Attachment F

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MONTEREY COUNTY
HOUSING & COMMUNITY DEVELOPMENT
1441 SCHILLING PL SOUTH 2nd FLOOR, SALINAS, CA 93901
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INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

I. BACKGROUND INFORMATION

Project Title:	Bixby Rock LLC
File No.:	PLN210228
Project Location:	39140 Highway 1, Monterey, California 93940
Name of Property Owner:	Bixby Rock, LLC
Name of Applicant:	The Law Office of Aengus Jeffers, c/o Aengus Jeffers
Assessor's Parcel Number(s):	418-121-051-000
Acreage of Property:	338,280 square feet (7.77 acres)
General Plan Designation:	Watershed and Scenic Conservation
Zoning District:	Watershed and Scenic Conservation, 40 acres per unit, with a Design Control overlay (Coastal Zone) [WSC/40-D (CZ)]
Lead Agency:	Monterey County Housing and Community Development
Prepared By:	Harris & Associates (Alec Barton, AICP, David Mack, AICP, and Joseph Sidor)
Date Prepared:	March 20, 2023
Contact Person:	Fionna Jensen, Senior Planner | Monterey County Housing and Community Development
Phone Number:	(831) 796-6407

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Description of Project: The project would involve the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements on the parcel located at 39140 Highway 1in the Big Sur area of unincorporated Monterey County (see Vicinity Map on **Figure 1**). The proposed development also includes: removal of an existing propane tank, remove an existing stone retaining wall, remove an existing wood fence, and installation of a new gravel path, new underground propane tank, new stone steps, green roof, roof mounted solar panels, replacement utility lines, replacement septic system, new patio, spa, grill, and wood plank boardwalk, and resurfacing the driveway with asphalt and the auto court with pavers to withstand a fire truck. Exterior color and material finishes would include stone veneer, fiber cement panel soffit, bronze railings with wood cap, painted wood trim, metal doors and windows membrane and vegetated roof, and metal roof fascia. Building coverage would decrease to 1.4 percent. Associated grading would involve approximately 120 cubic yards of cut and 30 cubic yards of fill (next export of 90 cubic yards). No trees will be removed as a result of project implementation. Vegetation removal , only ~~landscaping consisting~~ consists of non-native and invasive plants. The project would also involve the amendment to a Conservation and Scenic Easement deed and corresponding map, to site the new residence further away from the public viewshed.

The property is located at 39140 Highway 1, Monterey (Assessor's Parcel Number 418-121-051-000), Big Sur Coast Land Use Plan.

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

1. Coastal Administrative Permit and Design Approval to allow demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements;
2. Coastal Development Permit to allow development within the Critical Viewshed;
3. Coastal Development Permit to allow development within 100 feet of Environmentally Sensitive Habitat Areas (ESHA);
4. Coastal Development Permit to allow development within 50 feet of a coastal bluff; and
5. A Conservation and Scenic Easement Amendment.

B. Surrounding Land Uses and Environmental Setting: The project site is currently developed with a 4,952 square foot house constructed in 1959 and a detached 1,025 square foot guesthouse over a 793 square foot garage constructed in 1967. The proposed project involves the demolition of the existing single-family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements on the parcel located at 39140 Highway 1 (Assessor's Parcel Number 418-121-051) in the Big Sur area of unincorporated Monterey County. The existing guesthouse and garage were remodeled in 2022, as approved by Design Approval No. DA210104 and Construction Permit No. 21CP01018. The proposed scope of work would not alter the guesthouse or garage. The project site is located within the Big Sur Coast Land Use Plan area. The 7.7-acre subject parcel includes a limited buildable area as the existing development and driveway are bounded on all sides by a scenic easement.

The Pacific Ocean is located directly to the north, south and west. Land uses in the immediate vicinity consist primarily of single-family residential homes and accessory structures further to the

north, and Highway 1 and undeveloped land owned by the State of California directly to the east. (**Figure 2**). The property owner of the subject parcel also owns the parcel immediately east (APN:418-221-050-00), which spans across Highway. This property is undeveloped except for the access driveway to the existing residence and a water tank on the east side of Highway 1. The project site and adjacent parcels are zoned for watershed and scenic conservation.

The current design of the residence includes three pyramidal-roofed masses, with a ridge height of approximately 21~~2~~ feet 5~~6~~ inches above average natural grade. The existing 4,952 square foot single family residence and guesthouse is site out of the conservation and scenic easement area. A site visit on April 21, 2022 confirmed that the existing development is not visible from Highway 1 when traveling south. However, when travelling north on Highway 1, portions of the south and eastern façades of the existing residence are entirely visible for approximately 1.2 miles (Hurricane Point turnout to Bixby Creek Bridge north turnout). The total visible square footage from this vantage point is approximately 953 square feet. Additionally, a small portion of existing residence's southern façade and roof are visible from the cliff edge of the Bixby Creek Bridge turn out. Where existing features are visible from the highway, they are relatively small in scale and cohesive with the surrounding environment.

The project site is located within 50 feet of a coastal bluff adjacent to the Pacific Ocean, approximately 4.5 miles north of both the Point Sur State Marine Reserve and Point Sur State Marine Conservation Area. Several rare and sensitive plant species, including Monterey Indian paintbrush (also known as "Seaside paintbrush," *Castilleja latifolia*; California Rare Plant Rank 4.3), ocean bluff milk vetch (*Astragalus nuttallii*; CRPR 4.2), and little sur manzanita (*Arctostaphylos edmundsii*; CRPR 1B.2), are located on the subject parcel. The parcel also supports seacliff buckwheat (*Eriogonum parvifolium*), which is the host plant for the federally listed endangered Smith's blue butterfly (*Euphilotes enoptes smithi*). Therefore, in areas where the sea cliff buckwheat is present, it is assumed that Smith's blue butterflies are present.

Environmentally sensitive habitats observed on the subject parcel include northern coastal bluff scrub (DFW code 31.100.00) and central maritime chaparral (DFW code 37.308.02). Sensitive animal species within the subject parcel include the ~~Monarch butterfly, Western bumble bee,~~ Monterey dusky footed woodrat (*Neotoma fuscipes luciana*) and peregrine falcon (*Falco peregrinus anatum*), with potential for additional listed species to occur in the vicinity, including Monarch butterfly and Western bumble bee, and those associated with sea caves and marine resources such as black swift (*Cypseloides niger*), California brown pelican (*Pelecanus occidentalis californicus*), and southern sea otter (*Enhydra lutris nereis*), among others that may use the rocky shores or ocean waters below the parcel.

Federally protected southern sea otters (*Enhydra lutris nereis*) and harbor seals (*Phoca vitulina*), marine mammals protected under the Marine Mammal Protection Act, have potential to occur offshore, outside of the project site. No raptor or bird nests were observed on the project site during the surveys. However, the coastal bluff scrub and mature trees, including Monterey cypress, occurring throughout the project site have the potential to provide suitable nesting habitat for raptors and birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, Section 3504. See Section VI.4 (Biological Resources) below for additional information about sensitive biological resources occurring on the project site, as well as a discussion of biological resources impacts and mitigation.

The project site is in a documented area of high archaeological sensitivity, and known archaeological sites are located within the vicinity of the project parcel. However, no known archaeological resources occur within 750 feet of the project parcel, the threshold requiring a separate Coastal Development Permit. See Sections VI.5 and VI.18 (Cultural Resources and Tribal Cultural Resources, respectively) below for further discussion of archaeological and tribal cultural resources.

The project area is located in a State Responsibility Area (SRA) and is designated as a High Fire Hazard Severity Zone. To reduce wildfire risk to the project site, the proposed development would be constructed according to the latest California Building Code standards and would be required to maintain defensible space areas within 100 feet of all project structures and maintain a 12-foot-wide (minimum) on-site access road and fire truck turnaround.

C. Other public agencies whose approval is required: The County of Monterey's Local Coastal Program (LCP) has been certified by the California Coastal Commission; therefore, the County is authorized to issue coastal development permits. After approval of the required discretionary permits (entitlements) identified in Section II.A, the applicant would be required to obtain ministerial permits (e.g., grading and construction permit) from County of Monterey Housing and Community Development (HCD) - Building Services. No other public agency approvals would be required. However, approval of the proposed entitlements would be appealable to the California Coastal Commission because the project site is located between the sea and the first public road (i.e., State Route/Highway 1) paralleling the sea and the project involves development permitted in the underlying zone as a conditional use (i.e., within 100 feet of environmentally sensitive habitat area).

Figure 1 – Vicinity Map

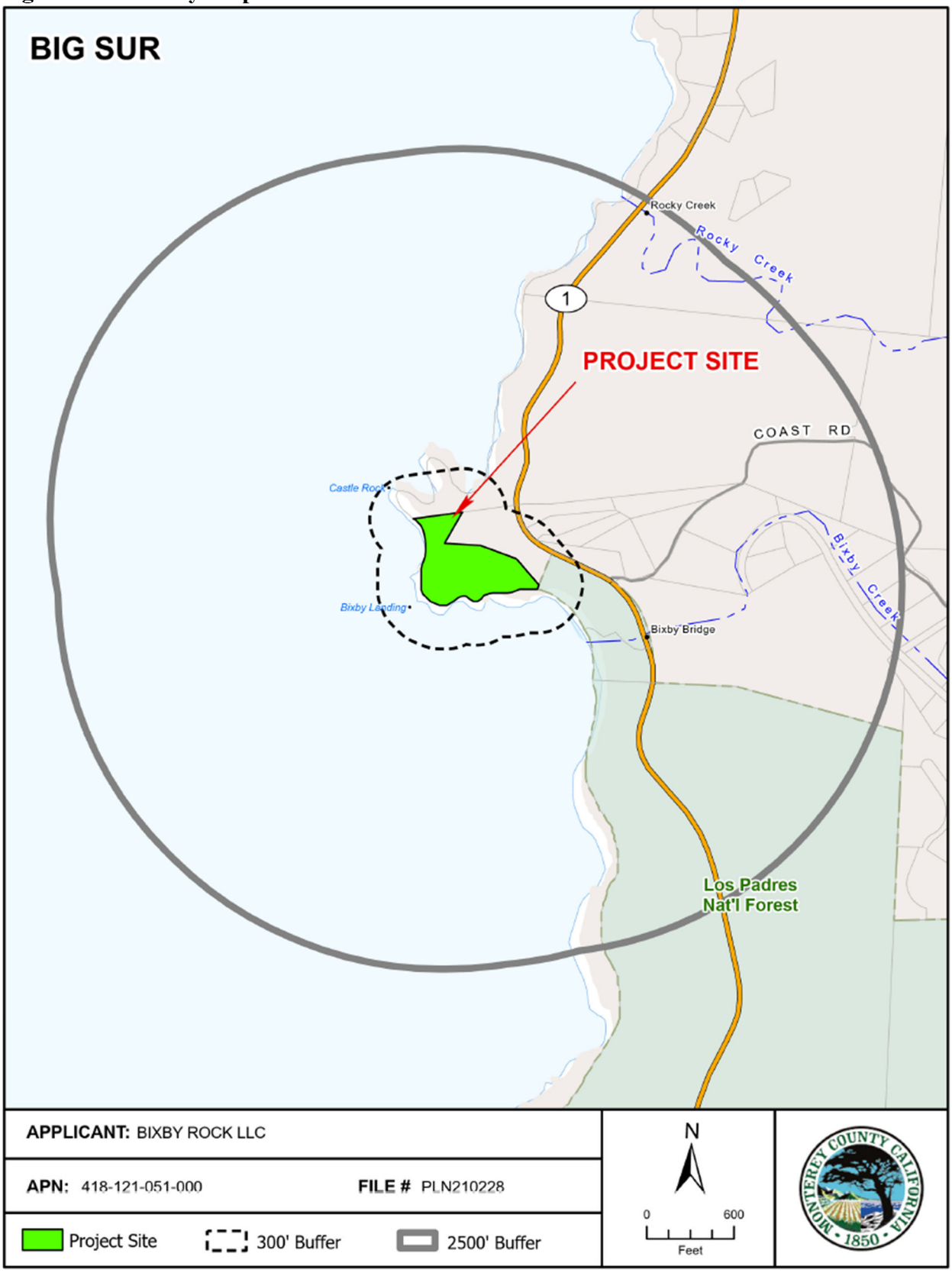


Figure 2 – Aerial Overview

Figure 3 – Proposed Site Plan

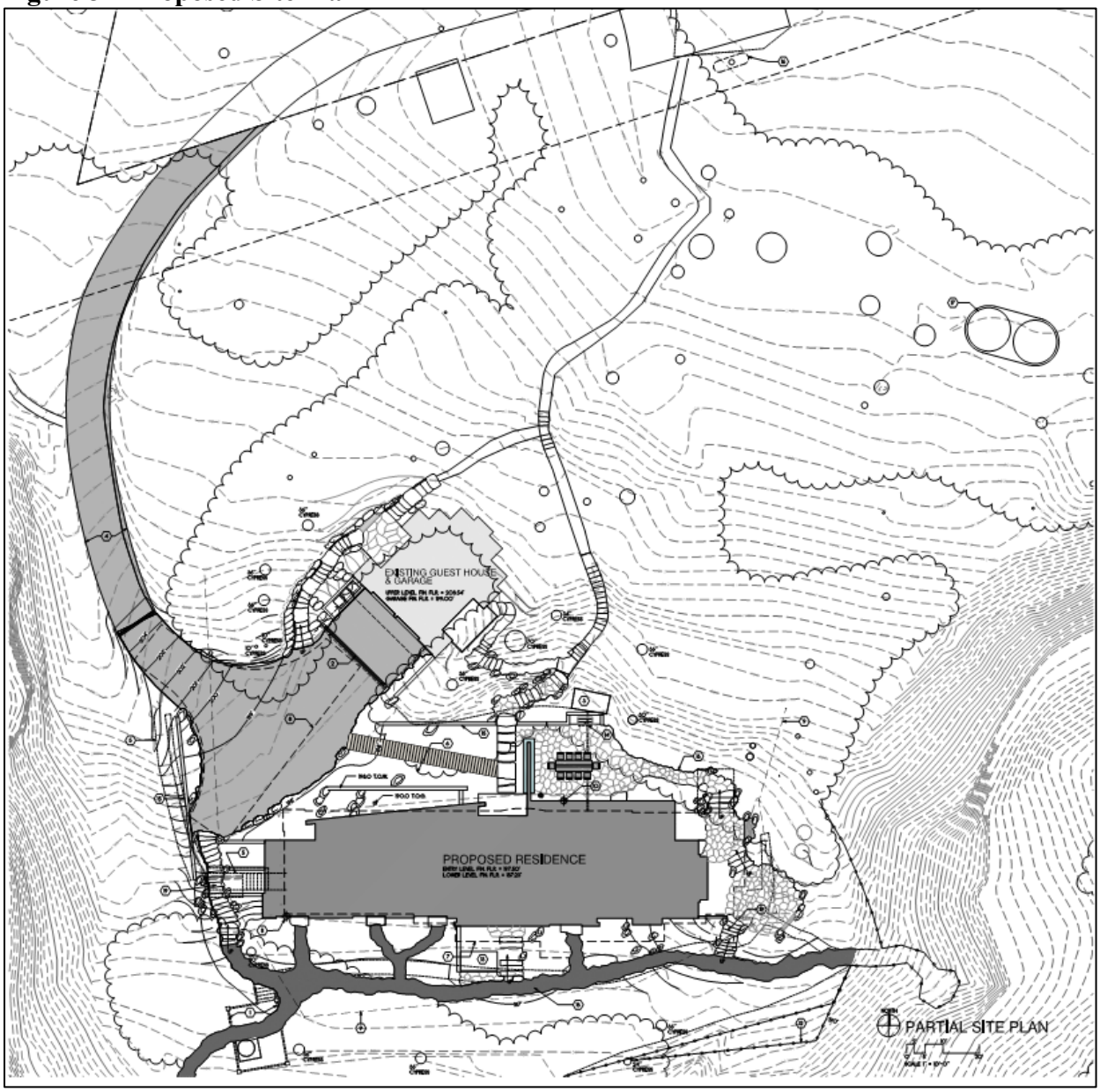
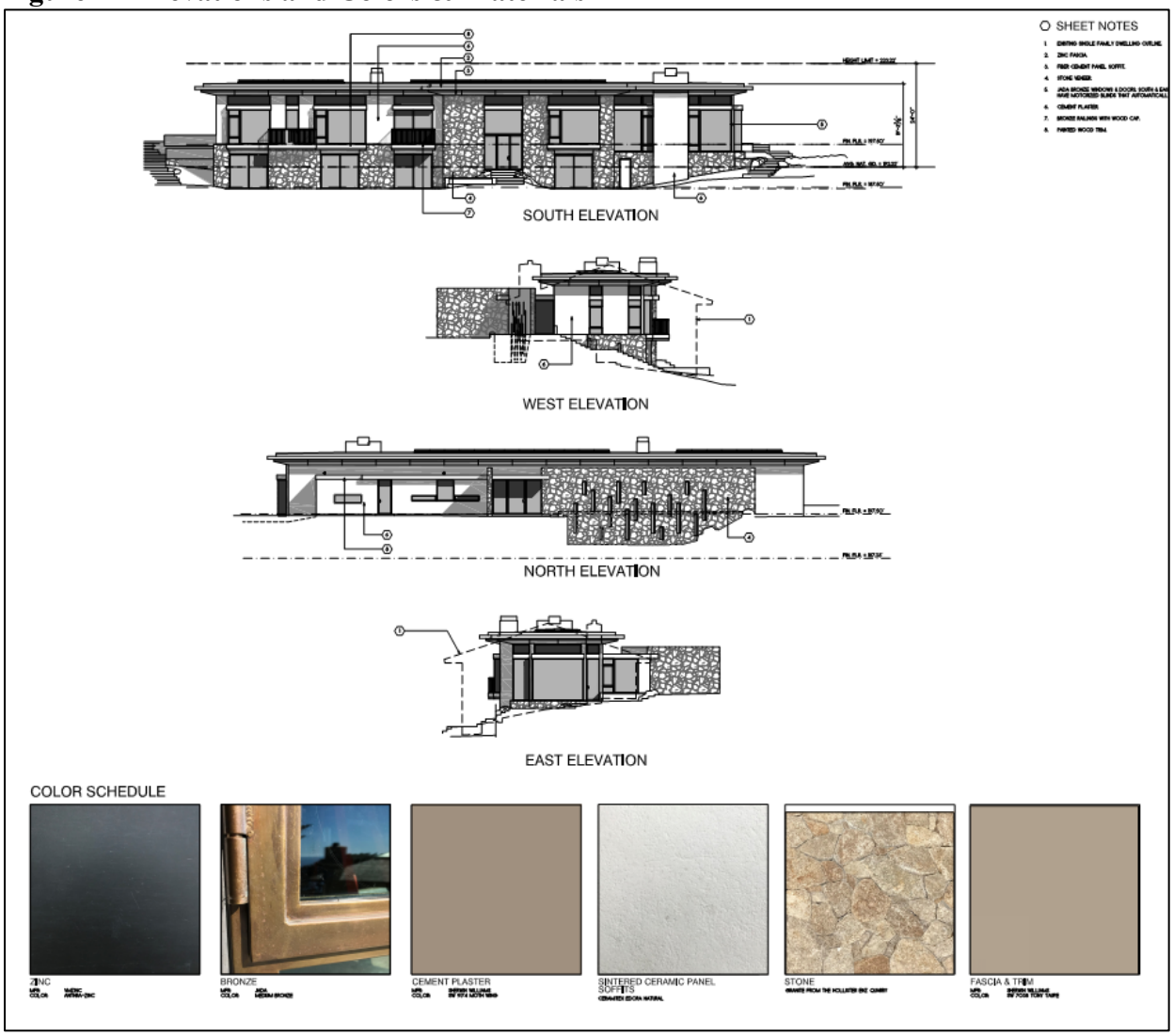


Figure 4 – Elevations and Colors & Materials



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

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

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

General Plan: Within the coastal areas of unincorporated Monterey County, the 1982 General Plan policies apply where the Local Coastal Program (LCP) is silent. This typically is limited to noise policies, as the LCP policies contain the majority of development standards applicable to development in the coastal areas. The project would involve the demolition of a 4,952 square foot single-family dwelling and construction of a 6,092 square foot single-family dwelling and associated site improvements in the Big Sur area. As proposed, the project would be consistent with the noise policies of the 1982 General Plan and would not create any noise other than minor and temporary construction noise (Source: IX.1, 2, 3). **CONSISTENT**

Air Quality Management Plan: The 2012-2015 Air Quality Management Plan (AQMP) for the Monterey Bay region address attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB) that includes unincorporated Big Sur. California Air Resources Board (CARB) uses ambient data from each air monitoring site in the NCCAB to calculate Expected Peak Day Concentration over a consecutive three-year period. The closest air monitoring site, in Carmel Valley, has given no indication during project review that the demolition and reconstruction of a single-family residence in the Big Sur area would cause significant impacts to air quality or greenhouse gas emissions which would be inconsistent with the AQMP. (Source: IX.1, 6, 7). **CONSISTENT**

Local Coastal Program: The project is subject to the Big Sur Coast Land Use Plan (LUP), which is part of the Certified Local Coastal Program in Monterey County. This Initial Study discusses consistency with relevant LUP policies in Section V and VI. County staff reviewed the project for consistency with the policies of the Big Sur Coast LUP and the regulations of the associated Coastal Implementation Plan (CIP, Part 1 and 3). As discussed herein, the project involves the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements. The proposed development also includes: removal of the existing propane tank, the existing stone retaining wall and wood fence; and installation of a new gravel path, underground propane tank, new stone steps, green roof, roof mounted solar panels, utility lines, water features, patio, spa, grill, and a wood plank boardwalk. Exterior color and material finishes would include stone veneer, fiber cement panel soffits, bronze railings with wood cap, painted wood trim, metal doors and windows and vegetated roof with a metal roof fascia. The project also involves the development within the Critical Viewshed, within 100 feet of environmentally sensitive habitat area, and within 50 feet of a coastal bluff. The parcel is zoned Watershed and Scenic Conservation, Coastal Zone [WSC (CZ)]. As proposed, conditioned, and mitigated, the project is consistent with the Big Sur Coast LUP. (Source: 1, 2, 3, 4). **CONSISTENT**

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

☒ Aesthetics	☐ Agriculture and Forest Resources	☐ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☒ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards/Hazardous Materials
☐ Hydrology/Water Quality	☒ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation/Traffic	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☒ Wildfires	☒ Mandatory Findings of Significance

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

☐ Check here if this finding is not applicable

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

EVIDENCE:

1. Aesthetics. See Section VI.1.

2. Agriculture and Forest Resources. The project site is an existing residential parcel zoned Watershed and Scenic Conservation, 40 acres acres per unit, with a Design Control overlay (Coastal Zone) WSC/40-D(CZ)] and designated as Urban and Built-Up Land under the California Department of Conservation Farmland Mapping and Monitoring Program. No farmland would be converted to non-agricultural uses as a result of the project, and the

project site is not under a Williamson Act contract nor located in or adjacent to agriculturally designated lands. No trees are proposed for removal at the project site. Measures to protect Monterey cypress and sensitive habitat areas are addressed in Section VI.4, Biological Resources. Therefore, the proposed project would not result in impacts to agriculture or forest resources. (Source: IX. 1, 3, 4, 8, 9, 18).

3. Air Quality. See Section VI.3.

4. Biological Resources. See Section VI.4.

5. Cultural Resources. See Section VI.5.

6. Energy. The project would require energy during construction to operate construction equipment and worker vehicles to and from the project site. The proposed site improvements include the construction of a single-family dwelling. Due to the small scale of the project, energy use associated with construction would be nominal and short-term, and would not be considered wasteful, inefficient, or unnecessary. Operational energy demand would be minimal and would be consistent with the previous residence developed on this site and include an alternative energy source. Pacific Gas and Electric (PG&E) provides electricity to the project site. The project would be required to comply with all standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. California's Green Building Standards Code (CALGreen; CBC, Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. With implementation of these regulations, the proposed project would not conflict with state or local plans for renewable energy or energy efficiency. Therefore, the proposed project would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. (Source: IX. 1, 5, 7)

7. Geology and Soils. See Section VI.7

8. Greenhouse Gas Emissions. The project would not incrementally increase energy consumption at the project site and/or traffic in the vicinity. Temporary construction-related emissions from equipment and machinery would occur. Operational emissions associated with the project would be minimal and consistent with the General Plan land use designation and zoning classification for the site. Monterey County does not have a greenhouse gas reduction plan by which consistency or conflicts can be measured; however, the 2010 General Plan policies contain direction for the preparation of such a plan with guidance on what goals or measures should be accomplished in development of a plan (the project is in the coastal area which is guided by the 1982 General Plan). The 2030 Monterey County Municipal Climate Action Plan is in the planning stages and the qualitative measures of the previous plan concluded in 2020, so they are not timely for reference with the construction of this project. In addition, the proposed project would not conflict with the policies contained in the Association of Monterey Bay Area Government's 2040 Metropolitan Transportation Plan/Sustainable Communities Strategy, because it only involves the construction of a single-family dwelling on a site previously occupied by a single-family dwelling and accessory structure. Therefore, the proposed project would not result in

significant increases in greenhouse gas emissions or conflict with an applicable plan, policy, or regulation. (Source: IX. 1, 2, 3, 6, 7, 14).

9. Hazards/Hazardous Materials. Project implementation would require the use of construction equipment typical of residential construction projects, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, and lubricant. However, the use and transport of any hazardous materials would be subject to federal, state, and local regulations, which would minimize risk associated with the transport of hazardous materials. Demolition activities which involve the removal of asbestos and/or lead paint would be conducted in accordance with California Department of Toxic Substance Control and California Environmental Protection Act requirements, which include handling and transporting lead paint chips/dust and asbestos in sealed containers within closed vehicles. Operationally, the project would not involve the use or storage of hazardous materials beyond those typically associated with residential uses. The project site is not located on or within 1,000 feet of a known hazardous materials site or within one-quarter mile of an existing or proposed school, nor is it located near an airport or airstrip. Given that the project would involve no modification to the site's zoning or previously permitted use (single-family residence), it would not impair or interfere with an adopted emergency response or evacuation plan. The project site is located in a CAL FIRE-designated Fire Hazard Severity Zone. See Section VI.20 for information regarding wildfires. Therefore, the proposed project would not result in impacts related to hazards/hazardous materials. (Source: IX.1, 2, 3, 8, 19)

10. Hydrology/Water Quality. The proposed project would not violate any water quality standards or waste discharge requirements, as it would only involve the construction of one single-family residence and associated site improvements on a site that is zoned for such uses. As designed, the project would also not substantially alter the drainage pattern of the site or area because the proposed structures would be sited on a similar footprint as the previous development and would be constrained within a designated area for building by an existing easement. No groundwater was encountered in the borings during geotechnical evaluation, and it is not anticipated that groundwater would be encountered based on the depth of excavation for the proposed project. Overall, drainage characteristics of the project site would not be altered in a manner that would increase erosion or runoff. In addition, the project would be required to comply with relevant sections of the Monterey County Code that pertain to grading, erosion control, and urban stormwater management (Monterey County Code, Chapters 16.08, 16.12, and 16.14). In summary, overall site development would be subject to current regulations regarding control of drainage and would be required to address post-construction requirements and runoff reduction.

    Also, the proposed project involves the demolition and construction of a single-family residence; therefore, the project's water demand would be similar to the previous use at the site. The project would not expose people or structures to a significant risk involving flooding. The proposed structural development at the site would not place housing within a 100-year flood hazard area, nor impede or redirect flood flows. The proposed structural development would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, and it would not introduce new sources of polluted runoff or degrade water quality.

Tsunami and flooding vulnerability at the site is limited. The highest recorded tsunami in Monterey Bay is 9 feet. The elevation of the proposed building site is approximately 200 feet above mean sea level, so the potential for inundation from a tsunami is low. The parcel is not located near a freshwater lake or pond, so the potential for inundation from a seiche or mudflow is also low. The project involves the demolition of an existing single-family home and construction of a new single-family home; the overall water use is not expected to change significantly. Therefore, the proposed development would not result in negative impacts related to hydrology/water quality. (Source: IX. 1, 2, 3, 4, 8, 9)

11. Land Use and Planning. See Section VI.11.

12. Mineral Resources. The project area is classified as "MRZ-4", the designation given to areas where geologic information is inadequate to assign to any other mineral resource zone category. No mineral resources have been identified within the project site or would be affected by this project. Therefore, the proposed project would not result in impacts to mineral resources. (Source: IX. 1, 2, 3, 4, 8, 9, 16)

13. Noise. Construction of the proposed project would generate a temporary noise increase in the vicinity of the project due to the use of heavy equipment and machinery typically used during residential construction projects. Construction activities would be required to comply with the Monterey County Noise Ordinance, as described in Chapter 10.60 of the County's Code of Ordinances. The ordinance applies to "any machine, mechanism, device, or contrivance" within 2,500 feet of any occupied dwelling unit and limits the noise generated to 85 dBA at a distance of 50 feet from the noise source. Noise-generating construction activities are limited to the hours between 7 a.m. and 7 p.m., Monday through Saturday; no construction noise is allowed on Sundays or national holidays. Project construction could also generate a temporary increase in ground borne vibration levels during the excavation and grading phases of project construction. However, per the project scope and design, pile driving would not be required, and construction activities would not generate excessive vibration levels. Operationally, the project would not result in a substantial permanent increase in ambient noise given that the use (single-family residential) is consistent with existing surrounding uses in the Big Sur area, and the nearest residence would be over 1,000 feet to the northeast. The private residential use of outdoor spaces such as decks may result in a short-term increase in ambient noise levels when in use; however, property owners are required to comply with Chapter 10.60.040 of the County's Code of Ordinances, which limits "loud and unreasonable" sound during the hours of 9 p.m. to 7 a.m, the next morning. The project is not located in the vicinity of a public airport or private airstrip. As indicated in the geotechnical report prepared for the project, the foundation system is recommended to be conventional spread footings. This foundation method would not be expected to cause excessive ground borne vibration or noise levels. Therefore, the proposed project would not result in impacts related to noise. (Source: IX. 1, 2, 3, 4, 8, 9, 12, 22)

14. Population/Housing. The proposed project would involve the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements. The project site is designated as Watershed and Scenic

Conservation, and includes an existing single-family residence and detached garage with a second story guesthouse. The project would not directly or indirectly induce population growth in the area, because the use and intensity for the subject parcel would not change. The project would not displace, alter the location, distribution, or density of human population in the area in any way, or create a demand for additional or replacement housing. Therefore, the proposed project would not result in impacts related to population and housing. (Source: IX.1, 2, 3, 4, 8, 9, 14, 17)

15. Public Services. The proposed project would involve the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements. The project site is located in the unincorporated community of Big Sur on Highway 1 and is served by the Big Sur Volunteer Fire Brigade (structural) and Cal Fire (wildfire), Monterey County Sheriff's Department, and Carmel Unified School District. The project would not create substantial new demand for public services that would result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for any of the public services. The project would have no measurable effect on existing public services in that the project would not result in a significant increase in demand and would not require expansion of services to serve the project. County Departments and service providers reviewed the project application and did not identify any impacts. Therefore, the proposed project would not result in impacts related to public services. (Source: IX.1, 2, 3, 8, 9)

16. Recreation. The project would involve the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements. The project would not result in an increase in the use of existing neighborhood and regional parks and other recreational facilities and would not cause substantial physical deterioration to these facilities. No parks, trail easements, or other recreational opportunities would be adversely impacted by the project, based on review of County records and Figure 3 (Proposed Site Plan) and Figure 4 (Proposed Exterior Elevations) of this Initial Study. Therefore, the project would not create new or additional recreational demands and would not result in impacts to recreation resources. (Source: IX. 1, 2, 3, 8, 9, 17)

17. Transportation. The project would involve the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements. Construction would not generate traffic nor increase the number of permanent vehicle trips beyond that accounted for in regional studies and/or the prior development of the site. The contribution of traffic from the proposed project would not cause any roadway or intersection level of service to be degraded nor substantially increase vehicle miles traveled relative to previous residential use of the site. Construction-related activities would temporarily increase traffic from trips generated by the workers on the construction site; however, no adverse impact is expected to occur due to the small scale of the proposed project. The project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The project would not substantially increase hazards due to a design feature (e.g., there are no sharp curves or dangerous intersections near the project site) or

incompatible uses (e.g., the site is zoned to allow residential uses), nor would it result in inadequate emergency access. The project would also not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The project would not intensify existing levels of traffic. Therefore, the project would not result in impacts related to transportation. (Source: IX. 1, 2, 3, 8, 9, 14).

18. Tribal Cultural Resources. See Section VI.18.

19. Utilities/Service Systems. The project would involve the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements. The project site is served by an on-site wastewater treatment system (OWTS). The project would include replacement of the existing OWTS and with a new advanced/alternative system and drip dispersal which meets Monterey County Code Chapter 15.20 and the Monterey County Local Agency Management Program standards. The proposed OWTS would be setback sufficiently from the recommended 75-year bluff setback and would serve the proposed residence and existing guesthouse. The Monterey County Environmental Health Bureau reviewed the proposed project and OWTS design and deemed the project complete with one condition of approval. The site is served by an existing well located on an adjacent parcel (APN: 418-121-040-000). Source capacity testing was conducted in 2020 and a credit of 6.32 gallons per minute was granted. A revised source capacity test letter, dated August 25, 2022, indicates that water quality testing has been completed and all applicable State standards were met. ~~Water quality testing was completed but no results were submitted for perchlorate (manmade containment). Therefore, a condition of approval requiring testing for the outstanding water quality items would be applied to project approval.~~ Electricity would be provided by PG&E with energy use offset by the proposed solar panels. The project has existing solid waste disposal services and the operational component of the project would not result in a substantial increase of solid waste production over the previously permitted use of the site. Any excess construction materials from the proposed project would be recycled as feasible with the remainder being hauled to landfill, and the relatively small amount of construction waste produced would not affect the permitted landfill capacity. Therefore, the project would not result in impacts related to utilities and service systems. (Source: IX. 1, 2, 3, 8, 9)

20. Wildfire. See Section VI.20.

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

April 20, 2023
Date

Fionna Jensen, Senior Planner
Monterey County HCD

V. EVALUATION OF ENVIRONMENTAL IMPACTS

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

2. All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. The explanation of each issue should identify:
   a. The significance criteria or threshold, if any, used to evaluate each question; and
   b. The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista? (Source: IX. 1, 3, 8, 9)	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic Highway? (Source: IX. 1, 3, 8, 9)	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality. (Source: IX. 1, 3, 8 9)	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: IX. 1, 3, 8, 9)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:
The proposed project involves the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements in the unincorporated Big Sur area of Monterey County (see Figure 1, Vicinity Map). The parcel is bordered by the Pacific Ocean to the west and south, and by residential uses to the northeast. The project site is located on a coastal bluff between Highway 1 and the Pacific Ocean, within the Big Sur Coast Land Use Plan (BSC LUP) area and is subject to the Critical Viewshed policies, which apply to everything within sight of Highway 1.

Aesthetics 1(a), (b), and (c) – Less Than Significant Impact
The project site is adjacent to Highway 1, a state scenic highway, and contains an existing single-family dwelling, guesthouse, and garage. The existing development is largely confined to areas along the coastal bluff which are not visible from the highway. However, as described in Section II.B, features of the existing residence are visible from the Highway. The existing visual character of the site is that of a coastal bluff with direct views of the ocean and sky. The existing conditions along the property frontage (i.e., facing Highway 1) consist of a row of Monterey cypress trees and a wrought iron gate restricting access to the property. As proposed, the project would not substantially alter the appearance of the site from Highway 1 because the developed portion of the parcel is largely not visible from the highway.

However, as stated above, the property abuts Highway 1 and is therefore located within the Highway 1 critical viewshed. The site is therefore subject to policies in the BSC LUP (Policy 3.2.3). The project complies with relevant policies, as demonstrated below.

- 3.2.3.A.1 – The project would not involve development on a new parcel.
- 3.2.3.A.2 – Structures are clustered on site to limit intrusion into the Critical Viewshed.
- 3.2.3.A.3 – The proposed single-family residence would be constructed within an existing building footprint and the height of the proposed structure would be lower than the existing structure.
- 3.2.3.A.4 – The project would not involve the construction of new roads.
- 3.2.3.A.5 – The project would comply with the Critical Viewshed policy and would not be environmentally inappropriate for development.
- 3.2.3.7 – The project involves construction of a replacement single-family dwelling and would not increase the visibility of the structure.

A site visit on April 21, 2022 confirmed that the existing development and proposed single family dwelling would not be visible from Highway 1 when traveling south. However, when travelling north on Highway 1, portions of the south and eastern façades of the proposed residence would be entirely visible for approximately 1.2 miles (Hurricane Point turnout to Bixby Creek Bridge north turnout). Due to the popularity of the Bixby Creek Bridge north turnout, the turnout and general area safely accessed by foot are also considered a major common public viewing area. As such, a small portion of proposed residence (primarily the roof) would be visible from the cliff edge of the Bixby Creek Bridge turn out.

The current design of the residence includes three pyramidal-roofed masses, with a ridge height of approximately 21~~2~~ feet 5~~6~~ inches above average natural grade. The proposed residence would involve a flat, green roof, with a height of 19 feet 2~~4~~ inches above average natural grade, 2 feet 3~~2~~ inches below the existing ridge height and 4 feet 8~~6~~ inches below the allowable height for the subject zoning district. In comparison to the existing residence, the proposed residence would represent a net increase in floor area by 1,140 square feet; the entry level floor area would decrease by 742 square feet, and the lower level floor area would increase by 1,882 square feet. However, of the 1,882 square foot lower-level increase, 857 square feet would be below grade and not visible square feet. The western façade would not be visible from Highway 1 due to siting, topography and vegetation; only portions of the eastern and southern façade would be visible. The reduced roof height would lessen the visibility of the residence from the Bixby Creek Bridge turnout. Although sited primarily within the existing residence's footprint, the proposed residence would be sited 10.5 feet west. Siting the proposed residence further west would require amending the Conservation and Scenic Easement deed boundaries, as the current deed language prohibits development. The purpose of the 1968 Conservation and Scenic Easement deed to is *"preserve and conserve for the public benefit the great natural scenic beauty and openness, natural condition, and present state of use of said property."* Siting the residence further west, thereby reducing the proposed residence's visibility, is consistent with the intent to Conservation and Scenic Easement. When compared to the existing residence footprint, the proposed residence would consist of a narrower design (34.5 feet wide vs. 40 feet wide). Together, these design components would lessen the visibility of the proposed residence when viewed from Highway 1 (Hurricane Point turnout to Bixby Creek Bridge north turnout). Quantitatively, 953 square feet of the existing residence's south and eastern façade is visible from Highway 1, whereas implementation of the proposed project would result in 893 square feet of its façade being visible from Highway 1. Further, the proposed exterior color and material finishes are designed to allow

the structure to blend into the natural environment and include metal fascia; natural teak soffits; stone veneer; metal windows, doors and railings; cement plaster; wood trim; and a green roof. As such, the proposed development would be consistent with applicable scenic and visual resource policies and would ~~not~~ result in less than significant impacts to the existing visual character or quality of public views.

Finally, the subject parcel includes a conservation and scenic easement deed dated February 13, 1968, which restricts new structures, advertising, non-native landscaping, and excavation within the easement, and limits allowed uses only to those which will not materially alter the landscape. Although the 1968 easement boundaries would be amended to allow for the 10.5-foot shift in building footprint, the overall intent to protect the portions of the property most visible remains. Therefore, the proposed development would result in a less than significant impact on a scenic vista and on views from Highway 1. Additionally, as designed, the proposed development would not impact any other scenic resources such as trees, rock outcrops, or historic buildings (see also Section VI.5 below regarding historic resources). Therefore, as proposed, the project would result in less than significant impacts to scenic resources such as trees, rock outcroppings, and/or historic buildings within a state scenic highway.

Aesthetics 1(d) – Less Than Significant Impact

Existing nighttime lighting on the site and in the vicinity is limited to exterior lighting associated with the existing residential structures and other residences in the area, which are dispersed over a wide area. Any exterior lighting to be incorporated into the proposed residence would be required to comply with applicable policies of the 1982 General Plan, Big Sur Land Use Plan, and Coastal Implementation Plan Part 3, which requires the exterior lighting source to be shielded and not visible from the Critical Viewshed. Pursuant to compliance with these requirements, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Additionally, the project would be required to comply with County standard condition PD014(C), *Lighting – Exterior Lighting Plan (Big Sur)*, which directs installation of exterior lighting that is unobtrusive, down-lit, compatible with the local area, and constructed or located so that only the intended area is illuminated, and off-site glare is fully controlled. Moreover, the distance between the project site and surrounding residences would further minimize any potential light and glare impacts resulting from exterior lighting. As designed and conditioned, the project would result in a less than significant impact to the existing visual character or quality of public views of the site and its surroundings and the day or nighttime views in the area.

2. AGRICULTURAL AND FOREST RESOURCES

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: IX. 1, 3, 4, 8, 9, 18)	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: IX. 1, 4, 8, 18)	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: IX. 1, 4, 8, 18)	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: IX. 1, 3, 4, 8, 18)	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: IX. 1, 3, 4, 8, 9, 18)	☐	☐	☐	☒

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

3. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: IX. 1, 6, 8, 9)	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? (Source: IX. 1, 6, 8, 9)	☐	☐	☒	☐
c) Result in significant construction-related air quality impacts? (Source: IX. 1, 6, 8, 9)	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations? (Source: IX. 1, 6, 8, 9)	☐	☐	☐	☒
e) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Source: IX. 1, 6, 8, 9)	☐	☐	☐	☒

Discussion: The project site is located within the North Central Coast Air Basin, which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD).The 2012-2015 Air Quality Management Plan (AQMP) for the Monterey Bay region address attainment and maintenance of state and federal ambient air quality standards within the North Central Coast Air Basin (NCCAB) that includes unincorporated Big Sur. 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.

Air Quality (a), (d) and (e): No Impact

Operational emissions would be minimal and consistent with the previously developed single-family residence. As proposed, the project would not result in the emission of substantial amounts of criteria pollutants. Temporary construction-related impacts would not violate any air quality standards or obstruct implementation of the MBARD Air Quality Management Plan. The closest residence would be 0.3 miles east with an elevation gain of approximately 460 feet. No other sensitive receptors are located near the project site and no substantial number of people residence or work within close proximity to the project site. Therefore, and as detailed in Section IV, the proposed project would not result in impacts to air quality relative to conflicting with the applicable air quality plan, exposing sensitive receptors to pollutant concentrations, and adversely affecting a substantial number of people. (Source: IX. 1, 6, 8, 9).

Air Quality (c) and (d): Less than significant Impact

Impacts to air quality from construction-related activities would be minor and temporary in nature. Construction would involve equipment typically involved in residential construction projects, such as excavators and trucks. Temporary construction-related impacts would not violate any air quality

standards or obstruct implementation of the MBARD Air Quality Management Plan. Application of the County's standard condition of approval (applied as Condition No.11) would require demolition to be in accordance with MBARD standards, including limiting grading for site improvements to no more than 100 cubic yards per day and moving of dirt to not exceed the PM10 threshold of 2.2 acres of disturbance per day, sufficiently wet the structure prior to demolition, and prohibiting demolition activities when wind speeds exceed 15 mile per hour. All other construction emissions are accounted for in the AQMP. Demolition activities which involve the removal of asbestos and/or lead paint would be conducted in accordance with California Department of Toxic Substance Control and California Environmental Protection Act requirements, which include handling and transporting lead paint chips/dust and asbestos in sealed containers within closed vehicles. Therefore, the project would result in less than significant impacts relative to construction related impacts and the generation of an increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. (Source: IX. 1, 6, 8, 9).

4. BIOLOGICAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: IX. 1, 2, 3, 4, 8, 9, 11)	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: IX. 1, 2, 3, 4, 8, 9, 11)	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: IX. 1, 8, 9, 11)	☐	☐	☐	☒

4. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: IX. 1, 3, 8, 9, 11)	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: IX. 1, 2, 3, 4, 9, 11)	☐	☒	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: IX. 1, 2, 3, 8, 9, 11)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation: The following discussion and analysis are based on the results of the biological assessment prepared by Fred Ballerini Horticultural Services dated March 30, 2022 (Source: IX. 11; Monterey County Document No. LIB220100). As discussed in Section VI.1, siting the proposed residence 10.5 feet west would require amending the 1968 Conservation and Scenic Easement deed (CSED) language boundaries, as the current deed language prohibits development. The purpose of the 1968 Conservation and Scenic Easement deed to is *"preserve and conserve for the public benefit the great natural scenic beauty and openness, natural condition, and present state of use of said property."* Amending the CSED language and map would allow the proposed residence to be sited in the most appropriate location, which minimizes visual and biological impacts. Although sensitive species have been identified to occur or have the potential to occur within proximity to the project site, the proposed residence would be entirely within the existing footprint, hardscape, and/or ornamental landscaped areas. As designed, conditioned, and mitigated, the project would enhance the resources being preserved by the easement (visual and biological).

Biological Resources 4(a) – Less Than Significant Impact with Mitigation Incorporated

Direct Impacts

The existing septic system is no longer functioning and is located outside of the recommended 75~~–100~~-year bluff setback. Therefore, the proposed project includes the replacement of an existing septic system with an advanced on-site wastewater treatment system with dispersal fields. The proposed septic tanks and pretreatment system would be located within the recommended coastal bluff setback and proposed easement boundaries, within soils previously disturbed by oriental landscaping and pathways.

A 2,500-gallon water storage tank is located on the east side of the neighboring parcel which is intersected by Highway 1, and is sited on a small terrace above the north side of the Bixby CreekBridge surrounded by environmentally sensitive central maritime chaparral habitat. This water tank and surrounding area burned in the Colorado fire (January 2022). Being fire

damaged/destroyed, the tank was replaced like-for-like within the previous footprint, following the fire. An existing 2" waterline from the 2,500-gallon water tank was routed under Highway 1 and meandered above ground under a thicket of coastal scrub habitat and invasive ice plant thatch to the main residence and guest house. This water line was also damaged in the Colorado fire and requires replacement. As proposed, the replacement water and electrical lines will parallel Highway 1 and be trenched and routed through the existing driveway to the main residence and guesthouse. In order to connect to the existing Pacific Gas & Electric transformer and proposed underground propane tank, a portion of the joint utility lines and new septic lines will be trenched underground in areas currently occupied by the property's mature cypress grove and invasive species understory.

Although the proposed dispersal field and replacement utility lines have been sited in outside of areas containing known sensitive habitats and within areas containing invasive species, the project biologist has determined that impacts to isolated Seacliff buckwheat plants, Monterey Indian paintbrush plants and an Ocean bluff milk vetch plant would occur. As detailed in the draft landscape plan, and in accordance with ***Mitigation Measure Nos. 1, 4 and 5***, exotic species located within the area of the proposed leach field and utility trenching shall be removed, installation of the dispersal fields and utility lines shall be monitored by the project biologist, and disturbed areas shall be restored with native coastal bluff scrub habitat and/or appropriate replanting of Seacliff buckwheat, ~~cali~~ Monterey Indian paintbrush, or Ocean bluff milk vetch plants. To ensure no additional impacts to special status plant species not identified in the prepared biological report occur during proposed construction and restoration activities, the project biologist shall conduct a special status species survey prior to construction and invasive species removal activities (***Mitigation Measure No. 3***). If additional sensitive species are identified and have the potential to be impacted during construction, utility trenching, or eradication efforts, they shall be flagged and mitigated in accordance with ***Mitigation Measure No. 4*** - Northern Coastal Bluff Scrub Restoration Plan.

Direct impacts to sensitive plant or wildlife species from construction of the residence is unlikely due to siting the replacement residence entirely within a previously disturbed area (previous residence footprint and hardscape). Indirect impacts associated with construction activities is discussed below.

Sensitive Plant Species

Three sensitive plant species, Monterey Inidian paintbrush (*Castilleja latifolia*; California Rare Plant Rank 4.3), Ocean bluff milkvetch (*Astragalus nuttallii*; CRPR 4.2), and Little sur manzanita (*Arctostaphylos edmundsii*; CRPR 1B.2) are located on the subject parcel. The parcel also supports Seacliff buckwheat (*Eriogonum parvifolium*), which is the host plant for the federally listed endangered Smith's blue butterfly (*Euphilotes enoptes smithi*). Therefore, in areas where the Seacliff buckwheat is present, it is assumed that Smith's blue butterflies are present. To accommodate proposed infrastructure and driveway construction impacts, 36 Seacliff buckwheat plants, 19 Monterey Indian paintbrush plants and 1 Ocean bluff milk vetch plant would be removed. Buckwheat plants have been identified as isolated occurrences of the plant, especially in areas that have been disturbed over the years (buckwheat plants are early pioneers onto disturbed soils). ***Mitigation Measure No. 4*** below includes quantified totals and restoration protocols.

Additionally, to comply with the 1968 Conservation Scenic Easement restrictions of the subject parcel requiring indigenous vegetation and that no use of the property will materially alter the landscape or scenic features, a *Northern Coastal Bluff Scrub Restoration Plan* (***Mitigation Measure No. 4***) shall be developed and implemented to restore existing landscape areas on the parcel currently occupied with aggressive invasive species (primarily iceplant, cape ivy, pride-of-Madeira, and periwinkle) around the bluff scrub habitat adjacent to the development area. The restoration plan shall describe salvage and growing operations, plant specifications, restoration techniques, and management strategies including long-term monitoring and invasive species control protocols required for the restoration and management of the sensitive resource. The plan shall also address restoration of disturbed areas that will require revegetation and sensitive species mitigation planting for respective natural communities that are disturbed due to infrastructure (septic, water lines, utilities, water tanks), driveway paving, staging, and any other disturbed soils resulting from construction-related impacts. The Restoration Plan shall work in conjunction with ***Mitigation Measure No. 5.***

The project has been designed to avoid direct impacts to trees, including Monterey cypress, and the coastal bluff area in general. Construction would only occur within the existing development and disturbed footprint outside of areas containing the Monterey cypress and coastal bluff area containing ocean bluff milkvetch. Additionally, the project, as designed and mitigated, includes restoration of the coastal bluff scrub vegetation community on the project site through ornamental and invasive species eradication, which will expand suitable habitat for ocean bluff milkvetch. Therefore, no direct impacts to sensitive wildlife species would occur.

Sensitive Wildlife Species

Two sensitive wildlife species, the Monterey dusky footed woodrat (*Neotoma fuscipes luciana*) and peregrine falcon (*Falco peregrinus anatum*), are located on the subject parcel. Three Monterey dusky-footed woodrat stick nests were observed south of the driveway in the shrub dominant locations of the Coastal Scrub habitat outside of the proposed development. No direct impacts would occur due to project siting; however, potential indirect impacts are discussed below. The project has been designed to avoid impacts to coastal bluff scrub containing seacliff buckwheat, which provides suitable habitat for the Smith's blue butterfly. As previously discussed, project design includes restoration of the coastal bluff scrub vegetation community on the project site through ornamental and invasive species eradication, which would expand suitable habitat for the Smith's blue butterfly. Therefore, no direct impacts to sensitive wildlife species would occur.

Monarch butterfly, a candidate for federal listing under the Endangered Species Act, have potential to occur within the subject parcel, though none were observed overwintering on Monterey cypress trees outside of the project site. Monarch butterflies have been observed to prefer overwintering areas that are protected from high winds and provide southern exposure to morning sun with nearby nectar and water sources. The Monterey cypress trees on the project site have potential to be utilized by Monarch butterflies during migration. However, due to its exposure to the coastal winds, the project site has a low potential to provide suitable overwintering habitat for monarch butterflies. Further, no trees are proposed for removal during project development that would remove migratory or overwintering habitat for monarch butterflies. Therefore, no direct impacts to monarch butterflies would occur.

Federally protected southern sea otters and harbor seals, marine mammals protected under the Marine Mammal Protection Act, have potential to occur offshore, outside of the project site. Pupping season is noted to occur between December and March. Other marine or shoreline biological resources may also exist in the area. The project would not result in direct impacts to the adjacent aquatic marine habitat, however potential indirect impacts are discussed below. Therefore, no direct impacts to sensitive marine mammals would occur.

Indirect Impacts

Temporary construction-related indirect impacts to sensitive plant and wildlife species generally include staging activities, trampling, dust generation, pollutant discharges, soil erosion and runoff, noise, vibration, lighting, increased human activity, and accumulation of trash and garbage, which can attract both introduced terrestrial, native terrestrial and avian predators (i.e., corvids, canids, raccoons and striped skunks). In addition, there is the potential for indirect impacts to sensitive plant species (Monterey ~~cypress~~ Indian paintbrush, Seacliff buckwheat, and ocean bluff milk vetch) and sensitive wildlife species (Smith's blue butterfly, peregrine falcon, Monterey dusky footed woodrat, Monarch butterfly, and Western bumble bee~~, and~~) occurring on and around the project site during nearby construction activities and proposed ornamental and invasive species eradication in the coastal bluff scrub habitat. These temporary construction-related impacts in the form of habitat disturbance, dust generation, and increased predation could have a significant impact on the sensitive plant and wildlife species that occur on the project site. Heavy equipment will likely be required for deconstruction and construction efforts, though less than significant disruptive impacts are anticipated to occur to marine life or pupping activity due to the distance from the habitat. Further, pollutant discharges, soil erosion and runoff that could occur during construction on the project site has the potential to result in indirect impacts to the sensitive wildlife species that occur in the aquatic marine habitat south and west and downslope of the project site. These temporary construction-related indirect impacts in the form of habitat disturbance and potential predation could have a significant impact on the sensitive plant and wildlife species that occur on the project site, and mitigation is required. Adherence to ***Mitigation Measure No. 2*** would reduce impacts to a level of less than significant.

As of September 30, 2022, the Western Bumble Bee is a candidate species under CESA and as such, receives the same legal protection afforded to an endangered or threatened species. The WBB feeds upon nectar and pollen from a variety of plants species, but is most adapted to native plant species. The flight period in California is from early February to October, peaking in late June and late September. The flight period for workers and males is from early April to early November. The species is currently restricted to high elevation sites in the Sierra Nevada and scattered coastal areas. The WBB primarily nests underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under brush piles, in old bird nests, and in dead trees or hollow logs. Overwintering sites utilized by WBB mated queens include soft, disturbed soil, or under leaf litter or other debris. The Project Biologist confirmed via phone on April 5, 2023, that the WBB has the potential to occupy the site given the project site's vegetation and liter debris. Should WBB colonies or overwintering queens be present in underground nests in work areas, work activities related to the Proposed Project could adversely affect this species and its habitat. Therefore, mitigation would be required to reduce impacts to a level of less than significant (***Mitigation Measure No. 9***)

Monterey cypress are found on the property near the proposed development. Monterey cypress are listed by the California Native Plant Society as a List 1B.2 species (rare, threatened or endangered in CA and elsewhere). However, on the subject parcel, they are out of natural range for the species. This species is also listed by the California Invasive Plant Council (Cal-IPC) as having potential limited impacts on native ecosystems. While this species may provide overwintering habitat for the Monarch butterfly, the offspring of this species are adversely impacting the sensitive northern coastal bluff scrub habitat through pioneering seedlings that are encroaching within the habitat. Per ***Mitigation Measure No. 7***, the project biologist shall conduct a pre-construction survey to determine the presence of Monarch butterflies, and ensure management of germinating cypress saplings within the identified sensitive habitat areas by removing them when the presence is noted.

An existing culvert on the east side of Highway 1 appears to divert roadway drainage under the highway and onto the property. A 3-foot-deep drainage trench is located running east to west under a thicket of coastal scrub south of the driveway. This trench terminates near the west side of the guesthouse, near the grove of mature cypress trees. It is unclear how this watercourse may impact the site, though observations by the project engineer and biologist along the cliff directly east of the main residence indicate the outflow from the culvert may have contributed to slope failure in this area as the cliff-face soils are scarred and show recent evidence of slope failure. Current observations indicate this drainage channel on the parcel is stabilized with dense vegetation and no visual signs of road drainage flow were observed over the past winter rain season. Other existing surface drain boxes are located adjacent to the house, and it is unknown where these route or exit, though preliminary observations indicate the drains outflow along the west slope. Additionally, one driveway stormwater collection basin located on the east side of the driveway approximately 20 meters from the house ties into a culvert that routes under the driveway directly west and appears to exit at the cliff edge in a thicket of iceplant. These collective drainage elements are proposed to be disbanded.

Site drainage should be thoroughly analyzed to prevent slope failure and reduce potential erosion and sedimentation that could impact sensitive habitat along the bluff and shoreline. To comply with BSC LUP Policy 3.3.3.B.1, stormwater runoff shall be managed in a manner that prevents concentrated flows away from erosive cliff-face or bluff soils and reduces potential sedimentation off site. New drainage trenching, retention pits and piping is proposed to be installed in pre-developed areas or within areas occupied by invasive ice plant. The proposed residential drainage plan indicates that direct the main site drainage outfall would be located towards the south side of the bluff parcel, be piped through an area with mixed succulent landscape plantings along the bluff, and outflow above bedrock. The final Drainage and Erosion Control Plan shall incorporate a flow analysis to determine the size and installation details of the outflow piping. With the benefit of the flow analysis, the final site drainage outflow locations will be reviewed and sited in collaboration with the project biologist to analyze potential biological impacts and ensure outflow locations are located in areas that will not impact sensitive biological resources found on the parcel. Exit flows of stormwater shall be routed in a manner that deposits the runoff onto bedrock or rock outcrops to prevent slope erosion or mass wasting of the erosive cliff face, consistent with ***Mitigation Measure No 8***.

All disturbed soil shall be stabilized prior to rainfall events and grading activities shall avoid deposition of any excavated material or overburden beyond the edge of the road. Silt fencing, wattles, or other devices shall be engineered into the erosion control plan.

Nesting Birds

No raptor or bird nests were observed on the project site during the surveys. However, the coastal bluff scrub and mature Monterey cypress occurring throughout the project site, have the potential to provide suitable nesting habitat for raptors and birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, Section 3504. As previously discussed, no trees are proposed for removal during project development that would remove potential nesting habitat for protected raptors and birds. Further, the project design includes restoration of the coastal bluff scrub vegetation community on the project site through ornamental and invasive species eradication, which will expand suitable nesting habitat. However, if construction is conducted during the general bird breeding season (January 1 through August 31), temporary direct impacts from disturbance and displacement of nesting birds during vegetation removal could result in significant direct impacts to bird species protected under the MBTA, and mitigation would be required (***Mitigation Measure No. 6)***.

Mitigation Measures

Sensitive elements flanking the access driveway and those that lie within staging or work zones required for infrastructure elements, could experience adverse impacts from trenching, grading or mobilization activities. Potentially significant indirect impacts to sensitive plant species (~~Monterey cypress,~~ ocean bluff milkvetch, monterey indian paintbrush, and little sur manzanita) and sensitive wildlife species (Smith's blue butterfly, ~~monarch butterfly,~~ Monterey dusky woodrat, western bumble bee, and monarch butterfly), as well as these species' habitats, occurring on and surrounding the project site, could occur during project construction. Quantified impacts and proposed restoration and replanting at a 2:1 ratio for individual species are detailed in ***Mitigation Measure No. 4***. Implementation of Monterey County regulations for erosion control (Monterey County Code, Chapters 16.08 and 16.12) and ***Mitigation Measure Nos. 1*** through ***7*** (described in detail below) would reduce direct and indirect impacts to sensitive plant and wildlife species to below a level of significance. The project would also be required to obtain require a nesting bird survey prior initiation of construction to avoid potential direct and indirect impacts to nesting raptor and bird species, as provided in ***Mitigation Measure 6***, reducing potentially significant impacts to nesting raptors and birds to below a level of significance.

Mitigation Measure BIO-1 – Project Biologist

In order to ensure grading, construction, and restoration activities are conducted in accordance with the recommendations contained in the Biological Assessment (LIB220100), the Applicant/Owner shall submit to HCD-Planning for review and approval a copy of a contract with a qualified biologist (the Project Biologist). The contract shall ensure that Mitigation Measure No(s). 2, 3, 4, 5, 6, 7, and 8 and their respective actions are implemented on the subject parcel. The contract shall include:

- Review and approve dispersal field and utility trenching locations and monitor installation activities.
- Review and installation of protective sensitive species and bluff fencing in accordance with Mitigation Measure No. 2.
- Pre-construction surveys for Smith's blue butterflies, seacliff buckwheat, ocean bluff milk vetch, and Monterey Indian paintbrush, where project-related construction, including utility trenching, is proposed, in accordance with Mitigation Measure 3.

- Pre-exotic species removal surveys for Smith's blue butterflies, seacliff buckwheat, ocean bluff milk vetch, and Monterey Indian paintbrush where project-restoration and invasive species removal is proposed, in accordance with Mitigation Measure No. 3.
- Preparation of a Northern Coastal Bluff Scrub Restoration Plan, in accordance with Mitigation Measure No. 4
- Monitoring and implementation of the Landscape and Exotic Species Removal Plan and Northern Coastal Bluff Scrub Restoration Plan, in accordance with Mitigation Measure Nos. 4 and 5.
- Pre-construction surveys for potential nesting black swift, raptors, or special status birds within 300 feet of proposed construction activities, in accordance with Mitigation Measure No. 6.
- Pre-construction survey for Monarch butterflies, in accordance with Mitigation Measure No. 7.
- Document and remove existing Monterey cypress saplings within the development boundaries (outside of protective fencing area) and monitor for sapling growth through all construction phases.
- Review of flow analysis report and coordination with project engineers to prepare a drainage outfall plan, in accordance with Mitigation Measure 8.
- Preparation of a report prepared by the project biologist as to incidents regarding Smith's blue butterflies, seacliff buckwheat, ocean bluff milk vetch, Monterey Indian paintbrush, raptors, Monarch butterflies, etc. Such report shall be submitted to HCD-Planning prior to final inspection.
- Final report submitted to HCD-Planning for review and approval that is sufficient in detail to explain how protection objectives have been met and any impacts incurred outside those previously analyzed including, though not limited to deviation from measures, modifications required in the field, occurrences of halting construction and/or any other issues identified.

Compliance Actions for Mitigation Measures BIO-1

1a: Prior to issuance of grading and/or construction permits, Owner/Applicant shall submit to HCD-Planning for review and approval of the contract with the Project Biologist. Should HCD-Planning find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

1b: Prior to final inspection of grading and/or construction permit, Applicant/Owner/Project Biologist shall submit to HCD-Planning a brief report prepared by the Project Biologist as to incidents regarding the species indicated in Mitigation Measure No(s). 3, 6, and 7.

1c: Prior to final inspection of grading and/or construction permits from Building Services, Owner/Applicant/Project Biologist shall submit to HCD-Planning for review and approval final reports prepared by the project biologist.

Mitigation Measure BIO-2 – Habitat and Bluff Protection:

The project has been designed to avoid impacts to the coastal bluff and the adjacent aquatic marine habitat. To protect native habitat values located beyond the existing development area, adjacent habitats shall be fenced with protective fencing to prevent unwarranted impacts during the construction period. Fencing shall be continuous in wrapping around the development area to protect native sensitive elements that occur within adjacent habitats and prevent construction personnel from entering sensitive areas. The project applicant or the construction contractor on their behalf shall ensure the following measures are included in the construction specifications and implemented throughout construction. No debris, soil, silt, sand, oil, petroleum products, cement, concrete, or washings thereof shall be allowed to enter into, or be placed where they may be washed by rainfall or runoff, onto the adjacent bluff or into the Pacific Ocean. Grading, excavating, and other activities that involve substantial soil disturbance shall utilize standard erosion control techniques (e.g., debris fencing, silt dams, straw wattles) to avoid erosion and sedimentation to the adjacent bluff or Pacific Ocean. Erosion control techniques shall be applied during each phase of construction (preconstruction, construction, and post-construction). Erosion control devices and protective fencing shall be installed on the downhill perimeter of the construction envelope and exposed soil areas. Disturbed soils shall be stabilized prior to rainy weather, either through tarping, biodegradable netting, mulching, or hydroseeding. All construction materials shall always be secured and stored properly on the site to prevent blowing or falling into the ocean, even when they are in use. The job site must remain free of all forms of trash at all times of the day and night. All trash and/or construction debris shall be bagged and hauled away daily, or completely secured.

Compliance Actions for Mitigation Measure BIO-2:

2a: Prior to issuance of grading or construction permits, a habitat and bluff protection fencing plan shall be developed in coordination with the project biologist, architect, and civil engineer to determine the construction and grading envelope (including infrastructure elements, construction, staging, and parking). Protective fencing shall be installed around the perimeter of the identified development envelope and along the coastal bluff. The project biologist shall oversee the mapping and installation of fencing to avoid sensitive elements and access to the bluff edge. The protective fencing plan and photographic evidence of implementation shall be submitted to HCD-Planning. Throughout all phases of demolition and construction, the contractor shall maintain, and improve as necessary, the barrier and erosion control measures.

2b: Prior to final inspection of grading and/or construction permits from Building Services, the project biologist shall certify to HCD-Planning that the required monitoring occurred throughout all construction phases and that the protective fencing and erosion control measures remained intact, and removal of fencing has occured.

Mitigation Measure BIO-3 – Pre-Construction/Invasive Species Removal Survey

Seacliff buckwheat (the host food source of the federally listed endangered Smith's blue butterfly) occur adjacent and in close proximity to the development area, including areas that will be utilized for infrastructure elements and areas where dominant invasive species removal is proposed. Although no Smith's blue butterfly adults were observed on the subject parcel during appropriately timed monitoring site visits, the potential exists for the

butterfly to utilize seacliff buckwheat onsite as populations of the butterfly are documented to exist on nearby parcels. The subject property also contains Monterey Indian paintbrush and Ocean bluff milk vetch. To ensure impacts to Monterey Indian paintbrush, Seacliff buckwheat, Ocean bluff milkvetch and Smith's blue butterflies are minimized, sensitive species surveys shall be conducted prior to commencement of construction and invasive species removal activities. Should a special status species be identified, mitigation protocols established in the *Northern Coastal Bluff Scrub Restoration Plan* shall be adhered to (Mitigation Measures No. 4).

Compliance Actions for Mitigation Measure BIO-3:

3a: Prior to issuance of grading and/or construction permits and no more than 30 days prior to the commencement of construction activities, a pre-construction survey for sensitive species including Smith's blue butterflies, seacliff buckwheat, ocean bluff milk vetch, and Monterey Indian paintbrush shall be conducted by a qualified biologist to determine species occurrence within the project development area (outside of protective fencing). HCD-Planning shall be informed if the project biologist determines there is a more appropriate pre-construction survey period. The project biologist shall determine the presence or lack thereof of the special status species and report the findings to HCD-Planning. If species are identified within areas that could be impacted by construction activities, the project biologist shall flag the plant species and adhere to mitigation protocols established in the *Northern Coastal Bluff Scrub Restoration Plan (*Mitigation Measure No. 4).

3b: No more than 30 days prior to the commencement of invasive species eradication efforts, a pre-construction survey for sensitive species including Smith's blue butterflies, seacliff buckwheat, ocean bluff milk vetch, and Monterey Indian paintbrush shall be conducted by a qualified biologist to determine species occurrence within the proposed restoration areas (within protective fencing). HCD-Planning shall be informed if the project biologist determines there is a more appropriate pre-construction survey period. The project biologist shall determine the presence or lack thereof of the special status species and report the findings to HCD-Planning. If species are identified within areas that could be impacted by the restoration and eradication efforts, the project biologist shall adhere to mitigation protocols established in the *Northern Coastal Bluff Scrub Restoration Plan* (Mitigation Measure No. 4).

<u>Mitigation Measure BIO-4 – Northern Coastal Bluff Scrub Restoration Plan</u>

The following sensitive plants are located within proposed development areas and shall be replaced at a minimum of a 2:1 ratio:

- **Seacliff buckwheat**: 36 plants (25 along utility trenching area, three along driveway, eight within leach field).
- **Monterey Indian paintbrush**: 19 plants (16 along driveway, three within leach field).
- **Ocean bluff milk vetch**: 1 plant within leach field.

The Project Biologist shall develop a *Northern Coastal Bluff Scrub Restoration Plan* with the primary goal of restoring all areas currently occupied by introduced landscape plantings

around the development area, including proposed septic leach field areas inundated with exotic species and any disturbed soils resulting from staging, trenching, or other ground disturbance development impacts on the bluff parcel. Other objectives of the plan include restoring coastal bluff scrub habitat with site-identified native species and eliminating all aggressive exotic invasive species, including but not limited to iceplant, cape ivy, pride-of-Madeira, and periwinkle. Prior to issuance of grading and construction permits, the project biologist shall conduct qualitative and quantitative analysis of existing northern coastal bluff scrub habitat for baseline data of species compositions to develop species and quantitative replanting specifications. Any alterations or revisions to development or infrastructure plans shall be reviewed by the project biologist to assess potential impacts and recommend remedial mitigations if further disturbance within areas containing Seacliff buckwheat, Northern coastal bluff scrub, Coastal scrub sensitive species are proposed. The Restoration Plan shall work in conjunction with Mitigation Measure No. 5. The *Northern Coastal Bluff Scrub Restoration Plan* shall include at a minimum, the following actions:

- Remove introduced landscape plantings and eradicate all aggressive invasive species within the restoration areas.
- Seed and plant collections of site-specific native northern coastal bluff scrub species for propagation for restoration plant stock. It is imperative to keep the genetic stock of restoration plant material local to the parcel. Contract grow plant materials with specialized restoration nursery familiar with the propagation and growing requirements of the subject native plant species.
- Stabilize soils with erosion control measures.
- Restore coastal bluff with propagated materials during the late fall season to coincide with seasonal rains.
- Establish exotic species control protocols and management tools.
- Establish a monitoring program to track success of exotic species control and establishment of native coastal bluff scrub species. Quarterly monitoring will be conducted for the first three years followed by biannual monitoring for years four and five. Success criteria and percent cover analysis to be determined after establishing the baseline data and will be incorporated into the restoration plan.
- Establish long-term maintenance program for invasive species control, soil stabilization, and other actions noted during monitoring.
- Avoid impacts to outlining habitats and improve area as habitat for wildlife by maintaining good land stewardship practices.
- Detail the mitigation protocols for special status species that are identified in the pre-construction / pre-eradication surveys which could be impacted by the construction and restoration/eradication efforts. Mitigation shall include but is not limited to ~~3~~2:1 replanting, establishing exclusionary zones, and habitat fencing. Replanted species shall be monitored accordingly.
- Preparation of a final report summarizing the implemented protective measures, observed and/or impacts species, 5-year monitoring compliance with success criteria, and the need for additional remediation.

Compliance Actions for Mitigation Measure BIO-4:

4a: Prior to the issuance of grading or construction permits, a *Northern Coastal Bluff Scrub Restoration Plan* in coordination with Mitigation Measure 5,

detailing the requirements of this mitigation measure, shall be submitted to HCD-Planning for review and approval.

4b: Prior to final inspection of construction permit from Building Services, the Project Biologist shall submit written evidence confirming that the restoration efforts have commenced.

4c: On a quarterly/biannual basis for 5 years following completion of the restoration, the project biologist shall submit a status report to HCD-Planning for review and approval.

4d: At the conclusion of the 5-year monitoring period, the project biologist shall submit a final report to HCD-Planning for review and approval documenting the implementation and success of the *Northern Coastal Bluff Scrub Restoration Plan* and determine whether additional monitoring or remediation measures are required. All recommendations shall be adhered to by the Applicant/Owner on an on-going basis.

Mitigation Measure BIO-5 – Exotic Species Control

Eradication of invasive species shall be an ongoing effort to enhance and maintain existing native habitats. Implementing an exotic species eradication plan will be consistent with several Big Sur Coast Land Use Plan policies regarding environmentally sensitive habitats (policies 3.3.2.1 and 3.3.2.7) and maintain compliance with the deed restrictions for the subject parcel requiring the site to consist of vegetation indigenous to the area. To prevent erosion in areas treated for eradication, exposed areas not stabilized with existing native plants shall be revegetated with site appropriate native species endemic to the communities in which the exotics were removed.

Highly invasive iceplant is pervasive throughout the west side of the subject parcel and threatens to overwhelm existing habitats. This species shall be removed from the development area to accommodate the restoration efforts (Mitigation Measure No. 4, Northern Coastal Bluff Scrub Restoration) consistent with Big Sur Coast LUP policies 3.3.2.7 and 3.3.3.A.10. Cape ivy, pampas grass, periwinkle, and pride-of-Madeira appear to be recent invading species onto the site as they are currently present in limited areas with manageable populations. These invasive species would be more easily eradicated than exotics of a longer tenure such as the expansive iceplant found throughout the parcel. To ensure success of the exotic species removal objectives, the Project Biologist shall prepare an *Exotic Species Removal Plan* and establish success criteria for a minimum five-year monitoring period. Quarterly monitoring shall be conducted for the first three years followed by biannual monitoring for years four and five. Invasive species success criteria and percent cover analysis shall be determined after establishing baseline data and will be incorporated into the restoration plan.

Compliance Actions for Mitigation Measure BIO-5:

5a: Prior to the issuance of grading and construction permits, the Applicant/Owner shall submit to HCD-Planning for review and approval an *Exotic Species Removal Plan*, prepared in coordination with LIB220100 ("Biological Assessment" prepared by Fred Ballerini, dated March 30, 2022) and Mitigation Measure No. 4 - *Northern Coastal Bluff Scrub Restoration Plan*. The Plan shall include details as to the eradication of periwinkle and pride-of-Madeira along

the entry driveway, and the Cape ivy near the mature grove of cypress trees and in small discontinuous patches along the coastal scrub.

5b: During construction, all disturbed soil generated during site grading shall be kept free of exotic species. Any disturbed soils generated from grading or exotic plant removal shall be restored with species from representative coastal scrub or northern coastal bluff scrub habitats, as detailed in Mitigation Measure No. 4 - *Northern Coastal Bluff Scrub Restoration Plan.*

5c: Prior to final inspection of construction permit from Building Services, the Project Biologist shall submit written evidence confirming that the eradication efforts have been completed.

5d: On a quarterly/biannual basis for 5 years following completion of the eradication of invasive species*,* the project biologist shall submit the a status report to HCD-Planning for review and approval.

5e: At the conclusion of the 5-year monitoring period, the project biologist shall submit a final report to HCD-Planning for review and approval documenting the implementation and success of the *Exotic Species Removal Plan* and determine whether additional monitoring or remediation measures are required. All recommendations shall be adhered to by the Applicant/Owner on an on-going basis.

Mitigation Measure BIO-6 – Black Swift and Nesting Survey

The black swift is noted to occur in the Big Sur coastal region and is listed as a California species of concern. This species has been observed nesting in sea caves in Big Sur with nesting activity occurring between May and August. Sea caves are present north, west, and south of the existing development area. Nesting activity could occur in these caves though the caves are 200+ feet away from the existing residence. The Monterey cypress near the development area could also provide suitable nesting habitat for raptors or listed migratory species that occur throughout the Big Sur coastal region. To avoid and reduce impacts to potential nesting raptors and other protected avian species (including, but not limited to, the white-tailed kite, peregrine falcon, sharp-skinned hawk, golden eagle, Cooper's hawk or other resident or migratory species), construction activities shall be timed to avoid the nesting season period. Alternatively, if avoidance of the nesting period is not feasible, pre-construction surveys shall be conducted for nesting raptors and migratory birds that may utilize the site.

Compliance Actions for Mitigation Measure BIO-6:

6a: If construction is to be initiated between February 1 and August 31, the Project Biologist shall conduct pre-construction surveys for potential nesting black swift, raptors, or special status birds within 300 feet of proposed construction activities. Pre-construction surveys shall be conducted no more than 30 days prior to the start of construction. If special status species are identified during pre-construction surveys, the California Department of Fish & Wildlife and HCD-Planning shall be contacted, and an appropriate no-disturbance buffer imposed within which no construction activities shall take place (300 feet in all directions for raptors).

Mitigation Measure BIO-7 – Monarch Butterfly

The monarch butterfly (*Danaus plexippus*) is noted to occur in nearby groves of eucalyptus, Monterey cypress, and Monterey pine trees. Butterfly overwintering roosting sites are recognized as Environmentally Sensitive Habitat Area in the Big Sur Coast Land Use Plan. Any disturbance to roosting trees or loud activities near roosting sites can disrupt the overwintering butterflies. The Monterey cypress trees on the parcel may provide potential overwintering roosts for the Monarch butterfly. Surveys were conducted for the development of this report but found no observations of overwintering on the bluff or inland parcels during 2021-2022 seasonal site monitoring. Though overwintering habitat is determined to be of low potential on the subject parcel, the potential does exist for the butterfly to overwinter on site. If proposed construction is proposed during nesting season, surveys should be conducted during observations times (mid-October – February) to determine their presence of lack thereof. If overwintering populations are observed, construction buffer zones shall be developed to limit unwarranted construction impacts from potentially impacting the butterflies.

Compliance Actions for Mitigation Measure BIO-7:

7a: If construction is to be initiated between October 15 and February 28, the Project Biologist shall conduct a pre-construction survey for Monarch butterflies. Pre-construction surveys shall be conducted no more than 30 days prior to the start of construction. If overwintering populations are observed, construction buffer zones shall be developed to limit unwarranted construction impacts from potentially impacting the butterflies.

7b: During construction the project biologist shall document and remove existing cypress saplings within the development boundaries (outside of protective fencing area)

7c: Prior to final inspection for grading and/or construction permits from Building Services, the Project Biologist shall prepare a final report documenting the incidents regarding Monarch butterflies and cypress saplings.

Mitigation Measure BIO-8 – Drainage Outflow

Site drainage should be thoroughly analyzed to prevent slope failure and reduce potential erosion and sedimentation that could impact sensitive habitat along the bluff and shoreline. A civil engineer, with input from the Project Biologist, shall prepare a flow analysis to determine the size and installation details of the outflow piping. Exit flows of stormwater shall be routed in a manner that deposits the runoff onto bedrock or rock outcrops to prevent slope erosion or mass wasting of the erosive cliff face. The Project Biologist shall analyze potential biological impacts and ensure outflow locations are located in areas that will not impact sensitive biological resources found on the parcel. In addition, the project biologist shall assist in siting the outflow piping location to minimize potential disturbance to northern coastal bluff scrub constituents that may occur near outflow locations. A civil engineer shall prepare a Drainage and Erosion Control Plan which addresses on-site drainage and incorporates the approved exit outflows. The project biologist shall approve the final drainage plan and confirm that best management practices are incorporated to reduce potential sedimentation impacts to the existing environmental sensitive marine resource habitat.

Compliance Actions for Mitigation Measure BIO-8:

8a: Prior to issuance of grading and construction permits, the Applicant/Owner shall submit a copy of the flow analysis, prepared by a civil engineer and the Project Biologist, to HCD-Planning and Environmental Services for review and approval.

8b: Prior to issuance of grading and construction permits, the Applicant/Owner/ Project Biologist shall submit written evidence to HCD-Planning certifying that the Project Biologist has reviewed and approved the drainage plan. The final Drainage and Erosion Control Plan shall be subject to review and approval by HCD-Environmental Services.

Mitigation Measure BIO-9 - Western Bumble Bee Protection

A pre-construction survey shall be prepared by the Project Biologist during typical flying season (March 1 through September 1) to determine the presence of Western bumble bee (WBB) or potential habitat. If no WBB and/or potential WBB habitat is identified, no further mitigation is required. If WBB and/or potential habitat are identified the following actions shall be adhered to:

- If project-related ground disturbance occurs during this species' nesting period, a minimum of a 50-foot buffer shall be established around mammal burrows and thatched/bunch grasses. If mammal burrows and thatched/bunch grasses are within project grading limits, the Project Biologist shall consult with CDFW to prepare a plan to protect bumble bee nests and individuals to ensure no take of WBB occurs.
- If project-related ground disturbance occurs during this species' overwintering period of October through February, the Project Biologist shall consult with CDFW to prepare a plan to protect bumble bee nests and individuals to ensure no take of WBB occurs.

Compliance Actions for Mitigation Measure BIO-9:

9a: Prior to the issuance of permits from Building Services, the applicant/owner shall submit to HCD-Planning for review and approval the results of the WBB survey. If WBB and/or potential habitat are identified, the Project Biologist shall adhere to the language of this condition.

Biological Resources 4(b) – Less Than Significant Impact with Mitigation Incorporated

The project site consists of two sensitive vegetation communities, the northern coastal bluff scrub and central maritime chaparral. The northern coastal bluff scrub habitat is located entirely outside of the proposed construction impact areas. While invasive species dominate, there are many native species are supported within this habitat, including ocean bluff milkvetch and seacliff buckwheat.

Direct Impacts

As previously discussed under Section 4(a), the project has been designed to avoid and minimize direct impacts to sensitive vegetation communities including the northern coastal bluff scrub and central maritime chaparral. Construction would only occur within the existing development footprint. Utility trenching and placement of the dispersal fields would be located in areas dominated by invasive species. As discussed under Section 4(a), although individual sensitive

species would be impacted by infrastructure improvements, these impacts are isolated events which would not result in an adverse effect to a sensitive vegetation community. Additionally, the project design includes restoration of the coastal bluff scrub vegetation community on the project site through invasive species eradication, which will increase the habitat quality and surface area of this sensitive vegetation community in the project site. Therefore, no direct impacts to sensitive vegetation communities would occur.

Indirect Impacts

Most of the indirect impacts to sensitive plant species described in Section 4(a) also result in potentially significant indirect impacts ~~to riparian habitats and~~ other sensitive natural communities. Indirect impacts to sensitive vegetation communities can result from invasion by exotic species, exposure to construction-related pollutant discharges, and trampling by humans. In addition, there is the potential for indirect impacts to sensitive vegetation communities (northern coastal bluff scrub and central maritime chaparral) occurring on the project site during nearby construction activities and proposed ornamental and invasive species eradication in the coastal bluff scrub habitat. Therefore, indirect impacts to ~~riparian habitats and~~ other sensitive natural communities from development of the project are potentially significant and mitigation is required. There is no riparian habitat on the subject property and therefore the project would not result in potentially significant impact to riparian habitat.

Mitigation Measures

Potentially significant indirect impacts to sensitive vegetation communities on and surrounding the project site could occur during project construction. Implementation of Monterey County regulations for erosion control [Monterey County Code, Chapters 16.08 and 16.12) and **Mitigation Measures BIO-1** through **BIO-8** (described in detail in Section 4(a)] would reduce direct and indirect impacts to sensitive vegetation communities to below a level of significance.

Biological Resources 4(c) – No Impact

Based on the results of the biological assessment prepared for the project, there are no state or federally protected wetlands or other aquatic resources on the project site. Therefore, implementation of the project would not result in impacts to state or federally protected wetlands and no mitigation is required.

Biological Resources 4(d) – No Impact

Based on the results of the biological assessment prepared for the project, the project site is not located in an established migratory wildlife corridor and would not impede the use of native wildlife nurseries. Therefore, implementation of the project would not result in impacts to wildlife movement corridors or native wildlife nurseries and no mitigation is required.

Biological Resources 4(e) – Less Than Significant Impact with Mitigation Incorporated

The proposed project would not result in the removal of any trees and therefore would not conflict with any tree preservation policy or ordinance contained in Chapter 3.3 and 3.4 (Environmentally Sensitive Habitat and Forest Resources) Resource Management, in the Big Sur Coast LUP. In accordance with applicable biological resource polices of Monterey County Code, the Big Sur Coast LUP and accompanying the Coastal Implementation Plan, adherence to ***Mitigation Measure Nos. 1 through 8*** would reduce impacts to biological resources to below a level of significance.

Biological Resources 4(f) – No Impact

The project site is located in a developed residential area and is not included in any local, regional, or state habitat conservation plan. Therefore, the project would not conflict with habitat conservation plans and no mitigation is required.

5. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (Source: IX. 1, 8, 9, 13~~0~~)	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Source: IX. 1, 8, 9, 13~~0~~)	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries? (Source: IX. 1, 13~~0~~)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

Cultural Resources 5(a) – No Impact

The project site does not contain any structures or features that may be considered historical resources eligible for listing. The original Bixby House was designed by Gregory Ain in 1959, and a guest house was designed by a local architect and added to the property in 1967. A Phase One Historic Assessment (Source IX.13~~0~~, Monterey County Document No. LIB2201123~~3~~) determined the main residence is historically significant under the theme of Residential Architecture for Gregory Ain but due to extensive renovations in the 1980s the main residence does not maintain its historical integrity. These renovations of the house have made the House ineligible for the National-, California-, and Monterey County historic registers. Therefore, implementation of the project would not result in a substantial adverse change in the significance of a historical resource, and there would be no impact.

Cultural Resources 5(b & c) – Less Than Significant Impact

The project site is in an area of high archaeological sensitivity; however, per a site record search, there are no recorded cultural resources or sites within 0.50-mile of the project site. An archaeological report (Monterey County Document No. LIB220113) prepared for the project determined that no culturally modified soils are present and there is no evidence of historic or pre-historic cultural activity on the site. The report concluded that the potential for impacts to archaeological resources on the project site is low and did not recommend additional archaeological review, monitoring, or mitigation. Therefore, the potential for inadvertent impacts to archaeological resources is limited and will be controlled by application of the County's

standard condition which requires the contractor to stop work if previously unidentified resources are discovered during construction.

No Native American human remains, or significant cultural resources are known to exist on the project site. Application of the County's standard condition, *PD003(A) - Cultural Resources Negative Archaeological Report*, would reduce potential impacts to Native American human remains, or significant cultural resources to a level of less than significant. This condition requires that if, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County HCD - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. This condition is reflective of State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98. Therefore, implementation of the project, as conditioned, would result in a less than significant impact relative to disturbance of human remains and archaeological resources.

6. ENERGY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Source: IX. 1, 5)	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Source: IX. 1, 5, 7)	☐	☐	☐	☒

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

7. GEOLOGY AND SOILS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: IX. 8) Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking? (Source: 8, 12)	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction? (Source: IX. 8, 12)	☐	☐	☐	☒
iv) Landslides? (Source: IX. 8, 12)	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? (Source: IX. 8, 12)	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: IX. 8, 12)	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Chapter 18A of the 2007 California Building Code, creating substantial risks to life or property? (Source: IX. 8, 12)	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: NA)	☐	☐	☐	☒
f) Directly or indirectly destroy a paleontological resource or site or unique geologic feature? (Source: IX. 8)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

The subject property is located on the seaward edge of a coastal terrace on the seaward side of Highway 1 between Rocky Creek and Bixby Creek. The coastal terrace slopes gently seaward and is located at approximately 200 feet above sea level. Geologically, the site is generally composed of metamorphic sandstone bedrock overlain by approximately 15 to 20 feet of dense silty sands at borings 1-3 and four feet of clay at boring 4. The bedrock appears to be very resistant to erosion. Massive areas of bedrock are exposed in outcrops along the shoreline seaward of the residence, in some cases forming outcrops that exceed 20 feet in elevation above sea level.

The site is located in the seismically active Big Sur area and is likely to experience at least one moderate to major earthquake and numerous minor earthquakes during the next 50 years. A moderate to major earthquake with an epicenter near the project site would likely result in severe ground shaking. The geologic conditions observed at the site are consistent with regional geologic mapping that has been historically published by the US Geological Survey. The primary fault in the vicinity of the property is the Rocky Creek Fault, the main trace of which is located about one-quarter mile inland and northeast of the residence.

According to the County's GIS database, the project site is located within an area of moderate erosion hazard and low landslide risk. The presence of bedrock below surface soils makes the potential for soil liquefaction low. Also, the proposed development would be located outside of the County's standard fault buffer of 660 feet. Per the geotechnical and geological report prepared for the project by Haro, Kasunich and Associates, Inc. (Source: IX.12, Monterey County Document No. LIB220101), development of the project site would not create a geologic hazard or diminish the stability of the area. The reports identified and concluded that the site is underlain with metamorphic sandstone bedrock, the coastal terrace is stable, the historical bluff recession rate is slow, and excavation for new structures would not adversely impact or undermine the coastal bluff.

Geology and Soils 7 (ai, aiii, aiv, c, d, e & f) – No Impact

As stated above, the project site is located within an area of low landslide and liquefaction risk. The proposed development, as designed and located, would comply with applicable policies of the BSC LUP Chapter 3.7 – Hazardous Areas. Also, the geotechnical report prepared for the project demonstrates that the site would be stable for development. Specifically, the project is consistent with BSC LUP Policy 3.7.2.3, which directs that new development shall be sited and designed to minimize risk from geologic, flood, or fire hazards. Policy 3.7.3 further requires that structures be designed to resist earthquakes and be sited and designed to minimize grading and other site preparation activities. Prior to issuance of the construction permit, Monterey County Building Services will review the proposed development for consistency with Monterey County Code and applicable California Building Code standards. Consistent with LUP Policy 3.7.3.A.9, the prepared geotechnical and geological reports demonstrate that the site would be stable for development. Additional information is provided below regarding bluff setback provisions. The analysis in these reports remains valid for the current development proposal. Additionally, the proposed project would be located within the 75 ~~-100~~ year bluff setback, established by the project geologist. Therefore, it is anticipated that the proposed habitable development and necessary improvements (septic, water, etc) would not be subject to failure over the course if its economic life span. As designed, the project would not result in impacts related to landslide, liquefaction, or expansive soils.

Geology and Soils 7 (aii & b) – Less Than Significant Impact

Although the project site would be exposed to ground shaking from any of the faults that traverse Monterey County, the project would be constructed in accordance with applicable seismic design parameters in the California Building Code, and the project itself would not increase ground shaking hazards at adjacent properties.

Erosion

The existing development of the property has indications of minor localized erosion caused by storm (rainfall) runoff about 500 feet northeast of the home. This runoff flows across the coastal terrace in an existing swale and mostly soaks into the terrace. A portion of the runoff occasionally flows over the top edge of the coastal bluff about 70 feet east of the residence. In accordance with ***Mitigation Measure No. 8***, Drainage Outflow, the property's site drainage should be thoroughly analyzed to prevent slope failure and reduce potential erosion and sedimentation that could impact sensitive habitat along the bluff and shoreline. This mitigation measure requires a civil engineer to prepare an outfall flow analysis to determine the most appropriate piping and outfall locations. Exit flows of stormwater shall be routed in a manner that deposits the runoff onto bedrock or rock outcrops to prevent slope erosion or mass wasting of the erosive cliff face. The conclusions of this analysis shall be incorporated into the final drainage plan, which shall be submitted for review and approval to HCD-Planning and Environmental Services. The proposed project also entails grading and excavation of approximately 120 cubic yards of cut and 30 cubic yards of fill. During the construction permit phase, the project would be required to comply with Monterey County Code, Chapter 16.12, Erosion Control, which sets forth required provisions for preparation of erosion control plans, runoff control, land clearing, and winter operations; and establishes procedures for administering those provisions to minimize erosion during construction. During the construction permit phase, the contractor would be required to comply with applicable building code requirements (including those pertaining to health, life, and safety) and resource protection measures such as erosion control plan review and approval, grading plan review and approval, inspections by Environmental Services staff, and geotechnical plan review and certification. In summary, overall site development would be subject to current regulations regarding control of erosion and drainage and would be required to address post-construction requirements and runoff reduction.

Wave Runup, Bluff Recession and Sea Level Rise

The edges of the coastal bluffs are occasionally to infrequently overtopped by wave runup and spray during severe ocean storms. Site evidence of wave runup indicates that it does not appear to occur in any areas higher than 50 feet North American Vertical Datum of 1988, or approximately 150 feet below the ground elevations seaward of the existing buildings on the site, and the proposed buildings would be positioned at an even higher elevation.

Standard County measures would be applied to the project pertaining to grading, erosion control, and geotechnical certification. Although slopes exceeding 30 percent are located on the subject parcel, the proposed development would not impact any of these areas.

Per the geologic report, review of oblique aerial photographs spanning 1972 through 2019 indicate there has been relatively little discernible change in the bluff edge and terrain seaward of the existing development in that 47-year period. Overall, the image comparison suggests a worst-case bluff edge retreat of only about 2 feet during the 47-year period from 1972 to 2019, or about half an inch per year. Bluff recession of the bedrock at the property will likely be very slow and sporadic at the property in the future. Future coastal erosion may be episodic and difficult to predict with precision. It may be more likely that future erosion will occur in sporadic pulses when several feet of retreat occur at once during an extreme event, rather than slow, steady erosion and retreat occurring at the average annual rates.

Using the high end of the average annual long-term bluff edge recession rates that appear to have historically occurred on the property between 1972 and 2019 (47 years) suggests that

approximately 3 feet of recession could occur at the subject property in the next 75 years. The report recommends siting residential development between the current top edge of the bluff and the coastal bluff setback line shown in green in Appendix A of the geotechnical/geological report (Source: IX. 12), which is 10 feet further inland than the recommended setback line for non-habitable structures, including driveways. The factors used in determining this recommended bluff recession setback are consistent with the Coastal Commission's preferred Low Risk Aversion scenario regarding sea level rise. The existing guest house and proposed residential structure will both be located within the setback. Therefore, as designed, the proposed development would be located in an area of the parcel not threatened by the projected amount of bluff recession, the project site is well above the projected elevation of sea level rise, and the project would result in less than significant impacts.

8. GREENHOUSE GAS EMISSIONS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: IX. 1, 6, 7)	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: IX. 1, 2, 3, 7, 14)	☐	☐	☐	☒

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

9. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: IX. 1, 2, 3, 8)	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: IX. 1, 2, 3, 8)	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: IX. 1, 2, 3, 8)	☐	☐	☐	☒
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	☐	☐	☐	☒

9. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
significant hazard to the public or the environment? (Source: IX. 19)				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (Source: IX. 1, 2, 3, 8)	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1, 8)	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (Source: IX. 1, 8, 15)	☐	☐	☐	☒

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

10. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (Source: IX. 1, 3, 8)	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Source: IX. 1, 3, 8)	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site? (Source: IX. 1, 3, 8, 12)	☐	☐	☐	☒
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (Source: IX. 1, 3, 8)	☐	☐	☐	☒
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial	☐	☐	☐	☒

10. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
additional sources of polluted runoff? (Source: IX. 1, 3)				
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (Source: IX. 1, 3, 8, 12)	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Source: IX. 1, 3, 8)	☐	☐	☐	☒

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

11. LAND USE AND PLANNING **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: IX. 1, 2, 3, 8, 9)	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Source: IX. 1, 3, 4, 8, 9, 10, 11, 12, 20, 21, 22)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:
The subject project site is a lot previously developed with a single-family residence located on a coastal bluff between Highway 1 and the Pacific Ocean. The project site and adjacent parcels are zoned Watershed and Scenic Conservation with a Design Control overlay, Coastal Zone (WSC/D-CZ). The project site is currently developed with a 4,952 square foot two-story single-family dwelling and detached 1,025 square foot guesthouse over a 793 square foot garage. The existing single-family dwelling will be demolished and the site will be redeveloped with a 6,092 square foot single-family dwelling.

The proposed development also includes: removal of the existing propane tank, remove the existing stone retaining wall, remove the existing wood fence, install a new gravel path, install a new underground propane tank, install new stone steps, a mechanical room, creation of a green roof, roof mounted solar panels, installation of new utility lines, water features, patio, spa, grill, wood plank boardwalk. Exterior color and material finishes would include stone veneer, fiber cement panel soffit, bronze railings with wood cap, painted wood trim, metal doors and windows membrane and vegetated roof, metal roof fascia. Building coverage would decrease to 1.4 percent. Associated grading would involve approximately 120 cubic yards of cut and 30 cubic yards of fill (net export of 90 cubic yards). No trees will be removed as a result of project implementation.

Vegetation removal ~~, only landscaping consisting~~is limited to removal of non-native and invasive plants.

The properties in the surrounding vicinity have been developed with single-family homes and accessory structures to the north and east. Development standards for the WSC zoning district are identified in Monterey County Code (MCC) Section 20.17.060.

The maximum allowed height for main structures in the WSC zoning district is 24 feet above natural grade. The existing residence to be demolished is 21 feet 5 inches above natural grade, and the proposed residence is 19 feet 2 inches above natural grade.

The site coverage maximum in the WSC district is 10 percent. The property is 7.77 acres (338,280 square feet) which would allow site coverage of 33,828 square feet. As proposed, the existing and development would result in site coverage of ~~4,590~~6,055 square feet (1.~~8~~4 percent).

Land Use and Planning 11(a) – No Impact

As proposed and described above, the project is consistent with and would have no impact on the land use designation and/or zoning and would not physically divide an established community. The proposed project was reviewed for consistency with the Big Sur Coast LUP. As designed and conditioned/mitigated, the project is consistent with applicable BSC LUP policies as discussed throughout this Initial Study. Construction of a residence on the site would be consistent with the existing residential development pattern in the area and would not cut off connected neighborhoods or land uses from each other. No new roads, linear infrastructure, or other development features are proposed that would divide an established community or limit movement, travel or social interaction between established land uses. As proposed, the project would not physically divide an established community, and no impacts would occur.

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

The proposed project would be subject to the policies of the BSC LUP. Chapter 5 of the LUP contains policies that pertain to Land Use and Development in unincorporated areas of Big Sur. Given that the project would involve demolition and reconstruction of a single-family residence on a site that is zoned for such uses, the project would not conflict with land use policies specified in the LUP. Also, the project would not conflict with any habitat conservation plan or natural community conservation plan, as none are applicable to the project site. Prior to implementation, the project would require issuance of construction permits from the County of Monterey.

Chapter 3 of the LUP contains policies related to the protection of biological resources. As designed and described above, the project would promote the health and vitality of the northern coastal bluff scrub and central maritime chaparral habitat by removing invasive species and engaging in habitat restoration. Based on the information provided above, and with implementation of ***Mitigation Measures Nos. 1*** through ***9*** as described in Section VI.4, *Biological Resources,* the project would not conflict with applicable LUP policies. As demonstrated in Section VI.1, *Aesthetics*, the project would result in a less than significant impact on the adjacent scenic highway (Highway 1) and is consistent with Big Sur LUP policies relating to development and redevelopment within the Critical Viewshed. Consistent with Big Sur LUP policies 3.2.3.8 and 3.3.2.3, as associated Coastal Implementation Plan Part 3 regulations, the amended Conservation and Scenic Easement would preserve in perpetuity the portions of the property which contain environmentally sensitive habitat

area and are visible from Highway 1, excluding area of proposed redevelopment. Therefore, impacts related to conflicts with a land use plan would be less than significant with mitigation incorporated.

12. MINERAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: IX. 1, 2, 3, 4, 8, 9, 16)	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: IX. 1, 2, 3, 4, 8, 9, 16)	☐	☐	☐	☒

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

13. NOISE **Would the project result in:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: IX. 1, 2, 3, 4, 8, 9, 12, 22)	☐	☐	☐	☒
b) Generation of excessive ground borne vibration or ground borne noise levels? (Source: IX. 1, 12)	☐	☐	☐	☒
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: IX. 1, 2, 3, 8)	☐	☐	☐	☒

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

14. POPULATION AND HOUSING **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: IX. 1, 2, 3, 4, 9, 14, 17)	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Source: IX. 1, 2, 3, 4, 9, 14, 17)	☐	☐	☐	☒

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

15. PUBLIC SERVICES **Would the project result in:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services (Source: IX. 1, 8, 15)				
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

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

16. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: IX. 1, 3, 8, 9, 17)	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: IX. 1, 3, 8, 9, 17)	☐	☐	☐	☒

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

17. TRANSPORTATION/TRAFFIC Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (Source: IX. 1, 2, 3, 8, 9, 14)	☐	☐	☐	☒
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (Source: IX. 1, 3, 8, 9, 14)	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: IX. 1, 8, 9, 14)	☐	☐	☐	☒
d) Result in inadequate emergency access? (Source: IX. 1, 3, 8, 9, 14)	☐	☐	☐	☒

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

18. TRIBAL CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (Source: IX. 8, 9, 10, 20)	☐	☐	☐	☒
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (Source: IX. 1, 3, 8, 9, 10, 20)	☐	☐	☒	☐

Discussion/Mitigation/Conclusion:

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

The proposed project involves the demolition of a 4,952 square foot single family dwelling and construction of a 6,092 square foot single family dwelling and associated site improvements. The property does not contain any structures, structural improvements or features that may be considered historical resources eligible for listing, therefore resulting in no impact. See also Section VI.5 for additional detail.

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

Pursuant to Public Resources Code Section 21080.3.1, Monterey County HCD-Planning initiated consultation with local Native American tribes (Esselen Tribe of Monterey and the Ohlone Costanoan Esselen Nation [OCEN] Tribe of Monterey) on January 4, 2023. The OCEN Tribe of Monterey did not request consultation. The Esselen Tribe of Monterey (ETMC) responded in writing requesting consultation, and consultation occurred on February 17, 2023. ETMC expresses concerns about visibility from an unnamed local mountain peak. A follow up letter dated March 10, 2023, from ETMC expressed concerns about visibility from Rancho Aguila (also known as Adler Ranch), a traditional religious ceremony gathering place. Based on GIS, the proposed

development will be over 3.3 miles west of Rancho Aguila. Due to siting, design, and standard conditions of approval relative to exterior lighting, potential impacts would be less than significant.

The ETMC letter does not mention conflicts with ground disturbance on the project site. Nonetheless, an archaeological report (Source: IX.10, Monterey County Document No. LIB220113) was prepared for the project, which determined that no culturally modified soils are present and there is no evidence of historic or pre-historic cultural activity on the site. The report concluded that the potential for impacts to archaeological resources on the project site is low and did not recommend additional archaeological review, monitoring, or mitigation. Therefore, the potential for inadvertent impacts to archaeological resources is limited and would be controlled by application of the County's standard condition which requires the contractor to stop work if previously unidentified resources are discovered during construction.

Therefore, the possibility of inadvertent discovery of Tribal Cultural Resources, human remains, or other subsurface resources is low, and with implementation of the County's condition of approval for cultural resources (PD003A- *Cultural Resources Negative Archaeological Report*), the potential impact to Tribal Cultural Resources would be less than significant.

19. UTILITIES AND SERVICE SYSTEMS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Source: IX. 1, 2, 3, 8)	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (Source: IX. 1, 2, 3, 8)	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: IX. NA)	☐	☐	☐	☒

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

20. WILDFIRE **If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan? (Source: IX. 1, 3, 8, 9, 15)	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Source: IX. 1, 3, 8, 9, 15)	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Source: IX. 1, 9)	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Source: IX. 1, 8, 9, 12)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

The project area is located in a State Responsibility Area (SRA) and is designated as a Very High Fire Hazard Severity Zone (VHFHSZ). While nearly all of California is subject to some degree of wildfire hazard, there are specific features that make certain areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather and other relevant factors. The primary factors that increase an area's susceptibility to fire hazards include topography and slope, vegetation type and vegetation condition, and weather and atmospheric conditions. CAL FIRE maps fire hazards based on zones, referred to as Fire Hazard Severity Zones. Each of the zones influence how people construct buildings and protect property to reduce risk associated with wildland fires. Under state regulations, areas within VHFHSZ must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life within these areas.

In California, responsibility for wildfire prevention and suppression is shared by federal, state and local agencies. Federal agencies have legal responsibility to prevent and suppress wildfires in Federal Responsibility Areas (FRA). CAL FIRE prevents and suppresses wildfires in SRA lands, which are non-federal lands in unincorporated areas with watershed value, are of statewide interest, defined by land ownership, population density, and land use. Wildfire prevention and suppression in Local Responsibility Areas (LRA) are typically provided by city fire departments, fire protection districts, counties, and by CAL FIRE under contract to local government. The project is not with a LRA or FRA.

Wildfire 20(a & c) – No Impact

The proposed project would not impair an adopted emergency response plan or emergency evacuation plan as the proposed project would involve the demolition and rebuild of a single family dwelling on a project site zoned for residential uses. The closest evacuation route to the proposed project site is Highway 1, and the proposed project is not expected to impair evacuation procedures along this road due to its low traffic volumes and low-density land uses within the Big Sur Coast area. Based on this information, it is not anticipated that the proposed project would substantially impair an adopted emergency response plan or emergency evacuation plan and would not result in impacts.

Defensible space would be required within 100 feet of the project's structures to reduce fire hazard on-site, consistent with state and county requirements. Defensible space zones are passive measures and would not impede site access or otherwise hinder evacuation or emergency response efforts. Presence of defensible space areas would reduce fuel volumes and moderate fire behavior near structures and would reduce potential wildfire impacts. Maintenance of defensible space areas may require the use of heat-or spark-generating equipment; however, maintenance activities associated with the proposed project would be conducted using firesafe practices, as required by California Public Resources Code Sections 4427, 4428, 4429, 4431, and 4442, to minimize the potential for wildfire ignitions resulting from equipment use.

With implementation of existing local and state regulations, the proposed project would not result in impacts.

Wildfire 20 (b & d) – Less Than Significant Impact

The project area is located in an SRA and is designated as a VHFHSZ. As a result, there is the potential for increased wildfire risk whenever placing residential uses in a wildland area. Construction and operation of the proposed project would involve the use of flammable materials, tools, and equipment capable of generating a spark and igniting a wildfire. Additionally, vehicle traffic and human presence in the project area could increase the potential for wildfire ignitions. The proposed project incorporates measures that would minimize occupant exposure to wildfire risk, including:

- Construction according to the latest California Building Code standards, and any additional restrictions or requirements adopted locally by the Mid-Coast Volunteer Fire Brigade and CAL FIRE (Fire Protection District); and
- Installation and maintenance of defensible space areas within 100 feet of all project structures, consistent with Public Resources Code 4291.

Further, in accordance with California Public Resources Code Sections 4427, 4428, 4431, and 4442, maintenance activities associated with the proposed project, including defensible space areas, would be conducted using firesafe practices to minimize the potential for wildfire ignitions resulting from equipment use. Implementation of existing local and state regulations as well as incorporation of the fire protection design measures listed above, would reduce impacts due to risk of exposure to project occupants and surrounding residences to a less than significant level.

Wildfires can greatly reduce the amount of vegetation. Plant roots stabilize the soil and above-ground plant parts slow water, allowing it to percolate into the soil. Removal of surface vegetation resulting from a wildfire on a hillside reduces the ability of the soil surface to absorb rainwater and

can allow for increased runoff that may lead to large amounts of erosion or landslides. As described in Section VI.7, *Geology and Soils,* the project site has a low potential for landslides and a moderate potential for erosion. Nevertheless, it is expected that potential for erosion and landslides could be exacerbated post-wildfire where surface vegetation has been removed. The project would be required to be built to the standards outlined in the soils report prepared for the project to minimize potential runoff or slope instability. Further, the project would be required to comply with relevant sections of the Monterey County Code that pertain to grading and erosion control (Monterey County Code, Chapters 16.0 and 16.12). When combined with the project design and County permitting requirements, potential impacts associated with runoff, post-fire slope instability or drainage changes would be less than significant.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:

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

As discussed in this Initial Study, the project would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues. Regarding biological resources, potential impacts to sensitive plant habitat areas and sensitive animal species could occur as a result of this proposed project yet would be reduced to a less than significant level by implementing the mitigation measures (**BIO-1** through **BIO-9**, as described in Section VI.4, *Biological Resources*). Regarding cultural resources, potential impacts to known pre-historic archaeological sites and any unknown or undiscovered resources within the project site would be reduced to a less than significant level by implementing the County's standard Condition of Approval for cultural resources (PD003A- *Cultural Resources Negative Archaeological Report*).

Mandatory Findings of Significance (b) – Less Than Significant Impact

As discussed in this Initial Study, the project would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues. Based on a review of County records, no discretionary projects are being considered within a 2-mile radius of the subject property and therefore no other projects are being considered. However, when

analyzing on a larger scale (e.g. the Big Sur Coast area or regionally), the proposed development could result in minor impacts which inherently contribute to cumulative impacts, however as mitigated, the project would reduce cumulative impacts to a level of less than significant. The proposed project would enhance and restore portions of the property to viable native habitat and consists of a replacement single family dwelling generally within the original footprint. Therefore, within the Big Sur Coast area, as conditioned and mitigated, the proposed project would not contribute to the degradation of visual resources (Critical Viewshed) or environmentally sensitive habitat areas, but would rather further protection and enhancement of both resources. The project would not result in substantial long-term environmental impacts and, therefore, would not contribute to cumulative environmental changes that may occur due to planned and pending development. Potential impacts of the project would be less than significant and would not be cumulatively considerable.

Mandatory Findings of Significance (c) – Less Than Significant Impact

Effects on human beings are generally associated with impacts related to issue areas such as aesthetics, air quality, geology and soils, noise, hazards and hazardous materials, traffic, and wildfire. As discussed in Section IV.A, *Factors*, of this Initial Study, the project would have no impact in the resource areas related to air quality, noise, hazards and hazardous materials, and traffic. As discussed in Section VI., *Environmental Checklist*, of this Initial Study, the project would have less than significant impacts related to aesthetics, geology and soils, and wildfire. Therefore, as proposed and analyzed in this Initial Study, the project would not cause substantial adverse effects on human beings, either directly or indirectly.

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 unless the applicant can obtain a "no effect" determination from the California Department of Fish and Wildlife.

Evidence: Based on the record as a whole as embodied in the HCD-Planning files pertaining to PLN210228 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. SOURCES

1. Project Application Materials and Plans (Planning File No. 210228; Plan Set dated June 28, 2022).
2. Monterey County General Plan (1982).
3. Big Sur Coast Land Use Plan
4. Title 20, Parts 1 and 3 of the Monterey County Code (Coastal Zoning Ordinance and Implementation Plan).
5. California Building Code, Title 24.
6. 2012 – 2015 Air Quality Management Plan, Monterey Bay Air Resources District.
7. Monterey County Sustainability Program (accessed at https://www.co.monterey.ca.us/government/departments-a-h/administrative-office/intergovernmental-and-legislative-affairs/sustainability on March 14, 2023).
8. Monterey County GIS Information Database.
9. Site visit conducted by the project planner on April 21, 2022.
10. Preliminary Cultural Resources Reconnaissance, dated August 2020 (Monterey County Document No. LIB220113), prepared by Susan Morley, M.A., Register of Professional Archaeologists, Marina, California.
11. Biological Assessment dated March 30, 2022 (Monterey County Document No. LIB220100), prepared by Fred Ballerini Horticultural Services, Pacific Grove, California.
12. Geotechnical and Geologic Investigation, dated September 2021 (Monterey County Document No. LIB220101), prepared by Haro, Kasunich and Associates, Watsonville, California.
13. Phase One Historic Assessment, dated February 15, 2021 (Monterey County Document No. LIB220112), prepared by PAST Consultants, LLC. Pacific Grove, California.
14. 2040 Metropolitan Transportation Plan & the Sustainable Communities Strategy, Association of Monterey Bay Area Governments, June 2018.
15. Fire Hazard Severity Zones in SRA: Monterey County, CalFire.
16. Mineral Land Classification Data Portal, California Department of Conservation.
17. Population and Housing Estimates for Cities, Counties, and the State, California Department of Finance.
18. Farmland Mapping and Monitoring Program, California Department of Conservation.
19. California Department of Toxic Substances Control – Cortese List (accessed at https://dtsc.ca.gov/dtscs-cortese-list/ on March 14, 2023).
20. The Central Coast Basin Plan, Central Coast Regional Water Quality Control Board.
21. Monterey County Code, Title 16 – Environment.
22. Monterey County Code, Chapter 10.60 (The Monterey County Noise Ordinance).