

MONTEREY COUNTY PLANNING COMMISSION

Meeting: April 28, 2010	Time: 9:45 A.M.	Agenda Item No.: 3
Project Description: Combined Development Permit consisting of 1) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 1,529 square foot single family dwelling and the construction of a 3,676 square foot, three level single family dwelling with 1,284 square feet located completely below grade; 2) Coastal Development Permit for development on a parcel with positive archaeological reports; 3) Coastal Development Permit for the removal of a 48" planted and diseased Cypress tree; replacement of a 6 foot high, 158 linear foot retaining wall at the rear of the property and continued around three sides of the property; grading (500 cubic yards cut/50 cubic yards fill). The property is located at 26478 Carmelo Street, Carmel Area Land Use Plan, Coastal Zone.		
Project Location: 26478 Camelo Street, Carmel		APN: 009-471-024-000
Planning File Number: PLN080266		Owner: Steven Polkow Agent: Dana Annereau
Planning Area: Carmel Area Land Use Plan		Flagged and staked: Yes
Zoning Designation: : "MDR/2-D (18) (CZ)" Medium Density Residential, 2 units per acre-Design Control District, (18 Foot Height Limit) in the Coastal Zone		
CEQA Action: Mitigated Negative Declaration		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit C**) to:

- 1) Adopt Mitigated Negative Declaration (**Exhibit F**) with Mitigation Monitoring Reporting Plan (**Exhibit C-1**);
- 2) Approve PLN080266, to allow demolition of the existing 1,529 square foot single family dwelling, construction of a new 3,676 square foot single family dwelling with 1,284 square feet located completely below grade; associated grading and removal of one planted Monterey Cypress tree, based on the findings and evidence (**Exhibit C**) and subject to the conditions of approval (**Exhibit C-1**); and
- 3) Deny the request to replace the 6 foot high, 158 linear foot retaining wall at the rear of the property:

PROJECT OVERVIEW:

The applicant requests the necessary entitlements to remove an existing home and construct a new 3,676 square foot, three level single family dwelling with 1,284 square feet located completely below grade. The site is located in the Carmel Point area and is highly visible from Carmel State Beach and from Scenic Drive. In addition the site is in a location that is rich in archaeological resources. Fragments of a human cranium were discovered behind the existing retaining wall. As such, staff is recommending denial of the 6 foot high, 158 linear foot retaining wall. This project is being brought to the Planning Commission because there is a significant policy issue related to archaeology. For a more detailed discussion see Exhibit A.

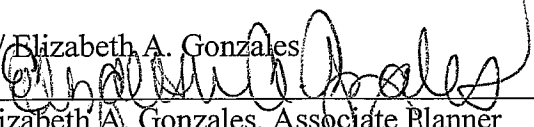
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- Environmental Health Division
- √ Water Resources Agency
- √ Cypress Fire Protection District
- √ Parks Department

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by Public Works, Water Resources Agency, Cypress Fire Protection District and Parks Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

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

/s/ Elizabeth A. Gonzales


Elizabeth A. Gonzales, Associate Planner

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April 13, 2010

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; California Coastal Commission; John Ford, Planning Services Manager; Laura Lawrence, Planning Services Manager; Elizabeth Gonzales, Project Planner; Carol Allen, Senior Secretary; Steven Polkow, Owner; Dana Annareau, Agent; Louise M. Ramirez, Chairperson for OCEN Tribe; Planning File PLN080266

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including:
		1. Conditions of Approval and Mitigation Monitoring and Reporting Program
		2. Site Plan, Floor Plan and Elevations, Parcel Map, Tentative Map
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (LUAC)
	Exhibit F	Mitigated Negative Declaration
	Exhibit G	Comments on Mitigated Negative Declaration
	Exhibit H	Synopsis of Archaeological Reports

This report was reviewed by John Ford, Planning Services Manager



Exhibit A
Project Information for (File PLN080266)

Project Title: POLKOW	Primary APN: 009-471-024
Location: 26478 CARMELO STREET CARMEL CA	Coastal Zone: YES
Applicable Plan: CARMEL AREA LAND USE PLAN	Zoning: MDR/2-D (18) (CZ)
Permit Type: CSTL DEV PERMIT	Plan Designation: RESIDENTIAL
Environmental Status: MITIGATED NEG DEC	Final Action Deadline: 5/26/2009
Advisory Committee: CARMEL UNINCORPORATED/HIGH LANDS ADVISORY COMM	

Project Site Data:

Lot Size: 5,588 SQ FT	Coverage Allowed: 35%
	Coverage Proposed: 34%
Existing Structures (sf): 1,529 SQ FT	Height Allowed: 18 FEET
Proposed Structures (sf): 3,676 SQ FT	Height Proposed: 18 FEET
Total Square Feet: 3,576 SQ FT	FAR Allowed: 45%
	FAR Proposed: 43%

Resource Zones and Reports

Environmentally Sensitive Habitat: NONE	Erosion Hazard Zone: MODERATE
Botanical Report #: N/A	Soils/Geo. Report #: LIB100012
Forest Mgt. Report #: LIB100013	Geologic Hazard Zone: MODERATE
	Geologic Report #: LIB100012
Archaeological Sensitivity Zone: HIGH	Traffic Report #: N/A
Archaeological Report #: LIB100015, 16, 17, 18, 19, 20 & LIB100103	
Fire Hazard Zone: MODERATE	

Other Information:

Water Source: CAL AM	Sewage Disposal (method): CAWD
Water District/Company: CALIF AMER WATER DIST	Sewer District Name: CARMEL AREA WASTEWATER
Fire District: CYPRESS FPD	Grading (cubic yds): 500 CY CUT/50 CY FILL
Tree Removal (Count/Type): 1 PLANTED CYPRESS TREE	

EXHIBIT B
PROJECT DISCUSSION
PLN080266/Polkow

I. INTRODUCTION

A. PROJECT DESCRIPTION

The proposed project consists of a Coastal Development Permit and Design Approval to allow the demolition of an existing 1,529 square foot single family dwelling and construction of a new 3,676 square foot, three level single family dwelling with 1,284 square feet completely below grade. The proposed structure is located on generally the same foot print as the existing house. The project calls for 500 cubic yards of excavation and 50 cubic yards of fill for a basement along with a subterranean garage (approximately 8-12 feet of excavation below current grade). The excess cut (450 cubic yards) will be exported from the site to the Marina landfill. The project also includes the removal of a 48-inch planted Cypress tree which is diseased and in poor condition.

The project includes the replacement of a 6 foot high retaining wall at the rear of the property which will continue around three sides of the property. However, staff does not recommended approval of the retaining wall due to concerns addressed below under E. Archaeology.

B. SITE DESCRIPTION

The subject property is located in the unincorporated area of Carmel-By-The-Sea near Carmel State Beach. The site is on the north side of Carmelo Street between 17th Avenue and Scenic Road, overlooking the Carmel River Lagoon and wetland area. The neighborhood consists of one and two story houses with a variety of ages, sizes, styles and materials. The lot is 5,588 square feet in area and slopes from north to Carmelo Street with a slope ranging between 2 to 15 percent. The existing 1,529 square foot single family dwelling would be removed as part of this project. The existing house sits well above Carmelo Street and for this reason is not readily visible. There is a significant Monterey Cypress between the house and the road further obscuring visibility of the house. The existing development does not provide adequate off street parking. Parking is currently provided by a substandard parking stall on Carmelo Street.

The portions of the lot not covered by structures and hardscape consist of a landscaped front yard and a natural mixture of brush covering the side and backyards. There is a significant Monterey Cypress tree approximately 48 inches in diameter located in the front of the property that will be removed. A Tree Assessment/Arborist Report has determined this planted tree is diseased and in poor health.

C. VISUAL RESOURCES

The proposed building site is visible from Scenic Road, which is a designated scenic roadway as described in Map A General Viewshed of the Carmel Area Land Use Plan (CLUP). The proposed house would also be visible from a public viewing area (Carmel Beach). It is located in a residential neighborhood with other dwellings of similar size and character making up much of the view on the east side of Scenic Road. The Carmel River Lagoon is directly across the street. The large Cypress tree is proposed for removal because it is diseased and poses a hazard.

It would be desirable from a visibility standpoint to keep the tree, but it poses a safety hazard and its presence precludes the grading necessary to provide adequate off street parking.

Since the site is in a highly visible location there are some policies in the Carmel Land Use Plan that must be considered. The policies with a brief consistency analysis are as follows:

2.2.2 Key Policy

To protect the scenic resources of the Carmel area in perpetuity, all future development within the view shed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and, lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.

2.2.3 General Policies

- 1. The design and siting of structures, whether residential, commercial, agricultural, or public, and the access roads thereto, shall not detract from the natural beauty of the scenic shoreline and the undeveloped ridgelines and slopes in the public viewshed.*
- 2. New development on the scenic beaches and bluffs of Carmel River State Beach shall be located out of the public viewshed.*
- 4. The portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures. Consistency with other plan policies must be considered in determining appropriate siting.*
- 6. 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.*
- 10. The following siting and design control measures shall be applied to new development to ensure protection of the Carmel area's scenic resources, including shoreline and ocean views:*
 - c. Structures located in the viewshed shall be designed so that they blend into the site and surroundings. The exterior of buildings must give the general appearance of natural materials (e.g., buildings should be of weathered wood or painted in "earth" tones). The height and bulk of buildings shall be modified as necessary to protect the viewshed.*
 - d. Exterior lighting shall be adequately shielded or shall be designed at near-ground level and directed downwards to reduce its long-range visibility.*

The project would result in the replacement of an existing single family dwelling in the same footprint of the existing structure. Although the proposed residence is taller than the existing dwelling, the height of the proposed residence meets the 18-foot height limit restriction required in the zoning district shown on Monterey County zoning maps. The applicant proposes to use colors and materials of beige stucco with accents of Carmel stone. Lighting will be conditioned to require low near ground lighting. The house is being set back off the road approximately 49 feet, and the second story element of the house is set back from the front portion which reduces the visibility of the two story element of the house. With these provisions the structure meets the "subordinate to the natural scenic character of the area", and is located so as to minimize its visual impact.

D. HISTORICAL RESOURCES:

The proposed project includes the demolition of an existing single family dwelling. While the Assessor's records show that the dwelling was built in 1947, there is no record indicating that this house was the site of any significant historic event. A Phase I Historic Assessment prepared by Elizabeth Moore Architect dated March 4, 2009, determined the structure is not listed in any registrar of historic places, and has been altered less than 50 years ago, and has no historical significance. Therefore, pursuant to Section 21084.1, the structure does not qualify as being historic.

E. ARCHAEOLOGICAL

The most significant policy decision associated with this project is related to archaeology. All of the Carmel Point Area has a High Sensitivity Archaeological Zone. In addition the site is within the CA-MNT-17 site, which is an archaeological site of State wide importance. The decision of how to treat this site is not a simple matter. CEQA section 21083.2(b) states:

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference may include, but are not limited to any of the following:

- 1. Planning construction to avoid archaeological sites.*
- 2. Deeding archaeological sites into permanent conservation easements.*
- 3. Capping or covering archaeological sites with a layer of soil before building on the site.*
- 4. Planning parks, green space, or other open space to incorporate archaeological sites.*

The **Carmel Area Land Use Plan, Policy 2.8.3.4**, specifically states, "When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resources, particularly where the site has potential religious significance."

The most straight forward approach would be to not allow any excavation on this parcel. This could allow a home to be built on the parcel, but would not allow a basement to be included. The no grading option would also make it difficult to install off-street parking, because there is a fairly abrupt rise between Carmelo Street and the building pad location. Most of all the decision to not allow grading raises a fairly significant policy issue. The issue is whether the County will allow excavation within CA-MNT-17. The County could take the position that this is a significant site and the potential for disturbing human remains and significant artifacts constitutes a significant adverse impact.

A different approach would be to conduct thorough archaeological investigations to determine the likelihood of there being a significant resource at the point of excavation. This approach would rely upon scientific investigation to identify the likelihood of there being resources present which should be avoided. The problem with this approach is that even after conducting a systematic sampling of the site, it is not possible to completely predict what will be found.

For the subject parcel it is significant that in 2006, the existing retaining wall near the rear of the property failed and a Building Permit was issued to remove and reconstruct that wall. During the process a portion of a human cranium was found and was re-interred someplace behind the wall. Staff would recommend that the Planning Commission find that it is an avoidable significant adverse impact to knowingly disturb human remains. It is known that the cranium and perhaps other portions of the body are behind that wall, so it is inappropriate to remove and replace that wall. Staff recommends that the wall not be removed and rebuilt.

The question of whether a basement should be allowed for this project is not as easy to answer. There are examples of projects in the vicinity which have not excavated and examples of projects which have been approved for excavation for subterranean garages and basements. Review of existing permits revealed that construction plans were modified to avoid disturbance of parcels that are positive for cultural resources. For example, a neighboring parcel on Carmelo Street, (PLN010169) consisted of the demolition of an existing single family residence and construction of a new single family residence. The applicants opted to place the home on a series of 50 helical steel piers which are screwed down into the earth until a specified degree of resistance is obtained. This was done to avoid disturbance of resources to a less than significant level.

There were two other neighboring parcels that did not encounter archaeological deposits or artifacts during project activities. Neighboring parcel 26401 Scenic Road, Carmel (PLN030332) consisted of the demolition of an existing single family residence and construction of a new single family residence with below grade garage. A Mitigated Negative Declaration was prepared requiring archaeological monitoring with no evidence of archaeological deposits or artifacts. And neighboring parcel 26321 Scenic Road, Carmel (PLN000654) consisted of a partial demolition and addition of 900 square feet to first and second stories to an existing single family dwelling. A Mitigated Negative Declaration was also prepared requiring archaeological monitoring with no found archaeological deposits or artifacts.

Staff's approach to this has been to pursue a scientific based approach by looking at the information presented and then proceeding within the limits of the results of the recommendations by the archaeologists. There have been a total of six Archaeological reports prepared for this parcel dating back to the retaining wall in 2006. Exhibit H is a summary of all of these reports. Four of the reports are related directly to this request. The first was a survey report that indicated the potential for significant resources to exist given the previously discovered cranium, the midden layers and shells found in some sample auger holes. The conclusion of this report was that additional testing was necessary. The second report did not do any testing but recommended that monitoring be done through the construction excavation phase. Subsequently, additional testing was required in the form of what is called a unit sample. It is a one meter by one meter hole that is excavated down through the midden layer to sterile soil. This was accomplished and is the basis for the final two archaeological reports. The unit sample did uncover fire cracked rock which is fairly common in former village sites such as this but did not reveal any artifacts or human remains.

Based upon this information, a Mitigated Negative Declaration was prepared. The mitigation measures require monitoring during the excavation stage. Staff would like to add additional mitigation measures to insure that in the event that something is present in the area to be excavated that it is recovered and preserved. The added conditions would require an additional archaeologist in addition to the Native American monitor to be on site during excavation. This will allow one archaeologist to review the area being excavated and the other archaeologist to inspect the material removed. In addition the material being excavated should be removed in

shallow layers by a toothless backhoe or similar equipment. This will give the archaeologist a greater opportunity to identify artifacts or remains still in the excavated hole.

F. CEQA

Initial Study (Mitigated Negative Declaration)

An Initial Study (IS) was prepared for this project and a Mitigated Negative Declaration (MND) was circulated for public review from February 12, 2010 to March 15, 2010. This MND addressed potential impacts related to the proposed residence. Although potential impacts were identified for Aesthetics, Cultural Resources and Geology/Soils, the MND determined that the project as designed and mitigated could reduce impacts to a less than significant level.

G. COMMENTS ON THE INITIAL STUDY

Two comments were received during the 30 day comment period of the Initial Study. One was from a neighbor at 26484 Carmelo Street, located directly one house south of project location. The neighbor states her support for the project. The second comment was received by Ohlone/Costanoan Esselen Nation (OCEN), dated March 4, 2010.

Louise J. Miranda Ramirez, chairperson for OCEN was the Native American monitor at the site on November 27, 2009, when Archaeological Resource Management hand excavated the 1 x 1 meter unit at 26478 Carmelo Street, Carmel. Her letter dated March 4, 2010, is a follow up to the presence/absence of the archaeological excavation of cultural resources.

The focus of the letter submitted by the Esselen Nation focuses upon the finding of the fire cracked rock. The preference of the Esselen Nation would be that the site not be excavated. (See Exhibit G)

RECOMMENDATION

As discussed above under Archaeology, the decision confronting the Planning Commission is whether to deny the basement and not allow excavation of the site, or to determine whether the mitigation measures proposed for protection of the archaeological resources are sufficient to proceed with the project. The question comes down to what is the most important factor. The concerns of the Esselen Nation are important. The applicant has provided a series of archeological studies that recommend that the project should continue subject to monitoring. Staff is recommending approval based upon the inability to conclusively determine that additional resources exist on site, and that the studies to this point have not revealed new human remains or resources.

**EXHIBIT C
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

Steven & Maria Polkow (PLN080266)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Adopting the Mitigated Negative Declaration with Mitigation Monitoring and Reporting Plan; and
- 2) Approving a Combined Development Permit consisting of 1) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 1,529 square foot single family dwelling and the construction of a 3,676 square foot, three level single family dwelling with 1,284 square feet located completely below grade and associated grading of approximately 500 cubic yards cut and 50 cubic yards fill; 2) Coastal Development Permit for development on a parcel with positive archaeological reports; 3) Coastal Development Permit for the removal of a 48" planted and diseased Cypress tree.

[PLN080266, Polkow, 26478 Carmelo Street, Carmel, Carmel Land Use Plan (APN: 009-471-024-000)]

The Polkow application (PLN080266) came on for public hearing before the Monterey County Planning Commission on April 28, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) Plan Conformance During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the Monterey County General Plan,
 - Carmel Area Land Use Plan (CLUP),
 - Coastal Implementation Plan Part 4,
 - Monterey County Zoning Ordinance (Title 20)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies

- with the text, policies, and regulations in these documents.
- b) Zoning Consistency The property is located at 26478 Carmelo Street, Carmel (Assessor's Parcel Number 009-471-024-000), Carmel Area Land Use Plan. The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control Overlay and an 18 foot height limit in the Coastal Zone (MDR/2-D (18) (CZ)), which allows development of the first single family dwelling on a lot subject to a Coastal Administrative permit in each case. Therefore, the project is an allowed land use for this site.
 - c) Zoning Overlays The site is subject to Design review with an 18 foot height limit. The Polkow project has been reviewed for siting, design, colors, materials, and height. The proposed project meets the development standards of the Zoning district including height, setback, lot coverage, and floor area ratio and the proposed colors and materials are appropriate for the site and the neighborhood.
 - d) Site Visits The project planner conducted site inspections on August 18, 2009 and March 30, 2010 to verify that the project on the subject parcel conforms to the plans listed above.
 - e) Viewshed The Polkow property is visible from Scenic Road and Carmel State Beach. Areas visible from Scenic Road are subject to the Viewshed policies of the Carmel Land Use Plan (Policy 2.2.2 CLUP). The Polkow application complies with the public viewshed policies and has been designed to meet the 18 foot height limit, make use of appropriate exterior treatments consistent with the neighborhood to help blend the structure into the environment (Policy 2.2.3.6 CLUP), and has been sited appropriately within the required setbacks as property is not large enough to consider alternative siting (Policy 2.2.3.4 CLUP). The house sits on a modest-sized lot up above the road and for this reason is not readily visible. It is located in a residential neighborhood with dwellings of similar size and character and is consistent with the view scape on the east side of Scenic Road. The house is being set back off the road approximately 49 feet, and the second story element of the house is set back from the front portion which reduces the visibility of the two story element of the house. These views will not be substantially affected.
 - f) Archaeological Resources The subject property is located within a "high" archaeological sensitivity zone. Pursuant to Section 20:146.090 of the Coastal Implementation Plan Part 4, an archaeological survey was required for the proposed development. Background research of reports prepared for the property revealed that previous development has produced significant archaeological resources. So that the extent of the resources could be understood and for evaluation of the project impacts, a sample test hole was dug in the presence of an archaeologist, and the Most Likely Descendent identified by the Native American Heritage Commission. The testing performed yielded archaeological midden consisting of shells and fire cracked rock. Midden is generally not considered to be a significant archaeological resource in itself. Given the known location of a singular significant resources at the site which is not within the proposed house footprint and the negative testing results, it is possible that the basement for the proposed dwelling can be excavated without disturbing significant archaeological resources

especially given the disturbed nature of the site with an existing dwelling located on the same general footprint. However, it is also possible that excavation at the site would produce significant resources. Consistent with the Carmel Land Use Plan (LUP) Policy 2.8.4.5 and the California Environmental Quality Act, an Initial Study was prepared for the proposed development. Mitigation Measures were identified in the Initial Study and have been made conditions of approval for this project (Policy 2.8.4.6 CLUP).

- g) Because it is known that the cranium and perhaps other portions of the body are behind that wall, it is inappropriate to remove and rebuild the existing retaining wall. Revised site plans to require the retaining wall to remain in tact shall be required prior to issuance of building/grading permits. (Condition #25/MM #4) Additionally, consistent with policy 2.8.3 CLUP, a condition requiring an archaeological easement over the area where resources have been identified are been included in this project (Condition #8). (See also Finding 5)
- h) Historic Resources The proposed project includes the demolition of an existing single family dwelling. While the Assessor's records show that the dwelling was built in 1947, there is no record indicating that this house was the site of any significant historic event. A Phase I Historic Assessment prepared by Elizabeth Moore Architect dated March 4, 2009, determined the structure is not listed in any register of historic places, and has been altered less than 50 years ago, and has no historical significance. Therefore, pursuant to Section 21084.1, the structure does not qualify as being historic.
- i) Land Use Advisory Committee The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) on December 15, 2008 for review. The LUAC recommended approval of the project with concerns expressed about the roof deck. The LUAC did not want the railing around the top of the deck to be of material that was visible. However, the railing would have been over the 18 foot height limit, staff required its removal. Also, colors and materials to be of a darker beige and Carmel stone. The LUAC also requested that a replacement Cypress tree be located in the Northeast corner near Carmelo Street. (Condition #9)
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN080266.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Cypress Fire Protection District, Parks, Public Works, Environmental Health Division, 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) Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is

not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- "Preliminary Cultural Resources Reconnaissance for Assessor's Parcel Number 009-471-024-000" (LIB100015) prepared by Susan Morley dated February 2006;
 - "Report on Monitoring Program for Assessor's Parcel Number 009-471-024-000" (LIB100016) prepared by Susan Morley, September 2006;
 - "Preliminary Archaeological Reconnaissance" (LIB100017) prepared by Archaeological Consulting dated October 31, 2008;
 - "Archaeological Resources Assessment" (LIB100018) prepared by Basin Research Associates dated August 4, 2009;
 - "Proposal for Archaeological Testing Program for 26478 Carmelo Street" (LIB100019) prepared by Archaeological Resource Management dated November 17, 2009;
 - "Archaeological Testing Program for 26478 Carmelo Street" (LIB100020) prepared by Archaeological Resource Management dated January 4, 2010;
 - "Recommended Archaeological Scope of Work for Polkow Project" (LIB100103) prepared by Archaeological Resource Management dated April 19, 2010;
 - "Geotechnical Investigation" (LIB100012) prepared by Soil Surveys, Inc. dated October 27, 2008;
 - "Tree Assessment/Arborist Report for Polkow Residence" (LIB100013) prepared by Frank Ono dated October 10, 2008;
 - "Phase I Historic Assessment" (LIB100014) prepared by Elizabeth Moore Architect dated March 4, 2009.
- c) Staff conducted site inspections on August 18, 2009 and March 30, 2010 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 PLN080266.

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

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, Carmel Cypress Fire Protection District, Parks, Public Works, Environmental Health Division, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are available. The project is served by California American Water Company (Cal-Am), the Carmel Area

Wastewater District (CAWD), and Pacific Gas & Electric. A water form approved by the Water Resources Agency showing no net increase in water fixture allowances and the project will require approval through the Monterey Peninsula Water Management District prior to issuance of Building Permits. There are existing connects for utilities for the existing single family dwelling and the proposed project will be served in the same manner.

c) Preceding findings and supporting evidence for PLN080266.

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

EVIDENCE: a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
b) Staff conducted site inspections on August 18, 2009 and March 30, 2010 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 PLN080266.

5. **FINDING:** **CEQA (Mitigated Neg Dec)** - On the basis of the whole record before the Monterey County Planning Commission, 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 (PLN080266).
c) The Initial Study identified several potentially significant effects, but revisions have been made to the project and the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where potential impacts have been mitigated to a level of insignificance. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN080266).
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 and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant must enter into an "Agreement to

- Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval (Condition #5)
- e) The Draft Mitigated Negative Declaration (“MND”) for PLN080266 was prepared in accordance with CEQA and circulated for public review from February 12, 2010 through March 15, 2010. Issues that were analyzed in the Draft Mitigated Negative Declaration (“MND”) include aesthetic resources, cultural resources and geology and soils.
 - f) Evidence that has been received and considered includes: the application, technical studies/reports, comments (*See also Finding 2*), staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN080266) and are hereby incorporated herein by reference.
 - g) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. 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 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. Therefore, the project will be required to pay the State fee of \$2,010.25 plus a fee of \$50.00 payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
 - h) The County has considered the comments received during the public review period, and the County has added Conditions/Mitigations (MM #1, MM #2, MM #3, MM #4 and MM #5) or the project has been modified by the Planning Commission to address the comments received.
 - i) A new mitigation measure (MM #3) to allow excavation is equivalent or more effective in mitigating or avoiding potential significant effects and it itself will not cause any potentially significant effect on the environment. A public hearing was held on the project on April 28, 2010 in which the addition of the mitigation measure was addressed. The new mitigation measure is incorporated into project approval or made a condition of project approval.
 - j) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

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

EVIDENCE: a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal

Implementation Plan can be demonstrated.

- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080266.
- e) The project planner conducted a site inspection on August 18, 2009 and March 30, 2010.

7. **FINDING:** **TREE REMOVAL** – The subject project minimizes tree removal in accordance with the applicable goals and policies of the applicable land use plan and the Coastal Implementation Plan.

- EVIDENCE:**
- a) The project includes application for the removal of one 48 inch Cypress tree. In accordance with the applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met. The project has been designed and sited to minimize the removal of protected trees to the greatest extent feasible.
 - b) Although landmark trees of all native species shall not be permitted to be removed, an exception may be granted by the decision-making body for removal of a tree that is 24 inches or greater in diameter and not also visually or historically significant, exemplary of its species of more than 1000 years old, provided that a finding maybe made that no alternatives to development exists whereby the tree removal can be avoided. (Policy 20.146.060.D.1 CIP) Currently, there is no off-site parking. A garage is proposed for the project to provide required onsite parking. There is no other feasible location that could avoid removal of the planted tree.
 - c) Tree Assessment/Arborist Report prepared by Frank Ono, dated October 10, 2008, determines that the tree is in poor condition, both structurally and in health. This tree seems to have been planted as part of a wind hedge row. This tree, however, is considered to be in a dangerous condition due to the amount of cubic rot that has been observed within fractures in its limbs and cavities in the stem.
 - d) Although planted, native trees to be removed which are 12 inches or more in diameter when measured at breast height shall be replaced on the parcel. (Policy 20.146.060.D.6) The Arborist Report recommends that two 15 gallon size Monterey Cypress trees be planted onsite. A condition of approval will require the applicant to show proof of planting once construction has been completed. (Condition #8)
 - e) Measures for tree protection during construction have been incorporated as conditions and include tree protection zones, trunk protection, hand excavation and bridging roots (Condition #7).
 - f) The planted Cypress tree is located south and below the proposed project. Removal will not involve a risk of adverse environmental impacts nor will its removal cause additional visibility to the structure.
 - g) Staff conducted site inspections on August 18, 2009 and March 30, 2010 to verify that the tree removal is the minimum necessary for the

project and to identify any potential adverse environmental impacts related to the proposed tree removal.

- h) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN080266.

8. **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 proposed building site is located on an existing parcel that is visible from Scenic Road, which is a designated scenic roadway as described in Map A General Viewshed. (Policy 2.2.2 CLUP) The portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures (Policy 2.2.3.4 CLUP). The house sits on a modest-sized lot up above the road and for this reason is not readily visible. It is located in a residential neighborhood with dwellings of similar size and character and is consistent with the view scape on the east side of Scenic Road. The Carmel River Lagoon is directly across the street.
 - b) To protect the scenic resources of the Carmel area perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. (Policy 2.2.2 CLUP) The project would result in the replacement of an existing single family dwelling in the same footprint of the existing structure. Although the proposed residence is taller than the existing dwelling, the height of the proposed residence meets the 18-foot height limit restriction required in the zoning district shown on Monterey County zoning maps. The project is also visible from a public viewing area (Carmel Beach). The house is being set back off the road approximately 49 feet, and the second story element of the house is set back from the front portion which reduces the visibility of the two story element of the house.
 - c) Structures located in the viewshed shall be designed so that they blend into the site and surrounding. Exterior lighting shall be adequately shielded or shall be designed at near-ground level and directed downwards to reduce its long-range visibility. (Policy 2.2.4.10.c and Policy 2.2.4.10.d CLUP) The applicant proposed to use colors and materials of beige stucco with accents of Carmel stone. Lighting will be conditioned to require low near ground lighting. Therefore, impacts are less than significant.
 - d) The project as proposed, conditioned, and mitigated is consistent with policies of the Carmel Area Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed.
 - 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 PLN080266.
 - f) The project planner conducted site inspections on August 18, 2009 and March 30, 2010 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

9. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission
- EVIDENCE:** a) Section 20.86.030 Monterey County Zoning Ordinance (Board of Supervisors).
- b) Section 20.86.080 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project includes a conditional uses (Coastal Development Permit) for development within a positive archaeological site and tree removal.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

- A. Adopt Mitigated Negative Declaration (**Exhibit F**) with Mitigation Monitoring Reporting Plan (**Exhibit C-1**);
- B. Approve PLN080266, based on the findings and evidence, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference; and
- C. Deny the request to replace the 6 foot high, 158 linear foot retaining wall at the rear of the property.

PASSED AND ADOPTED this 28th day of April 2010 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS / IS NOT APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

RESOLUTION - EXHIBIT C1
Monterey County Resource Management Agency
Planning Department
Condition Compliance and/or Mitigation Monitoring
Reporting Plan

Project Name: Polkow
File No: PLN080266 **APNs:** 009-471-024-000
Approved by: Planning Commission **Date:** April 28, 2010

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
RMA – Planning Department						
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN080266) allows: 1) Coastal Administrative Permit and Design Approval to allow the demolition of an existing 1,529 square foot single family dwelling and the construction of a 3,676 square foot, three level single family dwelling with 1,284 square foot located completely below grade and associated grading (500 cubic yards cut/50 cubic yards fill); 2) Coastal Development Permit for development with positive archaeological reports; 3) Coastal Development Permit for the removal of a 48" planted and diseased Cypress tree. The property is located at 26478 Camelo Street, Carmel (Assessor's Parcel Number 009-471-024-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. 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	Adhere to conditions and uses specified in the permit. 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. 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.	Owner/ Applicant RMA - Planning WRA RMA - Planning	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (RMA-Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for Assessor's Parcel Number 009-471-024-000 on April 28, 2010. The permit was granted subject to 28 conditions of approval and 6 mitigations measures all of which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department. The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA- Planning	Prior to the issuance of grading and building permits or commencement of use	
3.		PD032(A) - PERMIT EXPIRATION The permit shall be granted for a time period of 3 years, to expire on April 28, 2013 unless use of the property or actual construction has begun within this period. (RMA - Planning Department)	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
4.		PD005 - FISH AND GAME FEE-NEG DEC/EIR Pursuant to the State Public Resources Code § 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (RMA - Planning Department)	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval	
			If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of building or grading permits	
5.		PD006 - MITIGATION MONITORING PROGRAM The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.	Owner/ Applicant	Within 60 days after project approval or	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. (RMA - Planning Department)	2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.		prior to the issuance of grading and building permits, whichever occurs first	
6.		PD022(A) – EASEMENT – CONSERVATION AND SCENIC A conservation and scenic easement shall be conveyed to the County over those portions of the property where archaeological resources exist. The easement shall be developed in consultation with certified professional. An easement deed shall be submitted to, reviewed and approved by, the Director of the RMA - Planning Department prior to issuance of grading and building permits. (RMA – Planning Department)	Submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.	Owner/ Applicant/ Certified Professional	Prior to issuance of grading and building permits	
			Record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA – Planning Department.	Owner/ Applicant	Prior to final inspection or commencement use	
7.		PD011 – TREE AND ROOT PROTECTION 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, approved by a certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of the RMA – Director of Planning. If there is	Submit evidence of tree protection to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to the issuance of grading and/or building permits	
			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.	Owner/ Applicant/ Arborist	During Construction	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by a 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 Department)	Submit photos of the trees on the property to the RMA – Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.	Owner/ Applicant	Prior to final inspection	
8.		SPPD001 - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (SINGLE FAMILY DWELLING ONLY) –(NON STANDARD) The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. <u>Two trees required for tree replacement for the removal of the Cypress tree shall be located in the Northeast corner near Carmelo Street.</u> The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. (RMA – Planning Department)	Submit landscape plans and contractor’s estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of building permits	
			Submit one (1) set landscape plans of approved by the RMA – Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed “ <u>Residential</u> Water Release Form and Water Permit Application” to the Monterey County Water Resources Agency for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of building permits	
			Submit the RMA – Planning Department approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed “ <u>Residential</u> Water Release Form and Water Permit Application” to the Monterey Peninsula Water Management District for review and approval.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
			Submit an approved water permit from the MPWMD to the RMA – Building Permit	Owner/ Applicant/ Licensed Landscape Contractor	Prior to issuance of Building Permits	
			Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to Occupancy	
			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.	Owner/ Applicant	Ongoing	
9.		PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. (RMA – Planning Department)	Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.	Owner/ Applicant	Prior to the issuance of building permits	
			The lighting shall be installed and maintained in accordance with the approved plan.	Owner/ Applicant	Prior to occupancy/ ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
10		<p>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439) In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards:</p> <ol style="list-style-type: none"> 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process; 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building; 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. <p>All Air District standards shall be enforced by the Air District. (RMA – Planning Department)</p>	<p>Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.</p>	Contractor /Owner/ Applicant	Prior to the issuance of a demolition permit	
RMA – Public Works Department						
11		<p>PW0005 – ENCROACHMENT (STD DRIVEWAY) Obtain an encroachment permit from the Department of Public Works and construct a standard driveway connection to Carmelo Street. (Public Works)</p>	<p>Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.</p>	Owner/ Applicant	Prior to building/ grading permits issuance	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
12		<p>PW0044 – CONSTRUCTION MANAGEMENT PLAN</p> <p>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. (Public Works)</p>	<p>Applicant shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.</p>	Owner/ Applicant/ Contractor	Prior to issuance of the grading or building permit	
			<p>The approved measures shall be implemented during the construction/grading phase of the project.</p>	Owner/ Applicant/ Contractor	On-going through construction phases	
Monterey County Water Resources Agency						
13		<p>WR1 - DRAINAGE PLAN</p> <p>The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)</p>	<p>Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</p>	Owner/ Applicant/ Engineer	Prior to issuance of any grading or building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
14		<p>WR40 - WATER CONSERVATION MEASURES 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:</p> <p>a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.</p> <p>b. 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. (Water Resources Agency)</p>	Compliance to be verified by building inspector at final inspection.	Owner/ Applicant	Prior to final building inspection/occupancy	
15		<p>WR43 - WATER AVAILABILITY CERTIFICATION The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. (Water Resources Agency)</p>	Submit the Water Release Form to the Water Resources Agency for review and approval.	Owner/ Applicant	Prior to issuance of any building permits	
Cypress Fire Protection District						
16		<p>FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its</p>	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	<i>Applicant or owner</i>	Prior to issuance of building permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. (Cypress Fire Protection District)	Applicant shall schedule fire dept. clearance inspection.	Applicant or owner	Prior to final building inspection	
17		FIRE019 - DEFENSIBLE SPACE REQUIREMENTS - (STANDARD) Manage combustible vegetation within a minimum of 100 feet of structures (or to the property line). Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional and/or alternate fire protection or firebreaks approved by the fire authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (Cypress Fire Protection District)	Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of grading and/or building permit	
			Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
18		FIRE021 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD) The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. (Cypress Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit	
			Applicant shall schedule fire dept. rough sprinkler inspection	Applicant or owner	Prior to framing inspection	
			Applicant shall schedule fire dept. final sprinkler inspection	Applicant or owner	Prior to final building inspection	
19		FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD & PEBBLE BEACH CSD) All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (Cypress Fire Protection District)	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
Parks Department						
20		PKS001 – HISTORICAL If a project is proposed where a designated historical resource is present, it shall be referred to the Historic Resources Review Board (HRRB) for review and comment. (Parks Department)	None	Owner/ Applicant	Ongoing	
Mitigation Measures						

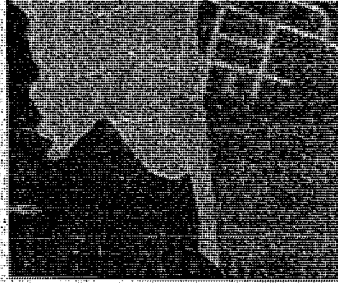
<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
21	1.	<p>MM001 – ARCHAEOLOGICAL RESOURCES (PRE-CONSTRUCTION MEETING)</p> <p>An on-site pre-construction meeting shall be held between the applicant, the archaeologist, the representative of the Native American Heritage Commission and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations.</p>	Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA – Planning Department. Evidence shall consist of a letter summarizing what was discussed.	Owner/ Applicant/ Contractor	Prior to issuance of grading and/or building permit	
22	2.	<p>MM002 – ARCHAEOLOGICAL RESOURCES (MONITORING)</p> <p>An agreement between the applicant a professional archaeologist and a Native American Monitor shall be signed stating that they shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc. This agreement shall be consistent with the recommendations contained in the Archaeological Testing Program prepared by Archaeological Resource Management dated January 4, 2010.</p>	A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.	Owner/ Applicant	Prior to issuance of grading and/or building permit	
			<p>Additional on-going monitoring Action:</p> <p>The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.</p>	Owner/ Applicant/ Contractor	Ongoing throughout construction activities	
23	3	<p>MM003 – EXCAVATION MONITORING</p> <p>No excavation or demolition will be permitted on site unless an archaeologist and a Native American Monitor are present. A team of three archaeologists will employ a backhoe or similar device to scrape off the archaeological deposit in thin layers. The bucket or scraping element shall have a smooth surface for scraping. The archaeologists will inspect the scraped surface and the back dirt for archaeological materials and human remains. Archaeological materials identified will be collected for later analysis. The relocation of the midden soil in the spoil dirt shall be documented and recorded. The midden soil will still exhibit</p>	Procedure must be written into the Archaeological Resources Monitoring Agreement.	Owner/ Applicant/ Contractor	Ongoing throughout construction activities	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
		archaeological characteristics – shell, fire cracked cooking stones, etc. – and will be documented in order to avoid the confusion of possibly finding this material in another location in the future.				
24	4	MM004 – PROTECTION OF RETAINING WALL The existing retaining wall at the rear of the property is not approved from removal and replacement. The face of the wall may be resurfaced subject to review and approval of the Planning Director.	Plans shall be modified to reflect that the existing retaining wall will not be removed and replaced. Notes shall be placed on the plans indicating that the will must remain in place.	Owner/ Applicant/ Contractor	Prior to issuance of grading and/or building permit	
25	5	MM005 – ARCHAEOLOGICAL RESOURCES 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, and If the coroner determines the remains to be Native American: - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours. - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent. - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods	Prior to issuance of any grading/building permits, the applicant shall submit the contracts with a Registered Professional Archaeologist, a Registered Professional Anthropologist and a representative of the Ohlone Costanoane Esselen Nation to the Director of the RMA – Planning Department for review and approval.	Owner/ Applicant	Prior to issuance of grading and/or building permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>as provided in Public Resources Code Section 5097.9 and 5097.993, or</p> <p>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.</p> <ol style="list-style-type: none"> 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission. 2. The descendent identified fails to make a recommendation; or 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. 				
26.	6.	<p>MM006 – GEOLOGY AND SOILS (SUBEXCAVATION)</p> <p><u>After archaeological digging</u>, the loose native soils outside of the excavation for the partial basement shall be subexcavated for a depth of at least five feet; the bottom of the subexcavation shall then be recompact to 90% relative compaction, and engineered backfill shall be placed in eight inch loose lifts compacted to 90% relative compaction to the designed subgrade of the building pad.</p>	<p><u>After archaeological digging</u> and prior to issuance of a grading and/or a building permit, construction plans shall contain the recommendations for excavation in order to mitigate the loose near surface soil conditions.</p>	Applicant / Owner	Prior to the issuance of grading and building permits	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
27	7.	<p>MM007 – GEOLOGY AND SOILS (DRAINAGE PLAN) Roof and site water shall be directed away from the new building foundations for a minimum slope of 5% in ten feet and shall discharge onto the driveway or within suitable down slope drainage areas.</p>	<p>Prior to issuance of a grading and/or a building permit, a drainage plan shall be submitted to Monterey County Water Resources Agency and RMA-Planning for review and approval.</p>	Applicant/Owner	Prior to the issuance of grading and building permits	
28	8.	<p>MM008 – GEOLOGY AND SOILS (FOUNDATION/EXCAVATION INSPECTION) A qualified, licensed geotechnical engineer shall be retained to inspect and approve all new foundation footing and basement retaining wall footing excavations for soil bearing conditions; Soil surveys shall also inspect and test all grading operations and approve the subgrade below new concrete floor and garage slabs prior to placement of reinforcing steel.</p>	<p>Prior to issuance of a grading and building permit, applicant/owner shall retain a qualified licensed geotechnical engineer to review and approve the grading, drainage, and foundation plans prior to construction. A copy of a contract to retain a qualified, licensed geotechnical engineer shall be submitted to the Planning Department. The applicant shall provide evidence of the presence of a qualified, licensed geotechnical engineer on-site during excavation of the new construction and any measures necessary to be in place and in good order through construction. Photos should be dated on a monthly basis and submitted with a certification from a qualified, licensed geotechnical engineer.</p>	Applicant/Owner	Prior to the issuance of grading and building permits	

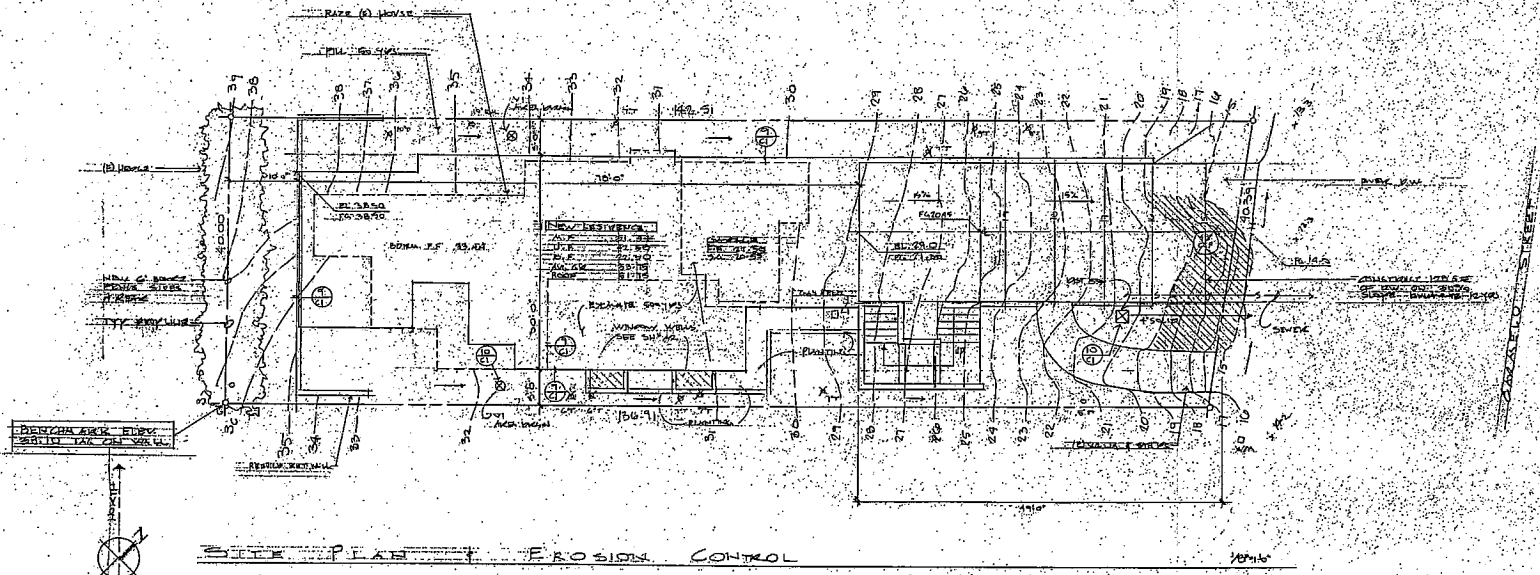
END OF CONDITIONS



BUILDING CLASSIFICATION

OCCUPANCY GROUP: R-3U
 CONSTRUCTION TYPE: V-B SPRINKLERED
 CODES: 2007 CALIFORNIA CODES
 SCOPE OF WORK: RAZE EXISTING S.F.D., BUILD NEW 2392 S.F. TWO STORY HOUSE PLUS A 777 S.F. BASEMENT AND A 507 S.F. BASEMENT LEVEL GARAGE, BUILD SITE RETAINING WALLS, 6' FENCE AROUND PROPERTY, DEVELOPMENT ON 30% SLOPES CONSISTING OF CONSTRUCTING 128 S.F. OF DRIVEWAY ON 30% SLOPES, TREE REMOVAL, AND GRADING.

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	10-24-08	DA
2	REVISED PER COMMENTS	11-10-08	DA
3	REVISED PER COMMENTS	11-10-08	DA
4	REVISED PER COMMENTS	11-10-08	DA
5	REVISED PER COMMENTS	11-10-08	DA



SITE PLAN - EROSION CONTROL

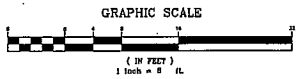
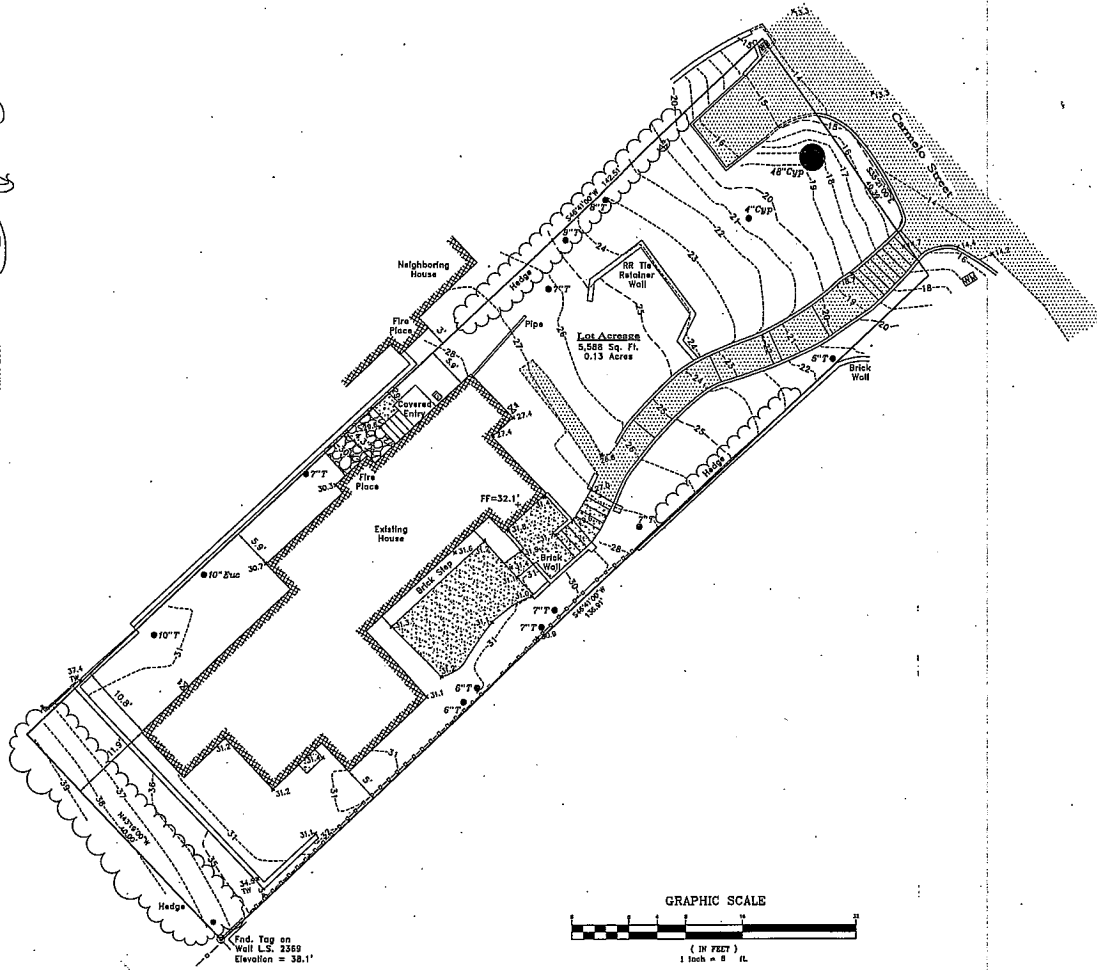
REVISIONS	BY
10-24-08	DA
11-10-08	DA
11-10-08	DA

DANA ANNIREAU
 Building & Design
 11100 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90025
 Tel: 310.471.0240

POLCOW RESIDENCE
 26478 CARMELO STREET
 CARMELO, CALIFORNIA
 APN: 009 471 024 000

DATE	9-24-08
SCALE	
DRAWN	
JOB	14-1008
SHEET	





SITE PLAN
 APN 009-471-024
 26478 Carmelo Street, Carmel, Ca
 prepared for:
 Steve Polkoy

SHEET 1
 OF
 1 SHEETS

DRAWN BY: SKL
 APPROVED BY: M. DOOLITTLE
 L.S. 6332
 REVISION:
 SCALE: 1" = 8'
 DATE: 01-31-06

TOPOGRAPHIC SURVEYS
 ALTA SURVEYS

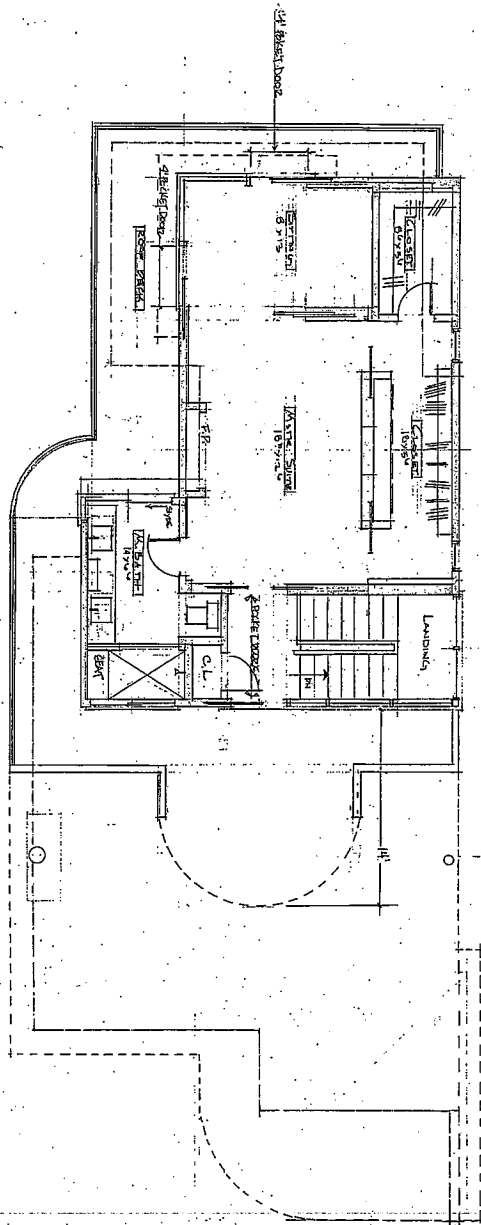
CONSTRUCTION STAKING
 LAND DEVELOPMENT

Base Line
 Lead Shrinkage
 MONTEREY, CALIFORNIA 93940
 ES1-373-3293 PH. FAX 831-373-3294
 261 HOFFMAN AVENUE, SUITE 2

DATE: 11/13/10

UPPER FLOOR APPROX. 700 SQ. FT.

1/13/10



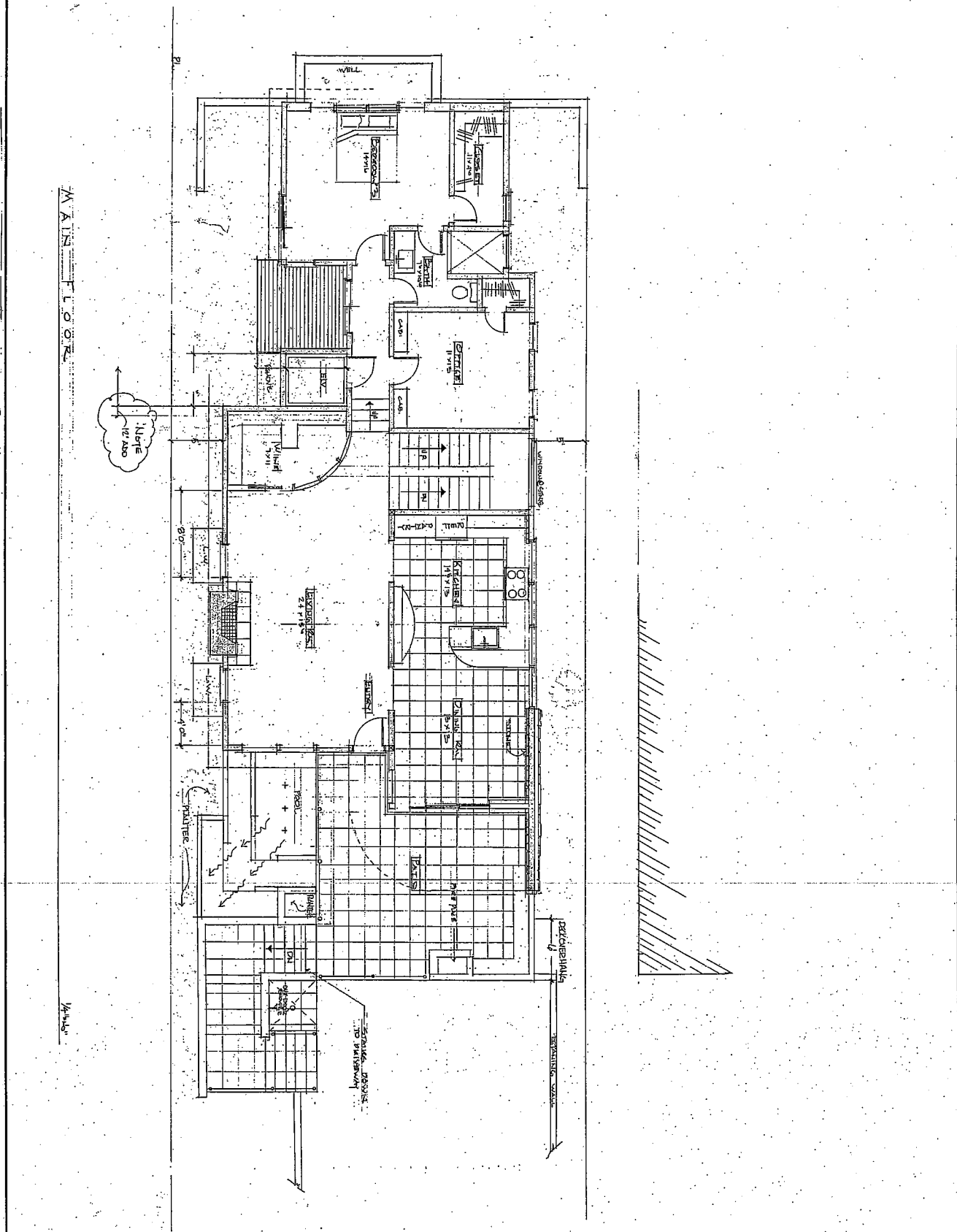
DATE	11/13/10
BY	DA
CHECKED	DA
SCALE	AS SHOWN
PROJECT	POLKOW RESIDENCE
NO.	1/13/10

POLKOW RESIDENCE
 26478 CARMELO STREET
 CARMEL, CALIFORNIA
 APN: 009-471-024-000

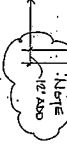
DANA ANNENEAU
 Building & Design

72150009, Pacific Grove, CA 95026 714-255-1111

NO.	1/13/10
DATE	11/13/10
BY	DA
CHECKED	DA
SCALE	AS SHOWN
PROJECT	POLKOW RESIDENCE
NO.	1/13/10



M.A. REAU ARCHITECTS



DATE	08/08/2008
TIME	10:00:00 AM
SCALE	AS SHOWN
SHEET	01 OF 01
PROJECT	POLKOW RESIDENCE
CLIENT	26478 CARMELO STREET, CARMEL, CA 95008
ARCHITECT	DANA ANNE REAU ARCHITECTS

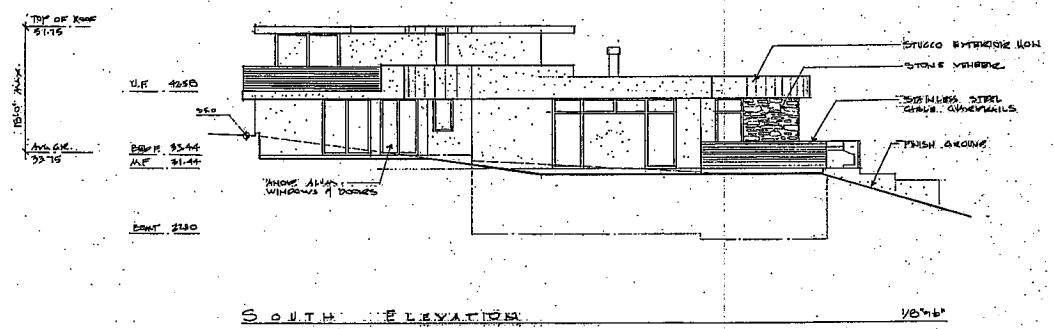
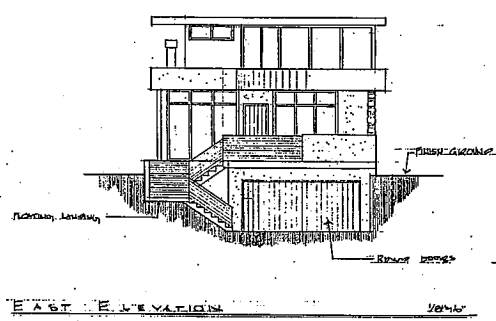
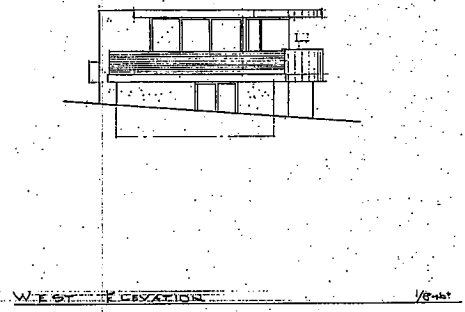
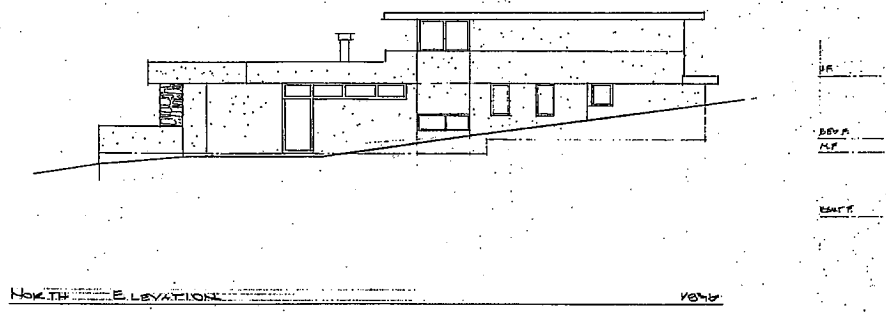
POLKOW RESIDENCE
 26478 CARMELO STREET
 CARMEL, CALIFORNIA
 APN: 009-471-024-000

DANA ANNE REAU
 Building & Design
 713 South Bascom Avenue, Suite 200, San Jose, CA 95128
 Tel: 408.298.8888

REVISION	BY	DATE
1	DA	08/08/08

REVISIONS	BY
10-0-06	D
5-9-09	D

DANA ANNE REAU
 Building & Design
 27330 8th St., Redwood City, CA 94061 • 252-8383



POLCOW RESIDENCE
 26478 CARMELO STREET
 CARMEL, CALIFORNIA
 APN: 009-471-024-000

DATE	9-24-06
SCALE	
DRAWN	
JOB	14-2006
SHEET	A5
OF SHEETS	

EXHIBIT "D"



CARMEL AREA



APPLICANT: POLKOW

APN: 009-471-024-000

FILE # PLN080266

 300' Limit
  2500' Limit
  City Limits

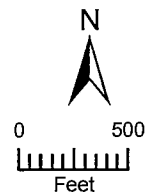


EXHIBIT "E"

MINUTES

Carmel Unincorporated/Highlands Land Use Advisory Committee
Monday, December 15, 2008

Meeting called to order at 4:10 pm by B. Rainier

A. Roll Call

Members Present: Weber, Bovy, Horst, Davis, Wald, Mahoen, Rainier

Members Absent: None

B. Approval of Minutes:
(Date: 12-1-08)

Motion: Davis (LUAC Member's Name)

Second: Bovy (LUAC Member's Name)

Ayes: 3 (Bovy, Davis, Rainier)

Noes: None

Absent: 3 - (Mahoen, Wald, Weber)

Abstain: 1 - Horst (has not recd. training for LUAC membership to date)

C. Public Comments: None

D. Scheduled Items – see project referral sheets which follow

E. Other Items: A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects/Applications:

None

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by Monday, December 15, 2008

Project Title: POLKOW STEVEN & MARIA

File Number: PLN080266

File Type: ZA

continued from 12/1/2008 meeting

Planner: GONZALES

Location: 26478 CARMELO ST CARMEL

Project Description: COMBINED DEVELOPMENT PERMIT CONSISTING OF 1) A COASTAL DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING SINGLE FAMILY DWELLING AND THE CONSTRUCTION OF A 3,676 SQUARE FOOT SINGLE FAMILY DWELLING; 2) A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITH POSITIVE ARCHAEOLOGICAL REPORTS; AND 3) A COASTAL DEVELOPMENT PERMIT FOR THE REMOVAL OF A 48" PLANTED AND DISEASED CYPRESS TREE. THE PROPERTY IS LOCATED AT 26478 CARMELO ST, CARMEL AREA LAND USE PLAN, COASTAL ZONE.

Was the Owner/Applicant/Representative Present? Yes No

Dana Annoveau

PUBLIC COMMENT: None

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

Lighting of out door patio and decks should not show light source (reflected light back to wall surface). Carmel River lagoon where numerous bird life is present is directly across Carmelo St. and outdoor lighting could impact wild life. Lighting of stair/steps to residence entrance must be at ground level to reduce lighting impacts.

Roof top deck, if allowed, would exceed 18 ft. height regulation. Planner should address this issue. Committee members felt it should not be allowed, as it sets a precedent and could possibly impact neighbors to right and left of property regarding privacy issues.

ADDITIONAL LUAC COMMENTS:

Two colors for exterior stucco walls were submitted. The darker of the two colors was preferred. Applicant was requested to return, at a later date, with actual color sample. Stone areas for exterior of home will be a combination of several beige or sandy brown tones.

Drainage from this parcel and grading operations should not be allowed to pollute lagoon area across Carmelo St. Runoff from this project should be retained on site.

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend continuance):

Davis - Motion to approve with 5 conditions:

1. Cypress tree to be replanted should be in N.E. corner near Carmelo St. in side ya. set back to right of driveway.
2. Colors of proposed residence to come back to LUAC committee for darker beige color is preferred.
3. Lighting (outside) on decks and balconies must be shielded so actual light source is not seen.
4. Deck or roof top should be glass if deck is allowed.
5. A qualified forester should make recommendation as to size and type (cypress) of tree which will replace cypress to be removed.

CONCUR WITH RECOMMENDATION:

AYES: Webster, Berry, Davis, Wald, McKeen, Roman

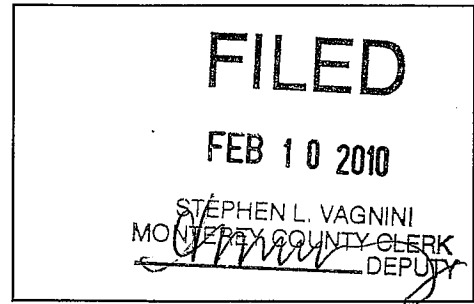
NOES: None

ABSENT: None

ABSTAIN: Hurst - (has not rec'd county training for LUAC participation)

McKeen - 2nd to motion

MITIGATED NEGATIVE DECLARATION



Project Title: POLKOW STEVEN & MARIA
File Number: PLN080266
Owner: POLKOW STEVEN
 26478 CARMELO ST
 CARMEL CA 93923-9132

Project Location: 26478 CARMELO ST CARMEL
Primary APN: 009-471-024-000
Project Planner: ELIZABETH GONZALES
Permit Type: Combined Development Permit

Project Description: COMBINED DEVELOPMENT PERMIT CONSISTING OF 1) A COASTAL DEVELOPMENT PERMIT TO ALLOW THE DEMOLITION OF AN EXISTING SINGLE FAMILY DWELLING AND THE CONSTRUCTION OF A 3,676 SQUARE FOOT SINGLE FAMILY DWELLING; 2) A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITH POSITIVE ARCHAEOLOGICAL REPORTS; AND 3) A COASTAL DEVELOPMENT PERMIT FOR THE REMOVAL OF A 48" PLANTED AND DISEASED CYPRESS TREE. THE PROPERTY IS LOCATED AT 26478 CARMELO ST, CARMEL AREA 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.

Decision Making Body (check one):

- Planning Commission
- Zoning Administrator
- Board of Supervisors
- Subdivision Committee
- Chief of Planning Services
- Other: _____

Responsible Agency: County of Monterey
 Review Period Begins: Feb. 12, 2010
 Review Period Ends: March 15, 2010

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

POSTED 30 DAYS

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT

PO BOX 1208 SALINAS, CA 93902

(831) 755-5025 FAX: (831)755-5487



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

NOTICE IS HEREBY GIVEN that the Monterey County Planning and Building Inspection Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Coastal Development Permit (Polkow, Planning number PLN080266) at 26478 Carmelo Street, Carmel (APN 009-471-024-000) (see description below). The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Planning and Building Inspection Department, 240 Church Street, Room 116 and the Monterey City Library. The Zoning Administrator will consider this proposal at a meeting on April 8, 2010 at 1:30 p.m. in the Monterey County Board of Supervisors Chambers, 240 Church Street, Salinas, California. Written comments on this Mitigated Negative Declaration will be accepted from February 12, 2010 to March 15, 2010. Comments can also be made during the public hearing.

Project Description: The proposed project consists of Coastal Development Permit to allow the demolition of an existing 1,529 square foot single family dwelling and construction of a new 3,676 square foot, three level single family dwelling with 1,284 square feet completely below grade located on generally the same foot print and Design Approval. The project calls for 500 cubic yards of excavation and 50 cubic yards of fill for the driveway access to allow for a basement along with a garage (approximately 8-12 feet of excavation below current grade). The excess cut (450 cubic yards) will be exported from the site to the Marina landfill. A 943 square foot, 6 foot high retaining wall will be replaced at the rear of the property and continued around three sides of the property. The project also includes the removal of a 48-inch planted Cypress tree which is diseased and in poor condition.

FOR ADDITIONAL INFORMATION CONTACT:

Elizabeth Gonzales, Project Planner
Monterey County Planning & Building Inspection Department
PO Box 1208
Salinas, CA 93902
(831) 755-5102

For reviewing agencies: The Planning and Building Inspection 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.

Distribution: (see below)

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

COMMENTS: _____

Return to: Elizabeth Gonzales, Associate Planner
 Monterey Co. Planning and Building Inspection Dept.
 PO Box 1208
 Salinas, CA 93902

From: Agency Name: _____
 Contact Person: _____
 Phone Number: _____

DISTRIBUTION

1. State Clearinghouse (15 copies)—include Notice of Completion
2. California Coastal Commission
3. County Clerk's Office
4. Association of Monterey Bay Area Governments
5. Carmel Unified High School District
6. Carmel Riviera Water Company
7. Pacific Gas & Electric
8. Pacific Bell
9. Monterey Bay Unified Air Pollution Control District
10. Others

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT
168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901
PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Polkow

File No.: PLN080266

Project Location: 26478 Carmelo Street, Carmel

Name of Property Owner: Steven Polkow

Name of Applicant: Dana Annereau

Assessor's Parcel Number(s): 009-471-024-000

Acreage of Property: 5,588 square feet

General Plan Designation: Residential

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

Medium Density Residential/ 2 units per acre with a Design Control overlay and an 18 foot height limit in the Coastal Zone

Lead Agency: Monterey County Resource Management Agency – Planning Department

Prepared By: Elizabeth Gonzales, Planner

Date Prepared: January 4, 2010

Contact Person: Elizabeth Gonzales

Phone Number: (831) 755-5102; gonzales1@co.monterey.ca.us

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description: The proposed project consists of Coastal Development Permit to allow the demolition of an existing 1,529 square foot single family dwelling and construction of a new 3,676 square foot, three level single family dwelling with 1,284 square feet completely below grade located on generally the same foot print and Design Approval. The project calls for 500 cubic yards of excavation and 50 cubic yards of fill for the driveway access to allow for a basement along with a garage (approximately 8-12 feet of excavation below current grade). The excess cut (450 cubic yards) will be exported from the site to the Marina landfill. A 943 square foot, 6 foot high retaining wall will be replaced at the rear of the property and continued around three sides of the property. The project also includes the removal of a 48-inch planted Cypress tree which is diseased and in poor condition.

B. Environmental Setting and Surrounding Land Uses: The subject property is located in the unincorporated area of Carmel-By-The-Sea near Carmel State Beach, and overlooking the Carmel River Lagoon and wetland area between Carmelo Street between 17th Avenue and Scenic Road in Carmel. The house is part of a neighborhood of one and two story houses of many of ages, sizes, styles and materials. The house sits on a modest sized lot up above the road and for this reason is not readily visible. There is little landscaping but a Monterey Cypress sits between the house and the road further obscuring visibility of the house. The lot is a previously developed 5,588 square foot site with an existing 1,529 square foot single family dwelling proposed for removal. The existing dwelling is accessed by a driveway that slopes down from Carmelo Street. Site topography is relatively sloping to the west at an average slope of 2 to 15 percent. The portions of the lot not covered by structures and hardscape consist of a landscaped front yard and a natural mixture of brush covering the side and backyards due to lack of attention and use of these areas. There is a significant Monterey Cypress tree approximately 48 inches in diameter located in the front of the property that will be removed for access to the garage below grade. A Tree Assessment/Arborist Report has determined the planted tree is diseased and in poor health. The site is located within a medium density urban neighborhood with residential uses on both sides of the property with the Carmel Lagoon directly across the street.

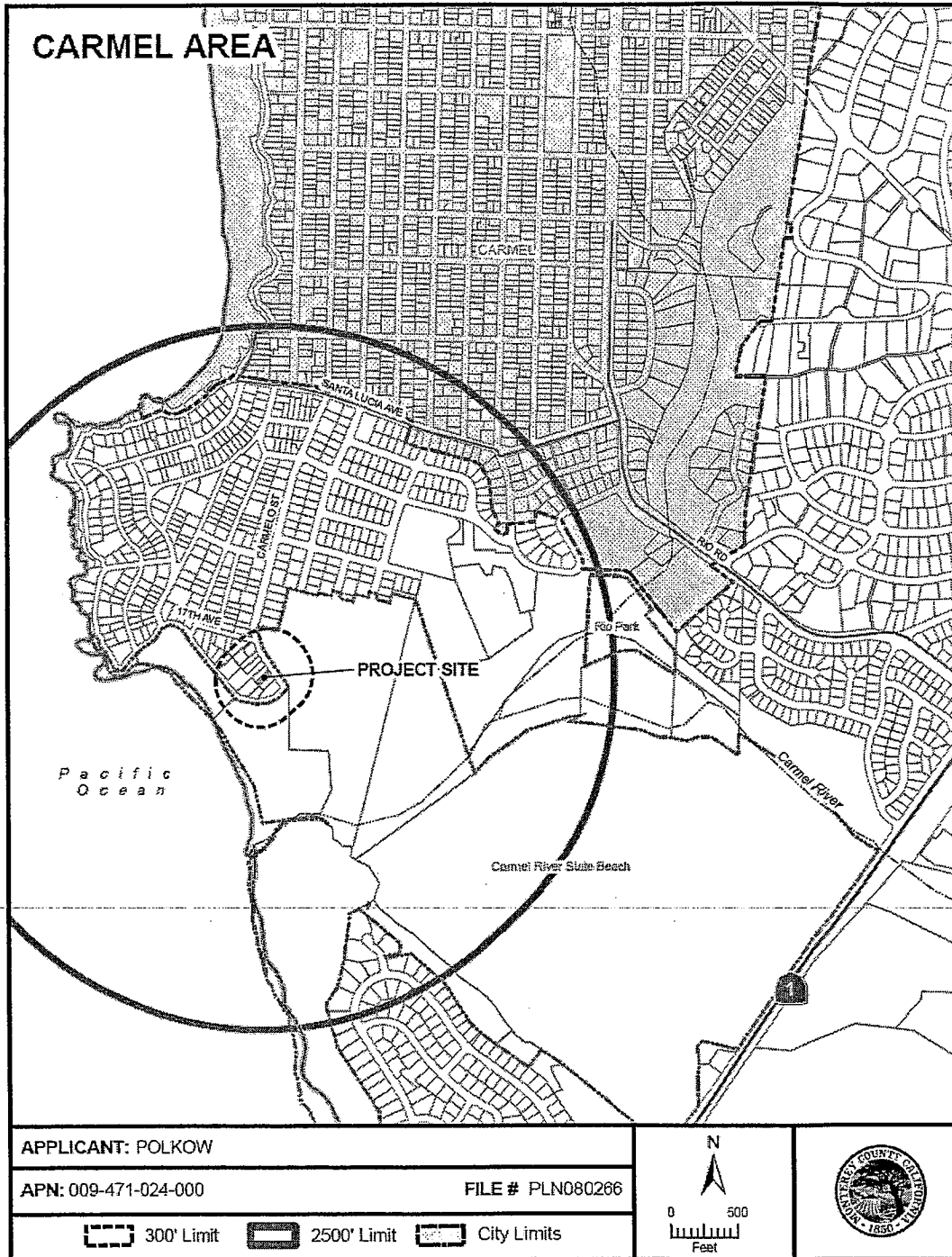
~~The project is located within a high seismic zone. A geotechnical investigation with geologic considerations determined that the soil conditions are suitable for the proposed new residential building at the project site with the recommendations noted in the report.~~

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. There are six Archaeological reports that have been prepared for this parcel. All of them conclude that this is a positive site with the possibility of human remains. According to the California Environmental Quality Act (CEQA) Section 15064.5, a positive site cannot be categorically exempt and requires an Initial Study.

Pursuant to CEQA Section 21083.2. Archaeological Resources (a) as part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project

may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources.

Figure 1- Vicinity Map



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 (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. **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. As discussed therein, 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"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | | |

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

- Check here if this finding is not applicable

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

EVIDENCE: 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 site is not under a Williamson Act Contract. Development adjacent to prime farmland shall be planned to be compatible with the continued agricultural use of the land (**Policy 2.6.2 CALUP**). The project site is located within an urban area and is not located adjacent to agriculturally designated lands. *Therefore, the proposed project will have no impacts related to Agricultural Resources.* (Source: IX. 1, 2, 3, 5 & 6)

4. Biological Resources. In addition to compliance with forestry and soils resources policies, all developments, forest management activities and tree removal shall specifically conform to the LCP policies regarding water and marine resources, sensitive habitat area and coastal visual resources (**CALUP 2.5.3.8**). The proposed site does not contain any environmentally sensitive habitat areas. The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a sensitive or special status species and would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. Although there is one planted Cypress tree proposed for removal, the Tree Assessment/Arborist Plan states that it is diseased and considered a hazard to construction activities and recommends its removal. (Source IX. 1, 3, 5 & 10). *Therefore, the project will have no impacts related to Biological Resources.*

7. 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 would pose 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 any 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 (Source: IX. 1, 2, 5 & 9). The Cypress Fire Protection District reviewed the project application and recommended conditions of approval regarding fire safety, including a fire sprinkler system. *Therefore, the proposed project would have no impacts related to Hazards/Hazardous Materials.*

8. Hydrology/Water Quality. The proposed project will not violate any water quality standards or waste discharge requirements nor substantially alter the existing drainage patten 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 should require new development in the Cal-Am service area to employ water conservation techniques to the greatest possible extent. This would include, among other things, use of water-saving fixtures, retention of native vegetation, and use of drought-tolerant landscaping (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: IX. 1, 3, 4, 5 & 7). *Therefore, the proposed project would have no impacts related to Hydrology/Water Quality.*

9. 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 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: IX. 1, 2, 3, 4, 5, 6 & 7). *Therefore, the proposed project will have no impacts related to Land Use/Planning.*
10. Mineral Resources. No mineral resources have been identified or would be affected by this project (Source: IX. 1, 3, 5, 6, & 7). *Therefore, the proposed project would have no impacts related to Mineral Resources.*
11. Noise. The proposed project will not expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance nor will have 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. The construction of one single-family home within a residential area would not be exposed to noise levels that exceed standards and would not substantially increase ambient noise levels. Temporary construction activities shall comply with the County's noise Control Ordinance, as required in the County Code, Chapter 10.60 of the Monterey County Code. (Source: IX. 1, 2, 3, 5, 7 & 8). *Therefore, the proposed project will have no impact upon Noise.*
12. 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: IX. 1, 3, 5 & 6). *Therefore, the proposed project would have no impacts related to Population and Housing.*

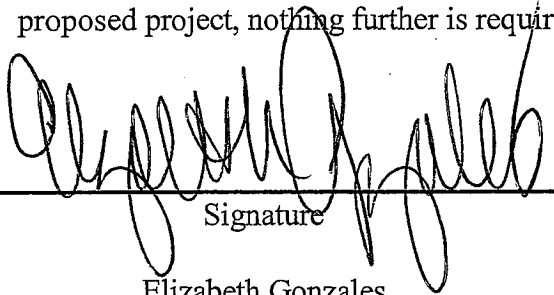
13. Public Services. The project would have no substantial adverse physical impacts associated with the provision of new or physically-altered governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, such as 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 are 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: IX. 1, 3 & 5). *Therefore, the proposed project would have no impacts related to Public Services.*
14. 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. The construction of one new single-family home will replace the existing single family home proposed for demolition. The Parks Department viewed the existing structure with respect to its historic presence and determined that it does not meet the criteria for an historic structure. 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.*
16. Utilities and Service Systems. The proposed project will have sufficient water supplies and a wastewater treatment provider available to service the project. 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 IX. 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
 Elizabeth Gonzales

 Printed Name



 Date
 Associate Planner

 Title

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 3, 4, 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:

The project parcel is located on the west side of Carmelo Street directly across a narrow asphalt road from Carmel River State Beach in the residential neighborhood east of Carmel Point. The project parcel is approximately on the bay shoreline and is approximately 50 feet above mean sea level. The parcel slopes to the east with a view of the Carmel River Lagoon. The residence is surrounded by eclectic gardens, as the previous owner was a botanist. A Monterey Cypress sits between the house and the road further obscuring visibility of the house.

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 as described in Map A General Viewshed. The portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures (**Carmel Area Land Use Plan Policy 2.2.3.4**). The house sits on a modest-sized lot up above the road and for this reason is not readily visible. It is located in a residential neighborhood with other dwellings of similar size and character making up much of the view on the east side of Scenic Road. The Carmel River Lagoon is directly across the street. Although the large Cypress tree is proposed for removal because it is diseased and poses a hazard, it will not cause additional visibility of the proposed structure.

According to **Policy 2.2.2 of the Carmel Area Land Use Plan**, "To protect the scenic resources of the Carmel area perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area." The project would result in the replacement of an existing single family dwelling in the same footprint of the existing structure. Although the proposed residence is taller than the existing dwelling, the height of the proposed

residence meets the 18-foot height limit restriction required in the zoning district shown on Monterey County zoning maps. The project is also visible from a public viewing area (Carmel Beach). "Structures located in the viewshed shall be designed so that they blend into the site and surrounding. Exterior lighting shall be adequately shielded or shall be designed at near-ground level and directed downwards to reduce its long-range visibility." (**Carmel Area Land Use Plan Policy 2.2.4.10.c and Policy 2.2.4.10.d**) The applicant proposed to use colors and materials of beige stucco with accents of Carmel stone. Lighting will be conditioned to require low near ground lighting. Therefore, impacts are less than significant.

2. AGRICULTURAL 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.

Would the project:	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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural 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.

3. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source:1, 5, 6, 7 & 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, 7 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source:1, 5, 6, 7 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 5, 6, 7 & 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, 7 & 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, 7 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

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).

Air Quality (a), (b), (c), (e) (f) – No Impact

The proposed project will not conflict with or obstruct the implementation of any air quality plan. The proposed project will not contribute substantially or result in cumulatively considerable pollutant or expose any sensitive receptors or create objectionable odors.

Air Quality (d) - Less Than Significant Impact

Excavation of the garage for the project site will result in temporary minor increases in emissions from construction vehicles and dust generation. The CEQA Air Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM₁₀ to be 2.2 acres of disturbance a day. As less than 2.2 acres will be disturbed by this project it has been judged not to constitute a significant impact. Generally, in the long-term, the primary source of air emissions is vehicular traffic. The development on the project site for a single family home will

be in accordance with the AMBAG population projections, which is accommodated in the AQMP. Therefore, the proposed project will have a less than significant impact upon air quality.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 5 & 10)	<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, 5 & 10)	<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, 5 & 10)	<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, 5 & 10)	<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, 5 & 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source:1, 3, 5 & 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source:1, 3, 5, 6, 8, 12, 13, 14, 15, 16 & 17)	<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, 5, 6, 8, 12, 13, 14, 15, 16 & 17):	<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, 5, 6, 8, 12, 13, 14, 15, 16 & 17)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source:1, 3, 5, 6, 8, 12, 13, 14, 15, 16 & 17)	<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 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 new subdivisions and for all other 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**).

After many meetings with the applicants and research done by the County, staff found that it was necessary to question whether a basement would be allowed for this project. Evidence of existing permits revealed that certain construction details were done to avoid disturbance of parcels that are positive for cultural resources. For example, a neighboring parcel 26448 Carmelo Street, Carmel (PLN010169) consisted of the demolition of existing single family residence and construction of new single family residence. The applicants opted to place the home on a series of 50 helical steel piers which are screwed down into the earth until a specified degree of resistance is obtained. This was done to avoid disturbance of resources to a less than significant level.

The **Carmel Area Land Use Plan, Policy 2.8.3.4**, specifically states, “When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resources, particularly where the site has potential religious significance.”

However, there were two other neighboring parcels that did not encounter archaeological deposits or artifacts during project activities. Neighboring parcel 26401 Scenic Road, Carmel (PLN030332) consisted of the demolition of existing single family residence and construction of

a new single family residence with below grade garage: A Mitigated Negative Declaration was prepared requiring archaeological monitoring with no evidence of archaeological deposits or artifacts. And neighboring parcel 26321 Scenic Road, Carmel (PLN000654) consisted of a partial demolition and addition of 900 square feet to first and second stories to an existing single family dwelling. A Mitigated Negative Declaration was also prepared requiring archaeological monitoring with no found archaeological deposits or artifacts.

Cultural Resources 5(a) - No Impact.

The proposed project includes the demolition of an existing single family dwelling. While the Assessor's records show that the dwelling was built in 1947, there is no record indicating that this house was the site of any significant historic event. A Phase I Historic Assessment prepared by Elizabeth Moore Architect dated March 4, 2009, determined the structure is not listed in any registrar of historic places, and has been altered less than 50 years ago, and has no historical significance. Therefore, pursuant to Section 21084.1, the structure does not qualify as being historic.

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.

There are six Archaeological reports that have been prepared for this parcel. All of them conclude that this is a positive site with existing human remains and the possibility of more human remains being found. Several of the archaeological and construction projects on nearby parcels along Carmelo, within the same archaeological site, have produced Native American remains. The reports are as follows and contain a summary of each finding:

Preliminary Cultural Resources Reconnaissance for Assessor's Parcel Number 009-471-024-000 (LIB100015) prepared by Susan Morley dated February 2006. Conclusion and Recommendation: The project parcel was methodically inspected for evidence of significant prehistoric or historic cultural remains. This planning project may disturb cultural resources that have some significance, although this is not knowable until the project begins. Therefore, as a condition of soil disturbing activities, the author recommends that a qualified archaeologist be present to monitor construction activities during the demolition of the existing retaining wall.

Report on Monitoring Program for Assessor's Parcel Number 009-471-024-000 (LIB100016) prepared by Susan Morley, September 2006. No significant features were noted during the trenching of the retaining wall. However, one small fragment of human cranium was recovered during the monitoring program. The Native American Heritage Commission was notified along with the coroner's office and appropriate measures were taken. Recommendation: If any construction projects come forth, they must be monitored by a qualified archaeologist as human remains have been recovered on the project parcel and evidence that the parcel is within CA-MNT-17 is irrefutable.

Preliminary Archaeological Reconnaissance (LIB100017) prepared by Archaeological Consulting dated October 31, 2008 concluded that based on background research, the surface

reconnaissance and the auger borings, that the project parcel contains potentially significant archaeological resources and a portion of prehistoric site CA-MNT-17. It is likely that the project, as designed, will entail substantial disturbance of the cultural resources on the project parcel. Staff spoke with Gary Breschini of Archaeological Consulting regarding the possibility of revising the plans to delete the basement level and possibly reducing the impacts to less than significant. Mr. Breschini stated that it would depend on the type of foundation used and if any utility trenching would take place.

Archaeological Resources Assessment (LIB100018) prepared by Basin Research Associates dated August 4, 2009 concludes the CA-MNT-17 is within the proposed project. Sandy black sediments similar to the midden soils known for the site have been exposed on the parcel at approximately two feet below the present surface and appear to extend to 5 or 6 feet below the existing grade. These observations are similar to other adjacent properties. There is a high potential for the exposure of culturally-affected soils with prehistoric archaeological materials that may be significant. There appears to be a small probability of exposing Native American human remains based on the presence of a small cranial fragment noted during archaeological monitoring in 2006 at the rear of the property line. However, the lack of formal artifacts, the presence of saw-cut animal bone at depth, and impacts from previous residential construction (cut and fill) and infrastructure over the past 80 years suggest that intact, significant resources may not be present.

Proposal for Archaeological Testing Program for 26478 Carmelo Street (LIB100019) prepared by Archaeological Resource Management dated November 17, 2009 Based upon the results of previous investigations, an archaeological testing program was recommended to be completed prior to the proposed project. This report confirmed the presence of prehistoric midden soils on the property, and recommended an archaeological testing program be carried out prior to construction excavation for the proposed project. The archaeological testing program will consist of one 1 x 1 meter unit.

~~Archaeological Testing Program for 26478 Carmelo Street (LIB100020) prepared by Archaeological Resource Management dated January 4, 2010~~ This testing program was carried out to determine the extent of the subsurface archaeological deposit on the property, and to define its boundaries, depth, and constituents. The archaeological program consisted of one 1 x 1 meter unit, which was hand excavated on November 27, 2009. Native American monitors were present during all subsurface excavation. The archaeological excavations confirmed the presence of Native American cultural materials within the proposed project area, and give a better understanding of its age, contents, and the activities of the prehistoric peoples who once lived in this location. No traces of human remains were recovered during the archaeological testing program. Based on the results of this testing program it is recommended that all proposed demolition and subsurface construction excavation of the property be monitored by qualified professional archaeologists as well as a Native American monitor. In the event that significant subsurface archaeological materials or features are exposed during excavation, the field archaeologist will have authority to temporarily halt construction to allow these materials to be identified and recovered.

Because of the known recovery sites, the Carmel Area Land Use Plan does not allow these archaeological sensitive areas to be categorically exempt from environmental review (**Policy 2.8.4.5 Carmel Area Land Use Plan**). Also, Pursuant to CEQA Section 21083.2, Archaeological Resources (a) as part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources.

There are policies within the Carmel Area Land Use Plan that require protection of cultural heritage values. **Key Policy 2.8.2 Carmel Area Land Use Plan**, states that those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values.

Also, **Policy 2.8.3.2 Carmel Area Land Use Plan** requires Monterey County to encourage the timely identification and evaluation of archaeological, historical and paleontological resources in order that these resources be given consideration during the conceptual design phase of land use planning or project development. With the evidence gathered from all six reports, the County will require an Archaeological monitor to be present on site along with the representative of the Native American Heritage Commission.

When other site planning constraints do not permit avoidance of construction on archaeological or other types of a cultural site, adequate preservation measures shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission (**Policy 2.8.4.6 Carmel Area Land Use Plan**).

All available measures, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, etc., shall be explored to avoid development on sensitive prehistoric or archaeological sites (**Policy 2.8.3.3 Carmel Area Land Use Plan**).

Mitigation Measure #1:

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

Monitoring Action #1:

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

Mitigation Measure #2:

An agreement between the applicant a professional archaeologist and a Native American Monitor shall be signed stating that they shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc.

Monitoring Action #2:

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

Additional on-going monitoring Action:

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

Mitigation Measure #3:

If 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, and

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.
- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or

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

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

Monitoring Action #3:

Prior to issuance of any grading/building permits, the applicant shall submit the contracts with a Registered Professional Archaeologist, a Registered Professional Anthropologist and a

representative of the Ohlone Costanoane Esselen Nation to the Director of the RMA – Planning Department for review and approval.

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:1, 3, 6, 9) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source:1, 3, 6, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source:1, 6, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source:1, 6, 9)	<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, 9)	<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, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source:1, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source:1, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Located in the unincorporated area of Carmel near the City of Carmel, the project site is located approximately 4 miles northeasterly of the San Gregorio Fault and 4.6 miles southwesterly of the Monterey Bay-Tularcitos Fault, both considered to be B rated Faults on the “Maps of Known Active Fault near Source Zones in California and Adjacent Portions of Nevada. However, the

concealed Cypress Point Fault, a C rated fault, does appear to transect the northeasterly corner of the subject property; that fault is shown on the "Geologic Map of the Monterey Peninsula and Vicinity and is subject to seismic related problems. The near surface and subsurface soils were found to be non-plastic and non-expansive. No unsuitable soil conditions were found in the test borings for foundation purposes other than the very loose to loose sandy soil found to depths of 6 to 6.5 feet below surface. Grading consists of 450 cubic yards of excavation. Excavation will go down approximately three to four feet below current excavated pad in order to prepare for the below grade garage. The collapsing retaining wall will have a footing of approximately three to four feet.

The Carmel Land Use Plan defines high hazard areas to include zones 1/8 mile each side of active or potentially active faults. The project parcel is located approximately 600 feet from the Cypress Point Fault. A Geologic and Soils Engineering Report, prepared by Soil Surveys, Inc. in October 2008, was submitted for the proposed project. The report concluded that the concealed Cypress Point Fault appears to cross the northeasterly corner of the subject property.

Geology and Soils 6(a(iv), (c), & (e) - No Impact

Pursuant to **Policies 2.7.4.7.a-g Carmel Area Land Use Plan**, "Where soils and geologic reports are required, they should include a description and analysis of the following items: geologic conditions, including soil, sediment, and rock types; evidence of past or potential landslide conditions; impact of construction activity; ground and surface water conditions; potential erodibility of site; potential effects of seismic forces and any other factors that might affect slope stability." The Geologic and Soils Engineering Report addressed these issues and concluded that liquefaction and lateral spreading were determined to have a very low potential of occurrence, due to the soils on the site not having properties normally associated with these situations and therefore having a low potential for surface rupture. Since the site is relatively flat and not in close proximity to significant slopes, there is no potential for adverse impacts from landslides or exposure to people or structures, including the risk of loss, injury, or death. The project will be served by the Carmel Area Wastewater District so the adequacy of the soil for sewage disposal is irrelevant.

Geology and Soils 6(a(i-iii)) and (b) - Less Than Significant Impact

All development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. Applications for grading and building permits and applications for subdivisions shall be reviewed for potential impact on onsite and offsite development arising from geologic and seismic hazards and erosion. Mitigation measures shall be required as necessary (**Policy 2.7.4.1 Carmel Area Land Use Plan**).

The report discussed the risk associated with the site location and characteristics including soils suitability, tendencies, and seismic effects. Located in a seismically active region, strong seismic ground shaking will undoubtedly occur at the site in the future. The engineer, having taken into account the applicable information, has recommended design features and procedures to reduce the risk of loss, injury or death regarding the proposed project to a less than significant level. The proposed building must be designed in strict compliance with the 2007 California Building Code and the 2006 International Building Code to help withstand such seismically generated ground accelerations for a reasonably expected duration without suffering major damage. The

report concluded that the site is suitable, from a soil-engineering standpoint, for the proposed development provided the recommendations in the report are implemented.

Geology and Soils 6(d) – Less Than Significant Impact with Mitigation Incorporated

According to the Geologic and Soils Engineering Report submitted there were very loose to loose sandy soils found to depths of 6 to 6.5 feet below surface. In anticipation of excavation and fill within the building site especially excavation for the partial basement, the following mitigation measures are recommended for the proposed project:

Mitigation Measure #4: The loose native soils outside of the excavation for the partial basement shall be subexcavated for a depth of at least five feet; the bottom of the subexcavation shall then be recompacted to 90% relative compaction, and engineered backfill shall be placed in eight inch loose lifts compacted to 90% relative compaction to the designed subgrade of the building pad.

Monitoring Action #4: Prior to issuance of a grading and/or a building permit, construction plans shall contain the recommendations for excavation in order to mitigate the loose near surface soil conditions.

Mitigation Measure #5: Roof and site water shall be directed away from the new building foundations for a minimum slope of 5% in ten feet and shall discharge onto the driveway or within suitable down slope drainage areas.

Monitoring Action #5: Prior to issuance of a grading and/or a building permit, a drainage plan shall be submitted to Monterey County Water Resources Agency and RMA-Planning for review and approval.

Mitigation Measure #6: A qualified, licensed geotechnical engineer shall be retained to inspect and approve all new foundation footing and basement retaining wall footing excavations for soil bearing conditions; Soil surveys shall also inspect and test all grading operations and approve the subgrade below new concrete floor and garage slabs prior to placement of reinforcing steel.

Monitoring Action #6: Prior to issuance of a grading and building Permit, applicant/owner shall retain a qualified licensed geotechnical engineer to review and approve the grading, drainage, and foundation plans prior to construction. A copy of a contract to retain a qualified, licensed geotechnical engineer shall be submitted to the Planning Department. The applicant shall provide evidence of the presence of a qualified, licensed geotechnical engineer on-site during excavation of the new construction and any measures necessary to be in place and in good order through construction. Photos should be dated on a monthly basis and submitted with a certification from a qualified, licensed geotechnical engineer.

7. HAZARDS AND HAZARDOUS MATERIALS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source:1, 2, 5 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source:1, 2, 5 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source:1, 2, 5 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source:1, 2, 5 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source:1, 2, 5 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source:1, 2, 5 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source:1, 2, 5 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source:1, 2, 5 & 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source:1, 3, 4, 5 & 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

9. LAND USE AND PLANNING		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Physically divide an established community? (Source:1, 2, 3, 4, 5 & 6)	<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. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source:1, 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. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source:1, 2, 3, 5 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source:1, 2, 3, 5 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source:1, 2, 3, 5 & 8)	<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 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source:1, 2, 3, 5 & 8)	<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 & 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

12. POPULATION AND HOUSING

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

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source:1, 3, 5 & 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation: See Section IV.

13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source:1, 2, 3 & 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.

14. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source:1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency 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) Result in inadequate parking capacity? (Source:1, 2, 3 & 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (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. Although temporary, excavation for the garage will require 450 cubic yards of cut and export of the soil off site may cause an increase in traffic. Due to existing traffic load and capacity of the street system, this may result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, and congestion at intersections. Therefore, a Construction Management Plan shall be required to show the truck route during construction as a condition of approval.

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 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.

16. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source:1, 3, 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"/>

16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>
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.

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, 4, 5, 6, 7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("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, 2, 4, 5, 8)	<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, 4, 5, 6, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) Less Than Significant with Mitigation Incorporated

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. Any potential impacts from construction may be to Cultural Resources (See Section VI. Number 5) and Geology (See Section VI Number 6). Impacts are addressed with mitigation measures and a monitoring program.

(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).

(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).

Global Warming:

The enactment of AB 32, the Global Warming Solutions Act, which was signed into legislation by Governor Schwarzenegger in September 2006, requires that greenhouse gases emissions be reduced to 1990 levels by the year 2020. Increased emissions of greenhouse gases due to developmental pressures have resulted in multiple adverse environmental effects, including sea level rise, increased incidence and intensity of severe weather events (e.g., heavy rainfall, droughts), and extirpation or extinction of plant and wildlife species. Further, emissions contributing to climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Given the significant adverse environmental effects associated with anthropogenic climate change, increased emissions have the potential to result in cumulatively considerable air quality impacts and indirect biological and hydrological impacts.

When analyzing a project's potential to affect climate change, it is important to note that neither CEQA nor current case law identifies thresholds or other direction in measuring or evaluating the effect of individual projects on global warming. As a result, in the absence of applicable methodology and thresholds, the significance of the project's effect on global warming cannot be quantified. Furthermore, given the transboundary nature of greenhouse gases, the cumulative global emissions contributing to climate change can be attributed to every nation, region, and city, in addition to naturally occurring phenomenon.

The level of emissions resulting due to project-generated traffic would not be expected to exceed air quality standards. Further, as identified in Section VI. 3 - Air Quality, the development of the proposed project would not exceed applicable air quality standards as established by the air pollution district. Given the scale and nature of the proposed project, in addition to the use of energy efficient appliances and other modern amenities, the proposed project is unlikely to substantially impact existing levels of greenhouses gases on a local, regional, or global scale.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a "de minimis" (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a "de minimis" effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of "de minimis" effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of "no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and

Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department's website at www.dfg.ca.gov.

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

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN080266 and the attached Initial Study / Mitigated Negative Declaration. The project as proposed may 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, conditioned, and mitigated will not have the potential to degrade the environment (Source: IX. 1, 3, 5, 6, 7, 9, 12, 13, 14, 15, 16, 17).

****At the time the Initial Study was circulated, the applicant requested a "No Effect Determination" from the Department of Fish & Game since there are no biological issues to contend with in this project, therefore, the project may not be required to pay the fee.**

IX. REFERENCES

1. Project Application and Plans for Planning File Number PLN080266
2. Monterey County General Plan
3. Carmel Area Land Use Plan and Coastal Implementation Plan, Part 4
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. Site visits by project planner 11/19/2008, 8/18/2009 and 9/25/2009
6. Monterey County Planning Department GIS system and selected property report for Assessor's Parcel Number 009-471-024-000

7. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008
8. 2007 California Environmental Quality Act – CEQA Guidelines (CELSOC)
9. Geotechnical Investigation and Geologic Considerations (LIB100012) prepared by Soil Surveys dated October 9, 2008
10. Tree Assessment/Arborist Report for Polkow Residence (LIB100013) prepared by Frank Ono dated October 10, 2008
11. Phase I Historic Assessment for Polkow Residence (LIB100014) prepared by Elizabeth Moore Architect dated March 4, 2009
12. Preliminary Cultural Resources Reconnaissance for Assessor's Parcel Number 009-471-024-000 (LIB100015) prepared by Susan Morley dated February 2006

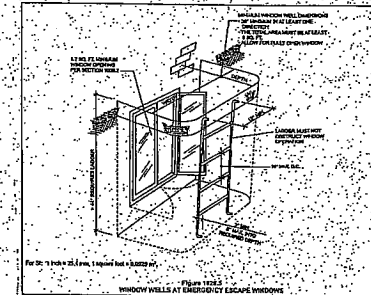
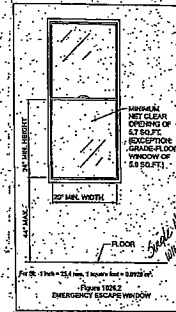
13. Report on Monitoring Program for Assessor's Parcel Number 009-471-024-000 (LIB100016) prepared by Susan Morley, September 2006
14. Preliminary Archaeological Reconnaissance (LIB100017) prepared by Archaeological Consulting dated October 31, 2008
15. Archaeological Resources Assessment (LIB100018) prepared by Basin Research Associates dated August 4, 2009
16. Proposal for Archaeological Testing Program for 26478 Carmelo Street (LIB100019) prepared by Archaeological Resource Management dated November 17, 2009
17. Archaeological Testing Program for 26478 Carmelo Street (LIB100020) prepared by Archaeological Resource Management dated January 4, 2010

X. ATTACHMENTS

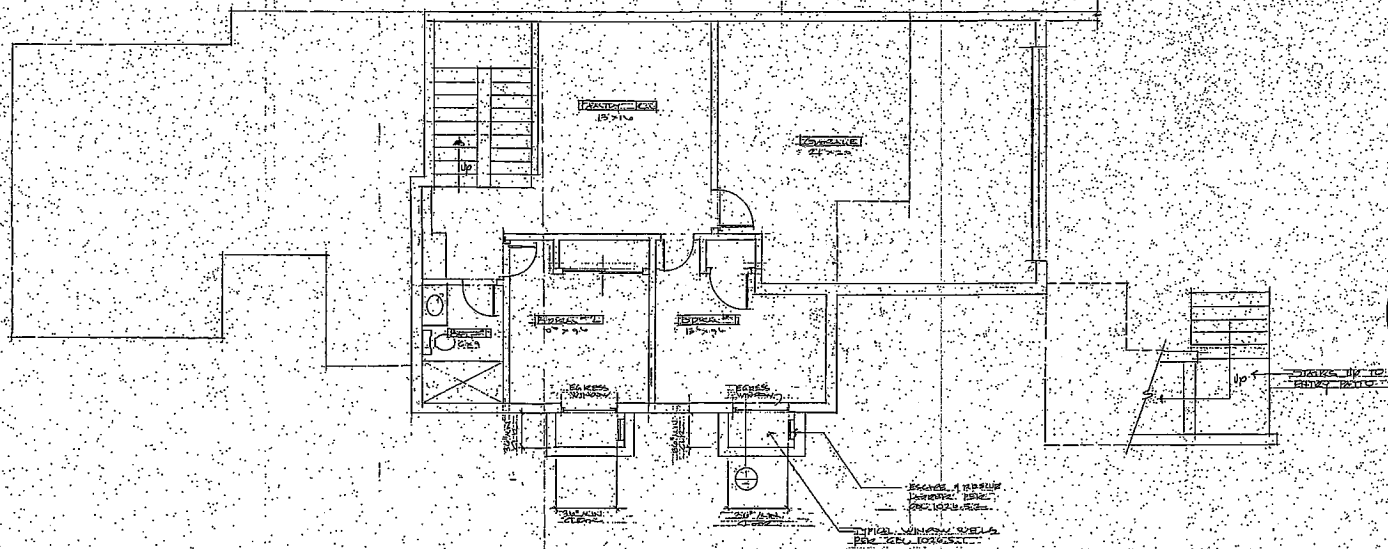
1. Site Plan and Elevations (dated August 27, 2009)

RECEIVED

MAR 17 2009
 MONTEREY COUNTY
 PLANNING & BUILDING
 INSPECTION DEPT.



VIEW INDEX - SEE SHEETS PLN080266-01 THROUGH PLN080266-05



D.A.S. ARCHITECT

PLN080266

REVISIONS	BY
10-8-07	DA
2-14-08	DA
3-11-09	DA

DANA ANNENBERG
 Building Design
 7150009, Redwood, Corvallis, OR 97331

POLCOW RESIDENCE
 26478 CARMELO STREET
 CARMEL, CALIFORNIA
 APN: 009-471-024-000

DATE: 7-24-08
 SCALE:
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 JOB: PLN080266
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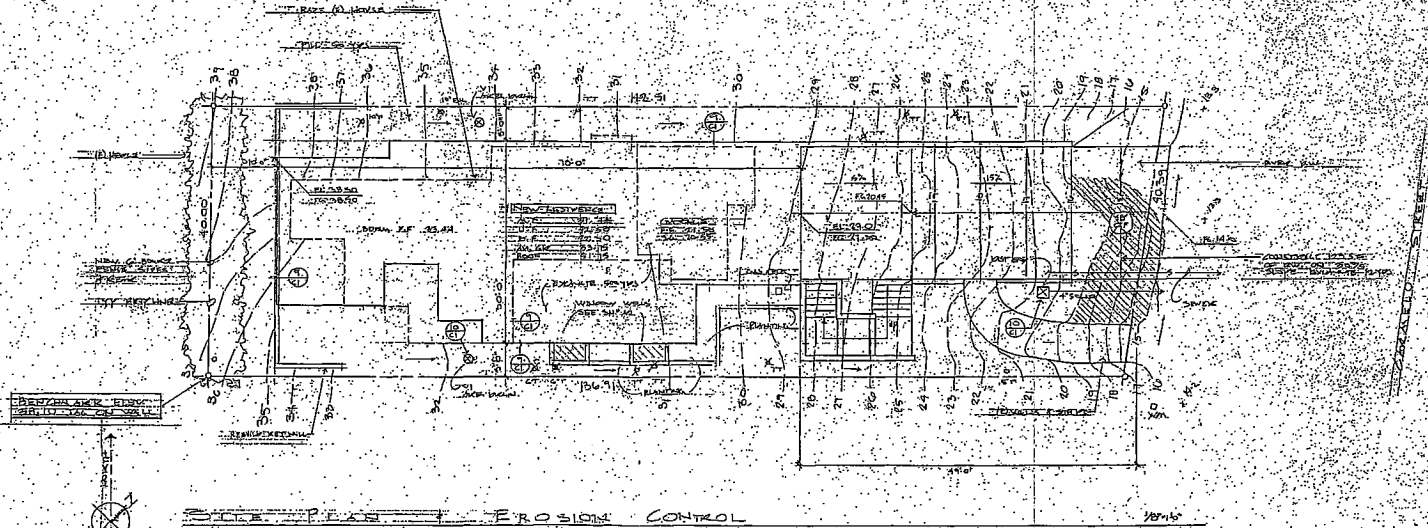
MAR 17 2009
MONTEREY COUNTY
PLANNING & BUILDING
INSPECTION DEPT.



BUILDING CLASSIFICATION

OCCUPANCY GROUP: R-3U
CONSTRUCTION TYPE: V-B SPRINKLERED
CODES: 2007 CALIFORNIA CODES
SCOPE OF WORK: RAZE EXISTING S.F.D.; BUILD NEW 2392 S.F.
TWO STORY HOUSE PLUS A 777 S.F. BASEMENT AND A 507 S.F.
BASEMENT LEVEL GARAGE. BUILD SITE RETAINING WALLS, 6'
FENCE AROUND PROPERTY, DEVELOPMENT ON 30% SLOPES
CONSISTING OF CONSTRUCTING 128 S.F. OF DRIVEWAY ON 30%
SLOPES, TREE REMOVAL AND GRADING.

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	10/10/08
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PLAN 080216

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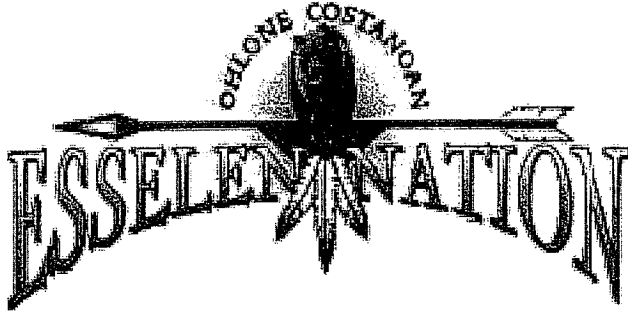
DANA ANNEDEAU
Building & Design
Professional Engineer, California License No. 50565

POLCOW RESIDENCE
26478 CARMELO STREET
CARMEL, CALIFORNIA
APN: 009-471-024-000

DATE: 9-29-08
SCALE:
DRAWN:
BY: H. L. L. L.
SHEET:
AI
OF 6 SHEETS

EXHIBIT "G"

Ohlone/Costanoan Esselen Nation



*Previously acknowledged as
The San Carlos Band of
Mission Indians
The Monterey Band
And also known as
O.C.E.N. or Esselen Nation
P.O. Box 1301
Monterey, CA 93942*

www.ohlonecostanoanesselenation.org

March 4, 2010

Mr. John H. Ford
Planning Services Manager
Ms. Elizabeth Gonzales
Associate Planner
County of Monterey
Resource Management Agency
Planning Department
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Re: CA-MNT-17

Saleki Atsa Mr. Ford and Ms. Gonzales,

This letter is a follow-up to the presence/absence archaeological excavation of cultural resources conducted at 26478 Carmelo Street, Carmel, CA, on November 27, 2009.

Mr. Robert (Bob) Cartier had left me a telephone message on Friday, November 20, 2009 and again on Sunday, November 22, 2009 advising me that he needed help with some Native American monitoring for a little job in the Monterey area on the Friday after Thanksgiving. I contacted Mr. Cartier on Monday, November 23, 2009 advising him that I would have a monitor available for Friday, November 27, 2009 and since I was involved in meetings with the owner I would be attending as well, in the formal capacity of OCEN Tribal Chairwoman.

On Tuesday, November 24, 2009 I received a call from Mr. Cartier advising that after reading Gary Breschini's report on a previous project on the same property that he would be on-site Wednesday, November 25, 2009 to remove approximately a foot and a half of grey/white sand. This removal would take approximately 2 hours and he believed that a monitor would not be necessary. I advised Mr. Cartier that I had not read any previous reports therefore I would check with Susan Morley to ask about the nature of the "grey/white sand." I then telephoned Susan Morley and she said yes, Breschini did report that there was about 80 centimeters of grey/white sand. I believed that the sand should be screened due to potential mixing of cultural bearing soils, and would she agree? She agreed that all soils should be screened. I then called Mr. Cartier and stated that I would not agree to any work without an OCEN monitor present and that I would contact John Ford that Wednesday.

On Wednesday I telephone John Ford to advise him of my decision. I also acknowledged that I was aware that I was not the designated MLD but believed since a native monitor of OCEN was to be present I needed to advise you that I objected to Mr. Cartier wanting to remove any soil without the monitor present. I further advised Mr. Ford that I wanted to make sure that he was informed of this situation and my decision in case that either the owner or Mr. Cartier contacted him. Mr. Ford advised me that according to his letter an OCEN monitor should be present at all screening.

On Friday Alexandria Casares, OCEN Monitor and I met Mr. Bob Cartier, Doug Jones, Danielle Neddeau, two of Mr. Cartier's students JoAnn and Sandy at the job site. The property owner Mr. Steven Polkow was also present. The area for the excavation had been marked off before our arrival at 7:00 A.M. We estimate that the 1 meter square was approximately 8 to 10 feet from the extended room in the front of the home and around 4 feet from the walkway.

The screening of the sand to the second level was completed by 7:49 a.m. not the expected 2 hours as predicted. The site was excavated to almost 6 feet deep with the actual basement to be excavated to a depth of 7 feet as explained to me by Mr. Polkow. Though no human remains were found in this 1 meter square unit, there was however, much cultural material found to confirm that this site was an ancestral OCEN village of my people. We are aware reports often state that the area has no cultural significance as was noted at Carmel Valley Ranch. Yet, there is an undisturbed level that was identified where remains were found as well as many cultural artifacts.

At this project site cultural materials found include a whole layer of fire cracked ground stone, which Mr. Cartier stated that he had never seen such a complete layer before. There was also chert used as tools and weapons, abalone shell and animal (faunal) remains. Mr. Cartier also stated that he believed the site could date back more than 2000 years.

We believe that the destruction of the present residence to build a larger home with a basement will result in the important loss of another significant OCEN Heritage site. If allowed to be constructed this would represent a continuance of the destruction enacted upon my people, our ancestral heritage sites and homeland. All of the homes within 5 miles of this region are located in areas sensitive to our people; we ask that you assist us with the protection of our history and the history of Monterey County. It is with respect that OCEN requests that this project not be allowed to further destroy another part of our several thousand year heritage that has been almost completely obliterated through unbridled development.

Nimasianexelpasaleki. Thank you for your attention to this matter.

Sincerely and Respectfully Yours,

Louise J. Miranda Ramirez, Chairperson
Ohlone/Costanoan Esselen Nation
(408) 629-5189

Cc: OCEN Tribal Council

For reviewing agencies: The Planning and Building Inspection 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.

Distribution: (see below)

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

COMMENTS: I am intimate with the proposed project and care and sensitivity involved with regard to design, the surrounding environment and consideration of neighboring properties. I am confident the completed project will enhance this beautiful neighborhood and work well with the ...

Return to: Elizabeth Gonzales, Associate Planner
Monterey Co. Planning and Building Inspection Dept.
PO Box 1208
Salinas, CA 93902

From: Agency Name: _____
Contact Person: Jean McQuibben
Phone Number: 831 626 3081

* Residing @ 26484 Carmelo Street
Carmel, CA 93923

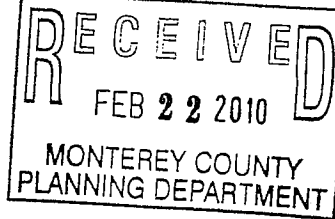
* located directly one house south
of Project location.

...surrounding natural environment. I look forward to the project moving ahead.



MONTEREY BAY

Unified Air Pollution Control District
serving Monterey, San Benito, and Santa Cruz counties



Air Pollution Control Officer
Richard Stedman

24580 Silver Cloud Court • Monterey, California 93940 • 831/647-9411 • FAX 831/647-8501

DISTRICT BOARD MEMBERS

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Monterey County

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Monterey
Peninsula Cities

Ellen Pirie
Santa Cruz
County

Jane Parker
Monterey County

Reb Monaco
San Benito
County

Richard Ortiz
South Monterey
County Cities

February 22, 2010

Sent Electronically to:

gonzalesl@co.monterey.ca.us

Original Sent by First Class Mail.

Ms. Elizabeth Gonzales, Associate Planner
Monterey County Resource Management Agency
Planning Department
168 West Alisal Street, 2nd Floor
Salinas, CA 93901

SUBJECT: POLKOW RESIDENCE: DEMOLITION AND CONSTRUCTION

Dear Ms. Gonzales:

The Air District submits the following comments for your consideration:

Applicability of District Rules 439 and 402

The Project is subject to District Rule 439, Building Removals, and Rule 402, Nuisance. I have attached copies of the Rules for your reference.

Anti-Idling Regulation

Please see Title 13, California Code of Regulations, Section 2485 (c) (1) regarding idling of commercial vehicles, which follows:

California Code of Regulations

Title 13. § 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (a) Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles. (b) Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes: (1) California-based vehicles; and (2) Non-California-based vehicles. (c) Requirements. On or after February 1, 2005, the driver of any vehicle subject to this section: (1) shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in Subsection (d); and (2) shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area. except as noted in Subsection (d).

Thank you for the opportunity to review the document.

Sincerely,

Jean Getchell
Supervising Planner
Planning and Air Monitoring Division

Exhibit H

Synopsis of Archaeological Reports for PLN080266

Preliminary Cultural Resources Reconnaissance for Assessor's Parcel Number 009-471-024-000 (LIB100015) prepared by Susan Morley dated February 2006. Conclusion and Recommendation: The project parcel was methodically inspected for evidence of significant prehistoric or historic cultural remains. This planning project may disturb cultural resources that have some significance, although this is not knowable until the project begins. Therefore, as a condition of soil disturbing activities, the author recommends that a qualified archaeologist be present to monitor construction activities during the demolition of the existing retaining wall.

Report on Monitoring Program for Assessor's Parcel Number 009-471-024-000 (LIB100016) prepared by Susan Morley, September 2006. No significant features were noted during the trenching of the retaining wall. However, one small fragment of human cranium was recovered during the monitoring program. The Native American Heritage Commission was notified along with the coroner's office and appropriate measures were taken. Recommendation: If any construction projects come forth, they must be monitored by a qualified archaeologist as human remains have been recovered on the project parcel and evidence that the parcel is within CA-MNT-17 is irrefutable.

Preliminary Archaeological Reconnaissance (LIB100017) prepared by Archaeological Consulting dated October 31, 2008 concluded that based on background research, the surface reconnaissance and the auger borings, that the project parcel contains potentially significant archaeological resources and a portion of prehistoric site CA-MNT-17. It is likely that the project, as designed, will entail substantial disturbance of the cultural resources on the project parcel. Staff spoke with Gary Breschini of Archaeological Consulting regarding the possibility of revising the plans to delete the basement level and possibly reducing the impacts to less than significant. Mr. Breschini stated that it would depend on the type of foundation used and if any utility trenching would take place.

Archaeological Resources Assessment (LIB100018) prepared by Basin Research Associates dated August 4, 2009 concludes the CA-MNT-17 is within the proposed project. Sandy-black sediments similar to the midden soils known for the site have been exposed on the parcel at approximately two feet below the present surface and appear to extend to 5 or 6 feet below the existing grade. These observations are similar to other adjacent properties. There is a high potential for the exposure of culturally-affected soils with prehistoric archaeological materials that may be significant. There appears to be a small probability of exposing Native American human remains based on the presence of a small cranial fragment noted during archaeological monitoring in 2006 at the rear of the property line. However, the lack of formal artifacts, the presence of saw-cut animal bone at depth, and impacts from previous residential construction (cut and fill) and infrastructure over the past 80 years suggest that intact, significant resources may not be present.

Proposal for Archaeological Testing Program for 26478 Carmelo Street (LIB100019) prepared by Archaeological Resource Management dated November 17, 2009. Based upon the results of previous investigations, an archaeological testing program was recommended to be completed prior to the proposed project. This report confirmed the presence of prehistoric midden soils on the property, and recommended an archaeological testing program be carried out prior to construction excavation for the proposed project. The archaeological testing program will consist of one 1 x 1 meter unit.

Archaeological Testing Program for 26478 Carmelo Street (LIB100020) prepared by Archaeological Resource Management dated January 4, 2010 This testing program was carried out to determine the extent of the subsurface archaeological deposit on the property, and to define its boundaries, depth, and constituents. The archaeological program consisted of one 1 x 1 meter unit, which was hand excavated on November 27, 2009. Native American monitors were present during all subsurface excavation. The archaeological excavations confirmed the presence of Native American cultural materials within the proposed project area, and give a better understanding of its age, contents, and the activities of the prehistoric peoples who once lived in this location. No traces of human remains were recovered during the archaeological testing program. Based on the results of this testing program it is recommended that all proposed demolition and subsurface construction excavation of the property be monitored by qualified professional archaeologists as well as a Native American monitor. In the event that significant subsurface archaeological materials or features are exposed during excavation, the field archaeologist will have authority to temporarily halt construction to allow these materials to be identified and recovered.