COUNTY OF MONTEREY

HOUSING AND COMMUNITY DEVELOPMENT

Planning – Building – Housing
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INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title:	Johnson Hal W Jr & Allison H
File No.:	PLN210061
Project Location:	226 Highway 1, Carmel (Formerly 244 #3 Highway 1)
Property Owner/Applicant:	Johnson Hal W Jr & Allison H
Applicant's Agent:	Eric Miller Architects
Assessor's Parcel Number(s):	241-182-003-000
Acreage of Property:	Approximately 0.63 acre, or 27,400 square feet
General Plan Designation:	Residential – Low Density
Zoning District:	Low Density Residential, 1 unit per acre, with a Design Control Overlay [LDR/1-D (CZ)]
Lead Agency:	County of Monterey
Prepared By:	Rincon Consultants, Inc. and County of Monterey – Housing and Community Development
Date Prepared:	July 1, 2024
Contact Person:	Phil Angelo, Associate Planner, County of Monterey Housing and Community Development Department Phone: (831) 784-5731 Email: angelop@countyofmonterey.gov

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project:

Introduction

The proposed project is located at 226 Highway 1 (formerly 244 #3 Highway 1), Assessor's Parcel Number 241-182-003-000, within the Carmel Area Land Use Plan (LUP) in unincorporated Monterey County. Figure 1 shows the regional location of the project site and Figure 2 provides an aerial image of the project site in its neighborhood context. The project entails the construction of a two-level, 4,921 square foot single family residence and associated site improvements. The residence would include:

- a 2,389 square foot lower level,
- a 1,729 square foot upper level,
- a mechanical room and attached garage which total 803 square feet, and
- an exterior auto court, a central courtyard, deck.

Associated site improvements include construction of a 2,127 square foot driveway and auto court west of and generally parallel to Highway 1 which would connect to an existing private drive and provide access to Highway 1. The project would also include construction of soil nails and two retaining walls upslope of the proposed residence to the north and east, post-construction stormwater control (drainage) improvements, a patio area with a hot tub, an underground propane tank, and a landscaped courtyard.

For utilities the project would also include an upgrade to the centralized water treatment system of Highway 1 Water Distribution System No. 12. The project would also include construction of a septic tank (for solid sewage waste) and an ejector pump and sewer line (for effluent). The sewer line would run from the property through existing utility easements on neighboring properties with Assessor's Parcel Numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000 where it would connect to a private collective sewer line that conveys wastewater east underneath Highway 1, and then connects into the Carmel Area Wastewater District (CAWD) sewer system.

The residence would have a height of 29 feet and 6 inches from average natural grade and a building site coverage of 14.9 percent, consistent with County of Monterey zoning requirements. The project would include a 30-foot radius front setback from where the private driveway easement enters the site, consistent with the County's flag lot setback interpretation (Source IX.49); a 20-foot rear setback from the northern property line; and a 20-foot side setback from the western property line (ocean). An additional 30-foot setback parallel to Highway 1 would be required by Monterey County Code section 20.62.040.M., which states that where a property abuts multiple streets to take the front setback from each of those streets (Source IX.44). In this case, a variance to reduce the front setback along Highway 1 from 30 feet to 20 feet is proposed for the residence. An additional variance is proposed reducing the front setbacks along the southern and easterly property lines from 30 feet to 2 feet for the retaining wall and emergency fire access stairway in the southeast corner of the site. The foundation system for the residence would consist of micro piles that extend below the projected 100-year bluff profile identified in the geological report prepared for the project (Source IX.19).

Table 1 summarizes components of the proposed project. Figure 3 shows the proposed site plan, and Figure 4 show visual simulations of the proposed residence.

Table 1 Project Components (square feet)

Project Component	Quantity
Residence Lower level	2,389 square feet
Residence Upper level	1,729 square feet
Garage and mechanical	803 square feet
Total Floor Area for Garage and Residence	4,921 square feet
Total Building Coverage	4,096 square feet
Total Impervious Surfaces	8,870 square feet

(Source IX.39)

Figure 1 Regional Location

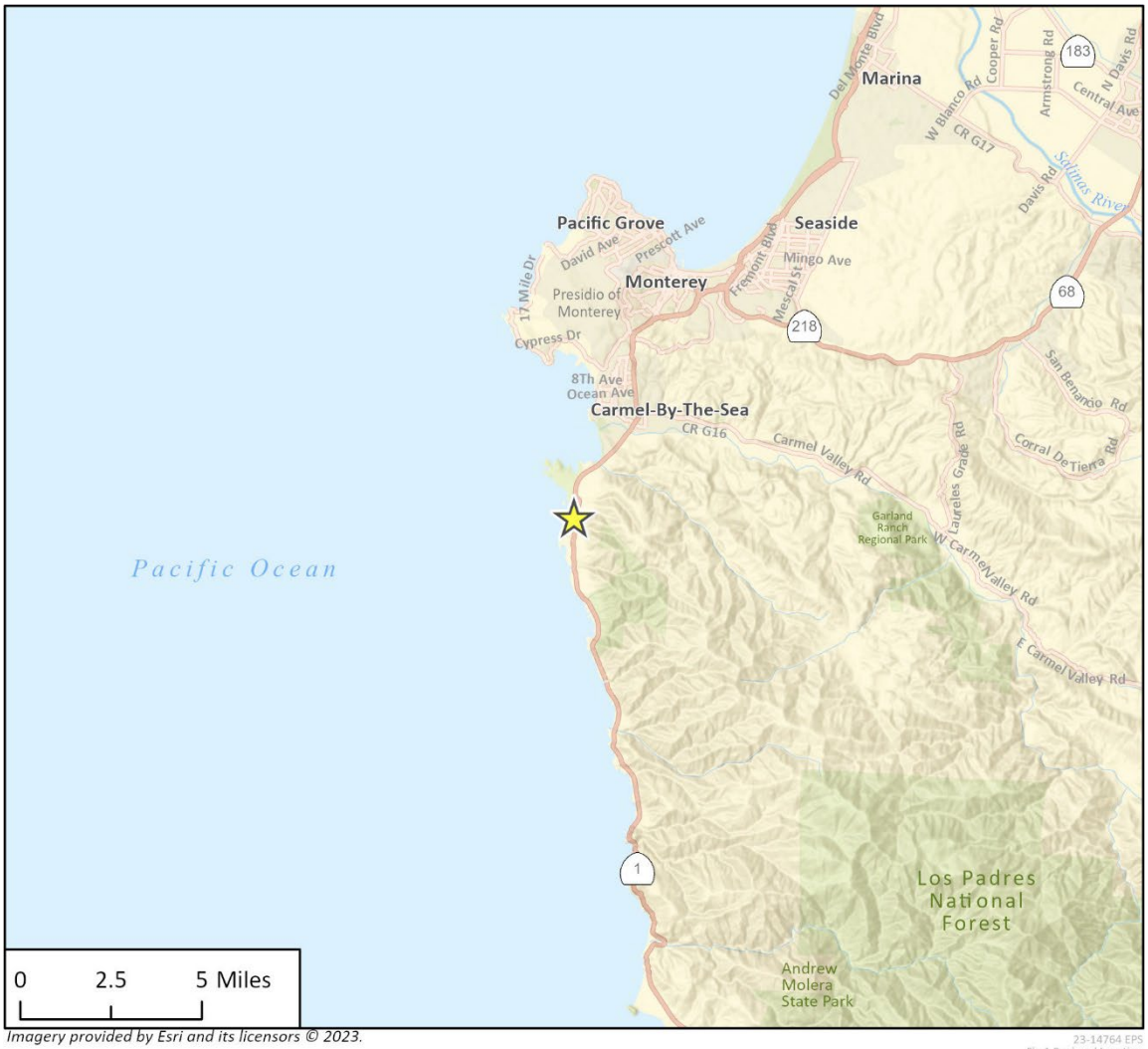
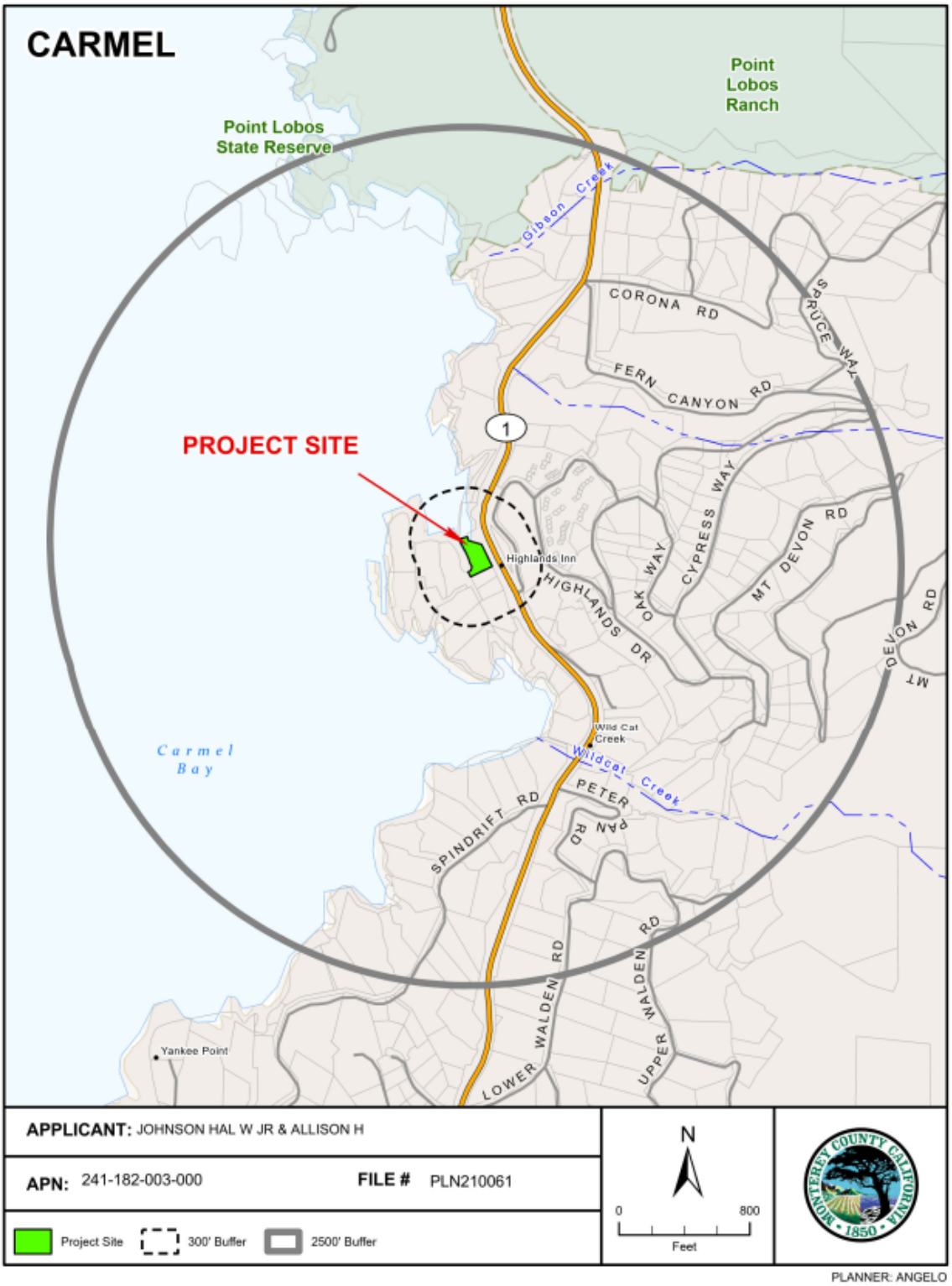
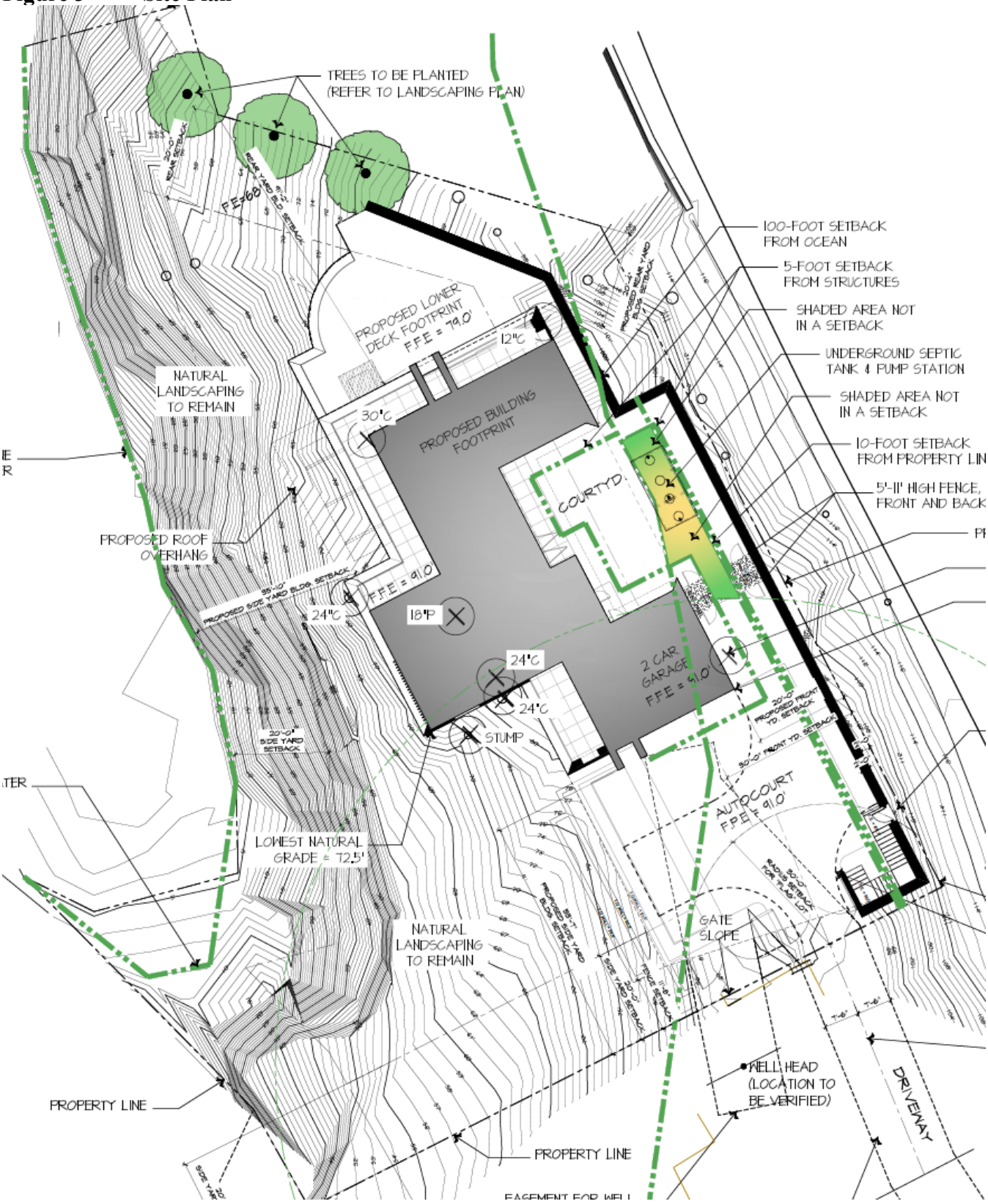


Figure 2 Project Site Location



Source: IX.54

Figure 3 Site Plan



Source: IX.39

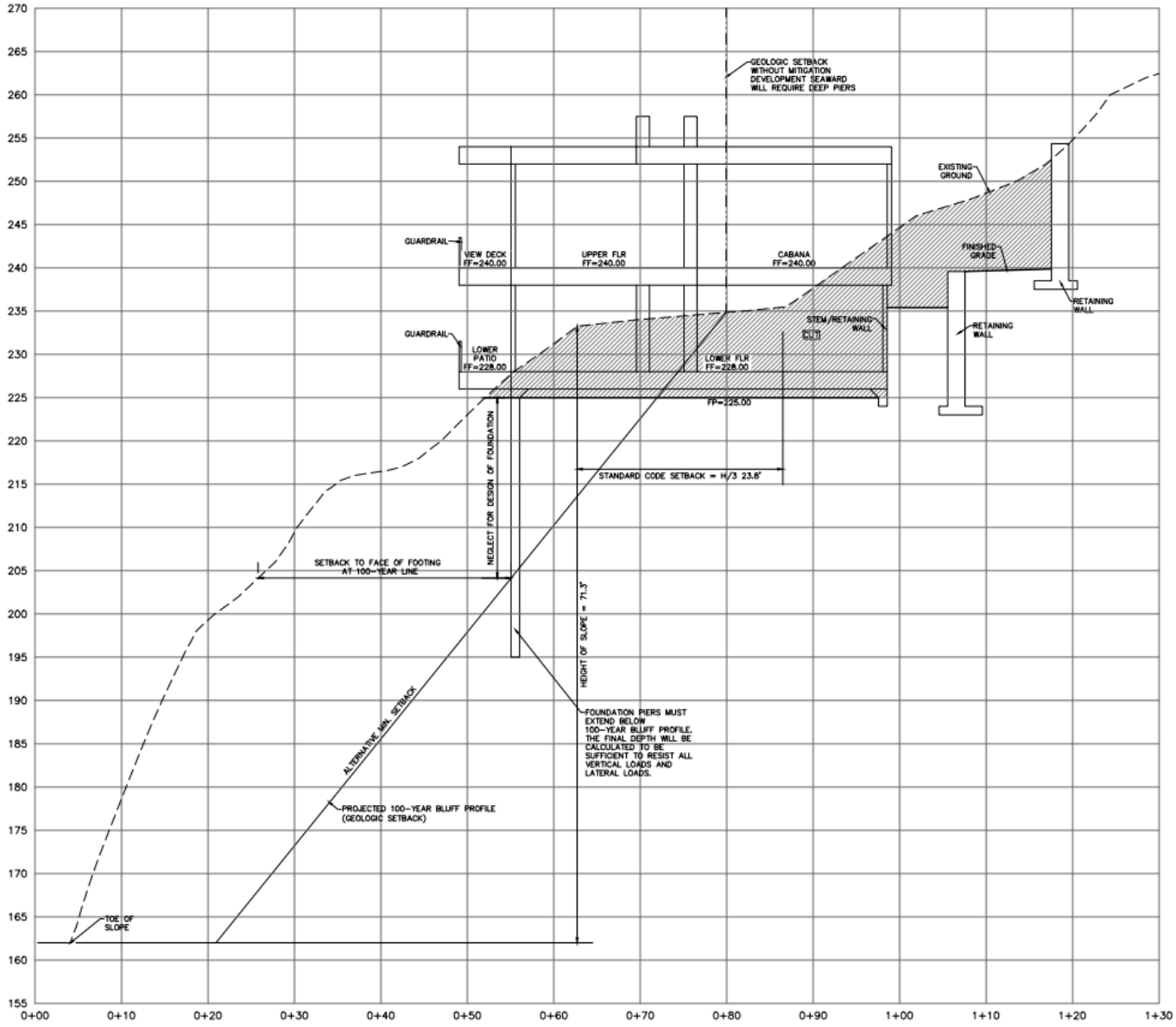
Figure 4 Project Visual Simulations

View from the southwest at the cliff's edge, facing northeast

View from the southeast portion of the project site facing northeast

Source: IX.39

Figure 5 Project Elevation Profile



Source: IX.39

Site Access and Parking

During construction, the project site would be accessible via a shared driveway easement that connects into Highway 1. The draft construction management plan also depicts staging along the shoulder of Highway 1, which would require an encroachment permit from the California Department of Transportation District 5 office (Source IX.39, 53). After construction, the residence would include a two-car garage and an auto court for off-street parking. The auto court would provide emergency vehicle turnaround.

Utilities

The project would receive potable water from the Highway 1 Water Distribution System No. 12, an existing system permitted to serve three service connections on the properties with Assessor's Parcel Numbers 241-182-003-000, 241-182-004-000 and 241-182-005-000, and 241-182-006-000. The County of Monterey issued a Coastal Administrative Permit on August 31, 2012 to allow construction of this system (Source IX.63, HCD-Planning File No. PLN120263), the Monterey Peninsula Water Management District (MPWMD) permitted this system through Water Distribution System Permit No. M13-05-L2 (Source IX.50), and the County of Monterey Environmental Health Bureau permitted the system as a small water system (System ID No. 2702809, (Source IX.51)). The project would include installation and operation of centralized water treatment for this water system. The water treatment system would be located on Assessor's Parcel Number 241-182-004-000 in the shared access and utilities easement and would include filtration and treatment for iron, manganese, fluoride, and water acidity. The water system has an annual production limit of 1.87 acre-feet per year which is set by a condition of approval from MPWMD permit M13-05-L2.

Sewer service would be provided through a mixed system. Sewer solid waste would be collected in a septic tank on the property which would be disposed of by truck. For effluent disposal, the property would install an ejector pump and 2 inch diameter force main sewer line traversing through the neighboring properties in an existing access and utilities easement through Assessor's Parcel Number's 241-182-004-000, 241-182-005-000, and 241-182-006-000 to the private roadway which connects to Highway 1. There it would connect into the private sewer line owned by the Highland Point Sewer Association, which traverses under Highway 1 and connects to the Carmel Area Wastewater District (CAWD) sewer system. The applicant would need to secure permission from the property owners served by the Highlands Point Association to connect into the shared private system, and a sewer connection permit from CAWD for the new service connection (Source IX.55).

Electricity would be provided by Central Coast Community Energy (3CE), the regional community choice energy provider, via Pacific Gas and Electric Company (PG&E) infrastructure. Gas would be provided through an underground propane tank.

Site Preparation, Grading, and Construction

Project construction would occur over approximately 24 months from approximately July of 2025 to July of 2027, depending on project approval. Construction phases would include grubbing/land clearing, boring for foundation piers, grading and excavation, utility installation, building construction, and paving. Land clearing would include removal of a Monterey cypress stump and 7 trees, 5 Monterey cypress, 1 Monterey pine, and 1 Acacia to accommodate the residence and site improvements.

Grading of the project site would involve excavation of approximately 2,305 cubic yards of cut soil and approximately 355 cubic yards of fill, with approximately 1,950 cubic yards hauled off-site for disposal at the ReGen landfill near Marina, approximately 17 miles north of the project site (Source IX.40). Approximately 6,758 square feet of the total development would be on slopes in excess of 30 percent, with 1,448 square feet for the residence, 536 square feet for retaining walls, and 1,633 square feet for landscaped area. The draft construction management plan depicts staging of vehicles in the shoulder along Highway 1, which would require an encroachment permit from the California Department of Transportation District 5 office (Source IX.53).

Erosion Best Management Practices

Construction of the project would incorporate best management practices (BMPs) to minimize erosion and siltation within and from the project site. During project grading and excavation, sediment barriers and silt fences would be maintained at the perimeter of working areas, and soils would be watered for dust control. The proposed project would be required to comply Monterey County Code Chapter 16.12 Erosion Control (Source IX.52) which sets forth required provisions for project planning, preparation of erosion control plans, runoff control, land clearing, and winter operations. During construction, sediment barriers and silt fences along the perimeters of working areas would be maintained to prevent surface water drainage from causing excessive erosion or sedimentation.

Construction Hours

The draft construction management plan included in the application materials identifies construction hours of 8:00a.m. to 4:30p.m. with a total construction duration of 12 months. Site preparation, grading, and soil export would occur over a period of 30 days. (Source IX.39) The County would apply a standard condition of approval requiring that the applicant prepare a construction management plan prior to issuance of grading and building permits, and adhere to it through construction. The construction management plan would require construction hours not to exceed 8:00a.m. to 5:00p.m. Monday through Saturday, with no Sunday or holiday work. This is more permissive than what is included in the current draft construction management plan to account for any changes that may occur should the planning permit be approved, but prior to finalizing grading and building plans and issuance of grading and construction permits.

Conditions of Approval

A number of County conditions of approval for the Combined Development Permit detailed below are incorporated into and are part of the project, which are described in the relevant subsections of section VI in this Initial Study (for example conditions relevant to Biological Resources are discussed in section VI.4, conditions relevant to Geology and Soils are discussed in VI.7, etc.) These conditions are required by the County's land use policies and regulations, typical requirements that are routinely required in the County's review of development applications, or both.

Land Use Entitlement Requirements

The project would a require a Combined Development Permit consisting of:

1) A Coastal Administrative Permit and Design Approval to allow construction of:

a. A 4,921 square foot single-family residence, inclusive 803 square feet of non-habitable space for an attached garage and a mechanical room, and
b. Associated site improvements including:
    i. grading with 2,305 cubic yards of cut and 355 cubic yards of fill,
    ii. an auto-court, interior courtyard, and patio area with a hot tub,
    iii. an emergency fire access stairway,
    iv. a foundation system consisting of micropiles, soil nails, and two retaining walls parallel to Highway 1, and
    v. utility improvements including a septic tank, centralized water quality treatment for Highway 1 Water Distribution System #12, and an approximately 400 lineal foot sewer line; and

2) A Coastal Development Permit to allow development within 50 feet of a coastal bluff;
3) A Coastal Development Permit to allow removal of 6 trees, including 5 Monterey cypress (four of which are landmark trees) and 1 Monterey pine;
4) A Coastal Development Permit to allow 6,758 square feet of development on slopes in excess of 30%;
5) A Coastal Development Permit to allow development within 750 feet of known archaeological resources;
6) A Variance to the required setbacks to reduce the front setback parallel to Highway 1 from 30 feet to 20; and
7) A Variance to the required setbacks specifically for an emergency access stairway to reduce the front setback parallel to Highway 1 from 30 feet to 2 feet and the front flag lot setback along the southern property line from 30 feet to 2 feet.

(Source IX.44)

B. Surrounding Land Uses and Environmental Setting:

The project site is located in the Carmel Highlands in unincorporated portion of Monterey County, approximately 2.7 miles south of Carmel-by-the-Sea. Immediately west of the site is the Pacific Ocean, and south and south west are low density residential uses. East of the site is Highway 1, and north is a vista point off of Highway 1. Further east across Highway 1 are visitor serving uses, including the Hyatt Carmel Highlands and Ticke Pink Inn, and additional low density residential uses (Sources IX.13 and 40). Surrounding residential properties to the south and west of the site are zoned Low Density Residential with an allowed density of one unit per acre with a Design Control Overlay, in the Coastal Zone (LDR/1-D [CZ]). Some of the properties east of the site and Highway 1 share this LDR/1-D [CZ] zoning designation, while some have a Visitor Serving Commercial with a Design Control Overlay, in the Coastal Zone (VSC-D[CZ]) zoning (Sources IX.13 and 44).

The site is undeveloped and steeply sloped toward a cliffside adjacent to the Pacific Ocean, and vegetated with trees, grasses, and shrubs. The project site is located in the Coastal Zone as defined by the California Coastal Zone Act of 1976. The County of Monterey has a certified Local Coastal Program, with four land use plans as well as implementing regulations for these plans in the Monterey County Coastal Implementation Plan. The property is within the Carmel Area Land Use Plan planning area, and subject to its policies and the accompanying implementing regulations in Monterey County Coastal Implementation Plan Part 1, the Zoning Ordinance (Title 20), and Part 4, Regulations for Development in the Carmel Area Land Use Plan Area.

The project site is in an area identified in County records as having a high archaeological sensitivity (Source IX.13); therefore, the project requires a Coastal Development Permit to allow development within 750 feet of known archaeological resources (Source IX.44). See Sections VI.5 and VI.18 (Cultural Resources and Tribal Cultural Resources, respectively) below for further discussion.

C. Subsequent Approvals:

County of Monterey

As the project does include upgrades to the water quality treatment of this system, an amended small water system permit will be required through the County of Monterey Environmental Health Bureau (EHB).

In addition, the applicant would be required to obtain ministerial grading and building permits through the Housing and Community Development (HCD) Building Services, where review by the Carmel Highlands Fire Protection District, HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, HCD-Planning Services, and Environmental Health Bureau (EHB) would also occur. In complying with the County's standard conditions of approavl for Coastal Development Permits, prior to ussance of these permits the project proponent would be required to secure approval of a landcaping and exterior lighting plans by HCD-Planning; and approval of a construction management plan by HCD-Engineering Services.

Other Agencies

The discretionary land use entitlement described in the Project Description in Section II.A would be appealable to the California Coastal Commission. The proposed staging of construction vehicles within the Highway 1 right of way adjacent to the project would also require an encroachment permit from the California Department of Transportation (Caltrans) District 5. Caltrans has also requested to review the retaining wall foundation system to ensure that it doesn't impact the operation of Highway 1 (Source IX.53). The project proposes connection to the Carmel Area Wastewater District (CAWD) sewer system, by way of the Highlands Point association private system. Therefore the Carmel Area Wastewater District (CAWD) would require a sewer connection permit (Source IX.55). A water permit would be required by MPWMD to ensure that the project doesn't exceed the water production limitations set in their approval of the Highway 1 Water Distribution System #12, M13-05-L2 (Source IX.56).

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	☒	Air Quality Mgmt. Plan	☒
Specific Plan	☐	Airport Land Use Plans	☐
Water Quality Control Plan	☒	Local Coastal Program-LUP	☒

Local Coastal Program-LUP: The project is in the California Coastal Zone of 1976 and subject to the policies and regulation of the County's Local Coastal Program (LCP), particularly the Carmel Area Land Use Plan (LUP) (Source IX.7) and the Monterey County Coastal Implementation Plan, Parts 1 (Source IX.44, the Zoning Ordinance, Title 20) and 4 (Source IX.43, Regulations for Development in the Carmel Area LUP). Zoning on the property is Low Density Residential, one unit per acre, with a Design Control Overlay, in the Coastal Zone [LDR/1-D (CZ)] (Source IX.13, 44). The project would involve construction of a single-family residence, accessory structures, and appurtenant utilities, and installation of centralized water quality treatment for an existing water system. Single-family residences, non-habitable accessory structures and uses to any principle use, and water system facilities serving 14 or fewer service connections are all principally allowed uses allowable with a Coastal Administrative Permit within this zoning district (Title 20 section 20.14.040.A., F., and J. respectively), making the project an allowable use for this site.

The project is consistent with the development standards of the zoning district with the exception of the proposed front setback from Highway 1, and the front setbacks in the southeastern corner of the site. The project proposes a 20 foot setback for the residence from the Highway 1 right of way and 2 foot setback for an emergency fire access stairway both from the Highway 1 right of way and the southern property line, while the zoning district requires a minimum of a 30 foot front setback. However, the project proponents are requesting a variance to reduce this setback, which would be reviewed for consistency with the requirements of Title 20 Chapter 20.78.

The proposed design of the exterior of the residence meets the standards of a Design Control District and was reviewed by the Carmel Unincorporated/Highlands Land Use Advisory Committee, who recommended approval as proposed (Source IX.12).

Consistency with applicable resource protection LUP policies and their implementing regulations is discussed in the applicable sections of this Initial Study, with supplemental discussion in section VI.11 Land Use and Planning. Specifically, policies addressing Visual Resources are addressed in section VI.1 Aesthetics, Archaeological Resources in VI.5 Cultural Resources, Environmentally Sensitive Habitat Areas and Forest Resources in VI.4 Biological Resources, and Hazardous Areas in VI.7 Geology and Soils. Therefore, the project would be consistent with the Carmel Area LUP and Monterey County Coastal Implementation Plan. **CONSISTENT.**

General Plan: Within the coastal areas of unincorporated Monterey County, the 1982 Monterey County General Plan (Source IX.24) policies provide guidance for those subject areas not addressed withing the County's Local Coastal Program (LCP). The LCP contains the majority of the policies and regulations applicable to development projects. As a result, applicability of the 1982 General Plan policies is more limited, with those most relevant ones to the project being noise policies. As discussed in section VI.13 Noise, the project would generate temporary construction noise. Once constructed, the project would consist of a single-family residence in a low density residential neighborhood, and therefore would not generate significant levels of operational noise. Despite their overlap with the LCP policies and regulations, consistency with other 1982 General Plan policies is also discussed in section VI.11 Land Use and Planning. **CONSISTENT.**

Air Quality Management Plan: The Air Quality Management Plan (AQMP, Source: IX.1) for the Monterey Bay Region addresses attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB) that includes the unincorporated Carmel area. The California Air Resources Board (CARB) uses ambient data from each air monitoring site in the NCCAB to calculate Expected Peak Day Concentration over a consecutive three-year period. Consistency with the AQMP is an indication that the project avoids contributing to a cumulative adverse impact on air quality, not an indication of project specific impacts which are evaluated according to the Monterey Bay Air Resources District's (MBARD) adopted thresholds of significance. The project includes construction of a single-family residence. The project is assumed to result in an increase in population equivalent to one household, or approximately three persons (see Section IV.A.4, Population/Housing, below) which is within the population growth projections for the County (Source: IX.2 and 3).

Therefore, the project would not result in a population increase not already accounted for in the AQMP. The project's construction emissions that would temporarily emit precursors of ozone are accommodated in the emission inventories of state- and federally required air plans. Because the proposed project site is under one acre (0.63 acre) (Source IX.39), grading required for project construction would not surpass the construction activity with potential significant impacts for PM_{10} 2.2 acres per day screening threshold. The proposed construction would be consistent with the MBARD's AQMP (Source: IX.47). **CONSISTENT**.

Water Quality Control Plan: The project site lies within the Central Coastal Basin, which is regulated by the Central Coast Regional Water Quality Control Board (RWQCB). The Central Coast RWQCB regulates sources of water quality related issues resulting in actual or potential impairment or degradation of beneficial uses, or the overall degradation of water quality. The Water Quality Control Plan for the Central Coast RWQCB serves as the master water quality control planning document and designates beneficial uses and water quality objectives for waters of the state, including surface waters and groundwater, and includes programs of implementation to achieve water quality objectives (Source: IX.4). Operation of the project would not generate pollutant runoff in amounts that would cause degradation of water quality (see Section IV.10, Hydrology and Water Quality, below). **CONSISTENT**.

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

☒ Aesthetics	☐ Agriculture and Forest Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Energy
☒ Geology/Soils	☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials
☒ Hydrology/Water Quality	☒ Land Use/Planning	☐ Mineral Resources
☒ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☒ Transportation/Traffic	☒ Tribal Cultural Resources
☒ Utilities/Service Systems	☒ Wildfire	☒ 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. Agriculture and Forest Resources. The project site and surrounding areas are classified by the Department of Conservation's Important Farmland Finder as Urban and Built-Up Land; are not zoned or used for agricultural purposes, farmland, or timberland; and are not subject to Williamson Act contracts (Source: IX.5, 6, and 44). Therefore, the project would not convert Farmland to non-agricultural use or conflict with a Williamson Act contract. The project site is not currently used for timberland production, and is not located on or near land that is considered forest or timberland. Carmel Area Land Use

Plan (LUP) Development General Policy 4.4.2.9 also states that large scale commercial timber harvesting is not an appropriate land use within the Carmel area (Source: IX.7). Therefore, the project would not conflict with any existing zoning for forest land, timberland, or timberland production. *Therefore the proposed project would not result in impacts to agriculture and forest resources*.

The LUP and accompanying implementing regulations in the Monterey County Coastal Implementation Plan (CIP) use the term "Forest Resources" differently to also refer to tree and habitat protection policies and regulations. Consistency with the polices and regulations of these documents is discussed in section VI.4 Biological Resources and V.11 Land Use and Planning.

2. Mineral Resources. Carmel Area LUP Development General Policy 4.4.2.9 states that large-scale mineral extraction is not an appropriate land use and would conflict with the rural character and scenic and natural resources of the area (Source: IX.7). There are also no known mineral resources onsite, and the 2021 California Geological Survey Mineral Resource Zone Map for Construction Aggregate in the Monterey Bay Production-Consumption region doesn't indicate that there are any known concentration of mineral resources on the project site. (Source: IX.38, 39). *Therefore, the proposed project would not result in impacts to mineral resources.*

3. Population/Housing. The proposed project would involve construction of single-family residence within an existing neighborhood. Based on Department of Finance (DOF) population estimations for Monterey County, three people would be expected to reside in the single-family residence (Source: IX.2). A population increase of three people would represent less than 0.01 percent of Monterey County's current population, which is within the population growth projections for the County (Source: IX.2, IX.3). Additionally, the proposed project would not include the extension of roads or other infrastructure which would result in substantial unplanned growth. The project would include provision of a sewer line to the property, however, this would be to serve the proposed single-family residence on a property zoned to principally allow such uses (Source IX.44), and would therefore not result in substantial unplanned growth.

   The project site does not currently contain housing units. The project would not displace people or housing and would not necessitate the construction of replacement housing elsewhere. *Therefore, there would be no impacts to population and housing.*

4. Public Services. The project site is serviced by the Carmel Highlands Fire Protection District, and the nearest fire station is the Carmel Highlands Fire Department, approximately 0.3 mile northeast of the project site. The closest police station is the Carmel Police Department, approximately four miles north of the project site. The project site is within the Carmel Unified School District, and the nearest school is Carmel River Elementary School, approximately three miles north of the project site. The nearest park is Gibson's Beach, approximately 0.4 mile north of the project site (Source: IX.23).

Given that the project would not substantially increase population, as described under Section IV.A.4 (Source IX.2, 3, 44), the project would maintain applicable service ratios for fire and police protection services. Because the project would not substantially reduce the provision of public services within the County, the project would not require the provision of new or altered governmental facilities. *Therefore, the proposed project would not result in impacts to public services.*

5. Recreation. Because project would not substantially increase population, as described above (Source IX.2, 3, 44), it would not result in an increase in use of existing recreational facilities that would cause substantial physical deterioration or require the construction or expansion of recreation facilities in the vicinity of the project. No parks, trail easements, or other recreational facilities would be permanently impacted by the proposed project. *Therefore, the proposed project would not result in impacts related to recreation*.

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

Phil Angelo, Senior Planner
(Working out of Class)

July 5, 2024
Date

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 on site, 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 Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista? (Source: IX.7, 10, 39, 40)	☐	☐	☒	☐
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX.10, 11, 12, 39, and 40)	☐	☐	☒	☐
c)	In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (Source: IX.10, 39, 40, 43)	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX.7)	☐	☐	☒	☐

Discussion/Conclusion:
The Carmel Area Land Use Plan (LUP) outlines policies protecting visual resources (Source IX.7), and implementing regulations for these policies are found in the Monterey County Coastal Implementation Plan (CIP) (Source IX.43). Carmel Area LUP Key Policy 2.2.2 states that to protect the scenic resources of the Carmel area in perpetuity, all future development within the viewshed must harmonize and be clearly subordinate to the natural scenic character of the area. All categories of public and private land use and development including all structures, the construction of public and private roads, utilities, and lighting must conform to the basic viewshed policy of minimum visibility except where otherwise stated in the plan.

Aesthetics 1(a) – Less Than Significant Impact
The Carmel Area LUP identifies areas with unique scenic quality, including rocky promontories; sandy beaches; bluffs along the shoreline; white sand beaches; forested ridges and open hills rising abruptly from the shoreline; and pasturelands. The LUP identifies this as a bluff top overlook north adjacent to the Highlands inn (LUP Figure 3 and Site Specific Recommendations section 5.3.4, Source IX.7). While long-range views of the Pacific Ocean are visible from Highway 1, the shoreline is not visible to drivers from their vehicles on Highway 1 adjacent to this vista point (Figure 9). The structure would be partially visible to northbound motorists looking toward the ocean and down, however the site is situated significantly below the highway and is heavily screened by existing vegetation, so only a small portion of the site would be visible. Vehicles also frequently pull over along Highway 1 at the vista point, which provides a view of the project site, rocky shoreline, Pacific Ocean, a driveway and residences southwest of the vista point. The project site is partially visible from this vista point, but is mostly obscured by trees, and the structure would be further screened by three proposed screening trees. Figures 7-9

include an aerial image of the site, and simulated view of how the proposed residence would be visible from the vista point and along Highway 1.

Figure 6 Views of the Project Site near Vista Point

View of the vista point from southbound Highway 1. The project site is located downslope of the rock retaining wall on the left side of the photograph. (Source: IX.40)

Primary view from the edge of the informal vista point on foot, facing west. The northernmost edge of the project site is located amongst the trees in the foreground in the bottom left. (Source: IX.10)

View from the edge of the vista point on foot, facing southwest. The northernmost portion of the project site is located amongst the trees in the foreground of the photo (Source: IX.10)

Figure 7 **Aerial view from Vista Point** (Source IX.39)

Figure 8 Photo Simulations of Site from Vista Point

The existing view of the project site from the informal vista point facing southwest, with a photo-simulation of the residence (right) and the simulated view of the proposed residence from the informal vista point facing southwest with planted screening trees (left), following the "view to control point tree" line as shown on the previous page (Source IX.39).

Figure 9 Photo Simulation of Site from Highway 1

Photo from Highway 1 east toward project site. The portion of the structure partially visible is the small area that the red arrow is pointing too (Source: IX.39).

As shown above in Figure 9, the northwesternmost corner of the proposed residence would be partially visible from the vista point. However, the residence and the project site would be almost entirely obscured from view from the vista point by existing trees. The project would not obstruct views of the rocky promontories and bluffs along the shoreline that are currently visible from the vista point. Additionally, other residences are partially visible from the vista point; accordingly, the proposed project would be consistent with the existing landscape and features currently visible from the vista point. Therefore, the project would not have a substantial adverse effect on a scenic vista. *Impacts would be less than significant.*

Aesthetics 1(b) – Less Than Significant

Highway 1, located immediately east of the project site, is a designated state scenic highway (Source: IX.11). Due to intervening trees and the difference in elevation between the roadway and the project site, views of the proposed residence would be intermittent and limited from Highway 1. The project site would also be partially visible from a vista point along Highway 1, as discussed under threshold 1(a), above (Source IX.10, 39, 40).

The proposed residence would be visually consistent with other single-family residences visible from Highway 1 in the vicinity of the project site. For example, as shown in Figures 4 and 6, the residence southwest of the project site incorporates modern architectural styles that are similar to the design of the proposed residence. Additionally, the Carmel Unincorporated/Highlands Land Use Advisory Committee, a local body that provide the County recommendations regarding site design, recommended approval of the project as proposed (Source: IX.12).

The project would not damage or physically alter the bluffs and rock outcroppings visible from the vista point or highway, and the here are no historic structures on the project site. The project would involve removal of seven trees and one stump on the project site, including five Monterey cypress, one Monterey pine, and one acacia. However, these trees are all significantly downslope of Highway 1, so their removal would not significantly alter the viewshed from the highway. Additionally, all of the trees on the upper portion of the steep slope north and east of the project area are proposed to remain, so predominant visual character from the vista point and from Highway 1 would be a site heavily screened by tree cover. *Therefore, the project would not substantially damage scenic resources such as trees, rock outcroppings, and historic buildings within a state scenic highway and impacts would be less than significant.*

Aesthetics 1(c) – Less Than Significant

The project site is in a non-urbanized area. As discussed under threshold 1(a), the proposed residence would be partially visible from the publicly-accessible vista point along Highway 1 (Source IX.10, 39, 40).

Site Planning and Slope Development

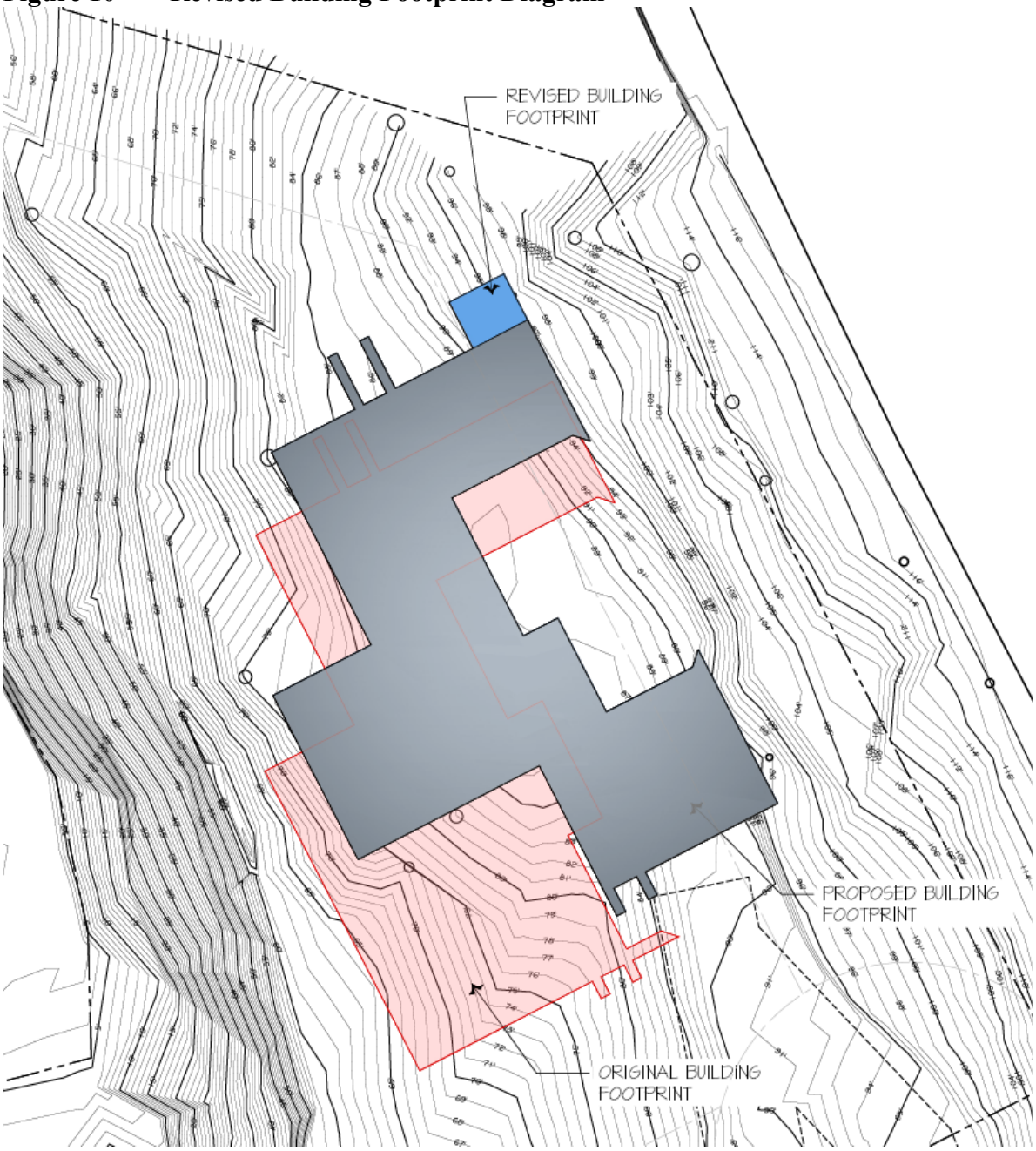
LUP Policy 2.2.3.3 requires that new development on slopes within the public viewshed be sited within existing forested areas or areas where it would not be visible from public viewpoints and viewing corridors, and that new development in the Carmel Highlands be carefully sited and designed to minimize visibility. LUP Policy 2.2.4.6 also required that the existing forested corridor along Highway 1 be maintained as a natural screen for existing and new development, with new development sufficiently setback from the highway to preserve the forested corridor effect and minimize visual impact. Consistent with these policies, the project is sited significantly below the elevation of both the highway and vista point, minimizing its visibility. The residence would also be setback 20 feet from the Highway 1 right of way, and trees parallel to the highway would also be preserved, sufficiently setting the residence from the Highway and maintaining its forested corridor.

CIP section 20.146.030.C.a. states that buildings located on slopes be sited on existing level areas and sufficiently set back from the frontal face. This CIP section also states that development may not be located on slopes of 30% or greater unless there is no alternative which would allow the development to occur on slopes of less than 30%, or the proposed development better achieves the goals and policies of the Carmel Area Land Use Plan and Monterey County Coastal Implementation Plan. As discussed in further detail below, in this the case the residence has been located on the most level portion of the property, and there is no alternative to avoid the slopes in excess of 30%.

During the application review process the project has been both re-designed and re-sited to centrally locate the improvements on the flattest portion of the site and reduce the overall quantity of development on slopes. Between the original application request submitted September 10, 2021 and the most recent proposed site plan dated July 1, 2024, the footprint of the residence was re-designed and the residence was re-sited east, as shown in Figure 10. These changes reduced the percentage of the residence on slopes in excess of 30% by 730 square feet, from 2,178 square feet (65%) to 1,448 square feet (46%). Additionally, between the third set of

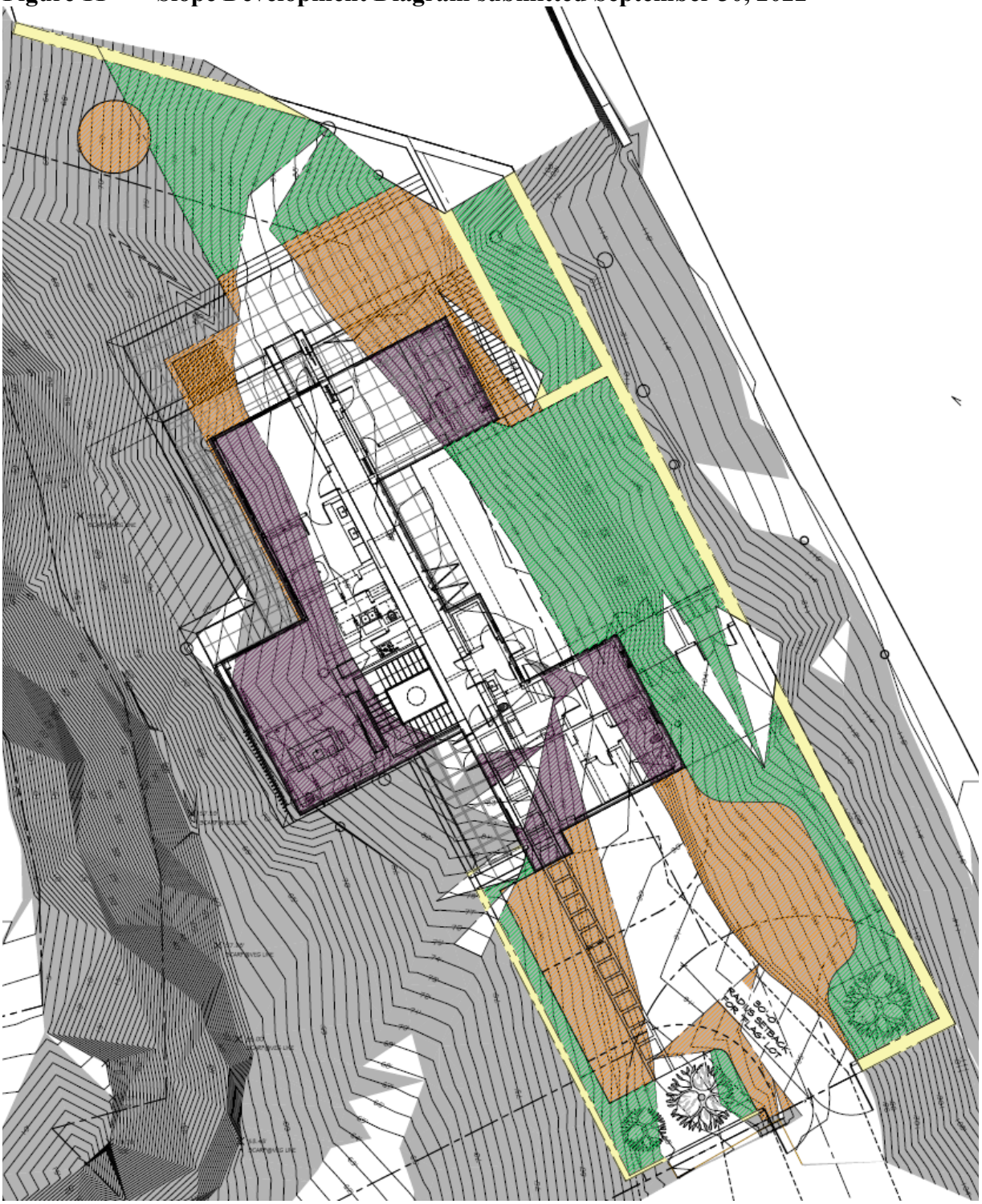
plans submitted September 30, 2022 and the current project plans the site improvements and flatwork on the site was re-designed reducing total development on slopes by 812 square feet, from 7,570 square feet to 6,758 square feet. See section VI.7 Geology and Soils for discussion of slope stability and geotechnical hazards.

Figure 10 Revised Building Footprint Diagram



The original residence footprint is shown in red while the proposed footprint is shown in blue. The siting of the proposed residences was shifted inland further from the bluff and onto the flatter portion of the property (Source IX.39).

Figure 11 Slope Development Diagram submitted September 30, 2022



The slope development diagram from the third application submittal. Development on slopes is shaded in color, with the residence being purple, paving in orange, retaining walls in yellow, and landscape area in green. This version of the project had a total of 7,570 square feet of development on slopes, and has been re-designed as shown in Figure 12 (Source IX.39).

Figure 12 Slope Development Diagram submitted July 1, 2024

The most current slope development diagram submitted July 1, 2024. Development on slopes is shaded in color, with the residence being purple, paving in orange, retaining walls in yellow, and landscape area in green. This version reduced development on slopes in excess of 30 percent to 6,578 square feet (Source IX.39).

Design Review

LUP Monterey County Coastal Implementation Plan section 20.146.030.C.1.c. requires that structures in the Carmel Area LUP blend into the site and surroundings and be that building exteriors give the appearance of natural materials (Source IX.43). In accordance with this, the proposed materials, which include smooth and split face stone veneers, teak wood, concrete shaped as natural stone, and stone paving, give the appearance of natural materials and would be harmonious with the site's natural surroundings. As the project includes a Design Approval subject to a public hearing, the application was also referred to the Carmel Unincorporated/Highlands Land Use Advisory Committee ("LUAC"), whose recommendations focus on site design and local considerations. On December 5, 2022 the LUAC recommended approval as proposed.

Figure 13 Excerpts from Colors and Materials Board (Source IX.39)

SMOOTH STONE VENEER

CONCRETE SHAPED AS NATURAL STONE

SPLIT FACE STONE VENEER

Conclusion

Therefore, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings, and the project is consistent with local policies and regulations that protect aesthetics. *Therefore, impacts would be less than significant*.

Aesthetics 1(d) – Less Than Significant

The project site is in a low density residential area developed with single-family residences, with low levels of existing lighting. Existing sources of light in the project area include lighting from nearby residences and vehicle headlights on Highway 1. The primary sources of glare in the project area are the sun's reflection off light colored and reflective building materials and finishes of nearby residences, and metallic and glass surfaces of parked vehicles.

The project would introduce new sources of light and glare to the project site, including interior and exterior lights of the proposed residence, and headlights and glare from vehicles that would be parked in the proposed auto court. These sources of light and glare would be consistent with

existing sources of light and glare from nearby residences, and the project would not introduce a substantial amount of new light and glare to the project area. Much of the project site would be surrounded by trees and landscaping, which would minimize the intrusion of light and glare onto adjacent properties, Highway 1, and the vista point east and northeast of the site. Additionally, the project would be required to comply with LUP Specific Policy 2.2.4.10.D, which requires all exterior lighting be adequately shielded or designed at near-ground level and directed downwards to reduce its long-range visibility (Source: IX.7). *Therefore, impacts related to light and glare would be less than significant*.

2. AGRICULTURAL AND FOREST RESOURCES

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

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source IX.5, 6, and 7)	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source IX.7 and 44)	☐	☐	☐	☒
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.7 and 44)	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use? (Source IX.5)	☐	☐	☐	☒
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.5)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

See Section IV.A.1. *No Impact.*

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, 2, 3, 39, 47)	☐	☐	☒	☐
b)	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? (Source: IX.1, 39, 47)	☐	☐	☒	☐

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
c) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX.1, 39, 47)	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Source IX.57)	☐	☐	☒	☐

Discussion/Conclusion:
The California Air Resources Board (CARB) coordinates and oversees state and federal air quality control programs in California. CARB has established 14 air basins statewide. The site is located within the North Central Coast Air Basin (NCCAB), which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD) (Source IX.1).

Air Quality 3(a) – Less Than Significant
The NCCAB is currently designated as nonattainment for the state particulate matter that is 10 microns or less in diameter (PM_{10}) standards and nonattainment-transitional for the state one-hour and eight-hour ozone standards. The NCCAB is designated as attainment for all federal standards and other state standards (Source: IX.1). MBARD is responsible for enforcing the state and federal air quality standards and regulating stationary sources through the 2012-2015 AQMP for the Monterey Bay Region, adopted on March 15, 2017.

A project would conflict with or obstruct implementation of the 2015 AQMP if either it induced population growth such that the population of unincorporated Monterey County exceeds the population forecast for the appropriate five-year increment utilized in the 2015 AQMP or if construction and operational emissions of ozone precursors would exceed MBARD significance thresholds (Source: IX.1). As discussed in Section IV.A.3 Population/Housing, the proposed project is not anticipated to induce substantial population growth, as the project entails construction of one single-family residence (Source IX.2, 3). Additionally, as discussed below under subsection VI.3(b-c), the project would not result in emissions that would exceed MBARD significance thresholds (Source IX.39, 47). Accordingly, the project would be consistent with the 2012-2015 AQMP because it would not cause an exceedance of the growth projections that underlie its air pollutant emission forecasts. *Impacts would be less than significant.*

Air Quality 3(b-c) – Less Than Significant
As discussed under criterion 3(a), the NCCAB is currently designated as nonattainment for the state PM_{10} standard and nonattainment-transitional for the state one-hour and eight-hour ozone standards (Source IX.1).

The MBARD CEQA Guidelines set a screening threshold of 2.2 acres of construction earthmoving per day (Source IX.47). If a project results in less than 2.2 acres of earthmoving, the project is assumed to be below the 82 pounds of PM_{10} per day threshold of significance. The

proposed project site is approximately 0.63 acre and site grading would not exceed MBARD's 2.2-acre screening threshold. Therefore, construction activities would not result in PM_{10} emissions that exceed MBARD thresholds (Source: IX.39).

Operational emissions would not be substantial as emissions would only involve vehicle trips and energy usage associated with one single-family residence. Vehicle trips and energy usage of one single-family residence would negligibly increase potential pollutant emissions in the NCCAB. Therefore, the proposed project would result in less than significant impacts relating to a cumulatively considerable net increase of any criteria pollutant or expose sensitive receptors to substantial pollutant concentrations. *Impacts would be less than significant.*

Air Quality 3(d) – Less than Significant

Construction of the proposed project would generate temporary odors from vehicle exhaust and construction equipment engine. However, construction-related odors would disperse and dissipate and would not cause substantial odors at the closest sensitive receptors (adjacent residences). Contractors would be required to comply with the provisions of California Code of Regulations (CCR) Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes to minimize unnecessary fuel consumption, which would limit exhaust fumes. In addition, construction-related odors would be temporary and would cease upon completion of construction. During operation, the proposed single-family residence would not be expected to produce other emissions, including odors. *Therefore, the proposed project would have less than significant impact related to other emissions, including odors.*

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.14, 16, and 44)	☐	☐	☒	☐
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.7, 16, 17, 52)	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: IX.7, 16, 17, 52)	☐	☐	☒	☐
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.14)	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source IX.7, 14, 15 and 43)	☐	☐	☒	☐
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?	☐	☐	☐	☒

Discussion/Conclusion:

This discussion incorporates the results provided in the Biological Assessment prepared by Regan Biological and Horticultural Consulting, dated June 12, 2021 (Source: IX.14) and the Tree Management Plan prepared by Ono Consulting, dated June 17, 2021 (Source: IX.15).

Special-status species include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These Acts afford protection to both listed species and those that are formal candidates for listing. The federal Bald and Golden Eagle Protection Act also provides broad protections to both eagle species that in some regards are similar to those provided by ESA. In addition, the California Department of Fish and Wildlife (CDFW) Species of Special Concern, CDFW California Fully Protected Species, United States Fish and Wildlife Service (USFWS) Birds of Conservation Concern, and CDFW Special Status Invertebrates are all considered special-status species. In addition to regulations for special-status species, most native birds in the United States (including non-status species) are protected by the federal Migratory Bird Treaty Act of 1918

(MBTA) and the California Fish and Game Code (CFGC) (i.e., Sections 3503, 3503.5 and 3513). Under these laws, deliberately destroying active bird nests, eggs, and/or young is illegal. Plant species on the California Native Plant Society (CNPS) Rare and Endangered Plant Inventory (Inventory) with California Rare Plant Ranks (Rank) of 1 and 2 are also considered special-status plant species and must be considered under CEQA.

Biological Resources 4(a) – Less than Significant

The CDFW California Natural Diversity Database and the CNPS Inventory of Rare Plants database were queried in May 2021, and a biological field survey was undertaken on May 27, 2021. The database searches determined that there are 24 special-status plant species and 13 special-status animal species known to occur within the quadrangles in which the project site is located. Of these species, the project site contains habitat that could support three special-status plant species, including Monterey cypress (*Hesperocyparis macrocarpa*), Monterey pine (*Pinus radiata*), and ocean bluff milk-vetch (*Astragalus nuttallii var. nutallii)*. The May 2021 biological field survey identified Monterey pine and Monterey cypress trees on site. The project site does not contain habitat that could support special-status animal species, and no special-status animal species were observed onsite (Source: IX.14). Additionally, the project site is not known to contain critical habitats mapped by USFWS (Source IX.16).

The project would involve removal of five Monterey cypress trees and one Monterey pine tree, which are special-status species, which would be a potential environmental impact. However, as discussed further under threshold 4(e), the project applicant would be required to obtain a Coastal Development Permit to allow tree removal, which would be reviewed for consistency with the regulations for development in the Carmel Area Land Use Plan (LUP), which would require certain findings be met the allow the removal, including that the removal of native trees is limited to that necessary for the proposed development, and that native trees be replanted on a 1:1 basis as a condition of project approval (Source IX.44). Additionally, there is the potential for nesting bird species to inhabit trees on site, which are protected under the Migratory Bird Treaty Act (MBTA). Construction and tree removal could result in damage or destructions of nests, which would result in a substantial adverse effect to these species. The project would involve implementation of a pre-construction nesting bird survey condition of approval to reduce potential impacts to raptors and migratory and nesting birds. The condition would require vegetation removal, ground disturbance, and construction, to occur outside of the bird breeding season (February 1 through August 30) as feasible, and if construction must begin during the breeding season, pre-construction nesting bird surveys shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The recommendations of the survey to ensure that the project doesn't harm nesting birds would be required to be adhered to as part of complying with this condition.

With adherence to the tree removal regulations applicable in the LUP, and the County's standard tree replacement and bird nesting survey conditions, the project would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species. *Therefore, impacts would be less than significant.*

Biological Resources 4(b-c) – Less than Significant

Sensitive biological communities include habitats that fulfill special functions or have special values, such as wetlands, streams, or riparian habitat. These habitats are protected under federal regulations such as the Clean Water Act; state regulations such as the Porter-Cologne Act, CDFW Streambed Alteration Program, and CEQA; and environmentally sensitive habitat areas as defined in the Carmel Area Land Use Plan (LUP) (Source IX.7).

As discussed in section VI.4(a), the project site is not known to contain critical habitats mapped by USFWS (Source IX.16). Additionally, there are no native vegetation communities, drainages, or wetlands potentially under the jurisdiction of the USACE or CDFW present on the project site (Source: IX.17). Additionally, as discussed in section VI.4(e), the biological report did not identify any environmentally sensitive habitat areas on the site. As these habitat and community types are not present on site, project construction would not directly impact riparian habitat, sensitive natural communities, or protected wetlands.

However, the portion of the Pacific Ocean adjacent to the project site is part of the Point Lobos State Marine Reserve (SMR). SMRs were established by the California Marine Life Protection Act, and are regulated by CDFW. The proposed project would be required to comply with Monterey County Code Chapter 16.12 Erosion Control (Source IX.52), which sets forth required provisions for project planning, preparation of erosion control plans, runoff control, land clearing, and winter operations; and establishes procedures for administering those provisions. Thus, with compliance with the MCC, the project would not have a substantial adverse effect on the Point Lobos SMR. *Therefore, with adherence to Monterey County Code, impacts to riparian habitat, sensitive natural community, or state or federally protected wetlands would be less than significant.*

Biological Resources 4(d) – No Impact

Wildlife corridors are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as between foraging and breeding areas, or they may be regional in nature, allowing movement across the landscape. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then return. Examples of barriers or impediments to movement include housing and other urban development, roads, fencing, unsuitable habitat, or open areas with little vegetative cover. Regional and local wildlife movements are expected to be concentrated near topographic features that allow convenient passage, including roads, drainages, and ridgelines.

The project site is surrounded by a cliffside to the west and Highway 1 to the east, making movement through the project site difficult. The site itself is also significantly disturbed, supporting more non-native invasive species than native species (Source IX.14). Accordingly, the project would not substantially interfere with movement of resident or migratory fish or wildlife, nor impede the use of wildlife nursery sites. *There would be no impact to the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, and the project would not impede the use of native wildlife nursery sites.*

Biological Resources 4(e) – Less than Significant

The project is subject to the policies in the Carmel Area Land Use Plan (LUP) and their implementing regulations in the Monterey County Coastal Implementation Plan (CIP), which protect biological resources in their sections regarding Forest Resources and Environmentally Sensitive Habitat Areas. (Source IX.7, 43)

Forest Resources

As previously discussed the project would include removal of seven trees and one stump. The seven trees in include one Acacia, 5 Monterey cypress, and 1 Monterey pine. LUP policy 2.5.3.2 states that cutting and removal of trees shall be in the broad resource protection objectives of the LUP, and 2.5.3.3. generally encourages the removal of non-native tree species. Many of the other LUP's forestry policies are more applicable to commercial tree harvesting, while the CIP details the tree removal permitting requirements.

The CIP requires a coastal development permit for the removal of trees and other major vegetation, with specific exemptions. CIP section 20.146.060.A.1.a. specifically exempts non-native tree removal, so the removal of the Acia would be encouraged by LUP policy 2.5.3.3. and not require a Coastal Development Permit. The remaining 6 trees would require a Coastal Development Permit, which would be require to comply with the development standards for tree removal detailed in CIP section 20.146.060, including that the removal be limited to that necessary for the proposed development (CIP section 20.146.060.D.3.). Four of the Monterey cypress are also greater than 24 inches in diameter, making them landmark trees. CIP section 20.146.060.D.1. prohibits the removal of landmark trees, except for landmarks that are not visually or historically significant, exemplary of their species, more than 1000 years old; and that a finding be made that no alternatives exist where the tree removal can be avoided.

In this case the removal is the minimum under the circumstances, as all trees are in the immediate footprint of the residence. The findings can also be met to allow the removal of the landmark trees. The four landmark Cypress are also not visually or historically significant, exemplary of their species, or more than 1000 years old. The arborist report prepared for the project (Source IX.15) states that the trees are generally in poor condition structurally due to crown fragmentation, limb dieback, or are uprooting, and therefore would not be safe to retain when any development occurs near them, due to soil disturbance, so alternatives such as re-siting, re-design, and reduction in development would not be successful in saving these trees.

In accordance with CIP section 20.146.060.D.6., the County would apply a condition requiring 1:1 onsite replacement of the removed trees with those of the same species, so Five Monterey cypress and one Monterey pine. The project does not conflict with the County's tree protection regulations, and any tree removal would both be minimized and offset of the required replacement trees. Therefore, impacts would be less than significant.

Environmentally Sensitive Habitat Areas

The LUP and CIP regulations for environmentally sensitive habitat areas mirror each other much more closely than those for forest resources. In accordance with the LUP policy 2.3.3.5. and CIP section 20.146.040.A., a biological assessment was prepared by Regan Biological and Horticultural Consulting, dated June 12, 2021 (Source: IX.14) to assess the potential presence of

environmentally sensitive habitat areas and provide recommendations, as applicable. The biological report stated that their expectation from reviewing available database information and sites location on the bluff was that the sites primary plant communities would be northern bluff scrub and coastal sage scrub, which would be considered environmentally sensitive habitat area. However, after their site survey they noted that the site was significantly disturbed and supports more nonnative invasive species than native species, and stated that these native plant communities have been obliterated, such that the site no longer supports environmentally sensitive habitat area.

As there is no environmentally sensitive habitat area on site, the project would be consistent with LUP policies 2.3.3.1 and 2.3.3.2, and CIP sections 20.146.040.B.2 and 20.146.040.B.3, that in summary development be avoided in sensitive habitat areas, that development in environmentally sensitive habitat areas be limited to resources dependent uses, and that new land uses be compatible with long-term maintenance of adjacent environmentally sensitive habitat area. As the site contains a significant number of non-native species, the biologist recommended use of appropriate native species in proposed landscaping, which is required by LUP policy 2.3.3.8 The biologist subsequently reviewed the draft landscaping plans and provided a number of recommendations on appropriate planting species, which were incorporated into to the plan, ensuring consistency with this LUP policy. Therefore, the project would not conflict with any environmentally sensitive habitat area policies or regulations, and the application of LUP policy 2.3.3.8 will result in an environmental benefit by removing the non-native plants on the site.

Conclusion
Therefore, the project would not conflict with local policies and regulations protecting the biological resources, and the application of those policies and regulations to the project would ensure that impacts are less than significant.

Biological Resources 4(f) – No Impact
The project site is not under the jurisdiction of any Habitat Conservation Plans, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. *Therefore, no impact would occur.*

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 pursuant to §15064.5? (Source IX.48)	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Source: IX.7, 8, 9, 18, 22, 43, 60, and 67)	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX.7, 8, 9, 18, 22, 43, 60, and 67)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:

Cultural Resources 5(a) – No Impact

As a vacant lot, the project site contains no built environment features (such as structures or buildings) that could be historic.

The site is west the of discontiguous Carmel San Simeon Highway Historic District, which stretches along Highway 1 approximately 75 miles from the San Carpoforo Creek in San Luis Obispo County to the Carmel River in Monterey County. The district is comprised of 241 contributing engineering features constructed adjacent to the highway between 1922 and 1938, including masonry culverts, parapet walls, and fountains; and seven concrete arched spandrel bridges. The district is eligible for listing under National Register of Historic Places criterion A for its association with the highway beautification movement, and under criterion C as a significant example of a method of construction, the work of primarily skilled masons on the districts the masonry features. The highway itself is not a contributing feature to the district as it lacks the physical integrity to be considered historical. One contributing feature, a battlement style masonry parapet wall (Identifier DM-017) is immediately northeast of the site along Highway 1 near Post Mile 69.34 and an informal vista point looking out to the Pacific Ocean. (Source IX.48) However, the project would not remove or alter this parapet wall. The project would not make any alterations to this contributing feature.

As no potential historical resources have been identified within the project site, and the project would not alter any historic resources in the vicinity of the site, there would be no impacts to historical resources. *No impact.*

Cultural Resources 5(b and c) – Less than Significant with Mitigation

Overview

The project site is in the Carmel Area Land Use Plan (LUP) planning area (Source IX.7). This area is sensitive to archaeological resources, and the LUP and contains policies protecting these resources, which are implemented through regulations in the Monterey County Coastal Implementation Plan (CIP) (Source IX.43). LUP Key Policy 2.8.2 indicates that Carmel is rich in archaeological resources, and that new land uses should incorporate all site planning and design features necessary to minimize or avoid impacts to these resources, to protect them for their

scientific and cultural heritage values. The CEQA Statute and CEQA Guidelines also specify that CEQA applies to archaeological resources and have sections discussing impact analysis for them (Source IX.67).

While there is no evidence of resources on the site where the house is proposed, the proposed sewer line traverses a mapped archaeological resource. Archaeological reports were prepared to analyze the potential of the project to impact cultural resources, and were reviewed in conjunction with previous reports prepared for neighboring sites. While significant/unique archaeological resources or human remains weren't identified in the reports, their presence couldn't be ruled out, so the mitigation measures and a condition of approval were incorporated to avoid and mitigate impacts to any unknown resources should any be uncovered during the course of construction. With these, impacts to archaeological resources or human remains would be mitigated to a less than significant level.

Project Archaeological Reports

A preliminary archaeological reconnaissance report (HCD-Planning File No. LIB201216) was prepared for the project by Patricia Paramoure Archaeological Consulting (PPAC), dated June 4, 2021 (Source: IX.18). The report consisted of archival research of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC); a surface field survey within the project site on May 28, 2021; evaluation of field findings and potential project impacts; and management recommendations. Patricia Paramoure Archaeological Consulting also prepared a supplemental letter report dated April 5, 2024 evaluating the installation of the sewer line along in the access and utilities easement which runs along the subject property and continues south through assessor's parcel numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000 (Source IX.22).

As outlined in the PPAC archaeological report LIB201216 (Source: IX.18), seven previously recorded cultural resources are located within 0.25 mile of the project site. One resource (CA-MNT-1348) is recorded south of the project site and was first recorded in 1986. This site is comprised of a large precontact shell midden measuring approximately 75 by 32 meters. Citing previous work by Gary Breschini conducted in 2017, a different archaeological report prepared by Brenna Wheelis (Source IX.9,) discussed in the subsequent section describes the resource as a possible late period coastal gathering site.

The field survey was conducted on May 28, 2021. It involved field archaeologist Michael Boyd, A.A., B.S., performing a general surface reconnaissance survey covering approximately 50 percent of the total parcel. Areas with thick vegetation and steep slopes could not be surveyed. In accessible areas, 10-foot transects were investigated on foot, and surface soils were inspected every seven to 10 feet with a trowel. Animal burrows, which can be used to detect sub-surface archaeological deposits, were also inspected when feasible. The survey yielded one small fragment of abalone shell, which appeared to be modern and was not eroded or degraded. As the project would also include installation of a new sewer line through the existing access and utility easements on assessor's parcel numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000, which are in the vicinity of a known site (CA-MNT-1348), a subsequent survey was conducted by a field archaeologist on April 1, 2024. (Source IX.22) Visibility was considered good, approximately 60% of native soils. Some areas were covered in gravel for the driveway

within the easement, or dense vegetation. The field archaeologist documented three fragments of abalone shell, likely evidence of the site within the recorded easement. Neither the 2021 or 2024 surveys identified any evidence of potential human remains. Excavations for the sewer line trench for this project will involve significant soil disturbance and displacement, and this work may impact unknown potentially significant buried archaeological resources within the project area.

The report recommended an archaeological and tribal cultural monitoring for excavation within the easement corridor and within 50 feet of the recorded boundary of CA-MNT-1348.

Previous Archaeological Reports

Two previously prepared archaeological reports in HCD-Planning's files for the adjacent properties where the sewer line easement is located were also reviewed in the preparation of this Initial Study, a Preliminary Archaeological Assessment (HCD-Planning File No. LIB210182) prepared by Brenna Wheelis of Paleowest evaluating Assessor's Parcel Number 241-182-006-000 (Source IX.9), and a letter report (HCD-Planning File No. LIB100282) prepared by Gary S. Breschini, Archaeological Consulting evaluating Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000 (Source IX.8). These reports are discussed to provide supplementary information on the sensitivity of the area and a comparative framework for the impact analysis.

The Breschini letter report stated that some evidence of CA-MNT-1348 had been tentatively identified in the area of the project site in 1990, however after a field reconnaissance conducted by archaeologist Mary Doane on August 23, 2010, no evidence of the resource was identified in the "project area" for Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000 (the report was prepared for a test well drilling project and as such does not encompass the project site or entirety of the access/utility easement analyzed in the PPAC letter report), and didn't recommend any avoidance or mitigation beyond halting work within 50 meters if any previously unknown resources were identified.

The Wheelis report prepared for a residential construction project on APN 241-182-006-000 contained archival research at the Northwest Information Center (NWIC), a pedestrian survey of Assessor's parcel Number 241-182-006-000, and subsurface augering and shovel tests to assess the potential presence of resources on that site. None of these subsurface tests were directly in the location the proposed project, including the proposed sewer line, but are indicative of the general sensitivity of that site. The surface reconnaissance noted some shell fragments but no indicators of prehistoric cultural activity such as bone, dense shell concentrations, tools or flaked stone material, midden soils, charcoal, or fire affected rock. Subsurface testing identified one isolated flaked stone debitage fragment, one abalone shell fleck, and one mussel shell fragment. As these isolated materials lacked anthropogenic associations or data potential, the archaeological report concluded that they were not significant finds. The report did not identify any evidence of human remains. The results were considered indeterminate on the boundary of CA-MNT-1348, but the archaeologist concluded that the lack of evidence did not conclusively confirm that the site was not present or had been destroyed. The report recommended avoidance of CA-MNT-1348 if it was identified during construction, and if that was not feasible, an archaeological research design and treatment plan be developed. The report also recommended

an archaeological sensitivity training for construction personnel and retention of a qualified archaeological monitor and a tribal cultural monitor during ground disturbing activities.

Impact Analysis and Mitigation

In evaluation under CEQA, the CEQA statute sections 21083.2.(g) and (h) differentiate between "unique" and "non-unique" archaeological resources (Source IX.67). A unique resource is one that has a high probability that it would do any of the following: contain information needed to answer important scientific research questions (and there is a demonstrable public interest in that information), have a special and particular quality such as being the oldest or best available example of its type, or be directly associated with a scientifically recognized important prehistoric or historic event. A non-unique resource is one that doesn't meet any of those criteria. The CEQA statute states that they need not be given further consideration (under Archaeological Resources) other than recording their existence, if the lead agency so selects.

Nevertheless, as previously discussed the LUP contains local policies which also protect archaeological resources, and do not have this unique/non-unique differentiation. The LUP requires identification and either avoidance or substantial minimization of impacts to archaeological resources (LUP Policies 2.8.3.2 and 2.8.3.4.), which are implemented in the Monterey County Coastal Implementation Plan (CIP). CIP section 20.146.090.D.3 requires that projects be designed to avoid identified archaeological resources, and section 20.146.090.D.4 states that when impacts to an archaeological site cannot be avoided, an archaeological mitigation plan with preservation measures be required. A final report prepared by the archaeologist documenting the results of the preservation activities would also be required as part of implementing such a mitigation plan. Additionally, a non-unique archaeological resource may also still be considered a Tribal Cultural Resource, which is discussed further in section VI.18, Tribal Cultural Resources of this Initial Study.

The construction of the residence and the installation of the sewer line have different potentials to impact archaeological resources. The proposed residence is on a pad essentially graded into a cliff. The geological report (Source IX.60) states that this pad is a cut and fill pad graded into the site around the mid 1960's. Prior to that the site would have been extremely steep slope west to a coastal bluff, making prehistoric habitation unlikely. Additionally, no evidence of resources was identified in PPAC's 2021 archaeological report which included both archival research and a field survey by a qualified archaeologist.

The sewer line excavation runs through a more archaeologically sensitive area, where evidence of potential resources was identified during PPAC's 2024 pedestrian reconnaissance; and while they lacked anthropogenic associations, Wheelis' report also identified one isolated flaked stone debitage fragment and two shell fragments. Neither report ruled out the presence of CA-MNT-1348 in the vicinity of the access and utility easement, and both reports included construction crew cultural awareness training and archaeological and tribal cultural monitoring recommendations to account for this.

Disturbance or destruction of a unique archaeological resource as defined by CEQA Statute section 21083.2.(g), disturbance or improper handling of human remains, or inconsistency with the LUP policies and their implementing regulations in the Monterey County Coastal

Implementation Plan (CIP) protecting archaeological resources would be a potentially significant impact to cultural resources. Excavations for the sewer line trench for this project will involve significant soil disturbance and displacement, and this work may impact unknown potentially significant buried archaeological resources within the project area. It would not be feasible to rule out the possibility of a significant resource at this time, as that would entail essentially trenching the entirety of the sewer line. Therefore three mitigation measures and incorporation of the County's standard condition requiring stopping work if human remains are identified and incorporated.

Mitigation Measure CUL-1 would require that prior to any ground disturbance for the sewer line and within 50 feet of CA-MNT-1348, that qualified archaeologist provide a construction worker awareness training for any construction personnel involved in those earth disturbing activities. This will ensure that workers conducting ground disturbance in the most archaeologically sensitive areas of the project are appropriately trained on how to identify resources and the procedures that need to be adhered to if any resources are identified. As the most archaeologically sensitive area of the site, Mitigation Measure CUL-2 would also require an on-site archaeological monitor during earth disturbing activities for this sewer line and within 50 feet of the mapped resource.

CEQA statute section 21083.2.(i) provides that as part of procedures for project evaluation or as mitigation an agency may make provisions for archaeological sites inadvertently discovered during construction Mitigation Measure CUL-3 and standard Condition No. PDSP003(B) work in conjunction and to achieve this task, and in some ways overlap. CUL-4 would also apply if resources are identified. The intent is that CUL-3 outline procedures for cultural resource protection, while PDSP003(B) has a greater focus on adherence to state law requirements for the disposition of human remains. CUL-3 also cross references in the tribal cultural monitoring mitigation TR-CUL-1, which is discussed in section VI.18 of this Initial Study, as archaeological and tribal cultural resources often overlap. Together these mitigation measures outline the procedures that will be required if any archaeological resources or human remains are uncovered in the course of work, so that work can be halted preventing damage to any resources and appropriate treatment of any human remains, that resources can be documented and assessed by a qualified archaeologist, and that appropriate treatment be developed through the treatment plan mitigation CUL-4.

Together these mitigations and condition would reduce impacts to archaeological resources or human remains to a less than significant level by requiring that construction personnel undertaking work near CA-MNT-1348 be trained to identify cultural resources, that an archaeological monitor be present during earthwork installing the sewer line and/or within 50 feet of CA-MNT-1348, that procedures are in place to halt work if any unknown resources or human remains are uncovered; and that if resources are identified that they be analyzed and a mitigation plan be prepared and implemented. This Mitigation Measure, CUL-4, emphasizes avoidance and preservation consistent with LUP requirements, and outlines the objectives and potential actions required to mitigate for disturbance of archaeological resources. *Impacts would be less than significant with mitigation.*

CUL-1 – Cultural Resources Awareness Training
Prior to ground disturbance for installation of the sewer line running through the utility and access easement on assessor's parcel numbers 241-182-020-000, 241-182-004-000, 241-182-005-000, and 241-182-015-000, or any ground disturbing activities within 50 feet of the boundary of P-27-001377 / CA-MNT-1348, a qualified archaeologist either on the County of Monterey's list of approved archaeological consultants, a Registered Professional Archaeologist, or an archaeologist working under the direct supervision of a Registered Professional Archaeologist shall provide an Archaeological Resources Sensitivity Training to all construction personnel involved in these earth disturbing activities. The training shall include information on how to identify potential cultural resources, and the procedures for if unanticipated cultural resources are discovered during the course of work.

CUL-1 Implementation Actions:

CUL-1a Prior to issuance of grading/construction permits, the owner/application shall submit an executed contract with a qualified archaeologist for the Archaeological Resource Sensitivity training to HCD-Planning for review and approval.

CUL-1b Prior to issuance of grading/construction permits, the owner/applicant shall submit a construction schedule to HCD-Planning with the anticipated dates when sewer line excavation and any work within 50 feet of the boundary of P-27-001377 / CA-MNT-1348 would occur.

CUL-1c Prior to issuance of grading/construction permits, the qualified archaeologist shall review the schedule required by mitigation monitoring action CUL-1b, identify which activities would require the training, and submit that information to HCD-Planning.

CUL-1d Prior to ground disturbance for any work requiring an Archaeological Resources Sensitivity Training as determined by mitigation monitoring action CUL-1c, the owner/applicant/qualified archaeologist shall submit evidence to HCD-Planning that the training required by this mitigation measure occurred. The evidence shall consist of the training materials provided to the construction crew, a list of attendees, and written verification from the qualified archaeologist.

CUL-2 – Archaeological Monitor
A qualified archaeologist either on County of Monterey's list of approved archaeological consultants, a Registered Professional Archaeologist, or an archaeologist working under the direct supervision of a Registered Professional Archaeologist shall be retained to provide on-call services and monitor the excavations for installation of the sewer line running through the utility and access easement on assessor's parcel numbers 241-182-020-000, 241-182-004-000, 241-182-005-000, and 241-182-015-000, and any earthwork within 50 feet of the boundary of P-27-001377 / CA-MNT-1348. The archaeological monitor shall have the authority to temporarily halt work to examine any potentially significant cultural materials or features.

CUL-2 Implementation Actions:

CUL-2a Prior to issuance of grading/construction permits, the owner/application shall submit an executed contract with a qualified archaeologist for the archaeological monitoring to HCD-Planning for review and approval. The contract shall also include on-call services in the event that cultural resources are discovered outside of the monitoring schedule required by Mitigation Monitoring Action CUL-2b.

CUL-2b Prior to issuance of grading/construction permits, the owner/applicant shall submit a construction schedule to HCD-Planning with the anticipated dates when sewer line excavation and any work within 50 feet of the boundary of P-27-001377 / CA-MNT-1348 would occur. The qualified archaeologist shall review the schedule, identify which activities would require archaeological monitoring, and submit that information to HCD-Planning.

CUL-2c During the course of construction, if any archaeological resources are discovered the owner/applicant shall adhere to the requirements of Mitigation Measures CUL-3, and if any human remains are discovered County Standard Condition PD003(B).

CUL-3 – Cultural Resources Stop Work Procedures

If, during the course of construction, archaeological or tribal cultural resources are discovered at the site, the owner/applicant/on-site construction superintendent shall halt work immediately within 50 meters (165 feet) of the find until a qualified archaeologist and tribal cultural monitor can evaluate it. If archaeological or tribal cultural resources are discovered, the owner/applicant/on-site construction superintendent shall also immediately notify County of Monterey HCD – Planning, a qualified archaeologist under contract pursuant to Mitigation Measure CUL-2, and the tribal cultural monitor under contract pursuant to mitigation Measure TR-CUL-1.

When contacted, a qualified archaeologist shall visit the site within 48 hours to determine the extent of resources. Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal Monitor and a qualified archaeologist. If archaeolgoical resources are uncovered the qualified archaeologist, with recommendations from the tribal cultural monitor, develop an archaeological mitigation plan as outlined in Mitigation Measure CUL-4, which the owner/applicant would be required to adhere to.

A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University. Artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.

CUL-3 Implementation Actions:

CUL-3a Prior to the issuance of grading or building permits, the Owner/Applicant shall include the text of this mitigation measure and all mitigation monitoring actions on all grading/building plans.

CUL-3b During construction, should any archaeological or tribal cultural resources be discovered at the site, the owner/applicant/on-site superintendent shall halt work immediately within 50 meters (165 feet) of the find until a qualified archaeologist and tribal cultural monitor can evaluate it.

CUL3c During construction, should any archaeological resources, tribal cultural resources, and/or human remains be encountered, the owner/applicant shall establish a 100 foot radius buffer zone of no disturbance and no entry with stakes and flagging tape until a qualified archaeologist and/or the County coroner can inspect the find. The owner/applicant/applicant's contractor shall be responsible to work in cooperation with the on-site monitors and protect the resource until it can be evaluated.

CUL-3d During construction, if archaeological or tribal cultural resources are discovered, the owner/applicant/on-site construction superintendent shall also immediately notify HCD – Planning, a qualified archaeologist under contract pursuant to Mitigation Measure CUL-2, and the tribal cultural monitor under contract pursuant to mitigation Measure TR-CUL-1.

CUL-3e If contacted pursuant to mitigation monitoring action CUL-3c, a qualified archaeologist shall visit the site within 48 hours to determine the extent of resources. The owner/applicant/qualified archaeologist shall consult the tribal cultural monitor for recommendations on the disposition of any tribal cultural resources with appropriate dignity. Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal Monitor and a qualified archaeologist. Once catalogued, the qualified archaeologist shall prepare an archaeological Mitigation Plan as required by CUL-4.

CUL-3f On an on-going basis, the owner/applicant shall ensure that artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.

CUL-4 – Archaeological Mitigation Plan
If archaeological resources are identified during the course of construction, a qualified archaeologist shall prepare an archaeological mitigation plan in accordance with Monterey County Coastal Implementation Plan section 20.146.090.D.4. In preparing the plan the archaeologist shall consult with the tribal cultural monitor for the treatment of any cultural resources with appropriate dignity, and the final disposition of any artifacts, and submit the plan to HCD-Planning for review and approval.

The goals of the plan are to avoid disturbance of resources to the extent feasible, document any unique archaeological resources which would be directly impacted by construction activities, and ensure that the recommendations of the Tribal Cultural Monitor are considered.

- Measures to avoid disturbance of resources include re-siting or re-designing approved project components if feasible, or capping/covering the resource in a non-destructive manner.

- In accordance with Carmel Area Land Use Plan Policy 2.8.3.4, avoidance shall be pursued prior to considering excavation and recovery.
- Avoidance shall be considered infeasible if re-design would preclude developing the site with a single-family residence and associated utilities entirely, or result in a reduction of square footage of 10% of the single-family dwelling and attached garage.
- If avoidance is determined infeasible, the qualified archaeologist shall formulate measures for their treatment and recovery that document the unique resource prior to removal.
- Recommendations of the Tribal Cultural monitor shall be in the plan considered, such as leaving resources in place, reburial onsite, returning them within one (1) year to a representative of the appropriate tribe as recognized by the Native American Heritage Commission, or donating them to the Monterey County Historical Society.

CUL-4 Implementation Actions:

CUL-4a If archaeological resources are identified during the course of construction, a qualified archaeologist shall convene with the applicant, project designer(s), HCD-Planning, and the Tribal Cultural Monitor to assess whether avoiding Cultural or Tribal Cultural resources is feasible.

CUL-4a(i) If avoidance of resources is determined to be infeasible by the qualified archaeologist with concurrence from HCD-Planning, the qualified archaeologist shall document this in a letter report and submit it to HCD-Planning.

CUL-4a(ii) If avoidance of resources is feasible, the qualified archaeologist shall incorporate those avoidance measures in the archaeological mitigation plan, and the owner/applicant shall submit revised plans to Housing and Community Development incorporating any feasible re-design/avoidance for review and approval.

CUL-4b If archaeological resources are identified during the course of construction, and after the completion of mitigation monitoring action **CUL-4a,** the qualified archaeologist shall prepare an archaeological mitigation plan in accordance with Monterey County Coastal Implementation Plan section 20.146.090.D.4. The qualified archaeologist shall consult with the tribal cultural monitor for recommendations regarding treatment with appropriate dignity and disposition of any cultural resources, and submit the plan to HCD-Planning for review and approval. Beyond avoidance, measures in the plan may include testing, evaluation, and documentation by a qualified archaeologist, and placement of an archaeological protection easement, based on the recommendations of the qualified archaeologist.

CUL-4c The owner/applicant shall be required to adhere to the approved archaeological mitigation plan on an on-going basis.

CUL-4d Within one year of the completion of all field work, the qualified archaeologist shall prepare a final technical report containing the results of all analyses, and submit it to HCD-Planning and the Northwest Regional Information Center at Sonoma State University. This technical report shall also document how the measures in the

archaeological mitigation plan were adhered to, or if any other follow up action is required to ensure compliance with this mitigation plan.

PDSP003(B) – Standard Condition
If archaeological resources or human remains are accidentally discovered during construction, the following steps will be taken:

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

If the coroner determines the remains to be Native American:
- The coroner shall contact the Native American Heritage Commission and HCD - Planning within 24 hours.

- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendant.

- The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, Or

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

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

PDSP003(B) Implementation Actions:

Prior to the issuance of grading or building permits or approval of Subdivision Improvement Plans, whichever occurs first, the Owner/Applicant, per the archaeologist, shall submit the contract with a Registered Professional Archaeologist for on-call archaeological services should resources be discovered during construction activities. Submit the letter to the Director of the HCD – Planning for approval.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements

of this condition as a note on all grading and building plans, on the Subdivision Improvement Plans, in the CC&Rs, and shall be included as a note on an additional sheet of the final/parcel map.

Prior to Final, the Owner/Applicant, per the Archaeologist , shall submit a report or letter from the archaeologist summarizing their methods, findings, and recommendations if their services are needed during construction or if no resources were found.

6. ENERGY Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Source IX.41)	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Source IX.24, 42)	☐	☐	☐	☒

Discussion/Conclusion:

Energy 6(a) – Less than Significant

During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. Construction energy consumption would be temporary and would be consistent with that used by other similar projects within the County. The project entails the construction of a single-family residence. Given the scale of the project, construction energy use would be nominal and short-term. As such, it would not be considered wasteful, inefficient or unnecessary due to the scale of the project. In addition, the project would adhere to applicable federal and state regulations requiring fuel-efficient equipment and vehicles and prohibiting wasteful activities, such as California Code of Regulations Title 13 Sections 2449 and 2485, which prohibit diesel-fueled commercial motor vehicles and off-road diesel vehicles from idling for more than five minutes and would minimize unnecessary fuel consumption (Source: IX.41). Therefore, energy use during construction would have a less than significant impact.

Operational energy consumption would be primarily associated with the use of the residence and vehicle trips to and from the residence. The increase in energy consumption and vehicle trips associated with operation of the residence would represent a negligible increase in energy consumption and vehicle trips in the region. *Impacts resulting from the inefficient, wasteful, or unnecessary consumption of energy, as well as from conflicts with state or local plans for renewable energy or energy efficiency would be less than significant.*

Energy 6(b) – No Impact

The proposed project would be required to be designed and constructed in full compliance with the California Building Code (CBC), including applicable green building standards and building energy efficiency standards such as CALGreen; CBC, Title 24, Part 11, which requires implementation of energy efficient light fixtures and building materials into the design of new construction projects (Source: IX.42).

The local plan providing guidance on energy policy is the Monterey County 1982 General Plan. The project would not conflict with any of policies in this plan, and as discussed in section VI.11 Land Use and Planning would be consistent with policy 13.4.2, which requires that new residential dwelling be required to meet or exceed State of California building efficiency standards (Source IX.24). *Therefore, there would be no impacts associated with conflict with a state or local plan for renewable energy or energy efficiency*.

7. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause 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? Refer to Division of Mines and Geology Special Publication 42. (Source: IX.13, 21, and 59)	☐	☐	☐	☒
ii) Strong seismic ground shaking? (Source IX.20, 52, 59, and 60)	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction? (Source: IX.60)	☐	☐	☒	☐
iv) Landslides? (Source : IX.7, 19, 20, 39, 52, 59 and 60)	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil? (Source IX.52, 59, and 60)	☐	☐	☒	☐
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.7, 19, 20, 39, 52, 59 and 60)	☐	☐	☒	☐
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.60)	☐	☐	☒	☐
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.39 and 55)	☐	☐	☐	☒
f) Directly or indirectly destroy a paleontological resource or site or unique geologic feature? (Source IX.24)	☐	☐	☒	☐

Discussion/Conclusion:

Overview

The project is subject to the Carmel Area Land Use Plan (LUP) policies regarding development in hazardous areas (Source IX.7), and their implementing regulations in the Monterey County Coastal Implementation Plan (CIP) (Source IX.43), which require geological and geotechnical reports be prepared to address geologic hazards as part of development applications. The project is within 50 feet of a coastal bluff, and site grading would entail 2,305 cubic yards of cut and 355 cubic yards of fill, resulting in net cut of 1,950 cubic yards; approximately 6,758 square feet of this grading would occur on slopes in excess of 30%.

In accordance with CIP section 20.146.080.B.1., coordinated geological and geotechnical reports were prepared to assess the potential of the project to be impacted by geologic hazards. Both the geological and geotechnical reports had preliminary and final versions. The preliminary versions

generally assessed the suitability of the site for single-family residential development, while the final versions contained more detailed hazards analysis and recommendations. These included:

- a Geologic Feasibility Assessment prepared by Easton Geology, Inc., dated August 17, 2020, HCD-Planning File No. LIB210218 (Source: IX.19);
- a Geologic Investigation, Johnson Property, also prepared by Easton Geology, Inc., dated December 15, 2022 (referred to as "the geological report"), HCD-Planning File No. LIB240060) (Source IX.59);
- a Preliminary Geotechnical Investigation prepared by Rock Solid Engineering, Inc., dated August 14, 2020, HCD-Planning File No. 210219 (Source: IX.20); and
- a Geotechnical Investigation also prepared by Rock Solid Engineering, Inc., dated December 15, 2022 (referred to as "the geotechnical report"), HCD-Planning File No. 240059) (Source IX.60).

The reports started by establishing the geological context for the site. The property is situated on a tall granitic bluff between Highway 1 and the Ocean, just north of Wildcat Cove. The bluff was formed over thousands of years through combined geologic processes of fluctuations in sea level, tectonic uplift, and base surf erosion. A small level cut and fill pad was excavated on the site sometime in the mid 1960's before 1967. The preliminary geotechnical investigation characterized the soil profile as generally consisting of fill, colluvium, and highly weathered granite that becomes less weathered and stronger with depth. Artificial fill was encountered on the west of the cut and fill pad. (Sources IX.19, 59, and 60)

In its conclusions, the geological report stated that the primary geological concerns for the site are slope instability, long-term coastal erosion, and seismic shaking. Both the geological and geotechnical reports considered the site suitable for a single-family residence, provided that the recommendations within them were followed. These included criteria for site preparation, grading, foundations, and other improvements, projection of foundations below a projected 100-year bluff erosion profile established in the reports, direction of concentrated drainage away from the ground surface or steep slopes to prevent shallow landsliding or ponding, and review of grading and foundation plans (Source IX.59 and 60). A standard condition of approval is would be required as part of the project which would require that the applicant record a notice on the property affirming that they will adhere to the recommendations of these reports. The analysis and conclusions of these reports are discussed in further detail in the subsequent sections. The LUP also has a number of policies regarding grading and development on slopes in excess of 30 percent, which are discussed in section VI.1 Aesthetics.

Geology and Soils 7(a.i) – No Impact

The project site is not located in an Alquist-Priolo fault zone based on mapping data from the California Department of Conservation (Source IX.21). No known fault lines or fault traces traverse the site (Source IX.13), and the geological report identifies the nearest fault as the San Gregorio Hosgri (Sur Segment) approximately 4.6 kilometers from the site (Source IX.59). The project is in an area of high seismicity, and ground shaking resulting earthquakes is discussed separately in the subsequent section. *As are no known faults or fault traces traversing the site based on available mapping data and the geological report prepared from the project, there would be no impact resulting from ruptures of known faults.*

Geology and Soils 7(a.ii) – Less than Significant

Ground shaking is the soil column's response to seismic energy transmission. Ground shaking caused by earthquakes is a complex phenomenon, and transmission of earthquake vibrations into buildings from the ground can structurally damage them (Pg. 3, Source IX.20). The geological report states that seismic shaking will be strong during the next major earthquake along local fault systems, and that the controlling reference for the properties seismic design criteria was the nearby San Gregorio-Hosgri fault, which is approximately three miles west of the site (Pg. 13, Source IX.59).

The geological report and geotechnical report (Sources IX.59 and 60) both conclude that the site would be suitable for the proposed use provided that their recommendations are implemented. The geologist included recommendations for seismic design factors, including the anticipated earthquake magnitude of M_w 7.0, an expected strong shaking duration of 14 seconds, and a "ground acceleration" factor of 0.80g. The geotechnical engineer stated that that all proposed structures would be designed with the corresponding seismic design parameters in accordance with the California Building Code, and included recommendations for grading and site preparation, drainage, utility trenches, and the foundation system. A standard County condition of approval would be applied to the project that would require that the applicant record a notice on the property affirming that they will adhere to the recommendations of these reports. Additionally, as part of the Conty's ministerial grading and building permit review process, the project would be required to adhere to County's Grading Ordinance (Monterey County Code Chapter 16.08, Source IX.52) and the California Building Code (Pg. 4, Source IX.60), both of which require incorporation of the recommendations of geologic and soils reports. Section 16.08.110 states that applications for grading shall be accompanied by a soil engineering report and engineering geology report, and that those recommendations included in the report and approved by the Building Official be incorporated in the grading plans and specifications.

The recommendations of both reports ensure that ground shaking would not significantly impact structures or occupants, and incorporation of the County's standard notice of report condition and the grading and building permit processes would ensure these recommendations are adhered to. *Therefore, impacts related ground shaking would be less than significant.*

Geology and Soils 7(a.iii) – Less than Significant

Earthquakes can cause other seismic related ground failures, including soil liquefaction and lateral spreading. The geotechnical engineer concluded that the potential for these hazards was low, based on their review of County of Monterey GIS information and their field observations, including the sites relatively dense soil and lack of a shallow groundwater table (Source IX.60). *Therefore impacts related to liquefaction and other seismic related ground failure would be less than significant.*

Geology and Soils 7(a.iv and c) – Less than Significant

Due to the inter-related nature of long-term bluff erosion and bluff stability issues as coastal hazards, this section combines subsections VI.7a.iv and c, while topsoil erosion is addressed below in VI.7b.

Long-term Coastal Bluff Erosion

As previously mentioned the property is situated on a tall granitic bluff between Highway 1 and the Ocean, which was formed over thousands of years through combined geologic processes of fluctuations in sea level, tectonic uplift, and base surf erosion. When geologic investigations are prepared for bluff development, LUP policies 2.7.4.7 requires that these reports include analysis of cliff geometry, historic bluff retreat, and foreseeable cliff erosion (Source IX.7). The geological report estimated evaluated aerial photographs of the site dating back to 1929, and conservatively estimated that bluff retreat has been at most one foot in 10 years. While not necessarily a representative sample, between 2010 and 2016 retreat of the bluff face near the site was significantly less, approximately one tenth of a foot in 10 years, indicating retreat rates along the granitic coast at the site are very slow. Sea level rise does have the potential to accelerate coastal erosion processes, however the report concludes that due to the site's very low bluff erosion rate, a hypothetical erosion rate increase of 25% would have a negligible impact on the development during its lifetime (Source IX.59).

Therefore, for projected retreat the geologist established an anticipated bluff retreat of one foot per 10 years, so retreat of the bluff face would be approximately 10 feet over the next 100 years. The geologist's bluff retreat analysis also included retreat from potential rock topple or sliding along dipping joint planes (Pg. 2, Source IX.19). Using these factors, the geologist mapped a geologically feasible building envelope, which is shown as the dark grey area in Figure 8 below. The cross section in Figure 9 provides a graphic representation of how the areas seaward of the bluff would erode over this 100 year period. Development would be feasible seaward of this envelope provided that foundation improvements were installed below the 100-year anticipated bluff retreat profile. Portions of the proposed development are within this geologically feasible building envelope, while much of the residence is seaward of it, and the applicant is proposing a micro-pile foundation that would be installed below the 100-year anticipated bluff retreat profile (Source IX.39).

LUP policy 2.7.3.4 requires that in locations determined to have significant hazards, development permits include a special condition requiring the owner to record a deed restriction describing the nature of the hazard and long-term maintenance requirements, and LUP policy 2.7.4.10 states that revetments and sea walls shall only be allowed for the protection of existing (rather than new) development (Source IX.7). Therefore, a standard condition would be applied and incorporated into the project to ensure consistency with these policies. This condition would require the applicant to record a deed restriction identifying that the site is subject to coastal hazards, assuming the risks of such development, waiving liability, indemnifying the Coastal Commission and County of Monterey for any damages due to coastal hazards, prohibiting future coastal armoring, requiring geotechnical analysis evaluating whether development is safe should land sliding or bluff erosion threaten it, and re-location/removal should the development become unsafe without the installation of new sea walls or shoreline protective structures.

To summarize, the preliminary geological report analyzed bluff retreat and concluded that development would be geologically feasibly as long as structures were sited landward of their anticipated 100 year anticipated bluff retreat profile, or their foundations extended below it (Pg. 2, Source IX.19). Portions of the residence are landward of the profile, and the portions that are seaward of it will use a micropile foundation system to ensure that they're sufficiently founded

below the bluff profile (Source IX.39). The County is also incorporating a condition requiring that development be re-evaluated and/or removed if it ever becomes threatened by coastal hazards such as bluff erosion (Reference Policy 2.7.3.4, Source IX.7). *As the project incorporates the recommendations of the geological report to either site improvements landward of their 100 year bluff profile our extend foundations below it, and the County's Local Coastal Program requires conditions that will ensure that development is re-evaluated and potentially removed if every threatened by coastal hazards, impacts relative to Long-term Coastal Bluff Erosion would be less than significant.*

Figure 11 Geologically feasible building envelope (Source IX.19)

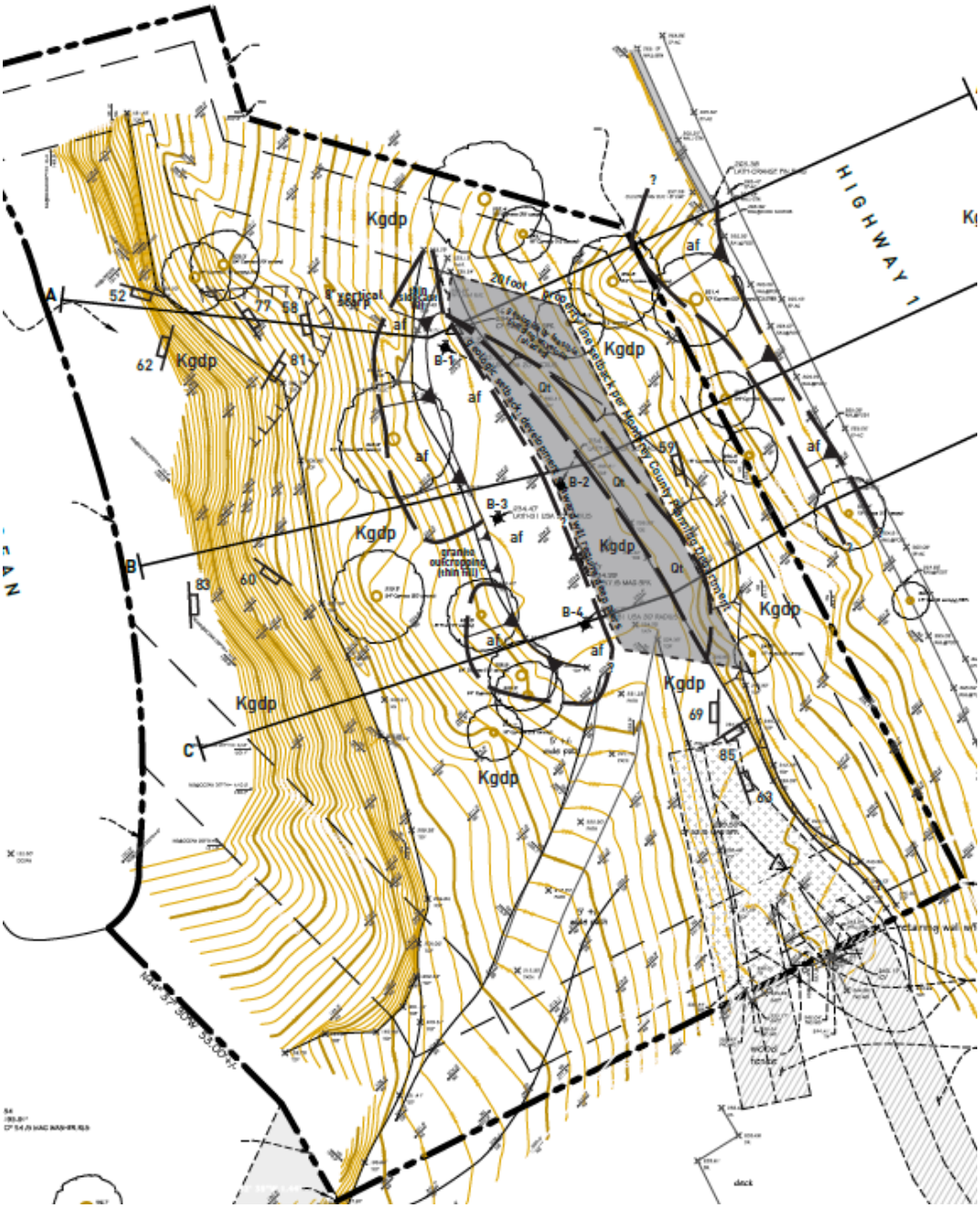
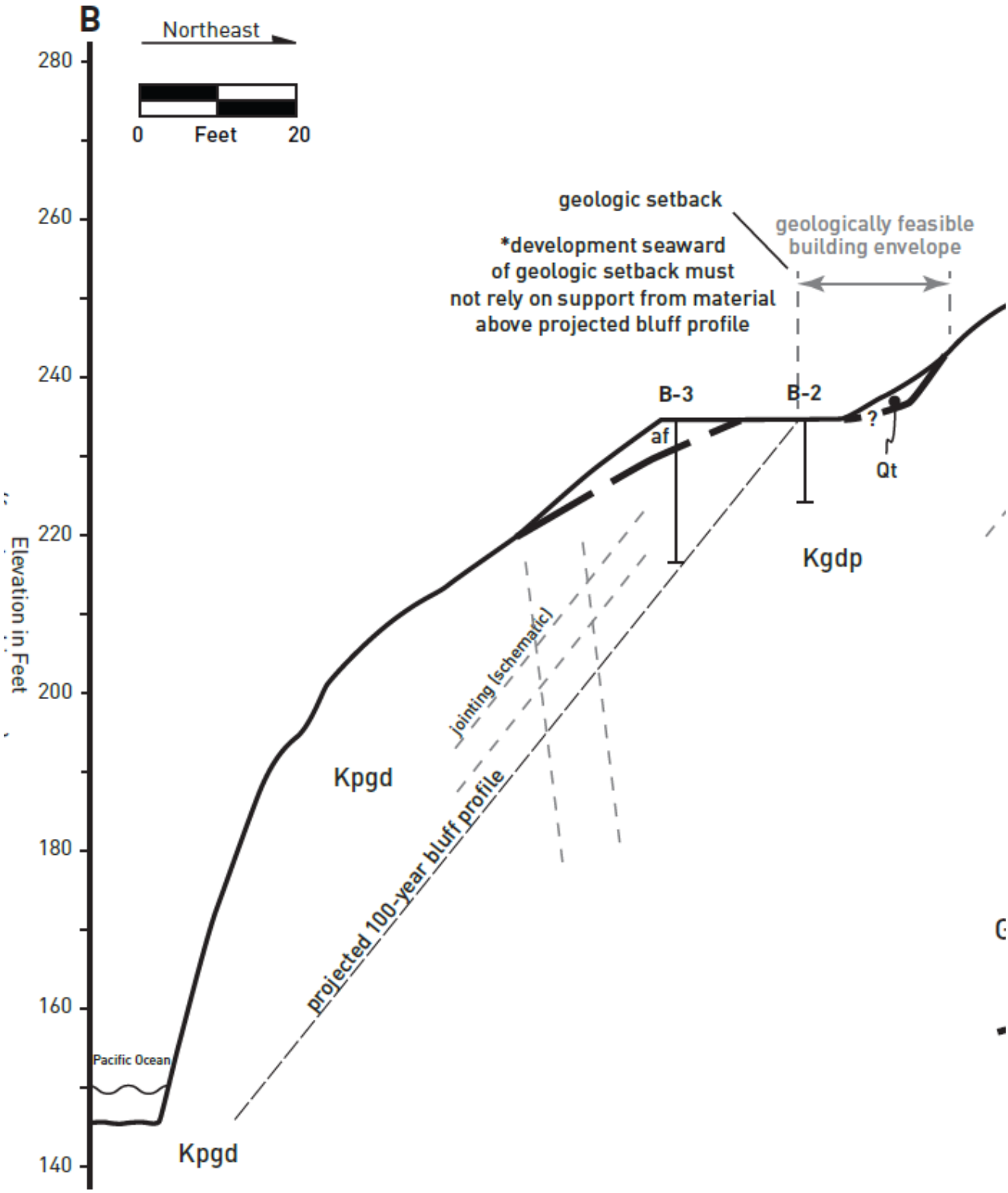


Figure 12 **Geologic Cross Section** (Source IX.19)



Landslides/Slope Instability

As previously discussed the site is situated on a tall granitic bluff. Strong ground shaking can cause landslides or slope failure. The geological report (Source IX.59) states that while deep landsliding, incorporating a large part of, or the entire slope is possible, the initiation of new large landslides is exceedingly rare and relatively uncommon in granodiorite. There was no indicators of previous slides in the area, such as scarps, large bowl-shaped swales, or "hummocky" topography.

Similarly the highly jointed granitic bedrock underlying the site may be prone to relatively shallow translational sliding in weak joints or shears daylighting onto the slope, but the geologist saw no evidence during their surface or subsurface investigation to support that a landslide potential exists in the less weathered granodiorite. The geologist concluded that improvements too close to the bluff would have a high risk of damage resulting from bluff instability, however, the likelihood of retreat to impact improvements is low provided they are well founded, below the 100 year bluff retreat setback mentioned above, or adequately setback from the bluff.

The Preliminary Geotechnical Investigation also included a quantitative slope stability analysis which indicated that the soil and weathered granite slopes meets or exceeds the current industry standard minimum safety factor above weathered granite (Source IX.20). Similar to the geological report, the geotechnical report recommends either siting improvements landward of the 100 year bluff setback or embedding their foundations below it to address landslides (Source IX.60). Both reports also emphasized controlling drainage to prevent erosion, which could also impact bluff stability.

Therefore, based on the analysis of both these reports, the same measures that address long-term bluff erosion and surficial soil erosion would also address landslides/slope stability, namely incorporating the geological and geotechnical reports recommendations as required by the County's standard conditions of approval , including embedment of foundations below the 100-year bluff profile established by the geological report and the design recommendations of the geotechnical report, the ministerial grading and building permit processes, which include review of grading and erosion control plans for compliance with the requirements of Monterey County Code Chapter 16.08 and 16.12. (Source IX.52), and incorporation of the coastal hazards deed restriction required by the LUP mentioned above (Reference Policy 2.7.3.4, Source IX.7), which will addresses hazard both from direct bluff retreat and from landsliding. *Therefore, with incorporation of these two conditions and the County's standard grading, erosion control, and building permitting requirements, impacts would be less than significant.*

Geology and Soils 7(b) – Less than Significant

The sites relatively soft colluvial surface soils are prone to erosion if site drainage is uncontrolled or misdirected. Therefore, the geologist recommended that All drainage from improved or impervious surfaces, such as walkways, patios, roofs, and driveways on the property should be collected in impermeable gutters or pipes and discharged in an area where it will not cause erosion of the loose underlying soils (Pg. 14, Source IX.59). The geotechnical report also recommended that no concentrated drainage be directed to the steep bluff (Pg. 12, Source IX.60). As previously mentioned, a standard County planning condition of approval would incorporated

that requires that the applicant record a notice on the property affirming that they will adhere to the recommendations of these reports. Additionally, as part of ministerial review of grading and building permits, the project would be required to comply with the County's Erosion Control ordinance, Monterey County Code Chapter 16.12 (Source IX.52). This would include submittal of an erosion control plan, which would be reviewed for consistency with the requirements of that chapter, including incorporation of best management practices to prevent and minimize potential erosion and sedimentation. *Therefore, incorporation of the geologist and geotechnical engineers recommendations, the County's standard conditions of approval, and the County's ministerial grading permit processes would ensure that erosion related impacts are less than significant.*

Geology and Soils 7(d) – Less than Significant

Expansive soil undergoes volume changes (shrinkage and swelling) with changes in moisture content. As expansive soil dries, the soil shrinks. When the moisture content increases, expansive soil swells. This behavior causes distress and damage to structures that are constructed on expansive soils. Based on their field observations and the granular nature of the silty sands encountered near the surface of the site, the geotechnical report concluded that the potential for expansive soils should be considered low (Pg. 11, Source IX.60). *Therefore, impacts relative to expansive soils would be less than significant.*

Geology and Soils 7(e) – No Impact

The project would be served by a "septic tank effluent pumping" (STEP) system, which means that effluent would be conveyed to the municipal sewer system (Carmel Area Wastewater District), while sold waste would be collected in a septic tank, which trucks would need to haul offsite (Source IX.55). Because of this there would be no dispersal leech fields. The Environmental Health Bureau (EHB) reviewed the project with this system proposed, and the Carmel Area Wastewater District (CAWD) both issued a can and will serve letter for the property (Source IX.39). Their has been no indication from either EHB or CAWD that the soils would not be suitable for the STEP system proposed. *Therefore, no impacts from septic systems or alternative wastewater disposal systems would occur.*

Geology and Soils 7(f) – Less than Significant

The Monterey County General Plan acknowledges that many paleontological resources have been discovered throughout Monterey County (Source: IX.24). It is always possible to encounter buried or possibly redeposited paleontological resources during construction and grading activities. In the event of unanticipated discovery of paleontological resources, impacts would be reduced to a less than significant level with implementation of a County condition of approval regarding paleontological resources: in the event that a potential paleontological resources is encountered during construction, work would immediately halt and a qualified paleontologist would evaluate the find. This County's standard conditions of approval have this requirement; however it is typically incorporated into the "negative archaeological site" condition. As that condition would not be applicable to this project (See section VI.5 and VI.18 of this Initial Study for discussion of archaeological and tribal cultural resources, respectively), this condition is being applied as a "non-standard" condition. *Therefore, with implementation of the County's typical stop work requirements for paleontological resources incorporated as a project condition of approval, impacts would be less than significant.*

8. 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.24 and 42)	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: IX.24 and 42)	☐	☐	☒	☐

Discussion/Conclusion:

Greenhouse Gas Emissions 8(a-b) – Less than Significant

The project involves the construction of a single-family residence. Temporary construction-related emissions would result from use of construction equipment. The County of Monterey does not currently have an adopted greenhouse gas (GHG) reduction plan with numerical reduction targets for individual uses and developments.

The 1982 General Plan section on Energy Resources contains policies relevant to GHG emissions. Policy 13.4.2 which requires all new residential dwellings to meet or exceed the building efficiency standards established by the State of California. In addition, the 1982 General Plan includes Policy 13.4.3 which encourages building designs that reduce demands for artificial heating, cooling, ventilation, and lighting (Source: IX.24). The project would comply with California Building Energy Efficiency Standards, which require green building features such as energy-efficient lighting (Source IX.42). Therefore, the proposed project would not conflict with the policy direction contained in the General Plan.

The project would not substantially increase population in the area and would therefore not increase demand for electricity, heat and other utilities that create GHG in production. Additionally, as discussed in Section IV.17, the project would not substantially increase traffic compared to existing conditions. Therefore, the proposed project would not result in a substantial increase in operational GHG emissions. The proposed project's short-term construction and long-term operational GHG emissions would be minimal and would not have a significant impact on the environment. Since the GHG emissions associated with the project are minimal, it would neither generate GHG emissions either directly or indirectly that may have a significant impact to the environment; nor result in emissions that would conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. *Impacts would be less than significant.*

9. 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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.13)	☐	☐	☐	☒
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.25, IX.26)	☐	☐	☐	☒
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 or excessive noise for people residing or working in the project area? (Source IX.13)	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX.27)	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Source: IX.28, 33, 34, 39, 40, 58)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

Hazards and Hazardous Materials 9(a-b) – Less than Significant

The proposed project would involve the construction of a single-family residence, which typically would not use or store large quantities of hazardous materials in operation. Potentially hazardous materials such as fuels, lubricants, and solvents would be used during project construction. However, the transport, use, and storage of hazardous materials during project construction would be conducted in accordance with all applicable state and federal laws, including the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and CCR Title 22. *As no hazardous materials in excess of what would typically be expected in the construction of a single-family residence would be present, and with adherence to applicable hazardous materials laws, impacts would be less than significant.*

Hazards and Hazardous Materials 9(c) – No Impact

The nearest school to the project site is Carmel River Elementary School, located approximately three miles north of the project site (Source IX.13). Additionally, as discussed above, operation

of the project would not be expected to create a significant hazard to the public or the environment. Because the project site is not located within 0.25 mile of an existing or proposed school and the project is not expected to create a significant hazard to the public or the environment, *no impact would occur.*

Hazards and Hazardous Materials 9(d) – No Impact

A search of the State Water Resources Control Board (SWRCB) Geotracker database and the California Department of Toxic Substances Control EnviroStor database was conducted in July 2023; neither database shows a cleanup site within 0.25 mile of the project site (Source: IX.25, IX.26) Therefore, the project site and adjacent properties are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The proposed project would not create a significant hazard to the public or the environment. *No impact would occur*.

Hazards and Hazardous Materials 9(e) – No Impact

The nearest airport to the project site is the Monterey Regional Airport, located approximately 7.6 miles to the northeast. The site is not within two miles of a public or public use airport or within an airport land use plan (Source IX.13). *Therefore, no impact would occur.*

Hazards and Hazardous Materials 9(f) – No Impact

Monterey County Office of Emergency Services has developed an Emergency Operations Plan, last updated in 2020, which contains response and recovery protocols for several types of natural, technical, and human-caused emergencies. The Emergency Operations Plan outlines the roles and responsibilities of the County and partnering entities during emergency responses (Source: IX.27). Construction of the proposed project would not result in lane closures on Highway 1 and would not create new obstructions to the County's Emergency Operations Plan. In addition, the proposed project would not result in inadequate emergency access as project plans are subject to review and approval by Carmel Highlands Fire Protection District during the permit process. The grading and construction plans would require implementation of fire protection safety features, including emergency access. Therefore, the proposed project would not impair implementation of or physically interfere with an adopted emergency response or evacuation plan. *No impact would occur*.

Hazards and Hazardous Materials 9(g) – Less than Significant

CAL FIRE's Fire Hazard Severity Zone (FHSZ) Map indicates the potential fire risk for areas within the state. The project site is located within a Very High Fire Hazard Severity Zone (VHFHSZ) in an area designated as a State Responsibility Area (Source IX.28). The project site is within the service area of the Carmel Highlands Fire Protection District, which provides fire protection service through a contract with CAL FIRE. The Carmel Highlands Fire Protection District station is located 0.25 mile to the northeast of the project site (Source IX.40). Project construction activities would be performed in compliance with local building code and fire code standards.

The project includes a designated turnaround area for fire trucks, and includes an emergency fire access stairway along the eastern property line parallel to Highway 1 which would allow emergency evacuation or a secondary access to the site for emergency responders. The project is

bordered by the Pacific Ocean to the west and Highway 1 to the east, and is not within or adjacent to wildlands and would therefore not increase exposure to wildland fires (IX.39).

Additionally, as discussed in section VI.20 wildfire subsection VI.20(b), due to slope and prevailing wind, fires originating upslope of the project would likely travel east to west and away from the project site; and wildfires would not originate downslope of the site as it's bordered by the Pacific ocean (Source IX.33 and 34). During construction, the project would involve the use of construction equipment which may produce sparks, that could ignite on-site vegetation. The project would be required to comply with regulations related to construction equipment and fire suppressants, including but not limited to California Public Resources Code Section 4442 (Source IX.58), which requires spark arrestors on potentially-spark inducing equipment.

Therefore, due to slopes, prevailing winds, and adherence to building code, fire code, and standard fire prevention regulations, impacts related to wildland fires would be less than significant.

10. 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 or otherwise substantially degrade surface or groundwater quality? (IX.39, 52)	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Source: IX.29, 39, 51, 63)	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (Source IX.39)				
i) result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	☐	☐	☒	☐
iii) 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?	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (Source: IX.31, IX.32, 39, and 64)	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Source: IX.29)	☐	☐	☐	☒

Discussion/Conclusion:

Hydrology and Water Quality 10(a) – Less than Significant

Development of the proposed project would involve site preparation, grading, and building construction. Associated grading would involve excavation of approximately 2,305 CY of soil, and approximately 150 CY of gravel/rock from drilling (IX.39).

The project application materials identify implementation of construction best management practices (BMP's) to avoid waste discharge and impacts to surface water quality, including maintenance of sediment barriers and silt fences along the perimeter of working areas, and daily watering of exposed soil for dust control.

The proposed project would also be required to comply with Monterey County Code Chapter 16.12, the County's Erosion Control Ordinance (Source IX.52), which sets forth required provisions for project planning, preparation of erosion control plans, runoff control, land clearing, and winter operations; and establishes procedures for administering those provisions. The project would require a ministerial grading permit through HCD-Building Services. This

would include submittal of an erosion control plan including incorporation of the best management practices discussed above. These requirements would prevent and minimize potential erosion, sedimentation, and spills. *Therefore, the application of the County code through the County's standard ministerial grading permit process ensures impacts would be less than significant.*

Hydrology and Water Quality 10(b) – Less than Significant

The project site lies within the Central Coast Regional Water Quality Control Board (CCRWQCB), which regulates sources of water quality related issues resulting in actual or potential impairment or degradation of beneficial uses, or the overall degradation of water quality. The project site does not overlie a groundwater basin (Source: IX.29). Additionally, due to the site's slope and cliffside, it is unlikely that the project site contributes to groundwater recharge. Therefore, the project would not interfere with groundwater recharge.

The project would receive potable water from the Highway 1 Water Distribution System No. 12. This water system is permitted by the Monterey Peninsula Water Management District with Water Distribution System Permit No. M13-05-L2, the County of Monterey HCD-Planning with Coastal Administrative Permit PLN120263, and a small water system permit with the County of Monterey Environmental Health Bureau (System ID No. 2702809). The Monterey Peninsula Water Management District with Water Distribution System Permit No. M13-05-L2 establishes an annual production limit of 1.87 acre-feet per year. This system serves three properties, two of which are developed with single-family residences. (Sources IX. 50, 51, and 63)

As part of the Coastal Administrative Permit PLN120263, a Water Demand, Well Adequacy, and Pumping Impact Assessment was prepared and revised by Bierman Hydrogeologic (Source IX.65), and a Technical Memorandum by Pueblo Water Resources, Inc. (Source IX.66) reviewing the revised assessment. The initial assessment, its revised version, and the review all concluded that the well would have adequate capacity to serve a three connection water system, and that offsite well impacts would be less than significant. Biermen's revised report summarized that:

- There would be no onsite well pumping impacts;
- There would be no significant offsite impacts to neighboring wells;
- There would be no offsite impacts to Sensitive Environmental Receptors (the Pacific Ocean); and
- There would be no significant impacts to in-stream flows of Wild Cat Creek.

Estimated water usage for the other two properties is 0.65 acre-feet per year. The project has an anticipated water demand of approximately 0.42 acre-feet per year (Source IX.39), meaning after completion of the project total water use would be 1.07 acre-feet per year for the system, within the 1.87 acre-feet production limitation. Therefore, the well would have sufficient capacity for the proposed project. *As the project would not interfere with groundwater recharge, the capacity of the well to serve a three connection water system has already been analyzed and determined to have less than significant impacts, and the project would be within the production limitations established for that system, project impacts to groundwater supplies and groundwater recharge would be less than significant.*

Hydrology and Water Quality 10(c.i-c.iv) – Less than Significant

The project site is adjacent to the Pacific Ocean. The nearest river to the site is Wildcat Creek, located approximately 0.25 mile southeast of the project site. The proposed project would not alter the course of any stream or river but would alter existing drainage flows on the project site, as it would involve grading and excavation and would add 8,435 square feet of impervious surfaces to the project site (IX.39) However, the scale of development is limited to a single-family residence and associated site improvements, and the project includes a storm drain system which would capture runoff from structures and impervious surfaces in catch basins it toward dispersion trenches where water would infiltrate into the soil. The capacity of the drainage systems was designed to capture the planned stormwater drainage, and the limited scope of the project and incorporation of onsite stormwater control and infiltration will ensure that modifications to the existing drainage pattern do not result in substantial erosion, siltation, or flooding on or off site. *Therefore impacts would be less than significant.*

Hydrology and Water Quality 10(d) – Less Than Significant

The Pacific Ocean west of the project site is designated as a one percent annual chance flood hazard zone; however, the project is not located within a flood hazard zone (Source: IX.32). Portions of the site are within a Tsunami Hazard area mapped by the US Department of Conservation, however, the area of the site where development is proposed is not (Sources IX.31 and 39). As the project site is 80 or more feet above mean sea level and shielded by a bedrock headland which blocks the direct approach of waves, the project geologist did not believe that tsunami or storm surge could reach the development areas. They also saw no evidence of wave run up reaching the site during their field investigation (Source IX.64). Additionally, the proposed single-family residence would not store large quantities of hazardous materials on site that would result in the release of pollutants if the project site is inundated. Therefore, the proposed project would not have the potential to risk release of pollutants due to project inundation. *There would be no impact.*

Hydrology and Water Quality 10(e) – No Impact

The project site lies within the Central Coastal Basin, which is regulated by the Central Coast RWQCB. As demonstrated throughout this section, construction or operation of the project would not generate pollutant runoff in amounts that would cause degradation of water quality or result in substantial decrease in groundwater supplies or recharge. The property is also not in a Groundwater Sustainability Plan area (Source IX.29). Therefore, the project would not conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan. *There would be no impact.*

11. 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? (IX.39, 44)	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (IX.7, 14, 18, 22, 24, 39, 42, 43, 52, 59, 60)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:

Land Use and Planning 11(a) – No Impact

The project would involve construction of a single-family residence within a parcel zoned as LDR/1-D (CZ) and would be consistent with zoning requirements for height and building site coverage (IX.39, 44). As proposed the project would include two setback variances, as discussed in section II of this Initial Study. The project would not physically divide an established community as it would not divide connected neighborhoods or land uses from each other. No new roads or other development features are proposed that would divide an established community or limit movement, travel, or social interaction between established land uses. *Therefore, the project would not physically divide an established community and there would be no impact.*

Land Use and Planning 11(b) – Less than Significant with Mitigation

The proposed project would be subject to the policies and regulations of the Carmel Area Land Use Plan (LUP). Chapter 4 of the LUP contains policies that pertain to Land Use and Development in unincorporated areas near Carmel. Given that the project would involve construction of a single-family residence in an existing residential neighborhood zoned for low-density residential development, the project would be consistent with the sites land use designation. Discussion of consistency with the LUP and it's implementing regulations is present throughout this Initial Study. However the table below lists applicable policies and regulations from the 1982 Monterey County General Plan, the Carmel Area LUP, and the CIP and summarizes the project's consistency with them.

Table 2 Project Consistency with Goals and Polices

Policy/Goal	Project Consistency
1982 Monterey County General Plan	
7.2.1 "Landowners and developers shall be encouraged to preserve the integrity of existing terrain and natural vegetation in visually sensitive areas such as hillsides and ridges."	**Consistent.** The project would require the removal of six native trees within the proposed development footprint of the residence. The project would include planting additional trees and maintaining other existing trees to visually screen the residence from public viewpoints. Therefore, the project would be consistent with this policy.
9.2.1 "Land use practices which could result in siltation and pollution of inland and marine waters	**Consistent.** As described under Construction in Section II.A, Description of Project, project construction would

shall be carefully managed in order to assure a clean and productive habitat."	incorporate best management practices (BMPs) to minimize erosion. BMPs would include maintenance of sediment barriers and silt fences along the perimeter of working areas, and watering of exposed soil for dust control. Additionally, during drilling activities, sediment barriers and silt fences would be maintained along the perimeter of working areas. (Source IX.39) Further, the proposed project would be required to comply with Monterey County Code Chapter 16.12 Erosion Control, which sets forth required provisions for project planning, preparation of erosion control plans, runoff control, land clearing, and winter operations; and establishes procedures for administering those provisions (Source IX.52). Therefore, the project would be consistent with this policy.
12.1.3 "All proposed development, including land divisions, within high sensitivity zones shall require an archaeological field inspection prior to project approval."	**Consistent.** An archaeological reconnaissance report (HCD-Planning File No. LIB201216) was prepared for the project by Patricia Paramoure Archaeological Consulting (PPAC), dated June 4, 2021 (Source: IX.18), as well as a supplemental letter report dated April 5, 2024 (Source IX.22) evaluating the installation of the sewer line along in the access and utilities easement which runs along the subject property and continues south through assessor's parcel numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000.
13.4.2 All new residential dwellings shall be required to meet or exceed the building efficiency standards established by the State of California.	**Consistent.** As discussed further in Section 6, *Energy,* the proposed project would be required to be designed and constructed in full compliance with the California Building Code (CBC), including applicable green building standards and building energy efficiency standards such as CALGreen; CBC, Title 24, Part 11 (Source IX.42), which requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. Therefore, the project would be consistent with this policy.
Carmel Area Land Use Plan	
2.3.3.1 "Development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be avoided in critical and sensitive habitat areas, riparian corridors, wetlands, sites of known rare and endangered species of plants and animals, rookeries and major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as critical."	**Consistent.** As discussed in section VI.4 Biological Resources, the project site does not contain critical or sensitive habitat. Therefore, the project would be consistent with this policy.
2.3.3.5 "Where private or public development is proposed in documented or expected locations of environmentally sensitive habitats - particularly those habitats identified in General Policy No. I – [*sic*] field surveys by qualified individuals or agency shall be required in order to determine precise locations of the habitat and to recommend	**Consistent.** As discussed in section VI.4 Biological Resources, a biological survey was completed for the proposed project by Regan Biological and Horticultural Consulting (Source IX.14) and no critical or sensitive habitat was identified in the project site. Therefore, the project would be consistent with this policy.

mitigating measures to ensure its protection. This policy applies to the entire segment except the internal portions of Carmel Woods, Hatton Fields, Carmel Point (Night heron site excluded), Odello, Carmel Meadows, and Carmel Riviera. If any habitats are found on the site or within 100 feet from the site, the required survey shall document how the proposed development complies with all the applicable habitat policies."	
2.3.4 Wetlands and Marine Habitats Specific Policy 9. "Development on parcels adjacent to intertidal habitat should be sited and designed to prevent percolation of septic runoff and deposition of sediment."	**Consistent.** No leech fields are included in the project so there would be no percolation of septic runoff, and as discussed in section VI.10, Hydrology and Water Quality, measures would be taken prior to project construction that would reduce potential erosion and sedimentation, including adherence to the County's grading and erosion control ordinances and incorporation of the geologic and geotechnical reports drainage recommendations. (Source: XI.52, 59, and 60)
2.7.4 Geologic Hazards Specific Policy 10. "Revetments, groins, seawalls, or retaining walls, and other such construction that alters natural shoreline processes shall be permitted only where required for the protection of existing development. These structures shall not impede lateral beach access and shall respect, to the greatest degree possible, natural landform and visual appearance. Such facilities shall be designed to eliminate or mitigate adverse impacts on local shoreline supply (e.g. incorporate sand by-pass; import replacement sand) and shall be subject to certification of a coastal engineer or engineering geologist with expertise in coastal processes."	**Consistent.** LUP policy 2.7.3.4 requires that in areas of known hazards, development permits include a special condition requiring the owner to record a deed restriction describing the nature of the hazards, and where appropriate, long term maintenance requirements. As this property is on a bluff subject to coastal erosion, which may worsen with future sea level rise, this condition will be applied to the project. The restriction will acknowledge that the site is subject to coastal hazards, require the owner to assume risks related to injury and damage resulting from such hazards, and include a prohibition of shoreline armoring. The prohibition on armoring will ensure the project is consistent with LUP policy 2.7.4 Geologic Hazards Specific Policy 10.
2.8.2 "Carmel is archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. New land uses, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources."	**Consistent with Mitigation.** As discussed in section VI.5 Cultural Resources, Mitigation Measure CUL-4 would require that if any unique archaeological resources are identified during construction that re-siting, re-design, or capping the resource in a non-destructive manner would be required, unless they would be infeasible, and the mitigation establishes specific metrics for determining feasibility.
2.8.3.2 "Whenever development is to occur in the coastal zone, the Archaeological Site Survey Office or other appropriate authority shall be contacted to determine whether the property has received an archaeological survey. If not and the parcel are in an area of high archaeological sensitivity, such a survey shall be conducted to determine if an archaeological site exists. The Archaeological Survey should describe the	**Consistent with Mitigation.** An archaeological reconnaissance report (HCD-Planning File No. LIB201216) was prepared for the project by Patricia Paramoure Archaeological Consulting (PPAC), dated June 4, 2021 (Source: IX.18), as well as a supplemental letter report dated April 5, 2024 (Source IX.22) evaluating the installation of the sewer line along in the access and utilities easement which runs along the subject property and continues south through assessor's parcel numbers 241-

sensitivity of the site and recommend appropriate levels of development and mitigation consistent with the site's need for protection."	182-004-000, 241-182-005-000, and 241-182-006-000. Their recommendations incorporated into the project as mitigation measures, as discussed in section VI.5 Cultural Resources.
2.8.3.4 "When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance."	**Consistent with Mitigation.** As discussed in section VI.5 Cultural Resources, Mitigation Measure CUL-4 would require that if any unique archaeological resources are identified during construction that re-siting, re-design, or capping the resource in a non-destructive manner would be required, unless they would be infeasible, and the mitigation establishes specific metrics for determining feasibility. This mitigation measure emphasizes avoidance over excavation and recovery, in accordance with this policy.
Monterey County Coastal Implementation Plan	
20.146.040.A. This section requires completion of a biological survey for all proposed development and outlines requirements for the qualifications of the biologist and submittal of the survey to the County.	**Consistent.** As discussed in this section, a biological survey was completed for the proposed project by Regan Biological and Horticultural Consulting (Source IX.14) which was reviewed by the County to ensure it conforms with all County requirements. Therefore, the project would be consistent with this regulation.
20.146.050.E.4. "An erosion control plan shall be required for the following types of development: 1. Diking, dredging, filling, and construction activities within shoreline, estuary, and wetland areas; 2. Any development with the potential to create significant erosion and drainage impacts; and \ 3. Any development located in "MDR" (Medium Density Residential) or "VSC" (Visitor-Serving Commercial)" This section outlines requirements for the preparation, contents, and submittal of the erosion control plan.	**Consistent.** The project applicant would be required to prepare an erosion control plan pursuant to County requirements (Source IX.52). The erosion control plan would be informed by the geotechnical studies undertaken for the project, which are discussed in Section VI.7, Geology and Soils. Therefore, the project would be consistent with these regulations.
20.146.060.A. This section requires project applicants to obtain a coastal development permit for the removal of trees and other major vegetation. B. This section requires preparation of a forest management plan when tree removal requiring a coastal development permit is proposed. This section outlines requirements for the preparation, contents, and submittal of the erosion control plan.	**Consistent.** As discussed in section VI.4 Biological Resources, the project applicant would be required to obtain a Coastal Development Permit to allow tree removal. A Forest Management Plan was prepared for the project. Therefore, the project would be consistent with these regulations.
20.140.060.D.3 "Removal of native trees shall be limited to that which is necessary for the proposed development. Prior to the application being considered complete, the development shall be adjusted for siting, location, size, and design as necessary to minimize tree removal."	**Consistent.** As discussed in section VI.4 Biological Resources, the project would require the removal of six native trees, all of which are within the proposed development footprint, and which would not be safe to retain when any development occurs near due to soil disturbance. Other existing trees outside of the development

20.146.060.D.4 “Removal of native trees other than directly necessary for the proposed development shall be limited to that required for the overall health and long-term maintenance of the forest, as verified in the Forest Management Plan.”	footprint would remain. Therefore, the project would be consistent with these regulations.
20.146.060.D.6 “Native trees to be removed which are 12 inches or more in diameter when measures at breast height shall be replaced on the parcel. Replacement shall be at a rate of one tree of the same variety for each tree removed, except where demonstrated in the Forest Management Plan or Amended Plan that this would result in an overcrowded, unhealthy forest.”	**Consistent.** The project applicant would be required to replace native trees at a 1:1 ratio. Therefore, the project would be consistent with this regulation.
20.146.090.B. This section requires completion of an archaeological assessment for proposed development and outlines the content of the assessment and qualifications of the archaeologist.	**Consistent.** As discussed in section VI.5 Cultural Resources an archaeological reconnaissance report (HCD-Planning File No. LIB201216) was prepared for the project by Patricia Paramoure Archaeological Consulting (PPAC), dated June 4, 2021 (Source: IX.18), as well as a supplemental letter report dated April 5, 2024 (Source IX.22) evaluating the installation of the sewer line along in the access and utilities easement which runs along the subject property and continues south through assessor’s parcel numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000.
20.146.090.D.3. “When developments are' proposed for parcels where archaeological or other cultural sites are located, project design shall be required to avoid impacts to such cultural sites (Ref. Policy 2.8.3.5).”	**Consistent with Mitigation.** As discussed in section VI.5 Cultural Resources, Mitigation Measure CUL-4 would require that if any unique archaeological resources are identified during construction that re-siting, re-design, or capping the resource in a non-destructive manner would be required, unless they would be infeasible, and the mitigation establishes specific metrics for determining feasibility.
20.146.090.D.4. This section requires that where construction impacts to cultural resources cannot be avoided, that the archaeological mitigation plan with recommended preservation measures be prepared. 20.146.090.D.5. This section requires that when an archaeological mitigation plan has been prepared for a proposed development, the preservation efforts undertaken either prior to or concurrent with issuance of grading and building permits, as appropriate, and that the results of these preservation efforts be compiled into a final report.	**Consistent with Mitigation.** These coastal implementation plan regulations are incorporated into Mitigation Measure CUL-4, which requires the preparation and execution of an archaeological mitigation plan. The requirement for a final technical report is also included in Mitigation Measure CUL-3.
Sources: IX.7; IX.24; IX.43	

As shown above, the project would be consistent with relevant environmental policies of the 1982 Monterey General Plan, the Carmel Area LUP, and the CIP, as proposed, conditioned, and with the mitigation measures CUL-1 through CUL-4. *Therefore, impacts due to a conflict with a land use plan, policy, or regulation adopted for avoiding or mitigation an environmental effect would be less than significant with mitigation.*

12. 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.7, 38, and 39)	☐	☐	☐	☒
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.7, 38, and 39)	☐	☐	☐	☒

Discussion/Conclusion:

See Section IV.A.2. *No Impact.*

13. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX.24, 39, 62)	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels? (Source IX.39)	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or 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.13)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

Noise 13(a) – Less than Significant

Construction

Construction of the proposed project would temporarily increase noise in the vicinity of the site due to the use of heavy equipment, including but not limited to bore/drill rigs, excavators, loaders, large trucks, and machinery typically used during residential construction projects. The 1982 General Plan contains policies related to Noise Hazards in section 22 of the plan (Source IX.24, commencing on pg. 86). These policies relate to land use compatibility and permanent operational noise rather than construction noise. However, construction activities would be required to comply with the Monterey County Noise Ordinance (Source IX.62, Monterey County Code Chapter 10.60). The ordinance applies to "any machine, mechanism, device, or contrivance" within 2,500 feet of any occupied dwelling unit and limits the noise generated to 85 dBA measured 50 feet from the noise source.

The draft construction management plan (Source IX.39) states that construction would occur Monday through Friday between 8:00 a.m. and 4:30 p.m. The County would apply a standard condition of approval requiring that the applicant prepare a construction management plan prior to issuance of grading and building permits, and adhere to it through construction. The construction management plan would require construction hours not to exceed 8:00a.m. to 5:00p.m. Monday through Saturday, with no Sunday or holiday work. This is more permissive than what is included in the current draft construction management plan to account for any changes that may occur should the planning permit be approved, but prior to finalizing grading and building plans and issuance of grading and construction permits.

Because project construction would comply with the provisions in the Monterey County Code and because construction hours would be regulated through the County's construction management plan condition, the temporary noise generated during construction would not conflict with any Monterey County thresholds. *Construction phase impacts would be less than significant.*

Operation

Operation of the single-family residence in low density residential neighborhood would not be anticipated to generate substantial new noise such that the ambient noise level in the project area would increase. The proposed residence would generate noise similar to the existing residences in the project area. *Therefore, the project would not result in a substantial permanent increase in ambient noise, and impacts would be less than significant.*

Noise 13(b) – Less than Significant

Project construction would generate a temporary increase in groundborne vibration levels during the excavation, grading, and drilling phases of project construction. However, it is not anticipated that localized vibration would be excessive, as the project would utilize standard construction equipment typically association with residential construction (Source IX.39), vibration would attenuate in the distance between construction activities and nearby residences. In addition, such effects would be temporary, and limited to a short duration of the construction period. *Construction vibration impacts would be less than significant.*

Single-family residences are not typically associated with groundborne vibration. *Operational impacts would be less than significant.*

Noise 13(c) – No Impact

The nearest airport to the project site is the Monterey Regional Airport, located approximately 7.6 miles to the northeast (Source IX.13). The site is not within two miles of a public or public use airport or within an airport land use plan. Therefore, the proposed project would not expose people or structures to airport noise. *No impact would occur.*

14. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned 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.2, 3, and 44)	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Source IX.2, 3, and 44)	☐	☐	☐	☒

Discussion/Conclusion:

See Section IV.A.3. *No Impact.*

15. PUBLIC SERVICES **Would the project result in:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source IX.2, 3, 23, and 44)	☐	☐	☐	☒
b) Police protection? (Source IX.2, 3, 23, and 44)	☐	☐	☐	☒
c) Schools? (Source IX.2, 3, 23, and 44)	☐	☐	☐	☒
d) Parks? (Source IX.2, 3, 23, and 44)	☐	☐	☐	☒
e) Other public facilities? (Source IX.2, 3, 23, and 44)	☐	☐	☐	☒

Discussion/Conclusion:

See Section IV.A.4. *No Impact.*

16. RECREATION **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source IX.2, 3, 44)	☐	☐	☐	☒
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.2, 3, 44)	☐	☐	☐	☒

Discussion/Conclusion:

See Section IV.A.5. *No Impact.*

17. TRANSPORTATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (Source IX.2, 3, 13, and 39)	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)? (Source: IX.36, 61)	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source IX.2, 3, and 39)	☐	☐	☐	☒
d) Result in inadequate emergency access? (Source IX.2, 3, and 39)	☐	☐	☐	☒

Discussion/Conclusion:

Transportation 17(a) – Less than Significant

Regional and local plans and policies addressing the circulation system include the Transportation Agency for Monterey Active Transportation Plan for Monterey County, Monterey County General Plan Circulation Element, and the Association of Monterey Bay Area Governments Metropolitan Transportation Plan and Sustainable Communities Strategy. Access to the project site during construction and operation would be provided via the existing driveway easement that connects to Highway 1. The nearest bus stop is located at the Crossroad Shopping Center 2.8 miles north of the project site (Source IX.13). There are no sidewalks or designated bicycle lanes along Highway 1 near the project site.

Construction traffic would be temporary and limited to the duration of the construction schedule. After construction is complete, the project would not generate substantial amounts of traffic, as the project consists of the operation of one single-family residence. As discussed in Section IV.4, the project is not expected to add substantially to the existing population. (Source IX. 2, 3, and 39) Therefore, the project would not add substantially to existing transportation conditions. Furthermore, in accordance with the County's conditions of approval, the site-specific construction management plan for the project would include measures to minimize traffic impacts during the construction/grading phase of the project.

The minimal level of additional trips generated as a result of the proposed project would not have the potential to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. *Impacts would be less than significant.*

Transportation 17(b) – Less than Significant

The County has not adopted vehicle miles traveled (VMT) thresholds at this time; therefore, thresholds provided in the California Office of Planning and Research's Technical Advisory published December 2018 are appropriate. (Source IX.61) As the proposed project involves the

construction of one single-family residence, operational traffic is not expected to increase substantially. The Technical Advisory provides a screening threshold of 110 trips per day to presume less than significant impacts. The Institute of Transportation Engineers Trip Generation Manual provides a projected trip generation rate of approximately 10 daily trips per single family residence (Source: IX.36). *As the project would result in no substantial increase in vehicle trips during operation, impacts would less than significant.*

Transportation 17(c-d) – No Impact

The proposed project would be reviewed by the Carmel Highlands Fire Protection District to ensure that sufficient emergency access is provided. As discussed under criterion 17(b), it is not anticipated that there would be a substantial increase in operational traffic. (Source IX.2 and 3) No geometric design features or incompatible land uses would be introduced to the project site and local roadway network as a result of the project. The project does not include modifications to the local roadway network that could result in inadequate emergency access. Additionally, the project plans demonstrate that the proposed auto court would provide adequate turnaround space for emergency vehicles to exit the project site via the driveway, and an emergency fire access stairway with a (IX.39). Therefore, the proposed project would neither substantially increase hazards due to a geometric design feature or incompatible use; nor result in inadequate emergency access. *No impact would occur.*

18. TRIBAL CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or (IX.9, 22, 45, 46, 67, and 73)	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (IX.9, 22, 45, 46, 67, and 73)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:

CEQA protects Tribal Cultural Resources. CEQA statute (Source IX.67) section 21074 defines Tribal Cultural Resources to include sites, features, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe. As discussed VI.5 of this Initial Study, CEQA statute sections 21083.2.(g) and (h) differentiate between "unique" and "non-unique" archaeological resources. A unique resource is one that has a high probability that it would do any of the following: contain information needed to answer important scientific research questions (and there is a demonstrable public interest in that information), have a special and particular quality such as being the oldest or best available example of its type, or be directly associated with a scientifically recognized important prehistoric or historic event. A non-unique resource is one that doesn't meet any of those criteria. While consideration of non-unique resources is more limited under the Archaeological Resources provisions in the CEQA Statute, section 21074.(c) enumerates that both unique and non-unique archaeological resources may be considered Tribal Cultural Resources.

To ensure these resources are considered during the CEQA process, Assembly Bill (AB) 52 establishes a formal consultation process for California tribes regarding potential tribal cultural resource impacts. Under AB 52, lead agencies are required to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency. In this case, those tribes that have requested notification of projects in the vicinity of the site are the Ohlone/Costanoan-Esselen Nation (OCEN), KaKoon Ta Ruk Band of Ohlone-Costanoan, and

the The Esselen Tribe of Monterey County. These tribes were notified of the project, and the results of this notification and subsequent consultation meetings, as well as impact analysis and mitigation measures are discussed below.

Tribal Cultural Resources 18(a.i-a.ii) – Less than Significant with Mitigation

Initial Consultation

On March 27, 2023, the following Native American tribal groups were formally notified that the County initiated environmental review of the proposed project and were invited to provide AB 52 consultation (Source IX.45):

- Ohlone/Costanoan-Esselen Nation (OCEN)
- KaKoon Ta Ruk Band of Ohlone-Costanoan
- The Esselen Tribe of Monterey County

The County received responses requesting consultation from the Ohlone/Costanoan-Esselen Nation (OCEN) and the Esselen Tribe of Monterey County. The County conducted consultation with the Ohlone Costanoan Esselen Nation (OCEN) on July 28, 2023 and the Esselen Tribe of Monterey County, on July 31, 2023. Neither of these consultation meetings consultation identified evidence of any specific tribal cultural resources onsite, and the County did not receive requests for consultation from any other tribes.

The Esselen tribe's request for consultation letter (Source IX.46) included a request for a phase II subsurface archaeological evaluation of the site, preconstruction training regarding tribal cultural resources for all project personnel, and tribal monitoring of all ground disturbance.

Additional Archaeological Investigation and Follow-up

After these consultation meetings the County requested a supplemental archaeological assessment be prepared for the project to address the proposed sewer line running in the existing access and utilities easement through Assessor's Parcel Numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000. This report, prepared by Patricia Paramoure Archaeological Consulting April 5, 2024 (Source IX.22) identified that the trench for this sewer line would run through the delineated boundary of the archaeological site P-27-001377 / CA-MNT-1348, a large precontact Native American shell midden measuring approximately 75 by 32 meters. The findings of this assessment and other archaeological reports prepared in the vicinity of the project site are detailed in section VI.5 Cultural Resources of this Initial Study.

In summary the archaeologist conducted archival research and a pedestrian reconnaissance within the easement area and found three fragments of abalone shell, likely evidence of the site within the recorded easement. The archaeologist recommended that both an archaeological and tribal cultural monitor be present for ground earth work and ground disturbing activities in the easement and within 50 feet of the boundary of P-27-001377 / CA-MNT-1348.

Therefore, the County reached out to both tribes that had previously participated in consultation, the Ohlone/Costanoan Esselen Nation (OCEN) and the Esselen Tribe of Monterey County, on May 8, 2024 to see if they had any questions, concerns, or additional input on the project (Source IX.73). A subsequent consultation meeting was conducted with OCEN on May 14, 2024. OCEN sent a follow-up letter in requesting that a tribal monitor be present on excavation, soil disturbing

tests on positive archaeological sites, and removal of oaky trees; reburial of ancestral remains and artifacts; return of cultural items to OCEN rather than placement in a museum or public facility; copies of all archaeological reports/surveys; use of an OCEN affiliated monitor; and a 50 meter buffer surrounding any ancestors remains or cultural disturbances (Source IX.46).

At the OCEN consultation meeting on May 14, 2024, there was also discussion regarding the structure and timing of the archaeological and tribal cultural monitoring mitigation measures. The tribal representative thought it was appropriate given the sensitivity of the area that a tribal monitor be present during all significant ground disturbing activity, however, an archaeological monitor need not always be present.

Impact Analysis and Mitigation

The project site is not associated with a historical landscape, nor are there historical resources on the site. However, the archaeological report prepared for the project identified the potential presence of the midden archaeological site P-27-001377 / CA-MNT-1348 in the existing utility easement where a sewer line proposed to serve the residence would be excavated. The construction of the residence and installation of the sewer line would involve significant grading, excavation, and trenching, which has the potential to impact previously unidentified archaeological resources. Disturbance of an archaeological site associated with Native American tribe would be a potentially significant impact to Tribal Cultural Resources. However in this case the Mitigation Measures CUL-1 through CUL-4 and County standard condition of approval PDSP003(B) (both discussed in section VI.5 Cultural Resources), as well as the tribal cultural monitor Mitigation Measure TR-CUL-1 Tribal Cultural Monitor below, would mitigate impacts to Tribal Cultural Resources to a less than significant level. These mitigations measures and condition all interlock and operate together:

- CUL-1 Cultural Resources Awareness Training would ensure that construction crews doing earthwork on the most archaeologically sensitive areas of the project be trained to identify resources so that work can be halted appropriately if anything is found;
- CUL-2 Archaeological Monitor would require that an archaeological monitor be present during the most archaeologically sensitive areas of the project to stop work and evaluate any finds, and that an on-call archaeologist be available for any activities not actively being monitored by an archaeologist;
- CUL-3 Cultural Resources Stop Work Steps and County standard condition PDP003(B) establish clear procedures on halting work and the required steps if any previously unknown resources or human remains are encountered;
- CUL-4 would require an archaeological mitigation plan be prepared if any resources are identified, as well as considering the input of the tribal cultural monitor in the disposition of any resources; and
- TR-CUL-1 shall require a tribal cultural monitor be present for earth work and ground disturbance.

In summary training, monitoring, and procedures are in place to ensure that any previously unknown resources are identified and evaluated, and if any are found that an archaeological mitigation plan be prepared which prioritizes avoidance resources, and requires consideration of the recommendations of a tribal cultural monitor on the disposition of any resources.

In regard to the recommendations of the Esselen Tribe of Monterey County, the mitigations incorporate the recommendation for Tribal Monitoring of ground disturbance. They also include the recommendation for pre-construction training, however, they do focus this training to the personnel who would be present for the excavation in the most archaeologically sensitive portion of the project (the sewer line trenching and areas near the mapped archaeological resource), as the site of the residence is a 1960's graded cut and fill pad where the sensitivity for the presence of resources is much lower. The County required a supplemental letter report, however did not require additional phase II subsurface investigation in the sewer line trench location for this project. The analysis of this Initial Study considered both the letter report and subsurface testing from a separate phase II report on one of the sites the sewer line would run through, and based on analysis of the content of both reports (Source IX.9 and 22), the incorporated mitigation measures would mitigate any potential impacts to tribal cultural resources to a less than significant level, so further subsurface testing was not determined warranted at this time.

In regard to OCEN's letter, the County provided the tribe with digital copies of all the archaeological reports we reviewed in preparing this Initial Study during the tribal consultation process; no oak trees are being removed and a tribal monitor appointed by the appropriate tribal authority traditionally and culturally affiliated with the site would be present to monitor earthwork for the project; recommendations regarding reburial and the disposition of any artifacts from would be considered should any be uncovered during the course of construction; and CUL-3 incorporated the requirement that a 50 meter (165 feet) stop work buffer be established should any cultural resources be identified in the course of construction.

To conclude, the County considered the recommendations of the tribes who responded to consultation, and due to the archaeologically sensitive nature of the site, mitigation measures are incorporated that would ensure that if any resources are encountered during the construction process that work would be halted so that any resources or remains be evaluated and recommendations to treat them with appropriate dignity be considered. *Therefore, impacts to tribal cultural resources would be less than significant with mitigation incorporated.*

TR-CUL-1 – Tribal Cultural Monitor
A tribal monitor approved by the appropriate tribal authority traditionally and culturally affiliated with the vicinity of the subject site and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements (or other appropriately recognized NAHC-recognized representative) shall be on-site and site grading and earth disturbing activity for the project, including rough grading and site preparation, trenching for installation of the sewer running through the utility and access easement on assessor's parcel numbers 241-182-020-000, 241-182-004-000, 241-182-005-000, and 241-182-015-000, any earth disturbing activity within 50 feet of the boundary of P-27-001377 / CA-MNT-1348. The tribal monitor shall have the authority to temporarily halt work to examine any potentially significant cultural materials or features. If resources are discovered, the tribal cultural monitor shall provide recommendations on the disposition of any tribal cultural resources with appropriate dignity.

Implementation Actions:

TR-CUL-1a: Prior to issuance of a grading or building permits, the Applicant/Owner shall submit an executed contract with a tribal cultural monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements (or other appropriately NAHC-recognized representative) to HCD-Planning. This Tribal Monitor shall be retained for the duration of earthwork requiring tribal cultural monitoring as detailed in TR-CUL-1b. The monitor shall also be retained on an on-call basis for the duration of construction in the event that any tribal cultural resources are uncovered during construction outside of the monitoring schedule required by Mitigation Monitoring Action TR-CUL-1b.

TR-CUL-1b: Prior to issuance of grading/construction permits, the owner/applicant shall submit a construction schedule to HCD-Planning with the anticipated dates of earth disturbing activity, including when sewer line excavation and any work within 50 feet of the boundary of P-27-001377 / CA-MNT-1348 would occur. The tribal monitor required by this mitigation shall review the schedule, identify which activities require tribal monitoring, and submit that information to HCD-Planning. The duration of monitoring is not limited to activity specifically for the sewer line or within 50 feet, and would include rough grading of the site and excavation work for utilities and foundations. Fill of previously graded areas and minor work in previously graded areas such are installation of landscaping in planters need not be monitored.

TR-CUL-1c: During the course of construction, if any archaeological resources are uncovered the owner/applicant shall adhere to the requirements of Mitigation Measures CUL-3 and County Standard Condition PD003(B).

19. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Refer to section VI.5(b-c) and VI.18(a))	☐	☒	☐	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (Source IX.50 and 63)	☐	☐	☒	☐
c) 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.13, 29, 55, 68, 69, 70, and 71)	☐	☐	☒	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Source IX.2 and 3)	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (Source IX.2 and 3)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

Potable Water

This property would receive potable water from Highway 1 Water System No. 12, which has a Coastal Administrative Permit through the County of Monterey (HCD-Planning File No. PLN120263, Source IX.63), a Water Distribution System Permit from the Monterey Peninsula Water management District (MPWMD Permit No. M12-05-L2, Source IX.50), and a small water system permit through the County of Monterey's Environmental Health Bureau (System ID No. 2702809, Source IX.51). This system serves three properties: one with Assessor's Parcel Number 241-182-003-000 (the subject site); one with Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000; and one with 241-182-006-000. The well for the system is located on the property immediately south of the site, the one with Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000. The project would include installation and operation of centralized water treatment for this water system. The water treatment system would be located on Assessor's Parcel Number 241-182-004-000 in the shared access and utilities easement and would include filtration and treatment for iron, manganese, fluoride, and water acidity (Source IX.39). The properties served by Highway 1 Water Distribution system No. 12 are shown in Figure 10 below.

Sewer

Sewer service would be provided through a mixed "septic tank effluent pumping" (STEP) system, which means that effluent would be conveyed to the municipal sewer system (Carmel Area Wastewater District), while solid waste would be collected in a septic tank, which trucks would need to haul offsite (Source IX.55). There would be no leech fields. The project would install an ejector pump and 2 inch diameter force main sewer line traversing through the neighboring properties in an existing access and utilities easement through Assessor's Parcel Number's 241-182-004-000, 241-182-005-000, and 241-182-006-000 to the private roadway which connects to Highway 1 (Source IX.39).

There it would connect into the private sewer line owned operated by a joint agreement between the property owners establishing the Highland Point Sewer Association, which was installed as part of the coastal development approval PLN120558 (Source IX.68). Each property owner has their own ejector pump, while the Highlands Point Association has responsibility for the private sewer lateral, which presently serves three properties. A fourth site is currently connecting into the system in accordance with County of Monterey coastal permit approval PLN210005 (Source IX.59), which allows demolition and replacement of the residence on Assessor's Parcel Number 241-182-006-000. Each property connected has their own ejector pump for their effluent. The properties that are or would be served by the system are shown in Figure 11. After sewer force main for the Highlands Point Association system traverses east under Highway 1 it connects to the Carmel Area Wastewater District (CAWD) municipal sewer system.

The applicant would need to secure permission from the property owners served by the Highlands Point Association to connect into the shared private system, and a sewer connection permit from CAWD for the new service connection (Source IX.55). As part of the coastal development permit approval, the County would apply a condition requiring the applicant provide verification that they have secured this permission and the sewer connection permit prior to issuance of grading or construction permits by County of Monterey HCD-Building Services.

Electrical, Natural Gas, and Solid Waste (garbage)

Electricity would be provided by Central Coast Community Energy (3CE), the regional community choice energy provider, via Pacific Gas and Electric Company (PG&E) infrastructure. Gas would be provided through an underground propane tank (Source IX.39). Solid waste (garbage in this case, to differentiate from sewer solid waste) disposal is provided by ReGen (formerly known as the Monterey Regional Waste Management District).

Stormwater

Stormwater would be captured onsite in a series of catch basins, where it would flow through storm drain lines to dispersion trenches along the western property lines, which allow it to percolate into the ground (Source IX.39)

Figure 13 Highway 1 Water Distribution System No. 12 (Sources IX.13 and 68)

Figure 14 **Highlands Point Sewer Association** (Sources IX.13, 39, 68, 69, 70, and 71)

Utilities and Service Systems 19(a) – Less than Significant with Mitigation

The utilities that would serve the project are discussed above, including water, wastewater, electrical service, and natural gas. Of the new infrastructure required to serve the site, only the installation of the new sewer line traversing the neighboring properties on Assessor's Parcel Numbers 241-182-004-000, 241-182-005-000, and 241-182-006-000 has the potential to create an environmental impact, as this sewer line runs through the mapped boundary of archaeological resource CA-MNT-1348/P-27-001377. However, as discussed in sections VI.5 Cultural Resources, and VI.18 Tribal Cultural Resources, mitigation measures have been included that would reduce the potential impacts of installing this sewer line to cultural/tribal cultural resources to a less than significant level, including cultural sensitivity training, archaeological and tribal cultural monitoring, stop work provisions in case previously unanticipated resources and uncovered, and the requirement for preparation and execution of an Archaeological Mitigation Plan in case any resources are identified in the course of construction. *Therefore environmental impacts resulting from the construction of new infrastructure facilities to serve the project would be less than significant with mitigation.*

Utilities and Service Systems 19(b) – Less than Significant

As previously discussed in section VI.10(b) Hydrology and Water Quality, the capacity of the well serving Highway 1 Water Distribution System No. 12 was evaluated in the technical analyses prepared for Coastal Administrative Permit permitting the system (Source IX.63) and determined adequate for a three connection small water system; and the estimated water usage for the project would be below the annual production limitations imposed by the Monterey Peninsula Water Management District water distribution system Permit No. M12-05-L2 (Source IX..50). *As the capacity of the well to serve a three connection water system was previously analyzed and determined adequate in the discretionary entitlement for that system, and the project would be within the production limitations established for the system, project impacts relative to the availability of water supplies would be less than significant.*

Utilities and Service Systems 19(c) – Less than Significant

This neighborhood has thirteen properties, three of which are undeveloped. The other ten have single-family residences. Four of these ten properties are either served by municipal sewer or in the process of connecting (Sources IX.13, 39, 68, 69, 70, and 71). This municipal service is for effluent only, all the properties which have sewer service in the neighborhood have a similar system to what is proposed for the residence, with a sewer line for effluent and a septic tank for solid waste (Source IX.55). The other six developed properties are served by onsite wastewater treatment systems, but are annexed into the Carmel Area Wastewater District (CAWD) service area (Source IX.72), so may propose to connect to both the Highlands Point Association private lateral and CAWD for effluent treatment in the future. Each connected property has their own onsite ejector pump, which connects to the private sewer lateral operated by the Highlands Point Association, a two inch diameter force main which runs underneath the shared private access driveway in the neighborhood. After the line east under Highway 1 it enters the Carmel Area Wastewater District (CAWD) sewer system (Source IX.39).

Gary Weigand, P.E., Principal Engineer of Utility Services prepared a letter analyzing the capacity of the private lateral to accept new connections (Source IX.30). Estimating that each residence would generate a maximum of 300 gallons per day of effluent, and ten residences

connected (as of now there are only four connected/in the process of connecting and the project would add a fifth), the total quantity of effluent generated 3,000 gallons per day. The capacity of the pump installed at the neighboring residence (Assessor's Parcel Numbers 241-182-004-000 and 241-182-005-000) was calculated to be approximately 32 gallons per minute, and would be able to convey all generated effluent in around 10 minutes. At this rate, should all ten houses be added to the system all effluent in the private sewer lateral could be conveyed in 100 minutes or a little less than two hours. Therefore, the engineer concluded that the Highlands Point Association force main has the capacity to accept the effluent from 10 residences.

CAWD has also issued a can and will serve letter for the project (Source IX.39), and would require a sewer connection permit prior to issuance of grading and construction permits for the residence (Source IX.55). The County would incorporate a condition of approval to the coastal development permit for the project requiring that prior to issuance of grading and construction permits by HCD-Building Services, the applicant demonstrate that they have both permission from the properties served by the Highlands Point Association to connect to the private lateral, and that they have the sewer connection permit from CAWD.

The project would add effluent of one single-family residence to the existing sewer infrastructure. However, the private lateral the project would connect to has capacity to accept this effluent, and CAWD has provided a letter stating they can and will serve the project. Additionally, both permission from the Highlands Point Association and securing a sewer connection permit from CAWD would required prior to issuance of grading and construction permits for the residence. *Therefore, impacts relative to sewer capacity would be less than significant.*

Utilities and Service Systems 19(d and e) – No Impact

The minimal amount of construction waste produced would not affect the permitted landfill capacity. Operation of the project would not result in the substantial increase of solid waste production as the project would not result in a substantial population increase. (Source IX.2 and 3) Therefore, the proposed project would not generate solid waste in excess of the capacity of local infrastructure, otherwise impair the attainment of solid waste reduction goals, or conflict with federal, state, and local management of solid waste. *There would be no impact.*

20. WILDFIRE **If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? (Source: IX.27, 39, 53)	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Source: IX.33, 34, and 58)	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Source IX.39)	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Source IX.7, 39, 52, 59, and 60)	☐	☐	☒	☐

Discussion/Conclusion:

The project site is located within a Very High Fire Hazard Severity Zone (VHFHSZ) in an area designated as a State Responsibility Area by CAL FIRE (Source: IX.28).

Wildfire 20(a) – Less than Significant

As discussed in Section VI.9, under threshold 9(f), the Monterey County Emergency Operations Plan contains response and recovery protocols for several types of natural, technical, and human-caused emergencies that may occur in the county. The Emergency Operations Plan identifies Highway 1 as a major evacuation route throughout the county (Source: IX.27). The project would not require lane closures on Highway 1. The draft construction management plan does include using the shoulder of Highway 1 in for vehicle staging, however, this would require an encroachment permit with Caltrans District 5 which would ensure that construction does not impede use of the highway (Source IX.39, 53). In operation, the project would not interfere with access to Highway 1 and would not substantially impair the County's and/or the Carmel Highlands Fire Protection District's ability to implement the Emergency Operations Plan. *Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and impacts would be less than significant.*

Wildfire 20(b) – Less than Significant

The project could expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to the fire-prone landscape in which the project site is located. However, due slope, prevailing winds, and other factors, the project would not exacerbate existing wildfire risks.

The project site slopes steeply downward from Highway 1 on the east to the Pacific Ocean on the west. According to guidance provided by CAL FIRE, sloping land increases susceptibility to wildfire because fire typically burns faster up steep slopes (Source: IX.33). Additionally, the prevailing wind direction in the project area is west to east (Source: IX.34). Therefore, due to slope and prevailing wind, fires originating upslope of the project would likely travel east to west and away from the project site. Wildfires would not originate downslope of the project site as the project site is bordered by the Pacific Ocean.

During construction, the project would involve the use of construction equipment which may produce sparks, that could ignite on-site vegetation. The project would be required to comply with regulations related to construction equipment and fire suppressants, including but not limited to California Public Resources Code Section 4442 (Source IX.58), which requires spark arrestors on potentially-spark inducing equipment.

Due to slope and prevailing winds, the project site's potential to expose occupants to wildfire is low. Additionally, compliance with regulationspertaining to construction equipment spark arrestors and fire suppressants would minimize the risk of wildfire ignition during project construction. Therefore, the project would not exacerbate existing wildfire risk and would not substantially increase the risk of exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. *Impacts would be less than significant.*

Wildfire 20(c) – Less than Significant

The project would not involve installation of new roads, fuel breaks, or emergency water sources. The project would involve the construction of new utility connections, including power, water, and wastewater connections (Source IX.39). The proposed single-family residence would connect to existing underground utility systems, none of which would substantially increase existing fire risk associated with. *Therefore impacts would be less than significant.*

Wildfire 20(d) – Less than Significant

As discussed in section VI.7, Geology and Soils subsection 7(a.ii-iv, b, c), compliance with the with incorporation conditions required by the LUP and and the County's standard grading, erosion control, and building permitting requirements would reduce the risk of landslides to a less than significant level (Source IX.7, 52, 59, 60). Additionally, as discussed in Section VI.10, Hydrology and Water Quality, the project would not result in substantial changes to stormwater runoff and drainage patterns (Source IX.39). As stated above under subsection VI.20(b), the risk of wildfire at the project site is low. Therefore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. *Impacts would be less than significant.*

VII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Source: IX.37)	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

Mandatory Findings of Significance (a) – Less than Significant with Mitigation

As discussed in this Initial Study, the proposed project involves construction of a single-family residence on a vacant site that does not provide substantial habitat for wildlife. The project would not cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, or restrict the range of plant or animal species. In addition, with compliance with County standard condition of approval regarding pre-construction nesting bird surveys, potential impacts to raptor and migratory bird species would be less than significant. As described in Sections VI.5 and VI.18, there are no historic resources or cultural landscapes on the site. However, while there are no known resources in the project area, the project is within the boundary of the midden site CA-MNT-1348 and in a highly sensitive archaeological area. The exact location of this resource wan not identified in the archaeological assessments prepared for the area, and ground disturbance could impact previously unknown archaeological resources. Therefore, mitigation measures CUL-1 through CUL-4 and TR-CUL-1, which establish cultural resource sensitivity training, archaeological and tribal cultural monitoring requirements, and stop work procedures are required to ensure that the project would not eliminate any important examples of California historic or pre-history. Therefore, i*mpacts would be less than significant with mitigation incorporated.*

Mandatory Findings of Significance (b) – Less than Significant with Mitigation

As described in the discussion of environmental checklist Sections 1 through 20, with respect to all environmental issues, the proposed project would not result in significant and unmitigable

impacts to the environment. All anticipated impacts associated with project construction and operation would be either no impact, less than significant, or less than significant with mitigation incorporated. This is largely due to the fact that project construction activities would be temporary, and project operational activities would not result in substantial effects to the environment.

Cumulatively considerable impacts could occur if the construction of other projects occurs at the same time as the proposed project and in the same vicinity, such that the effects of similar impacts of multiple projects combine to expose adjacent sensitive receptors to greater levels of impact than would occur under the proposed project. For example, if the construction of other projects in the area occurs at the same time as construction of the proposed project, potential impacts associated with noise and traffic to residents in the project area may be more substantial. There is one planned residential development project located approximately 400 feet south of the project site; this project was approved in 2021, but the project applicant has not yet obtained a construction permit (Source: IX.37). Project construction could overlap with construction of this nearby project and other potential future development in the area. All projects would be required to adhere to the County's standard conditions of approval and construction hours limitations, which would result in less than significant cumulative noise impacts.

The proposed project would not create indirect population growth and would not contribute to cumulative impacts related to population growth, such as impacts to public services, recreation, and population and housing. Impacts related to cultural resources, geology and soils, hazards and hazardous materials, land use and planning, mineral resources, and tribal cultural resources are generally limited to the project site and would not contribute to cumulative impacts associated with existing and future developments. In addition, air quality and GHG impacts are cumulative by nature, and as discussed in Section VI.3, Air Quality, and Section VI.8, Greenhouse Gas Emissions, the project would not generate substantial air pollutant emissions or GHG emissions; therefore, it would not contribute to the existing significant cumulative air quality impacts related to the NCCAB's nonattainment status for ozone and PM_{10} or the existing significant cumulative climate change impact. Furthermore, the project's operational impacts to resources such as aesthetics, agriculture and forestry resources, biological resources, hydrology and water quality, noise, transportation, and utilities and service systems would be minimal and would not have the potential to constitute a cumulatively considerable contribution to cumulative impacts that may occur due to existing and future development in the region. Therefore, the proposed project would not result in a cumulatively considerable contribution to a significant impact. *Impacts would be less than significant.*

Mandatory Findings of Significance (c) – Less than Significant

In general, impacts to human beings are associated with such issues as air quality, hazards and hazardous materials, noise, and wildfire impacts. The project would have no impact or result in a less than significant impact in air quality, noise, and transportation as discussed in the Initial Study. As discussed in Section VI.3, Air Quality, the project would not result in a cumulatively considerable net increase in the emission of criteria pollutants and would not expose sensitive receptors to substantial pollutant concentrations. As discussed in Section VI.9, Hazards and Hazardous Materials, the project would not create a significant hazard to the public or the environment associated with hazardous materials and would not be located on a site listed as a

hazardous materials site. As discussed in Section VI.13, Noise, the project would not generate noise that exceeds the County's noise thresholds. Finally, as discussed in Section VI.20, Wildfire, the project would not result in significant risks related to wildfire due to slope, prevailing winds, and other factors. *Therefore, impacts to human beings would be less than significant.*

VIII. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE 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 California Department of Fish and Wildlife. 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 California Department of Fish and Wildlife 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 California Department of Fish and Wildlife. A No Effect Determination form may be obtained by contacting the Department by telephone at (916) 653-4875 or through the Department's website at www.wildlife.ca.gov.

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

Evidence: Based on the record as a whole as embodied in the HCD-Planning files pertaining to PLN210061 and the attached Initial Study/Proposed Mitigated Negative Declaration.

IX. SOURCES

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