



## *INITIAL STUDY*

### *BACKGROUND INFORMATION*

<b>Project Title:</b>	Crockett Todd and Kim L Trust
<b>File No.:</b>	PLN210045
<b>Project Location:</b>	26303 Ocean View Avenue, Carmel
<b>Name of Property Owner:</b>	Crockett Todd and Kim L Trust
<b>Name of Applicant:</b>	Maureen Wruck Planning Consultant, LLC
<b>Assessor's Parcel Number(s):</b>	009-431-038-000
<b>Acreage of Property:</b>	4,141 square feet (0.095 acres)
<b>General Plan Designation:</b>	Medium Density Residential
<b>Zoning District:</b>	Medium Density Residential, 2 units per acre, with a Design Control overlay and an 18-foot height limit (Coastal Zone) [MDR/2-D(18) (CZ)]
<b>Lead Agency:</b>	Monterey County Housing and Community Development
<b>Prepared By:</b>	Harris & Associates (Alec Barton, AICP)
<b>Date Prepared:</b>	March 25, 2022
<b>Contact Person:</b>	Mary Israel, Senior Planner   Monterey County Housing and Community Development Department
<b>Phone Number:</b>	(831) 755-5183

## ***II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING***

**A. Description of Project:** The proposed project involves exterior modifications and site improvements at the Crockett residence, located at 26303 Ocean View Avenue in unincorporated Monterey County (**Figure 1**). The proposed modifications include the construction of 200 linear feet of fencing and gates, 560 square feet of terraces, a 66-square foot landing, an exterior hot tub and fire pit, and 500 square feet of new driveway materials to replace an existing driveway on a developed lot with an existing single-family residence. Color and material finishes would include a stone terrace and path, cedar fencing and gate, and cobblestone drive. Excavation/grading associated with the project would involve less than 100 cubic yards of fill. No trees would be removed during construction.

The number of parking spaces at the project site would remain unchanged. There are currently two covered and two uncovered parking spaces, which meets the requirements of Monterey County Code (MCC) section 20.58.50. The existing residence is a legal nonconforming structure with respect to building height and floor area ratio. The project does not involve any structural modifications, and therefore will not increase or expand the legal non-conforming nature of the structure.

The required Combined Development Permit would consist of the following entitlements:

- 1) Coastal Development Permit to allow development within 750 feet of known archaeological resources; and
- 2) Design Approval to allow exterior modifications to the site including the construction of new fencing, a hot tub, and a fire pit.

**B. Surrounding Land Uses and Environmental Setting:** The proposed project involves exterior modifications to the site at 26303 Ocean View Avenue (Assessor's Parcel Number 009-431-038-000) in the unincorporated portion of Monterey County's Carmel Point neighborhood. The 4,141-square foot project site is already developed with a 2,542-square foot single-family residence. The project site is located approximately 765 feet south of the City of Carmel-by-the-Sea and 500 feet east of the Pacific Ocean. See Vicinity Map (**Figure 2**).

The project site is gently sloping, approximately 1% in all directions. The site has been developed with a single-family residence since 1978. On April 30, 2020, the Monterey County Zoning Administrator granted the Crockett property a Coastal Development Permit and Design Approval to allow a remodel, including repairs and maintenance, to the residence while maintaining the existing legal nonconforming structure height and floor area ratio (Resolution No. 20-012; Planning File No. PLN190339).

The project site is situated near the coast within a developed single-family residential neighborhood, located within the Coastal Zone. Uses in the immediate vicinity consist primarily of single-family residences and accessory units. The project site and the surrounding area are zoned for medium density residential use. Vegetation on site and on surrounding properties consists primarily of planted native and non-native shrubs and trees.



**Figure 1b – Landscape Site Plan**

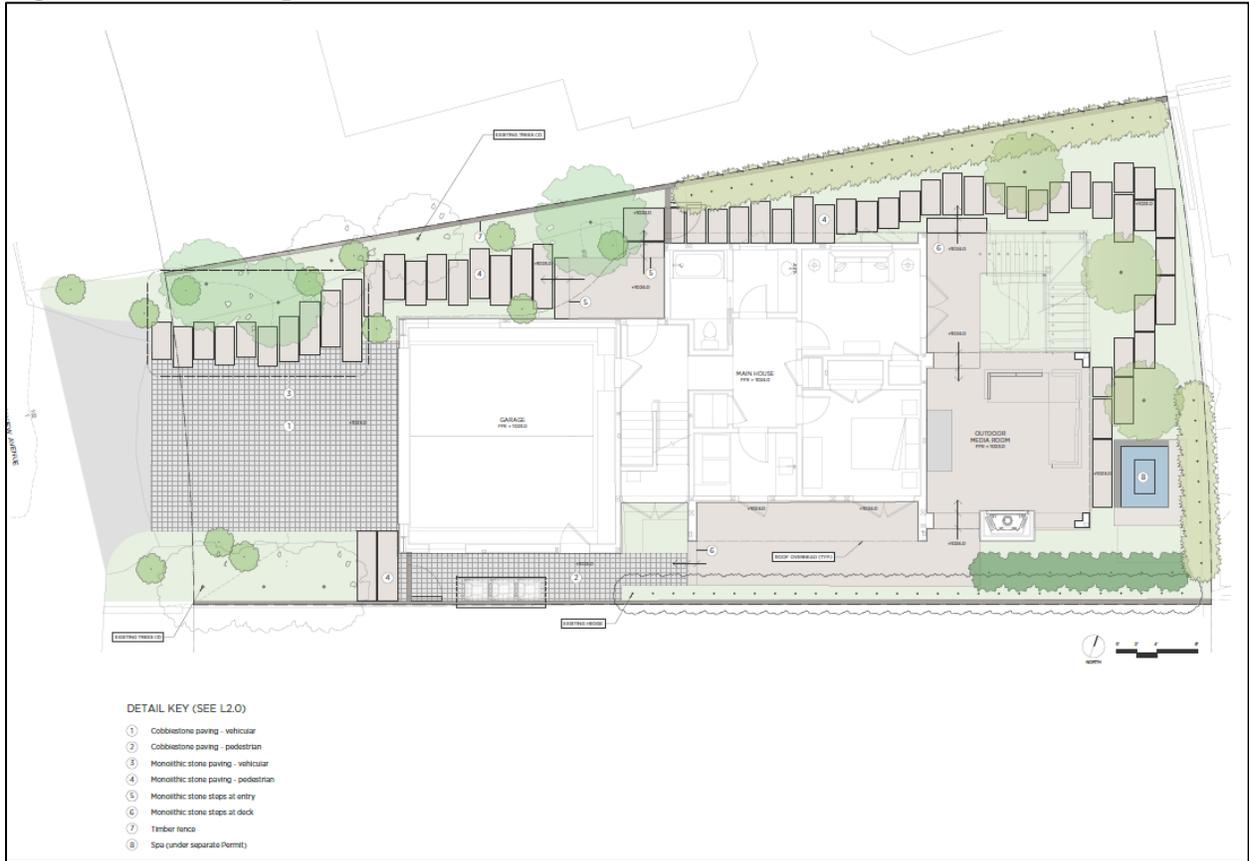
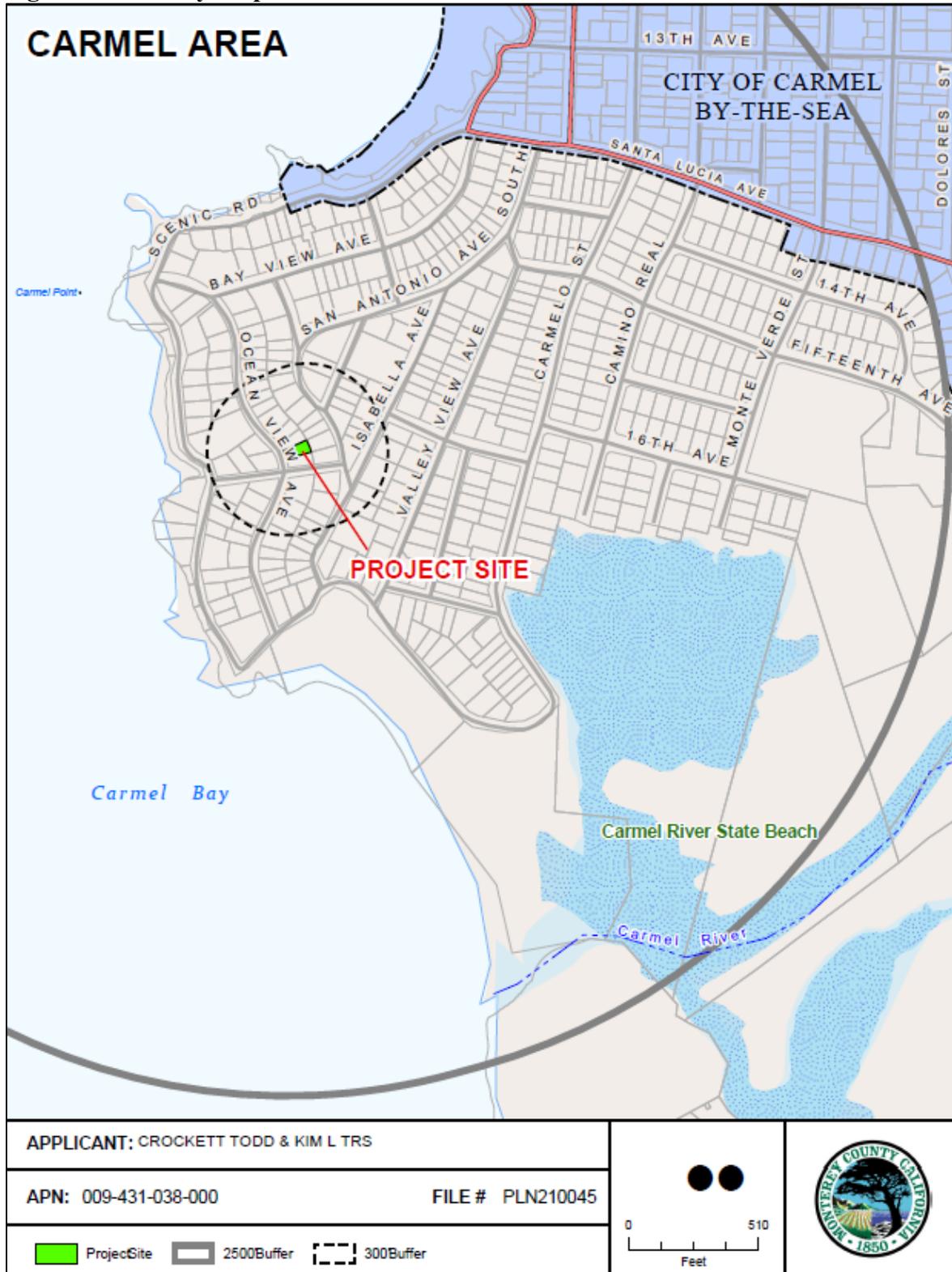


Figure 2 – Vicinity Map



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

General Plan: Within the coastal areas of unincorporated Monterey County, the 1982 General Plan policies apply where the Local Coastal Program (LCP) is silent. This typically is limited to noise policies, as the LCP policies contain the majority of development standards applicable to development in the coastal areas. The project would involve exterior modifications to an existing single-family residence in the Carmel Point neighborhood, is consistent with the noise policies of the 1982 General Plan, and would not create any noise other than minor and temporary construction noise (Source: IX.2). **CONSISTENT**

Air Quality Management Plan: The 2008 Air Quality Management Plan (AQMP), and 2012-2015 update, for the Monterey Bay Region address attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB), including the project area. California Air Resources Board (CARB) uses ambient data from each air monitoring site in the NCCAB to calculate Expected Peak Day Concentration over a consecutive three-year period. The closest air monitoring site in Carmel Valley has given no indication during project review that exterior modifications to an existing single-family residence in the Carmel Point neighborhood would cause significant impacts to air quality or greenhouse gas emissions (GHGs) (Source: IX.6). **CONSISTENT**

Local Coastal Program: The project is subject to the Carmel Area Land Use Plan (LUP), which is part of the Certified Local Coastal Program for Monterey County. This Initial Study discusses consistency with relevant LUP policies in Sections IV and VI. County staff reviewed the project for consistency with the policies of the Carmel Area LUP and the regulations of the associated Coastal Implementation Plan (CIP, Part 4). In addition, staff reviewed the project for consistency with the site development standards required by the applicable zoning ordinance (Title 20; CIP, Part 1). As discussed herein, the project involves exterior modifications to an existing residence, including the construction of 200 linear feet of fencing and gates, 560 square feet of terraces, a 66-square foot landing, an exterior hot tub and fire pit, and 500 square feet of new driveway materials to replace an existing driveway on a developed lot with an existing single-family residence. The project involves development within 750 feet of known archaeological resources. The parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control overlay and an 18-foot height limit (Coastal Zone) [MDR/2-D(18)(CZ)]. As proposed, conditioned, and mitigated, the project is consistent with the Carmel Area LCP (Source: IX.3). **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 type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality                          |
| <input type="checkbox"/> Biological Resources      | <input checked="" type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Energy                               |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards/Hazardous Materials          |
| <input type="checkbox"/> Hydrology/Water Quality   | <input checked="" type="checkbox"/> Land Use/Planning     | <input type="checkbox"/> Mineral Resources                    |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing               | <input type="checkbox"/> Public Services                      |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation/Traffic           | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfires                        | <input 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. There are no scenic vistas, corridors or panoramic views in the immediate project vicinity. Further, none of the roadways in the immediate vicinity of the project site are designated as Scenic Highways or Routes by Monterey County or the State of California. As such, project components would not be visible from a scenic highway or from public viewpoints. The project site is located in a developed residential neighborhood with many single-family residences in the vicinity and the proposed exterior modifications would be consistent with the design of the single-family residence onsite and of other developed sites in the surrounding area. Consistent with Visual Resources Key Policy 2.2.2 of the Carmel Area Land Use Plan, the proposed development harmonizes with, and is subordinate to, the natural scenic character of the area. Color and material finishes would include a stone terrace and path, cedar fencing and gate, and cobblestone drive. Pursuant to Monterey County Code Chapter 20.44 (Title 20, Coastal Zoning Ordinance), the project parcel and surrounding area are designated as a Design Control Zoning District (“D” zoning overlay), which regulates the location, size, configuration, materials, and colors of structures and fences to assure the protection of the public viewshed and neighborhood character. As noted above, the proposed colors and material finishes would match the existing residence and are consistent with the residential setting. Also, per Carmel LUP Policy 2.2.3.6, the proposed development would be subordinate to and blend into the environment, using appropriate exterior materials and earth tone colors that give the general appearance of natural materials. The project was referred to the Carmel Highlands/Unincorporated Land Use Advisory Committee (LUAC) for review. The LUAC, at a duly-noticed public meeting on June 7, 2021, reviewed the proposed project and voted 5 – 3 – 1 (5 yes, 3 no, and 1 absent 1) to support the project as proposed. At the LUAC meeting, interested members of the public raised concerns regarding privacy; however, privacy and private views are not regulated by Monterey County Code. *Therefore, the proposed project would not impact visual resources on the site or in the vicinity.* (Source: IX. 1, 3, 8, 9)
2. Agriculture and Forest Resources. The project site is located in an existing residential neighborhood zoned as Medium Density Residential and designated as Urban and Built-Up Land under the California Department of Conservation Farmland Mapping and Monitoring Program. No farmland would be converted to non-agricultural uses as a result of the project, and the project site is not under a Williamson Act contract nor located in or adjacent to agriculturally designated lands. No trees are proposed for removal at the project site. *Therefore, the proposed project would not result in impacts to agriculture or forest resources.* (Source: IX. 1, 8, 15)
3. Air Quality. The project site is located within the North Central Coast Air Basin, which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD). Impacts to air quality from construction-related activities would be minor and temporary in nature. Construction would involve equipment typically involved in residential construction projects, such as excavators and trucks. The project would not result in the emission of substantial amounts of criteria pollutants. Temporary construction-related impacts would

not violate any air quality standards or obstruct implementation of the MBARD Air Quality Management Plan. Operational emissions would be minimal and are accounted for in the existing single-family residence onsite. *Therefore, the proposed project would not result in impacts to air quality.* (Source: IX. 1, 6, 8, 9)

4. Biological Resources. The project site is located approximately 500 feet east of the Pacific Ocean and is bordered by residential uses on all sides. The site is developed with a single-family residence and ornamental landscaping. No mapped or field-identified environmentally sensitive habitat areas or sensitive species occur within the project site. Consistent with Carmel Area Land Use Plan General Policy 2.3.3.1, the project would not result in development in critical and sensitive habitat areas. No trees would be removed. The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species, nor would it have a substantial adverse effect on any riparian habitat or other sensitive natural community. *Therefore, the project would have no impacts to biological resources.* (Source: IX. 1, 3, 4, 8, 9)
5. Cultural Resources. See Section VI.5.
6. Energy. The project would require energy during construction to operate construction equipment and for worker vehicle trips to and from the site. The proposed site improvements include the reconstruction of a driveway and construction of fencing and gates, terraces, a landing, hot tub, and fire pit. Due to the small scale of the project, energy use associated with construction would be nominal and short-term, and would not be considered wasteful, inefficient, or unnecessary. Operational energy demand would be minimal and is accounted for in the existing single-family residence onsite. Pacific Gas and Electric (PG&E) provides electricity and natural gas to the project site. The project would be required to comply with all standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. California's Green Building Standards Code (CALGreen; CBC, Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. Compliance with these regulations would ensure the proposed project would not conflict with state or local plans for renewable energy or energy efficiency. *Therefore, the proposed project would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy.* (Source: IX. 1, 5)
7. Geology and Soils. According to the County's GIS database, the project site is located within an area of moderate erosion hazard and low risk for landslides and liquefaction. The County's GIS database also identifies the seismic nature of the site to be undetermined; however, the parcel is located within the 660-foot buffer of the Cypress Point Fault zone. Although located within a fault buffer, the project site has a low risk of collateral seismic hazard per the Monterey County GIS database and, therefore, the site is suitable for the proposed development. Although the project site would be exposed to ground-shaking

from any of the faults that traverse Monterey County, the project would be constructed in accordance with applicable seismic design parameters in the California Building Code. During the construction permit phase, the contractor will be required to comply with applicable building code requirements (i.e., health, life, and safety) and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of drainage and will be required to address post-construction requirements and runoff reduction. Therefore, no further special conditions of approval are necessary or required for this project. *Therefore, the project would have no impacts related to geology and soils.* (Source: IX. 1, 2, 3, 4, 8, 9)

8. Greenhouse Gas Emissions. The project would not incrementally increase energy consumption at the project site and traffic in the vicinity. Temporary construction-related emissions from equipment and machinery would occur. Operational emissions associated with the project would be minimal and are accounted for in the existing single-family residence onsite. Monterey County does not have a greenhouse gas reduction plan by which consistency or conflicts can be measured; however, the 2010 General Plan policies contain direction for the preparation of such a plan with guidance on what goals or measures should be accomplished in development of a plan. (The project is in the coastal area which is guided by the 1982 General Plan.) The 2030 Monterey County Municipal Climate Action Plan is in the planning stages and the qualitative measures of the previous plan concluded in 2020, so they are not timely for reference with the construction of this project. In addition, the proposed project would not conflict with the policies contained in the Association of Monterey Bay Area Government's 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy, because it only involves minor exterior modifications to a site zoned for and including a single-family residence. *Therefore, the proposed project would not result in significant increases in greenhouse gas emissions or conflict with an applicable plan, policy, or regulation.* (Source: IX. 1, 2, 11)
9. Hazards/Hazardous Materials. Project implementation would require the use of construction equipment typical of residential construction projects, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, and lubricant. However, the use and transport of any hazardous materials would be subject to federal, state, and local regulations, which would minimize risk associated with the transport hazardous materials. Operationally, the project would not involve the use or storage of hazardous materials beyond those typically associated with residential uses. The project site is not located on or within 1,000 feet of a known hazardous materials site, nor is it located near an airport or airstrip. [The nearest airport, Monterey Regional Airport, is approximately 5.4 miles from the project site.] Given that the project would involve no modification to the existing use (single-family residence), it would not impair or interfere with the adopted emergency response or evacuation plan. The project site is not located in a CAL FIRE-designated Fire Hazard Severity Zone and the project would be required to

meet County of Monterey Fire Safety codes. *Therefore, the proposed project would not result in impacts related to hazards/hazardous materials.* (Source: IX. 1, 7, 8, 12, 17, 21)

10. Hydrology/Water Quality. The proposed project would not violate any water quality standards or waste discharge requirements, nor alter the drainage pattern of the site or area. The proposed project involves exterior modifications to a site developed with a single-family residence in an established residential neighborhood; therefore, the project would not increase water demand. The Monterey County Environmental Health Bureau (EHB) reviewed the project application and determined the project complies with applicable ordinances and regulations. The project increases pervious surface on the parcel by 445 square feet and therefore would not expose people or structures to a significant risk involving flooding. The proposed structural development at the site (e.g., fencing, fire pit, hot tub, terrace) would not place housing within a 100-year flood hazard area, nor impede or redirect flood flows. The proposed structural development would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. The project would not provide additional sources of polluted runoff or degrade water quality. Tsunami and flooding vulnerability at the site is limited. The elevation of the proposed building site is approximately 65 feet above mean sea level, so the potential for inundation from a tsunami is low. The parcel is not located near a freshwater lake or pond, so the potential for inundation from a seiche or mudflow is also low. Drainage characteristics of the project site would not be altered in a manner that would increase erosion or runoff. In addition, the project would be required to comply with relevant sections of the Monterey County Code that pertain to grading, erosion control, and urban stormwater management (Monterey County Code Chapters 16.08, 16.12 and 16.14). In summary, overall site development would be subject to current regulations regarding control of drainage, and will be required to address post-construction requirements and runoff reduction. *Therefore, the proposed project would not result in any negative impacts related to hydrology/water quality* (Source: IX. 1, 3, 4, 5, 8, 9).
11. Land Use and Planning. See Section VI.11.
12. Mineral Resources. No mineral resources have been identified within the project site or would be affected by this project. *Therefore, the proposed project would not result in impacts to mineral resources.* (Source: IX. 1, 8, 9, 13)
13. Noise. Construction of the proposed project would generate a temporary noise increase in the vicinity of the project due to the use of heavy equipment and machinery typically used during residential construction projects. Construction activities would be required to comply with the Monterey County Noise Ordinance as described in Chapter 10.60 of the County's Code of Ordinances. The ordinance applies to "any machine, mechanism, device, or contrivance" within 2,500 feet of any occupied dwelling unit and limits the noise generated to 85 dBA at a distance of 50 feet from the noise source. Noise-generating construction activities are limited to the hours between 7 a.m. and 7 p.m. Monday through Saturday; no construction noise is allowed on Sundays or national holidays. Project construction could also generate a temporary increase in ground borne vibration levels

during the excavation and grading phases of project construction. However, pile driving would not be required, and construction activities would not generate excessive vibration levels. Operationally, the project would not result in a substantial permanent increase in ambient noise given that the project involves exterior modifications to a site developed with a single-family residence. The use of the outdoor hot tub and fire pit may result in a temporary increase in ambient noise levels when in use; however, noise could not exceed the levels established in Chapter 10.60.040 of the County's Code of Ordinances, which limits "loud and unreasonable" sound during the hours of 9 p.m. to 7 a.m. The project is not located in the vicinity of a public airport or private airstrip. [The nearest airport, Monterey Regional Airport, is approximately 5.4 miles from the project site.]. *Therefore, the proposed project would not result in impacts related to noise.* (Source: IX. 1, 2, 3, , 5, 18)

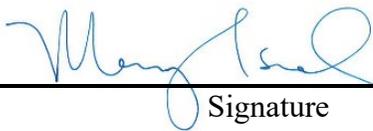
14. Population/Housing. The proposed project would involve exterior modifications to a site with an existing single-family residence. The project would not directly or indirectly induce population growth in the area, and it would not displace, alter the location, distribution, or density of human population in the area in any way, or create a demand for additional or replacement housing. *Therefore, the proposed project would not result in impacts related to population and housing.* (Source: IX. 1, 2, 14)
15. Public Services. The proposed project would involve exterior modifications to a site with an existing single-family residence and would not create new impacts to public services. The project site is located in an established residential neighborhood served by the Cypress Fire Protection District, Monterey County Sheriff's Department, and Carmel Unified School District. The project would have no substantial adverse physical impacts associated with the provision of 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. The project would have no measurable effect on existing public services in that the project would not result in an increase in demand and would not require expansion of services to serve the project. County Departments and service providers reviewed the project application and did not identify any impacts. *Therefore, the proposed project would not result in impacts related to public services.* (Source: IX. 1, 8, 14)
16. Recreation. The project would not result in an increase in the use of existing neighborhood and regional parks and other recreational facilities and would therefore not cause substantial physical deterioration to these facilities. No parks, trail easements, or other recreational opportunities would be adversely impacted by the project, based on review of County records, Figure 3 (Public Access Plan) of the Carmel Area Land Use Plan). The project would not create new or additional recreational demands, and would not result in impacts to recreation resources. *Therefore, the proposed project would not result in impacts related to recreation.* (Source: IX. 1, 3, 8, 9)

17. Transportation. The project involves exterior modifications to a site developed with a single-family residence in an established residential neighborhood. The proposed level of development would not generate new traffic nor increase the number of permanent vehicle trips. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded nor increase vehicle miles traveled. Construction-related activities would temporarily increase traffic from trips generated by the workers on the construction site; however, no adverse impact is expected to occur due to the small scale of the proposed project. The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The project would not substantially increase hazards due to a design feature (e.g., there are no sharp curves or dangerous intersections near the project site) or incompatible uses (e.g., the site is zoned to allow residential uses), nor would it result in inadequate emergency access. The project would also not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The project would not intensify existing levels of traffic. *Therefore, the proposed project would not result in impacts related to transportation.* (Source: IX. 1, 2, 3, 4, 8, 9, 11).
18. Tribal Cultural Resources. See Section VI.18.
19. Utilities/Service Systems. The project involves exterior modifications to a site developed with a single-family residence in an established residential neighborhood. The existing dwelling is serviced by connections for water and sewer. The project would not require expansion of current utility infrastructure, nor would it impact the area's solid waste facilities. Water and wastewater services at the project site would continue to be provided by California American Water and Carmel Area Wastewater District, respectively. Electricity and natural gas are provided by PG&E. Solid waste disposal is provided by the Monterey Regional Waste Management District and the operational component of the project would not result in the substantial increase of solid waste production. Any excess construction materials from the proposed project would be recycled as feasible with the remainder being hauled to landfill. However, the minimal amount of construction waste produced would not affect the permitted landfill capacity. *Therefore, the proposed project would not result in impacts related to utilities and service systems.* (Source: IX. 1, 8)
20. Wildfire. The project site is not located in a State Responsibility Area and is not classified as a Very High Fire Hazard Severity Zone (VHFHZ). The nearest VHFHZ is approximately one mile southwest. The proposed project would not pose a risk of fire beyond the normal risks associated with single-family residential development within an established residential neighborhood. The project site and neighborhood are served by the Cypress Fire Protection District (FPD). Additionally, the project is required to meet all current fire codes, and the Cypress FPD did not impose any conditions on the project. *Therefore, the proposed project would not result in impacts related to wildfire.* (Source: IX. 1, 3, 5, 8, 9, 12, 21)

**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

3/28/22  
\_\_\_\_\_  
Date

*Mary Israel, Senior Planner*

## ***V. EVALUATION OF ENVIRONMENTAL IMPACTS***

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Have a substantial adverse effect on a scenic vista? (Source: IX. 1, 3, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: IX. 1, 3, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	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, 8 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1, 3, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

## 2. AGRICULTURAL AND FOREST RESOURCES

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

2. AGRICULTURAL AND FOREST RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
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, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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.

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX. 1, 15)	<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)	<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)	<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, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

**3. AIR QUALITY**

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

<b>Would the project:</b>	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. 6)	<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**3. AIR QUALITY**

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

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
non-attainment under an applicable federal or state ambient air quality standard? (Source: IX. 6)				
c) Result in significant construction-related air quality impacts? (Source: IX. 1, 6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX. 6, 8, 9)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

**4. BIOLOGICAL RESOURCES**

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: IX. 1, 3, 4, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX. 1, 3, 4, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>4. BIOLOGICAL RESOURCES</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 8, 9)	<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, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: IX. 1, 3, 4, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>5. CULTURAL RESOURCES</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (Source: IX. 1, 8, 9, 10)	<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, 3, 8, 9, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX. 8, 10, 19)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion:** The subject property is located in a highly sensitive area containing archaeological and cultural resources. In 2012, Archaeological Consulting prepared a report providing an overview of archaeological investigations and findings for the Carmel Point area (Source IX.10). The report identified that the area experienced intensive prehistoric use by the aboriginal people

called the Costanoans. The Costanoans had established permanent coastal villages within the Carmel area shoreline from Carmel Point to Point Lobos Reserve.

### **Cultural Resources 5(a) – No Impact**

The project site does not contain any structural improvements or features that may be considered historical resources eligible for listing (Phase 1 Historic Review, LIB210104). Therefore, implantation of the project would result in no impact to historic resources.

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

The project site is considered sensitive for archaeological resources due to the presence of known resource sites in the immediate vicinity, and three archaeological sites are recorded in close proximity to the project site. The project parcel is located at Carmel Point and has been identified to be located within a known archaeological site (CA-MNT-17). An Archaeological Assessment Study (Supernowicz 2020) identified sparse collections of abalone and mussel shell fragments in five locations on the project site. Although additional cultural resources were not identified within the project site, unanticipated discoveries are possible in unexcavated portions of the project site because of the proximity of the site to known archaeological resources. Due to the sensitive nature of the project area, impacts to archaeological resources are potentially significant. Because the project site is considered sensitive for archaeological resources, an archaeological monitor is required to be present for all project ground disturbance. Therefore, implementation of **Mitigation Measure 1** would reduce impacts related to archaeological resources and human remains to a less than significant level.

#### **Mitigation Measure No. 1 – On-Site Archaeological Monitor:**

To reduce potential impacts to cultural resources that may be discovered during development onsite, a qualified archaeological monitor (i.e., an archaeologist registered with the Register of Professional Archaeologists [RPA] or a Registered Archaeologist [RA] under the supervision of an RPA) shall conduct a cultural resource awareness and response training for construction personnel prior to the commencement of any grading or excavation activity, and shall be present and observe all soil disturbance for all grading and excavation activities. If at any time, potentially significant archaeological resources or intact features are discovered, the monitor shall temporarily halt work until the find can be evaluated by the archaeological monitor. If the find is determined to be significant, work shall remain halted until a plan of action has been formulated, with the concurrence of HCD-Planning, and implemented.

#### **Compliance Actions for Mitigation Measure No. 1:**

- 1a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure No. 1, including all compliance actions. The owner/applicant shall submit said plans to HCD Planning for review and approval.
- 1b: Prior to issuance of construction permits for grading or building, the owner/applicant shall submit to HCD-Planning a copy of the contract between the owner/applicant and a qualified archaeological monitor. The contract shall include a pre-construction

meeting agenda with specific construction activities that the monitor shall be present for, any construction activities for which the archaeological monitor will not be present, how sampling of the excavated soil will occur, and any other logistical information such as when and how work on the site will be halted. The contract shall include provisions requiring the monitor be present and observe all soil disturbance for all grading and excavation, and authorizing the monitor to stop work in the event resources are found. In addition, the contract shall authorize the monitor to prepare a report suitable for compliance documentation to be prepared within four weeks of completion of the data recovery field work. The contract shall be submitted to HCD-Planning for review and approval. Should HCD-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

- 1c: Prior to the issuance of grading or building permits, the owner/applicant shall submit evidence that a qualified archaeologist conducted a cultural resource awareness and response training for construction personnel prior to the commencement of any grading or excavation activity. The training shall include a description of the kinds of cultural and tribal cultural resources that are found in the area, protocols to be used in the event of an unanticipated discovery, and the importance of cultural resources to the Native American community.
- 1d: If archaeological resources are unexpectedly discovered during construction, work shall be halted on the parcel until the find can be evaluated and a plan of action formulated and implemented, with the concurrence of HCD-Planning. Data recovery shall be implemented during the construction and excavation monitoring. If intact archaeological features are exposed, they shall be screened for data recovery using the appropriate method for site and soil conditions. The owner/applicant shall allow the on-site Tribal Monitor (see Mitigation Measure No. 2 – Section VI.18) an opportunity to make recommendations for the disposition of potentially significant archaeological materials found.
- 1e: A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University.

#### **Cultural Resources 5(c) – Less than Significant**

No Native American human remains or significant cultural resources are known to exist within the project site. If unanticipated human remains are unearthed, State Health and Safety Code Section 7050.5 requires no further disturbance to occur until the county coroner has made the necessary findings as to the origin and disposition pursuant to the Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site and make recommendations to the landowner within 48 hours of being granted access. The project would also be required to implement Monterey County Condition PD003(B), which requires that there be no further

excavation in the area surrounding the remains until the coroner and the NAHC, if applicable, are contacted and the find is treated in accordance with Public Resources Code Sections 5097.98 - 5097.994. With adherence to existing regulations and the Condition PD003(B), impacts to human remains would be less than significant.

**Conclusion:**

*As designed, the project would have the potential to impact unknown or undiscovered archaeological resources. With implementation of **Mitigation Measure 1** (described above), **Mitigation Measure 2** (described in Section VI.18), and standard County Conditions of Approval to protect cultural resources, the project would have a less than significant impact on cultural (archaeological) resources.*

<b>6. ENERGY</b>		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>	Potentially Significant Impact			
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Source: IX. 1, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>7. GEOLOGY AND SOILS</b>		Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>	Potentially Significant Impact			
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 8) 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: NA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: IX. 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>7. GEOLOGY AND SOILS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides? (Source: IX. 8)	<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. 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX. 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: IX. 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: NA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a paleontological resource or site or unique geologic feature? (Source: IX. 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>8. GREENHOUSE GAS EMISSIONS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: IX. 1, 2, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: IX. 1, 2, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>9. HAZARDS AND HAZARDOUS MATERIALS</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX. 1, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1, 8)	<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?	<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, 8)	<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, 8)	<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, 8, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

**10. HYDROLOGY AND WATER QUALITY**

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (Source: IX. 1, 3, 5, 8, 9)	<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, 3, 8)	<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, 3, 5, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 5, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (Source: IX. 1, 3, 5, 8 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Source: IX. 1, 3, 5, 8, 9 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>11. LAND USE AND PLANNING</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: IX. 1, 2, 3, 8, 9)	<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, 8, 9, 10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

The project site is a previously developed residential lot with an existing single-family residence, within an established residential neighborhood designated and zoned for medium density residential use. The project parcel is zoned Medium Density Residential, 2 units per acre, with a Design Control overlay district, and 18-foot height limit (Coastal Zone) [MDR/2-D (18)(CZ)], and the surrounding area has this same zoning and land use designation. The properties in the surrounding vicinity have been developed with single-family homes and accessory structures.

The proposed site improvements include the following exterior modifications: construction of 200 linear feet of fencing and gates, 560 square feet of terraces, a 66-square foot landing, an exterior hot tub and fire pit, and 500 square feet of new driveway materials to replace the existing driveway materials. Excavation/grading associated with the project would involve less than 100 cubic yards of fill. Pursuant to the applicable development standards for the MDR zoning district, as identified in Monterey County Code section 20.12.060, the site coverage maximum in this MDR district is 35 percent. Site coverage of the subject parcel is 34.8%.

**Land Use and Planning 11(a) – No Impact**

As proposed, the project includes minor site improvements consistent with the established residential use of the property and surrounding area. As such, the project would have no impact on the land use designation and/or zoning and would not result in a physical division of an established community.

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

The proposed project would be subject to the policies and regulations of the Carmel Area Land Use Plan (LUP). Chapter 4 of the LUP contains policies that pertain to Land Use and Development in unincorporated areas in the vicinity of Carmel Point, south of Carmel-by-the-Sea. Given that the project would involve development associated with a single-family residence in an existing residential neighborhood zoned for medium-density residential development, the project would not conflict with land use policies specified in the LUP. Prior to implementation, the project would require issuance of construction permits and coastal development permits from the County of Monterey.

The LUP also contains policies related to the protection of archaeological resources. With implementation of **Mitigation Measures 1 and 2**, as described in Section VI.5, *Cultural Resources*, and Section VI.18, *Tribal Cultural Resources*, the potential for the project to conflict with the policies of the LUP would be reduced to less-than-significant. Therefore, impacts related to conflicts with a land use plan would be less than significant with mitigation incorporated.

**Conclusion:**

*As designed, the project would have the potential to impact unknown or undiscovered archaeological resources. Implementation of **Mitigation Measure 1** (described in Section VI.5), **Mitigation Measure 2** (described in Section VI.18), and standard Conditions of Approval for projects that involve ground disturbance in archaeologically sensitive areas would reduce potential impacts related to land use and planning to a less than significant level.*

<b>12. MINERAL RESOURCES</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: IX. 1, 8, 9, 13)	<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, 8, 9, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>13. NOISE</b>				
<b>Would the project result in:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX. 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels? (Source: IX. 1, 2, 3, 4, 5)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b> people residing or working in the project area to excessive noise levels? (Source: IX. 1, 2, 3, 4, 5)				

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

14. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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, 2, 14)	<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, 2, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>15. PUBLIC SERVICES</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>					
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, 8, 14, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Police protection? (Source: IX. 1, 8, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Schools? (Source: IX. 1, 8, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d) Parks? (Source: IX. 1, 8, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e) Other public facilities? (Source: IX. 1, 8, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>16. RECREATION</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: IX. 1, 3, 8, 9)	<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, 3, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>17. TRANSPORTATION/TRAFFIC</b>				
<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (Source: IX. 1, 2, 3, 8, 9, 11)	<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, 3, 8, 9, 11)	<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, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access? (Source: IX. 1, 2, 3, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>18. TRIBAL CULTURAL RESOURCES</b>				
<b>Would the project:</b>	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:				
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, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

18. TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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. 3, 8, 9, 10, 16)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion:** Due to the project site’s location in or near known and recorded archaeological/prehistoric resource sites, and because the project includes excavation and grading, there is a potential for human remains or tribal cultural artifacts to be accidentally discovered. Pursuant to Public Resources Code Section 21080.3.1, Monterey County HCD-Planning initiated consultation with local Native Americans on August 6, 2021. The Esselen Tribe of Monterey County requested tribal consultation and that a Native American monitor be present to observe all excavation activities associated with development of the site and to provide cultural resources training for crew members.

**Tribal Cultural Resources 18(a.i) – No Impact**

The project site does not contain any structural improvements or features that may be considered historical resources eligible for listing. The property is currently developed with a single-family dwelling and garage.

**Tribal Cultural Resources 18(a.ii) – Less than Significant with Mitigation Incorporated**

The project area is known to be sensitive for subsurface resources, as discussed in Section VI.5, *Cultural Resources* of this Initial Study. Therefore, impacts to unknown tribal cultural resources are potentially significant. A standard County Condition of Approval for protection of cultural resources, PD003(B), would be applied to all projects with ground disturbance in the area of Carmel Point. Implementation of this condition and **Mitigation Measure 2** (described below) would ensure that, if tribal cultural artifacts or human remains are discovered, these resources are treated with appropriate dignity and respect. Implementation of the following mitigation measure would reduce potential impacts to Tribal Cultural Resources to a less than significant level.

**Mitigation Measure No. 2 – On-Site Tribal Monitor:**

To ensure that Tribal Cultural Resources incur a less than significant impact if encountered, a Tribal Monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, shall be on-site and observe all project-related grading and excavation to identify findings with tribal cultural significance. This Tribal Monitor

shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If resources are discovered, the owner/applicant/contractor shall refer to and comply with Condition PD003(B) as applicable. This mitigation is not intended to alleviate responsibility of the owner or its agents from contacting the County Coroner and complying with State law if human remains are discovered.

**Compliance Actions for Mitigation Measure No. 2:**

- 2a: Prior to issuance of construction permits for grading or building, the owner/applicant shall include a note on the construction plans encompassing the language contained in Mitigation Measure No. 2, including all compliance actions. The owner/applicant shall submit said plans to HCD-Planning for review and approval.
- 2b: Prior to issuance of a construction permit for grading and/or building, the Applicant/Owner shall submit evidence to the satisfaction of the Chief of HCD-Planning that a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative, has been retained to monitor the appropriate construction activities. This Tribal Monitor shall be retained for the duration of any project-related grading and excavation.
- 2c: Any artifacts found that are not associated with a finding of human remains shall be cataloged by both the Tribal Monitor and the qualified archaeological monitor. Once cataloged, the qualified archaeological monitor will take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, all artifacts, at the discretion of the property owner, shall be returned within one (1) year to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society. A final technical report containing the results of all analyses shall be completed within one year following completion of the field work. This report shall be submitted to HCD-Planning and the Northwest Regional Information Center at Sonoma State University. Artifacts associated with a finding of human remains shall be reburied in accordance with State Law and penalty for violation pursuant to PRC section 5097.994.
- 2d: Prior to final building inspection, the Tribal Monitor or other appropriately NAHC recognized representative shall submit a letter to HCD-Planning confirming participation in the monitoring and provide a summary of archaeological and /or cultural finds or no finds, as applicable.

**Conclusion:**

*As designed, the project would have the potential to impact unknown or undiscovered tribal cultural resources. With implementation of **Mitigation Measure 1** (described in Section VI.5), County of Monterey standard Condition of Approval PD003(B) and **Mitigation Measure 2***

(described above), the project would have a less than significant impact on Tribal Cultural Resources.

<b>19. UTILITIES AND SERVICE SYSTEMS</b>			Less Than Significant	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
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, 3, 8)	<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, 3)	<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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

<b>20. WILDFIRE</b>			Less Than Significant	
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1, 9)	<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, 8, 9, 12, 21)	<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, 5, 9, 21)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

20. WILDFIRE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				

- 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, 3, 8, 9)
- 

**Discussion/Conclusion/Mitigation:** See Sections II and IV.

### VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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?	<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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **Discussion/Conclusion/Mitigation:**

### **Mandatory Findings of Significance (a) – Less Than Significant with Mitigation Incorporated**

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 agriculture and forest resources, air pollution, geology and soils, greenhouse gas emissions, energy, hazardous materials, mineral resources, noise, population/housing, public services, recreation, transportation, utilities, and wildfire. Regarding biological resources, no impacts to habitat or sensitive communities are anticipated to occur as a result of this proposed project, as described in Section IV.4 of this Initial Study. Conditions of approval are included in the proposed entitlement to assure compliance with Monterey County, State and Federal codes and regulations to the extent that identified potential impacts are minimized to the less than significant level.

The project is in an archaeological sensitive area. Incorporation and implementation of identified mitigations would reduce identified potential impacts to known prehistoric archaeological sites and any unknown or undiscovered resources within the project site to known prehistoric archaeological sites and any unknown or undiscovered resources within the project site to a less than significant level for Cultural Resources and Tribal Cultural Resources such that important examples of the major periods of California history and prehistory would also have a less than significant potential impact. Potential impacts to these resources and to land use and planning policies relating to them would be reduced to a less than significant level by implementing the County's Conditions of Approval for cultural resources PD003(B), Discovery of Cultural Resources; **Mitigation Measure 1** (discussed in Section VI.5, *Cultural Resources*); and **Mitigation Measure 2** (discussed in Section VI.18, *Tribal Cultural Resources*).

### **Mandatory Findings of Significance (b) – Less Than Significant**

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. The project would not 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. The Section VI. 5 *Cultural Resources* indicates that the site does not contain significant archaeological or historical resources and would not eliminate important examples of the major periods of California history or prehistory. Mitigation actions would protect any possible cultural resources that would be accidentally uncovered during ground disturbance. Given that the ground disturbance of this project is limited to surface improvements and that the parcel is previously disturbed both in the building footprint and landscaping, the cumulative effect for Cultural and Tribal Cultural Resources is not anticipated to increase to past, present, or future impacts in Carmel Point. The project would not 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. The Section VI.11 *Land Use and Planning* indicates that the mitigation measures for Cultural and Tribal Cultural Resources would reduce potential impacts to planning policies relating to them to less-than-significant. Therefore, potential impacts of the project would not be cumulatively considerable.

## **Mandatory Findings of Significance (c) – Less Than Significant with Mitigation**

### **Incorporated**

Effects on human beings are generally associated with impacts related to issue areas such as air quality, noise, hazards and hazardous materials, traffic, and wildfire. As discussed in Section IV.A, *Factors*, of this Initial Study, the project would have no cumulative impact in each of these resource areas. As discussed in Section VI.5, *Cultural Resources*, and Section VI.18, *Tribal Cultural Resources*, no known archeological or tribal cultural resources are present at the project site according to the reports. In the event of unanticipated discovery of archeological or tribal cultural resources, impacts would be reduced to a less than significant level with the implementation of Mitigation Measures No. 1 and 2. Therefore, the project would not cause substantial adverse effects on human beings, either directly or indirectly. Impacts would be less than significant with mitigation measures incorporated.

## ***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](http://www.wildlife.ca.gov).

**Conclusion:** The project will be required to pay the fee unless the applicant can obtain a “no effect” determination from the California Department of Fish and Wildlife.

**Evidence:** Based on the record as a whole as embodied in the HCD-Planning files pertaining to PLN210045 and the attached Initial Study / Proposed Mitigated Negative Declaration.

## ***IX. SOURCES***

1. Project Application Materials and Plans (Planning File No. 210045; Plan Set dated January 25, 2021)
2. Monterey County General Plan (1982)
3. Carmel Area Land Use Plan and Coastal Implementation Plan
4. Title 20 of the Monterey County Code (Coastal Zoning Ordinance)
5. California Building Code, Title 24
6. 2012 – 2015 Air Quality Management Plan, Monterey Bay Air Resources District
7. Monterey County Sustainability Program (accessed at <https://www.co.monterey.ca.us/government/departments-a-h/administrativeoffice/intergovernmental-and-legislative-affairs/sustainability> on March 9, 2022)
8. Monterey County GIS Information Database
9. Site Visit conducted by the project planner on June 18, 2021
10. “Archaeological Assessment Study for the Crockett Residence”, dated May 19, 2020, (Monterey County Document No. LIB210104), prepared by Dana E. Supernowicz, M.A., RPA, Historic Resource Associates, Pebble Beach, CA.
11. 2040 Metropolitan Transportation Plan & the Sustainable Communities Strategy, Association of Monterey Bay Area Governments, June 2018
12. Fire Hazard Severity Zones in SRA: Monterey County, CalFire
13. Mineral Lands Classification Data Portal, California Department of Conservation
14. Population and Housing Estimates for Cities, Counties, and the State, California Department of Finance
15. Farmland Mapping and Monitoring Program, California Department of Conservation
16. Esselen Tribe of Monterey County Letter, dated August 9, 2021
17. Monterey County Office of Emergency Services (accessed at <https://www.co.monterey.ca.us/government/departments-a-h/administrativeoffice/office-of-emergency-services> on March 9, 2022)
  - a. Emergency Operations Plan,
  - b. 2010 Evacuation and Transportation
18. County of Monterey Noise Ordinance, codified in Chapter 10.6 of the County code.

19. State Health and Safety Code Section 7050.5 (accessed at <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=hsc> on March 25, 2022)
20. Center for Engineering Strong Motion Data, accessed at <https://www.cesmd.org/cgibin/CESMD/> on [DATE]
21. Monterey County Fire Code, Appendix P: Standard Fire Conditions for Single Family Dwellings.