

MONTEREY COUNTY PLANNING COMMISSION

Meeting: June 13, 2012 Time: 9:00 A.M.	Agenda Item No.: 2
Project Description: Consider a Combined Development Permit consisting of: 1) a Coastal Administrative Permit to allow for the construction of a new 3,617 square foot bi-level single family dwelling with attached garage and storage below, associated grading (417 cubic yards of cut and 150 cubic yards of fill = 267 cubic yards to be hauled off-site), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system; 2) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; 3) a Coastal Development Permit to allow development on slopes in excess of 30%; 4) a Coastal Development Permit to allow development on a parcel with a positive archaeological report; and 5) Design Approval.	
Project Location: 35670 Highway 1, Big Sur	APN: 243-231-015-000
Planning File Number: PLN110150	Owner: The KF Terra, LP Agent: Arden Handshy
Planning Area: Big Sur Coast Land Use Plan	Flagged and staked: Yes
Zoning Designation: : "WSC/40-D (CZ)" [Watershed and Scenic Conservation/40 acres per unit-Design Control Area in the Coastal Zone]	
CEQA Action: Consider Addendum to previously Adopted MND	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Consider an Addendum to a previously adopted Mitigated Negative Declaration; and
- 2) Approve the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval and mitigation monitoring reporting plan (**Exhibit C**).

PROJECT OVERVIEW:

The applicant requests to develop a new 3,617 square foot bi-level single family dwelling with an attached garage and storage below, associated grading (417 cubic yards of cut and 150 cubic yards of fill = 267 cubic yards to be hauled off-site), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system. Although the project is located within the critical viewshed, the Big Sur Coast Land Use Plan provides an exception for the Rocky Point Area. The proposed project has been designed and sited to minimize intrusion in the critical viewshed. Access to the site is provided through an existing driveway.

A Mitigated Negative Declaration (MND) for a Combined Development Permit was adopted by the Planning Commission on October 8, 2003. The Mitigated Negative Declaration evaluated potentially significant impacts to Aesthetics, Biological and Cultural Resources. Three Assessor's Parcel Numbers (243-231-013-000, 243-231-015-000 and 243-231-106-000) were analyzed in the Initial Study because they were affected by the previous development.

Staff is recommending the Planning Commission consider an Addendum to the previously adopted MND as this parcel was included in the analysis of the Initial Study. Issues identified in the original Initial Study are the same issues that pertain to the current project. Current recommendations and mitigations are equal to or less than what was originally required in the Initial Study based on the environmental analysis of the technical reports (e.g., biological and cultural resources) that were prepared for the current proposal. See (**Exhibit B**) for further discussion.

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

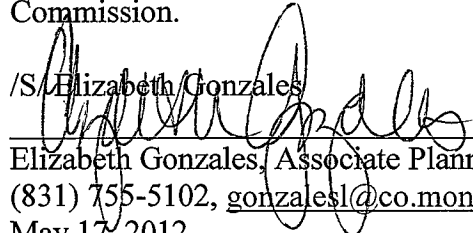
- √ RMA - Public Works Department
- √ Environmental Health Bureau
- √ Water Resources Agency
- √ CDF Coastal
- California Coastal Commission

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

On March 13, 2012, the Big Sur Land Use Advisory Committee recommended approval (5-0 vote) to support the project as proposed.

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

/s/ Elizabeth Gonzales


Elizabeth Gonzales, Associate Planner
(831) 755-5102, gonzales1@co.monterey.ca.us
May 17, 2012

cc: Front Counter Copy; Planning Commission; CDF Coastal; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Wanda Hickman, Planning Services Manager; Elizabeth Gonzales, Project Planner; KF Terra, LP, Owner; Arden Handshy, Agent; The Open Monterey Project; LandWatch; Alison Evans, Douglas E. Fell; Planning File PLN110150

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 Vicinity Map
Exhibit E Advisory Committee Minutes (LUAC)
Exhibit F Justification Letter (30% slope)
Exhibit G Addendum to previously adopted Mitigated Negative Declaration


This report was reviewed by Bob Schubert, Senior Planner and Wanda Hickman, Manager. 

EXHIBIT A

Project Information for PLN110150

Project Information:

Project Name:	KF TERRA LP THE		
Location:	35670 HWY 1 BIG SUR CA		
Permit Type:	Combined Development Permit		
Environmental Status:	Addendum	Final Action Deadline (884):	5/18/2012
Existing Structures (sf):	0	Coverage Allowed:	10%
Proposed Structures (sf):	3617	Coverage Proposed:	5%
Total Sq. Ft.:	3617	Height Allowed:	24 feet
Tree Removal:	NONE	Height Proposed:	20 feet
Water Source:	GARRAPATA WATER CO	FAR Allowed:	n/a
Water Purveyor:	COMMUNITY SYSTEM	FAR Proposed:	n/a
Sewage Disposal (method):	SEPTIC SYSTEM	Lot Size:	1.69
Sewer District:	PRIVATE	Grading (cubic yds.):	417

Parcel Information:

Primary APN:	243-231-015-000	Seismic Hazard Zone:	Relatively unstable uplands
Applicable Plan:	Big Sur Coast LUP	Erosion Hazard Zone:	MODERATE
Advisory Committee:	BIG SUR LAND USE ADVISORY COMMITTEE	Fire Hazard Zone:	HIGH
Zoning:	WSC/40-D (CZ)	Flood Hazard Zone:	MODERATE
Land Use Designation:	WATERSHED AND SCENIC CONSERVATION	Archaeological Sensitivity:	HIGH
Coastal Zone:	YES	Viewshed:	YES WITH EXCEPTION
Fire District:	CDF COASTAL	Special Setbacks on Parcel:	NO

Reports on Project Parcel:

Soils Report #:	LIB120009
Biological Report #:	LIB120010
Geologic Report #:	LIB120009
Forest Management Rpt. #:	N/A
Archaeological Report #:	LIB120126
Traffic Report #:	N/A

EXHIBIT B DISCUSSION

Background

In 2003, an Initial Study was prepared for development on a parcel with a positive archaeological report for the construction of a detached accessory structure that included a 1,380 square foot (3-car) garage and a 420 square foot guesthouse and installation of a 5-foot tall fence along the south property line. Three Assessor's Parcel Numbers (243-231-013-000, 243-231-015-000 and 243-231-106-000) were analyzed in the Initial Study because they were affected by the development.

A Mitigated Negative Declaration (MND) for a Combined Development Permit was adopted by the Planning Commission on October 8, 2003. The Mitigated Negative Declaration evaluated potentially significant impacts to Aesthetics, Biological and Cultural Resources; however, proposed mitigation measures reduce these impacts to a less than significant level.

Staff prepared an Addendum to the MND to include one of the parcels now being proposed for the construction of a new 3,617 square foot bi-level single family dwelling to include attached garage and storage below with associated grading.

Project Description

The proposed project is located on Assessor's Parcel Number 243-231-015-000 and the applicant proposes to construct a new 3,617 square foot bi-level single family dwelling with attached garage and storage below, associated grading (417 cubic yards of cut and 150 cubic yards of fill = 267 cubic yards to be hauled off-site), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system. In accordance with the certified Big Sur Coast Local Coastal Plan, the project is subject to a Combined Coastal Development Permit. The Combined Development Permit includes a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; a Coastal Development Permit to allow development on slopes in excess of 30%; a Coastal Development Permit to allow development on a parcel with a positive archaeological report.

The subject parcel (APN 243-231-015-000) is situated on a relatively flat marine terrace west of Highway 1 and just south of the mouth of Garrapata Creek. It is adjacent to and east of an existing residence that is primarily accessed through this parcel via a decomposed granite driveway. It is this driveway area where most of the building on Parcel 015 will occur. Consequently, as part of this project, the access to the existing house on Parcel 013 will shift to an existing dirt driveway by a short connector and may be resurfaced with decomposed granite.

30% Slope Exception Request Applicants are proposing a slope waiver for a portion of the proposed house site on a small area (238 square feet) that exceeds 30% grade (maximum 36%). The size of the proposed residence is very modest, comprising only 2,644 square feet of lot coverage. Development of the parcel is constrained by critical viewshed, trees and ESHA. The proposed development has been designed to take maximum advantage of previously disturbed area. The proposed footprint has been carefully sited to maximize consistency with the development standards and resource protection policies as follows:

- The proposed residence footprint avoids location of ESHA;
- The proposed residence is sited to avoid critical viewshed areas. The house footprint has been pushed as far eastward (away from open areas of parcel) as possible to avoid views of structure from Garrapata Bridge, nearby Garrapata beach trails and highway turnouts.

- The proposed residence footprint was purposefully sited to rest primarily on an existing developed area, a roadbed; thereby minimizing disruption of natural habitat;
- The location of the proposed residence avoids the removal of trees;
- The location of the proposed residence is one main level to avoid height issues related to the critical viewshed. The garage and storage are tucked under the house.

For these reasons, staff supports a 30% slope exception waiver as it better achieves the goals, policies and objectives of the Monterey County Local Coastal Program.

Project Issues

Development in the Critical Viewshed

This project site is located in the Rocky Point Area of the highly scenic Big Sur Coast. Views of the coastal hills and bluffs, Pacific Ocean, and rock outcroppings are predominant in the area. Although considered to be located in the critical viewshed, the project structure will not be visible from nearby public vista points and public coastal access points along Highway 1 because of existing vegetation.

The Big Sur Coast Land Use Plan (LUP) and Coastal Implementation Plan (CIP) provide standards for development in the critical viewshed which allow the preservation of Big Sur's scenic resources. LUP Key Policy 3.2.1 and Section 20.145.030 of the CIP prohibit development visible from Highway 1. However, the LUP and CIP provide for exceptions to the key policy (Section 3.2.5.F) for the Rocky Point area. This exception allows development of vacant parcels in the Rocky Point area pursuant to LUP Section 3.2.4. and CIP section 20.145.030.B.6, which establish development policies and standards for land not in the critical viewshed. The Planning and Building Inspection Department's interpretation of the LUP is that development on Rocky Point area parcels is also allowed provided that intrusion in the critical viewshed is minimized to the greatest extent feasible.

Consequently, the proposed single family dwelling has been designed and sited to minimize intrusion in the critical viewshed. Design characteristics include placing the structure around existing topographic features and on an existing road, planted roof, use of earth tone colors, and landscaping with native species. The height of the structure does not extend above any existing landforms so it would not block any ocean view. In order to mitigate for potential adverse impacts that could result from landscape, all landscape materials shall be designed and maintained in such a manner that does not obscure any coastline view from Highway 1 any more than the proposed structure. (Condition #22/MM#1) A Scenic Easement shall also be recorded 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 Section 20.145.030.B.6(e). (Condition #21) Accordingly, the proposed structure meets the policies and regulations for development in the critical viewshed contained in the Big Sur Coast Land Use Plan and Implementation Plan.

Due to natural vegetation located between the parcel and Highway One, the proposed structure will not be visible from Highway One. However, in the event that any vegetation should die or be removed that could create an adverse affect, the applicant will be required as a condition of approval, to replace any tree (existing/replaced) which screens the development from Highway One and that is destroyed, diseased or significantly damaged or requires removal, to ensure full protection of exposure of any portion of the development within the critical viewshed. (Condition #20)

Environmentally Sensitive Habitats

In 2011, Zander Associates completed a biological resources assessment for the current project located on parcel 243-231-015. Because parcel 015 is located within an existing residential area KF Terra (PLN110150)

it has been subjected to various levels of human disturbance as a result. Nevertheless, the northwestern portion of the parcel contains a relatively intact stand of coastal bluff scrub dominated by dune buckwheat, lizard tail, and Monterey Indian paintbrush. According to statements in previous reports prepared for the adjacent parcel, the applicant undertook restoration efforts in the area between 1997 and 2002 to remove ice plant and spread a mix of seeds that coastal biologist Tom Moss collected from the site over a period of months. Those efforts appear to have had great success.

Vegetation is sparse under the Monterey cypress canopy and there are small patches of grass adjacent to the existing driveways on Parcels 015 and 013. These grass areas are kept cropped and do not appear to have a diversity of associated herbaceous species.

Several occurrences of Smith's blue butterfly are recorded within five miles of the project area and therefore, there is potential for the dune buckwheat plants on the parcel to provide habitat for this butterfly. No Smith's blue butterflies have been observed using the dune buckwheat plants on the parcel during past surveys, but the potential for this butterfly to be present in the area remains. No dune buckwheat plants were observed in any of the areas that will be disturbed for construction of the new residence, leach field, or new driveway. However, there are dune buckwheat plants immediately adjacent to the proposed residence that could be affected by construction activities. Therefore, the previous mitigation measures required in the original Initial Study still apply to this project.

Cultural Resources

In January 2012, Archaeological Consulting was authorized to prepare a Preliminary Archaeological Assessment for a new house construction on a portion of one of the Kleissner parcels on Highway One south of Carmel. At the time of the assessment the moderately sloping project area was flagged with story poles. A driveway and an old paved road ran through the center of the house footprint. Surface visibility was variable in the project impact area depending on vegetation and paving. Overall soil visibility was adequate for the purposes of the assessment.

The field assessment consisted of a general surface reconnaissance of all project areas which could reasonably be expected to contain visible cultural resources and which could be viewed without major vegetation removal or excavation. Previous research of the files found that CA-MNT-98 is recorded on the project parcel and on several other parcels west of the highway. The archaeological deposit had been tested previously on the northwestern part of the project parcel and on adjoining parcel 243-231-013-000. Although the CA-MNT-98 midden is visible northwest of the project area, none of the materials frequently associated with prehistoric cultural resources in the area were observed in the current project footprint. The soil in the project area was lighter brown than the midden soil. No shell fragments were seen in the immediate vicinity of the project footprint. Typical midden shell fragments become apparent north and west of the large cypress trees.

However, given the nature of archeological resources in a highly sensitive area, where they may be discovered during construction activities, potential adverse impacts could occur during construction. In order to reduce these potential impacts to a less than significant level, the previous mitigation measures are appropriate to apply to this project to ensure that an archaeological monitor be present during construction activities. Results of all laboratory processing and additional analyses will be presented in a Final Technical Report to be submitted prior to final construction.

Environmental Review

A technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the Initial Study, adopted on October 8, 2003, by the Planning Commission (*Resolution No. 03065*). None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

The purpose of this Addendum to the Mitigated Negative Declaration is to revise the project description to reflect the current proposal and to update the environmental analysis based on the technical reports (e.g., biological and cultural resources) that were prepared for the current proposal. No Subsequent Mitigated Negative Declaration is needed pursuant to Section 15162 or 15164 of the CEQA Guidelines since adoption of the Mitigated Negative Declaration by the Planning Commission on October 8, 2003, because:

1. There have not been any substantial changes to the project which require major revisions to the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. No information of substantial importance has become available, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was approved, that shows any of the following:
 - a. That the project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration;
 - b. That significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration;
 - c. That mitigation measures previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the applicant declines to adopt the mitigation measure or alternative; or
 - d. That mitigation measures which are considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects on the environment, but the applicant declines to adopt the mitigation measure or alternative.

Conclusion

Issues identified in the original Initial Study are the same issues that pertain to the current project. Current recommendations/mitigations are equal to or less than what was originally required in the Initial Study based on the environmental analysis of the technical reports (e.g., biological and cultural resources) that were prepared for the current proposal. Therefore, the environmental analysis meets the criteria to prepare an Addendum for this project.

**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:

K F TERRA, LP (PLN110150)

RESOLUTION NO. ----

Resolution by the Monterey County Hearing Body:

- 1) Consider an Addendum to a previously adopted Mitigated Negative Declaration; and
- 2) Approve the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval and Mitigation Monitoring and Reporting Plan

[PLN110150, K F Terra, LP, 35670 Highway 1, Big Sur, Big Sur Coast Land Use Plan (APN: 243-231-015-000)]

The Combined Development Permit application (PLN110150) came on for public hearing before the Monterey County Planning Commission on June 13, 2012. 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);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 35670 Highway 1, Big Sur (Assessor’s Parcel Number 243-231-015-000), Big Sur Coast Land Use Plan. The parcel is zoned “WSC/40-D (CZ)” Watershed and Scenic Conservation/40 acres per unit-Design Control Area in the Coastal Zone, which allows for residential dwellings. Therefore, the project is an allowed land use for this site.
 - c) Rocky Point Exemption The Big Sur Coast Land Use Plan (LUP) and Coastal Implementation Plan (CIP) provide standards for development in the critical viewshed which allow the preservation of Big Sur’s scenic resources. LUP Key Policy 3.2.1 and Section 20.145.030 of the CIP

prohibit development visible from Highway 1. However, the LUP and CIP provide for exceptions to the key policy (Section 3.2.5.F) for the Rocky Point area. This exception allows development of vacant parcels in the Rocky Point area pursuant to LUP Section 3.2.4. and CIP section 20.145.030.B.6, which establish development policies and standards for land not in the critical viewshed. The Planning and Building Inspection Department's interpretation of the LUP is that development on Rocky Point area parcels is also allowed provided that intrusion in the critical viewshed is minimized to the greatest extent feasible. The project structure will not be visible from nearby public vista points and public coastal access points along Highway 1 because of existing vegetation. Accordingly, the proposed structure meets the policies and regulations for development in the Critical Viewshed contained in the Big Sur Coast Land Use Plan and Implementation Plan.

- d) Design Approval Pursuant to Chapter 20.44, Design Control Zoning District, the project requires design review of structures to make sure they are appropriate to assure protection of the public viewshed, neighborhood character, and assure visual integrity. The proposed single family dwelling has been designed and sited to minimize intrusion in the critical viewshed. Design characteristics include placing the structure around existing topographic features and on an existing road, planted roof, use of earth tone colors, and landscaping with native species. The height of the structure does not extend above any existing landforms so it would not block any ocean view. In order to mitigate for potential adverse impacts that could result from landscape, all landscape materials shall be designed and maintained in such a manner that does not obscure any coastline view from Highway 1 any more than the proposed structure. (Condition #22/MM#1)
- e) Due to natural vegetation located between the parcel and Highway One, the proposed structure will not be visible from Highway One. However, in the event that any vegetation should die or be removed that could create an adverse affect, the applicant will be required as a condition of approval, to replace any tree (existing/replaced) which screens the development from Highway One and that is destroyed, diseased or significantly damaged or requires removal, to ensure full protection of exposure of any portion of the development within the critical viewshed. (Condition #20) A Scenic Easement shall also be recorded 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 Section 20.145.030.B.6(e). (Condition #21)
- f) ESHA In 2011, Zander Associates completed a biological resources assessment for the current project located on parcel 243-231-015. Because parcel 015 is located within an existing residential area it has been subjected to various levels of human disturbance as a result. Nevertheless, the northwestern portion of the parcel contains a relatively intact stand of coastal bluff scrub dominated by dune buckwheat, lizard tail, and Monterey Indian paintbrush. Several occurrences of Smith's blue butterfly are recorded within five miles of the project area and therefore, there is potential for the dune buckwheat plans on the parcel to provide habitat for this butterfly. No Smith's blue butterflies have

been observed using the dune buckwheat plants on the parcel during past surveys, but the potential for this butterfly to be present in the area remains. No dune buckwheat plants were observed in any of the areas that will be disturbed for construction of the new residence, leach field, or new driveway. However, there are dune buckwheat plants immediately adjacent to the proposed residence that could be affected by construction activities. Therefore, the previous mitigation measures required in the original Initial Study still apply to this project.

(Condition #23/MM # 2)

- g) Cultural Resources In January 2012, Archaeological Consulting prepared a Preliminary Archaeological Assessment for a new house construction on a portion of one of the Kleissner parcels on Highway One south of Carmel. Overall soil visibility was adequate for the purposes of the assessment. The field assessment consisted of a general surface reconnaissance of all project areas which could reasonably be expected to contain visible cultural resources and which could be viewed without major vegetation removal or excavation. Previous research of the files found that CA-MNT-98 is recorded on the project parcel and on several other parcels west of the highway. Although the CA-MNT-98 midden is visible northwest of the project area, none of the materials frequently associated with prehistoric cultural resources in the area were observed in the current project footprint. The soil in the project area was lighter brown than the midden soil. No shell fragments were seen in the immediate vicinity of the project footprint. However, given the nature of archeological resources in a highly sensitive area, where they may be discovered during construction activities, potential adverse impacts could occur during construction. In order to reduce these potential impacts to a less than significant level, the previous mitigation measures are appropriate to apply to this project to ensure that an archaeological monitor be present during construction activities.

(Condition #24/MM # 3)

- h) 30% Slope Exception A 30% slope waiver better achieves the goals, policies and objectives of the Monterey County Local Coastal Program. The slope waiver proposes a portion of the proposed house site on a small area (238 square feet) that exceeds 30% grade (maximum 36%). The size of the proposed residence is very modest, comprising only 2,644 square feet of lot coverage. Development of the parcel is constrained by critical viewshed, trees and ESHA. The proposed development has been designed to take maximum advantage of previously disturbed area. The proposed footprint has been carefully sited to maximize consistency with the development standards and resource protection policies as follows:

- The proposed residence footprint avoids location of ESHA;
- The proposed residence is sited to avoid critical viewshed areas. The house footprint has been pushed as far eastward (away from open areas of parcel) as possible to avoid views of structure from Garrapata Bridge, nearby Garrapata beach trails and highway turnouts.
- The proposed residence footprint was purposefully sited to rest primarily on an existing developed area, a roadbed; thereby minimizing disruption of natural habitat;

- The located of the proposed residence avoids the removal of trees;
- The location of the proposed residence is one main level to avoid height issues related to the critical viewshed. The garage and storage is tucked under the house.

For these reasons.

- i) The project planner conducted a site inspection on May 13, 2011 to verify that the project on the subject parcel conforms to the plans listed above.
- j) On March 13, 2012, the Big Sur Land Use Advisory Committee recommended approval (5-0 vote) to support the project as proposed.
- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN110150.

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, CDF Coastal, 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, Cultural Resources and geotechnical. The following reports have been prepared:
 - “Biological Resources Assessment” (LIB120010) prepared by Zander Associates, San Rafael, CA, November 15, 2011;
 - “Preliminary Archaeological Assessment” (LIB120126) prepared by Archaeological Consulting, Salinas, CA, January 20, 2012;
 - “Geotechnical Investigation” (LIB120009) prepared by Tharp & Associates, Inc., December 2011

The above-mentioned 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 has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted a site inspection on May 13, 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 PLN110150.

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

welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning Department, CDF Coastal, Public Works, Environmental Health Bureau, and Water Resources Agency. The respective 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 will be provided by an existing mutual water system called Garrapata Water Company and a new on-site septic system. The Environmental Health Bureau has determined that the new septic system will have no potential impacts on the project.
 - c) Preceding findings #1 and #2 and supporting evidence for PLN110150.
 - d) Staff conducted a site inspection on May 13, 2011 to verify that the site is suitable for this use.
 - e) 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 PLN110150.

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 May 13, 2011 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110150.

5. **FINDING:** **CEQA (Addendum to MND):** - The Planning Commission has considered the Addendum to the adopted Mitigated Negative Declaration.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15164, allows the preparation of an Addendum to an adopted negative declaration be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

- b) The purpose of this Addendum to the Mitigated Negative Declaration is to revise the project description to reflect the current proposal and to update the environmental analysis based on the technical reports (e.g., biological and cultural resources) that were prepared for the current proposal. No Subsequent Mitigated Negative Declaration is needed pursuant to Section 15162 or 15164 of the CEQA Guidelines since adoption of the Mitigated Negative Declaration by the Planning Commission on October 8, 2003, because:
1. There have not been any substantial changes to the project which require major revisions to the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects.
 2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
 3. No information of substantial importance has become available, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was approved, that shows any of the following:
 - a. That the project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration;
 - b. That significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration;
 - c. That mitigation measures previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the applicant declines to adopt the mitigation measure or alternative; or
 - d. That mitigation measures which are considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects on the environment, but the applicant declines to adopt the mitigation measure or alternative.
- c) Issues identified in the original Initial Study are the same issues that pertain to the current project. Current recommendations/mitigations are equal to or less than what was originally required in the Initial Study based on the environmental analysis of the technical reports (e.g., biological and cultural resources) that were prepared for the current proposal.
- d) An Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- e) Preceding Findings #1, #2, #3 and #4 and supporting evidence for PLN110150.
- f) No adverse environmental effects were identified during staff review of the development application during a site visit on May 13, 2011.

- g) 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 PLN110150.

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).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN110150.
- e) The project planner conducted a site inspection on May 13, 2011.
- f) There is an undeveloped 10 foot pedestrian access easement which exists between the common boundary of Assessor's Parcel Numbers 243-231-015-000 and 243-231-016-000. The subject pedestrian easement is for the benefit of and as appurtenant to Assessor's Parcel Number (APN) 243-231-013-000. There is another pedestrian access easement that runs along the eastern boundary of APN 243-231-015-000 and is for the benefit of and as appurtenant to APN 243-231-013-000. Neither of the pedestrian easements grants any rights to the general public or to the people of the State of California, since both easements benefit the privately owned APN 243-231-013-000, and were intended solely to grant the owners of APN 243-231-013-000 pedestrian access to Garrapata Beach and Garrapata Canyon over APN 243-231-015-000.
- 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 PLN110150.

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 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
- b) Section 20.86.080 of the Monterey County Zoning Ordinance states that the proposed project is subject to appeal by/to the Coastal Commission because the project requires a Conditional Use Permit, is technically within the critical viewshed and is located within the first public road (Highway 1) and the ocean.

DECISION

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

- 1) Consider an Addendum to a previously adopted Mitigated Negative Declaration; and
- 2) Approve the Combined Development Permit, based on the findings and evidence and subject to the conditions and Mitigation Monitoring and Reporting Plan

PASSED AND ADOPTED this 13th day of June, 2012 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

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

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

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

NOTES

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

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

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

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

Form Rev. 05-09-2012

Monterey County Planning Department
DRAFT Conditions of Approval/Mitigation Monitoring Reporting Plan
PLN110150

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This permit for a Combined Development Permit to allow: 1) a Coastal Administrative Permit for the construction of a new 3,617 square foot bi-level single family dwelling to include attached garage and storage below with associated grading (417 cubic yards of cut and 150 cubic yards of fill = 267 cubic yards to be hauled off-site), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system; 2) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; 3) a Coastal Development Permit to allow development on slopes in excess of 30%; 4) a Coastal Development Permit to allow development on a parcel with a positive archaeological report; and 5) Design Approval 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 Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice stating that "a Combined Development Permit has been approved by the Planning Commission on June 13, 2012, Resolution No. _____ for Assessor's Parcel Number 243-231-015-000" and that "The permit was granted subject to 24 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. PD032(A) - PERMIT EXPIRATION

Responsible Department: Planning Department

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.

4. PD003(B) - CULTURAL RESOURCES POSITIVE ARCHAEOLOGICAL REPORT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required.

If the coroner determines the remains to be Native American:

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

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

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

(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist to the Director of the RMA-Planning Department for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

5. PD011 - TREE AND ROOT PROTECTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Trees which are located close to construction site(s) shall be protected from inadvertent damage from construction equipment by fencing off the canopy driplines and/or critical root zones (whichever is greater) with protective materials, wrapping trunks with protective materials, avoiding fill of any type against the base of the trunks and avoiding an increase in soil depth at the feeding zone or drip-line of the retained trees. Said protection, approved by certified arborist, shall be demonstrated prior to issuance of building permits subject to the approval of RMA - Director of Planning. If there is any potential for damage, all work must stop in the area and a report, with mitigation measures, shall be submitted by certified arborist. Should any additional trees not included in this permit be harmed, during grading or construction activities, in such a way where removal is required, the owner/applicant shall obtain required permits. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to issuance of grading and/or building permits, the Owner/Applicant shall submit evidence of tree protection to the RMA - Planning Department for review and approval.

During construction, the Owner/Applicant/Arborist shall submit on-going evidence that tree protection measures are in place through out grading and construction phases. If damage is possible, submit an interim report prepared by a certified arborist.

Prior to final inspection, the Owner/Applicant shall submit photos of the trees on the property to the RMA-Planning Department after construction to document that tree protection has been successful or if follow-up remediation or additional permits are required.

6. PD014(C) - LIGHTING-EXTERIOR LIGHTING PLAN (BIG SUR)

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, compatible with the local area, and constructed or located so that only intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible from critical viewshed viewing areas as defined in Section 20.145.020.V, are prohibited. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate 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 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.

7. PD012(F) - LANDSCAPE PLAN & MAINTENANCE (SFD ONLY)

Responsible Department: Planning Department

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 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.

8. PD006 - MITIGATION MONITORING

Responsible Department: Planning Department

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.

9. EHSP01 ONSITE WASTEWATER TREATMENT SYSTEM DESIGN

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Environmental Health has determined that adequate area exists for onsite wastewater disposal for the proposed development. Submit onsite wastewater treatment system plans for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board.

Compliance or Monitoring Action to be Performed: Prior to issuance of building permit, submit onsite wastewater treatment system design plans for review and approval by the Environmental Health Bureau. Also submit new design plans showing new wastewater system location. Applicant shall obtain a permit to install the onsite wastewater treatment system from Environmental Health.

10. PW0043 - REGIONAL DEVELOPMENT IMPACT FEE

Responsible Department: Public Works Department

Condition/Mitigation Monitoring Measure: Prior to issuance of building permits, applicant shall pay the Regional Development Impact Fee (RDIF) pursuant to Monterey Code Chapter 12.90. The fee amount shall be determined based on the parameters adopted in the current fee schedule. (Public Works)

Compliance or Monitoring Action to be Performed: Prior to issuance of building permits, the owner/applicant shall pay Monterey County Building Services Department the traffic mitigation fee. Owner/Applicant shall submit proof of payment to the DPW.

11. WR002 - STORMWATER CONTROL

Responsible Department: Water Resources Agency

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 dispersed at multiple points, on the least steep available slopes, away from and below any septic leach fields. Erosion control shall be provided at each outlet. 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 permit, 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.

12. 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

13. 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

14. 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

15. 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.

16. FIRE020 - DEFENSIBLE SPACE REQUIREMENTS (HAZARDOUS CONDITIONS)

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.

17. FIRE022 - FIRE PROTECTION EQUIPMENT & SYSTEMS - FIRE SPRINKLER SYSTEM - (HAZARDOUS CONDITIONS)

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.

18. 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.

19. 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 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.

20. SPPD001 - VEGETATION RETENTION

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Due to natural vegetation located between the parcel and Highway One, the proposed structure will not be visible from Highway One. However, in the event that any vegetation should die or be removed that could create an adverse affect, the applicant will be required as a condition of approval, to replace any tree (existing/replaced) which screens the development from Highway One and that is destroyed, diseased or significantly damaged or requires removal, to ensure full protection of exposure of any portion of the development within the critical viewshed, pursuant to the Policies of the Big Sur Coast Land Use Plan and the Development Standards of the Coastal Implementation Plan.

Compliance or Monitoring Action to be Performed: The application shall replace any tree (existing/replaced) which screens the development from Highway One and that is destroyed, diseased or significantly damaged or requires removal, to ensure full protection of exposure of any portion of the development within the critical viewshed.

On-going

21. PD040 - CRITICAL VIEWSHED (BIG SUR)

Responsible Department: Planning Department

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 of 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.

22. MITIGATION MEASURE #1 - LANDSCAPE MATERIALS

Responsible Department: Planning Department

Condition/Mitigation MITIGATION MEASURE 1

Monitoring Measure: In order to mitigate for potential adverse impacts that could result from landscape, all landscape materials shall be designed and maintained in such a manner that does not obscure any coastline view from Highway 1 any more than the proposed structure. All landscaping shall adhere to the Landscape Plan required by County Code.

Compliance or Monitoring MONITORING ACTION 1: Every two years in perpetuity, the applicant shall submit evidence that
Action to be Performed: landscape vegetation is within the required height restriction and in accordance with the landscape plan to the Director of Planning and Building Inspection Department for review and approval. If deemed necessary by said Director, the applicant shall trim landscape vegetation to meet the intent of this mitigation measure. Failure to submit the required evidence or failure to trim vegetation at the Director's request shall constitute a violation of the Coastal Permit and will be subject to enforcement action by the County.

23. MITIGATION MEASURE #2 - PROTECTION OF BUCKWHEAT PLANTS

Responsible Department: Planning Department

Condition/Mitigation MITIGATION MEASURE 2: In order to assure no incidental taking of the Smith's blue butterfly,
Monitoring Measure: the applicant developer shall stage construction in such a way as to avoid impacting buckwheat plants. In consultation with the Planning and Building Inspection Department, the applicant shall implement the following measures, as necessary:

- a. Begin construction (i.e. brush clearing, grading) no earlier than on August 15th or a later date, unless a qualified biologist confirms that the Smith's blue butterfly flight season has ended prior to between June 1st and August 15th.
- b. Protect all buckwheat plants on or near the subject property with a five-foot buffer. Install temporary protective fencing along the edge of the scrub vegetation containing due buckwheat where it abuts the construction zone (silt fence or plastic orange fence).
- c. Inform construction crew of the sensitivity of the vegetation and prohibit access into the area during construction.
- d. Designate equipment staging and storage areas away from the scrub vegetation north of the proposed building site. Direct runoff from the construction site away from the sensitive vegetation area.
- e. Control dust during construction with water in accordance with current Best Management Practices and Monterey County grading regulations.

Compliance or Monitoring MONITORING ACTION 2a: Prior to issuance of grading permits, the applicant shall schedule a
Action to be Performed: pre construction site visit with Planning and Building Inspection Department staff and a qualified biologist to assess construction staging and to develop appropriate protective measures for the seacliff buckwheat *Eriogonum parvifolium*. Recommended protective measure shall be installed prior to commencement of grading activities and will remain in place until final inspection.

MONITORING ACTION 2b. Prior to grading, a qualified biologist shall provide a report to the Director of Planning and Building Inspection that certifies the proper mitigation for the Smith's blue butterfly has been implemented in accordance with Mitigation Measure #2.

MONITORING ACTION 2c. During grading, the contractor and grading inspector shall monitor the site for continued compliance with dust control.

24. MITIGATION MEASURE #3 - ARCHAEOLOGICAL MONITORING

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: MITIGATION MEASURE 3: In order to assure that construction activities do not impact cultural or archaeological resources, the applicant shall contract with a Registered Professional Archaeologist to monitor all earth disturbance work on the project site including, but not limited to, grading, excavation for new foundations, and excavation for septic lines.

Compliance or Monitoring Action to be Performed: MONITORING ACTION 3a. Prior to issuance of grading or building permits, the applicant shall submit the monitoring contract with a Registered Professional Archaeologist to the Director of Planning and Building Inspection for approval.

MONITORING ACTION 3b. Prior to issuance of grading or building permits, the applicant shall submit the Final Technical Report by Archeological Consultants.

MONITORING ACTION 3c. During construction, if potentially significant archeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. Any such find shall be reported to the Director of Planning and Building Inspection Department. If the find(s) are determined to be significant, appropriate mitigation measures shall be formulated and implemented. Construction activities shall not resume until the mitigation measures have been adequately implemented as determined by the consulting archaeologist and approved by the Director of Planning and Building Inspection Department. All soil containing archaeological material shall not be removed from the site.

BIG SUR



APPLICANT: THE KF TERRA LP

APN:243-231-015-000

FILE # PLN110150

 Water
  2500' Limit
  300' Limit
  City Limits

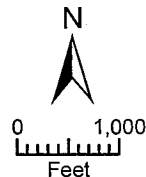


EXHIBIT "E"

MINUTES Big Sur Land Use Advisory Committee Tuesday, March 13, 2012

Draft Minutes Corrected by LUAC Planning Liaison, Joe Sidor on May 23, 2012

1. Site visit at 9:00 AM at 35670 HWY 1 MONTEREY (KF TERRA LP THE)

ATTENDEES: Lisa Kleissner, Joe Sidor, Attorney Dave Sweigert (representing Chip McCallister, neighbor property owner), Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich, Barbara Layne

2. Site visit at 9:30 AM at 35681 HWY 1 MONTEREY [WELL SITE] (AKA GARRAPATA WATER COMPANY)

**** MEET ON EAST SIDE OF HWY 1 & NORTH OF GARRAPATA CREEK BRIDGE AT ENTRANCE TO GARRAPATA TROUT FARM ROAD**

ATTENDEES: Lisa Kleissner, Joe Sidor, Attorney David Sweigert (representing Chip McCallister, neighbor property owner), Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich, Barbara Layne

3. Meeting called to order by Mary Trotter at 10:30 am

4. Roll Call

Members Present: Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich, Barbara Layne

Members Absent: Dan Priano

5. Approval of Minutes: Continued to next meeting

A. January 10, 2012 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

B. February 14, 2012 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

C. February 28, 2012 minutes

Motion: _____ (LUAC Member's Name)

Second: _____ (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

6. **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

7. **Scheduled Item(s)**

8. **Other Items:**

A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

B) Announcements

None

9. **Meeting Adjourned:** 11:15 am

Minutes taken by: Richard Ravich

Minutes received via email March 16, 2012

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: **March 13, 2012**

Project Title: FORSBERG DANA & JANE AND YOLANDA & RON GURRIES FAMILY PARTNERSHIP
(GARRAPATA WATER COMPANY) Item continued from 1/10/12 meeting

File Number: PLN110027

File Type: PC

Planner: SIDOR

Location: 35681 & 35781 & 35904 HWY 1 MONTEREY

Project Description:

Combined Development Permit consisting of: 1) a Coastal Development Permit for the construction of water system improvements including installation of two 32,000 gallon tanks, installation of approximately 1,200 linear feet of distribution lines, installation of a filtration system within an existing equipment enclosure, demolition of two 13,000 gallon tanks, and approximately 90 cubic yards of grading; 2) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; 4) a Coastal Development Permit to allow development on slope greater than 30 percent; and 5) Design Approval. The properties are located at 35681 and 35781 Highway 1 (Assessor's Parcel Numbers 243-301-021-000, 243-301-029-000, and 243-301-030-000), Big Sur, Coastal Zone. Related to PLN090207.

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

Was a County Staff/Representative present at meeting? Joe Sidor (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
David Sweigert, Attorney for Chip McCallister	X		Will initial study address growth? There is no growth planned beyond what is already approved. Slab increased by 5'. There was no impact to site as slab was within existing area. Monitoring to protect bio resources was required. There was a post construction bio report and an initial study. All sensitive resources, including buckwheat, were flagged and all work done around them.

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)
Color of tanks is too light.		Paint Spanish Green or similar color to better beld in with vegetation. Might consider planting some trees or shrubs bleow tanks to break up the lines and surface. Brand name plaque on tanks should also be painted over.

ADDITIONAL LUAC COMMENTS

The County is doing an initial study for sensitive species and visual impact.

RECOMMENDATION :

Motion by: Ned Callihan (LUAC Member's Name)

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

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

Reason for Continuance: _____

Continued to what date: _____

AYES: Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich

NOES: 0

ABSENT: Dan Priano

ABSTAIN: 0

RECUSAL: Layne

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: **March 13, 2012**

Project Title: KF TERRA LP THE
File Number: PLN110150
File Type: ZA
Planner: ELIZABETH GONZALES
Location: 35670 HWY 1 MONTEREY

Project Description:

Combined Development Permit to allow: 1) a Coastal Administrative Permit for the construction of a new 3,617 square foot bi-level single family dwelling to include attached garage and storage below with associated grading (417 cubic yards of cut and 150 cubic yards of fill = 267 cubic yards to be balanced on site), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system; 2) a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; 3) a Coastal Development Permit to allow development on slopes in excess of 30%; 4) a Coastal Development Permit to allow development proposed within 750 feet of a known archaeological resource; and 5) Design Approval. The property is located at 35670 Highway 1, Monterey (Assessor's Parcel Number 243-231-015-000), Big Sur Coast Land Use Plan.

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

Was a County Staff/Representative present at meeting? Joe Sidor (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
None			

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)
None		

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION :

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

Second by: Barbara Layne (LUAC Member's Name)

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

Reason for Continuance: _____

Continued to what date: _____

AYES: Mary Trotter, Ned Callihan, Steve Beck, Richard Ravich, Barbara Layne

NOES: 0

ABSENT: Dan Priano

ABSTAIN: 0

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MATERIALS LEGEND

EARTH					
CONCRETE					
METALS					
WOODS					
GYPSUM					
GLASS					
INSULATION					
MASONRY					

ARCHITECTURAL ABBREVIATIONS

∠ AND ANGLE	F.A.I. FRESH AIR INTAKE	O.H. OPPOSITE HAND
Ø DIAMETER	F.D. FLOOR DRAIN	OPG. OPPOSITE
2CP 2 COAT PLASTER	F.F. FINISH FLOOR	OPV. OVERHEAD
3CP 3 COAT PLASTER	F.G. FINISH GRADE	PERF. PERFORATED
AB. AGGREGATE BASE	F.H.C. FIRE HOSE CABINET	PL. PLATE
AB.T ANCHOR BOLT	F.H. FIRE HYDRANT	PLAS. PLASTER
AC. AIR CONDITIONER	FL. FLOOR	PLG. PLUMBING
ACD. ACCESS DOOR	FL. FLOURESCENT	PLY. PLYWOOD
ACT. ACOUSTIC TILE	FM. FINISH	PM. PERF. MTL
AD. AREA DRAIN	FR. FRAME / FIRE RATED	POL. POLISHED
AD.A AMERICANS WITH DISABILITIES ACT	FT. FOOTING	RR. PAR
ADJ. ADJUSTABLE	F.O. FACE OF CONC	PT. PAINTED
A.F.F. ABOVE FINISH FLOOR	F.O.M. FACE OF MASONRY	PTM. PARTITION
AL. ALUMINUM	F.O.S. FACE OF STUD	PW. PAINTED WOOD
ANGD. ANGLEZ	FP. FIRE PROOFING	QT. QUARRY TILE
A.P. ACCESS PANEL	FR. FRAME / FIRE RATED	QTY. QUANTITY
ARCH. ARCHITECTURAL	F.S. FULL SIZE/SCALE	R. RADIUS / RISER
AVG. AVERAGE	FT. FOOTING	R.A. RETURN AIR
BO. BOARD	FTX. FIXTURE	R.D. ROOF DRAIN
BTUM. BUTYLIUM	GA. GAUGE	REF. REFRIGERATOR
BLDG. BUILDING	GLV. GALVANIZED	REIN. REINFORCED
BLK. BLOCKING	G.C. GENERAL CONTRACTOR	RES. RESIN
BM. BEAM	GEN. GENERAL	REV. REVISED(ION)
B.M. BENCH MARK	GRD. GROUND FAULT CIRCUIT INTERRUPTER	REGD. REGISTERED
B.O. BOTTOM OF	GI. GALVANIZED IRON	RM. ROOM
BR. BRASS	GL. GLASS	R.O. ROUGH OPENING
B.S. BOTH SIDES	GLM. GLUE LAM	RS. REINFORCED
BSMT. BASEMENT	GLZ. GLAZING	SAFB. SOUND ATTENUATION
B.U.R. BUILT-UP ROOF	GMT. GLASS MOSAIC TILE	SC. SEALED CONCRETE
CAB. CABINET	GR. GRADE	SC. SOLID CORE
CAP. CAPACITY	GT. GLASS TILE	SCH. SCHEDULE
CAT. CATALOG	GRB. GYPSUM WALL BOARD	SCF. SASH CUT PLASTER
C.B. CATCH BASIN	GYP. GYPSUM	SEC. SECTION
CE. CEDAR	HC. HOLLOW CORE	S.F. SQUARE FEET
CEM. CEMENTITIOUS	HDR. HEADER	S. SHEET
CER. CERAMIC	HDWD. HARDWOOD	SEC. SOUND INSULATING
CFM. CUBIC FEET MIN.	HDWR. HARDWARE	GLS. GLASS
C.I. CAST IRON	H.M. HOLLOW METAL	SM. SIMILAR
C.L. CENTERLINE	HORZ. HORIZONTAL	S.J. SCORED JOINT
CLG. CEILING	HR. HOUR	SPKLR. SPRINKLER
CLOS. CLOSET	H.S. HEADED STUD	SPR. SPEAKER
CLR. CLEAR	HT. HEIGHT	SQ. SQUARE
CLW. CLEAR FINISH WOOD	HTG. HEATING	S.S. STAINLESS STEEL
C.J. CONTROL JOINT	HTR. HEATER	SSD. SEE STRUCTURAL DRAWING
CMU. CONCRETE MASONRY UNIT	HVAC. HEATING VENTILATION & AIR CONDITIONING	ST. STEEL
CONTR. COUNTER	C.O. COEFFICIENT	STC. SOUND TRANSMISSION
CONF. CONFERENCE	COL. COLUMN	STD. STANDARD
CONC. CONCRETE	COMM. COMMUNICATION	STOR. STORAGE
CONST. CONSTRUCTION	CONC. CONCRETE	STRUC. STRUCTURAL
CONT. CONTINUOUS	CONST. CONSTRUCTION	SUSP. SUSPENDED
CORR. CORRIDOR	CORR. CORRIDOR	SW. STAINED WOOD
CPT. CARPET	CRS. COURSE	T. TREAD
CTR. CENTER	CTR. CENTER	TB. TILE BACKER BOARD
CW. COLD WATER	DBL. DOUBLE	T.C. TERRA COTTA
DEM. DEMOLITION	DEM. DEMOLITION	TEL. TELEPHONE
DET. DETAIL	DF. DOUGLAS FIR	TEMP. TEMPORARY
DIA. DIAMETER	DIA. DIAMETER	TERR. TERRACE
DIAG. DIAGONAL	DIAG. DIAGONAL	T&G. TONGUE AND GROOVE
DIM. DIMENSION	DKG. DECKING	THK. THICK
D.M. DOWN	D.O. DOOR OPENING	THRU. THROUGH
DR. DOOR	DR. DOOR	TMMP. TEMPERED
D.S. DOWNSPOUT	D.S. DOWNSPOUT	T.O.P. TOP OF PLATE
DTL. DETAIL	DTL. DETAIL	T.O.S. TOP OF SLAB
DWG. DRAWING	E. EAST	T.O.W. TOP OF WALL
E. EAST	E. EAST	TYP. TYPICAL
EA. EACH	EA. EACH	TZ. TERRAZZO
E.J. EXPANSION JOINT	E.J. EXPANSION JOINT	UNF. UNFINISHED
EL. ELEVATION	EL. ELEVATION	UNO. UNLESS NOTED OTHERWISE
ELEC. ELECTRICAL	ELEC. ELECTRICAL	UPD. UPHOLSTERED
ELEV. ELEVATOR	ELEV. ELEVATOR	V. VINYL
EMER. EMERGENCY	EMER. EMERGENCY	VENT. VENTILATION
E.M.R. ELEVATOR MACHINE RM.	E.M.R. ELEVATOR MACHINE RM.	VERT. VERTICAL
ENCL. ENCLOSED	ENCL. ENCLOSED	VEST. VESTIBULE
ENGR. ENGINEER	ENGR. ENGINEER	VF. VERIFY IN FIELD
ENTR. ENTRANCE	ENTR. ENTRANCE	V.P. VENEER PLASTER
EQ. EQUIPMENT	EQ. EQUIPMENT	V.P. VENEER PLASTER
EST. ESTIMATE	EST. ESTIMATE	V.V. VENETIAN PLASTER
EX. EXISTING	EX. EXISTING	W. WIDE WIDTH
EXH. EXHAUST	EXH. EXHAUST	W(O). WITH (OR WITHOUT)
EXP. EXPANSION	EXP. EXPANSION	WA. WALKWAY
EXT. EXTERIOR	EXT. EXTERIOR	W.C. WATER CLOSET
		WD. WOOD
		WDR. WINDOW
		WLP. WALL PAPER
		W.P. WATERPROOFING
		WT. WEIGHT
		YD. YARD

SYMBOLS LEGEND

ARROW(S)			GRID	
SECTION REFERENCE		DTL NUMBER / SHEET NUMBER	ADDENDUM LETTER	
DETAIL NO. & TITLE / SCALE		TITLE 1'-0" = 1'-0"	REVISION NUMBER	
ELEVATION REFERENCE		DTL NUMBER / SHEET NUMBER	EXISTING CONSTRUCTION TO REMAIN	
ENLARGED PLAN OR REFERENCE		DTL NUMBER / SHEET NUMBER	EXISTING TO BE REMOVED	
INTERIOR ELEVATION REFERENCE / SHEET NUMBER		DTL NUMBER / SHEET NUMBER	NEW CONSTRUCTION	
ROOM NAME & ROOM NUMBER		ROOM 000	EXISTING CONTOUR TO REMAIN	
ELEVATION SYMBOL		FINISH FLOOR HEIGHT	EXISTING CONTOUR TO BE MODIFIED	
			NEW CONTOUR	

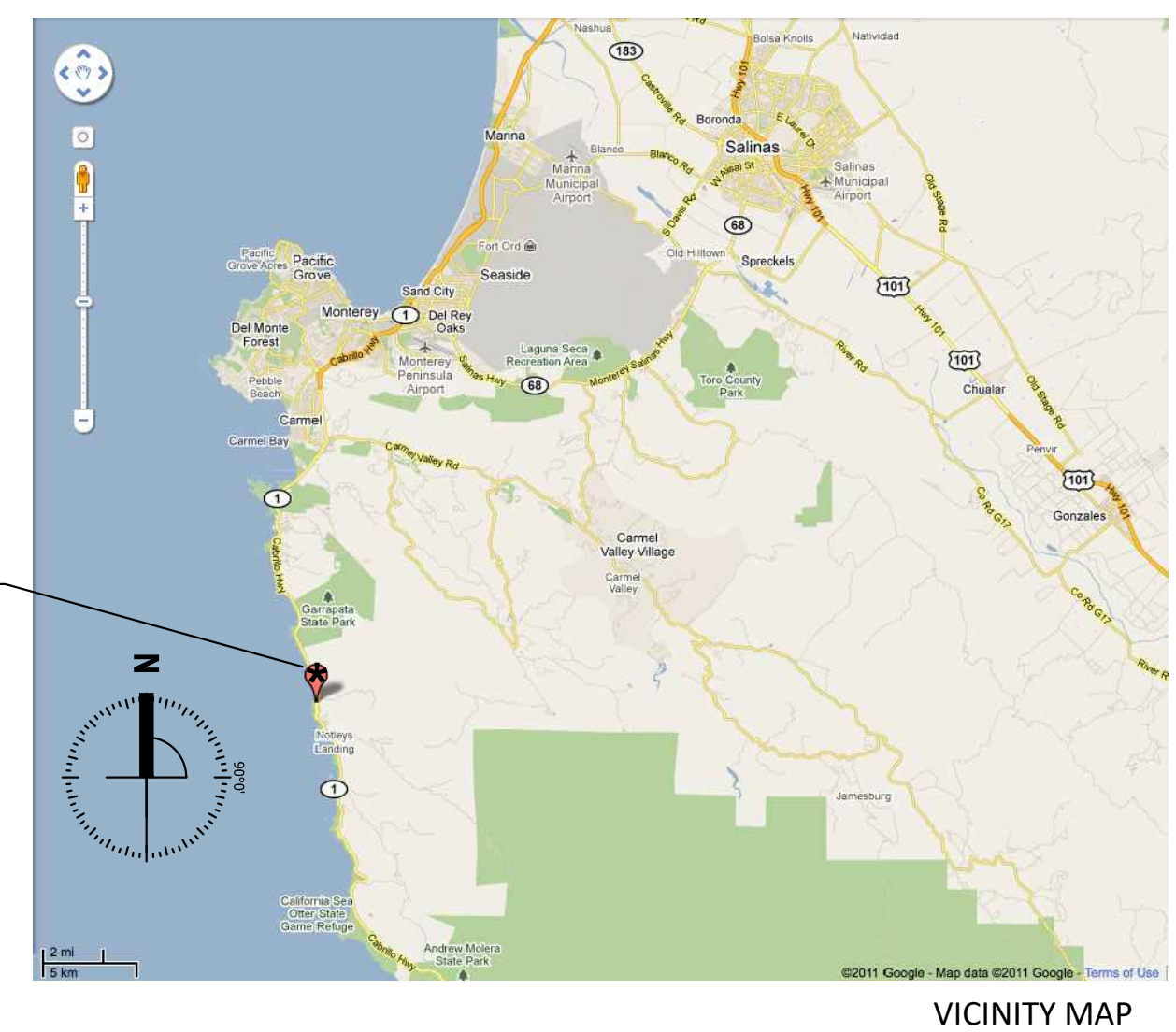
SCOPE OF WORK

CONSTRUCTION OF A 2 BEDROOM/2 BATH HOME WITH ATTACHED GARAGE. SCOPE OF WORK INCLUDES A GRID-TIED PHOTOVOLTAIC SYSTEM, GRADING AND SEPTIC SYSTEM.

DWG. INDEX

DRAWING #	SHEET TITLE
1	COVER SHEET
2	GENERAL NOTES
3	SITE PLAN
4	LANDSCAPE PLAN & FUEL MODIFICATION PLAN
5	LOWER FLOOR PLAN/FIRST FLOOR PLAN
6	EXTERIOR ELEVATIONS
7	EXTERIOR ELEVATIONS
C1	EXTERIOR CONDITIONS & DEMOLITION PLAN
C2	SITE AND GRADING & DRAINAGE PLAN
C3	SITE SECTIONS AND DETAILS

SITE PHOTOS



PROJECT DATA

OWNER	Karl and Lisa Kleissner P.O. Box 37 Los Gatos, CA 95031 Phone: 831-624-1670
ARCHITECT	Libby Barnes, Architect P.O. Box 223386, Carmel, CA 93922 Phone: 831-624-2165 Fax: 831-624-2165 e-mail: libbybarnes@mac.com
SURVEYOR	Rasmussen Land Surveyors P.O. Box 3135, Monterey, CA 93942 Phone: (831) 375-7240 Fax: (831) 375-2545 Contact: Roger Peterson
GEOTECHNICAL	Tharp and Associates, Inc. 347 Spreckels Drive, Aptos, CA 95003 Phone: (831) 662-8590 Fax: (831) 662-8592 Contact: Donald M. Tharp, PE Email: tharpandassociates@yahoo.com
CIVIL ENGINEER	Inland Engineers 5200 Soquel Ave. Suite 101 Santa Cruz, CA 95062 Phone: (831) 426-5313 Fax: (831) 426-1763 Contact: Dave Heinrichsen Email: dh@inlandengineers.com
BIOLOGIST	Zander Associates 4460 Redwood Hwy, Suite 16-240 San Rafael, CA 94903 Phone: (415) 897-8781 Fax: (415) 814-4125 Contact: Leslie Zander Email: mail@zanderassociates.com
PROPERTY ADDRESS	35670 HIGHWAY 1, MONTEREY, CALIFORNIA, 93940
APN	243-231-015
ZONING	WSC/40D (CZ)
TYPE OF CONSTRUCTION	TYPE V NON-RATED
OCCUPANCY TYPE	R-3
LOT SIZE	2.02 ACRES
LOT COVERAGE	3.0 %
PROPOSED TOTAL FLOOR AREA	
-LIVING (LEVEL 1)	2578 SQ. FT +/-
-GARAGE/STORAGE (LEVEL 0)	1039 SQ. FT +/-
TOTAL=	3617 SQ. FT +/-
AVERAGE NAT. GRADE	509.6'
HT. LIMIT	24' MAX. ABOVE AVERAGE NATURAL GRADE
WATER SOURCE	GARRAPATA WATER SYSTEM
SEWER SYSTEM	SEPTIC
TREES TO BE REMOVED	NONE
GRADING ESTIMATES	CUT=417 CU YDS / FILL=150 CU YDS / BALANCE ON SITE=267 CU YDS

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KLEISSNER RESIDENCE

35670 HIGHWAY 1
MONTEREY, CALIFORNIA
93940

proj. no:
drawn by:
ch'd by:

revisions	date
CDP SUBMITTAL	01-10-12

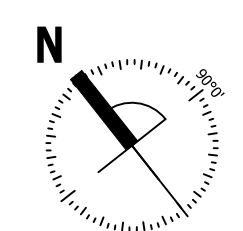
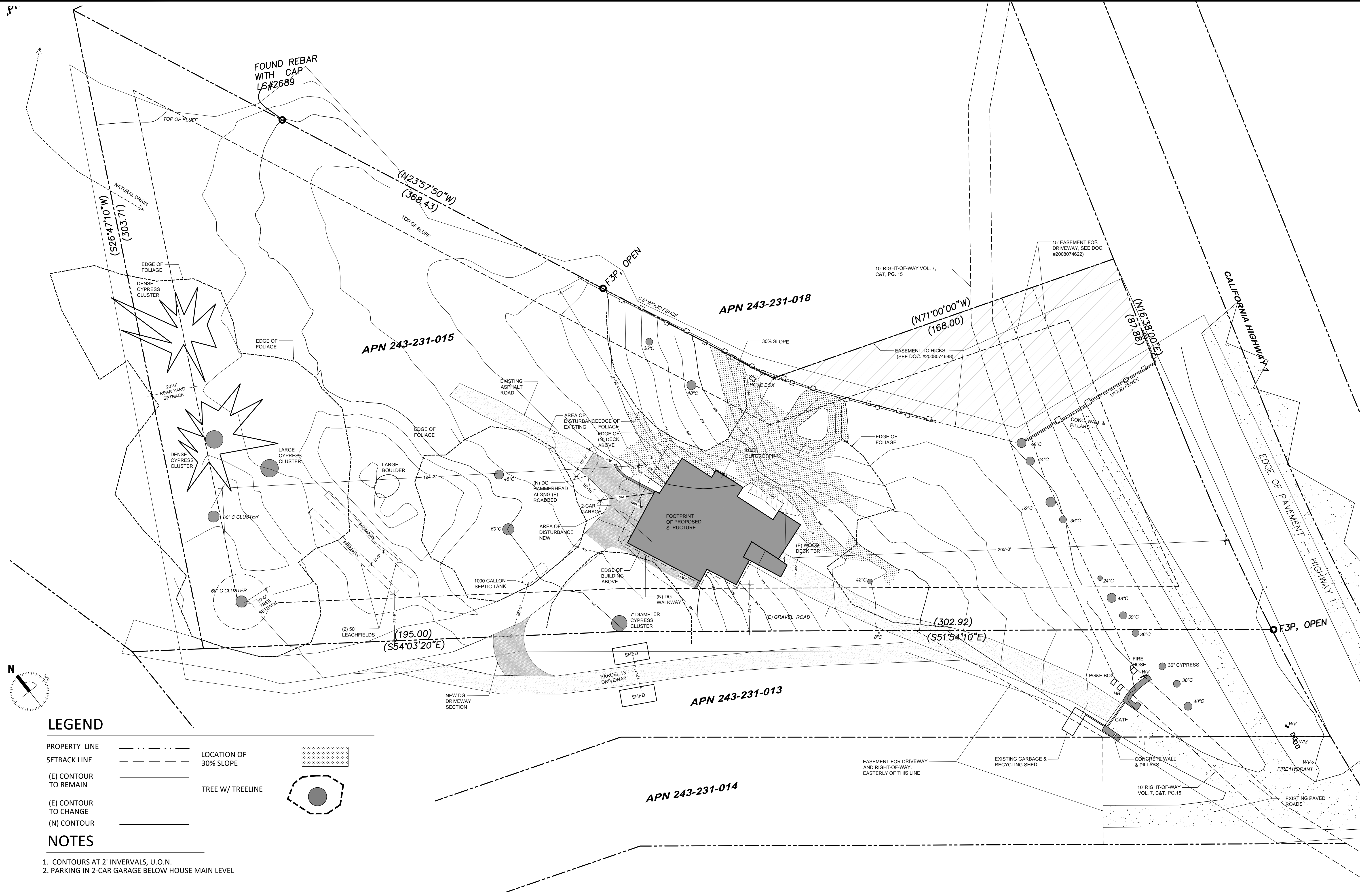
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COVER SHEET

scale: NTS
sheet number

1

date 03/25/2011

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LEGEND

- PROPERTY LINE
- SETBACK LINE
- (E) CONTOUR TO REMAIN
- (E) CONTOUR TO CHANGE
- (N) CONTOUR
- LOCATION OF 30% SLOPE
- TREE W/ TREELINE

NOTES

1. CONTOURS AT 2' INTERVALS, U.O.N.
2. PARKING IN 2-CAR GARAGE BELOW HOUSE MAIN LEVEL

1 ARCHITECTURAL SITE PLAN
1:20

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KLEISSNER RESIDENCE

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MONTEREY, CALIFORNIA
93940

proj. no:
drawn by:
ch'd by:

revisions	date
CDP SUBMITTAL	01-10-12

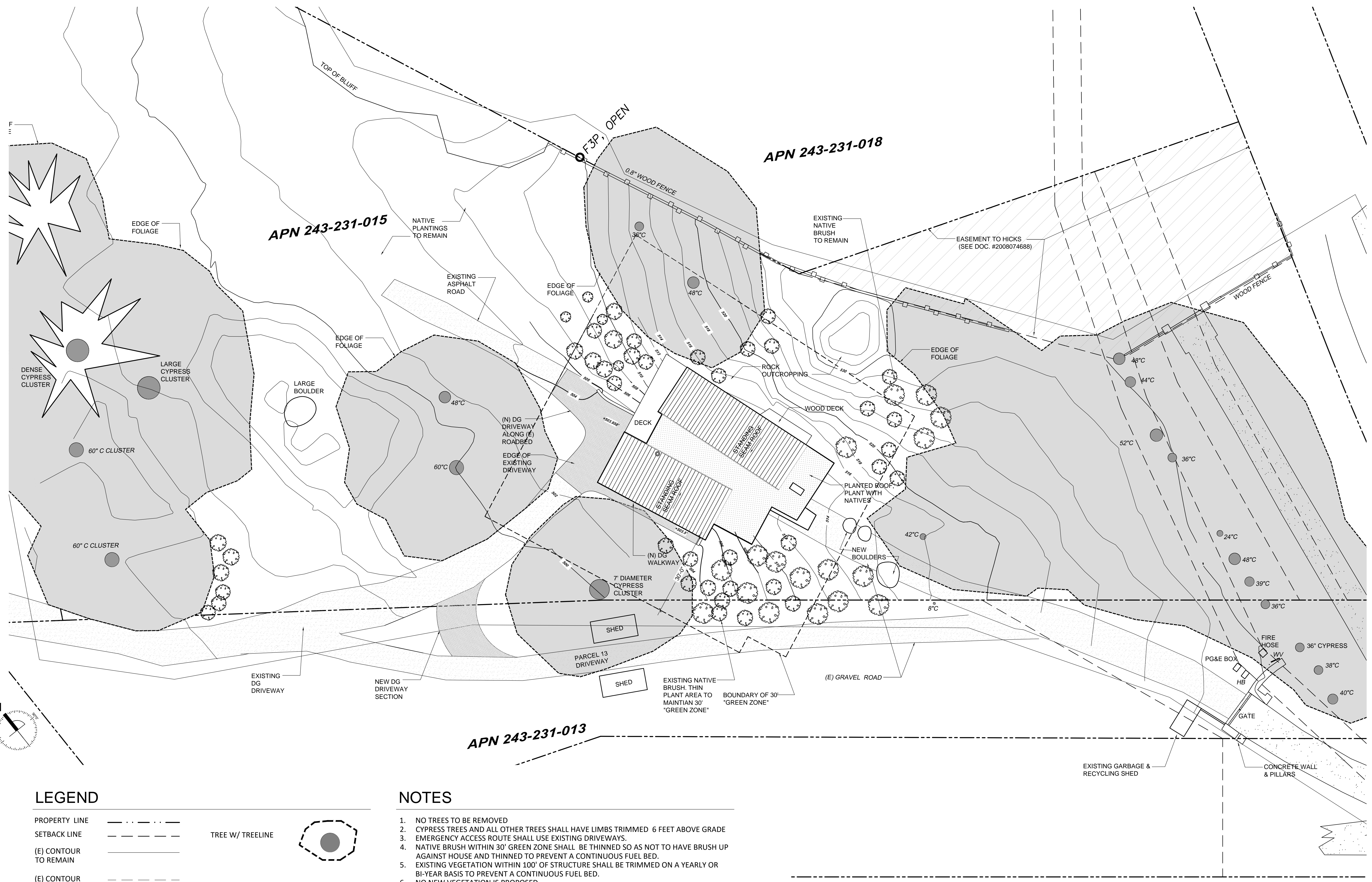
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SITE PLAN

scale: 1:20
sheet number

3

date 03/25/2011

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LEGEND

PROPERTY LINE	---	
SETBACK LINE	---	
(E) CONTOUR TO REMAIN	---	TREE W/ TREELINE
(E) CONTOUR TO CHANGE	---	
(N) CONTOUR	---	

NOTES

1. NO TREES TO BE REMOVED
2. CYPRESS TREES AND ALL OTHER TREES SHALL HAVE LIMBS TRIMMED 6 FEET ABOVE GRADE
3. EMERGENCY ACCESS ROUTE SHALL USE EXISTING DRIVEWAYS.
4. NATIVE BRUSH WITHIN 30' GREEN ZONE SHALL BE THINNED SO AS NOT TO HAVE BRUSH UP AGAINST HOUSE AND THINNED TO PREVENT A CONTINUOUS FUEL BED.
5. EXISTING VEGETATION WITHIN 100' OF STRUCTURE SHALL BE TRIMMED ON A YEARLY OR BI-YEAR BASIS TO PREVENT A CONTINUOUS FUEL BED.
6. NO NEW VEGETATION IS PROPOSED.

1 LANDSCAPE AND FUEL MANAGEMENT PLAN
1/16"=1'-0"

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KLEISSNER RESIDENCE

35670 HIGHWAY 1
MONTEREY, CALIFORNIA
93940

proj. no:
drawn by:
ch'd by:

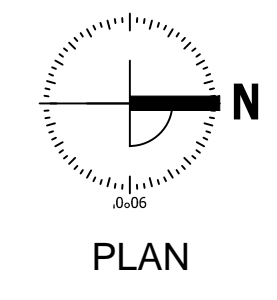
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CDP SUBMITTAL	01-10-12

sheet title

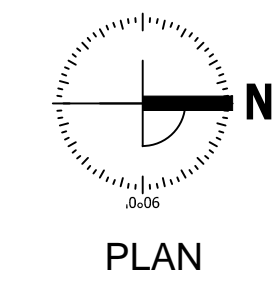
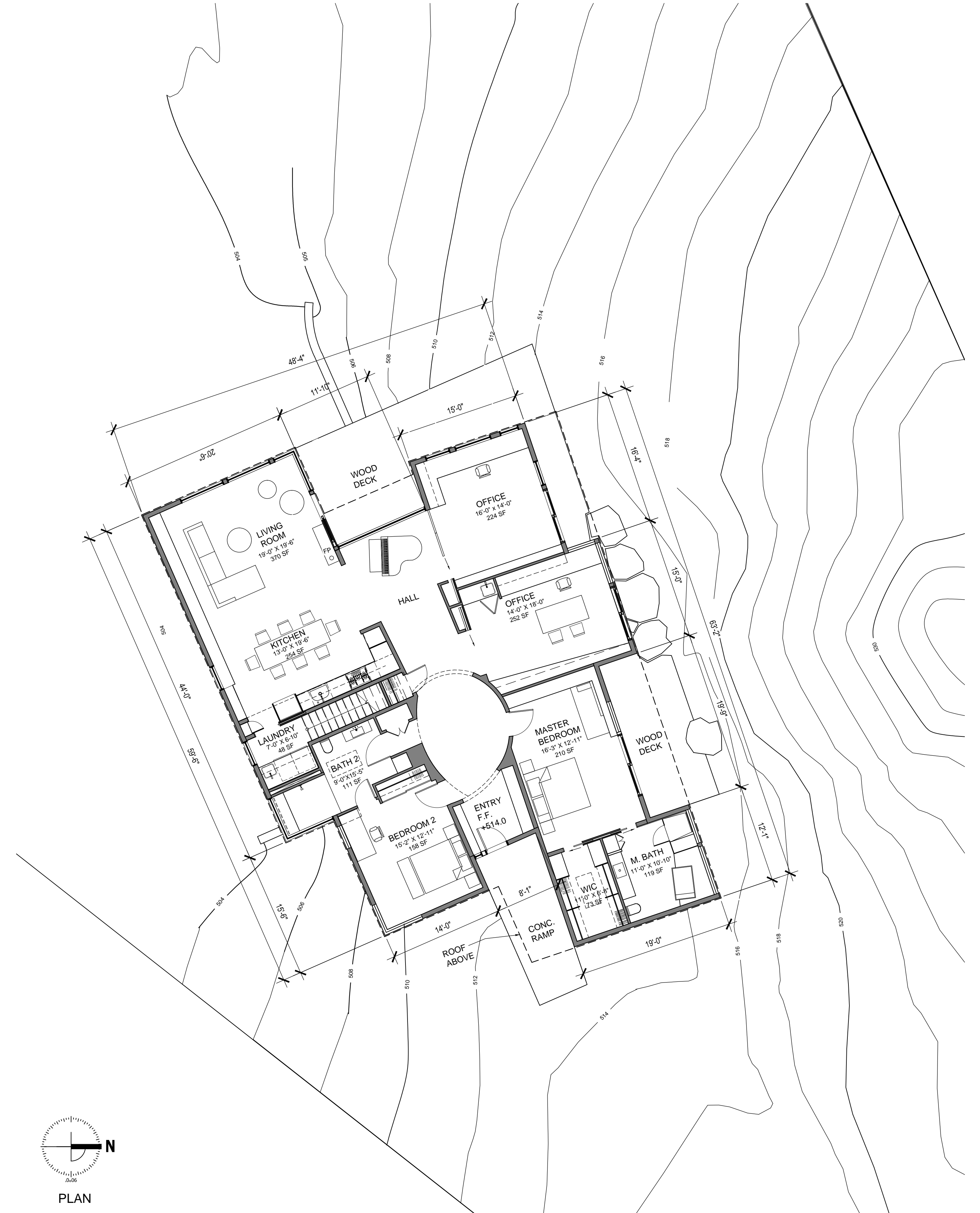
LANDSCAPE & FUEL MGMT PLAN

scale: 1/16"=1'-0"
sheet number

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1 LOWER FLOOR PLAN/GARAGE PLAN
1/8"=1'-0"



2 FIRST FLOOR PLAN
1/8"=1'-0"

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KLEISSNER RESIDENCE

35670 HIGHWAY 1
MONTEREY, CALIFORNIA
93940

proj. no:
drawn by:
ch'd by:

revisions	date
CDP SUBMITTAL	01-10-12

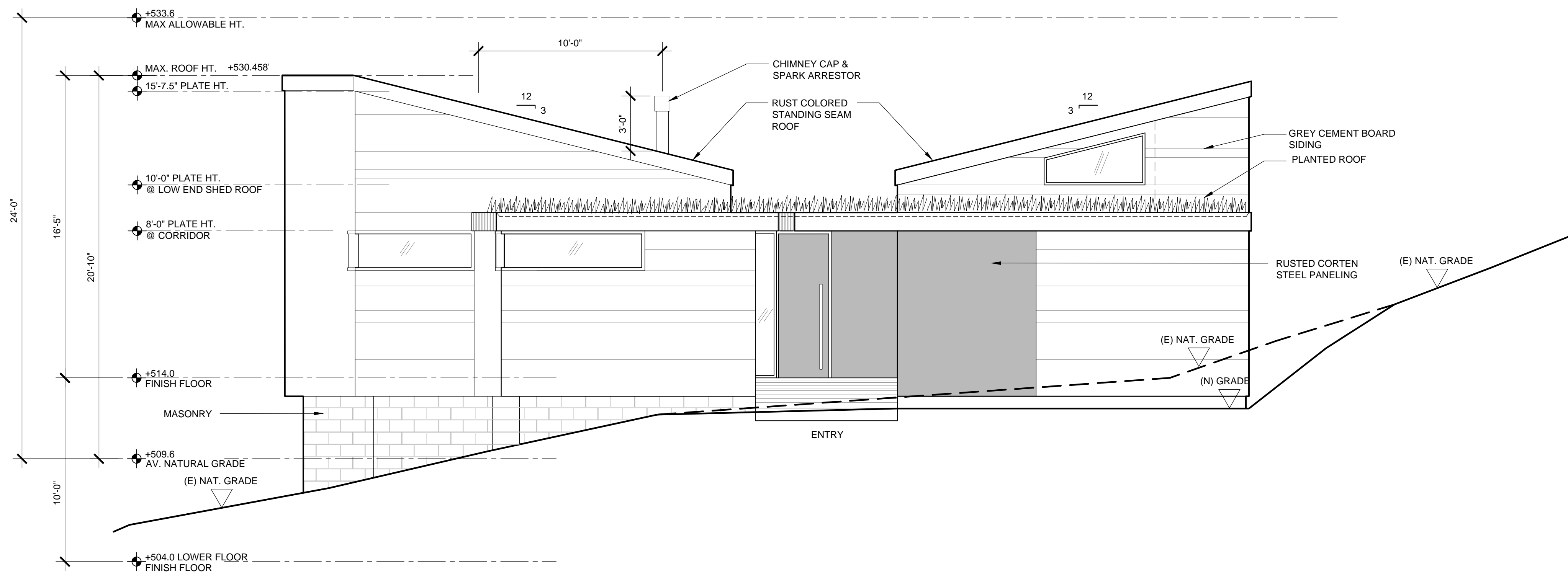
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FLOOR PLANS

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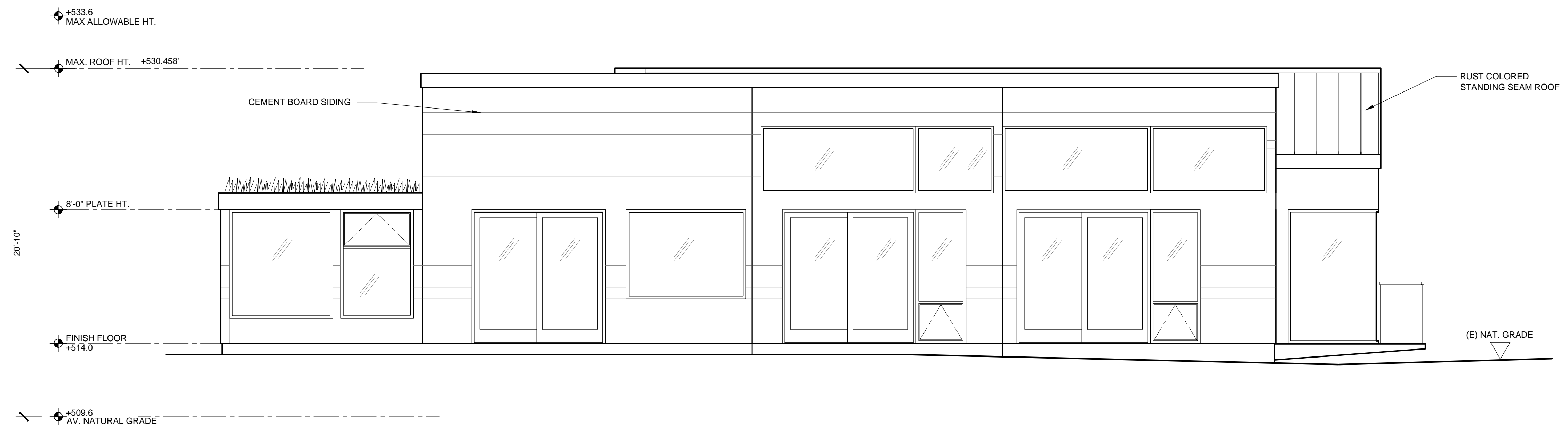
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date 03/25/2011

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1 EAST ELEVATION
1/4" = 1'-0"



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

LIBBY BARNES, AIA/LEED AP
ARCHITECTURE & DESIGN
P.O. BOX 223386
CARMEL, CA 93822
T: 831.624.2185
F: 831.624.2185

KLEISSNER RESIDENCE

35670 HIGHWAY 1
MONTEREY, CALIFORNIA
93940

proj. no:
drawn by:
ch'd by:

revisions	date
CDP SUBMITTAL	01-10-12

sheet title

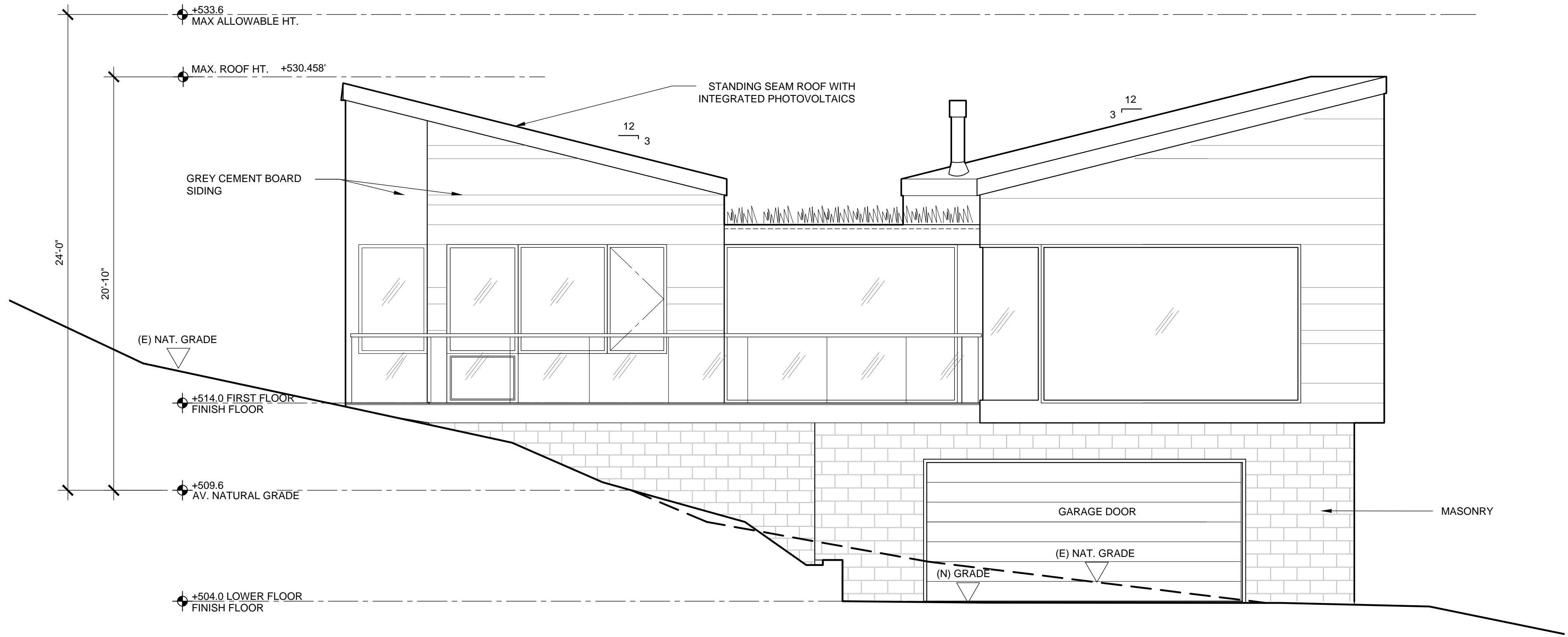
EXTERIOR ELEVATIONS

scale: AS NOTED
sheet number

6

date 03/25/2011

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3 WEST ELEVATION
1/4" = 1'-0"



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

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KLEISSNER RESIDENCE

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MONTEREY, CALIFORNIA
93940

proj. no:
drawn by:
ch'd by:

revisions	date
CDP SUBMITTAL	01-10-12

sheet title

EXTERIOR ELEVATIONS

scale: AS NOTED
sheet number

7

date 03/25/2011

EXHIBIT "F"

ARDEN HANDSHY

P.O. BOX 51758 PACIFIC GROVE CA 93950

LAND USE FACILITATOR

(831) 649-6420

FAX: 649-1338

e-mail: arden@handshy.com

MEMORANDUM

Date: December 22, 2011 (submitted 1/10/12 -Att)
To: Elizabeth Gonzales, Monterey County Planning Department
Re: PLN110150 (KF Terra) – 30% Slope Exception Request

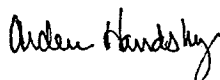
We propose a slope waiver for a portion of the proposed house sited on a small area (238 sq.ft.) that exceeds 30% grade (maximum 36%). The size of the proposed residence is very modest, comprising only 2578 square feet. Further reducing the already modest project size to avoid slopes in excess of 30% is infeasible, because it will fail to achieve basic project objectives.

Furthermore, we believe that the proposed development siting better achieves the goals, policies and objectives of the Monterey County Local Coastal Program (LCP) than other development alternatives. Development of the parcel is constrained by critical viewshed, trees and ESHA. The proposed development has been designed to take maximum advantage of previously disturbed area. The proposed footprint has been carefully sited to maximize consistency with the development standards and resource protection policies of the LCP as follows.

- 1) The proposed residence footprint avoids location on ESHA.
- 2) The proposed residence is sited to avoid critical viewshed areas. The house footprint has been pushed as far eastward (away from open areas of parcel) as possible to avoid views of structure from Garrapata Bridge, nearby Garrapata beach trails and highway turnouts
- 3) The proposed residence footprint was purposefully sited to rest primarily on an existing developed area, a roadbed; thereby minimizing disruption of natural habitat.
- 4) The location of the proposed residence avoids the removal of trees.
- 5) The proposed residence is one main level to avoid height issues related to the critical viewshed. The garage and storage is tucked under the house.

For all these reasons we believe that movement of the footprint from its present location would not achieve the goals, policies and objectives of the LCP to the same high degree as the proposed footprint.

Sincerely,



Arden Handshy

EXHIBIT G

Addendum Pursuant to The California Environmental Quality Act Article 11, Section 15164

KF Terra LP Planning File No. PLN110150 Combined Development Permit Addendum to PLN020392

1. Introduction

In 2003, an Initial Study was prepared for development on a parcel with a positive archaeological report for the construction of a detached accessory structure that included a 1,380 square foot (3-car) garage and a 420 square foot guesthouse and installation of a 5-foot tall fence along the south property line. Three Assessor's Parcel Numbers (243-231-013-000, 243-231-015-000 and 243-231-016-000) were analyzed in the Initial Study because they were affected by the development. This Addendum includes one of the parcels now being proposed for the construction of a new 3,617 square foot bi-level single family dwelling to include attached garage and storage below with associated grading.

A Mitigated Negative Declaration for a Combined Development Permit was adopted by the Planning Commission on October 8, 2003. The Mitigated Negative Declaration evaluated potentially significant impacts to Aesthetics, Biological and Cultural Resources; however, proposed mitigation measures reduce these impacts to a less than significant level.

Access to the site is provided by a driveway from Highway 1. This driveway also provides access to the two adjoining properties (APNs 243-231-015-000 and 243-231-016-000) through a 15-foot driveway easement.

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines to make minor technical changes to the project analyzed in the Initial Study, certified on October 8, 2003, by the Planning Commission (*Resolution No. 03065*). None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

2. Scope and Purpose of this Addendum

The purpose of this Addendum to the Mitigated Negative Declaration is to revise the project description to reflect the current proposal and to update the environmental

analysis based on the technical reports (e.g., biological and cultural resources) that were prepared for the current proposal. No Subsequent Mitigated Negative Declaration is needed pursuant to Section 15162 or 15164 of the CEQA Guidelines since adoption of the Mitigated Negative Declaration by the Planning Commission on October 8, 2003, because:

1. There have not been any substantial changes to the project which require major revisions to the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. No information of substantial importance has become available, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was approved, that shows any of the following:
 - a. That the project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration;
 - b. That significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration;
 - c. That mitigation measures previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the applicant declines to adopt the mitigation measure or alternative; or
 - d. That mitigation measures which are considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects on the environment, but the applicant declines to adopt the mitigation measure or alternative.

3. Conclusion

Issues identified in the original Initial Study are the same issues that pertain to the current project. Current recommendations/mitigations are equal to or less than what was originally required in the Initial Study based on the environmental analysis of the technical reports (e.g., biological and cultural resources) that were prepared for the current proposal.

Attachment: Original Initial Study with changes

MONTEREY COUNTY

PLANNING & BUILDING INSPECTION DEPARTMENT
PO BOX 1208 SALINAS, CA 93902
PHONE: (831) 883-7530 FAX: (831) 384-3261



ADDENDUM TO INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: Kleissner

File No.: PLN020392

Project Location: 35678 Highway 1, Big Sur Area, Coastal Zone

Name of Property Owner: Karl and Lisa Kleissner

Name of Applicant: Karl and Lisa Kleissner

Assessor's Parcel Number(s): 243-231-013-000, 243-231-015-000, and 243-231-016-000

Acreage of Property: Approximately 6.0 acres (Total)

General Plan Designation: Residential

Zoning District: Rural Density Residential, 40 Acres per Unit, 14 Feet Height

Limit, Design Control [RDR/40 (14)/D(CZ)] and Watershed

and Scenic Conservation Residential, 40 Acres per Unit,

Design Control [WSC/40/D(CZ)].

Lead Agency: Monterey County Planning and Building Inspection

Prepared By: ~~Lautaro Echiburú~~, Elizabeth Gonzales, Associate Planner

Date Prepared: ~~August, 2003~~/May 1, 2012

Contact Person: ~~Lautaro Echiburú~~/Elizabeth Gonzales

Phone Number: (831) ~~883-7530~~/755-5102

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Background:

The project site (Assessor's Parcel Number 243-231-013-000) is a developed legal lot of record. The site contains a permitted 1, 105 square-foot single family residence. There is no covered parking space as required by the current zoning ordinance. The previously proposed project included a garage, which satisfied current parking space regulations, and a guesthouse. Assessor's Parcel Numbers 243-231-015-000 and 243-231-016-000 are currently not developed.

B. Project Description:

~~The proposed project consists of the construction of a new detached 1,380 square foot 3-car garage, a 420 square foot guesthouse attached to the garage, a property perimeter fence, and the relocation of an existing driveway. In accordance with the certified Big Sur Coast Local Coastal Plan, the project is subject to a Combined Coastal Development Permit. The Combined Development Permit includes a Coastal Administrative Permit for the garage and guesthouse, a Coastal Development Permit for development in the critical viewshed, and Coastal Development Permit for development on a parcel with a positive archaeological report.~~

The proposed project is located on Assessor's Parcel Number 243-231-015-000 and proposes to construct a new 3,617 square foot bi-level single family dwelling to include attached garage and storage below with associated grading (417 cubic yards of cut and 150 cubic yards of fill = 267 cubic yards to be hauled off-site), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system. In accordance with the certified Big Sur Coast Local Coastal Plan, the project is subject to a Combined Coastal Development Permit. The Combined Development Permit includes a Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat; a Coastal Development Permit to allow development on slopes in excess of 30%; a Coastal Development Permit to allow development on a parcel with a positive archaeological report.

C. Environmental Setting and Surrounding Land Uses:

The project site is located on a rugged coastal bluff above the Pacific Ocean, at the south end of Garrapata State Beach (Figures 1 and 2).

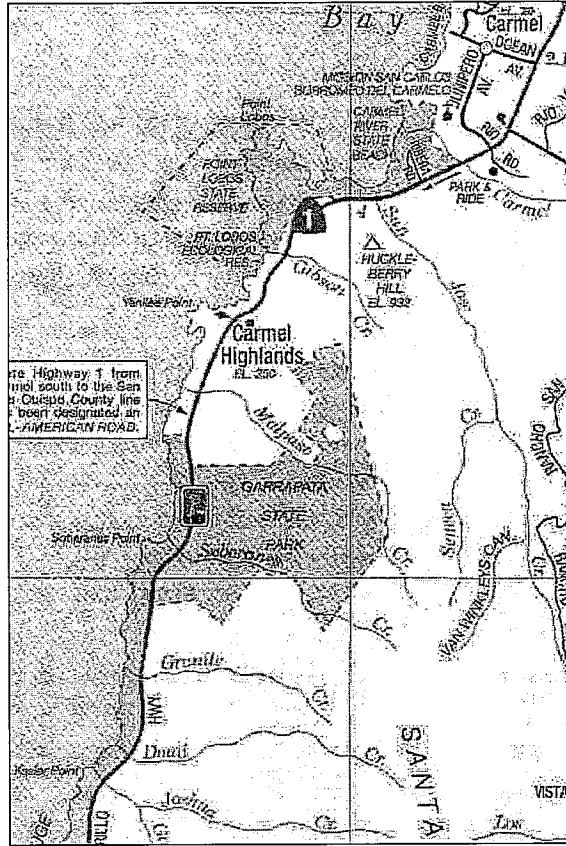
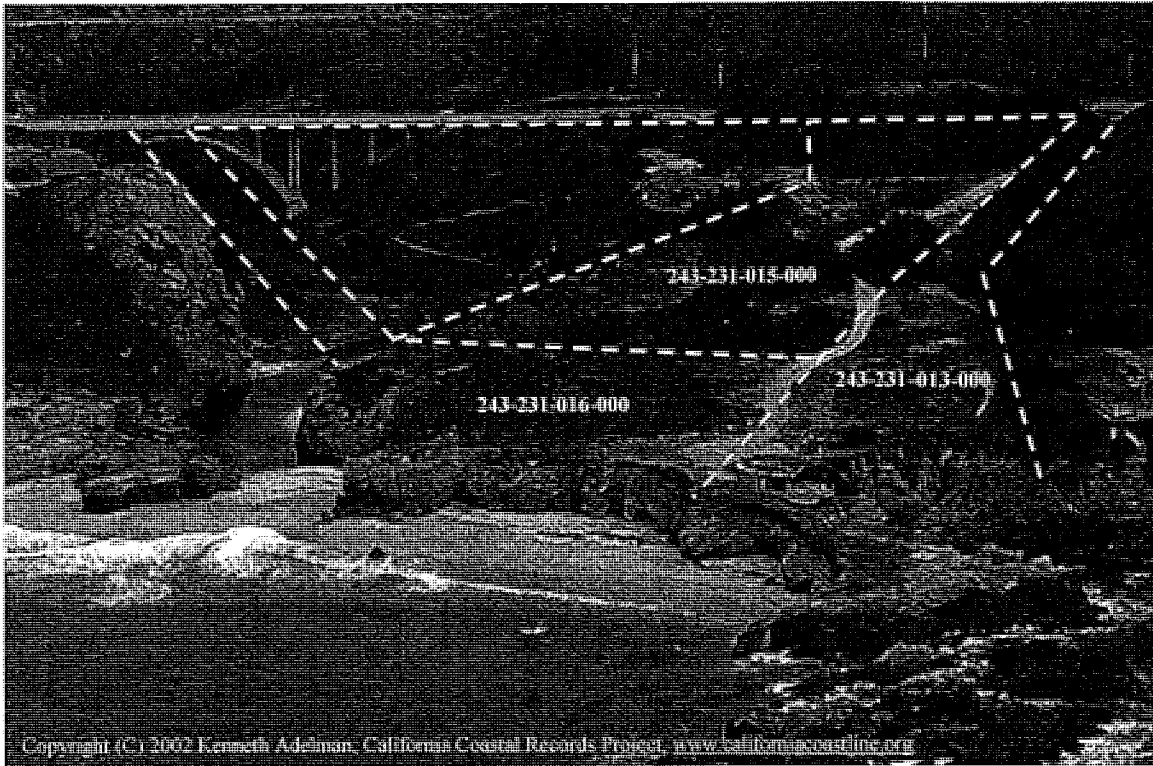


Figure 1

The property slopes uphill away from the bluff to Highway 1 at a gradient of 5% to 10%. The proposed guesthouse is located approximately 65 feet from the edge of the bluff while the proposed garage is approximately 80 feet from the bluff edge. The site where the proposed structures and driveway will be located is sparsely vegetated. No sensitive plants exist on the project footprint and no trees will be removed (References 6, 7, and 8). The site is visible from State Highway 1. Surrounding land uses include State Highway 1, Garrapata State Beach, and residential parcels (Figure 2). Access to the site is provided by a driveway from Highway 1. This driveway also provides access to the two adjoining properties (APNs 243-231-015-000 and 243-231-016-000) through a 15-foot driveway easement. A non-developed 10-foot pedestrian access easement exists between these two properties. This easement provides access to Garrapata Beach.

The subject parcel (APN 243-231-015-000) is situated on a relatively flat marine terrace west of Highway 1 and just south of the mouth of Garrapata Creek. It is adjacent to and east of an existing residence that is primarily accessed through this parcel via a decomposed granite driveway. It is this driveway area where most of the building on Parcel 015 will occur. Consequently, as part of this project, the access to the existing house on Parcel 013 will shift to an existing dirt driveway by a short connector and may be resurfaced with decomposed granite.



---- = Approximate location of property lines
 Figure 2

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 type="checkbox"/>	Air Quality Mgmt. Plan	<input 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"/>

The project site is located in the Big Sur Coast Land Use Plan (BSCLUP) area of Monterey County. This Parcel (243-231-013-000) is zoned Rural Density Residential, 40 acres per unit, 14-foot height limit, and Design Control [RDR/40(14)-D]. Residential uses are consistent with the site development standards for this zoning district. Parcel (243-231-015-000) is zoned Watershed and Scenic Conservation, 40 acres per unit, and Design Control in the Coastal Zone (WCS/40-D (CZ)). The proposed project is in the critical viewshed as defined in the Land Use Plan. Key policy 3.2.1 of the LUP prohibits new development in the critical viewshed. Exceptions to this policy are provided for vacant parcels in the proposed project's area (Rocky Point). The Planning and Building Inspection Department's interpretation of the LUP is that development on vacant parcels in the Rocky Point area is allowed in the critical viewshed as long as intrusion in the critical viewshed is minimized, when such development cannot be sited outside the critical viewshed. The proposed project meets this standard because, although visible, it will not block

any shoreline view and will not silhouette against the ocean. Its colors, materials, including a planted roof, and landscaping will make the structures blend with the surroundings.
CONSISTENT

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

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

- Check here if this finding is not applicable

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

EVIDENCE:

Agriculture Resources: The site is not zoned for agricultural production, is not under a Williamson Act contract, and is not currently under agricultural use. Therefore, the project will not result in an adverse impact to agricultural resources.

Air Quality: The project involves grading for the construction of a residential garage and guesthouse and for the relocation of a driveway. Grading will be minimal (~~270 cubic yards~~) and

limited to the project footprint. The proposed project does not exceed the Monterey Bay Unified Air Pollution Control District's threshold of potential significance for construction with minimal earthmoving. Therefore the project will not have impacts to Air Quality.

Hazards/Hazardous Materials: The project does not involve the storage, handling or transportation of hazardous material. Therefore the project will not have an adverse environmental impact from hazardous materials.

Hydrology/Water Quality: The project is not located within a 100-year flood hazard area and will not impact any drainage course.

Land Use/Planning: The property is zoned for residential use. The proposed use and structures are consistent with residential uses. The project site is suitable for residential development and will not significantly interfere with County Land Use or Planning issues.

Mineral Resources: No important mineral resources are known to occur on the site, and the site is not designated as an important mineral resource recovery site delineated in the Monterey County General Plan.

Noise: Noise generated from the project will be limited to normal noise associated with a residential use. A temporary additional noise source will occur during construction. However, given that the location of the proposed project is adjacent to an existing highway, the rural setting of the site, and the limited duration of construction activities, the project will not exceed existing noise levels in the project vicinity.

Population/Housing: The project involves the construction of a garage and guesthouse for an existing residence. Therefore, the project will not have an adverse impact on population or housing.

Public Services: All services for the residence exist. The project will not result in the need for additional public services.

Recreation: The project is not related with the development of recreational facilities. No recreational activities occur near the project site that would be impacted by the project.

Transportation/Traffic: The project will not generate additional permanent traffic to the highway or local roadway systems. Construction traffic will be limited and short-term. Therefore, no traffic impacts will occur.

Utilities/Service Systems: The proposed project will require neither additional utility nor service systems. No modification to existing systems will be required by the project.

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
Lautaro Echiburú-Elizabeth Gonzales	Associate Planner
Printed Name	Title

V. *EVALUATION OF ENVIRONMENTAL IMPACTS*

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are

one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

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

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 11, 16)	<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, 11, 16)	<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, 11, 16)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 11, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

The project site is located on the highly scenic Big Sur Coast. The proposed project is located in the critical viewshed as defined in the Local Coastal Program because it will be visible from Highway 1. Although there is no designated vista point at the site, there are public vista points and public coastal access points nearby from which the proposed structure will be visible.

Views of the coastal hills and bluffs, Pacific Ocean, and rock outcroppings are predominant in the area. The Big Sur Coast Land Use Plan and Coastal Implementation Plan provide standards for development in the critical viewshed which allow the preservation of Big Sur's scenic resources. The building has been designed and sited to minimize its intrusion in the critical viewshed, consistent with these policies and regulations. Design characteristics include placing the structures around existing topographic features, planted roof, use of earth tone colors, and landscaping with native species.

The proposed building will not block ocean views. Colors and materials, which include a planted roof, will help the building blend in with the surrounding environment. Limited landscaping will further reduce potential visual impacts. A condition of approval will be required to submit a lighting plan showing only soft, low wattage and downlit lighting.

Due to natural vegetation located between the parcel and Highway One, the proposed structure will not be visible from Highway One. However, in the event that any vegetation should die or be removed that could create an adverse affect, the applicant will be required as a condition of approval, to replace any tree (existing/replaced) which screens the development from Highway One and that is destroyed, diseased or significantly damaged or requires removal, to ensure full protection of exposure of any portion of the development within the critical viewshed, pursuant to the Policies of the Big Sur Coast Land Use Plan and the Development Standards of the Coastal Implementation Plan.

~~A proposed fence along the south property line will be partially in the critical viewshed. The fence will be constructed of non-painted wooden grape stakes which is consistent with the rural character of Big Sur, and will not block any public views. Therefore, the fence will not create an adverse visual impact. Since it is possible for landscape trees or shrubs to grow to an extent that could adversely impact scenic resources, a mitigation measure has been added that limits height of trees and shrubs so as not to block views any more than the proposed structure.~~

Conclusion: Adverse visual impacts can be mitigated to a less than significant level.

Mitigation:

MITIGATION MEASURE 1

In order to mitigate for potential adverse impacts that could result from landscape, all landscape materials shall be designed and maintained in such a manner that does not obscure any coastline view from Highway 1 any more than the proposed structure. All landscaping shall adhere to the Landscape Plan required by County Code.

MONITORING ACTION 1: Every two years in perpetuity, the applicant shall submit evidence that landscape vegetation is within the required height restriction and in accordance with the landscape plan to the Director of Planning and Building Inspection Department for review and approval. If deemed necessary by said Director, the applicant shall trim landscape vegetation to meet the intent of this mitigation measure. Failure to submit the required evidence or failure to trim vegetation at the Director's request shall constitute a violation of the Coastal Permit and will be subject to enforcement action by the County.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 10, 11, 16)	<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, 10, 11, 16))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: 1, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

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, 10, 11, 16)	<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, 10, 11, 16)	<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, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 10, 11, 16)	<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, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 6, 7, 8, 11, 14)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 6, 7, 8, 11, 14)	<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: 6, 7, 8, 11, 14)	<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: 6, 7, 8, 11, 14)	<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: 6, 7, 8, 11, 14)	<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: 6, 7, 8, 11, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

A biological survey was conducted on the property in 1997 by Jud Vandevere and Associates for a prior owner of the property (Reference 6). In 1997, the area where the proposed building is located contained numerous (42) individual dune buckwheat (*Eriogonum parvifolium*) a known host plant for the endangered Smith's blue butterfly. In a September 24, 2002 letter, Jud Vandevere documented that during a July, 2000 field survey no Smith's blue butterflies were found and stated that the 1997 report was still applicable (Reference 7).

~~Given the dune buckwheat data contained in the 1997 report, a follow-up survey was requested to specifically address what happened to these plants. The results of this latest survey were reported in an April 5, 2003 letter by Jud Vandevere (Reference 8). This letter reports that following the 1997 survey, "the buckwheat and other native plants on the site were overwhelmed by an~~

extremely thick growth of sea fig, *Carpobrotus chilensis*.” Consequently, no buckwheat plants were found within the building site.

The April, 2003 report further states that following eradication of ice plant (sea fig), the current property owners seeded an area of the property with several native plant species including Dune Buckwheat, Lizard Tail, Beach Aster, Seaside Daisy, California Sagebrush, Mock Heather and Yarrow (Reference 12). This area is away from the proposed construction area and according to the consulting biologist is now a “vast field” of dune buckwheat.

Zander Associates has completed a biological resources assessment for the Kleissner Parcel 015 project located at 35770 Highway 1. Zander Associates biologists visited the site on November 8, 2010 with the project architect to generally characterize existing habitats and evaluate conditions within the proposed area of disturbance. Subsequent visits were conducted on June 6, 2011 and June 20, 2011 to further evaluate potential habitat for special status species.

Parcel 015 is within an existing residential area and has been subjected to various levels of human disturbance as a result. Nevertheless, the northwestern portion of the parcel contains a relatively intact stand of coastal bluff scrub dominated by dune buckwheat, lizard tail, and Monterey Indian paintbrush. According to statements in previous reports prepared for the adjacent parcel, the applicant undertook restoration efforts in the area between 1997 and 2002 to remove ice plant and spread a mix of seeds that coastal biologist Tom Moss collected from the site over a period of months. Those efforts appear to have had great success.

Vegetation is spare under the Monterey cypress canopy and there is no vegetation with the existing driveways. There are small patches of grass adjacent to the existing driveways on Parcels 015 and 013. These grass areas are kept cropped and do not appear to have a diversity of associated herbaceous species.

Several occurrences of Smith’s blue butterfly are recorded within five miles of the project area and therefore, there is potential for the dune buckwheat plans on the parcel to provide habitat for this butterfly. No Smith’s blue butterflies have been observed using the dune buckwheat plans on the parcel during past surveys, but the potential for this butterfly to be present in the area remains. No dune buckwheat plans were observed in any of the areas that will be disturbed for construction of the new residence, leach filed, or new driveway. However, there are dune buckwheat plans immediately adjacent to the proposed residence that could be affected by construction activities.

Adverse impacts to the Smith’s blue butterfly host plant *Eriogonum parvifolium* could occur during construction if equipment or construction activities encroach in the areas where these plants exist. In order to decrease these potential impacts to a less than significant level, a mitigation measure has been included. This mitigation measure requires a pre construction assessment of staging areas and buckwheat plants with County staff and a qualified biologist. Necessary protective measures identified during the pre construction assessment shall be implemented before any grading activities commence.

Conclusion: Adverse impacts to the Smith's blue butterfly host plant *Eriogonum parvifolium*, can be mitigated to a less than significant level.

Mitigation:

MITIGATION MEASURE 2: In order to assure no incidental taking of the Smith's blue butterfly, the applicant developer shall stage construction in such a way as to avoid impacting buckwheat plants. In consultation with the Planning and Building Inspection Department, the applicant shall implement the following measures, as necessary:

- a. Begin construction (i.e. brush clearing, grading) no earlier than on August 15th or a later date, unless a qualified biologist confirms that the Smith's blue butterfly flight season has ended prior to between June 1st and August 15th.
- b. Protect all buckwheat plants on or near the subject property with a five-foot buffer. Install temporary protective fencing along the edge of the scrub vegetation containing due buckwheat where it abuts the construction zone (silt fence or plastic orange fence). A temporary fence shall be placed around each buckwheat plant that meets this buffer area.
- c. Inform construction crew of the sensitivity of the vegetation and prohibit access into the area during construction.
- d. Designate equipment staging and storage areas away from the scrub vegetation north of the proposed building site. Direct runoff from the construction site away from the sensitive vegetation area.
- e. Control dust during construction with water in accordance with current Best Management Practices and Monterey County grading regulations.

MONITORING ACTION 2a: Prior to issuance of grading permits, the applicant shall schedule a pre construction site visit with Planning and Building Inspection Department staff and a qualified biologist to assess construction staging and to develop appropriate protective measures for the seacliff buckwheat *Eriogonum parvifolium*. Recommended protective measure shall be installed prior to commencement of grading activities and will remain in place until final inspection.

MONITORING ACTION 2b. Prior to grading, a qualified biologist shall provide a report to the Director of Planning and Building Inspection that certifies the proper mitigation for the Smith's blue butterfly has been implemented in accordance with Mitigation Measure #2.

MONITORING ACTION 2c. During grading, the contractor and grading inspector shall monitor the site for continued compliance with dust control.

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, 4, 13)	<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, 4, 13)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 2, 3, 4, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 2, 3, 4, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Based on field observations and previous archaeological studies made on the property, the consulting archeologist determined on October 10, 2002 that the property contained archaeological deposits (Reference 3). Following the recommendations by the consulting archaeologist, preliminary archeological testing was performed on May 29, 2003 to assess the nature, extent, and significance of the cultural deposit within the project site. The survey resulted in the excavation of a single archeological unit in the proposed building footprint. The results of the excavation have been used to develop mitigation measures to avoid potential impacts.

~~Preliminary results of the excavation were reported in a June 5, 2003 letter by Gary Breschini of Archaeological Consulting. Although laboratory processing of the materials recovered in the excavation had not been completed, the consultant determined that the proposed project could go forward as planned (Reference 4).~~

In January 2012, Archaeological Consulting was authorized to prepare a Preliminary Archaeological Assessment for a new house construction on a portion of one of the Kleissner parcels on Highway One south of Carmel. At the time of the assessment the moderately sloping project area was flagged with story poles. A driveway and an old paved road ran through the center of the house footprint. Surface visibility was variable in the project impact area depending on vegetation and paving. Overall soil visibility was adequate for the purposes of the assessment.

The field assessment consisted of a general surface reconnaissance of all project areas which could reasonably be expected to contain visible cultural resources and which could be viewed without major vegetation removal or excavation. The CA-MNT-98 midden northwest of the project area was examined for its proximity to the house footprint. Previous research of the files found that CA-MNT-98 is recorded on the project parcel and on several other parcels west of the highway. The archaeological deposit had been tested previously on the northwestern part of the project parcel and on adjoining parcel 243-231-013-000. Although the CA-MNT-98 midden is visible northwest of the project area, none of the materials frequently associated with prehistoric

cultural resources in the area were observed in the current project footprint. The soil in the project area was lighter brown than the midden soil. No shell fragments were seen in the immediate vicinity of the project footprint. Typical midden shell fragments become apparent north and west of the large cypress trees.

However, given the nature of archeological resources in a highly sensitive area, where they may be discovered during construction activities, potential adverse impacts could occur during construction. In order to reduce these potential impacts to a less than significant level, a mitigation measure has been imposed on the project to ensure that an archaeological monitor be present during construction activities. Results of all laboratory processing and additional analyses will be presented in a Final Technical Report to be submitted prior to issuance of building permits. Therefore, as mitigated, adverse impacts to cultural resources from the proposed project are of a less than significant level.

Conclusion: Adverse impacts to archaeological resources can be mitigated to a less than significant level.

Mitigation:

MITIGATION MEASURE 3: In order to assure that construction activities do not impact cultural or archaeological resources, the applicant shall contract with a Registered Professional Archaeologist to monitor all earth disturbance work on the project site including, but not limited to, grading, excavation for new foundations, and excavation for septic lines.

MONITORING ACTION 3a. Prior to issuance of grading or building permits, the applicant shall submit the monitoring contract with a Registered Professional Archaeologist to the Director of Planning and Building Inspection for approval.

MONITORING ACTION 3b. Prior to issuance of grading or building permits, the applicant shall submit the Final Technical Report by Archeological Consultants.

MONITORING ACTION 3c. During construction, if potentially significant archeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. Any such find shall be reported to the Director of Planning and Building Inspection Department. If the find(s) are determined to be significant, appropriate mitigation measures shall be formulated and implemented. Construction activities shall not resume until the mitigation measures have been adequately implemented as determined by the consulting archaeologist and approved by the Director of Planning and Building Inspection Department. All soil containing archaeological material shall not be removed from the site.

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: 5, 9) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 5, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 5, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: 5, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 5, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 5, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 5, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 5, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

In a Geological Update Report prepared for the project, Geoconsultants, Inc., noted that the proposed development is suitable from a geological aspect (Reference 5). The primary potential adverse impacts identified are erosion and seismic shaking. ~~Given that the proposed development is set back 65 feet from the edge of the bluff and that an erosion control plan will be required as part of standard conditions, impacts from erosion are less than significant.~~ In a previous survey, a north-south fault trace was identified in the project vicinity. However, because this feature is at least 250 feet east of the proposed structures, the potential adverse impacts are considered very low to non-existent (Reference 6). The proposed project will be designed and built in accordance with the current Building Code's requirements for the project's seismic and soils conditions.

Conclusion: Adverse geological and soils impacts from the proposed project are of a less than significant level because the proposed structures are adequately set back from the bluff edge and are not within a seismic hazardous area.

7. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source 1, 10, 16)	<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, 10, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 10, 16)	<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, 10, 16)	<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, 10, 16)	<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, 10, 16)	<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, 10, 16)	<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, 10, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 10, 16)	<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, 10, 16)	<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, 10, 16)	<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, 10, 16)	<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, 10, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 10, 16)	<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, 10, 16)	<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, 10, 16)	<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, 10, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 10, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

9. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: 1, 10, 11, 16)	<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, 10, 11, 16)	<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, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

10. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 10, 16)	<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, 10, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

11. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? (Source: 1, 10)	<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, 10)	<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, 10)	<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, 10)	<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, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 10)	<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, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

13. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

14. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source:1, 11, 16)	<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, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: 1, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: 1, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1, 11, 16)	<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, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? (Source: 1, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: 1, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

16. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 11, 16)	<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, 11, 16)	<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, 11, 16)	<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, 11, 16)	<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, 11, 16)	<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, 11, 16)	<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, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See previous Sections II. A and B, Project Description and Environmental Setting and Section IV. A, Environmental Factors Potentially Affected.

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, 6, 10, 11, 14, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source:) ("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, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source:1, 10, 11, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

This initial study found that the proposed project will potentially impact the environment in the areas of aesthetics, biological resources, and cultural resources; however, these potential impacts are either of a less than significant level or will be reduced to a less than significant level with the implementation of mitigation measures which will be included in the project plans and permit approval conditions.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

For purposes of implementing Section 735.5 of Title 14, California Code of Regulations: If based on the record as a whole, the Planner determines that implementation of the project described herein, will result in changes to resources A-G listed below, then a **Fish and Game Document**

Filing Fee must be assessed. Based upon analysis using the criteria A-G, and information contained in the record, state conclusions with evidence below.

- A) Riparian land, rivers, streams, water courses, and wetlands under state and federal jurisdiction.
- B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- C) Rare and unique plant life and ecological communities dependent on plant life, and;
- D) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- E) All species of plant or animals listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, and the Water Code, or regulations adopted thereunder.
- F) All marine terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- G) All air and water resources the degradation of which will individually or cumulatively result in the loss of biological diversity among plants and animals residing in air or water.

~~**De minimis Fee Exemption:** For purposes of implementing Section 735.5 of the California Code of Regulations: A *De Minimis Exemption* may be granted to the **Environmental Document Fee** if there is substantial evidence, based on the record as a whole, that there **will not** be changes to the above named resources V. A-G caused by implementation of the project. Using the above criteria, state conclusions with evidence below, and follow Planning and Building Inceptions Department Procedures for filing a de minimis exemption.~~

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

~~**Evidence:** The project will involve grading in an area formerly populated with seacliff or dune buckwheat, *Eriogonum parvifolium*, a host plant for the endangered Smith's blue butterfly. Given the possibility that project implementation may impact sensitive resources, Fish and Game review of this project will be necessary.~~

IX. REFERENCES

1. Project Application/Plans
2. *Preliminary Cultural Resources Reconnaissance*. Archaeological Consulting, October 3, 1996
3. Updated report for the 1996 reconnaissance. Archaeological Consulting, October 2002
4. Letter by Archaeological Consulting regarding recommended mitigation measures. June 5, 2003.
5. *Geological Update Report* Geoconsultants, Inc., March 12, 2003
6. *Biological Report* Jud Vandevere and Associates, February 3, 1997

7. Letter by Jud Vandevere dated September 24, 2002 addressing adequacy of the 1997 Biological Report.
8. Letter by Jud Vandevere dated April 5, 2003 addressing dune buckwheat *Eriogonum parvifolium*
9. *Geotechnical Update* Tharp and Associates, Inc, March 7, 2003.
10. Monterey County General Plan
11. Big Sur Coast Land Use Plan and Coastal Implementation Plan
12. Letter by Thomas Moss, Coastal Biologist, on the native landscape restoration on the Kleissner property.
13. *Preliminary Archaeological Assessment (LIB120126)* Archaeological Consulting, January 20, 2012
14. *Biological Resources Assessment (LIB120010)* Zander Associates, November 15, 2011
15. *Geotechnical Investigation – Design Phase (LIB120009)* Tharp & Associates, Inc., December 2011
16. Monterey County GIS System