

MONTEREY COUNTY
HOUSING AND COMMUNITY DEVELOPMENT
PLANNING

1441 SCHILLING PLACE SOUTH 2ND FLOOR, SALINAS, CA 93901
PHONE: (831) 755-5025/FAX: (831) 757-9516



INITIAL STUDY

BACKGROUND INFORMATION

Project Title: Monterey Bay Aquarium Research Institute (MBARI)
[Building G]

File No.: PLN210093

Project Location: 7600 Sandholdt Road, Moss Landing

Name of Property Owner: Monterey Bay Aquarium Research Institute

Name of Applicant: Monterey Bay Aquarium Research Institute

Assessor's Parcel Number(s): 133-232-001-000

Acreage of Property: 0.88 Acres (38,109 square feet)

General Plan Designation: Industrial – Coast Development Light

Zoning District: LI(CZ)

Lead Agency: County of Monterey – Housing and Community Development

Prepared By: Philip Angelo, Associate Planner

Date Prepared: 9 February 2022

Contact Person: Philip Angelo, HCD-Planning

Phone Number: (831) 784-5731

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project: The project proposes demolition of an existing restaurant and marine research lab building, construction of a new two-story marine research lab building, and associated site improvements.

The existing structure to be demolished is a 16,740 square foot structure, which is currently being used as a restaurant, Phil's Fish Market. A portion of the structure is also as a lab and office space for the Monterey Bay Aquarium Research Institute (MBARI). Demolition activity would also entail the removal of approximately 1,870 square feet of exterior hardscape, temporary structures, fencing, and outdoor seating which serve the existing restaurant. The new marine research lab building would be a 32,900 square foot two-story structure. The facility will include oceanographic instrumentation development and research laboratories, an assembly bay for new instruments, archival freezer samples, offices and conference rooms, a multi-media center for field programs and training, and a weather deck for instrument testing.

The western portion of the site includes coastal sand dune habitat. While degraded by iceplant and existing development, this dune habitat is Environmentally Sensitive Habitat Area. As part of the project, approximately 0.18 acres (7,841 square feet) of degraded dune habitat would be restored. Additional onsite work associated with the project would include replacement of existing hardscape with permeable pavers and onsite bio retention and landscaping planter areas, and connection of the new structure to existing utilities. The site is presently served, and would continue to be served, by Castroville Community Services District for wastewater and Pajaro Sunny Mesa Community Services District for water service.

The project involves establishment of "Building G", a component of the Monterey Bay Aquarium Research Institute's (MBARI) overall campus plan processed through a separate entitlement, General Development Plan (GDP) application No. PLN080006. Environmental review for the GDP is currently incorporated with the preparation of the Environmental Impact Report for the update to the Moss Landing Community Plan. As such, in order to meet their operational objectives, the applicants are seeking to breakout the permitting and construction of Building G prior to consideration of the GDP for the entire campus. As part of this, the applicants are requesting a reduction in parking standards for the project, by using a campus wide approach for considering parking demand. The proposed parking supply would be 259 spaces for the entirety of the approximately 161,116 square foot campus, with 8 spaces on the Building G site, based a parking demand of 230 spaces calculated in the parking study prepared for project by Raju Associates, Inc. Conversely, calculating the individual site parking based on the parking demand table within Title 20 Section 20.58.040 indicates a parking demand of approximately 57 spaces. (18.5 for industrial office spaces, 7 for the large refrigerator room and loading bay which were calculated at the warehouse rate, 31 for laboratory spaces, and 0.5 for printing/copying spaces.)

The anticipated construction timeline would be approximately 19 months. Approximate grading quantities would be 130 cubic yards of cut, and 1,272 cubic yards of fill. The required discretionary permits (entitlements) are detailed below. These are being processed together as a Combined Development Permit consisting of:

- 1) Coastal Development Permit to allow the demolition of an existing 16,740 square foot restaurant and marine research facility building, and the construction of a two-story 32,900 square foot marine research facility building;
- 2) a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat, (coastal dune); and
- 3) a Coastal Development Permit for reduction in parking standards.

The property is located at 7600 Sandholdt Road, Moss Landing (Assessor's Parcel Number 133-232-001-000), North County Land Use Plan, Coastal Zone.

(Source IX.1, 2, 3, 4, 5, 6, 27, 33, 34, 39, 40)

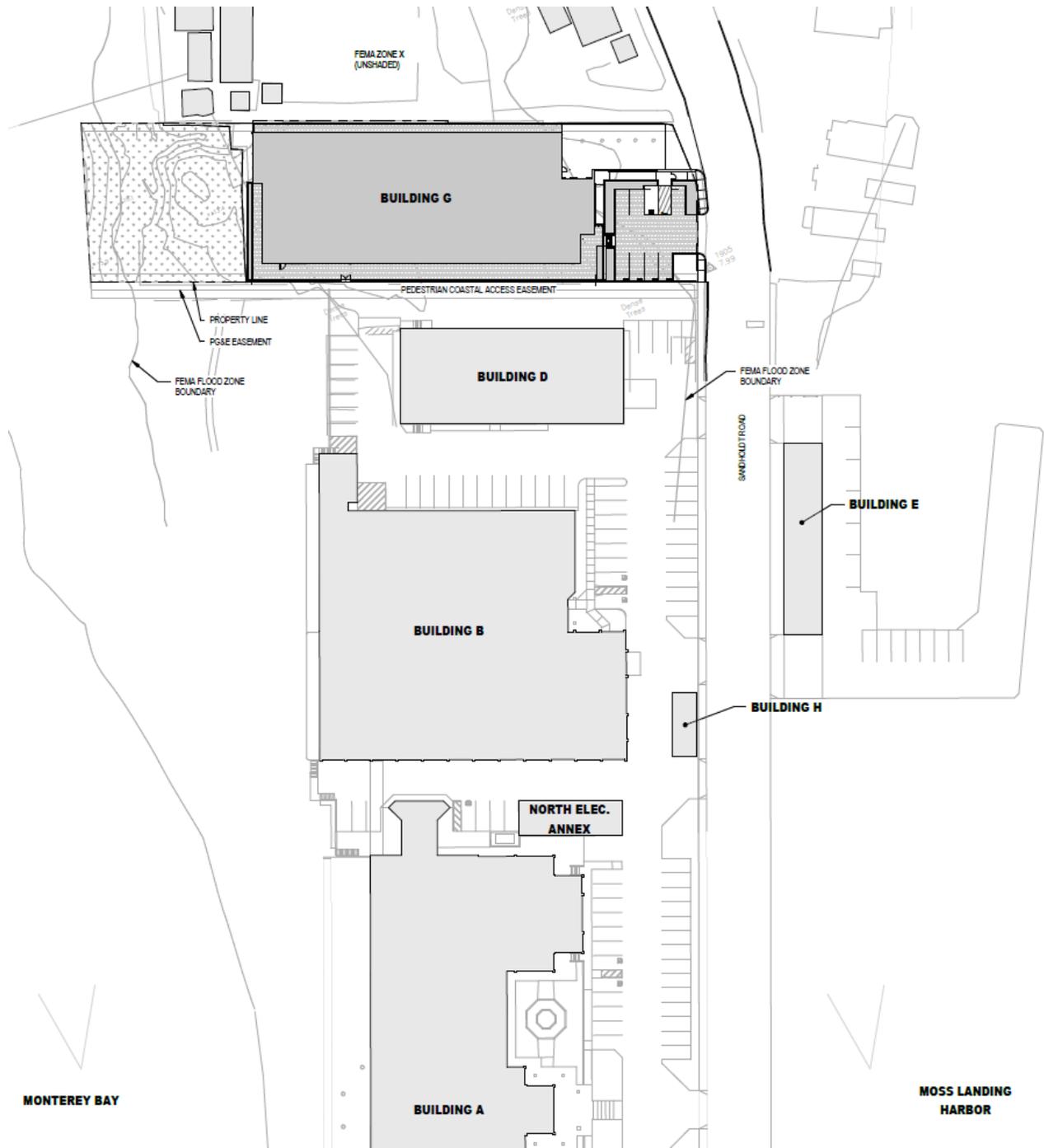


Exhibit 1: MBARI Campus Plan, depicting Buildings A, B, D, E, H, and the proposed Building G. (Source IX.1)

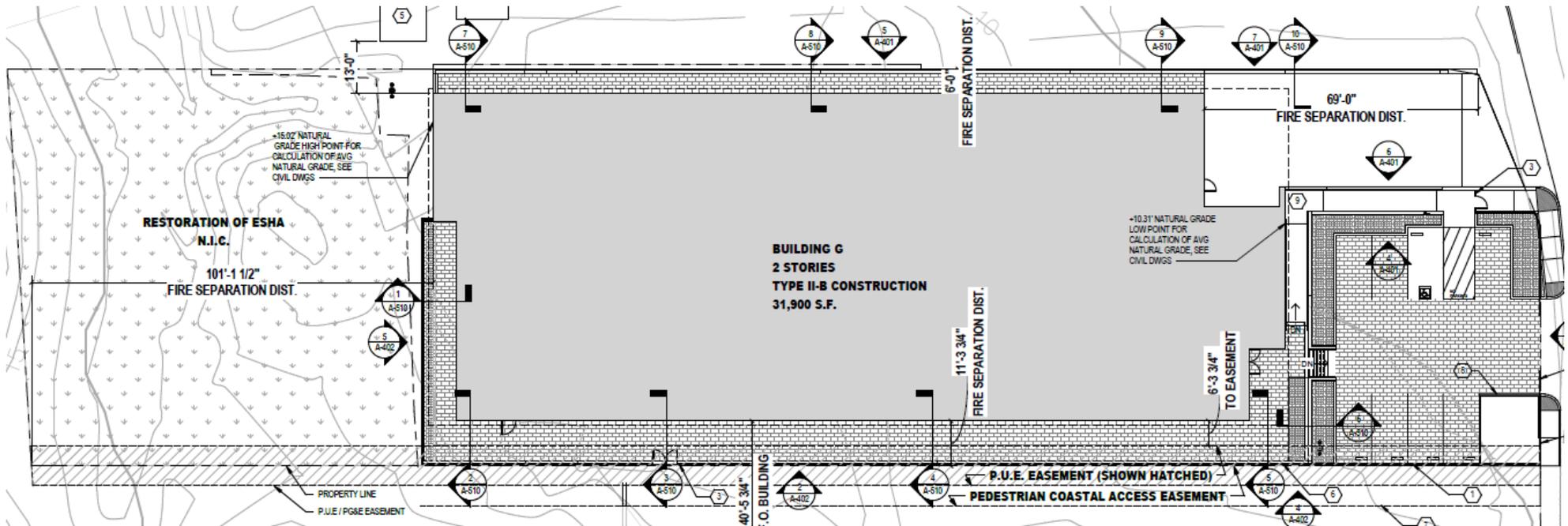


Exhibit 2 (above): Site Plan of proposed Building G, habitat restoration area, and parking site improvements, including the planters and parking lot. (Source IX.1)



Exhibit 3 (left): Aerial photo of the site and immediate surroundings. (Source: IX.7)

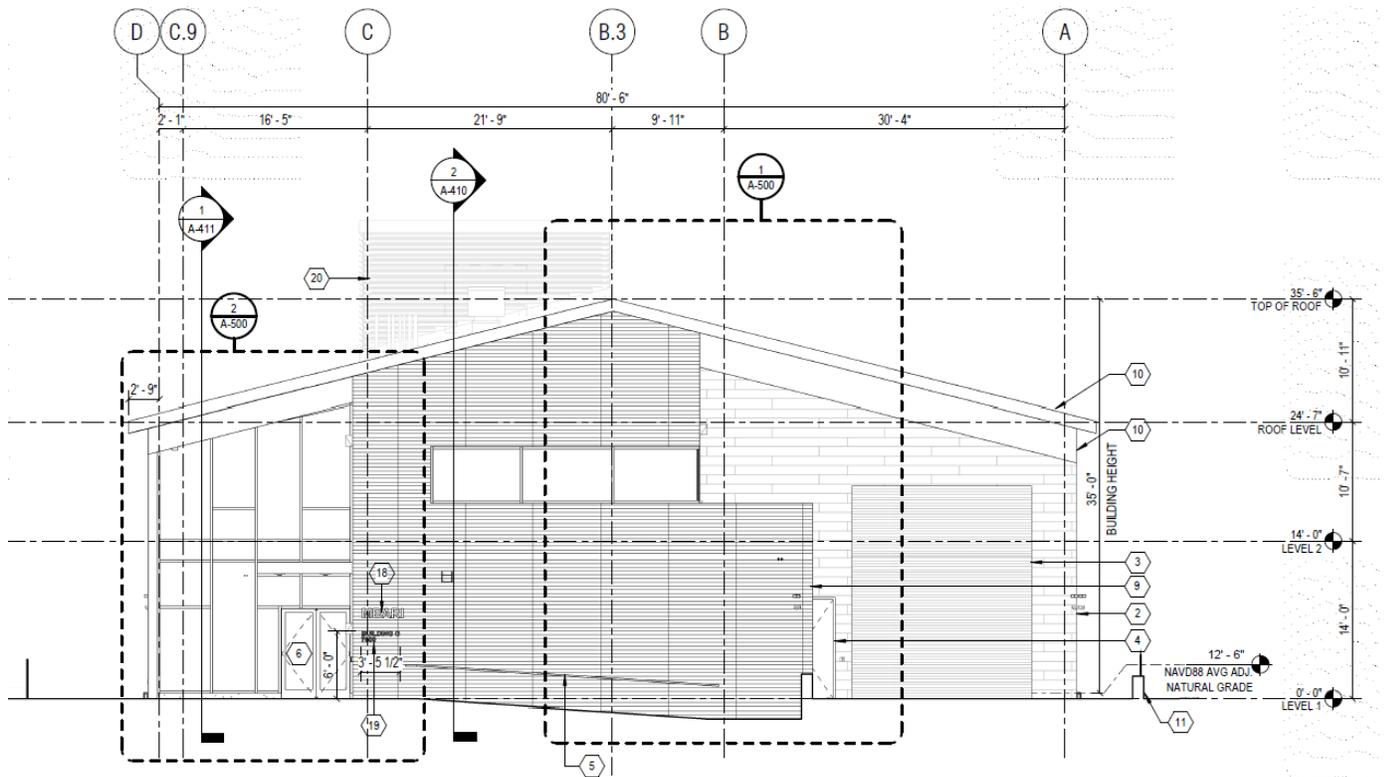


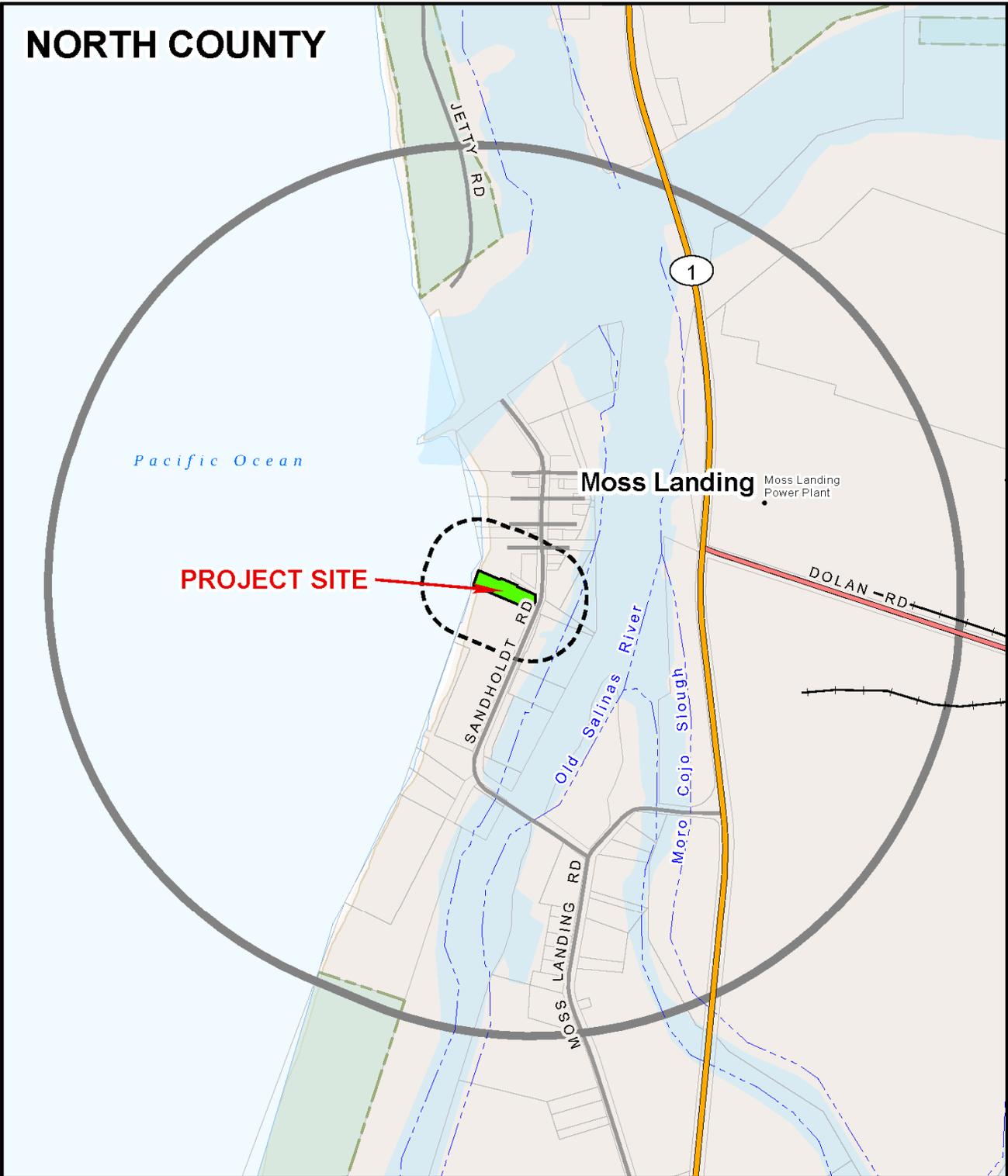
Exhibit 4: Proposed front elevation of Building G. (Source IX.1)

B. Surrounding Land Uses and Environmental Setting: The subject property is a 0.88 acre site in the unincorporated area of Monterey County, located on the northwestern portion of the area identified as the Moss Landing “Island.” The island is south of Elkhorn Slough and west of the Moss Landing Harbor and State Highway 1, and east of the Pacific Ocean.

The island is zoned Light Industrial in the Coastal Zone [LI (CZ)] and is relatively flat in topography. The island has been thoroughly developed with light industrial uses, including marine and oceanographic research facilities such as Monterey Bay Aquarium Research Institute (MBARI), whose campus is located entirely on the island, and Moss Landing Marine Labs, and other industrial uses such as Moss Landing Boat Works and the welding and fabrication shop Sanctuary Stainless. The island also has established recreational uses, including a sandy beach which runs along the ocean and parallel to Sandholdt road and use of the harbor for boating tours, such as Monterey Bay Eco Tours. Public access to the beach is available at the end north of the island and through an access easement to immediate south of the subject property.

Immediately north of the subject site is an existing residential use and a Moss Land Marine Labs facility, south the Monterey Bay Aquarium Research Institute (MBARI) campus, west is a sandy beach with dune habitat, and east is the Moss Landing Harbor. (Source IX.1, 4, 5, 7, 8, 35, 42).

NORTH COUNTY



APPLICANT: MONTEREY BAY AQUARIUM RESEARCH INSTITUTE

APN: 133-232-001-000

FILE # PLN210093



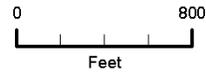
ProjectSite



2500Buffer



300Buffer



PLANNER: ANGELO

Exhibit 5: Vicinity Map. (Source IX.56)

C. Other public agencies whose approval is required: Subsequent to approval of the required discretionary permits (entitlements) identified above in Section A, the applicant would require ministerial construction permits from the County of Monterey HCD-Building Services, encroachment permits for any offsite improvement work from the County of Monterey Public Works, Facilities, and Parks, submittal of a hazardous materials information through the California Environmental Reporting System (CERS) system to County of Monterey Environmental Health Bureau, approval of appropriate air quality permits through the Monterey Bay Air Resources District (MBARD), and approval of a Letter of Map Revision based on Fill (LOMR-F) from the Federal Emergency Management Agency (FEMA). The project would be appealable to the County of Monterey Board of Supervisors and to the California Coastal Commission. (Source: IX.1, 21, 50, 55, 57)

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

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

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

General Plan: Within the coastal areas of unincorporated Monterey County, the *1982 General Plan* policies apply where the Local Coastal Program is silent. This is typically limited to noise policies as the Local Coastal Program policies contain the majority of development standards applicable to development in the coastal areas. The proposed demolition of an existing marine research facility and restaurant, construction of a new marine research facility, and habitat restoration activities are consistent with the noise policies of the *1982 General Plan*. Noise increases would be limited to temporary construction related noise impacts. Ambient noise levels are not expected to significantly increase, as operational noise will be a marine research facility, which is a substantially similar use to what exists onsite and consistent with the surrounding light industrial land use context. (Source: IX.1,2) **CONSISTENT**

Local Coastal Program LUP/Area Plan: The project is subject to the North County Land Use Plan (LUP), which includes the Moss Landing Community Plan (MLCP), and is part of the Certified Local Coastal Program (LCP) for Monterey County. Implementing regulations for these plans are found within the Monterey County Coastal Implementation Part 1, Title 20 of the Monterey County Code (Zoning Ordinance) and Part 2, Regulations for Development in the North County Land Use Plan Area (CIP). County staff reviewed the project for consistency with these plans and regulations, and this Initial Study discusses consistency with them in Sections VI.11 (Land Use and Planning), VI.1 (Aesthetics), and VI.4 (Biological Resources). As proposed, conditioned, and mitigated, the project demolition of an existing marine research facility and restaurant, construction of a new marine research facility, and habitat restoration, are consistent with the LUP, MLCP, and CIP. (Source: IX.1, 3, 4, 5, 6) **CONSISTENT**

Air Quality Management Plan: The Air Quality Management Plan (AQMP) 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), including the project area. 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's construction emissions that would temporarily emit precursors of ozone are accommodated in the emission inventories of state- and federally-required air plans. The project would not cause a significant increase of stationary emissions. (Source: XI.1, 58) **CONSISTENT.**

Water Quality Control Plan. The subject property lies within Region 3 of 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. Operation of the project would not generate pollutant runoff in amounts that would cause degradation of water quality. In accordance with Chapter 16.12 of the

Monterey County Code (MCC), the proposed project shall be required to submit a drainage and erosion control plan to HCD-Environmental Services prior to issuance of building permits. The CCRWQCB has designated the Director of Health as the administrator of the individual sewage disposal regulations, conditional upon County authorities enforcing the Regional Water Quality Control Plan, Central Coast Basin (Basin Plan). These regulations are codified in Chapter 15.20 of the MCC. For additional discussion on hydrology and water quality, please refer to Section VI.10 of this Initial Study. (Source: IX.1, 21) **CONSISTENT.**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

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

Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or

maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

1. Aesthetics. See Section VI.1.
2. Agriculture and Forest Resources. The project site is an existing restaurant and marine research building designated as “Urban and Built-Up Land” according to GIS information from the California Department of Conservation Important Farmland Finder, and would therefore not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. The project site is zoned for light industrial uses, rather than agricultural ones, and is not in a Williamson act contract.

The project site would not be considered forest land or timberland. The California Public Resources Code defines forest land as land that can support 10 percent native tree cover of any species under natural conditions, and that allows for management of one or more forest resources (PRC §12220(g)). The public resources code also defines timberland as land which is available for and capable of growing a crop of trees of a commercial species. (PRC §4256) The project site has no tree cover and cannot support 10 percent native tree cover, consisting of structures, hardscape, and degraded sand dune habitat.

The surrounding land uses are principally developed light industrial ones, there are no farm lands or forested lands in the vicinity of the project. The project would not impact the surrounding environment in such a way as to cause conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

No Impacts. (Source IX.1, 7, 8, 13, 22, 25)

3. Air Quality. See Section VI.3.
4. Biological Resources. See Section VI.4.
5. Cultural Resources. See Section VI.5.
6. Energy. See Section VI.6.
7. Geology/Soils. See Section VI.7.
8. Greenhouse Gas Emissions. See Section VI.8.
9. Hazards/Hazardous Materials. See Section VI.9.
10. Hydrology/Water Quality. See Section VI.10.
11. Land Use/Planning. See Section VI.11.

12. Mineral Resources. No known mineral resources were identified on the subject property in application materials, the plates (maps) available with the California Department of Conservation Division of Mines and Geology SMARA Designation Report No. 7, the index maps available in the Update of Mineral Land Classification: Aggregate materials in the Monterey Bay Production-Consumption Region report prepared by the California Department of Conservation Division of Mines and Geology, or available Monterey County GIS information. The property is also not designated as a mineral resource recovery site on any local land use plan.

No Impacts. (Source: IX. 1, 2, 3, 4, 5, 7, 31, 32)

13. Noise. See Section VI.13.

14. Population/Housing. The proposed project would not induce substantial unplanned population growth, either directly or indirectly, and would not displace substantial numbers of people or housing. The project entails the demolition of an existing 16,740 square foot restaurant and marine research lab building, the construction of a new 32,900 square foot marine research lab facility, and restoration of approximately 0.18 acres of degraded sand dune habitat.

The project does not propose to remove or construct any residential units. The new 32,900 square foot marine research lab facility will be larger than the existing 16,740 square foot restaurant and marine research lab that will be demolished as a part of the project. However, the number of employees is not expected to substantially increase. The statement of operations prepared for the project indicates no new employees will be hired for the project, as employees will be re-located from other facilities within the MBARI campus. However, the traffic study prepared for the General Development Plan (discussed below in Section IV.17 Transportation/Traffic of this Initial Study) presumes approximately 20 employees. As the proposed building floor plans depict 25 office spaces with 36 chairs, and MBARI employees from the existing building would also utilize the new building, this appears to be a reasonably foreseeable “worst-case” scenario for the assessment. Finally, the project does not include provisioning of roads or other development inducing infrastructure. *No Impacts.* (Source: IX.1, 5, 29, 33, 36)

15. Public Services. The project is served by the North County Fire Protection District of Monterey County. The nearest fire station is located at 11200 Speegle Street in Castroville, approximately 3 miles southeast of the site. The Monterey County Sheriff’s Office provides police services to the unincorporated portions of the County, out of stations in Monterey, Salinas, and King City. The nearest of which is located at 1414 Natividad Road in Salinas, approximately 11 miles southeast of the site. The subject property is within the North Monterey County Unified School District and the North County Recreation & Park District.

No new or altered governmental facilities are proposed or would be required to service the project. The project entails the demolition of an existing 16,740 square foot restaurant and marine research lab building, the construction of a new 32,900 square foot marine research lab facility, and restoration of approximately 7,841 acres of degraded sand dune habitat. The project has no residential component which would generate demand for

additional schools or parks, and would not create a substantial increase in the number of employees which would generate demand for any other public services. The restaurant use and employees would no longer be onsite, and, as indicated in the project operations plan, Monterey Bay Aquarium Research Institute intends to use the new structure for staff currently operating within the building, with additional space, and to relocate existing employees within the campus to the building, rather than hire new employees. However, the traffic study prepared for the General Development Plan (discussed below in Section IV.17 Transportation/Traffic of this Initial Study) presumes approximately 20 new employees. As the proposed building floor plans depict 25 office spaces with 36 chairs, and MBARI employees from the existing building would also utilize the new building, this appears to be a reasonably foreseeable “worst-case” scenario for the assessment of service impacts. An increase of 0-20 employees in an area already served by public services and zoned to allow such uses represents an incremental increase in usage which would not impact public service performance. *No Impacts.* (Source: IX.1, 5, 7, 29, 33, 35, 36)

16. Recreation. The project does not include any residential component, and would not substantially increase the number of employees in the Monterey Bay Aquarium Research Institute campus (MBARI). The statement of operations for the project indicates no new employees will be hired for the project, as employees will be re-located from other facilities within the campus. However, the traffic study prepared for the General Development Plan (discussed below in Section IV.17 Transportation/Traffic of this Initial Study) presumes approximately 20 new employees. As the proposed building floor plans depict 25 office spaces with 36 chairs, and MBARI employees from the existing building would also utilize the new building, this appears to be a reasonably foreseeable “worst-case” scenario for the assessment of recreation impacts. An increase of 0-20 employees represents an incremental increase in usage. Therefore, the project would not cause a substantial increase in demand or use of any nearby recreational facilities. A vertical access easement runs parallel to and south of the project site, which allows access from Sandholdt road to the nearby beach, which is used for recreational purposes. This easement is not being modified by the project, and as indicated in the construction management plan submitted with the project application (HCD-Planning file PLN210093), will remain open throughout construction operations. *No Impacts.* (Source IX.1, 29, 33, 34, 36)

17. Transportation/Traffic. The project would not conflict with any programs, plans, ordinances, or policies addressing the circulation system, does not propose modifications to the circulation system, and would not result in inadequate emergency access, and would not generate additional trips or vehicle miles traveled. A traffic analysis was previously prepared as a part of the Monterey Bay Aquarium Research Institute (MBARI) General Development Plan application (HCD-Planning file No. PLN080006), and is available in HCD-Planning library file No. LIB090458. While this traffic analysis evaluated for level of service rather than vehicle miles travelled, and an updated vehicle miles travelled analysis has yet to be completed, the evaluation included trip generation, which has been utilized to screen for the possibility of a potentially significant transportation impact. The 2018 Governor’s Office of Planning and Research Technical Advisory of Transportation Impacts that indicates projects which generate or attract

fewer than 110 trips per day generally may be presumed not to cause a significant transportation impact. The traffic analysis identifies the current project, Building G, as “Phase 2” of the overall development of the MBARI campus. While statement of operations and information submitted with the project application indicate that no additional employees will be hired with the execution of the project, with staff being moved from other buildings onsite or occupying the offices temporarily, the traffic analysis presumes approximately 20 new employees. As the proposed building floor plans depict 25 office spaces with 36 chairs, and MBARI employees from the existing building would also utilize the new building, this appears to be a reasonably foreseeable “worst-case” scenario for the assessment of transportation impacts. Presuming twenty new employees would generate 61 weekday daily trips, which is less than the 110 trip screening threshold. Phil’s Fish restaurant is also proposed to be removed from the project site, although whether the owner. Factoring in the reduction in trips anticipated by removing the restaurant use has the potential to substantially reduce trip generation. The analysis included in the study indicated it would remove 601 weekday daily trips, which would result in a *negative* trip generation of 540 trips. *No Impacts*. (Source: IX.1, 29, 33, 36)

18. Tribal Cultural Resources. See section VI.18.

19. Utilities/Services Systems. Utilities and service systems exist which serve the property and would be able to serve the project. Potable water service is provided by Pajaro Sunny Mesa Community Services District (PSMCSD), who provided a can and will serve letter indicating that they presently serve and will continue to serve the property. An estimate provided by the applicant indicates that implementation of the project would decrease overall water consumption of the site substantially. The project would include removal of an existing restaurant use, which is estimated to use approximately 209,440 gallons of water a month. By comparison, the new marine research lab building is estimated to require approximately 25,730 gallons a month. The estimated wastewater generated would also be expected to decrease proportionately. Utility and service providers other than domestic water are as follows:

- Wastewater within the area is provided by the Castroville Community Services District (CCSD) for operation and maintenance services;
- Gas and electrical service are both provided by Pacific Gas & Electric (PG&E);
- Telecommunications would be provided by Comcast and AT&T; and
- Solid waste disposal services would be provided by Monterey Regional Waste Management District.

The new marine research lab facility is larger in square footage, going from 16,740 square feet to 32,900 square feet. However, water and wastewater generation are anticipated to decrease as a result of implementing the project. Information provided by the project applicant indicates that the existing Phil’s Fish restaurant water use averages 209,440 gallons/month. An estimate of projected water use for Building G was prepared by evaluating overall use of the existing MBARI campus, which is composed of similar uses to the proposed Building G. The entire campus currently uses 128,656 gallons a month. Scaling for the number of occupants, the water use of Building G was anticipated to be less than 20% of overall campus use, approximately 25,730 gallons a month, which

is far less than the present use. The change of use from a restaurant to a marine research facility, which includes much lower water use intensity spaces such as offices, equipment assembly and testing labs can explain this reduction. Wastewater would be anticipated to also decrease proportionately. The site presently has natural gas, telecommunications, and solid waste disposal service, and there has been no indication that they would not be able to continue to service the proposed project.

The demolition scope for the existing structure includes the removal of the existing utility laterals and re-connection the utilities to the project site. This scope of work is shown on the Demolition and Utility plans submitted with the project application. After approval of the project, subsequent approval from Public Works, Facilities, & Parks, would be required for any construction activity occurring within the public right of way. No expanded facilities or services would be required to support the project, and no other work on existing utility systems would be required.

No Impacts. (Source: IX.1, 33, 39, 40, 41)

20. Wildfires. While nearly all of California is subject to some degree of wildfire hazard, there are specific features that make certain areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather and other relevant factors (Public Resources Code [PRC] 4201-4204, California Government Code 51175-89). The primary factors that increase an area's susceptibility to fire hazards include topography and slope, vegetation type and vegetation condition, and weather and atmospheric conditions.

In California, responsibility for wildfire prevention and suppression is shared by federal, state and local agencies. Federal agencies have legal responsibility to prevent and suppress wildfires in Federal Responsibility Areas (FRAs). CAL FIRE prevents and suppresses wildfires in State Responsibility Area (SRA) lands, which are non-federal lands in unincorporated areas with watershed value, are of statewide interest, defined by land ownership, population density, and land use. Wildfire prevention and suppression in Local Responsibility Areas (LRA) are typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government. CAL FIRE maps fire hazards based on zones, referred to as Fire Hazard Severity Zones. Each of the zones influence how people construct buildings and protect property to reduce risk associated with wildland fires. Under state regulations, areas within Very High Fire Hazard Severity Zones (VHFHSZ) must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life within these areas.

The project site is in a LRA and is not within a VHFHSZ. The project site is relatively flat and extensively covered in structures and hardscape, with limited fuel. While the project does include dune habitat restoration and ornamental landscaping along the building frontage, it would not add dense tree or vegetation cover or substantially alter the site to exacerbate wildfire hazards. The proposed structure is sited as to meet the fire separation distances prescribed in 2019 California Building Code (CBC) Chapter 6 Types of Construction. *No Impacts.* (Source: IX.1, 7, 19, 22)

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
Philip Angelo

2/9/2022

Date
Associate Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 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 Except as provided in Public Resources Code section 21099, 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.1, 3, 4, 6, 8, 35)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX.1, 7, 12, 28, 35, 37)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized 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.1, 3, 4, 6, 8, 35)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX.1, 8, 35)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

The project is located in the community of Moss Landing, on the Moss Landing Island. Moss Landing is a visually unique community, as discussed in the Visual Resources and Community Character section of the Moss Landing Community Plan. It contains diverse man-made and natural features which contribute to its unique character, including its setting for cannery activities, cultural significance for scientific research, natural shoreline setting, and historical port, and collection of antique shops. (Source IX.1, 4)

Aesthetics 1(b). Conclusion: No Impact.

The project is visible from State Highway 1, the portion of Highway 1 adjacent to Moss Landing being eligible but not officially designated as a Scenic Highway. However, the project does not propose to remove or modify any scenic resources such as trees, rock outcroppings or historic scenic buildings. The building proposed to be demolished does not have the potential to be considered historic, as discussed in Section VI.5 Cultural Resources of this Initial Study. No trees, rock outcroppings, or other similar scenic natural features exist onsite. Therefore, implementation of the project would result in no impact. (Source: IX.1, 7, 12, 28, 35, 37)

Aesthetics 1(a), (c) and (d). Conclusion: Less than Significant.

Scenic Vista & Public Views: The view of the Moss Landing Harbor from Highway 1 is a unique scenic vista. The North County Land Use Plan (LUP), Moss Landing Community Plan (MLCP), and Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the

North County Land Use Plan Area (CIP), also contain policies and regulations which specifically address the views from Highway 1 toward the shore and toward Moss Landing. LUP Policy 2.2.2.3 indicates structures shall generally be sited as to not block public views of the shoreline and the MLCP Policy 5.6.3.6 detailing that views of the Moss Landing Community, harbor, and dunes from Highway 1 shall be protected regulations of siting adjacent to the highway to minimize loss of visual access. MLCP Policies 6.4.G.1 & 2 further establish a goal that all new structures should be located and designed to retain existing visual access to the shoreline from major public viewpoints and viewpoints, and existing access shall be retained. The site is also visible from another major public viewing area, Moss Landing State Beach, which is approximately 0.42 miles north of the subject site. See Exhibits 6 and 8 depicting the project site from Moss Landing State Beach.

The project involves demolition of an existing restaurant and marine research facility and construction of a new two-story marine research facility within the vista. The existing structure is 27.75 feet tall at ridge height, while the new structure will be 35 feet tall at ridge height. Mechanical appurtenances on the new structure will protrude above this 35 foot height, the most visually prominent of which is a mechanical exhaust louver which extends approximately 6 feet and 7 inches above the 35 foot height, for a total height of 41 feet and 7 inches. Other mechanical appurtenances include an exhaust stack for laboratory hoods which protrudes approximately 11 feet and 8 inches, and two general exhaust vents which protrude 4 feet and 1 inches and 2 feet and 5 inches, respectively. Staking and flagging was installed over the existing structure to depict the height of the proposed structure and the louver, and photo simulations were prepared comparing the existing structure with the proposed structure. These can be seen in Exhibits 8 through 13, below.

The replacement of the existing structure with the new structure is consistent with the policies discussed above, and would not substantially alter the character of the vista. The change in height would not obscure any shoreline views from Highway 1, as shown in the photo simulations in Exhibits 8 and 9 below. While visible from Moss Landing State Beach, due to the distance, and screening with existing vegetation and other existing structures, the new taller structure would not obscure any views of the harbor, and would not materially alter the viewshed. The structure, while taller, would be keeping within the scale of adjacent structures and the Island neighborhood. Therefore, impacts to scenic views would be less than significant. (Source: IX.1, 3, 4, 6, 8, 35)



Exhibit 6: Google Street view image of the Moss Landing Island from Moss Landing State Beach (2014). (Source IX.35.)



Exhibit 7: Digitally zoomed in google Street view image of the Moss Landing Island from Moss Landing State Beach, with the roof of the existing Phil's Fish highlighted in yellow (2014). (Source IX.35)



Exhibit 8: Photo simulation from Highway 1 showing existing restaurant (Source IX.1)



Exhibit 9: Photo simulation from Highway 1 showing proposed project. (Source IX.1)



Exhibit 10: Photo of staking and flagging from front of the building. Mechanical Louver the rectangle behind the main ridgeline. (Source IX.1)



Exhibit 11: Photo of staking and flagging from rear of the building. Mechanical Louver the taller rectangle. (Source IX.1)



Exhibit 12: Drone photo of existing building from ocean side. (Source IX.1)



Exhibit 13: Photo simulation of proposed project, with new building and dune restoration. (Source IX.1)

Light and Glare: The project would not introduce a considerable quantity of light or glare which would effect day or nighttime views. Exterior lighting would be required to be un-obtrusive and down-lit. As a standard condition of approval the applicant would be required to submit an exterior lighting plan to HCD-Planning for review and approval demonstrating that all proposed exterior light fixtures are down-lit and unobtrusive prior to the issuance of building permits, and furnish evidence that the fixtures were installed as proposed prior to building final inspection. The project design does include windows and a glass storefront area, which could be sources of glare and potentially night time light. However, the scale of the project and size of the storefront areas is small enough that these would not be a significant impact in terms of light or glare. The size of the store front area is approximately 17 feet, 21% of the 80 foot and 6 inch façade. Therefore, the impact to light and glare would be less than significant. (Source: IX.1, 8, 35)

Regulations governing Scenic Quality: The North County Land Use Plan (LUP), Moss Landing Community Plan (MLCP), and Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (CIP) all containing policies and regulations adopted for the purposes of protecting aesthetic resources, which are referred to as Visual Resources and Visual Resources & Community Character within the plans.

The Visual Resources LUP Key Policy 2.2.1 indicates development within Dune habitats should be prohibited to the greatest extent possible, with MLCP Policy 5.6.2.1 further enumerating that to protect the visual resources of Moss Landing, development should be limited as much as possible in the scenic beach and dune areas of the community. Consistent with both of these polices, the proposed marine research facility is limited to those areas outside of the dune habitat, and further, the approximately 0.18 acres of dune habitat area onsite are proposed to be restored.

The objective of MLCP Key Policy 5.6.1 is to conserve the unique visual, cultural, and historic resources of Moss Landing. The MLCP contains a number of supplemental policies intended to achieve this key policy objective. The project's initial design aligned with many of these policies. The proposed structure utilizes a basic hip roof, resembling other structures in the neighborhood and the proposed design conforms to the guidance detailed in MLCP Policy 5.6.3.7 for the Moss Landing Island in the following respects:

- Notwithstanding the mechanical louver and mechanical appertenances, the structure is a 35 foot 2-story stucture, keeping within the existing vertical character of the area;
- The policy indicates that primary façade materials near the cannery buildings should be wood. Responsive to this, the primary façades finish materials include a porcelain tile which resembles wood siding, and board formed cast in place concrete, which has the visual texture of wood (see Exhibit 15 below); and
- Proposed utility lines are undergrounded for the project.

However, the initial finish palette of the project primarily consisted of neutral modern finishes, including glass and storefront and exposed concrete, which was not entirely in alignment with the MLCP design guidance found in Specific Policy 5.6.3.7(b), that projects on the Island shall enhance the historical cannery character, and Key Policy 5.6.1, that projects conserve the unique visual reources of Moss Landing, which would include its eclectic nautical neighborhood character. In order to address this, as part of the development review process, the applicant revised their proposal by including a color contrast study incorporating teal/cyan highlights into

the project design, integrating the the project into the unique fabric of the area. With the incorporation of these design changes, the impact to the scenic character of the area would be less than significant. (Source: IX.1, 3, 4, 6, 8, 35)

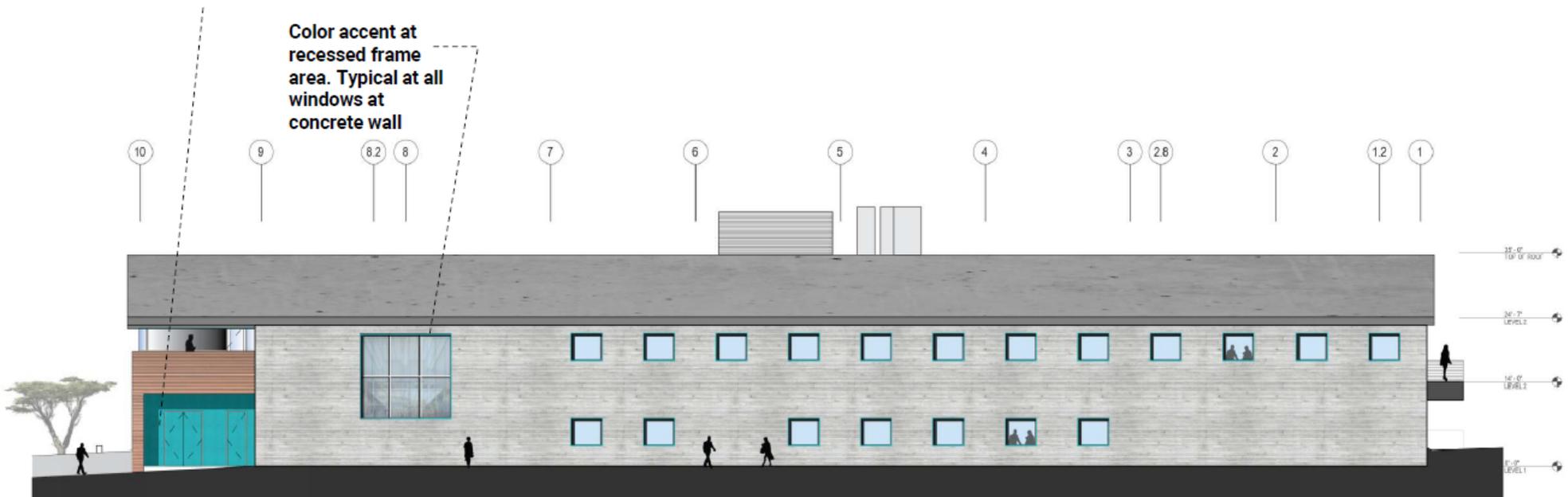


Exhibit 14: Photo of material sample board for the project. From left to right, finish materials include: charcoal grey roof tiles, grey mullions, wood look porcelain tiles, cast in place concrete (board formed and smooth), glass glazing, cement board soffits, and grey pedestrian pavers. (Source IX.1)



*Exhibit 15 (Left):
 Rendering of front
 façade, incorporation
 of contrasting colors
 (Source IX.1)*

*Exhibit 16 (Below):
 elevation of north
 façade, incorporating
 contrasting colors
 (Source IX.1)*



2. AGRICULTURAL AND FOREST RESOURCES

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: IX.1, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX.1, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: IX.1, 8, 22, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: IX.1, 8, 22, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: IX.1, 7, 8, 13, 22, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion:

See section IV.2. No Impacts.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district 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, 7, 10, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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, 7, 10, 34, 51, 52, 59)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in significant construction-related air quality impacts? (Source IX.1, 10, 28, 57)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations? (Source IX.1, 7, 10, 34, 51, 52, 59)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Source IX.1, 7, 10, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project site is located within the North Central Coast Air Basin (NCCAB), which is comprised of Monterey, Santa Cruz, and San Benito counties and is under the jurisdiction of the Monterey Bay Air Resources District (MBARD). As the local air quality management agency, MBARD is required to monitor air pollutant levels to ensure that state and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards. Depending on whether the standards are met or exceeded, the NCCAB is classified as being in “attainment” or “nonattainment.” The NCCAB is designated as nonattainment for the state PM₁₀ standard and nonattainment-transitional for the state one-hour and eight-hour ozone standards. The NCCAB is in attainment or unclassified for all other federal and state standards.

Since the NCCAB is designated as nonattainment for the state ozone and PM₁₀ standards, MBARD is required to implement strategies to reduce pollutant levels to recognized acceptable standards. In March 2017, MBARD adopted the *2012-2015 Air Quality Management Plan (2015 AQMP)* as an update to the 2012 AQMP. The 2015 AQMP is based on growth forecasts provided by the Association of Monterey Bay Area Governments (AMBAG) and assesses and updates elements of the 2012 AQMP, including the air quality trends analysis, emissions inventory, and mobile source programs. The 2015 AQMP only addresses attainment of the state eight-hour ozone standard because in 2012, the United States Environmental Protection Agency (U.S. EPA) designated the NCCAB as in attainment for the current national eight-hour ozone standard of 0.075 parts per million (ppm). In October 2015, the national standard was reduced to 0.070 ppm. The NCCAB continues to be in attainment with this updated federal ozone standard.

Air Quality 3(a), (b), (d), and (e). Conclusion: No Impact.

Plan Consistency: As discussed in section III or this Initial Study, the project has been found to be consistent with the 2015 AQMP. Therefore, there would be no impact caused by obstruction of the AQMP. At present, Monterey County is in attainment for all federal and state air quality standards for Carbon monoxide (CO), Nitrogen dioxide (NO₂), Sulfur Dioxide (SO₂), Lead, and fine particulates (PM_{2.5}).

Sensitive Receptors: There are no schools, childcare centers, hospitals, or nursing homes within a 1-mile radius to the project site that could be impacted by air pollutants. The Moss Landing Island beach is used for recreational purposes, and Moss Landing State Beach is approximately 0.4 north miles from the project site. The property immediately north of the subject site also has an existing nonconforming residential use. The residential and recreational uses in the vicinity of the project are sensitive receptors. However, the project would not generate substantial pollutant concentrations which would cause an impact to these receptors. Operational emissions for both the existing use and the proposed project were estimated using the California Emissions Estimator Model (CalEEMod). Certain approximations and assumptions were made in order to model the overall emissions, which are summarized in Section VI.6 Energy of this Initial Study. Additionally, as discussed in Section VI.6 Energy, two figures for the estimated natural gas and for the electrical usage of the new building were prepared. In estimating emissions generated by the proposed marine research facility (Building G), the higher of the two figures for both electricity (691,600 kWh/year) and natural gas use (863,900 kBTU/year). For the purposes of this assessment VOC (Volatile Organic Compound) emissions are presumed to be identical to ROG (Reactive Organic Compounds). The estimated emission values were compared against the criteria pollutant thresholds of significance for operational emissions detailed in the Monterey Bay Air Resources District (MBARD) CEQA Air Quality Guidelines, and the results are shown in the table below:

Criteria Pollutant	Threshold of Significance	Estimated emissions from proposed Building G	Estimated Emissions from Existing Use
VOC (direct + indirect)	137 lb/day	1.63 lb/day	1.77 lb/day
NO _x , as NO ₂ (direct + indirect)	137 lb/day	1.26 lb/day	1.87 lb/day
PM ₁₀ (on-site)	82 lb/day	1.33 lb/day	1.74 lb/day
CO	550 lb/day*	7.33 lb/day	10.58 lb/day
SO _x , as SO ₂ (direct)	150 lb/day	0.02 lb/day	0.02 lb/day

*The MBARD CEQA Air Quality Guidelines include an alternative threshold for situations where the (LOS) level of service for an intersection is decreased. However, this is not applicable in this case, because as discussed in Section IV.17 Transportation/Traffic, implementation of the project will not result in any transportation or traffic related impacts.

For all criteria pollutants, the estimated emissions were far below the thresholds of significance, and were equal or below existing emissions. Therefore, the project would not expose any sensitive receptors to substantial pollutant concentrations and implementation of the project would result in no impact.

(Source IX.1, 7, 10, 34, 51, 52, 59)

Odors: The marine research lab contains controlled laboratory space for the assembly and testing of oceanographic equipment, office spaces, and other utility spaces associated with research and development and office type uses. The project is replacing a restaurant and marine research lab with a larger marine research lab, a substantially similar use to one which already exists on the subject site, and surrounded by similar such light industrial uses. Operative emissions are expected to be similar to the uses which already exist on the site and in the surrounding area, therefore, there would be no impact from exhaust or fumes causing an odor impact resulting from project implementation.

(Source IX.1, 7, 10, 34, 59)

Air Quality 3(c). Conclusion: Less than Significant.

Construction would involve equipment typically utilized in commercial and industrial construction projects, such as excavators and trucks. The project would entail demolition of an existing restaurant and marine research lab and construction of a new 2-story marine research lab and associated site improvements, and would not result in the emission of substantial amounts of criteria pollutants. According to the MBARD CEQA Guidelines, a project would have a significant short-term construction impact if the project would emit more than 82 pounds per day or more of PM₁₀. Further, the MBARD CEQA Guidelines set a screening threshold of 2.2 acres of construction earthmoving per day, meaning that if a project results in less than 2.2 acres of earthmoving, the project is assumed to be below the 82 pounds per day threshold of significance. As the subject site is only 0.88 acres, the proposed project would result in less than 2.2 acres of earthmoving per day.

Additionally, according to the historical report on file for the property (HCD-Planning Library File No. LIB090467, the current structure proposed to be demolished was constructed in 1960. As such it may contain asbestos. Disturbance through building de-construction or demolition would have the potential to release the asbestos materials into the air, which are hazardous if inhaled. However, the applicant would be required to comply with MBARD Rules No. 424 and No. 439, which both regulate the de-construction and demolition of structures. Rule No. 424 includes asbestos survey requirements, work practice standards for handling asbestos, and disposal requirements, while Rule No. 439 requires general practice standards to reduce construction related emissions. Monterey County's standard condition No. 47 has been applied, which requires that the applicant comply with all air district standards.

Therefore, as the project is below the threshold of significance for short term construction emissions from the MBARD CEQA Guidelines, and the potential for asbestos dust would be controlled by the application of standard regulations, construction related impacts to air quality would be less than significant. (Source IX.1, 10, 28, 57)

4. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source IX.1, 3, 4, 6, 7, 25, 47)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source IX.1, 3, 4, 6, 7, 25, 47)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.1, 3, 4, 6, 7, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source IX.1, 3, 4, 6, 7, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source IX.1, 3, 4, 6, 7, 25, 47)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source IX.1, 3, 4, 6, 7, 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

A biological assessment of the project site and proposed development was prepared by RANA The Cohabitat Co., dated September 24, 2020. A letter updating this report dated June 10, 2021 was submitted by Paul Kephart of RANA. Both are available in HCD-Planning library file No. LIB210100 and are referred to collectively as the biological report herein.

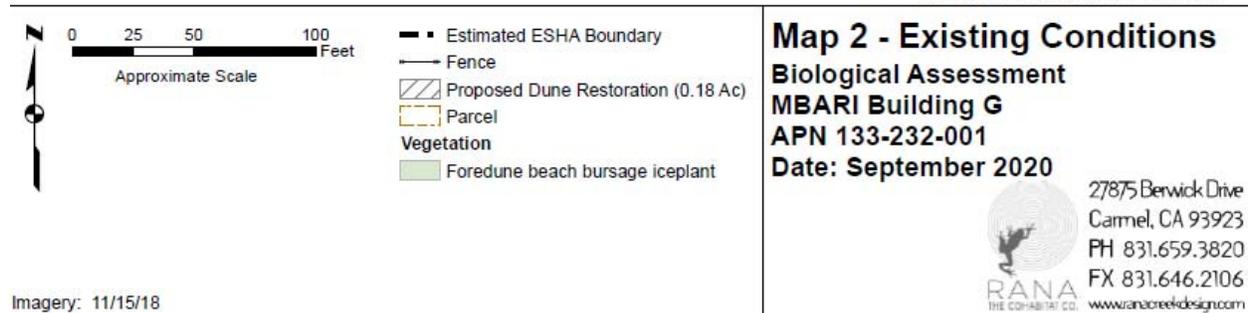
The subject property is 0.88 acres. The eastern 0.70 acre portion of the site is developed with a structure, an existing restaurant & marine research lab, and hardscape, which is principally a parking lot. The western 0.18 acre section of the property is ruderal dune habitat area. The majority of this area is enclosed by a perimeter chain link fence and contains temporary outdoor

tables, furnishings, and storage for the restaurant use. The sand dune habitat is highly degraded, dominated with invasive iceplant (*Carpobrotus edulis*) and containing other non-native species. However, remnant native foredune species, including yellow sand verbena (*Abronia latifolia*), beach bur (*Ambrosia chamissonis*) and saltgrass (*Distichlis spicata*) are also present.

As discussed in the biological report, the California Natural Diversity Database (CNDDDB) identifies 5 special status plants and 15 special status animal species having occurred within approximately 2 kilometers of the subject site. Of these, Monterey spineflower, Sand gilia, California legless lizard, and Western snowy plover were determined to have the potential to be present onsite. The remaining species were determined to have no likelihood of occurrence due to lack of suitable habitat. (Source IX.1, 25)



USGS Moss Landing 7.5' Quadangle



Imagery: 11/15/18

Exhibit 17: site map from biological report, depicting dune habitat area in green (Source IX.25)

Conclusion/Mitigation:

Biological Resources 4(c), (d), and (f). Conclusion: No Impact.

The property is not in a wetland, and the project does not include any components which would introduce fill or hydrological interruption to any offsite wetlands. All proposed construction activities are within the existing developed structure and hardscape portions of the site; therefore, the project would not substantially interfere with the movement of any native wildlife species or migratory corridors, or impede the use of native wildlife nursery sites. The property is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan. Therefore, implementation of the project would have no impact relative to these resources. (Source IX.1, 3, 4, 6, 7, 25)

Biological Resources 4(a), (b), and (e). Conclusion: Less than Significant with Mitigation.

Sensitive Species & Habitat Areas: As discussed above, the biological survey identified the potential presence of two special status plant species. A site survey was conducted on April 22, 2020 to evaluate the site and the potential presence of these species:

- **Monterey spineflower** (*Chorizanthe pungens* var. *pungens*) – a low growing annual herb present in a variety of habitats, including oak woodland, maritime chaparral, coastal scrub and coastal dune scrub and strand plant communities, which flowers approximately between late March and June. The Monterey spineflower is federally threatened by development and encroachment of aggressive non-native plants. The site survey conducted as part of the biological report on April 22, 2020 did not identify the presence of any spineflower onsite, and concluded suitable conditions for its presence are limited. The survey occurred at an appropriate time of year, as the flower was observed in bloom on the “Davi parcel” (Assessor’s Parcel Numbers 133-242-008 and 133-242-001), which is approximately 290 feet north of the subject site on the same day of the survey.
- **Sand gilia** (*Gilia tenuiflora* ssp. *arenaria*) – a federally endangered and California threatened plant species which occurs in dune habitat, coastal scrub, and sometimes within open pockets in maritime chaparral. Gilia was not observed on the property as part of the site survey, and the biological report concluded there were not suitable habitat conditions for its presence. The survey occurred at an appropriate time of year, as the Sand gilia was observed in bloom at a reference site identified as the “Marina Dunes” property in Marina on the same day. For geographic reference, the Marina Dunes Preserve is approximately 7 miles south of the subject site.

The biological report also identified the potential presence of two special status wildlife species, and the site survey conducted April 22, 2020 evaluated the site for the presence of these species:

- **California legless lizard** (*Anniella pulchra*) – a California species of special concern with a historical range between Carmel and the Salinas River, and most abundant in coastal dune habitats where native vegetation is present. The survey concluded that the habitat potential of the subject site for the legless lizard is poor due to the lack of native vegetation and extensive invasive iceplant coverage.
- **Western snowy plover** (*Charadrius alexandrinus nivosus*) – Western snowy plover (WSP) is a Federally threatened species and California species of special concern. No plovers were identified onsite from the April 22, 2020 survey and a previous survey conducted in 2016, and the biological report concluded that the development area does

not contain suitable habitat for the species. However, they could potentially utilize the sandy beach or higher quality foredune areas which are adjacent and south of the property.

As the field survey did not identify any individuals or suitable habitat for the Monterey spineflower, sand gilia, and California legless lizard, no impacts are anticipated to these sensitive plant and wildlife species. While no Western snowy plover individuals were identified onsite, the biological survey and report identified that the adjacent sandy beach and nearby higher quality dune could be suitable habitat for the species. As construction activities, such as trampling by personal, staging of materials and equipment, and grading and excavation operations could inadvertently harm individual plovers, Mitigation Measure No. 1 is included which would require a pre-construction survey within two weeks of the commencement of construction activities if construction activity is scheduled to begin during the bird nesting season. The survey shall be performed by a qualified biologist, and if Western snowy plover nesting is identified within 300 feet of the construction site, construction shall be postponed until monitoring by the qualified biologist confirms that young have fledged. Implementation of this mitigation would reduce the potential impact to sensitive wildlife species to a less than significant level.

Monterey County GIS does not identify any sensitive habitats or species on the site. However, despite its degraded status, the approximately 0.18 acres of coastal dune habitat is identified as sensitive habitat in the biological report. The Monterey County Coastal Implementation Plan, Part 2, Section 20.144.020(EE.) defines environmentally sensitive habitats as those areas in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem, and identifies indigenous dune plant habitats as an example such a sensitive habitat in the North County Land Use Plan area. The North County Land Use Plan Section 2.3 also includes discussion of dunes and beaches as being environmentally sensitive habitat.

As discussed in Section II of this Initial Study, the project includes the following components:

- Demolition of the existing structure and hardscape;
- Construction of a new marine research lab facility and hardscape; and
- Restoration of the approximately 0.18 acres of degraded dune habitat area.

The demolition of the existing structure and hardscape, and construction of the new marine research lab and hardscape are expected to have minimal impact sensitive dune habitat area, as these development activities would occur on the existing developed portion of the site (structure and hardscape), outside of the habitat area. However, inadvertent impacts resulting from construction activities are possible, including: trampling by construction crews, runoff, inappropriate staging of materials, and operation of equipment. To mitigate for such inadvertent impacts, implementation of Mitigation Measure No. 2 would require intact habitat area(s) be protected by the establishment of exclusionary fencing, and construction crews be notified of the fencing.

If after the implementation of Mitigation Measure No. 2, any inadvertent impact to sensitive dune habitat does occur due to onsite construction operations, it would be mitigated by Mitigation Measure No. 3, which requires the preparation and execution of a dune restoration

plan for the approximately 0.18 acres of sensitive dune habitat. As restoration of this degraded dune habitat is part of the proposed project, this mitigation would also mitigate the potential for improperly executed restoration activity to inadvertently damage the sensitive habitat area. The plan would be prepared by a qualified biologist, restoration activity would be supervised by appropriate biological professionals, and the initial restoration would be completed prior to final building inspection. The restoration plan would include appropriate monitoring periods as recommended by a qualified biologist after construction is complete, to ensure that the restoration effort has been successful. Together, mitigation measures 2 and 3 will reduce potential impact to the environmentally sensitive dune habitat area to a less than significant level. (Source IX.1, 3, 4, 6, 7, 25, 47)

Potential Conflicts with Local Land Use Plan Policies: The North County Land Use Plan (LUP), and Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (CIP) contain regulations for the protection of biological resources. County staff reviewed the project for potential inconsistencies, and the found that the project would be potentially inconsistent with LUP Policies 2.3.2.1, 2.3.2.2, 2.3.2.3, and 2.3.3.A.1:

- **Policy 2.3.2.1** prohibits all development in environmentally sensitive habitats, including dunes, unless such development is a resource dependent use. The dune habitat area is proposed to be restored, and a standard condition of approval would be required for the project placing this habitat area within a conservation easement in accordance with CIP Section 20.144.040(6.), which would be a resource conservation use consistent with the intent of the policy. However, the policy further enumerates that resource dependent uses shall only be allowed if they will not cause significant disruption of habitat values. As previously discussed, the improper execution of the proposed restoration scope would have the potential to inadvertently harm the habitat. Measure No. 3 requiring a dune habitat restoration plan shall ensure that the habitat is not inadvertently disrupted.
- **Policy 2.3.2.2 & 2.3.2.3** indicate that land uses and new development adjacent to locations of environmentally sensitive habitats be compatible with the long-term maintenance of the habitat. In accordance with Policy 2.3.2.2, The marine research facility use incorporates planning and design features needed to prevent habitat impacts. The proposed structures and hardscape are located entirely outside of the habitat area, no direct pedestrian access is available from the building to the habitat, and all onsite stormwater drainage is designed to be captured in treatment areas on the opposite east side of the property, draining to Sandholdt road in case of a system failure. The demolition of the existing structure and construction of the new structure and hardscape do have the potential to cause inadvertent impacts to habitat as discussed above. However, this is controlled with the application of Mitigation Measures No. 2 and 3, which will require protection of the habitat area during construction through the establishment of exclusionary fencing areas, and restoration of any habitat which has been inadvertently damaged, respectively.
- **Policy 2.3.3.A.1** indicates that public access to areas of rare, endangered and sensitive plants should be actively discouraged, and only allowed where it can be strictly managed.

A sandy beach and pedestrian access easement are adjacent to the habitat, which could result in trampling of unprotected habitat from pedestrian foot traffic. However, Mitigation Measure No. 3, the dune restoration plan, requires that the restoration plan incorporate protective symbolic fencing and low-profile signage information the public of the protected habitat, which shall ensure that public access adjacent to the habitat area does not degrade the habitat.

The inclusion of Mitigation Measure No. 2 & 3 brings the project into full consistency with the land use plan policies. Therefore, as proposed and mitigated, the potential impact from inconsistencies with policies intended to protect biological resources is reduced to a less than significant level. (Source IX.1, 3, 4, 6, 7, 25, 47)

Mitigation Measure (MM) No. 1: In order to prevent construction activities from inadvertently harming the Western snowy plover and other nesting birds, a qualified biologist shall be required to prepare a pre-construction bird nesting survey if initial site preparation, demolition, or construction activities are scheduled to begin within the nesting season. The survey shall be prepared by a qualified biologist from Monterey County's approved list of biological consultants and shall be prepared no greater than two weeks from the commencement of construction, initial demolition or site disturbance activities. If Western snowy plover activity is observed within 300 feet of the construction site, construction shall be postponed until the biologist confirms that the young have fledged and commencement of construction activity will not harm any plovers, and if other protected nesting bird activity is observed within 300 feet of the construction site, construction shall be postponed until the biologist confirms that construction will not harm the other nesting birds.

Mitigation Monitoring Action (MMA) No. 1.1: Prior to the issuance of construction permits, the owner/applicant shall submit an updated construction schedule to HCD-Planning indicating if construction activity is scheduled to begin within the bird nesting season, between February 1 and September 30. If initial site preparation, demolition, or construction is scheduled to begin during these times, a pre-construction survey shall be required.

Mitigation Monitoring Action (MMA) No. 1.2: Within two weeks of commencement of initial construction, demolition, or site disturbance activities, whichever comes first, the owner/applicant shall submit the results of a bird nesting survey required by MMA 1.1 prepared by a biologist on Monterey County's list of approved biological consultants to HCD-Planning. If the biologist's survey identifies Western snowy plover activity within 300 feet of the construction site, construction shall be postponed until monitoring by the biologist confirms that the young have fledged and commencement of construction activity will not harm any plovers. If other protected nesting bird activity is observed within 300 feet of the construction site, construction shall be postponed until the biologist confirms commencement of construction will not harm any protected nesting birds. Confirmation for either case shall be in the form of a follow up report prepared by a qualified biologist on Monterey County's list of approved biological consultants and submitted to HCD-Planning for review and approval prior to commencement of initial site preparation, demolition, or construction.

Mitigation Measure (MM) No. 2: Throughout project construction, the existing sensitive dune habitat shall not be disturbed by construction operations, including: trampling by construction crews, runoff, inappropriate staging of materials, and operation of equipment. To prevent such activities from inadvertently disturbing dune habitat adjacent to the construction zone, a qualified biologist shall designate appropriate protection zones on the site, which shall be protected by temporary exclusionary fencing. The fencing shall be established by the owner/applicant under direction of a qualified biologist from Monterey County's list of approved biological consultants, and maintained between initial site preparation activities and when the qualified biologist determines it is safe to remove the fence without harming the habitat area.

Mitigation Monitoring Action (MMA) No. 2.1: Prior to the issuance of construction permits, a qualified biologist from Monterey County's list of approved biological consultants shall designate areas of exclusionary construction fencing for the protection of dune habitat, and submit a fencing plan depicting these areas to HCD-Planning for review and approval. The plan shall at a minimum include a site plan indicating where the fencing shall be located and where the particular sensitive habitats are, specific time periods the fencing must be in place, and procedures for if the fence must be temporarily adjusted or relocated for specific project activities.

Mitigation Monitoring Action (MMA) No. 2.2: Prior to the issuance of construction permits, the owner/applicant shall establish the exclusionary fencing in accordance with the fencing plan described in MMA No. 2.1, under the direction of a qualified biological monitor from Monterey County's approved list of biological consultants. The owner/applicant shall provide evidence to HCD-Planning that the exclusionary fencing has been established in appropriate locations. Evidence shall be in the form of photo documentation and a letter from the project biologist verifying the fencing was established in accordance with the plan.

Mitigation Monitoring Action (MMA) No. 2.3: Prior to the commencement of site preparation, grading, or demolition activities, whichever comes first, the owner/applicant shall hold a pre-construction meeting with the applicant, the qualified biologist, representatives of the contractor, and HCD-Planning staff. The purpose of the pre-construction meeting shall be to educate the construction team on the exclusion zones, and to review the project mitigation measures and conditions. After the pre-construction meeting, the applicant and contractor shall be responsible for ensuring that any additional construction personnel are educated about the exclusion zones.

Mitigation Monitoring Action (MMA) No. 2.4: The owner/applicant shall be responsible for maintaining the fencing as prescribed in the fencing plan described in MMA 2.1. When the project reaches the stage in which it is appropriate for removal, as defined by the qualified biologist in the fencing plan, the owner/applicant shall remove the fencing under the direction of the qualified biologist. After fencing removal and prior to construction permit final inspection, the qualified biologist shall perform a site inspection and prepare a report on whether the implementation of the fencing plan was successful, or if additional remediation efforts are required, and submit this report to HCD-Planning. If remediation efforts are required, the qualified biologist shall

incorporate them into the restoration plan required in Mitigation Measure No. 3, and the owner/applicant shall be responsible for executing them prior to building final inspection.

Mitigation Measure (MM) No. 3: To address any inadvertent impact to the sensitive Dune habitat resulting from construction activities, and to ensure that the proposed dune restoration efforts of the project are executed in a manner which will not inadvertently harm the habitat area, a dune habitat restoration plan shall be prepared prior to final building inspection, and the approximately 0.18 acres of degraded dune habitat area onsite shall be restored in accordance with the restoration plan prepared by a qualified biologist from Monterey County's list of approved biological consultants prior to final building inspection. The restored dune habitat shall be similar to other foredunes in the Moss landing area, and the plan shall include protective symbolic fencing, low-profile signage informing the public of the protected habitat, and monitoring measures and performance criteria to ensure a successful restoration.

Mitigation Monitoring Action (MMA) No.3.1: Prior to the issuance of construction permits, the owner/applicant shall submit a contract with a qualified biologist from Monterey County's list of approved biological consultants for the preparation of a restoration plan for the restoration of the approximately 0.18 acres of sensitive dune habitat.

Mitigation Monitoring Action (MMA) No. 3.2: Prior to final of construction permits, the owner/applicant shall submit a dune habitat restoration plan prepared by the qualified biologist to HCD-Planning for review and approval. The plan shall include restoration and planting recommendations, protective symbolic fencing, low-profile signage information the public of the protected habitat, monitoring time periods for the restoration, and performance criteria for successful restoration.

Mitigation Monitoring Action (MMA) No. 3.3: Prior to final of construction permits, the owner/applicant shall undertake initial planting and restoration of the approximately 0.18 acre area of sensitive dune habitat, in accordance with the recommendation of the prepared restoration plan. The applicant shall provide evidence to HCD-Planning that the restoration recommendations have been executed. Evidence shall be in the form of photo documentation and a letter from a qualified biologist indicating that the initial planting and restoration have been appropriately performed.

Mitigation Monitoring Action (MMA) No. 3.4: Prior to final of construction permits, the owner/applicant shall submit a contract to HCD-Planning with a qualified biologist from Monterey County's list of approved consultants for the biological monitoring recommended in the restoration plan.

Mitigation Monitoring Action (MMA) No. 3.5: After final of construction permits, the qualified biologist shall submit annual progress reports on the success of the restoration to HCD-Planning for the duration of the monitoring period defined in the restoration plan. If the restoration does not meet the established performance criteria in the restoration plan at the end of each year, the owner/applicant shall be responsible for undertaking additional restoration activity as recommended by a qualified biologist, until the performance criteria are be met. The owner/applicant shall provide evidence that they

performed the additional restoration activity recommended by the biologist to HCD-Planning, in the form of a follow up report by the qualified biologist.

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (Source IX.1, 7, 9, 28, 35, 37)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Source: IX.1, 7, 30, 43)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX.1, 7, 30, 43)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion:

Cultural Resources 5(a). Conclusion: No Impact.

One structure exists onsite, the 16,740 square foot restaurant and marine research facility that is proposed to be demolished as a part of the project. The structure was originally constructed in 1960 for use as a fish processing and distribution facility. As the structure is greater than 50 years old, a Phase I Historic review of the property was prepared by Kent L. Seavey dated March 1, 2008, to assess the potential historical significance of the structure. This report is available in HCD-Planning Library file No. LIB090467. Its analysis concluded that the structure lacks the distinction necessary to be considered a historic resource under CEQA. The County has independently reviewed this report and concurs with its conclusions. The structure is not part of a designated historic district, and not listed in the National Register of Historic Places, the California Register of Historical Resources, or the Monterey County Register of Historic Resources. Reviewing the structure against the criteria for listing on the California Register of Historical Resources, the structure does not appear to be eligible for listing:

- The structure is not associated with any events that have made a significant contribution to the broad patterns of California or Monterey County’s history and cultural heritage.
- The structure is not associated with the lives of persons important in our past. The Sea Products Company purchased the property in 1960 to use as a fish processing facility, and primarily processed, stored, and distributed squid. In review of records between 1945 and 1965, little information could be identified about the original builders or owners.
- While, as discussed in the Aesthetics Section of this Initial Study, the structure integrates into unique architectural fabric of the Moss Landing area, it does not embody the distinctive characteristics of any historical architectural style, nor does it represent the important work of a creative individual.

The only designated historic resource on Moss Landing Island is the Hovden Cannery building, which is listed on the Monterey County Register of Historic Resources as a resource of local importance. This structure is an industrial metal building located at 7537 Sandholdt Road,

approximately 500 feet northeast of the project site. As discussed in the Aesthetics section of this Initial Study, the design of the proposed 32,900 square foot marine research lab will cohesively integrate into the unique fabric of the Moss Landing community and island, consistent with the Visual Resources Key Policy of the Moss Landing Community plan. As such, the new structure will not detract from the historic integrity of this nearby resource.

As the demolition of the existing structure will not remove a historic resource, and the construction of the new structure will not impact the integrity of any nearby designated resources, the project would have no impact on historical resources.

(Source: IX.1, 7, 9, 28, 35, 37)

Cultural Resources 5(b) and (c). Conclusion: Less than Significant Impact.

The subject property is in an area identified in Monterey County GIS as being highly sensitive for archaeological resources. The project site has been heavily disturbed by development. A 0.18 acre portion of the 0.88 acre site is ruderal coastal dune habitat, while the rest has been covered with the existing restaurant and marine research lab and hardscape. Two archaeological reports are available in Monterey County records which contain analysis relevant to cultural resource discussion on the project sites. These reports are classified as confidential and discussed herein as needed to assess the potential impacts and significance of the project under CEQA:

- A focused archaeological literature search assessment, which reviewed available archival information on archaeological resources in the Moss Landing area, including Sandholdt Road which is the frontage for the project site, was prepared by Basin Research Associates June 15, 2014 and updated September 25, 2014. The original report and update are in HCD-Planning Library File Nos. LIB140394 and LIB140399, respectively. The original purpose of this assessment was to analyze potential impacts of a proposed utility undergrounding project. The report did not identify any potential archaeological resources as present on the Moss Landing Island.
- A site specific preliminary cultural resources reconnaissance was prepared by Susan Morley dated June 2021, HCD-Planning Library File No. LIB210227. This report included an assessment of archival information from the Northwest Regional Information Center. Archival information revealed that there are three confirmed sites within a quarter mile (1,320 feet) of the property. However, no resources had been reported within 800 feet of the project parcel, including from the 13 reports which had been prepared within 750 feet of the property and 4 within the immediate vicinity of the project. The reconnaissance also included a field survey performed by a qualified archaeologist. While the existing structure and paved parking prevent inspection of all soils onsite, soil conditions were observable on the western portion of the property. No shell fragments, bone fragments, culturally modified soils, or other cultural materials which would indicate the present of archaeological or cultural resources onsite were found.

Both archival and field survey information did not uncover any evidence of archaeological resources or human remains onsite. Therefore, the project is not anticipated to have an impact on archaeological resources or human remains. However, there is always the possibility of encountering previously unidentified resources during earthwork and excavation. This potential is controlled by the incorporation of the County's standard condition of approval PD003A, which requires that work be halted if any archaeological resources or human remains are discovered.

Therefore, with the incorporation of this standard condition, the project would have a less than significant impact on archaeological resources and human remains.

(Source: IX.1, 7, 30, 43)

6. ENERGY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Source IX.1, 29, 33, 34, 48, 51, 52, 53, 59)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Source: IX.1, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion:

Energy 6(a) and (b). Conclusion: Less than Significant.

The project would not obstruct a state or local plan for renewable energy or energy efficiency. The project would be subject to the requirements of the California Building Code (CBC) Title 24, which would minimize wasteful, inefficient, or unnecessary consumption of energy resources during operation. In addition, the project would be required to comply with the Monterey County Green Building Ordinance, chapter 18.11 of the Monterey County Code, which requires that 15% of the projected energy demand of a project be provided by on-site renewable sources. If the County of Monterey HCD-Building Services building official determines on-site renewable energy generation is determined not appropriate at the site, alternative design elements which better achieve at least a 15% reduction in total energy demand would be required. Compliance with both the requirements of the CBC and Monterey County Code Chapter 18.11 would be performed by HCD-Building Services as a part of the construction permit review. (Source: IX.1, 14, 21)

There would be a temporary increase in energy usage for construction operations for vehicle trips for construction vehicles and equipment, and any electrical or gas-powered construction tools. Construction contractors would be required to comply with the provisions of 13 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. Construction equipment would also be subject to the U.S. EPA Construction Equipment Fuel Efficiency Standard (40 Code of Federal Regulations [CFR] Parts 1039, 1065, and 1068), which would minimize inefficient fuel consumption. Overall construction operations would be over a limited period of approximately 19 months.

Operational electricity and natural gas usage for the site were estimated using the California Emissions Estimator Model (CalEEMod) for both the existing restaurant & marine research facility and proposed marine research facility (Building G). The model utilizes the proposed land use, the size of the proposed uses, and other input factors such as utility company and climate zone. CalEEMod defaults were used for these inputs. The use “Research & Development” was

used from the CalEEMod model to estimate for the portion of the existing structure used as a marine research facility, and for the entire proposed marine research lab building. This use type is indicated to vary wildly, but may contain both offices and light fabrication, which is similar to the proposed Building G’s mix of offices and instrumentation assembly and testing laboratories. The use “High Turnover (Sit Down Restaurant)” was utilized for the existing Phil’s Fish restaurant. The uses and other inputs are summarized in the tables and list below:

Existing Land Use (restaurant and marine research lab) Assumptions:

Land Use	Size	Unit	Total Area (square feet)
Research & Development	8	1000 sqft	8,000
High Turnover (Sit Down Restaurant)	6.7	1000 sqft	6,700
Parking Lot	21	Spaces	8,400

Proposed Land Use (Building G expanded marine research lab) Assumptions:

Land Use	Size	Unit	Total Area (square feet)
Research & Development	32.9	1000 sqft	32,900
Parking Lot	8	Spaces	3,200

Other Inputs (CalEEMod defaults):

- Urbanization: Urban
- Wind Speed (m/s): 3.6
- Precipitation Frequency (Days/year): 55
- Climate Zone: 4
- Operational Year: 2024
- Utility Company: Pacific Gas & Electric
- CO₂ Intensity (lb/M/Whr): 203.98
- CH₄ Intensity (lb/M/Whr): 0.033
- N₂O Intensity (lb/M/Whr): 0.004

The applicants mechanical engineer also provided anticipated natural gas and electricity consumption for the proposed building G. Energy uses estimated from both sources are summarized in the table below:

	Existing Uses: (CalEEMod)	Proposed Building G (CalEEMod)	Proposed Building G (Engineer)
Natural Gas Use:	1,598,200 kBTU/year	863,900 kBTU/year	509,700 kBTU/year
Electricity Use:	283,279 kWh/year	267,300 kWh/year	691,600 kWh/year

While the values provided by the CalEEMod model show a decrease in both operation natural gas and electricity use resulting from the construction of the new structure, the engineers estimates indicate that natural gas use will decrease by 1,088,500 kBTU/year, while electricity use will rise by 408,041 kWh/year. The reduction in natural gas demand can be attributed removal of the restaurant use, which has greater natural gas to the marine research facility. The increase in electricity usage can be attributed to the large electrical loads required by rooms and facilities serving the marine research lab use, including the receptacle loads of the dedicated server room and self-contained freezers (178,900 kWh/year) and the process loads from the service elevator equip and elevator control room, laboratory air compressor system, IDF rooms, and the walk-in cold room equipment. (274,500 kWh/year). However, these facilities are required for the primary use of the building, a marine research lab facility, so they could not be

considered wasteful, inefficient, or unnecessary. Additionally, as discussed in Section IV.17 Transportation/Traffic of this Initial Study, removal of the restaurant use is expected to create negative trip generation, which would reduce the gasoline usage proportionately. (Source IX.1, 29, 33, 34, 48, 51, 52, 53, 59)

As the project would be required to comply with regulations requiring the building design to prevent wasteful, inefficient, or unnecessary consumption of energy resources; operational natural gas and gasoline usage are estimated decline; the increase in electricity usage from project operations would not be wasteful, inefficient or unnecessary; and energy used during construction is temporary in nature and would be controlled by the application of standard regulations; overall impacts to energy are less than significant.

7. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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? (Source: IX.1, 7, 20, 24) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? (Source: IX.1, 7, 24, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: IX.1, 7, 24, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: IX.1, 7, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: IX.1, 7, 21, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX.1, 7, 24, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? (Source: IX.1, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: IX.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: IX.1, 4, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

According to Monterey County GIS the subject property is in an area with high susceptibility to erosion hazards and liquefaction, but low susceptibility to landslides, is not on steep slopes (25% or greater), and is not within 1/8 mile of any known active or potentially active faults. A “Geotechnical Investigation” dated June 30, 2021 was prepared by Gyimah Kasali, Ph.D., G.E. (Rutherford + Chekene) to evaluate the geologic conditions of the site, assess the risk proposed by different geologic hazards to the project, and provide design recommendations to address those risks. This report is available in Monterey County HCD-Planning Library No. LIB210101 and is referred to as “the geotechnical report” herein.

The geotechnical report recommends the installation of a deep foundation system utilizing Auger Cast Piles (ACP’s) and interconnected grade beams, due to the soil conditions discussed in the subsequent sections. The ACP’s would be a minimum of 30 inches in diameter and penetrate 40 feet, below observed soil consolidation conditions. This would avoid a large volume of over-excavation and off-haul of spoils, with total earthwork cut estimated at 130 cubic yards. Approximately 1,142 cubic yards of fill would be imported to the site, which would elevate the portion of the site and proposed structure which is presently within FEMA Floodzone A. As discussed in Section VI.10 Hydrology and Water Quality of this Initial Study, the use of fill would elevate these areas to be outside of the flood zone.

The excavation and site preparation activities required for the foundation system would not cause significant impacts to other resource areas typically impacted by site disturbance activity. As discussed in Section VI.4 Biological Resources, impacts from construction operations are anticipated to have a minimal impact on biological resources, as all activity would occur on the portions of the site which are already covered by structures and hardscape, and inadvertent impacts would be mitigated to a less than significant level by Mitigation Measures No. 1, 2, and 3, which specifically pertain to biological resources. As discussed in Sections VI.5 Cultural Resources and VI.18 Tribal Cultural Resources, impacts to cultural resources would be less than significant. (Source IX.1, 24, 53)

Geology and Soils 7(a.i), (a.iv), (d), and (e). Conclusion: No Impact.

Fault Rupture: The project is not in proximity to Alquist-Priolo Earthquake Fault zone according to mapping information available from the California Department of Conservation website, and as discussed in the section above the property is not within 1/8 mile of any known active or

potentially active faults, and is in an area of low susceptibility to landslides. Therefore, there would be no impact from fault rupture or landslides. (Source: IX.1, 7, 20, 24)

Expansive Soils: The geotechnical report defines expansive soils as being clayey soil that will shrink or swell significantly with changes in moisture content, often causing damages to structures. Monterey County GIS identifies the soils as being a mixture of “Df” (dune land) and “Cm” (coastal beaches). The geotechnical report further concludes that based on the sandy characteristics of the soil encountered at the surface of the site, the potential for expansive soils is low, therefore, no impact. (Source: IX.1, 24)

Alternative Wastewater Disposal Systems: See Section IV.19 Utilities/Service System of this Initial Study. As septic tanks or alternative wastewater disposal are not proposed for the project, which will be connected to sewer for the disposal of wastewater, there will be no impact. (Source: IX.1)

Geology and Soils 7(a.ii), (a.iii), and (c). Conclusion: Less than Significant.

The geotechnical report assessed multiple areas of risk from arising from seismic failure and the conditions of onsite soils. These are discussed below:

- *Severe Ground Shaking:* The nearest identified major source of an earthquake is the Monterey Bay fault zone, which is located approximately 15.2 kilometers southwest from the subject site. The San Andreas and San Gregorio Faults are other likely major earthquake sources, being approximately 17.9 and 29.8 kilometers from the site, respectively. As the site has been subject to moderate and large earthquakes, the geotechnical report indicates that there is a high potential of ground shaking affecting the site in the future. The report identifies the primary method for reducing impact of ground shaking on the proposed building site is to design the buildings in accordance with the current 2019 California Building Code (CBC), and includes design recommendations to achieve this.
- *Liquefaction, Lateral Spreading, Compaction Settlement, and Consolidation of Soils:* The geotechnical report’s analysis of ground induced displacement or failure indicated that there was a high potential for liquefaction, a high potential for lateral spreading, and a moderate to high potential for compaction settlement. Liquefaction had previously been observed on the Moss Landing area in a 1906 earthquake and the 1989 Loma Prieta earthquake, and is known to recur in areas where it has been previously identified. Lateral spreading was similarly observed along the Old Salinas River Channel after both quakes, and would be likely to occur after a future earthquake. Compaction settlement had also been observed in the 1906 and 1989 earthquakes and is judged to be likely based on the sandy nature of the onsite soils. Additionally, Based on the soft clay later underneath the sandy soils on the site, the potential for consolidation induced settlement was determined to be high. Due to consolidation in the upper twenty five to thirty feet of the soil layer, if the building is supported on a shallow foundation it could result in differential settlement. Due to these soil conditions, the geotechnical report recommends a deep foundation system utilizing Auger Cast Piles (ACP’s) and interconnected grade beams. The ACP’s which would be a minimum of 30 inches in diameter and penetrate 40 feet, below the

observed consolidation. As part of the site preparation activities for the installation of this system, the existing structure and hardscape would be removed. The geotechnical report further recommends designing the structure to withstand liquefaction induced forces, interconnecting the building foundation to minimize cracking and structural separation from lateral spreading, and accounting for compaction settlement by designing flexible connections where utilities enter the structure.

- *Corrosivity:* Results of corrosivity testing performed on exploratory soil samples identified the soils to be mildly corrosive, and the geotechnical report recommended that buried iron and steel be protected from corrosion, a corrosion engineer be consulted for corrosion related recommendations for the project, and that a dense concrete mix be used, with care that there is adequate cover for reinforcement (rebar).

A standard condition has been applied which would require the property owner to record a notice on the property indicating they will comply with the recommendations of the geotechnical report. Approval of a building permit from HCD-Building services would also be required after approval of the project, and implementing the recommendations of the report would be required as part of the building permit process. Therefore, potential impacts would be controlled by standard County conditions and regulatory processes, reducing potential impacts from these geologic hazards to a less than significant level. (Source: IX.1, 7, 24, 34)

Geology and Soils 7(b). Conclusion: Less than Significant.

The property is in an area that is determined to have a high potential for erosion according to Monterey County GIS. (Source IX.7) The geotechnical report includes discussion of both beach erosion and erosion on the developed portion of the project site.

- *Beach Erosion:* While discussion of previous reports related to beach erosion is included in the geotechnical report, the erosion of the beach is an existing geologic process that is would not be impacted by the project. For discussion of how ocean side wave runup would potentially impact the project site is included in Section VI.10 Hydrology and Water Quality of this Initial Study.
- *Project Site Erosion:* The geotechnical engineer evaluated the surface soils of the site and determined that the erosion from surface runoff was minimal. In addition, HCD-Environmental Services has applied a standard condition of approval requiring the submittal of a Stormwater Control Report and a Stormwater Control Plan prior to the issuance of building and grading permits. Monterey County Code Section 16.12.060 also requires the preparation of an erosion control plan which address runoff, erosion, and sediment movement.

Therefore, the overall impact of erosion will be controlled by standard County regulations, and is less than significant. (Source: IX.1, 21, 24)

Geology and Soils 7(f). Conclusion: Less than Significant.

While the Moss Landing Island itself is a unique geological feature, the proposed project, consisting of the demolition of an existing structure and construction of a two-story structure in

substantially the same footprint, and associated site improvements, would not materially alter the geology of the island. There are no other unique geological features such as rock outcroppings or cliffs onsite that could be affected by the proposed project, and the project site is not in an area known for paleontological resources. While there is always the potential to uncover previously unidentified paleontological resources through construction activities such as excavation and grading, the project is not located in an area known for paleontological resources, and there is no evidence of existing paleontological resources onsite. Therefore, the potential impact to paleontological resources and unique geological features is less than significant. (Source: IX.1, 4, 7)

8. GREENHOUSE GAS EMISSIONS		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:	Potentially Significant Impact			
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: IX.1, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source IX.1, 34, 51, 53, 59)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion:

Greenhouse Gas Emissions (b). Conclusion: No Impact.

Monterey County does not currently have an adopted Greenhouse Gas (GHG) reduction plan with numerical reduction targets for individual uses and developments. The proposed project does not conflict with the policy direction contained in the Monterey County Municipal Climate Action Plan or the Association of Monterey Bay Area Government’s 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy because it would involve re-development a marine research laboratory facility in an area zoned to allow such light industrial uses. (Source IX.1, 15, 16)

Greenhouse Gas Emissions (a). Conclusion: Less than Significant.

The project would entail a temporary increase in greenhouse gas generation through construction related emissions from construction equipment and vehicles. Construction is anticipated to take place over a time frame of approximately 19 months. Operational greenhouse gas emissions were estimated for both the existing use, which includes a restaurant and a marine research facility, and the new use, which would be an expanded marine research facility utilizing the California Emissions Estimator Model (CalEEMod). Certain approximations and assumptions were made in order to model the overall emissions, which are summarized in Section VI.6 Energy of this Initial Study. Additionally, as discussed in Section VI.6 Energy, two figures for the estimated natural gas and for the electrical usage of the new building were prepared. In estimating Carbon Dioxide Equivalent (CO₂e) emissions generated by the proposed project marine research facility, the higher of the two figures for both electricity (691,600 kWh/year) and natural gas use (863,900 kBtu/year) were utilized. CalEEMod default settings were utilized for most

information, the marine research lab uses were approximated using the “Research & Development” and Phil’s Fish Restaurant was approximated using the “High Turnover (Sit Down Restaurant)” use.

When the data was entered into the modeling software, it estimated that annually, Carbon Dioxide Equivalent (CO_{2e}) emissions would be 435.42 MT/yr per year for the existing restaurant and marine research lab facility, and 395.13 MT/yr for the proposed project (Building G). As greenhouse gas emissions from construction operations are anticipated to be temporary and incremental, and the overall greenhouse gas emissions for the site are expected to decline, impacts to greenhouse gas emission are less than significant. (Source IX.1, 34, 51, 52, 59)

9. HAZARDS AND HAZARDOUS MATERIALS	Less Than Significant			
Would the project:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX.1, 21, 28, 48, 50, 57)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source IX.1, 7, 26)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX.1, 7, 34, 35)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: IX.1, 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (Source: IX.1, 7, 45)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX.1, 7, 46)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Source: IX.1, 7, 19, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

As discussed in Section II of this Initial Study, the project proposes to demolish an existing restaurant and marine research lab facility and construct a new 32,900 square foot marine research lab facility. The new facility will contain one science lab facility, which would be anticipated to use hazardous materials such as solvents and carrier gases for instrumentation. The remaining other lab facilities would be mechanical labs for the assembly and testing of oceanographic testing instruments. (Source IX.1, 33, 49)

Hazards and Hazardous Materials 9(c), (d), (e), (f) and (g). Conclusion: No Impact.

The project is not within ¼ mile of an existing or proposed school, is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and is not located within an airport land use plan or within two miles of a public airport or public use airport. The project, demolition of an existing restaurant and marine research lab, and construction of a new two-story marine research lab in substantially the same footprint, would not interfere with any adopted emergency response plan or emergency evacuation plan, including the 2014 Monterey County Emergency Operations Plan. The project would also not expose people or structures, either directly or indirectly, to significant risk of loss, injury or death involving wildland fires. See Section IV.20 of this Initial Study. No Impact.

(Source: IX.1, 7, 34, 35, 45, 46)

Hazards and Hazardous Materials 9(a). Conclusion: Less than Significant.

Due to the proposed use of the site, in their review of the project the Monterey County Environmental Health Bureau (EHB) anticipated that it would be likely to store hazardous materials in excess of the threshold quantities that require registration with the California Environmental Reporting System (CERS) and generate hazardous waste in quantities which would be regulated by EHB regulations. EHB applied conditions requiring that prior to the issuance of construction permits, the applicant submit an up-to-date Hazardous Materials Business Plan and a hazardous waste inventory, in accordance with requirements of the California Code of Regulations and Monterey County Code of Ordinances. Additionally, as the structure was constructed in 1960, it may contain asbestos. However, as discussed in Section VI.3 Air Quality of this Initial Study, the project would be required to comply with Monterey Bay Area Resources District (MBARD) Rule 424, includes asbestos survey requirements, work practice standards for handling asbestos, and disposal requirements. Monterey County's standard condition No. 47 has been applied, which requires that the applicant comply with all air district standards. Compliance with these conditions and standard regulations would reduce any potential impact from the routine use or transport of hazardous materials to a less than significant level.

(Source: IX.1, 21, 28, 48, 50, 57)

Hazards and Hazardous Materials 9(b). Conclusion: Less than Significant with Mitigation.

County of Monterey GIS maps the property as being within an area that has the potential to be subject to Tsunami hazards; it is reasonably foreseeable that a major flooding event would have the potential to damage the facility and release the hazardous materials used onsite. To address this risk, a Coastal Hazards and Sea Level-Rise Risk Assessment was prepared by Geologist Gary Griggs to assess the risk posed by coastal flooding and sea level rise to the project. The assessment is available in HCD-Planning library No. LIB210102. It concluded that under medium-high risk aversion scenarios, there would be no risk of wave run ups impacting the building during its anticipated life (until 2060). The geologist recommended raising the finish

floor of the project one foot above the 10.64 foot projected sea level at 2060, which is been incorporated as Mitigation Measure No. 4. See Section VI.10 Hydrology and Water Quality subsection (d) of this Initial Study for further discussion of flooding, risk posed by sea level rise, and this mitigation measure. There are no other reasonably foreseeable upset conditions that could impact the site or release hazardous materials. Therefore, with the incorporation of Mitigation Measure No. 4, potential impact from upsets and accidents to a less than significant level. (Source IX.1, 7, 26)

10. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (Source IX.1, 33, 39)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.1, 33, 39)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site? (Source IX.1, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (Source IX.1, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? (Source IX.1, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv.) impede or redirect flood flows? (Source IX.1, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (Source IX.1, 26, 54, 55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Source IX.1, 33, 39)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Hydrology and Water Quality 10(a), (b), and (e). Conclusion: No Impact.

The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade the surface or groundwater quality. As discussed in Section IV.19 Utilities/Service Systems of this Initial Study, domestic water service is currently provided by Pajaro Sunny Mesa Community Services District (PSMCS D), and overall water usage is estimated to decrease as a result of project implementation. Therefore, the project would not substantially decrease groundwater supplies or substantially interfere with groundwater recharge. The property lies within Region 3 of the Central Coast Regional Water Quality Control Board, and is subject to the Regional Water Quality Control Plan and Central Coast Basin Plan (Basin Plan). As discussed in Section III of this Initial Study, the proposed project is consistent with these plans, therefore, no impact. (Source IX.1, 33, 39)

Hydrology and Water Quality 10(c). Conclusion: Less than Significant.

As part of the project the existing structure and hardscape will be removed and replaced with a new structure in a substantially similar footprint, and approximately 0.18 acres of dune habitat will be restored on the western portion of the property. An erosion control plan and best management practices have been submitted preliminarily as part of planning level review. Prior to the issuance of building permits, a final erosion control plan shall be required by HCD-Environmental Services in accordance with Monterey County Code Chapter 16.12, which shall ensure that erosion and siltation are minimized. The project would not generate a substantial increase in surface runoff. No new sources runoff are proposed, such as agricultural irrigation. The existing site is heavily hardscaped, with runoff being directed via an asphalt gutter approximately 100 feet north of the site. As indicated in the preliminary stormwater management plan prepared for the project, the total area of impervious surface onsite is decreasing from 27,333 square feet to 19,873 square feet, and the design approach taken has been to treat and retain stormwater onsite to the extent feasible, through the use of pervious pavers throughout the hardscape, and including four treatment areas designed to allow stormwater to infiltrate directly into the ground, with drainage being directed toward Sandholdt in the event of system failure. HCD-Environmental Services has included a standard condition requiring the applicant to submit a final Stormwater Control Report and a Stormwater Control Plan prior to the issuance of building permits, which would ensure stormwater runoff is appropriately controlled. While a portion of the structure is proposed to be in FEMA Flood Zone A, which is discussed in the Section below, the project is not in a floodway and its construction would not impede or redirect flood flows. Therefore, impacts to drainage resulting from the project would be less than significant with the application of standard regulations. (Source IX.1, 21)

Hydrology and Water Quality 10(d). Conclusion: Less than Significant with Mitigation.

FEMA Flood Zone A runs through the property. A portion of the project is proposed to be within this flood zone as its currently depicted. The applicant is proposing to raise the structure above the Flood Zone through FEMA concurrently with their Coastal Development Permit application process by using fill to raise the height of the structure above the base flood elevation. They submitted a request for a Conditional Letter of Map Revision based on Fill (CLOMAR-F), a letter from FEMA indicating that a proposed structure would not be inundated by the base flood if fill is placed on the parcel as proposed. FEMA responded on September 20, 2021, indicating that the proposed structure would be in Flood Zone X (outside of the flood zone) once work was complete. Monterey County HCD-Environmental Services has applied a condition requiring that the applicant submit an application to FEMA for a final letter verifying that the structure has

been removed from the flood plain (Final Letter of Map Revision based on Fill, FLOMR-F) prior to final building inspection. This parallel process reduces impact to the project by flooding through design and standard regulatory processes.



BKF ENGINEERS
06/02/2021

MBARI - PROPOSED BUILDING G FEMA FLOOD ZONE EXHIBIT

Exhibit 19: CLOMAR-F Application Map (Source IX.54)

The project is also in an area designated as susceptible to tsunamis according to Monterey County GIS. To address this, a Coastal Hazards and Sea-Level Rise Risk Assessment was written by Geologist Gary Griggs to evaluate the risk that storm wave run-up events and sea level rise posed to the project. This report is available in Monterey County HCD-Planning Library File No. LIB210102 and is referred to herein as the geology report. This report presumes an approximately 40-year life for the building, utilizing 2060 as the projection date for future scenarios. Using a medium-high risk aversion scenario, the report analysis concludes that there would be no risk of wave-runup events from impacting the event. To prevent the rising sea level from affecting the future operations of the building, the geologist recommended that the doors be water tight/or the base floor elevation be raised one foot above the projected 2060 water level. The raising of the finish floor incorporated as mitigation Measure No. 4, which will reduce flood and tsunami hazards to a less than significant level. (Source IX.1, 26, 54, 55)

Mitigation Measure (MM) No. 4: To prevent inundation from climate change hazards (i.e. sea-level rise), which would have the potential to flood the building and risk releasing hazardous contaminants into the ocean, the owner/applicant shall construct the building's finish floor level at least one foot above the 10.64 foot projected sea level at 2060 as identified in the geology report HCD-Planning Library File LIB210102.

Mitigation Monitoring Action (MMA) No. 4.1: Prior to the issuance of construction permits, the owner/applicant shall note the height of the building finish floor on the building permit drawings, and submit these drawings to HCD-Planning for review and approval.

Mitigation Monitoring Action (MMA) No. 4.2: Prior to the issuance of construction permits, the owner/applicant shall have a benchmark placed upon the property and identify the benchmark on the building plans, and submit these to HCD-Planning for review and approval. The owner/applicant shall ensure the benchmark shall remain visible onsite until final building inspection.

Mitigation Monitoring Action (MMA) No. 4.3: Prior to building final inspection, the owner/applicant shall provide evidence from a licensed civil engineer or surveyor, to HCD-Planning for review and approval, that the height of the finish floor from the benchmark is consistent with what was approved on the building permit associated with this project.

11. LAND USE AND PLANNING		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Physically divide an established community? (Source IX. 1, 5, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? (Source: IX.1, 3, 4, and 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion:

Land Use and Planning 11(a). Conclusion: No Impact.

The proposed project is a demolition of a structure containing an existing restaurant and a marine research lab facility, and construction of a new marine research lab facility, in an area zoned to allow such light industrial uses. As described in Section II of this Initial Study, the surrounding land use context is principally developed with light industrial uses. The proposed use integrates into the fabric of this area, and would not physically divide an existing community. (Source IX. 1, 5, 7, 8)

Land Use and Planning 11(b). Conclusion: Less than Significant with Mitigation.

The North County Land Use Plan (LUP), Moss Landing Community Plan (MLCP), and Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (CIP), contain policies and regulations adopted for the purposes of protecting environmental resources, including Agricultural Resources, Aesthetics (Visual Resources), Archaeological Resources, Biological Resources (Environmentally Sensitive

Habitats), Historical Resources, and Water Resources. The project was reviewed by County staff for consistency with these policies and regulations, and potential inconsistencies were identified for Aesthetics and Biological Resources, which are summarized below and discussed in detail in their respective sections of this Initial Study.

Aesthetics: Potential inconsistencies were identified with MLCP Policies 5.6.1 and 5.6.7(b), however, the project design was revised through the development review process to address these potential inconsistencies, and the revised proposed design would have a less than significant impact to land use plan policies and regulations governing the scenic character of an area. More detailed discussion of LUP and MLCP policies protecting Aesthetic Resources is contained in section VI.1 Aesthetics of this Initial Study.

Biological Resources: Potential inconsistencies were identified with LUP Policies 2.3.2.1, 2.3.2.2, 2.3.2.3, and 2.3.3.A.1. However, as discussed in VI.4 Biological Resources of this Initial Study, the incorporation of Mitigation Measures No. 2 and 3 reduces impacts to a less than significant level.

Therefore, as proposed, conditioned, and mitigated, the project is consistent with the The North County Land Use Plan (LUP), Moss Landing Community Plan (MLCP), and Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (CIP). Therefore impacts resulting from potential conflicts with Land Use Plan policies are less than significant. (Source: IX.1, 3, 4, and 6)

12. MINERAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source IX. 1, 2, 3, 4, 5, 7, 31, 32)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source IX. 1, 2, 3, 4, 5, 7, 31, 32)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion:

See Section IV.12. *No impacts.*

13. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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.1, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels? (Source IX.1, 7, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.1, 7, 35, 45)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

Noise 13(c). Conclusion: No Impact.

The project is not located within the vicinity of a private airstrip or an airport land use plan, or within two miles of a public airport or public use airport which has not adopted such a plan. Therefore, the project would not expose any people residing or working in the project area to excessive noise levels due to proximity to an airport, no impact. (Source: IX.1, 7, 35, 45)

Noise 13(a) and (b). Conclusion: Less than Significant.

Temporary: During construction, the project would result in temporary increases in ambient noise levels and groundborne vibration as a result of construction operations. The Construction management schedule indicates that the overall construction project is anticipated to take approximately 19 months. The loudest activities, onsite demolition and grading and drilling of piers and installation of piles, are anticipated to be approximately 4 months. The management plan indicates that work would be limited to daylight hours. In addition, the operation would be required to comply with Monterey County Code Chapter 10.60, which prescribes maximum daytime noise level of eighty-five (85) dBA measured fifty (50) feet therefrom, and maximum nighttime noise levels of 65 dBA or 45 L eq dBA, or which is plainly audible at a distance of 50 feet.

Permanent: Operationally, the project would not result in any substantial permanent increase in noise levels. The subject site currently has a restaurant and marine research facility. The implementation of the project would result in the restaurant use being removed from the site, and an expanded marine research facility building. The new facility would be comparable in noise to the existing one, and in line with the surrounding light industrial land use context of the area. There has been no indication that the proposed use would exceed the noise standards established in the 1982 General Plan or Monterey County Code Section 10.60 – Noise Control.

Therefore, with conformance to standard regulations, impacts to ambient noise levels, both temporary and permanent, would be less than significant. (Source IX.1, 7, 21, 24)

14. POPULATION AND HOUSING		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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.1, 5, 29, 33, 36)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Source: IX.1, 5, 29, 33, 36)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.14. *No Impacts.*

15. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection? (Source: IX.1, 5, 7, 29, 33, 35, 36)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: IX.1, 5, 7, 29, 33, 35, 36)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: IX.1, 5, 7, 29, 33, 35, 36)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: IX.1, 5, 7, 29, 33, 35, 36)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: IX.1, 5, 7, 29, 33, 35, 36)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.15. *No Impacts.*

16. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source IX.1, 29, 33, 34, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source IX.1, 29, 33, 34, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.16. *No Impacts.*

17. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (Source: IX.1, 29, 33, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (Source: IX.1, 29, 33, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.1, 29, 33, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access? (Source: IX.1, 29, 33, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.17. *No Impacts.*

18. TRIBAL CULTURAL RESOURCES

	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 section 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 (Source IX.1, 7, 9, 28, 35, 37)				
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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (Source: IX.1, 7, 30, 43, 44)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

As described in Section VI.5 – Cultural Resources of this Initial Study, the project site is considered highly “archaeologically sensitive” by Monterey County GIS. Additionally, the site is located on land associated with the tribal history of regional native groups. California Assembly Bill (AB) 52, in effect since July 2015, provides CEQA protections for tribal cultural resources. All lead agencies approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impact of a project on tribal cultural resources before releasing an environmental document. Under California Public Resources Code §21074, tribal cultural resources include site features, places, cultural landscapes, sacred places, or objects that are of cultural value to a tribe and that are eligible for or listed on the California Register of Historical Resources (CRHR) or a local historic register, or that the lead agency has determined to be of significant tribal cultural value.

Project construction activities would involve ground disturbance that has potential to result in substantial adverse changes to the significance of tribal cultural resources, if such resources were exposed or damaged during construction. However, as discussed in the following sections, no evidence of tribal cultural resources was found during the course of project review, and the potential to inadvertently impact previously unidentified tribal cultural resources is less than significant with the application of Monterey County’s standard development conditions.

Tribal Cultural Resources 18(a) i). Conclusion: No Impact.

As discussed in Section VI.5 Cultural Resources of this Initial Study, the project would not impact any resource listed or eligible for listing in the California Register of Historical Resources or in the Monterey County Register of Historic Resources. No Impact. (Source IX.1, 7, 9, 28, 35, 37)

Tribal Cultural Resources 18(a) ii). Conclusion: Less than Significant.

Pursuant to 21080.3.1, Monterey County HCD-Planning initiated AB 52 consultation with local tribal representatives. On October 5, 2021, HCD-Planning distributed formal notifications of the proposed project to representatives of the Ohlone/Coastanoan-Esselen Nation, the Esselen Tribe of Monterey County, and the KaKoon Ta Ruk Band of Ohlone-Costanoan. None of the notified tribal representatives requested a consultation.

As discussed in the preceding section and in Section VI.5 Cultural Resources of this Initial Study, the project would have no impact to historical resources and a less than significant impact to archaeological resources, including human remains. Additionally, no tribal representatives requested a consultation or provided any evidence that the project would impact tribal cultural resources. Therefore, the project is not anticipated to have an impact on tribal cultural resources. However, there is always the possibility to encounter previously unidentified resources during earthwork and excavation. This potential is controlled by the incorporation of the County’s standard condition of approval PD003A, which requires that work be halted if any archaeological resources or human remains are discovered. Therefore, with the incorporation of this standard condition, the project would have a less than significant impact on tribal cultural resources. (Source: IX.1, 7, 30, 43, 44)

19. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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? (Source: IX.1, 33, 39, 40, 41)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (Source: IX.1, 33, 39, 40, 41)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.1, 33, 39, 40, 41)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

19. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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.1, 33, 39, 40, 41)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (Source: IX.1, 33, 39, 40, 41)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion:

See Section IV.19. *No impacts.*

20. WILDFIRE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? (Source: IX.1, 7, 19, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.1, 7, 19, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.1, 7, 19, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.1, 7, 19, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion:

See Section IV.20. *No impacts.*

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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? (Source: IX.1 - 57)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: IX.1 - 57)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: IX.1 - 57)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion:

Mandatory Findings of Significance (a). Conclusion: Less than Significant with Mitigation.

As discussed in this Initial Study, the project would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues. Potential impacts to Biological Resources would be reduced to a less than significant level by the implementation of Mitigation Measures No. 1-3, and potential impacts to Hazards & Hazardous Materials & Hydrology and Water Quality would be reduced to a less than significant level by Mitigation Measure No. 4. (Source: IX.1 - 57)

Mandatory Findings of Significance (b). Conclusion: Less than Significant with Mitigation.

As discussed in Sections VI.9 Hazards and Hazardous Materials and VI.10 Hydrology and Water Quality, and according to the Coastal Hazards and Sea-Level Risk Assessment prepared for the project (Source IX.26), the property is in an area that will be subject to future sea level rise. Should successive future projects on properties affected by sea level rise be allowed expanded development or intensification of existing uses, it may expose those properties to flooding and

inundation hazard. Such inundation hazard may also expand requests for coastal armoring. Future projects should be assessed individually and critically for the potential impact risk sea level rise has on them, based on the most current available methodology. However, the hazards assessment prepared for this project indicated that no coastal armoring will be required for the life of the project, and potential impacts to the project from flooding and inundation have been reduced to less than significant through standard regulations and through the incorporation of Mitigation Measure No 4. The project would not otherwise result in substantial long-term environmental impacts and, therefore, would not contribute to cumulative environmental changes that may occur due to planned and pending development. Therefore, the projects contribution to cumulative impacts would be less than significant with mitigation. (Source: IX.1 - 57)

Mandatory Findings of Significance (c). Conclusion: Less than Significant with Mitigation.

Effects on human beings are generally associated with impacts related to issue areas such as aesthetics, geology and soils, noise, traffic safety, hazards, and wildlife. As discussed in Section IV.A – Factors of this Initial Study, the project would have no impact on transportation & traffic systems and wildfire. (Source: IX.1 - 57)

Less than Significant: As discussed in section VI.1 Aesthetics, as designed the proposed project would have a less than significant impact on Aesthetics. Per Section VI.7 – Geology and Soils, the project is in an area with known geologic and seismic hazards, including soil liquefaction, consolidation, and differential settlement. However, by incorporating the recommendations of the geotechnical report, which include a deep auger cast pile foundation system, risk to human beings is reduced to a less than significant level. Per VI.13 – Noise, noise impacts would be limited to temporary construction noise, and the project would not create a substantial permanent increase in ambient noise. Additionally, as discussed in Section VI.9 Hazards and Hazardous Materials subsection (a), review of the project by the Monterey County Environmental Health Bureau (EHB) indicated that the proposed use was likely to store hazardous materials, and EHB has conditioned the project to require submittal of a Hazardous Materials Business Plan and hazardous waste inventory prior to issuance of building permits. As proposed, conditioned, and through the application of standard regulations, impacts to each of these areas would be less than significant. (Source: IX.1 - 57)

Less than Significant with Mitigation: As discussed in Section VI.9 Hazards and Hazardous Materials subsection (b.) and Section VI.10 Hydrology and Water Quality, the project is in an area which is mapped as being in tsunami risk and a portion of the existing structure is within FEMA floodzone A. The site would potentially be subject to sea level rise over time. The project applicant is proposing to raise the base flood elevation of the structure outside of the flood zone reducing risk of flooding and inundation, and has been conditioned by HCD-Environmental Services to submit a Letter of Map Revision to FEMA prior to building final inspection. Mitigation Measure No. 4 is also included, requiring the base floor of the project to be raised one foot above the 2060 water level, which will reduce the risk of flooding and inundation to a less than significant level. As proposed, mitigated, conditioned, and through the application of standard regulations, impacts to these subject areas would be mitigated to a less than significant level. (Source: IX.1 - 57)

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151,

Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Revised 2016

Authority: Public Resources Code sections 21083 and 21083.09

Reference: Public Resources Code sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3/21084.2 and 21084.3

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 PLN210093 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. SOURCES

1. Project Application and Plans for HCD-Planning File No. PLN210093
2. Monterey County 1982 General Plan
3. North County Land Use Plan (LUP)
4. Moss Landing Community Plan (MLCP)
5. Monterey County Coastal Implementation Plan Part 1, Title 20 of the Monterey County Code (Zoning Ordinance)
6. Monterey County Coastal Implementation Plan Part 2, Regulations for Development in the North County Land Use Plan Area (CIP)
7. County of Monterey Geographic Information System (GIS)
8. Sites Visit conducted by the project planner on May 24 and November 18, 2021
9. 2021 CEQA Statute and Guidelines
10. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District
11. Regional Water Quality Control Plan for the Central Coast Basin Plan, Central Coast Regional Water Quality Control Board
12. List of eligible and official designated State Scenic Highways, California Department of Transportation
13. California Important Farmland Finder, California Department of Conservation
14. California Building Code, Title 24
15. Monterey County Municipal Climate Action Plan
16. 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy, Association of Monterey Bay Area Governments
17. EnviroStor, California Department of Toxic Substances Control
18. GeoTracker, California State Water Resources Control Board
19. Fire Hazard Severity Zones in SRA: Monterey County, CAL FIRE
20. California Department of Conservation Website – Alquist Priolo Zoning Map Information
21. Monterey County Code of Ordinances
22. California Public Resources Code
23. California Governor’s Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA
24. “Geotechnical Investigation”, June 30, 2021, (HCD-Planning Library No. LIB210101), prepared by Gyimah Kasali, Ph.D., G.E., San Francisco, CA

25. “Updated General Biological Assessment” September 24, 2020, (HCD-Planning Library No. LIB210100), prepared by RANA The Cohabitat Co., Carmel, CA
26. “Coastal Hazards and Sea-level Rise Risk Assessment” September, 2020 (HCD-Planning Library No. LIB210102) prepared by Gary Griggs, Santa Cruz, CA
27. “Monterey Bay Aquarium Parking Study” September 3, 2019 (HCD-Planning Library No. LIB210103), prepared by Raju Associates, Inc., Pasadena, CA
28. “Phase I Historic Review” March 1, 2008 (HCD-Planning Library No. LIB090467), prepared by Kent L. Seavey, Pacific Grove, CA
29. “Traffic Impact Analysis” July 19, 2008 (HCD-Planning Library No. LIB090458), prepared by Keith Higgins, Gilroy, CA
30. “Preliminary Cultural Resources Reconnaissance” June 2021 (HCD-Planning Library No. LIB210227), prepared by Susan Morley, Marina, CA
31. “SMARA Designation Report No. 7. Designation of Regionally Significant Construction Aggregate Resource Areas in the South San Francisco Bay, North San Francisco Bay, Monterey Bay Production-Consumption Regions” January 1987, prepared by The California Department of Conservation Division of Mines and Geology
32. “Update of Mineral Land Classification: Aggregate Materials in the Monterey Bay Production-Consumption Region” 1999, prepared by Susan Kohler-Antablin California Department of Conservation Division of Mines and Geology, Sacramento, CA
33. PLN210093 – Project Narrative, Statement of Operations
34. PLN210093 – Project Construction Management Plan
35. Google Earth Imagery & Information
36. Monterey Bay Aquarium Research Institute General Development Plan DRAFT
37. Monterey County Register of Historic Resources
38. Email correspondence from Dale Ellis (Project Agent) dated November 18, 2021, regarding Utility Service Provider
39. Can and Will Serve Letter Pajaro Sunny Mesa Community Services District
40. Interdepartmental Review Memo from Environmental Health Bureau (EHB) dated June 24, 2021
41. Monterey Regional Waste Management District Service Area Map
42. County of Monterey Assessor’s Database
43. HCD-Planning Archeological Reports LIB140398 & LIB140399
44. Tribal Consultation Notifications dated October 5, 2021
45. Caltrans Division of Aeronautics California Public Use Airports Map
46. Monterey County Emergency Operations Plan
47. California Coastal Commission Staff Report Application Number A-3-MCO-0068
48. California Code of Regulations (CCR) Sections 2449 and 2485

49. Email correspondence from Keith Raybould (Applicant) dated October 26, 2021, regarding hazardous materials.
50. Email correspondence from Bryan Escamilla (Monterey County Environmental Health Bureau) dated October 6, 2021, regarding hazardous materials project conditions
51. County of Monterey Zoning Administrator Resolution No. 990455, regarding Cosatal Administrative Permit application PLN990455
52. California Energy Emissions Modeler (CalEEMod)
53. U.S. EPA Construction Equipment Fuel Efficiency Standard (40 Code of Federal Regulations [CFR] Parts 1039, 1065, and 1068
54. Conditional Letter of Map Revision based on Fill (CLOMAR-F) Application Materials (FEMA Case No. 21-091707C)
55. Email correspondence from Federal Emergency Management Agency (FEMA) regarding Conditional Letter of Map Revision based on Fill (CLOMAR-F) Application.
56. Vicinity Map prepared by Jackie Estrada using County of Monterey GIS Information
57. Monterey Bay Air Resources District Website <https://www.mbard.org/>
58. Monterey Bay Air Resources District 2012-2015 Air Quality Management Plan (AQMP), including the 1991 AQMP and the 2009-2011 Triennial Plan Revision
59. Email from Correspondence from Jennifer Rosas, PE (Mechanical Engineer of Applicant) dated January 24, 2022