-than-significant levels</i>, if, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. If the find is determined to be significant, appropriate mitigation measures shall be formulated and submitted to the Caltrans District 5 Environmental Planning Branch (if within the Caltrans ROW) and the Monterey County Planning &amp; Building Inspection Department for review and approval. The additional measures shall be implemented prior to work restarting in that area. <b>(Planning and Building Inspection)</b></p>	<p>Stop work within 50 meters (165 feet) of uncovered cultural, archaeological, and/or paleontological resource and contact the Monterey County Planning and Building Inspection Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.</p>	<p>Applicant/qualified archaeologist</p>	<p>Ongoing during construction activities</p>	

25.	MM14 – <i>In order to reduce potential impacts from existing geologic and soil conditions throughout the project area to less-than-significant levels, all grading and trenching shall be conducted in accordance with Chapter 16.12 (Erosion Control) of the Monterey County Code and the erosion-control plan required by the County as part of the Combined Development Permit application. (Planning and Building Inspection)</i>	Inspections by the County of Monterey as part of the grading permit and erosion control plan requirements	Applicant/ construction manager	Ongoing during grading activities	
26.	MM15 – <i>In order to reduce potential impacts from existing geologic and soil conditions throughout the project area to less-than-significant levels, construction activities shall include erosion-control measures and construction best management practices (BMPs), as required by Section 1.04D of Specification 01355 of the project’s construction specifications, to further reduce the possibility of erosion. (Planning and Building Inspection)</i>	Install and employ erosion-control measures and construction best management practices (BMPs) during construction	Applicant/ construction manager	Prior to commence- ment of and during construction	
		<i>CAWD shall provide written certification to the PBID that Condition 26 (MM15) has been successfully fulfilled, which shall be subject to approval by the Director of PBID.</i>	Applicant	Prior to final grading inspection	
27.	MM16 – <i>In order to reduce potential impacts from existing geologic and soil conditions throughout the project area to less-than-significant levels, the final project design shall be developed in substantial compliance with the Final Geotechnical Investigation Report prepared for the project by D&amp;M Consulting Engineers, Inc. (Planning and Building Inspection)</i>	The consulting geotechnical engineer shall submit a signed and wet-seal stamped letter certifying that the Project Final Plans and Specifications are in substantial compliance with the conclusions and recommendations contained in the Final Geotechnical Investigation Report prepared for the project. <i>CAWD shall forward a copy of the signed and wet-seal stamped letter to the PBID, which shall be subject to approval by the Director of PBID</i>	Applicant/ consulting geotechnical engineer/ construction manager	Prior to issuance of grading and/or building permits if required; otherwise prior to commence- ment of construction	

		The construction manager shall submit to the CAWD a signed letter certifying that the project construction has been carried out in substantial compliance with the conclusions and recommendations of the Final Geotechnical Investigation. <i>CAWD shall forward a copy of the signed letter to the PBID, which shall be subject to approval by the Director of PBID</i>	Applicant/ construction manager	Prior to final inspection	
28.	<p>MM17 – <i>In order to ensure that any potential noise impacts are reduced to less-than-significant levels</i>, prior to issuance of grading permits, notification shall be mailed to residents adjacent to the project alignment, and shall be posted along the construction corridor, which provides the following:</p> <ul style="list-style-type: none"> <li>• Dates that construction is expected to occur;</li> <li>• Hours of construction operation for weekdays, weekends, and holidays; and</li> </ul> <p>The name and phone numbers of persons to be contacted in the event a member of the public wishes to file a complaint or for questions or issues related to the project. <b>(Planning and Building Inspection)</b></p>	<i>A copy of the notice shall be submitted to the PBID, as well as the list of addressed to be noticed and posting locations along the construction corridor, which shall be subject to approval by the Director of PBID</i>	Applicant/ construction manager	Prior to issuance of grading and/or building permits if required; otherwise prior to commence- ment of construction	
29.	<p>MM18 – <i>In order to ensure that any potential noise impacts are reduced to less-than-significant levels</i>, prior to the use of any piece of heavy machinery, the contractor shall equip all internal combustion engine-driven equipment with proper mufflers in good working condition. The construction manager shall monitor all construction equipment and submit a report of compliance to CAWD. <b>(Planning and Building Inspection)</b></p>	The construction manager shall submit a written compliance report upon construction completion the the CAWD. <i>The CAWD shall submit a copy of the report to the PBID, which shall be subject to approval by the Director of PBID prior to final inspection</i>	Applicant/ construction manager	Prior to the use of any piece of heavy machinery, during construction and prior to final inspection	

30.	<p>MM19 – <i>In order to ensure that any potential traffic impacts are maintained at less-than-significant levels</i>, work on Highway 1 within the Caltrans ROW shall avoid lane closures whenever possible. Where lane closures are unavoidable, work shall be performed in accordance with all Caltrans requirements included in the Caltrans encroachment permit. The construction manager shall monitor all work, and shall submit a compliance report to CAWD. In the event the construction work is out of compliance with any of the permit conditions, the construction manager shall immediately report the non-compliance to CAWD, who will work with a Caltrans representative to formulate and implement corrective action. <b>(Planning and Building Inspection)</b></p>	<p>The construction manager shall submit a written compliance report upon construction completion the CAWD. <i>The CAWD shall submit a copy of the report to the PBID, which shall be subject to approval by the Director of PBID prior to final inspection</i></p>	Applicant/ construction manager	<p>Monitoring during construction with submittal and approval of compliance report required prior to final inspection</p>	
31.	<p>MM20 – <i>In order to ensure that any potential traffic impacts are maintained at less-than-significant levels</i>, work within Highlands Drive right-of-way shall be performed in accordance with the County encroachment permit. The construction manager shall monitor all work, and shall submit a compliance report to CAWD. In the event the construction work is out of compliance with any of the permit conditions, the construction manager shall immediately report the non-compliance to CAWD, who will work with a County representative to formulate and implement corrective action. <b>(Planning and Building Inspection)</b></p>	<p>The construction manager shall submit a written compliance report upon construction completion the the CAWD. <i>The CAWD shall submit a copy of the report to the PBID, which shall be subject to approval by the Director of PBID prior to final inspection</i></p>	Applicant/ construction manager	<p>Monitoring during construction with submittal and approval of compliance report required prior to final inspection</p>	