

MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 14, 2011 Time: 1:30pm	Agenda Item No.: 8
Project Description: Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the demolition of an existing 1,960 square foot one-story single family dwelling and 66 square foot guest unit and the construction of a 9,255 square foot two-story single family dwelling, new retaining walls and associated grading (2,573 cubic yards cut, 2,573 cubic yards fill); 2) Coastal Development Permit for development within 750 feet of an archaeological resource; 3) Coastal Development Permit for development within 50 feet of a coastal bluff; 4) Coastal Development Permit for a Lot Line Adjustment to merge two parcels into one parcel; and 5) Design Approval. The properties are located at 36000 & 35986 Highway 1, Carmel (Assessor's Parcel Numbers 243-231-025-000 & 243-231-026-000), Big Sur Coast Land Use Plan, Coastal Zone.	
Project Location: 36000 & 35986 Highway 1, Carmel	APN: 243-231-025-000 243-231-026-000
Planning File Number: PLN110257	Owner: Andrew T. Berlin Agent: Aengus L. Jeffers
Planning Area: Big Sur Coast Land Use Plan	Flagged and staked: Yes
Zoning Designation: : RDR/40-D (14) (CZ) [Rural Density Residential, 40 acres per unit with Design Control, and a 14 foot height restriction (Coastal Zone)]	
CEQA Action: Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Adopt a Mitigated Negative Declaration (**Exhibit E**);
- 2) Approve PLN110257, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**); and
- 3) Adopt Mitigation Monitoring and Reporting Plan (**Exhibit C**).

PROJECT OVERVIEW:

The project consists of a lot merger on two approximately 2.2 acre lots and the replacement of an existing structure with a new two-story single family dwelling. The property is located between the ocean and Highway 1, and therefore requires entitlements for development within 50 feet of a coastal bluff and development within 750 feet of a known archaeological resource. Also, pursuant to Policy 3.2.2.1 of the Big Sur Coast Land Use Plan, the property is considered to be within the critical viewshed. Development proposals shall be modified for design, height, and/or bulk, or shall be re-sited, where such modifications will result in a project which does not intrude on the critical viewshed.

In accordance with CEQA, an Initial Study was prepared and circulated for public review from October 7, 2011 through October 26, 2011. Issues that were analyzed in the Initial Study include aesthetic resources, air quality, biological resources, geology and soil, and greenhouse gas emissions. There are no unresolved issues.

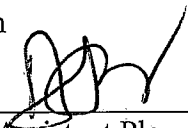
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency

Agencies that submitted comments are noted with a check mark ("√"). Conditions recommended by each agency have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was reviewed by the Big Sur Land Use Advisory Committee (LUAC) on September 13, 2011. The project was unanimously approved by the LUAC with minor concerns about the existing fencing. All concerns were addressed at the LUAC meeting.

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



Dan Lister, Assistant Planner
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October 6, 2011

cc: Front Counter Copy; Monterey County Planning Commission; Cal-Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Bob Schubert, Senior Planner; Dan Lister, Project Planner; Carol Allen, Senior Secretary; Andrew T. Berlin, Owner; Aengus L. Jeffers, Agent; The Open Monterey Project; LandWatch; Planning File PLN110257

Attachments: Exhibit A Project Data Sheet
Exhibit B Project Discussion
Exhibit C Draft Resolution, including:
• Conditions of Approval and Mitigation Monitoring and Reporting Program
• Site Plan, Floor Plan and Elevations
Exhibit D Minutes of Big Sur Land Use Advisory Committee Meeting, September 13, 2011
Exhibit E Mitigated Negative Declaration
Exhibit F Comments on Mitigated Negative Declaration
Exhibit G Vicinity Map

This report was reviewed by Bob Schubert, Senior Planner 

EXHIBIT A
PROJECT INFORMATION FOR PLN110257

Project Information:

Project Name: BERLIN ANDREW T TR
Location: 35986 & 36000 HWY 1 CARMEL
Permit Type: Combined Development Permit

Environmental Status: Mitigated Negative Declaration **Final Action Deadline (884):** 3/17/2012

Existing Structures (sf): 3,436 **Coverage Allowed:** 38332
Proposed Structures (sf): 6,759 **Coverage Proposed:** 7705

Total Sq. Ft.: 10195 **Height Allowed:** 14
Tree Removal: 1 planted cypress, 7 non-native **Height Proposed:** 14

Water Source: Shared Well **FAR Allowed:** N/A
Water Purveyor: Garrapata Water Company **FAR Proposed:** 10,195
Sewage Disposal (method): Septic **Lot Size:** 191,664
Grading (cubic yds.): 5,146

Parcel Information:

Primary APN: 243-231-025-000 **Seismic Hazard Zone:** UNDETERMINED
Applicable Plan: Coast-Big Sur **Erosion Hazard Zone:** Moderate, High
Advisory Committee: Big Sur Coast Advisory Committee **Fire Hazard Zone:** Very High, High
Zoning: RDR/40-D (14) (CZ) **Flood Hazard Zone:** No
Land Use Designation: Rural Density Residential **Archaeological Sensitivity:** High
Coastal Zone: Big Sur LCP **Viewshed:** Y
Fire District: Palo Colorado FPD **Special Setbacks on Parcel:** N

Reports on Project Parcel:

Soils Report #: LIB110284
Biological Report #: N/A
Geologic Report #: LIB110285
Forest Management Rpt. #: LIB110283
Archaeological Report #: LIB110287
Traffic Report #: N/A

EXHIBIT B DISCUSSION

Project Description

The project entails the demolition of an existing 1,960 square foot single family dwelling with a 66 square foot detached guest unit to allow the construction of a new 9,255 square foot, two story single family dwelling with an 893 square foot deck, 834.5 linear feet of retaining wall, and approximately 2,573 cubic yards cut and 2,573 cubic yards fill. The project, as described, will be situated over two approximately 2.2 acre parcels. In order for the project to meet required main structure setbacks and better meet the policies of the Big Sur Coast Land Use Plan (BSCLUP), the two parcels will be merged creating one 4.4 acre parcel.

The proposed dwelling will consist of stone walls and trellis with bronze clad windows and siding, and bronze roof. A portion of the dwelling will have a plant-able roof. The project proposes a reduction in impervious surfaces by 6 % through the removal of one of the existing driveways and excess parking and paved areas. The project also proposes a net reduction in water use by 28% based upon the calculated "Estimated Total Water Use" calculation for irrigation and the Monterey Peninsula Water Management District's objective fixture unit methodology for determining residential water demand.

The property is zoned "RDR/40-D (14) (CZ)" Rural Density Residential, 40 acre minimum, Design Control District, 14 foot Height Restriction in the Coastal Zone. The property, Assessor's Parcel Numbers 423-231-025-000 and 423-231-026-000, is located at 35986 Highway 1, on the west side of Highway One in Big Sur.

Critical Viewshed

According to Policy 3.2.2 of the Big Sur Coast Land Use Plan (BSCLUP), the property is located within a critical viewshed. The property is located near the Abalone Cove turnoff, which is a popular public-viewing area within Big Sur. Policy 3.2.4.F of the BSCLUP states, "the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 (Land Not in the Critical Viewshed) of this plan." During staff's review, it was determined that a portion of the existing single family dwelling can be seen from the Abalone Cove area. Through a lot merger, the proposed dwelling will be setback behind existing landscaping, hiding the dwelling from all viewpoints at the Abalone Cove turnoff. (See Exhibit F, Mitigated Negative Declaration)

Biology

The project also entails the removal of one Monterey Cypress tree, one Cedar tree, one Apple tree, and five Palm trees. Per Section 20.145.060.A.1.a of the Coastal Implementation Plan, Part 3, tree removal is exempt from a Coastal Development Permit if the tree is non-native or planted, the removal is not of a landmark tree, and removal does not expose structures in the critical viewshed. According to the arborist report by Maureen Hamb, the trees were planted previously for landscaping purposes. The trees to be removed are not part of the surrounding Monterey Cypress trees that act as a visual buffer from identified critical viewshed areas. The trees are not considered landmark and the Palm trees are non-native. (See Exhibit F, Mitigated Negative Declaration)

Archaeology

According to County resources maps, the subject property is located within 750 feet of a known archaeological resource. Pursuant to Section 20.145.120.B.1 of the Coastal Implementation Plan, Part 3, an archaeological survey is required for projects located within 750 feet from a known archaeological resource. An archaeological report was prepared by Gary Breschini of Archaeological Consulting. The report identifies small quantities of shellfish and abalone found near the bluff, and a positive archaeological site located on the neighboring property (CA-MNT-690). Based on a previous report prepared by archaeologist Susan Morley, Archaeological Consulting excavated five extra auger units (Morley excavated four auger units during her assessment) in areas where possible resources may be found. The report concludes that although there were small quantities of shellfish and abalone found near the bluff, no evidence of cultural resources were found around the proposed construction site. A standard condition of approval has been applied to the project to ensure proper measures are in place in case resources are uncovered during construction.

Geology & Soils

Pursuant to Section 20.145.080.A.1.b.2 of the Coastal Implementation Plan, Part 3, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 660 feet of a active fault, or 50 feet of the face of a cliff or bluff, or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater." According to County resource maps, the existing dwelling is within 50 feet of a coastal bluff, and is located within 660 feet of the Palo Colorado fault. A Geologic Hazard Investigation conducted by Jeffrey Nolan indicates that the Palo Colorado fault is considered inactive, and the proposed single family dwelling will be setback behind the identified 100-year bluff erosion setback. (See Exhibit F, Mitigated Negative Declaration)

Other Issues

Less-than-significant impacts have been identified for Air Quality and Greenhouse Gas Emissions. All less-than-significant impacts were identified as temporary during construction. Though no mitigations were required for these issues, implementation of standard conditions of approval will be included to ensure compliance with County requirements.

Environmental Review

In accordance with CEQA, an Initial Study was prepared and circulated for public review from October 7, 2011 through October 26, 2011. Issues that were analyzed in the Draft Mitigated Negative Declaration include aesthetic resources, air quality, biological resources, geology and soil, and greenhouse gas emissions. There are no unresolved issues. (see Exhibit E, Mitigated Negative Declaration)

One Mitigation Measure is recommended by Maureen Hamb, arborist, requiring on-site monitoring during construction to ensure that the existing Monterey Cypress trees remain healthy and protected during development. (See Exhibit C, Conditions of Approval and Mitigation Monitoring and Report Program)

Minor errors were identified after the MND had been circulated. The following information should rectify the minor errors:

- Section II, Description of Project; page 2, 4th paragraph: The project proposes to remove one Monterey Cypress tree, not three Monterey Pines. Initially, the project proposed three planted Monterey Cypress trees to be removed due to the location of the new leach-field

for the septic system. Since an advanced treatment system is proposed in place of a new septic system and leachfield, two planted Monterey Cypress will not be disturbed.

- Section II, Description of Project; page 3, 2nd paragraph: The project will be set back behind the identified 100-year bluff erosion setback, as recommended by geologist, Jeffrey Nolan. The MND accidentally refers to the set back as a 100 foot setback from the bluff. The same correct is required within Section VI, Geology & Soils; page 21.

Pursuant to CEQA Section 15073.5, recirculation of a document is not required if new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. Therefore, the MND does not need to be re-circulated.

**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:

Berlin (PLN110257)

RESOLUTION NO. _____

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Mitigated Negative Declaration;
- 2) Approving a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the demolition of an existing 1,960 square foot one-story single family dwelling and 66 square foot guest unit and the construction of a 9,255 square foot two-story single family dwelling, new retaining walls and associated grading (2,573 cubic yards cut, 2,573 cubic yards fill); 2) Coastal Development Permit for development within 750 feet of an archaeological resource; 3) Coastal Development Permit for development within 50 feet of a coastal bluff; 4) Coastal Development Permit for a Lot Line Adjustment to merge two parcels into one parcel; and 5) Design Approval; and
- 3) Adopting a Mitigation Monitoring and Reporting Plan.

[PLN110257, Berlin, 36000 & 35986 Highway 1, Big Sur, Big Sur Coast Land Use Plan* (APN: 243-231-025-000 & 243-231-026-000)]

The Combined Development Permit application (PLN110257) came on for public hearing before the Monterey County Planning Commission on December 14, 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 1982/ Monterey County General Plan;
 - Big Sur Coast Land Use Plan;

- Monterey County Coastal Implementation Plan Part 3;
- Monterey County Zoning Ordinance (Title 20);
- Monterey County Subdivision Ordinance, Coastal Zone (Title 19);

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 36000 & 35986 Highway 1, Big Sur (Assessor's Parcel Number 243-231-025-000 & 243-231-026-000), Big Sur Coast Land Use Plan. The parcel is zoned RDR/40-D (14) (CZ) [Rural Density Residential, 40 acres per unit with Design Control, and a 14 foot height restriction (Coastal Zone)], which principally allows residential development and uses. The project proposes the construction of a new single family dwelling. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted a site inspection on August 30, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- d) Design Approval: Pursuant to Chapter 20.44, Design Control, the project requires design review to assure the structures proposed blend in with the environment, protect neighborhood character, and assure visual integrity. To ensure this is enforced, colors and materials will consist of stone walls, trellis, path paving with bronze clad windows, siding and roof. A portion of dwelling will have a planted roof.
- e) Cultural Resources: According to County resources maps, the subject property is located within 750 feet of a known archaeological resource. Pursuant to Section 20.145.120.B.1 of the Coastal Implementation Plan, Part 3, an archaeological survey is required for projects located within 750 feet from a known archaeological resource. An archaeological report was prepared by Gary Breschini of Archaeological Consulting. The report identifies small quantities of shellfish and abalone found near the bluff, and a positive archaeological site located on the neighboring property (CA-MNT-690). Based on a previous report conduct by archaeologist, Susan Morley, Archaeological Consulting excavated five extra auger units (Morley excavated four auger units during her assessment) in areas where possible resources may be found. The report concludes that although there were small quantities of shellfish and abalone found near the bluff, no evidence of cultural resources were found around the proposed construction site. A standard condition of approval has been applied to the project to ensure proper measures are in place in case resources are uncovered during construction.
- f) Critical Viewshed: According to Policy 3.2.2 of the Big Sur Coast Land Use Plan (BSCLUP), the property is located within a critical viewshed. The property is located near the Abalone Cove turnoff, which is a popular public-viewing area within Big Sur. Policy 3.2.4.F of the BSCLUP states, "the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek shall be permitted to be used for residential purposes subject to policies of Section 3.2.4 (Land Not in the Critical Viewshed) of this plan." During staff's review, it was determined that a portion of the existing

single family dwelling can be seen from the Abalone Cove area. Through a lot merger, the proposed dwelling will be setback behind existing landscaping, hiding the dwelling from all viewpoints at the Abalone Cove turnoff. A condition of approval has been added requiring a conservation easement to be placed around the Monterey Cypress trees to ensure that the trees will be maintained in order to retain a visual buffer that the trees provide.

- g) Geology & Soils: Pursuant to Section 20.145.080.A.1.b.2 of the Coastal Implementation Plan, Part 3, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 660 feet of a active fault, or 50 feet of the face of a cliff or bluff, or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater." According to County resource maps, the existing dwelling is within 50 feet of a coastal bluff, and is located within 660 feet of the Palo Colorado fault. A Geologic Hazard Investigation conducted by Jeffrey Nolan indicates that the Palo Colorado fault is considered inactive, and the proposed single family dwelling will be setback behind the identified 100-year bluff erosion setback.
- h) Air Quality/Greenhouse Gas Emissions: Less-than-significant impacts have been identified for Air Quality and Greenhouse Gas Emissions. All less-than-significant impacts were identified as temporary during construction. Though no mitigations were required for these issues, conditions of approval will be included to ensure compliance with County requirements.
- i) The project was referred to the Big Sur 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 required CEQA review. The project was unanimously approved by the LUAC.
- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110257.

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, Cal-Fire Protection District, 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) Staff identified potential impacts to Aesthetics, Biological Resources, Archaeological Resources, Air Quality, Greenhouse Gas Emissions and Geological Resources (See Finding 1, Evidence (e) through (i)). 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:

- "Geological Hazards Investigation" (LIB110285) prepared by Jeffrey Nolan of Nolan Associates, Santa Cruz, CA, July 22, 2011).
 - "Preliminary Geotechnical Investigation" (LIB110284) prepared by Haro, Kasunich and Associates, Inc., Watsonville, CA, June 8, 2011.
 - "Tree Resource Evaluation & Construction Impact Analysis" (LIB110283) prepared by Maureen Hamb, Santa Cruz, CA August 1, 2011.
 - Archaeological Analysis and Testing (LIB110286) prepared by Gary Breschini of Archaeological Consulting, Salinas, CA, June 16, 2011
 - Archaeological Analysis and Testing (LIB110287) prepared by Gary Breschini of Archaeological Consulting, Salinas, CA, June 21, 2010
 - Supplemental Information letter prepared by Stocker & Allaire, Monterey, CA, September 21, 2011.
- c) Staff conducted a site inspection on August 30, 2011 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 PLN110257.

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 Cal-Fire Protection District, 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 existing dwelling is supplied water from the Garrapata Water Company. The existing septic system and leachfield will be replaced by an advance treatment system.
 - c) Preceding findings and supporting evidence for PLN110257

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 August 30, 2011 and researched County records to assess if any violations exist 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 PLN110257.

5. **FINDING:**

CEQA (Mitigated Negative Declaration) - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project 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 (PLN110257).
- c) The Initial Study provides substantial evidence based upon the record as a whole, that the project would not have a significant effect on the environment. Staff accordingly prepared a Mitigated Negative Declaration. The Initial Study is on file in the RMA-Planning Department and is hereby incorporated by reference (PLN110257).
- d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan have been prepared in accordance with Monterey County regulations and are designed to ensure compliance during project implementation and are hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval.
- e) The Draft Mitigated Negative Declaration ("MND")/ for PLN110257 was prepared in accordance with CEQA and circulated for public review from October 7, 2011 through October 26, 2011.
- f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, air quality, biological resources, geology/soils, and greenhouse gas emissions. (See Finding 1, Evidence (e) through (i))
- g) Biological Resources - The project includes demolition of a single family dwelling to construct a two-story single family dwelling. The construction will take place near existing Monterey Cypress trees. The following Mitigation Measure (see Condition of Approval/Mitigation Monitoring and Report Program - MM#1) is recommended by the Tree Resource Evaluation conduct by arborist, Maureen Hamb (LIB110283):
 - Protection Fencing and Barricades will be erected in areas identified in the site plan attached with the tree evaluation. Fencing supported by posts in the ground surrounded by straw

bales as a barricade creates both a physical and visual barrier between the trees, the construction workers and their equipment. When access into the protected areas becomes necessary, it will be reviewed by both the contractor and the project arborist.

- Proper Root Pruning is to be completed by skilled labor under the supervision of the project arborist. All roots (up to one inch in diameter) are properly pruned using appropriate tools (pruners, loppers or handsaw). Roots greater than one inch will be inspected and evaluated by the project arborist.
- Grading Changes adjacent to trees must be reduced. In areas where grading changes are minor (less than 6 inches) re-contouring can be completed using manual labor.
- Driveway Demolition must be completed with small equipment. The equipment will operate on the existing asphalt keeping clear of the exposed soil and tree roots.
- Monitoring of the initial site clearing and excavation for the walls and driveway will be performed at least twice weekly to ensure compliance with the tree protection measures.
- Contractors and sub-contractors should be supplied with a copy of the attached Tree and Preservation Specifications before entering the construction site.

Monitoring Action:

1. Prior to any construction, the applicant shall submit to the RMA - Planning Department evidence of a contract being made between the owner and a county-approved arborist for the purpose of monitoring tree protection during construction on the property.
2. Prior to building final, the contracted arborist shall submit a letter to the RMA - Planning Department in regards to the protection of the trees on-site.

The recommendation will ensure the protection

- h) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN110257) and are hereby incorporated herein by reference.
- i) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

The site supports development within 50 feet of a coastal bluff. 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).

- j) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

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

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 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 #2 in the Big Sur Coast Land Use Plan). The property is located adjacent to the Abalone Cove turn-off, which is a visual public access area, pursuant to 6.1.1 of the Big Sur Coast Land Use Plan. The project will not impact the Abalone Cove turn-off, and proposes to enhance views from Abalone Cove by hiding the proposed dwelling behind existing landscape and installing native coastal landscape in areas viewable from the turn-off.
 - 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 project planner conducted a site inspection on August 30, 2011.
 - e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110257

7. **FINDING:** **LOT LINE ADJUSTMENT/LOT MERGER** – Section 66412 of the California Government Code (Subdivision Map Act) Title 19 (Subdivision Ordinance) of the Monterey County Code states that lot line adjustment may be granted based upon the following findings:

1. The lot merger is between two (or more) existing adjacent parcels;
2. A greater number of parcels than originally existed will not be created as a result of the lot merger
3. The parcels resulting from the lot merger conform to the County's general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

- EVIDENCE:**
- a) The parcels are zoned RDR/40-D (14) (CZ) [Rural Density Residential, 40 acres per unit with Design Control, and a 14 foot height restriction (Coastal Zone)].
 - b) The lot line adjustment is between more than one and less than four existing adjacent parcels, and will not create a greater number of parcels than originally existed. Two approximately 2.2 acre (Assessor's Parcel Numbers 243-231-025-000 & 243-231-026-000) legal parcels of record will be merged into one 4.4 acre legal parcel of record through the lot line

adjustment process, pursuant to 19.09.005 of the Subdivision Ordinance; Title 19 (Coastal). No new parcels will be created.

- c) The proposed lot line adjustment is consistent with the Monterey County Zoning Ordinance (Title 20). Staff verified that the subject property is in compliance with all rules and regulations pertaining to the use of the property that no violations exist on the property.
By merging the two parcels, the construction of the proposed dwelling will not only conform to the minimum setbacks of the zoning district, but will better meet the Big Sur Coast Land Use Plan policies in regards to aesthetics.
- d) Parcel 1 (Assessor's Parcel Number 243-231-025-000) is 2.1 acres. The property currently has an existing single family dwelling that will be demolished in order to construct the proposed single family dwelling. Parcel 2 (Assessor's Parcel Number 243-231-026-000) is 2.3 acres. The property currently has a small 66 square foot unit which will be demolished in order to construct the proposed dwelling. Both parcels are serviced by the Garrapata Water Company and septic.
- e) The RMA – Planning Department has applied a standard condition of approval requiring the applicant to record a Record of Survey showing the two parcels being merged.
- f) The project planner conducted a site inspection on August 30, 2011 to verify that the project would not conflict with zoning or building ordinances.
- g) 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 PLN110257.

8. **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 of the Monterey County Zoning Ordinance (Board of Supervisors).
- b) Section 20.86.080 of the Monterey County Zoning Ordinance (Coastal Commission). The project is subject to appeal by the California Coastal Commission because the property is located between the sea and the first public road.

DECISION

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

1. Adopt a Mitigated Negative Declaration;
2. Approve a Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the demolition of an existing 1,960 square foot one-story single family dwelling and 66 square foot guest unit and the construction of a 9,255 square foot two-story single family dwelling, new retaining walls and associated grading (2,573 cubic yards cut, 2,573 cubic yards fill); 2) Coastal Development Permit for development within 750 feet of an archaeological resource; 3) Coastal Development Permit for development within 50 feet of a coastal bluff; 4) Coastal Development Permit for a Lot Line Adjustment to merge two parcels into one parcel; and 5) Design Approval in general

conformance with the attached sketch and subject to the attached conditions all being attached hereto and incorporated herein by reference; and

3. Adopt the attached Mitigation Monitoring and Reporting Program

PASSED AND ADOPTED this 14th day of December, 2011 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

, Planning Commissioner

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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

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

NOTES

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

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

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

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

Monterey County Planning Department
DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan
PLN110257

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled.
(RMA - Planning Department)

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

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice to contain the Resolution Number, Name of Hearing Body, Assessor's Parcel Number, Date the permit was approved, and the statements "The permit was granted subject to conditions of approval which run with the land" and "A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPOF

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis. Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning

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

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

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

5. PD014(A) - LIGHTING-EXTERIOR LIGHTING PLAN

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. The exterior lighting plan shall be subject to approval by the Director of the RMA - Planning Department, prior to the issuance of building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to the RMA - Planning Department for review and approval. Approved lighting plans shall be incorporated into final building plans.

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

6. PD041 - HEIGHT VERIFICATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans. The benchmark shall remain visible on-site until final building inspection. 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 associated with this project.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits, the Owner/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.

Prior to the foundation pre-pour inspection, the Owner/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.

Prior to the final inspection, the Owner/Applicant/Engineer 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.

7. PD006 - MITIGATION MONITORING

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: 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.
(RMA - Planning Department)

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

- 1) Enter into 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.

8. PD008 - GEOLOGIC CERTIFICATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geologic consultant shall provide certification that all development has been constructed in accordance with the geologic report.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to final inspection, the Owner/Applicant/Geological Consultant shall submit certification by the geological consultant to the RMA - Planning Department showing project's compliance with the geological report.

9. PD010 - EROSION CONTROL PLAN

Responsible Department: Planning

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

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, the Owner/Applicant shall submit an Erosion Control Plan to the RMA - Planning Department and the RMA - Building Services Department for review and approval.

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

11. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning

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

Compliance or Monitoring Action to be Performed: Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

12. PD012(D) - LANDSCAPE PLAN & MAINTENANCE (MPWMD-SFD ONLY)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The site shall be landscaped. Prior to the issuance of building permits, three (3) copies of a landscaping plan shall be submitted to the Director of 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. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall submit landscape plans and contractor's estimate to the RMA - Planning 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."

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall 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.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/Licensed Landscape Architect shall 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.

Prior to issuance of building permits, the Owner/Applicant/Licensed Landscape Contractor/ shall submit an approved water permit from the MPWMD to the RMA-Building Services Department.

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

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

13. PD047 - DEMOLITION/DECONSTRUCTION (MBUAPCD RULE 439)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: In accordance with Monterey 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.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of a demolition permit, if applicable, the Owner/Applicant/Contractor 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.

During demolition, the Owner/Applicant/Contractor shall obtain any required Air District permits and the Air District shall conduct all deconstruction or demolition activities as required by the Air District.

14. PD040 - CRITICAL VIEWSHED (BIG SUR)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall record a Scenic Easement over all portions of the subject parcel that are in the critical viewshed, including but not limited to, all existing vegetated areas without which the development would be located within the critical viewshed, pursuant to Sections 20.145.030.A.2(g) and (h) of the Regulations for Development in the Big Sur Coast Land Use Plan.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance or grading or building permits, the Owner/Applicant shall submit the scenic easement deed and corresponding map to the RMA-Planning Department for review and approval.

Prior to recordation of the parcel/final map or commencement of use, the Owner/Applicant shall record a map showing the approved scenic easement.

15. PD007- GRADING WINTER RESTRICTION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: No land clearing or grading shall occur on the subject parcel between October 15 and April 15 unless authorized by the Director of RMA - Building Services Department.
(RMA - Planning Department and Building Services Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant, on an on-going basis, shall obtain authorization from the Director of RMA - Building Services Department to conduct land clearing or grading between October 15 and April 15.

16. PD009 - GEOTECHNICAL CERTIFICATION

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: Prior to final inspection, the geotechnical consultant shall provide certification that all development has been constructed in accordance with the geotechnical report.
(RMA - Planning Department and Building Services Department)

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

17. PD045 - COC (LOT LINE ADJUSTMENTS)

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: The applicant shall request unconditional certificates of compliance for the newly configured parcels.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: The Owner/Applicant/Surveyor shall submit legal descriptions for each newly configured parcel as prepared by the Surveyor. The legal descriptions shall be entitled "Exhibit A." The legal description shall comply with the Monterey County Recorder's guidelines as to form and content. The Applicant shall submit the legal descriptions with a check, payable to the Monterey County Recorder, for the appropriate fees to record the certificates.

18. PDSP001 - RECORD OF SURVEY

Responsible Department: Planning

Condition/Mitigation Monitoring Measure: RECORD OF SURVEY
File a Record of Survey showing the lot merger between Assessor's Parcel Numbers 243-231-025-000 & 243-231-026-000. A licensed surveyor shall prepare record of survey and submit to the Planning Department record of survey and new legal description for review and approval. The Record of Survey shall be approved and recorded prior to the issuance of any construction permits.

Compliance or Monitoring Action to be Performed: A licensed surveyor shall prepare record of survey and submit to the Planning Department record of survey and new legal description for review and approval. The Record of Survey shall be approved and recorded prior to the issuance of any construction permits.

19. MITIGATION MEASURE #1: TREE PROTECTION

Responsible Department: Planning

Condition/Mitigation MITIGATION MEASURE #1 (MM#1) TREE PROTECTION

Monitoring Measure:

The following is recommended by the Tree Resource Evaluation conduct by arborist, Maureen Hamb (LIB110283):

- Protection Fencing and Barricades will be erected in areas identified in the site plan attached with the tree evaluation. Fencing supported by posts in the ground surrounded by straw bales as a barricade creates both a physical and visual barrier between the trees, the construction workers and their equipment. When access into the protected areas becomes necessary, it will be reviewed by both the contractor and the project arborist.
- Proper Root Pruning is to be completed by skilled labor under the supervision of the project arborist. All roots (up to one inch in diameter) are properly pruned using appropriate tools (pruners, loppers or handsaw). Roots greater than one inch will be inspected and evaluated by the project arborist.
- Grading Changes adjacent to trees must be reduced. In areas where grading changes are minor (less than 6 inches) re-contouring can be completed using manual labor.
- Driveway Demolition must be completed with small equipment. The equipment will operate on the existing asphalt keeping clear of the exposed soil and tree roots.
- Monitoring of the initial site clearing and excavation for the walls and driveway will be performed at least twice weekly to ensure compliance with the tree protection measures.
- Contractors and sub-contractors should be supplied with a copy of the attached Tree and Preservation Specifications before entering the construction site.

Monitoring Action #1:

- a. Prior to any construction, the applicant must submit to the RMA - Planning Department evidence of a contract being made between the owner and a county-approved arborist for the purpose of monitoring tree protection during construction on the property.
- b. Prior to building final, the contracted arborist shall submit a letter to the RMA - Planning Department in regards to the protection of the tree

Compliance or
Monitoring
Action to be Performed:

- a. Prior to any construction, the applicant must submit to the RMA - Planning Department evidence of a contract being made between the owner and a county-approved arborist for the purpose of monitoring tree protection during construction on the property.
- b. Prior to building final, the contracted arborist shall submit a letter to the RMA - Planning Department in regards to the protection of the trees on-site.

20. PW0044 - CONSTRUCTION MANAGEMENT PLAN

Responsible Department: Pub Works

Condition/Mitigation
Monitoring Measure:

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

Compliance or
Monitoring
Action to be Performed:

1. Prior to issuance of the Grading Permit or Building Permit Owner/Applicant/ Contractor shall prepare a CMP and shall submit the CMP to the RMA-Planning Department and the Department of Public Works for review and approval.
2. On-going through construction phases Owner/Applicant/Contractor shall implement the approved measures during the construction/grading phase of the project.

21. WRSP1 - DRAINAGE PLAN - COASTAL (NON-STANDARD CONDITION)

Responsible Department: Water

Condition/Mitigation Monitoring Measure: The applicant shall provide a drainage plan, prepared by a registered civil engineer or licensed architect, to mitigate on-site and off-site impacts. Impervious surface stormwater runoff shall be routed to a non-erodible surface at the base of the bluff. Drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. (Water Resources Agency)

Compliance or Monitoring Action to be Performed: Prior to issuance of any construction permits, the owner/applicant shall submit a drainage plan with the construction permit application. The Building Services Department will route a plan set to the Water Resources Agency for review and approval.

22. EHSP01 Alternative Wastewater Treatment Systems Requirements: Design

Responsible Department: Env Health

Condition/Mitigation Monitoring Measure: Alternative Wastewater Treatment Systems Requirements: Design
The Environmental Health Bureau (EHB) has determined that adequate area exists on the property to accommodate an alternative onsite wastewater treatment system (Alt OWTS). Submit a completed permit application with applicable fees and two (2) copies of the following:

- Alt OWTS proposal, designed by a registered engineer having experience in wastewater treatment and disposal, to EHB for review and acceptance
- Completed CRWQCB Form 200, regarding Waste Discharge Requirements
- Percolation and soils testing results prepared by a qualified individual as specified by MCC, Section 15.20.70.

Upon EHB's acceptance, the Alt OWTS proposal package would be referred by EHB to the Central Coast Regional Water Quality Control Board (CRWQCB) for review and approval. Once the design is approved by CRWQCB, EHB will issue an Alt OWTS permit. The Alt OWTS shall be installed per the approved engineered design and all permit conditions.

Compliance or Monitoring Action to be Performed: Submit proposal for an Alt OWTS to EHB for review and approval. Upon acceptance by EHB, the proposal would be referred to CRWQCB for review and approval.

Once approved by CRWQCB, obtain the Alt OWTS permit from EHB and install the system.

23. EHSP02 ALTERNATIVE OWTS: WASTE DISCHARGE REQUIREMENTS

Responsible Department: Env Health

Condition/Mitigation Monitoring Measure: Pursuant to the Memorandum of Understanding between Monterey County and the Central Coast Regional Water Quality Control Board, Central Coast Region (CRWQCB), Monterey County refers all new onsite wastewater treatment systems (OWTS) to the CRWQCB for review. CRWQCB would determine if the proposal must obtain a waiver of Waste Discharge Requirements from CRWQCB or if the proposal would require Individual Waste Discharge Requirements to be assigned by CRWQCB.

Compliance or Monitoring Action to be Performed: Submit evidence to EHB that CRWQCB has issued a waiver of Waste Discharge Requirements or Individual Waste Discharge Requirements for the proposed alternative onsite wastewater treatment system

24. EHSP03 Alternative Wastewater Treatment Systems Requirements: Operatic

Responsible Department: Env Health

Condition/Mitigation Monitoring Measure: Submit a signed operations and maintenance contract from a licensed septic contractor prior to final of building permit. Contract must include:

- Statement that if either party fails to comply with the contract EHB will be notified.
- Effluent quality reports shall be submitted to EHB bi-annually.
- EHB shall be notified at each renewal term, and a contract shall be submitted to EHB.
- All testing requirements in Interim Ordinance 5086, and other county, state and federal regulations shall be complied with.

Compliance or Monitoring Action to be Performed: Submit a signed operations and maintenance contract from a licensed septic contractor to EHB for review and approval, prior to final of building permit.
All lab results and service reports shall be submitted to the EHB on a bi-annual basis.
All renew contracts shall be submitted to EHB for review and approval.

25. EHSP04 Alternative Wastewater Treatment System: Deed Notice

Responsible Department: Env Health

Condition/Mitigation Monitoring Measure: The applicant shall record a deed notification with the Monterey County Recorder for parcel 243-231-025/026-000 with the approved language indicating that an alternative onsite wastewater treatment system is installed on the property. Contact EHB for specific wording to be included on the deed notification.

Compliance or Monitoring Action to be Performed: Contact EHB for specific deed notice wording. Record deed notice.

26. FIRE007 - DRIVEWAYS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Driveways shall not be less than 12 feet wide unobstructed, with an unobstructed vertical clearance of not less than 15 feet. The grade for all driveways shall not exceed 15 percent. Where the grade exceeds 8 percent, a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus (22 tons), and be accessible by conventional-drive vehicles, including sedans. For driveways with turns 90 degrees and less, the minimum horizontal inside radius of curvature shall be 25 feet. For driveways with turns greater than 90 degrees, the minimum horizontal inside radius curvature shall be 28 feet. For all driveway turns, an additional surface of 4 feet shall be added. All driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided at no greater than 400-foot intervals. Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum of 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall long with a minimum 25-foot taper at both ends. Turnarounds shall be required on driveways in excess of 150 feet of surface length and shall be located within 50 feet of the primary building. The minimum turning radius for a turnaround shall be 40 feet from the center line of the driveway. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length. (CAL-FIRE Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

27. FIRE008 - GATES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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. (CAL-FIRE Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

28. FIRE011 - ADDRESSES FOR BUILDINGS

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each 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. (CAL-FIRE Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

29. FIRE015 - FIRE HYDRANTS/FIRE VALVES

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: A fire hydrant or fire valve is required. The hydrant or fire valve shall be 18 inches above grade, 8 feet from flammable vegetation, no closer than 4 feet nor further than 12 feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than 50 feet and not more than 1000 feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2 inch National Hose outlet supplied by a minimum 4 inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of 3 inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within 3 feet of the hydrant/valve, with the blue marker not less than 3 feet or greater than 5 feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988. (CAL-FIRE Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

30. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITION

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: Remove combustible vegetation from within a minimum of 100 feet of structures. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional fire protection or firebreaks approved by the Reviewing Authority may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by Reviewing Authority and the Director of Planning and Building Inspection. (CAL-FIRE Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to final building inspection, the applicant or owner shall schedule fire dept. clearance inspection.

31. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER S

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: 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 completed prior to requesting a framing inspection. Due to substandard access, or other mitigating factors, small bathroom(s) and open attached porches, carports, and similar structures shall be protected with fire sprinklers. (CAL-FIRE Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to framing inspection, the applicant or owner shall schedule fire dept. rough sprinkler inspection.
3. Prior to final building inspection, the applicant or owner shall schedule fire dept. final sprinkler inspection.

32. FIRE024 - FIRE ALARM SYSTEM - (SINGLE FAMILY DWELLING)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: The residence shall be fully protected with an approved household fire warning system as defined by NFPA Standard 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the Uniform Building Code shall be required to be placarded as permanent building equipment. (CAL-FIRE Coastal)

Compliance or Monitoring Action to be Performed:

1. Prior to issuance of grading and/or building permit, the applicant or owner shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans.
2. Prior to rough sprinkler or framing inspection, the applicant or owner shall submit fire alarm plans and obtain approval.
3. Prior to final building inspection, the applicant or owner shall schedule fire dept. fire alarm system acceptance test.

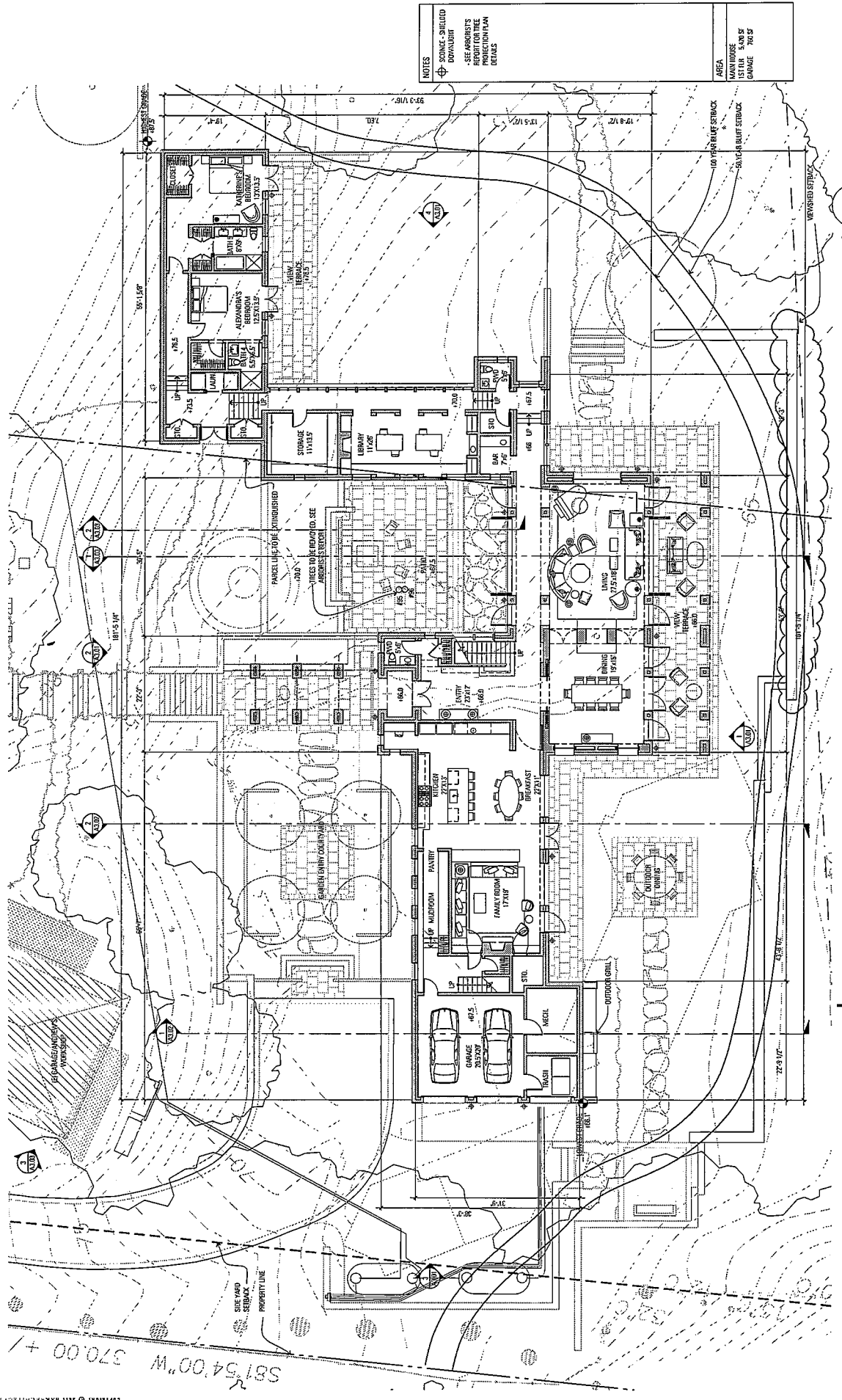
33. FIRE027 - ROOF CONSTRUCTION - (VERY HIGH HAZARD SEVERITY ZONE)

Responsible Department: Fire

Condition/Mitigation Monitoring Measure: All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class A roof construction. (CAL-FIRE Coastal)

Compliance or Monitoring Action to be Performed:

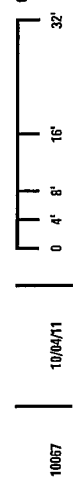
1. Prior to issuance of building permit, the applicant or owner shall enumerate as Fire Dept. Notes on plans.



NOTES	
☐	SCORER - SHIELD DOWNHILL
☐	SEE ARCHITECTS REPORT ON TREE PROTECTION PLAN DETAILS
AREA	
MAIN HOUSE	17,918
LIBRARY	11,206
STORAGE	11,435
GARAGE	20,520

FIRST FLOOR PLAN

COASTAL DEV. PERMIT
 PLAN 110257
A2.01



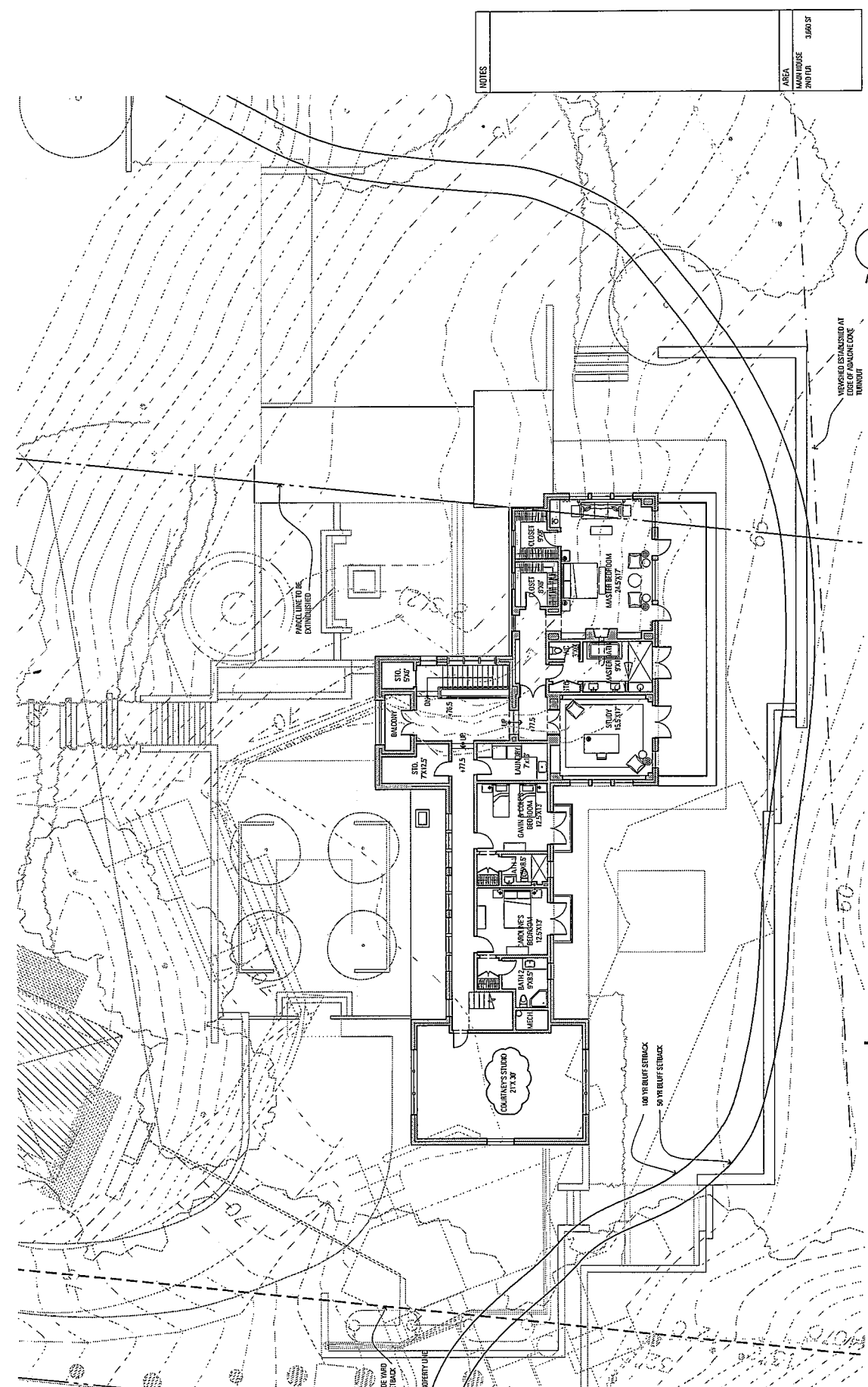
10/04/11 10057

ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA

BAR ARCHITECTS
 543 Howard Street, San Francisco, CA 94105, T. 415 293 5700, F. 415 293 5701 WWW.BARARCH.COM

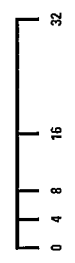
581'54.00" W 370.00 +/

581°54.00" W 570.00'



NOTES	AREA	3,660.57
	MAJOR ROUSE	2ND FLOOR

SECOND FLOOR PLAN



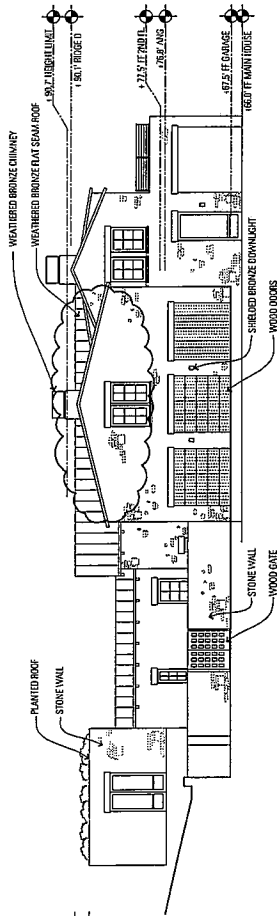
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10057

COASTAL DEV. PERMIT
PLN110257
A2.02

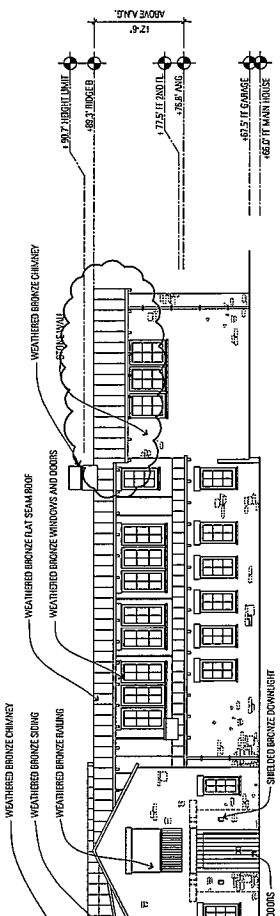
ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA

BAR ARCHITECTS

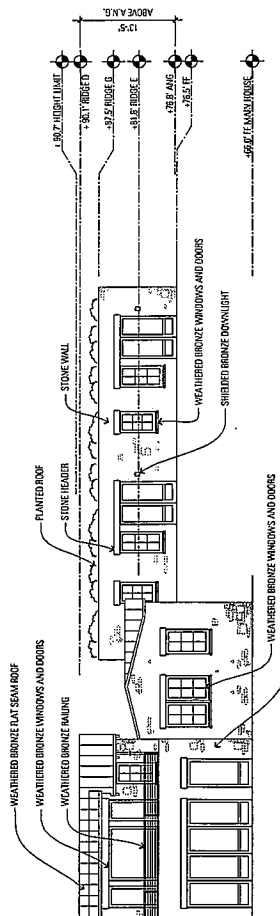
563 Howard Street, San Francisco, CA 94105, T. 415 293-5700, F. 415 293-5700 | WWW.BARARCH.COM



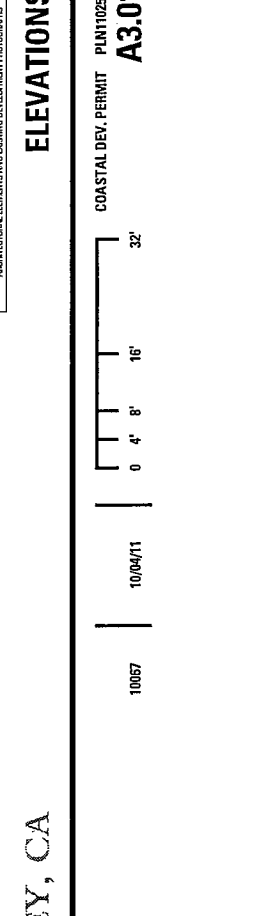
1 SOUTH ELEVATION
AC-24.01
1/4" = 1'-0"



2 NORTH ELEVATION
AC-24.02
1/4" = 1'-0"



3 EAST ELEVATION (FOREGROUND REMOVED FOR CLARITY)
AC-24.03
1/4" = 1'-0"



4 WEST ELEVATION
AC-24.04
1/4" = 1'-0"

NOTES:
1) ANS = AVERAGE NATURAL GRADE
2) SEE DESIGN APPROVAL APPLICATION FOR ILLUSTRATIONS OF LABELED
3) ARCHITECTURAL ELEVATIONS AND EXISTING DEVELOPMENT PHOTOGRAPHS

ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA

BAR ARCHITECTS

513 Howard Street, San Francisco, CA 94105, T. 415 293 5700, F. 415 293 5701 WWW.BARARCH.COM

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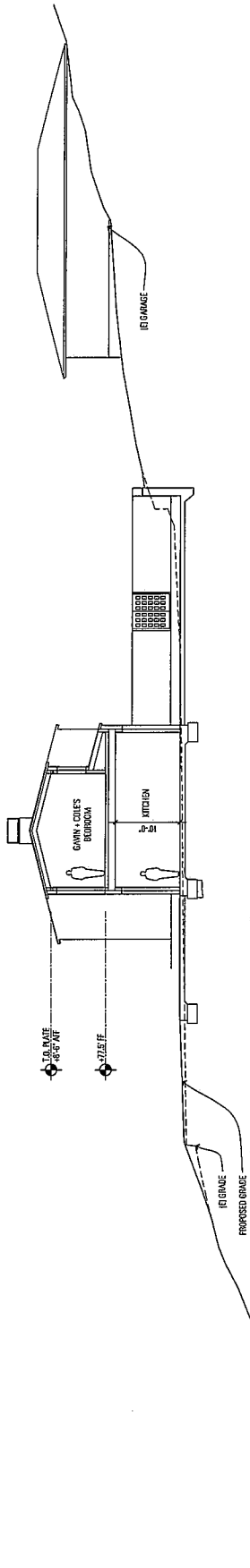
32'

0 4' 8' 16'

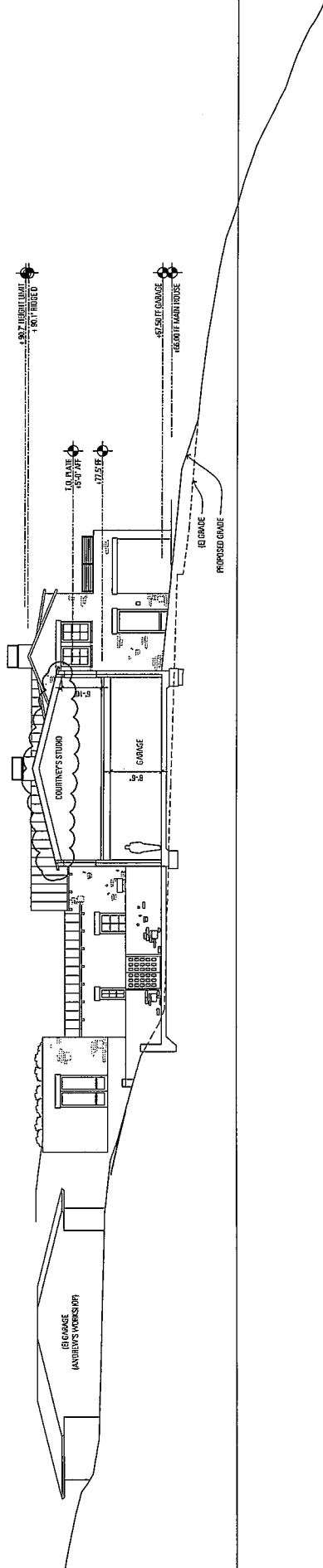
ELEVATIONS

COASTAL DEV. PERMIT PLN110257

A3.01



2 BUILDING SECTION LOOKING NORTH
A3.02 / 1/8" = 1'-0" AC388-01



1 BUILDING SECTION LOOKING SOUTH
A3.02 / 1/8" = 1'-0" AC388-01

NOTES:
1) ANG-AVERAGE NATURAL GRADE
2) SEE DESIGN APPROVAL APPLICATION FOR ILLUSTRATIONS OF LABELED ARCHITECTURAL ELEMENTS AND EXISTING DEVELOPMENT PHOTOGRAPHS

ABALONE COVE RESIDENCE | 35986 HWY 1 MONTEREY, CA

BAR ARCHITECTS

543 Howard Street, San Francisco, CA 94105, T. 415 293.5700, F. 415 293.5701 WWW.BARARCH.COM

10067 | 10/04/11

0 4' 8' 16' 32'

COASTAL DEV. PERMIT
A3.02

BUILDING SECTIONS

PLN 110257

FILE COPY
PLN110257

MINUTES
Big Sur Land Use Advisory Committee
Tuesday, September 13, 2011

1. Site visit at 9:00 AM at 35986 & 36000 HWY 1 CARMEL (BERLIN)

ATTENDEES: Richard Ravich, Steve Beck, Mary Trotter, Butch Kronlund, Angus Jeffers, Ned Callihan
and Dan Priano

Site visit at 10:00 AM at 48296 HWY 1 BIG SUR (LESTER)

ATTENDEES: Richard Ravich, Steve Beck, Mary Trotter, Butch Kronlund, Ned Callihan, Rob Carver
and Dan Priano

2. Meeting called to order by Mary Trotter at 10:55 am

3. Roll Call

Members Present: Richard Ravich, Steve Beck, Mary Trotter, Ned Callihan and Dan Priano

Members Absent: Barbara Layne

4. Approval of Minutes:

A. April 12, 2011 minutes Vote at next scheduled meeting

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

Exhibit D
Page 1 of 5 Pages

B. July 26, 2011 minutes Vote at next scheduled meeting

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

C. August 23, 2011 minutes Vote on next schedule meeting

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

5. **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

6. **Scheduled Item(s)**

7. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

7. Meeting Adjourned: 12:00 noon am

Minutes taken by: Dan Priano

Received via email October 13, 2011

Exhibit P
Page 3 of 5 Pages

Action by Land Use Advisory Committee Project Referral Sheet

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

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **September 13, 2011**

Project Title: BERLIN ANDREW T TR
File Number: PLN110257
File Type: ZA
Planner: LISTER
Location: 35986 & 36000 HWY 1 CARMEL

Project Description:

Combined Development Permit consisting of: 1) Coastal Administrative Permit to allow the demolition of an existing 1,960 square foot one-story single family dwelling and 66 square foot guest unit and the construction of a 9,153 square foot two-story single family dwelling, new retaining walls and associated grading (2,573 cubic yards cut, 1,530 cubic yards fill); 2) Coastal Development Permit for development within 750 feet of an archaeological resource; 3) Coastal Development Permit for development within 100 feet of a coastal bluff; 4) Coastal Development Permit for a Lot Line Adjustment to merge two parcels into one parcel; and 5) Design Approval. The properties are located at 36000 & 35986 Highway 1, Carmel (Assessor's Parcel Numbers 243-231-025-000 & 243-231-026-000), Big Sur Coast Land Use Plan, Coastal Zone.

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

Angus Jeffers and Richard Beard

Was a County Staff/Representative present at meeting? No (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

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)
Fencing		Access for Fire and Emergency vehicles - Entrance to low for clearance of trucks
Care Taker housing		

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION :

Motion by: Steve Beck (LUAC Member's Name)

Second by: Ricard Ravich (LUAC Member's Name)

Support Project as proposed

Recommend Changes (as noted above)

Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Richard Ravich, Ned Callihan, Steve Beck, Mary Trotter and Dan Priano

NOES: 0

ABSENT: Barbara Layne

ABSTAIN: 0

MONTEREY COUNTY
RESOURCE MANAGEMENT AGENCY

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



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: BERLIN

File No.: PLN110257

Project Location: 35986 Highway 1, Big Sur

Name of Property Owner: Berlin, Andrew & Courtney

Name of Applicant/Agent: Jeffers, Aengus L.

Assessor's Parcel Number(s): 243-231-025 and 026-000

Acreage of Property: 4.4 acres (2.2 acres each parcel)

General Plan Designation: Rural Residential

Zoning District: "RDR/40-D (14) (CZ)" Rural Density Residential, 40 acre minimum, Design Control District, 14 foot Height Restriction in the Coastal Zone

Lead Agency: Monterey County RMA Planning Department

Prepared By: Dan Lister, Assistant Planner

Date Prepared: September 19, 2011

Contact Person: Dan Lister, Assistant Planner

Contact Information: (831) 759-6617 or listerdm@co.monterey.ca.us

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project: The project entails the demolition of an existing 1,960 square foot single family dwelling with a 66 square foot detached guest unit to allow the construction of a new 9,255 square foot, two story single family dwelling with an 893 square foot deck, 834.5 linear feet of retaining wall, and approximately 2,573 cubic yards cut and 1,530 cubic yards fill. Excess material (1,043 cubic yards) will be balanced on-site. The project, as described, will be situated over two 2.2 acres parcels. In order for the project to meet required main structure setbacks, the two parcels will be merged creating one 4.4 acre parcel.

The property is zoned "RDR/40-D (14) (CZ)" Rural Density Residential, 40 acre minimum, Design Control District, 14 foot Height Restriction in the Coastal Zone. The property, Assessor's Parcel Numbers 423-231-025 and 423-231-026-000, is located at 35986 Highway 1, on the west side of Highway One in Big Sur, Ca.

According to Policy 3.2.2 of the Big Sur Coast Land Use Plan (BSCLUP), the property is located within a critical viewshed. The property is located near the Abalone Cove turnoff, which is a popular public-viewing area within Big Sur. However, Policy 3.2.4.F of the BSCLUP states, "the southernmost developed parcel north of Abalone Cove to the northernmost developed parcel south of Garrapata Creek shall be permit to be used for residential purposes subject to policies of Section 3.2.4 (Land Not in the Critical Viewshed) of this plan." During staff's review, it was determined that a portion of the original single family dwelling can be seen from the Abalone Cove area. The proposed dwelling will be setback behind existing landscaping, hiding the dwelling from all viewpoints at the Abalone Cove turnoff. See Section VI for more information on aesthetics.

The project also entails the removal of ~~three Monterey Pine trees~~ one Monterey Cypress tree, one Cedar, one Apple tree, and five Palm trees. Per Section 20.145.060.A.1.a of the Coastal Implementation Plan, Part 3, tree removal is exempt from a Coastal Development Permit if the tree is non-native or planted, the removal is not of a landmark tree, and removal does not expose structures in the critical viewshed. According to the arborist report by Maureen Hamb, the trees were planted previously for landscaping purposes. The trees are not part of the surrounding Monterey Cypress trees that act as a visual buffer from identified critical viewshed areas. The trees are not considered landmark and the Palm trees are non-native. See Section VI for more information about aesthetics and biological impacts.

According to County resources maps, the subject property is located within 750 feet of a known archaeological resource. Pursuant to Section 20.145.120.B.1 of the Coastal Implementation Plan, Part 3, an archaeological survey is required for projects located within 750 feet from a known archaeological resource. An archaeological report was prepared by Gary Breschini of Archaeological Consulting. The report identifies small quantities of shellfish and abalone found near the bluff, and a positive archaeological site located on the neighboring property (CA-MNT-690). Based on a previous report conduct by archaeologist, Susan Morley, Archaeological Consulting excavated five extra auger units (Morley excavated four auger units during her assessment) in areas where possible resources may be found. The report concludes that although

there were small quantities of shellfish and abalone found near the bluff, no evidence of cultural resources were found around the proposed construction site. A standard condition of approval has been applied to the project to ensure proper measures are in place in case resources are uncovered during construction

Pursuant to Section 20.145.080.A.1.b.2 of the Coastal Implementation Plan, Part 3, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 660 feet of a active fault, or 50 feet of the face of a cliff or bluff, or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater." According to County resource maps, the existing dwelling is within 50 feet of a coastal bluff, and is located within 660 feet of the Palo Colorado fault. A Geologic Hazard Investigation conducted by Jeffrey Nolan indicates that the Palo Colorado fault is considered inactive, and the proposed single family dwelling will be ~~setback 100 feet from the coastal bluff~~ set back behind the identified 100-year bluff erosion setback. See Section VI for more information on geology and soils.

The primary CEQA issues involve **aesthetics, biological resources, greenhouse gas emissions, air quality, and geology/soils**. These resources will be affected by the proposed project. However, evidence supports the conclusion that impacts will be less-than-significant for geology/soil, and less-than-significant with mitigation incorporated for biological resources. Since the project proposes the demolition to existing structures on the parcels, air quality and construction issues were addressed. Less-than-significant impacts have been identified for Air Quality and Greenhouse Gas Emissions (see Section VI, Environmental Checklist, of the Initial Study). Though no mitigations were required for these issues, implementation of conditions of approval will be included to assure compliance with County requirements.

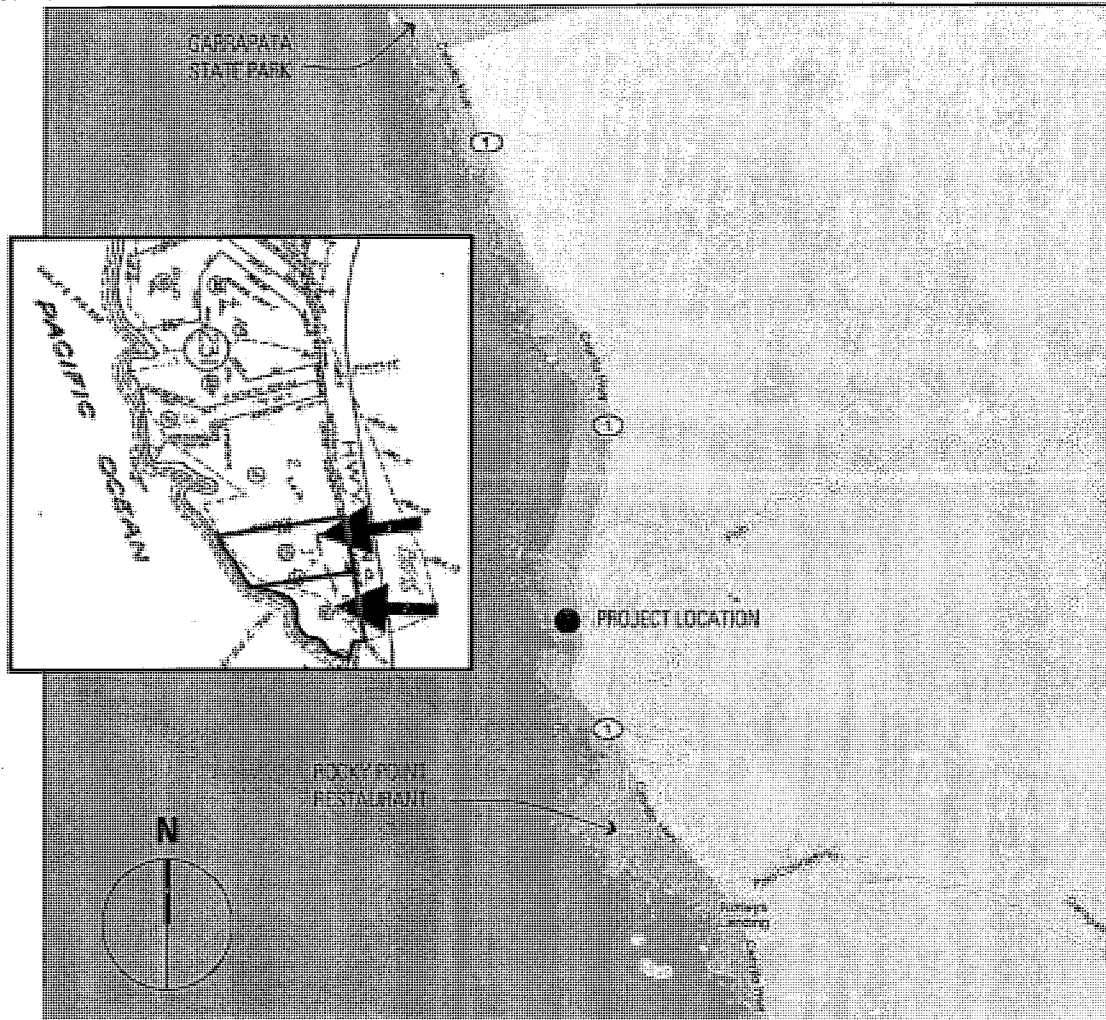
B. Surrounding Land Uses and Environmental Setting: The subject property is located in the Big Sur region of Monterey County, California, approximately 3/4 miles away from Rocky Point Restaurant, and 4.5 miles south of Carmel Highlands. The property is located next to the public-viewing area known as Abalone Cove. The property is surrounded by Monterey Cypress trees, creating a visual buffer from Highway One and other public viewing areas.

Topographically, the subject property slopes (15-30%) toward the ocean from the entrance at Highway One to the existing single family dwelling where it begins to flatten. Approaching the coastal bluff, contours slope significantly to a rocky-surface area, which extends into the ocean.

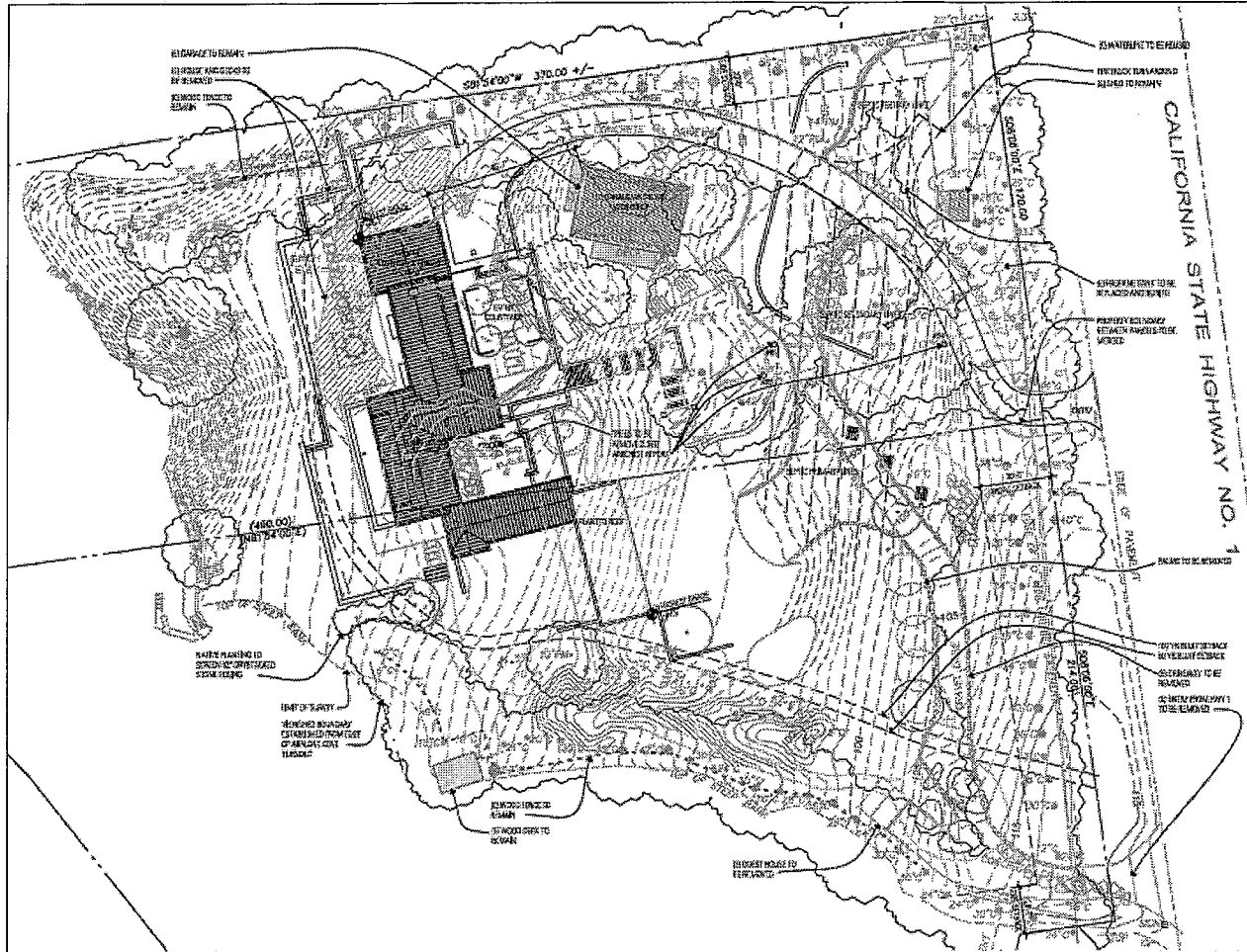
The site is surrounded by Monterey Cypress trees, which were planted as a visual buffer from Highway One. The majority of the lot is landscaped with lawn which is intermingled with a small amount of planted cypress and non-native trees.

C. Other public agencies whose approval is required: (e.g. permits, financing approval, or participation agreement) No other public agency permits would be required under this request.

VICINITY MAP



Site Plan



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

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

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

General Plan / Air Quality Management Plan (AQMP) / Local Coastal Program - LUP: The proposed project was reviewed for consistency with the 1982 Monterey County General Plan, Big Sur Coast Land Use Plan (BSCLUP), and Coastal Implementation Plan, Part 3. Policy 5.3.1.6 of the BSCLUP designates the property as "Rural Residential," which the principal purpose of the designation is the allowance of residential uses. Discussions on consistency with the 1982 General Plan noise hazard policies are contained in Section IV.12. Discussions on consistency with the AQMP are contained in Section VI.3. Potential Impacts based on LUP policies were identified, but all impacts can be avoided or mitigated to a level of less-than-significant.

Staff has conducted site visits and reviewed the project and technical documents prepared for the project. The project includes construction of a new single family dwelling on a 4.4 acres site. Environmental impact avoidance and minimalising measures will be applied as necessary. Findings of consistency with the Monterey County Local Coastal Program will be required prior to approval of the project by the appropriate authority.

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |

- | | | |
|---|--|---|
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities/Service Systems | <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: Based upon the planner's analysis, many of the above topics on the checklist do not apply. Less than significant impacts or potentially significant impacts are identified for aesthetics, air quality, cultural resources, geology/soils, and greenhouse gas emissions. The project will have no quantifiable adverse environmental effects on the categories not checked above as follows:

- 1) Aesthetics: See Section VI for detailed analysis
- 2) Agricultural and Forest Resources: The project site is not designated as Prime, Unique, of Statewide importance, or of Local importance Farmland, and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project will have no impacts to agricultural and forest resources (Reference IX; 1, 2, 3, 4, 5, & 7). The project parcels are not located near any grazing or farmland; and therefore, there is no impact to agricultural and forest resources.
- 3) Air Quality: See Section VI for detailed analysis
- 4) Biological Resources: See Section VI for detailed analysis
- 5) Cultural Resources: See Section II, Project Description

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

The Big Sur Coast Land Use Plan's key policy (Policy 3.7.1) states land use and development shall be carefully regulated through the best available planning practices in order to minimize risk to life, property, and/or natural environment. There is no evidence of such hazard with the proposed project. Therefore, there is no impact to hazards.

- 9) Hydrology/Water Quality: The proposed project will not violate any water quality standards or waste discharge requirements, nor substantially alter the existing drainage pattern of the site or area. The proposed project is not located within a 100 year floodplain and would not impede or redirect flood flows. (Reference IX; 1, 2, 3, 7, 9)

The protection and maintenance of Big Sur's water resources is a basic prerequisite to the protection of all other natural systems. Therefore, water resources will be considered carefully in all planning decision and approvals. (Policy 3.4.1 BSCLUP).

The project proposes a 30% reduction of water usage, a 3.3% reduction of impervious surfaces to allow rain-water recharge into the ground, and an engineered drainage system to minimize the potential for erosion hazards. Also, the project proposes to replace the existing septic system with an advanced treatment system that will accommodate waste disposal for the new dwelling while also providing a source of irrigation for landscaping. Therefore, there is no impact to hydrology.

- 10) Land Use/Planning: The project, as proposed, will not physically divide an established community, nor will it conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding environmental effect. The project will not conflict with any applicable habitat conservation plan, or natural community plan. (Reference

XI; 1, 2, 3, 4, 5, 7, 9) See Section VI, Aesthetics; and Section II, Description of Project for evidence pertaining to Land Use/Planning.

- 11) Mineral Resources: No mineral resources have been identified, or would be affected by the project. Therefore, the proposed project would have no impacts on minimal resources (Reference XI; 1, 2, 3, 5, 7, 9).
- 12) Noise: The construction of a single family dwelling within this area of Big Sur would not expose people to noise levels that exceed standards and would non-substantially increase ambient noise levels. The project site is not located in the vicinity of an airport or private airstrip. The project is located in a remote area with large distances between dwellings. The Health Department has reviewed and recommended approval of the proposal without conditions related to noise. There is no evidence that the persons residing or working near the project site would be significantly impacted by noise or vibrations related to this project. Temporary construction activities will comply with the County's noise requirements, as required in the County Code, Chapter 10.60. (Reference IX; 2 & 7) Therefore, the proposed project would have no significant impacts related to Noise.
- 13) Population/Housing: The proposed project would not substantially induce population growth in the area, either directly, or indirectly, as no new infrastructure would be extended to the site (Reference XI; 1, 2, 3, 7).

The project entails the merger of two 2.2 acre lots, which will decrease the potential of additional housing or induced population growth. Therefore, the proposed project would have no significant impacts related to Population/Housing.

- 14) Public Services: The project will have no substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services. (Reference IX; 1, 2, 3, 7, 9)

The proposed project's residential use and proximity to other residential uses signify that any potential impact to public services will be insignificant, given that adequate public services exist to properly serve the area. The review by the Fire Department and the Environmental Health Bureau identifies that access and private utilities are sufficient, and have recommended conditions of approval for the project. Therefore, the proposed project will not have a significant impact on Public Services.

- 15) Recreation: The project, as proposed, would not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical deterioration. The proposed project does not include or require

construction or expansion of recreational facilities. (Reference IX; 1, 3, 7) No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project, based on review of Figure 2 (Shoreline Access Plan) of the Big Sur Coast LUP and staff site visits. The project would not create significant recreational demands.

The Big Sur Coast Land Use Plan requires that the public's right to shoreline access is ensured by the State Constitution and provisions of the California Coastal Act. (Policy 6.1.1 BSCLUP) The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4).

- 16) Transportation/Traffic: The project would not generate additional traffic since there is an existing house on the property. The project would not change in air traffic patterns, or an increase in traffic levels. It would not substantially increase hazards due to a design failure, nor result in inadequate emergency access or parking capacity. The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation. (Reference IX; 1, 2, 3, 7, 9, 10)

The proposed project consists of the replacement of an existing structure. Construction activities will be on-site and will not affect Highway 1 traffic. All grading materials will remain on-site alleviating any traffic impacts associated with hauling materials off-site. To ensure impacts are not significant, the Public Works Department has added a condition of approval which requests a construction management plan prior to the commencement of construction. Therefore, the proposed project will have no significant impact to transportation or traffic.

- 17) Utilities: The proposed project currently has sufficient water supplies. The project proposes to replace the existing septic system with an advanced treatment system that will accommodate waste disposal for the new dwelling while also providing a source of irrigation for landscaping. A Geologic Hazard Investigation conducted by Nolan Associates did not identify impacts from the existing single family dwelling, but recommended for an engineered storm-water drainage plan in order to ensure all potential impacts cause by storm-water drainage were minimized. (Reference IX; 1, 2, 3, 7, 9). Therefore, the proposed project would have no significant impacts related to Utilities and Service Systems.

B. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

Signature

Date

Dan Lister, Assistant Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 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, 7, 8)	<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, 2, 3, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 critical viewshed is described in the Big Sur Coast Land Use Plan (BSCLUP) as everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and specific locations (Policy 3.2.2). However, Policy 3.2.4.F of the BSCLUP exempts the project site from being evaluated as a critical viewshed area. Though exempt from viewshed policies, Policy 3.2.4.F requires the project to be designed through proper site location, size consolidation, colors and materials to visible blend into the existing area. (See Section II, Description of Project)

Less than Significant (a), (b), and (d): The project site is surrounded by Monterey Cypress trees that were planted to create a visual buffer from public views on Highway 1 and the Abalone Cove turn-off. A very small portion of the existing house can be viewed from the most northern point of the Abalone Cove turn-off. The new single family dwelling will be situated in an area 100 feet away from the coastal bluff, where it will be hidden from the public-view of Highway 1 and Abalone Cove. To ensure the surrounding cypress trees will continue to provide a visual buffer from public views, the dedication of a scenic easement shall be required as a standard condition of approval. The scenic easement will not only regulate the maintenance and protection of the existing trees, but will also regulate the replacement and design of existing fences that also provide a visual buffer from public views.

Though the new dwelling is proposed to be three times larger than the existing dwelling, the location, colors and materials proposed better meets County polices and regulations. As a condition of approval, height verification shall be required to make sure the new dwelling does not exceed the 14 foot height limit imposed by the zoning district of that area. Also, a lighting

plan shall be submitted as a condition of approval showing only soft, low-wattage and down-lit exterior lighting will be installed on the property.

No Impacts (c): The project has been designed to visually blend into the site surroundings by use of natural colors and materials consistent with other residential dwelling of that area. The exterior of the house will consist of a stone facade. The house will have a bronze roof which will match the bronze clad windows and trim. A small portion of the dwelling will have a planted roof. The site is currently landscaped with lawn. Stone pathways and driveway will be intermingled with the lawn landscaping. Also, native landscaping near the bluff areas, viewable by the public, will be added in order to enhance the natural beauty of the scenic area. The project, as described, will not degrade the existing visual character of the area, nor degrade the quality of the site and its surroundings.

2. AGRICULTURAL AND FOREST RESOURCES

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 3, 4, 5, 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, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 5, 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, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 5, 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, 6, 7, 9)	<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, 6, 9)	<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, 6, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 6, 7, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 6, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 6, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

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

No Impacts (a), (b), (e), & (f): The development of a single family dwelling on an existing legal lot of record is not subject to MBUAPCD regulations. Development of an existing residential lot for residential purposes is accommodated in the AQMP. Therefore, the proposed development would not increase population that would exceed the forecast in the AQMP. The establishment of a single family dwelling at the site will not create or produce objectionable odors. Most potentially significant air quality issues related to construction of the single family dwelling involve the site grading activities. In accommodating for residential development, the AQMP takes into account the minor impacts of building site grading and construction of a single family dwelling. These are not considered potentially significant unless there are unusual circumstances requiring large areas of site preparation and long-term involvement of heavy equipment. Therefore, the project will have no impact on implementation of the Air Quality Plan, or expose people to substantial pollutants or objectionable odors.

Less-than-Significant (c) & (d): The North Central Coast Air Basin is in non-attainment for the State 8-hour PM₁₀ standards. The CEQA Air Quality Guidelines outline a threshold for construction activities with potentially significant impacts for PM¹⁰ to be 2.2 acres of disturbance per day. As less than 2.2 acres will be disturbed by this project, the proposed grading will not constitute a significant impact. Grading of the project site will result in minor increases in emissions from construction vehicles and dust generation. Best Management practices for construction and grading activities are to wet exposed soil to minimize the potential for dirt to become airborne through wind erosion or vehicle disturbance and to replant and stabilize graded areas as soon as possible. For construction vehicles, adherence to state required idle restrictions and use of properly maintained and tune equipment with diesel particulate matter filters would minimize vehicle exhaust related emissions during construction. Generally, in the long-term, the

primary source of air emissions is vehicular traffic. Vehicle traffic reduction measures are considered on a regional basis through regional planning efforts. The development of a single family dwelling will not affect the regional traffic planning efforts and will not cause significant increases in traffic congestion in the area. Standard conditions requiring adherence to Best Management Practices will minimize construction related air quality impacts for the project. Therefore the impacts to Air Quality from construction vehicles and equipment will be less than significant.

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, 2, 3, 5, 7, 9)	<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, 2, 3, 5, 7, 9)	<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, 2, 3, 5, 7, 9)	<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, 2, 3, 7, 9)	<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, 2, 3, 7, 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Policy 3.3.2 of the Big Sur Coast Land Use Plan states that development, include vegetation removal, excavation, grading, filling, and the construction of roads and structures shall not be

permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value.

No Impact (a) (b) (c) (d) & (f): The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as sensitive, or special status species, or effect on any riparian habitat or other sensitive natural community protected by local or regional plans, policies, or regulations, or by the California Department of Fish and game or U.S. Fish and Wildlife Services, The project will not have a substantial adverse effect on federal wetlands as defined by Section 404 of the Clean Water Act or conflict with any local policies or ordinances protecting biological resources.

Based on staff's review of the project and site, the construction area is not located in a place where environmentally sensitive habitat will be impacted. Currently, the site is covered by approximately 2,700 square feet of structures. The majority of the site is covered by lawn. The proposed dwelling will not further impact the site.

Less-than Significant with Mitigation Incorporated (e): The site is surrounded by planted Monterey Cypress trees. The trees act as a visual buffer from public views (see Section IV.1, Aesthetics). Due to the proposed amount of grading required for the construction of the new house, the arborist, Maureen Hamb, recommends that monitoring be preformed during grading activities to ensure proper tree protection.

Mitigation Measure #1: Tree Protection Measures

The following is recommended by the Tree Resource Evaluation conduct by arborist, Maureen Hamb (LIB110283):

- **Protection Fencing and Barricades** shall be erected in areas identified in the site plan attached with the tree evaluation. Fencing supported by posts in the ground surrounded by straw bales as a barricade creates both a physical and visual barrier between the trees, the construction workers and their equipment. When access into the protected areas becomes necessary, it will be reviewed by both the contractor and the project arborist.
- **Proper Root Pruning** shall be completed by skilled labor under the supervision of the project arborist. All roots (up to one inch in diameter) are properly pruned using appropriate tools (pruners, loppers or handsaw). Roots greater than one inch shall be inspected and evaluated by the project arborist.
- **Grading Changes** adjacent to trees shall be reduced. In areas where grading changes are minor (less than 6 inches) re-contouring may be completed using manual labor.
- **Driveway Demolition** shall be completed with small equipment. The equipment shall operate on the existing asphalt keeping clear of the exposed soil and tree roots.
- **Monitoring** of the initial site clearing and excavation for the walls and driveway shall be performed at least twice weekly to ensure compliance with the tree protection measures.
- Contractors and sub-contractors shall be supplied with a copy of the attached Tree and Preservation Specifications before entering the construction site.

Monitoring Action #1:

- a. Prior to any construction, the applicant shall submit to the RMA – Planning Department evidence of a contract being made between the owner and a county-approved arborist for the purpose of monitoring tree protection during construction on the property.
- b. Prior to building final, the contracted arborist shall submit a letter to the RMA - Planning Department verifying the condition of the remaining trees on-site, and if the protection measures were successful.

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 2, 3, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 2, 3, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 2, 3, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 2, 3, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

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, 2, 3, 5, 7, 8) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
ii) Strong seismic ground shaking? (Source: 1, 2, 3, 5, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2, 3, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 1, 2, 3, 5, 7, 8)	<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, 2, 3, 5, 7, 8, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 2, 3, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 1, 2, 3, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 2, 3, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Pursuant to Section 20.145.080.A.1.b.2 of the Coastal Implementation Plan, Part 3, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 660 feet of a active fault, or 50 feet of the face of a cliff or bluff, or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater." According to County resource maps, the existing dwelling is within 50 feet of a coastal bluff, and is located within 660 feet of the Palo Colorado fault.

No Impact (e): An approved septic system currently exists on the site. An alternative wastewater treatment system is proposed to replace the existing septic system (See Section VI.12 for information on the wastewater treatment system). The Geotechnical Report, conducted by Haro, Kasunich and Associates, Inc., does not indicate any issues with the location of the treatment system. Therefore, there are no impacts regarding inadequate soil incapable for the support for wastewater disposal systems.

Less-than-Significant (a) (b) (c) & (d): Based on review conducted by geologist at Nolan Associates and the geotechnical engineers at Haro, Kasunich and Associates Inc., potential

impacts were identified. Nolan Associates concluded their research stating, "In our opinion, the site may be subject to hazards associated with sea cliff erosion, landsliding, and strong seismic shaking. The risk posed by ground surface rupture, due to faulting, and tsunami inundation is considered to be low." The report recommends that the project be ~~setback away from the bluff~~ 100-foot-set back behind an identified 100-year bluff erosion setback, which is proposed on the project's site plan. The report also recommends, with an engineered drainage plan and structural design plans that apply the most current California Building Code, that sea cliff erosion, landsliding, and strong seismic shaking will be less-than-significant. A standard condition of approval has been applied to the project requiring a geologist to certify the development prior to the finalization of the construction permit to ensure the project followed all recommendations by the geologist.

Geotechnical engineers at Haro, Kasunich and Associates Inc. identified potential impacts due to modified subsoils, loose soils, and groundwater. Recommendations require proper foundation design, below-grade waterproofing and sub-drain systems, and grading work to be conducted per recommended guidelines within the report. A standard condition of approval has been applied to the project requiring a geotechnical engineer to certify the development prior to the finalization of the construction permit to ensure the project followed all recommendations by the geotechnical report.

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 6, 7, 9)	<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, 6, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Greenhouse gases such as Carbon Dioxide and Methane contribute to the "ozone" effect that leads to global warming. Generally, development of an existing lot of record for residential purposes is not a significant contributor to the global problem; however, the project will involve the temporary and stationary sources that generate minor amounts of greenhouse gas emissions.

Less-than-Significant Impact (a): The proposed development would generate greenhouse gas emission through removal of trees and vegetation that not only processes Carbon Dioxide and releases Oxygen back into the air, but also releases CO₂ once removed and composted, or burned. Greenhouse gases would also be created through use of construction equipment, vehicle trips, and stationary operations within the proposed dwellings including furnaces, fireplaces, and hot water heaters. Use of construction equipment is anticipated to be intermittent and limited to site

preparation and some construction activities. Pollutant emissions resulting from heavy equipment use during construction are not anticipated to exceed any significance thresholds or significantly contribute to greenhouse gas effects on the environment. The same applies to the minor addition of vehicle traffic associated with construction of a new single family dwelling.

For the stationary sources, current building codes require new development to use energy efficient furnaces and water heaters to comply with Title 24. The applicant is also encouraged to consider the use of solar panels (preferably roof mounted) to help generate electricity for the proposed dwellings and off-set some additional stationary source impacts.

All of these impacts are anticipated to provide minuscule and nearly immeasurable contributions of greenhouse gases when viewed in connection with the global contributions on a cumulative basis. It is not anticipated that greenhouse gases generated by the proposed project would have a significant impact on the ozone or the environment. Therefore, impacts to greenhouse gases are less than significant.

No Impact (b): Monterey County does not have an adopted plan for the reduction of greenhouse gases. Preparation of such a plan has begun, but is not yet applicable. Instead, the project is considered in terms of the multiple State and Federal laws passed regarding this subject. It is difficult to implement the goals of the various legislations on a small project-level basis such as this project. Rather climate action plans are being developed, and the Office of Planning and Research (OPR) recommend that each jurisdiction establish their own thresholds of significance. Monterey County has not adopted either a climate action plan or thresholds of significance, but it can be inferred from other agencies, including the California Air Resources Board (CARB) whose thresholds have been established well in excess of a single family project and the current environmental practices that the development of a new single family dwelling would not substantially conflict with greenhouse gas reduction planning. GHG sources targeted in such plans generally involve vehicle miles traveled reductions, waste diversions, and technologies such as electric vehicles, and renewable energy sources, not single residential projects.

8. HAZARDS AND HAZARDOUS MATERIALS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 2, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Discussion/Conclusion/Mitigation:

See Section IV.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 3, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 2, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 2, 3, 5, 7, 9)	<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, 2, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2, 3, 5, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 2, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 2, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 2, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 2, 3, 5, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2, 3, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source:)	<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, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

11. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 3, 5, 7, 8)	<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, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV.

12. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV

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

Discussion/Conclusion/Mitigation:
See Section IV.

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 2, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 2, 3, 5, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
d)	Parks? (Source: 1, 2, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Other public facilities? (Source: 1, 2, 3, 5, 7, 9)	<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, 2, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 2, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:
See Section IV

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source:1, 2, 3, 7, 8, 9, 10)	<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, 2, 3, 7, 8, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source:1, 2, 3, 7, 8, 9, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source:1, 2, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source:1, 2, 3, 5, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source:1, 2, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV

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, 2, 7, 9)	<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, 2, 7, 9)	<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, 2, 7, 9)	<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, 2, 7, 9)	<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, 2, 7, 9)	<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, 2, 3, 4, 7, 8, 9)	<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, 2, 3, 7, 8, 9)	<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, 5, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source:1, 2, 3, 5, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source:1, 2, 3, 5, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV and the other factors of Section VI as evidence that the project will not affect identified resources to a point where it would be considered a significant adverse impact.

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.

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 PLN110257 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. REFERENCES

1. Project Application, Plans and Material in File No. PLN110257;
2. Monterey County General Plan (1982);
3. Big Sur Coast Land Use Plan and Coastal Implementation Plan, Part 3;
4. Title 20 of the Monterey County Code (Zoning Ordinance);
5. Monterey County Planning Department GIS System, Property Report for Selected Parcels: 243-231-025 & 243-231-026-000
6. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008.
7. Site Visit conducted by the project planner on August 30, 2011.
8. Technical Reports:
 - a) Geological Hazards Investigation (LIB110285)
 - b) Preliminary Geotechnical Investigation for 35986 Highway One APN 243-231-025 & 026 Monterey County, California (LIB110284)
 - c) Tree Resource Evaluation & Construction Impacts Analysis, 35986 Highway One “Abalone Cove” (LIB110283)
 - d) Archaeological Plan Review for APN 243-231-025 & 026 (LIB110286 & LIB110287)

9. Interdepartmental Review Comments located in Project File PLN110257
10. PLN110257: Abalone Cove Supplemental Information; letter received September 21, 2011 from Stocker & Allaire, Project Builders.

Novo, Mike x5192

From: David Craft [DCraft@mbuapcd.org]
Sent: Tuesday, October 11, 2011 4:29 PM
To: Novo, Mike x5192
Subject: Mitigate Negative Declaration for Berlin; File Number PLN110257

Mike Novo –

Thank you for the opportunity to comment on the Mitigate Negative Declaration for Berlin; File Number PLN110257. The Monterey Bay Unified Air Pollution Control District has reviewed the above document and has no comments. See attached letter.

Best Regards,



Exhibit F
Page 1 of 3 Pages



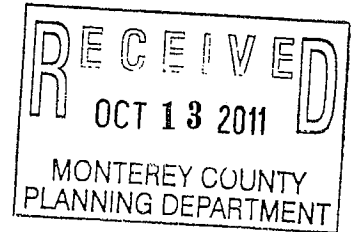
MBUAPCD

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

24580 Silver Cloud Court
Monterey, CA 93940
PHONE: (831) 647-9411 • FAX: (831) 647-8501

October 11, 2011

Mike Novo
Director of Planning
County of Monterey
168 West Alisal, 2nd Floor
Monterey, CA 93901



SUBJECT: Mitigate Negative Declaration for Berlin; File Number PLN110257

Dear Mr. Novo,

The Monterey Bay Unified Air Pollution Control District has reviewed the above document and has no comments.

Thank you for the opportunity to review the above document.

Best regards,

David Craft
Air Quality Engineer
Planning and Air Monitoring Division

Sent Electronically to: novom@co.monterey.ca.us
Original Sent by First Class Mail

Exhibit F
Page 2 of 3 Pages

MONTEREY COUNTY



DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH

PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

Oct 25, 2011

Daniel Lister, Project Planner

RE: Comments on Initial Study/Mitigated Negative Declaration (IS/MND); PLN110257 Berlin

The Monterey County Health Department, Environmental Health Bureau (EHB) has completed its review of the IS/MND for PLB110257 Berlin, comments are as follows:

After reviewing the IS/MND document, EHB finds the concerns that this department has regarding Hazardous Materials, Hydrology and Water Quality, Noise, and Utilities and Service Systems (Water Supply and Wastewater Disposal), have been addressed and have been found in Finding and Evidence to have no impact.

8. HAZARDOUS MATERIALS – All concerns that EHB have are addressed in this section and no mitigations are required, no impacts.

9. HYDROLOGY AND WATER QUALITY - All concerns that EHB have are addressed in this section and appropriate mitigations are in place. Due to constraints on meeting set backs, the property is required to install an advanced treatment septic system. This was discussed and found to have no impact on the project.

12. NOISE – All concerns that EHB have for noise are addressed in this section and no mitigations are required, no impacts.

17. UTILITIES AND SERVICE SYSTEMS – All concerns that EHB have for noise are addressed in this section and no mitigations are required, no impacts.

If you have any question please call me at 755-4763.

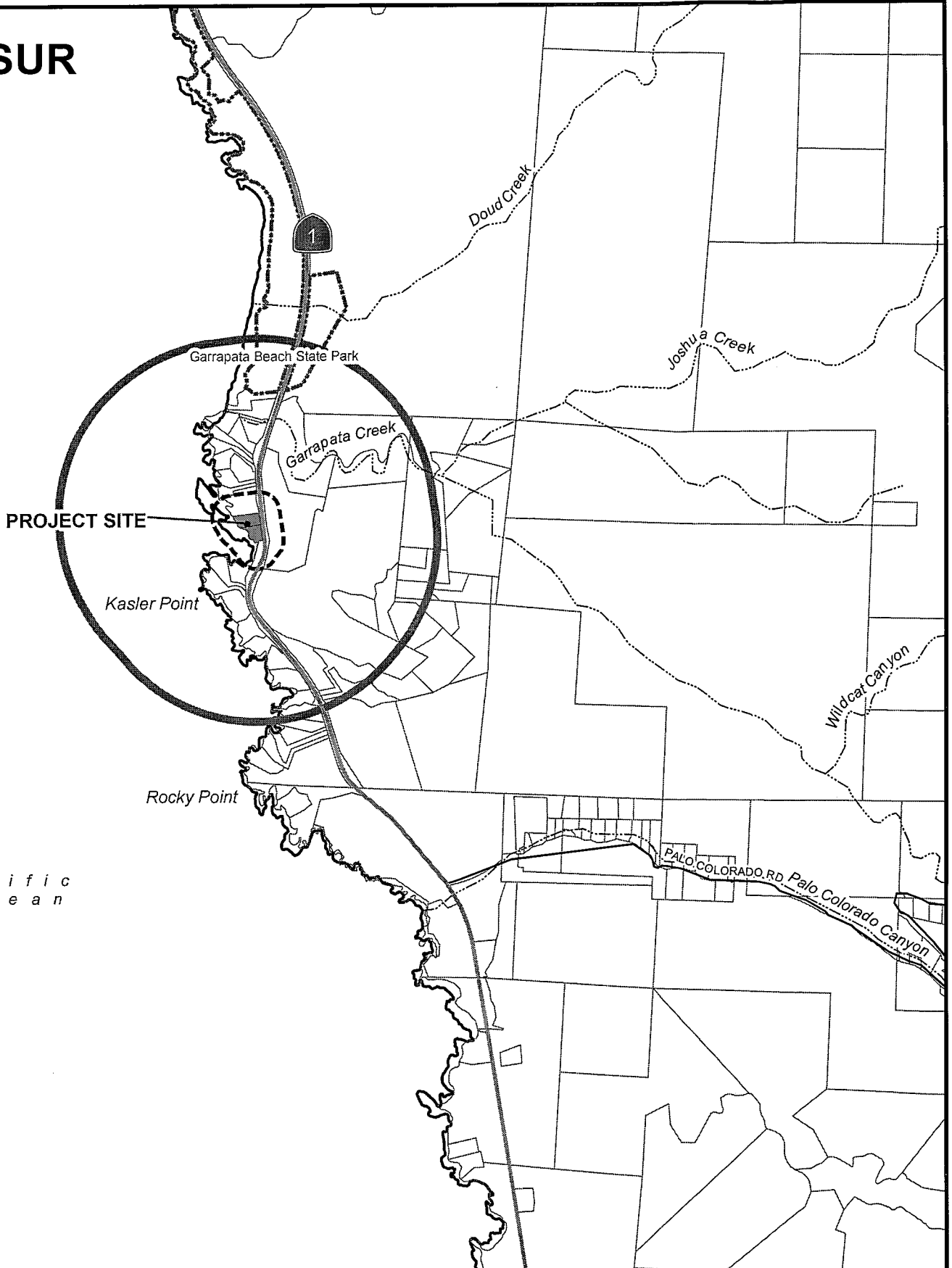
Sincerely,

Roger Van Horn, R.E.H.S.
Senior Environmental Specialist

Cc: Richard LeWarne, Assistant Director, Environmental Health
Janna Faulk, Acting Supervisor EHRS

Exhibit F
Page 3 of 3 Pages

BIG SUR

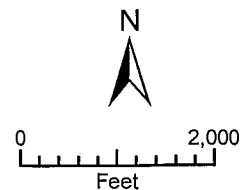


APPLICANT: BERLIN

APN: 243-231-025-000 & 243-231-026-000

FILE # PLN110257

Water 2500' Limit 300' Limit City Limits



PLANNER: LISTER

Exhibit 6