

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> April 27, 2011 Time: 9:00 A.M	<b>Agenda Item No.:</b> 1
<b>Project Description:</b> Combined Development Permit consisting of 1) a Coastal Administrative Permit to allow the demolition of an existing 3,100 square foot single family dwelling and the construction of a new 5,677 square foot three-story single family dwelling in the same general footprint including a 937 square foot habitable basement, a 1,182 square foot attached sub-grade garage, a 155 square foot sub-grade patio, new retaining walls and associated grading (approximately 1,200 cubic yards of cut for the basement); 2) a Coastal Administrative Permit to allow the construction of a 425 square foot guesthouse; 3) a Coastal Development Permit for development on a parcel with a positive archaeological report; and 4) Design Approval.	
<b>Project Location:</b> 26453 Scenic Road, Carmel	<b>APN:</b> 009-471-015-000
<b>Planning File Number:</b> PLN090116	<b>Owner:</b> Richard Peery <b>Agent:</b> Claudio Ortiz
<b>Planning Area:</b> Carmel Area Land Use Plan	<b>Flagged and staked:</b> Yes
<b>Zoning Designation:</b> "MDR/2-D(18')(CZ)" [Medium Density Residential, 2 units per acre with a Design Control overlay and an 18 foot height limit (Coastal Zone)]	
<b>CEQA Action:</b> Mitigated Negative Declaration	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

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

- 1) Adopt the Mitigated Negative Declaration (**Exhibit F**);
- 2) Approve PLN090116, based on the findings and evidence (**Exhibit C**) and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt the Mitigation Monitoring and Reporting Plan (**Exhibit C**).

### PROJECT OVERVIEW:

The applicant requests the necessary entitlements to remove an existing home and construct a new 5,677 square foot three-story single family dwelling in the same general footprint with a 937 square foot habitable basement, a 1,182 square foot attached sub-grade garage, a 155 square foot sub-grade patio, new retaining walls and associated grading. The site is located on Scenic Road in the Carmel Point area and is visible from Carmel State Beach and Scenic Drive. The project site is also located within an area that is rich in archaeological resources. Because the project is located within 750 feet of a known archaeological resource and because culturally-affected soils exist on the property, the project requires a Coastal Development Permit. This project is being heard by the Planning Commission because it is visible from Scenic Road, a designated scenic area, and because the project includes a Coastal Development Permit for development on a parcel with a positive archaeological report.

Pursuant to the Guidelines of the California Environmental Quality Act (CEQA), the project does not qualify for an exemption. Furthermore, Public Resources Code section 21080.d and CEQA Guidelines section 15064.a.1 require environmental review if there is evidence that the project may have a significant effect on the environment. Therefore, an Initial Study was prepared for the project and concluded that impacts from the project would be potentially significant for aesthetic resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, land use and planning, and noise. The Initial Study identified mitigations that will reduce the impacts to a less than significant level in all cases. A Mitigated Negative Declaration was filed on March 3, 2011 (**Exhibit F**). See **Exhibit B** for further discussion.

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

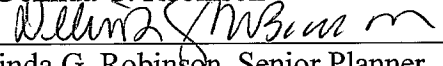
- ✓ RMA - Public Works Department
- ✓ Environmental Health Bureau
- ✓ Water Resources Agency
- ✓ Cypress Fire Protection District
- ✓ Parks Department
- California Coastal Commission

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by RMA-Public Works Department, Water Resources Agency and Cypress Fire Protection District 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 heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) at a public hearing on October 19, 2009. The LUAC recommended approval of the project by a vote of 4-1.

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

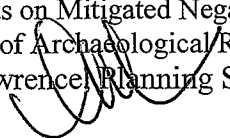
/S/ Delinda G. Robinson

  
Delinda G. Robinson, Senior Planner  
(831) 755-5198, [robinsond@co.monterey.ca.us](mailto:robinsond@co.monterey.ca.us)  
March 31, 2011

cc: Front Counter Copy; Planning Commission; Cypress Fire Protection District; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Delinda Robinson, Project Planner; Carol Allen, Senior Secretary; Richard Peery, Owner; Claudio Ortiz, Agent; Planning File PLN090116

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

This report was reviewed by Laura Lawrence, Planning Services Manager



## EXHIBIT A

### Project Data Sheet for PLN090116

Project Title: **PEERY**

Location: 26453 Scenic Road

Primary APN: 009-471-015-000

Applicable Plan: Carmel Area LUP

Coastal Zone: YES

Permit Type: Combined Development  
Permit

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

Environmental Status: EXEMPT

Plan Designation: MDR

Advisory Committee: Carmel  
Unincorporated/Highlands

Final Action Deadline (884): 10/09/2010

#### Project Site Data:

Lot Size (SF): 13,901

Coverage Allowed: 35%

Coverage Proposed: 33.4%

Existing Structures (SF): 3,100

Height Allowed: 18 feet

Proposed Structures (SF): 4,645

Height Proposed: 18 feet

Total SF: 4,645

Floor Area Ratio Allowed: 45%

Floor Area Ratio Proposed: 43.9%

#### Resource Zones and Reports:

Environmentally Sensitive Habitat: None

Erosion Hazard Zone: High

Biological Report #: N/A

Soils Report #: LIB090426

Arborist Report #: LIB090423

Archaeological Sensitivity Zone: High

Geologic Hazard Zone: Undetermined

Archaeological Report #: LIB090424, LIB100024,  
LIB100096

Geologic Report #: N/A

Fire Hazard Zone: Urban

Traffic Report #: N/A

#### Other Information:

Water Source: Public

Sewage Disposal (method): Sewer

Water Dist/Co: Cal Am

Sewer District Name: Carmel Area Wastewater  
District

Fire District: Cypress FPD

Total Grading (cubic yds.): 1,205 (cut)

Tree Removal: None

## **EXHIBIT B**

### **PROJECT DISCUSSION**

#### **Overview**

The proposed project consists of the demolition of an existing 3,100 square single family dwelling and the construction of a new 5,677 square foot three-story single family dwelling in the same general footprint including a 937 square foot habitable basement, a 1,182 square foot attached sub-grade garage, a 155 square foot sub-grade patio, new retaining walls and associated grading (approximately 1,200 cubic yards of cut for the basement) and the construction of a 425 square foot guesthouse. The subject property is located within an established residential neighborhood at the southernmost end of Carmel point, across Scenic Road from Carmel River State Beach. Zoning for the parcel is Medium Density Residential, 2 Units per acre with a Design Control overlay and an 18-foot height limit within the Coastal Zone [MDR/2-D (18')(CZ)].

The parcel is situated on a northwest/southeast trending sand dune, which slopes down approximately 10 feet from the center of the lot to Scenic Road on the southwest and toward the property to the rear on the northeast. It is located in a residential neighborhood, with other dwellings of similar character making up much of the existing view on the east side of Scenic Road. The site is a previously developed 13,901 square foot parcel with an existing 3,100 square foot residence and approximately 5,234 square feet of hardscape that are proposed for removal. The proposed project will result in 4,645 square feet of structural coverage and approximately 2,900 of hardscape (patios, driveway and courtyard).

#### **Project Issues**

##### *Visual Resources*

The proposed building site is visible from Scenic Road and the Carmel River State Beach, both of which are part of the public viewshed shown on the General Viewshed Map (Map A) of the Carmel Area Land Use Plan. LUP Key Policy No. 2.2.2 requires that all development within the viewshed must harmonize and be clearly subordinate to the natural character of the area and LUP Policy No. 2.2.3.4 directs that the parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures. The project site slopes upward from Scenic Road and there is no area on the parcel that would not be visible from the road. Although the proposed residence will be taller and wider than the existing residence, the height of the proposed residence meets all of the development standards including the 18-foot height limit. The new three-level residence has been designed to appear from the street to be a one-story residence, with the upper level located toward the rear on the eastern side of the lot. Furthermore, the applicant proposes to use natural materials of wood shingle siding with stone chimneys and accents, cream-colored trim and slate roofing, which the LUAC felt fit the rustic beach location.

##### *Historical Resources*

The proposed project includes the demolition of an existing single family dwelling that was built in the early 1950s. A Phase I Historical Assessment prepared by Elizabeth Moore Architect concludes that due to alterations made to the building and loss of its original integrity, the dwelling does not rise to the level of architectural distinction necessary to qualify for listing in the California Register or the County Register of Historic Resources at any level of significance nor can it be considered to be historically significant.

##### *Archaeological Resources*

The most significant policy decision associated with this project is related to archaeology. All of the Carmel Point area is in a "high" archaeological sensitivity zone and the site lies within the CA-MNT-17 site, an archaeological site of state-wide importance. CEQA section 21083.2 states:

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

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

The Carmel Area Land Use Plan (LUP) Policy 2.8.3.4, specifically states, "When developments are proposed where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resources, particularly where the site has potential religious significance." The issue is whether or not the county will allow excavation within CA-MNT-17. Various approaches have been taken for other residential projects in the vicinity, some of which involved excavation for basements and others which did not. In the case of the neighboring parcel to the southeast of the subject parcel, (PLN010169), the applicants opted to place the new residence on a series of helical steel piers screwed into the earth to avoid disturbance of resources and a mitigation requiring a radiocarbon dating study of shell from the site was imposed on the project. No significant resources were discovered during excavation for that project. The Planning Commission recently approved a project on Carmelo to the south of the proposed project where a partial human cranium had previously been discovered (Polkow, PLN080266), after the project was redesigned to avoid disturbance of previously undisturbed midden and with mitigations requiring monitoring by an archaeologist and a Native American representative. Midden soils not exhibiting significant cultural resources were present on the McCallister (PLN080342) project site at 26200 Ocean View Avenue. This project was approved with a basement, subject to a mitigation measure requiring monitoring by an archaeologist. Similarly, a basement addition (Carmel Woodcraft, PLN090311) on Isabella Avenue was approved subject to a mitigation measure requiring archaeological monitoring.

In addition to the Preliminary Cultural Resources Reconnaissance Report prepared for this project pursuant to Section 20.146.090 CIP, an Archaeological Coring Program and archaeological testing of a trench located near one of the cores where culturally affected soils were identified were conducted on the site. A synopsis of these reports is attached as **Exhibit H**. The conclusion of the reports on the testing is that although a discontinuous layer of culturally affected soils exist on the parcel between 5.5 feet and 11.5 feet below the surface, no significant resources were identified in these soils and that "the varying depths of the cultural deposits at two near locations suggests the presence of an undulating subsurface strata probably associated with relict dune movement" and that the "test results suggest a low sensitivity for exposing significant prehistoric archaeological resources within the cultural deposit present between 5.5 and 7.4 feet below the surface and adjacent to the southern property line." Additionally, the Sacred Lands File Check conducted for the parcel on March 30, 2011 by the Native American Heritage Commission (NAHC), discovered no known sacred sites on this parcel.

As proposed, the project includes a total of 2,823 square feet of basement level construction (937 square foot habitable basement, 704 square foot lower floor and 1,182 square foot garage) and a 155 square foot lower level patio. Construction of the sub-grade level would require excavation of approximately 1,200 cubic yards of material down to 13 feet below the existing surface, about 1.5 feet to 5 feet below the depth where cultural deposits associated with CA-MNT-17 are presumed to exist on the eastern half of the parcel. Because the proposed construction would essentially result in the removal of any and all cultural resources on the site, measures recommended by the project archaeologist to mitigate the potential impacts of the project to cultural resources to a less than significant level were included in the MND and are incorporated into this project as Conditions No. 20-23.

## **CEQA**

An Initial Study (IS) was prepared for this project and a Mitigated Negative Declaration (MND), **Exhibit F**, was circulated for public review from March 2, 2011 to April 6, 2011. Although potential impacts were identified for Aesthetics, Air Quality, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Land Use/Planning and Noise, the MND determined that the project as designed and mitigated would reduce impacts to a less than significant level.

## ***COMMENTS ON THE INITIAL STUDY***

Four comments were received during the 30 day comment period of the Initial Study.

Louise J. Miranda Ramirez, Chairperson for the Ohlone/Costanoan-Esselen Nation (OCEN) submitted two letters. Her letter dated March 16, 2011 requests that OCEN be informed of the archaeological consultants selected to perform any work on the site and requests no disturbance of any burial sites. Her letter dated March 30, 2011 states the preference of OCEN that there be no disturbance of any of their ancestral sites.

The comment letter from the Native American Heritage Commission (NAHC) dated March 23, 2011 recommends that the county assess whether the project will have a significant effect on cultural resources, and if so, to mitigate that effect.

Comments from Mike Sheehan of the Monterey Bay Unified Air Pollution Control District dated April 5, 2011 supports conclusions in the IS regarding Air Quality and Hazards and Hazardous Materials and corrects references to the name of the agency in the document.

## **Recommendation**

As discussed above under Archaeology, the decision before the Planning Commission is whether or not to determine that the measures proposed to mitigate for impacts to the archaeological resources on the site are sufficient to proceed with the project. The applicant has provided archaeological studies that recommend that the project continue subject to monitoring. Staff recommends approval of the project based on the finding of the archaeological studies that there is a low probability of finding significant cultural resources on the site and subject to the recommended mitigation measures.

**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:

**RICHARD PEERY (PLN090116)**

**RESOLUTION NO. [REDACTED]**

Resolution by the Monterey County Planning  
Commission:

- 1) Adopting Mitigated Negative Declaration;
- 2) Approving: Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the demolition of an existing 3,100 square foot single family dwelling and the construction of a new 5,677 square foot three-story single family dwelling in the same general footprint including a 937 square foot habitable basement, a 1,182 square foot attached sub-grade garage, a 155 square foot sub-grade patio, new retaining walls and associated grading (approximately 1,200 cubic yards of cut for the basement); 2) a Coastal Administrative Permit to allow the construction of a 425 square foot guesthouse; 3) a Coastal Development Permit for development on a parcel with a positive archaeological report; and 4) Design Approval; and
- 3) Adopting Mitigation Monitoring and Reporting Plan.

[(PLN090116, Richard Peery, 26453 Scenic Road, Carmel, Carmel Area Land Use Plan (APN: 009-471-015-000)]

**The Peery application (PLN090116) came on for public hearing before the Monterey County Planning Commission on April 27, 2011. 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 (LUP),

- Monterey County 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 property is located at 26453 Scenic Road, Carmel (Assessor's Parcel Number 009-471-015-000, Carmel Area Land Use Plan. The parcel is zoned "MDR/2-D(18')(CZ)" [(Medium Density Residential, 2 units per acre with a Design Control overlay and an 18 foot height limit (Coastal Zone)], which allows the construction of a single family residence as a principal allowed use subject to a Coastal Administrative Permit in each case, the construction of a guesthouse as a principal allowed use subject to a Coastal Administrative Permit in each case, and development on parcels with positive archaeological reports subject to a Coastal Development Permit in each case. Therefore, the project is an allowed land use for this site.
- c) The site is subject to design review with an 18-foot height limit. The Peery project has been reviewed for siting, design, colors, materials and height. The proposed project meets the development standards of the zoning district including height, setback, lot coverage, and floor area ratio and the proposed colors and materials are appropriate for the site and the neighborhood.
- d) The site is visible from Scenic Road and Carmel State Beach. Areas visible from Scenic Road are subject to the Viewshed policies of the Carmel Area Land Use Plan (LUP Policy 2.2.2). The Peery project complies with the public viewshed policies and has been designed to meet the 18-foot height limit, and to make use of appropriate exterior treatments consistent with the neighborhood to help blend the structure into the environment (LUP Policy 2.2.3.6). The proposed project and has been sited appropriately within the required setbacks as the property is not large enough to consider alternative siting (LUP Policy 2.2.3.4). The second story element will be at the rear of the proposed residence to minimize the visual impact of the structure from Scenic Road. The proposed residence is located in a residential neighborhood with dwellings of similar size and character.
- e) The subject property is located within a "high" archaeological sensitivity zone and the Monterey County Geographic Information System (GIS) indicates that the proposed development is located within 750 feet of a known archaeological resource. Pursuant to Section 20.146.090 of the Coastal Implementation Plan Part 4, an archaeological survey was required for the proposed project. In order to determine whether significant cultural resources are likely to exist on the site and at the recommendation of the project archaeologist, an archaeological coring program was conducted by a qualified archaeologist on the property in January of 2010. Shell fragments and skin staining sediment suggestive of prehistoric midden soil were identified in two of the boreholes. However no prehistoric artifacts such as bone or fire cracked rock were observed in the core sediments. Further testing of a trench which was excavated near one of the earlier borings where cultural deposits (midden) had previously been identified was conducted by a qualified archaeologist in December of 2010. The report on the trench

testing confirmed the presence of a layer of black charcoal infused sand mixed with shell fragments (midden), but concludes that the layer is not continuous over the parcel and that the varying depths of the cultural deposits at two locations suggests the presence of an undulating subsurface strata probably associated with relict dune movement. Midden is not generally considered to be a significant archaeological resource in itself. Construction of the basement will require excavation down to 13 feet below the surface, approximately 1.5 feet to 5 feet below the depth where the midden layers are presumed to exist on the eastern half of the parcel. An Initial Study was prepared for the proposed development (LUP Policy 2.8.4.5). Mitigation Measures identified in the Initial Study have been incorporated as conditions of approval for this project (LUP Policy 2.8.4.6).

- f) The project planner conducted a site inspection on October 9, 2009 to verify that the project on the subject parcel conforms to the plans listed above.
- g) The project was referred to the Carmel Unincorporated/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 the project includes a Design Approval that will be heard at a public hearing. The LUAC recommended approval of the project as proposed by a vote of 4-1, with the dissenting member citing the increased size of the residence.
- h) 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 PLN090116.

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

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
  - b) 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 of Assessor's Parcel Number 009-471-015-000"* (LIB090424) prepared by Susan Morley, Marina, California dated June 2009;
    - *"Amended Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 009-471-015-000"* prepared by Susan Morley, Marina, California dated November 21, 2009;
    - *"Archaeological Coring Program – 26453 Scenic Road"* (LIB100024) prepared by Colin I. Busby, San Leandro, California dated January 22, 2010;

- *"Phase I Historic Assessment"* (LIB100025) prepared by Elizabeth Moore, Pacific Grove, California dated November 6, 2009 and revised March 9, 2010;
  - *"Tree Assessment/Arborist Report"* (LIB090423) prepared by Frank Ono, Pacific Grove, California dated June 29, 2009;
  - *"Geologic and Soil Engineering Report for the Peery Residence"* (LIB090426) prepared by Landset Engineers, Inc., Salinas, California dated March 2009;
  - *"Inspection of Trench for Archaeological Materials"* (LIB100096) prepared by Basin Research Associates, San Leandro, California dated December 16, 2010.
- c) Staff conducted a site inspection on October 9, 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 File PLN090116.

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

- EVIDENCE:**
- a) The project was reviewed by RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective departments/agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
- b) Necessary public facilities are available. The project will be served by the California American Water Company (Cal-Am), the Carmel Area Wastewater District (CAWD) and Pacific Gas and Electric. A Residential Water Release From and Water Permit Application showing no net increase in water fixture units was submitted and approved by the Water Resources Agency. The project will require issuance of a Water Permit by the Monterey Peninsula Water Management District prior to the issuance of building permits. The proposed residence will utilize the existing utility connections.
- c) Preceding findings and supporting evidence for PLN090116.

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

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
- b) Staff conducted a site inspection on October 9, 2009 and researched

- County records to assess if any violation exists on the subject property.
- c) There are no known violations on the subject parcel.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090116.

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

- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
  - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN090116).
  - 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 (PLN090116).
  - d) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetic resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards/hazardous materials, land use and planning, noise.
  - e) Aesthetic Resources – A site visit was conducted on October 9, 2009 and it was determined that the construction of the new residence will not cause a significant impact to the visual resources of the Carmel area. Although the project proposes a structure that will be larger than the existing residence, a large amount of that mass will be underground, the proposed residence has been designed to appear from the public viewshed to be a single story and the materials and colors proposed are of natural colors and textures. This assures compliance with the General Development Standards of the LUP and creating an impact that is less than significant. The standard condition requiring height verification has been applied to the project to ensure that the residence does not exceed the approved height. In addition, the County of Monterey requires that all proposed lighting be unobtrusive and harmonious with the local area. The standard lighting condition has been applied to the project to ensure compliance with this policy. See also Finding 1, Evidence (d).
  - f) Air Quality - The proposed project includes the demolition of an existing structure and grading of approximately 1,200 cubic yards of cut, which will be hauled off site. In order for projects including the demolition of structures to be compliant with Rule 439 of the Monterey Bay Unified Air Pollution Control District, the standard demolition condition that incorporates certain demolition work standards to prevent

impacts to air quality (Condition No. 12) has been applied to the project. The subject parcel is 13,901 square feet and therefore, construction and grading activities would operate below the 2.2 acres per day threshold established by the CEQA Air Quality Guidelines "Criteria for Determining Construction Impacts". Furthermore, construction-related air quality impacts will be controlled by implementing a standard condition

Since the subject property is located within an established residential neighborhood, sensitive receptors are considered to be the residents within the immediate vicinity and along the truck route which will be utilized for hauling of the soil being removed. Impacts caused by construction will be temporary. A construction management plan including: hours of operation, parking and staging areas, minimization of truck trips and best management practices will be required as a condition of approval. Therefore, the project as proposed, by its temporary nature and required conditions of approval will cause a less than significant impact to construction related air quality and sensitive receptors.

- g) Hazards/Hazardous Materials - The project includes demolition of a single family dwelling built in the 1950s. Therefore, there is a potential for the materials used in the original construction to contain asbestos and/or lead paint. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) has an Asbestos Program in place to protect the public from uncontrolled emissions of asbestos by enforcement of the Federal Asbestos Standard and Air District Rule 424. However, Rule 424 has a general exemption for single family dwellings. Although worker exposure to asbestos is regulated by the California Occupational Safety and Health Administration (Cal/OSHA), there is still a potential for the release of hazardous materials to the public and sensitive receptors. In addition, the project site is located near Carmel River School. Therefore, a Mitigation Measure No. 8 has been incorporated to reduce the potential impacts caused by demolition and transportation of asbestos to a less-than-significant impact.

On April 22, 2008, the Environmental Protection Agency (EPA) issued a rule requiring the use of lead-safe practices (40 CFR, Part 745) and other actions aimed at preventing lead poisoning. As a result of the rule, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Therefore, to ensure the owner/applicant complies with Rule 40 CFR, Part 745, the project has been conditioned with a non-standard condition (Condition No. 13) to require the owner/ applicant to submit documentation that the contractor for the project has been certified to use lead-safe work practices by the EPA, prior to the issuance of building permits.

- h) Cultural Resources – Due to the intensive prehistoric use of the Carmel area by aboriginal people, Key Policy 2.8.2 of the Carmel Area Land Use Plan requires new land uses to incorporate site planning and design features necessary to minimize or avoid impacts in order to maintain and protect scientific and cultural heritage values of archaeological resources. Based on information contained in the Carmel Area

Archaeological Sensitivity Zone Map, the subject property is located within a high sensitivity zone and the Monterey County Geographic Information System (GIS) indicated that the proposed development is located within 750 feet of a known archaeological resource. Therefore, pursuant to Section 20.146.090.B of the Carmel Area Coastal Implementation Plan, the submittal of an archaeological report was required as part of the application. Archaeological reports prepared for the project (See Finding No. 2, Evidence b) included background research, surface observations, test borings and testing of a trench. It was found that the project site is located within the boundaries of known prehistoric archaeological site CA-MNT-17. Testing revealed that shell bearing soils similar to soils associated with CA-MNT-17 are present on the eastern portion of the property between approximately of 5.5 feet and 11.5 feet below the surface. No significant cultural resources were discovered during the borings or trench excavation however the potential for significant cultural resources on the parcel exists. Therefore, Mitigation Measures Nos. 1 through 4 have been incorporated to reduce the potential impact to cultural resources to a less than significant level.

- i) Geology and Soils – The Geologic and Soil Engineering Report dated March 2009 by Landset Engineers, Inc. (LIB090426) found soils and earth materials on the site to be highly redouble as the project site is essentially a sand dune and recommended that stringent erosion control measures be implemented to provide surficial stability of the soils. Mitigation Measures Nos. 5 and 6 have been incorporated to reduce the potential impacts from erosion to a less than significant level. The report also recommended that because the soils will not be self-supporting during excavation for the basement level, that an engineered slope protection system of shoring and bracing be required during construction. Mitigation Measure No. 7 incorporates this requirement.
- j) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations and is designed to ensure compliance during project implementation and is hereby incorporated herein by reference as **Exhibit 1**. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
- k) The Draft Mitigated Negative Declaration (“MND”) for PLN090116 was prepared in accordance with CEQA and circulated for public review from March 7, 2011 through April 6, 2011 (SCH#: 2011031017). Issues that were analyzed in the Draft Mitigated Negative Declaration (“MND”) include aesthetic resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards/hazardous materials, land use and planning, and noise.
- l) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN090116)

and are hereby incorporated herein by reference.

- m) The project would have the potential to result in direct or indirect destruction, ground disturbance, or other modification of any habitat that may support fish and/or wildlife species. 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 fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- n) The County has considered the comments received during the public review period, and they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.
- o) As noted in the comments on the MND by the Monterey Bay Unified Air Pollution Control District (MBUAPCD), references to the MPUAPCD in Section 8 (Hazards and Hazardous Materials) are corrected to read "Monterey Bay Unified Air Pollution Control District (MBUAPCD).
- p) 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.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan can be demonstrated.
  - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area Land Use Plan).
  - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
  - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090116
  - e) The project planner conducted a site inspection on October 9, 2009.

6. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within a public viewshed. The proposed building site is located on an existing parcel that is visible from Scenic Road, as shown on Map A of the Carmel Area Land Use Plan. The site is a moderate-sized lot that slopes upward from Scenic Road. LUP Policy 2.2.3.4 directs that the portion

of a parcel least visible from public viewpoints shall be considered the most appropriate site for the location of new structures. The proposed project and has been sited appropriately within the required setbacks as the property is not large enough to consider alternative siting.

- b) LUP Policy 2.2.2 requires that "To protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area." The project will result in the replacement of an existing single family residence in essentially the same footprint. Although the proposed residence will be taller than the existing residence, at 18 feet above average natural grade, it meets the 18-foot height limit shown on the Monterey County zoning maps. The second story element of the proposed residence is set back to the rear of the property which reduces the visibility of the second story. The proposed guesthouse will be located behind the main residence and will not be visible from Scenic Road or the Carmel Beach.
- c) LUP Policy 2.2.3.4.10.c requires that structures located in view viewshed be designed so that they blend into the site and surroundings and that the exterior of buildings give the appearance of natural materials. The applicant proposes to use wood shake and stone exterior with cream colored trim and slate roof. The LUAC commented that the "materials of exterior shingled surface fit the (sic) rustic beach location."
- d) LUP Policy 2.2.4.10.d directs that exterior lighting be adequately shielded or designed at near-ground level and directed downwards to reduce its long-range visibility. A non-standard condition (Condition No. 9) incorporating this requirement will ensure consistency with this policy.
- e) The project as proposed, conditioned, and mitigated is consistent with policies of the Carmel Area Land Use Plan dealing with visual resources and will have no significant impact on the public viewshed.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN090116.
- g) The project planner conducted a site inspection on October 9, 2009 to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.

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

- EVIDENCE:**
- a) Section 20.86.030.A Monterey County Zoning Ordinance (Board of Supervisors).
  - b) Section 20.86.080.A.3 Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by/to the California Coastal Commission because the project involves development that is permitted in the underlying zone as a conditional use (development within a positive archaeological site).

### **DECISION**

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

- A. Adopt the Mitigated Negative Declaration;
- B. Approve: Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow the demolition of an existing 3,100 square foot single family dwelling and the construction of a new 5,677 square foot three-story single family dwelling in the same general footprint including a 937 square foot habitable basement, a 1,182 square foot attached sub-grade garage, a 155 square foot sub-grade patio, new retaining walls and associated grading (approximately 1,200 cubic yards of cut for the basement); 2) a Coastal Administrative Permit to allow the construction of a 425 square foot guesthouse; 3) a Coastal Development Permit for development on a parcel with a positive archaeological report; and 4) Design Approval, in general conformance with the attached sketch (**Exhibit 2**) and subject to the conditions (**Exhibit 1**), both exhibits being attached hereto and incorporated herein by reference.
- C. Adopt the Mitigation Monitoring and Reporting Program (**Exhibit 1**)

**PASSED AND ADOPTED** this 27<sup>th</sup> day of April, 2011 upon motion of xxxxx, seconded by xxxxx, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

(Coastal Projects)

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

Project Name: **PEERY**  
 File No: **PLN090116** APNs: **009-471-015-000**  
 Approved by: **Planning Commission** Date: **April 27, 2011**

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

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 – Planning Department</b>						
1.		<b>PD001 - SPECIFIC USES ONLY</b> This Combined Development Permit (PLN090116) allows: 1) a Coastal Administrative Permit to allow the demolition of an existing 3,100 square foot single family dwelling and the construction of a new 5,677 square foot three-story single family dwelling in the same general footprint including a 937 square foot habitable basement, a 1,182 square foot attached sub-grade garage, a 155 square foot sub-grade patio, new retaining	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.	Owner/ Applicant  RMA - Planning	Ongoing unless otherwise stated	

Permit Cond. Number	Mittig. 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)
		walls and associated grading (approximately 1,200 cubic yards of cut for the basement); 2) a Coastal Administrative Permit to allow the construction of a 425 square foot guesthouse; 3) a Coastal Development Permit for development on a parcel with a positive archaeological report; and 4) Design Approval. The property is located at 26453 Scenic Road, Carmel (Assessor's Parcel Number 009-471-015-000), Carmel Area Land Use Plan. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (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 County 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.	WRA RMA - Planning		
2.		<b>PD002 - NOTICE-PERMIT APPROVAL</b> The applicant shall record a notice which states: "A permit (Resolution [REDACTED]) was approved by the Planning Commission for Assessor's Parcel Number 009-471-015-000 on April 27, 2011. The permit was granted subject to 27 conditions of approval including 8 Mitigation Measures, which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." (RMA-Planning Department)	Obtain appropriate form from the RMA-Planning Department.  The applicant shall complete the form and furnish proof of recordation of this notice to the RMA - Planning Department.	Owner/ Applicant RMA-Planning	Prior to the issuance of grading and building permits or commencement of use.	
3.		<b>PD004 - INDEMNIFICATION AGREEMENT</b> The 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	Submit signed and notarized Indemnification Agreement to the Director of RMA - Planning Department for review and signature by the County.  Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the RMA -	Owner/ Applicant	Upon demand of County Counsel or concurrent with the issuance of 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)
		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 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. <b>(RMA - Planning Department)</b>	Planning Department.		use of the property, whichever occurs first and as applicable	
4.		<b>PD032(A) - PERMIT EXPIRATION</b> The permit shall be granted for a time period of 3 years, to expire on April 27, 2014 unless use of the property or actual construction has begun within this period. <b>(RMA – Planning Department)</b>	The applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.	Owner/ Applicant	As stated in the conditions of approval	
5.		<b>PD005 - FISH AND GAME FEE-NEG DEC/EIR</b> 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.	The applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Within 5 working days of project approval.	

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)
		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. <b>(RMA - Planning Department)</b>	If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the <i>County of Monterey</i> , to the Director of the RMA - Planning Department.	Owner/ Applicant	Prior to the start of use or the issuance of building or grading permits	
6.		<b>PD006 - MITIGATION MONITORING PROGRAM</b> 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. <b>(RMA - Planning Department)</b>	1) Enter into agreement with the County to implement a Mitigation Monitoring Program.  2) Fees shall be submitted at the time the property owner submits the signed mitigation monitoring agreement.	Owner/ Applicant	Within 60 days after project approval or prior to the issuance of grading and building permits, whichever occurs first.	
7.		<b>PD009 - GEOTECHNICAL CERTIFICATION</b> Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report. <b>(RMA - Planning Department and Building Services Department)</b>	Submit certification by the geotechnical consultant to the RMA -- Building Services Department showing project's compliance with the geotechnical report.	Owner/ Applicant/ Geotechnical Consultant	Prior to final inspection	

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)
8.		<p><b>PD012(D) - LANDSCAPE PLAN AND MAINTENANCE - MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (SINGLE FAMILY DWELLING ONLY)</b></p> <p>The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of the RMA - Planning Department. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, species, and size of the proposed landscaping materials and shall include an irrigation plan. The plan shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department. All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. <b>(RMA - Planning Department)</b></p>	<p>Submit landscape plans and contractor's estimate to the RMA - Planning Department for review and approval. Landscaping plans shall include the recommendations from the Forest Management Plan or Biological Survey as applicable. All landscape plans shall be signed and stamped by licensed professional under the following statement, "I certify that this landscaping and irrigation plan complies with all Monterey County landscaping requirements including use of native, drought-tolerant, non-invasive species; limited turf; and low-flow, water conserving irrigation fixtures."</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			<p>Submit one (1) set landscape plans of approved by the RMA - Planning Department, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey County Water Resources Agency for review and approval.</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of Building Permits	
			<p>Submit the RMA - Planning Department approved landscape plans, a Maximum Applied Water Allowance (MAWA) calculation, and a completed "Residential Water Release Form and Water Permit Application" to the Monterey Peninsula Water Management District for review and approval.</p>	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to issuance of 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)
			Submit an approved water permit from the MPWMD to the RMA – Building Permit	Owner/ Applicant/ Licensed Landscape Contractor	Prior to issuance of Building Permits	
			Landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County RMA - Planning Department.	Owner/ Applicant/ Licensed Landscape Contractor/ Licensed Landscape Architect	Prior to Occupancy	
			All landscaped areas and fences shall be continuously maintained by the applicant; all plant material shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.	Owner/ Applicant	Ongoing	
9.		<p><b>PD014(A) – LIGHTING – EXTERIOR LIGHTING PLAN (NON-STANDARD)</b></p> <p>All exterior lighting shall be unobtrusive, adequately shielded, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. No light source shall be visible from off-site. Lighting of front of home and garage shall be designed at ground level except as required otherwise by the California Building Code.</p> <p>The applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits. <b>(RMA – Planning Department)</b></p>	<p>Submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.</p> <p>The lighting shall be installed and maintained in accordance with the approved plan.</p>	Owner/ Applicant	Prior to the issuance of building permits.	
				Owner/ Applicant	Prior to Occupancy / 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)
10.		<p><b>PD019(B) – DEED RESTRICTION – GUESTHOUSE (COASTAL)</b></p> <p>The applicant shall record a deed restriction stating the regulations applicable to a Guesthouse as follows:</p> <ul style="list-style-type: none"> <li>• Only one guesthouse shall be allowed per lot.</li> <li>• Detached guesthouses shall be located in close proximity to the principal residence.</li> <li>• Guesthouses shall share the same utilities with the main residence, unless prohibited by public health requirements.</li> <li>• The guesthouse shall not have cooking or kitchen facilities, including but not limited to microwave ovens, hot plates and toaster ovens</li> <li>• The guesthouse shall have a maximum of six (6) linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight (8) square feet of cabinet space, excluding clothes closets</li> <li>• The guesthouse shall not exceed 425 square feet of livable floor area</li> <li>• The guesthouse shall not be separately rented, let or leased from the main residence whether compensation be direct or indirect</li> <li>• Subsequent subdivisions which divide a main residence from a guesthouse shall be prohibited.</li> <li>• The guesthouse shall be designed in such a manner as to be visually consistent and compatible with the main residence on site and other residences in the area.</li> <li>• The guesthouse height shall not exceed 12 feet nor be more than one story.</li> </ul> <p><b>(RMA – Planning Department)</b></p>	<p>Submit signed and notarized document to the Director of RMA – Planning Department for review and signature by the County.</p> <p>Proof of recordation of the document shall be submitted to the RMA – Planning Department.</p>	<p>Owner/ Applicant</p> <p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits</p> <p>Prior to occupancy or commencement of use</p>	
11.		<p><b>PD041 – HEIGHT VERIFICATION</b></p> <p>The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection. The applicant shall provide</p>	<p>1) The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible onsite until final building inspection</p>	<p>Owner/ Applicant</p>	<p>Prior to the issuance of grading or building permits</p>	

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)
		evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit associated with this project. <b>(RMA – Planning Department and Building Services Department)</b>	2) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of first finished floor from the benchmark is consistent with what was approved on the building permit. 3) The applicant shall provide evidence from a licensed civil engineer or surveyor, to the Director of the RMA- Building Services Department for review and approval, that the height of the structure(s) from the benchmark is consistent with what was approved on the building permit.	Owner/ Applicant	Prior to the foundation pour inspection	
				Owner/ Applicant/ Engineer	Prior to the final inspection	
12.		<b>PD047 – DEMOLITION/DECONSTRUCTION OF STRUCTURES (MBUAPCD RULE 439)</b> In accordance with Monterey Bay Unified Air Pollution Control District Rule 439, construction plans shall include "Demolition and Deconstruction" notes that incorporate the following work practice standards: 1. Sufficiently wet the structure prior to deconstruction or demolition. Continue wetting as necessary during active deconstruction or demolition and the debris reduction process; 2. Demolish the structure inward toward the building pad. Lay down roof and walls so that they fall inward and not away from the building; 3. Commencement of deconstruction or demolition activities shall be prohibited when the peak wind speed exceeds 15 miles per hour. All Air District standards shall be enforced by the Air District. <b>(RMA – Planning Department)</b>	Applicant shall incorporate a "Demolition/ Deconstruction" note on the demolition site plan that includes, but is not limited to, the standards set forth in this condition.  Contractor shall obtain any required Air District permits and conduct all deconstruction or demolition activities as required by the Air District.	Contractor /Owner/ Applicant	Prior to the issuance of a demolition permit	
				Contractor /Owner/ Applicant/ Air District	During demolition	

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)
13.		<p><b>PDSP001 – DEMOLITION/DECONSTRUCTION OF SINGLE FAMILY DWELLING BUILT PRIOR TO 1978 - EPA RULE 40 CFR PART 745 (NON-STANDARD)</b></p> <p>In accordance with Environmental Protection Agency (EPA) Rule 40 CFR Part 745, demolition and/or construction plans shall include "Renovation, Repair, and Painting" notes that lists the EPA approved work practice for renovation as well as incorporate the following:</p> <ol style="list-style-type: none"> <li>1. Individuals and firms that perform lead-based paint abatement shall be certified by the EPA;</li> <li>2. All demolition shall occur in compliance with the regulations set forth in Rule 40 CFR Part 745.</li> </ol> <p>All work performed shall be in accordance with the regulations set forth in the EPA's Renovation, Repair, and Painting Program. <b>(RMA – Planning Department)</b></p>	<p>Prior to the issuance of demolition and/or building permits, the applicant shall submit demolition and/or construction plans to the RMA-Planning Department for review and approval.</p> <p>Prior to the issuance of demolition and/or building permits, the applicant or contractor shall submit documentation of certification of all workers to perform renovations to the RMA-Planning Department for review and/or approval.</p>	<p>Owner/Applicant</p> <p>Owner/Applicant/Contractor</p>	<p>Prior to the issuance of demolition and/or building permits</p> <p>Prior to the issuance of demolition and/or building permits</p>	
<b>Monterey County Water Resources Agency</b>						
14.		<p><b>WR1 - DRAINAGE PLAN</b></p> <p>The applicant shall provide the Water Resources Agency a drainage plan prepared by a registered civil engineer or architect addressing on-site and off-site impacts. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. <b>(Water Resources Agency)</b></p>	<p>Submit 3 copies of the engineered drainage plan to the Water Resources Agency for review and approval.</p>	<p>Owner/Applicant/Engineer</p>	<p>Prior to issuance of any grading or building permits</p>	
15.		<p><b>WR43 - WATER AVAILABILITY CERTIFICATION</b></p> <p>The applicant shall obtain from the Monterey County Water Resources Agency, proof of water availability on the property, in the form of an approved Monterey Peninsula Water Management District Water Release Form. <b>(Water Resources Agency)</b></p>	<p>Submit the Water Release Form to the Water Resources Agency for review and approval.</p>	<p>Owner/Applicant</p>	<p>Prior to issuance of any building permits</p>	

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 align="center"><b>Fire Agency</b> <b>Cypress Fire Protection District</b></p>						
16.		<p><b>FIRE008 - GATES</b> All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. (Cypress Fire Protection District)</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of grading and/or building permit.	
			<p>Applicant shall schedule fire dept. clearance inspection</p>	Applicant or owner	Prior to final building inspection.	
17.		<p><b>FIRE011 - ADDRESSES FOR BUILDINGS</b> All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each</p>	<p>Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.</p>	Applicant or owner	Prior to issuance of building permit.	

Permit Cond. Number	Mtting. 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>occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. <b>(Cypress Fire Protection District)</b></p>	Applicant shall schedule fire dept. clearance inspection	Applicant or owner	Prior to final building inspection	
18.		<p><b>FIRE021 - FIRE PROTECTION EQUIPMENT &amp; SYSTEMS - FIRE SPRINKLER SYSTEM (STANDARD)</b></p> <p>The building(s) and attached garage(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four (4) sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection. <b>(Cypress Fire Protection District)</b></p>	<p>Applicant shall enumerate as "Fire Dept. Notes" on plans.</p> <p>Applicant shall schedule fire dept. rough sprinkler inspection</p> <p>Applicant shall schedule fire dept. final sprinkler inspection</p>	Applicant or owner	<p>Prior to issuance of building permit.</p> <p>Prior to framing inspection</p> <p>Prior to final building inspection</p>	

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)
19.		<b>FIRE029 - ROOF CONSTRUCTION - (CYPRESS FPD &amp; PEBBLE BEACH CSD)</b> All new structures, and all existing structures receiving new roofing over 25 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. <b>(Cypress Fire Protection District)</b>	Applicant shall enumerate as "Fire Dept. Notes" on plans.	Applicant or owner	Prior to issuance of building permit.	
<b>Mitigation Measures</b>						
20.	1.	<b>MM001 - CULTURAL RESOURCES (MONITORING)</b> In order to reduce the impact of this project on cultural resources which are presumed to exist on the parcel, a qualified professional archaeologist meeting the standards of the Register of Professional Archaeologists (ROPA) shall be present to monitor <sup>1</sup> all excavation and ground disturbing activities below 5 feet within the area along the southern property line within the proposed garage footprint, below 8 feet in all other areas within the proposed dwelling lower level and basement footprints, and, if "black" sand exhibiting shell is exposed anywhere within the proposed excavation footprints, to check for the presence of significant cultural materials <sup>2</sup> . The archaeologist shall be invited	<b>Monitoring Action #1:</b> Prior to the issuance of a grading or building permit, submit a copy of a contract with a qualified archaeologist to provide monitoring services to the RMA-Planning Department.	Owner/applicant	Prior to issuance of grading or building permit	

<sup>1</sup> "Archaeological Monitoring" refers to the controlled observation and regulation of construction operations on or in the vicinity of a known or potentially significant cultural resource in order to prevent or minimize impact to the resource."

<sup>2</sup> "Significant prehistoric cultural resources can include:

- Human bone – either isolated or intact burials.
- Habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction (e.g., house floors).
- Artifacts including chipped stone objects such as projectile points and bifaces; groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones; and, shell and bone artifacts including ornaments and beads."
- Various features and samples including hearths (fire-cracked rock; baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities.

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)
		to all preconstruction meetings. The archaeological monitor shall have the authority to temporarily halt construction on the parcel to examine any potential significant archaeological resources or materials. To ensure compliance with this condition, prior to the issuance of a grading or building permit, the applicant shall provide evidence that he has entered into an agreement with an archaeologist to provide monitoring services. A <i>Monitoring Closure Report</i> suitable for compliance documentation shall be submitted at the completion of the project. Copies of this and any other reports shall be submitted to the RMA-Planning Department and shall be forwarded to the California Human Resources Information System/Northwest Information Center (CHRIS/NWIC), Sonoma State University, Rohnert Park for their archives. If cultural deposits associated with CA-MNT-17 are exposed, a supplemental site record form shall be submitted to the CHRIS/NWIC. (RMA – Planning Department)	<b>Monitoring Action #2:</b> Prior to final inspection, the archaeologist shall submit copies of the <i>Monitoring Closure Report</i> and any additional reports to the RMA-Planning Department and the CHRIS/NWIC.	Archaeologist	Prior to final inspection	
21.	2.	<b>MM002 – CULTURAL RESOURCES (MONITORING)</b> In order to reduce the impact of this project on cultural resources which are presumed to exist on the parcel, if “black” sand exhibiting shell or other cultural materials is exposed anywhere within the proposed excavation footprints, the black sand layers shall be excavated by or under the direction of the project archaeologist. The archaeologist/s will inspect the scraped surface and the black dirt for archaeological materials and human remains. Archaeological materials identified will be collected for later analysis. For dating the site, should suitable materials for radiocarbon dating be recovered in sufficient quantities, a minimum of three samples shall be submitted to a geochronology laboratory for radiocarbon dating. The relocation of the midden soil in the spoil dirt shall be documented and recorded. The midden soil will still exhibit archaeological	If “black” sand exhibiting shell or other cultural materials is exposed during construction, work shall be stopped until the Planning Department has been notified and the project archaeologist is on the site to conduct or direct the excavation.	Owner/applicant	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)
		characteristics – shell, fire cracked cooking stones, etc. – and will be documented in order to avoid the confusion of possibly finding this material in another location in the future. <b>(RMA – Planning Department)</b>				
22.	3.	<b>MM003 – CULTURAL RESOURCES (MONITORING)</b> If, during the course of construction, significant archaeological resources are uncovered at the site, work shall be halted immediately at and in the near vicinity of the find until it can be evaluated by the archaeologist. The Monterey County RMA-Planning Department shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall visit the site to determine the extent of the resources and to develop appropriate treatment measures for the discovery including systematic data recovery. <b>(RMA – Planning Department)</b>	If significant resources are uncovered at the site: 1) work shall be halted immediately until the find can be evaluated by the archaeologist; 2) immediately contact RMA-Planning Department  Evaluate the find and develop appropriate treatment measures.	Owner/ applicant  Archaeologist/ Project Planner	Ongoing  Ongoing	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
23.	4.	<p><b>MM004 – CULTURAL RESOURCES – POSITIVE ARCHAEOLOGICAL REPORT</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</li> </ul>	<p>The applicant shall submit the contract with a Registered Professional Archaeologist to the Director of the RMA – Planning Department for approval.</p>	Owner/ Applicant per archaeolo- gist	Prior to the issuance of grading 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)
		<p>local tribe of the Esselen, Salinan, Costanoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.</p> <ul style="list-style-type: none"> <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 as provided in Public Resources Code Section 5097.9 and 5097.993, or</li> <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>	<p>The requirements of this condition shall be included as a note on all grading and building plans.</p>	Owner/ Applicant	Prior to the issuance of grading 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)
24.	5.	<p><b>MM005 – EROSION CONTROL</b></p> <p>In order to mitigate the impacts from erosion, prior to the issuance of a grading or building permit for the project, the applicant/owner shall submit an Erosion Control Plan to the Director of RMA-Planning and Director of Building Services for review and approval. The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA – Planning and Director of Building Services. The erosion control plan shall include temporary erosion control measures to be implemented during construction and a permanent erosion control planting plan which incorporates native drought tolerant species appropriate to the area. All disturbed areas, including cut and/or fill slopes exposed during the course of construction, shall be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.</p> <p><b>(RMA - Planning Department)</b></p>	<p><b>Monitoring Action #1:</b> Prior to the issuance of grading or building permits, an Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department for review and approval.</p> <p><b>Monitoring Action # 2:</b> Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.</p> <p><b>Monitoring Action # 3:</b> Prior to final inspection, evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department.</p>	Owner/ applicant	Prior to issuance of grading or building permits	
				Owner/ applicant	Ongoing	
				Owner/ applicant	Prior to final inspection	

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)
25.	6.	<p><b>MM006 – CONSTRUCTION MANAGEMENT PLAN</b></p> <p>Prior to the issuance of a grading or building permit the applicant/owner shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts and measures to minimize disturbance of the site during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by the applicant during the construction/grading phase of the project. The approved CMP shall be included as a note on the building and grading permit plans. (<b>RMA – Planning Department and Public Works Department</b>)</p>	<p><b>Monitoring Action #1:</b> Prior to the issuance of a grading or building permit, the Applicant shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval. The applicant shall incorporate the approved CMP as a note on the building and grading permit plans.</p> <p><b>Monitoring Action #2:</b> The approved measures shall be implemented during the construction/grading phase of the project.</p>	Owner/ applicant	Prior to issuance of grading or building permit	
				Owner/ applicant	Ongoing throughout construction phase	

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)
26.	7.	<p><b>MM007 – SHORING SYSTEM</b></p> <p>In order to mitigate the potential for collapse of temporary construction slopes, prior to issuance of a grading permit, the applicant/owner shall submit plans for an engineered slope protection system (shoring and bracing) to the RMA-Planning Department and RMA-Building Services Director for review and approval. The engineered protection system shall be designed and constructed by a qualified engineer or contractor who specializes in the field of shoring and bracing systems. Where the engineered protection system will be constructed within ten feet of any protected tree, a licensed professional arborist shall also review the plans and make recommendations as to how to mitigate potential impacts to the tree. The arborist's recommendations shall be incorporated into the plans and the arborist shall monitor that portion of the construction. <b>(RMA-Planning Department)</b></p>	<p><b>Monitoring Action #1:</b> Prior to the issuance of a grading permit, the applicant/owner shall submit plans for an engineered slope protection system as recommended in the Geologic and Soils Engineering Report (LIB090426) to the RMA-Planning Department and RMA-Building Services Director for review and approval. If the protection system will be constructed within 10 feet of any protected tree provide evidence that a licensed professional arborist has reviewed the plans and that any recommendations made by the arborist have been incorporated into the plans.</p> <p><b>Monitoring Action #2:</b> Prior to issuance of a grading permit, if the protection system will be constructed within 10 feet of any protected tree and recommendations for tree protection have been incorporated into the plans, provide a copy of a contract with the licensed professional arborist for monitoring that portion of the construction.</p>	Owner/ applicant	Prior to issuance of grading permit	
				Owner/ applicant	Prior to issuance of grading permit	

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
27.	8.	<p><b>MM008 – ASBESTOS</b></p> <p><b>Mitigation Measure #8:</b> In order to reduce potential impacts to the public and sensitive receptors caused by the emission of hazardous materials into the environment, the owner/applicant shall conduct an asbestos survey prior to any demolition activities. Should asbestos be found within the materials to demolished, the owner/applicant shall submit an Asbestos Abatement Plan that includes measures workers will utilize to assure prevention of the release of asbestos during the demolition portion of the project, transportation of the hazardous materials, and where the hazardous material will be disposed. These measures shall meet all requirements sanctioned by the Monterey Bay Unified Air Pollution Control District (MBUAPCD), the California Occupational Safety and Health Administration (Cal/OSHA), the Department of Toxic Substances Control (DTSC), and the U.S. Department of Transportation (DOT). All demolition activities and transportation of hazardous materials shall conform to the abatement plan. Compliance with the Mitigation will result in a less-than-significant impact to sensitive receptors and workers.</p>	<p><b>Monitoring Action #1:</b> Prior to the issuance of demolition and/or building permits and at a minimum of 10-working days prior to any demolition, the owner/applicant shall submit an asbestos survey to the MPUAPCD and the RMA-Planning Department for review and approval. If asbestos is found, the owner/applicant shall submit an Asbestos Abatement Plan meeting all requirements sanctioned by the Monterey Bay Unified Air Pollution Control District (MPUAPCD), the California Occupational Safety and Health Administration (Cal/OSHA), the Department of Toxic Substances Control (DTSC), and the U.S. Department of Transportation (DOT) for demolition activities and transportation of hazardous materials to the RMA-Planning Department.</p>	Owner/applicant	Prior to the issuance of demolition permit	
			<p><b>Monitoring Action #2:</b> Prior to the issuance of demolition and/or building permits, the owner/applicant shall include a note on the plans encompassing the language within Mitigation Measure No. 8. If an Asbestos Abatement Plan is required, that plan shall be incorporated into the plans for the demolition permit. The owner/applicant shall submit demolition plans to the RMA-Planning Department for review and approval.</p>	Owner/applicant	Prior to the issuance of demolition permit	

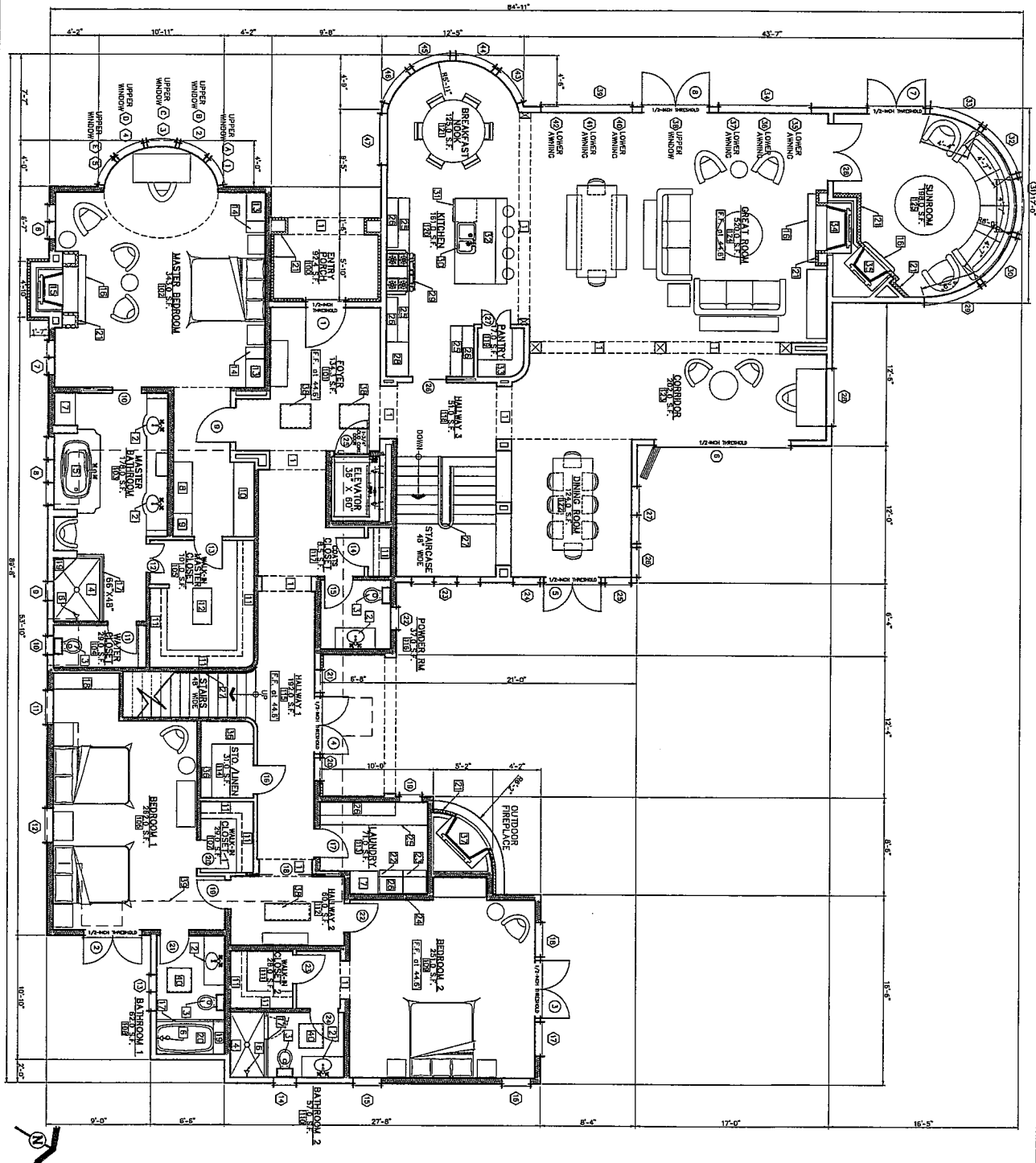
# **END OF CONDITIONS**

Rev. 08/25/2

PEERY (PLN090116)

SCENIC ROAD





## KEY NOTES

## ROOMS

- |     |                  |     |                  |
|-----|------------------|-----|------------------|
| 112 | 다국적기업의<br>국제화 전략 | 113 | 다국적기업의<br>국제화 전략 |
| 101 | 다국적기업의<br>국제화 전략 | 114 | 다국적기업의<br>국제화 전략 |
| 102 | 다국적기업의<br>국제화 전략 | 115 | 다국적기업의<br>국제화 전략 |
| 103 | 다국적기업의<br>국제화 전략 | 116 | 다국적기업의<br>국제화 전략 |
| 104 | 다국적기업의<br>국제화 전략 | 117 | 다국적기업의<br>국제화 전략 |
| 105 | 다국적기업의<br>국제화 전략 | 118 | 다국적기업의<br>국제화 전략 |
| 106 | 다국적기업의<br>국제화 전략 | 119 | 다국적기업의<br>국제화 전략 |
| 107 | 다국적기업의<br>국제화 전략 | 120 | 다국적기업의<br>국제화 전략 |
| 108 | 다국적기업의<br>국제화 전략 | 121 | 다국적기업의<br>국제화 전략 |
| 109 | 다국적기업의<br>국제화 전략 | 122 | 다국적기업의<br>국제화 전략 |
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| 112 | 다국적기업의<br>국제화 전략 | 125 | 다국적기업의<br>국제화 전략 |

## GENERAL

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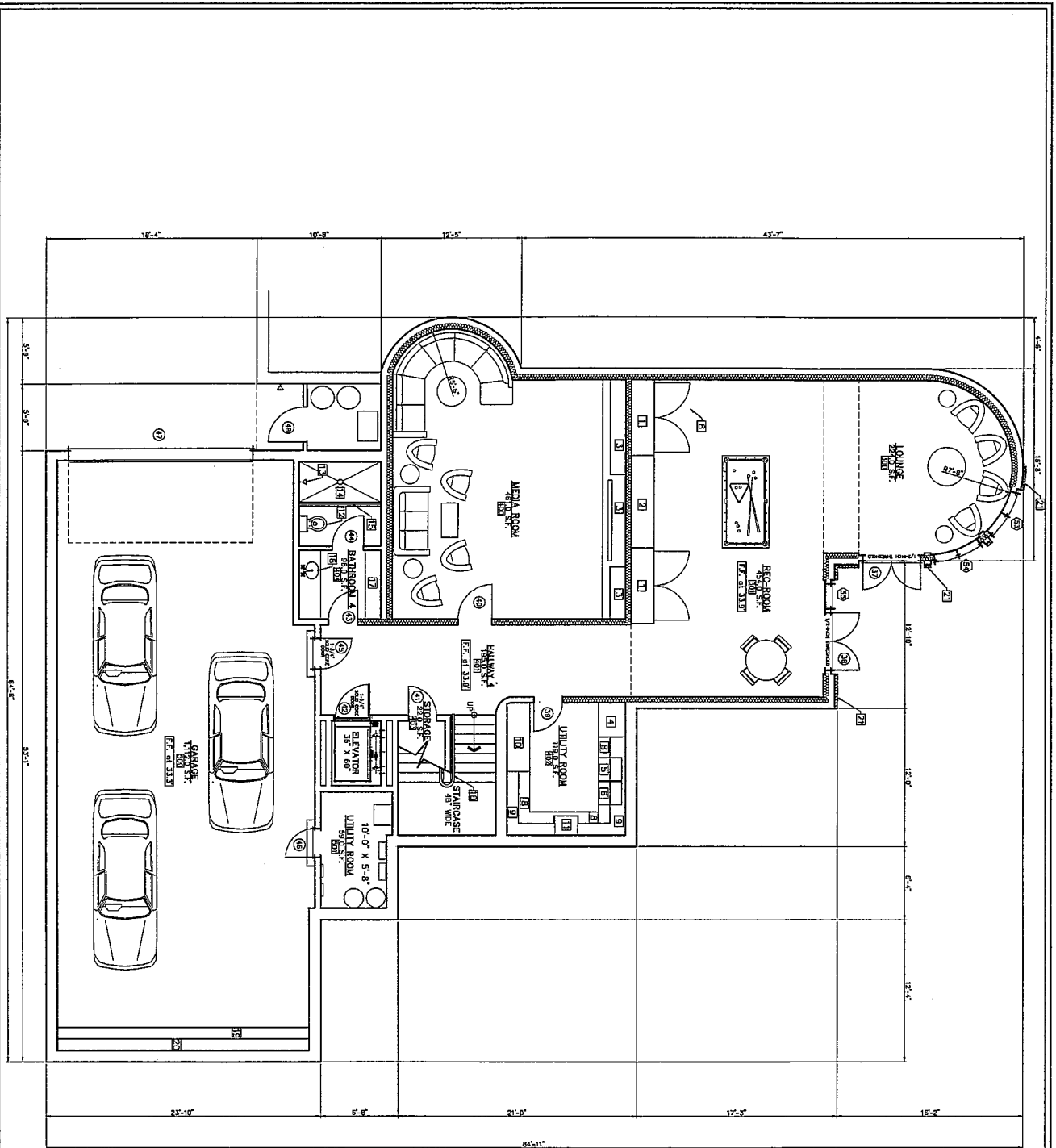
### WALL LEGEND

- |   |                       |
|---|-----------------------|
|  | 2x4 INTERIOR WALLS    |
|  | STONE VENEER          |
|  | SOUND INSULATION WALL |

## PROPOSED FLOOR AREA

- |                          |              |
|--------------------------|--------------|
| ● MAIN LEVEL             | 4,039.0 S.F. |
| UPPER LEVEL              | 933.8 S.F.   |
| LOWER LEVEL              | 704.0 S.F.   |
| GUEST HOUSE              | 596.0 S.F.   |
| TOTAL FLOOR AREA         | 6,272.8 S.F. |
| <hr/>                    |              |
| BASEMENT                 |              |
| BASEMENT                 | 937.0 S.F.   |
| GARAGE / MECHANICAL ROOM | 1,182.0 S.F. |
| TOTAL GROSS FLOOR AREA   | 8,391.8 S.F. |





# KEY NOTES

1. SEE KEY NOTES AND ATTACH TO THIS SHEET

## LOWER LEVEL ROOMS

2. 10' X 12' X 8' 1/2"

3. 10' X 12' X 8' 1/2"

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31. 10' X 12' X 8' 1/2"

32. 10' X 12' X 8' 1/2"

33. 10' X 12' X 8' 1/2"

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41. 10' X 12' X 8' 1/2"

42. 10' X 12' X 8' 1/2"

43. 10' X 12' X 8' 1/2"

## GENERAL

1. SEE KEY NOTES AND ATTACH TO THIS SHEET

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## WALL LEGEND

1. 2 1/2" INTERIOR WALLS

2. STONE FINISH

3. SOUND INSULATION WALL

## PROPOSED FLOOR AREA

MAIN LEVEL 4,039.0 S.F.

LOWER LEVEL 7,040.0 S.F.

BASEMENT 9,370.0 S.F.

TOTAL GROSS FLOOR AREA 20,449.0 S.F.

BASEMENT 9,370.0 S.F.

BASEMENT 9,370.0 S.F.

BASEMENT 9,370.0 S.F.

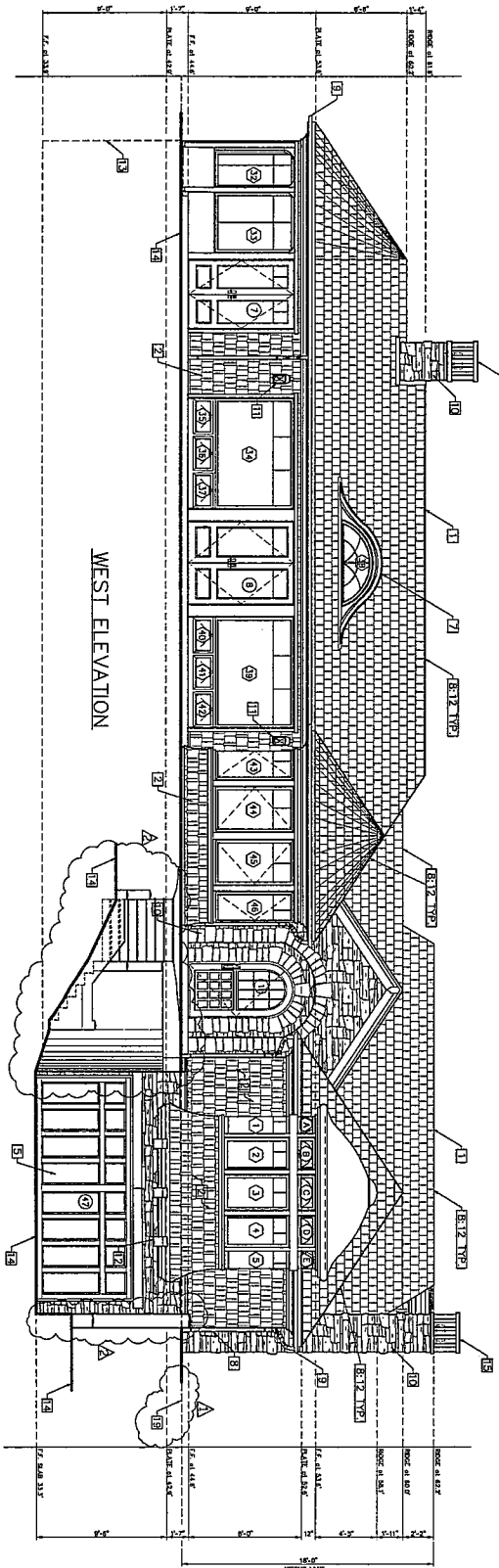
BASEMENT 9,370.0 S.F.

BASEMENT 9,370.0 S.F.

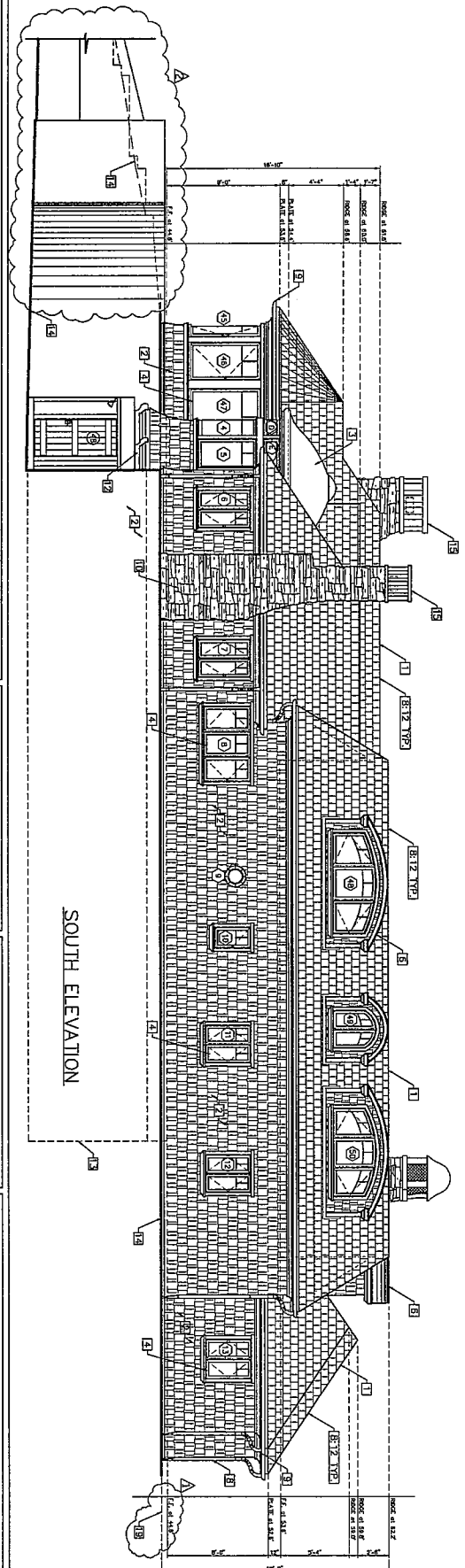
**PEERY RESIDENCE**  
26453 Scenic Road, Carmel, Calif.

**CLAUDIO ORTIZ**  
DESIGN GROUP INC.  
5700 10th Street, Suite 100, Carmel, CA 93921  
831-825-4140 831-825-4344

**PROPOSED LOWER LEVEL FLOOR PLAN**  
SCALE: 1/4" = 1'-0"  
DATE: 09/29/09  
SHEET: 5



WEST ELEVATION



SOUTH ELEVATION

Emergency Egress Notes

1. Provide egress for all rooms.
2. Egress door must be 20" wide and 68" high.
3. Egress door must be 20" wide and 68" high.
4. Egress door must be 20" wide and 68" high.

Exterior Wall Requirements

1. Provide exterior wall construction for all walls.
2. Exterior wall must be 8" thick.
3. Exterior wall must be 8" thick.
4. Exterior wall must be 8" thick.

Key Notes

1. SALT ROOF
2. WOOD SHED, 50x10
3. COPPER ROOF
4. WOOD SHED, 50x10
5. COPPER ROOF
6. WOOD SHED, 50x10
7. COPPER ROOF
8. WOOD SHED, 50x10
9. COPPER ROOF
10. WOOD SHED, 50x10
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14. WOOD SHED, 50x10
15. COPPER ROOF

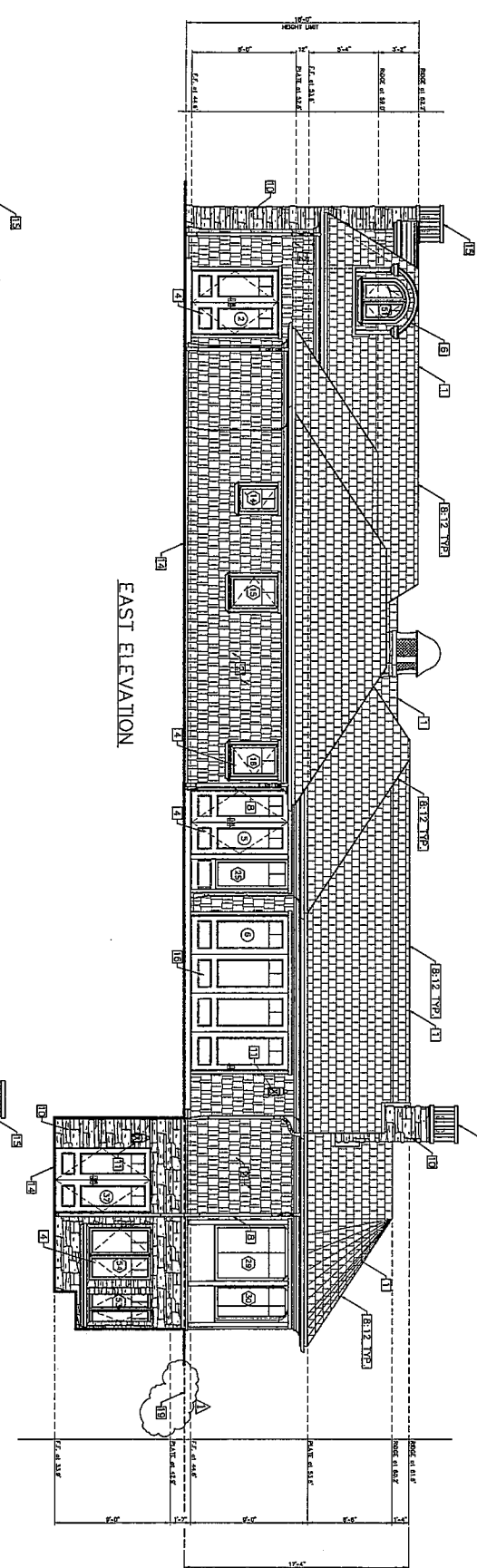
PEERY RESIDENCE  
26453 Scenic Road, Carmel, Calif.

**CLAUDIO ORTIZ**  
DESIGN GROUP INC.  
S/W 400 COLONY and 5TH P.O. BOX 3775  
Carmel-by-the-Sea, CA 93921  
831-526-4148 831-526-4544  
Office Fax

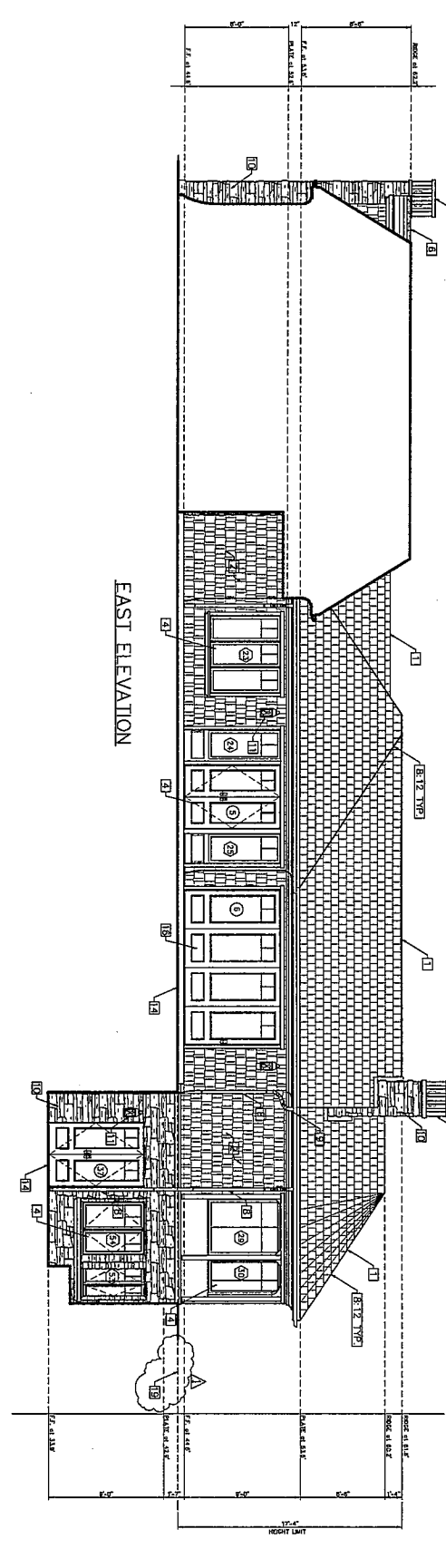
PROPOSED  
ELEVATIONS  
SCALE: 1/4" = 1'-0"

DATE: 09/29/09  
SHEET: 09-04  
6

# EAST ELEVATION



# EAST ELEVATION



## Emergency Egress Notes

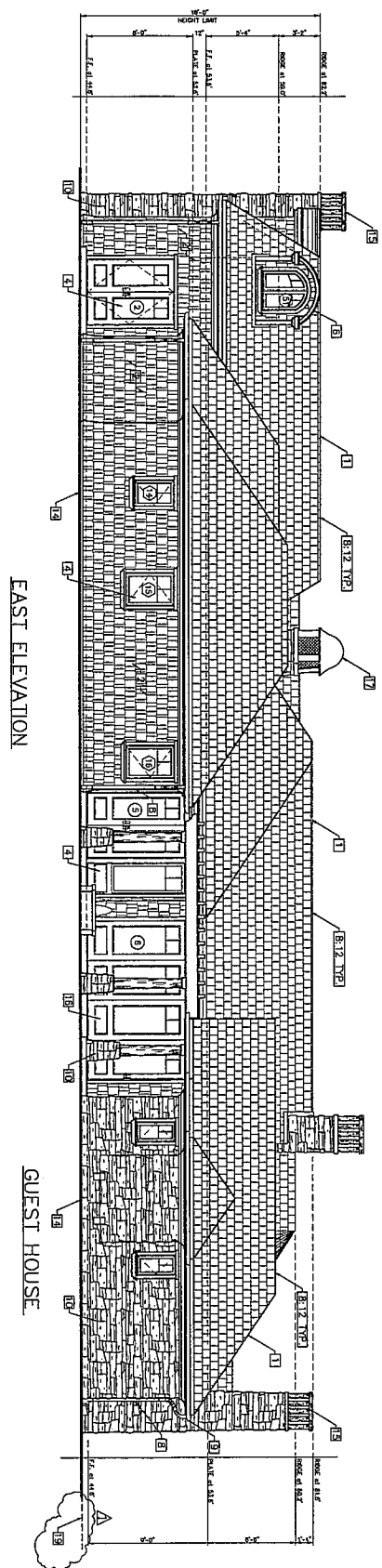
1. Provide minimum required egress for window to be used as emergency egress. Window must be 20" x 20" minimum and must be operable from the inside.
2. Window must be operable from the inside.
3. Window must be operable from the inside.
4. Window must be operable from the inside.

## Exterior Wall Requirements

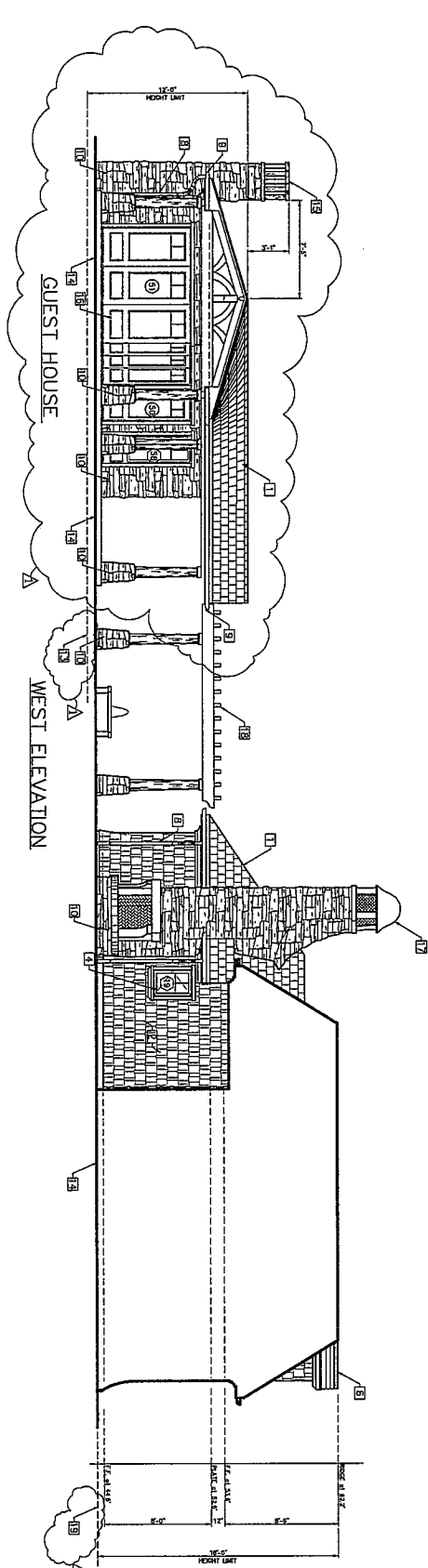
1. Exterior wall must be constructed of brick or stone.
2. Exterior wall must be constructed of brick or stone.
3. Exterior wall must be constructed of brick or stone.
4. Exterior wall must be constructed of brick or stone.

## Key Notes

1. SLATE ROOF
2. KNOX SHINGLES
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100. KNOX SHINGLES



EAST ELEVATION



WEST ELEVATION

Emergency Egress Notes

1. Provide a clear path for egress from all areas of the building.
2. Provide a clear path for egress from all areas of the building.
3. Provide a clear path for egress from all areas of the building.
4. Provide a clear path for egress from all areas of the building.

Exterior Wall Requirements

1. Provide a clear path for egress from all areas of the building.
2. Provide a clear path for egress from all areas of the building.
3. Provide a clear path for egress from all areas of the building.
4. Provide a clear path for egress from all areas of the building.

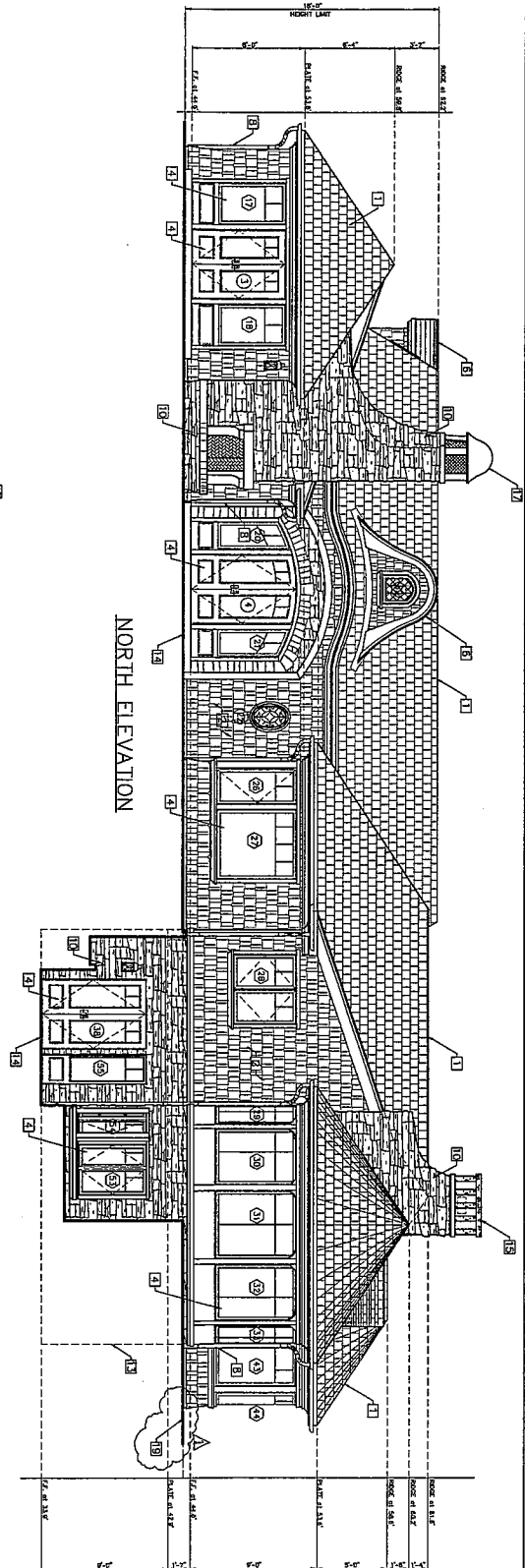
Key Notes

1. SALT ROOF
2. WOOD SHEDDING
3. LEFT BLANK
4. WOOD SHEDDING AND DOCKING
5. LEFT BLANK
6. COPPER ROOF
7. LEFT BLANK
8. DOWN SLOPE, 3 INCH SLOPE, COPPER
9. COPPER CHIMNEY CAP
10. WOOD TRUSS
11. WOOD TRUSS, CHIMNEY AT 44.3 FT

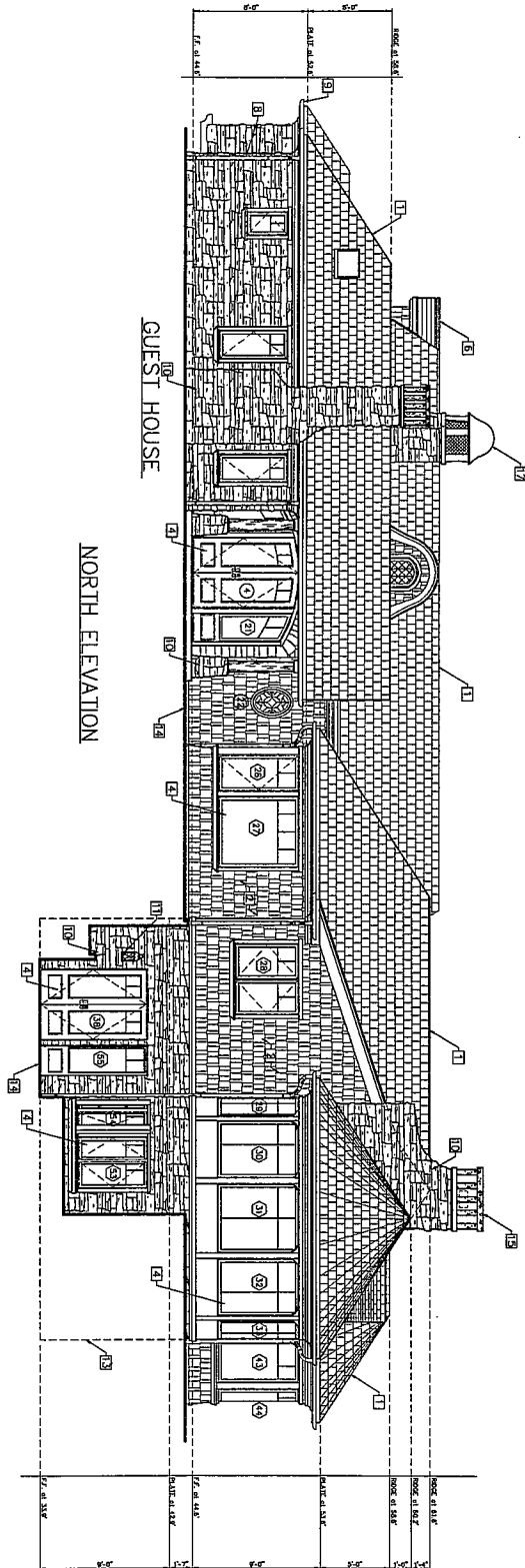
SHEET  
 09-04  
 09/29/09  
 PROPOSED  
 ELEVATIONS  
 SCALE: 1/4" = 1'-0"

**PEERY RESIDENCE**  
 26453 Scenic Road, Carmel, Calif.

**CLAUDIO ORTIZ**  
 DESIGN GROUP INC.  
 5174 W. 10th St., Suite 100, San Diego, CA 92104  
 619-592-4145 619-592-4544  
 Office



NORTH ELEVATION



GUEST HOUSE

NORTH ELEVATION

#### Emergency Egress Notes

1. Provide door to guest house at 1st floor level for emergency egress.
2. Provide door to guest house at 2nd floor level for emergency egress.
3. Provide door to guest house at 3rd floor level for emergency egress.
4. Provide door to guest house at 4th floor level for emergency egress.
5. Provide door to guest house at 5th floor level for emergency egress.
6. Provide door to guest house at 6th floor level for emergency egress.
7. Provide door to guest house at 7th floor level for emergency egress.
8. Provide door to guest house at 8th floor level for emergency egress.
9. Provide door to guest house at 9th floor level for emergency egress.
10. Provide door to guest house at 10th floor level for emergency egress.
11. Provide door to guest house at 11th floor level for emergency egress.
12. Provide door to guest house at 12th floor level for emergency egress.
13. Provide door to guest house at 13th floor level for emergency egress.
14. Provide door to guest house at 14th floor level for emergency egress.
15. Provide door to guest house at 15th floor level for emergency egress.
16. Provide door to guest house at 16th floor level for emergency egress.
17. Provide door to guest house at 17th floor level for emergency egress.
18. Provide door to guest house at 18th floor level for emergency egress.

#### Exterior Wall Requirements

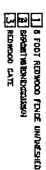
1. Provide 1/2" thick exterior wall for all walls, 1/2" thick for 1/2" thick walls.
2. Provide 1/2" thick exterior wall for all walls, 1/2" thick for 1/2" thick walls.
3. Provide 1/2" thick exterior wall for all walls, 1/2" thick for 1/2" thick walls.
4. Provide 1/2" thick exterior wall for all walls, 1/2" thick for 1/2" thick walls.
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16. Provide 1/2" thick exterior wall for all walls, 1/2" thick for 1/2" thick walls.
17. Provide 1/2" thick exterior wall for all walls, 1/2" thick for 1/2" thick walls.
18. Provide 1/2" thick exterior wall for all walls, 1/2" thick for 1/2" thick walls.

#### Key Notes

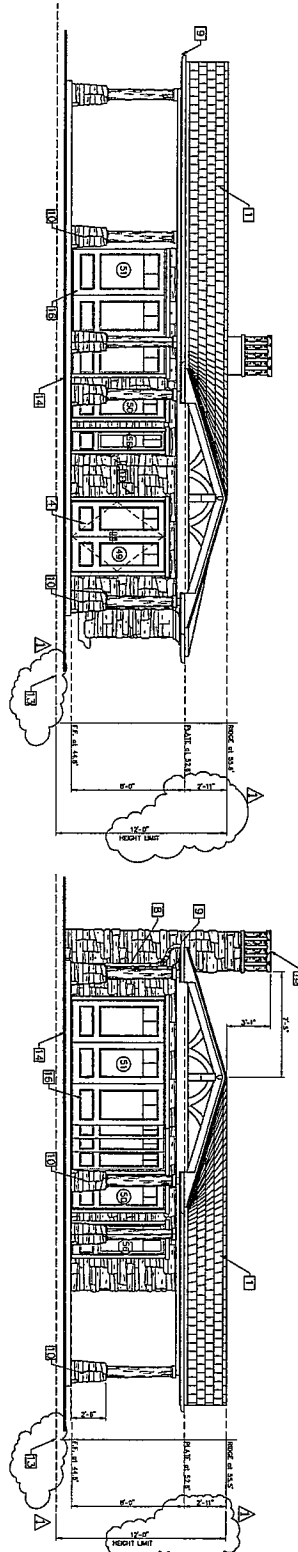
1. SLATE ROOF
2. WOOD SHINGLE ROOF
3. LEFT BLANK
4. WOOD SHINGLES AND ROOF, TWO
5. LEFT BLANK
6. CORNER ROOF SHINGLES
7. LEFT BLANK
8. CORNER ROOF SHINGLES
9. CORNER ROOF SHINGLES
10. CORNER ROOF SHINGLES
11. CORNER ROOF SHINGLES
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16. CORNER ROOF SHINGLES
17. CORNER ROOF SHINGLES
18. CORNER ROOF SHINGLES



1 6 FOOT REDWOOD FENCE UNPAINTED  
2 BRACKET NO BOND/CALSSON  
3 REDWOOD GATE

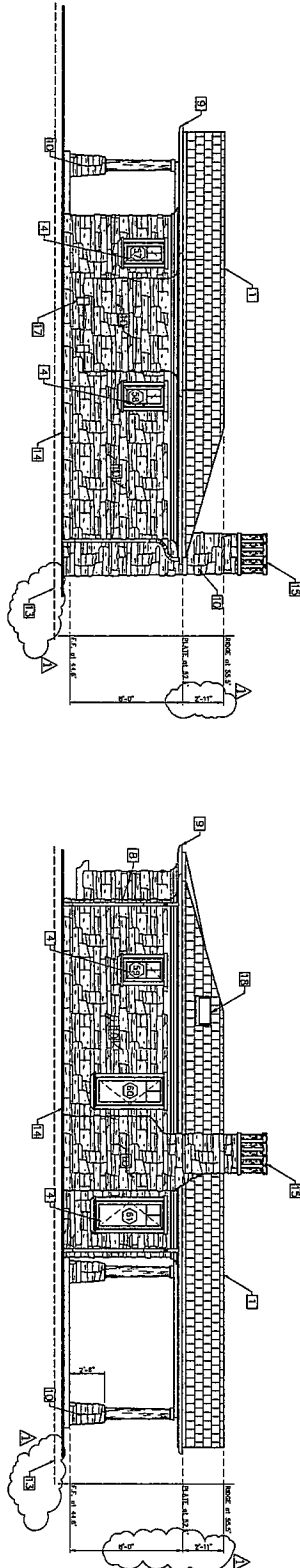


**CLAUDIO ORTIZ**  
**DESIGN GROUP INC.**  
5/W co. DOLORES and 5TH P.D. BOX 3775  
Carmel-by-the-Sea, CA 93921  
831-625-4146 831-525-4544  
Office Fax



SOUTH ELEVATION

WEST ELEVATION



EAST ELEVATION

NORTH ELEVATION

#### Emergency Egress Notes

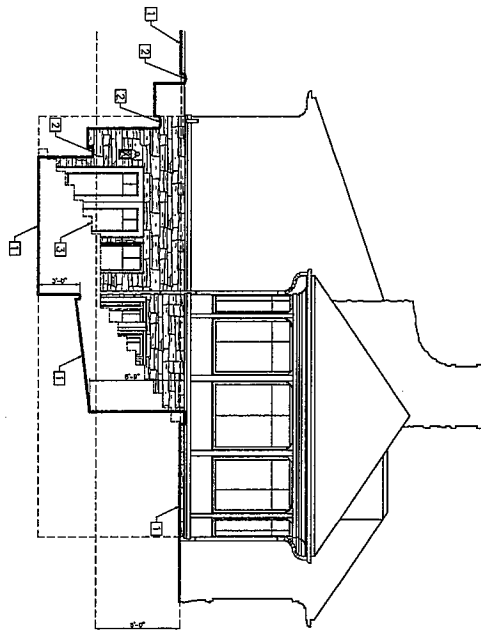
1. Emergency egress from the second floor of the house shall be provided by a minimum of two separate means of egress, one of which shall be a direct exterior exit.
2. The second floor shall have a minimum of two separate means of egress, one of which shall be a direct exterior exit.
3. The second floor shall have a minimum of two separate means of egress, one of which shall be a direct exterior exit.
4. The second floor shall have a minimum of two separate means of egress, one of which shall be a direct exterior exit.

#### Exterior Wall Requirements

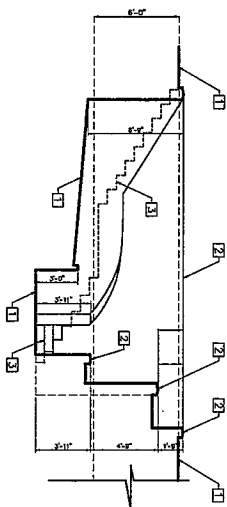
1. Exterior walls shall be constructed of masonry or concrete.
2. Exterior walls shall be constructed of masonry or concrete.

#### Key Notes

1. SLATE ROOF
2. LEFT BLANK
3. WOOD SHAKES AND DOORS, TYP.
4. LEFT BLANK
5. LEFT BLANK
6. DOWN SPURTS, 3 EACH DOWN, COPPER
7. LEFT BLANK
8. SHEDDING, 1 EACH DOWN, COPPER
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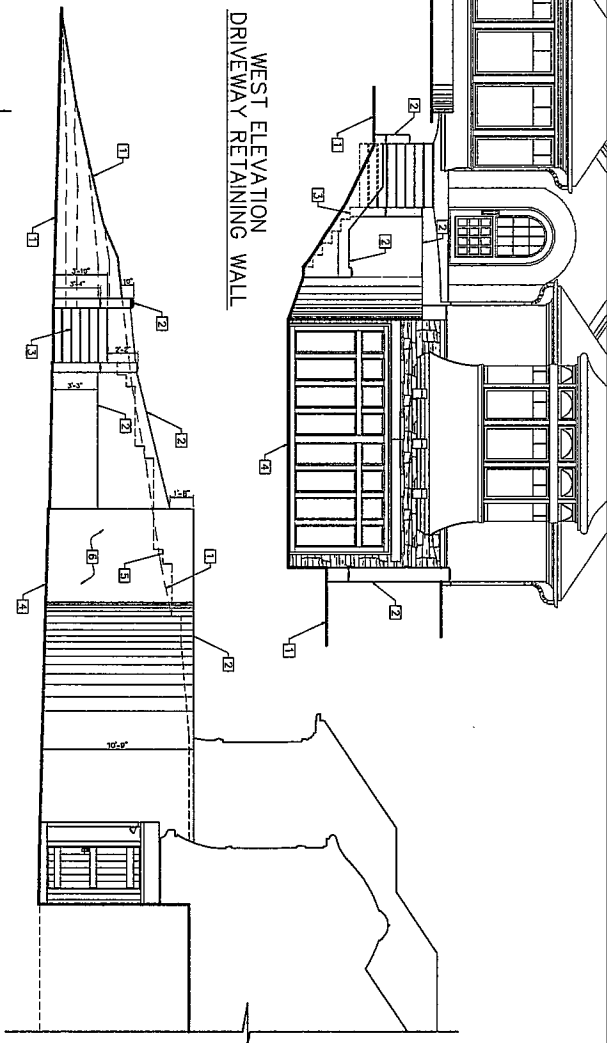


NORTH ELEVATION  
LOWER PATIO RETAINING WALLS

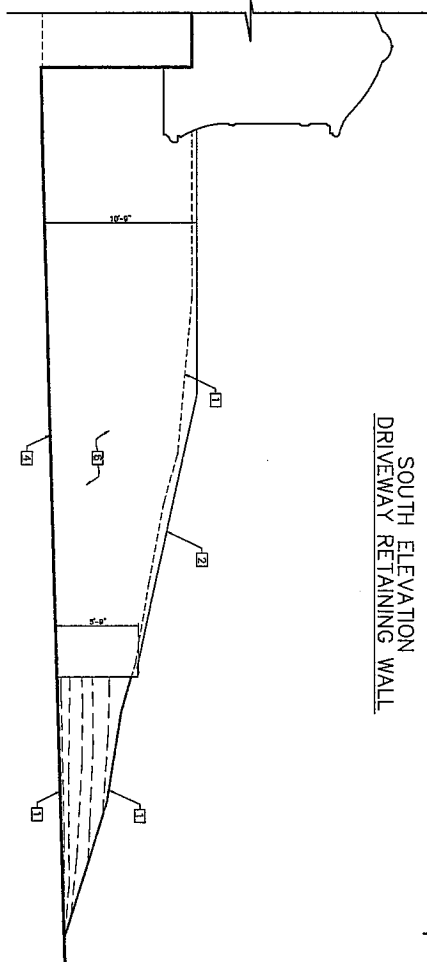


SOUTH ELEVATION  
LOWER PATIO RETAINING WALLS

WEST ELEVATION  
DRIVEWAY RETAINING WALL



SOUTH ELEVATION  
DRIVEWAY RETAINING WALL



NORTH ELEVATION  
DRIVEWAY RETAINING WALL

#### Exterior Wall Requirements

1. Provide 1-hour rated construction for all walls less than 8'-0" high. Walls 8'-0" and higher shall be constructed of concrete or masonry.
2. Subsequent to the exterior wall, the interior wall shall be at least 2'-0" thick.
3. Subsequent to the exterior wall, the interior wall shall be at least 2'-0" thick.
4. Subsequent to the exterior wall, the interior wall shall be at least 2'-0" thick.
5. Subsequent to the exterior wall, the interior wall shall be at least 2'-0" thick.
6. Subsequent to the exterior wall, the interior wall shall be at least 2'-0" thick.
7. Subsequent to the exterior wall, the interior wall shall be at least 2'-0" thick.

#### Key Notes

1. BRICK MASONRY WALL
2. TOP OF PLASTER FINISH WALL
3. STAIRS
4. DRIVEWAY
5. STAIRS
6. CONCRETE PLASTER WALL
7. STAIRS

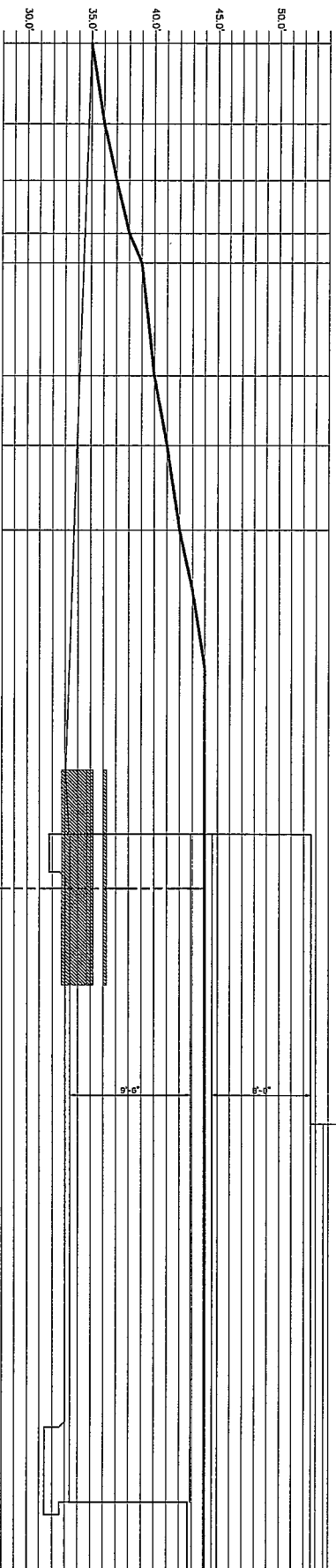
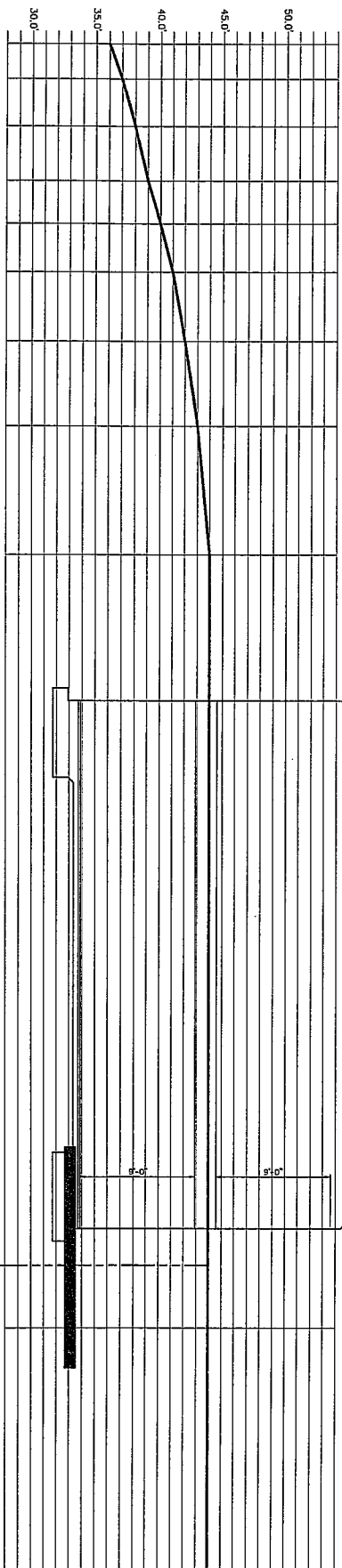
RETAINING WALLS  
ELEVATIONS  
SCALE: 1" = 1/2"

**PEERY RESIDENCE**  
26453 Scenic Road, Carmel, Calif.



**CLAUDIO ORTIZ  
DESIGN GROUP INC.**  
5174 ca. DOLORES and 5TH P.D. BOX 3775  
Carmel-by-the-Sea, CA 93921  
831-426-4145 831-426-4044  
Fax

DATE: 03/11/09  
BY: 09-04  
SHEET: 16



BORING MAP

NOT TO SCALE

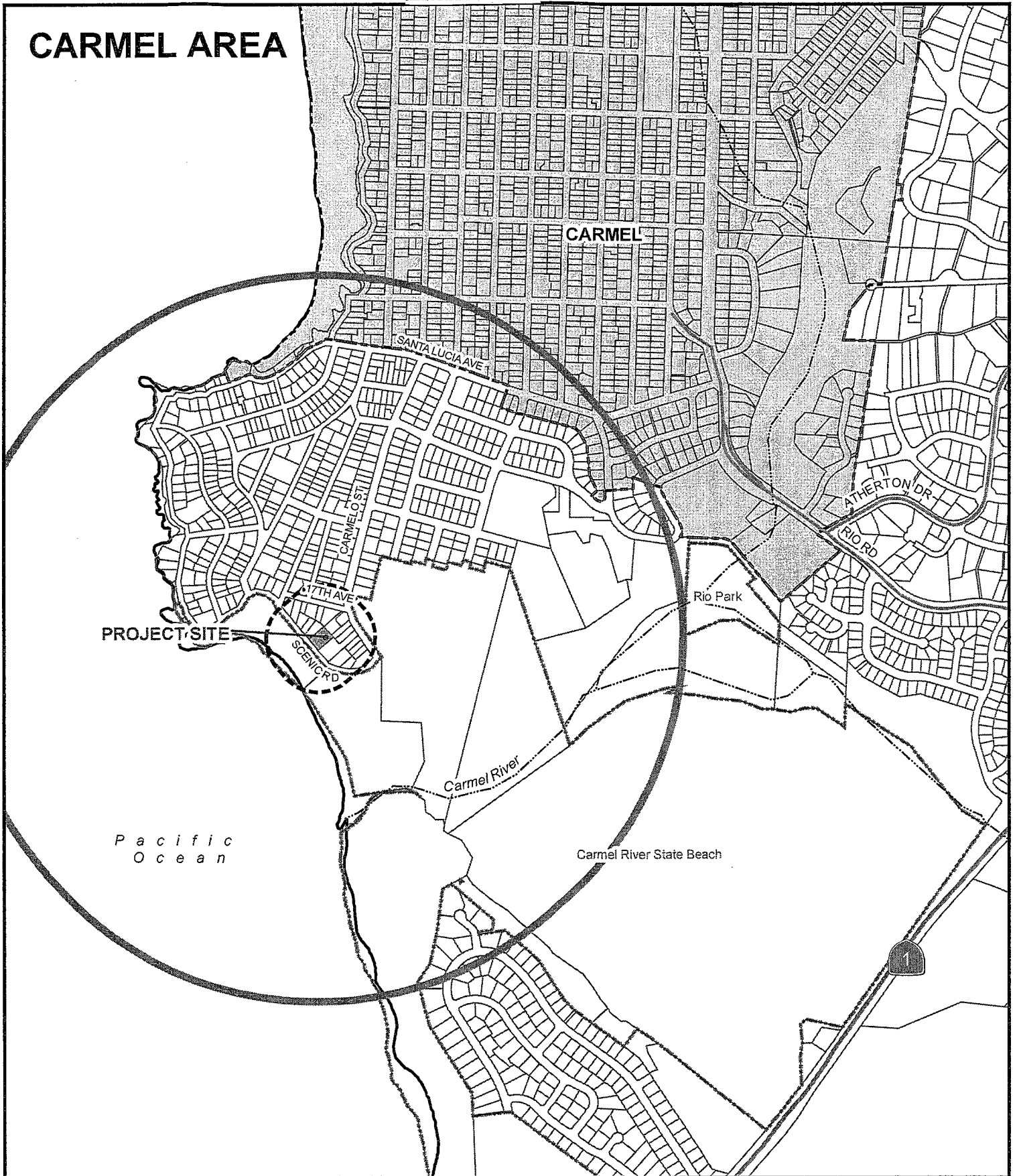
SITE MAP

NOT TO SCALE



EXHIBIT D

CARMEL AREA



APPLICANT: PEERY

APN: 009-471-015-000

FILE # PLN090116



300' Limit



2500' Limit



City Limits



PLANNER: ROBINSON

## EXHIBIT E

### MINUTES

Carmel Highlands Land Use Advisory Committee  
Monday, October 19, 2009

1. Meeting called to order by Don Wald at 4:05 pm

2. Roll Call

Members Present: Weber, Horst, Wald, Mehean, Rainer

Members Absent: Davis

3. Approval of Minutes:

A. October 5, 2009 minutes

Motion: Committee did not (LUAC Member's Name) "  
have adequate time to review minutes.

Second: \_\_\_\_\_ (LUAC Member's Name)

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

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

None

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5. Scheduled Item(s) - please refer to the Project Referral Sheets which follow for each separate file.

6. Other Items:

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects  
(use additional sheets if necessary)

None

B) Announcements We will have a new liaison in November. Joe Sidor indicated Anna Quenga will be taking over for John Ford who has been assigned to other county positions. Nov. 2, 2009 will be the next meeting of the Council Uninc./Highlands Advisory Comm.

6. Meeting Adjourned: 6:00 pm

Minutes taken by: B. Rainer & M. Horst, Secretaries

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# Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: **Carmel Unincorporated/Highlands**

Please submit your recommendations for this application by: **October 19, 2009**

**Project Title:** PEERY RICHARD T TRUST

**File Number:** PLN090116

**File Type:** PC

**Planner:** ROBINSON

**Location:** 26453 SCENIC RD CARMEL

**Project Description:**

COMBINED DEVELOPMENT PERMIT CONSISTING OF: 1) A COASTAL ADMINISTRATIVE PERMIT FOR THE DEMOLITION OF AN EXISTING 4,439 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING AND THE CONSTRUCTION OF A NEW 5,677 SQUARE FOOT TWO-STORY SINGLE FAMILY DWELLING WITH A 937 SQUARE FOOT BASEMENT, A 1,182 SQUARE FOOT ATTACHED SUB-GRADE GARAGE, NEW RETAINING WALLS AND ASSOCIATED GRADING (1,070 CUBIC YARDS CUT/324 CUBIC YARDS FILL); 2) A COASTAL ADMINISTRATIVE PERMIT FOR A 596 SQUARE FOOT GUESTHOUSE; AND 3) A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN 750 FEET OF A KNOWN ARCHAEOLOGICAL RESOURCE. THE PROPERTY IS LOCATED AT 26453 SCENIC ROAD, CARMEL (ASSESSOR'S PARCEL NUMBER 009-471-015-000), BETWEEN VALLEY VIEW AVENUE & CARMELO STREET, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes ☒ No ☐

*Claudia Ortiz, architect*

**PUBLIC COMMENT:**

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
None			
Applicant has shown plans to neighbors on either side. Both of these properties have second stories. Neighbors were complementary of design and location of proposed second story addition.			
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# LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
LUAC members were concerned about doubling of size of proposed new residence. approx. 4,000 sq ft of living space. Question asked was why does every new home have to be so large??		
No visual impact. New residence will look like a one story residence from Scenic Rd.		
Concern for safety of driveway exit and entrance. Garage is underground. Driveway to garage is approx. 44 ft. with a 20 ft. width. Driveway backs out to scenic Rd. with heavy traffic at times.		

## ADDITIONAL LUAC COMMENTS

Materials of exterior shingled surface fit rustic beach location. Rock/stone shown at front entry, garage, and fireplace chimney, and along east first story elevations. Guest house to rear of proposed residence will not be seen from scenic Rd. Second story addition will be to rear of new residence. Setting this addition back will help to make it less visible. All outdoor lighting must be down cast with no light source showing. Lighting of entrance to home and garage must be at ground level and sensitive to scenic location.

## RECOMMENDATION:

Motion by: Weber: approval of plans as proposed. (LUAC Member's Name)

Second by Hurst (LUAC Member's Name)

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

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

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

AYES: Weber, Hurst, Wald, Rainer

NOES: McMahon - opposes large overall size of house in this scenic location.

ABSENT: Davis

Doubling of existing home.

ABSTAIN: none

**EXHIBIT F**

County of Monterey

State of California

**MITIGATED NEGATIVE DECLARATION****FILED****MAR 03 2011**STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

<b>Project Title:</b>	PEERY
<b>File Number:</b>	PLN090116
<b>Owner:</b>	RICHARD T PEERY TRUST
<b>Project Location:</b>	26453 SCENIC ROAD, CARMEL
<b>Primary APN:</b>	009-471-015-000
<b>Project Planner:</b>	DELINDA ROBINSON
<b>Permit Type:</b>	COMBINED DEVELOPMENT PERMIT
<b>Project Description:</b>	Combined Development Permit consisting of 1) a Coastal Administrative Permit to allow the demolition of an existing 3,100 square single family dwelling and the construction of a new 5,677 square foot three-story single family dwelling in the same general footprint with a 937 square foot habitable basement, a 1,182 square foot attached sub-grade garage, a 155 square foot sub-grade patio, new retaining walls and associated grading (approximately 1,200 cubic yards of cut for the basement); 2) a Coastal Administrative Permit to allow the construction of a 425 square foot guesthouse; 3) a Coastal Development Permit for development on a parcel with a positive archaeological report; and 4) Design Approval.

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

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

<b>Decision Making Body:</b>	Monterey County Planning Commission
<b>Responsible Agency:</b>	County of Monterey
<b>Review Period Begins:</b>	March 7, 2011
<b>Review Period Ends:</b>	April 6, 2011

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2<sup>nd</sup> Floor, Salinas, CA 93901 (831) 755-5025.

# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

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

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



## *INITIAL STUDY*

### *I. BACKGROUND INFORMATION*

**Project Title:** Peery

**File No.:** PLN090116

**Project Location:** 26453 Scenic Road, Carmel

**Name of Property Owner:** Richard T. Peery Trust

**Name of Applicant:** Claudio Ortiz

**Assessor's Parcel Number(s):** 009-471-015-000

**Acreage of Property:** 0.319

**General Plan Designation:** Residential

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

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

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

**Prepared By:** Delinda Robinson, Senior Planner

**Date Prepared:** March 2, 2011

**Contact Person:** Delinda Robinson

**Phone Number:** (831) 755-5198

## II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. **Project Description:** The proposed project consists of a Combined Development Permit consisting of 1) a Coastal Administrative Permit to allow the demolition of an existing 3,100 square single family dwelling and the construction of a new 5,677 square foot three-story single family dwelling in the same general footprint with a 937 square foot habitable basement, a 1,182 square foot attached sub-grade garage, a 155 square foot sub-grade patio, new retaining walls and associated grading (approximately 1,200 cubic yards of cut for the basement); 2) a Coastal Administrative Permit to allow the construction of a 425 square foot guesthouse; 3) a Coastal Development Permit for development on a parcel with a positive archaeological report; and 4) Design Approval.

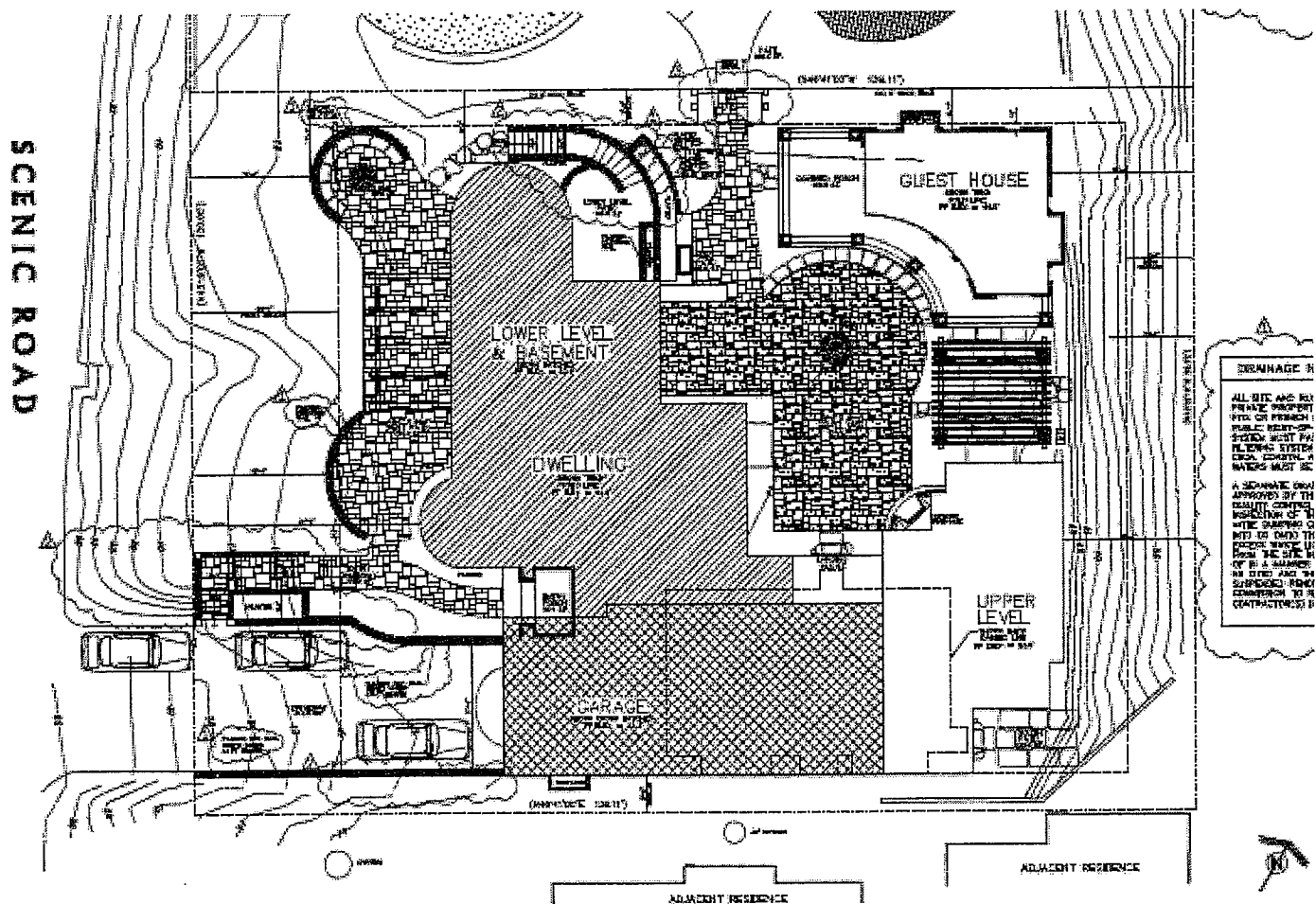
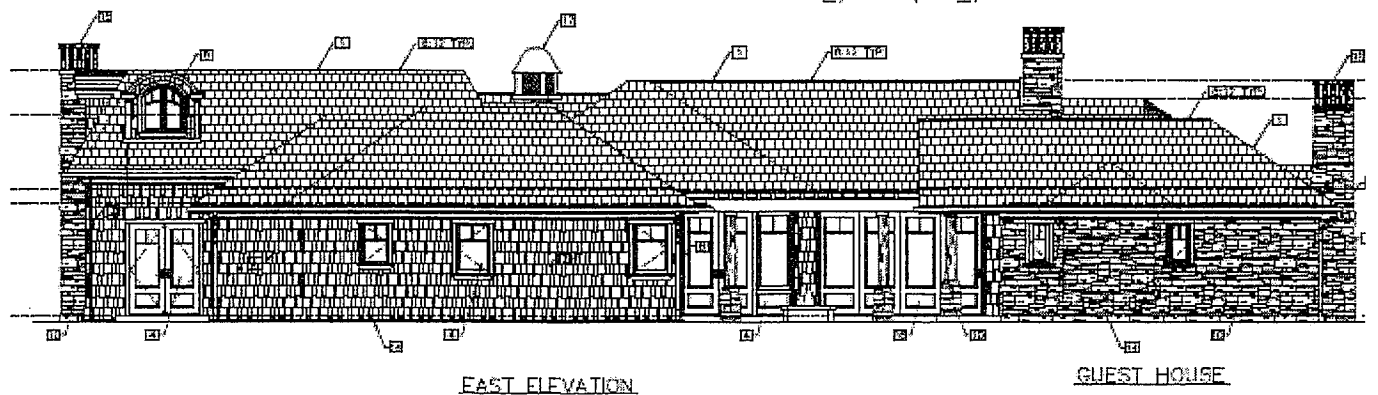
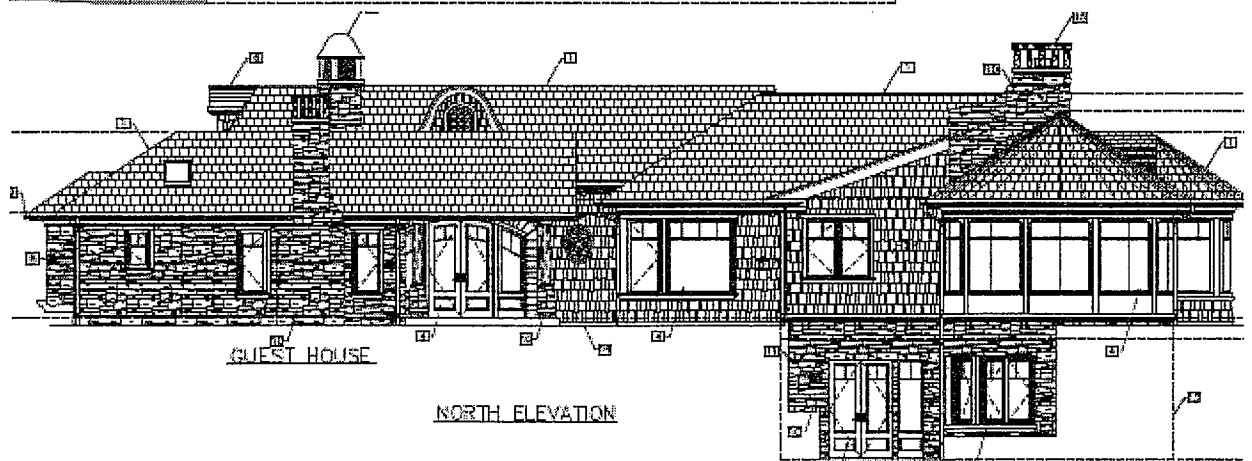
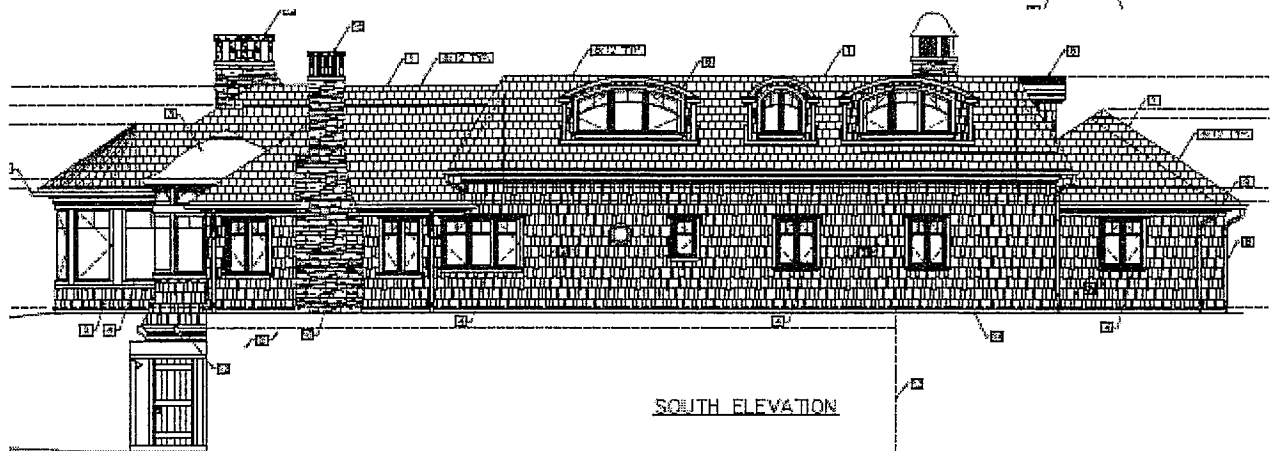
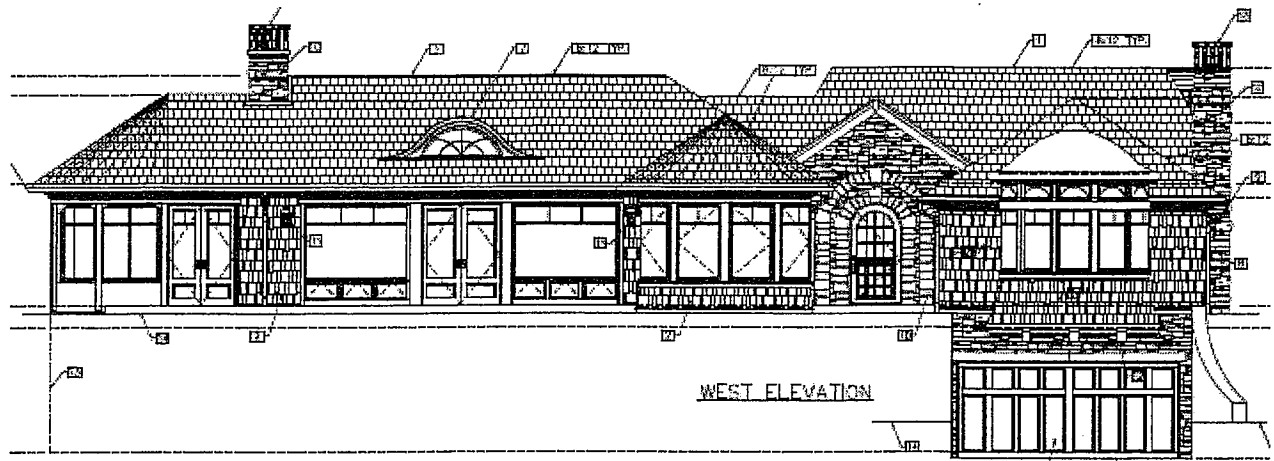


Figure 1 – Proposed Site Plan



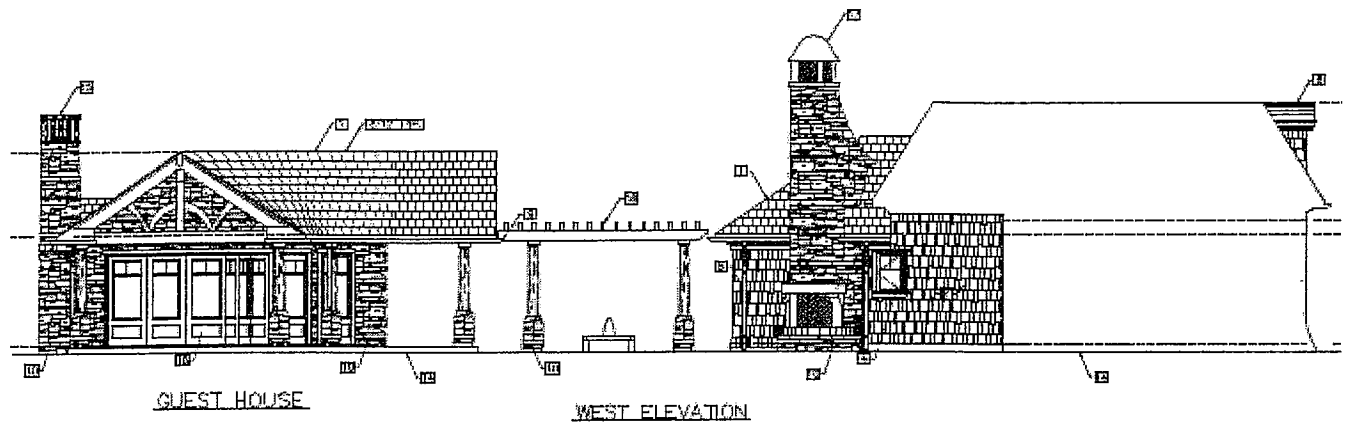


Figure 2 – Exterior Elevations

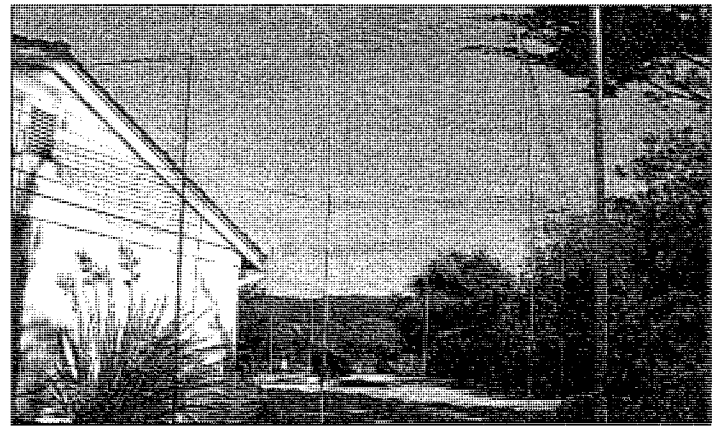
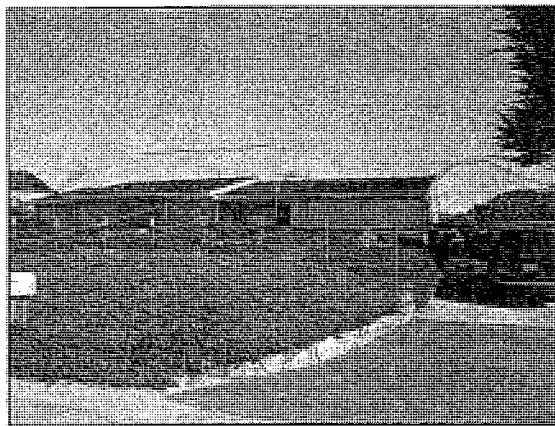


Figure 3 – Project Staking



Figure 4 – Overhead View of Subject Property

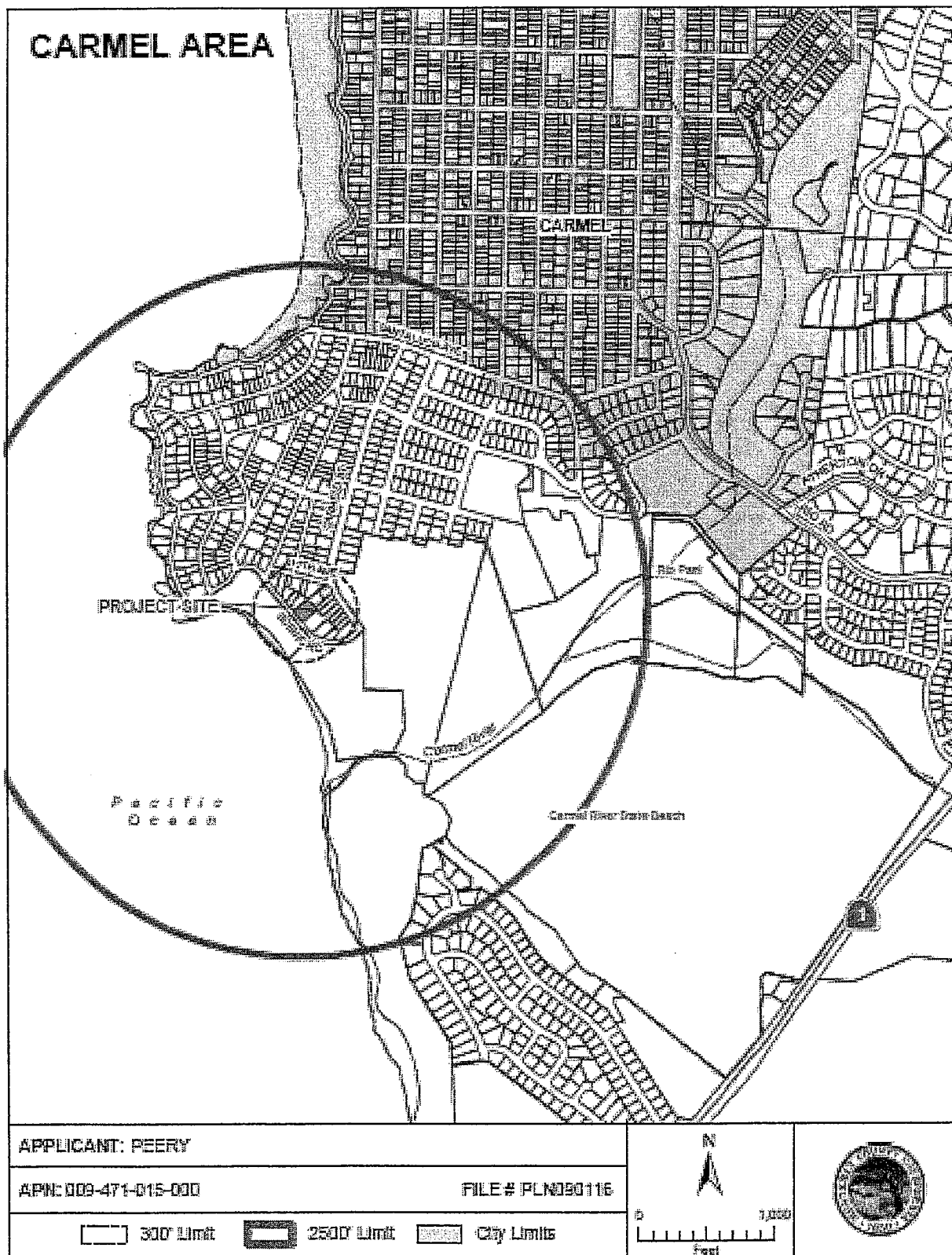


Figure 5 – Vicinity Map

**B. Environmental Setting and Surrounding Land Uses:** The project site is within an established urbanized residential neighborhood located in the unincorporated area of Carmel in the southernmost end of Carmel point, across Scenic Road from Carmel River State Beach. Very few parcels remain undeveloped in the Carmel point area and new development in the area primarily consists of demolition and reconstruction of existing residences or remodels. The subject parcel is one of the larger lots in the neighborhood at approximately 0.3 acre. The neighborhood consists of one and two story single-family residences, some of which also have basements. The subject property and all of the surrounding residential properties in the Carmel Point area are zoned Medium Density Residential, 2 Units per acre with a Design Control overlay and an 18-foot height limit within the Coastal Zone [MDR/2-D (18')(CZ)]. The Carmel River State Beach, which lies to the immediate southwest of the property, is zoned Open Space Recreation with a Design Control overlay in the Coastal Zone. The Carmel River Lagoon is located approximately 200 feet east of the property and is zoned Resource Conservation with a Design Control overlay in the Coastal Zone.



**Figure 6 – Aerial Photo**

The parcel is situated on a northwest/southeast trending sand dune, which slopes down approximately 10 feet from the center of the lot to Scenic Road on the southwest and toward the property to the rear on the northeast. The site is a previously developed 13,901 square foot parcel with an existing 3,100 square foot residence and approximately 5,234 square feet of hardscape

that are proposed for removal. The proposed project will result in 4,645 square feet of structural coverage and approximately 2,900 of hardscape (patios, driveway and courtyard). The existing residence is accessed by a driveway that slopes up from Scenic Road. The back and side yards are completely covered by hardscape and the front is landscaped with shrubs and groundcover near the house and ice plant adjacent to the road. There are no trees on the subject parcel but two large Monterey cypress trees are located on the adjacent parcel to the south, approximately 1 foot and 5 feet from the property line. The basement garage wall will be constructed approximately 6 feet from the nearest of the two Monterey cypress trees. An Arborist's assessment of the potential impacts of the construction on the trees determined that no disruption of major roots or deterioration of the health of the trees is anticipated.

The Cypress Point fault, a potentially active fault, lies approximately 80 feet northeast of the northeasterly property boundary. Pursuant to Carmel Area Land Use Plan (LUP) Policy 2.7.4.5, a geologic and soil engineering report was prepared for the project. The report concludes that the soil conditions are suitable for the proposed new residential building subject to the recommendations noted in the report.

The subject property is located within a high archaeological sensitivity zone. The preliminary archaeological survey that was prepared for the project pursuant to LUP Policy 2.8.3.2 concluded that there is a strong possibility that archaeological resources are on the site and recommended further testing. An archaeological coring program was conducted in January 2010 to determine the presence/absence of cultural deposits on the site. The report on that program concluded that cultural deposits are present on the site. Further testing was conducted in December 2010 to provide additional information on the archaeological deposits which were exposed during the January 2010 coring program. That testing confirmed that cultural deposits are present on portions of the project site. Pursuant to the California Environmental Quality Act (CEQA) Section 15064.5, a positive site cannot be categorically exempt and requires an Initial Study.

This project, which consists of the demolition of an existing single family residence and construction of a new single family residence on essentially the same footprint in an urbanized area with fully developed public infrastructure, would ordinarily be categorically exempt from CEQA review pursuant to CEQA Guidelines Section 15303(a). However, because the project is located in high archaeological sensitivity zone and evidence of cultural resources exists on the parcel, environmental review is required.

**C. Other Public Agencies Whose Approval is Required:** The Monterey County RMA-Building Services Department will require a Construction Permit for the construction of the proposed single family residence, guesthouse and associated grading. No other permits are required from any other public agency for the proposed project.

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

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

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

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Carmel Area Land Use Plan. Section IV.9 (Land Use and Planning) discusses whether the project physically divides and established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (refer to *Local Coastal Program-LUP* discussion below); or conflicts with any applicable habitat conservation plan or natural community conservation plan. **CONSISTENT**

Air Quality Management Plan (AQMP). Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Inconsistency with the AQMP is 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 Monterey County 1982 General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast. The proposed project will not increase the population of the area nor generate additional permanent vehicle trips. Therefore, the project will be consistent with the AQMP. **CONSISTENT**

Water Quality Control Plan. Monterey County is included in the Central Coast Regional Water Quality Control Board – Region 3 (CCRWCB). The CCRWCB regulates the sources of water quality related problems which could result in actual or potential impairment or degradation of beneficial uses or degradation of water quality. The proposed project will not significantly increase on-site impervious surfaces and does not include land uses that introduce new sources of pollution. Therefore, the project will not contribute runoff that will exceed the capacity of stormwater drainage systems or provide substantial additional sources of polluted runoff. The proposed project will not result in water quality impacts or be inconsistent with the objectives of this plan. **CONSISTENT**

Local Coastal Program-LUP. The project was reviewed for consistency with the Carmel Area Land Use Plan (LUP). The LUP designates the project site as Medium Density Residential (MDR), which allows single-family residential uses. Section VI.9 (Land Use and Planning) discusses whether the project physically divides an established community, conflicts with any applicable land use plan, policy or regulation of and agency with jurisdiction over the project or conflicts with any applicable habitat conservation plan or natural community conservation plan. The project is consistent with the Carmel Area Land Use Plan as explained below in Section IV.A.

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

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

☐ Check here if this finding is not applicable

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

##### **EVIDENCE:**

2) Agricultural and Forest Resources – The subject property is located within an urbanized area within an established neighborhood. There are no agricultural uses within the vicinity of the property and the property is not under a Williamson Act Contract. Furthermore, the Monterey County Geographical Information Systems (GIS) indicate that the subject property is not located within any area classified as Prime, Unique, or Farmlands of Statewide or Local Importance.

Therefore, the project will have no impact on agricultural resources. The project does not include rezoning of the property nor does it include the removal of any trees. The subject property is located within an urbanized area and cannot be considered as forest land. Therefore, the project will have no impact on forest resources.

4) Biological Resources – The project site is located within an urbanized area within an established residential neighborhood. The site is completely covered by structures, hardscape and planted landscaping. Information within the Monterey County Geographic Information System and the Environmentally Sensitive Habitats – Known Locations Map (Map B) of the Carmel Area Land Use Plan (LUP), does not indicate that the subject property is within an area with: riparian habitat, sensitive natural community identified in the LUP, marsh or vernal pool area or migratory wildlife corridor. Staff conducted a site visit on October 9, 2009 and no environmentally sensitive habitats were observed. Pursuant to CIP Section 20.146.040.A.5, because the project is located in the existing residential area of Carmel Point, a biological survey was not required for the project. No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any other approved local, regional, or state habitat conservation plan exists for the subject property. One non-protected palm tree is proposed for removal and possible relocation. The arborist's assessment prepared for the project concluded that the project would not have an adverse impact on two Monterey cypress trees on the adjacent parcel. Therefore, the project will have no impact on biological resources.

9) Hydrology and Water Quality – The subject property contains an existing single family dwelling which is currently served by the California American Water Company for water and the Carmel Area Wastewater District for sewer service. There has been no indication that the proposed new residence will create a significant impact to the existing services. The applicant was required to submit a Monterey Peninsula Water Management District Residential Water Release Form and Water Permit Application, which was reviewed and approved by the Monterey County Water Resources Agency. The form indicates that the proposed project will not increase the amount of fixture units on the property. No wells are proposed as part of the project. The drainage pattern will be slightly altered due to the construction of the new residence. However, the amount of drainage will not increase nor will the project result in substantial increased pollution caused by runoff. As a standard condition of approval, the Water Resources Agency requires the owner/applicant to submit a drainage plan for review and approval prior to the issuance of any grading or building permits. Therefore, the project will have no impact on existing drainage patterns. The Monterey County Geographic Information Systems (GIS) and review by the Monterey County Water Resources Agency indicate that the subject property is not located within a 100-year flood plain. Therefore, the project will not place housing within a 100-year hazard area, impede or redirect flood flows. The property is not located in an area where flooding would result from the failure of any dam or levee. The Carmel Area Land

Use Plan Hazards Map (Map D) indicates that the property is not within a tsunami hazard area. Therefore, the potential for a tsunami to impact the site is very low.

11) Mineral Resources – The subject property is not located in an area where mineral resources are known to exist nor have any mineral resources been identified on the site. Therefore, the project will not result in the loss of availability of a known mineral resource that is of value to the region and the residents of the state nor will it result in the loss of availability of a locally important mineral resource recovery site as delineated in the Monterey County General Plan or the Carmel Area Land Use Plan. Therefore, the project will have no impact to mineral resources.

13) Population and Housing – The proposed project includes the demolition of an existing single family residence and the construction of a new single family residence and guest house. No additional dwelling units are proposed. Therefore, the proposed project would not have any impact due caused by increased population, the displacement of a substantial number of existing housing units, or the displacement of a substantial number of people, necessitating the construction of replacement housing. Therefore, the project will have no impact on population and housing.

14) Public Services – The proposed replacement of an existing single family dwelling with a new single family dwelling and guest house 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 in order to maintain acceptable service ratios, response times or other performance objectives for any public services such as fire, police, schools or parks. The existing home is currently served by existing services and utilities. The Monterey County Water Resources Agency, Monterey County Environmental Health Bureau, Monterey County Public Works Department and the Cypress Fire Protection District have reviewed the project and have provide comments which will be included as conditions of approval. None of the departments or service providers indicated that the project would result in significant impacts. Therefore, the propose project will have no impact on Public Services.

15) Recreation – The proposed project would not cause an increase in the use of existing neighborhood or regional parks nor does it include proposed recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. No parks, trail easements or other recreational opportunities would be adversely impacted by the proposed project. Therefore, the project will have no impact on Recreation.

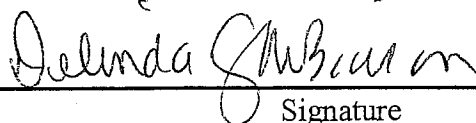
17) Utilities and Service Systems – The proposed project includes the replacement of an existing single-family residence with a new single-family residence and guesthouse. There will be no substantial increase in wastewater from the project

that would cause the Carmel Area Wastewater District (CAWD) to need to expand its existing service or cause CAWD to exceed wastewater treatment requirements of the California Regional Water Quality Control Board. There will be no increase in water usage, which would cause the California American Water Company to need to expand its facilities. The project will not create an increased amount of solid waste material which would cause the service provider, Monterey Peninsula Regional Waste Management District, to increase the permitted landfill capacity. Therefore, the project will have no impact on utilities and service systems.

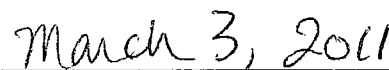
## **B. DETERMINATION**

On the basis of this initial evaluation:

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

  
Signature

Delinda G. Robinson



Date

Senior 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
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 2, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

The scenic qualities of the Carmel area are considered unique and the protection of the area's visual resources is a significant issue as stated in Section 2.2, Visual Resources, of the Carmel Area Land Use Plan (LUP). The LUP General Viewshed Map (Map A) indicates that the subject property is located within the viewshed as seen from Highway 1 corridor and turnouts, Scenic Road, public lands within the Carmel segment and Carmel City Beach. Pursuant to Section 20.146.030.A.1, a site visit was conducted by the project planner to determine if the subject property is located within the public viewshed. The subject property is located on Scenic Road, with a public beach on the opposite side of the road. The project is located within the public viewshed from Scenic Road and the adjacent beach.

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

The proposed building site is located on an existing parcel that fronts on and is visible from Scenic Road, which is designated as a scenic roadway as shown on the LUP General Viewshed Map (Map A). Pursuant to LUP Policy 2.2.3.4, the portion of a parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures. The site slopes upward from Scenic Road and there is no area on the parcel that would not be visible from the road. However, the new three-level residence has been designed to appear from the street to be a one-story residence, with the upper level located toward the rear on the eastern side of the lot. It is located in a residential neighborhood, with other dwellings of similar character making up much of the existing view on the east side of Scenic Road. One planted palm tree is proposed for removal but no rock outcroppings or historic buildings are located on the site.

LUP Policy 2.2.2 states: "To protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural

scenic character of the area.” The project would result in the replacement of an existing single-family residence new residence in the approximate footprint of the existing residence. Although the proposed residence will be taller and wider than the existing residence, the height of the proposed residence meets the 18-foot height limit required in the zoning district as shown on the Monterey County zoning maps. LUP Policies 2.2.4.10.c and 2.2.4.10.d require that “structures located in the viewshed ... be designed so that they blend into the site and surrounding. Exterior lighting shall be adequately shielded or shall be designed at near-ground level and directed downwards to reduce its long-range visibility.” The applicant proposes to use wood shingle siding with stone chimneys and accents, crème-colored trim and slate roofing. The standard lighting condition requiring adequately shielded, downward directed lighting will be applied to the project. Therefore, impacts to Visual Resources will be less than significant.

## 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, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 3, 4, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See Section IV.

**3. AIR QUALITY**

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

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

**Discussion/Conclusion/Mitigation:**

Applicable air quality criteria for evaluation of the project's impacts are established by the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS), which are equal to or more stringent than federal standards. The California Air Resources Board (CARB) coordinates and oversees both state and federal air quality control programs in California. The CARB has established 14 air basins statewide and the project site is located in the North Central Coast Air Basin (NCCAB), which is under the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The CARB has established air quality standards and is responsible for enforcing standards and regulating stationary source. The MBUAPCD's 2008 *Air Quality Management Plan for the Monterey Bay Region* (AQMP) has been established to evaluate a project's potential for a cumulative adverse impact on regional air quality.

**3(a), (b), (c), and (f). Conclusion: No impact**

The MBUAPCD's 2008 Air Quality Management Plan for the Monterey Bay Region (AQMP) addresses state air quality standards. Population-generating projects that are within the AQMP population forecasts are considered consistent with the plan. The proposed project consists of the replacement of an existing single-family residence with a new residence and guesthouse; therefore it will not generate any increase in population. Since there is no potential for increased population, the proposed project is consistent with the AQMP and will have no impact.

At present, Monterey County is in attainment for all federal air quality standards and state standards for Carbon monoxide (CO), Nitrogen dioxide (NO<sub>2</sub>), and fine particulate matter (PM<sub>2.5</sub>). Monterey County is in non-attainment for the California PM<sub>10</sub> and ozone standard. Although the project includes grading, demolition, and construction activities, the air emissions estimated for the project will not exceed the standard for pollutants. The proposed project was analyzed using Urbemis 2007, Version 9.2.4. The default settings were used for the demolition and construction phases of the project. For purposes of this analysis it was assumed that the 1,200 cubic yards of materials excavated from the site would be transported by 8 cubic yard capacity trucks to the Marina landfill (32 mile round trip). The estimated total of PM<sub>2.5</sub> dust and PM<sub>10</sub> emissions during construction were estimated to be 0.03 pounds/day and 1.42 pounds/day respectively. Emissions of less than 82 pounds of PM<sub>10</sub> per day are considered to be below the threshold of significance for construction related impacts. Because fewer than five similar projects are anticipated to be under construction in the immediate vicinity at the same time as this project, it is anticipated that cumulative PM<sub>10</sub> emissions due to all projects under construction in the area at the same time will not exceed the 82 pound per day threshold of significance. Therefore, as noted by CEQA, air emissions will not be significant and the project will not create a situation where it adds a cumulatively considerable net increase of any criteria pollutant.

The proposed construction activities will not create objectionable odors affecting a substantial number of people due to the scale of the proposed construction. Therefore, no impacts related to generation of odors are expected to occur.

**3(d) and (e). Conclusion: Less Than Significant Impact.** The proposed project includes the demolition of an existing structure and grading of approximately 1,200 cubic yards of cut, which will be hauled off site. In order for projects including the 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. The proposed project will be conditioned as such. The subject parcel is 13,901 square feet and therefore, construction and grading activities would operate below the 2.2 acres per day threshold established by the CEQA Air Quality Guidelines "Criteria for Determining Construction Impacts." Furthermore, construction-related air quality impacts will be controlled by implementing Monterey County standard conditions for erosion control that require watering, erosion control and dust control. These impacts are considered less than significant because the foregoing measures and best management practices incorporated into the project design will reduce the air quality impacts below the threshold of significance.

Since the subject property is located within an established residential neighborhood, sensitive receptors are considered to be the residents within the immediate vicinity and along the truck route which will be utilized for hauling of the soil being removed. Impacts caused by

construction will be temporary. A construction management plan including: hours of operation, parking and staging areas, minimization of truck trips and best management practices will be required as a condition of approval. Therefore, the project as proposed, by its temporary nature and required conditions of approval will cause a less than significant impact to construction related air quality and sensitive receptors.

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 6, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 3, 6, 7)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

5. CULTURAL RESOURCES		Less Than Significant		
Would the project:		Potentially Significant Impact	With Mitigation Incorporated	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 11)	<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, 8, 9, 10, 13, 14)	<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, 8, 9, 10, 13, 14)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 8, 9, 10, 13, 14)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

Due to the intensive prehistoric use of the Carmel area by aboriginal people, Key Policy 2.8.2 of the Carmel Area Land Use Plan (LUP) requires new land uses to incorporate all site planning and design features necessary to minimize or avoid impacts in order to maintain and protect archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, for their scientific and cultural heritage. LUP Policy 2.8.3.4 further requires that "When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance."

Based on information contained within the Carmel Area Archaeological Sensitivity Zone Map, the subject property is located within a high archaeological sensitivity zone and Monterey County Geographic Information Systems (GIS) indicates that the proposed development is within 750 feet of a known archaeological resource. Furthermore, the project site is included within the boundary for CA-MNT-17, a prehistoric archaeological site which has yielded evidence of prehistoric occupation dating from 5,330 years before present (Source 8). Therefore, pursuant to Section 20.146.090.B of the Carmel Area Coastal Implementation Plan, the submittal of an archaeological report was required as part of the application.

**5(a). Conclusion: No Impact.** Due to the age of the single family dwelling (built approximately in the early 1950s), a Phase I Historic Assessment was required as part of the application to address any impact to a potentially historical resource. The Phase I Historic Assessment, conducted by Elizabeth Moore, dated November 6, 2009 concludes that due to alterations made to the building and loss of its original integrity, the dwelling does not rise to the level of architectural distinction necessary to qualify for listing in the California Register or the Monterey

County Register of Historic Resources at any level of significance nor can it be considered to be historically significant. Therefore the project will have no impact on any historical resources.

**5(b), (c) and (d). Conclusion: Less Than Significant With Mitigation Incorporated.** The project site is located within a "high" archaeological sensitivity zone. Pursuant to Section 20.146.090 CIP, a preliminary cultural resources reconnaissance, which included background research, limited subsurface observations of test soil boring logs, and a methodical physical inspection of the parcel was conducted by Susan Morley. Inspection of the soils on the subject parcel was difficult because of the built-out nature of the parcel, which is almost completely covered by structures and hardscape. However, fragments of abalone shell were identified in the soil that is visible along the margins of the parcel and two of the soil borings encountered dark soils that are contiguous with what would be expected of an archaeology site on the central coast. The Preliminary Cultural Resources Reconnaissance report prepared by Morley (Source 8) states that the project is located within the boundaries of a known and recorded archaeology site, CA-MNT-17, and within ½ mile of several other recorded sites. Nine parcels in the block surrounding the project site, including the parcels abutting the project site on the south and east, have been found to have positive results for cultural soils and the parcel backing the subject parcel on the east tested positive for cultural resources. The nearest known Native American burial is approximately 160 feet in distance from the project parcel.

In an Amended Preliminary Cultural Resources Reconnaissance (Source 9), Susan Morley recommended that archaeological testing of the project parcel be required prior to allowing excavation on the parcel for the following reasons: 1) The project is located within area C of the recorded archaeological site CA-MNT-17, which is considered to be the most archaeologically sensitive portion of the site; 2) The Landset Engineers soils report for the parcel indicates a soil of the chroma and hue that archaeologists expect as evidence of archaeological midden deposits in California at varying depths across the parcel; and 3) Construction projects in the neighborhood have encountered numerous human burials. Morley recommended: 1) initial mechanical auger testing consisting of 5 auger holes, 6 inches in diameter across the parcel, with further testing if anthropogenic soils that have potential to provide information as defined by CEQA are encountered; 2) if auguring indicates the presence of an intact site, a data recovery program should be implemented; and 3) archaeological monitoring (by a qualified archaeologist and a Native American) when grading or excavation is occurring on the project site.

An Archaeological Coring Program was conducted on the parcel by Basin Research Associates (Source 9) in January of 2010. Six core samples were completed in locations across the parcel as directed by the Project Archaeologist, Dr. Colin Busby. Each 1.75 inch diameter sample was bored to approximately 12 feet below the existing surface. Four of the six core samples were negative for shell or other cultural materials. The other two cores within the eastern half of the property had several small indistinguishable shell fragments within a layer of very dark gray and black sand that resulted in hand staining indicating the presence of charcoal. This possible midden layer was present in one of the cores at 10.5 to 11.3 feet below the existing surface and in a second core at 7.75 to 11.25 feet below the existing surface. The report states that the shell fragments and skin staining sediment are suggestive of prehistoric midden soil similar to that noted elsewhere within CA-MNT-17. No prehistoric artifacts were observed in the core sediments. The Basin Research Associates report concludes that cultural deposits associated

with CA-MNT-17 are present within the east half of the parcel at depths exceeding 8 feet and extending to approximately 11.5 feet below the surface.

In December of 2010 Basin Research Associates conducted further testing of a trench excavated near the location of one of the earlier borings where cultural deposits were identified. The test trench confirmed the presence of a layer of black charcoal infused sand mixed with shell fragments approximately 23-inches thick between 5.5 and 7.4 feet below the surface. Based on a review of previous studies and the results of the testing, the report on this testing (Monterey County Library File No. LIB100096) concluded that cultural deposits associated with CA-MNT-17 are present on the parcel and that the layer is not continuous over the parcel but appears to be confined to limited areas along the southern property line and east-central area of the property. The report states that "the varying depths of the cultural deposits at two near locations suggests the presence of an undulating subsurface strata probably associated with relict dune movement" and that the "test results suggest a low sensitivity for exposing significant prehistoric archaeological resources within the cultural deposit present between 5.5 and 7.4 feet below the surface and adjacent to the southern property line."

As proposed, the project includes a total of 2,823 square feet of basement level construction (937 square foot habitable basement, 704 square foot lower floor and 1,182 square foot garage) and a 155 square foot lower level patio. Construction of the sub-grade level would require excavation down to 13 feet below the existing surface, approximately 1.5 feet to 5 feet below the depth where cultural deposits associated with CA-MNT-17 are presumed to exist on the eastern half of the parcel. " Basin Research Associates recommends that a qualified archaeological monitor be present on the site during ground disturbing activities which have the potential to affect cultural resources on the site.

The implementation of the following mitigation measures will reduce the impact of the project on cultural resources to a less than significant level.

**Mitigation Measure #1:** In order to reduce the impact of this project on cultural resources which are presumed to exist on the parcel, a qualified professional archaeologist meeting the standards of the Register of Professional Archaeologists (ROPA) shall be present to monitor<sup>1</sup> all excavation and ground disturbing activities below 5 feet within the area along the southern property line within the proposed garage footprint, below 8 feet in all other areas within the proposed dwelling lower level and basement footprints, and, if "black" sand exhibiting shell is exposed anywhere within the proposed excavation footprints, to check for the presence of significant cultural materials<sup>2</sup>. The archaeologist shall be invited to all preconstruction meetings. The archaeological monitor shall have the authority to temporarily halt construction on the parcel to examine any potential significant archaeological resources or materials. To ensure compliance with this condition, prior to the issuance of a grading or building permit, the applicant shall provide evidence that he has entered into an agreement with an archaeologist to provide monitoring services. A *Monitoring Closure Report* suitable for compliance documentation shall be submitted at the completion of the project. Copies of this and any other reports shall be submitted to the RMA-Planning Department and shall be forwarded to CHRIS/NWIC, Sonoma State University, Rohnert Park for their archives. If cultural deposits associated with CA-MNT-17 are exposed, a supplemental site record form shall be submitted to the CHRIS/NWIC.

**Monitoring Action #1:** Prior to the issuance of a grading or building permit, submit a copy of a contract with a qualified archaeologist to provide monitoring services to the RMA-Planning Department.

**Monitoring Action #2:** Prior to final inspection, the archaeologist shall submit copies of the *Monitoring Closure Report* and any additional reports to the RMA-Planning Department and the CHRIS/NWIC.

**Mitigation Measure #2:** In order to reduce the impact of this project on cultural resources which are presumed to exist on the parcel, if "black" sand exhibiting shell or other cultural materials is exposed anywhere within the proposed excavation footprints, the black sand layers shall be excavated by or under the direction of the project archaeologist. The archaeologist/s will inspect the scraped surface and the black dirt for archaeological materials and human remains. Archaeological materials identified will be

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<sup>1</sup> "Archaeological Monitoring" refers to the controlled observation and regulation of construction operations on or in the vicinity of a known or potentially significant cultural resource in order to prevent or minimize impact to the resource." (Source: 14)

<sup>2</sup> "Significant prehistoric cultural resources can include:

- a. Human bone – either isolated or intact burials.
- b. Habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction (e.g., house floors).
- c. Artifacts including chipped stone objects such as projectile points and bifaces; groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones; and, shell and bone artifacts including ornaments and beads."
- d. Various features and samples including hearths (fire-cracked rock; baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities. (Source: 14)

collected for later analysis. For dating the site, should suitable materials for radiocarbon dating be recovered in sufficient quantities, a minimum of three samples shall be submitted to a geochronology laboratory for radiocarbon dating. The relocation of the midden soil in the spoil dirt shall be documented and recorded. The midden soil will still exhibit archaeological characteristics – shell, fire cracked cooking stones, etc. – and will be documented in order to avoid the confusion of possibly finding this material in another location in the future.

**Mitigation Measure #3:** If, during the course of construction, significant archaeological resources are uncovered at the site, work shall be halted immediately at and in the near vicinity of the find until it can be evaluated by the archaeologist. The Monterey County RMA-Planning Department shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall visit the site to determine the extent of the resources and to develop appropriate treatment measures for the discovery including systematic data recovery.

**Mitigation Measure #4:** If significant 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 recommendation to the landowner or the person 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:
  - 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.
  - The descendent identified fails to make a recommendation; or
  - 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.

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1, 3, 6, 13) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Strong seismic ground shaking? (Source: 1, 3, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction? (Source: 1, 3, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides? (Source: 1, 3, 6, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil? (Source: 1, 3, 6, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 3, 13)	<input type="checkbox"/>	<input checked="" 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? (Source: 1, 13)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

The Carmel Area Land Use Plan (LUP) Hazards Map (Map D) and the Monterey County Geographic Information Systems (GIS) indicate that the project site is located within 1/8<sup>th</sup> of a mile of the Cypress Point Fault, a potentially active fault. For purposes of applying the hazard protection policies of the LUP, Section 2.7.1 states that zones 1/8 mile on each side of active or potentially active faults are defined as high hazard areas; therefore, the project site is considered to be located in a high seismic hazard zone. Pursuant to LUP Policy 2.7.4.5 and Section 20.146.080.B.1b of the Carmel Area Coastal Implementation Plan, a geologic and soils report addressing potential impacts caused by the project is required to be submitted. The applicant has submitted a Geologic and Soil Engineering Report dated March 2009 by Landset Engineers, Inc.

(LIB090426). The report states that the Cypress Point Fault is located approximately 100 feet northeast of the northeasterly property boundary.

**6(a)(iii), (d) and (e). Conclusion: No Impact.** The soils report concludes that although the site is shown on maps as being in an area of low to moderate potential for liquefaction, based on the soil characteristics found in the investigation, the potential for liquefaction or lateral spreading is low. The site soils are classified as poorly graded sand and are considered to be non-plastic. The report concludes that no special measures are required to mitigate the effect of soil expansion on foundations or concrete slabs on grade. Wastewater from the project will go to the Carmel Area Wastewater District facility and no septic or alternative wastewater treatment systems are proposed as part of the project so adequacy of the soil for wastewater treatment is irrelevant. Based on information contained in the Geologic and Soils Engineering Report, the project will have no impact on liquefaction, lateral spreading, expansive soils or inadequate soils for wastewater systems.

**6(a)(i), (a)(ii), (a)(iv), and (b). Conclusion: Less Than Significant Impact.** LUP Policy 2.7.4.1 requires that applications for grading and building permits be reviewed for potential impacts to onsite and offsite development arising from geologic and seismic hazards and erosion. Although the project site is located within the seismically active Monterey Bay region of the Coast Ranges Geomorphic Province, it is not located within any Earthquake Fault Zones as established in accordance with the Alquist-Priolo Earthquake Fault Zoning Act of 1972 nor have any faults been mapped on the site. Therefore, the geologic report concludes that the potential for surface fault rupture is low. However, strong seismic ground shaking associated with earthquakes along the San Andreas and/or and of the other nearby faults will undoubtedly occur at the site in the future. The engineer recommends that prior to construction the project geologist review the site grading and improvement plans and their potential impact on identified geologic hazards and that the structures be designed according to the current edition of the California Building Code. The engineer, having taken into account the applicable information, has recommended seismic design parameters and procedures to reduce the risk of loss, injury or death due to seismic shaking to a less than significant level.

The Geologic and Soils Engineering Report prepared for the project also finds that although the natural site slopes are fairly steep, no evidence of slope instability has been previously mapped nor was any evidence of landslides observed on the project site during the site investigation. As recommended by the engineer, foundations will be set back from slopes in accordance with the requirements of Chapter 18 of the California Building Code. Therefore, there will be a less than significant impact from landslides.

**6(b). Conclusion: Less Than Significant With Mitigation Incorporated.** Soils and earth materials on the site were found to be highly erodible, especially in areas where vegetation is removed or disturbed. Essentially, the project site is a sand dune. The Geologic and Soils Engineering Report prepared for the project recommends that stringent drainage and erosion control measures be implemented to provide surficial stability of the site soils. The proposed project includes the removal of over 5,000 square feet of hardscape, the demolition of an existing 3,100 square foot residence, approximately 1,200 cubic yards of grading, the construction of a new residence and guesthouse with a combined site coverage of 4,645 square feet and the

installation of 2,900 square feet of hardscape (patios, driveway and courtyard) on a 13,901 square foot parcel. More than 65% of the site will be disturbed as part of the construction activities. During and after construction, control of site drainage will also be critical in preventing erosion. As a standard condition of approval, the applicant will be required to submit a drainage plan to the Monterey County Water Resources Agency for review and approval. The drainage plan will be incorporated into the plans for the grading and building permits. The implementation of the following mitigation measures will reduce the impact from erosion to a less than significant level.

**Mitigation Measure #5 :** In order to mitigate the impacts from erosion, prior to the issuance of a grading or building permit for the project, the applicant/owner shall submit an Erosion Control Plan to the Director of RMA-Planning and Director of Building Services for review and approval. The approved development shall incorporate the recommendations of the Erosion Control Plan as reviewed by the Director of RMA - Planning and Director of Building Services. The erosion control plan shall include temporary erosion control measures to be implemented during construction and a permanent erosion control planting plan which incorporates native drought tolerant species appropriate to the area. All disturbed areas, including cut and/or fill slopes exposed during the course of construction, shall be covered, seeded, or otherwise treated to control erosion during the course of construction, subject to the approval of the Director of RMA - Planning and Director of RMA - Building Services. The improvement and grading plans shall include an implementation schedule of measures for the prevention and control of erosion, siltation and dust during and immediately following construction and until erosion control planting becomes established. This program shall be approved by the Director of RMA - Planning and Director of RMA - Building Services.

**Monitoring Action #1:** Prior to the issuance of grading or building permits, an Erosion Control Plan shall be submitted to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

**Monitoring Acton # 2:** Comply with the recommendations of the Erosion Control Plan during the course of construction until project completion as approved by the Director of RMA - Planning and Director of RMA - Building Services.

**Monitoring Action # 3:** Prior to final inspection, evidence of compliance with the Implementation Schedule shall be submitted to the RMA - Planning Department and the RMA - Building Services Department.

**Mitigation Measure #6:** Prior to the issuance of a grading or building permit the applicant/owner shall submit a Construction Management Plan (CMP) to the RMA-Planning Department and the Department of Public Works for review and approval. The CMP shall include measures to minimize traffic impacts and measures to minimize disturbance of the site during the construction/grading phase of the project and shall provide the following information: Duration of the construction, hours of operation, an estimate of the number of truck trips that will be generated, truck routes, number of construction workers, parking areas for both equipment and workers, and locations of truck staging areas. Approved measures included in the CMP shall be implemented by

the applicant during the construction/grading phase of the project. The approved CMP shall be included as a note on the building and grading permit plans.

**Monitoring Action #1:** Prior to the issuance of a grading or building permit, the Applicant shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval. The applicant shall incorporate the approved CMP as a note on the building and grading permit plans.

**Monitoring Action #2:** The approved measures shall be implemented during the construction/grading phase of the project.

**6(c) Conclusion: Less Than Significant With Mitigation Incorporated.** As discussed above in Sections 6(a)(iii) and 6(a)(iv), the Geologic and Soils Engineering report prepared for the project concluded that because of the conditions found on the site, the potential for liquefaction, lateral spreading or landslides is low. However, the report states that the earth materials under the site consist of unconsolidated to semi-consolidated sand and volcanic rocks overlying granitic basement rocks. These cohesionless soils will not be self-supporting during excavation for the basement level and risk of collapse exists. Since minimization of site disturbance is important to prevent erosion, and the fact that the basement level extends to within five feet of the eastern property line, it is important that the excavated walls remain as vertical as possible. The report states that an engineered slope protection system of shoring and bracing will be necessary for the stability of the temporary construction slopes. With the following mitigation measure, the impacts due to collapse will be less than significant.

**Mitigation Measure #7:** In order to mitigate the potential for collapse of temporary construction slopes, prior to issuance of a grading permit, the applicant/owner shall submit plans for an engineered slope protection system (shoring and bracing) to the RMA-Planning Department and RMA-Building Services Director for review and approval. The engineered protection system shall be designed and constructed by a qualified engineer or contractor who specializes in the field of shoring and bracing systems. Where the engineered protection system will be constructed within ten feet of any protected tree, a licensed professional arborist shall also review the plans and make recommendations as to how to mitigate potential impacts to the tree. The arborist's recommendations shall be incorporated into the plans and the arborist shall monitor that portion of the construction.

**Monitoring Action #1:** Prior to the issuance of a grading permit, the applicant/owner shall submit plans for an engineered slope protection system as recommended in the Geologic and Soils Engineering Report (LIB090426) to the RMA-Planning Department and RMA-Building Services Director for review and approval. If the protection system will be constructed within 10 feet of any protected tree provide evidence that a licensed professional arborist has reviewed the plans and that any recommendations made by the arborist have been incorporated into the plans.

**Monitoring Action #2:** Prior to issuance of a grading permit, if the protection system will be constructed within 10 feet of any protected tree and recommendations for tree protection have been incorporated into the plans, provide a copy of a contract with the licensed professional arborist for monitoring that portion of the construction.

7. GREENHOUSE GAS EMISSIONS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1)	<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)	<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. Pursuant to Senate Bill 97 (SB 98), 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 (responsible for regulating air quality in the region) have not identified a threshold of significance for GHG emissions. There will be GHG emissions associated with the production and transport of construction materials to and from the project site. However, at this time, quantifying the emissions would be too speculative. Therefore, in the absence 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 project will not result in an increase in the baseline amount of GHGs emitted prior to the project. The replacement of an existing single family dwelling with a new single family dwelling and guesthouse will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide by fuel combustion.

Furthermore, Title 24, Part 6 of the California Building Code (Energy Efficiency Standards for 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 a building permit, the owner/applicant will be required to submit a Certificate of Compliance (CR-1R) demonstrating that the project meets the minimum requirements for energy efficiency. The Building Services Department then verifies that the information contained in the construction plan is consistent with the requirements specified on the CR-1R. 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 and manufactured devices conform to the construction plans and the CR-1R which were approved. It is anticipated that the new single-family residence will be much more energy efficient than the 1950s era residence it will be replacing.

Therefore, the proposed project will not result in the increase in emission of GHGs. However, due to temporary impacts caused by construction activities, the project 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
Would the project:					
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 7)	<input type="checkbox"/>	<input checked="" 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? (Source: 1, 7)	<input type="checkbox"/>	<input checked="" 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? (Source: 1, 6, 7)	<input type="checkbox"/>	<input checked="" 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? (Source: 1, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HAZARDS AND HAZARDOUS MATERIALS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2)	<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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

No hazards or hazardous materials sites were identified during review of the project. The subject property is considered to be located within a high geologic hazard area pursuant to LUP Policy 2.7.1 due to its proximity to a potentially active fault as discussed above in Section 6 above but is not in any other high hazard areas identified in the LUP. However, the project includes the demolition of a single-family dwelling built in the 1950s. Therefore, there is a potential for the materials used in the original construction to contain asbestos, which was banned by the United States Environmental Protection Agency (EPA) in 1989, and/or lead paint, which was banned for residential use by the U.S. Consumer Product Safety Commission in 1978.

### 8(d), (e), (f), (g) and (h). Conclusion: No Impact.

The subject property is not listed on the Cortese List (for hazardous materials sites) from the Department of Toxic Substances Control, it is not located within an airport land use plan or within two miles of a public or public use airport, nor is the subject property within the vicinity of a private airstrip. The construction of the proposed project will no impair the implementation of the Monterey County emergency plan nor will it physically interfere with any of the Monterey County Emergency Evacuation Routes. The subject property is located within an urbanized area and therefore will not expose people or structures to a significant loss, injury, or death involving wildland fires.

### 8(a), (b) and (c). Conclusion: Less Than Significant Impact With Mitigation Incorporated.

The Monterey Peninsula Unified Air Pollution Control District (MPUAPCD) has an asbestos program in place to protect the public from uncontrolled emissions of asbestos by enforcement of the Federal Asbestos Standard and Air District Rule 424. However, Rule 424 has a general exemption for single-family dwellings. The California Department of Toxic Substances Control (DTSC) has classified friable asbestos (finely and powdered wastes containing more than 1% asbestos) as hazardous waste. Although, worker exposure to asbestos is regulated by the California Occupational Safety and Health Administration (Cal/OSHA), there is still a potential for the release of hazardous materials to the public and sensitive receptors. Since the project site is located within an established neighborhood and the demolition waste will be trucked from the site through established residential neighborhoods, mitigation measures have been identified to

reduce the potential impacts caused by demolition and transportation of hazardous waste to a less-than-significant impact.

**Mitigation Measure #8:** In order to reduce potential impacts to the public and sensitive receptors caused by the emission of hazardous materials into the environment, the owner/applicant shall conduct an asbestos survey prior to any demolition activities. Should asbestos be found within the materials to be demolished, the owner/applicant shall submit an Asbestos Abatement Plan that includes measures workers will utilize to assure prevention of the release of asbestos during the demolition portion of the project, transportation of the hazardous materials, and where the hazardous material will be disposed. These measures shall meet all requirements sanctioned by the Monterey Peninsula Unified Air Pollution Control District (MPUAPCD), the California Occupational Safety and Health Administration (Cal/OSHA), the Department of Toxic Substances Control (DTSC), and the U.S Department of Transportation (DOT). All demolition activities and transportation of hazardous materials shall conform to the abatement plan. Compliance with the Mitigation will result in a less-than-significant impact to sensitive receptors and workers.

**Monitoring Action #1:** Prior to the issuance of demolition and/or building permits and at a minimum of 10-working days prior to any demolition, the owner/applicant shall submit an asbestos survey to the MPUAPCD and the RMA-Planning Department for review and approval. If asbestos is found, the owner/applicant shall submit an Asbestos Abatement Plan meeting all requirements sanctioned by the Monterey Peninsula Unified Air Pollution Control District (MPUAPCD), the California Occupational Safety and Health Administration (Cal/OSHA), the Department of Toxic Substances Control (DTSC), and the U.S Department of Transportation (DOT) for demolition activities and transportation of hazardous materials to the RMA-Planning Department.

**Monitoring Action #2:** Prior to the issuance of demolition and/or building permits, the owner/applicant shall include a note on the plans encompassing the language within Mitigation Measure No. 8. If an Asbestos Abatement Plan is required, that plan shall be incorporated into the plans for the demolition permit. The owner/applicant shall submit demolition plans to the RMA-Planning Department for review and approval.

On April 22, 2008, the Environmental Protection Agency (EPA) issued a rule requiring the use of lead-safe practices (40 CFR, Part 745) and other actions aimed at preventing lead poisoning. Under the rule, beginning in April 2010, contractors performing renovation, repair and painting projects that disturb lead-based paint in homes built before 1978 must be certified and must follow specific work practices to prevent lead contamination. Therefore, to ensure the owner/applicant complies with Rule 40 CFR, Part 745, the project will be conditioned to require the owner/applicant to submit documentation that the contractor for the project has been certified to use lead-safe work practices by the EPA, prior to the issuance of building permits.

Based on the proposed mitigations and conditions required by the County of Monterey, the project will have a less-than-significant impact to create an impact on the public and/or environment through transportation and demolition of potentially hazardous materials.

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)	<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)	<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 that would result in substantial erosion or siltation on- or off-site? (Source: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1)	<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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 3, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

10. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: 1, 2, 3, 7)	<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, 7, 10, 14)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**10(a). Conclusion: No Impact.**

The proposed project is located in an established, urbanized area of the unincorporated area of Monterey County. The demolition of the existing residence and construction of a new residence in the same location will not physically divide the established community.

**10(b). Conclusion: Less Than Significant With Mitigation Incorporated.**

The proposed project is consistent with the Policies set forth in the Monterey County General Plan and the regulations found in the Monterey County Zoning Ordinance (Title 20). The proposed project meets all setback, height, lot coverage and floor area ratio requirements, including the 18-foot height limit. The proposed design of the project is consistent with the Carmel Area Land Use Plan (LUP) Visual Resources Policies for siting, design, color, texture and screening.

Construction of the proposed basement would involve excavation of approximately 2,800 square feet of the parcel to a depth of approximately 12 feet below the existing grade. The archaeological reports prepared for the project found that cultural deposits (midden layer) associated with CA-MNT-17, a known archaeological site, are present on the eastern half of the parcel at depths between approximately 5.5 feet and 11.5 feet below the surface (Source 10 & 14). LUP Policy 2.8.3.4 states: "When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance." However, after testing the cultural deposits, the project archaeologist found that there is a low sensitivity for exposing significant archaeological resources within the cultural deposit present between 5.5 and 7.4 feet below the surface and

adjacent to the southern property line. The implementation of Mitigation Measures 1 through 4 (Section IV.5), which require monitoring by a qualified archaeologist during ground disturbing activities which have the potential to affect the cultural deposits, excavation of the actual cultural deposits by a team of archaeologists, and a provision to require systematic data recovery should significant resources be discovered during construction will bring the project into conformance with this policy. The proposed project will not conflict with any other land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, with the mitigation incorporated, impacts related to Land Use/Planning will be less than significant.

**10(c). Conclusion: No Impact.**

The subject property is not located within an area that has an adopted habitat conservation plan or natural community conservation plan. There will be no impact.

<b>11. MINERAL RESOURCES</b>				
<b>Would the project:</b>	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, 3)	<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, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

<b>12. NOISE</b>				
<b>Would the project result in:</b>	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)	<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, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 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>				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

The subject property is located within an established neighborhood therefore proposed project will cause a temporary impacts to sensitive receptors caused by grading, demolition, and construction activities. However, the noise impacts will not result in a permanent significant impact.

**12(a), (c), (e), (f). Conclusion: No Impact.** The proposed project will not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Therefore, the proposed project will have no impact on permanent noise levels. The project site is not located within an airport land use plan nor is it within the vicinity of a private airstrip. Therefore, the project will not expose people residing or working in the project area to excessive noise levels and thus will have no impact.

**12(b) and (d). Conclusion: Less Than Significant Impact.** The proposed project includes the demolition of an existing single-family residence and the construction of a new single-family residence and guesthouse with associated grading. The subject property is located within an established neighborhood and potential sensitive receptors include single family residences within the immediate vicinity. Therefore, the proposed project may cause a temporary increase in ambient noise levels and it may expose persons to or generation of excessive groundborne vibration or groundborne noise levels within the project vicinity due to demolition, construction and grading operations.

Development activities include the operation of graders, backhoes, and trucks, which will cause localized noise levels to temporarily increase above existing ambient levels. All development activities would be required to adhere to the County's Noise Control Ordinance (Chapter 10.60 of the Monterey County Code). Based on the temporary nature of the construction activities, the project will have a less than significant impact on the ambient noise levels of the neighborhood.

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

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

14. PUBLIC SERVICES				
Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

15. RECREATION		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

16. TRANSPORTATION/TRAFFIC		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 2, 3)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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? (Source: 1, 7)	<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, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Result in inadequate emergency access? (Source: 1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. TRANSPORTATION/TRAFFIC	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

The proposed project consists of the demolition of an existing single-family residence and the construction of a new single-family residence and guesthouse with associated grading. The project will not result in a significant increase on traffic impacts to the local or regional roadway system. However, short term impacts due to construction activities have been identified.

**16(a), (c), (d), (e), (f), (g). Conclusion: No Impact.** The proposed project will not conflict with any policy establishing measures of effectiveness for the performance of the circulation system. The Public Works Department has reviewed the project and no conflicts have been identified. A condition of approval requiring a construction management plan recommended by Public Works has been incorporated as a mitigation measure in Section 6 above. There will be no change to air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The proposed project is not located in nor does not meet the height limit to affect air traffic patterns, and therefore will have no impact. The proposed project does not include hazardous traffic design features. The subject property is not located within an area where programs supporting alternative transportation are required and therefore will have no impact.

**16(b). Conclusion: Less Than Significant Impact.** The proposed project includes the demolition of an existing single-family dwelling and the construction of a new single-family dwelling and guesthouse and associated grading. Although the result in the project will not create a permanent impact to the existing roadways, there will be a temporary impact associated with construction activities. A construction management plan which requires parking and staging areas on the site and truck routes to and from the property which cause the least disturbance to traffic is required by Mitigation Measure 5 in Section 6. Therefore, the project as proposed, its temporary nature, will cause a less than significant impact to construction-related traffic patterns.

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

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

## VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14)	<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, 6, 7, 8, 9, 10, 11, 12, 13, 14) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

#### Discussion/Conclusion/Mitigation:

The proposed project will have no impacts on Agriculture and Forest Resources, Biological Resources, Hydrology/ Water Quality, Land Use/Planning, Mineral Resources, Population/Housing, Public Services, Recreation, or Utilities/Service Systems.

Less than significant impacts have been identified for Aesthetics, Air Quality, Greenhouse Gas Emissions, Noise, and Transportation/Traffic and conditions of approval will be included to assure compliance with County requirements; therefore reducing potential impacts to a less-than-significant level.

Potential impacts to Cultural Resources, Geology/Soils, and Hazards/Hazardous Materials, caused by construction of the project, have been identified and Mitigation Measures have been recommended to reduce to a less than significant level.

**(a). Conclusion: Less Than Significant with Mitigation Incorporated.** Based upon the analysis throughout this Initial Study, the proposed project may have the potential to degrade the quality of the environment or eliminate important examples of the major periods of California prehistory. Therefore, mitigations have been incorporated to reduce potential impacts to cultural

resources to a less than significant level. See previous Sections II. B (Project Description) and C (Environmental Setting) and Section IV as well as the sources referenced.

**(b). Conclusion: No Impact.** The project will involve demolition of an existing single family residence within an established residential neighborhood and the construction of a new single family residence and guesthouse in the same location; therefore, the project will not create a substantial adverse effect on human beings, either directly or indirectly. Implementation of the proposed project will result in temporary minor incremental reductions in air quality in the project vicinity and no changes in traffic conditions. The incremental air quality, transportation/traffic, public services and utilities impacts of the project when considered in combination with the effects of past projects, current projects and probable future projects in the planning area, will result in no impact.

**(c). Conclusion: Less than Significant Impact.** Construction activities for the proposed project will create temporary impacts to air quality, hazards and hazardous materials, greenhouse gas emissions, noise, and transportation. However, the project as proposed and through the incorporation of standard conditions, the project's impacts will be reduced to a less than significant level.

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

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

### **Assessment of Fee:**

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

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

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

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

**Evidence:** Based on the record as a whole as embodied in the Planning Department files pertaining to PLN090116 and the attached Initial Study / Proposed Mitigated Negative Declaration.

## ***IX. REFERENCES***

1. Project Application and Plans for Planning File Number PLN090116.
2. Monterey County General Plan
3. Carmel Area Land Use Plan and Coastal Implementation Plan, Part 4
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008
6. Monterey County Planning Department GIS system and selected property report for Assessor's Parcel Number 009-471-015-000
7. Site Visit conducted by the project planner on October 9, 2009.
8. Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 009-471-015-000 (LIB090424) prepared by Susan Morley dated June 2009
9. Amended Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 009-471-015-000 prepared by Susan Morley dated November 21, 2009
10. Archaeological Coring Program – 26453 Scenic Road (LIB100024) prepared by Colin I. Busby dated January 22, 2010
11. Phase I Historic Assessment (LIB100025) prepared by Elizabeth Moore dated November 6, 2009 and revised March 9, 2010
12. Tree Assessment/Arborist Report (LIB090423) prepared by Frank Ono dated June 29, 2009
13. Geologic and Soil Engineering Report for the Peery Residence (LIB090426) prepared by Landset Engineers, Inc. dated March 2009
14. Inspection of Trench for Archaeological Materials (LIB100096) prepared by Basin Research Associates, dated December 16, 2010



**MBUAPCD**

Monterey Bay Unified Air Pollution Control District  
Serving Monterey, San Benito, and Santa Cruz Counties

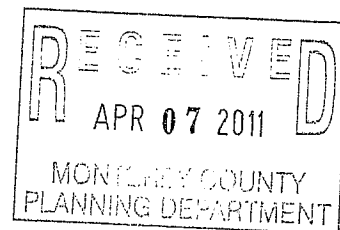
**EXHIBIT G**

24580 Silver Cloud Court  
Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501

April 5, 2011

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



SUBJECT: MND FOR PEERY AT 26453 SCENIC ROAD, CARMEL (File # PLN090116)

Dear Mr. Novo,

Thank you for including the Monterey Bay Unified Air Pollution Control District on the Notice of Intent to adopt a MND for the above project to demolish and construct a single family dwelling in Carmel.

The Air District submits the following comments in response to the document circulated for review:

Air Quality/Conclusion on Page 18.

Although not identified as a mitigation measure, the District supports the statement that the demolition will be conducted in compliance with **District Rule 439, Building Removals**.

Hazards and Hazardous Materials Section on Pages 31 and 32.

Please note, the discussion in this section refers to the "Monterey Peninsula Unified Air Pollution Control District (MPUAPCD)." Please correct these references to read the "Monterey Bay Unified Air Pollution Control District (MBUAPCD)."

Hazards and Hazardous Materials/Mitigation Measure #8 on Page 32.

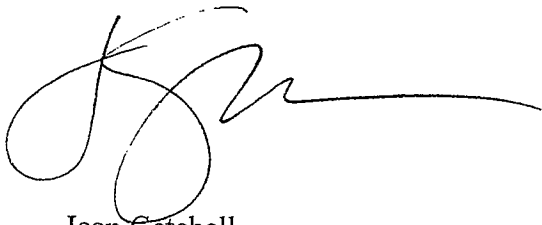
Although single family dwellings are potentially exempt from District Rule 424, the District supports Mitigation Measure #8. This measure states that the demolition will meet the requirements of **District Rule 424, National Emission Standards for Hazardous Air Pollutants (NESHAP)** should hazardous materials, such as asbestos, be found in the existing structure.

Assistance with District Rules related to Demolitions

For assistance with the above District rules, please contact:

Mike Sheehan  
Inspector III  
NESHAP Compliance Program Coordinator  
(831)647-9411 x217  
[msheehan@mbuapcd.org](mailto:msheehan@mbuapcd.org)

Best regards,

A handwritten signature in black ink, appearing to be 'JG' followed by a long horizontal stroke.

Jean Getchell  
Supervising Planner  
Planning and Air Monitoring Division

cc: Mike Sheehan

## NATIVE AMERICAN HERITAGE COMMISSION

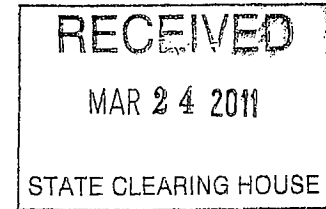
915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
(916) 657-5390 - Fax



March 23, 2011

Delinda Robinson  
County of Monterey  
168 W. Alisal Street, Second Floor  
Salinas, CA 93901

CLERK  
4/5/11  
e



RE: SCH# 2011031017 Peery; Monterey County.

Dear Ms. Robinson:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

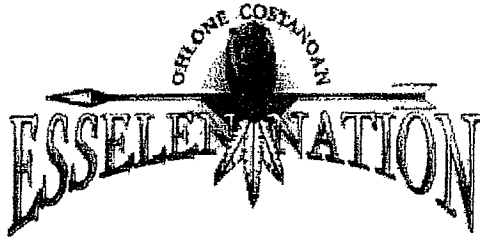
- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez  
Program Analyst  
(916) 653-4040

cc: State Clearinghouse

*Ohlone/Costanoan-Esselen Nation*



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

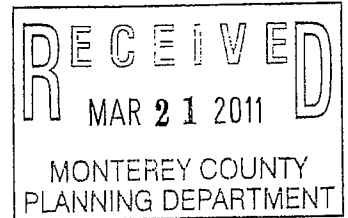
[www.ohlonecostanoanesselenation.org](http://www.ohlonecostanoanesselenation.org)

March 16, 2011

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

Re: File No., PLN090116, 26453 Scenic Road, Carmel

Saleki Atsa,



I am the Tribal Chairperson for the Ohlone/Costanoan-Esselen Nation. I also represent the tribe to the Native American Heritage Commission and I act as the Most Likely Descendant for OCEN. As Most Likely Descendant I represent the OCEN Tribal Council's decisions regarding the treatment of ancestral Native American human remains and/or cultural resources that are often disturbed or encountered. I am the legal spokesperson for the OCEN Tribe and the Tribal Council. I may also be contacted for information for consultation, and reviewing planned projects for potential adverse impacts and reviewing predictive models that might negatively impact our Tribe's ancestral cemeteries, villages, ceremonial and processing sites.

Included with this letter please find a territorial map by Taylor 1856; Levy 1973; and Milliken 1990, indentifying Tribal areas. Ohlone/Costanoan Esselen Nation is the legal tribal government representative for over 600 enrolled members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, San Carlos Mission and/or Costanoan Mission Indian descent. Though other indigenous people may have lived in the area, the area is the indigenous homeland of our people.

As stated this project is located within a high archaeological sensitivity zone and there is a strong possibility that archaeological resources are on the site. Therefore, the OCEN Tribal leadership desires to be contacted about which archaeological consultants are selected to conduct: 1) surveys, 2) subsurface testing, 3) presence/absence testing, 4) mitigation and recovery programs, 5) reburial of any of our ancestral remains, 6) placement of all cultural items, and 7) that a Native American Monitor of OCEN, approved by the OCEN Tribal Council be used within our aboriginal territory.

Please be advised that it is our first priority that our ancestor's remains be protected and undisturbed. We desire that all cultural and sacred items be left with our ancestors on site or where they are discovered. We ask for the respect that is afforded all of our current day deceased, by no other word these burial sites are cemeteries, respect for our ancestors as you would expect respect for your deceased family members in today's cemeteries. **Our definition of respect is no disturbance.**

We look forward to hearing more information about this project; please feel free to contact me at (408) 629-5189. Nimasianexelpasaleki. Thank you for your attention to this matter.

Sincerely and Respectfully Yours,

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

Cc: OCEN Tribal Council  
File

# Distribution of Ohlone/Costanoan-Esselen Nation Tribal Rancherías, Districts, Landgrants and Historic Landmarks

## OCEN DIRECT LINEAL DESCENT

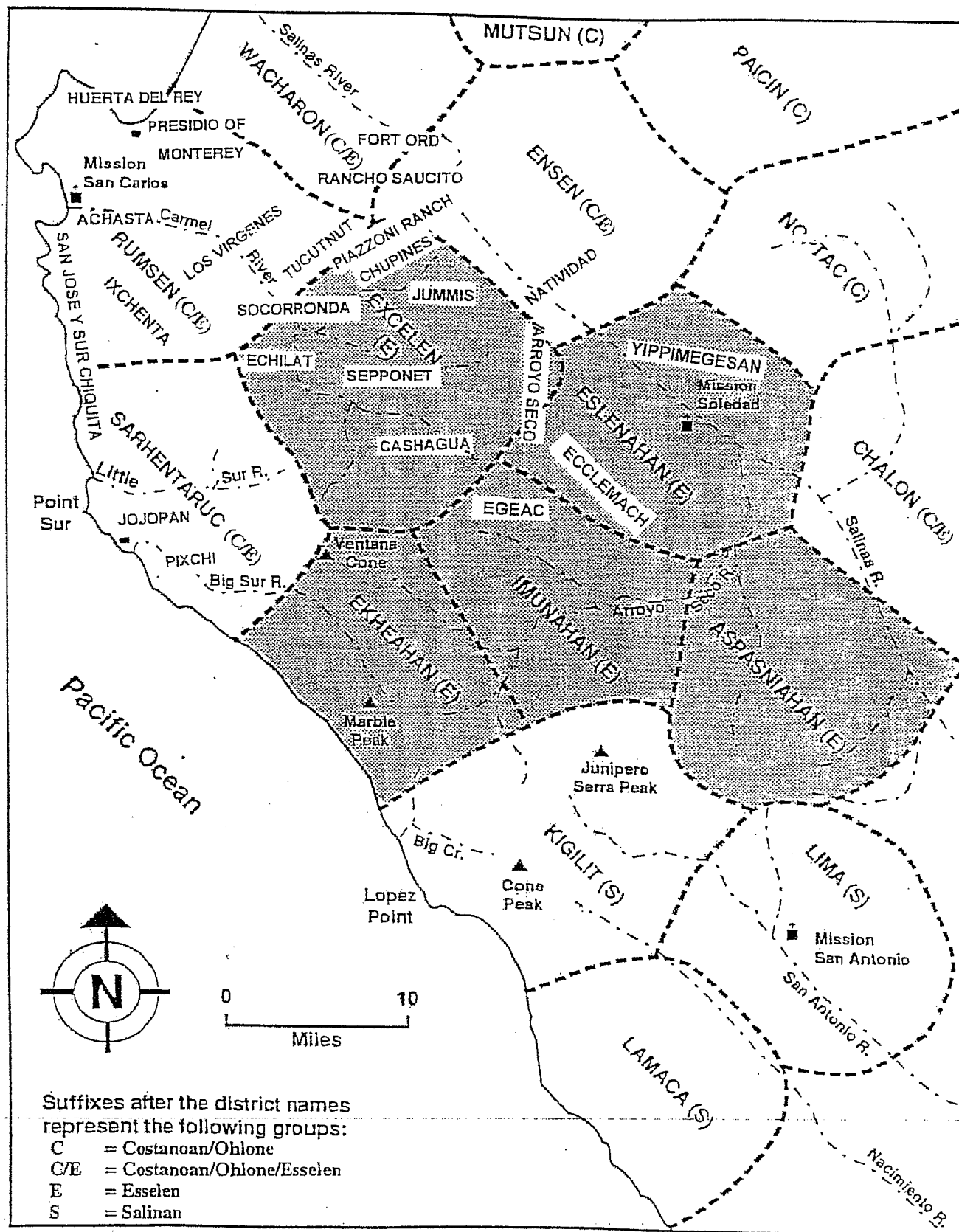


Figure 2:

Map after Taylor 1856; Levy 1973; Hester 1978; Milliken 1990

*Ohlone/Costanoan-Esselen Nation*



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

[www.ohlonecostanoanesselenation.org](http://www.ohlonecostanoanesselenation.org)

March 30, 2011

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

Re: File No., PLN090116, 26453 Scenic Road, Carmel

Saleki Atsa,

Today I received a telephone call requesting a clarification on OCEN's position to File No.; PLN090116, 26453 Scenic Road, Carmel.

**The position of Ohlone/Costanoan-Esselen Nation is "No Disturbance of any recorded site within Monterey County. No disturbance of any and all of our ancestral heritage sites. We object to all disturbances."**

We request copies of the final report for this and all projects disturbing and destroying our ancestral heritage sites. We look forward to hearing more information about this project; please feel free to contact me at (408) 629-5189. Nimasianexelpasaleki, Thank you for your attention to this matter.

Sincerely and Respectfully Yours,

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

Cc: OCEN Tribal Council  
File

## **EXHIBIT H**

### **Synopsis of Archaeological Reports for PLN090116**

***“Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel Number 009-471-015-000” (LIB090424) prepared by Susan Morley, Marina, California dated June 2009.***

This report included background research, limited subsurface observations of test soil boring logs, and a methodical physical inspection of the parcel. Fragments of abalone shell were identified in the soil that is visible along the margins of the parcel and two of the soil borings encountered dark soils that are contiguous with what would be expected of an archaeology site on the central coast. The report states that the project is located within the boundaries of a known and recorded archaeology site, CA-MNT-17, and within ½ mile of several other recorded sites. Nine parcels in the block surrounding the project site, including the parcels abutting the project site on the south and east, have been found to have positive results for cultural soils and the parcel backing the subject parcel on the east tested positive for cultural resources.

***“Amended Preliminary Cultural Resources Reconnaissance of Assessor’s Parcel Number 009-471-015-000” prepared by Susan Morley, Marina, California dated November 21, 2009.***

In the amended report, Morley recommended that archaeological testing of the project parcel be required prior to allowing excavation on the parcel for the following reasons: 1) The project is located within area C of the recorded archaeological site CA-MNT-17, which is considered to be the most archaeologically sensitive portion of the site; 2) The Landset Engineers soils report for the parcel indicates a soil of the chroma and hue that archaeologists expect as evidence of archaeological midden deposits in California at varying depths across the parcel; and 3) Construction projects in the neighborhood have encountered numerous human burials. Morley recommended: 1) initial mechanical auger testing consisting of 5 auger holes, 6 inches in diameter across the parcel, with further testing if anthropogenic soils that have potential to provide information as defined by CEQA are encountered; 2) if auguring indicates the presence of an intact site, a data recovery program should be implemented; and 3) archaeological monitoring (by a qualified archaeologist and a Native American) when grading or excavation is occurring on the project site.

***“Archaeological Coring Program – 26453 Scenic Road” (LIB100024) prepared by Colin I. Busby, San Leandro, California dated January 22, 2010.***

In January of 2010 Basin Research Associates conducted an Archaeological Coring Program on the parcel. Six core samples were completed in locations across the parcel as directed by the Project Archaeologist, Dr. Colin Busby. Each sample was bored to approximately 12 feet below the existing surface. Four of the six core samples were negative for shell or other cultural materials. The other two cores within the eastern half of the property had several small indistinguishable shell fragments within a layer of very dark gray and black sand that resulted in hand staining indicating the presence of charcoal. This possible midden layer was present in one of the cores at 10.5 to 11.3 feet below the existing surface and in a second core at 7.75 to 11.25 feet below the existing

surface. The report states that the shell fragments and skin staining sediment are suggestive of prehistoric midden soil similar to that noted elsewhere within CA-MNT-17. No prehistoric artifacts were observed in the core sediments. The Basin Research Associates report on the coring program concludes that cultural deposits associated with CA-MNT-17 are present within the east half of the parcel at depths exceeding 8 feet and extending to approximately 11.5 feet below the surface. However, Busby also noted that the low shell density found in the two cores on the Peery parcel did not appear typical of shell deposits observed by Basin on at least 4 other parcels that include CA-MNT-17 and that monitoring results for the parcel immediately to the south did not expose any significant cultural materials at depth during excavation for sewer and house foundations.

***“Inspection of Trench for Archaeological Materials” (LIB100096) prepared by Basin Research Associates, San Leandro, California dated December 16, 2010.***

In December of 2010 Basin Research Associates conducted further testing of a trench excavated near the location of one of the earlier borings where cultural deposits were identified. The test trench confirmed the presence of a layer of black charcoal infused sand mixed with shell fragments approximately 23-inches thick between 5.5 and 7.4 feet below the surface. Based on a review of previous studies and the results of the testing, the report on this testing (Monterey County Library File No. LIB100096) concluded that cultural deposits associated with CA-MNT-17 are present on the parcel and that the layer is not continuous over the parcel but appears to be confined to limited areas along the southern property line and east-central area of the property. The report states that “the varying depths of the cultural deposits at two near locations suggests the presence of an undulating subsurface strata probably associated with relict dune movement” and that the “test results suggest a low sensitivity for exposing significant prehistoric archaeological resources within the cultural deposit present between 5.5 and 7.4 feet below the surface and adjacent to the southern property line.” Basin recommends: 1) monitoring by a professional archaeologist meeting the standards of the Register of Professional Archaeologists during ground disturbance below 5 feet within the area along the southern property line, below 8 feet within the central and north areas within the proposed dwelling and basement footprints and if “black” sand exhibiting shell is exposed anywhere within the proposed excavation footprints; 2) if during the course of construction significant archaeological resources are uncovered at the site, work shall be halted until it can be evaluated by the archaeologist and after determining the extent of the resources, the project planner and archaeologist shall develop appropriate treatment measures for the discovery including systematic data recovery ; and 3) a *Monitoring Closure Report* suitable for compliance documentation be submitted to the Monterey County Planning Department and the CHRIS/NWIC, Sonoma State University and a supplemental site record form be submitted to the CHRIS/NWIC if cultural deposits associated with CA-MNT-17 are exposed.