

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> October 27, 2010 <b>Time:</b> 9:30 AM <b>Agenda Item No.:</b> 5	
<b>Project Description:</b> Amendment to a previously-approved Combined Development Permit (PLN030325) for the Highlands Inn sewer connection project consisting of: a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. This amendment will add four properties (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000) to the sewer line main approved under PLN030325, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff.	
<b>Project Locations:</b> Carmel Highlands at - 70 Highway 1 104 Highway 1 73 Fern Canyon Road 244 Highway 1	<b>APNs:</b> 241-073-001-000 241-071-002-000 241-073-002-000 241-182-006-000
<b>Planning File Number:</b> PLN090342	<b>Owners:</b> Daniel Keig Emmett O'Boyle Carmel Highlands FPD Terry Tydings <b>Agent:</b> Monterey Bay Engineers
<b>Planning Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designations:</b> VSC-D (CZ) [Visitor Serving Commercial, with Design Control Overlay (Coastal Zone)]; LDR/1-D (CZ) [Low Density Residential, 1 acre per unit with Design Control Overlay (Coastal Zone)]; PQP-D (CZ) (Public/Quasi-Public, with Design Control Overlay (Coastal Zone)]; and LDR/1-D (CZ) [Low Density Residential, 1 acre per unit with Design Control Overlay (Coastal Zone)]	
<b>CEQA Actions:</b> Addendum to a previously adopted Mitigated Negative Declaration, per CEQA Guidelines Section 15164; and Mitigated Negative Declaration, per CEQA Guidelines Section 15070(b).	
<b>Department:</b> RMA - Planning Department	

**RECOMMENDATION:**

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

- 1) Consider an Addendum (for Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000) to a previously prepared Mitigated Negative Declaration and Mitigation and Monitoring Program (SCH#2004041061) adopted by the Planning Commission of the County of Monterey on June 30, 2004;
- 2) Adopt the Mitigated Negative Declaration (**Exhibit F**) and associated Mitigation Monitoring and Reporting Program (**Exhibit C**) (for Assessor's Parcel Number 241-071-002-000); and
- 3) Approve PLN090342, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

**PROJECT OVERVIEW:**

This amendment will add four properties to the sewer line approved under PLN030325 and a Coastal Development Permit to allow development within 50 feet of a coastal bluff. The properties are located along or near the Caltrans Highway 1 right-of-way, Carmel Highlands, Coastal Zone. See **Exhibit B** for a detailed discussion of the proposed project.

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

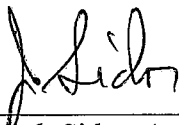
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- Water Resources Agency
- Carmel Highlands Fire Protection District
- California Coastal Commission
- Regional Water Quality Control Board, District 3
- California Department of Transportation, District 5
- Monterey Bay National Marine Sanctuary
- Carmel Area Wastewater District

Agencies that submitted comments are noted with a check mark (“√”). Conditions recommended by the RMA – Public Works Department, Environmental Health Bureau, and the RMA – Planning Department have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached as Exhibit 1 to the draft resolution (**Exhibit C**).

The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves development requiring CEQA review. The LUAC, at a public meeting held on October 18, 2010, unanimously voted to support the project as proposed.

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

Note: Technical reports for this project are available for review with the project file at the RMA-Planning Department.

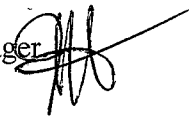


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Joseph Sidor, Associate Planner  
(831) 755-5262, [SidorJ@co.monterey.ca.us](mailto:SidorJ@co.monterey.ca.us)  
October 22, 2010

cc: Front Counter Copy; Planning Commission; County Counsel; Carmel Highlands Fire Protection District; RMA - Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Regional Water Quality Control Board, District 3; Caltrans District 5; Monterey Bay National Marine Sanctuary; Carmel Area Wastewater District; LAFCO of Monterey County; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Carol Allen, Senior Secretary; Daniel Keig, Emmett O’Boyle, and Terry Tydings, Owners; Monterey Bay Engineers, Agent; Carolyn Thatcher; Planning File No. PLN090342

- 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 Plans
  - Exhibit D Vicinity Map
  - Exhibit E Advisory Committee Minutes (Carmel Highlands LUAC)
  - Exhibit F Mitigated Negative Declaration for PLN090342 (SCH#2010091005)
  - Exhibit G Addendum to SCH#2004041061
  - Exhibit H Mitigated Negative Declaration for PLN030325 (SCH#2004041061)
  - Exhibit I Planning Commission Resolution No. 04029 for PLN030325/Carmel Area Wastewater District (Highlands Inn Sewer Connection Project)

This report was reviewed by Laura Lawrence, Planning Services Manager



**EXHIBIT A**  
**PROJECT DATA SHEET**

PLN090342 - Highlands Annexation

Planning Commission  
October 27, 2010

## EXHIBIT A

### Project Information for PLN090342

**Project Title:** HIGHLANDS  
ANNEXATION

**Primary APNs:** 241-182-006-  
000; 241-071-  
002-000; 241-  
073-001-000;  
and 241-073-  
002-000

**Locations:** 244 HIGHWAY 1;  
104 HIGHWAY 1;  
70 HIGHWAY 1; and  
73 FERN CANYON ROAD;  
CARMEL HIGHLANDS

**Coastal Zone:** YES

**Applicable Plan:** CARMEL AREA LAND  
USE PLAN

**Zoning:** LDR/1-D (CZ);  
PQP-D (CZ);  
and VSC-D (CZ)

**Permit Type:** AMENDMENT TO A  
PREVIOUSLY-APPROVED  
COMBINED  
DEVELOPMENT PERMIT  
(PLN030325)

**Plan Designation:** RESIDENTIAL;  
PUBLIC QUASI-  
PUBLIC; and  
VISITOR  
SERVING  
COMMERCIAL

**Environmental Status:** ADDENDUM and MND  
**Advisory Committee:** CARMEL HIGHLANDS

**Final Action Deadline:** 11/15/2010

#### Project Site Data:

**Lot Size:** 33,933  
**(SQ FT)** 30,187  
26,136  
46,217

**Coverage Allowed:** 5,090  
4,528  
13,068  
11,554

**Existing Structures (SQ FT):** 1,567  
2,829  
2,143  
6,400

**Coverage Proposed:** NA

**Proposed Structures (SQ FT):** NA

**Height Allowed:** NA  
**Height Proposed:** NA

**Total Square Feet:** NA

**FAR Allowed:** NA  
**FAR Proposed:** NA

#### Resource Zones and Reports

**Environmentally Sensitive Habitat:** MARINE  
**Biological Report #:** LIB050808  
**Forest Mgt. Report #:** NA

**Erosion Hazard Zone:** IV  
**Soils/Geo. Report #** LIB060084  
LIB050809

**Archaeological Sensitivity Zone:** HIGH  
**Archaeological Report #:** LIB100307  
LIB100320  
LIB050807

**Geologic Hazard Zone:** VI / VERY HIGH  
**Geologic Report #:** LIB060804

**Traffic Report #:** NA  
**Fire Hazard Zone:** HIGH

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Other Information:

<b>Water Source:</b>	PUBLIC	<b>Sewage Disposal (method):</b>	SEPTIC HOLDING; PROPOSED SEWER
<b>Water District/Company:</b>	CAL AM	<b>Sewer District Name:</b>	CAWD
<b>Fire District:</b>	CARMEL HIGHLANDS FPD	<b>Grading (cubic yds):</b>	< 100 CY CUT < 100 CY FILL
<b>Tree Removal (Count/Type):</b>	NA		

**EXHIBIT B**  
**PROJECT DISCUSSION**

PLN090342 - Highlands Annexation

Planning Commission  
October 27, 2010

## **EXHIBIT B PROJECT DISCUSSION**

### **Project Background**

On June 30, 2004, the Monterey County Planning Commission adopted a Mitigated Negative Declaration (**Exhibit H**) and approved a Combined Development Permit (CDP) for PLN030325/Carmel Area Wastewater District (**Exhibit I**) for the Highlands Inn Sewer Connection Project. The original CDP resulted in the replacement of the wastewater treatment and disposal facilities of the Highlands Inn and the Highlands Sanitary Association (HSA), which included 12 residential parcels and the Tickle Pink Inn. These wastewater systems and properties were connected by a new sewer pipeline along Highway 1 with that of the Carmel Area Wastewater District (CAWD). The purpose of the project was to improve water quality along the Central Coast, and it also had the result of increasing the amount of water that may be reclaimed through the CAWD treatment plant. The project also eliminated a history of fines imposed by the Central Coast Regional Water Quality Control Board (RWQCB) against the HSA for continued violations of the system's permitted effluent-discharge limit.

PLN030325 resulted in trenching on the project properties, along Highway 1, and Ribera Road to the Calle La Cruz pump station in Carmel Meadows. This trenching crisscrossed Highway 1 in order to avoid or minimize impacts to native forest resources, known archaeological sites, and the perimeter wall of the historic "R. L. James" residence (a.k.a., "Seaward"). The original project also required directional drilling approximately 20 feet below/under San José Creek. PLN030325 also resulted in development on slope greater than 30%, development within 750 feet of a known archaeological resource, development within 100 feet of environmentally sensitive habitat, and tree removal. In total, PLN030325 involved the annexation of the Tickle Pink Inn, the Highlands Inn, 12 residential parcels that made up the HSA, and two additional residential parcels with existing single-family dwellings into the CAWD.

In July 2008, the Carmel Area Wastewater District Board of Directors adopted a resolution (Resolution 2008-14; dated July 31, 2008) directing the Carmel Area Wastewater District staff to request that the Local Agency Formation Commission of the Monterey County (LAFCO) amend the Carmel Area Wastewater District's Sphere of Influence and to initiate proceedings for the Carmel Highlands to annex three dis-contiguous parcels, to include the O'Boyle, Keig, and Tydings parcels. LAFCO approved the annexation on January 26, 2009 (Resolution No. 012609).

In January 2010, the Carmel Area Wastewater District Board of Directors adopted a resolution (Resolution 2010-03, dated January 28, 2010) supporting an amendment of the Carmel Area Wastewater District's Sphere of Influence to annex the Carmel Highlands Fire Protection District parcel. LAFCO approved the annexation on March 29, 2010 (Resolution No. 10-03).

On April 19, 2010, the property owners applied for an Amendment (PLN090342) to construct new wastewater (sewer) lateral connections to the existing wastewater infrastructure line along the Highway 1 right-of-way constructed under PLN030325. The property owners propose to pump wastewater from the existing septic/holding tanks to the existing sewer line that connects to the CAWD treatment facility.

The Carmel Highlands is an area which has experienced severe problems with septic systems and contaminated water wells. Both the Regional Water Quality Control Board and the County of



Monterey Environmental Health Bureau support the proposed addition of the four properties as improving the current situation. The proposal will result in an improvement to the Carmel Highlands's environmental health. In addition to these four properties, the County is proceeding with an Onsite Wastewater Management Plan and feasibility study for the entire Carmel Highlands area.

While the scope of PLN090342 is significantly less than the original project's scope, the current project will still result in development on slope greater than 30%, development within 750 feet of a known archaeological resource, development within 100 feet of environmentally sensitive habitat. PLN090342 does not propose any tree removal.

### **Current Project Impacts**

Slope: The project amends the original Coastal Development Permit for development on slopes exceeding 30%. The area of development on slope will primarily occur adjacent to existing structures, driveways and Highway 1. The total area of potential slope impact is approximately 1,000 square feet. Staff has reviewed the project plans and visited the sites to analyze possible development alternatives. Based on site topography, there are no feasible alternatives which would allow development to occur on slopes of less than 30%. All development has been sited and designed to minimize site disturbance, consistent with applicable policies of the Carmel Area Land Use Plan and the Monterey County Zoning Ordinance (Title 20).

Cultural (Archaeological) Resources: County records identify the project sites are within an area of high sensitivity for prehistoric cultural resources. Archaeological surveys prepared for the project concluded that there is no surface evidence of potentially significant archaeological resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3) for Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000.

The potential for inadvertent impacts at the fourth site is also limited (Assessor's Parcel Number 241-071-002-000). Retaining walls proposed under PLN050708 will help to preserve any remaining cultural resources on the property. The proposed sewer lateral will be placed in an area that will be disturbed for construction of the retaining walls, so placement of the sewer lateral will not increase the potential for impacts to cultural resources. However, a portion of a known archaeological resource, CA-MNT-820, is located on a portion of the property. Therefore, a mitigation measure will be implemented if any cultural resources are accidentally discovered during construction (Condition No. 12/Mitigation No. 1).

The archaeological report prepared for this specific parcel and dated January 13, 2006, evaluated each proposed location for a retaining wall for the potential to impact archaeological resources. The report found that the wing wall portion of proposed retaining wall #1, which will rest on bedrock and run northward onto the adjoining parcel, is not expected to cause impacts to archaeological resources, since any resources which might have been in that area would have eroded out along with the soil. The proposed wall #2 along the north side of the house will run along the existing wooded wall. The slope is quite steep below the existing wall and the likelihood of significant *in situ* cultural materials outside of the existing wall is very small. The retaining wall #3 on the south side of the house also will replace an existing wooden all which is halfway

down the steep slope. No *in situ* cultural resources are expected to be found that far down the slope.

Environmentally Sensitive Habitat Area (ESHA): The addition of three of the four parcels under this Amendment (241-073-001-000, 241-073-002-000, and 241-182-006-000) will not result in potentially significant impacts to ESHA. However, potential impacts related to development within 100 feet of environmentally sensitive marine and riparian habitat were identified Assessor's Parcel Number 241-071-002-000. The new connecting sewer line from this property to the existing main line located within the Caltrans Highway 1 right-of-way will follow behind the retaining walls proposed under PLN050708. Therefore, the potential impacts of the connecting sewer line will be minimized by incorporating it behind the retaining walls.

LUP Policy 2.3.2.2 directs that land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource, and LUP Policy 2.3.2.7 directs that development within environmentally sensitive areas shall restrict the removal of indigenous vegetation and land disturbance. The proposed sewer lateral on this parcel will be placed in an area that will be disturbed for construction of retaining walls, so placement of the sewer lateral will limit or restrict land disturbance and not increase the potential for impacts to biological resources. In addition, the project will convert the septic system for an existing single-family residence and does not adversely affect long-term maintenance of the environmentally sensitive resource. The proposed sewer lateral connection to the existing wastewater infrastructure line along the Highway 1 right-of-way will create a beneficial result for the adjacent riparian and marine habitats by reducing the potential for effluent discharge into the habitats from the existing septic system. The project as designed, conditioned, and mitigated is consistent with ESHA policies of the Carmel Area Local Coastal Program.

In addition, the site at Assessor's Parcel Number 241-071-002-000 contains habitat for Smith's blue butterfly. A Biological Assessment was prepared by Rana Creek Habitat Restoration (September 2005) for the retaining wall portion of the project. The report found that although the project site contains five buckwheat plants, they are located outside of the project impact areas. The report concluded there was no rare plant and/or animal species afforded protection within the areas to be developed. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. Adverse impacts to Smith's blue butterfly will be reduced to a less than significant level with the implementation of Condition No. 12/Mitigation Measure No. 1.

Traffic: The potential traffic impacts evaluated under PLN030325 will not occur during the construction for the addition of the four parcels. Access for the new laterals to the main will be horizontally-drilled under Highway 1, and will not result in direct impacts to highway operations.

Utilities: The project will not increase wastewater/septic requirements, and will not require the construction of new water or wastewater treatment facilities or expansion of existing treatment facilities. The project does not propose to add any new structures that would require increases to service from existing systems. Other utilities such as electricity, gas, water, and phone service are already in place, and the proposed project would not generate additional demand. Although the project will not result in an increase of

wastewater produced on each site, the wastewater will be re-directed from the on-site septic systems to the CAWD treatment facility. The property owners propose to pump wastewater from the existing septic/holding tanks to the existing sewer line that connects to the CAWD treatment facility. Therefore, the current infrastructure will be modified to install a sewer lateral to re-direct the effluents to an existing wastewater infrastructure line running adjacent to the properties along the Highway 1 right-of-way. This added flow will have little impact on the facilities' capacity, and CAWD has verified it has adequate capacity to serve the projected demand in addition to the provider's existing commitments, and the properties have been annexed to the CAWD service area. Based on the LAFCO staff report supporting the annexation, the CAWD facility currently operates at approximately 63 percent of the permitted flow. Therefore, the new sewer line connections will not result in any significant impacts to utilities and service systems, and will create a beneficial result for the adjacent riparian and marine habitats by reducing the amount of effluent discharge from the existing septic system.

### **Carmel Highlands LUAC**

PLN090342 was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves development requiring CEQA review. The LUAC, at a public meeting held on October 18, 2010, unanimously voted to support the project as proposed.

PLN030325 was also referred to the Carmel Highlands LUAC for review. The LUAC, at a public meeting held on April 19, 2004, voted unanimously to support the original sewer connection project.

### **CEQA**

#### Addendum:

For the original project (PLN030325), CAWD (as Lead Agency) prepared an Initial Study (**Exhibit H**) in consultation with County staff. Primary issues identified in the initial study and through staff analysis included aesthetic, biological, archaeological/historical, geology/soils, noise, and traffic. Staff's concerns were addressed in the final version of the Mitigated Negative Declaration (MND) adopted by the CAWD's Board of Directors on June 17, 2004. Mitigation Measures from the Negative Declaration and conditions including tree protection measures, revegetation, archaeological monitoring, erosion control measures and engineering certification, noticing for the reporting of noise impacts, and measures for minimizing traffic impacts were incorporated into the permit approval. The Monterey County Planning Commission considered the MND at a duly noticed public hearing on June 30, 2004 (**Exhibit I**). The Initial Study determined that the original project as designed and mitigated had reduced potential impacts to a less than significant level. The current proposal does not alter the analysis or conclusions reached by this Initial Study for the three properties located at 70 Highway 1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000).

An Addendum (**Exhibit G**) has been prepared for these three properties under PLN090342 which states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, only minor technical changes (to the project description) have occurred, there

are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous Mitigated Negative Declaration was adopted. This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the MND/IS, adopted June 30, 2004, by Planning Commission Resolution No. 04029.

Documents reviewed for the Addendum included the MND/IS prepared and adopted for PLN030325, the MND/IS prepared and adopted for PLN090342, and associated technical reports, plans, and applications. Based upon this review, it has been determined that for the three properties listed above, the project will not have the potential to significantly degrade the quality of the environment, will have no significant impact on long-term environmental goals, will have no significant cumulative effect upon the environment, and will not cause substantial adverse effects on human beings, either directly or indirectly. Based on review of the current application, plans, and site visits on November 3, 2009, the current proposal does not alter the analysis or conclusions reached by the previous study. No other potentially significant issues were identified, and no unresolved issues remain.

Mitigated Negative Declaration:

For the fourth property located at 104 Highway 1 (Assessor's Parcel Number 241-071-002-000), the Monterey County Planning Department prepared an Initial Study pursuant to Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1. The Initial Study identified several potentially significant effects, and the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects will occur. The MND was circulated for public review from September 2, 2010, through October 1, 2010. No comments were received from the public, and no unresolved issues remain.

The Mitigated Negative Declaration/Initial Study (MND/IS) (SCH#2010091005) evaluated three separate projects, including this proposal, located on the same parcel located at 104 Highway 1. Issues that were analyzed in the MND/IS include: Aesthetic Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, and Utilities and Service Systems. The first project, PLN050708, will replace three retaining walls (approximately 200 linear feet) to protect the existing house from coastal bluff erosion, replace an existing storm drain, and fill an eroded drainage channel. PLN050708 also includes development on slopes in excess of 30%, development within 750 feet of a known archaeological resource, development within 100 feet of environmentally sensitive habitat, and grading of approximately 650 cubic yards of fill for the eroded drainage channel and backfill of the retaining walls. The second project, PLN050591, proposes the extensive remodel of the existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveways and patios; and a new pergola from parking to residence.

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 will enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval for PLN050708 and PLN050591. Mitigations related to Air Quality and Geology and Soils only affect these projects and are not included as mitigations for PLN090342. Mitigations included for PLN090342 are related to Aesthetics, Biological Resources, and Cultural Resources, and are addressed above under current project impacts.

**EXHIBIT C**  
**DRAFT RESOLUTION w/**  
1. Conditions of Approval and Mitigation  
Monitoring and Reporting Plan  
2. Site Plans

PLN090342 – Highlands Annexation

Planning Commission  
October 27, 2010

**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:

**HIGHLANDS ANNEXATION (PLN090342)  
RESOLUTION NO. 10 -**

Resolution by the Monterey County Planning  
Commission:

- 1) Considering an Addendum (for Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000) to a previously prepared Mitigated Negative Declaration and Mitigation and Monitoring Program adopted by the Planning Commission of the County of Monterey on June 30, 2004;
- 2) Adopting the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program (for Assessor's Parcel Number 241-071-002-000);
- 3) Approving an Amendment to a previously-approved Combined Development Permit (PLN030325) for the Highlands Inn sewer connection project consisting of: a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. This amendment will add four properties (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000) to the sewer line main approved under PLN030325, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff.  
(PLN090342; Keig, O'Boyle, Carmel Highlands FPD, and Tydings; 70 Highway 1, 104 Highway 1, 73 Fern Canyon Road, and 244 Highway 1; Carmel Area Land Use Plan, Coastal Zone; APNs: 241-073-001-000, 241-071-002-000, 241-073-002-000, and 241-182-006-000)

The Highlands Annexation application (PLN090342) came on for public hearing before the Monterey County Planning Commission on October 27, 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) 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,
    - Coastal Implementation Plan (Part 4), and
    - Monterey County Zoning Ordinance (Title 20)No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - b) The properties are located at 70 Highway 1, 104 Highway 1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-073-001-000, 241-071-002-000, 241-073-002-000, and 241-182-006-000), Carmel Area Land Use Plan, Coastal Zone. The parcels are zoned VSC-D (CZ) [Visitor Serving Commercial, with Design Control Overlay (Coastal Zone)]; LDR/1-D (CZ) [Low Density Residential, 1 acre per unit with Design Control Overlay (Coastal Zone)]; PQP-D (CZ) (Public/Quasi-Public, with Design Control Overlay (Coastal Zone)); and LDR/1-D (CZ) [Low Density Residential, 1 acre per unit with Design Control Overlay (Coastal Zone)], which allow the installation of sewer utility connections with the granting of applicable discretionary permits. Therefore, the project is an allowed land use for these sites.
  - c) The project planner conducted site inspections on November 3, 2009, to verify that the project on the subject parcel conforms to the plans listed above.
  - d) Slope: Development on slopes that exceeds 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable area plan than other development alternatives. See Finding No. 7.
  - e) Environmentally Sensitive Habitat Area (ESHA): The addition of three of the four parcels under this Amendment (241-073-001-000, 241-073-002-000, and 241-182-006-000) will not result in potentially significant impacts to ESHA. An Addendum to the Mitigated Negative Declaration for PLN030325 has been prepared for these parcels (see Finding No. 5A). However, potential impacts related to development within 100 feet of environmentally sensitive marine and riparian habitat were identified Assessor's Parcel Number 241-071-



002-000) and are addressed in the Mitigated Negative Declaration prepared for PLN050708, PLN050591, and this project. The new connecting sewer line from this property to the existing main line located within the Caltrans Highway 1 right-of-way will follow behind the retaining walls proposed under PLN050708. Therefore, the potential impacts of the connecting sewer line will be minimized by incorporating it behind the retaining walls. See Finding No. 8.

- f) Viewshed: The project as designed and conditioned is consistent with the scenic resource policies in the Carmel Area Land Use Plan and the Monterey County Coastal Implementation Plan, Part 4. Upon completion of construction, project elements will be underground and not visible within the Highway 1 scenic corridor.
- g) Archaeological Resources (Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000): County records identify the project sites are within an area of high sensitivity for prehistoric cultural resources. Archaeological surveys prepared for the project concluded that there is no surface evidence of potentially significant archaeological resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3). The area adjacent to the existing sewer main have already been impacted by the construction of Highway 1, and the subject project will place new sewer laterals in existing fill material along the shoulder of and underneath the highway.
- h) Archaeological Resources (Assessor's Parcel Numbers 241-071-002-000): The potential for inadvertent impacts at the fourth site is also limited. Retaining walls proposed under PLN050708 will help to preserve any remaining cultural resources on the property. The proposed sewer lateral will be placed in an area that will be disturbed for construction of the retaining walls, so placement of the sewer lateral will not increase the potential for impacts to cultural resources. However, a portion of a known archaeological resource, CA-MNT-820, is located on a portion of the property. Therefore, a standard mitigation measure will be implemented if any cultural resources are accidentally discovered during construction (Condition No. 13/Mitigation No. 2).
- i) The project was referred to the Carmel Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it involves development requiring CEQA review. The LUAC, at a public meeting held on October 18, 2010, unanimously voted to support the project as proposed.
- j) PLN030325 was also referred to the Carmel Highlands LUAC for review. The LUAC, at a public meeting held on April 19, 2004, voted unanimously to support the original sewer connection project.
- k) 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 No. PLN090342.

2. **FINDING: SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:** a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
- b) Staff identified potential impacts to Biological Resources, Archaeological Resources, and Soil/Slope Stability. 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 (LIB100307) prepared by Archaeological Consulting, Salinas, California, August 25, 1990.
  - Project Assessment Letter (LIB100320) prepared by Archaeological Consulting, Salinas, California, April 27, 2010.
  - Project Assessment Letter (LIB050807) prepared by Archaeological Consulting, Salinas, California, March 15, 2005.
  - Biological Assessment (LIB050808) prepared by Rana Creek Habitat Restoration, Carmel Valley, September 2005.
  - Limited Geotechnical Investigation and Focused Geologic Study for Coastal Bluff Retaining Walls (LIB050809) prepared by Haro, Kasunich, and Associates, Inc., Watsonville, California, August 2005.
  - Limited Geotechnical Investigation Slope Stabilization Recommendations for 104 Coast Highway 1 (LIB060084) prepared by Reynolds and Associates, Inc., dated September 04, 1998.
  - Limited Geotechnical Investigation for Seaward Slippage and Incipient Bank Failure prepared by Haro, Kasunich and Associates, Inc, dated August 1999.
  - Supplemental Slope Stability Evaluation to Limited Geotechnical Investigation and Focused Geologic Study, prepared by Haro, Kasunich & Associates, Inc., dated July 20, 2009.
  - Archaeological Letter for APN 241-071-002, for retaining walls (LIB050807) prepared by Archaeological Consulting, dated March 15, 2005.
  - Archaeological Report for APN 241-071-002, the Currivan Parcel, prepared by Archeological Consulting, dated January 13, 2006.
- c) Staff conducted site inspections on November 3, 2009, 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

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

- EVIDENCE:** a) The project was reviewed by the RMA - Planning Department, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are available/will be provided. All four parcels are currently served by the Cal Am public water system, and will continue to use the same service connections. Also, all four parcels currently use septic systems and/or holding tanks for wastewater. The result of the project will be to connect the four parcels to the Carmel Area Wastewater District (CAWD). CAWD has reviewed the project and has the available capacity to service these four parcels. In addition, the Environmental Health Bureau has reviewed the project and applied conditions as applicable (Condition Nos. 9 and 10).
- c) Preceding findings and supporting evidence for PLN090342.

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 the subject properties.
- b) Staff conducted site inspections on November 3, 2009, and researched County records to assess if any violations exist on the subject properties.
- c) There are no known violations on the subject parcels.
- 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 No. PLN090342.

- 5A. **FINDING: CEQA (Addendum)** - An Addendum to a previously certified Mitigated Negative Declaration (MND) was prepared pursuant to Code of Regulations, Title 14, Section 15164 to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted MND.

- EVIDENCE:** a) The Carmel Area Wastewater District (CAWD), as Lead Agency, oversaw the preparation of a MND (SCH#: 2004041061) for the Highlands Sewer Connection Project (PLN030325). Primary issues

identified in the initial study and through staff analysis included aesthetic, biological, archaeological/historical, geology/soils, noise, and traffic. Staff's concerns were addressed in the final version of the MND adopted by the CAWD's Board of Directors on June 17, 2004. Mitigation Measures from the Negative Declaration and conditions including tree protection measures, revegetation, archaeological monitoring, erosion control measures and engineering certification, noticing for the reporting of noise impacts, and measures for minimizing traffic impacts were incorporated into the permit approval. The Monterey County Planning Commission considered the MND at a duly noticed public hearing on June 30, 2004 (Resolution No. 04029, attached as **Exhibit I** to the October 27, 2010 Staff Report. The Initial Study determined that the original project as designed and mitigated had reduced potential impacts to a less than significant level. The current proposal does not alter the analysis or conclusions reached by this Initial Study for the three properties located at 70 Highway 1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000).

- b) An Addendum for the Highlands Annexation project (PLN090342) was prepared pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines) for the properties located at 70 Highway 1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000), Carmel Area Land Use Plan, Coastal Zone.
- c) The Addendum, attached as **Exhibit G** to the October 27, 2010 Staff Report, reflects the County's independent judgment and analysis. The County has considered the potential impacts to the proposed development sites identified in Evidence b) above, and determined the scope does not alter the conclusions in the MND prepared by the CAWD. The Addendum states that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, only minor technical changes (to the project description) have occurred, there are no new significant environmental effects or increase in the severity of previously identified significant effects, and there is no new information of substantial importance that was not known at the time the previous Mitigated Negative Declaration was adopted.
- d) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior MND for PLN030325. The project, at the sites in Evidence b above, does not involve a designated historical resource, a hazardous waste site, development located near or within view of a scenic highway, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment.
- e) Documents reviewed for the Addendum included the MND/IS prepared and adopted for PLN030325, the MND/IS prepared and adopted for PLN090342, and associated technical reports, plans, and applications. Based upon this review, it has been determined that for

the three properties listed above, the project will not have the potential to significantly degrade the quality of the environment, will have no significant impact on long-term environmental goals, will have no significant cumulative effect upon the environment, and will not cause substantial adverse effects on human beings, either directly or indirectly. Based on review of the current application, plans, and site visits on November 3, 2009, the current proposal does not alter the analysis or conclusions reached by the previous study. No other potentially significant issues were identified, and no unresolved issues remain.

5B. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project (for Assessor's Parcel Number 241-071-002-000, located at 104 Highway 1) 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 (PLN050708, PLN050591, and PLN090342).
  - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN050708, PLN050591, and PLN090342).
  - d) The Draft Mitigated Negative Declaration ("MND") for PLN050708, PLN050591, and PLN090342 was prepared in accordance with CEQA and circulated for public review from September 2, 2010, through October 1, 2010 (SCH#: 2010091005). Issues that were analyzed in the Draft MND include aesthetic resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, and utilities and service systems.
  - e) 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 will enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval for PLN050708 and PLN050591. Mitigations related to Air Quality and Geology and Soils only affect these projects and are not included as mitigations for

PLN090342. Mitigations included for PLN090342 are related to Aesthetics, Biological and Cultural Resources.

- f) Condition No. 12 Mitigation Measure No. 1 will minimize impacts to visual resources by requiring the applicant to use protective fencing to protect the nearby Monterey cypress trees during all grading, excavation, and construction activities. Condition No. 13 Mitigation Measure No. 2 will avoid potential impacts to buckwheat plants by requiring protection during construction activities, and restoration and eradication of non-native species in the natural habitat area. Condition No. 14 Mitigation Measure No. 3 will minimize potential impacts to archaeological resources by requiring work stoppage if resources are found during grading and construction activities.
- g) Evidence that has been received and considered includes: the application, technical studies/reports (*see Finding 2/Site Suitability*), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN050708, PLN050591, and PLN090342) and are hereby incorporated herein by reference.
- h) 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. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports habitat for endangered species and marine habitat in close proximity. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the MND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee plus a filing fee to the Monterey County Clerk/Recorder for processing said State fee and posting the Notice of Determination (NOD). The applicant will pay this fee under PLN050708.
- i) No comments from the public were received.
- 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 20.146.130 of the Monterey County Coastal Implementation

- Plan (Part 4) can be demonstrated.
- b) The subject properties are not described as areas where the Local Coastal Program requires public access (Figure 3, Public Access, 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 these properties.
- 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 No. PLN090342.
- e) The project planner conducted site inspections on November 3, 2009.

7. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30%.

**EVIDENCE:** a) 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.

- b) The project includes application for development on slopes exceeding 30%. The subject properties have steep, natural slopes, and there are no alternative alignments which would avoid 30% slope. Much of the sloped areas proposed for development have been previously disturbed by structural development, retaining walls, landscaping, driveways, and Highway 1.
- c) The project application includes development (trenching) on slopes exceeding 30%. The Carmel Area Land Use Plan Policy 2.7.4.1 and Section 20.146.080.D.1.a of the Coastal Implementation Plan (Part 4) direct that all development shall be sited and designed to conform to site topography and to minimize grading and other site preparation activities. The topography of the parcels, and the scope of the project, does not allow development to avoid slope over 30%. Staff has reviewed the project plans and visited the sites to analyze possible development alternatives. Based on the site topography, there is no feasible alternative which would allow development to occur on slopes of less than 30%. The proposed placement of the new development avoids slopes in excess of 30% as much as possible, adheres to the site development standards, and blends with the surrounding topography and environment.
- 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 PLN090342.
- e) The project planner conducted site inspections on November 3, 2009.
- f) The subject project minimizes development on slopes exceeding 30% in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

8. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

**EVIDENCE:** a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with

the applicable policies of the Carmel Area Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the authority to grant said permit has been met.

- b) LUP Policy 2.3.2.2 directs that land uses adjacent to environmentally sensitive habitats shall be compatible with the long-term maintenance of the resource, and LUP Policy 2.3.2.7 directs that development within environmentally sensitive areas shall restrict the removal of indigenous vegetation and land disturbance. The proposed sewer lateral will be placed in an area that will be disturbed for construction of retaining walls, so placement of the sewer lateral will limit or restrict land disturbance and not increase the potential for impacts to biological resources. In addition, the project will replace the septic system for an existing single-family residence and does not adversely affect long-term maintenance of the environmentally sensitive resource. The proposed sewer lateral connection to the existing wastewater infrastructure line along the Highway 1 right-of-way will create a beneficial result for the adjacent riparian and marine habitats by reducing the potential for effluent discharge into the habitats from the existing septic system. The project as designed, conditioned, and mitigated is consistent with ESHA policies of the Carmel Area Local Coastal Program.
- c) The project site contains habitat for Smith's blue butterfly, a federally endangered species, as such, its habitat, coast buckwheat and dune buckwheat, are afforded protection. A Biological Assessment was prepared by Rana Creek Habitat Restoration (September 2005) for the retaining wall portion of the project. The report found that although the project site contains five buckwheat plants, they are located outside of the project impact areas. The areas planned for retaining wall installation, and erosion control, totals approximately 16,000 sq. ft. on the project site. The report concluded there was no rare plant and/or animal species afforded protection within the areas to be developed. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. Adverse impacts to Smith's blue butterfly will be reduced to a less than significant level with the implementation of Condition No. 12 Mitigation Measure No. 1.
- d) The project planner conducted site inspections on November 3, 2009, to verify ESHA locations and potential project impacts to ESHA.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090342.

9. **FINDING:** **AMENDMENT** – Consideration of the request for the amendment has been carried out pursuant to Monterey County Code Section 20.70.105.B (Title 20).

**EVIDENCE:** a) On June 30, 2004, the Monterey County Planning Commission approved a Combined Development Permit (CDP) for PLN030325/Carmel Area Wastewater District (CAWD) for the



Highlands Inn Sewer Connection Project.

- b) On April 19, 2010, the applicants submitted a request for an application to amend the previously-approved CDP (PLN030325/CAWD), to construct new wastewater (sewer) lateral connections to the existing wastewater infrastructure line along the Highway 1 right-of-way constructed under PLN030325.
- c) Although the amendment does not create any additional significant impacts not already assessed in the original permit, the changes were not considered minor due to the addition of four new locations and the profile of the project as a whole.
- d) As approved and amended, permit number PLN090342 will become and be referred to as the approved permit. New Conditions of Approval and Mitigation Measures are incorporated in Exhibit 1. CAWD has certified completion of all previous conditions of approval under PLN030325, and there is no continuing requirement for these to be brought forward for the Amendment (PLN090342).
- e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project File Nos. PLN030325 and PLN090342.

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

- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20). An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
  - b) California Coastal Commission: Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance; development within 300 feet of the top of the seaward face of any coastal bluff; and development involving a conditional use.

### DECISION

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

- A. Consider an Addendum (for Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000) to a previously prepared Mitigated Negative Declaration and Mitigation and Monitoring Program adopted by the Planning Commission of the County of Monterey on June 30, 2004;
- B. Adopt the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program (for Assessor's Parcel Number 241-071-002-000);
- C. Approve an Amendment to a previously-approved Combined Development Permit (PLN030325) for the Highlands Inn sewer connection project consisting of: a Coastal Development Permit for development on slopes of 30% or greater; a Coastal

Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. This amendment will add four properties (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000) to the sewer line main approved under PLN030325, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff, in general conformance with the attached sketches (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of October, 2010, upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
MIKE NOVO, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON \_\_\_\_\_.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

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

#### NOTES

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

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or

until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

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

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

**RESOLUTION 10 - - EXHIBIT 1**  
**Monterey County Resource Management Agency**  
**Planning Department**  
**Condition Compliance and/or Mitigation Monitoring**  
**Reporting Plan**

**Project Name: Highlands Annexation**

**File No: PLN090342**

**APNs: 241-073-001-000, 241-071-002-000,  
241-073-002-000, and 241-182-006-000**

**Approved by: Planning Commission Date: October 27, 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>
<b>RMA – Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> Amendment (PLN090342) to a previously-approved Combined Development Permit (PLN030325) for the Highlands Inn sewer connection project consisting of: a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. This amendment allows the addition of four properties (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000) to the sewer line main approved under PLN030325, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff. The properties are located along or near the Caltrans Highway 1 right-of-way at 70 Highway 1, 104 Highway	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.	

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)
		1, 73 Fern Canyon Road, and 244 Highway 1, Carmel Highlands (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000), Carmel Area Land Use Plan, Coastal Zone. 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 construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(RMA-Planning Department)</b>				
2.		<b>PD002 - NOTICE-PERMIT APPROVAL (NON-STANDARD)</b> Each property owner shall record a notice which states: "A permit (Resolution 10 - _____) was approved by the Planning Commission for Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000 on October 27, 2010. The permit was granted subject to fourteen (14) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." <b>(RMA-Planning Department)</b>	Obtain appropriate form from the RMA-Planning Department.  Each property owner 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.		<b>PD003(A) – CULTURAL RESOURCES – NEGATIVE ARCHAEOLOGICAL REPORT (NON-STANDARD: APPLICABLE TO APNs 241-073-001-000, 241-073-002-000, and 241-182-006-000)</b> If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning	Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and	Owner / Applicant / Archaeologist	Ongoing	

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>Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. (RMA - Planning Department)</p>	<p>to develop proper mitigation measures required for the discovery.</p>			
4.		<p><b>PD004 - INDEMNIFICATION AGREEMENT (NON-STANDARD)</b>  Each property owner agrees as a condition and in consideration of the approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the county for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, filing of the final map, whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense</p>	<p>Submit signed and notarized Indemnification Agreement to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA – Planning Department.</p>	Owner / Applicant	Upon demand of County Counsel or concurrent with the issuance of building permits, or use of the property, whichever occurs first and as applicable.	

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)
		thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the county harmless. (RMA - Planning Department)				
5.		<p><b>PD005 - FISH AND GAME FEE-NEG DEC/EIR (NON-STANDARD: APPLICABLE TO APN 241-071-002-000)</b></p> <p>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. The applicant shall pay the required fee under PLN050708, or under PLN090342 if PLN050709 is denied. (RMA - Planning Department)</p>	<p>The applicant shall submit a check, payable to the <i>County of Monterey</i>, to the Director of the RMA - Planning Department.</p> <p>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.</p>	<p>Owner / Applicant</p> <p>Owner / Applicant</p>	<p>Within 5 working days of project approval for PLN 050708.</p> <p>Prior to the issuance of building or grading permits for PLN 090342.</p>	
6.		<p><b>PD006 - MITIGATION MONITORING PROGRAM (NON-STANDARD: APPLICABLE TO APN 241-071-002-000)</b></p> <p>The applicant shall enter into an agreement with the County to implement a Mitigation Monitoring and/or Reporting Plan in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed mitigation monitoring agreement. The applicant shall pay the required fee under PLN050708, or under</p>	<p>1) Enter into agreement with the County to implement a Mitigation Monitoring Program.</p> <p>2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.</p>	Owner / Applicant	<p>Within 60 days after project approval (PLN 050708) or prior to the issuance of grading and building permits for PLN 090342,</p>	

<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>
		PLN090342 if PLN050709 is denied. <b>(RMA - Planning Department)</b>			whichever occurs first.	
7.		<b>PD011 – TREE AND ROOT PROTECTION (NON-STANDARD)</b> Each property owner shall ensure that 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 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. <b>(RMA - Planning Department)</b>	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.	
			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.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on October 27, 2013, unless use of the property or actual construction has begun within this period. <b>(RMA – Planning Department)</b>	Each property owner 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.	



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)
<b>RMA – Public Works Department</b>						
9.		<b>PWSP001 – ENCROACHMENT (NON-STANDARD)</b> Obtain an encroachment permit from the Department of Public Works for any work done within the County right-of-way. <b>(RMA - Public Works Department)</b>	Applicant shall obtain an encroachment permit from DPW prior to issuance of building permits and complete improvement prior to commencement of use. Applicant is responsible to obtain all permits and environmental clearances.	Owner / Applicant	Prior to issuance of grading and/or building permits.	
<b>Health Department Environmental Health Bureau</b>						
10.		<b>EHSP001 – ABANDON EXISTING SEPTIC SYSTEM (NON-STANDARD: APPLICABLE TO APN 241-073-001-000)</b> The applicant shall abandon the existing septic system on the property at 70 Highway 1, Carmel Highlands (Assessor’s Parcel Number 241-073-001-000), Carmel Area Land Use Plan, at the time the new connection to the Carmel Area Wastewater District is installed. The applicant shall obtain a septic demolition permit from EHB, and perform the work in accordance with the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and “Prohibitions”, Central Coast Basin Plan, RWQCB. <b>(Environmental Health)</b>	The applicant shall obtain a septic demolition permit from EHB.  The applicant shall complete the work in accordance with the standards found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and “Prohibitions”, Central Coast Basin Plan, RWQCB.	CA Licensed Engineer / Owner / Applicant	Prior to issuance of grading and/or building permits.	
11.		<b>EHSP002 - ENGINEERED PLANS (NON-STANDARD: APPLICABLE TO APN 241-073-001-000; 241-071-002-000; and 241-073-002-000)</b> Each property owner shall submit engineered plans for the modification to the existing septic tanks on the properties located at 70 Highway 1 (Assessor’s Parcel	Each applicant shall submit plans to EHB for review and approval.	CA Licensed Engineer / Owner / Applicant	Prior to issuance of grading and/or building permits.	

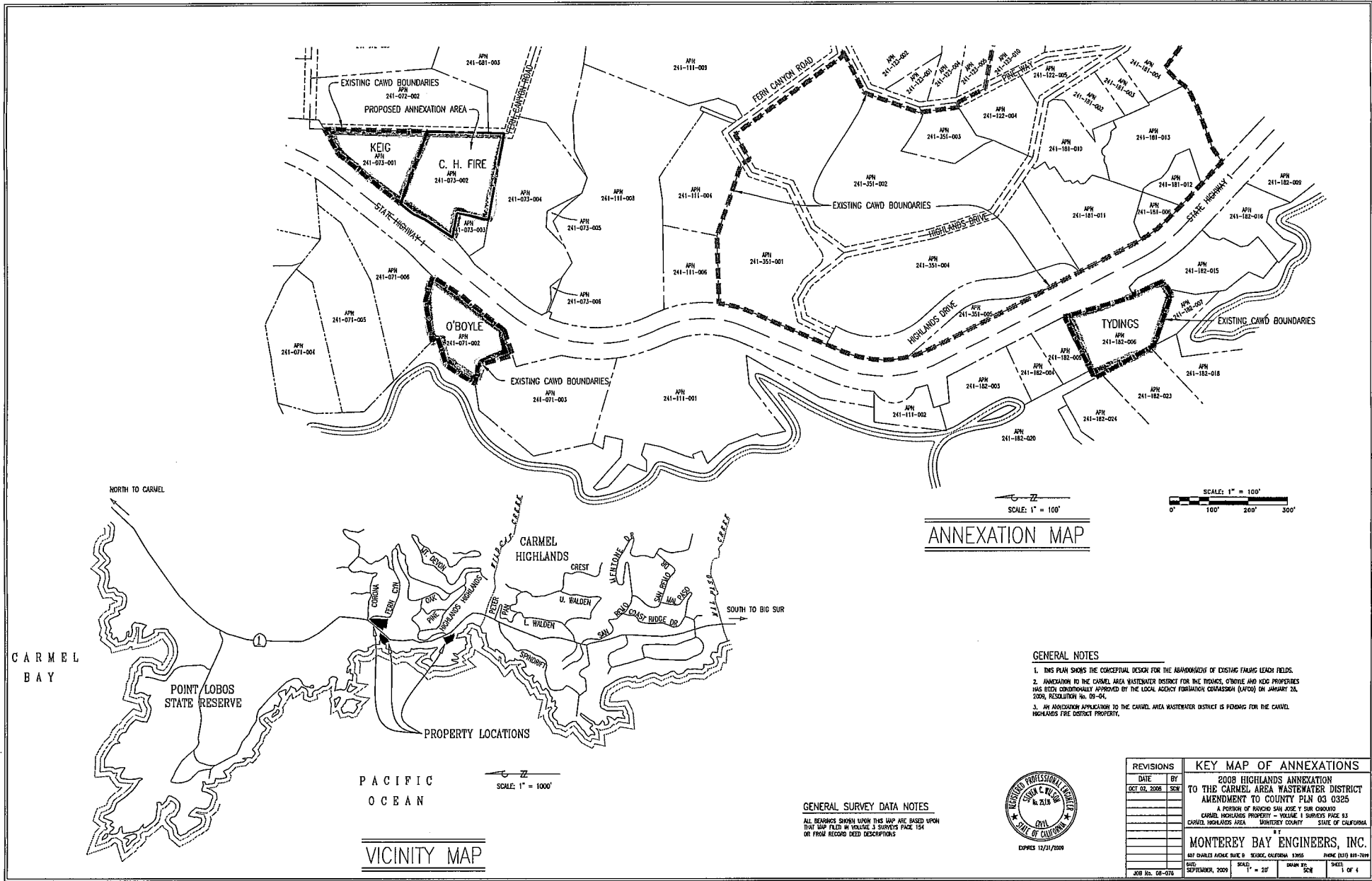
Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		Number 241-073-001-000), 104 Highway 1 (Assessor's Parcel Number 241-071-002-000), and 73 Fern Canyon Road (Assessor's Parcel Number 241-073-002-000), Carmel Highlands, Carmel Area Land Use Plan, to the Director of Environmental Health for review and approval. Plans must meet the regulations found in Chapter 15.20 of the Monterey County Code (Septic Ordinance) and "Prohibitions", Central Coast Basin Plan, RWQCB. <b>(Environmental Health)</b>				
<b>Mitigation Measures</b>						
12.	1.	<p><b>MITIGATION MEASURE 2 OF SCH2010091005 – AESTHETIC RESOURCES / PROTECTION OF MONTEREY CYPRESS (APPLICABLE TO APN 241-071-002-000)</b></p> <p>In order to minimize impacts to visual resources, the applicant shall arrange for all mature cypress trees located within the proposed development to be adequately protected from grading and construction activities. Eight Monterey Cypress trees (ranging from 8" to 36" in diameter) have been identified; although only one 8" Cypress is requested for removal. Therefore, any excavation, grading, digging, or any other soil removal located within the tree's critical root zone (CRZ) shall be monitored by a qualified arborist or forester and best management practices for tree protection measures shall be implemented. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified forester/arborist immediately prior to commencement of excavation operations. In addition, grading and construction vehicle and equipment staging shall be sited in order to minimize their visibility from the public viewshed.</p>	<p>Prior to issuance of grading and/or building permits, the owner/applicant shall include a note on the site plan encompassing all language within Mitigation Measure No. 2. The owner/applicant shall submit plans to the RMA-Planning Department for review and approval.</p>	Owner / Applicant	Prior to issuance of grading and/or building permit.	
			<p>Foundation excavation (including grading, digging, or any soil removal) for the proposed retaining walls, located approximately 1-foot of any mature Cypress tree and within the trees' critical root zone (CRZ), shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Any roots damaged during excavation shall</p>	Owner / Applicant	Prior to foundation inspection for PLN 050708, or after installation of sewer lateral.	

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)
			be exposed to sound tissue and cut cleanly with a saw. Prior to scheduling of the foundation inspection, the owner/applicant shall submit documentation to the RMA-Planning Department for review and approval, that compliance with Mitigation Measure Monitoring Action No. 2b has occurred.			
			Excavation (including grading, digging, or any soil removal) for the proposed retaining walls within the critical root zone (CRZ) shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Prior to scheduling of the foundation inspection, the owner/applicant shall submit documentation to the RMA-Planning Department for review and approval, that compliance with Mitigation Measure Monitoring Action No. 2c has occurred.	Owner / Applicant	Prior to foundation inspection for PLN 050708, or after installation of sewer lateral.	
13.	2.	<p><b>MITIGATION MEASURE 3 OF SCH2010091005 – BIOLOGICAL RESOURCES / PROTECTION OF BUCKWHEAT PLANTS (APPLICABLE TO APN 241-071-002-000)</b></p> <p>In order to ensure that the habitat of Smith’s blue butterfly buckwheat plants will be protected during project construction and project development, the</p>	Prior to the issuance of a grading or building permit, a restoration plan shall be submitted to the Director of Planning and Building Inspection for review and approval. The restoration plan shall avoid buckwheat plants ( <i>Euphilotes enoptes Smithi</i> ) when	Owner / Applicant	Prior to issuance of grading and/or building permits.	

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)
		applicant shall prepare a restoration plan which will address the eradication and control of non-native species including landscape plants currently impacting the natural habitat. The plan shall be specific to the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly. (RMA - Planning Department)	implementing landscaping on the project site.			
14.	3.	<p><b>MITIGATION MEASURE 4 OF SCH2010091005 – CULTURAL RESOURCES / POSITIVE ARCHAEOLOGICAL REPORT (APPLICABLE TO APN 241-071-002-000)</b></p> <p>If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:</p> <p>There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>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:</p> <ul style="list-style-type: none"> <li>- The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.</li> <li>- 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.</li> <li>- 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</li> </ul>	The applicant shall submit the contracts with a Registered Professional Archeologist and a Registered Professional Anthropologist to the Director of the RMA – Planning Department for approval.	Owner / Applicant per archaeologist or anthropologist	Prior to the issuance of grading or building permits or approval of Sub. Improvement Plans, whichever occurs first.	

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> <ul style="list-style-type: none"> <li>- 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:               <ol style="list-style-type: none"> <li>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.</li> <li>2. The descendent identified fails to make a recommendation; or</li> <li>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.</li> </ol> </li> </ul> <p><b>(RMA - Planning Department)</b></p>				

END OF CONDITIONS



**ANNEXATION MAP**

SCALE: 1" = 100'  
 SCALE: 1" = 1000'

**GENERAL NOTES**

1. THIS PLAN SHOWS THE CONCEPTUAL DESIGN FOR THE ABANDONMENT OF EXISTING FRINGE LEACH FIELDS.
2. ANNEXATION TO THE CARMEL AREA WASTEWATER DISTRICT FOR THE TYDINGS, O'BOYLE AND KEIG PROPERTIES HAS BEEN CONDITIONALLY APPROVED BY THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) ON JANUARY 28, 2009, RESOLUTION No. 09-04.
3. AN ANNEXATION APPLICATION TO THE CARMEL AREA WASTEWATER DISTRICT IS PENDING FOR THE CARMEL HIGHLANDS FIRE DISTRICT PROPERTY.

**GENERAL SURVEY DATA NOTES**

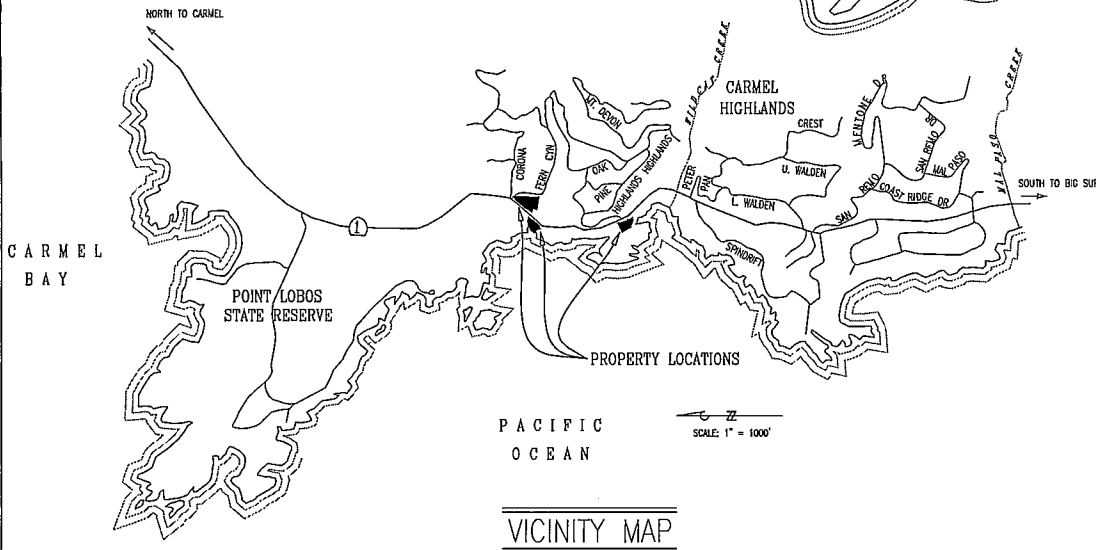
ALL BEARINGS SHOWN UPON THIS MAP ARE BASED UPON THAT MAP FILED IN VOLUME 3 SURVEYS PAGE 154 OR FROM RECORD DEED DESCRIPTIONS

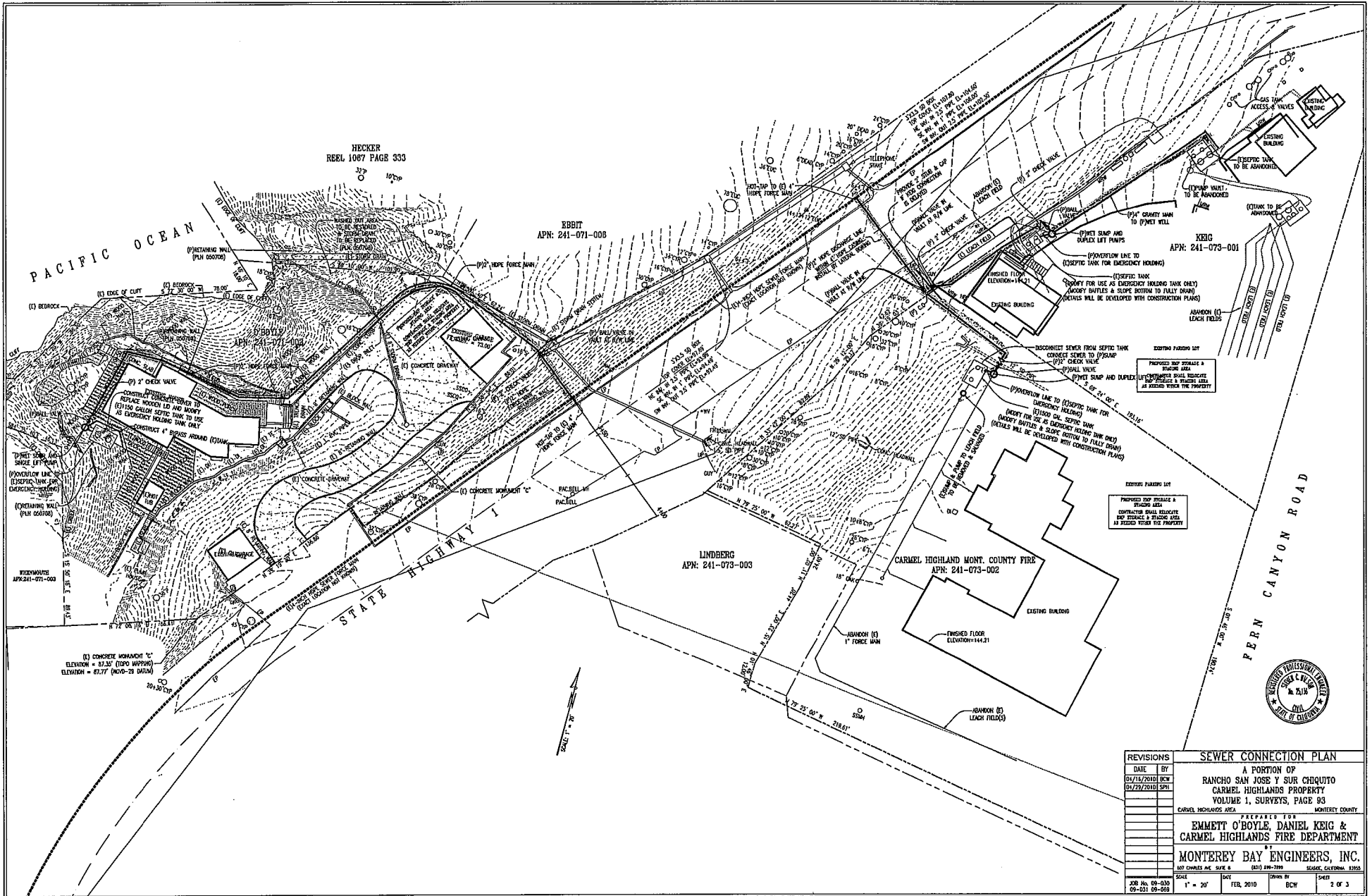


REVISIONS		KEY MAP OF ANNEXATIONS	
DATE	BY	2008 HIGHLANDS ANNEXATION TO THE CARMEL AREA WASTEWATER DISTRICT AMENDMENT TO COUNTY PLAN 03 0325	
OCT 07, 2008	SEN	A PORTION OF RANCHO SAN JOSE Y SAN CUCUATO CARMEL HIGHLANDS PROPERTY - VOLUME 1 SURVEYS PAGE 93 CARMEL HIGHLANDS AREA SAN MATEO COUNTY STATE OF CALIFORNIA	
		<b>MONTEREY BAY ENGINEERS, INC.</b>	
		841 CHARLES ALCHEM DRIVE • SCARSDALE, CALIFORNIA 94555 PHONE (925) 939-7999	
SHEET: SEPTEMBER, 2009	SCALE: 1" = 20'	SHEET NO. 50N	SHEET 1 OF 4

**VICINITY MAP**

SCALE: 1" = 1000'





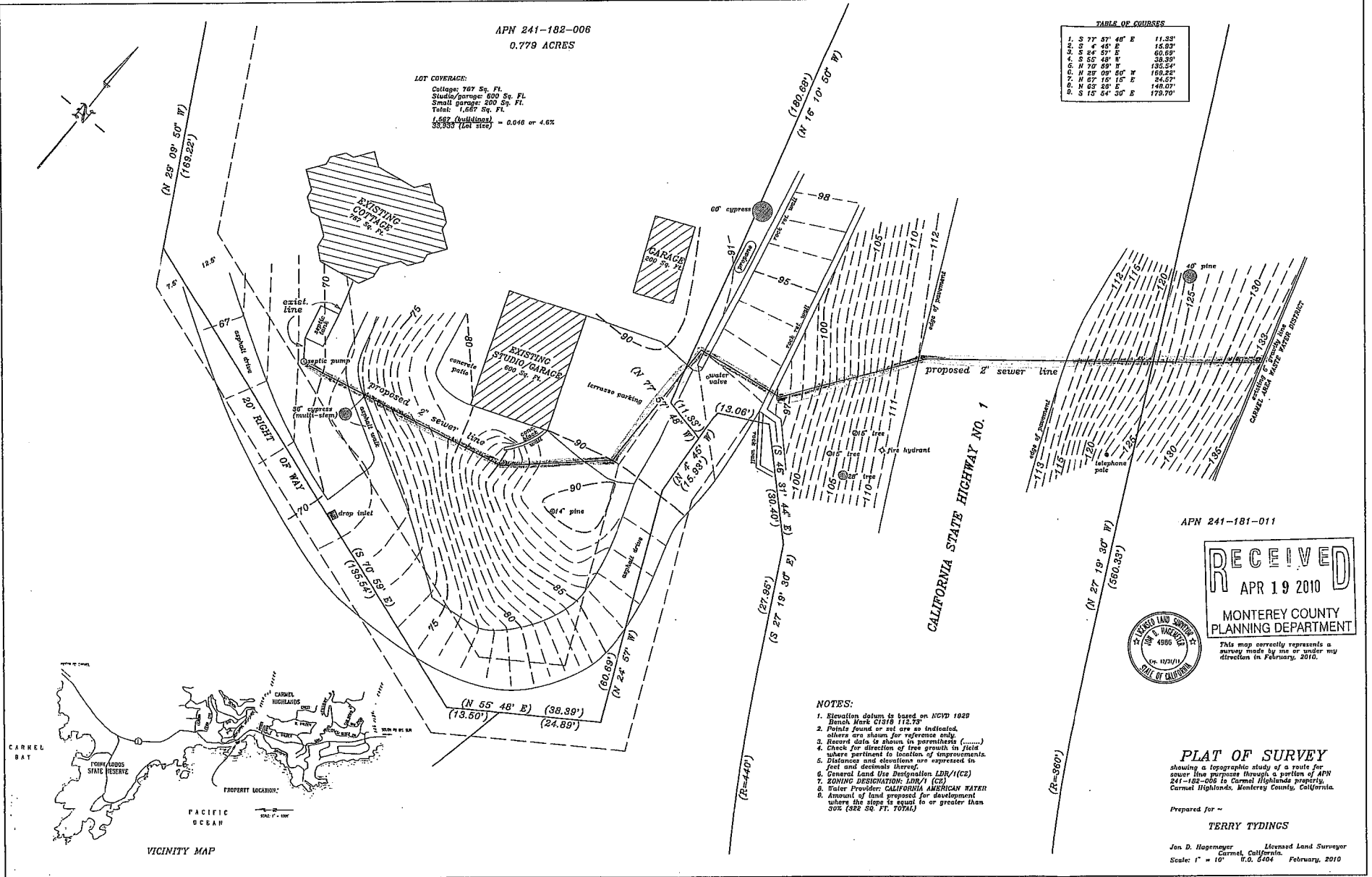
REVISIONS		SEWER CONNECTION PLAN	
DATE	BY	A PORTION OF	
04/15/2010 BCW		RANCHO SAN JOSE Y SUR CHIQUITO	
04/22/2010 SPL		CARMEL HIGHLANDS PROPERTY	
		VOLUME 1, SURVEYS, PAGE 93	
		CARMEL HIGHLANDS AREA	MONTEREY COUNTY
		PREPARED FOR	
		EMMETT O'BOYLE, DANIEL KEIG &	
		CARMEL HIGHLANDS FIRE DEPARTMENT	
		MONTEREY BAY ENGINEERS, INC.	
		DATE	SCALE
09-030	09-030	FEB, 2010	1" = 20'
09-031	09-030		
		DRAWN BY	SHEET
		BCW	2 OF 3

APN 241-182-006  
0.779 ACRES

LOT COVERAGE:  
College: 747 Sq. Ft.  
Studio/garage: 600 Sq. Ft.  
Small garage: 200 Sq. Ft.  
Total: 1,657 Sq. Ft.  
1.667 (utilizes)  
33,958 (Lot size) = 2.616 or 4.6%

TABLE OF COURSES

1. S 77° 57' 48" E	11.33'
2. S 4° 45' E	15.83'
3. S 84° 57' E	60.89'
4. S 55° 48' E	58.89'
5. N 70° 59' E	135.54'
6. N 28° 09' 58" W	168.24'
7. N 67° 15' 15" E	24.57'
8. N 65° 28' E	148.07'
9. S 15° 54' 30" E	179.70'



APN 241-181-011

RECEIVED  
APR 19 2010  
MONTEREY COUNTY  
PLANNING DEPARTMENT



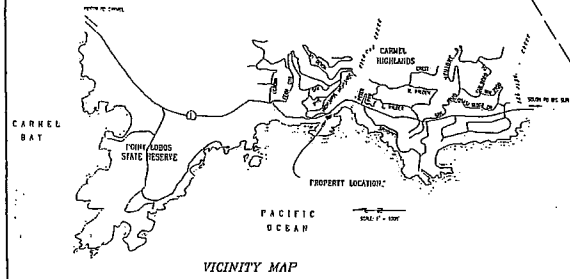
This map correctly represents a survey made by me or under my direction in February, 2010.

PLAT OF SURVEY  
showing a topographic study of a route for sewer line purpose through a portion of APN 241-182-006 to Carmel Highlands property, Carmel Highlands, Monterey County, California.

Prepared for -  
TERRY TYDINGS

Jon D. Hagemeyer Licensed Land Surveyor  
Carmel, California  
Scale: 1" = 10' U.D. 2404 February, 2010

- NOTES:
1. Elevation datum is based on NAVD 1989
  2. Bench marks 0318 112.73'
  3. Points found or not are so indicated, others are shown for reference only.
  4. Record data is shown in parentheses (.....)
  5. Check for direction of tree growth in fields where pertinent to location of improvements.
  6. Distances and elevations are expressed in feet and decimals thereof.
  7. General Land Use Designation LDR/1(CZ)
  8. Water Provider: CALIFORNIA AMERICAN WATER
  9. Amount of land proposed for development where the slope is equal to or greater than 30% (322 Sq. Ft. 707M)



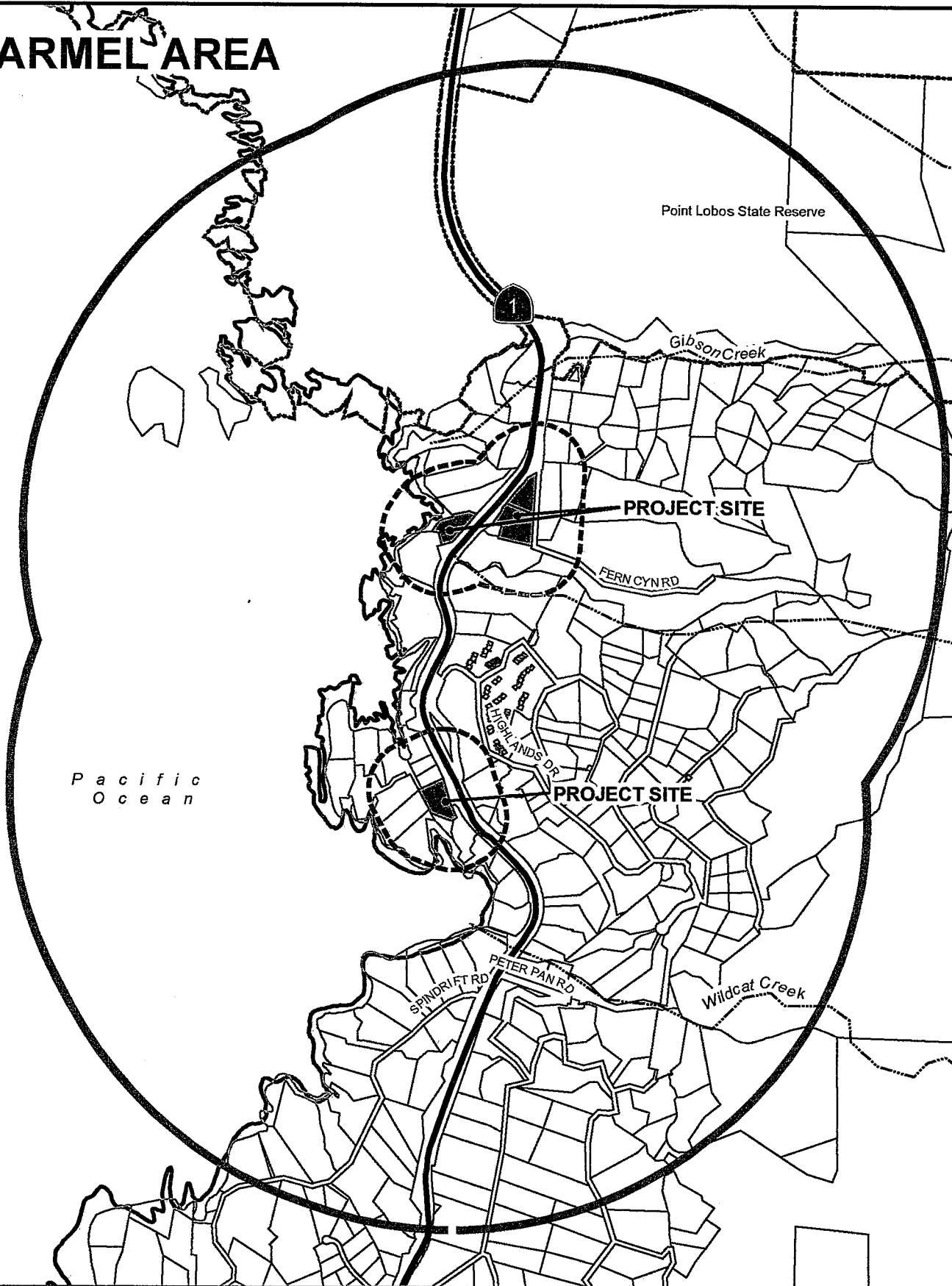


**EXHIBIT D**  
**VICINITY MAP**

PLN090342 – Highlands Annexation

Planning Commission  
October 27, 2010

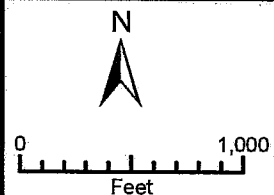
# CARMEL AREA



APPLICANT: O'BOYLE (HIGHLANDS INN SEWER ANNEXATION)

APN: 241-071-002, 241-073-001, 002, 241-182-006 FILE # PLN090342

2500' Limit 300' Limit City Limits Water



**EXHIBIT E**  
**ADVISORY COMMITTEE MINUTES**  
**(CARMEL HIGHLANDS LUAC)**

PLN090342 – Highlands Annexation

Planning Commission  
October 27, 2010

MINUTES FROM THE LUAC NOT AVAILABLE  
AT THE TIME OF THE STAFF REPORT PRINTING.

**EXHIBIT F**  
**MITIGATED NEGATIVE DECLARATION**  
**FOR PLN090342 (SCH#2010091005)**

PLN090342 – Highlands Annexation

Planning Commission  
October 27, 2010

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

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**FILED**

**AUG 27 2010**

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

**Project Title:** O'BOYLE EMMETT ET AL  
**File Number:** PLN050708, PLN050591, PLN090342  
**Owner:** O'BOYLE EMMETT ET AL  
1035 5TH ST  
MONTEREY CA 93940

**Project Location:** 29300 HWY 1 CARMEL  
**Primary APN:** 241-071-002-000  
**Project Planner:** ELIZABETH GONZALES  
**Permit Type:** Coastal Development Permit

**Project Description:** COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL DEVELOPMENT PERMIT AND DESIGN APPROVAL TO PLACE THREE RETAINING WALLS (APPROXIMATELY 200 FEET IN TOTAL LENGTH) TO PROTECT EXISTING HOUSE FROM COASTAL BLUFF EROSION, REPLACE STORM DRAIN, AND FILL ERODED DRAINAGE CHANNEL; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT ON SLOPES IN EXCESS OF 30%; AND A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 750 FEET OF A KNOWN ARCHAEOLOGICAL RESOURCE; A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 100 FEET OF ENVIRONMENTALLY SENSITIVE HABITAT (COASTAL HABITAT); GRADING OF APPROXIMATELY 650 CUBIC YARDS OF FILL. THE PROPERTY IS LOCATED AT 104 HIGHWAY 1, CARMEL (ASSESSOR'S PARCEL NUMBER 241-071-002-000), COASTAL ZONE.

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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.

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Decision Making Body (check one):

- |  |   |
|--|---|
| <input type="checkbox"/> Planning Commission             | <input type="checkbox"/> Subdivision Committee      |
| <input checked="" type="checkbox"/> Zoning Administrator | <input type="checkbox"/> Chief of Planning Services |
| <input type="checkbox"/> Board of Supervisors            | <input type="checkbox"/> Other: _____               |

Responsible Agency: County of Monterey  
Review Period Begins: August 30, 2010  
Review Period Ends: September 30, 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

# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

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

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



## *INITIAL STUDY*

### *I. BACKGROUND INFORMATION*

**Project Title:** O'Boyle Emmett et al (Currivan Family)

**File No.:** PLN050708 & PLN050591 & PLN090342

**Project Location:** 104 Highway 1, Carmel Highlands, CA

**Name of Property Owner:** Currivan Family Trust

**Name of Applicant:** Steve Wilson (Monterey Bay Engineers)

**Assessor's Parcel Number(s):** 241-071-002-000

**Acreage of Property:** 29,938 sq. ft.

**General Plan Designation:** Low Density Residential

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

**Lead Agency:** Monterey County Planning Department

**Prepared By:** Elizabeth Gonzales, Associate Planner, Joseph Sidor, Associate Planner and Denise Duffy & Associates, Elizabeth Guzman

**Date Prepared:** August 20, 2010

**Contact Person:** Elizabeth Gonzales, Associate Planner

**Phone Number:** (831) 755-5102 or gonzalesl@co.monterey.ca.us

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

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

The project application is for three separate projects on the same parcel. One project cannot be done without the other, so they will be evaluated concurrently in this Initial Study. The first project application (PLN050708-Currivan/O'Boyle) is to replace three retaining walls (approximately 200 feet in total length) to protect the existing house from coastal bluff erosion, replace the storm drain, and fill eroded drainage channel; development on slopes in excess of 30%; development within 750 feet of a known archaeological resource; development within 100 feet of environmentally sensitive habitat (coastal habitat); grading of approximately 650 cubic yards of fill for the eroded drainage channel and backfill of the retaining walls. One 8-inch Monterey Cypress tree is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove and must be removed. It is one of eight Cypress trees (ranging from 8 inches to 36 inches in diameter) that appear to have been planted on the property sometime in the past. Pursuant to Section 20.146.060.A.1 of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), planted trees do not require a Coastal Development Permit for removal as long as they do not expose structures in the critical viewshed, are not defined as habitat or are not previously protected by permit or easement. The three retaining walls are necessary to stabilize the existing residence and would provide safe access for renovation construction activity. An abnormally heavy rainfall of 1997-1998 resulted in severe erosion on the project site, north of the existing residence. A large Caltrans culvert east of the project site failed resulting in overland flow downslope on the subject property. The proposed northern most retaining wall is meant to stabilize the eroded hillside from the damage caused by the undrained outfall event as well as protect mature cypress trees located atop adjoining bluffs, three trees in particular.

The second application (PLN050591-Currivan/O'Boyle) is for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 sq. ft. of concrete driveways and patios; and a new pergola from parking to residence.

The Carmel Highlands is an area which has experienced severe problems with septic systems and contaminated water wells. Both the Regional Water Quality Control Board and the County of Monterey Environmental Health Bureau support the proposal as improving the current situation. The proposal will result in an improvement to the Carmel Highlands' environmental health. While this proposal can be justified on health and safety grounds, it is important to understand that this is an interim solution only. The County is proceeding with an Onsite Wastewater Management Plan and feasibility study for the Carmel Highlands area.

Therefore, the Initial Study also evaluates the potential impacts of PLN090342 (O'Boyle), the third application, which is an Amendment to a previously-approved Combined Development Permit (PLN030325). PLN030325 consisted of the construction of a sewer connection from the Highlands Inn to the Carmel Area Wastewater District treatment facility north of the Carmel River. This application included a Coastal Development Permit for development on slopes of 30% or greater, a Coastal Development Permit for development with a positive archaeological



report, a Coastal Development Permit for the removal of protected trees, and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat. The project also included grading of approximately 2,900 cubic yards of cut and approximately 2,600 cubic yards of fill and the construction of retaining walls. The properties included under PLN030325 were located at and around the Highlands Inn and the Tickle Pink Inn (Assessor's Parcel Numbers 241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000, and 241-351-005-000), and the Caltrans right-of-way along Highway 1 from the Highlands Inn to the Point Lobos entrance and from the intersection of Ribera Road with Highway 1, westerly along Ribera Road to an existing pump station near Calle la Cruz, in the Carmel Highlands, Point Lobos, and Carmel Meadows areas of the Carmel Area Land Use Plan. This Amendment (PLN090342) will add four new properties to the main sewer pipeline, including the subject parcel, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff. The addition of three of the four parcels under this Amendment (241-073-001-000, 241-073-002-000, and 241-182-006-000) will not result in potentially significant impacts and are categorically exempt under CEQA Guidelines Section 15303. However, potential impacts related to development on slope and development within 100 feet of environmentally sensitive marine habitat were identified on the subject parcel (APN 241-071-002-000). The new connecting sewer line from this property to the existing main line located within the Caltrans Highway 1 right-of-way will follow behind the retaining walls proposed under PLN050708. Therefore, the potential impacts of the connecting sewer line will be minimized by incorporating it behind the retaining walls, and the potential impacts of the retaining walls are addressed under PLN050708 and this Initial Study.

In 1997-1998, abnormally heavy rainfall causes severe erosion and slope movement downslope and adjacent to the existing residence. An undrained wooden retaining wall had failed and several areas showed signs of soil creep or slippage. A large Caltrans culvert on the neighboring properties plugged and failed causing serious erosion and landsliding on the subject property due to the resulting overland flow downslope from where the culvert was plugged. The current project consists of construction of three retaining walls two of which are immediately adjacent to the home and the other, which is near the outlet of the failed culvert, which will be repaired. The existing 36-inch diameter culvert that drains the Caltrans culvert inlet box will be buried and supported by a retaining wall acting as the culvert head wall. Grading will be completed to develop construction access routes and restore the areas affected by landsliding. Revegetation, erosion control measures will be included in the project.

A Geotechnical Investigation and Focused Geologic Study was prepared by Haro, Kasunich and Associates, dated August, 2005, for the proposed project. This report presents the results of a previous Limited Geotechnical Investigation and Focused Study (August 1999) and Limited Geotechnical Investigation Slope Stabilization Recommendations prepared by Reynolds and Associates dated September 4, 1998, and provides substantial recommendations to address impacts to less-than-significant with mitigation. After working with the California Coastal Commission, Haro, Kasunich and Associates also prepared a Supplemental Slope Stability Evaluation, dated July 20, 2009.

The slope stability evaluation presented in the August 2005 Haro Kasunich report focuses on the slopes immediately below the proposed retaining walls at the existing residence. As requested by the California Coastal Commission Engineering Geologist, the supplemental letter presents a slope stability evaluation of the existing slopes and proposed slopes (pre-retaining wall condition versus post retaining wall conditions) for the areas up-coast of the existing residence at the eroded gully below the garage turn around area.

The projects are evaluated in this initial study concurrently for cohesiveness purposes. The project involves the construction of three retaining walls that would provide support for the existing residence from the failing bluffs, and to allow repairs to erosion caused by past flooding. The remodel portion of the proposed project will not be possible until the eminent needs of structure stabilization is completed by the proposed retaining walls are built.

The primary CEQA issues involve visual resources, archaeological resources, geology/soils, and drainage. These issues will be affected by the proposed project. However, evidence supports the conclusion that impacts will be less than significant with mitigation incorporated for visual resources and archaeological resources, and less-than-significant for geology/soils, hydrology/water quality, and utilities. Impacts to visual resources will be mitigated to a less-than-significant level through relocation of one of the retaining walls and the use of natural materials that blend into the surrounding area. Detailed analysis for each issue can be found in Section VI. – Environmental Checklist.

Since this is a request to remodel an existing structure and construction of three retaining walls in order to secure the structure, the proposed project meets the policies of the Carmel Area Land Use Plan. The project does not affect population, agriculture, mineral resources, public utilities, or recreation.

#### **Other Project Impacts**

The subject property is not located within Prime or Unique Farmlands, forest land, an area that poses a threat cause by flooding, or on a mineral resource recovery site. The result of the project will not require large amounts of water, induce or reduce the population or availability of housing, or cause reduction of the existing level of services for fire, police, public schools, or parks. Therefore, the project will have no impact on Agriculture/Forest Resources, Hazards, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, or Transportation.

Less than significant impacts have been identified for Air Quality, Hydrology/Water Quality, Greenhouse Gas Emissions, and Utilities/Service Systems (see Section VI, Environmental Checklist, of the Initial Study). As these were considered less than significant impacts, no mitigations were required for the project. However, implementation of conditions of approval will be included to assure compliance with County requirements. Impacts to Aesthetics, Biological, Cultural Resources and Geology/Soils can be reduced to less-than-significant with mitigation measures incorporated.

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

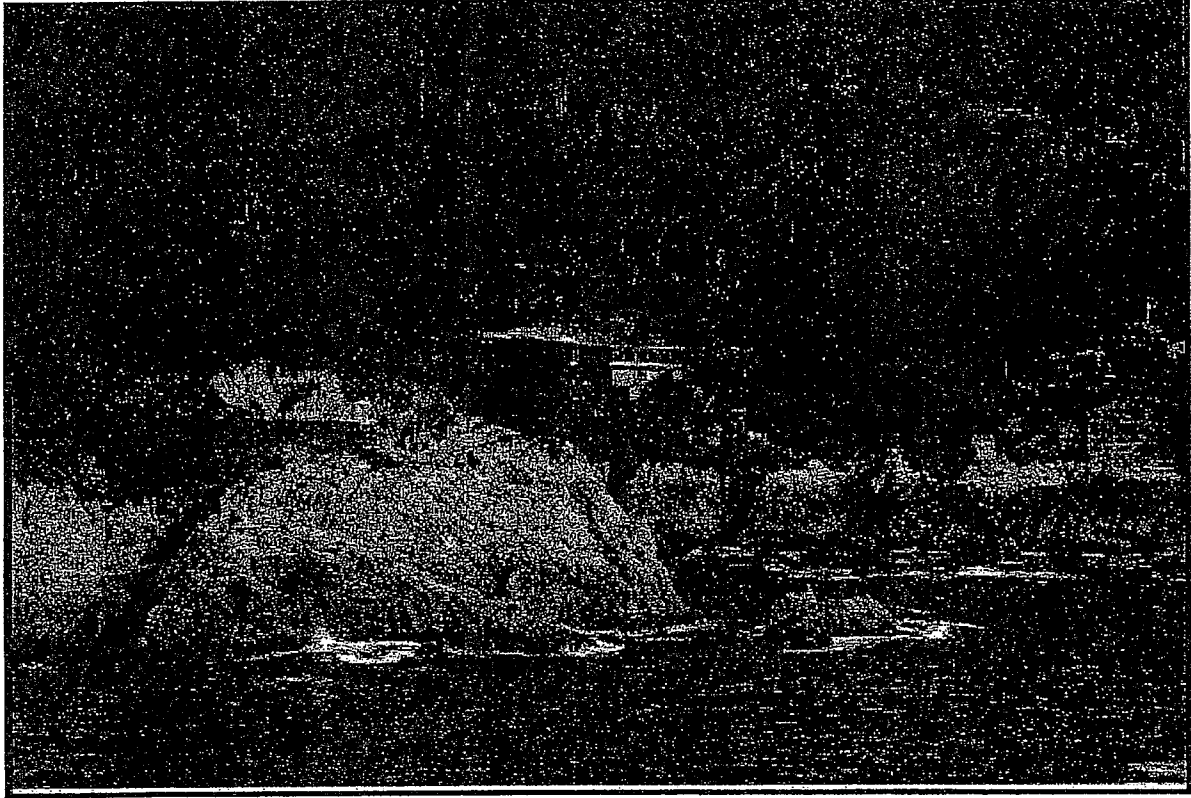
The property is zoned LDR/1-D (CZ) and is located at 104 Highway 1, Carmel Highlands, CA (Assessor's Parcel Number 241-071-002-000), and is within the Coastal Zone. The property is located within the General Viewshed Map A of the Carmel Area Land Use Plan which is a highly scenic area of the Carmel Highlands and is within the immediate vicinity of Point Lobos State Park. The property is accessed directly off of Highway 1. The project property slopes steeply downward from the highway, dropping off sharply along the northern border to the Pacific Ocean. The terrace deposits fronting the ocean side of the property are underlain by granite bedrock. These bedrock cliffs descend to the Pacific Ocean. The project property is located about 70 feet above the ocean on a small ridgeline at the back of a cove.

The 29,938 sq. ft. property currently contains a single family residence and two detached garages. One garage is located at the entrance to the property along Highway 1, and the second is located along the northern border of the property, accessed by the driveway. The project lot is fairly well developed with structures and includes some landscaping and several mature cypress trees.

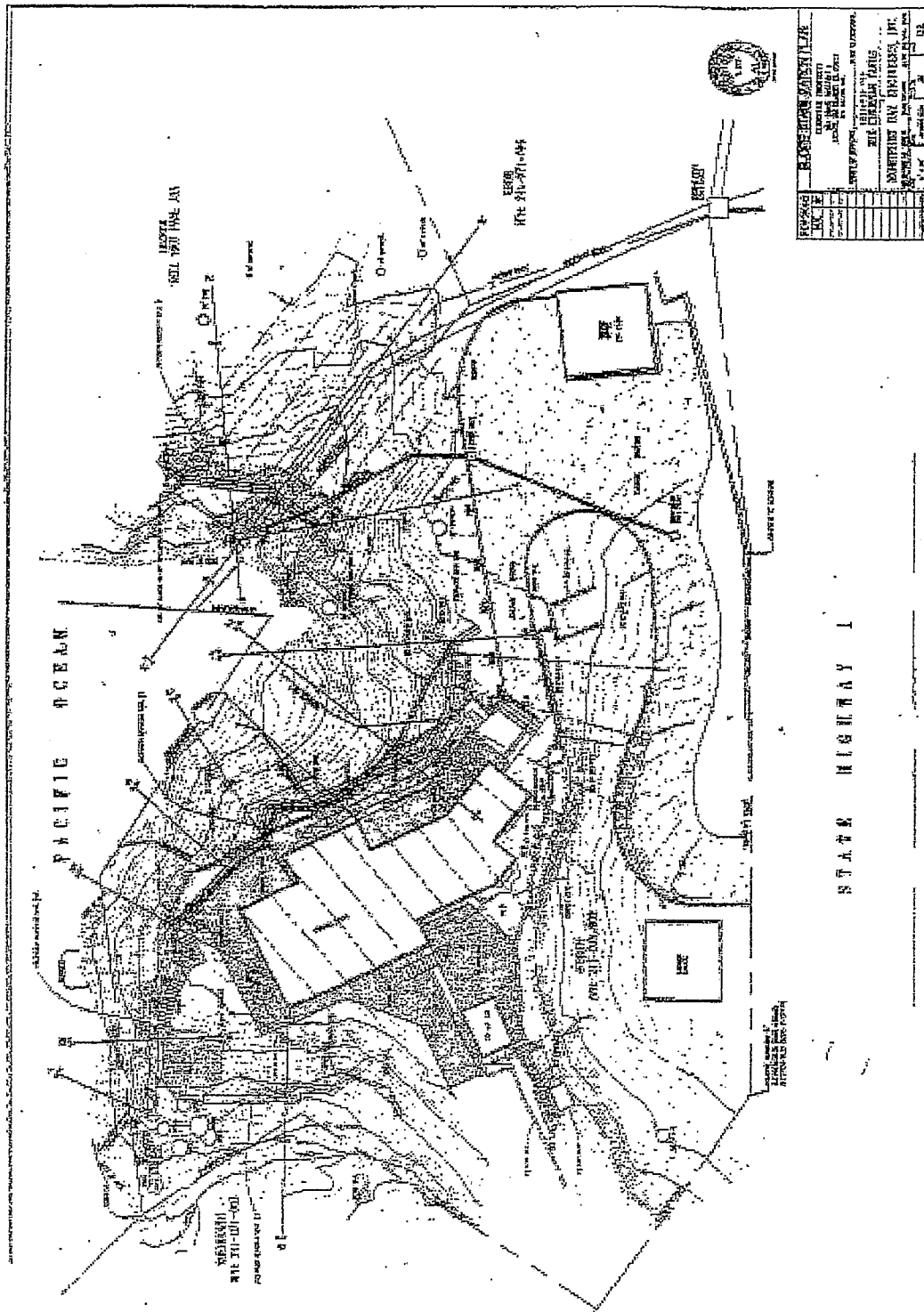
The surrounding properties are similarly zoned Low Density Residential with lot sizes averaging one half to one acre. All of these properties are currently developed with single family dwellings and are primarily used for residential purposes.

In July 2008, the Carmel Area Wastewater District Board of Directors adopted a resolution (Resolution 09-04; dated January 26, 2009) directing the Carmel Area Wastewater District staff to request that the Local Agency Formation Commission of the Monterey County (LAFCO) amend the Carmel Area Wastewater District's Sphere of Influence and to initiate proceedings for the Carmel Highlands to annex three discontinuous parcels, to include the Currivan/O'Boyle parcel (241-182-006-000).

The property owner will construct a new wastewater (sewer) connection to an existing wastewater infrastructure line along the Highway 1 right-of-way. The property owner proposes to pump wastewater from the existing septic/holding tank to the existing sewer line that connects to the CAWD treatment facility. The sewer line on the property that will connect the holding tank to the existing infrastructure sewer line will be placed behind the retaining walls proposed under PLN050708.



**Project site**



Site Plan

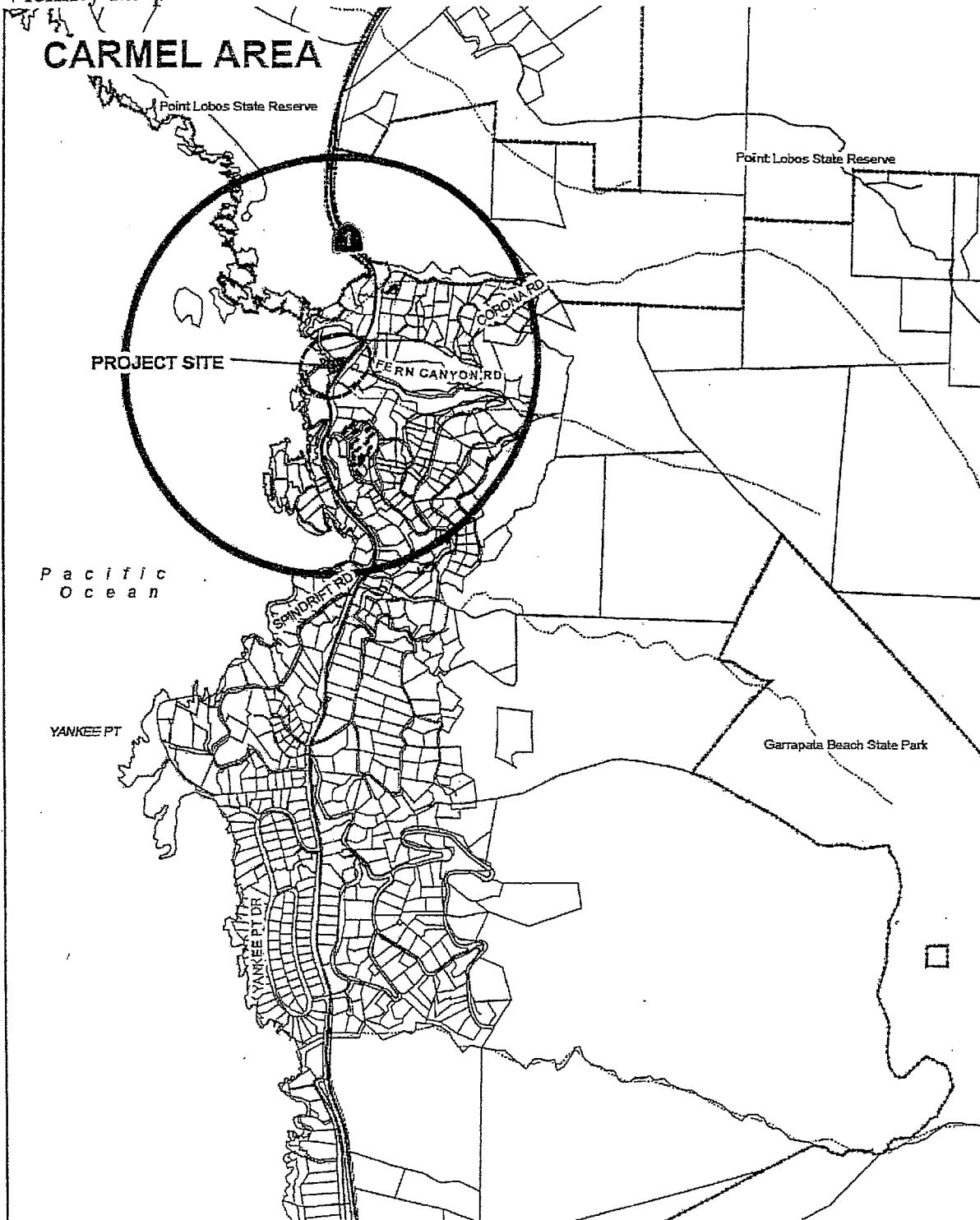
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SCALE: [Illegible]	
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DRAWN BY: [Illegible]	
CHECKED BY: [Illegible]	
APPROVED BY: [Illegible]	
TITLE: [Illegible]	
SHEET NO.: [Illegible]	



**Existing Single Family Dwelling**

Vicinity Map

# CARMEL AREA



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

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

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

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Carmel Area Land Use Plan (CLUP). Policy 4.5.G of the CLUP categorizes Low Density Residential as the primary use of this category. Maximum development densities from 1 unit per 2.5 acres to 1 unit per acre would be allowed according to site evaluation of slope and natural resource, septic system and public facility constraints. The proposed project meets those categories as there is an existing single family dwelling remodeled and new retaining walls being proposed. Also, the project has been approved to annex into a connection with a public sewer purveyor. Land Use and Planning (Section IV. evidence) 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** (References IX 1, 2, 3, 4, 6, 7)

#### Air Quality Management Plan (AQMP).

Consistency with the AQMP is an indication of a project's contribution to a cumulative adverse impact on regional air quality. It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact. Consistency of a residential project is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP. The project is consistent with the 1982 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast. The proposed project will not increase the population of the area nor generate additional permanent vehicle trips above levels projected in the AQMP. Therefore, the project will be consistent with the AQMP. **CONSISTENT** (References IX 1, 2, 5)

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the Carmel Area Land Use Plan (CLUP). Land Use and Planning (Section IV. Evidence) 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** (References IX 1, 3, 4, 6)

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

**A. FACTORS**

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

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

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

Check here if this finding is not applicable

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

**EVIDENCE:**Based upon the planner's project analysis, many of the above topics on the checklist do not apply. Less than significant impacts or potentially significant impacts are identified for **aesthetics, air quality, biological, cultural resources, geology/soils, greenhouse gas emissions, hydrology/water quality and utilities.** The project will have not quantifiable adverse environmental effect on the categories not checked above as follows:

- 1) Aesthetics. See Section VI. for detailed analysis.
- 2) Agricultural and Forest Resources: The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance, and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project proposes to remove one 8-inch Cypress tree. The Monterey Cypress is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove. Pursuant to Section 20.146.060.A.1 of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), planted trees do not require a Coastal Development Permit for removal as long as they do not expose structures in the critical viewshed, are not defined as habitat or are not previously protected by permit or easement. The project will have no impacts to agricultural and forest resources. (References IX 1, 2, 3, 6, 7, 18)

The Carmel Area Land Use Plan states that development adjacent to prime farmland shall be planned to be compatible with the continued agricultural use of the land. (**Policy 2.6.2**) The project parcel is not located near any farmland and therefore, there is no impact to agricultural and Forest resources.

- 3) Air Quality. See Section VI. for detailed analysis.
- 4) Biological Resources. See Section VI. for detailed analysis.
- 5) Cultural Resources. See Section VI. for detailed analysis.
- 6) Geology/Soils. See Section VI. for detailed analysis.
- 7) Greenhouse Gas Emissions. See Section VI. for detailed analysis.
- 8) Hazards/Hazardous Materials: The project does not involve the transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. There is no storage of large quantities of hazardous materials on site. The project would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. (References IX 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)

The Carmel Area land use Plan considers that various human activities can create or aggravate geologic hazards. Road construction and site excavation are leading cause of erosion. Vegetation removal, improper grading, cut and fill, operations, and inadequate drainage are all factor which trigger landslides. The Carmel area is characterized by a moderate to very high fire hazard. (Policy 2.7) Project construction will be required to be in conformance with the five site-specific geotechnical reports, which will address geological stability and potential seismic hazards. The Carmel Highlands Fire Protection District reviewed the project and deemed it complete with standard fire protection conditions.

- 9) Hydrology/Water Quality. See Section VI. for detailed analysis.
- 10) Land Use/Planning. The proposed project will not physically divide an established community. The project does not conflict with any of the policies within the Carmel Area Land Use Plan and meets all zoning requirements. There is not habitat or natural community conservation plan that the proposed project is required to conform to. The project consists of remodeling an existing single family dwelling and construction of retaining walls in order to keep the structure safety set on the bluff. The zoning regulations allow for the first single family dwelling on a legal lot of record. (Source: IX. 1, 2, 3, 4, 5, 6, 7, 21, 22)

The Carmel Area Land Use Plan states that the subdivided areas within the segment are concentrated primarily along the west side of Highway 1, except within Carmel Highlands, where the subdivided area lies also on the east side. It is the County's objective to promote the continued "infilling" of vacant parcels of recorded in all subdivided areas. (Policy 4.3.1) The project proposes to construct three retaining walls, add a sewer connection and remodel an existing new single family and meets all site development standards. County Departments reviewed the project application, concur and provided recommended conditions appropriately. Therefore, the proposed project is consistent with the Land Use Plan policies.

- 11) Mineral Resources. No mineral resources have been identified or would be affected by the project. (References IX 1, 2, 6, 7)
- 12) Noise. The project would not change the existing residential use of the property, would not expose the surrounding properties to noise levels that exceed standards or to substantial vibration from construction activity, and would not substantially increase ambient noise levels. (References IX 1, 2, 6, 7)

The project site is not located in the vicinity of an airport or private airstrip. The generation of substantial or significant noise over the long-term is not typically associated with a project of this scope. The proposed project would have temporary minor noise impacts due to construction of the retaining walls, but those would cease once the project was completed. The subject parcel is approximately ½ acre. Neighboring residences are located on larger parcels of 1

acre and more so noise impacts would be very minimal. Therefore, there is no impact to the noise element.

- 13) Population/Housing The proposed project would not substantially induce population growth in the area, either directly, or indirectly, as no new infrastructure would be extended to the site. The project would not alter the existing location, distribution, or density of human population in the area, nor create a demand for additional housing, or displace people. (References IX 1, 2, 3, 6, 7)

Since the proposed project requests the construction of retaining walls and the remodel of an existing single family dwelling, the housing element had already been considered within the Carmel Area Land Use Plan. There would be no impacts to Population or Housing.

- 14) Public Services. The project would have no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. (References IX. 1, 2, 3, 6, 7, 21)

The proposed project's residential use and proximity to other residential uses signify that any potential impact to public services will be insignificant, given that adequate public services exist to properly serve the area, as evidenced by the County's interdepartmental review and recommended Conditions of Approval for the project. The Carmel Highlands Fire Protection District is approximately two miles from the property. Therefore, the proposed project will not impact Public Services.

- 15) Recreation. The project, as proposed, would not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical deterioration. The proposed project does not include or require construction or expansion of recreational facilities. (References IX. 1, 3, 6, 7) No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project, based on review of Figure 3 (Public Access) of the Carmel Area LUP and staff site visits. The project would not create significant recreational demands.

The Carmel Area Land Use Plan requires that public access be protected and provided where consistent with public safety needs and the need to protect the rights of private property owners and natural resource areas from overuse. (**Key Policy 5.3.1**) The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County

Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformance with the public access policies of Chapter 5 of the Carmel Area Land Use Plan (CLUP), and Section 20.145.150 of the Monterey County Coastal Implementation Plan for Carmel (Part 2). Figure 3 does not identify the parcel as an area requiring existing or proposed public access. No public access points or trails are located on the parcel. The proposed project would have no impacts related to Recreation.

- 16) Transportation/Traffic. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. The project would not result in a change in air traffic patterns or an increase in traffic levels. It would not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity. The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation. (References IX. 1, 3, 5, 6, 7)

Construction of the retaining walls will require approximately 650 cubic yards of fill to replace eroded drainage channel due to years of a failing storm drain. The property has sufficient parking for the truck to bring the fill in. Therefore, proposed project would have no impact to Transportation or Traffic.

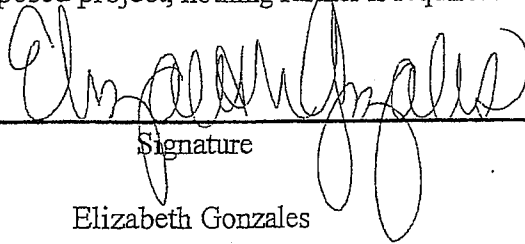
- 17) Utilities. See Section VI. for detailed analysis.

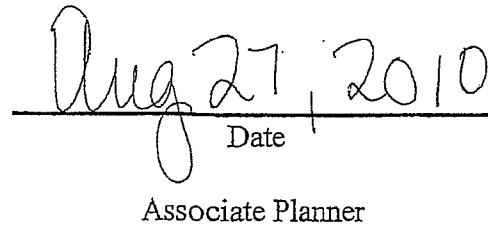
## B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
\_\_\_\_\_  
Signature  
Elizabeth Gonzales

  
\_\_\_\_\_  
Date  
Associate Planner

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

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

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

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 3, 4, 6, 7, 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 6, 7, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 3, 4, 6, 7, 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 6, 7, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

**1(a), (c): Less Than Significant With Mitigation Incorporated.** The proposed project has the potential to affect a scenic vista, the existing visual character of the site and surroundings, and degrade the existing visual character or quality of the site and its surroundings.

According to the Carmel Area Land Use Plan, the scenic qualities of the Carmel area have long been a cherished part of the Monterey coast. Sweeping vistas of rocky headlands and sandy beaches, architecturally-compatible residences and farm buildings, pine and cypress-topped ridges, open grazing lands, and cultivated fields are all interrelated elements of the natural mosaic that attracts visitors from all around the world. Of particular concern is the potential for new development to degrade the visual quality of what is presently a highly scenic stretch of California's coastline. Development within the Carmel Highlands vicinity which disrupts or intrudes into the viewshed will significantly degrade the area's scenic quality as surely as would improper recreational development at Point Lobos Reserve or Carmel River State Beach. (Policy 2.2.1)

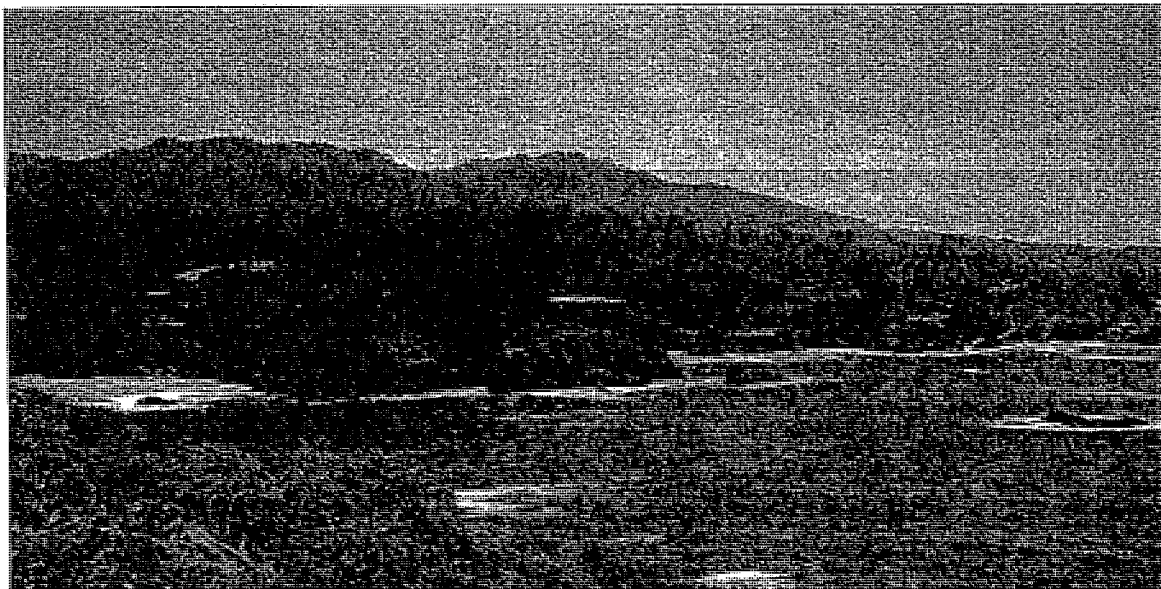
The project will be located within a sensitive scenic area of the Carmel Area and has the potential to degrade the area's visual quality through grading and increased visual prominence due to new retaining walls and proposed exterior renovations including heightened roof. Further, the project's location is highly visible from Point Lobos State Park, and as such, the scale and massing of the new retaining walls and height of roof may detract from the visual quality of the shoreline. According to the Carmel Area Land Use Plan, many of the Carmel areas visual resources are highly sensitive by virtue of their prominence in the viewshed as well as their unique scenic quality. These include: the rocky promontories, sandy beaches, and the bluffs of



the immediate shoreline, the open Palo Corona slopes, the Carmelite Monastery and surrounding forested slopes, the rural pasturelands south of San Jose Creek, Point Lobos Ridge, and the ridgetop immediately south of Point Lobos Ridge and Gibson Creek. According to the Carmel Coastal Implementation Plan, the public viewshed are those areas visible from major public viewing areas such as 17 Mile Drive, Scenic Road, Highway 1 Corridor and turn-outs, roads/viewpoints/sandy beaches within Point Lobos Reserve and Carmel River State Beach, Garrapata State Park, and Carmel City Beach (20.146.020 CIP). Development within the public viewshed would require mitigation in order to reduce visual impacts to a less than significant level. Appropriate mitigations include implementation of screening measures such as tree and native vegetation planting and monitoring, habitat protection and special design techniques.

The visual resource policies set forth in the Carmel Area Land Use Plan are intended to safeguard the coast's scenic beauty and natural appearance. These policies were used as thresholds in order to determine visual impacts resulting from the proposed project. Applicable policies require that the design and siting of structures not detract from the natural beauty of the scenic shoreline in the public viewshed, that development be designed to minimize visibility and blend into the natural surroundings, and that siting and design control measures be applied to new development to ensure protection of the Carmel areas scenic resources.

Denise Duffy & Associates and the RMA Planning Department staff conducted a site visit on April 27, 2007 to determine visibility of the proposed residence. The staking and flagging was visible from Point Lobos State Park trails. These included points along Bird Island trail and South Plateau trails. From these vantage points, the staking and orange flagging was visible. Some of the staking and flagging was obscured by existing mature cypress trees, which will help prevent full visibility of the proposed retaining walls and exterior of the existing residence. Proposed retaining wall #1 on the north side of the project property was not visible from trail vantage points within Point Lobos State Park. A photo of the project site from Bird Island in Point Lobos State Park vantage point is shown on page 17.



As seen from southern point Bird Island Trail in Point Lobos State Park.

In order to blend the retaining walls into the surrounding landscape, appropriate shotcrete earth tone materials and colors will be used. In addition, the remodeled residence will use natural colors and materials to reduce the appearance. New roofing materials will further blend the residence into the natural landscape. The potential visual impacts of the proposed connecting sewer line from this property to the existing main line located within the Caltrans Highway 1 right-of-way will be eliminated by incorporating it behind the proposed retaining walls. Therefore, the proposed sewer line will not result in any visual impacts.

The proposed project has the potential to affect a scenic vista and degrade the existing visual character of the area through the introduction of new retaining walls and exterior renovation including heightened roof within the public viewshed. However this impact can be reduced to a less than significant level with the implementation of mitigation measure to screen the retaining wall structures, maintain existing vegetation, and require retaining wall material colors and unobtrusive roof materials which would be harmonious with the area. Specifically these mitigation measures are:

**Mitigation Measure #1:** *In order to ensure that the residence will blend into the surrounding natural landscape, the applicant shall utilize appropriate design techniques and materials and colors which will achieve this effect. Specifically, the applicant shall adhere to the design techniques and materials and colors approved by the Director of Planning.*

**Mitigation Monitoring Action #1a:** *Prior to issuance of a building permit, evidence regarding appropriate design techniques, materials and colors shall be submitted to the Director of Planning for review and approval.*

**Mitigation Monitoring Action #1b:** *Prior to final building permit, the applicants shall submit evidence of implementation of appropriate design techniques to the Director of Planning for review and approval.*

**Mitigation Measure #2:** *In order to minimize impacts to visual resources, the applicant shall arrange for all mature cypress trees located within the proposed development to be adequately protected from grading and construction activities. Eight Monterey Cypress trees (ranging from 8" to 36" in diameter) have been identified; although only one 8" Cypress is requested for removal. Therefore, any excavation, grading, digging, or any other soil removal located within the tree's critical root zone (CRZ) shall be monitored by a qualified arborist or forester and best management practices for tree protection measures shall be implemented. Protective fencing and grading limits shall be reviewed and established by the contractor in consultation with a qualified forester/arborist immediately prior to commencement of excavation operations. In addition, grading and construction vehicle and equipment staging shall be sited in order to minimize their visibility from the public viewshed.*

**Mitigation Measure Monitoring Action No. 2a.** *Prior to issuance of grading and/or building permits, the owner/applicant shall include a note on the site plan encompassing all language*

*within Mitigation Measure No. 2. The owner/applicant shall submit plans to the RMA-Planning Department for review and approval.*

**Mitigation Measure Monitoring Action No. 2b.** *Foundation excavation (including grading, digging, or any soil removal) for the proposed retaining walls, located approximately 1-foot of any mature Cypress tree and within the trees' critical root zone (CRZ), shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Any roots damaged during excavation shall be exposed to sound tissue and cut cleanly with a saw. Prior to scheduling of the foundation inspection, the owner/applicant shall submit documentation to the RMA-Planning Department for review and approval, that compliance with Mitigation Measure Monitoring Action No. 2b has occurred.*

**Mitigation Measure Monitoring Action No. 2c.** *Excavation (including grading, digging, or any soil removal) for the proposed retaining walls within its critical root zone (CRZ) shall be monitored by a qualified arborist or forester. Any roots greater than 3-inches that are encountered shall require hand digging within the immediate area and must be cut with a saw, vibrating knife, rock saw, narrow trencher with sharp blades, or other approved root pruning equipment. Prior to scheduling of the foundation inspection, the owner/applicant shall submit documentation to the RMA-Planning Department for review and approval, that compliance with Mitigation Measure Monitoring Action No. 2c has occurred.*

**1(b), (d): No Impact.** The project cannot be seen from Highway 1; however the project may be seen from Point Lobos. The project as proposed will not affect scenic resources such as trees, rock outcroppings, and historic buildings within a state scenic highway. Rock outcroppings are located within the 30 percent sloped areas. The project consists of a remodel to an existing single family dwelling; most of the work will be done inside the structure. The new retaining walls will not require any lighting. At part of the house remodel, a condition of approval will require applicant to submit an exterior lighting plan showing downlit and limited low lighting to the single family dwelling for RMA-Planning approval.

**2. AGRICULTURAL AND FOREST RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**3. AIR QUALITY**

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

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

The proposed project site is located in the North Central Coast Air Basin, which is comprised of Monterey, Santa Cruz, and San Benito counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the subject air basin. In 2008, the MBUAPCD adopted an Air Quality Management Plan, which outlines the steps necessary to reach attainment with the state standards of air quality for criteria pollutants. The project involves the construction of three retaining walls that would provide support for the existing residence from the failing bluffs, and to allow repairs to erosion caused by past flooding. Construction is a temporary impact that will not permanently conflict with or obstruct the implementation of Air Quality Management Plan, nor would it violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. (Source: IX. 1, 3, 5, 7) The project would not expose any sensitive receptors to substantial pollutant concentrations, and would not create any objectionable odors affecting a substantial number of people. The generation of substantial or significant odors over the long-term is not typically associated with a project of this scope. The project is focused

on the retaining walls and remodel of the existing house. Once construction is completed the parcel will be fully restored. Therefore, there are no impacts to Air Quality.

**Air Quality 3(d) – Less than Significant.**

The temporary and short-term impacts from project-related construction activities, such as grading (650 cu. yds. fill) will be required to accommodate the new retaining walls and sewer lateral. This amount of grading will result in very minor increases in emissions from construction vehicles and dust generation; therefore, the project would result in construction-related air quality impacts that are less than significant. In order for all projects, including demolition of structures, to be compliant with Rule 439 of the Monterey Bay Unified Air Pollution Control District, the County of Monterey requires a condition of approval that incorporates certain demolition work standards. Construction activities will be required to comply with the Air Quality Guidelines, including the standard MBUAPCD measures addressing dust control. Implementation of these standard dust-control measures will maintain any temporary increases in PM-10 at insignificant levels. (References 1, 2, 5, 6, 7)

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 6, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 3, 6, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 3, 6, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 3, 6, 18)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 6, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 3, 6, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The property is situated in a small cove, the house perched on coastal terrace overlain atop uplifted granite rock outcrops. Bordering the property is an ephemeral stream to the south. Large weathered granite boulder and rocks emerge from terrace soils that support herbaceous and succulent plants. The vegetation of the property consists of coastal bluff herbs and shrubs, planted cypress trees, and a multitude of horticulture landscape plants. The project site contains habitat for Smith's blue butterfly (*Euphilotes enoptes emithi*), a federally endangered species, as such, its habitat, coast buckwheat and dune buckwheat, are afforded protection.

Environmentally sensitive habitats of the Carmel Coastal Segments are unique, limited and fragile resources of statewide significance, important to the enrichment of present and future generations of County residents. The Carmel Area Land Use Plan states that where private or public development is proposed in documented or expected locations of environmentally sensitive habitats - particularly those habitats identified in General Policy 1, field surveys by qualified individuals or agency shall be required in order to determine precise locations of the habitat and to recommend mitigating measures to ensure its protection. (Policy 2.3.3.5)

**4(a), (d): Less than Significant with Mitigation Incorporated.** The proposed project, the proposed retaining walls and exterior renovations, has the potential to cause an adverse effect, either directly or through habitat modification, on sensitive species, or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Game or US Fish and Wildlife Service. In addition, the project has the potential to interfere with the movement of native resident wildlife species or with established native resident wildlife corridors.

The proposed wastewater or sewer connection to the existing wastewater infrastructure line along the Highway 1 right-of-way will not result in any additional impacts not already evaluated under PLN050708. In addition, the proposed sewer connection will not result in any significant impacts to environmentally sensitive habitat, and will create a beneficial result for the adjacent riparian and marine habitats by reducing the amount of effluent discharge into the habitats from the existing septic system.

A Biological Assessment was prepared by Rana Creek Habitat Restoration (September 2005) for the retaining wall portion of the project. The report found that although the project site contains five buckwheat (*Euphilotes enoptes Smithi*), they are located outside of the project impact areas. The areas planned for retaining wall installation, and erosion control, totals approximately 16,000 sq. ft. on the project site. The report concluded there was no rare plant and/or animal species afforded protection within the areas to be developed. Smith's blue butterflies have not been identified onsite, however due to both the amount of available habitat on and adjacent to the site, the report concludes presence. Additionally, sightings of Smith's blue butterfly have been confirmed on adjacent parcels. Adverse impacts to Smith's blue butterfly will be reduced to a less than significant level with the implementation of the following mitigation measure:

**Mitigation Measure #3:** *In order to ensure that the habitat of Smith's blue butterfly buckwheat plants will be protected during project construction and project development, the applicant shall prepare a restoration plan which will address the eradication and control of non-native species including landscape plants currently impacting the natural habitat. The plan shall be specific to the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly.*

**Mitigation Monitoring Action #3:** *Prior to the issuance of a grading or building permit, a restoration plan shall be submitted to the Director of Planning for review and approval. The restoration plan shall avoid buckwheat plants (*Euphilotes enoptes Smithi*) when implementing landscaping on the project site.*

**4(b), (e): Less than Significant.** An ephemeral stream is located on the southern extremis of the property and flows from a culvert directly under Highway 1. The boulder-exposed is characterized as "steep but stable" in the biological report prepared for the project. Small emergent vegetation was found within the drainage. While the drainage is not found within the projects limit of work, proximity to the drainage will require protection of the resource during construction. A small seep, associated with the 36" culvert pipe within the eroded gully and project area, daylight at the end of the failed culvert. The culvert is lain overtop by uplifted granite and winter run off is conveyed directly into the sea. The area supports similar moisture-loving species as the ephemeral stream, but the presence of these resources is a result of diverted water flows and not necessarily natural hydrological condition. As a condition of approval, project development will be required to adhere to the guidelines and restrictions contained in the biological assessment prepared by Rana Creek for the project to maintain impacts to riparian habitats during construction to a less than significant level.

The project proposes to remove one 8-inch Cypress tree. The Monterey Cypress is currently growing directly in the path of the proposed retaining wall on a bluff overlooking the small cove. It is one of eight Cypress trees (ranging from 8 inches to 36 inches in diameter) that appear to have been planted on the property sometime in the past. Pursuant to Section 20.146.060.A.1, of the Carmel Area Land Use Plan, Coastal Implementation Plan (Part 4), planted trees do not require a Coastal Development Permit for removal as long as they do not expose structures in the critical viewshed, are not defined as habitat or are not previously protected by permit or easement. Although, this tree does not require replacement, the biological report recommends a



replacement ratio of three-to-one. Given the likelihood that this tree was planted as a landscape tree and is not naturally occurring on the site, its removal is less than significant.

**4(c), (f): No Impact.** The project will not affect any federally protected wetlands. The project will not conflict with any local policies or ordinances protecting biological resources or with the provisions of an approved local, regional, state or federal habitat conservation plan. The applicant has been working diligently with the California Coastal Commission to ensure construction of the retaining walls will not negatively affect the Pacific Ocean.

<b>5. CULTURAL RESOURCES</b>				
<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 6, 16, 17, 18)	<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, 6, 16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 3, 6, 16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 6, 16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

According to the Monterey County Geographic Information System, the project site identified as an area of high archaeological sensitivity and is located within 750 feet of an identified archaeological resource, CA-MNT-820, of which a portion is located on the project site. County staff requested that an archaeological report be prepared for the project to evaluate the potential for significant archaeological resources on-site and the potential for impacts to existing resources as a result of the project. A Preliminary Archaeological Reconnaissance of Assessor's Parcel 241-071-002-000 was prepared by Archaeological Consulting (August 1989) for the project. Two subsequent archaeological reports were prepared to analyze potential impacts to cultural resources as a result of the proposed residential remodel, specifically to the 550 sq. ft. area proposed for concrete removal and placement of pergola structure. The proposed minor foundation is slab on grade and will not affect any archaeological resources.

The Carmel Area Land Use Plan states that 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. (Policy 2.8.4)

The 29,938 sq. ft. property currently contains a single family residence with two detached garages. The primary garage is accessed via a private gated right of way, the other garage is located atop the property prior to the gated entrance. A portion of a known archeological resource, CA-MNT-820, is located on a portion of the project site. According to the preliminary cultural resources reconnaissance (August 1989) by Archaeological Consulting background research and surface evidence demonstrate the possibility of potentially significant cultural resources located on site. Site materials noted were shell and dark soil, the location of the parcel within the area of CA-MNT-820 makes it highly probable that other materials might be discovered below the present surface. However, the extensive remodel will not affect any ground disturbance. The retaining walls and sewer lateral will be located on the bluff and are proposed for protection of the existing house. Evidence has shown that there are no resources there to protect.

**Conclusion/Mitigation:**

**5(b), (d): Less Than Significant Impact.** Analysis was conducted to determine whether the proposed project has the potential to cause a substantial adverse change to an archaeological resource pursuant to CEQA Section 15064.5 and/or the potential to disturb any human remains. According to the archaeology report, the parcel is located within a positive archaeological site. The archaeological report dated January 13, 2006, prepared for the project evaluated each proposed location for a retaining wall was evaluated for the potential to impact archeological resources. The report found that the wing wall portion of proposed retaining wall #1, which will rest on bedrock and run northward onto the adjoining parcel, is not expected to cause impacts to archaeological resources, since any resources which might have been in that area would have eroded out along with the soil. The removal of soil from higher up on the steep slope to achieve a more stable angle of repose presents little likelihood of encounter significant cultural materials. The proposed wall #2 along the north side of the house will run along the existing wooded wall. The slope is quite steep below the existing wall and the likelihood of significant *in situ* cultural materials outside of the existing wall is very small. The area above and behind the wall will present some possibility for impacts to previously undisturbed cultural materials. The few sparse fragments of *Haliotis* (abalone) shell visible on the surface below the wall appear to have sloughed off of the top of slope where other fragments were noted on the surface. The presence of these *Haliotis* fragments would indicate that the cultural materials at the top of the slope probably represent a Late Period Coastal Gathering deposit, a type of site abundant along the rocky shore of the Carmel Highlands. Typical cultural components are copious amounts of *Haliotis* shell, fire-affected rock, sparse lithic artifacts and debitage, charcoal, occasional ash features, very sparse bone or other constituents and few other artifacts. The retaining wall #3 on the south side of the house also will replace an existing wooden retaining wall which is halfway down the steep slope. No *in situ* cultural resources are expected to be found that far down the slope.

The retaining walls will help to preserve the cultural resources remaining on the parcel and because there is limited potential for impacts to significant cultural resources from their construction the following mitigation measure will reduce the impacts to historic resources onsite to a less than significant level. The sewer lateral will be placed in the areas that will be disturbed

for construction of the retaining walls. Therefore, placement of the sewer lateral will not increase the potential impacts.

Although the archaeological report states the potential to disturb any human remains is low, the archaeological report is positive. Therefore, a standard mitigation measure will be implemented if any archaeological resources or human remains are accidentally discovered during construction.

**Mitigation Measure #4:** *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.*

**Mitigation Monitoring Action #4:** *Prior to the issuance of grading or building permits, a copy of a signed agreement between the applicant and a Registered Professional Archeologist or a Registered Professional Anthropologist stating that they will adhere to Mitigation Measure #4 shall be submitted to the Director of the RMA – Planning Department for approval.*

**5(a), (c): No Impact.** The project will not directly or indirectly destroy a unique paleontological resource or geologic feature. Based on preliminary reconnaissance, both geological and archaeological investigations for the project and vicinity did not find any evidence of these resources at the site. With the above mentioned mitigation, staff has ensured that if anything is found it will be protected.

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<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, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 3, 6, 8, 9, 10, 11, 12, 20, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The project site lies in an area identified by the Monterey County Geographic Information System as Undetermined in terms of seismic sensitivity, and that the site lies within 1/8 of a mile of a potentially active fault line (Cypress Point). A Geotechnical Investigation and Focused Geologic Study was prepared by Haro, Kasunich dated August 2005, for the proposed project,

This report presents the results of a previous Limited Geotechnical Investigation and Focused Study (August 1999) and Limited Geotechnical Investigation Slope Stabilization Recommendations prepared by Reynolds and Associates dated September 4, 1998. After working with the California Coastal Commission, Haro, Kasunich and Associates also prepared a Supplemental Slope Stability Evaluation dated July 20, 2009.

The slope stability evaluation presented in the 2005 Haro, Kasunich report focuses on the slopes immediately below the proposed retaining walls at the existing residence. As requested by the California Coastal Commission Engineering Geologist, a supplemental letter presents a slope stability evaluation of the existing slopes and proposed slopes (pre-retaining wall condition verses post-retaining wall conditions) for the areas up-coast of the existing residence at the eroded gully below the garage turn around area.

The current civil engineering plan sheets by Haro, Kasunich and Associates, dated December 2004, shows that the existing 36-inch diameter culvert that drains the Caltrans culvert inlet box will be buried with engineered backfill and supported by a retaining wall acting as a culvert head wall. The retaining wall will be: 1) setback from the top of the vertical bluff at least 15 feet; 2) pounded into very dense granite bedrock; 3) constructed with a replica rock fascia; and 4) not be visible from Point Lobos. The purpose of the retaining wall/culvert head wall will be to: 1) provide back drains to intercept subsurface seepage that could potentially further destabilize the existing slope and existing culvert; and 2) to allow repair of the existing culvert by backfilling the eroded gully.

The Carmel Area Land Use Plan states that in addition to seismic activity, various human activities can create or aggravate geologic hazards. Road construction and site excavation are leading cause of erosion. Vegetation removal, improper grading, cut and fill operations, and inadequate drainage are all factors which trigger landslides. (Policy 2.7.1)

**6 a (i), (ii): Less Than Significant with Mitigation Incorporated:**

The subject property is located across a broad boundary between the North American and Pacific plates. The San Andreas Fault makes up the majority of movement between the two plates; however, there are other faults within the broad system that have also experienced movement at one time or another. The regional faults of significance to the subject property include the San Andreas and San Gregorio faults.

The San Andreas Fault is active and represents the major seismic hazard in Northern California. The fault is located about 85.3 miles to the northeast of the property and, because of this distance, probably does not represent a significant hazard. The San Gregorio Fault is an active Holocene fault zone that skirts the coastline of Santa Cruz County and extends southward from Monterey Bay to Big Sur. The fault is located about 4.5 miles to the west of the property. The southern portion of the San Gregorio fault is reported to be capable of a Maximum Moment Magnitude 7.0 earthquake with a recurrence interval of 411 years. Seismic shaking at the site will be intense during the next major earthquake along local fault systems.

**Mitigation Measure #5:** *To ensure that all geotechnical recommendations be adhered to during construction, an agreement between the Contractor and the applicant shall be signed stating that the contractor fully read and understands the Geotechnical Investigation and Supplemental Slope Stability Evaluation, to include the following but not be limited to:*

- a) *The geotechnical engineer should be notified at least four working days prior to any clearing or grading.*
- b) *The retaining wall footprint area to be graded should be cleared of obstructions including old fill and gravel, debris, or other unsuitable material.*
- c) *After excavation, clearing and grubbing, the exposed ground surface in areas to receive engineered fill should be scarified to a depth of 6 inches, moisture conditioned, and compacted to at least 90 percent relative compaction.*
- d) *Engineered fill should be placed in thin lifts not exceeding 8 inches in loose thickness, moisture conditioned, and compacted to at least 90 percent relative compaction.*
- e) *If grading is performed during, or shortly after the rainy season, the grading contractor may encounter compaction difficulty from high moisture contents in the near surface clayey and silty sands. If compaction cannot be achieved by reducing the soil moisture content, it may be necessary to over excavate the wet subgrade soil and replace it with angular crushed rock to stabilize the subgrade.*
- f) *Landscape fills that are located on the temporary bench seaward of the proposed retaining wall should not be sloped steeper than 3:1 (horizontal to vertical).*
- g) *Fills should be keyed and benched into firm soil or bedrock in areas where slope gradients exceed 5:1.*
- h) *Permanent engineered fill slopes should be inclined no steeper than 2:1 (horizontal to vertical).*
- i) *Temporary cut banks, exposing firm terrace deposits materials, excavated during the summer, may be included at a  $1\frac{1}{2}$ :1 (horizontal to vertical) for heights up to 15 feet.*
- j) *Materials used for engineered fill should be free of organic materials, large debris and contain no rocks or clods greater than 6 inches in diameter, with no more than 15 percent larger than 4 inches and a Plasticity index of less than 18.*
- k) *Following grading, exposed slopes should be re-planted as soon as possible with erosion resistant vegetation.*
- l) *After earthwork operations are completed and geotechnical engineer completes observation work, no further earth work operations shall be performed except with the approval of and under the observation of the geotechnical engineer.*

**Mitigation Monitoring Action #5a:** *Prior to the issuance of grading or building permits, a copy of the signed agreement between the contractor and applicant shall be submitted to the RMA-Planning Department for review and approval*

**Mitigation Monitoring Action #5b:** *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.*

**6 a (iii), (b), (c): Less Than Significant Impact.**

Haro, Kasunich & Associates evaluated the rate of cliff retreat in the vicinity of the subject property. Based on the shape of the bluff and their observations of site geomorphology, it is their opinion that portions of the bluff top near the home have receded landward about 6 feet between 1945 and 2003. On the basis of these measurements, the range of average annual long term retreat is probably between 0.1 feet/yr 96 feet in 58 years). The relatively low rate of retreat is primary the result of the hardness of the granitic bedrock. The terrace deposits are protected from the direct wave impact much of the time. The dense nature of the terrace deposits underlying the building site and the granite bedrock at depth indicate that the potential for liquefaction at the site is low.

Because the proposed project consists of constructing retaining walls, it will have a positive impact on the stability of the adjacent coastal bluff. Compliance with the recommendations in Mitigation #5 above, will reduce the geologic risks at the site.

**6(a)(iv), (d), (e): No Impact.** The proposed project will be served by a new sewer system hook up and will not be located on expansive soils, nor will it be located within areas susceptible to landslides.

7. GREENHOUSE GAS EMISSIONS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 2, 3, 5, 7, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 2, 3, 5, 7, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

Greenhouse gases (GHG) are emitted by natural processes and human activities such as electricity production, motor vehicle use, and agricultural uses. It has been found that elevation of GHGs has led to a trend of unnatural warming of the earth's climate, otherwise known as the "greenhouse effect". In order to reduce the statewide level of GHG emissions, the State Legislature adopted California Assembly Bill 32 (AB 32) California Global Warming Solutions Act of 2006. AB 32 established a comprehensive statewide program of regulatory and market mechanisms to achieve reductions in GHG emissions, thereby reducing the State's vulnerability to global climate change (GCC). Pursuant to Senate Bill 97 (SB 97), the Governor's Office of Planning and Research (OPR) issued interim guidance for addressing climate change through CEQA and recommends that each agency develop and approach to address GHG emissions based on the best available information. At this time, the County of Monterey and the Monterey

Bay Unified Air Pollution Control District (agency responsible for regulating air quality in the region) have not identified a significance threshold for GHG emissions. There will be GHG emissions associated with the use and transport of construction materials (such as dry wall, steel, concrete, wood, etc.) to and from the project site. However, quantifying the emissions has a level of uncertainty. Therefore, in lieu of State guidance or locally adopted thresholds, a primarily qualitative approach will be used to evaluate possible impacts for the proposed project.

**7(a) and (b). Conclusion: Less than Significant.**

Although the proposed project will create a temporary impact to air quality caused by construction activities, the result of the project will not increase the baseline amount of GHGs emitted prior to the project to a level of significance. The temporary impacts of construction for the three retaining walls will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide (CO<sub>2</sub>) by fuel combustion.

Furthermore, Title 24, Part 6 of California Building Code (Energy Efficiency Standards or Residential Buildings) requires that new construction meet the minimum requirements for energy efficient windows, insulation, lighting, plumbing, and mechanical equipment. Prior to the issuance of the building permit, a Certificate of Compliance (CR-1R) is submitted demonstrating how the project meets the minimum requirements for energy efficiency. Prior to the final of the building permit, the contractor and all sub-contractors responsible for installation of windows, insulation, lighting, plumbing, and mechanical equipment are required to submit an Installation Certificate (CF-6R) certifying that the installed features, materials, components or manufactured devices conform to the construction plans and the Certificate of Compliance documents which were approved. Therefore, the extensive remodel of the existing single family dwelling will be consistent with the CR-1R requirements for energy efficiency.

The Carmel Area Wastewater District (CAWD) produces 1.5 million gallons of wastewater per day (MGD). The electricity for the CAWD operation is generated by Pacific Gas & Electric (P.G. & E.) in Moss Landing and CAWD uses approximately 261,130 kilowatt hours of electricity per month. Using a calculator on the P.G. & E. website, 261,130 kilowatt hours per month generates 1,641,985 lbs CO<sub>2</sub>/year or an average of 4,499 lbs CO<sub>2</sub>/day or .003 lbs of CO<sub>2</sub> per gallon of wastewater treated. The average household generates 300 gallons per day of wastewater which calculates to 328.5 lbs CO<sub>2</sub>/year. This is equivalent to .15 metric tons of CO<sub>2</sub>/per household. This quantifiable calculation determines that the increase of CO<sub>2</sub> emissions as a result of re-direction from the on-site septic system to the Carmel Area Wastewater District treatment facility will result in a less than significant impact to GHGs.



8. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 2, 3, 5, 6, 7, 8, 9, 10, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3, 21)	<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, 21)	<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, 21)	<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, 21)	<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, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 3, 21)	<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, 21)	<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, 21)	<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, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**9. HYDROLOGY AND WATER QUALITY**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 3, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**10. LAND USE AND PLANNING**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2, 3, 4, 5, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 3, 4, 5, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 5, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**11. MINERAL RESOURCES**

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

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**12. 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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**14. PUBLIC SERVICES**

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

a) Fire protection? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1, 2, 3, 6, 7, 21, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**15. RECREATION**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

**16. TRANSPORTATION/TRAFFIC**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source: 1, 3, 5, 6, 7, 21)	<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 results in substantial safety risks? (Source: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 3, 5, 6, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Sections II and IV.

17. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 3, 6, 13, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

In July 2008, the Carmel Area Wastewater District Board of Directors adopted a resolution (Resolution 09-04; dated January 26, 2009) directing the Carmel Area Wastewater District staff to request that the Local Agency Formation Commission of the Monterey County (LAFCO) amend the Carmel Area Wastewater District's Sphere of Influence and to initiate proceedings for the Carmel Highlands to annex three discontinuous parcels, to include the Currivan/O'Boyle parcel (241-182-006-000). Because of steep slopes and shallow granitic soils, septic systems are not conducive on these three parcels; LAFCO approved an annexation on January 26, 2009 (Resolution No. 012609) to incorporate them into the public sewer system.

The Carmel Area Land Use Plan supports wastewater reclamation in conjunction with any permit request to extend main wastewater collection pipelines in the segment, The County shall require



that (1) any accompanying service district formation and/or expansion within the segment be within the urban boundary or rural enclaves and (2) the permittee agrees not to assess for or guarantee sewer service in areas outside sewer districts within the segments (application of reclaimed wastewater outside sewer district is permitted). (Specific Policy 3.3.3.6)

**Utilities and Service Systems 16(a and c - g) - No Impact.**

The project does not propose to add any new structures that would require increases to service from existing systems. Utilities such as electricity, gas, water, and phone service are already in place, and the proposed project would not generate additional demand. Although the project will not result in an increase of wastewater produced on site, the wastewater will be re-directed from the on-site septic system to the Carmel Area Wastewater District (CAWD) treatment facility. Therefore, the current infrastructure will be modified to install a sewer lateral to re-direct the effluent to an existing sewer main running adjacent to the property along Highway 1. Based on the LAFCO staff report supporting the annexation, the CAWD facility currently operates at approximately 63 percent of the permitted flow. This added flow will have no impact on the facilities' current capacity.

Therefore, the project would not exceed wastewater treatment requirements, would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, would have sufficient water supplies available to serve the project from existing entitlements and resources, would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and would comply with federal, state, and local statutes and regulations related to solid waste. In addition, the wastewater treatment provider, Carmel Area Wastewater District (CAWD), which will serve the property has determined it has adequate capacity to serve the projected demand in addition to the provider's existing commitments, and the property has been annexed to the CAWD service area.

**Utilities and Service Systems 16(b) – Less Than Significant Impact (Benefit).**

The project will not increase wastewater/septic requirements, will not require the construction of new water or wastewater treatment facilities, or expansion of existing treatment facilities. However, to address existing wastewater (septic) discharge concerns, the property owner will construct a new wastewater (sewer) lateral connection to an existing wastewater infrastructure line along the Highway 1 right-of-way. The sewer line project (PLN090342) is an Amendment to a previously-approved Combined Development Permit (PLN030325). PLN030325 involved the construction of a sewer connection for the Highlands Inn. For PLN090342, the property owner proposes to pump wastewater from the existing septic/holding tank to the existing sewer line that connects to the CAWD treatment facility. The sewer line on the property that will connect the holding tank to the existing infrastructure sewer line will be placed behind the retaining walls proposed under PLN050708. This approach will not result in any additional impacts not already evaluated under PLN050708. There will be no new impacts to environmentally sensitive habitat or slopes. Therefore, the new sewer line connection will not result in any significant impacts to utilities and service systems, and will create a beneficial result for the adjacent riparian and marine habitats by reducing the amount of effluent discharge from the existing septic system.

## VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 3, 5, 13, 18, 21)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 1, 3, 5, 13, 18, 21) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 3, 5, 13, 18, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 3, 5, 13, 18, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

**(a) Less Than Significant with Mitigation** Based upon the analysis throughout this Initial Study, the project may 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. The biological resources analysis above indicates there could be impacts to a habitat for Smith's blue butterfly. The applicant will be required to provide a restoration plan which will address the eradication and control of non-native species including landscape plants currently impacting the natural habitat. The plan shall be specific to the enhancement, establishment, management, and monitoring of habitat for Smith's blue butterfly.

**(b) No Impact.** Due to sloughing of the bluff on the parcel, the project involves the construction of three retaining walls so the applicant can remodel an existing residence zoned for residential

use. Connection to the Carmel Area Wastewater District will reduce wastewater onsite, and therefore the proposed project is not cumulatively considerable. As a result, impacts relating to agriculture and forest resources, hazards/hazardous materials, land use/planning, mineral resources, noise, population/housing, public services, recreation, and transportation/traffic attributable to the project have been addressed in the Carmel Area Land Use Plan, which is equivalent to an EIR. Implementation of the project, as proposed, conditioned, and mitigated would not result in an increase of development potential for the project site.

**(c) No Impact.** The project would not result in significant construction-related impacts, and would not create any long-term impacts on the local area. The temporary and short-term environmental effects from project-related construction activities would not cause substantial adverse effects on human beings, either directly or indirectly.

## ***VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

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

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

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at [www.dfg.ca.gov](http://www.dfg.ca.gov).

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

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to PLN050708, PLN050591 and PLN090342 and the attached Initial Study / Proposed 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, 11, 17, 18, 21).

## ***IX. REFERENCES***

1. Project Application, Plans and Materials in File No. PLN040581
2. Monterey County General Plan (1982)
3. Carmel Area Land Use Plan and Coastal Implementation Plan, Part 4
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008
6. Monterey County Planning Department GIS System, Property Report for Selected Parcel – 241-071-002-000
7. Site Visit Conducted by DD&A and RMA Planning Department on April 27, 2007; Site Visit Conducted by RMA Planning Department on January 8, 2010
8. Limited Geotechnical Investigation Slope Stabilization Recommendations for 104 Coast Highway 1, prepared by Reynolds and Associates, Inc., dated September 04, 1998 (LIB060084)
9. Limited Geotechnical Investigation for Seaward Slippage and Incipient Bank Failure prepared by Haro, Kasunich and Associates, Inc, dated August 1999
10. Limited Geotechnical Investigation and Focused Geologic Study for Coastal Bluff Retaining Walls for 104 Highway 1 prepared by Haro, Kasunich & Associates, Inc., dated August 2005 (LIB050809)
11. Supplemental Slope Stability Evaluation to Limited Geotechnical Investigation and Focused Geologic Study prepared by Haro, Kasunich & Associates, Inc., dated July 20, 2009
12. Letter Report Geotechnical Foundation Criteria for the Proposed Covered Pedestrian Walkway from Garage to Residence prepared by Haro, Kasunich and Associates, Inc, dated May 15, 2006
13. Letter regarding sewer service for APN 241-071-002 (Currivan Property, 104 Coast Hwy 1) from by Carmel Area Wastewater District, dated November 6, 2006
14. Resolution No. 09-04 from the Local Agency Formation Commission of Monterey County authorizing Parcel 241-071-002-000 to connect to Carmel Area Wastewater District and Annexation to the District
15. Preliminary Cultural Resources Reconnaissance of APN 241-071-002, Carmel Highlands, Monterey County, California prepared by Anna Runnings, M.A., and Trudy Haversat, SOPA, dated August 25, 1989
16. Archaeological Letter for APN 241-071-002, for retaining walls, prepared by Archaeological Consulting, dated March 15, 2005 (LIB050807)

17. Archaeological Report for APN 241-071-002, the Currivan Parcel, prepared by Archeological Consulting, dated January 13, 2006
18. Biological Assessment prepared by Rana Creek Habitat Restoration, dated September 2005 (LIB050808)
19. California Coastal Commission Memorandum re: Preliminary Questions and Comments on Geotechnical Study from Rick Hyman, dated March 20, 2006;
20. Response Memorandum to California Coastal Commission Memorandum prepared by Haro, Kasunich & Associates, dated February 21, 2008;
21. Interdepartmental Review Comments located in Project Files PLN050591, PLN050708, and PLN090342;
22. California Coastal Act of 1976;
23. Erosion Control Ordinance, Chapter 16.12
24. Pacific, Gas & Electric web link for calculating household generated CO<sub>2</sub>  
<http://www.pge.com/mybusiness/environment/calculator/tips.shtml>

**EXHIBIT G**  
**ADDENDUM TO SCH#2004041061**

PLN090342 – Highlands Annexation

Planning Commission  
October 27, 2010

## **EXHIBIT G**

### **Addendum Pursuant to the California Environmental Quality Act Article 11, Section 15164**

#### **HIGHLANDS ANNEXATION Planning File No. PLN090342 Amendment**

##### **1. Introduction**

The original Combined Development Permit (PLN030325/Highlands Inn Sewer Connection Project), approved by the Monterey County Planning Commission on June 30, 2004, consisted of the following entitlements: a) a Coastal Development Permit for development on slopes of 30% or greater; b) a Coastal Development Permit for development with a positive archaeological report; c) a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); d) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); and e) grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls.

Environmental review for PLN030325 included the preparation of a Mitigated Negative Declaration/Initial Study (MND/IS) (SCH#2004041061) which focused on analyzing potential impacts to Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Noise, and Transportation/Traffic. The mitigations recommended in the Initial Study reduced potential effects and impacts to less than significant.

The proposed amendment (PLN090342) will add four properties (Assessor's Parcel Numbers 241-071-002-000, 241-073-001-000, 241-073-002-000, and 241-182-006-000) to the sewer line main approved under PLN030325, and a Coastal Development Permit to allow development within 50 feet of a coastal bluff. This Addendum only applies to Assessor's Parcel Numbers 241-073-001-000, 241-073-002-000, and 241-182-006-000; located at 70 Highway 1, 73 Fern Canyon Road, and 244 Highway 1, respectively. Environmental review for the property located at 104 Highway 1 (Assessor's Parcel Number 241-071-002-000) will be addressed via a separate MND/IS to be considered by the Monterey County Planning Commission.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the MND/IS, adopted June 30, 2004, by Planning Commission Resolution No. 04029. None of the conditions described in Section

15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

## 2. Scope and Purpose of this Addendum

It has been determined that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, that only minor technical changes to the project description have occurred, that there are no new significant environmental effects or increase in the severity of previously identified significant effects per Section 15162(a)(2) of the CEQA Guidelines, and there is no new information of substantial importance that was not known at the time the previous MND/IS was adopted, per Section 15162(a)(3) of the CEQA Guidelines.

Documents reviewed included the MND/IS prepared and adopted for PLN030325, the MND/IS prepared and adopted for PLN090342, and associated technical reports, plans, and applications. Based upon this review, it has been determined that the project will not have the potential to significantly degrade the quality of the environment, will have no significant impact on long-term environmental goals, will have no significant cumulative effect upon the environment, and will not cause substantial adverse effects on human beings, either directly or indirectly. The previous mitigations do not apply because they were specific to the project impacts for PLN030325, and no similar impacts will occur on these three parcels. Furthermore, all of the previous mitigations have been cleared and there is no continuing requirement for any of them to be brought forward for the Amendment (PLN090342).

## 3. Conclusion

A MND/IS was prepared, circulated, considered, and adopted for PLN030325. All physical impacts to the development sites were reviewed and the County determined that the project as designed and mitigated had reduced potential impacts to a less than significant level. The MND/IS includes mitigation measures that address potential impacts to Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Noise, and Transportation/Traffic.

The County then considered the proposed project and determined its scope does not alter the conclusions in the MND/IS prepared for PLN030325. Based on review of the current application, plans, and site visits on November 3, 2009, no other potentially significant issues were identified for the proposed project. The current proposal does not alter the analysis or conclusions reached by the previous study.

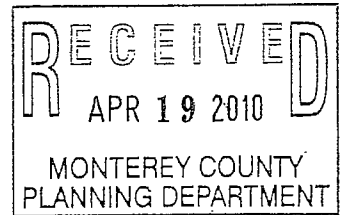
Attachment: Mitigated Negative Declaration/Initial Study for PLN030325/Highlands Sewer Connection Project, certified June 30, 2004.



**EXHIBIT H**  
**MITIGATED NEGATIVE DECLARATION**  
**FOR PLN030325 (SCH#2004041061)**

PLN090342 – Highlands Annexation

Planning Commission  
October 27, 2010



FINAL INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION

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FOR THE

HIGHLANDS SEWER CONNECTION PROJECT

JUNE 2004

Lead Agency:

Carmel Area Wastewater District  
P.O. Box 221428  
Carmel, CA 93922

## **I. INTRODUCTION**

This document provides responses to comments received on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Highlands Sewer Connection Project. Included within this document are the letters received during the 30-day public review period, responses to those letters, and any necessary revisions to the text of the Draft IS/MND, which is incorporated herein by reference.

The IS/MND was prepared to assess the environmental impacts associated with the proposed project, which will eliminate the existing wastewater treatment and disposal activities of the Highlands Inn, the Tickle Pink Inn, and the Highlands Sanitary Association (HSA), and redirect the wastewater generated from these entities to Carmel Area Wastewater District (CAWD) treatment facilities. The Highlands Sewer Connection Project will combine the wastewater from the Highlands Inn, the Tickle Pink Inn, and the HSA and convey it to a new pump station located on the Highlands Inn property. New and existing sanitary sewer lines would then convey the wastewater to the CAWD Calle la Cruz pump station near Ribera Road.

### **Public Participation**

Pursuant to Section 15073 of the CEQA Guidelines, a Notice of Completion and the Draft IS/MND were filed with the State Clearinghouse on April 14, 2004. The Draft IS/MND was circulated to responsible and interested agencies, groups, and individuals beginning on April 14, 2004 for a 30-day public review period that ended on May 13, 2004. Pursuant to Section 15072 of the CEQA Guidelines, public notice of the availability of the Draft IS/MND was provided by posting the Notice of Intent with the Monterey County Clerk and at multiple locations at the project site, wherein notice was given of the 30-day public review period and the location and time of the public hearing at which the document would be considered and adopted.

## DEPARTMENT OF FISH AND GAME

POST OFFICE BOX 47  
 MOUNTVILLE, CALIFORNIA 94539  
 707 445-5500



April 20, 2004

Date: 4/21/04	
Route	Initial
SV	S
COPY	DDEA
Fils _____	

J. Foster

Mr. Sanford Veile  
 Carmel Area Wastewater District  
 Post Office Box 221428  
 Carmel, CA 93922

Dear Mr. Veile:

Highlands Sewer Connection Project  
 Draft Initial Study/Mitigated Negative Declaration  
 Carmel, Monterey County  
 SCH 2004041061

The Department of Fish and Game (DFG) has reviewed the document for the subject project. We do not have specific comments regarding the proposed project and its effects on biological resources. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)<sup>1</sup>. Therefore, if you are preparing an Initial Study and Negative Declaration for this project, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Monterey County Clerk on or before filing of the Notice of Determination for this project.

If you have any questions, please contact Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

Sincerely,

Robert W. Floerke  
 Regional Manager  
 Central Coast Region

<sup>1</sup> <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753



Arnold  
Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Jan Boel  
Acting Director

May 14, 2004

Sanford Veile  
Carmel Area Wastewater District  
3945 Rio Road  
Carmel, CA 93922

Subject: Highlands Sewer Connection  
SCH#: 2004041061

Dear Sanford Veile:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on May 13, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

## LETTER B

Governor's Office of Planning and Research, May 14, 2004

- B-1 This letter confirms that the Draft IS/MND was submitted by the State Clearinghouse to selected state agencies for review, and that no state agencies submitted comments to the State Clearinghouse by the close of the review period on May 13, 2004. The letter acknowledges that the lead agency has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.
-

## LETTER C

### Association of Monterey Bay Area Governments, May 24, 2004

- C-1 This letter confirms that a summary of notice of the Draft IS/MND was circulated to AMBAG's member agencies and interested parties for review and comment. The letter states that the AMBAG Board of Directors has no comments and acknowledges that the lead agency has complied with the Regional Clearinghouse process.
-

equal to or greater than the number of trees removed. Monitoring results shall be reported to CAWD each year and upon satisfaction of the tree replacement requirement.

**Page 24, Mitigation Measure #4:**

~~CAWD shall retain a~~ A qualified biological monitor ~~to~~ shall inspect the construction operations while working in the vicinity of San Jose Creek, Gibson Creek, and the unnamed drainage. The monitor shall inspect the installation of erosion control measures, barriers for construction debris, and general construction practices for impacts to the sensitive habitats. In addition, the monitor shall be onsite during ~~construction initiation and throughout the construction window, as required,~~ to insure all permit conditions and mitigation measures are properly complied with. The monitor shall be the point of contact with CDFG, CAWD, and the Monterey County Building & Inspection Department in the event the project falls out of compliance with any conditions of the project. If this happens, the biological monitor shall submit additional mitigation to the appropriate agency for approval and implementation. Upon completion of construction activities in the vicinity of the waterways, the monitor shall submit a report, including photos, to CAWD documenting compliance with all project conditions and mitigation measures.

**Page 25, Mitigation Measure #6:**

Prior to the start of each day's trenching activity, all trees within 18 feet of proposed trench walls shall be identified by species and diameter at breast height dbh to confirm that appropriate root protection is maintained.

**Page 26, Mitigation Measure #7:**

Wherever possible, trenching shall not be permitted within a four-trunk diameter tangent offset of all trees. If trenching is absolutely necessary within the four-trunk diameter zone, ~~all roots two inches and larger in diameter shall be protected by tunneling under them~~ practices indicated in mitigation measure 8 shall be implemented or the tree shall be removed, as determined by the qualified forester or arborist. If any additional native trees need to be removed (beyond the three Monterey pines described in the Draft IS/MND and project plans), an additional Coastal Development Permit would need to be applied for and obtained prior to tree removal.<sup>2</sup>

**Page 27, the following additional text is added to the Cultural Resources Environmental Setting:**

The historic D.L. James Residence, designed by the famous architect Charles Greene, is located directly across from the Highlands Inn. Also known as Seaward, the house sits on a rocky cliff above the Pacific Ocean just west of Highway 1. The entry to the house on the west side of Highway 1 is made up of a clinkered sandstone brick wall and wooden doors contained in an arched portal. The clinkered wall continues along the west side of Highway 1 where it leads to a small turnout and vista point (<http://www.geocities.com/SiliconValley/Orchard/8642/cgreene.html>).

**Page 28, Explanation 5.a):**

~~There are no historical resources identified within the project alignment. The historic D.L. James Residence is located directly across from the Highlands Inn. Siting of the pipeline on or near the western~~

<sup>2</sup> Note: this change was cleared by the consulting forester for this project, Steve Staub, on June 8, 2004.



~~The recommendations of the Final Geotechnical Investigation shall be imposed as requirements for reducing potential erosion impacts to less than significant levels. Prior to issuance of grading and building permits, plans submitted for this project shall be wet seal stamped, signed, and dated by the consulting geotechnical engineer shall submit a signed letter indicating to certify that the Project Final Plans and Specifications are project has been designed in general full compliance with the recommendations contained in the Final Geotechnical Investigation Report prepared for the project. Prior to final inspection, the construction manager geotechnical engineer shall submit a signed letter to CAWD certifying indicating that the project construction has been carried out in full compliance with the Construction Contract Documents. all conclusions and recommendations contained in said report~~

**Page 44, Mitigation Measure #17:**

Prior to construction, notification shall be mailed to residents adjacent to the project alignment, and shall be posted along the construction corridor, which provides the following:

- Dates that construction is expected to occur;
- Hours of construction operation for weekdays, weekends, and holidays; and
- The name and phone numbers of persons to be contacted in the event a member of the public wishes to file a noise complaint or for questions or issues related to the project.

**Page 50, Mitigation Measure #19:**

Work on Highway 1 within the Caltrans ROW shall avoid lane closures whenever possible. Where lane closures are unavoidable, work shall be performed in accordance with all Caltrans requirements included in the Caltrans encroachment permit. ~~These requirements may include, but are not limited to the following:~~

- ~~• A minimum 11 foot travel lane shall remain open for use by public traffic.~~
- ~~• Areas where the speed limit is 45 mph or less will require a minimum of three feet of space between the construction and the traffic lane; areas where the speed limit is greater than 45 mph will require a minimum of six feet of space between construction and the traffic lane.~~
- ~~• Work within the travel lane will be completed at night.~~
- ~~• Hazards within the public right of way shall be marked at reasonable intervals with traffic cones, barricades, or other suitable visual markers during daylight hours. During hours of darkness, provide markers with torches, flashers, or other adequate lighting.~~

The construction manager shall monitor all work, and shall submit a compliance report to CAWD. In the event the construction work is out of compliance with any of the permit conditions, the construction manager shall immediately report the non-compliance to CAWD, who will work with a Caltrans representative to formulate and implement corrective action.

**Page 51, Mitigation Measure #20:**

~~When working on Work within Highlands Drive right-of-way shall be performed in accordance with the County encroachment permit. , the following practices shall be maintained:~~

- ~~• At least a ten foot travel lane shall be maintained whenever possible. If not, the contractor shall be required to request a lane closure from the Monterey County Board of Supervisors.~~

## **Mitigation Monitoring Program for the Highlands Sewer Connection Project**

### **Introduction**

CEQA Guidelines Section 15097 requires public agencies to adopt reporting or monitoring programs when they approve projects subject to a (mitigated) negative declaration that includes mitigation measures to avoid potentially significant adverse environmental effects. The reporting or monitoring program is to be designed to ensure compliance with conditions of project approval during project implementation in order to avoid potentially significant adverse environmental effects.

The law was passed in response to historic non-implementation of mitigation measures presented in environmental documents and subsequently adopted as conditions of project approval. In addition, monitoring ensures that mitigation measures are implemented and thereby provides a mechanism to evaluate the effectiveness of the mitigation measures.

A definitive set of project conditions would include enough detailed information and enforcement procedures to ensure the measure's compliance. This monitoring program is designed to provide a mechanism to ensure the mitigation measures and subsequent conditions of project approval are implemented.

### **Monitoring Program**

The basis for this monitoring program is the mitigation measures included in the Draft Initial Study for the Highlands Sewer Connection Project. These mitigation measures are designed to eliminate or reduce potentially significant adverse environmental effects to less than significant levels. These mitigation measures become conditions of project approval, which the project proponent is required to complete during and after implementation of the project.

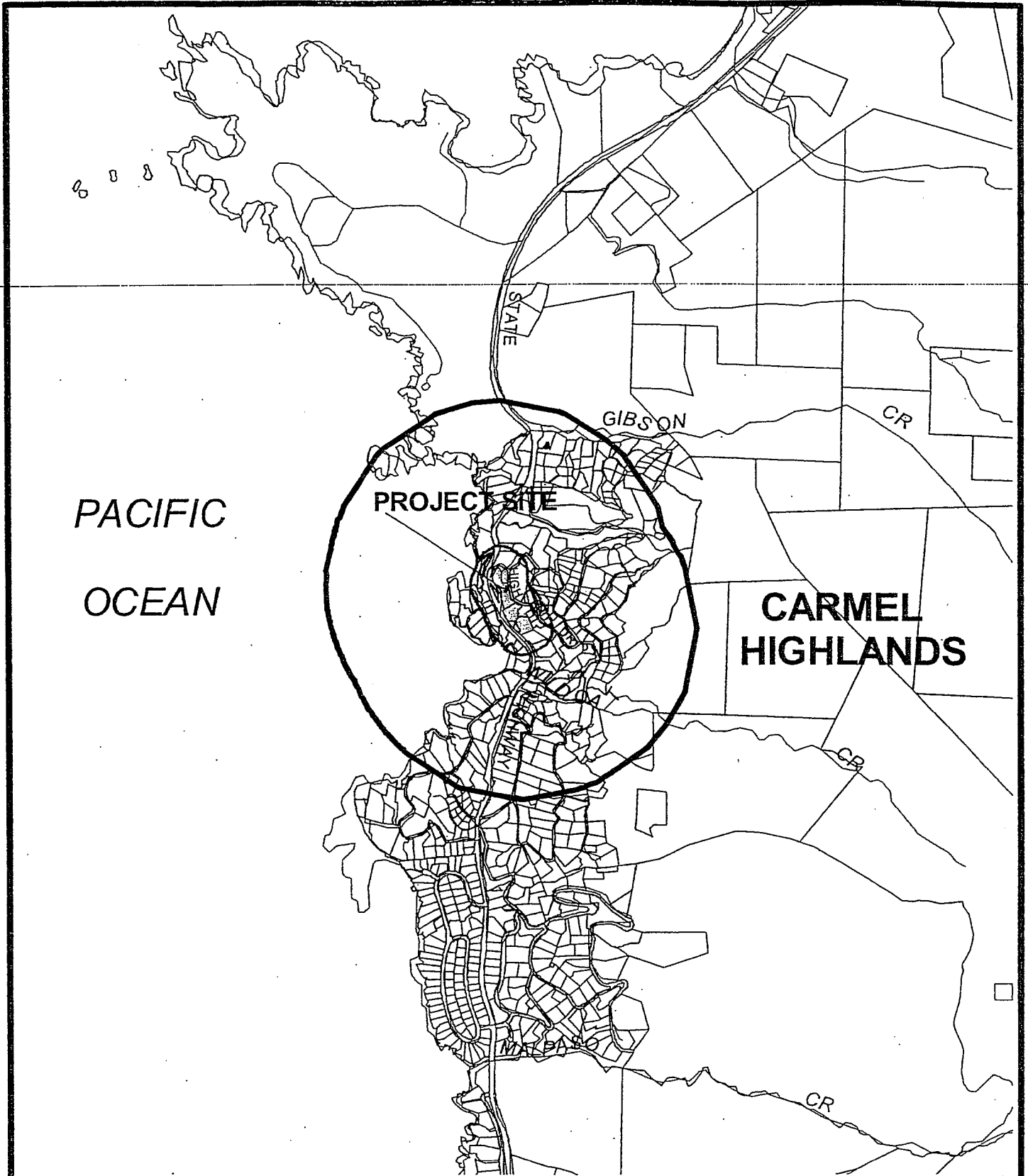
The attached checklist is proposed for monitoring the implementation of the mitigation measures. This monitoring checklist contains all mitigation measures from the Draft Initial Study for the Highlands Sewer Connection Project.

Mitigation Measure Number	Mitigation Text	Time at which Mitigation will be Implemented	Party(s) Responsible for Monitoring	Monitoring/ Reporting Requirement	Monitoring Approval Authority	4
3	Construction debris, including the excess "mud" used as a fluid lubricant for drilling under San Jose Creek, shall not be allowed to enter the streambed. Silt barriers shall be placed between the drilling area and the creek bank to avoid contamination of the sensitive habitats. Prior to the commencement of directionally drilling, a biological monitor shall inspect the barriers to insure proper installation. After the monitor has provided written verification of compliance to CAWD that all preventative measures are in place, CAWD will authorize the contractor to begin drilling. As the excess mud is pumped out of the drilling holes, it shall be immediately placed in watertight containers to prevent spreading and accidental contamination of the creek. The mud shall be transported to the CAWD treatment plant sludge beds as soon as possible to be dried and disposed of properly.	Prior to commencement of directional drilling and during construction	Qualified biological monitor	Written verification prior to commencement of directional drilling	CAWD	
4	A qualified biological monitor shall inspect the construction operations while working in the vicinity of San Jose Creek, Gibson Creek, and the unnamed drainage. The monitor shall inspect the installation of erosion control measures, barriers for construction debris, and general construction practices for impacts to the sensitive habitats. <i>In addition, the monitor shall be onsite during construction initiation and throughout the construction window, as required, to insure all permit conditions and mitigation measures are properly complied with.</i> <sup>1</sup> The monitor shall be the point of contact with CDFG, CAWD, and the Monterey County Building & Inspection Department in the event the project falls out of compliance with any conditions of the project. If this happens, the biological monitor shall submit additional mitigation to the appropriate agency for approval and implementation. Upon completion of construction activities in the vicinity of the waterways, the monitor shall submit a report, including photos, to CAWD documenting compliance with all project conditions and mitigation measures.	During construction	Qualified biological monitor	Written report, with photos, upon completion of construction near waterways	CAWD	
5	No construction debris or materials shall be allowed to enter the creek beds, either directly or indirectly. Stockpiles shall be protected and kept far enough from the banks of the active channel to prevent material from entering the creek beds. Protective fencing shall be placed around the drainages and culverts, to prevent any inadvertent debris from entering the waterways.	During construction	Qualified biological monitor	Same as #4	CAWD	

<sup>1</sup> Including mitigation measures 2 through 5 in this MMP.

Mitigation Measure Number	Mitigation Text	Time at which Mitigation will be Implemented	Party(s) Responsible for Monitoring	Monitoring/Reporting Requirement	Monitoring Approval Authority	4
11	Prior to issuance of grading permits, a qualified archaeological monitor shall be retained and submit their professional credentials for approval. The contract with the qualified archaeological monitor shall contain professionally acceptable archaeological standards for investigation as established by the Society of Professional Archaeologists.	Prior to issuance of grading permits	Qualified archaeological monitor	None	CAWD and Monterey County Planning & Building	
12	The qualified archaeological monitor shall be present during pre-construction and construction activities that involve earth disturbance through the area immediately adjacent to the recorded sites CA-MNT-820, CA-MNT-1365, and CA-MNT-218. Prior to final inspection, the archaeological monitor shall submit a letter to CAWD reporting all monitoring actions that took place during construction and, if necessary, certifying that all cultural, archaeological or paleontological finds were handled in accordance with established professional standards.	During all earth disturbance in the area of identified sites	Qualified archaeological monitor	Letter of certification prior to final inspection	CAWD	
13	If cultural, archaeological or paleontological resources or human remains are inadvertently discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a certified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and submitted to the Caltrans District 5 Environmental Planning Branch (if within the Caltrans ROW) and the Monterey County Planning & Building Inspection Department for review and approval. The additional measures shall be implemented prior to work restarting in that area.	During construction	Qualified archaeological monitor	Upon finding significant remains	CAWD and Monterey County Planning & Building	
14	All grading and trenching shall be conducted in accordance with Chapter 16.12 Erosion Control of the Monterey County Code and the erosion control plan required by the County as part of the Coastal Development Permit application.	During construction	CM	None	CAWD	
15	Construction activities shall include erosion control measures and construction best management practices, as required by Section 1.04D of Specification 01355 of the project's construction specifications, to further reduce the possibility of erosion.	Prior to commencement of construction	CM	None	CAWD	
16	The final project design shall be developed in general accordance with the Final Geotechnical Investigation Report prepared for the project by D&M Consulting Engineers, Inc. Prior to issuance of grading permits, the consulting geotechnical engineer shall submit a signed letter indicating that the Project Final Plans and Specifications are in general compliance with the recommendations contained in the Final Geotechnical Investigation Report prepared for the project. Prior to final inspection, the construction manager shall submit a signed letter to CAWD	Prior to issuance of grading permits; prior to final inspection	Consulting geotechnical engineer and CM	Signed verification letters	CAWD and Monterey County Planning & Building	


EXHIBIT "F"



APPLICANT CARMEL AREA WASTEWATER DIST.

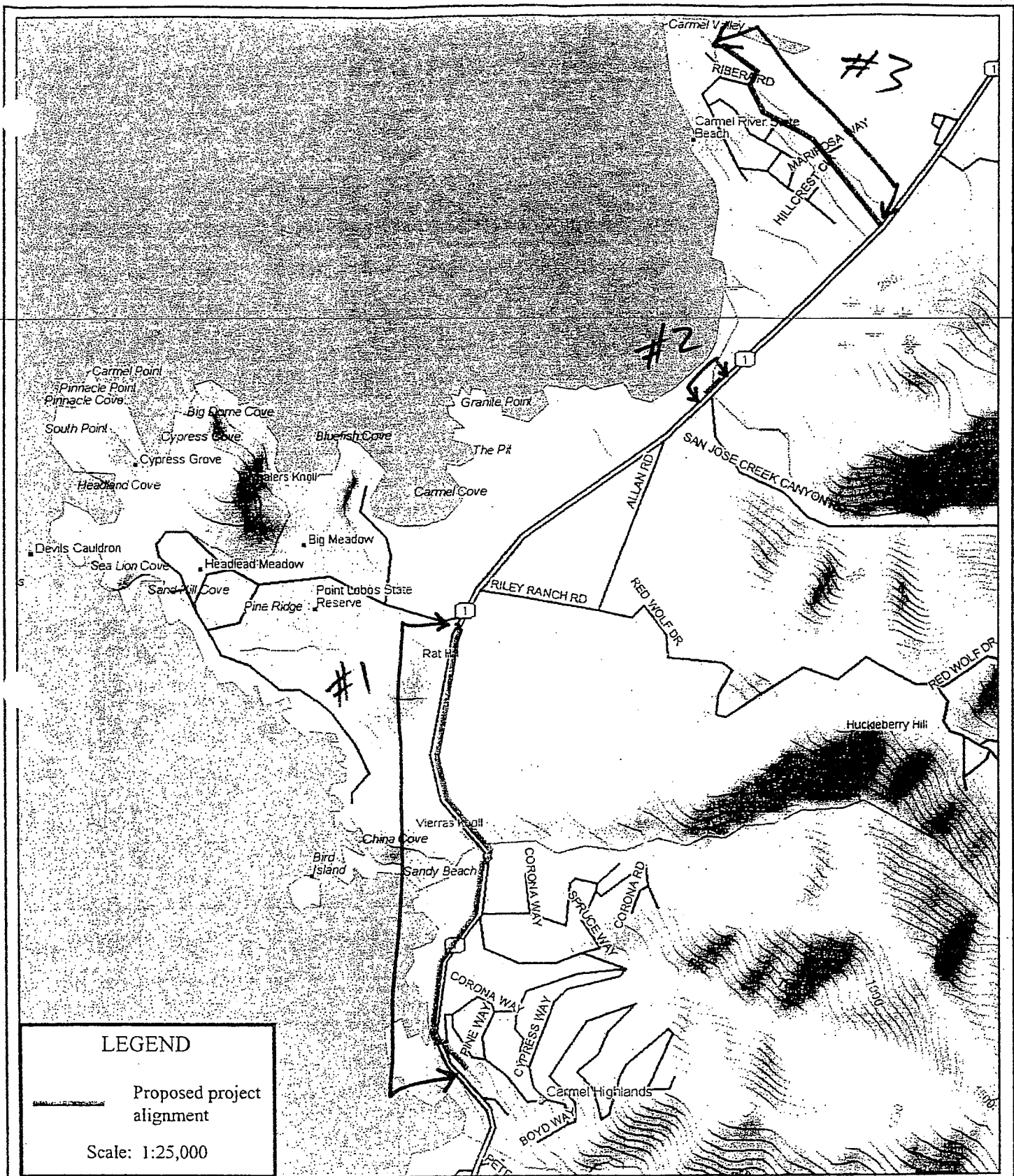
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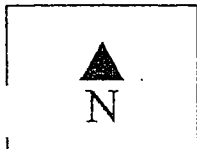




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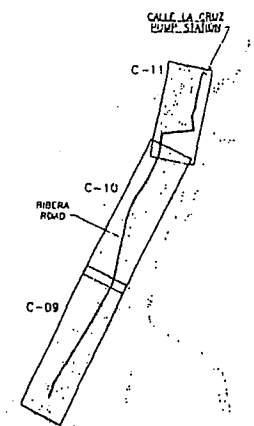
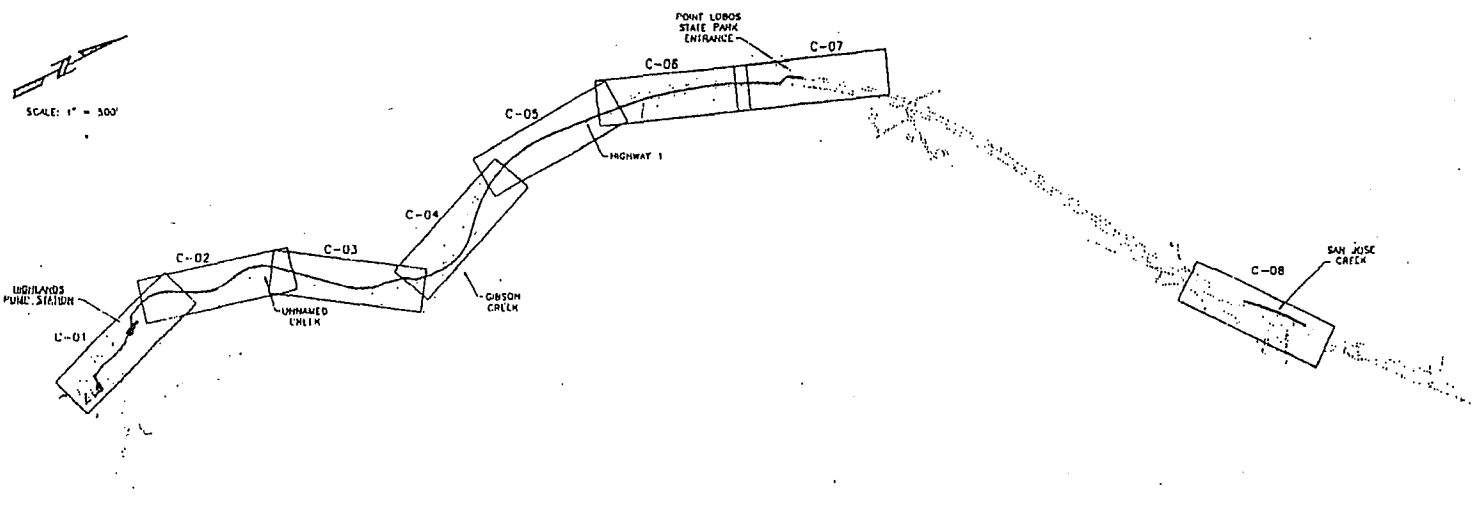
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Vicinity Map

Figure  
2

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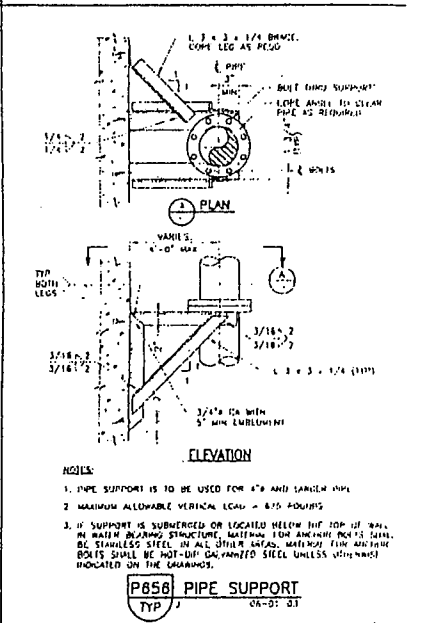
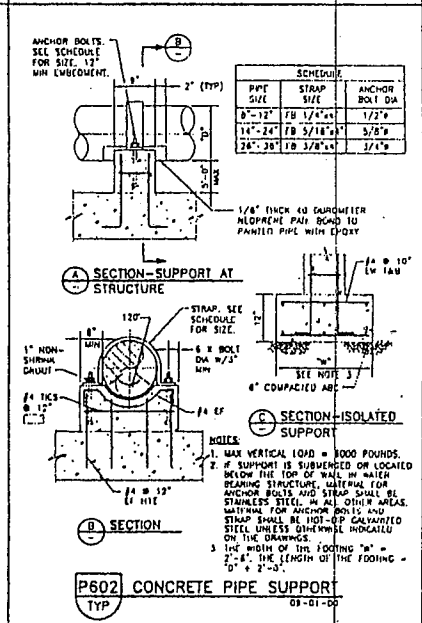
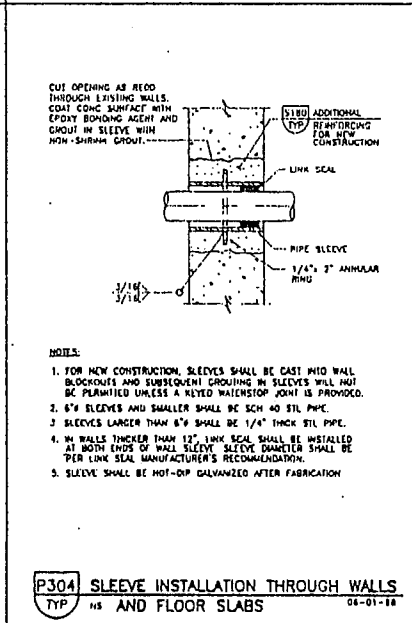
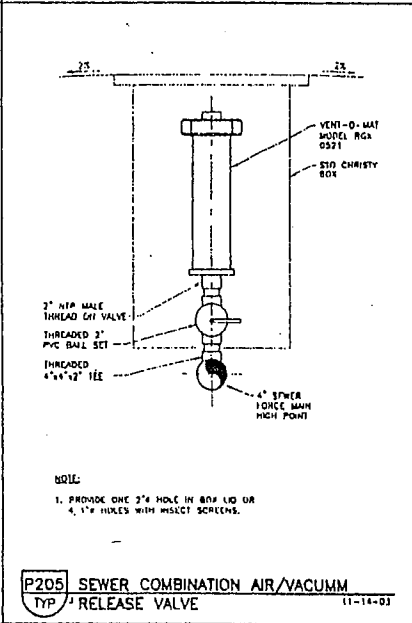
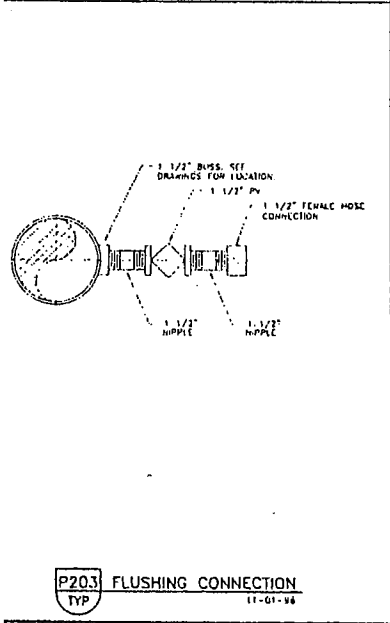
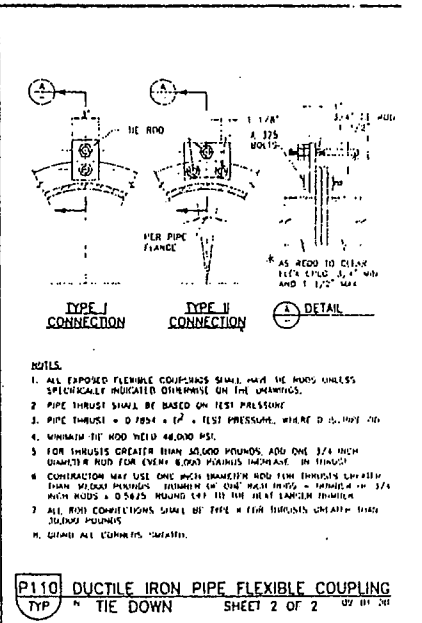
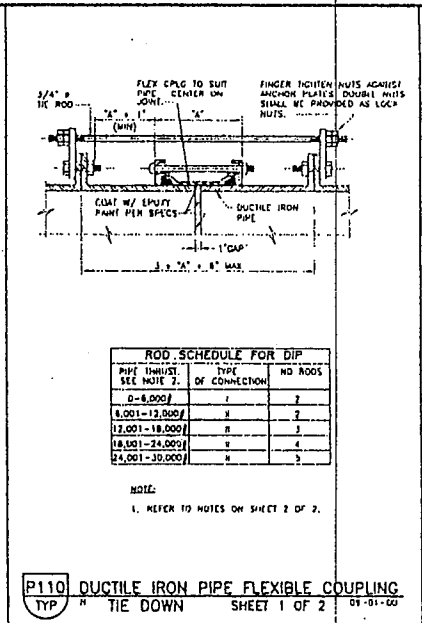
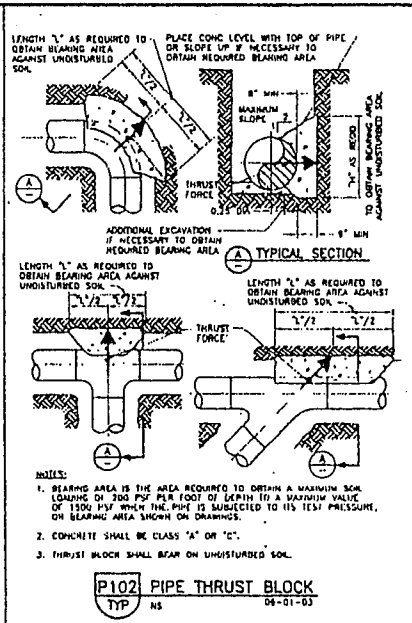
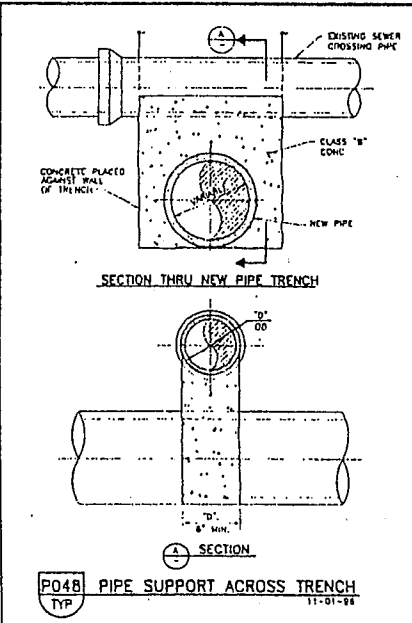
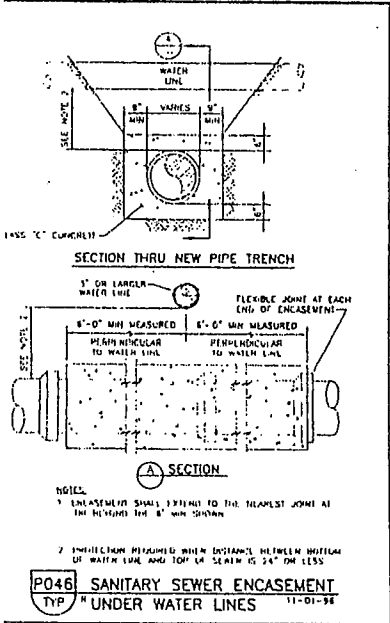
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SHEET NUMBER	DRAWING NUMBER	TITLE
1	G-01	TITLE SHEET
2	G-02	SHEET INDEX AND DRAWING INDEX
3	T-01	TYPICAL DETAILS
4	T-02	TYPICAL DETAILS
5	T-03	TYPICAL DETAILS
6	T-04	TYPICAL DETAILS
7	T-05	TYPICAL DETAILS
8	T-06	TYPICAL DETAILS
9	C-01	PLAN AND PROFILE - STA 0+00 TO STA 6+56.38 & STA 6+56.33 TO STA 13+00
10	C-02	PLAN AND PROFILE - STA 13+00 TO STA 23+50
11	C-03	PLAN AND PROFILE - STA 23+50 TO STA 34+00
12	C-04	PLAN AND PROFILE - STA 34+00 TO STA 44+50
13	C-05	PLAN AND PROFILE - STA 44+50 TO STA 53+00
14	C-06	PLAN AND PROFILE - STA 53+00 TO STA 64+00
15	C-07	PLAN AND PROFILE - STA 64+00 TO STA 70+77.98
16	C-08	PLAN AND PROFILE - STA 71+00 TO STA 78+01.81
17	C-09	PLAN AND PROFILE - STA 100+00 TO STA 110+00
18	C-10	PLAN AND PROFILE - STA 110+00 TO STA 121+00
19	C-11	PLAN AND PROFILE - STA 121+00 TO STA 129+44.83
20	PS-01	SITE PLAN AND PROFILE
21	PS-02	PUMP STATION LAYOUT AND MISCELLANEOUS SECTIONS
22	E-01	ELECTRICAL LEGEND, SYMBOLS AND GENERAL NOTES
23	E-02	INDUSTRIAL PUMP STATION SITE PLAN
24	E-03	SHED ELEVATOR CASK AND ELEVATOR
25	E-04	CONTROL SCHEMATIC
26	E-05	CONTROL SCHEMATIC, LIGHTING PANELBOARD AND UMMAREH FUTURE SCHEDULE
27	E-06	PUMP STATION - POWER PLAN
28	E-07	STANDBY GENERATOR POWER PLAN
29	1.V-01	COASTAL DEVELOPMENT PERMIT INFORMATION

<p><b>90% SUBMITTAL</b> NOT FOR CONSTRUCTION</p>	DESIGNED: HAH DRAWN: CC CHECKED: SEP DATE: APR, 2004				<p>CARMEL AREA WASTEWATER DISTRICT          HIGHLANDS SEWER CONNECTION PROJECT          GENERAL          SHEET INDEX          AND DRAWING INDEX</p>	VERIFY SCALES SEE SHEET G-02 FOR SHEET INDEX SCALE INFORMATION	SHEET NO. G-02 OF 28
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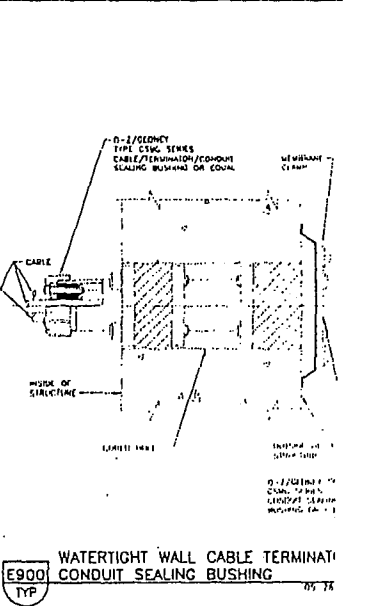
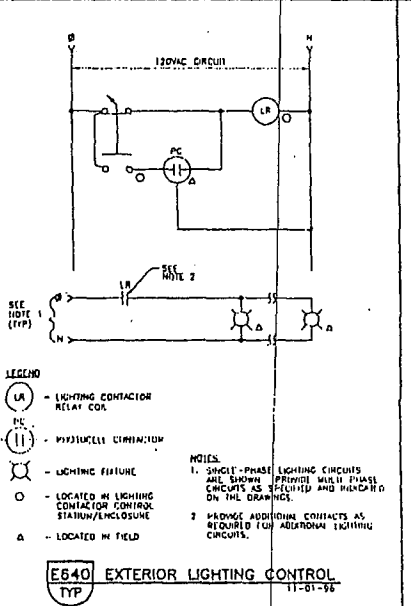
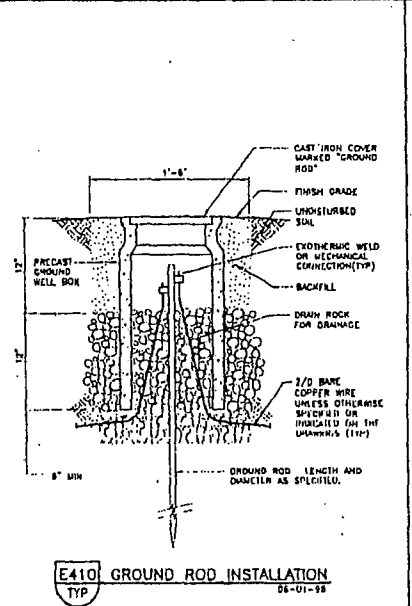
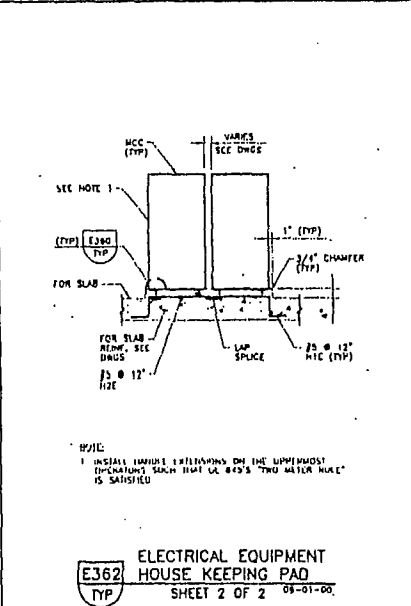
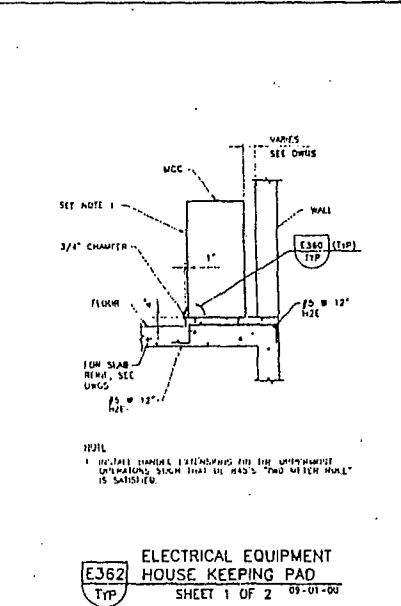
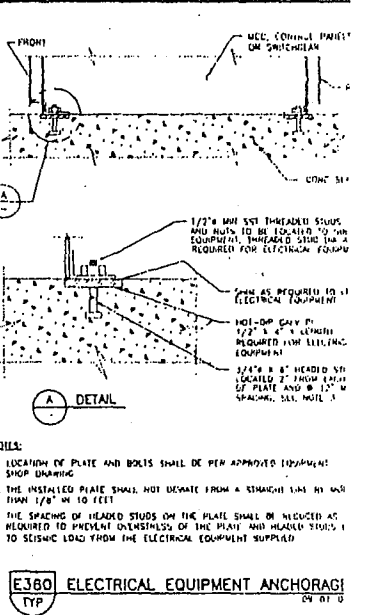
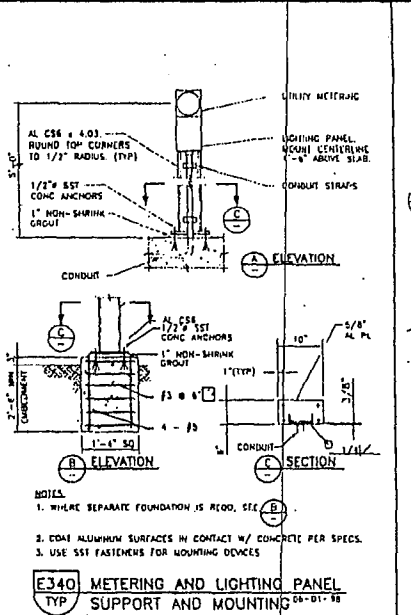
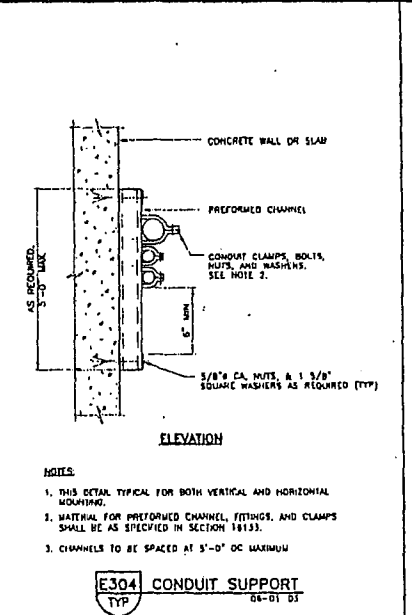
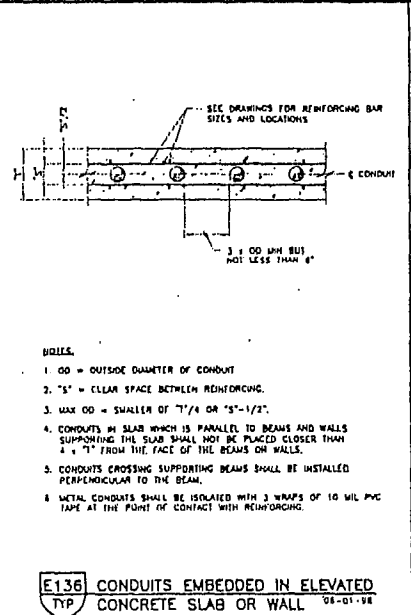
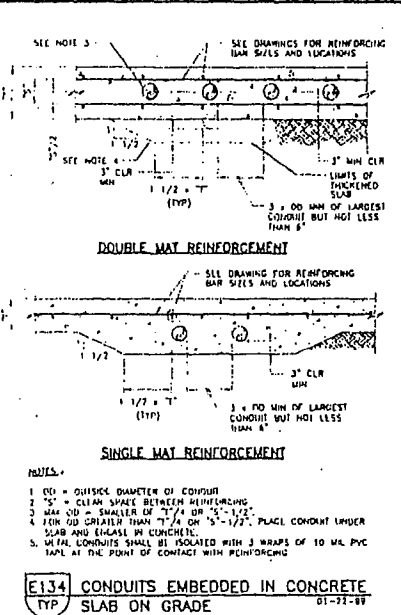
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DATE: APR, 2004

**CAFOLLO engineers**

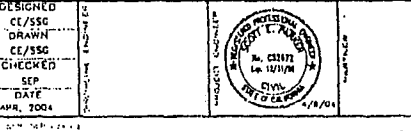
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HIGHLANDS SEWER CONNECTION PROJECT

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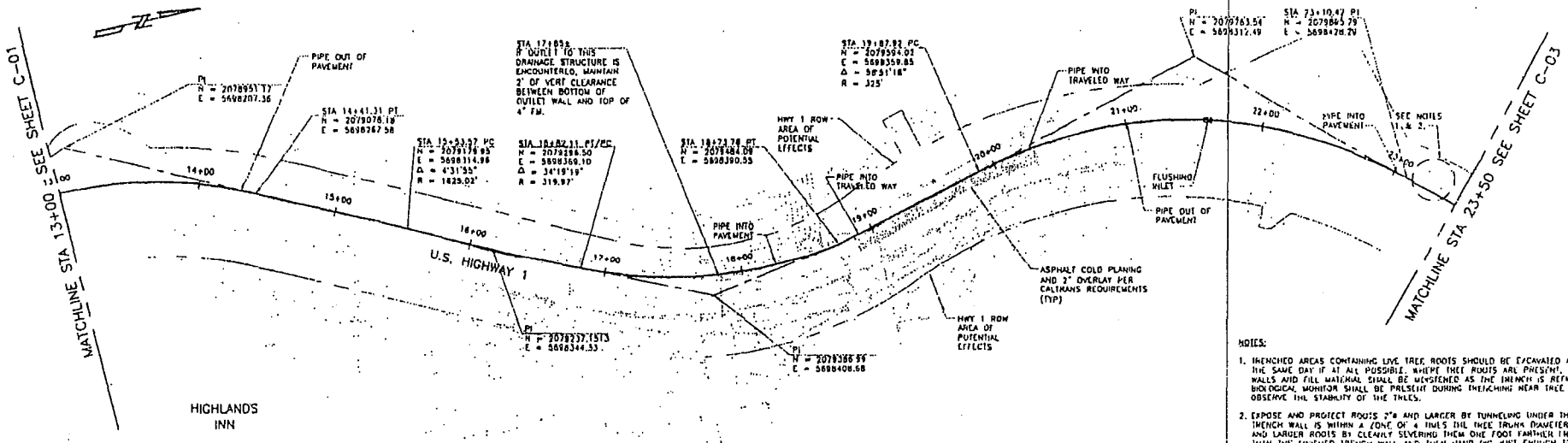
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HIGHLANDS SEWER CONNECTION PROJECT

TYPICALS

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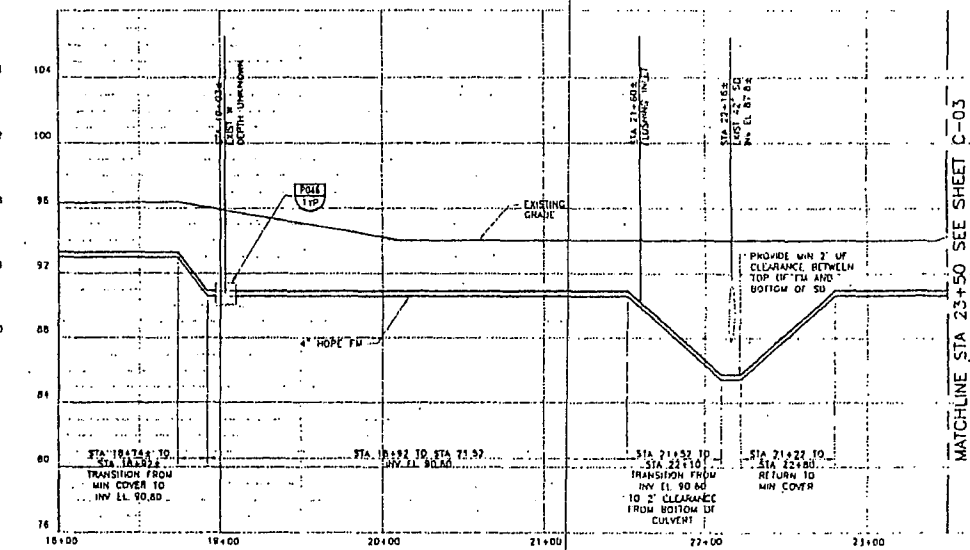
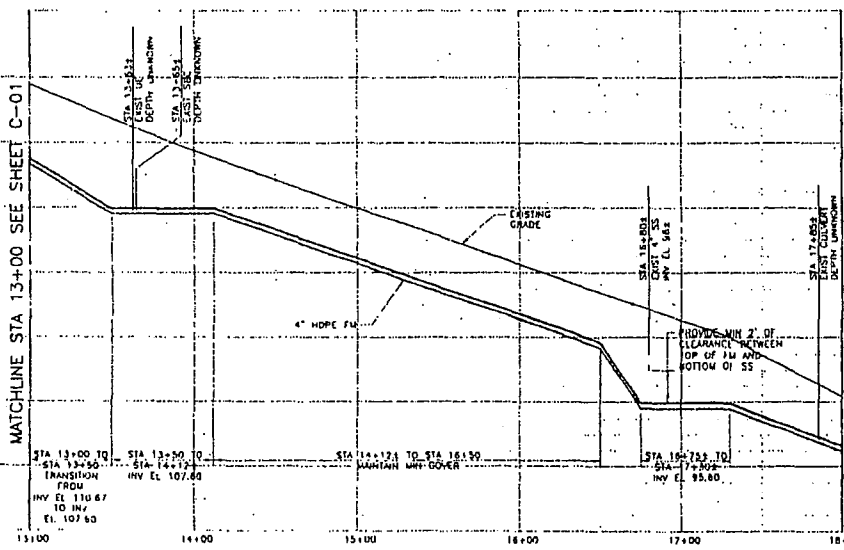
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  2. EXPOSE AND PROTECT ROOTS 2" AND LARGER BY TUNNELING UNDER THEM WHEN TRENCH WALL IS WITHIN A ZONE OF 4 TIMES THE TREE TRUNK DIAMETER. PARTIAL 2" AND LARGER ROOTS BY CLEANLY SEVERING THEM ONE FOOT PARTIAL FROM THE TRENCH FROM THE FINISHED TRENCH WALLS AND THEN HAND CUT JUST ENOUGH TO BE CLEANLY RE-cut AT THE TRENCH WALL ONCE THE TRENCH IS DUG. ALL POOLS OF ANY SIZE SHOULD BE CLEANLY PRUNED FLUSH WITH THE TRENCH WALL WITH PRUNING SHEARS, A SAW, OR A SAWZALL.
  3. MINIMUM DEPTH OF COVER IS 3 FEET, UNO



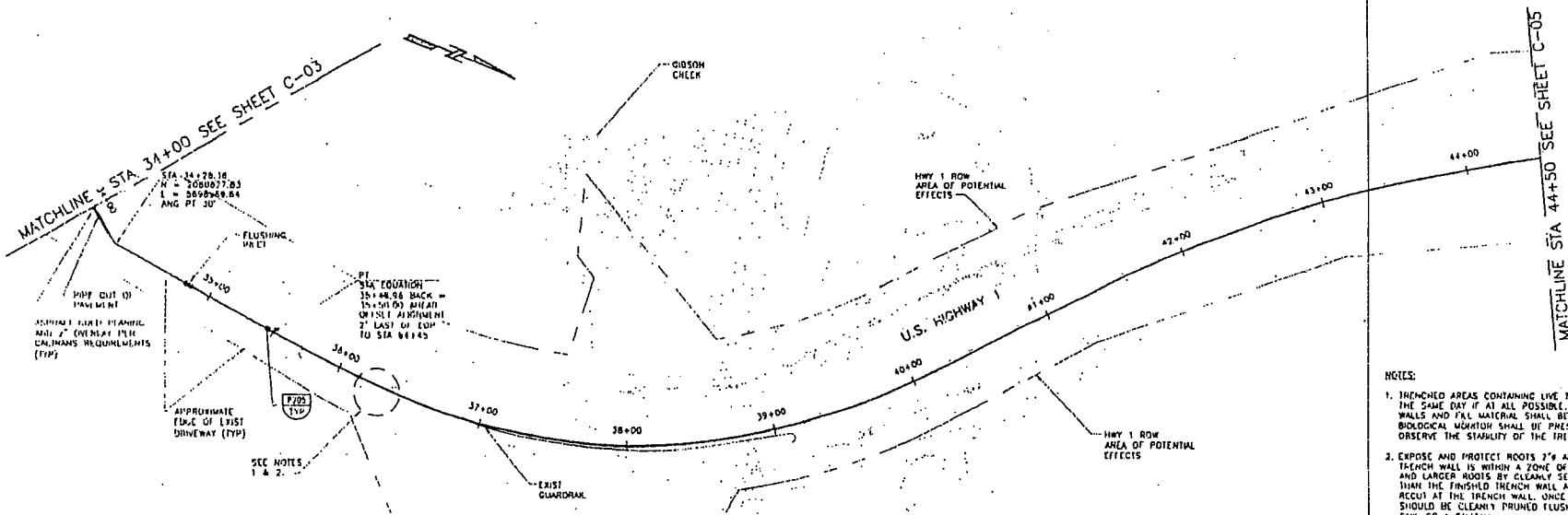
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CARMEL AREA WASTEWATER DISTRICT  
HIGHLANDS SEWER CONNECTION PROJECT  
PLAN AND PROFILE  
STA 13+00 TO STA 23+50

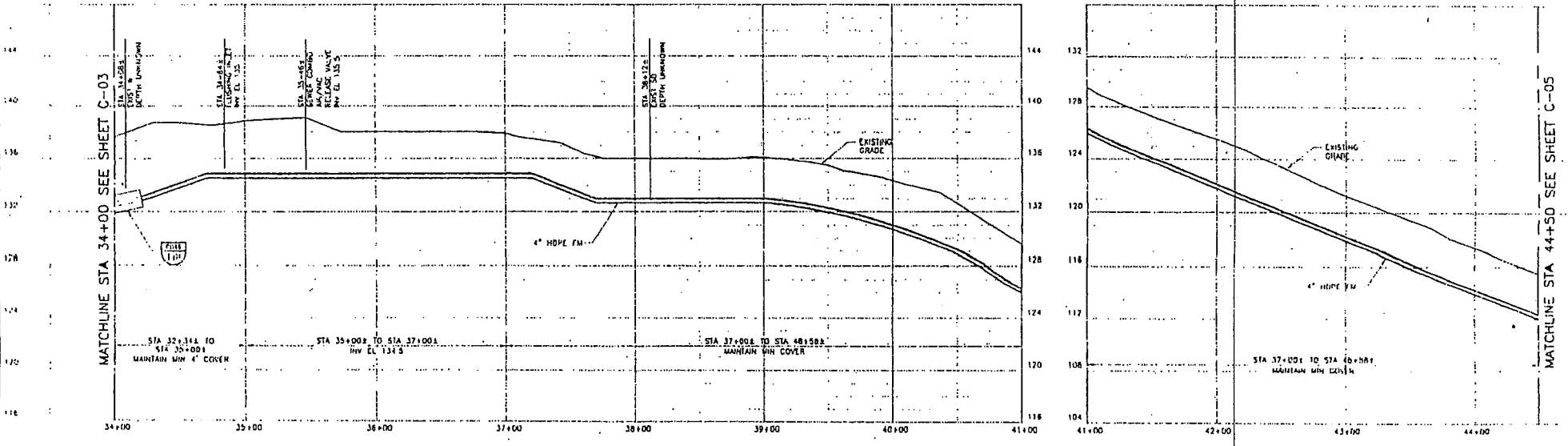
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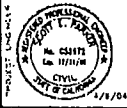
NOTES:

1. TRENCHED AREAS CONTAINING LIVE TREE ROOTS SHOULD BE EXCAVATED AND REPLAED IN THE SAME DAY IF AT ALL POSSIBLE. WHERE TREE ROOTS ARE PRESENT, TRENCH WALLS AND FILL MATERIAL SHALL BE MODIFIED AS THE TRENCH IS REPAIRED. A BIOLOGICAL MONITOR SHALL BE PRESENT DURING TRENCHING NEAR TREE ROOTS TO OBSERVE THE STABILITY OF THE TREES.
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3. MINIMUM DEPTH OF COVER IS 3 FEET UNO.



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CARMEI AREA WASTEWATER DISTRICT  
HIGHLANDS SEWER CONNECTION PROJECT

PLAN AND PROFILE  
STA 34+00 TO STA 44+50

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**DRAFT INITIAL STUDY  
for the  
HIGHLANDS SEWER CONNECTION PROJECT**

**April 2004**

**Prepared for:**

CARMEL AREA WASTEWATER DISTRICT  
P.O. BOX 221428  
CARMEL, CA 93922  
(831) 624-1248

**Prepared by:**

DENISE DUFFY & ASSOCIATES, INC.  
947 CASS STREET, SUITE 5  
MONTEREY, CA 93940  
(831) 373-4341  
[www.ddaplanning.com](http://www.ddaplanning.com)

SC# 2004041061

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**APPENDICES**

- A. Letter from CAWD, January 7, 2004
- B. Forester’s Preliminary Report, Stephen R. Staub
- C. Biological Survey Report, Denise Duffy & Associates, Inc
- D. California Department of Fish and Game Horizontal Boring Mitigation Measures
- E. Preliminary Geotechnical Investigation, D&M Consulting Engineers, Inc.

**Initial Study / Mitigated Negative Declaration for the  
Highlands Sewer Connection Project**

**I. PROJECT DATA**

Lead Agency: Carmel Area Wastewater District  
P.O. Box 221428  
Carmel, CA 93922

Contact Person: Sanford Veile

Phone Number: (831) 624-1248

Project Location: Carmel, Monterey County, California

Zoning District: Low Density Residential, one unit per acre (LDR/1); Visitor-Serving Commercial (VSC). All parcels fall within the Coastal Zone.

General Plan Designation: Recreation & Visitor-Serving; Low Density Residential; Medium Density Residential

Project Description: The Highlands Sewer Connection Project will eliminate the existing wastewater treatment and disposal activities of the Highlands Inn and the Highlands Sanitary Association, and redirect the wastewater generated from these entities to the Carmel Area Wastewater District's treatment facility.

***Please note:** Within this Initial Study, numbers in parenthesis after a paragraph refer to the sources used to develop information that are listed in numerical order in section XII. References.*



## **II. INITIAL STUDY REQUIREMENT**

This Initial Study (IS) has been prepared pursuant to the California Environmental Quality Act (CEQA). The purpose of this IS is to determine whether the proposed action could significantly affect the environment, requiring the preparation and distribution of an Environmental Impact Report for public review. If it is determined that the project would not have a significant effect on the environment, it is eligible for a Negative Declaration. If it is determined that the proposed project could have a significant effect on the environment, but the significant effects have been reduced to a less-than-significant level because revisions in the project have been made by or agreed to by the project applicant, then the project would be eligible for a Mitigated Negative Declaration.

## **III. PUBLIC PARTICIPATION**

This IS has been distributed for review to the agencies and organizations listed in section **XIV. DISTRIBUTION LIST**. Public comments will be accepted for 30 days prior to taking any action.

## **IV. PROJECT LOCATION**

The project site is located in northwest Monterey County, California, on the Pacific coast (Figure 1). To the north of the project is the City of Carmel-by-the-Sea; to the south are the Carmel Highlands. State Highway 1 is the primary roadway linking the project site to surrounding areas.

The proposed project alignment begins at the Highlands Sanitary Association (HSA), near the Tickle Pink Inn located at 155 Highlands Drive, just off of Highway 1. From there, the project alignment generally follows Highway 1 north, crossing Gibson Creek and another unnamed drainage, to the Point Lobos State Reserve (Reserve) entrance, where the new pipeline would connect with an existing line. A small section of new pipeline is proposed to cross San Jose Creek and connect to existing pipe on either side of the creek. The last section of new pipeline would run from the intersection of Ribera Road and Highway 1, down Ribera Road to a point just before Calle la Cruz. The pipe would then travel north along the embankment through an existing Carmel Area Wastewater District (CAWD) easement to the Calle la Cruz Pump Station, where it would tie in to the existing facilities (Figure 2).

## **V. EXISTING SITE CHARACTERISTICS**

The HSA is comprised of 11 homeowners (on 12 parcels) who own and operate an on-site treatment facility. The HSA contracts to provide wastewater treatment and disposal for the Tickle Pink Inn in addition to their residences. The Highlands Inn treats their wastewater at a separate, existing on-site treatment facility. Each treatment facility releases effluent into the Monterey Bay.

The first section of the proposed project alignment lies within the property boundaries of the Tickle Pink Inn and the Highlands Inn. Although this area has been previously developed, some portions of the pipeline alignment will require the removal of landscape vegetation. From the new pump station at the Highlands Inn, the pipeline alignment lies within the Caltrans right-of-way on Highway 1, the Ribera Road right-of-way, and within an existing CAWD easement. See Figure 3 for photographs of the proposed development areas.

INSERT Figure 1 - Regional Map

INSERT Figure 2 - Project Site Map

**INSERT Figure 3a – Site Photos**

INSERT Figure 3b - Site Photos

## VI. PROJECT DESCRIPTION

The proposed project will eliminate the existing wastewater treatment and disposal activities of the Highlands Inn and the HSA, and redirect the wastewater generated from these entities to the CAWD treatment facilities. The Highlands Sewer Connection Project will combine the wastewater from the Highlands Inn, the Tickle Pink Inn, and HSA and convey it to a new pump station located on the Highlands Inn property<sup>1</sup>. New and existing sanitary sewer lines would then convey the wastewater to the CAWD Calle la Cruz pump station near Ribera Road.

A new junction box will be installed between the Senator's Cottage and the Tickle Pink Inn, which will convey wastewater collected from the HSA to the new pump station via a six-inch, gravity sewer line that extends approximately 530 feet. Due to the steep slope, dense vegetation, and rock outcrops in this area, this portion of the pipe would be very difficult to construct below grade, and thus a portion of this line section will be installed above-ground instead. This will also provide easier access to the line for maintenance crews. The pipe material will be HDPE and it will be painted to inhibit degradation from UV rays as well as to help it blend into the natural surroundings. Collars staked into the existing ground surface will anchor the pipe.

The new pump station will be constructed at the site of the existing Highlands Inn treatment facility, and will include a ten-foot diameter, underground, submersible duplex grinder pump station, a 6,000-gallon emergency storage tank, and a propane tank and emergency backup generator. An up-slope retaining wall and a redwood privacy fence will enclose the area (see Figure 4).

A new section of four-inch HDPE force main will be installed from the new pump station down to and along Highway 1 to the Reserve entrance. The pipeline will run along the west side of the highway for the first ~2,400 feet. The alignment then crosses to the east side of Highway 1 for another ~3,450 feet. This section passes over Gibson Creek where the pipeline will be trenched in between the roadbed and the existing culvert. The pipeline crosses ~270 feet to the west side of Highway 1 at the entrance to the Reserve, where it will connect with an existing sanitary sewer line that was installed as part of a previous CAWD project.

Another section of new pipeline will be installed to cross San Jose Creek. The creek consists of a number of sensitive habitat types and special status species and as a result, the proposed sewer line cannot be placed within the streambed. In order to facilitate the new four-inch sanitary sewer force main, the pipe will be installed by directionally drilled beneath the creek. Directional drilling is a trenchless technology where a drill bit fitted with a transmitter is guided from the drilling machine. The drill bit uses a fluid "mud" to lubricate, loosen and carry the drilled soil from the hole. The excess "mud" that is pumped out would be transported to the CAWD treatment plant sludge beds, where it would be dried before being transported to an appropriate disposal site. The intent of this design is to stay far enough below the creek bottom to avoid having the "mud" find a fissure in the soil, which would create a leak from the creek above (called a "frack-out"). The jacking and receiving pits for the HDD operation will be located approximately 250 feet to the north and south of the bridge abutments. The pipeline is expected to

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<sup>1</sup> The proposed project includes annexation of the 12 HSA parcels, the Tickle Pink Inn, the Highlands Inn, and two additional parcels that are currently developed with single family residences, into the Carmel Area Wastewater District. The two additional parcels will not connect to the system at this time. Based on advice from LAFCO, these two parcels are included in the annexation to CAWD to avoid "holes" in the annexation area.

Figure 4. Site Plan for Highlands Inn area

be approximately 30 feet below the highway road grade where it crosses beneath the bridge. Both ends of the new pipe segment will connect with the existing line.

The last section of pipeline to be installed as part of the proposed project will begin at the intersection of Highway 1 and Ribera Road, where it connects to the existing line, down to the existing CAWD pump station near Calle la Cruz. The pipeline will be a four-inch force main that runs within the Ribera Road right-of-way, for ~2,250 feet. The line then turns north, between two residences and within an existing CAWD easement, for ~720 feet to the Calle la Cruz pump station.

The entire project will require approximately 2,908 cubic yards of excavation, and approximately 2,611 cubic yards of fill.

## **VII. PROJECT PURPOSE AND NEED**

The proposed project is meant to provide an alternate method of wastewater treatment and reclamation with the additional environmental benefit of eliminating the ocean outfall discharge from the Highlands Inn and HSA treatment facilities. The project has been planned and designed to add only these existing uses (and the two additional residential units that will not connect immediately) to the CAWD; no undeveloped lots will be served by this project (see January 7, 2004 letter from CAWD in Appendix A).

The HSA treatment facility has had difficulty consistently meeting effluent limits mandated by the Central Coast Regional Water Quality Control Board (RWQCB). Consequently, the HSA is faced with significant fines resulting from historical violations of effluent discharge limits. The proposed project will eliminate the HSA's ocean discharge by conveying their wastewater to the CAWD treatment plant.

Currently, the Highlands Inn treats their wastewater at an existing small treatment facility onsite. The property owner had previously proposed upgrading the plant to allow the reclamation of a portion of its effluent. Connection to the CAWD plant will allow the goal of reclamation to be met while at the same time eliminating the Highlands Inn's ocean discharge by conveying their wastewater to the CAWD treatment plant. Wastewater treatment and reclamation by the CAWD will replace wastewater treatment and reclamation approved by NPDES Permit No. CA0047872.

The RWQCB strives to manage municipal and industrial wastewater disposal as part of an integrated system of fresh water supplies to achieve maximum benefit of fresh water resources for present and future beneficial uses. Connecting the Highlands Inn and the HSA to the CAWD system would further the following management principle contained in RWQCB's Basin Plan:

"The number of waste sources and independent treatment facilities shall be minimized and the consolidated systems shall maximize their capacities for wastewater reclamation, assure efficient management of, and meet potential demand for reclaimed water."



### VIII. LAND USE COMPATIBILITY

The policies and ordinances outlined in the Monterey County General Plan, the Monterey County Local Coastal Plan (LCP) and Coastal Implementation Plan, and the Carmel Area Land Use Plan regulate the proposed project. The current land use designations for the project site are Recreation and Visitor-Serving and Medium Density Residential. The parcels impacted by the project are zoned as Low Density Residential (one unit per acre) and Visitor-Serving Commercial; all parcels fall within the Coastal Zone. The General Plan and zoning designations for all affected property would remain the same with adoption of the project. No new uses are proposed and no changes in existing uses are proposed by the project. The proposed project is consistent with the General Plans and the LCP, as a whole.

### IX. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, and would involve at least one impact that is a "Potentially Significant Impact" or that is "Potentially Significant Unless Mitigation Incorporated" as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| • Aesthetics   | <input type="checkbox"/> Agriculture Resources   | <input type="checkbox"/> Air Quality        |
| • Biological Resources                               | • Cultural Resources                             | • 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           | • Noise  | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services             | <input type="checkbox"/> Recreation              | • Transportation/Traffic                    |
| <input type="checkbox"/> Utilities/Service Systems   |  |   |

**X. 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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
For

## XI. 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 Analysis," 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 that 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.

## 1. AESTHETICS

### Environmental Setting

A large portion of the project alignment is located near and within the right of way of the state designated scenic Highway 1. Most of this portion of Highway 1 is within view of the coastline and is considered an important scenic vista.

A preliminary forester's report was prepared by Stephen R. Staub to assess potential tree impacts associated with the proposed project (Appendix B). This report identifies the types and numbers of trees that occur near the proposed pipeline alignment, and recommends measures for protection of trees during construction.

### Impact Evaluation

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	•	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

### Explanation

- 1.a) The project proposes to install a new pump station where the existing Highlands Inn treatment facility is located, which would be surrounded by a six-foot, redwood privacy fence to block the view from Highway 1 and blend in with the natural surroundings. A portion of this redwood fence may be visible from Highway 1. In addition, the structures will be painted to blend in with the natural surroundings. A portion of the pipeline, in the vicinity of the Senator's Cottage and the Tickle Pink Inn, will be installed above ground due to the steep slope, dense vegetation and rock outcrops in the area. After construction, the pipe will be painted and additional landscaping will be installed to provide camouflage. The construction of approximately 5,100 linear feet of sanitary sewer line within the Highway 1 right-of-way will be installed underground and thus would not have any long-term visual impacts. The proposed project will have less-than-significant impacts on scenic vistas. (1, 2)

- 1.b) The project site is visible from, and is partially on, State Scenic Highway 1. The project may result in the removal of 16 trees and shrubs within the landscaped portions of the alignment near the Tickle Pink Inn and the Highlands Inn. In addition, a limited number of trees may be affected by the trenching along Highway 1 if major roots are cut. It is unlikely that any direct mortality would occur, but the trees might be more susceptible to pathogens that could eventually cause death. Per the recommendations in the Forester's Report, the project plans call out protective measures for 11 trees that fall within a four-trunk diameter tangent offset to the pipe alignment. These measures are incorporated into the project plans and are intended to minimize indirect impacts to trees in the vicinity of the project alignment. See also additional mitigation under section 4. **Biological Resources** for tree replacement. (1, 2, 7)
- 1.c) A portion of the proposed pipeline, from the new junction box to the pump station facility, will be constructed above-grade due to the steep slopes, dense vegetation and rock outcrops. Measures have been incorporated into the plans (e.g., paint and installation of surrounding vegetation) to camouflage the pipe and minimize the visual impact. The remainder of the proposed pipeline will be installed underground, and within previously disturbed areas, mainly within the paved roads and shoulders, except for where it will cross San Jose Creek. The temporary construction activities needed to install the pipeline are small in scale and would have less-than-significant impacts on the overall visual character or quality of the site and its surroundings. (1, 2)
- 1.d) The project would not create a new source of light or glare. (2)

## 2. AGRICULTURE RESOURCES

### Environmental Setting

The project site and surrounding areas do not contain agricultural resources.

### Impact Evaluation

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

### Explanation

- 2.a) The project site is not currently used for agricultural resources; no agricultural uses will be converted to non-agricultural use. (1, 2, 3, 6)
- 2.b) The project site is not zoned for agricultural use and does not contain Williamson Act lands; therefore no conflicts will occur. (4)
- 2.c) No changes to the environment will occur that could result in conversion of Farmland to non-agricultural use. (1, 2)

### 3. AIR QUALITY

#### Environmental Setting

##### Ambient Air Quality Standards

Both the U. S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. These ambient air quality standards are levels of contaminants that represent safe levels required to avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents.

##### Baseline Air Quality

The project site is within the North Central Coast Air Basin (NCCAB), which is comprised of Santa Cruz, San Benito and Monterey Counties and is regulated by the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The MBUAPCD operates a network of monitoring sites throughout the District, including one in Carmel Valley (Ford Road) that measures two pollutants: ozone and PM<sub>10</sub>. For the last three complete years of data (2000 – 2002) no violations of the state and federal ambient standards were recorded at the Carmel Valley monitoring site.

The NCCAB is currently in attainment, or unclassified, for the federal PM<sub>10</sub> and 8-hour ozone standards and state and federal nitrogen dioxide, sulfur dioxide, and carbon monoxide standards. In March 1997 the air basin was redesignated from a "non-attainment" area for the federal 1-hour ozone standard to a "maintenance" area. The NCCAB is classified as a moderate non-attainment area for the state 1-hour ozone standard, and non-attainment for the state PM<sub>10</sub> standard.

##### Air Quality Planning

The MBUAPCD shares responsibility with the CARB and EPA for ensuring that the State and national ambient air quality standards are met within Monterey County. The District is responsible for developing regulations governing emissions of air pollution, permitting and inspecting stationary sources, monitoring air quality and air quality planning activities. Federal-mandated air quality planning is regulated by the Clean Air Act Amendments of 1990. The District adopted Air Quality Management Plans in 1991 and 1994 to address attainment of the state air quality standards. In May 2001 the MBUAPCD published its 2000 Air Quality Management Plan for the Monterey Bay Region, the most recent adopted plan.

The MBUAPCD has also adopted the CEQA Air Quality Guidelines for the evaluation of air quality impacts in environmental documents. These guidelines were adopted in October 1995 and last revised in September 2002.

##### Sensitive Receptors

Sensitive receptors are typically defined as locations where sensitive human populations could be continuously exposed to degraded air quality. Examples of sensitive receptors are residences, hospitals, and schools. The sensitive receptors in the project vicinity are the residences near the Tickle Pink Inn/HSA treatment facility, residences scattered along Highway 1 south of the Reserve, and the residences along Ribera Road.



**Impact Evaluation**

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

**Explanation**

3.a) The MBUAPCD has established recommended thresholds of significance to be used to evaluate air quality impacts for construction and for project operation. The recommended threshold of significance for construction is PM<sub>10</sub> emissions of 82 pounds per day or greater. For direct and indirect operational impacts, the following thresholds are recommended:

Reactive Organic Gases (ROG): 137 pounds/day;  
 Nitrogen Oxides (NO<sub>x</sub>): 137 pounds/day;  
 Particulate Matter of < 10 μm (PM<sub>10</sub>): 82 pounds/day; and  
 Sulfur Oxides (SO<sub>x</sub>): 150 pounds/day.

MBUAPCD's threshold of significance for construction impacts is 82 lbs per day for PM<sub>10</sub> (particulate matter). This amount of PM<sub>10</sub> is equivalent to that which is generated at a construction site if 8.1 acres of minimal earthmoving occurs in one day, or if 2.2 acres of grading or excavation occur in one day. The entire project will require

approximately 2,908 cubic yards of excavation and 2,611 cubic yards of fill, which is far below the specified limits.

Based on the MBUAPCD criteria, construction of the project will generate far below the significance threshold for PM<sub>10</sub>, CO, and ozone precursors, and will not conflict with or obstruct the implementation of the Air Quality Management Plan. Given the above, the project would have a less-than-significant impact on air quality. (2, 8, 9)

- 3.b) See response to 3.a) above.
- 3.c) Due to the nature of the project, the installation and operation of a sanitary sewer system, it would not cause a cumulatively considerable increase of criteria pollutants. Propane generators, which will be compliant with applicable regulations, are proposed for use as an emergency backup to the electrical system and would not regularly be in operation. This impact is considered to be less-than-significant. (2, 8, 9)
- 3.d) The specific equipment to be used for construction of the proposed project is unknown at this time, but would likely include concrete trucks, compactors, back hoes, trenchers, a fusion machine to join pipe segments, etc. The following standard construction practices, recommended by MBUAPCD, have been incorporated into the project plans to ensure construction-related air quality impacts are less-than-significant:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Cover all inactive storage piles.
- Prohibit all grading activities during periods of high wind (15 mph).
- Cover all materials transported offsite to prevent excessive dust release.
- Plant vegetative cover in disturbed areas as soon as possible.
- Clean loose soil from equipment and vehicles before exiting the work site.
- Sweep streets if visible soil material is carried out from the construction site.
- Maintain all construction equipment and vehicle internal combustion engines according to manufacturer specifications.

Construction projects that temporarily emit precursors of ozone (i.e., reactive organic gases or oxides of nitrogen) are accommodated in the emission inventories of State and federally required air plans and would not have a significant impact on the attainment and maintenance of ozone ambient air quality standards. See also response to 3.a) above. The project would result in less-than-significant construction-related air quality impacts. (2, 8)

- 3.e) The sensitive receptors in the project vicinity are the residences near the Tickle Pink Inn and the residences along Ribera Road. Because the only air quality impacts from the proposed project will be temporary in nature, due to construction, the sensitive receptors will not be exposed to substantial pollutant concentrations. See also response to 3.a) above. This is a less-than-significant impact. (2, 8)
- 3.f) Treatment facilities already exist near the Tickle Pink Inn and the Highlands Inn. With the proposed project, wastewater will be pumped off-site to the CAWD treatment facility, which may improve current local air quality and objectionable odor conditions.

The project is not expected to create new objectionable odors, however, if odor control issues arise in the future, many different options that could be implemented have been considered. These options include hydrogen peroxide treatment system, bioxide treatment, oxinite treatment (ozone injection), potassium permanganate pellets, and/or organic biofiltration. All methods are non-hazardous and non-toxic. This is considered to be a less-than-significant impact. (2, 8)

#### 4. BIOLOGICAL RESOURCES

##### Environmental Setting

This section is based on the Preliminary Forester's Report (Appendix B), and on the biological survey and report by Denise Duffy & Associates' botanist and Environmental Scientist, Josh Harwayne (Appendix C).

The majority of the project alignment is located within what was historically Monterey Pine Forest. Today however, much of the pine forest in the vicinity of the project alignment has been fragmented by residential and transportation development. The Highlands Inn and Highway 1 are examples of areas within the pine forest that contain no intact forest, but instead, consist of a number of Monterey pine (*Pinus radiata*) individuals imbedded in horticultural plantings and pavement. Monterey pine trees are a special-status tree species included on the California Native Plant Society's list 1B (rare, threatened, or endangered in California and elsewhere). In addition, Monterey pine forest is a sensitive habitat and is included on the California Department of Fish and Game's (CDFG) High Priority Habitat List. Please refer to the Forestry Report in Appendix B for a detailed description of existing trees and impacts specific to trees associated with the project alignment.

The southern most portion of the alignment on the slope between the new junction box and Highlands Drive is within the Tickle Pink Inn and Highlands Inn property boundaries and is dominated by non-native species and horticultural plantings. Non-native plants include Nasturtium (*Tropaeolum majus*), pampas grass (*Cortaderia selloana*), kikuyu grass (*Pennisetum clandestinum*), German ivy (*Senecio mikanooides*), panic veldt grass (*Ehrharta erecta*), Bermuda buttercup (*Oxalis pes-caprae*), and Periwinkle (*Vinca major*). Although not dominant, some native plant species do persist in this area. These species include California blackberry (*Rubus ursinus*), giant ryegrass (*Leymus condensatus*) and a small number of Monterey pine and coast live oak (*Quercus agrifolia*).

The remainder of the project alignment after it intersects with Highway 1 is on pavement and road shoulder (except where it nears the Point Lobos State Reserve entrance). The only vegetation directly impacted along this section of the alignment would be non-native weedy species inhabiting the road shoulder. Much of the shoulder is bare ground due to on-going and intensive disturbance by vehicles. The southern portion of the alignment is dominated by weeds associated with dry areas, while the weeds located in the road shoulder in the northern portion of the alignment are typically found in slightly more mesic or shaded locations, although this trend is variable. Examples of dominant weeds on the shoulder in the southern portion are ripgut grass (*Bromus diandrus*), foxtail fescue (*Vulpia myuros*), weedy cudweed (*Gnaphalium luteo-album*), horseweed (*Conza canadensis*), and French broom (*Genista monspessulana*). Examples of dominant weeds on the shoulder in the northern portion are German ivy soft chess (*Bromus hordeaceus*), small quaking grass (*Briza minor*), Italian thistle (*Carduus pycnocephalus*), dog-tail grass (*Cynosurus echinatus*), and common plantain (*Plantago major*).

The northernmost portion of the project, along Ribera Road, is located in an area that was historically likely a mosaic of habitat types including coastal scrub, coastal, bluff, and coast live oak woodland habitats. The majority of this section of the alignment is located in a developed residential setting and the trench will be placed within the road. The last section of the alignment is within the existing CAWD easement (between two residences) and connects to the Calle la Cruz pump station. The alignment is proposed to be on an existing unpaved road dominated by native vegetative communities: coastal scrub and coast live oak woodland. The eastern portion is

dominated by coast live oak and California blackberry, while the western portion is dominated by giant rye grass, coyote brush (*Baccharis pilularis*), and poison oak (*Toxicodendron diversilobum*).

No special-status plant species, with the exception of the Monterey pine, were identified within the project Area of Potential Impact (API), and none are expected based on a lack of appropriate habitat. However, not all plant species were identifiable during the survey because of the time of year. No seacliff buckwheat (*eriogonum parvifolium*) or coast buckwheat (*eriogonum latifolium*) plants were found at the site, both of which are habitat for the endangered Smith's blue butterfly (*Euphilotes enoptes smithi*), nor does the project area contain the appropriate habitat to support the occurrence of these plants.

There are two streams and one un-named drainage crossing the proposed sewer alignment. Two culverts that convey storm water flow under Highway 1 indicate the un-named drainage, located approximately 700 feet south of Fern Canyon Road. The roadbed was built up with fill over the culverts to construct the highway. Gibson Creek is the next drainage feature to be crossed by Highway 1 along the proposed project alignment. Gibson Creek has significant wetland and riparian resources associated with it in the vicinity of the Highway 1 crossing. Some dominant plant species include arroyo willow and California blackberry as well as a number of rush species. However, like the un-named drainage, the roadbed is physically isolated from the stream feature and the vegetative resources associated with it as a result of the placement of fill and a culvert during the construction of Highway 1.

San Jose Creek is the last stream feature to cross the proposed project alignment. This stream feature consists of a number of sensitive habitat types. Specifically, aquatic, riparian, and wetland habitat types have been documented adjacent to the bridge, and a number of federally listed wildlife species (i.e., California red-legged frog (*Rana aurora draytonii*) and steelhead (*Oncorhynchus mykiss irideus*)) have been documented to utilize the aforementioned habitat resources. San Jose Creek is different than the other two previously described stream features in that a bridge was constructed to span the creek.

### Impact Evaluation

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

Carmel Area Wastewater District  
Highlands Sewer Connection

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

**Explanation**

- 4.a) While there are special-status Monterey pine trees within the project area of potential impact (API), the project alignment does not have the potential to impact any Monterey pine forest (except for approximately ten linear feet as the alignment approaches the connection point near the Reserve entrance). The project alignment will require the removal of two individual Monterey pine trees, which are located at the beginning of the alignment between the new junction box and the new Highlands pump station. Because these trees are imbedded in the horticultural plantings, and are not in their natural habitat, their removal would not likely have a significant impact on the species. However, because the Monterey pine is protected under local regulation, trees removed by the implementation of this project is considered a significant impact but would be reduced to a less-than-significant level with implementation of the following mitigation. (1, 2, 7, 18)

**Mitigation**

1. All Monterey pine trees greater than six inches in diameter dbh removed as a result of implementation of the proposed project shall be replaced at a 3:1 ratio. The replacement trees shall be at least five-gallon in size and come from strictly native, rather than horticultural, varieties to avoid adding non-native pollen to the area. If possible, local stock that has shown resistance to pitch canker disease shall be used. The planted trees shall be inspected every year, by a qualified biologist or arborist, for a minimum of three years following planting, until the number of fully established replacement trees is equal to or greater than the number of trees removed.

Monitoring results shall be reported to CAWD each year and upon satisfaction of the tree replacement requirement.

San Jose Creek consists of a number of sensitive habitat types and special status species. As a result, the proposed sewer line cannot be placed within the streambed. Therefore, the proposed alignment consists of directionally drilling a tunnel under the creek and installing the proposed sewer line below the sensitive habitats associated with San Jose Creek. As a result, the ground disturbance associated with the proposed sewer line installation should preclude any impacts on San Jose Creek or any resources associated with it. However, it is important to note that there is the potential for frack-outs. The CDFG requires a Streambed Alteration Agreement for all directional drilling under stream features due to this possibility. (1, 2, 18)

The drill bit used for directionally drilling uses a fluid "mud" to lubricate, loosen and carry the drilled soil from the hole. The excess "mud" will be transported to the CAWD treatment plant sludge beds, where it will be dried before being transported to an appropriate disposal site. Although the drilling end-points are ~250 feet from each end of the bridge, there is the potential for the "mud" to enter the creek if not handled properly. This could have a significant impact on the sensitive habitats associated with San Jose Creek, but would be reduced to a less-than-significant level with implementation of the following mitigation measures. (1, 2, 12, 18)

#### **Mitigation**

2. The contractor shall adhere to all requirements and contingency measures included in the CDFG Streambed Alteration Agreement during construction of the proposed project. These measures will ensure that accidental impacts resulting from directional drilling beneath San Jose Creek will be avoided or minimized below a significant level. The contingency measures may include, but are not limited to, those standard CDFG requirements for directional drilling listed in Appendix D.
3. Construction debris, including the excess "mud" used as a fluid lubricant for drilling under San Jose Creek, shall not be allowed to enter the streambed. Silt barriers shall be placed between the drilling area and the creek bank to avoid contamination of the sensitive habitats. Prior to the commencement of directionally drilling, a biological monitor shall inspect the barriers to insure proper installation. After the monitor has provided written verification of compliance to CAWD that all preventative measures are in place, CAWD will authorize the contractor to begin drilling. As the excess mud is pumped out of the drilling holes, it shall be immediately placed in watertight containers to prevent spreading and accidental contamination of the creek. The mud shall be transported to the CAWD treatment plant sludge beds as soon as possible to be dried and disposed of properly.
4. CAWD shall retain a qualified biological monitor to inspect the construction operations while working in the vicinity of San Jose Creek, Gibson Creek, and the unnamed drainage. The monitor shall inspect the installation of erosion control measures, barriers for construction debris, and general construction practices for impacts to the sensitive habitats. In addition, the monitor shall be onsite during construction initiation and throughout the construction window to insure all permit conditions and mitigation measures are properly complied with. The monitor shall be the point of contact with CDFG, CAWD, and the Monterey County Building &

Inspection Department in the event the project falls out of compliance with any conditions of the project. If this happens, the biological monitor shall submit additional mitigation to the appropriate agency for approval and implementation. Upon completion of construction activities in the vicinity of the waterways, the monitor shall submit a report, including photos, to CAWD documenting compliance with all project conditions and mitigation measures.

- 4.b) The roadbed was built up with fill over the culverts for both the un-named drainage and Gibson Creek to construct Highway 1. There is sufficient clearance for an appropriate trench to install the pipeline between the roadbed and the culverts at both crossings. All trenching and pipe installation activities will be conducted within the road fill and will not directly disturb the vegetation or surrounding creek habitats. There is the possibility of construction debris unintentionally falling into the waterways during trenching and back-filling if not properly protected. The following mitigation measure will reduce this potential impact to a less-than-significant level. See also explanation under 4.a) and Mitigation Measure 4, above (1, 2, 18)

#### **Mitigation**

5. No construction debris or materials shall be allowed to enter the creek beds, either directly or indirectly. Stockpiles shall be protected and kept far enough from the banks of the active channel to prevent material from entering the creek beds. Protective fencing shall be placed around the drainages and culverts, to prevent any inadvertent debris from entering the waterways.
- 4.c) See explanation under 4.a), above. (2, 18)
- 4.d) The proposed project does not include any components that would interfere with the movement of any wildlife species, wildlife corridors, or the use of any native wildlife nursery. (1, 2, 6, 18)
- 4.e) The project may result in the removal of up to 16 trees and shrubs along the project alignment. In addition, a limited number of trees may be affected by the trenching if major roots are cut. It is unlikely that any direct mortality would occur, but the trees might be more susceptible to pathogens that could cause death. Per the recommendations in the Forester's Report (Appendix B), the project plans call out protective measures for 11 trees that fall within a four-trunk diameter tangent offset to the pipe alignment. These measures are incorporated into the project plans and are intended to minimize indirect impacts to trees in the vicinity of the project alignment. In addition to those measures already incorporated into the project plans, the following mitigation measures will reduce any indirect impacts to trees to a less-than-significant level. (2, 7, 18)

#### **Mitigation**

6. Prior to the start of each day's trenching activity, all trees within 18 feet of proposed trench walls shall be identified by species and dbh to confirm that appropriate root protection is maintained.



7. Wherever possible, trenching shall not be permitted within a four-trunk diameter tangent offset of all trees. If trenching is absolutely necessary within the four-trunk diameter zone, all roots two inches and larger in diameter shall be protected by tunneling under them.
8. To prevent damage to retained roots and promote rapid healing of cut roots, the following practices shall be implemented:
  - If any roots two inches in diameter or larger are encountered during trenching, they should be exposed and cleanly severed one foot farther from the tree than the finished trench wall, then hand dug just enough to be cleanly re-cut at the trench wall.
  - Once the trench is dug, all roots of any size should be cleanly pruned flush with the trench wall with pruning shears or a saw.
9. Trenched areas containing live tree roots shall be excavated and refilled in the same day. Where tree roots are present, trench sidewalls and fill material shall be moistened as the trench is refilled.

The largest impact to native vegetation could potentially occur on the CAWD easement, off of Ribera Road. Areas of coastal scrub and oak woodland understory occur within the vicinity of the pipeline alignment, which follows a maintenance road. Trenching activities may disturb approximately 250 square feet of native vegetation. No trees will be removed in this area of the alignment. This amount of vegetation removal, if necessary, would not cause a significant impact on the resources in the area, as there are no special-status plant species along this portion of the alignment. Although no mitigation is required for this less-than-significant impact, the following measure shall be applied in an effort to reduce impacts to the maximum extent feasible. (1, 2, 18)

10. Native grass seed shall be applied to all areas of ground disturbance in the CAWD easement, off of Ribera Road, after the completion of construction and prior to the onset of the fall rains (between September 15 and October 15). The seeding area shall be prepared by hand by a qualified revegetation expert and rice straw placed over the seed. Seed species shall be determined at the time of reseeding based on appropriate habitat typing and local seed source availability. The revegetation expert shall monitor the seeding after application for a minimum of three years, until the seeding is deemed successful (more than 75% cover). The revegetation expert shall submit a written annual report to CAWD. If the success criteria is not met, CAWD will be notified and corrective and/or additional mitigation measures applied.

As mitigated above, the project does not conflict with any local policies or ordinances and thus is considered to have less-than-significant impacts to biological resources. (1, 2, 4, 5, 6, 7, 18)

- 4.f) No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan exists for the project area. (4, 5, 6)

## 5. CULTURAL RESOURCES

### Environmental Setting

A complete description of the cultural resources setting of the proposed project was provided by Archaeological Consulting. The information found in this section is based on the findings of that report. Archaeological Consulting performed field reconnaissance in April, September, and October of 2003, as well as a records search of the files at the Northwest Regional Information Center (NRIC).

The project area lies within the currently recognized ethnographic territory of the Costanoan (often called Ohlone) linguistic group. Habitation of this group is considered to have been semi-sedentary and occupation sites can be expected most often at the confluence of streams, other areas of similar topography along streams, or in the vicinity of springs. Evidence of habitation, resource gathering and processing areas, and associated temporary campsites are frequently found on the coast and in other locations containing resources utilized by the group.

The record search of the files at the NRIC found 31 previously recorded archaeological sites in the vicinity of the project's Area of Potential Effect (APE) within one kilometer. Three of those recorded prehistoric sites are located immediately adjacent to or on both sides of Highway 1 in the area between the Highlands Inn and the Point Lobos State Reserve entrance, and are briefly described below.

The first site, CA-MNT-820, contains small amounts of midden which are visible at the eastern edge of the traveled way of Highway 1; no cultural materials are visible on the western side due to deep fill. The second site, CA-MNT-1365, is visible within the Caltrans right-of-way on the west side of the pavement and in the parcel immediately adjacent to the road. The survey found no evidence of midden on the east side of Highway 1 for CA-MNT-1365. The third site, CA-MNT-218, contains dark gray midden visible in the cut bank above the elevation of the existing pavement on the east side of Highway 1.

In addition to the NRIC records search and site reconnaissance, Archaeological Consulting also initiated a record search of the sacred lands file with the Native American Heritage Commission (NAHC) in September 2003, and also corresponded with several Native Americans regarding their personal knowledge of the potential for cultural resources in the project area. No specific information was found in the NAHC files for the project area, and the Native Americans contacted, although concerned about the potential for impacts, had no additional information.

Except for the three sites mentioned above, none of the materials frequently associated with prehistoric cultural resources in this area were noted within or immediately adjacent to the APE. Although the Highway 1 alignment is recorded as an historic cultural resource, there was no surface evidence of significant historic period resources found within or adjacent to the current project APE.

**Impact Evaluation**

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

**Explanation**

- 5.a) There are no historical resources identified within the project alignment. (10)
- 5.b) While three prehistoric archaeological resources were noted immediately adjacent to the APE, the current project has been designed to avoid impacts to them. The trench required in the area of CA-MNT-820 would run on the west side of the road through deep fill. The trench required in the area of CA-MNT-1365 would run on the east side of the highway where no evidence of the site was found. The trench would also run on the east side of the road near CA-MNT-218 where it appears that previous road construction has already removed the cultural materials from the proposed alignment.

It is the conclusion of a professional archaeologist that the project will not have a significant effect on these previously identified resources. Nevertheless, due to the sensitive nature of the area and the possibility of unidentified (e.g., buried) cultural resources being found during construction always exists, the following mitigation measures would reduce the potential impacts to a less-than-significant level. (10)

**Mitigation**

- 11. Prior to issuance of grading or building permits, CAWD shall enter into a contract with a qualified archaeological monitor. The contract shall contain professionally acceptable archaeological standards for investigation as established by the Society of Professional Archaeologist. A copy of the archaeologist's professional credentials shall be referenced by and attached to the contract.
- 12. The monitor shall be present during pre-construction and construction activities that involve earth disturbance through the area immediately adjacent to the recorded sites CA-MNT-820, CA-MNT-1365, and CA-MNT-218. Prior to final inspection, the

archaeological monitor shall submit a letter to CAWD reporting all monitoring actions that took place during construction and, if necessary, certifying that all cultural, archaeological or paleontological finds were handled in accordance with established professional standards.

13. If cultural, archaeological or paleontological resources or human remains are inadvertently discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a certified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and submitted to the Caltrans District 5 Environmental Planning Branch (if within the Caltrans ROW) and the Monterey County Planning & Building Inspection Department for review and approval. The additional measures shall be implemented prior to work restarting in that area.

5.c) See response to 5.b) above.

5.d) See response to 5.b) above.

## 6. GEOLOGY AND SOILS

### **Environmental Setting**

This section is primarily based on the Final Geotechnical Investigation completed by D&M Consulting Engineers, Inc. (Appendix E).

### **Seismicity**

The project area is subject to hazards associated with the seismically active Monterey Bay area. The project area, along with the surrounding region, would be subject to strong ground shaking in the event of an earthquake on any of the regional fault systems. The Greater Monterey Peninsula Area Plan (GMPAP) rates areas in zones of seismic hazards. Two portions of the project alignment, from the Highlands Inn to the Point Lobos State Reserve entrance and the San Jose Creek crossing, lie within zone VI, which corresponds to a very high hazard area. The Ribera Road section of the project alignment is found within an area designated for low seismic hazards.

The project area is located along the western flank of the Santa Lucia Mountains in the Coast Ranges Geomorphic Province of California. The ridges and valleys are oriented northwest – southeast and are predominantly controlled by the geologic structure of the Coast Ranges Province. The Santa Lucia Range lies within the Salinian Block, a geologic block of Paleozoic metamorphic and Mesozoic granitic basement rock, and is bounded to the northeast by the San Andreas fault and to the southwest by faults of the San Gregorio fault system.

Although no active fault or potentially active faults have been mapped across the project alignment, the linear ridge traversed by Ribera Road lies immediately southwest of the Cypress Point fault. There is no evidence that the Cypress Point fault continues southeast into the San Jose Creek. Limited evidence suggests Quaternary (last 2 million years) movement of the Cypress Point fault (D&M, 2003).

### **Landsliding and Erosion**

The GMPAP also rates areas according to their susceptibility to landsliding and erosion problems on a scale from I to VI, with I being the least susceptible and VI being the most susceptible. The Highlands Inn section of the alignment lies within zone III, the San Jose Creek crossing is in zone VI, and the Ribera Road section is in zone IV.

### **Existing Ground Conditions**

The pipeline alignment would traverse a steep (1:1 (horizontal: vertical)) natural slope between the Tickle Pink Inn junction box and the Highlands Inn Pump Station. This segment is heavily vegetated and consists of accumulated loose surface fill and landscape trimmings.

The area around the Highlands Inn Pump Station is heavily vegetated and consists of slopes at an inclination of approximately 2:1 towards Highway 1. Located immediately adjacent to the proposed pump station location is a gabion wall approximately nine feet in height.

Along Highway 1, roadway construction has resulted in several road cuts and embankment fills. The deeper road cuts occur on the east side of the roadway and the deeper fills occur on the west side. Shoulder widths along Highway 1 vary from a few feet to over 10 feet.

Along the Ribera Road segment, the roadway conforms to the original ground topography with minimal road cuts and fills (D&M, 2003).

**Soils**

According to the USGS Soil Survey for Monterey County, there are nine soil types that occur within the project area. Generally, soils in the project area are either sandy or loamy. The sandy and loamy types are dominated by the Santa Ynez and San Andreas Series. Detailed descriptions of the project alignment's soil types are presented in Table 1 (Soil Survey of Monterey County, California, April 1978).

<b>Table 1. Soil Types</b>						
<b>Soil Series</b>	<b>Soil Type</b>	<b>Location (Sheet Index)</b>	<b>Drainage</b>	<b>Runoff</b>	<b>Erosion Hazard</b>	<b>Shallow Excavations</b>
Narlon	NcC loamy fine sand	C-09	Somewhat poorly			Severe: too clayey, wetness
Xerorthents	Xd dissected	C-09 and C- 10	Varies	Rapid and very rapid	High or very high	Severe: slope
Sheridan	SoD coarse sandy loam	C-08	Well	Medium	Slight	Moderate: slope, depth to rock
Gorgonio	GkB sandy loam	C-08	Somewhat excessively	Slow	Slight	Severe: too sandy
Santa Ynez	ShC fine sandy loam	C-01 – C-07	Moderately well	Slow or medium	Slight or moderate	Moderate: too clayey
Santa Ynez	ShE fine sandy loam	C-01 – C-07	Moderately well	Rapid	High	Severe: slope
Santa Ynez	ShD fine sandy loam	C-01 – C-07	Moderately well	Slow or medium	Slight or moderate	Moderate: slope, too clayey
San Andreas	ScE fine sandy loam	C-01 – C-07	Well	Rapid	Moderate	Severe: slope
San Andreas	ScG fine sandy loam	C-01 – C-07	Well	Rapid or very rapid	High	Severe: slope
Source: Soil Survey of Monterey County, California, April 1978.						

**Impact Evaluation**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	•	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input 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?	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

**Explanation**

6.a.i) The entire Monterey Bay area is subject to seismic hazards, however, no active fault or potentially active faults have been mapped across the project alignment. The proposed project would have a less-than-significant impact on people or structures due to the risk of rupture of a known earthquake fault. (4, 12)

6.a.ii) Because the project alignment is in an area of high seismic activity, the project site could be subject to strong seismic ground shaking. Due to the nature of the project, it would

not expose people to substantial adverse effects related to seismic activity. This is considered a less-than-significant impact (4).

- 6.a.iii) The proposed alignment is in an area that could be subject to seismic-related ground failure. Due to the nature of the project, it would not expose people to substantial adverse effects related to ground failure or liquefaction. This is considered a less-than-significant impact (4, 12).
- 6.a.iv) The project alignment is rated from medium to severe for landslide hazards by the GMPAP. Construction and operation of the pipeline would not expose people or structures to landslide hazards, and the supporting infrastructure (i.e., the pump station) is designed with retaining walls to avoid impacts to the equipment. This is considered a less-than-significant impact. (2, 4, 12)
- 6.b) Erosion potential varies from slight to very high depending on the specific soil type. Approximately 50% of the project area consists of soil types that have moderate to high erosion hazard potential. The ability to excavate a trench in the various subsurface conditions expected along the project alignment will depend on several variables not related to the geologic conditions, including the depth of the pavement section, the trench width and depth, and the type of trenching equipment utilized.

The trenches for the proposed project will be approximately 12-18" wide by 42" deep. The trench will be backfilled each day as the pipe is laid to eliminate as much erosion potential as possible. The project requires 2,908 cubic yards of cut and 2,611 cubic yards of fill. Erosion impacts are potentially significant, but can be reduced to a less-than-significant level with implementation of the following mitigation (2, 3, 11):

#### Mitigation

14. All grading and trenching shall be conducted in accordance with Chapter 16.12 Erosion Control of the Monterey County Code and the erosion control plan required by the County as part of the Coastal Development Permit application.
15. The final project plans shall include erosion control measures and construction best management practices, as required by Section 1.04D of Specification 01355 of the project's construction specifications, to further reduce the possibility of erosion.
16. The final project design shall be developed in full accordance with all conclusions and recommendations of the Final Geotechnical Investigation prepared for the project by D&M Consulting Engineers, Inc., including:
  - Requirements for site preparation and structural fill;
  - Requirements for excavation and potential dewatering procedures and safety measures;
  - Requirements for temporary shoring and bracing;
  - Requirements for construction of cut and fill slopes;
  - Requirements for surface drainage;
  - Requirements for trench backfill composition, compaction and placement;
  - Requirements for foundations for the proposed pump station structures;



- Requirements for retaining wall design, load bearing and drainage; and
- Requirements for road paving.

The recommendations of the Final Geotechnical Investigation shall be imposed as requirements for reducing potential erosion impacts to less-than-significant levels. Prior to issuance of grading and building permits, plans submitted for this project shall be wet-seal stamped, signed, and dated by the consulting geotechnical engineer to certify that the project has been designed in full compliance with the recommendations contained in the Final Geotechnical Investigation prepared for the project. Prior to final inspection, the geotechnical engineer shall submit a letter to CAWD certifying that the project has been carried out in full compliance with all conclusions and recommendations contained in said report

- 6.c) Although the proposed project involves laying the sewer line underground, the size of the trench will be small enough not to have adverse effects on the geologic conditions of the immediate area. (2, 12)
- 6.d) The project is not located on expansive soil. (2, 11)
- 6.e) The project proposes to install a new sanitary sewer line and connect existing development to the Carmel Area Wastewater District sanitary sewer system, eliminating use of the existing treatment facilities. (2)

## 7. HAZARDS AND HAZARDOUS MATERIALS

### Environmental Setting

The existing uses in the project area do not currently contain or generate hazardous materials or waste. A search of the U.S. EPA Superfund sites revealed no current or historic hazardous waste sites in the project vicinity ([www.epa.gov/superfund/sites](http://www.epa.gov/superfund/sites)).

### Impact Evaluation

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

Carmel Area Wastewater District  
Highlands Sewer Connection

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

**Explanation**

- 7.a) The project proposes to use propane generators, which will be compliant with applicable regulations, as a backup to the main system in the event of power failure. These generators are not expected to create a significant hazard to the public or the environment. The project would not involve any other use or disposal of hazardous materials. This impact is considered to be less-than-significant. (2)
- 7.b) See response to 7.a) above. (2)
- 7.c) The relevant project elements, the propane generators, are not located within one-quarter mile of an existing or proposed school. (2, 6)
- 7.d) Based on the past and current uses along the project alignment, it has not been used for any purposes dealing with hazardous materials and is not on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. (2, 16)
- 7.e) The project is not located within any airport land use plan or within two miles of any public airport and would therefore not pose a related safety hazard. (4, 6)
- 7.f) The project site is not located near a private airport and would therefore not pose a related safety hazard. (4, 6)
- 7.g) The project would not impact implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan since it is not in the area of a General Plan designated emergency evacuation route. (2, 4, 6)
- 7.h) Due to the nature of the project it would not increase the risk of exposing people or structures to wildland fires. (2, 4, 6)

## 8. HYDROLOGY AND WATER QUALITY

### Environmental Setting

The proposed project alignment crosses both Gibson Creek and San Jose Creek along Highway 1. Gibson Creek passes through an existing culvert underneath the highway, and the road is bridged over San Jose Creek. The only portion of the entire project alignment that is within a Federal Emergency Management Agency flood zone is the area in the immediate vicinity of San Jose Creek (FEMA National Flood Insurance Rate Map, August 5, 1986). Both creeks drain from the east and empty into the Monterey Bay.

### Impact Evaluation

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?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
j) Expose people or structures inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

### Explanation

- 8.a) There appears to be enough cover between the top of the culvert at Gibson Creek and the Highway 1 roadbed to allow a standard depth trench to be dug for the installation of the pipeline. The project proposes to cross San Jose Creek by directionally drilling beneath the streambed. The intent of this design is to stay far enough below the creek bottom (~30 feet below road grade) to avoid finding a fissure in the soil, which would create a leak from the creek above (called a “frack-out”). Although the project is designed to avoid frack-outs, the potential still exists. In addition, there is also the potential for water contamination from inadvertently entering the waterways. Section 4. **Biological Resources** contains additional discussion and mitigation measures that will reduce these potential impacts to a less-than-significant level. (2, 12)

The existing HSA treatment system appears to have difficulty consistently meeting the effluent limits mandated by the RWQCB. By connecting to the CAWD sanitary sewer system, the proposed project would eliminate current and avoid future water quality and waste discharge problems associated with the existing wastewater treatment systems. The project would not violate any water quality standards or waste discharge requirements. (2)

- 8.b) The proposed project would not involve the additional use of groundwater supplies, nor would it interfere with groundwater recharge. The pipeline would be installed underground and would not add additional paving. The proposed new pump station is planned for the site of the existing Highlands Inn wastewater treatment facility and thus would not impact the groundwater recharge in the area. (2)
- 8.c) The project would not alter the existing drainage pattern of the site or area because only minor, temporary changes to the paved areas would occur due to this project. Although the project alignment crosses two creeks, neither of the drainage patterns would be altered by the construction. See also discussion under 8.a, above. (2)

- 8.d) The proposed project would not increase the rate or amount of surface runoff or alter drainage such that flooding would result on- or off-site. See also discussion under 8.c) above. (2)
- 8.e) Limited, temporary erosion could potentially impact water quality during construction. See also discussion under section 6. **Geology and Soils**. (2)
- 8.f) See response to 8.a) above.
- 8.g) The proposed project will not create new housing. (2)
- 8.h) A small portion of the project alignment lies within a 100-year flood hazard area, where the pipeline is proposed to cross beneath San Jose Creek. Because the project design calls for installation of the pipeline below the creek bed, it would not impede or otherwise alter flood flows. (4, 14)
- 8.i) See response to 8.h) above. (4)
- 8.j) The project would not expose people or structures to significant risk of inundation by seiche, tsunami, or mudflow. (2)

## 9. LAND USE AND PLANNING

### Environmental Setting

The proposed project is subject to the policies of the Monterey County Carmel Area Land Use Plan and Local Coastal Program (April 1983). The current land use designation for the Highlands Inn area is Recreation & Visitor-Serving. The homes surrounding the Highlands Inn area, including those within the HSA, are designated as Low Density Residential. The current land use designation for the Ribera Road area is Medium Density Residential. All other areas of the proposed project fall within the Caltrans Highway 1 right-of-way. The parcels impacted by the project are zoned as Low Density Residential/one unit per acre (LDR/1) and Visitor-Serving Commercial (VSC); all parcels fall within the Coastal Zone. Other land uses adjacent to the project alignment include Low Density Residential, Forest & Upland Habitat (Point Lobos Reserve), Scenic & Natural Resource Recreation (Monastery Beach and San Jose Creek State Beach), and Wetlands & Coastal Strand (San Jose Creek).

### Impact Evaluation

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

### Explanation

- 9.a) The project would not cause any division of a community. (1, 2)
- 9.b) The General Plan and zoning designations for all areas of concern would remain the same with the adoption of the project. No new uses are proposed and no changes in existing uses are proposed by the connection to the Carmel Area Wastewater District sanitary sewer system. The proposed project is consistent with the General Plan as a whole. The project complies with the Carmel Area Land Use Plan that regulates the installation of sewers (CALUP Section 3.3.3.3). (2, 3, 4, 5, 6)
- 9.c) There are no applicable habitat conservation plans covering the project area. (6)

## 10. MINERAL RESOURCES

### Environmental Setting

There are no mining or mineral resource extraction operations in the project area.

### Impact Evaluation

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

### Explanation

- 10.a) The project would not result in a loss of availability of known mineral resources of value to the region and the residents of the state. (2, 4)
- 10.b) The project would not affect any delineated mineral resources that are locally important. (2, 4)



## **11. NOISE**

### **Environmental Setting**

#### **Environmental Noise Background**

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is defined as unwanted sound. Environmental noise is frequently measured in decibels (dB). The A-weighted decibel (dBA) is used to reflect the human ear's sensitivity to sounds of different frequencies. On this scale, the sound level of normal talking is about 60 to 65 dBA. Because people are more sensitive to night time noise, sleep disturbance usually occurs at 40 to 45 dBA.

The most commonly used measurement scale used to account for a person's increased sensitivity to night time noise is the community noise equivalent level (CNEL). The CNEL is a noise scale used to describe the overall noise environment of a given area from a variety of sources. The CNEL applies a weighting factor to evening and night time values.

Excessive noise cannot only be undesirable, but may also cause physical and/or psychological damage. The amount and nature of the noise and the amount of ambient noise present before the impacts may be categorized as auditory or non-auditory. Auditory effects include interference with communication and, in extreme circumstances, hearing loss. Non-auditory effects include physiological reactions such as a change in blood pressure or breathing rate, interference with sleep, adverse effects on human performance, and annoyance.

Generally, noise levels diminish as distance from the noise source increases. Some land uses are more sensitive to noise than others. Noise sensitive land uses are generally defined as residences, transient lodging, schools, hospitals, nursing homes, churches, meeting halls, and office buildings.

#### **Existing Noise Setting**

The Noise Element of the General Plan identifies traffic as the greatest noise source in the project vicinity. The primary existing source of noise affecting the project area is motor vehicles along Highway 1. Potentially sensitive noise receptors in the area consist of the residences near the Tickle Pink Inn, residences scattered along Highway 1 south of the Reserve, and the residences along Ribera Road.

**Impact Evaluation**

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?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	•	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

**Explanation**

- 11.a) In accordance with CEQA and agency and professional standards, a project impact would normally be considered significant if ambient noise levels in adjoining areas, or in areas of sensitive receptors, would increase substantially; or if the proposed land uses are not compatible with ambient noise level standards. The propane generators at the new Highlands Inn pump station will only be used during power failures. Most of the pump station components will be underground. Noise generated by this project would be from temporary construction and intermittent generator use. Due to the small scale and nature of this project, it is not expected to exceed any noise standards and this impact is considered to be less-than-significant. (2, 3)
- 11.b) No long term or otherwise excessive ground borne vibration or noise would occur with implementation of the project. (2)

- 11.c) There will be no permanent increase in ambient noise levels due to the proposed project. In fact, eliminating the existing wastewater treatment systems may reduce the ambient noise levels. (2)
- 11.d) Short-term noise impacts would occur during construction of the project, which is anticipated to last up to seven months. Construction noise levels vary by stage, depending upon the number and type of equipment in use. Trenching activities may have noise impacts on the nearby homes within the HSA, in some areas along Highway 1, and along Ribera Road. Noise levels associated with construction activities are not expected to substantially exceed ambient levels resulting from vehicular traffic, provided that construction activities occur during daytime hours (7:00 AM to 7:00 PM) and standard construction controls are implemented. Nighttime construction is only proposed along Highway 1 when work is required within the travel lanes. Given the short duration of construction, construction near sensitive receptors would be expected to last only a few weeks. The following standard controls will reduce the short-term noise impacts to a less-than-significant level.

### Mitigation

17. Prior to construction, notification shall be mailed to residents adjacent to the project alignment, and shall be posted along the construction corridor, which provides the following:
- Dates that construction is expected to occur;
  - Hours of construction operation for weekdays, weekends, and holidays; and
  - The name and phone numbers of persons to be contacted in the event a member of the public wishes to file a noise complaint.
18. Prior to the onset of construction activities, the contractor shall equip all internal combustion engine-driven equipment with proper mufflers in good working condition. The construction manager shall monitor all construction equipment and submit a report of compliance to CAWD.
- 11.e) The project site is not located within the vicinity of any airports. (2)
- 11.f) The project site is not located within the vicinity of any private airstrips. (2)

## 12. POPULATION AND HOUSING

### Environmental Setting

The Highlands Sanitary Association is comprised of 11 residences on 12 parcels (one residential lot occupies two parcels). These residences, along with the Highlands Inn and the Tickle Pink Inn, will have their wastewater redirected from private treatment facilities to the Carmel Area Wastewater District's treatment facility.

### Impact Evaluation

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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

### Explanation

12.a) The proposed project is designed to convey the existing wastewater production only. The design of the pump station and pipeline is such that capacity will be strictly limited to existing development, consisting of the Highlands Inn, the Tickle Pink Inn, the HSA (11 residences), and two additional residential units that will not connect immediately. There are no undeveloped lots that will be served by this project. This project would not induce population growth. (2, 4, 6, 17)

12.b) The project does not propose to displace any housing. (2)

12.c) The project does not propose to displace any people. (2)

### **13. PUBLIC SERVICES**

#### **Environmental Setting**

##### **Fire Protection**

The proposed project is located within the Carmel Highlands Fire Protection District boundaries. The District staff includes approximately 21 volunteers and 19 paid engineers. The closest station is on Fern Canyon Road, north of the Highlands Inn area. The Fire District has first-in emergency medical service capability within its boundaries. Response time to the project area is 1-2 minutes (personal communication, Reno Ditullio).

##### **Police Protection**

The Sheriff's Office of Monterey County is the primary provider of police services to the unincorporated areas of the Monterey Peninsula. The Sheriff's Office is located in Salinas and a substation is located at the County Courthouse Annex at 1200 Aguajito Road in Monterey. Response time from the substation to most areas within the Planning Area is approximately 10 to 15 minutes.

The California Highway Patrol has jurisdiction and law enforcement powers on County roads and State highways. The Highway Patrol enforces the vehicle code and other matters related to vehicle use such as traffic accidents. The Highway Patrol substation is located at 19055 Portola Drive near Salinas.

##### **Schools**

The Carmel Unified School District encompasses the City of Carmel, the unincorporated area surrounding Carmel, all of Carmel Valley and Carmel Highlands. The nearest school is Junipero Serra Elementary School ([http://www.greatschools.net/modperl/browse\\_district/377/ca/](http://www.greatschools.net/modperl/browse_district/377/ca/)).

##### **Parks**

There are approximately 1,430 acres of existing publicly owned and operated parkland within the project vicinity. Carmel River State Beach is located along the project alignment and consists of 105 acres. Point Lobos State Reserve is located near the center of the project alignment and consists of 1,325 acres (Greater Monterey Peninsula Area Plan, December 1984).

**Impact Evaluation**

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

**Explanation**

- 13.a) Due to the nature of the project, it would not impact fire protection. The project would not increase the need for additional fire protection (2).
- 13.b) Due to the nature of the project, it would not impact police services. The project would not increase the need for additional police services (2).
- 13.c) Due to the nature of the project, it would not impact schools. The project would not increase enrollment or the need for additional school facilities (2).
- 13.d) Due to the nature of the project, it would not impact parks. The project would not increase the number of visitors or the maintenance of the park facilities (2).
- 13.e) Due to the nature of the project, it would not have an impact on any other public facilities. (2)

**14. RECREATION**

**Environmental Setting**

Nearby recreation areas to the project area include the Carmel River State Beach, Monastery Beach, Mission Ranch, and Point Lobos State Reserve. Surrounding areas offer golf courses, tennis, mountain biking, jogging, hiking, cycling, fishing, kayaking, as well as many other tourist activities (Greater Monterey Peninsula Area Plan, December 1984).

**Impact Evaluation**

<b>Would the project:</b>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

**Explanation**

- 14.a) Due to the nature of the project, it would not increase the use of any existing recreational facilities. (2)
- 14.b) Due to the nature of the project, it does not include recreational facilities or require construction or expansion of recreational facilities. (2)

## 15. TRANSPORTATION AND TRAFFIC

### Environmental Setting

Primary vehicular access to the project site from all surrounding areas is provided via Highway 1. Highlands Drive is used to access the southernmost portions of the project alignment, including the Highlands Inn and the Tickle Pink Inn. The northern portion of the project alignment runs along Ribera Road, an arterial in a residential neighborhood. Work within the Caltrans right-of-way (ROW) will not occur during the peak tourism season, approximately from Memorial Day to Labor Day.

### Impact Evaluation

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic that 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)?	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
e) Result in inadequate emergency access?	<input type="checkbox"/>	•	<input type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•



## **Explanation**

- 15.a) The completed project will not generate additional traffic. Temporary construction traffic would be expected to have a less-than-significant impact in relation to the existing traffic load, due to the small scale and nature of the project. This is considered to be a less-than-significant impact. (2)
- 15.b) There will be no long-term impacts on levels of service on local roadways because no new trips will be generated after project completion. (2)
- 15.c) Due to the nature of the project, air traffic patterns will not be affected. (2)
- 15.d) The project does not propose to change any roadways or introduce any incompatible uses. (2)
- 15.e) During roadway construction, the proposed project will leave at least one travel lane open at all times to allow emergency access to all areas. There is currently enough clearance on Ribera Road to allow two lanes of traffic to be open during construction. Highlands Drive may be obstructed during construction. If this becomes necessary, traffic control measures will need to be instituted. The following mitigation measures will reduce the traffic impacts to a less-than-significant level:

## **Mitigation**

19. Work on Highway 1 within the Caltrans ROW shall avoid lane closures whenever possible. Where lane closures are unavoidable, work shall be performed in accordance with all Caltrans requirements included in the Caltrans encroachment permit. These requirements may include, but are not limited to the following:
- A minimum 11-foot travel lane shall remain open for use by public traffic.
  - Areas where the speed limit is 45 mph or less will require a minimum of three feet of space between the construction and the traffic lane; areas where the speed limit is greater than 45 mph will require a minimum of six feet of space between construction and the traffic lane.
  - Work within the travel lane will be completed at night.
  - Hazards within the public right-of-way shall be marked at reasonable intervals with traffic cones, barricades, or other suitable visual markers during daylight hours. During hours of darkness, provide markers with torches, flashers, or other adequate lighting.

The construction manager shall monitor all work, and shall submit a compliance report to CAWD. In the event the construction work is out of compliance with any of the permit conditions, the construction manager shall immediately report the non-compliance to CAWD, who will work with a Caltrans representative to formulate and implement corrective action.

20. When working on Highlands Drive, the following practices shall be maintained:

- At least a ten-foot travel lane shall be maintained whenever possible. If not, the contractor shall be required to request a lane closure from the Monterey County Board of Supervisors.
- Hazardous areas and conditions shall be adequately identified by visual warning devices and, where necessary, physical barriers, which conform to OSHA and State agency regulations.
- Hazards within the public right-of-way shall be marked at reasonable intervals with traffic cones, barricades, or other suitable visual markers during daylight hours. During hours of darkness, provide markers with torches, flashers, or other adequate lighting.

The construction manager shall monitor all work, and shall submit a compliance report to CAWD. In the event the construction work is out of compliance with any of the permit conditions, the construction manager shall immediately report the non-compliance to CAWD, who will work with a County representative to formulate and implement corrective action.

- 15.f) The proposed project would have no impact on the parking capacity of any of the affected areas. (2)
- 15.g) The project would not conflict with any policies, plans, or programs supporting alternative transportation. (3, 4, 5, 6)

## 16. UTILITIES AND SERVICE SYSTEMS

### Environmental Setting

Carmel Area Wastewater District provides sewage collection and treatment, and California-American Water Company provides water service to the project area. In addition, there are two utility companies with facilities in the project area: Pacific Bell for telephone infrastructure and Pacific Gas and Electric for electricity and gas.

### Impact Evaluation

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	•

### **Explanation**

- 16.a) The proposed project would not result in exceeding any wastewater treatment standards. The project would likely have a beneficial impact by eliminating the wastewater discharge from the existing Highlands Inn and HSA treatment facilities. (2)
- 16.b) The project would not impact the existing water supply facilities, nor would it result in any new water uses. The CAWD facility inflow for May through October (Average dry weather flow), 2003, was 1.819 million gallons per day (mgd). The high month flow in July 2003 was 1.905 mgd. CAWD's permitted capacity is 3.0 mgd. This means that the plant flows currently run as high as 63.5% of the permitted flow. It is estimated that the proposed project will contribute 0.016 mgd of additional wastewater. This represents slightly more than one-half of one percent of the permitted capacity, bringing the total flows to 64% of capacity. This would be considered a less-than-significant impact to the existing facilities. (2, 4, 17)
- 16.c) The proposed project will not require or result in the construction of new stormwater facilities. (2)
- 16.d) The project does not propose any changes in use of the property, nor any additional water uses, and thus would not impact the existing water supply in the area. (2)
- 16.e) See response to 16.b) above.
- 16.f) Due to the nature of the proposed project, it will not have an impact on solid waste services or landfills in the area. (2)
- 16.g) Due to the nature of the proposed project, it will not have an impact on solid waste services in the area. (2)

**17. MANDATORY FINDINGS OF SIGNIFICANCE**

**Impact Evaluation**

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?	<input type="checkbox"/>	•	<input type="checkbox"/>	<input type="checkbox"/>
b) Have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input 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)?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	•	<input type="checkbox"/>

**Explanation**

17.a) This Initial Study found that the proposed project and associated activities would have a potentially significant impact on the environment in the areas of aesthetics, biological resources, cultural resources, geology and soils, noise, and traffic. All other topical areas were found to have no or less-than-significant impacts. If the suggested mitigation measures are followed, the significant impacts would be reduced to a less-than-significant level. Therefore, with mitigation, the project would have a less-than-significant impact on the environment, the habitat of a fish or wildlife species or population, plant or animal communities, rare or endangered plant or animal or important examples of the major periods of California history or prehistory.

17.b) This Initial Study found that the proposed project and associated activities would have a potentially significant impact on the environment in the areas of aesthetics, biological resources, cultural resources, geology and soils, noise, and traffic. However, these potential impacts would be reduced to a less-than-significant level with implementation of the mitigation measures included in this report, which shall be included in the project

plans. In addition, the proposed project would likely have beneficial impacts related to the reduction of potential water quality and health hazards associated with the existing wastewater treatment systems, air quality improvements due to a reduction of objectionable odors, and reduced noise levels from the elimination of existing wastewater treatment systems. Thus, short-term gains are achieved while enhancing long-term productivity of the environment.

- 17.c) The potential impacts of the project were found to be less-than-significant and would, therefore, not be considered cumulatively considerable. This determination is based on an understanding of cumulative projects in the area and the impacts due to these projects in relation to the less-than-significant impacts of the proposed project.
- 17.d) The project was determined to have less-than-significant adverse effects on human beings directly or indirectly. The previous sections document the reasons for this determination. See also response to 17.b) above.

## XII. REFERENCES

1. Denise Duffy & Associates, Inc. Field Visits, October 23 and December 4, 2003.
2. Carollo Engineers, Submittal Materials and Project Plans, November 2003.
3. County of Monterey, *Monterey County General Plan*, 1992.
4. County of Monterey, *Greater Monterey Peninsula Area Plan*, 1984.
5. County of Monterey, *Monterey County Coastal Implementation Plan*, 1988.
6. County of Monterey, *Carmel Area Land Use Plan*, 1983.
7. Stephen R. Staub Forester & Environmental Consultant, *Forester's Preliminary Report on Potential Tree Impacts Associated with Trenching and Pipe Installation for the Highlands Sewer Connection Project*, June 12, 2003.
8. Monterey Bay Unified Air Pollution Control District, *CEQA Air Quality Guidelines*, October 1995, as revised February 1997, August 1998, December 1999, September 2000, and September 2002.
9. Monterey Bay Unified Air Pollution Control District, *Air Quality Management Plan*, May 2001.
10. Archaeological Consulting, *Historic Property Survey Report*, October 2003.
11. U.S. Department of Agriculture, *Soil Survey of Monterey County*, California, 1978.
12. D&M Consulting Engineers, Inc., *Geotechnical Investigation*, March 1, 2004.
13. Ditullio, Reno, Fire Chief, Cypress Fire Protection District, December 2, 2003.
14. Federal Emergency Management Agency, Flood Insurance Rate Map, Community-Panel Number 060195 0180 E, last revised August 5, 1986.
15. Perspective Planning, Point Lobos Ranch EIR, January 1985.
16. U.S. EPA, [www.epa.gov/superfund/sites](http://www.epa.gov/superfund/sites), CERCLIS Database, last updated December 2, 2003.
17. Letter from Sanford Veile, Carmel Area Wastewater District to Jeff Foster, Denise Duffy & Associates, Inc, January 7, 2004.
18. Denise Duffy & Associates, Inc., *Biotic Report for the Highlands Sanitary Sewer Connection Project*, April 2004.

**XIII. LIST OF PREPARERS**

**DENISE DUFFY & ASSOCIATES, INC.**

Denise Duffy, Principal  
Jeff Foster, Associate Planner/ Project Manager  
Sharese Thompson, Assistant Planner/Graphics  
Paola Horvath, Assistant Planner  
Josh Harwayne, Associate Environmental Scientist  
David Keegan, Wildlife Biologist  
Dianne Rossi, Production



**XIV. DISTRIBUTION LIST OF AGENCIES AND ORGANIZATIONS**

The IS/Mitigated Negative Declaration will be sent to the following agencies and entities:

**STATE**

California State Clearinghouse, Governor's Office of Planning and Research (15 copies)  
California Coastal Commission  
California Department of Parks and Recreation  
Caltrans District 5  
State Water Resources Control Board

**REGIONAL**

Association of Monterey Bay Area Governments  
Carmel Area Wastewater District  
County of Monterey, County Clerk  
County of Monterey Health Department, Environmental Health Division  
County of Monterey Planning & Building Inspection Department  
County of Monterey Public Works Department  
Local Agency Formation Commission of Monterey County  
Monterey County Water Resources Agency  
Regional Water Quality Control Board

**EXHIBIT I**  
**PLANNING COMMISSION**  
**RESOLUTION No. 04029**  
**Carmel Area Wastewater District/PLN030325**

PLN090342 – Highlands Annexation

Planning Commission  
October 27, 2010

**PLANNING COMMISSION  
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 04029

A. P. # 241-122-004-000

In the matter of the application of

**Carmel Area Wastewater District (PLN030325)**

**FINDINGS & DECISION**

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks) and Design Approval; Grading (approximately 2,908 cu. yds. of cut & 2,611 cu. yds. of fill) and retaining walls. Properties for which construction is proposed are located at and around the Highlands Inn and the Tickle Pink Inn, and the CalTrans right-of-way along Highway 1 from Highlands Inn to the Point Lobos entrance and from the intersection of Ribera Road with Highway 1, westerly along Ribera Road to an existing pump station near Calle la Cruz, in the Carmel Highlands, Point Lobos, and Carmel Meadows areas of the Carmel Area Land Use Plan, Coastal Zone, came on regularly for hearing before the Planning Commission on June 30, 2004.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

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

- EVIDENCE:**
- (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for conformity with the certified Monterey County Local Coastal Program and have determined that the project is consistent as conditioned. Permit application, plans, and materials contained in Project File No. PLN030325.
  - (b) The project planner conducted an onsite inspection on June 8, 2004, to verify that the project on the subject parcel conforms to the certified Monterey County Local Coastal Program.
  - (c) The requested Combined Development Permit involves development on slopes of 30% or greater, development with a positive archaeological report, the removal of protected trees (up to 3 Monterey pines), and development within 100 feet of environmentally sensitive habitat. All of these activities are conditionally allowable for the subject properties pursuant to Chapters 20.14 (LDR [CZ] District) and 20.22 (VSC [CZ] District) of the Zoning Ordinance (Title 20).
  - (d) LAND USE ADVISORY COMMITTEE: The Carmel Area Land Use Advisory Committee recommended approval of the project by a unanimous vote of 7 to 0; LUAC meeting minutes dated April 19, 2003.
  - (e) The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in Project File No. PLN030325.
  - (f) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, the applicable Fire Department, Public Works Department and Environmental Health Division. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the site is not suitable for the use proposed.
  - (g) As conditioned, the new development required for the subject project is compatible with the protection and maintenance of the adjacent environmentally sensitive resources, to include native Monterey pine forest and the riparian habitats of San José and Gibson Creeks, as well as another unnamed drainage. In addition, as conditioned, the removal of indigenous vegetation and land disturbance adjacent to these environmentally sensitive habitats are restricted to only those amounts necessary for the required infrastructure improvements (Conditions 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, & 21).
  - (h) The prohibition against development on 30% slopes can be waived for the subject project since there is no feasible alternative which would allow development to occur on slopes of less than 30% and since the proposed development better achieves the goals, policies, and objectives of the Monterey County Local Coastal Program since the project will improve the wastewater treatment infrastructure for the Highlands & Tickle Pink Inns and the Highlands Sanitary Association; see project plans in File No. PLN030325.
  - (i) The project as proposed is consistent with policies of the *Carmel Area Land Use Plan* dealing with development in archaeologically sensitive areas. An archaeological report, dated October 30, 2003, has been prepared by Archaeological Consulting, Inc., for the proposed project, the results of which were positive (report contained in the project file PLN030325). The subject project will pass through two registered archaeological sites and close to a third. However, the first two sites have already been impacted by the

construction of Highway 1, and the subject project will place new sewer lines in existing fill material along the shoulder of the highway that lies above the archaeological material. In this way, impacts will be minimized if not avoided. The subject project is not expected to impact the third archaeological site due to its location in relation to the project. Condition 24 has been added to require that work be stopped in the event that any archaeological resources are found during construction. Pursuant to Section 20.146.090.D of the *Regulations for Development in the Carmel Area Land Use Plan*, the mitigation measures recommended by the archaeological report prepared for the project are required as a condition of approval (Conditions 22, 23, & 24), preservation measures recommended by the mitigation plan prepared by the project archaeologist for resources discovered during construction shall be undertaken concurrent with grading or other soil disturbing activities (Condition 6), and a report on any preservation activities undertaken pursuant to the mitigation plan prepared by the project archaeologist shall be submitted to the County prior to final inspection (Conditions 7 & 23). The LCP requirements that the archaeological site shall be placed in an archaeological easement and that the property owner shall request that the "parcel" be rezoned to include the "HR" designation are deemed unfeasible since these areas are not located on parcels but within the CalTrans right-of-way. (Exhibit "C")

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

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

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

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

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

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

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

1. *Forester's Preliminary Report on Potential Tree Impacts Associated with Trenching and Pipe Installation for the Highlands Sewer Connection Project*, Stephen R. Staub, forester and environmental consultant, June 12, 2003;
2. *Historic Property Survey Report*, Archaeological Consulting, Inc., October 2003;
3. *Geotechnical Investigation*, D&M Consulting Engineers, Inc., March 1, 2004; and
4. *Biotic Report for the Highlands Sanitary Sewer Connection Project*, Denise Duffy & Associates, April 2004.

**3. FINDING:** NO VIOLATIONS – The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the

County's zoning ordinance. No violations exist on the properties, and all zoning violation abatement cost, if any, have been paid.

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

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

**EVIDENCE:** Preceding findings and supporting evidence.

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

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

### DECISION

It is the decision of the Planning Commission to adopt the Mitigated Negative Declaration and approve said application for a Combined Development Permit as shown on the attached sketch and subject to the attached conditions.

**PASSED AND ADOPTED** this 30th day of June, 2004, by the following vote:

**AYES:** Errea, Padilla, Vandever, Parsons, Diehl, Salazar, Hawkins  
**NOES:** None  
**ABSENT:** Sanchez, Rochester, Wilnot

  
\_\_\_\_\_  
JEFF MAIN, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON JUL 15 2004

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 OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 26 2004

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, 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 90<sup>th</sup> day following the date on which this decision becomes final.

#### NOTES

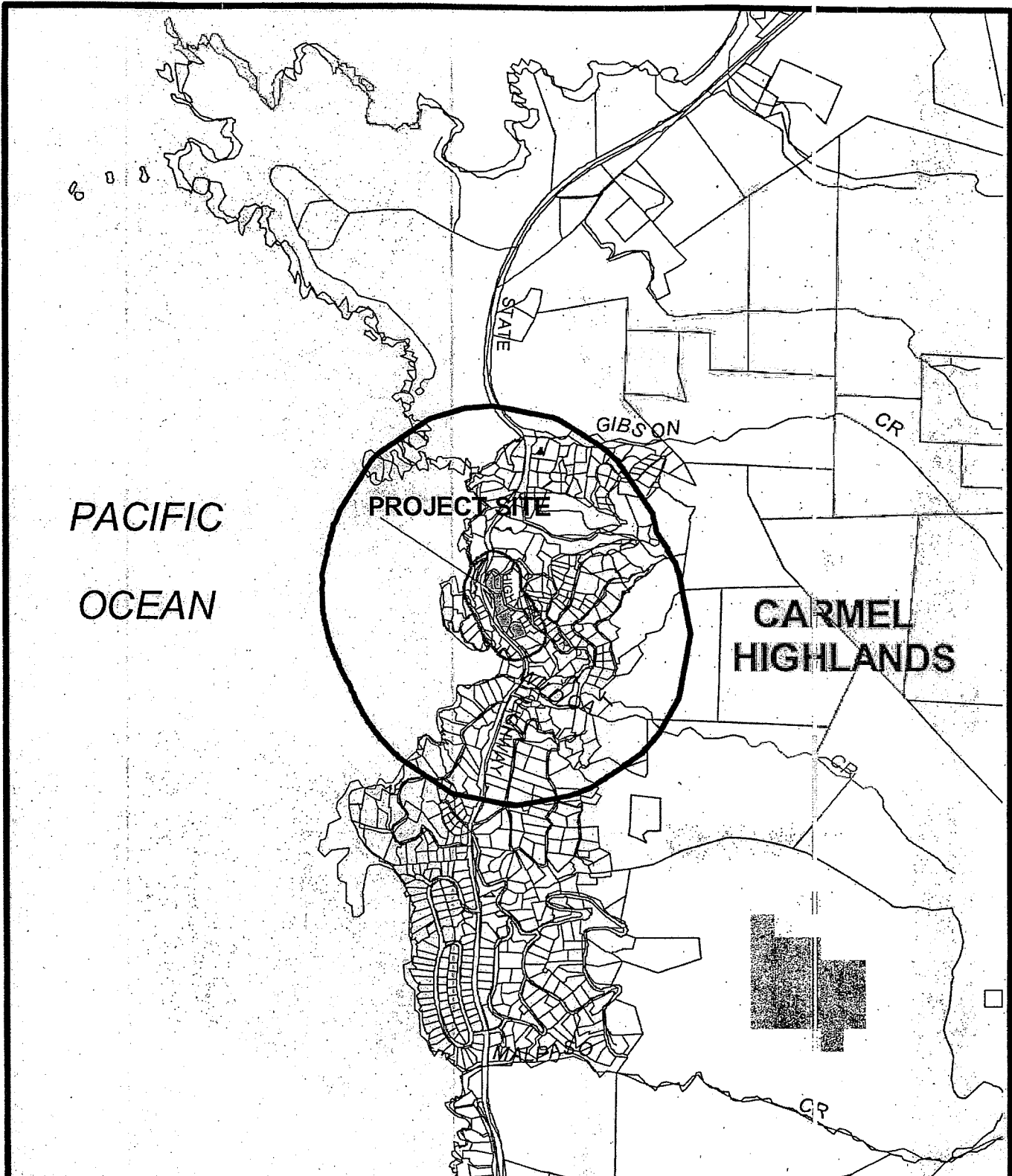
1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

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 and Building Inspection Department office in Marina.

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





PACIFIC  
OCEAN

PROJECT SITE


CARMEL  
HIGHLANDS

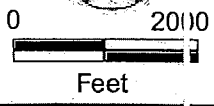
APPLICANT CARMEL AREA WASTEWATER DIST.

APN: 241-181-006-000M

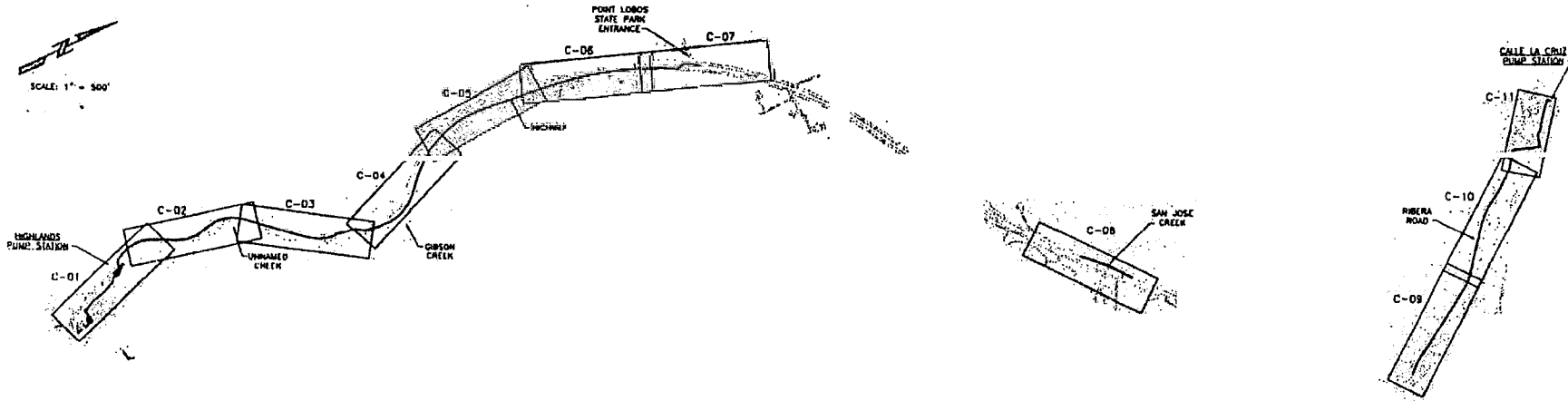
FILE# PLN 030325

 300' Limit

 2500' Limit



PLANNER: JOHNSTON



**DRAWING INDEX**

SHEET NUMBER	DRAWING NUMBER	TITLE
	C-01	TITLE SHEET
	C-02	SHEET INDEX AND DRAWING INDEX
4	T-01	TYPICAL DETAILS
5	T-02	TYPICAL DETAILS
6	T-03	TYPICAL DETAILS
7	T-04	TYPICAL DETAILS
8	T-05	TYPICAL DETAILS
9	T-06	TYPICAL DETAILS
9	C-01	PLAN AND PROFILE - STA 0+70 TO STA 6+56 38.8 STA 9+88 53 TO STA 23+00
10	C-02	PLAN AND PROFILE - STA 13+00 TO STA 23+50
11	C-03	PLAN AND PROFILE - STA 23+50 TO STA 34+00
12	C-04	PLAN AND PROFILE - STA 34+00 TO STA 44+50
13	C-05	PLAN AND PROFILE - STA 44+50 TO STA 56+00
14	C-06	PLAN AND PROFILE - STA 56+00 TO STA 66+00
15	C-07	PLAN AND PROFILE - STA 66+00 TO STA 76+77.98
16	C-08	PLAN AND PROFILE - STA 76+77.98 TO STA 79+00
17	C-08	PLAN AND PROFILE - STA 106+00 TO STA 110+00
18	C-10	PLAN AND PROFILE - STA 110+00 TO STA 121+00
19	C-11	PLAN AND PROFILE - STA 121+00 TO STA 126+58.93
20	PS-01	SITE PLAN AND PROFILE
21	PS-02	PUMP STATION LAYOUT AND MISCELLANEOUS SECTIONS
22	E-01	ELECTRICAL LEGEND, SYMBOLS AND GENERAL NOTES
23	E-02	HIGHLANDS PUMP STATION SITE PLAN
24	E-03	SMALL LINE DIAGRAM AND ELEVATION
25	E-04	CONTROL SCHEMATIC
26	E-05	CONTROL SCHEMATIC LIGHTING PANEL BOARD AND LUMINAIRE FIXTURE SCHEDULE
27	E-06	PUMP STATION - POWER PLAN
28	E-07	STANDBY GENERATOR POWER PLAN
29	EV-01	COASTAL DEVELOPMENT PERMIT INFORMATION

<b>90% SUBMITTAL</b> NOT FOR CONSTRUCTION	DESIGNED	RAM DRAWN				CARMEL AREA WASTEWATER DISTRICT HIGHLANDS SEWER CONNECTION PROJECT	VERIFY SCALES	JOB NO. 83050111
	DATE	CHECKED SEP DATE APR. 2008				DESCRIPTION	THIS IS ONE OF THE SHEETS OF THE GENERAL DRAWING SHEET INDEX AND DRAWING INDEX IF NOT ONE OF THE SHEETS OF THE GENERAL DRAWING, SCALES ACCORDING TO SHEET NO.	DRAWING NO. <b>C-02</b> SHEET NO. 2 OF 24

**Planning and Building Inspection Department  
Condition Compliance Matrix**

**Project Name:** Carmel Area Wastewater District  
**File No:** PLN030325 **APNs:** 241-181-006-000,  
 241-181-011-000 to 241-181-013-000, 241-351-004-000 &  
 241-351-005-000  
**Approval by:** Planning Commission **Date:** June 30, 2004

Permit No.		Compliance Actions to be performed Where applicable, a certified professional is required for action to be accepted.	Responsible Compliance	Verification of	Compliance (name/date)
1.	<p>The subject permit approval allows a Combined Development Permit (PLN030325/Carmel Area Wastewater District) for the Highlands Inn sewer connection project consisting of a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (3 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San José and Gibson Creeks); grading (approximately 2,908 cu. yds. of cut &amp; 2,611 cu. yds. of fill) and retaining walls. The properties for which construction is proposed are located at and around the Highlands Inn and the Tickle Pink Inn (Assessor's Parcel Numbers 241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000 &amp; 241-351-005-000), and the Caltrans right-of-way along Highway 1 from the Highlands Inn to the Point Lobos entrance and from the intersection of Ribera Road with Highway 1, westerly along Ribera Road to an existing pump station near Calle La Cruz, in the Carmel Highlands, Point Lobos, and Carmel Meadows areas of the Carmel unincorporated area, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. <b>(Planning and Building Inspection)</b></p>	Adhere to conditions and uses specified in the permit.	Applicant	Ongoing unless otherwise stated	

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

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

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

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

<sup>1</sup> Including mitigation measures 2 through 5 of the MND adopted by the CAWD (i.e., Conditions 13 to 16 herein)  
PLN030325/CAWD

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