



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title:	Maehr Ted H and Rainer Richard Scott
File No.:	PLN160856
Project Location:	38829 and 1122 Palo Colorado Road, Carmel (Big Sur Coast Land Use Plan)
Name of Property Owners:	Ted H. Maehr and Richard Scott Rainer
Name of Applicant:	Ted H. Maehr
Assessor's Parcel Number(s):	418-151-005-000 and 418-151-006-000
Acreage of Property:	43.65 and 7.25
General Plan Designation:	Watershed & Scenic Conservation
Zoning District:	Watershed & Scenic Conservation / 40 – D (CZ)
Lead Agency:	Monterey County Housing and Community Development
Prepared By:	Mary Israel with preliminary draft by Denise Duffy & Associates
Date Prepared:	March 2023
Contact Person:	Mary Israel, Supervising Planner
Phone Number:	(831) 755 - 5183

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

The project, herein referred to as the “Project” consists of an after-the-fact permit for the construction of a single-family dwelling unit, detached workshop, accessory dwelling unit (“ADU”), kitchen/cold room, barn, tool shed, storage sheds and water storage tanks with a rainwater harvest system and wastewater system. Due to the nature of the Project, the environmental effects associated with the Project have already occurred. This Initial Study Mitigated Negative Declaration (“IS/MND”) describes and identifies the environmental impacts associated with the Project based on existing data, Applicant-provided site plans, and technical reports. Furthermore, this IS/MND identifies mitigation to address the impacts that occurred in connection with the unpermitted construction of the Project.

The Project also includes a Lot Line Adjustment between two legal lots of record, APN 418-151-005-000 and APN 418-151-006-000; but the Lot Line Adjustment would not result in any direct or indirect physical impacts to the environment and therefore is not evaluated in detail in this IS/MND.

A. Description of Project:

Introduction

The Project consists of unpermitted development described in Code Enforcement Case CE80464. The Project is located at 38829 Palo Colorado Road, Carmel, California (APN 418-151-005-000) and 1122 Palo Colorado Road, Carmel, California (APN 418-151-006-000); see **Figure 1a. Regional Map** and **Figure 1b. Vicinity Map**, below.

Unpermitted Development and Site Improvements

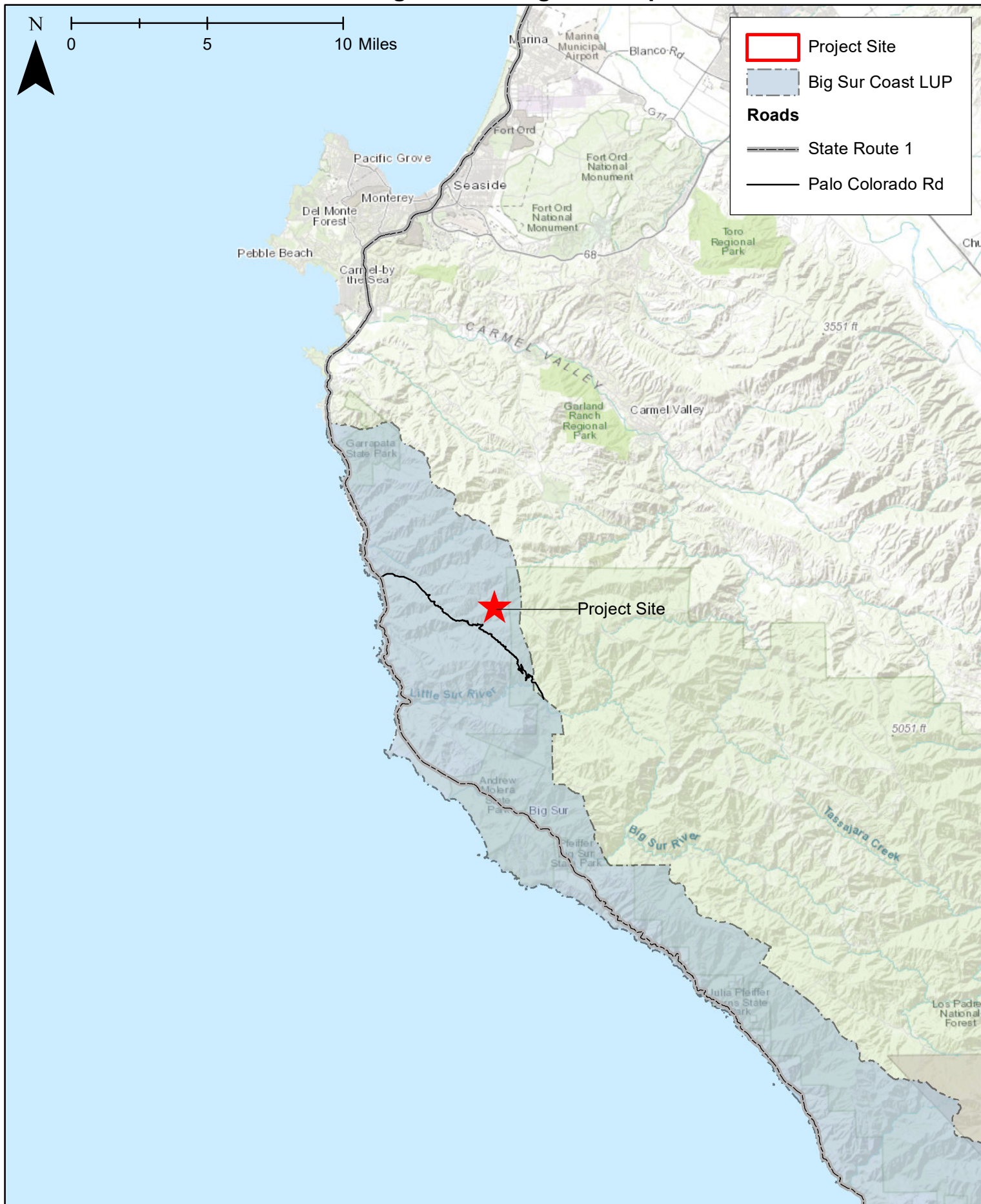
The following description is based primarily on the development plans titled *Remodeling of an Existing Dwelling, The Maehr Residence*, prepared by HPE Architects submitted to the County of Monterey on August 23, 2022.

The Project consists of an as-built development of 1,472 square-foot (“SF”) two-story single-family dwelling, a detached 364 SF carport/workshop, a 185 SF ADU, a 452 SF kitchen/cold room, an 857 SF barn, an 82 SF tool shed and two storage sheds (100 and 260 SF). The Project also includes 15 water storage tanks (existing tanks are one - 12,000 gallon tank, six - 4,900 gallon tanks, two - 3,000 gallon tanks, one - 2,500 gallon tank, and three - 500 gallon tanks), two proposed 2,500 gallon tanks, an as-built rainwater harvest system and on-site wastewater system (i.e., septic system). The Project Applicant has also conducted 600 linear feet of grading to improve and create an unpaved driveway, see **Figure 2a. Site Plan: Lot Line Adjustment** and **Figure 2b. Site Plan: After-the-Fact Development**.

Construction

Construction of the Project has been ongoing and unpermitted. Palo Colorado Road provides access to the Project site via State Route (“SR”) 1. Parking and staging of materials for the ongoing and unpermitted construction was provided onsite. A minimal number of crew workers were utilized for construction.

Figure 1a. - Regional Map



Regional Map

Date
12/15/2022

Scale
1 in = 20,000 ft



Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Figure
1a

Figure 1b. - Vicinity Map

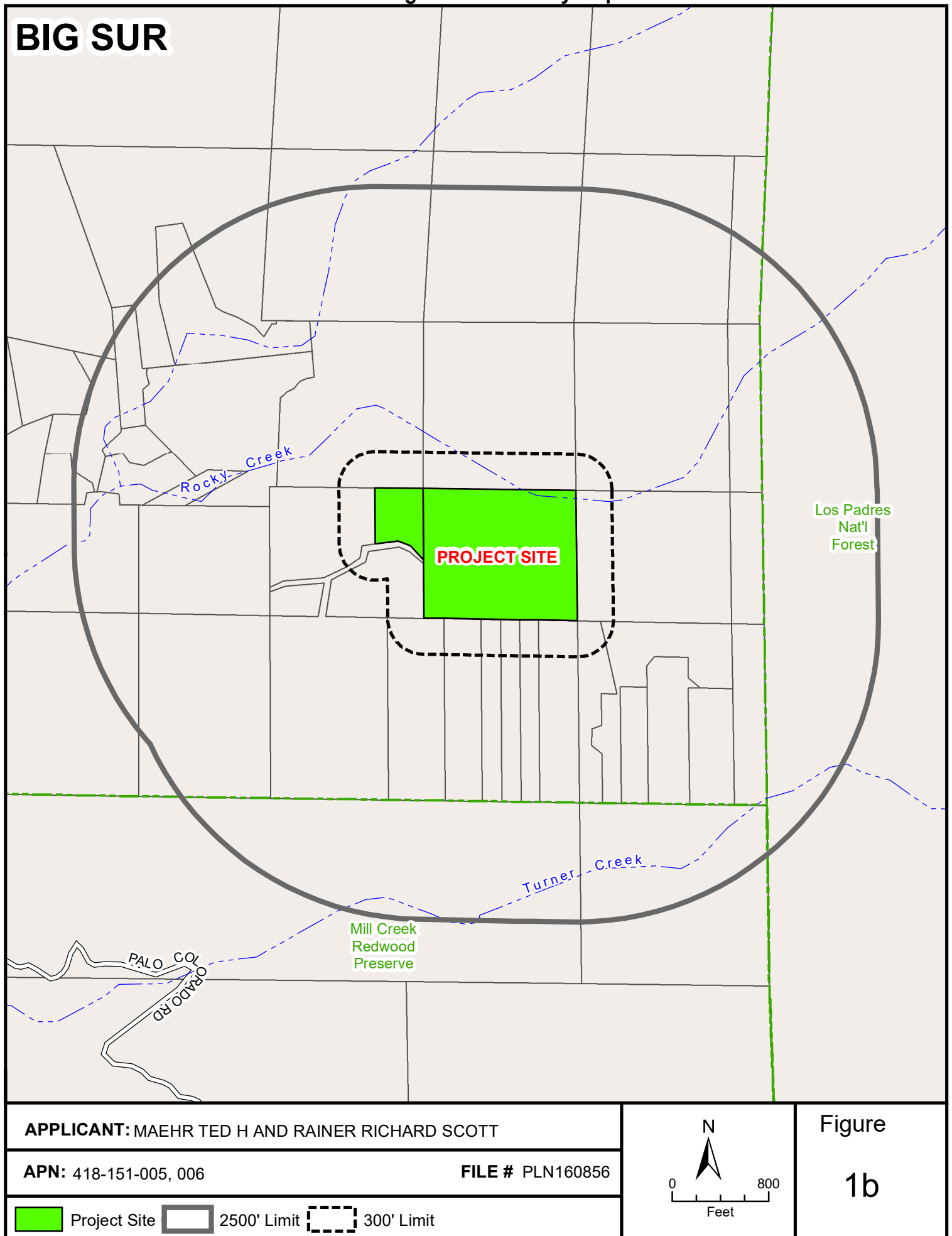


Figure
2b

Grading

The Project required 100 cubic yards (“cy”) of grading. This included the grading of 600 linear feet in the southwest portion of the Project site to construct an unpaved driveway. Excavated materials were minimal and were stockpiled and dispersed on site.

Tree Removal

Construction of the Project resulted in the unpermitted removal of three (3) Madrone trees.

Required County Permits

The Project requires a Coastal Administrative Permit and Design Approval for the unpermitted development. The Project also requires a Coastal Development Permit for the removal of three (3) Madrone trees, and for the Lot Line Adjustment between two legal lots of record located at 38829 Palo Colorado Road, Carmel, California, and 1122 Palo Colorado Road, Carmel, California.¹

B. Surrounding Land Uses and Environmental Setting:

The Project is located at 38829 Palo Colorado Road in Carmel, California (APN 418-151-005-000) and 1122 Palo Colorado Road, Carmel, California (APN 418-151-006-000). The Project is located within the County of Monterey and designated as Watershed & Scenic Conservation land use. The Project is located within the Big Sur Coast Land Use Planning Area and is zoned as Watershed & Scenic Conservation/ 40-D(CZ); see **Figure 3. Land Use Map**.

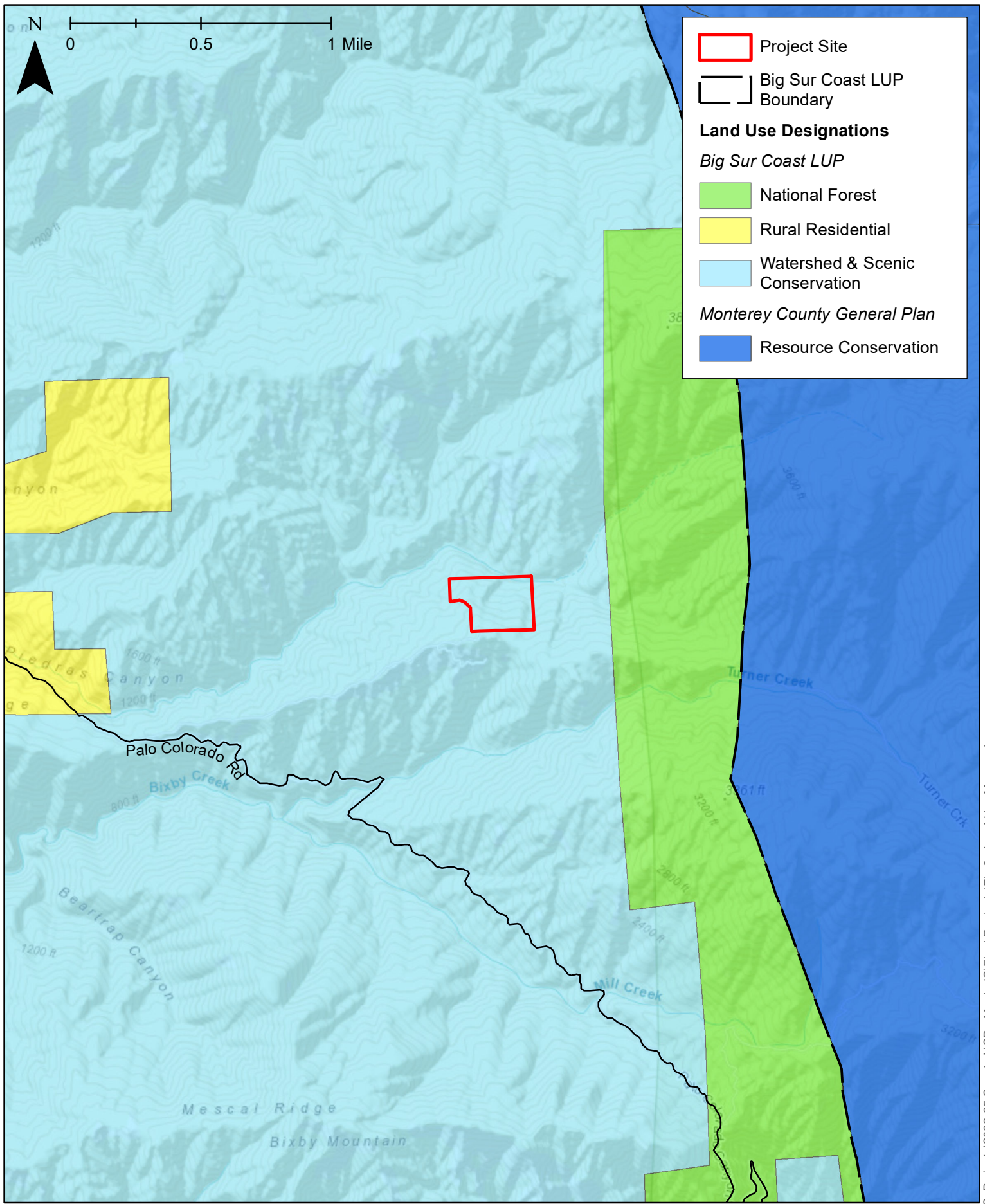
III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

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

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

General Plan/Area Plan: Within the coastal areas of unincorporated Monterey County, the 1982 General Plan policies apply where the Local Coastal Program (“LCP”) is silent. This is typically limited to noise policies as the LCP policies contain the majority of development standards applicable to development in the coastal areas. The Big Sur Coastal Land Use Plan does not include specific policies related to noise but encourages land use to preserve the peace and tranquility of the existing neighbors. As discussed in **VI. 11. Noise**, the Proposed Project likely did not result in significant temporary or permanent increase in noise and therefore resulted in a less than significant impact on noise. The location of the Project,

¹ As discussed on page 1, the Lot Line Adjustment is not evaluated within this IS/MND as this action does not physically alter the environment.



Project Site

Big Sur Coast LUP Boundary

Land Use Designations

Big Sur Coast LUP

National Forest

Rural Residential

Watershed & Scenic Conservation

Monterey County General Plan

Resource Conservation

surrounding topography, and distance from sensitive receptors would minimize noise-related impacts. Moreover, this is an after-the-fact permit for existing development to resolve the code enforcement case. The following IS/MND evaluated consistency with the general plan and land use area plans. As mentioned above, it is unlikely that construction of the Project resulted in a significant impact related to noise due to distance from sensitive receptors and topography. Noise generating equipment would not have exceeded the noise thresholds, as noise generated from equipment dissipates with distance. Similarly, operation of the Project would not result in a significant impact, and noise generated from operation of the Project would not exceed County thresholds. As such, the Project would not conflict with the 1982 General Plan or the Big Sur Coastal Land Use Plan. **CONSISTENT.**

Water Quality Control Plan: The subject property lies within Region 3 of the Central Coast Regional Water Quality Control Board (“CCRWQCB”) which regulates water quality related issues resulting in actual or potential impairment or degradation of beneficial uses, or the overall degradation of water quality. The Project could have resulted in temporary construction-related effects (e.g., erosion). These effects were not likely significant for several reasons. First, the Project required limited ground disturbing activities, therefore ground disturbing impacts were likely minimal and temporary. Second, the nearest creek is .05 miles north of the Project site and within a canyon (i.e., the Project site is south of the creek but at a higher elevation). Additionally, due to the dense vegetation within and surrounding the site, construction-related runoff would likely have been captured immediately. Finally, no evidence of residual water quality impacts were noted by the County during any of the site visits. Operation of the Project would not generate pollutant runoff in amounts that would cause degradation of water quality. In accordance with Chapter 16.12 of the Monterey County Code (“MCC”) and the County’s Condition of Approval WR002 Stormwater Control, the Project shall be required to submit a drainage and erosion control plan to HCD-Environmental Services prior to issuance of building permits. For additional discussion on hydrology and water quality, please refer to **Section VI.9 Hydrology and Water Quality** of this Initial Study. **CONSISTENT.**

Air Quality Management Plan: The Project is located within the North Central Coast Air Basin (“NCCAB”), which includes unincorporated areas of Monterey County. Air quality in the Project area is managed and regulated by the Monterey Bay Air Resources District (“MBARD”). MBARD has developed Air Quality Management Plans (“AQMPs”) and CEQA Air Quality Guidelines to address attainment and maintenance of state and federal ambient air quality standards within the NCCAB. The 2012-2015 AQMP, the 2008 CEQA Air Quality Guidelines, and 2016 Guidelines for Implementing the California Environmental Quality Act are the most recent documents used to evaluate attainment and maintenance of air quality standards. The California Air Resources Board (“CARB”) uses ambient data from each air monitoring site in the NCCAB to calculate Expected Peak Day Concentration over a consecutive three-year period. The closest air monitoring station is located in Carmel Valley and has not indicated that the construction of the Project has caused, or the operation of the Project would cause significant impacts to air quality or greenhouse gas emissions (“GHGs”). **CONSISTENT.**

Local Coastal Program LUP/Area Plan: The Project is subject to the Big Sur Coast Land Use Plan (“LUP”), a segment of the Monterey County Local Coastal Program. Regulations for this plan are found within the Monterey County Coastal Implementation Plan, referred to as Title 20. As proposed, conditioned, and mitigated, the Project is consistent with the LUP. The Big Sur Coast LUP establishes policies that preserve, conserve, and enhance the natural resources within the Big Sur Coast LUP area. These policies address issues pertaining to visually sensitive areas, critical viewsheds, public and private viewsheds, and environmentally sensitive habitats. As discussed in **Section VI.10 Land Use and Planning**, the Project does not conflict with the Big Sur Coast LUP. The Project is not located in a critical viewshed, nor does the Project obstruct private or public viewsheds. Similarly, the Project site is not

visible from a public roadway. Due to the topography and dense vegetation, the Project is screened and is consistent with the surrounding rural characteristics of the surrounding area. The Project site is not located in an environmentally sensitive habitat (Monterey County, 1981). **CONSISTENT.**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

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

☐ Check here if this finding is not applicable

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

EVIDENCE:

Agricultural and Forest Resources: The California Department of Conservation Division of Land Resource Protection and the Farmland Mapping and Monitoring Program maps California's agricultural resources. The Project is designated as "Other Land" and therefore has not resulted in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation, 2022). Furthermore, the Project is not zoned for agricultural use, and is not under a Williamson Act contract. The Project site is not zoned or designated as forestland, and therefore has not resulted in the loss or conversion of forest land for non-forestland use (County of Monterey, 1985). For these reasons, no impacts have resulted from the loss or conversion of agricultural land or forest land.

Mineral Resources: Mineral resources are determined in accordance with the Surface Mining and Reclamation Act ("SMARA") of 1975, and the California Geological Survey which maps regional significance of mineral resources. The Project site is located in a SMARA study area, however no known mineral resources are known to exist on the Project site (CGS, 2022). The Project site is also not designated as a mineral resource recovery site within the Big Sur Coast Land Use plan. For these reasons, no impacts have resulted from the loss of availability of a known mineral resource.

Population/Housing: The Project has not induced substantial population growth, either directly or indirectly. The Project is solely for the benefit of the Project Applicant as a primary residence and has not displaced existing housing units. Therefore, the Project has not impacted population or housing.

Public Services: The Project has not resulted in adverse impacts resulting in the need for new or physically altered government facilities to maintain acceptable service ratios, response times, or other performance objectives for any public services (e.g., fire protection, police protection, schools, parks, other public facilities). The Project site is currently served by the Mid-Coast Volunteer Fire Brigade, the Monterey County Sheriff's Department. The Project is located within the Carmel Unified School District. The Project is an after-the-fact permit and the site was previously developed for residential use. Therefore, the Project has and will continue to have no measurable effect on the existing public services or increase demand that would require expansion of a service to the Project.

Recreation: The Project has not resulted in an increase in the use of existing neighborhood and/or regional parks or other recreational facilities causing a substantial physical deterioration. No parks, trail easements, or other recreational opportunities have been adversely impacted by the Project, as the Project consists of an after-the-fact permit to resolve the code enforcement case for the construction of a single-family residence, accessory structures, water tanks, rainwater harvest system and wastewater system. New recreational demands have not resulted in impacts to recreational resources as a result of the Project. Therefore, no impacts have occurred.

Transportation/Traffic: The Project consists of an after-the-fact permit to resolve the code enforcement case for the construction of a single-family residence, accessory structures, water tanks, rainwater harvest system and wastewater system. The Project does 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 has not generated new traffic nor increased the number of permanent vehicle trips. The contribution of temporary construction traffic from the Project did not cause any roadway or intersection level of service to be degraded nor increase vehicle miles traveled. Trips generated by the workers from construction-related activities may have temporarily increased traffic;

however, no adverse impact occurred due to the small scale of the Project. The Project has not substantially increased hazards due to a design feature (e.g., there are no sharp curves or dangerous intersections near the project site). No impact has resulted from a geometric design feature. The Project has not resulted in inadequate emergency access. The Project has not intensified existing levels of traffic. In addition, construction has not required the closure of any public roads. No impacts have resulted from inadequate emergency access.

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

Mary Israel, Supervising Planner,
Monterey County Housing & Community Development

March 22, 2023

Date

V. EVALUATION OF ENVIRONMENTAL IMPACTS

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

The project, herein referred to as the “Project” consists of an after-the-fact permit for the construction of a single-family dwelling unit, detached workshop, accessory dwelling unit (“ADU”), kitchen/cold room, barn, tool shed, storage sheds, and water storage tanks and rainwater harvest system and wastewater system. Due to the nature of the Project, the environmental effects associated with the Project have already occurred. This Initial Study Mitigated Negative Declaration (“IS/MND”) describes and identifies the environmental impacts associated with the Project based on existing data, Applicant-provided site plans, and technical reports. Furthermore, this IS/MND identifies mitigation measures, where appropriate, to address the impacts that occurred in connection with the unpermitted construction of the Project.

1. AESTHETICS		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 19, 22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 19, 7, 8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Project site is located off of Palo Colorado Road in Carmel, California. Palo Colorado Road provides access to the Palo Colorado Canyon which is developed with rural residences. The Project site is located a top a ridge at the northern terminus of the Santa Lucia Mountains. The existing visual character of this area is comprised of distant views of the Pacific Ocean, the Santa Lucia Mountains, and rural development within the surrounding Palo Colorado Canyon area. The Project site is densely vegetated. Vegetation includes Pacific madrone and oak trees, and chamise chapparral. The Project is an after-the-fact permit that consists of the construction and operation of a single-family dwelling unit, detached workshop, ADU, kitchen/cold room, barn, tool shed and storage sheds, and thirteen water tanks and associated water supply and wastewater infrastructure. The project proposes to add two additional 2,500 gallon water tanks. As suggested above, the Project site is surrounded by rural residences to the west, south, east, and north.

The Project site is located within the Big Sur Coast Land Use Plan. The Big Sur Coast Land Use Plan addresses scenic resources and defines a critical viewshed as one that is within sight of Scenic Route (“SR”) 1 or within a major public viewing area (see Section 3.2.2 Big Sur Coast LUP). Although the Project is not located within a critical viewshed, the Big Sur Coast Land Use Plan requires that visual continuity be maintained through design and siting of structures and that they not distract from the undeveloped skylines, ridgelines, and the shoreline (see 3.2.4(A) Big Sur Coast LUP). While the Project is located in a region recognized for its scenic beauty, the Project is located in a developed region of the Big Sur Coast and located in an area where views of the Pacific Ocean or the Santa Lucia Mountains are limited. To ensure scenic resources are maintained, the Big Sur Coast Land Use Plan requires individual on-site investigations be conducted to determine that projects conform to the policies set forth in section 3.2.4(A) (see Section 3.2.4(B) Big Sur Coast LUP). Consistent with the requirements of Section 3.2.4(B) of the Big Sur Coast Land Use Plan, the County of Monterey conducted a site visit on March 17, 2022 to evaluate the Project and the development’s consistency with the above-mentioned section of the Land Use Plan. See **Figure 4. Site Photos** for photographs of the Project.

The California Scenic Highway Program was created by Legislature in 1963 to protect and enhance the natural scenic beauty of California’s highways and adjacent corridors. SR 1 was originally designated as a scenic highway in 1965. The Project site is accessible via SR 1 and Palo Colorado Road. However, the Project site is not visible from SR 1, nor is the site located in a visually sensitive area.

Aesthetics 1(a). Less than Significant

The Project is an after-the-fact permit; therefore, the environmental effects associated with the construction of the Project have already occurred. While the Project has already been constructed, it is unlikely that the Project caused a significant adverse aesthetic-related impact for several reasons. First, the Project is not located in an area designated as visually sensitive by the *Monterey County General Plan Scenic Highway Corridors & Visual Sensitivity Map*. Second, the Proposed Project is not visible from any “common public viewing” areas as defined by Monterey County Zoning Ordinance 20.06.197. The Project is located within dense chaparral habitat as illustrated in **Figure 4. Site Photos** with scattered patches of oak and madrone trees in an area that is generally not visible from any common public viewing area. Existing vegetation obstructs views of the site. And third, the site is not visible from SR 1 or other common public viewing areas due to the distance of the site from SR 1, intervening topography, and existing vegetation. *For these reasons, the Project did not result in a significant adverse impact on aesthetic resources and represents a less than significant impact.*

Aesthetics 1(b). Less than Significant

The Project did not damage a scenic resource including trees, rock outcroppings, or historic buildings within a state scenic highway. While SR 1 is a designated Scenic Highway, the Project is not visible from SR 1 or located in a critical viewshed as defined by the Big Sur Coast Land Use Plan. As discussed above, the Project site consists of dense chaparral, oak and madrone trees creating which screens view of the site. *For these reasons, the Project did not damage a scenic resource, this represents a less than significant impact.*

Aesthetics 1(c). Less than Significant

The Project did not degrade the existing visual character or quality of public views. As previously described, the Santa Lucia Mountains and Pacific Ocean are identified as important scenic resources.



Single Family Residence



Large Toolshed



Workshop



Single Family Residence and ADU



Small Toolshed



Pole Barn

Views of these resources are available in the Project vicinity; however, the Project is not visible from any public access points (e.g., Palo Colorado Road, SR 1). Therefore, the Project did not degrade the existing quality of public views of these scenic resources. The project application included a request for Design Approval that was illustrated with the colors and materials. They include matte surfaces and neutral body colors. Additionally, views of the Project site are screened by existing chaparral, oak and madrone trees, and by the existing topography of Palo Colorado Canyon. *For these reasons, the Project did not degrade the existing visual character or quality of public views. This represents a less than significant impact.*

Aesthetics 1(d). Less than Significant

The Project did not create a new source of substantial light or glare which adversely affected day or nighttime views in the area. Construction of the Project did not require nighttime lighting. Operational lighting is minimal and does not conflict with lighting requirements identified in the Big Sur Coast LUP which states that “Exterior lighting will require shielding to reduce its long-range visibility, and to cause the light source to not be visible. Exterior lighting shall be downlit and minimal to reduce as much as possible light pollution.” Moreover, the Project is required to comply with the County’s conditions of approval which includes PD014(c) – Lighting-Exterior Lighting Plan which is consistent with lighting requirements of the Big Sur Coast LUP. The County would require the Applicant to submit a lighting plan prior to the issuance of after-the-fact building permits as a condition of approval (*PD014(c)-Lighting – Exterior Lighting Plan*). *For these reasons the Project did not create a new source of substantial light or glare, this represents a less than significant impact.*

2. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source:16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? (Source:16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations? (Source: 2,16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Source: 2,16, 17, 18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Project site is located within the North Central Coast Air Basin (“NCCAB”), which is under the jurisdiction of the Monterey Bay Air Resources District (“MBARD”). The MBARD is responsible for producing an Air Quality Management Plan (“AQMP”) that reports air quality and regulates stationary air pollution sources throughout the NCCAB. The MBARD is responsible for measuring the concentration of pollutants and comparing those concentrations against the Ambient Air Quality Standards (“AAQS”). AAQS establish levels of air quality that are required to be maintained to protect the public from the adverse effects of air pollution and are established for “criteria air pollutants” which include ozone, carbon monoxide, particulate matter less than 10 microns in diameter, 2.5 microns in diameter, nitrogen dioxide, sulfur dioxide, and lead. MBARD is responsible for monitoring criteria pollutants to determine whether they are in attainment or not in attainment with the AQMP. **Table 2-1** illustrates the attainment status for criterial pollutants.

Table 2-1 Attainment Status for the NCCAB		
Pollutants	State Designation	Federal Designation
Ozone (O ₃)	Nonattainment – Transitional	Attainment
Inhalable Particulates (PM ₁₀)	Nonattainment	Attainment
Fine Particulates (PM _{2.5})	Attainment	Attainment
Carbon Monoxide (CO)	Monterey Co. – Attainment	Attainment
	San Benito Co. – Unclassified	Attainment
	Santa Cruz Co. – Unclassified	Attainment
Nitrogen Dioxide (NO ₂)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment
Source: Monterey Bay Air Resources District, 2017. 2012 – 2015 Air Quality Management Plan		

MBARD has set air quality thresholds of significance for the evaluation of projects. **Table 2-2** illustrates the thresholds of significance used to determine if a project would have a significant air quality effect on the environment during construction.

Table 2-2 Thresholds of Significance Construction Emissions	
Pollutant	Threshold of Significance (lb./day)
Nitrogen Oxides (NO _x)	173
Reactive Organic Gases (ROG)	137
Respirable Particular Matter (PM ₁₀)	82
Fine Particulate Matter (PM _{2.5})	55
Carbon Monoxide (CO)	550
Source: Monterey Bay Unified Air Pollution Control District, 2016. Guidelines for Implementing the California Environmental Quality Act.	

In addition to these thresholds, MBARD has also determined that a significant short-term construction generated impact would occur if more than 2.2 acres of earthmoving per day was to occur. **Table 2-3** illustrates the thresholds of significance used to determine if a project would have a significant air quality effect on the environment during operation.

Table 2-3 Thresholds of Significance Operational Emissions	
Pollutant	Threshold of Significance (lb./day)

Nitrogen Oxides (NO _x)	137
Reactive Organic Gases (ROG)	137
Respirable Particulate Matter (PM ₁₀)	82
Fine Particulate Matter (PM _{2.5})	55
Carbon Monoxide (CO)	550
Source: Monterey Bay Unified Air Pollution Control District, 2016. Guidelines for Implementing the California Environmental Quality Act.	

The California Air Resources Board (“CARB”) defines a sensitive receptor as children, elderly, asthmatic, and others who are at high risk of negative health outcomes due to exposure to air pollution. Pursuant to California Health and Safety Code Sec. 42705.5, a sensitive receptor includes hospitals, schools and day cares centers and such locations as the district or state board may determine. MBARD similarly defines sensitive receptors and adds that the location of sensitive receptors be explained in terms that draw a relationship to the project site and potential air quality impacts.

Air Quality 2(a). No Impact

CEQA Guidelines Sec. 15125(b) requires that a project be evaluated for consistency with applicable regional plans, including the AQMP. MBARD is required to update their AQMP every three (3) years. The most recent update was for the 2012 – 2015 AQMP and adopted in March 2017. This plan addresses attainment of the State ozone standard and Federal air quality standards. The AQMP accommodates growth by projecting growth in emissions based on population forecasts prepared by the Association of Monterey Bay Area Governments (“AMBAG”) and other indicators. Consistency determinations are issued for commercial, industrial, residential, and infrastructure related projects that have the potential to induce population growth. A project is considered inconsistent with the AQMP if it has not been accommodated in the forecast projects considered in the AQMP.

The Project is an after-the-fact permit that consists of the construction and operation of a single-family dwelling unit, detached workshop, ADU, kitchen/cold room, barn, tool shed, storage sheds and water tanks and associated water supply and wastewater infrastructure; the construction and operation has not caused and/or otherwise induced substantial population growth. Moreover, the Project site has been used for residential purposes by the Applicant. The use of the Project has not changed and would not result in any additional residential development beyond what currently exists. *As a result, the Project did not conflict with the local air quality plan.*

Air Quality 2(b). Less than Significant

The Project site is located in the NCCAB which is in nonattainment for Respirable Particulate Matter (“PM₁₀”). Construction of the Project required 100 cy of grading and may have required equipment such as tractors, backhoes, loading trucks, and pickup trucks. Construction related emissions would have been from sources such as exhaust or fugitive dust. Based on the MBARD threshold discussed above, the Project would not have exceeded 2.2 acres of earthmoving per day and is assumed to have emitted less than 82 pounds per day of PM₁₀. *As a result, construction of the Project would have been below the threshold and would have had a less than significant impact to air quality.*

The Project could result in operational emissions but would not result in a significant impact. Operational emissions associated with the Project would not exceed an applicable MBARD threshold of significance.

The site has been historically used for residential purposes and the Project consists of an after-the-fact permit to address a code enforcement violation for unpermitted construction. As a result, operational emissions would be limited to a very limited number of vehicle trips associated with the existing resident, and minimal energy use. See **Section VI.5 Energy**, below, for more information regarding energy consumption. As discussed in **Section VI.5 Energy**, the operation of the Project is powered by solar panels, batteries, and generator(s). Fireplaces within the single-family dwelling unit and the ADU provide interior heat. Smoke generated from the fireplaces would not contribute to significant air quality impact. *Therefore, the Project would result in a less than significant impact to air quality during operation.*

Air Quality 2(c). Less than Significant

The Project is located in a rural area, the nearest sensitive receptors are 700 feet and 1320 feet west of the Project site. As discussed above, construction and operation of the Project did not, has not, and would not generate substantial air pollutant emissions that would cause an impact to these receptors. Additionally, given the nature of the Project (i.e., single family dwelling unit and associated improvements), the Project would not generate a substantial amount of air quality pollutants such that there would be a significant air quality impact. *Therefore, the Project would have a less than significant impact on sensitive receptors.*

Air Quality 2(d). Less than Significant

Construction of the Project may have generated temporary odors from construction equipment (e.g., diesel exhaust) that could have been noticeable at times to residences in close proximity. However, given the temporary nature of construction and the minimal sensitive receptors in the Project vicinity, potential odors would not have affected a substantial number of people. *This would represent a less than significant impact.*

3. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 10, 19, 33, 34)	<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: 26, 27, 33, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. BIOLOGICAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 26, 27)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 33)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 19)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Fred Ballerini prepared a *Biological Assessment* for the Project in May of 2019 (**Source: 33, LIB220043**). Thompson Wildland Management prepared a *Tree Removal and Fuel Management Plan* for the Project in March of 2017 (**Source: 34, LIB170144**). Both documents are the primary source for the discussion below. Note that the count of water tanks was 16 at the time of earliest reports for the project. One 2,500 gallon tank was destroyed in a forest fire. Therefore, the project description includes only fifteen tanks.

Methodology

Fred Ballerini conducted field surveys which included walking the entire existing development and a 200-foot perimeter, noting habitats outside of the Project site, surveying sensitive resources and inventorying observed plant and animal species. Site photos were also collected to capture the existing biological conditions. Fred Ballerini reviewed the California Natural Diversity Data Base ("CNDDDB"), the California Native Plant Society's Inventory of Rare and Endangered Plants, the Jepson Manual, Invasive Plants of California's Wildlands, a Manual of California Vegetation, The Plants of Monterey County an Illustrated Field Guide, Big Sur Coast Land Use Plan, The Natural History of Big Sur, and Coastal Implementation Plan Part 3. Local maps, a 2005 appraisal document, and consultations with personnel familiar with the Project were utilized as supplemental data. The following discussion describes existing on-site vegetation based on the results of Ballerini's assessment.

Natural Communities

Pacific Madrone Forest

The Project lies in a Pacific madrone forest plant community dominated by Pacific madrone (*Arbutus menziesii*) that covers the site with a 30-foot or taller tree canopy. Mixed oaks including coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), California black oak (*Quercus kelloggii*) and tan oak (*Notholithocarpus densiflorus*) are found intertwined with the madrone forest creating a mixed tree upper story canopy along the ridge line of the development area and to the north. Understory resources are sparse in light of the 2016 Sobranes fire and a thick duff layer of leaf litter carpets the forest floor. Sparse native, herbaceous plant materials are emerging throughout the site. Species include gamble weed (*Sanicula crassicaulis*), miner's lettuce (*Claytonia abaceana*), California hedge nettle (*Stachys bullata*), blue wildrye (*Elymus glaucus*), short-stemmed sedge (*Carex brevicaulis*), wild cucumber (*Marah abaceana*), Douglas iris (*Iris douglasiana*), and foothill needle grass (*Stipa lepida*). Exotic annual grasses and forb species are also growing in the shady understory and include scarlet pimpernel (*Lysimachia arvensis*), sweet alyssum (*Lobularia maritima*), and soft brome (*Bromus hordeaceus*).

At the time of the biological survey, the upper portion of the Project site (the southeastern corner of the parcel) included existing water tanks ranging from 2,500-gallon to 4,900-gallon located under the madrone canopy. The understory vegetation was very sparse, containing a few native shrubs that are recruiting to the site. These species included creeping snowberry (*Symphoricarpos mollis*), poison oak (*Toxicodendron diversilobum*), blue blossom (*Ceanothus thyrsiflorus* var. *thyrsiflorus*), bitter gooseberry (*Ribes amarum*), and tree sproutings of California laurel (*Umbellularia californica*) and tan oak (*Notholithocarpus densiflorus*).

Chamise Chaparral

South of the upper portion of the Project site vegetation transitions to a chamise chaparral community. This portion of the Project site is dominated by chamise (*Adenostoma fasciculatum*) and wooly leaf manzanita (*Arctostaphylos tomentosa* var. *hebeclada*). Other shrubs, including California endemic dicots in this plant community, include poison oak, toyon (*Heteromeles arbutifolia*), coffeeberry (*Frangula californica*), coyote brush (*Baccharis pilularis*), sticky monkey flower (*Mimulus aurantiacus*), blue blossom (*Ceanothus thyrsiflorus* var. *thyrsiflorus*), wooly blue curls (*Trichostema lanatum*), deerweed (*Acmispon glaber*), black sage (*Salvia mellifera*) and other less prevalent species. Herbaceous plants include woodland strawberry (*Fragaria vesca*), California poppy (*Eschscholzia californica*), purple needlegrass (*Stipa pulchra*), and other regenerating species that make up a rich and floristically diverse plant community that extends south and downslope of the southerly boundary of the parcel supporting a number of local fauna species including reptiles, birds, and mammals.

Sensitive Biotic Resource

The Big Sur Coast Land Use Plan defines environmentally sensitive habitats as ones in which plant or animal life or their habitats are rare or particularly valuable because of their special nature or role in an ecosystem. These habitats are also susceptible to disturbance or degradation by human activities and development. Examples of environmentally sensitive habitats include but are not limited to riparian corridors, coastal wetlands, indigenous dune plant habitats, Monarch butterfly mass overwintering sites, and wilderness and primitive areas. The Big Sur Coast Land Use Plan encourages efforts be made to maintain, restore, and if possible, enhance Big Sur's environmentally sensitive habitats, therefore, development of all categories of land use should be subordinate to the protection of these critical areas.

Special Status Plant Species

Fred Ballerini identified a native stand of naked buckwheat (*Eriogonum nudum*) at the southwest end of the existing driveway. More specifically, this stand of naked buckwheat was identified outside of the developed area within the Project site (**Source: 33** at pg. 17). There are several local varieties of naked buckwheat, one of which (var. *indictum*) is a Monterey County endemic plant listed with a California Native Plant Society rare plant ranking of 4.3 (*Limited distribution in California*). The strand of buckwheat was not in flower form; therefore, Fred Ballerini was unable to identify the variety (i.e., confirm whether it was the endemic plant or not).

Special Status Wildlife Species

Fred Ballerini surveyed for occurrences of potential habitat, and impacts, to rare, threatened, and endangered plant and wildlife species. The site was also surveyed for current sensitive resources listed by the CNDDB for the Mount Carmel USGS Quadrangle and adjacent quadrangles in the Big Sur region. The Project has resulted in impacts to tree and surrounding habitat, as a result of the unpermitted development; however, the potential for listed special-status elements or wildlife species within the development area was determined to be low. This determination is based on the surveys, presence of micro-habitat characteristics, and biological knowledge of the target species that occur within the vicinity.

Tree Assessment and Fuel Management Plan

Thompson Wildland Management prepared a tree assessment and fuel management plan for the Project in March 2017. Thompson Wildland Management inspected the unpermitted removal of three (3) Pacific madrone trees and evaluated the Project site's wildland fire fuel and vegetation to make recommendations for future land management actions as part of on-going residential use of the site for fire safety purposes.

Three (3) Pacific madrone trees were removed without the appropriate permits. The trees were multi-trunk specimens and consisted of the removal of significant portions of the trees (**Source: 34**, Figure 6-8). Thompson Wildland Management determined that the partial tree removal did not have a detrimental effect on the health and viability of the remaining portions of the trees. **Table 3-1** outlines the trees removed, quantity of tree removed, and condition of the tree.

Table 3-1 Pacific Madrone Removal and Condition		
Tree #	Quantity Removed (inches of co-dominant stem)	Condition
1	19	Fair
2	12 – 14	Fair
3	22	Fair

Source: Thompson Wildland Management, 2017.

Due to the Soberanes Fire, much of the overstory and understory had been severely damaged and was observed to be dead, dying or visibly stressed due to fire related impacts. Thompson Wildland Management further noted that dead or dying trees in the areas around the single-family dwelling unit and along the property roads pose hazards (e.g., tree fall, combustible fuel loads).

As a condition of approval for the after-the-fact development of the Project, the Applicant will be required to restore areas disturbed during construction to the condition that corresponds with the adjoining area. The County's condition PD033 – Restoration Natural Materials states:

Standard Condition PD033: “Prior to the commencement of use, the Owner/Applicant shall submit restoration plans to HCD-Planning for review and approval. Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of HCD-Planning. Plans for such restoration shall be submitted to and approved by the Director of the HCD-Planning Department prior to commencement of use.”

Biological Resources 3(a). No Impact

Plants listed as rare under the California Native Plant Protection Act (CNPPA) or included in the California Rare Plant Ranks (CRPR; formerly known as CNPS Lists) 1A, 1B, 2A, and 2B are also treated as special-status species as they meet the definitions of Sections 2062 and 2067 of the California Endangered Species Act (“CESA”) and in accordance with CEQA Guidelines Section 15380.² In general, the California Department of Fish and Wildlife (“CDFW”) requires that plant species on CRPR 1A (plants presumed extirpated in California and either rare or extinct elsewhere), CRPR 1B (plants rare, threatened, or endangered in California and elsewhere), CRPR 2A (plants presumed extirpated in California, but more common elsewhere); and CRPR 2B (plants rare, threatened, or endangered in California, but more common elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS, 2021) be fully considered during the preparation of environmental documents under CEQA. CNPS CRPR 4 species (plants of limited distribution) may, but generally do not, meet the definitions of Sections 2062 and 2067 of the California Endangered Species Act (“CESA”), and are not typically considered in environmental documents relating to CEQA. While other species (i.e., CRPR 3 or 4 species) are sometimes found in database searches or within the literature, these do not meet the definitions of Section 2062 and 2067 of CESA and are not analyzed in the environmental document.

No special status plant or wildlife species were recorded or observed during the surveys conducted in May 2019. Fred Ballerini conducted a survey for current sensitive resources listed by the CNDDDB for the Mount Carmel USGS Quadrangle and adjacent quadrangles in the Big Sur region. The biological assessment states that while tree and habitat impacts have occurred as a result of unpermitted development, the potential for listed special-status resources or wildlife species to occur within the development area is low. As a result, Ballerini concluded that the Project did not adversely affect any special status plant species. A native strand of buckwheat (*Eriogonum nudum*) was found at the southwest end of the existing driveway, outside the developed area within the Project site (**Source: 33** at pg. 17). While Fred Ballerini could not confirm a positive identification of the specific variety of buckwheat, the variety *var. indictum* is endemic to Monterey County and listed with the California Native Plant Society as a rare plant with a ranking of 4.3 (i.e., it has a limited distribution). As discussed above, CNPS CRPR 4 species may but generally do not meet the definitions of Section 2062 and 2067 of CESA. Although the variety of buckwheat is endemic to Monterey County and listed rare, it does not meet the CESA definitions. *Therefore, the Project did not have an adverse impact on any special status plant species.*

² CNPS initially created five CRPR to categorize degrees of concern; however, to better define and categorize rarity in California's flora, the CNPS Rare Plant Program and Rare Plant Program Committee have developed the new CRPR 2A and CRPR 2B.

Biological Resources 3(b). No Impact

The Project is not located in a riparian habitat or any other sensitive natural community. Based on the National Wetlands Inventory, no wetlands exist in or near the Project site. The biological assessment determined that there were no sensitive resources within the Project site. Furthermore, potential for sensitive resources to exist within the Project site (pre-development) would be low based on the on-site surveys and supporting documentation (e.g., literature and databases). *For these reasons the Project has no impact.*

Biological Resources 3(c). No Impact

The Project did not have a substantial adverse effect on state or federally protected wetlands as none exist within the Project site. *Therefore, the Project has no impact on state or federally protected wetlands.*

Biological Resources 3(d). Less than Significant

The Project is an after-the-fact permit for the construction and operation of a single-family dwelling unit, detached workshop, ADU, kitchen/cold room, barn, tool shed, storage sheds, water tanks and associated infrastructure. Based on the biological report prepared by Fred Ballerini, the Project did not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors. The Project is not located on or near a creek for which the Project would affect resident or migratory fish, or aquatic species. As a result of habitat conditions within the Project site (i.e., fire damage, lack of understory) suitable habitat for species normally expected to occur does not exist. *For these reasons, it is unlikely the Project would result in a significant impact and therefore represents a less than significant impact.*

Biological Resources 3(e). Less than Significant with Mitigation

Monterey County Code Section 16.60.040(a) prohibits the removal of trees without a tree removal permit. The Project includes the unpermitted removal of three (3) Pacific madrone trees. As discussed above, the removal of these trees consisted only of the partial removal and yet still constitute a tree removal pursuant to Monterey County Code Section 16.60.040(a). Moreover, based on the arborist report prepared by Thompson Wildlife, the removal of portions of the trees represents a potentially significant impact. Thompson Wildlife adds that the Applicant agreed to plant three five (5) gallon Pacific madrone or coast live oak trees in the vicinity of the main house (**Source: 34** at pg. 3). *Removal of these trees is a significant impact that is reduced to a less than significant impact with implementation of the replacement measures and implementation of the Mitigation Measure BIO-1, below.*

Mitigation Measure BIO-1: Tree Replacement and Monitoring

To resolve code violations associated with unpermitted removal of three (3) trees, the Applicant/Owner shall replant three (3) Pacific madrone or Coast live oak trees. Replacement trees shall no smaller than five-gallons. To reduce indirect impacts from the transmission of pathogens, insects, or pests; the replacement trees shall be in good health and condition. Moreover, to ensure success of tree replacement activities, trees shall be replanted during the appropriate time of year (i.e., fall-winter). All replacement trees shall be installed under the direction of a qualified biologist/arborist and shall be monitored for a duration of five (5) years to ensure successful replanting or replacement trees. The Applicant shall submit an annual report to HCD-Planning that demonstrates how replacement objectives have been met.

Mitigation Measure Actions: Prior to issuance of grading and/or building permits from Building Services, the Applicant/Owner shall submit to HCD-Planning a copy of a contract with a qualified biologist to supervise installation of replacement measures. The contract shall also include annual monitoring and reporting for the duration of five years to ensure successful tree replacement. and for the duration of five years to ensure replacement of trees has been successful. The Applicant/Owner shall submit an annual report documenting the status of replacement trees consistent with Thompson Wildland Management's *Tree Removal and Fuel Management Plan*. Annual reports shall be submitted to HCD-Planning; if HCD-Planning should find that the replacement measures are incomplete or unacceptable, additional actions may be necessary.

Biological Resources 3(f). No Impact

The Project is not within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan. *Therefore, the Project has had no impact relative to these resources.*

4. CULTURAL RESOURCES				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (Source: 19, 25, 28, 29)	<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: 19, 25, 28, 29)	<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: 19, 25, 28, 29)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Big Sur coastal area is considered to be one of the most significant archaeological regions in California. Three distinct Native American tribal groups (Esselen, Costanoans, and Salinans) are connected to this region, and archaeological investigations have revealed high density of shell middens and other important cultural/archaeologically significant sites. The Project is located in an area of moderate archaeological sensitivity. There were no developments on the site prior to this development which might be considered Historic Resources (buildings or other structures).

Cultural Resources 4(a). No Impact

CEQA Guidelines Sec. 15064.5 defines a historical resource as one being listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources. Public Resources Code Section 21084.1 states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on

the environment. The Project does not contain a historical resource nor is the Project located near a historical resource. *As a result, the Project did not have an impact to historical resources.*

Cultural Resources 4(b) and 4(c). Less than Significant

Public Resources Code Section 21083.2 requires that lead agencies evaluate potential impacts to archaeological resources and determine whether a project may have a significant effect or cause a substantial adverse change in the significance of an archaeological resource. The Project is located in an area of moderate archaeological sensitivity. Due to the nature of the Project (i.e., being an after the fact development), no archaeological resources have been identified within the Project site. While it is possible that unrecorded archaeological resources are present beneath the ground surface, the site is previously disturbed and has experienced damage as a result of the 2016 Sobranes Fire; all of which contribute to a reduced likeness for impacts to have occurred. Furthermore, no evidence of cultural resources were identified during the course of Project construction. The Project site is not located at the confluence of a stream or river and not identified as an area where Native American settlements are known to have occurred. *For these reasons, the Project likely did not have a significant impact and therefore represents a less than significant impact.*

5.	ENERGY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Source:19)		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Source: 19)		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Pacific Gas & Electric (“PG&E”) is the primary electric and natural gas service provider in Monterey County. In 2018, all PG&E customers within Monterey County were enrolled in Central Coast Community Energy (“3CE”), formally known as Monterey Bay Community Power. 3CE is a locally controlled public agency providing carbon-free electricity to residents and businesses. 3CE works through PG&E who provides billing, power transmission and distribution, grid maintenance service and natural gas to customers.

Energy 5(a) and 5(b). Less Than Significant

The Project consists of an after the fact permit to resolve a code enforcement for the construction of unpermitted buildings; and it is unlikely that the construction of the Project would have resulted in the wasteful, inefficient, or unnecessary consumption of energy. The Project would have required energy during construction to operate construction equipment and for construction worker vehicle trips to and

from the Project site. As discussed in **Section VI.2, Air Quality**, energy use during construction would have been minimal given the minor grading requirements and temporary nature of construction projects. Similarly, operation of the Project requires minimal energy. The Project is not connected to existing electricity or natural gas utilities, rather the relies on other sources of on-site energy production (i.e., solar energy via a 2.8 kilowatt panel system, batteries, and a diesel generator), passive solar design (e.g., skylights, windows, etc.), and other forms of traditional heating (i.e., fireplaces).

Moreover, the Project also complies with all standards set in the California Building Code (“CBC”) Title 24, which minimizes wasteful, inefficient, or unnecessary consumption of energy resources during operation. The Project does not conflict or obstruct a state or local plan for renewable energy or energy efficiency. *Therefore, this represents a less than significant impact.*

6. GEOLOGY AND SOILS					
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 4, 11, 19, 24) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii)	Strong seismic ground shaking? (Source: 4, 11, 19, 24, 35, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Seismic-related ground failure, including liquefaction? (Source: 4, 11, 19, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Landslides? (Source: 4, 11, 19, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil? (Source: 4, 11, 19, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 4, 11, 19, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 4, 11, 19, 24, 31, 32, 35, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS		Less Than Significant with Mitigation Incorporated			Less Than Significant Impact		No Impact
Would the project:		Potentially Significant Impact					
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: 4, 11, 19, 24, 31, 32)	<input type="checkbox"/>	<input type="checkbox"/>	<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: 4, 11, 19, 24, 29)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Grice Engineering Inc. previously prepared a geotechnical report for the Project in 2010 (**Source: 35, LIB170141**). Grice Engineering Inc. reviewed the 2010 geotechnical report in February 2023 to confirm that the findings from the 2010 report were still applicable (**Source: 36, LIB170141**).

Seismicity and Fault Zones

The geologic structure of central California is primarily a result of tectonic events during the past 30 million years. Faults in the area are believed to be a result of movements along the Pacific and North American tectonic plate boundaries. The movements along these plates are northwest-trending and largely comprised of the San Andres Fault system. Monterey's complex geology is a result of changes in sea level and tectonic uplifting. Geologic units in the region have been displaced by faulting and folding. Granitic basement and overlying tertiary deposits have been juxtaposed along many of the northwest/southeast-trending faults.

The Project is located off of Palo Colorado Road in Carmel, California, at the northern portion of the Santa Lucia Mountains within the broader Big Sur region. The topography of the Project site encompasses a northwest-southwest trending ridge with variable terrain, slopes, and elevations. Typical geotechnical hazards include seismic shaking, ground surface fault rupture liquification, lateral spreading, landsliding, and expansive soils. The Project is in a seismically active region with mapped faults that have the potential to generate earthquakes that could significantly affect the Project. The most active fault nearest to the Project is the San Andreas fault located approximately 34.9 miles northeast. Less reliable rupture faults (i.e., less active and with lesser intensity) near the Project include the Monterey Bay-Tularcitos fault located 7.9 miles to the northeast, the Rinconda fault located 17.3 miles to the northeast, and the San Gregorio-Palo Colorado fault 4.1 miles southeast of the Project site. As a seismically active region, the Project is also located near the Church Creek Fault and Palo Colorado Fault located 0.27 miles northeast and 0.98 miles southwest, respectively.

Soils

The Natural Resources Conservation Service characterizes soils within the Project site as mostly *Junipero sandy loam*, with some *Sur*, *Sheridan*, and *Cieneba*. *Junipero* soils exist between 300 to 5,500 feet elevations and are often associated with mountains with steep slopes of 30 – 70 percent. *Junipero* soils are formed by the weathering of igneous rocks. The typical profile is sandy loam, gravelly sandy loam, and bedrock. Bedrock consists primarily of granodiorite, gneiss, schist, and some sandstone. Soils onsite have moderate runoff potential and moderately rapid permeability and are subject to erosion.

Geology and Soils 6(a(i)). No Impact

The Project is not located in the Alquist-Priolo Earthquake Fault Zone, therefore no impact has or would occur.

Geology and Soils 6(a(ii-iv)). Less than Significant

The Project could result in potential impacts due to seismic ground shaking, liquefaction, and landslides. The Project site is located in a seismically active region. Potentially active faults are located within 0.27 and .98 miles of the Project site. These faults include the Church Creek Fault and the Palo Colorado Fault, respectively. While considered potentially active, these are short and localized faults and energy released in a seismic event would be considerably less significant than any of the faults described previously. Soils within the site were identified as having a low susceptibility for liquefaction as they are silty sands and weathered granite bedrock. While ground rupture within the Project site is low, a major seismic event could cause severe ground shaking in the area and could result in liquefaction. The Monterey County Geologic Hazards map indicates that the Project site has low susceptibility for landslides. While landslides are common in Monterey County due to the combination of uplifting mountains, fractured and weak rocks, and periods of intense rainfall, the level of susceptibility is highly dependent on the site's geologic conditions. The 2010 and 2022 Geotechnical Report prepared by Grice Engineering, Inc. (Source: 35 & 36) determined that due to the underlain soils the Project site is suitable for development.

Grice Engineering inspected the as-built structures and determined that no significant deformations have occurred and that the site is suitable for the existing development. *Therefore, the Project had a less than significant impact.*

Geology and Soils 6(b). Less than Significant

The Project is in an area with high erosion potential. Construction of the Project could have resulted in temporary increases in erosion due to grading activities. While grading was minimal, erosion control measures are unknown and therefore represent a potentially significant impact. However, the County has identified multiple Conditions of Approval (“COA”) that would minimize potentially significant impacts to less than significant. The Applicant is required to provide an updated drainage plan prepared by a registered civil engineer (COA 5 - WR002 – Stormwater Control), submit as-built grading plan (COA 9 – As-Built Grading Plans), and restore all disturbed areas to a condition to correspond with the adjoining area (COA 10 - PD033 – Restoration Natural Materials). Grice Engineering determined that the Project site is suitable for the existing development. *For these reasons, this represents a less than significant impact.*

Geology and Soils 6(c). Less than Significant

Soils within the Project site have low liquefaction susceptibility. The Project site is also not located in a known subsidence zone; and therefore, it is unlikely that the Project would be subject to subsidence related hazards. While the Project site is in a seismically active region, with potentially active faults in close proximity to the Project site surface rupture and lateral spreading are considered improbable. Furthermore, the site inspection completed during the preparation of the 2010 geotechnical investigation, and re-reviewed in 2023, did not reveal surface features indicating fault rupture or subsurface lateral or vertical displacements. Grice Engineering did not identify any significant geotechnical characteristics that require immediate attention and found the site to be suitable for the existing development. *For these reasons this represents a less than significant impact.*

Geology and Soils 6(d). No Impact

The Project is not located in an area where expansive soil is a known issue. Grice Engineering did not identify any potential hazards related to expansive soils as part of their geotechnical review of the Proposed Project. The Project site does not contain silty soil with low plasticity. *No impact would occur.*

Geology and Soils 6(e). No Impact

The Project is served by existing septic. *Therefore, no impact would occur.*

Geology and Soils 6(f). No Impact

Significant paleontological resources are fossils or assemblages of fossils that are unique, unusual, rare, uncommon, and diagnostically or stratigraphically important, as well as those that add to an existing body of knowledge in specific areas, stratigraphically, taxonomically, or regionally. They include fossil remains of large to very small aquatic and terrestrial vertebrates, remains of plants and animals previously not represented in certain portions of the stratigraphy, and assemblages of fossils that might aid stratigraphic correlations – particularly those offering data for the interpretation of tectonic events, geomorphic evolution, paleoclimatology, and the relationships of aquatic and terrestrial species. Most of the fossils found in Monterey County are of marine life forms and form a record of the region's geologic history of advancing and retreating sea levels. A review of nearly 700 known fossil localities within the County was conducted by paleontologist in 2001; 12 fossil sites were identified as having outstanding scientific value. The Project site is not located on or near any of those sites. *No impact would occur.*

7. GREENHOUSE GAS EMISSIONS				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 2, 16, 17, 18, 19, 30)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. (Source: 2, 16, 17, 18, 19, 30)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Various gases in the earth's atmosphere, when exceeding naturally occurring or 'background' levels due to human activity, create a warming or greenhouse effect, and are classified as atmospheric greenhouse gases ("GHGs"). These gases play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, the radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide ("CO₂"), methane ("CH₄"), ozone ("O₃"), water vapor, nitrous oxide ("N₂O"), and chlorofluorocarbons ("CFCs"). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs.

MBARD has not yet adopted a threshold for construction related GHG emissions but recommends utilizing thresholds set by neighboring districts (e.g., Sacramento Metropolitan Air Quality Management District ["SMAQMD"]). SMAQMD adopted an updated threshold based on the 2030 target year in April 2020. The Project would result in a significant GHG related impact if the Project would emit more than 1,100 metric tons of CO₂e ("MTOCO₂e") per year.

Greenhouse Gas Emissions 7(a). Less than Significant

The Project is in the NCCAB, where air quality is regulated by MBARD. As discussed above, if a project emits less than 1,100 MTOCO₂e per year, its GHG emissions impact would be less than significant. Temporary construction-related emissions may have resulted from usage of equipment and machinery. Construction required minimal workers and associated worker vehicle trips. There may have been GHG emissions resulting from waste generated during construction, but these emissions would have been minor and temporary in nature.

Operation of the Project would not result in an increase to permanent greenhouse gas emissions because of the limited scope of the project. The operation of the Project consists of a single-family residence and use of accessory buildings. The energy demand for these buildings is low, as they require few utilities and vehicle trips are minimal. *Therefore, the Project would have a less than significant impact resulting from increases in greenhouse gas emissions.*

Greenhouse Gas Emissions 7(b). Less than Significant

Monterey County does not currently have an adopted Greenhouse Gas ("GHG") reduction plan with numerical reduction targets for individual uses and developments. As discussed above, the Project does not exceed the applicable thresholds, therefore it does not conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing emissions of GHGs. *This represents a less than significant impact.*

8. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 6, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 6, 13,19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 6, 13)	<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: 19)	<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: 21, 23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Source:1,12,19, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Hazardous materials, as defined by the California Code of Regulations, are substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when improperly handled, disposed, or otherwise managed. Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. Hazardous materials and waste can result in public health hazards if improperly handled, released into the soil or groundwater, or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer.

The California Department of Toxic Substances Control's ("DTSC") EnviroStor database, an online data management system for tracking DTSC's cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues, does not identify any contaminated sites within the vicinity of the Project.

The Hazardous Waste and Substances Site ("Cortese") List is a planning tool used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California EPA ("CalEPA") to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List.

Hazards and Hazardous Materials 8(a) and 8(b). Less than Significant

The Project consists of an after the fact permit to resolve a code enforcement for the construction of unpermitted buildings. Construction of the Project could have entailed the use of hazardous materials (e.g., fuel, cleaning materials, etc.). The types and amounts of hazardous materials used during construction activities could have varied according to the type of activity. It is unlikely that construction of the Project created a significant impact due to the routine transport, use, or disposal of hazardous materials in part due to the size of the Project and the temporary nature of construction.

Operation of the Project could generate surface runoff that may contain urban pollutants from vehicles, including oil, grease, and heavy metals. Hazardous materials would be handled and (if needed) stored in compliance with all local, state, and federal regulations pertaining to hazardous materials. Furthermore, any hazardous materials would be limited in quantity and concentrations set forth by the manufacture and/or applicable regulations. The Project Applicant would implement erosion control measures consistent with Monterey County Code Sec. 16.12 to minimize potential impacts due to contaminated runoff. Compliance and implementation of erosion control measures are defined in the Geotechnical Report (see **Section VI.6 Geology and Soils**). *Therefore, this represents a less than significant impact.*

Hazards and Hazardous Materials 8(c). No Impact

The Project is not located within a quarter mile of a school. *Therefore, no impact would occur.*

Hazards and Hazardous Materials 8(d). No Impact

The Project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. *No impact would occur.*

Hazards and Hazardous Materials 8(e). No Impact

The Project is not located within an airport land use plan or within 2 miles of a public airport or public use airport and would not result in a safety hazard to, or significant noise for people residing or working in the Project area. *No impact would occur.*

Hazards and Hazardous Materials 8(f). Less than Significant

The Project is located off Palo Colorado Road in Carmel, California. Palo Colorado Road is a rural partially paved road that serves as an access route to residences within Palo Colorado Canyon. Palo

Colorado Road is identified as an evacuation road in the *2010 Monterey County General Plan Safety Element*. The *2021 Monterey County Operational Area Evacuation and Transportation Plan* identifies SR 1 to Highway 101 or Nacimiento-Fergusson Road to be the nearest designated evacuation routes. Monterey County has given special consideration for this zone due to the challenging ingress and egress along SR 1. The County notes that SR 1 was not designed for heavy volumes of traffic. The Project is an after-the-fact permit and the Project would not increase existing traffic beyond current levels. *Due to the minimal number of vehicles onsite, the Project has a less than significant impact resulting from conflicts with an adopted emergency response or evacuation plan.*

Hazards and Hazardous Materials 8(g). Less than Significant

The Project is located within a State Responsibility Area Fire Hazard Zone and is categorized as a Very High Fire Hazard Severity Zone. Structures and people could be exposed to a significant risk of loss, injury or death involving wildland fires. Construction of the Project could have resulted in sparks or other sources of ignition in dry areas constituting a temporary construction impact, but no fire related impacts are known to have occurred in connection with Project construction. Operation of the Project could result in potential fire hazards due to sparks or sources of ignition during routine residential use. The Project will comply with fire safety provisions of the California Building Code and Monterey County Code thereby reducing the risk of damage from wildland fire to the maximum extent practicable. In addition, the Project also includes additional water tanks to supply adequate water for fire suppression purposes. Additionally, the Project will be required to implement the fuel and vegetation management recommendations presented in the *Tree Removal Assessment & Fuel Management Plan* prepared by Thompson Wildland Management in 2017. See **Section VI.14 Wildfire** for additional discussion. Moreover, is an after the fact permit, the site is currently being used for residential purposes, and no expansion of use is proposed as part of the project. Therefore, the project would not substantially increase potential wildland related hazards beyond current conditions. *For these reasons, this represents a less than significant impact.*

9. HYDROLOGY AND WATER QUALITY					
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (Source: 9, 13, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 9, 13, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 9, 13, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (Source: 9, 13, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 9, 13, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (Source: 11, 15, 19, 24)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Source: 9, 13, 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Bierman Hydrogeologic prepared a *Spring Flow Monitoring, Rainwater Harvesting and Water Quantity Quality Report* in April of 2018 (**Source: 37, LIB190033**). Bierman Hydrogeologic conducted a field evaluation on July 17th, 2017. At the time of the field evaluation, the site contained 16 water tanks. The applicant clarified that one 2,500 gallon tank was destroyed. The Project site holds water rights to a freshwater spring located in the northwest corner of the property. Bierman Hydrogeologic evaluated the spring in 2018 but notes that the spring is not used as a freshwater source by the Project. Rather, as discussed in **Section VI.13 Utilities and Service Systems** below, the Project obtains water from an onsite rainwater catchment system.

The Project is in the northern Santa Lucia Range, geologically termed the Salinian Block of the Central Coast Ranges. As a result of compression and folding as a response to plate-tectonics, continuous rotation and pressure has created secondary pockets that provide water via springs, seeps, and/or fractures for nearby wells. The Santa Lucia Range is characterized as a Mediterranean climate with year-round moderate temperatures with short, cool winters, and warm dry summers. At the time the report was prepared the mean annual precipitation in the area averaged 39.27-inches.

The Project site is located near the Rocky Creek watershed, the Project site is 0.5 miles south of Rocky Creek. Surface water is not present onsite, with the exception of runoff during large precipitation events. The Project site is mostly disturbed, but unpaved, therefore consists of permeable surfaces. The Project site is minimally sloped in the northwest direction, and where development has not occurred, vegetation is present.

Hydrology and Water Quality 9(a). Less than Significant

The Project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The Project site is located 0.5 miles south of Rocky Creek. As a result, temporary water quality impacts due to the construction of the Project could have occurred. Construction consisted of 100 cubic yards of grading which could have resulted in temporary increases in sedimentation, erosion, hazardous material leakages and other temporary construction impacts (e.g., debris, construction waste, etc.). Ground-disturbing activities and vegetation removal could have also increased soil erosion and result in water quality effects. Due to the nature of the Project, direct impacts from construction cannot be quantified, however, it is unlikely that the Proposed Project result in significant water quality impacts due to the limited nature of site improvements and extent of ground disturbance.

Residential use of the site could also result in water quality effects due to hazardous material usage. Potential water quality effects could occur in connection with on-going maintenance activities, use of routine household cleaning products, and the operation of mechanized equipment (e.g., generator, vehicles). Similar to construction related impacts, operational impacts would be temporary in nature and would not substantially increase potential water quality impacts. Operation generated impacts would be minimized with implementation of the recommendations made by the 2010 and 2022 Geotechnical Reports. Recommendations include directing drainage away from structures and septic systems and away from steep slopes, and utilizing slope, sod, or other energy reducing features to prevent mechanisms for reducing runoff and erosion. Previously discussed in **Section IV. 6. Geology and Soils**, the County has identified multiple Conditions of Approval (“COA”) that would minimize potentially significant impacts to less than significant. The Applicant is required to provide an updated drainage plan prepared by a registered civil engineer (COA 5 - WR002 – Stormwater Control), submit as-built grading plan (COA 9 – As-Built Grading Plans), and restore all disturbed areas to a condition to correspond with the adjoining area (COA 10 - PD033 – Restoration Natural Materials). *Therefore, this represents a less than significant impact.*

Hydrology and Water Quality 9(b). Less than Significant

The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of a basin. The Project is located within the Santa Lucia Hydrologic Unit which consists of approximately 15 creeks and associated tributaries that drain east to west and into the Pacific Ocean. Drainage of this hydrologic unit does not contribute to groundwater basins or subbasins within the Central Coast Basin. While there is a spring located on the Project site, it is not used as a water source. Water for the Project is supplied by a series of onsite water tanks and a rainwater harvest system (see **Section VI.13 Utilities and Service Systems**), therefore the Project does not rely on groundwater resources for water supply purposes. As discussed in **Section VI.13 Utilities and Service Systems**, below, the rainwater harvest system was evaluated and determined to be sufficient provided additional storage tanks be added to the Project site. *Therefore, the Project would have a less than significant impact on groundwater supply and/or recharge.*

Hydrology and Water Quality 9(c(i-iii)). Less than Significant

The Project could have resulted in potentially significant impacts related to the change in existing drainage patterns within or around the Project site. Impacts could have included substantial erosion, increased runoff that resulted in flooding or exceeded stormwater runoff capacity or impeded flood flows. However, the likeness of significant impacts resulting from the Project are minimal given the nature of construction and operation.

Construction and operation of the Project did not substantially alter the existing drainage pattern of the site or area through the alternation of a stream or river or through the addition of impervious surfaces (i.e., buildings). Construction of the Project consisted of 100 cy of grading to accommodate construction of the various structures and driveway onsite. The grading was minimal and did not alter the contour or topography of the site. While grading was minimal, erosion control measures are unknown and therefore the Proposed Project could have resulted in erosion related impacts. This represents a potentially significant impact. However, as a Conditions of Approval (“COA”), the Applicant is required to provide an updated drainage plan prepared by a registered civil engineer (COA 5 - WR002 – Stormwater Control), submit as-built grading plan (COA 9 – As-Built Grading Plans), and restore all disturbed areas to a condition to correspond with the adjoining area (COA 10 - PD033 – Restoration Natural Materials); the implementation of these conditions would ensure that potential impacts associated with construction of the Proposed would be less than significant. The Project does not contain any major stormwater drainage improvements or planned improvements. Runoff as a result of the Project would be minimal as each structure is equipped with a rainwater harvest system. Stormwater runoff would mostly be captured by the system, while remaining water would permeate the surrounding area. Furthermore, construction of the Project did not impede or redirect flood flows. *For these reasons this represents a less than significant impact.*

Hydrology and Water Quality 9(d). Less than Significant

The Project is not located in an area subject to significant seiche, tsunami, or flooding effects. As a result, the Project would not result in the risk of release of pollutants due to Project inundation from a tsunami, seiche, or flood hazard. *Therefore, this represents a less than significant impact.*

Hydrology and Water Quality 9(e). Less than Significant

The Project is located 0.5 mile south of Rocky Creek. Rocky Creek is in the Santa Lucia Hydrologic Unit. As discussed above, drainage of this hydrologic unit does not contribute to groundwater basins or subbasins within the Central Coast Basin. The Project would not significantly impact surface or groundwater quality or affect groundwater recharge. *Therefore, this represents a less than significant impact.*

10. LAND USE AND PLANNING				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 19)	<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: 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Project lies within the coastal zone and is regulated by the Big Sur Coast LUP, which is the certified LCP for the region. The overall philosophy of the Big Sur Coast LUP is to maintain the scenic beauty, rural character, and cultural traditions of the Big Sur Coast. Basic objectives of the LCP affecting the Project include:

- Ensuring preservation of resources,
- Prohibiting development visible from SR 1,
- Retaining SR 1 as a scenic, two-lane road primarily serving recreational traffic, and
- Placing the preservation of natural scenery above the need for development.

The Big Sur Coast LUP identifies the land use category of the Project site as *Watershed and Scenic Conservation*. This land use category primarily supports protection of watersheds, streams, plant communities, and scenic values. The principal uses in this land use category include agriculture/grazing, ranch houses, ranch buildings, with secondary uses to include rural residential and employee housing. Rural residences within the Big Sur Coast LUP are considered a principal use on vacant parcels where applicable resource protection policies can be met. Secondary uses appurtenant to rural residences include garages, work or storage sheds, and art or craft studios.

Located within the coastal zone, the Project site must comply with the California Coastal Act to receive a Coastal Development Permit from the County of Monterey. The California Coastal Commission (“CCC”) was a voter initiative established in 1972 and made permanent by the California State Legislature through the adoption of the California Coastal Act of 1976. The CCC, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone.

Land Use and Planning 10(a). No Impact

The division or disruption of an established community would occur if a project creates a physical barrier that separates, isolates, or divides a portion of a built community. The physical division of a community is traditionally associated with the construction of large-scale transportation improvements (e.g., highways) or the creation of a large university campus. The Project is located within a rural residential area. Development of the Project is consistent with the surrounding land uses and consists of a single-family residential dwelling unit, accessory buildings, and water supply infrastructure and a wastewater system. Due to the nature of the Project and location, the Project would not create a barrier that would divide an established community. *Therefore, no impact would occur.*

Land Use and Planning 10(b). Less than Significant

The Project site lies within the coastal zone and is regulated by the Big Sur Coast LUP, which is the certified LCP for the region. The Big Sur Coast LUP identifies the land use category of the Project site as *Watershed and Scenic Conservation*. As discussed above, this land use category primarily supports agricultural/grazing, supporting ranch houses and related ranch buildings. Rural residential development are secondary, and conditional uses. The Project is an after-the-fact permit that consists of the development of a single-family dwelling unit, detached workshop, ADU, kitchen/cold room, barn, tool shed, storage sheds, water tanks, rainwater harvest system, and wastewater system.

The Big Sur Coast LUP Policy 3.2.4 establishes policies to preserve the visual continuity of the region. More specifically, Big Sur Coast LUP Policies 3.2.4(A.1 – A.8) request that design and siting of structures not detract from the natural beauty of the undeveloped skylines, ridgelines, and the shoreline;

that visual effects upon public and private views be considered. Consistency with this policy is achieved through the siting and design of the development. As discussed in **Section VI.1 Aesthetics**, the Project is not located within a critical viewshed, nor is the Project site located in an area designated as visually sensitive. The Project is not visible from SR 1, and due to the topography and dense vegetation within and adjacent to the Project site, the Project does not detract from the natural beauty or negatively affect public or private views.

The Big Sur Coast LUP Policies 3.3.2 ensure environmentally sensitive habitats are protected, preserved, and conserved. As discussed in **Section VI.3 Biological Resources**, the Project site is not located within, nor contains, environmentally sensitive habitat. Fred Ballerini and Thompson Wildland Management evaluated the Project site in 2019 and 2017, respectively. No special status plant or wildlife species were recorded or observed during the field surveys.

The Big Sur Coast LUP Policies 3.7.1 – 3.7.2 establish policies pertaining to natural hazards such as earthquakes and wildfire. These policies ensure that land use and development are carefully regulated through best available planning practices to minimize risk to life and property and the natural environment. Consistent with these policies, the Project was evaluated by a geotechnical engineer in 2010 and again in 2022. As discussed in **Section VI.6 Geology and Soils**, Grice did not identify any significant geotechnical hazards associated with the Project. In fact, Grice determined that the site was suitable for development. Similarly, as discussed in **Section VI.3 Biological Resources**, **Section VI.8 Hazards and Hazardous Materials**, and **Section VI.14 Wildfire**, the Project is located within an area that is susceptible to wildland fire. Recommendations regarding fire fuel reductions were provided by Thompson Wildlife and will be implemented by the Applicant/Owner. Water supply for fire management has been provided and/or fulfilled by the Applicant.

While located within the coastal zone, the Project did not and will not conflict with the California Coastal Act. Article 2 of the California Coastal Act pertains to public access. The Project is not located near a coastal access point, nor does the Project prohibit public access to the coast. Article 3 pertains to recreational uses within oceanfront lands. The Project is not located near the ocean front; therefore, the Project does not conflict with Article 3, either directly or indirectly. Article 4 of the California Coastal Act pertains to the marine environment and the maintenance, enhancement, and protection of those resources. As mentioned, the Project would not directly or indirectly affect marine resources as the Project is not located at the ocean front or near marine resources. Article 5 pertains to land resources and includes protection of environmentally sensitive habitats and archaeological or paleontological resources. The Project would not affect environmentally sensitive habitat, as such habitat is not located within or adjacent to the Project site. Similarly, the Project consists of an after -the-fact permit; no known archaeological or paleontological resources have been identified within the Project site. Article 6 pertains to development and the preservation of the surrounding area. As discussed previously, the Project is not located in a critical viewshed or in an area designated as visually sensitive. As a result, the Proposed Project would not conflict with the requirements of the California Coastal Act. *For these reasons, the Project would have a less than significant impact.*

11. NOISE		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Source: 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Generation of excessive groundborne vibration or groundborne noise levels? (Source: 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 19)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Noise is commonly defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (“dB”) with zero (0) decibels corresponding roughly to the threshold of hearing. Most sounds consist of a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Most environmental noise includes a conglomeration of noise from distant sources, which creates a relatively steady background noise in which no particular source is identifiable.

The Project is located off Palo Colorado Road, which is accessible via SR 1. The primary source of noise in the Project vicinity would be from vehicle traffic along Palo Colorado Road and noise generated from the neighboring residences. The nearest residences are located 700 feet and 1320 feet west of the Project site. The Big Sur Coastal Land Use Plan does not include specific policies related to noise but encourages land use to preserve the peace and tranquility of the existing neighbors. In the absence of noise related policies within the Big Sur Coastal Land Use Plan, the 1982 Monterey County General Plan policies are applicable.

Noise 11(a). Less than Significant

Construction of the Project would have generated temporary noise in the vicinity of the Project due to the use of equipment (e.g., trucks, tractors). The Big Sur Coast LUP does not contain specific policies pertaining to noise, and therefore this analysis relies on noise policies contained in the Monterey County 1982 General Plan. As such, construction activities are 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. While the extent, duration, and volume of noise generated by the construction of the Project is unknown, it is unlikely that construction noise resulted in a significant impact given the location of the Project site, distance from sensitive receptors, intervening topography, and vegetation within and adjacent to the Project site. Moreover, the rate of noise diminishes as the distance from the source of noise doubles. **Table 11-1 Construction Equipment Noise Emission Levels** identifies typical noise emissions (i.e., levels) generated by construction equipment and how equipment noise reduces with distance.

Equipment	Typical Noise Level (dBA) 50 ft from Source	Typical Noise Level (dBA) 100 ft from Source¹	Typical Noise Level (dBA) 200 ft from Source¹	Typical Noise Level (dBA) 400 ft from Source¹
Air Compressor	81	75	69	63
Backhoe	80	74	68	62
Ballast Equalizer	82	76	70	64
Ballast Tamper	83	77	71	65
Compactor	82	76	70	64
Concrete Mixer	85	79	73	67
Concrete Pump	82	76	70	64
Concrete Vibrator	76	70	64	58
Dozer	85	79	73	67
Generator	81	75	69	63
Grader	85	79	73	67
Impact Wrench	85	79	73	67
Jack Hammer	88	82	76	70
Loader	85	79	73	67
Paver	89	83	77	71
Pneumatic Tool	85	79	73	67
Pump	76	70	64	58
Roller	74	68	62	56

Source: U.S. Department of Transportation, *Transit Noise and Vibration Impact Assessment*, 2006 Construction generated noise levels drop off at a rate of about 6 dBA per doubling of distance between the source and receptor.

As noted, the nearest sensitive receptor is located 700 feet from the Project. Based on the proximity of the nearest receptor and the rate that noise diminishes, construction related activities are unlikely to have exceeded the County’s noise related threshold.

Operational noise would not result in a permanent increase in ambient noise. The use of the site is for residential purposes consistent with the existing use and would not result in any additional noise-related impacts beyond those currently associated with existing use. *This represents a less than significant impact.*

Noise 11(b). Less than Significant

The Project would not generate excessive groundborne vibration or groundborne noise. Construction of the Project did not require heavy equipment or impact tools (e.g., jackhammers, hoe rams, etc.) and

grading was minimal. Similarly, the operation of the Project would not create a new source of vibration. The Project consists of an after-the-fact permit for a single-family residence and associated improvements. *For these reasons this represents a less than significant impact.*

Noise 11(c). No Impact

The Project is not located within the vicinity of a private airstrip of an airport land use plan, or within two miles of a public airport. *For these reasons, no impact would occur.*

12. TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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: 19, 25, 28, 29)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: 19, 25, 28, 29)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Big Sur coastal area is considered to be one of the most significant archaeological regions in California. Three distinct Native American tribal groups (Esselen, Costanoans, and Salinans) are connected to this region, and archaeological investigations have revealed high density of shell middens and other important cultural/archaeologically significant sites. The Monterey County Archeological Sensitivity map depicts the Project site as being moderately sensitive.

California Assembly Bill (“AB”) 52, in effect since July 2015, provides CEQA protections for tribal cultural resources. All lead agencies approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impact of a project on tribal cultural resources before releasing an environmental document. Under California Public Resources Code Sec. 21074, tribal cultural resources include site features, places,

cultural landscapes, sacred places, or objects that are of cultural value to a tribe and that are eligible for or listed on the California Register of Historic Resources or a local historic register, or that the lead agency has determined to be of significant tribal cultural value.

Pursuant to AB 52, tribal notification letters were sent out on October 25, 2022. As of November 30, 2022, one requests for consultation was received. The requesting Tribal Representative requested to review the Initial Study and suggested that there be “cultural sensitivity training for pre-project personnel.” As this project involved after-the-fact development and no new disturbance of ground is planned, no training is necessary or feasible.

Public Resources Code Sec. 21074 defines a tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: a) included or determined to be eligible for inclusion in the California Register of Historical Resources, [or] b) included in a local register of historical resources as defined in subdivision (k) of [Public Resources Code] section 5020.1” (Public Resources Code Sec. 21027(a)).

Tribal Cultural Resources 12(a(i-ii)). Less than Significant with Mitigation

The Project is not listed in the Monterey County Local Official Register of Historic Resources or the California Register of Historic Resources. No tribal cultural resources as defined by Public Resource Code Sec. 21074, that is listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources, are known to exist at the Project site. Construction could have disturbed previously unidentified resources given the nature of the after-the-fact permitting and evaluation of the Project, however, the site is previously disturbed and has experienced damage as a result of the 2016 Sobranes less than significant impact. Furthermore, no evidence of cultural resources were identified during the course of Project construction. The Project suite is not located at the confluence of a stream or river and not identified as an area where Native American settlements are known to have occurred. Future activities on the Project site will be subject to review and approval by the County of Monterey and are not anticipated to involve new ground disturbance. *For these reasons, the Project likely did not have a significant impact and therefore represents a less than significant impact.*

13. UTILITIES AND SERVICE SYSTEMS					
		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Source: 36, 37, 38)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 36, 37, 38)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. UTILITIES AND SERVICE SYSTEMS				
Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 36, 37, 38)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Source: 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (Source: 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Project consists of a single-family residence and accessory structures which are provided water by onsite water tanks. A water catchment system (i.e., rainwater harvest system) and wastewater system have also been constructed as part of the Project. Bierman Hydrogeologic prepared a hydrogeologic report in 2018 (**Source: 37, LIB190033**) to evaluate the onsite spring³ and rainwater catchment system. Bierman Hydrogeologic conducted a field evaluation on July 17th, 2017. The following discussion is based on the findings of that report.

Water Demand

Bierman Hydrogeologic calculated the Project's water demand by utilizing fixture unit count coefficients, see **Table 13-1 Water Demand Summary**, below. The single-family residence requires 0.073 acre-feet per year ("AFY") the equivalent of 23,787 gallons per year. Whereas the accessory structures require 0.083 AFY, the equivalent of 27,045 gallons per year. The Project also requires water for use outside the single-family residence and accessory structures. Outside (or exterior) use of water includes water for the three (3) horses and landscaping. Exterior water use equates to 0.07 AFY (22,809 gallons) and is primarily used during the summer/fall months. The total combined water demand for the Project is calculated to be .22 AFY (73,642 gallons).

Table 13-1 Water Demand Summary		
Use	Water Demand in AFY	Water Demand in Gallons
Single-Family Residence	0.073	23,787
Accessory Structures	0.083	27,045
Exterior Use (i.e., horses and landscaping)	0.07	22,809
Total	.22	73,642

³ Should the Project need to utilize the spring for water in the future, Bierman Hydrogeologic evaluated the spring. Currently, the Project does not utilize the spring for water supply purposes.

Spring Water Flow and Quality

A spring located in the northwest corner of the parcel was inspected by Bierman Hydrogeologic. The Project does not use, or intend to use, the spring as a source of water. However, the evaluation is included for additional background information and context. Bierman Hydrogeologic collected a spring-water sample for analysis of State Drinking Water Standards. Weekly, bi-monthly, and monthly spring flow measurements were collected between September 2017 and March 2018. Bierman Hydrogeologic made note that the spring has never been used for domestic use, nor has a spring box been installed. Preliminary spring flow measurements concluded that without a spring box only 50% of the flow rate was being captured (i.e., a spring box would increase the rate of flow). The total spring flow measurements reported were 1 to 1.05 gallons per minute. If a spring box were installed flow would consistently flow two (2) gallons per minute or more.

Spring flows were compared to precipitation to determine the relationship between the spring flow and precipitation. Based on the data collected Bierman Hydrogeologic determined that the flow rate does not appear to directly relate to precipitation. In other words, the spring flow is independent from precipitation.

In July 2017, Bierman Hydrogeologic collected a spring-water sample which was transported to the Monterey Bay Analytical Services for analysis of State Drinking Water Standards. The spring water sample collected by Bierman Hydrogeologic detected Total-Coliform and E-Coli bacteria, in addition to iron, turbidity and trace nitrates exceeding State Drinking Water Standards.

Rainwater Catchment System and Water Quality

The Project consists of a rainwater harvest system that serves the Project. Bierman Hydrogeologic states that 1-inch of precipitation over 1000-squarefeet of catchment has the potential to yield 650 gallons of water. Catchment is dependent on the type of roof, gutter material, and tree canopy. The Project structures have steel roofs and copper gutters which enable greater runoff and rainwater capture. Moreover, the Project has been constructed such that each individual structure contains the appropriately sized diversion, settling tanks, downline storage with cleanouts, pipe diameters, conveyance, distribution, and cross-connection and check valves as needed.

There are a series of tanks that capture, convey, and/or store water, see **Table 13-2. Onsite Water Tanks and Associated Structures**. The single-family residence and accessory structures capture and drain rainwater into one 2,500 gallon tank, two 4,990 gallon tanks and one 12,000 gallon tank. The pole barn captures and drains water into one 3,000-gallon tank. The kitchen/cold room captures and drains into one 500 gallon tank. The combined workshop and small storage shed captures and drains rainwater to one 500 gallon tank, one 4,990 gallon tank and one 3,000-gallon tank. The toolshed captures and drains into one tank and a horse-trough which is used to feed livestock. There are two other 500-gallon tanks down-slope below the pole barn that capture storage overflow which are shown in the full plans but are off the map of Figure 2b.

Table 13-2 Onsite Water Tanks Associated with Structures		
Structures	Tank Size (Gallons)	Number of Tanks
Single Family Residence and ADU	2,500	1
	4,900	2
	12,000	1
Barn	3,000	1
	500	2

Kitchen/Cold Room (i.e., Large Storage Shed)	500	1
Workshop and Tool Shed (i.e., Small shed)	500	1
	4,900	1
	3,000	1

When the storage for each catchment area is full, a booster-pump pumps water to tanks located in the Southeast corner of the Project site (off Figure 2b but shown on Plan sheets A1.1 and A1.2). The tanks include three 4,990-gallon tanks. Two additional 2,500 gallon tanks are proposed.

These tanks then gravity flow back to the single-family residence and accessory structure, shed, and exterior water taps (garden crops and horse corral). The total rainwater harvest storage capacity was calculated to be 56,940-gallons. With the proposed two 2,500 gallon tanks, it would be 61,940 gallons total. It should be noted that as water is used during the fall and winter months, more water is replenished, and the system conveys roughly 0.22-acre feet per year (73,642 gallons).

To evaluate the adequacy of the rainwater harvest system, Bierman Hydrogeologic examined historical precipitation to determine how many water-years were below average, above average and probability reoccurrence percentage of precipitation. Bierman Hydrogeologic found that 88,600.56 gallons could be collected during an average precipitation year, 41,107.77 gallons in a drought precipitation year, and 77,082.49 gallons in a most probably precipitation year. The capture volume is greater than the water demand of 74,359.19 gallons/year indicating that the rainwater harvest system in a most-probable precipitation year can support the domestic use long-term. Furthermore, Bierman Hydrogeologic examined the projected 4-year cumulative rainwater harvest system that took account for maintaining 20,000 gallons of storage for fire protection for any given year. The analysis illustrated that even with conservative practices, long-term demand has the potential to exceed the rainwater harvest supply unless the average and above average water years occur and an additional ~15,000 gallons of storage are recommended to be added.

Wastewater

The Project is served by an on-site wastewater system (i.e., septic system). Biosphere Consulting prepared design plans for the Project's septic system in September 2018. The septic system is a conventional system with gravity-flow dispersal trenches and serves the existing single-family residence and the ADU. The septic system is designed with a wastewater flow rate of 450 gallons per day ("GPD") pursuant to County of Monterey Environmental Health Bureau ("EHB") guidelines.

The septic system is located west of the main residence. Construction of the septic system included 100 linear feet of trenching to connect the main residence and ADU.

Solid Waste

Solid waste generated by the Project would be transported and disposed of at the Monterey Peninsula Landfill and Recycling Facility north of the City of Marina. The Monterey Regional Waste Management District ("MRWMD") operates the landfill which has a permitted capacity of 3,500 tons per day of solid waste and currently receives approximately 1,100 tons per day. The remaining capacity is approximately 48 million tons or 72 million cubic yards. At current rates of disposal, the landfill will continue to serve the present service area for approximately 150 years.

Utilities and Service Systems 13(a). Less than Significant

The Project would not require the relocation or construction of new utilities infrastructure as the Project is an after-the-fact permit. Construction of the Project included an onsite rainwater harvesting system and wastewater treatment system (i.e., septic system) have already occurred. Based on the discussion above, and the review/approval by the Monterey County EHB, the Project does have adequate wastewater capacity for current and future use of the Project site. However, the Project site does not have adequate water supply storage. Bierman Hydrogeologic recommended that additional water storage be made available. Since Bierman Hydrogeologic's field evaluation in 2017, the Applicant has incorporated this recommendation with the after-the-fact installation of additional water storage tanks. Moreover, Monterey County Environmental Health Bureau reviewed the Project and confirmed that soils are adequate to accommodate on-site wastewater disposal and that no additional infrastructure is necessary to serve the Project. Neither construction nor operation of these improvements would result in additional impacts. *This represents a less than significant impact.*

Utilities and Service Systems 13(b). Less than Significant

Bierman Hydrogeologic evaluated the rainwater harvest system and determined that the Project required additional water storage to ensure adequate supply. Specifically, Bierman Hydrogeologic identified the Project required an additional ~15,000 gallons of storage. The Project applicant installed three (3) additional 4,900 gallon and proposes to install two additional 2,500 gallon water tanks, with a total storage capacity consistent with Bierman Hydrogeologic's recommendation. As a result, the Project has adequate on-site storage to meet the residential demand associated with the Project. The Monterey County Environmental Health Bureau reviewed the Project application in 2017 and confirmed that there is adequate storage capacity onsite to ensure sufficient supply. *This represents a potentially significant impact that has been reduced to less than significant with the implementation of additional water storage*

Utilities and Service Systems 13(c). Less than Significant

The Project utilizes an on-site wastewater treatment system (i.e., septic system). BioSphere Consulting provided the wastewater design plans to Monterey County EHB who determined that the design would have adequate capacity to serve the Project (**Source: 38, January 8, 2019 staff application review document**). *This represents a less than significant impact.*

Utilities and Service Systems 13(d). Less than Significant

The Project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure. Solid waste generated from the construction is not quantifiable, however for the purpose of this report it is assumed that construction waste would have been disposed of at the Monterey Peninsula Landfill. Operation generated waste would be disposed of at the Monterey Peninsula Landfill. As discussed above, this landfill is operating well below its daily intake capacity. As discussed above, the Monterey Peninsula Landfill has a permitted capacity of 3,500 tons per day of solid waste and currently receives approximately 1,100 tons per day. Based on CalRecycle Residential Sector Generation Rates, a single-family residential unit generates an average of 12.23 lb./household/day, which would be 0.01% of the current daily intake of solid waste at the landfill. *This represents a less than significant impact.*

Utilities and Service Systems 13(e). Less than Significant

The Project would comply with all Federal, State, and local statutes and solid waste regulations. All waste generated in connection with the Project would be handled in accordance with all applicable statutes and regulations to the extent they are applicable to the Project. *This represents a less than significant impact.*

14.	WILDFIRE		Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan? (Source:1, 12, 21,23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 1, 12, 21,23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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: 1, 12, 21,23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Source: 1, 12, 21,23)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The Project is in a Very High Fire Hazard Severity Zone within the State Responsibility Area. The Project site could be subject to wildland fire hazards. The Project was subject to a wildland fire during the 2016 Soberanes Fire which burned approximately 132,127 acres. The Project site and surrounding area is served by the Mid-Coast Volunteer Fire Brigade and CalFire.

Wildfire 14(a – d). Less than Significant

The Project could expose persons and structures to wildland fire hazards. As discussed in **Section VI.8 Hazards and Hazardous Materials**, construction of the Project could have resulted in sparks or other sources of ignition in dry areas constituting a temporary construction impact, but no fire related impacts are known to have occurred in connection with Project construction

Operation of the Project could result in potential fire hazards due to sparks or sources of ignition during routine residential use of the Project site. The Project will comply with fire safety provisions (e.g., sprinklers, water supply for fire suppression) thereby reducing the risk of damage from wildland fire to

the maximum extent practicable. The Project has also included additional water supply storage capacity to ensure that there is available water for fire suppression purposes. As discussed in **Section VI.3 Biological Resources**, Thompson Wildland Management prepared a Tree Removal & Fuel Management Plan in 2017 (**Source: 34**). Thompson Wildland Management suggests utilizing Best Management Practices to reduce combustible vegetation, biomass materials and fuel loads on the Project site. Best Management Practices include:

- Removing highly flammable and dead vegetation.
- Thinning and properly spacing densely vegetated areas to disrupt continuity of combustible fuel loads.
- Implementing firesafe landscaping practices.
- Completing pre-fire season mowing to reduce grasses to a height of four (4) inches.
- Maintaining roadside fuel reduction to a distance of approximately 10 feet from the edge of the dirt road; and,
- Completing pre-fire season clearance of roof and rain gutters.

Implementation of these measures, and others identified throughout the document will reduce this potentially significant impact to less than significant. *This represents a less than significant impact.*

VII. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 10, 19, 26, 27, 33, 34)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (Source:19) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 19, 33, 34, 35, 36)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Does the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 19, 33, 34, 35, 36	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a. Construction of the Project did not 1) degrade the quality of the environment, 2) substantially reduce the habitat of a fish or wildlife species, 3) cause a fish or wildlife population to drop below self-sustaining levels, 4) threaten to eliminate a plant or animal community, 5) reduce the number or restrict the range of a rare or endangered plant or animal, or 6) eliminate important examples of major periods of California history or prehistory. The Project may have resulted in temporary construction-related impacts. Residual effects of construction would be mitigated during operation.

b. To determine whether a cumulative effect requires an EIR, the lead agency shall consider whether the impact is significant and whether the effects of the Project are cumulatively considerable (CEQA Guidelines Sec. 15064(h)(1)). This IS/MND contains recommendations and mitigation measures to ensure that all potentially significant impacts are minimized to a less than significant level. Furthermore, the County has identified Conditions of Approval to minimize potential impacts. Implementation of these various measures would ensure that the Project's impacts would be less than significant. The Project would not result in a cumulatively considerable adverse environmental effect. The Project did not result in any significant impacts

c. Construction of the Project did not have environmental effects which would cause substantial adverse effects to human beings, either directly or indirectly. Although construction of the Project has already occurred, this IS/MND contains recommendations, conditions of approval, and mitigation to ensure that all potential impacts as they relate to effects of construction and operation would be minimized to a less than significant level.

VIII. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

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

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

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the California Department of Fish and Wildlife. A No Effect Determination form may be obtained by contacting the Department by telephone at (916) 653-4875 or through the Department’s website at www.wildlife.ca.gov.

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

Evidence: Based on the record as a whole as embodied in the HCD-Planning files pertaining to PLN160856 and the attached Initial Study / Proposed (Mitigated) Negative Declaration.

IX. SOURCES

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