

MONTEREY COUNTY PLANNING COMMISSION

Meeting: August 8, 2012 Time: 9:00 a.m.	Agenda Item No.: 1
Project Description: Continued from June 13, 2012 to 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 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 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: Mitigated Negative Declaration	
Department: RMA - Planning Department	

RECOMMENDATION:

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

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

PROJECT OVERVIEW:

On June 13, 2012, the Planning Commission heard a presentation recommending approval of a Combined Development Permit for a new bi-level single family dwelling with garage below and associated grading. Staff also recommended the Planning Commission consider an Addendum to a previously adopted Mitigated Negative Declaration (MND) that included the subject parcel and analyzed environmental issues that were the same issues for the current project. However, because construction and associated grading for the new house was not analyzed in the previous MND, the Commission determined the Addendum was not appropriate CEQA review and directed staff to prepare an Initial Study of the current project on its own merit.

A draft Mitigated Negative Declaration ("MND") for PLN110150 was prepared in accordance with CEQA and circulated for public review from July 5 to August 6, 2012. Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, air quality, biological resources, cultural resources, and greenhouse gas emissions. As of July 23, 2012, no comments have been received.

Another issue discussed at the hearing was the requirement for scenic easements and the necessity of tree protection. The proposed structure will not be visible from nearby public vista points and public coastal access points along Highway 1 because of existing vegetation and a knoll that is taller than the height of the structure. The applicant has submitted a proposed easement map that recommends a conservation easement over the entirety of the coastal bluff

scrub ESHA identified in the biological report which is in a highly visible portion of the critical viewshed. Staff has accepted the proposed easement map.

See **(Exhibit B)** for further discussion.

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

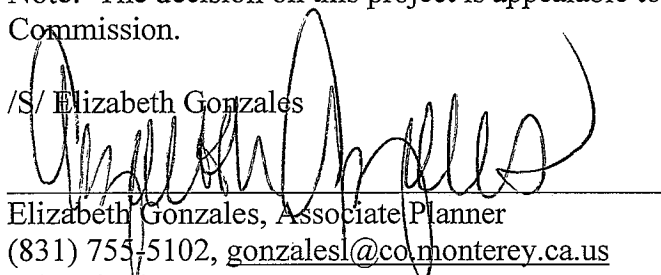
- ✓ RMA - Public Works Department
- ✓ Environmental Health Bureau
- ✓ Water Resources Agency
- ✓ CDF Coastal
- California Coastal Commission

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 (LUAC) recommended (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, gonzalesl@co.monterey.ca.us
July 16, 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 Mitigated Negative Declaration
Exhibit H Proposed conservation easement map

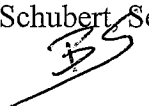
This report was reviewed by Bob Schubert, Senior Planner and Wanda Hickman, Manager. *wh*
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EXHIBIT A

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.): 567

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

On June 13, 2012, staff recommended the Planning Commission approve a Combined Development Permit for 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 balanced on-site), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system. No changes have been made to the proposal except that grading will now be balanced on-site.

Staff also recommended the Planning Commission consider an Addendum to a previously adopted MND that included this parcel and analyzed environmental issues that were the same issues for the current project. Issues identified in the original Initial Study were aesthetics, biological and cultural resources. However, because construction and associated grading for the new house was not analyzed in the previous Initial Study, the Commission determined the Addendum was not appropriate CEQA review and directed staff to prepare an Initial Study of the current project on its own merit.

Another issue discussed at the hearing was the requirement for scenic easements and the necessity of tree protection. Pursuant to Section 20.145.030.B.6 (e) of the Coastal Implementation Plan, scenic easements shall be dedicated over undeveloped portions of a lot for the Rocky Point area parcels. However, it is clear that this is a small lot and the proposed structure is not visible from Highway 1 or any public viewing area because of existing vegetation and a knoll that is taller than the height of the structure. Conservation easement dedications are required as a condition of approval over ESHA areas for any proposed development on lots containing ESHA. (Section 20.145.040.B.2 CIP) The applicant has submitted a proposed easement map showing a conservation easement over the coastal bluff scrub ESHA identified in the biological report which is also located in a highly visible portion of the critical viewshed. Staff has received the proposed easement map to satisfy this requirement. (Condition #21)

Project Entitlements

The proposed project is located on Assessor's Parcel Number 243-231-015-000. 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 a new single family dwelling with associated grading, new septic system and water connection; 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; and Design Approval.

The subject parcel 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 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 The 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

KF Terra (PLN110150)

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; and
- 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 Identified in the Initial Study:

Development in the Critical Viewshed

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 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.

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. The proposed structure will not be visible from nearby public vista points and public coastal access points along Highway 1 because of existing vegetation and a knoll that is taller than the height of the proposed structure. Access to the site is provided through an existing driveway. 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.

There is a narrow view of the flagging of the proposed structure from Highway 1 outside the gate as seen above the existing driveway gate and under the canopy of the existing trees. However, those trees are located on the neighboring parcel and cannot be conditioned.

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 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. 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, mitigation measures implemented will protect the buckwheat plants during construction. (Condition #22/MM #1)

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, mitigation measures have been applied to this project to ensure that an archaeological monitor be present during construction activities. (Conditions #23, #24, #25/MM #2, #3, #4)

Environmental Review

The Draft Mitigated Negative Declaration ("MND") for PLN110150 was prepared in accordance with CEQA and circulated for public review from from July 5 to August 6, 2012. Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, air quality, biological resources, cultural resources, and greenhouse gas emissions. Impacts for aesthetics, air quality and greenhouse gases were less than significant and potential impacts for biological and cultural resources were reduced to less than significant with proposed mitigation measures.

EXHIBIT C
DRAFT RESOLUTION

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

In the matter of the application of:

K F TERRA, LP (PLN110150)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Adopted a Mitigated Negative Declaration;
- 2) Approved the Combined Development Permit, based on the findings and evidence and subject to the conditions of approval; and
- 3) Adopted a 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 and August 8, 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. 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. The proposed structure will not be visible from nearby public vista points and public coastal access points along Highway 1 because of existing vegetation and a knoll that is taller than the height of the proposed structure. 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. Access to the site is provided through an existing driveway. The height of the structure does not extend above any existing landforms so it would not block any ocean view.
- e) ESHA In 2011, Zander Associates completed a biological resources assessment for the current project located on parcel 243-231-015-000. 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 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, mitigation measures implemented will protect the buckwheat plants during construction. (Condition #22/MM #1)
- f) 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, mitigation measures have been applied to this project to ensure that an archaeological monitor be present during construction activities. (Conditions #23, #24, #25/MM #2, #3, #4)

- g) 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 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 is tucked under the house.

For these reasons.

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

- j) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File 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 (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.
- EVIDENCE:**
- a) Public Resources Code Section 21080.d and California Environmental Quality Act (CEQA) Guidelines Section 15064.a.1 require environmental review if there is substantial evidence that the project may have a significant effect on the environment.
 - b) The Monterey County Planning Department prepared an Initial Study pursuant to CEQA. The Initial Study is on file in the offices of the Planning Department and is hereby incorporated by reference (PLN110150).
 - c) The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
 - d) All project changes required to avoid significant effects on the environment have been incorporated into the project and/or are made conditions of approval. A Condition Compliance and Mitigation Monitoring and/or Reporting Plan has been prepared in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an "Agreement to Implement a Mitigation Monitoring and/or Reporting Plan as a condition of project approval. (Condition #9)
 - e) The Draft Mitigated Negative Declaration ("MND") for PLN110150 was prepared in accordance with CEQA and circulated for public review

from July 5 to August 6, 2012. (SCH#: 2012071005)

- f) Issues that were analyzed in the Mitigated Negative Declaration include: aesthetics, air quality, biological resources, cultural resources, and greenhouse gas emissions. Impacts for aesthetics, air quality and greenhouse gases were less than significant and potential impacts for biological and cultural resources were reduced to less than significant with proposed mitigation measures.
- g) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 2/Site Suitability), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings. These documents are on file in the RMA-Planning Department (PLN110150) and are hereby incorporated herein by reference.
- h) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Game (CDFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site is located within 100 feet of a coastal bluff. For purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The Initial Study was sent to the California Department of Fish and Game for review, comment, and to recommend necessary conditions to protect biological resources in this area. No comments were received. Therefore, the project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (NOD).
- i) No comments from the public were received.
- j) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

- 6. FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.
- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan can be demonstrated.
 - b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 2 in the Big Sur Coast Land Use Plan).
 - 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) Adopt a Mitigated Negative Declaration;
- 2) Approve the Combined Development Permit, based on the findings and evidence and subject to the conditions; and
- 3) Adopt a Mitigation Monitoring and Reporting Plan.

PASSED AND ADOPTED this 8th day of August, 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 25 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 3 years, to expire on August 8, 2015 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. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning Department

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

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

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

5. 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, Costanoans/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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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

14. 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

15. 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

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. PD022(A) - EASEMENT-CONSERVATION & SCENIC

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: A conservation and scenic easement shall be conveyed to the County over those portions of the property where the coastal bluff scrub ESHA exist(s). The easement shall be developed in consultation with certified professionals. An easement deed shall be submitted to, reviewed and approved by, the Director of RMA - Planning Department prior to issuance of grading and building permits.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to recordation of the parcel/final map or prior to the issuance of grading and building permits, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, showing the exact location of the easement on the property along with the metes and bound description developed in consultation with a certified professional, to the RMA - Planning Department for review and approval.

Prior to recordation of the parcel/final map, prior to the issuance of grading and building permits, or prior to the commencement of use, the Owner/Applicant shall record the deed and map showing the approved conservation and scenic easement. Submit a copy of the recorded deed and map to the RMA-Planning Department.

22. MITIGATION MEASURE #1 - PROTECTION OF BUCKWHEAT PLANTS

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Mitigation Measure 1: In order to assure no incidental taking of the Smith's blue butterfly, the applicant and contractor shall agree in writing to stage construction in such a way as to avoid impacting buckwheat plants. In consultation with the RMA Planning 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 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 dune 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
Action to be Performed:**

Monitoring Action 1a: Prior to issuance of grading permits, the applicant shall schedule a pre-construction site visit with RMA Planning staff and a qualified biologist to assess construction staging and to develop appropriate protective measures for the seacliff buckwheat *Eriogonum parvifolium*. Recommended protective measures shall be installed prior to commencement of grading activities and shall remain in place until final inspection.

Monitoring Action 1b: Prior to grading, a qualified biologist shall provide a report to the Director of RMA Planning that certifies the proper mitigation for the Smith's blue butterfly has been implemented in accordance with Mitigation Measure #1.

Monitoring Action 1c: During grading, the contractor and grading inspector shall monitor the site for continued compliance with dust control.

23. MITIGATION MEASURE #2 - PRECONSTRUCTION MEETING

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Mitigation Measure #2:

In order to avoid any impacts to the known recorded CA-MNT-98 resource, an on-site pre-construction meeting shall be held between the applicant, the archaeologist and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations.

**Compliance or
Monitoring
Action to be Performed:**

Monitoring Action #2:

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

24. MITIGATION MESURE #3 - EXECUTE ARCHAEOLOGICAL AGREEMENT

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Mitigation Measure #3:
In order to ensure that the archaeologist will be on-site during construction, an agreement between the applicant and a professional archaeologist shall be executed stating that the archaeologist shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc. The monitor shall be authorized to determine the level of monitoring, i.e., intermittent or continuous, as well as the appropriate end of such oversight.

Compliance or Monitoring Action to be Performed: Monitoring Action #3:
A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

Additional on-going monitoring Action:
The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

25. MITIGATION MEASURE #4 - ON-SITE MONITORING

Responsible Department: Planning Department

**Condition/Mitigation
Monitoring Measure:**

Mitigation Measure #4:

In order to ensure that the requirements of Big Sur Land Use Plan policies are followed, if, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If human remains are accidentally discovered during construction, the following steps will be taken:

- (a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- (b) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- (c) 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, Costanoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
 - The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or

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

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

**Compliance or
Monitoring
Action to be Performed:**

Monitoring Action #4:

The County of Monterey shall be notified immediately upon evidence of archaeological resources found on site. The applicant shall then submit the contracts with a Registered Professional Archaeologist, and a representative of the Ohlone Costanoan Esselen Nation within one week to the Director of the RMA & Planning Department for review and approval.

BIG SUR

EXHIBIT "D"

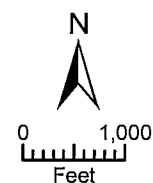


APPLICANT: THE KF TERRA LP

APN:243-231-015-000

FILE # PLN110150

Water 2500' Limit 300' Limit City Limits



PLANNER: GONZALES

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 X 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

 X 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 X 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

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 - AH)
To: Elizabeth Gonzales, Monterey County Planning Department
Re: PLN110150 (KF Terra) – 30% Slope Exception Request

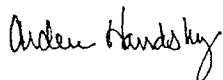
We propose a slope waiver for a portion of the proposed house sited on a small area (238 sq.ft.) that exceeds 30% grade (maximum 36%). The size of the proposed residence is very modest, comprising only 2578 square feet. Further reducing the already modest project size to avoid slopes in excess of 30%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

County of Monterey
State of California

MITIGATED NEGATIVE DECLARATION

FILED

JUL 03 2012

STEPHEN L. VAGNINI
MONTEREY COUNTY CLERK
DEPUTY

Project Title:	KF Terra LP
File Number:	PLN110150
Owner:	Kleissner
Project Location:	35670 Highway 1, Monterey
Primary APN:	243-231-015-000
Project Planner:	Gonzales
Permit Type:	Combined Development Permit
Project Description:	Combined Development Permit 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 will be used on existing dirt roads for this parcel and parcel 013; excess to be exported to local landfill), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garapata Water Company water system; 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%; and a Coastal Development Permit to allow development on a parcel with a positive archaeological report.

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

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

Decision Making Body:	Planning Commission
Responsible Agency:	County of Monterey
Review Period Begins:	July 5, 2012
Review Period Ends:	August 6, 2012

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

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT

168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901

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



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (KF Terra PLN110150) at (APN 243-231-015-000) (see description below).

The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2nd Floor, Salinas, California, and the John Steinbeck library on Lincoln Street, Salinas. The Mitigated Negative Declaration and Initial Study are also available for review in an electronic format by following the instructions at the following link: <http://www.co.monterey.ca.us/planning/docs/environmental/circulating.htm>.

The Planning Commission will consider this proposal at a meeting on August 8, 2012 at 9:00 a.m. in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from July 5, 2012 to August 6, 2012. Comments can also be made during the public hearing.

Project Description: Combined Development Permit 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 will be used on existing dirt roads for this parcel and parcel 013; excess to be exported to local landfill), grid-tied photovoltaic system integrated into standing seam roof, new septic system and connection to existing Garrapata Water Company water system; 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%; and a Coastal Development Permit to allow development on a parcel with a positive archaeological report.

We welcome your comments during the 30-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

CEQAcomments@co.monterey.ca.us

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of

comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

For reviewing agencies: The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

All written comments on the Initial Study should be addressed to:

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

Re: KF Terra; File Number PLN110150

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

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

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 CD copies + 1 hard copy of the Executive Summary) – include the Notice of Completion
2. County Clerk's Office
3. CalTrans District 5 – San Luis Obispo office
4. California Coastal Commission
5. Association of Monterey Bay Area Governments
6. Monterey Bay Unified Air Pollution Control District
7. Garrapata Water Company
8. Cal-Fire Coastal Office, C/O Carmel Hills Station, Attn: Dennis King
9. Monterey County Water Resources Agency
10. Monterey County Public Works Department
11. Monterey County Parks Department
12. Monterey County Environmental Health Bureau
13. Monterey County Sheriff's Office
14. John Steinbeck Library
15. Lisa Kleissner, KF Terra LP C/O Febert & Asso LLC; Owner
16. Arden Handshy, Agent
17. The Open Monterey Project
18. LandWatch
19. Property Owners within 300 feet (Notice of Intent only)

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

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



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: KF Terra LP

File No.: PLN110150

Project Location: 35670 Highway 1, Monterey

Name of Property Owner: Kleissner

Name of Applicant: Arden Handshy

Assessor's Parcel Number(s): 243-231-015-000

Acreage of Property: 1.68 acres

General Plan Designation: Agriculture, Outdoor Recreation, Visitor Serving & Rural Residential

Zoning District: Watershed and Scenic Conservation Residential, 40 Acres per Unit, Design Control [WSC/40/D (CZ)].

Lead Agency: Monterey County RMA Planning Department

Prepared By: Elizabeth Gonzales

Date Prepared: June 13, 2012

Contact Person: Elizabeth Gonzales

Phone Number: (831) 755-7175

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project: 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 will be used on existing dirt roads for this parcel and parcel 013; any excess to be exported to local landfill), 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%; and a Coastal Development Permit to allow development on a parcel with a positive archaeological report.

The property is zoned "WSC/40-D (CZ)" Watershed and Scenic Conservation, 40 acre minimum, Design Control in the Coastal Zone. The parcel, Assessor's Parcel Number 243-231-015-000, is located at 35670 Highway 1, on the west side of Highway in Big Sur, California.

Pursuant to the Big Sur Coast Land Use Plan (LUP), the parcel is located within the critical viewshed. Key Policy 3.2.1 (LUP) 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 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 RMA Planning 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 proposed single family dwelling cannot be seen from any public viewing area.

Policy 3.3.2 of the Big Sur LUP states, "Where private or public development is proposed, in documented or expected locations of environmentally sensitive habitats, field surveys by qualified individuals or agencies shall be made in order to determine precise locations of the habitat and to recommend mitigating measures to ensure its protection." Zander Associates completed a biological resources assessment and stated that the proposed project is located within an existing residential area that 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, which is host to the protected Smith's blue butterfly. 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. Therefore, mitigation measures have been proposed to reduce impacts to less than significant.

Pursuant to 20.145.120 of the Coastal Implementation Plan (CIP), all development proposed on parcels with known archaeological resources, as identified through the survey report, or as shown on current County resource maps shall be subject to environmental review of the

Monterey County CEQA Guidelines. Archaeological Consulting prepared a Preliminary Archaeological Assessment for a new house construction on the site. 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. No materials frequently associated with prehistoric cultural resources in the area were observed in the current project footprint. However, given the nature of archaeological resources in a highly sensitive area, where they may be discovered during construction activities, potential adverse impacts could occur during construction. Therefore, mitigation measures have been proposed to reduce impacts to less than significant.

The primary CEQA issues involve aesthetics, biological resources and cultural resources. These resources have the potential be affected by the proposed project. However, evidence supports the conclusion that impacts will be less than significant for aesthetics and less than significant with mitigation incorporated for biological and cultural resources. Detailed analysis for each issue can be found in Section VI. – Environmental Checklist.

Since this is a request to construct a new residence, air quality and construction issues were addressed. Less than significant impacts have been identified for Air Quality and Greenhouse Gas Emissions (see Section VI, Environmental Checklist, of the Initial Study). As these were considered less than significant impacts, no mitigations were required for the project. However, implementation of conditions of approval will be included to assure compliance with County requirements.

Other Project Impacts

The subject property is not located within Prime or Unique Farmlands, forest land, nor poses a threat caused by flooding, or on a mineral resource recovery site. The result of the project will not require large amounts of water, induce or reduce the population or availability of housing, or cause reduction of the existing level of services for fire, police, public schools, or parks. Therefore, the project will have no impact on Agriculture/Forest Resources, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation or Utilities/Service Systems.

B. Surrounding Land Uses and Environmental Setting:

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

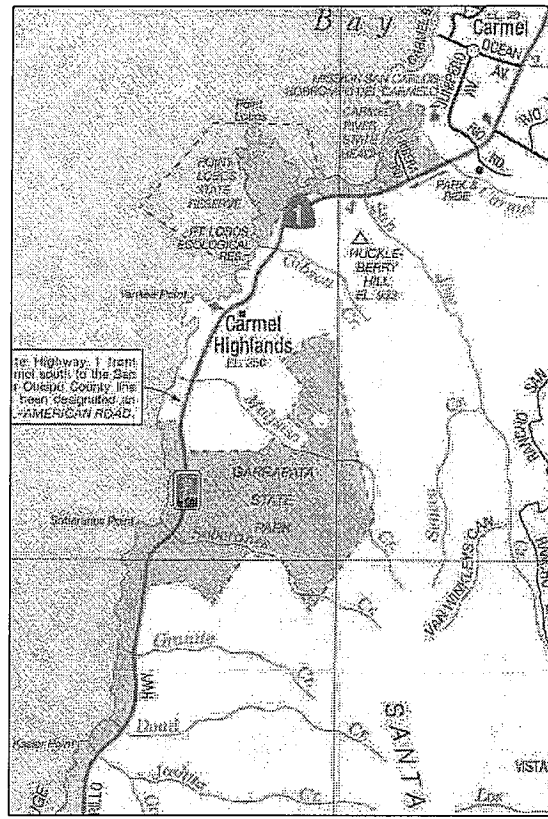
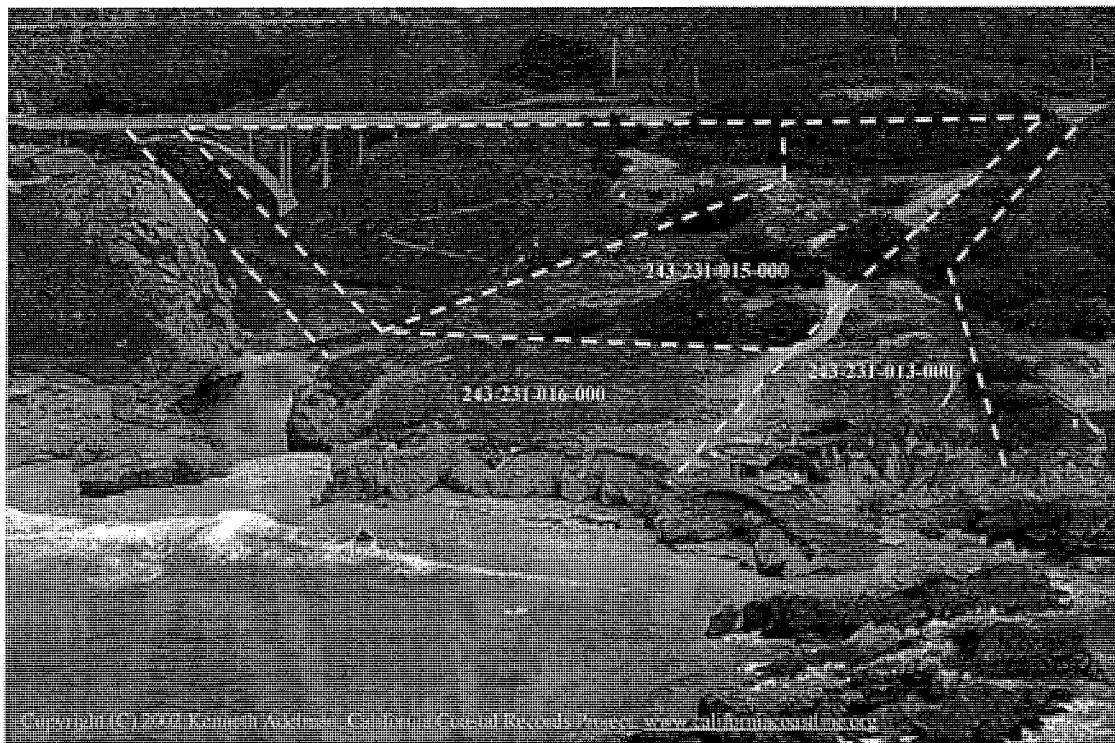


Figure 1

The property slopes uphill away from the bluff to Highway 1 at a gradient of 5% to 10%. There is substantial vegetation located on parcel 243-231-015-000. However, no sensitive plants exist on the project footprint and no trees will be removed. A portion of the site is visible from State Highway 1; however the proposed structure cannot be seen from Highway 1. Surrounding land uses include State Highway 1, Garrapata State Beach, and residential parcels (Figure 2). Access to the site is provided by an existing driveway from Highway 1. This driveway also provides access to the two adjoining properties (APNs 243-231-013-000 and 243-231-016-000) through a 15-foot driveway easement. A non-developed 10-foot private pedestrian access easement exists between all three 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

Other public agencies whose approval is required: No other public agency permits would be required under this request.

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

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

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

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Big Sur Coast Land Use Plan (CLUP). Policy 5.3.1.3 of the BSLUP categorizes Watershed and Scenic Conservation as the primary use of this category. Rural Residential and employee housing are secondary, conditional uses that will be considered on their individual merits. The proposed project meets this category as one single family dwelling is allowed on a legal lot of record. **CONSISTENT** (References IX 1, 2, 3, 4, 6, 7)

Local Coastal Program-LUP. Land Use and Planning (Section IV. evidence) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (refer to *Local Coastal Program-LUP* discussion below); or conflicts with any applicable habitat conservation plan or natural community conservation plan. Therefore, as discussed therein, the proposed project is consistent with the Big Sur Coast LUP. **CONSISTENT** (References IX 1, 3, 4, 6, 7)

Air Quality Management Plan (AQMP).

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

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

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

☐ Check here if this finding is not applicable

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

EVIDENCE: Based upon the planner's project analysis, many of the above topics on the checklist do not apply. Less than significant impacts or potentially significant impacts are identified for **aesthetics, air quality, biological resources, cultural resources, and greenhouse gas emissions**. The project will have no quantifiable adverse environmental effect on the categories not checked above as follows:

- 1) Aesthetics. See Section VI. for detailed analysis.

- 2) Agricultural and Forest Resources: The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance, and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project will not result in the loss of forest land or conversion of forest land to non-forest use. The project will have no impacts to agricultural and forest resources. (References IX 1, 2, 3, 6, 7)

The Big Sur Coast Land Use Plan states that in locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership. **(Policy 3.6.1 BSLUP)** The project parcel is not located near any grazing or farmland. No trees are proposed for removal, and those nearby will be protected from construction. Therefore, there is no impact to agricultural and forest resources.

- 3) Air Quality. See Section VI. for detailed analysis.

- 4) Biological Resources. See Section VI. for detailed analysis.

- 5) Cultural Resources. See Section VI. for detailed analysis.

- 6) Geology/Soils. The proposed project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 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 nor have strong seismic ground shaking, seismic-related ground failure, including liquefaction, landslides, result in substantial soil erosion or the loss of topsoil, 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 nor be located on expansive soil, nor 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 defined in Chapter 18A of the 2007 California Building Code, nor will it create substantial risks to life or property. (References IX 1, 2, 6, 7, 10)

All development shall be sited and designed to minimize risk from geologic, flood, or fire hazards to a level generally acceptable to the community. **(Policy 3.7.2.3 BSLUP)** The proposed project is not located within any hazard areas and will have no impacts to geology/soils.

- 7) Greenhouse Gas Emissions. See Section VI. for detailed analysis.

- 8) Hazards/Hazardous Materials: The project does not involve the transport, use or disposal of hazardous materials that would constitute a threat of explosion or

other significant release that would pose a threat to neighboring properties. There is no storage of large quantities of hazardous materials on site. The project would not involve stationary operations, create hazardous emissions or handle hazardous materials nor be located on this site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, hence would not create a significant hazard to the public or the environment. The project will not 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. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. (References IX 1, 3, 5, 6, 7)

The Big Sur Land Use Plan's key policy (**Policy 3.7.1 BSLUP**) states land use and development shall be carefully regulated through the best available planning practices in order to minimize risk to life and property and damage the natural environment. The project is located in a high fire hazard area and has been conditioned by CDF Coastal to implement safe fire hazard practices, such as defensible space requirements, new fire valve, sprinkler system and Class A roofing materials. There is no evidence of such hazard with the proposed project. Therefore, there is no impact to hazards.

- 9) Hydrology/Water Quality. The proposed project will not violate any water quality standards or waste discharge requirements nor substantially alter the existing drainage pattern of the site or area 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 or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site. The project will not 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 nor 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. The proposed project is not located within a 100 year floodplain and would not impede or redirect flood flows or otherwise substantially degrade water quality. The project will not 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 nor inundation by seiche, tsunami, or mudflow. (References IX 1, 3, 6, 7, 10),

The protection and maintenance of Big Sur's water resources is a basic prerequisite to the protection of all other natural systems. Therefore, water resources will be considered carefully in all planning decision and approvals. (**Policy 3.4.1 BSLUP**) Although the structure is located between the ocean and Highway 1, the proposed structure is over 100 feet from the cliff. The cliff is well above the ocean so the water would not be able to come up onto the property.

The geotechnical report confirms the proposed structure is not located within a 100 year floodplain and groundwater was not encountered during field testing, therefore no flooding could occur on the property. There is an existing water system, Garrapata Water Company that the new structure will be connecting to. Drainage on the property consists of surface runoff and subsurface flow and is controlled by topography and earth materials. Drainage on most of the subject property and the surrounding area in general is to the west, directly into the Pacific Ocean. A drainage plan will be required as a condition of approval from the Water Resources Agency.

- 10) Land Use/Planning. The proposed project will not physically divide an established community. The project does not conflict with any of the policies within the Big Sur Coast Land Use Plan and meets all zoning requirements. There is no habitat or natural community conservation plan that the proposed project is required to conform to. The project consists of the construction of a sized single family dwelling located in an already disturbed area. The zoning regulations allow for the first single family dwelling on a legal lot of record. (References IX 1, 2, 3, 4, 6, 7)

The capabilities of Big Sur's natural environment and the capacity of the public service system to support development are reflected in land use proposals. However, all new development is subject to the policies of other sections concerning resource management, Highway 1, shoreline access and trails, and can only be made during the project review process (**Policy 5.3**) The proposed project has been analyzed with regard to resource protection and site development standards have been implemented to protect these resources.

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

The project site is not located in the vicinity of an airport or private airstrip. The generation of substantial or significant noise over the long-term is not typically associated with a project of this scope. The proposed project would have temporary minor noise impacts due to construction of the new single family dwelling, but those would cease once the project was completed. Neighboring residences are located on both sides of the property. The temporary noise will be located closer to the highway and further from the other properties. Therefore, there is no impact to noise.

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

Since the project proposes a new single family dwelling on a legal log of record, the housing element had already been considered within the Big Sur Coast Land Use Plan. There would be no impacts to Population or Housing.

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

The proposed project's residential use and proximity to other residential uses signify that any potential impact to public services will be insignificant, given that adequate public services exist to properly serve the area. Fire Department and Environmental Health Bureau site visits determined that access and private utilities (septic system) are sufficient and have recommended Conditions of Approval for the project. Therefore, the proposed project will not have a significant impact on Public Services.

- 15) Recreation. The project, as proposed, would not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical deterioration. The proposed project does not include or require construction or expansion of recreational facilities. (References IX. 1, 3, 6, 7) No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project, based on review of Figure 2 (Shoreline Access Plan) of the Big Sur LUP and staff site visits. The project would not create significant recreational demands.

The Big Sur Land Use Plan requires that the public's right to shoreline access is ensured by the State Constitution and provisions of the California Coastal Act. (**Policy 6.1.1 BSLUP**) The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformance with the public access policies of Chapter 6 of the Big Sur Coast Land Use Plan, and Section 20.145.150 of the Monterey County Coastal Implementation Plan for Carmel (Part 3). Figure 2 does not identify the parcel as an area requiring existing or proposed public access. No public access points or trails are located on the parcel. A non-developed 10 foot private pedestrian

access easement exists for this parcel to allow access to the beach. The proposed project would have no impacts related to Recreation.

- 16) Transportation/Traffic. The project would not generate additional traffic since this legal lot of record allows for one single family dwelling. The project would not result in a change in air traffic patterns or an increase in traffic levels. It would not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity. The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation. (References IX. 1, 3, 5, 6, 7)

The proposed project consists of a new single family dwelling. Construction activities are temporary. Proposed cut will be used on existing dirt roads for this parcel and parcel 013 and any excess will be exported to local landfill; however will be minimal and will not affect Highway 1 traffic. Therefore, proposed project would have no significant impact to Transportation or Traffic.

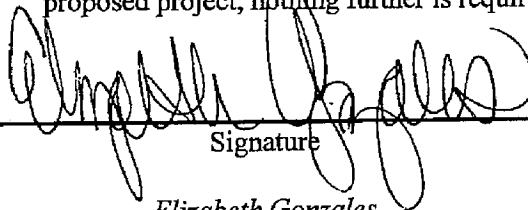
- 17) Utilities. The proposed project currently has sufficient water supplies and a new septic system that will service a new single family dwelling. Therefore, public utilities will not be affected. (Source IX. 1, 3, 6, 7). Therefore, the proposed project would have no significant impacts related to Utilities and Service Systems.

B. DETERMINATION

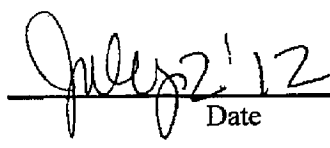
On the basis of this initial evaluation:

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

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



Signature
Elizabeth Gonzales



Date
Associate Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 3, 4, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion:

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. However, there are exceptions for parcels in the Rocky Point area. Although there is no designated vista point at the site, there are public vista points and public coastal access points nearby.

Aesthetics 1(a, b, c & d) – Less than Significant Impact

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 exception areas as long as 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 with a standing seam roof, use of earth tone colors, and landscaping with native species.

The proposed building will not block ocean views. There is an existing rock outcropping that hides the proposed structure from any public viewing areas. A condition of approval will be required to submit a lighting plan showing only soft, low wattage and downlit lighting.

Design characteristics include placing the structure around existing topographic features and on an existing road, standing seam 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. Accordingly, the proposed structure meets the policies and regulations for development within Rocky Point exception areas of the critical viewshed contained in the Big Sur Coast Land Use Plan and Implementation Plan.

Due to existing native vegetation, such as Pine and Cypress trees, 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.

2. AGRICULTURAL AND FOREST RESOURCES

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

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

Discussion/Conclusion/Mitigation:

See Section IV.

3. AIR QUALITY

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

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

Discussion/Conclusion:

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

The proposed project site is located in the North Central Coast Air Basin, which is comprised of Monterey, Santa Cruz, and San Benito counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the subject air basin. In 2008, the MBUAPCD adopted an Air Quality Management Plan, which outlines the steps necessary to reach attainment with the state standards of air quality for criteria pollutants. The project involves construction of a new single family dwelling located generally in an already disturbed area. Construction impacts would be temporary and will not permanently conflict with or obstruct the implementation of Air Quality Management Plan, nor would it violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. The project would not expose any sensitive receptors to substantial pollutant concentrations, and would not create any objectionable odors affecting a substantial number of people. The generation of substantial or significant odors over the long-term is not typically associated with a project of this scope. Once construction is completed the disturbed areas will be fully restored to their pre-development state. Therefore, there are no impacts to Air Quality.

Air Quality 3(d) – Less than Significant

Proposed cut will be used to fill the driveway to the neighboring parcel and any remaining balance will be exported to the local landfill so there will be very minor increase in emissions from construction vehicles and dust generation; therefore, the project would result in construction-related air quality impacts that are less than significant. Construction activities will be required to comply with the Air Quality Guidelines, including the standard MBUAPCD measures addressing dust control. Implementation of these standard dust-control measures will maintain any temporary increases in PM-10 at insignificant levels.

4. BIOLOGICAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 7, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 3, 7, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 3, 7, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Zander Associates has completed a biological resources assessment for the Kleissner Parcel 243-231-015 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.

Biological Resources 4 (b, c, e, f) – No Impact

There is no 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 nor any 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.) either through direct removal, filling, hydrological interruption, or other means. The project does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance nor does it conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Vegetation is sparse 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. Therefore, there are no impacts on any riparian habitat or other sensitive natural community identified in the local community plan.

Biological Resources 4 (a, d) – Less than significant with mitigation incorporated

The parcel 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.

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.

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.

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

Mitigation Measure 1: In order to assure no incidental taking of the Smith's blue butterfly, the applicant and contractor shall agree in writing to stage construction in such a way as to avoid impacting buckwheat plants. In consultation with the RMA Planning 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 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 dune 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.

Monitoring Action 1a: Prior to issuance of grading permits, the applicant shall schedule a pre-construction site visit with RMA Planning staff and a qualified biologist to assess construction staging and to develop appropriate protective measures for the seacliff buckwheat *Eriogonum parvifolium*. Recommended protective measures shall be installed prior to commencement of grading activities and shall remain in place until final inspection.

Monitoring Action 1b: Prior to grading, a qualified biologist shall provide a report to the Director of RMA Planning that certifies the proper mitigation for the Smith's blue butterfly has been implemented in accordance with Mitigation Measure #1.

Monitoring Action 1c: During grading, the contractor and grading inspector shall monitor the site for continued compliance with dust control.

5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 6, 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 3, 6, 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 3, 6, 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 6, 8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

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.

Cultural Resources 5 (a, b, c, d) –Less than significant with mitigation incorporated

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, mitigation measures have 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, adverse impacts to archaeological resources can be mitigated to a less than significant level as follows:

Mitigation Measure #2:

In order to avoid any impacts to the known recorded CA-MNT-98 resource, an on-site pre-construction meeting shall be held between the applicant, the archaeologist and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations.

Monitoring Action #2:

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

Mitigation Measure #3:

In order to ensure that the archaeologist will be on-site during construction, an agreement between the applicant and a professional archaeologist shall be executed stating that the archaeologist shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc. The monitor shall be authorized to determine the level of monitoring, i.e., intermittent or continuous, as well as the appropriate end of such oversight.

Monitoring Action #3:

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

Additional on-going monitoring Action:

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

Mitigation Measure #4:

In order to ensure that the requirements of Big Sur Land Use Plan policies are followed, if, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If human remains are accidentally discovered during construction, the following steps will be taken:

- (a) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- (b) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
- (c) If the coroner determines the remains to be Native American:
 - The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.
 - The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.

- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
- 1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- 2. The descendent identified fails to make a recommendation; or
- 3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Monitoring Action #4:

The County of Monterey shall be notified immediately upon evidence of archaeological resources found on site. The applicant shall then submit the contracts with a Registered Professional Archaeologist, and a representative of the Ohlone Costanoan Esselen Nation within one week to the Director of the RMA – Planning Department for review and approval.

6. GEOLOGY AND SOILS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 1, 3, 6, 10) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking? (Source: 1, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction? (Source: 1, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv)	Landslides? (Source: 1, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil? (Source: 1, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: 1, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 3, 6, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 5, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 5, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion:

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

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

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

Although the proposed project will create a temporary impact to air quality caused by construction activities, the result of the project will not increase the baseline amount of GHGs emitted prior to the project to a level of significance. The temporary impacts of construction of a new single family dwelling will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide (CO₂) by fuel combustion.

8. HAZARDS AND HAZARDOUS MATERIALS	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 3, 5, 6, 7)	<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, 3, 5, 6, 7)	<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, 3, 5, 6, 7)	<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, 3, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 3, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 3, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 3, 5, 6, 7)	<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, 3, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial <u>erosion or siltation</u> on- or off-site? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in <u>flooding</u> on- or off-site? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

10. LAND USE AND PLANNING

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

10. LAND USE AND PLANNING

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

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 6, 7)

☐☐☐☒**Discussion/Conclusion/Mitigation:**

See Section IV.

11. 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, 2, 6, 7)

☐☐☐☒

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 2, 6, 7)

☐☐☐☒**Discussion/Conclusion/Mitigation:**

See Section IV.

12. NOISE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 6, 7)

☐☐☐☒

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 6, 7)

☐☐☐☒

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 6, 7)

☐☐☐☒

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

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

Discussion/Conclusion/Mitigation:

See Section IV.

14. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				

Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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

Discussion/Conclusion/Mitigation:

See Section IV.

15. RECREATION

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

a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

16. TRANSPORTATION/TRAFFIC

Would the project:	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 3, 6, 7)	<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, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

Discussion/Conclusion/Mitigation:

(a) Less Than Significant with Mitigation Incorporated: Based upon the analysis throughout this Initial Study, because the project is located within 100 feet of a coastal bluff, the project may have the potential to degrade the quality of the environment; however not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels. Because the parcel contains dune buckwheat, construction has the potential to threaten to eliminate the Smith's Blue butterfly, reduce the number or restrict the range of a rare or endangered plant or animal; since the parcel contains a known archaeological resource, is has the potential to eliminate important examples of the major periods of California history or prehistory. The applicant will be required to adhere to mitigations as required in the biological and cultural resources sections of this Initial Study.

Implementation of the project, as proposed, conditioned, and mitigated would not result in an increase of development potential for the project site.

(b, c) No Impact. The project would not result in significant construction-related impacts, and would not create any long-term impacts on the local area. The temporary and short-term environmental effects from project-related construction activities would not cause substantial adverse effects on human beings, either directly or indirectly. Because the project is not a construction project that will take many months to complete, there will be no cumulative effects from this project or any projects currently in the area.

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

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

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

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

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

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

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN110150 and the attached Initial Study / Proposed Mitigated Negative Declaration. The project as proposed may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural community. The project as

proposed, conditioned, and mitigated will not have the potential to degrade the environment (Source: IX. 1, 2, 3, 5, 6, 7, 8, 9, 10).

IX. REFERENCES

1. Project Application/Plans
2. Monterey County General Plan
3. Big Sur Coast Land Use Plan and Coastal Implementation Plan
4. Title 20 of the Monterey County Code (Zoning Ordinance)
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised February 2008
6. Monterey County GIS System
7. Site Visit conducted by the project planner on May 13, 2011
8. ~~Preliminary Archaeological Assessment (LIB120126) Archaeological Consulting, January 20, 2012~~
9. Biological Resources Assessment (LIB120010) Zander Associates, November 15, 2011
10. Geotechnical Investigation – Design Phase (LIB120009) Tharp & Associates, Inc., December 2011

X. ATTACHMENTS

Site Plans (Exhibit A)
Photos (Exhibit B)

MATERIALS & LEGEND

ARCHITECTURAL ABBREVIATIONS

CHIMNEY SHAFT

CONCRETE

INSULATION

STEEL

MASONRY

WINDOW

GLASS

PLASTER

BRICK

STONE

METAL

TILE

ASPHALT

CONCRETE

STEEL

MASONRY

WINDOW

GLASS

PLASTER

BRICK

STONE

METAL

TILE

ASPHALT

CHIMNEY SHAFT

CONCRETE

INSULATION

STEEL

MASONRY

WINDOW

GLASS

PLASTER

BRICK

STONE

METAL

TILE

ASPHALT

CONCRETE

STEEL

MASONRY

WINDOW

GLASS

PLASTER

BRICK

STONE

METAL

TILE

ASPHALT

CHIMNEY SHAFT

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
8	EXTERIOR CONDITIONS & DEMOLITION PLAN
9	SITE AND GRADING & DRAINAGE PLAN
10	SITE SECTIONS AND DETAILS

SITE PHOTOS



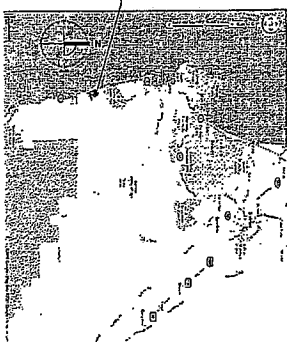
VIEW NORTH-EAST



VIEW NORTH-EAST



VIEW NORTH FROM

**VICINITY MAP**

PROJECT DATA

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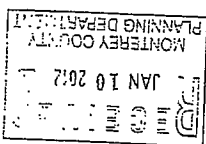
SLINGER
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Email: mlz@zanderassociates.com

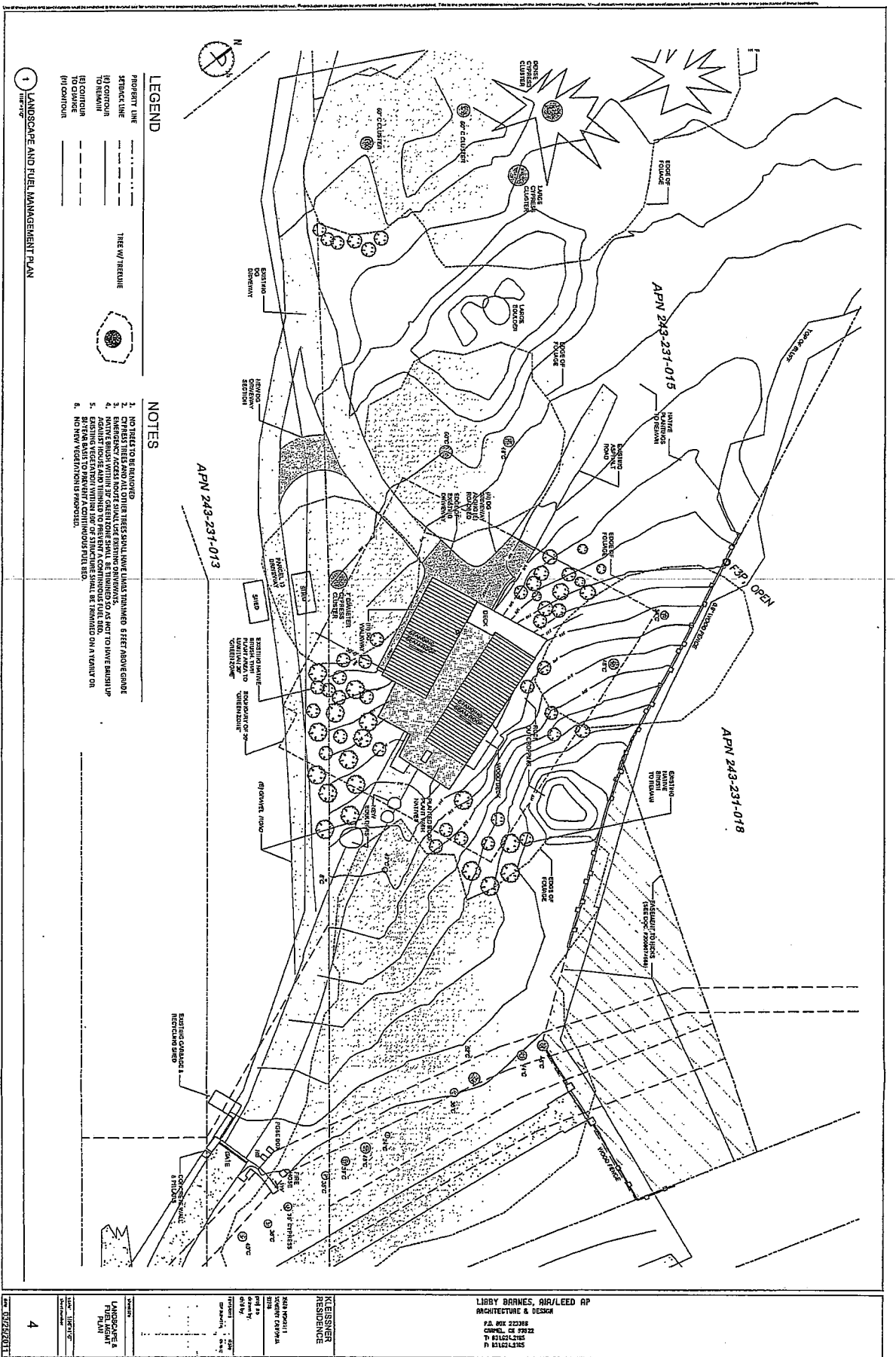
PROPERTY ADDRESS	3550 HIGHWAY 1, MONTBIE, CALIFORNIA, 95940
APN	245-231-015
ZONING	W2C400 (C)
TYPE OF CONSTRUCTION	TYPE 1 MOHABED
OCCUPANCY TYPE	R-3
LOT SIZE	2.0 ACRES
LOT COVERAGE	3.0%
PROPOSED TOTAL FLOORING AREA (-NONING LEVEL 1) -GARAGE/STORAGE LEVEL 0 TOTAL-	218.50 FT ² +/- 108.50 FT ² +/- 357.00 FT ² +/-
AVERAGE NAT. GRADE	299.6
MT. LIMIT	21' MAX. ABOVE AVERAGE NATURAL GRADE
WATER SOURCE	GRABOWNA WATER SYSTEM
SEWER SYSTEM	SEWER
THINGS TO BE REMOVED	PHONE
GRADING ESTIMATE	CUT+117 CU YDS / FILL+150 CU YDS / BALANCE ON SITE+877 CU YDS



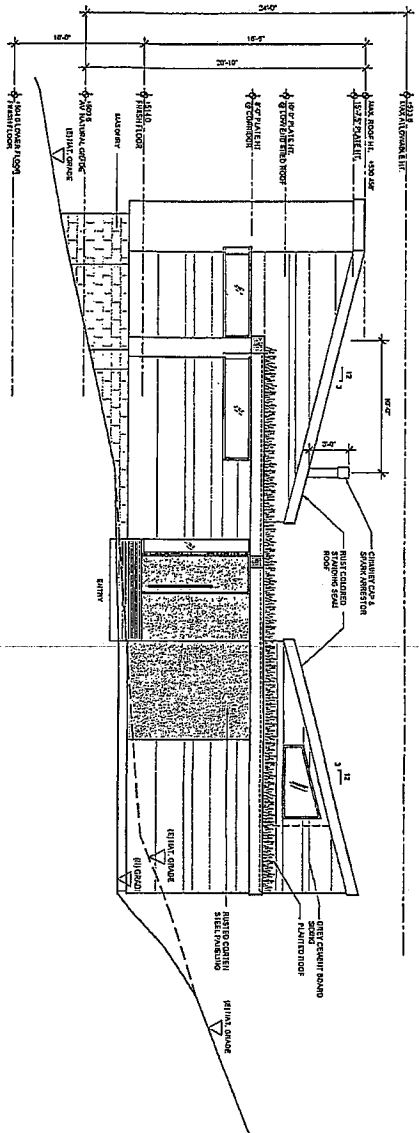
LIBBY BARNES, AIR/LEED AP
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SHEET

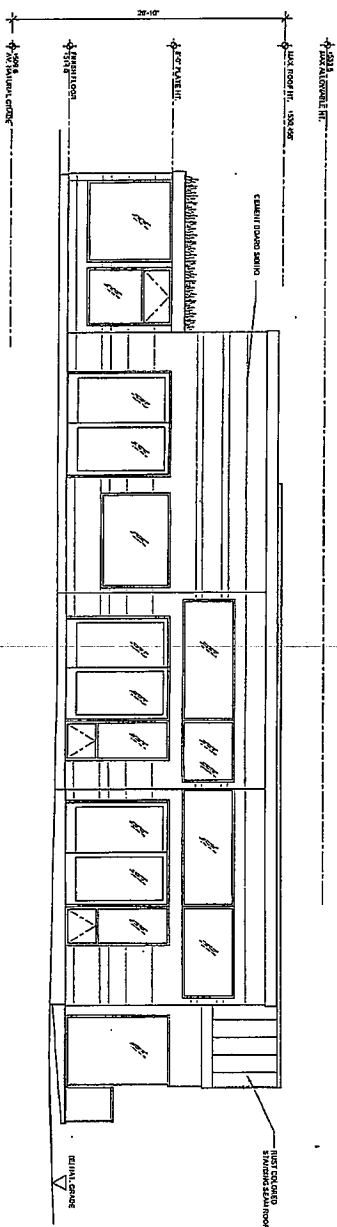
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[illegible]



1 EAST ELEVATION



2 NORTH ELEVATION

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KLESSNER
RESIDENCE

JOHN KLESSNER
ARCHITECT/DESIGNER

PROJ. NO.
DATE
SHEET NO.

DATE
SHEET NO.

DATE
SHEET NO.

DATE
SHEET NO.

DATE
SHEET NO.

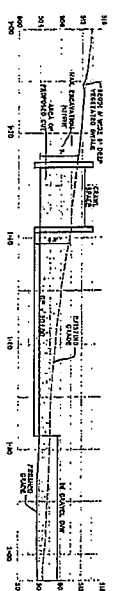
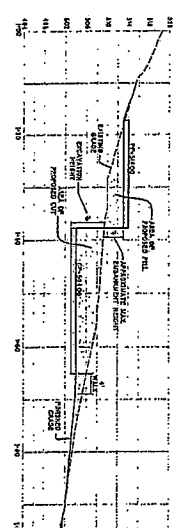
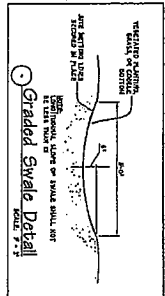
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Section A-A'

Section B-B'

Site Sections

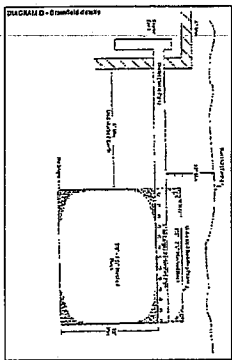
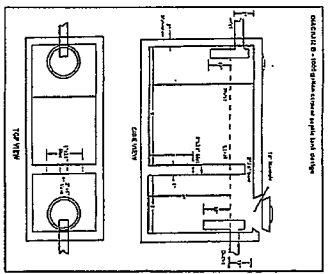


Diagram C - Closeup View

Component	Length	Width	Height	Material
Manhole	18"	18"	18"	Concrete
Inlet	12"	12"	12"	Concrete
Outlet	12"	12"	12"	Concrete

Typical Septic System Details

CONSTRUCTION SPECIFICATIONS:

The contractor shall be responsible for obtaining all necessary permits and approvals from the local health department and other relevant authorities. The contractor shall also be responsible for obtaining all necessary insurance and bonding.

The contractor shall construct the septic system in accordance with the following specifications:

- All materials shall be of high quality and meet or exceed the requirements of the applicable codes and standards.
- All work shall be done in accordance with the approved plans and specifications.
- The contractor shall be responsible for obtaining all necessary permits and approvals from the local health department and other relevant authorities.
- The contractor shall also be responsible for obtaining all necessary insurance and bonding.

TEMPORARY GRAVEL CONSTRUCTION ACCESS

The contractor shall construct a temporary gravel construction access to the septic system. The access shall be constructed in accordance with the following specifications:

- The access shall be constructed using high quality gravel.
- The access shall be constructed in a manner that allows for easy access to the septic system.
- The access shall be constructed in a manner that does not interfere with the operation of the septic system.

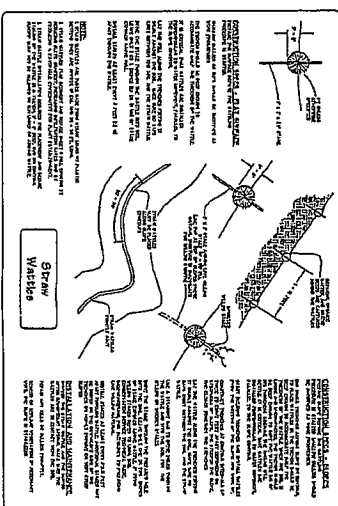
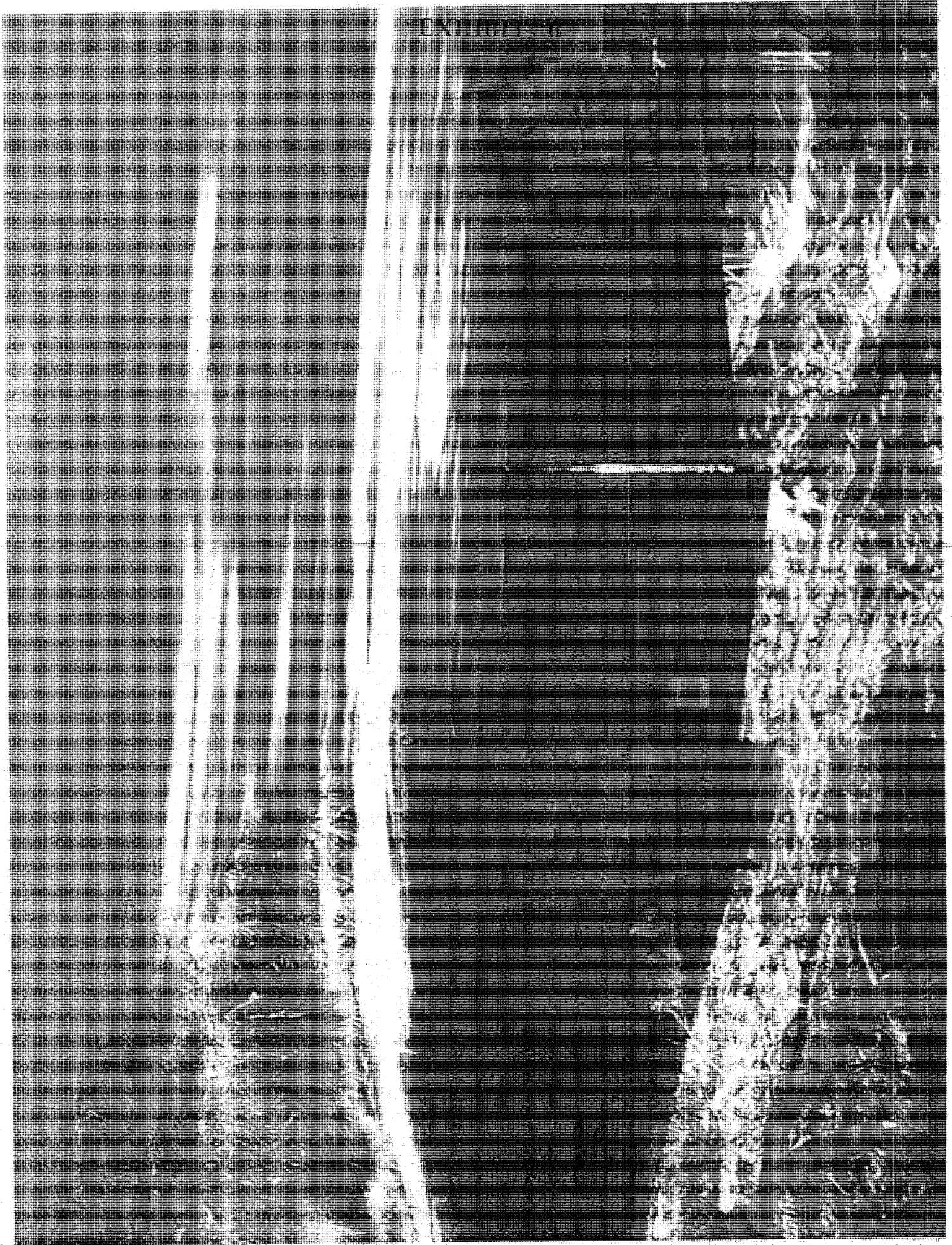
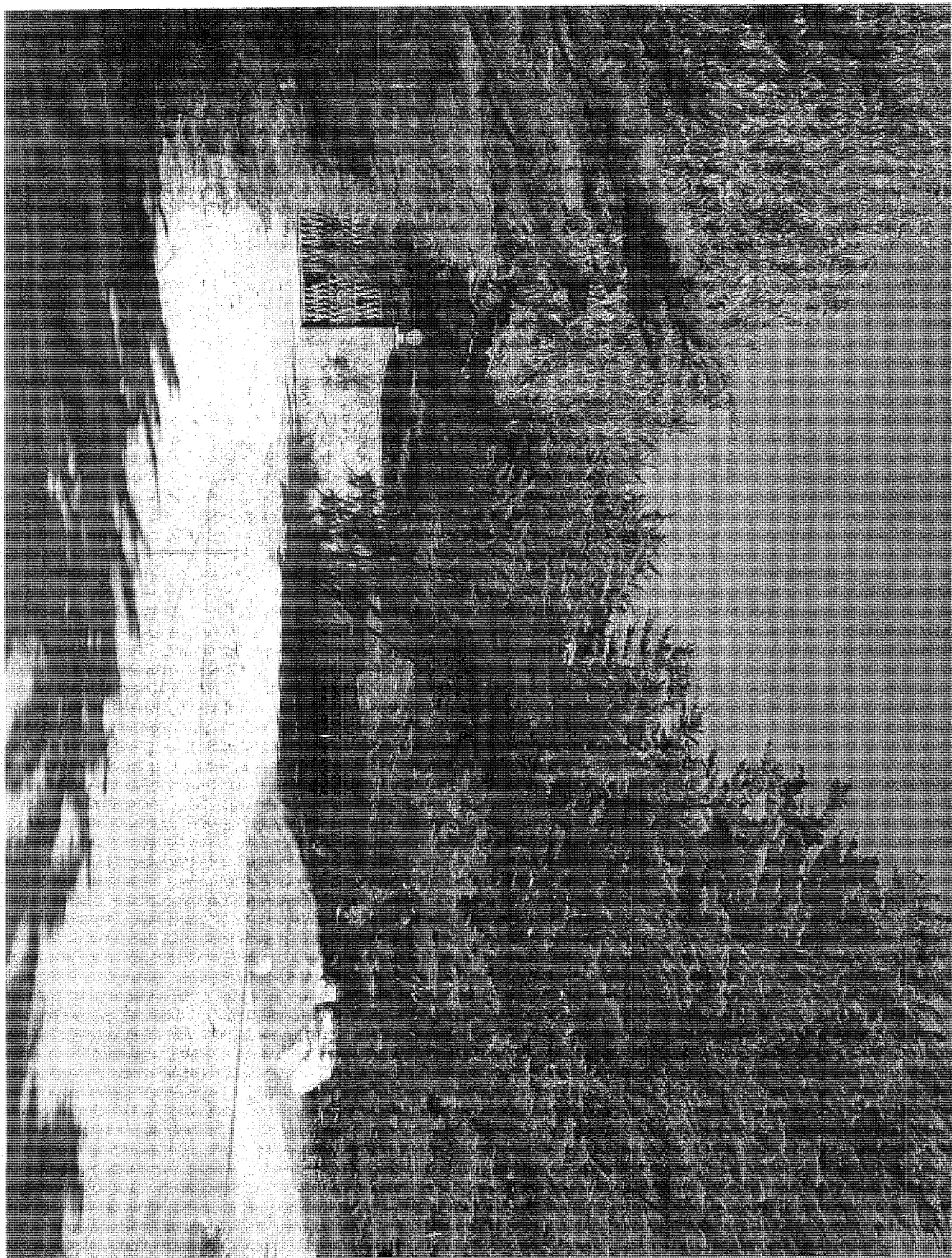


EXHIBIT "B"





Structure located behind knoll
Out of viewshed

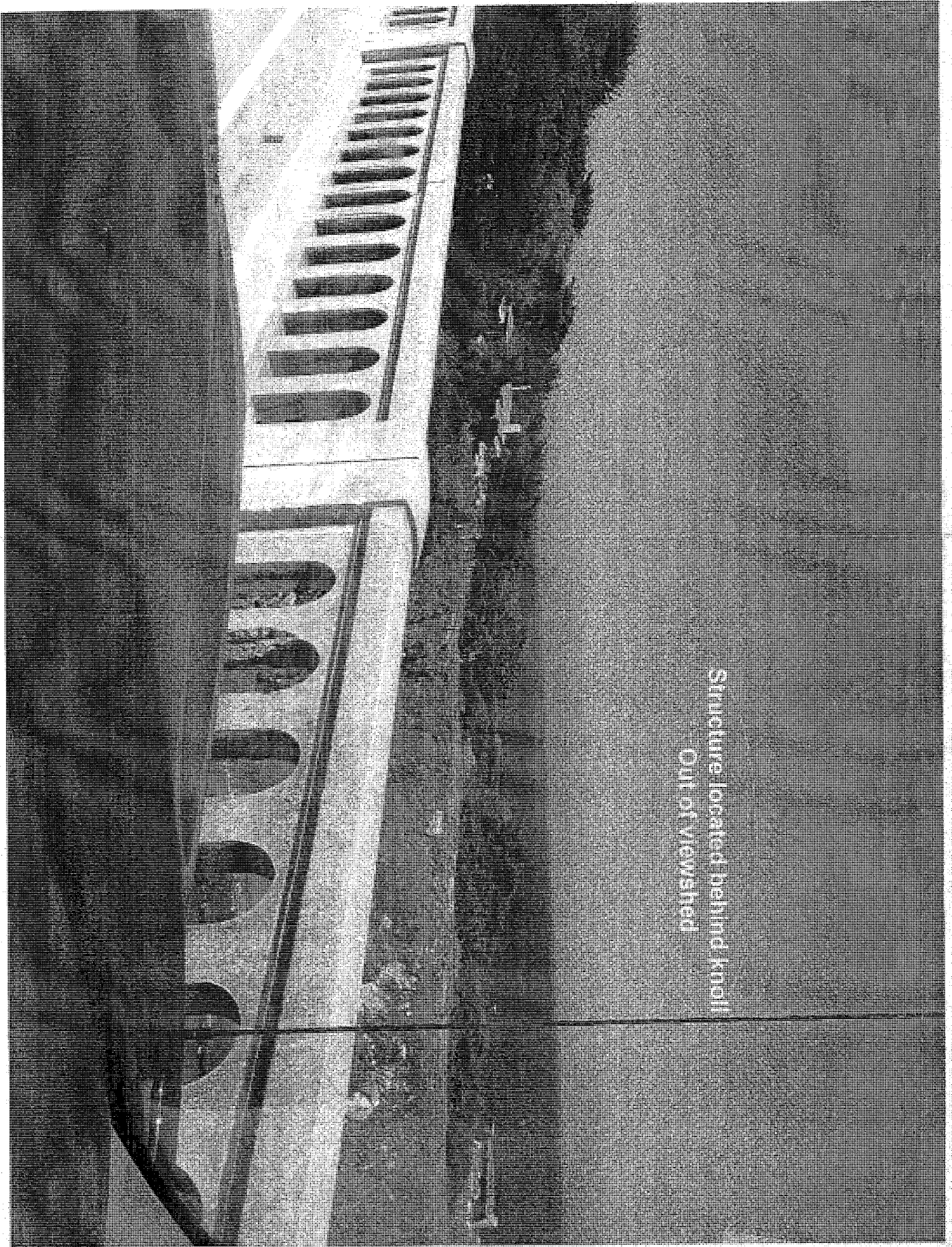
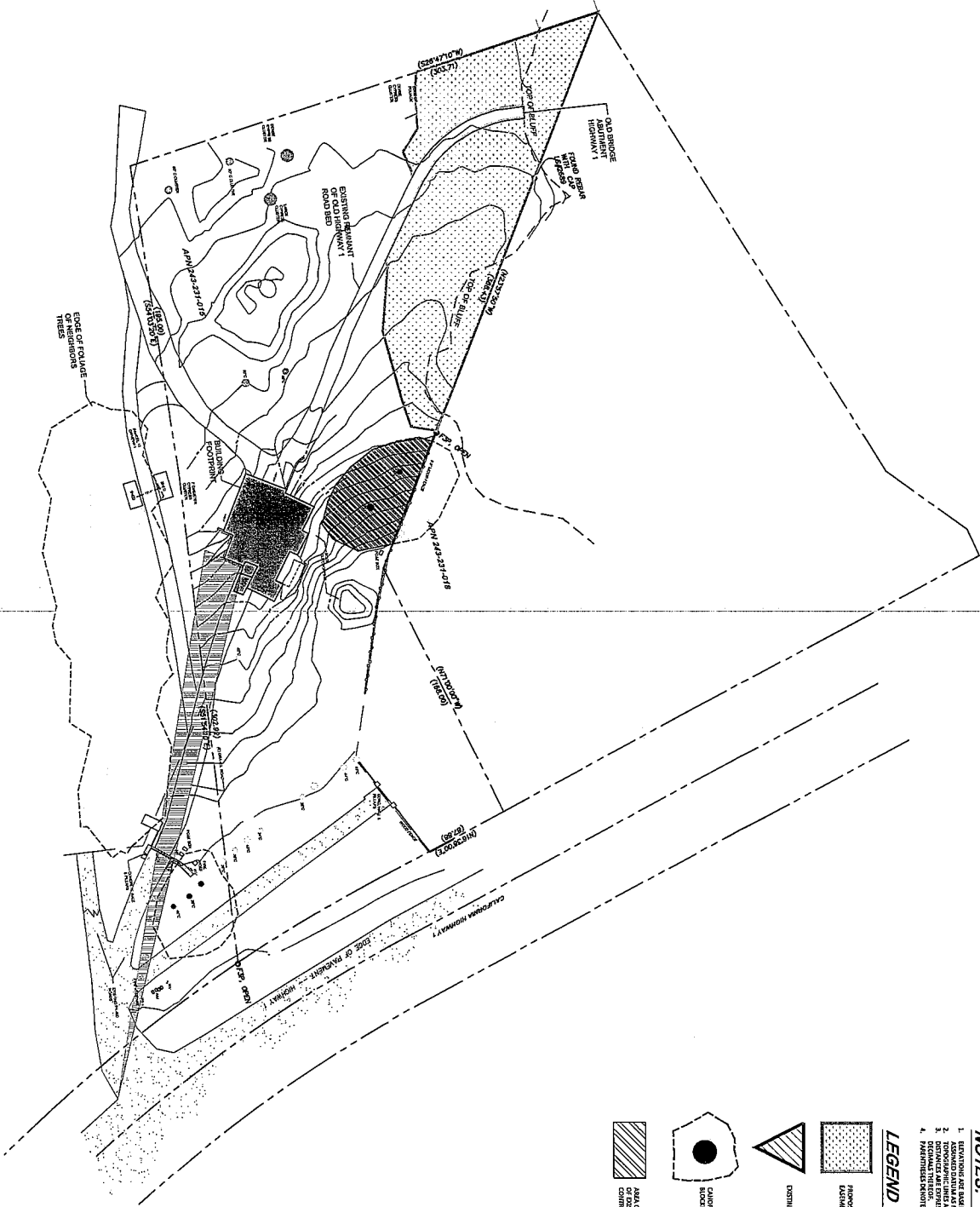


EXHIBIT "H"

Use of these plans and specifications shall be restricted to the project for which they were prepared and publication thereof is expressly limited to such use. Reproduction or publication for any other purpose, in whole or in part, is prohibited. This is to the plans and specifications made with the project without prejudice. Visual contact with these plans and specifications shall constitute prima facie evidence of the accuracy of these restrictions.

1
PROPOSED EASEMENT MAP
7/20



- NOTES:**
1. EXISTING AND NEW CONSTRUCTION SHALL BE SHOWN ON AN APPROPRIATELY SCALED PLAN.
 2. EXISTING AND NEW CONSTRUCTION SHALL BE SHOWN ON AN APPROPRIATELY SCALED PLAN.
 3. EXISTING AND NEW CONSTRUCTION SHALL BE SHOWN ON AN APPROPRIATELY SCALED PLAN.
 4. EXISTING AND NEW CONSTRUCTION SHALL BE SHOWN ON AN APPROPRIATELY SCALED PLAN.

LEGEND

- PROPOSED AREA OF CONSTRUCTION AND EXISTING (COLOR IN BLUE SCHEM)
- EXISTING NEW CONSTRUCTION
- AREA OF PROPOSED SCENE TAKEN AT OWN CHOW (COLOR IN BLUE SCHEM) TO BLOCKING VIEW OF BUILDING



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