

MONTEREY COUNTY PLANNING COMMISSION

Meeting: December 12, 2012 Time: 9:00 AM	Agenda Item No.: 4
Project Description: Consider Amendment to a previously approved Combined Development Permit (PLN030325) to allow extension of a lateral sewer line within a private road to connect with the sewer main approved under PLN030325 for Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000. The property is located at 230 Highway 1, west of Highway 1 and west of the Highlands Inn, Carmel Highlands, Coastal Zone.	
Project Location: 230 Highway 1, Carmel Highlands	APN: 241-182-004-000, 241-182-005-000
Planning File Number: PLN120558	Owner: Jeffery Cappo Agent: Robert Carver
Planning Area: Carmel Area Land Use Plan	Flagged and staked: No
LDR-- Low Density Residential Designation: : LDR-- Low Density Residential (i.e. "LDR/2.5-D-S" [Low Density Residential, 2.5 acres per unit with Design Control, and Site Plan Review Overlays]) or "LDR/2.5 (CZ) [Low Density Residential, 2.5 acres per unit (Coastal Zone)]	
CEQA Action: Adopt Negative Declaration, per CEQA Guidelines Section 15070(a).	
Department: RMA - Planning Department	

RECOMMENDATION:

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

- 1) Adopt Negative Declaration (Exhibit F); and
- 2) Approve an Amendment to a previously-approved Combined Development Permit (PLN030325) to allow extension of a lateral sewer line within a private road to connect with the sewer main approved under PLN030325 for the Cappo property, Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000. The subject property is located west of Highway 1 and west of the Highlands Inn, Carmel Highlands, Coastal Zone, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**)

PROJECT OVERVIEW:

The applicant requests approval to extend a sewer line approximately 300 feet down a private road easement to provide sewer service to a house which is currently under construction. The installation of the sewer line does not pose any policy concerns or environmental concerns. The primary concern is to recognize that it would be beneficial to set the frame work for other existing residences in the area to connect to the sewer. In coordination with LAFCO, the developed lots around the subject site are being annexed into the Carmel Area Wastewater District (CAWD). The sewer extension is being sized to accommodate future connection of the other residences on the west side of Highway 1. There is adequate capacity in the wastewater treatment plant and in the sewer line serving this area. This is viewed as a positive action. A more complete discussion is in **Exhibit B**.

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

- √ RMA - Public Works Department
- √ Environmental Health Bureau
- Carmel Highlands Fire Protection District
- Water Resources Agency

California Coastal Commission

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

This application was reviewed by the Carmel Area Land Use Advisory Committee on November 5, 2012. The LUAC did not express any concerns with the proposal to install a sewer line extension and recommends that the Planning Commission approve the request with a 4-0 vote.

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



Ramon Montano, Assistant Planner
(831) 755-5169, montanor@co.monterey.ca.us
October 15, 2012

cc: Front Counter Copy; Planning Commission; Carmel Highlands Fire Protection District; Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Local Agency Formation Commission; Laura Lawrence, Planning Services Manager; Ramon Montano, Project Planner; Jeffery Cappo, Owner; Rob Carver, Agent; The Open Monterey Project; LandWatch; Planning File PLN120558

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including: <ul style="list-style-type: none">• Conditions of Approval• Site Plan
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (Carmel Area LUAC)
	Exhibit F	Negative Declaration


This report was prepared with assistance from John  Senior Planner and reviewed by Laura Lawrence, Planning Services Manager.

EXHIBIT B DISCUSSION

Project Description

The applicant requests an Amendment to a Coastal Development Permit to allow connection of their residence to the Carmel Area Wastewater District (CAWD) Sewer Line. This application would approve installation of a 300 foot sewer line from the existing sewer line extension to the new residence.

This Amendment would modify a Combined Development Permit approved for the CAWD in 2004 (PLN030325) which extended the sewer line to serve the Highlands Inn, Tickle Pink Inn and 13 residents within the Highlands Sewer Association. This permit authorized development on 30% or greater slopes, development on property with a positive archaeological report, the removal of protected trees and development within 100 feet of environmentally sensitive habitat. A Negative Declaration was prepared for this project. This permit was modified in 2009 (PLN090342) to allow four additional residents in the area to be connected to this sewer line, including the residence (Tydings) immediately adjacent to the Cappo property.

Not including the Tydings and Cappo properties, there are nine (9) additional existing residences on this peninsula located west of Highway 1. Rather than continuing to have a piecemeal approach connecting to the sewer, this application is taking the step of anticipating eventual connection of all these residences to the sewer. Cappo will extend the sewer line down the private street and will connect at this time. The sewer line will be sized to accommodate the connection of other future residences.

With the sewer extension in the ground, future homeowners will have the responsibility of designing a connection to the sewer line and a vault and lift station will be needed to pump the sewage up to the main line in Highway 1. Until it is known whether additional residences will connect, it is premature to design these facilities. This project is being implemented in such a way as to preserve the opportunity for future connections to the sewer.

A corollary action to this will be that these 10 lots will be included in the Sphere of Influence for the CAWD and annexed into the district. There are three existing vacant parcels that will not be included in the action by the Local Agency Formation Commission because it has not been determined if these parcels can be developed.

Project Issues

Consideration of this project can be broken up into two areas of concern; the design and environmental impacts of the sewer line extensions and the larger planning considerations of providing sewer service for this peninsula in a reasonable manner.

1. Project Design: The placement of the sewer line along or within an existing private road raises no concern from a design standpoint. The road leading down to the residences on the peninsula pose a gravitational challenge, but this will be overcome with the installation of a collection vault and lift station at the bottom of the road.
2. Sewer Service for Area: The recent amendment to the original permit to extend the sewer to this area indicates that there will be demand to connect to the sewer, especially in an area where there is already a concern for the performance of onsite wastewater systems. Rather

than continuing with a piecemeal approach, LAFCO is looking at addressing the whole peninsula in a single action. This will allow immediate connection for this applicant, and will provide the opportunity for existing development to connect at such a time when the existing septic systems need to be replaced. Rather than installing a new septic system or other expensive on-site wastewater system, connection to the sewer will be a preferable alternative.

The existing development cannot be required to connect at this time, but it is possible to design the system in such a way that future connection can be accommodated. The size of the sewer line should be conditioned to accommodate future flows if all the residents were to connect. A condition has been added to ensure that this is accomplished.

When future residents desire to connect, they will be responsible for acquiring all required permits. It is not possible to anticipate what the future design parameters will be needed so it is premature to attempt to speculate on, and permit those improvements.

3. Growth Inducing Impacts: The modification of a sewer district boundary may raise the question of the potential for growth inducing impacts. In this particular case, all properties being served have existing development on them, so the extension of the sewer line will not prematurely put pressure on undeveloped land to undergo development. The Sphere of Influence modification is a contiguous area. There are up to three undeveloped parcels located on the peninsula that do not currently support development. It has not been determined that these parcels can support any development due to the other resource constraints (ESHA, slope, and availability of water) that may exist on the three properties. The presence of the sewer does not make these existing lots significantly more developable, so there is not a growth inducing impact of significant concern.

Environmental Review

An Initial Study was prepared addressing the impact of extending the sewer line and annexing the 10 properties into the CAWD. The Initial Study did not identify that this project would have the potential for a significant adverse impact upon the environment. The project site is in proximity to a known archaeological site. Due to the location of the sewer line extension under a road and the archaeological reports prepared for the recent projects that found no surface evidence of archaeological resources, any potential impacts can be addressed through the County's standard condition of approval relating to work in an area with high archaeological sensitivity.

A Negative Declaration was prepared and circulated for Public and State Review from October 11 to November 12, 2012. Review by the State was undertaken mostly because the Local Agency Formation Commission will amend the Sphere of Influence for the CAWD and will annex these properties into the sewer district. The Coastal Commission expressed concern with the potential for growth inducing impacts associated with providing sewer service to undeveloped lots. For that reason, the three undeveloped lots of record in the area identified for the expansion of the CAWD'S sphere of influence are being omitted from the CAWD sphere of influence expansion. The project was found to not pose significant impacts directly or indirectly as the proposed sewer extension and annexation will only serve existing development. No comments were received on the Initial Study and Negative Declaration.

**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:

Cappo (PLN120558)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Adopting a Negative Declaration;
- 2) Approving an Amendment to a previously-
approved Combined Development Permit
(PLN030325) to allow extension of a lateral
sewer line within a private road to connect with
the sewer main approved under PLN030325 for
the Cappo property, Assessor's Parcel Numbers
241-182-004-000 and 241-182-005-000.

(PLN120558, Jeffrey Cappo, 230 Highway 1, Carmel
Highlands, Carmel Area Land Use Plan) (APN: 241-
182-004-000 and 241-182-005-000)

The Jeffrey Cappo application (PLN120558) came on for public hearing before the Monterey County Planning Commission on December 12, 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,
 - Carmel Area Land Use Plan,
 - Monterey County Coastal Implementation Plan, Part 4,
 - 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 230 Highway 1, Carmel (Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000), Carmel Area Land Use Plan. The parcel is zoned "LDR/1-D (CZ)" (Low Density Residential, 1 unit per acre with Design Control Overlay (Coastal Zone), which allows single family residences. Therefore, the project is an

- allowed land use for this site.
- c) The property is located in a Design Control Overlay district within the Carmel Area Land Use Plan, which requires that structures be subordinate to and blended into the environment using appropriate materials that will achieve that effect. The proposed sewer lateral will be located underground therefore, not visible nor will the installation of the lateral alter the surrounding area or add any new structures. As a result, a Design Approval is not required in this case.
 - d) The project complies with all of the applicable development standards of Section 20.12.060 of Title 20 because the development is completely below grade.
 - e) The project planner conducted site inspections in September and October of 2012 to verify that the project on the subject parcel conforms to the plans listed above.
 - f) The project complies with Carmel Area Land Use Plan (LUP) Policy 5.3.3.4.c which requires development to be sited and designed to retain public views of the shoreline from Highway 1. Because the development is in a private road easement and completely below grade it will not be visible, alter the vegetation, or construct any new structure in the viewshed; the development is consistent with the policy.
 - g) The project is consistent with LUP Policy 2.2.3.4, which requires that the portion of the parcel least visible from public viewpoints and corridors shall be considered the most appropriate site for the location of new structures. The development is completely below grade and will not be visible, alter the vegetation, or construct any new structure in the viewshed.
 - h) Archaeological Resources (Assessor's Parcel Numbers 241-182-004-000, 241-182-005-000): County records identify the project site is within an area of high sensitivity for prehistoric cultural resources. Archaeological surveys prepared for the adjacent residential projects concluded that there is no surface evidence of potentially significant archaeological resources. The potential for inadvertent impacts to cultural resources is limited and will be controlled by the use of the County's standard project condition (Condition No. 3). The area adjacent to the existing sewer main have already been impacted by the construction of the unnamed private road which serves 13 existing parcels, and the subject project will place new sewer laterals in existing fill material along the shoulder of and underneath the road.
 - i) Per Section 20.70.105.B, which allows an amendment of a Coastal Development Permit. PLN030325 was amended by PLN090342 to extend the sewer line to four additional residences in the Carmel Highlands Area. The permit included specific conditions which are not applicable to this Amendment. PLN090342 found that all conditions of PLN030325 have been satisfied and no conditions need to be brought forward. Based upon this unique situation that PLN090342 and PLN120558 apply to different properties and have different circumstances each separately amends PLN030325 and will independently carry forward the conditions of approval.
 - j) The project was referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC) for review. Based on the LUAC

Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because the project includes environmental review, which will be heard at a public hearing before the Planning Commission. At a public meeting on November 5, 2012, the project was heard by the Carmel Unincorporated/Highlands Land Use Advisory Committee (LUAC). The LUAC voted to recommend approval of the project on a 4 to 0 vote as presented in the attached November 5, 2012 LUAC minutes.

- k) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN120558.

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

EVIDENCE: a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, Cypress Fire Protection District, Parks, Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.

- b) Staff identified potential impacts to Trees and Cultural Resources. Technical reports by outside consultants indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff independently reviewed these reports and concurs with their conclusions. The following reports have been prepared:

- *“Biological Assessment” prepared by Fred Ballerini, Pacific Grove, CA, August 2, 2011.*

- *“Supplemental Archaeological Assessment” of Assessor’s Parcel Number 241-182-004 & 241-182-005” (LIB120041) prepared by Archaeological Consulting, CA, July 28, 2011.*

- c) Staff conducted site inspections in September and October of 2012 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 PLN120558.

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

EVIDENCE: a) The project was reviewed by the RMA - Planning Department, Carmel Highlands Fire Protection District, RMA - Public Works Department, Environmental Health Bureau, and Water Resources Agency. These respective departments/agencies have recommended conditions, where

appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.

- b) Necessary public sewer facilities are available or will be provided. This area is served by the Cal Am a public water company for the sole purposes of fire protective services. The Cappo and the adjacent Tydings properties derive their water from an onsite well. The result of the project will be to connect the Cappo and Tydings parcels to the Carmel Area Wastewater District (CAWD). CAWD has reviewed the project and has the available capacity to serve all the parcels on this Peninsula. In addition, the Environmental Health Bureau has reviewed the project and applied conditions as applicable (Condition No. 9).
- c) Preceding findings and supporting evidence for PLN120558.

4. **FINDING:** **NO VIOLATIONS** - The subject property complies with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the Monterey County 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 site inspections in September and October of 2012, in addition 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 PLN120558.

5. **FINDING:** **CEQA (Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project (for Assessor's Parcel Numbers 241-0182-004-000, 241-0182-005-000 located at 230 Highway 1) as designed and conditioned, the proposed project will have a significant adverse effect on the environment. The 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 (PLN120558).
 - c) The Draft Negative Declaration ("ND") for PLN120558 was prepared in accordance with CEQA and circulated for public review from October 11, 2012 through November 12 2012, (SCH#: 2012101034). Issues that were analyzed in the Draft ND include population and housing, cultural resources, utilities and service systems, noise and

Mandatory Findings of Significance. Evidence that has been received and considered includes: the application, technical studies/reports” Biological Assessment” prepared by Fred Ballerini, Pacific Grove, CA, August 2, 2011, and “Supplemental Archaeological Assessment” of Assessor’s Parcel Number 241-182-004 & 241-182-005” (LIB120041) prepared by Archaeological Consulting, CA, July 28, 2011, staff reports that reflect the County’s independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in the RMA-Planning Department (PLN120558) and are hereby incorporated herein by reference.

- d) Staff analysis contained in the Initial Study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Game (DFG) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources. The site supports habitat for endangered species and marine habitat in close proximity. For purposes of the Fish and Game Code, the project will have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Game reviewed the ND to comment and recommend necessary conditions to protect biological resources in this area. Therefore, the project will be required to pay the State fee and a filing fee to the Monterey County Clerk/Recorder for processing said State fee and posting the Notice of Determination (NOD). The applicant will pay this fee under PLN120558.
- e) No comments from the public were received.
- f) The Monterey County Planning Department, located at 168 W. Alisal, Second Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in Project File No., PLN030325, and PLN120558.

6. FINDING:

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

EVIDENCE:

- a) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.146.130 of the Monterey County Coastal Implementation Plan can be demonstrated.
- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 in the Carmel Area

- Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN120558.
 - e) The project is consistent with LUP Policy 5.3.3.4.a which requires that structures and landscaping placed upon land on the west side of Highway 1 be sited and designed to retain public views of the shoreline from Highway 1 and roads seaward of the Highway. The project is located on the west side of Highway 1. The ocean is visible briefly from Highway 1 through the trees over the existing residence. However, there is no extended view of the shoreline as defined in Section 20.146.130 e 5 visual access of the CIP.
 - f) The project planner conducted a site inspection in September and October of 2012

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

- EVIDENCE:**
- a) On June 30, 2004, the Monterey County Planning Commission approved a Combined Development Permit (CDP) for PLN030325/Carmel Area Wastewater District (CAWD) for the Highlands Inn Sewer Connection Project.
 - b) The Carmel Area Waste Water District has certified completion of all previous conditions of approval under PLN030325. There is no continuing need to apply these conditions and mitigations as part of this amendment (PLN120558).
 - c) This proposed amendment does not create any additional or new significant impacts not already assessed in the original permit.
 - d) The Amendment for PLN120558 would allow installation of a four inch sewer line extending approximately 300 feet from a private sewer lateral approved by PLN090342 for (Tydings) to the septic tank approved as part of a new Cappel single family residence (PLN110359). (See Exhibit C site plan of this staff report) The new sewer line will be located completely within a private road and utility easement and will be approximately two feet deep.
 - e) Pursuant to Monterey County Code Section 20.70.105.B, the proposed Amendment does not cause, impacts not already assessed in original permit PLN030325.
 - f) Per Section 20.70.105.B, which allows an amendment of a Coastal Development Permit. PLN030325 was amended by PLN090342 to extend the sewer line to four additional residences. The permit included specific conditions which are not applicable to this Amendment. PLN090342 found that all conditions of PLN030325 have been satisfied and no conditions need to be brought forward. Based upon this unique situation that PLN090342 and PLN120558 apply to different properties and have different circumstances each separately amends PLN030325 and will independently carry forward the conditions of approval.

- g) The application, project plans, and related support materials submitted by the project applicant to the Monterey County Resource Management Agency - Planning Department for the proposed amendment found in project file numbers PLN030325 and PLN120558.

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

- EVIDENCE:**
- a) **BOARD OF SUPERVISORS**
Section 20.86.030.a Monterey County Zoning Ordinance.
 - b) **CALIFORNIA COASTAL COMMISSION**
Section 20.86.080.1, Monterey County Zoning Ordinance. The project is appealable to the California Coastal Commission because the project is located between the sea and the first through road paralleling the sea. Highway 1 is the first through road paralleling the sea in the project area.

DECISION

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

1. Adopt The Negative Declaration;
2. Approve Amendment to a previously-approved Combined Development Permit (PLN030325) to allow extension of a lateral sewer line within a private road to connect with the sewer main approved under PLN030325 for Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000, in general conformance with the attached sketch and subject to the attached conditions, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of December, 2012 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary of the Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.

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

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION

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 LDR-- Low Density Residential 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

PLN120558

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Amendment to a previously-approved Combined Development Permit (PLN030325) to allow extension of a lateral sewer line within a private road to connect with the sewer main approved under PLN030325 for Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000, The property is located at 230 Highway 1, west of Highway 1 and west of the Highlands Inn, Carmel Highlands, Coastal Zone, 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. This notice shall state: "An Amendment (Resolution Number) was approved by the Planning Commission for Assessor's Parcel Number's 241-182-004-000 and 241-182-005-000 on November 12, 2012. The permit was granted subject to conditions 10 of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department."
Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)

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

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

Responsible Department: Planning Department

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

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

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. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact the Monterey County RMA - Planning Department and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered." When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD004 - INDEMNIFICATION AGREEMENT

Responsible Department: Planning 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. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid.
(RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of the RMA - Planning Department prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

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. 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 November 14, 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.

8. PD033 -RESTORATION NATURAL MATERIALS

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA - Planning Department)

Compliance or Monitoring Action to be Performed: Prior to commencement of use, the Owner/Applicant shall submit restoration plans to the RMA - Planning Department for review and approval.

9. EHSP01 CONNECTION TO PUBLIC SEWER SYSTEM

Responsible Department: Health Department

Condition/Mitigation Monitoring Measure: Pursuant to Monterey County Code 15.20.40. the parcels listed below APN 241-182-012, 015, 016, 018, 020, 023, 024, 025, 026-000, which are part of this annexation into CAWD, if there existing septic system fails they shall connect to the CAWD sewer system.

Compliance or Monitoring Action to be Performed: If any of the existing septic system fails, these parcels shall connect to CAWD sewer system.

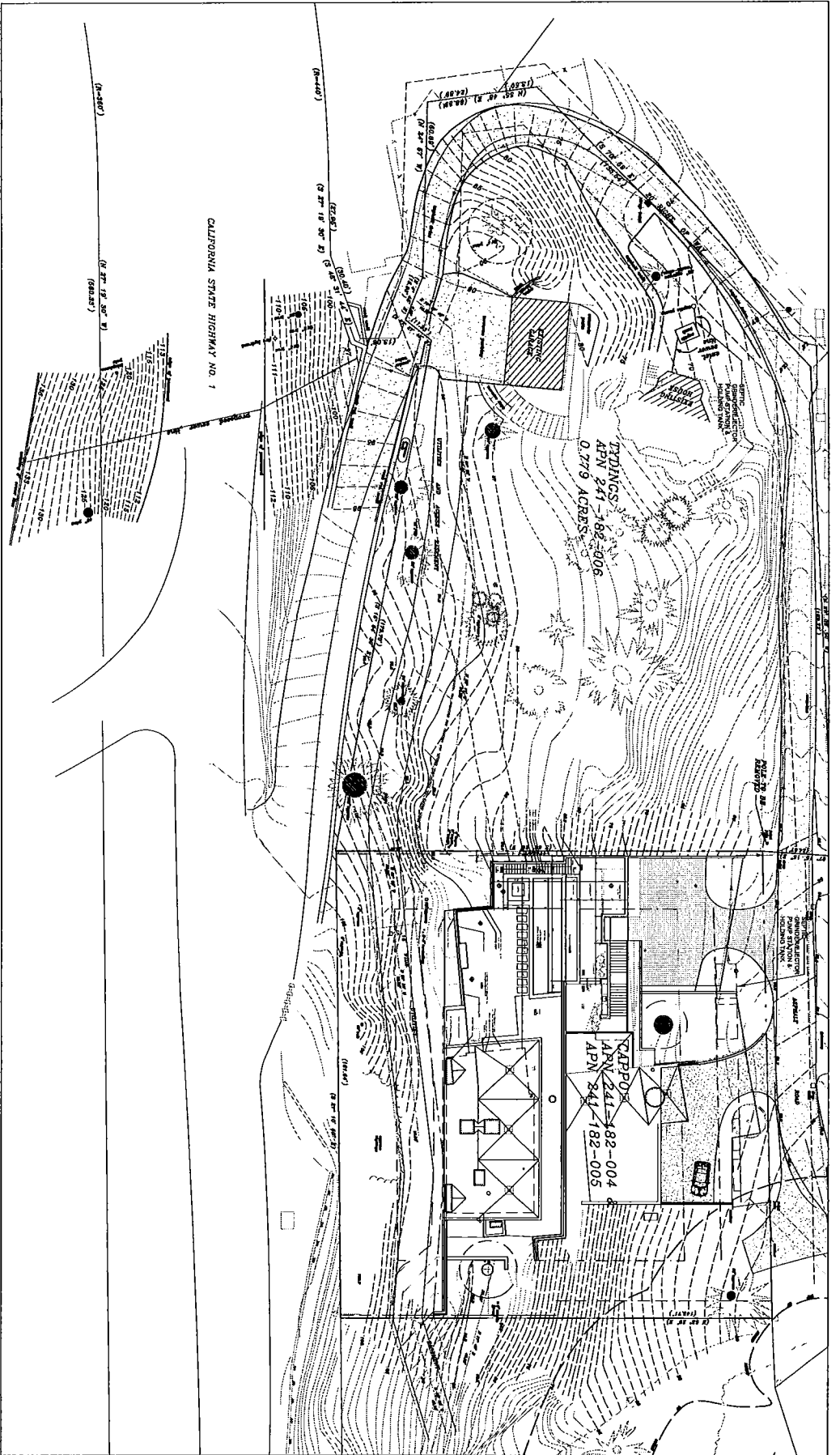
10. PDSP001 - Sewer Line Size

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: Prior to the installation of the sewer line, connecting from highway 1 to parcel number 241-182-006, applicant shall demonstrate through projected calculations that the size of the new sewer line will accommodate the connection of nine existing residences west of Highway 1. The Owner/Applicant shall submit the required calculations the RMA-Planning Department and the Health Department for approval.

Compliance or Monitoring Action to be Performed: Prior to the issuance of building, plumbing or grading permits the Owner/Applicant shall submit plans and calculation indicating the line is sized to serve required connections.

EXHIBIT C
CAPPO (PLN120558)
Site Plan



DATE: 20 SEPTEMBER 2012
SCALE: 1" = 40'
DRAWN BY: JMB
JOB NUMBER: 208 (REVISED 4/10)

TITLE: PROPOSED SEWER LINE SCHEMATIC
CAPPOL TYDINGS SEWER
CAMEL HIGHLANDS, CALIFORNIA



CAPPEL + SCHINDLER
ARCHITECTS PLANNERS INTERIOR DESIGNERS

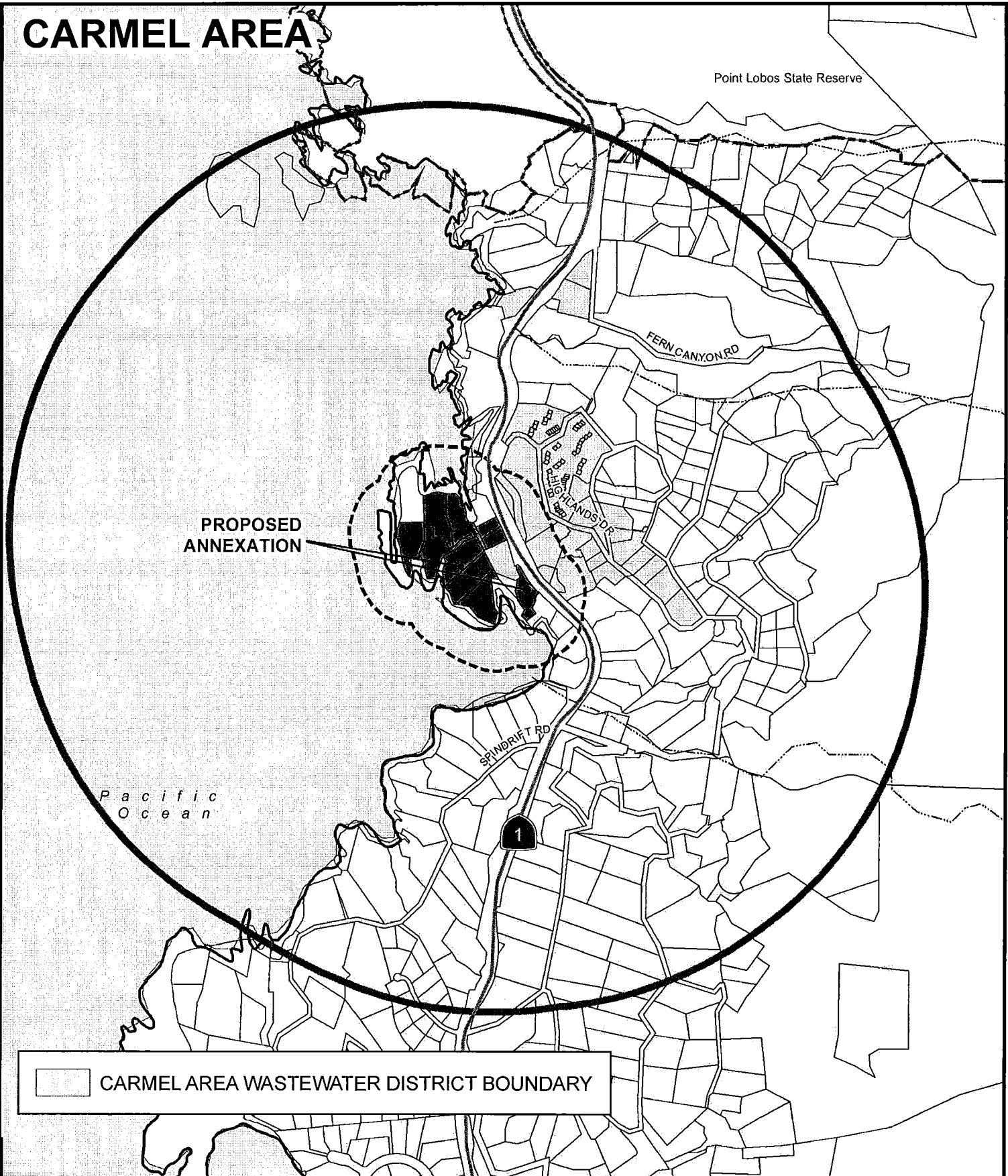
FOR MORE INFORMATION CONTACT: CAROL ANNEN, LISA
CAMERON@CAPPEL.COM

SHEET
C1

EXHIBIT D
CAPPO (PLN120558)
Vicinity Map

CARMEL AREA

Point Lobos State Reserve



PROPOSED ANNEXATION

Pacific Ocean

CARMEL AREA WASTEWATER DISTRICT BOUNDARY

APPLICANT: CAPPO

APN: 241-182-004-000M

FILE # PLN120558

Water 2500' Limit 300' Limit City Limits

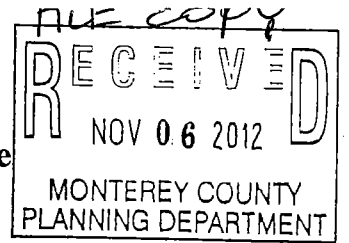
N



PLANNER: MONTANO

EXHIBIT E
CAPPO (PLN120558)
Advisory Committee Minutes
(Carmel Area LUAC)

MINUTES
Carmel Highlands Land Use Advisory Committee
Monday, November 5, 2012



PLN120558

1. Meeting called to order by PETER DAVIS at 4:05 pm

2. Roll Call

Members Present: PETER DAVIS, DON WALD, JACK MEHEEN,
ADAM JESELNICK, BARBARA RAINER

Members Absent: MICHAEL HIRST

3. Approval of Minutes:

a. September 4, 2012 minutes (MOVED TO END)

Motion: N/A (LUAC Member's Name)

Second: N/A (LUAC Member's Name)

Ayes: _____

Noes: _____

Absent: _____

Abstain: _____

b. October 1, 2012 minutes

Motion: ADAM JESELNICK (LUAC Member's Name)

Second: JACK MEHEEN (LUAC Member's Name)

Ayes: ADAM J., JACK M., BARBARA RAINER, DON WALD,
PETER DAVIS. (5)

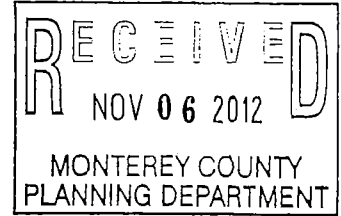
Noes: 0

Absent: ~~1~~ MICHAEL HIRST

Abstain: 0

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

(N/A)



5. **Scheduled Item(s)** – Refer to attached project referral sheet(s)

6. **Other Items:**

- A) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

⊖ N/A

- B) Announcements

N/A

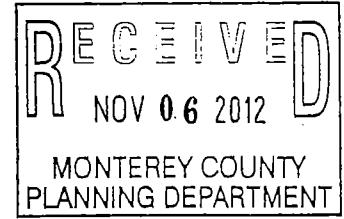
7. Meeting Adjourned: 5:00 pm

Minutes taken by: ADAM JESELNICK

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: **Carmel Unincorporated/Highlands**

Please submit your recommendations for this application by: **November 5, 2012**

Project Title: BEARMAN GARTH & DIANA TRS

File Number: PLN120519

File Type: ZA

Planner: SIDOR

Location: 26363 SCENIC RD CARMEL

Project Description:

After-the-fact Combined Development Permit (to clear 12CE00009) consisting of: 1) a Coastal Administrative Permit and Design Approval to allow the conversion of an existing 210 square foot attached garage to habitable living space, and the construction of a 557 square foot subterranean garage, including attached storage room, mechanical room, stairwell, and railing; 2) a Coastal Development Permit to allow development with positive archaeological reports; and grading (approximately 225 cubic yards of cut and 0 cubic yards of fill). The property is located at 26363 Scenic Road, Carmel (Assessor's Parcel Number 009-442-017-000), Carmel Area Land Use Plan, Coastal Zone.

Was the Owner/Applicant/Representative present at meeting? Yes No

JUN SILIANO

Was a County Staff/Representative present at meeting? YES. - CRAIG SPENCER. (Name)

PUBLIC COMMENT: N/A

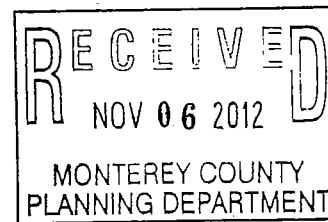
Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)
SLOPE OF DRIVEWAY; ^{LA} REVIEWED BY COUNTY. P.W. LINE OF SIGHT? E.A.		CONDITION APPROVAL THAT DRIVEWAY ACTUALLY WORKS.
GEOLOGY: APPLICANT STATED SOILS REPORT SAYS SANDY.		⊖
EXT. LIGHTING		⊖

ADDITIONAL LUAC COMMENTS

None



RECOMMENDATION:

Motion by: PETER DAVIS. (LUAC Member's Name)

Second by: JACK MEHEEN (LUAC Member's Name)

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

Reason for Continuance: _____

Continued to what date: _____

AYES: PETER D., JACK M., BARBARA R., DON W., ADAM J. (5)

NOES: ⊖

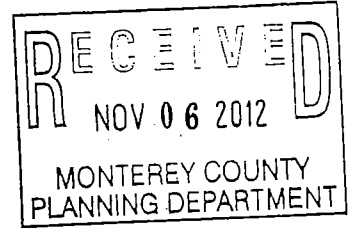
ABSENT: MICHAEL HIRST (1)

ABSTAIN: ⊖

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: Carmel Unincorporated/Highlands

Please submit your recommendations for this application by: **November 5, 2012**

Project Title: CAPPO JEFFREY
File Number: PLN120558
File Type: PC
Planner: MONTANO
Location: 230 HWY 1 CARMEL

Project Description:

Amendment to a previously approved Combined Development Permit (PLN030325) to allow extension of a lateral sewer line within a private road to connect with the sewer main approved under PLN030325 for Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000. The property is located at ~~240~~²³⁰ Highway 1, west of Highway 1 and west of the Highlands Inn, Carmel Highlands, Coastal Zone.

PLN030325 consisted of a Combined Development Permit for the Highlands Inn sewer connection project consisting of: a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. Properties for which construction is proposed are located at and around the Highlands Inn and the Tickle Pink Inn (Assessor's Parcel Numbers 241-181-006-000, 241-181-011-000 to 241-181-013-000, 241-351-004-000 and 241-351-005-000), and the Caltrans right-of-way along Highway 1 from the Highlands Inn to the Point Lobos entrance and from the intersection of Ribera Road with Highway 1, westerly along Ribera Road to an existing pump station near Calle la Cruz, in the Carmel Highlands, Point Lobos, and Carmel Meadows areas of the Carmel Area Land Use Plan, Coastal Zone.

Was the Owner/Applicant/Representative present at meeting? Yes No
ROBERT CARVER

Was a County Staff/Representative present at meeting? YES - CRAIG SPENCER (Name)

PUBLIC COMMENT:

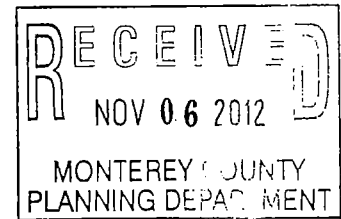
Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
DICK STOLTZ	X		UNDEVELOPED LOT NOT INCLUDED IN ANNEX.
B. G.	X		SIZE OF SEWER LINE; IS 4" LINE SUFFICIENT?

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)
EMERGENCY POWER. GENERATOR: NOISE?		

ADDITIONAL LUAC COMMENTS

VACANT LOTS ARE NOT INCLUDED.
 CRAIG STATED THAT COASTAL COMMISSION VIEWS
 VACANT LOTS SEPARATELY AND APPLIES DIFFERENT STANDARDS;
 TO LIMIT DEVELOPMENT POTENTIAL.



RECOMMENDATION:

Motion by: PETER DAVIS. (LUAC Member's Name)

Second by: BARBARA RAINOR (LUAC Member's Name)

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

Reason for Continuance: _____

Continued to what date: _____

AYES: P. DAVIS, B. RAINOR, DON WALD, JACK MEEBEN (4)

NOES: 0

ABSENT: MICHAEL HIRST (1)

ABSTAIN: ADAM JESSELNICK (1)

EXHIBIT F
CAPPO (PLN120558)
Negative Declaration

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Cappo

Lead Agency: County of Monterey Resource Management Agency-Planning **Contact Person:** John Ford
Mailing Address: 168 W. Alisal, 2nd Floor, **Phone:** 831-755-5158
City: Salinas **Zip:** 93901 **County:** Monterey

Project Location: County: Monterey **City/Nearest Community:** Carmel

Cross Streets: Highway 1 **Zip Code:** 93945

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W **Total Acres:** _____

Assessor's Parcel No.: 241-182-004, 005 **Section:** _____ **Twp.:** _____ **Range:** _____ **Base:** _____

Within 2 Miles: **State Hwy #:** Highway 1 **Waterways:** Pacific Ocean

Airports: _____ **Railways:** _____ **Schools:** _____

Document Type:

- | | | | |
|---|--|---|---|
| CEQA: <input type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input checked="" type="checkbox"/> Neg Dec | (Prior SCH No.) _____ | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Mit Neg Dec | Other: _____ | <input type="checkbox"/> FONSI | |

Local Action Type:

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone | <input checked="" type="checkbox"/> Annexation |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Use Permit | <input checked="" type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input type="checkbox"/> Other: _____ |

Development Type:

- | | |
|---|---|
| <input type="checkbox"/> Residential: Units _____ Acres _____ | <input type="checkbox"/> Transportation: Type _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____ |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____ |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input checked="" type="checkbox"/> Waste Treatment: Type Sewer _____ MGD _____ |
| <input type="checkbox"/> Educational: _____ | <input type="checkbox"/> Hazardous Waste: Type _____ |
| <input type="checkbox"/> Recreational: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Water Facilities: Type _____ MGD _____ | |

Project Issues Discussed in Document:

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Fiscal | <input type="checkbox"/> Recreation/Parks | <input type="checkbox"/> Vegetation |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Flood Plain/Flooding | <input type="checkbox"/> Schools/Universities | <input type="checkbox"/> Water Quality |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Forest Land/Fire Hazard | <input type="checkbox"/> Septic Systems | <input type="checkbox"/> Water Supply/Groundwater |
| <input checked="" type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Geologic/Seismic | <input type="checkbox"/> Sewer Capacity | <input type="checkbox"/> Wetland/Riparian |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Minerals | <input type="checkbox"/> Soil Erosion/Compaction/Grading | <input checked="" type="checkbox"/> Growth Inducement |
| <input checked="" type="checkbox"/> Coastal Zone | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Land Use |
| <input type="checkbox"/> Drainage/Absorption | <input type="checkbox"/> Population/Housing Balance | <input type="checkbox"/> Toxic/Hazardous | <input type="checkbox"/> Cumulative Effects |
| <input type="checkbox"/> Economic/Jobs | <input type="checkbox"/> Public Services/Facilities | <input type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Other: _____ |

Present Land Use/Zoning/General Plan Designation:

Low Density Residential - 1 Unit/acre

Project Description: *(please use a separate page if necessary)*

Modification of a Coastal Development Permit to allow extension of a sewer line approximately 300 feet within an existing private road easement. The proposed sewer line extension will require that the property being served is annexed into the Carmel Area Wastewater District. As part of this action the other developed lots on the small peninsula west of Highway 1 will also be annexed into the wastewater district. The Cappo property will be the only residence to connect at this time.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

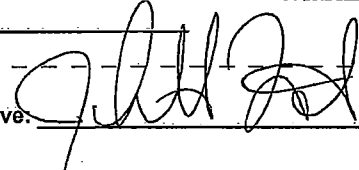
- | | |
|--|--|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> Resources Agency |
| <input checked="" type="checkbox"/> Coastal Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Fish & Game Region # _____ | <input type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | |
| <input type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date October 11, 2012 Ending Date November 12, 2012

Lead Agency (Complete if applicable):

Consulting Firm: _____ Applicant: _____
 Address: _____ Address: _____
 City/State/Zip: _____ City/State/Zip: _____
 Contact: _____ Phone: _____
 Phone: _____

Signature of Lead Agency Representative:  Date: 10/9/2012

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

County of Monterey
 State of California
NEGATIVE DECLARATION

FILED
OCT 09 2012
 STEPHEN L. VAGNINI
 MONTEREY COUNTY CLERK
 DEPUTY

Project Title:	Cappo
File Number:	PLN120558
Owner:	Jeffery Cappo
Project Location:	244 Highway 1, Carmel, CA
Primary APN:	241-182-004, 005
Project Planner:	John Ford
Permit Type:	Modification of a Coastal Development Permit
Project Description:	Extension of a sewer line approximately 300 feet within an existing private road easement. The proposed sewer line extension will require that the property being served is annexed into the Carmel Area Wastewater District. As part of this action the other developed lots on the small peninsula west of Highway 1 will also be annexed into the wastewater district. The Cappo property will be the only residence to connect at this time.

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:	Monterey County Planning Commission
Responsible Agency:	Coastal Commission
Review Period Begins:	October 11, 2012
Review Period Ends:	November 12, 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 NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Negative Declaration, pursuant to the requirements of CEQA, for a Modification to a Coastal Development Permit (Cappo, PLN120558) at 244 Highway 1, Carmel, CA (APN 241-182-004, 005) (see description below).

The 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. The 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 November 14, 2012 at 9:30 AM 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 October 11, 2012 to November 12, 2012. Comments can also be made during the public hearing.

The applicant requests a Modification of a Coastal Development Permit (PLN030325) to allow extension of a sewer line approximately 300 feet within an existing private road easement. The proposed sewer line extension will require that the property being served is annexed into the Carmel Area Wastewater District. As part of this action the other developed lots on the small peninsula west of Highway 1 will also be annexed into the wastewater district. The Cappo property will be the only residence to connect at this time.

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 Cappo; File Number PLN1200558

From: Agency Name: County of Monterey
Contact Person: John Ford
Phone Number: (831) 755-5158

- 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. Monterey Bay Unified Air Pollution Control District

4. Monterey County Water Resources Agency
5. Monterey County Public Works Department
6. Monterey County Environmental Health Bureau
7. Jeffery Cappel, 3939 Holden Drive, Ann Arbor MI 48103
8. Rob Carver, Carver and Schicketanz Architects, PO Box 2684, Carmel, CA 93921
9. Property Owners within 300 feet (Notice of Intent only)
10. The Open Monterey Project
11. LandWatch

Revised 02-02-2012

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: Cappo

File No.: PLN120558 an amendment of PLN030325

Project Location: 244 Highway 1, Carmel, CA

Name of Property Owner: Jeffery Cappo

Name of Applicant: Rob Carver

Assessor's Parcel Number(s): 241-182-004, 005

Acreage of Property: 24,042 sq. ft.

General Plan Designation: Low Density Residential

Zoning District: Low Density Residential/ 1 Acre minimum with Design Control and in the Coastal Zone.

Lead Agency: County of Monterey

Prepared By: John Ford, Senior Planner, RMA Planning Department

Date Prepared: October 8, 2012

Contact Person: John Ford

Phone Number: (831) 755-5158

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project: The proposed project has two components as follows:

1. Installation of a four inch sewer line extending approximately 300 feet from a private sewer lateral approved by PLN090342 (Tydings) to the septic tank approved as part of a new single family residence (PLN110359 (Cappo)). (See Figure 2) The sewer line will be located completely within a private road and utility easement and will be approximately two feet deep.
2. The Sphere of Influence of the Carmel Area Wastewater District will be expanded to include all ten (10) of the developed lots on the small peninsula west of Highway 1, and these lots will be annexed to the District. The Cappo property will be connected to the District's wastewater line following the annexation.

The Cappo property is not currently in the Sphere of Influence of the Carmel Area Wastewater District (CAWD) and will need to be annexed into the district Sphere of Influence prior to constructing the sewer extension. An adjoining property (Tydings) has already been annexed into the District. In addition, there are 9 other developed lots (Assessor's Parcel Numbers 241-182-012-000, 241-182-015-000, 241-182-016-000, 241-182-018-000, 241-182-020-000, 241-182-023-000, 241-182-024-000, 241-182-025-000, and 241-182-026-000) in the area (See Figure 3). All of these developed lots will be placed within the Sphere of Influence and annexed into the CAWD. At the time these residences connect to the sewer, they will pay the sewer connection fees and the sewer line will be extended. This will allow existing residences to connect to the sewer in the event that their septic systems fail. There are also 3 other undeveloped parcels in the area which will not be annexed as part of this action. These parcels would only be annexed to the CAWD if and when development is approved for these properties.

The Cappo property was issued a permit to construct a new residence, including installation of an onsite wastewater treatment system. The applicant is proposing to use a septic tank to treat solids and to connect to the sewer to discharge wastewater. The proposal is to connect to the sewer lateral being installed as part of the Tydings development. The line will be sized such that it can accommodate future flow from other residences when and if they choose to connect to the sewer. Future installations will require installation of a private lift station. This will be done under a different entitlement and subsequent environmental review. It is unknown when or if the nine other properties will connect to the sewer.

The application being considered by the County (PLN120558) is for extension of the Sewer Line. PLN120558 is a modification of PLN030325 which was the original permit authorizing extension of the sewer line to this area. The prior actions related to this request are as follows:

Related Prior Actions

1. PLN030325 was a Combined Development Permit to extend a sewer line to serve the Highlands Inn, Tickle Pink Inn and 13 residences within the Highlands Sewer Association.

The Combined Development Permit included a Coastal Development Permit for development on slopes of 30% or greater; a Coastal Development Permit for development on property with a positive archaeological report; a Coastal Development Permit for the removal of protected trees (up to 16 Monterey pines); and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (to include San Jose and Gibson Creeks); grading (approximately 2,900 cubic yards of cut and 2,600 cubic yards of fill) and retaining walls. An Initial Study and Negative Declaration was prepared for this project by the Carmel Area Wastewater District (SCH2004041061.)

2. PLN090342 was an amendment to Combined Development Permit PLN030325 adding four new properties to be served by the sewer pipeline approved and constructed under PLN030325. The addition of three of the four parcels (241-073-001-000, 241-073-002-000, and 241-182-006-000) was determined to be exempt under CEQA Guidelines Section 15303. However, potential impacts related to development on slopes and development within 100 feet of environmentally sensitive marine habitat were identified associated with connecting parcel APN 241-071-002-000. The environmental analysis is contained in an amended Initial Study and Negative Declaration prepared for construction of these homes in PLN050708.
3. PLN110359 is a Combined Development Permit approving a four story 6,779 square foot single family residence with a 1,061 square foot garage and 344 square foot guest house on the parcel to be served by the sewer line contemplated in this project.

B. Surrounding Land Uses and Environmental Setting:

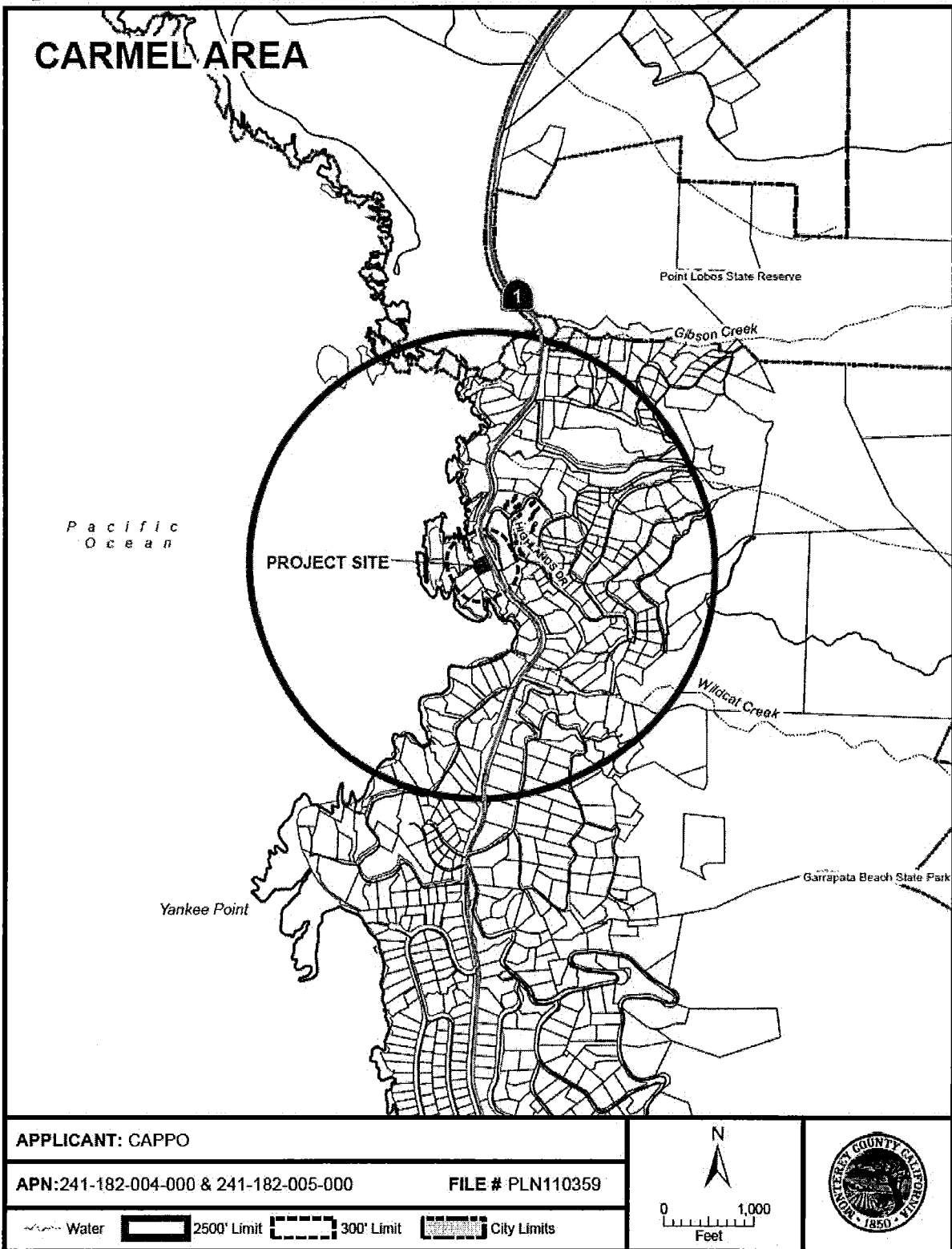
The project site is zoned LDR/1-D (CZ) and is located at 244 Highway 1, Carmel Highlands, CA (Assessor's Parcel Number 241-182-004,005-000), and is within the Coastal Zone. The property is located within the General Viewshed Map A of the Carmel Area Land Use Plan which is a highly scenic area of the Carmel Highlands and is within the immediate vicinity of Point Lobos State Park.

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

C. Other public agencies whose approval is required:

Prior to any service being provided to the Cappo parcel, LAFCO will need to amend the Sphere of Influence for the Carmel Area Wastewater District. The 10 parcels that are either developed or approved for development in this area (including Cappo) will then be annexed into the wastewater district. While the sphere will be modified in one action and all these parcels will be annexed into the district, connection will only occur as each parcel pays for connection to the district and receives appropriate approvals to extend a sewer line to the property.

Figure 1 Location Map



PLANNER: MONTANO

Figure 2 – Sewer Line Extension

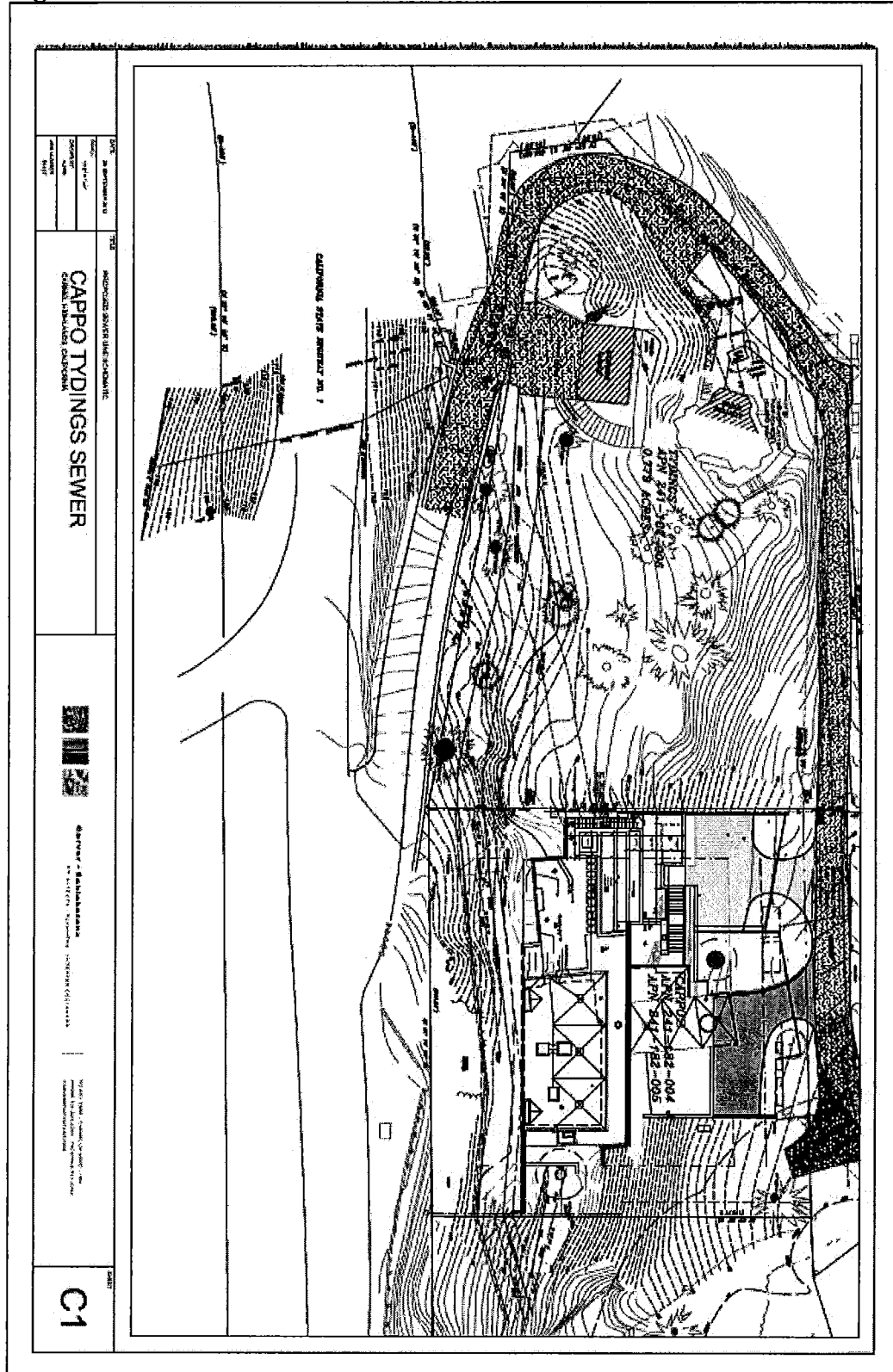
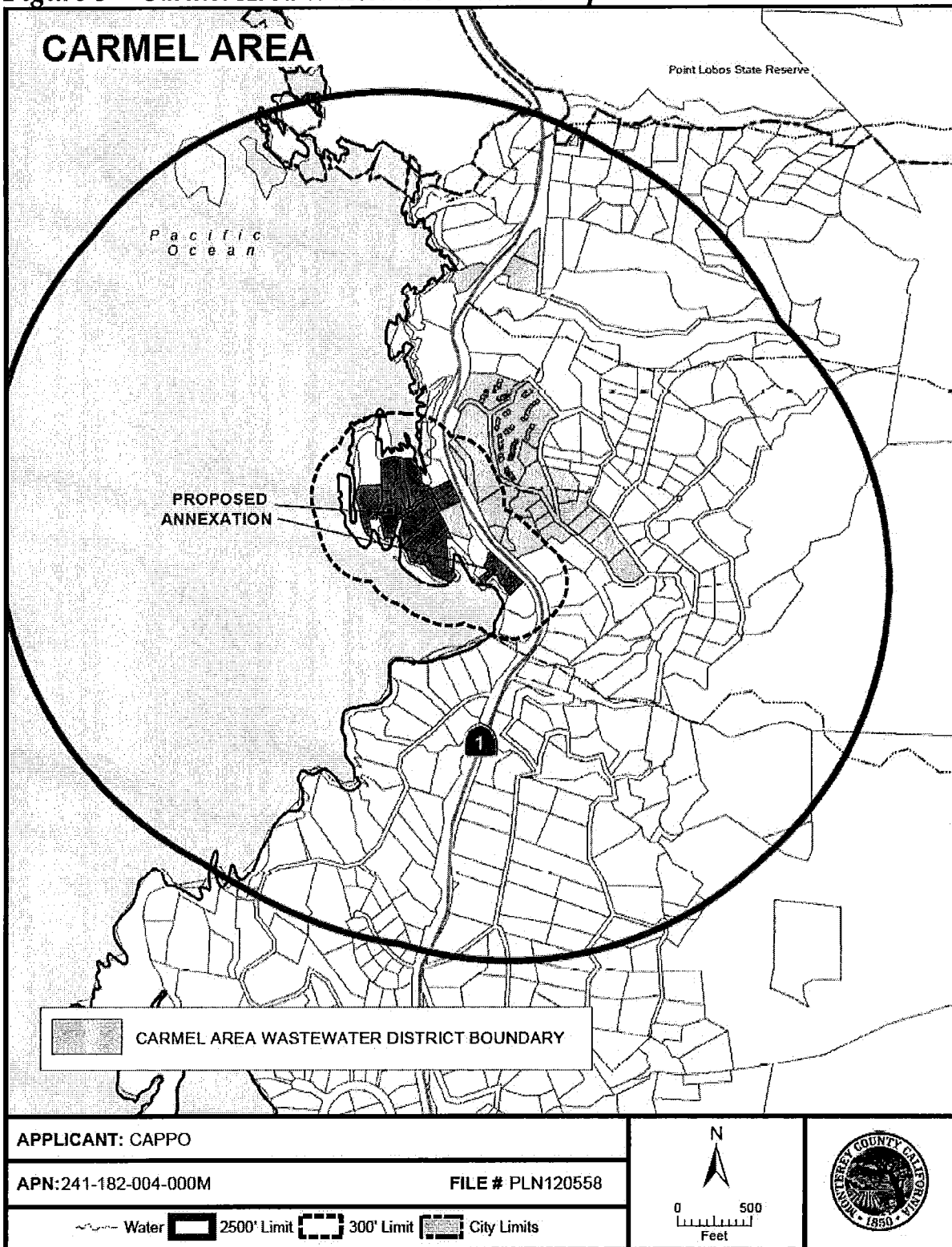


Figure 3 – Carmel Area Wastewater District Expansion Area



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

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

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

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Carmel Area Land Use Plan (CLUP). Policy 4.5.G of the CLUP categorizes Low Density Residential as the primary use of this category. The maximum development density of 1 unit per acre would be allowed. The area affected by the proposed sewer annexation has already been subdivided to lot sizes of approximately 1 acre in size. No additional subdivision is possible, so the inclusion of this area within the sewer district Sphere of Influence and extension of the sewer to these lots would not be growth inducing or inconsistent with the General Plan. **CONSISTENT** (References IX)

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)

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the Carmel Area Land Use Plan (CLUP). Section IV. 10 (Land Use and Planning) discusses whether the project physically divides an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; or conflicts with any applicable habitat conservation plan or natural community conservation plan. As discussed, the proposed project is consistent with the Carmel Area LUP. The project proposes to provide sewer service to a residence currently being developed and provides future opportunity for other existing residences to connect to the sewer. This will provide superior environmental protection to the natural resources which is a prime objective of the Carmel LUP. **CONSISTENT** (References IX)

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 type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input 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 checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

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

- Check here if this finding is not applicable

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

EVIDENCE:

1. Aesthetics

The current project will not result in any new visible development and therefore will not have any impact upon aesthetics. The annexation of this area to the CAWD will not result in any new development, and thus will not have a negative impact upon aesthetic resources.

2. Agriculture and Forest Resources

There are not agricultural or forest resources in the vicinity of this project and thus there will be no impact upon agricultural or forest resources.

3. Air Quality

The proposed project would result in digging a trench of approximately 300 feet long and two feet deep. This will not result in noticeable construction related impacts. There will be some trip generation related to the construction activity but the number of trips will not result in a measureable impact to air quality. The operation of the sewer line extension will not result in air emissions so there will be no impact to air quality.

4. Biological Resources

The project will be within the existing private road of a residential neighborhood and therefore will not affect any biological resources.

5. Geology/Soils

The installation of a small sewer line in a shallow trench will not result in hazards from geology or soils.

6. Greenhouse Gas Emissions

The installation of a small sewer line will not result in additional greenhouse emissions. The project will be installed in association with the approved new residence. There will be no impact to Greenhouse Gas Emissions.

7. Hazards/Hazardous Materials

There are no hazardous materials associated with the site or the project and the project will not result in new hazardous materials being contained on site, therefore there is no adverse impact associated with hazardous materials. The placement of a sewer line in a residential neighborhood will not expose people to wild land fires or interfere with emergency response plans.

8. Hydrology/Water Quality

The proposed project would not result in an increase in water runoff, or pollutants entering into the environment from a water source. On the positive side, the presence of a sewer gives existing development an option to failing onsite septic systems. This provides a potential improvement to water quality over the existing condition dependent upon the existing residences connecting to the sewer system. For the Cappo property the project is a preferred alternative to an onsite treatment system.

9. Land Use/Planning

The proposed project will not physically divide an established community. The project does not conflict with any of the policies within the Carmel Area Land Use Plan and meets all zoning requirements. There is no habitat or natural community conservation plan that the proposed project is required to conform to. The project consists of installing a small sewer

line and allowing for existing residents to have the opportunity to connect to the CAWD in the future.

10. Mineral Resources

No mineral resources have been identified or would be affected by the project.

11. Public Services

The installation of a small sewer line extension and modification of the CAWD Sphere of Influence will have no adverse physical impact on existing or proposed governmental facilities. The proposed project's residential use and proximity to other residential uses signify that any potential impact to public services will be insignificant, given that adequate public services exist to properly serve the area, as evidenced by the County's interdepartmental review and recommended Conditions of Approval for the project. The Carmel Highlands Fire Protection District is approximately two miles from the property. Therefore, the proposed project will not impact Public Services.

12. 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. No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project, based on review of Figure 3 (Public Access) of the Carmel Area LUP and staff site visits. The project would not create any new recreational demand.

The Carmel Area Land Use Plan requires that public access be protected and provided where consistent with public safety needs and the need to protect the rights of private property owners and natural resource areas from overuse. (**Key Policy 5.3.1**) The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformance with the public access policies of Chapter 5 of the Carmel Area Land Use Plan (CLUP), and Section 20.145.150 of the Monterey County Coastal Implementation Plan for Carmel (Part 2). The installation of an underground sewer line will not interfere with public access.

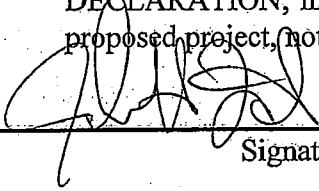
13. Transportation/Traffic

The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded. The project would not result in a change in air traffic patterns or an increase in traffic levels. It would not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity. The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation.

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

John H. Ford

10/9/2012

Date

Senior Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: IX.1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX.1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: IX.1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX.1, 2, 3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV

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: IX.1, 2, 3)	<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: IX.1, 2, 3)	<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: IX.1, 2, 3)	<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: IX.1, 2, 3)	<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: IX.1, 2, 3)	<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: IX.1,5)	<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: IX.1,5)	<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: IX.1,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: IX.1,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX.1,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: IX.1,5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX.1,2,3)	<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: IX.1,2,3)	<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: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: IX.1,2,3)	<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: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV

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: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

According to the Monterey County Geographic Information System, the project site identified as an area of high archaeological sensitivity and is located within 750 feet of an identified archaeological resource, CA-MNT-1348. County staff requested that an archaeological report be prepared for the Cappo project (PLN090359) to evaluate the potential for significant archaeological resources on-site and the potential for impacts to existing resources as a result of the project. A Preliminary Archaeological Reconnaissance of Assessor's Parcel 241-182-004, 005-000 was prepared by Archaeological Consulting (July 2011). The archaeological report found that while the site is in proximity to an identified archaeological site, there was not evidence that resources existed on the property.

The Carmel Area Land Use Plan states that when other site planning constraints do not permit avoidance of construction on archaeological or other types of a cultural site, adequate preservation measures shall be required. (Policy 2.8.4)

Conclusion/Mitigation:

5 (a), (b), (c) No Impact

The installation of a narrow shallow trench under an existing private road does not have the potential to cause a substantial adverse change in the significance of a historical resource, to an archaeological resource site, or to a unique paleontological site, therefore there will be no impact in these areas.

5 (d) Less than Significant

It is not possible to know what is under the existing road. It is possible that the trenching may expose archeological resources. The shallow depth of the trench will serve to mitigate the potential impact to any archaeological resource which may exist. In circumstances like this the

County imposes a standard condition of approval requires that an archaeological monitor be on site during the period of trenching. With the shallow trench, presence of an archaeological monitor reviewing the trench and material removed from the trench; the potential impact would be Less than Significant.

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: IX.1) 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: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: IX.1)	<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: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX.1)	<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: IX.1)	<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: IX.1)	<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: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV

8. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX.1)	<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: IX.1)	<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: IX.1)	<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: IX.1)	<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
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: IX.1)	<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: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX.1)	<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: IX.1)	<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: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: IX.1)	<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: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? (Source: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: IX.1)	<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: IX.1)	<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: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV

10. LAND USE AND PLANNING

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

Discussion/Conclusion/Mitigation:

See Section IV

11. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: IX.1,2,3)	<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: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX.1,2,3)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV

13. POPULATION AND HOUSING

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

Discussion/Conclusion/Mitigation:

13 (a) Less than Significant.

There are a total of 13 lots which could be served by the sewer if all lots in the neighborhood were added. Three of the lots have not been approved for development and are currently vacant. It has not been determined that these lots will support new development with or without the sewer line extension. The sewer could make these existing lots slightly more developable, but there are also other constraints including slope, environmentally sensitive habitat, visual impacts in the critical view shed, and the availability of water. These lots will not be annexed into the Carmel Area Wastewater District. The existing lots in this area are of such a size that no further subdivision could be considered under the Local Coastal Program. Future development of the undeveloped lots will require approval of a Coastal Development Permit and connection to the sewer would be considered at that time. The undeveloped lots will not be placed within the CAWD sphere or annexed into the district as part of the LAFCO action. As a result the potential growth inducing impact is considered less than significant.

13 (b), (c) No Impact.

The action to approve the sewer line and expand the Sphere of Influence of the CAWD will not displace any existing resident or require any replacement housing therefore there is No Impact in these areas.

14. PUBLIC SERVICES

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

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

Discussion/Conclusion/Mitigation:

See Section IV

15. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: IX.1,2,3) | <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: IX.1,2,3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion/Conclusion/Mitigation:

See Section IV

16. TRANSPORTATION/TRAFFIC

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

Discussion/Conclusion/Mitigation:

See Section IV

17. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: IX.1, 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: IX.1, 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: IX.1, 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: IX.1, 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: IX.1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: IX.1, 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: IX.1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

17 (a), (b), (c), (d), (f), (g) No Impact

Placing sewage discharge into a sewer system rather than in an onsite treatment system is a preferred method of treating sewage. There is adequate capacity to treat the sewer discharge from all the residences to be annexed into the CAWD. No new storm water facilities will be needed associated with extending sewer service to existing and approved development. The extension of the sewer will not require any additional use of water. The extension of the sewer will not place any additional demand on a landfill and will not be inconsistent with any federal state or local regulations related to solid waste. Based upon these factors there will be No Impact.

17 (e) Less than Significant Impact.

The CAWD has determined that there is sufficient capacity within the existing treatment plant to treat the discharge from the 10 lots to be annexed. The existing lift station near the Highlands Inn has a capacity of 60,000 gallons per day and is currently conveying 30,000 gallons per day. The CAWD uses 235 gallons per day as the estimated discharge for a single family residence. Adding 10 new connections associated with the annexation would result in an additional 2,350 gallons per day which would not result in a need to improve the existing facilities.

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:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source:) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source:)	<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:)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

- a) The extension of a sewer line within a private road, and the expansion of the Carmel Area Wastewater District to serve these 10 existing or approved residences will not degrade the quality of the environment, the habitat value of any fish and wildlife species, or 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.

- b) The extension of a sewer line within a private road, and the expansion of the Carmel Area Wastewater District will not result in cumulative impacts which are individually limited but cumulatively considerable. The project will incrementally add to the demand of the CAWD, but not to such an extent as to require the construction of new facilities. The project will not impact areas that are currently undeveloped.
- c) The project will not pose significant impact to human beings either directly or indirectly as the proposed sewer extension and annexation for the CAWD will only serve existing development. Treatment of sewage in a treatment facility is preferable to onsite treatment and discharge.

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 not be required to pay the fee.

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN120558 and the attached Initial Study / Proposed (Mitigated) Negative Declaration.

IX. REFERENCES

1. Project Application/Plans
2. 1982 Monterey County General Plan
3. Carmel Land Use 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. Site Visit conducted by the project planner on September 13, 2012.
7. Email Communications with the CAWD dated 9/11.2012.
8. Archaeological Report Prepared by Archaeological Consulting (July 2011)