

County of Monterey, State of California

**MITIGATED NEGATIVE  
DECLARATION****FILED**

JUN 10 2009

STEPHEN L. VAGNINI  
MONTEREY COUNTY CLERK  
DEPUTY

Project Title: BAY LAUREL DBA BERNARDUS LODGE

File Number: PLN020398

Owner: BAY LAUREL LLC

Project Location: 415 CARMEL VALLEY RD CARMEL VALLEY

Primary APN: 187-131-044-000

Project Planner: QUENGA

Permit Type: Use Permit

**Project Description:** COMBINED DEVELOPMENT PERMIT CONSISTING OF AN ADMINISTRATIVE PERMIT, GENERAL DEVELOPMENT PLAN AND DESIGN APPROVAL FOR CONSTRUCTION OF 16 ADDITIONAL HOTEL UNITS, AND A 3,000 SQUARE FOOT, TWO-STORY MAINTENANCE, STORAGE AND OFFICE BUILDING AT THE EXISTING 57- UNIT BERNARDUS LODGE. THE PROJECT INCLUDES DEMOLITION OF TWO EXISTING STRUCTURES ORIGINALLY BUILT AS SINGLE FAMILY DWELLINGS, CONSTRUCTION OF RETAINING WALLS AND ASSOCIATED GRADING. MATERIALS AND COLORS TO MATCH EXISTING. THE PROPERTY IS LOCATED AT 415 CARMEL VALLEY ROAD, CARMEL VALLEY (ASSESSOR'S PARCEL NUMBER 187- 131- 044- 000) CARMEL VALLEY MASTER PLAN AREA.

THIS PROPOSED PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AS IT HAS BEEN FOUND:

- a) That said project will **NOT** have the potential to significantly degrade the quality of the environment.
- b) That said project will have **NO** significant impact on long-term environmental goals.
- c) That said project will have **NO** significant cumulative effect upon the environment.
- d) That said project will **NOT** cause substantial adverse effects on human beings, either directly or indirectly.

**Decision Making Body (check one):**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Planning Commission | <input type="checkbox"/> Subdivision Committee      |
| <input type="checkbox"/> Zoning Administrator           | <input type="checkbox"/> Chief of Planning Services |
| <input type="checkbox"/> Board of Supervisors           | <input type="checkbox"/> Other: _____               |

Responsible Agency: County of Monterey

Review Period Begins: 06/10/2009

Review Period Ends: 07/01/2009

Further information, including a copy of the application and Initial Study are available at the Monterey County Planning & Building Inspection Department, 168 West Alisal St, 2nd Floor, Salinas, CA (831) 755-5025

Date Printed: 06/09/2009

# Exhibit E

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# MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT  
168 WEST ALISAL, 2<sup>ND</sup> FLOOR, SALINAS, CA 93901  
(831) 755-5025 FAX: (831) 755-9516



## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Monterey County Resource Management Agency – Planning Department has prepared a draft Mitigated Negative Declaration, pursuant to the requirements of CEQA, for a Combined Development Permit (**Bay Laurel LLC, File Number PLN020398**) at 415 Carmel Valley Road, Carmel Valley (APN 187-131-044-000) (see description below). The project includes the construction of 16 additional hotel units, and a 3,000 square foot, two-story maintenance, storage and office building at the existing 57-unit Bernardus Lodge. The project also includes demolition of two existing structures originally built as single family dwellings, construction of retaining walls and associated grading. The Mitigated Negative Declaration and Initial Study, as well as referenced documents, are available for review at the Monterey County Resource Management Agency – Planning Department, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. The Planning Commission will consider this proposal at a meeting on July 29, 2009 at 9:00 in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2<sup>nd</sup> Floor, Salinas, California. Written comments on this Mitigated Negative Declaration will be accepted from **June 10, 2009 to July 1, 2009**. Comments can also be made during the public hearing.

**Project Description:** Combined Development Permit consisting of an Administrative Permit and General Development Plan; and Design Approval, to allow the construction of 16 additional hotel units, and a 3,000 square foot, two-story maintenance, storage and office building to the existing 57-unit Bernardus Lodge. The project includes demolition of two existing structures originally built as single family dwellings, the construction of retaining walls, and associated grading. Materials and colors to match existing.

All written comments on the Initial Study should be addressed to:

County of Monterey  
Resource Management Agency – Planning Department  
Attn: Mike Novo, Director of Planning  
168 West Alisal, 2<sup>nd</sup> Floor  
Salinas, CA 93901

From: Agency Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

- \_\_\_\_ No Comments provided  
\_\_\_\_ Comments noted below  
\_\_\_\_ Comments provided in separate letter

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

We welcome your comments during the 20-day public review period. You may submit your comments in hard copy to the name and address above. The Department also accepts comments via e-mail or facsimile but

requests that you follow these instructions to ensure that the Department has received your comments. To submit your comments by e-mail, please send a complete document including all attachments to:

**CEQAcomments@co.monterey.ca.us.**

An e-mailed document should contain the name of the person or entity submitting the comments and contact information such as phone number, mailing address and/or e-mail address and include any and all attachments referenced in the e-mail. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please send a second e-mail requesting confirmation of receipt of comments with enough information to confirm that the entire document was received. If you do not receive e-mail confirmation of receipt of comments, then please submit a hard copy of your comments to ensure inclusion in the environmental record or contact the Department to ensure the Department has received your comments.

Facsimile (fax) copies will be accepted with a cover page describing the extent (e.g. number of pages) being transmitted. A faxed document must contain a signature and all attachments referenced therein. Faxed document should be sent to the contact noted above at (831) 757-9516. To ensure a complete and accurate record, we request that you also provide a follow-up hard copy to the name and address listed above. If you do not wish to send a follow-up hard copy, then please contact the Department to confirm that the entire document was received.

**For reviewing agencies:** The Resource Management Agency – Planning Department requests that you review the enclosed materials and provide any appropriate comments related to your agency's area of responsibility. The space below may be used to indicate that your agency has no comments or to state brief comments. In compliance with Section 15097 of the CEQA Guidelines, please provide a draft mitigation monitoring or reporting program for mitigation measures proposed by your agency. This program should include specific performance objectives for mitigation measures identified (CEQA Section 21081.6(c)). Also inform this Department if a fee needs to be collected in order to fund the mitigation monitoring or reporting by your agency and how that language should be incorporated into the mitigation measure.

### **DISTRIBUTION**

1. County Clerk's Office
2. Association of Monterey Bay Area Governments
3. Carmel Unified School District
4. California American Water Company
5. Pacific Gas & Electric
6. Pacific Bell
7. Monterey Bay Unified Air Pollution Control District
8. Salinas Rural Fire Protection District, review for the Carmel Valley Fire Protection District
9. Monterey County Water Resources Agency
10. Monterey County Public Works Department
11. Monterey County Parks Department
12. Monterey County Division of Environmental Health
13. Monterey County Sheriff's Office
14. Bay Laurel LLC, Owner
15. Lombardo and Gilles, Agent
16. Property Owners within 300 feet (Notice of Intent only)

# MONTEREY COUNTY

RMA - PLANNING DEPARTMENT

168 WEST ALISAL ST., 2<sup>nd</sup> FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 755-9516



## *INITIAL STUDY*

### **I. BACKGROUND INFORMATION**

**Project Title:** Bay Laurel LLC

**File No.:** PLN020398

**Project Location:** 415 Carmel Valley Road, Carmel Valley

**Name of Property Owner:** Bay Laurel LLC

**Name of Applicant:** Lombardo and Gilles

**Assessor's Parcel Number(s):** 187-131-044-000

**Acreage of Property:** 25.345 acres

**General Plan Designation:** Planned Commercial/Visitor Accommodations/Professional Office

**Zoning District:** Low Density Residential, 1 unit per acre, Visitor Serving/Profession Office, and Public-Quasi Public with Site Plan Review and Design Approval overlay districts (LDR/1-VO-PQP-D-S)

**Lead Agency:** RMA – Planning Department

**Prepared By:** Anna V Quenga, Assistant Planner

**Date Prepared:** May 5, 2009

**Contact Person:** Anna V Quenga, Assistant Planner

**Phone Number:** (831) 755-5175

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

### **A. Project Description:**

The subject property is located at 415 Carmel Valley Road, at the northeast corner of the Laureles Grade and Carmel Valley Road intersection (Assessor's Parcel Number 187-131-044-000), Carmel Valley Master Planning area. The property is currently operating as Bernardus Lodge which is an existing 57 unit resort/hotel with two conference rooms, two restaurants, and amenities such as a pool and spa services.

The applicant proposes to construct 16 additional hotel units and a storage, maintenance shop, and offices on the northeastern portion of the property. The hotel units are proposed in six separate buildings as follows: four one-story buildings which contain two rooms each, two two-story buildings which contain four rooms each. An additional building, a two-story structure with storage and a maintenance shop on the first floor and administrative offices on the second floor, is proposed to be constructed to the rear of the development. In order for construction of the project to take place, site improvements such as grading, tree removal, and demolition of existing structures will be required.

Development of the project will require the removal of 23 trees; however, no protected trees such as oak or redwoods are slated for removal. The applicant proposes to remove pine, Eucalyptus, and various fruit trees. The project includes the installation of ornamental landscaping around the proposed buildings to match existing and the existing vineyard will extend north towards the proposed structures. Colors and materials will match existing as well as new exterior lighting.

Demolition of two existing structures will be necessary for construction of the proposed project. One structure is currently used by the Bernardus Lodge staff for administrative offices and the additional structure, the current maintenance building, will be demolished and replaced with the proposed two story storage, maintenance, and office building. Both buildings to be demolished were constructed in 1956.

### **B. Environmental Setting and Surrounding Land Uses:**

The subject property was historically used as a resort and in 1998, the Monterey County Planning Department approved a permit which allowed the replacement of the existing 57 unit resort, the Carmel Valley Inn, with a new 57 unit resort, which is now the Bernardus Lodge. The permit also included a water reclamation plant. An initial study was conducted for the proposed development, a Negative Declaration was adopted, and all conditions required by the permit have been satisfied.

Vegetation is comprised of ornamental landscaping, gardens, vineyards on the southern portion of the properties (adjacent to Carmel Valley Road) and some native grass. Due to the uses, much of the natural area of property is highly disturbed.

The Bernardus Lodges is located within six separate but contiguous parcels; however, the Carmel Valley Master Plan (CVMP) Land Use Map, Figure 2, indicates that the subject properties have a

land use designation of Planned Commercial and Visitor Accommodations/Professional Offices and Low Density Residential. The area for the proposed development is zoned Visitor Accommodations/Professional Offices. The surrounding areas are designated as Low Density Residential, 5-1 acres per unit, to the north, south, east, and west. Figure 2 of the CVMP, also specifies that both Laureles Grade and Carmel Valley road are existing scenic routes and the Greater Monterey Peninsula Area Plan indicate the subject property to be within a visually sensitive area due to the proximity to the scenic routes. Although the subject property is visible from Carmel Valley Road and Laureles Grade, the area of the proposed development is only visible from Carmel Valley Road.

The existing lodge is currently served by California American Water for potable water and a wastewater treatment plant is onsite for sewer.

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

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

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

#### General Plan

The project was reviewed for consistency with the Monterey County General Plan, and the Carmel Valley Master Plan (which is a component of the 1982 Monterey County General Plan). Section VI.9 (Land Use and Planning) discusses whether the project physically divides an established community, conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project or conflicts with any applicable habitat conservation plan or natural community conservation plan. The land use designation identified for the subject property is "Planned Commercial" and "Visitor Accommodations/Professional Offices" and the proposed project is consistent with this designation.

**CONSISTENT**

#### Air Quality Management Plan (AQMP)

Consistency with the AQMP is an indication of a project's cumulative adverse impact on regional air quality (ozone levels). It is not an indication of project-specific impacts, which are evaluated according to the Air District's adopted thresholds of significance. Inconsistency with the AQMP is considered a significant cumulative air quality impact.

Consistency of indirect emissions associated with residential projects, which are intended to meet the needs of the population forecasted in the AQMP, is determined by comparing the project population at the year of project completion with the population forecast for the appropriate five year increment that is listed in the AQMP. Therefore, since the project does not include a residential use, there is no population increase and project will not result in the exceedance of the estimated cumulative population the project will be consistent with the AQMP. Consistency of



direct emissions would be based on elements of the project: stationary sources subject to Air District permit authority would be evaluated to determine compliance with Air District rules and regulations; sources not subject to permit authority would be evaluated to determine if the emissions are forecast to the AQMP emission inventory.

The project consists of a 16 unit expansion to an existing resort and requires the demolition of two existing buildings and the construction of seven new buildings. The project will not significantly increase the population to a point that would exceed the relevant forecast and would not exceed emissions that are forecast in the AQMP emission inventory. Therefore, the project would be consistent with the population and emissions forecasts in the AQMP. **CONSISTENT**

#### ***IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION***

##### **A. FACTORS**

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

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Agriculture Resources              | <input checked="" type="checkbox"/> Air Quality            |
| <input checked="" type="checkbox"/> Biological Resources        | <input type="checkbox"/> Cultural Resources                 | <input checked="" type="checkbox"/> Geology/Soils          |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning                 |
| <input type="checkbox"/> Mineral Resources                      | <input checked="" type="checkbox"/> Noise                   | <input type="checkbox"/> Population/Housing                |
| <input type="checkbox"/> Public Services                        | <input type="checkbox"/> Recreation                         | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems   |   |  |

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:**

**Agriculture Resources:** According to the Monterey County Geographic Information System, the project site is not zoned for agricultural use and is not under a Williamson Act Contract. The project site is not designated as Prime, Unique or Farmland or Statewide or Local Importance. Proposed development will not result in conversion of prime agricultural lands to non-agricultural uses. Therefore, the proposed project will not result in impacts to agricultural resources. (Source: 1, 8, 9, 10)

**Cultural Resources:** According to the Monterey County Geographic Information System, the subject property is located within an area of high archaeological sensitivity. Therefore the applicant was required to submit an archaeological report. Staff has reviewed the report and it concludes that there were no cultural resources found on the site during background research or field research. Monterey County includes, as a standard condition, notification procedures should any resources be unearth during grading and construction activities. Therefore, the project will have no impact to cultural resources. (Source: 1, 4, 11)

**Mineral Resource:** According to the Monterey County Geographic Information System, no mineral resources have been identified at or near the project site. Therefore, the project will not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site and have no impact on a mineral resource. (Source: 1, 8, 9, 11)

**Public Services:** The proposed resort expansion will not create the need for new or expanded public services or facilities. Standard school impact fees will be assessed during the building permit process. The expanded visitor serving use is compatible with surrounding land uses signify that any potential impact to public services will be insignificant, given that adequate public services exist to properly serve the area, as evidenced by the County's interdepartmental review of the project. Therefore, the project will not result in impacts on fire protection, police protection, schools, parks, and other public facilities. (Source: 1, 8, 9)


**Recreation:** The proposed project will not 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. The project has been reviewed by the Parks Department through the County's interdepartmental review and has been subsequently deemed complete with no conditions for the applicant. The project does not include public recreational facilities that may cause indirect adverse physical effects on the environment. In total, the project will not result in a significant impact on public recreation facilities. (Source: 1, 8, 9)

## **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  
 ANNA QUENGA  
 \_\_\_\_\_  
 Printed Name

9 June 09  
 \_\_\_\_\_  
 Date  
 ASSISTANT PLANNER  
 \_\_\_\_\_  
 Title

## V. EVALUATION OF ENVIRONMENTAL IMPACTS

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

- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

## VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 8, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 8, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 8, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 8, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

The subject property is located off of and visible from Camel Valley Road and Laureles Grade. The Carmel Valley Master Plan specifies that both Carmel Valley Road and Laureles Grade are existing scenic routes and the Greater Monterey Peninsula Area Plan indicate the subject property to be within a visually sensitive area due to the proximity of the scenic routes.

**1 (a): No Impact.** Although the area of development within the subject property is located within a visually sensitive area, it is not considered to be a scenic vista; therefore, the proposed project will have no impact.

**1 (b), (c), (d): Less Than Significant Impact.** The area of development is only visible from Carmel Valley Road and the proposed project is an expansion of an existing resort facility. The design of the proposed structures will match existing and will blend into the resort after construction is complete. A standard condition of approval will be included to assure that the project complies with the Carmel Valley Master Plan Policy No. 26.1.31 which requires that materials and colors used in construction be selected for compatibility with the structural system of the building and with the appearance of the buildings natural and man-made surroundings. Vegetation removal is also required for the construction of the proposed structures; therefore, it was recommended by the Carmel Valley Land Use Advisory Committee that landscape screening be installed at Carmel Valley Road in order to break up the building when viewed from Carmel Valley Road. A condition of approval will require that the applicant install landscape screen prior to the final of building permits as well as require that the applicant install approved landscape screening at Carmel Valley Road. The inclusion of conditions of approval for materials and colors and landscape screening will avoid a potential impact to scenic resources and result in a less than significant impact.

The Monterey County RMA-Planning Department includes a standard exterior lighting condition of approval. This condition requires that all exterior lighting be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. For the proposed project, the standard condition has been modified to include the interior lighting from the ventilation windows near the roof of the one story buildings (buildings 10, 11, 12, and 13 indicated on the site plan). Therefore, with the condition of approval included, the project will avoid a potential impact to night time lighting and result in a less than significant impact.

## 2. AGRICULTURAL 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.

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: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

See previous Sections II. B (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

### 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: 1, 12, 14, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 12, 14, 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 12, 14, 15 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 12, 14, 15 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 12, 14, 15 )	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 12, 14, 15 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

**3(d), (e): Less Than Significant Impact.** The project has the potential to result in temporary construction-related air quality impacts. Single family residences, which are considered sensitive receptors are located towards the north and east of the project site. Temporary impacts to these sensitive receptors will be associated with the operation of heavy equipment, grading, and construction truck trips.

Project-related construction and grading activities will be required to comply with the MBUAPCD Guidelines addressing dust control, truck idling, etc. Implementation of these standard air pollution control measures will maintain any temporary increases in PM<sub>10</sub> at significant levels. The area of disturbance is approximately 13,916 square feet and therefore, construction and grading activities would operate below the 2.2 acres per day threshold established by the CEQA Air Quality Guidelines "Criteria for Determining Construction Impacts." Furthermore, construction-related air quality impacts will be controlled by implementing Monterey County standard conditions for erosion control that require watering, erosion control, and dust control. These impacts are considered less than significant because the

foregoing measures and best management practices incorporated into the project design and the minimal grading activities reduce the air quality impacts below the threshold of significance.

The project includes the demolition of two structures which were built in 1956. Therefore, as a condition of approval recommended by the Monterey Bay Unified Air Pollution Control District (MBUAPCD), the applicant is required to obtain a demolition permit prior from MBUAPCD to demolishing the structures. In addition, the applicant will be required to obtain a demolition permit from the RMA Monterey County Building Services Department.

**3(a), (b), (c), (f): No Impact.** The project will not conflict with or obstruct implementation of the Monterey Bay Unified Air Pollution Control District's *Air Quality Plan for the Monterey Bay Region*, nor will it violate any air quality standards, result in a cumulatively considerable net increase of any criteria pollutant, or create objectionable odors.

The MBUAPCD's 2004 Air Quality Management Plan for the Monterey Bay Region (AQMP) addresses state air quality standards. Population-generating projects that are within the AQMP population forecasts are considered consistent with the plan. The proposed project does not include residential uses, and therefore will not increase population on the site.

Applicable air quality criteria for evaluation of the project's impacts are federal air pollutant standards established by the U.S. Environmental Protection Agency (EPA) and reported as National Ambient Air Quality Standards (NAAQS), and the California Ambient Air Quality Standards (CAAQS), which are equal to or more stringent than federal standards. The California Air Resources Board (CARB) coordinates and oversees both state and federal air quality control programs in California. The CARB has established 14 air basins statewide and the project site is located in the North Central Coast Air Basin (NCCAB), which is under the jurisdiction of MBUAPCD. The CARB has established air quality standards and is responsible for the control of mobile emission sources, while the MBUAPCD is responsible for enforcing standards and regulating stationary sources. At present, Monterey County is in attainment for all federal air quality standards and state standards for Carbon Monoxide (CO), Nitrogen Dioxide (NO<sub>2</sub>), and fine particulate matter (PM<sub>2.5</sub>). Monterey County is in non-attainment for PM<sub>10</sub> and is designated as non-attainment-transitional for the state 2 hour ozone standard. Data is not available concerning the state 8 hours ozone standard.

Although the project will generate minimal air emissions through new regional vehicle trips, the project will not exceed MBUAPCD thresholds for potential significance. The project will not result in stationary emissions. Further, the proposed project will not create objectionable odors due to the expansion of the use. Therefore, the project will result in no impacts related to these air quality issues.



4.	BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 9, 11, 12 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 3, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 3, 9, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 3, 9, 11, 12 )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 9, 11, 12 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 3, 9, 11, 12 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**4 (a), (b), (c), (e), (f): No Impact.** A biological survey was conducted by Rana Creek, Environmental Planning July 2, 2008, and a report dated July 2008 was submitted by the applicant. The biological report is on file with the County of Monterey under Library No. LIB080658.

A query of the California Natural diversity database (CNDD) was used by the biologist to prepare a target list of species and habitats that could potentially be present on the subject property. Several protected and sensitive species were identified which include: Smith's Blue butterfly, the central coast steelhead, California red-legged frog, Carmel Valley Bushmallow,

Carmel Valley malacothrix, and Eastwoods goldenbush. Subsequent to the research, a site visit was conducted by the biologist and the report concludes that the subject property does not contain any species or species habitat listed in the CNDD database. In fact, habitat suitable for the species was not found on either the subject property or the area where development is proposed. Therefore, the project will have no impact on any sensitive or special status species, riparian habitat, or wetlands. Nor will the project conflict with any habitat conservation plan.

The project does not include the removal of protected trees indicated by the Carmel Valley Master Plan such as oaks or redwoods. Therefore, the project will not conflict with the County's policies and ordinances regarding tree protection.

**4 (d): Less Than significant Impact with Mitigation Incorporated.** While no protected trees will be removed, construction of the building will require the removal of non-protected trees. This includes a large Eucalyptus, pine trees, and several fruit trees. These trees have the potential to provide nesting habitat for resident and migratory bird species. In order to comply with the Federal Migratory Bird Treaty Act, the applicant must assure that nesting birds will not be disturbed during construction. To do so, the biologist recommends that a survey for nesting birds be conducted prior to disturbance of the project area. Therefore, a mitigation requiring a preconstruction survey will be incorporated to reduce potential impacts nesting birds to a less than significant level.

**Mitigation Measure No. 1:** In order to minimize potential impacts to nesting birds through construction activities, a preconstruction survey shall be conducted by a qualified biologist prior to disturbance within the development area, particularly if tree removal and grading are to occur between February 1<sup>st</sup> and July 30<sup>th</sup>. The survey shall primarily determine if there is a presence of nesting birds. If nesting birds are discovered on or near the building site, work shall be suspended and the California Department of Fish and Game should be consulted regarding measure to avoid impact.

**Mitigation Monitoring Action No. 1:** Should tree removal and/or grading activities occur between February 1<sup>st</sup> and July 30<sup>th</sup>, the applicant shall submit a preconstruction survey conducted by a qualified biologist prior commencement of these activities to the RMA-Planning Department for review and approval. The survey shall be conducted no more than two days previous to the onset of activities. Should the report conclude that nesting birds are discovered on or near the building site and active nests are located, work shall be suspended and the California Department of Fish and Game shall be consulted regarding measures to avoid impacts.

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 as defined in 15064.5? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. B (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

6. GEOLOGY AND SOILS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to 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: ) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 5, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 5, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? (Source: 1, 5, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 5, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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: 1, 5, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 1, 5, 11 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 5, 11 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

A geological report by LandSet Engineers, Inc., dated March 2009, was submitted to the County by the applicant. The geological report is on file with the County of Monterey under Library No. LIB080658.

**6 (a. iii), (a. iv), (c), (d), (e): No Impact.** Based on field investigation and background research conducted by the geologist, the subject property is located within an area of low to very low potential for liquefaction. Therefore, the project will have no impact and will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.

The project site is fairly flat and moderate southwest facing slopes are towards the northeast of the property. The slopes are moderately steep and appear to be stable and there is no evidence of past or present slope instability noted to occur on or near the site. Therefore, the project will have no impact from potential landslides. During field review of the site, the geologist did not find expansive soil which would create a substantial risk to life or property. The proposed project will tie into the existing wastewater system for the existing Bernardus Lodge and therefore the soil was not tested for percolation in any additional areas.

**6 (a. i), (a. ii) (b): Less Than Significant With Mitigation Incorporated.** The subject property was reviewed and compared to detailed geologic mapping performed by Rosenberg, 1993 and Rosenberg & Clark, 1994 by the geologist. It was found that the foothill segment of the Tularcitos fault is adjacent to and parallel with the northeastern property line of the subject property. Although the site is not located within an Earthquake Fault Zone, as defined by the State of California, the Tularcitos fault has displayed late Pleistocene and early Holocene displacement, which is classified as significant seismic hazard. Therefore, there is a potential impact to life or structures caused by possible exposure to the rupture of a known earthquake

fault and/or seismic hazard. However, with mitigation measures recommended by the geologist this potential will be reduced to a less than significant level when mitigations are incorporated.

The following mitigation measures, as recommended by the geologist consultant and County staff, will reduce potential geological impacts to a less than significant level by adding protective measures prior to and during grading and construction activities:

**Mitigation Measure No. 2:** The active Foothill segment of the Tularcitos fault is located adjacent and parallel to the northeastern property line of the subject property. In order to reduce the potential of exposing life or structure to the rupture of a known earthquake fault and/or seismic hazard to a less than significant impact, the project geologist shall review the site grading and construction plans and their potential impacts by the identified geologic hazards. This shall be done prior to submitting the plans to the County. Per recommendation of the geologist, the applicant shall submit 50 foot wide setback from the Foothill segment to any habitable structure. Structures which are for human occupancy shall be designed for horizontal ground acceleration of 0.845g.

**Mitigation Monitoring Action No. 2a:** Prior to submitting grading and construction plans to the County, the project geologist shall review the potential impacts on the identified geologic hazards. The plans shall be submitted to the County for review with either a stamp acknowledging review by the geologist or accompanied by a letter stating that the review of the plans has occurred and that they conform to the recommendations found within the Geological and Soil Engineering report by LandSet Engineers, Inc., dated March 12, 2009.

**Mitigation Monitoring Action No. 2b:** Prior to the issuance of grading and building permits, the grading and construction plans shall be reviewed by the RMA-Planning Department to verify there is a 50 foot setback from the Foothill segment to any habitable structures as delineated on sheet 1 of the project plans. The plans and/or accompanying engineering reports shall also indicate that structures intended for human occupancy are designed according to the current edition of the California Building Code (CBC) and are designed for horizontal ground acceleration of 0.845g.

The soil and earth materials on the project site are found to be highly erodible and strict erosion control measures shall be implemented to provide surface stability in areas to be disturbed by the proposed grading. Therefore, the following mitigation measure shall be incorporated in order to reduce the potential of substantial soil erosion and/or loss of topsoil to a less than significant level.

**Mitigation Measure No. 3:** Grading and construction plans for the proposed project shall include stringent erosion control measures recommended by the geotechnical engineer and shall be in compliance Chapter 16.12 of the Monterey County Code (Erosion Control).

**Mitigation Monitoring Action No. 3:** Prior to the issuance of grading and/or building permits, the grading and construction plans shall include an erosion control plan. The erosion control plan shall include stringent erosion control measures recommended by the geotechnical engineer and shall be in compliance with Chapter 16.12 of the Monterey County Code. The plans shall be

reviewed by the Monterey County RMA-Planning Department and the Monterey County Building Services Department, Grading Division, for compliance.

7. 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: 1, 8, 9, 12, 14 )	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 8, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 8, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1, 8, 9, 12, 14 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 8, 9, 12, 14 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 8, 9, 12, 14 )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 8, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 8, 9, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

**7(c), (d), (e), (f), (g), (h): No Impact.** The project is not located within a quarter mile of a school and therefore, will not have the potential to emit or handle hazardous materials in close proximity to a school. The project is not located near any airports or within emergency response or evacuation plans. Therefore, the project will not be affected by airport hazards or impede an emergency response/evacuation plan. No known hazards or hazardous materials exist on or within the vicinity or the project site that will create a significant hazard to the public or the environment.

The California Department of Forestry and Fire Protection is mandated by the State of California to prepare Wildland Fire Hazard Maps for each county, rating fire hazards as moderate, high or very high. These classifications are based on slope, climate, fuel loading (vegetation) and water availability. Wildland fire impacts may be considered significant if proposed development in the planning area will expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The Fire Hazard Map for Greater Monterey Peninsula Area shows that the planning area is located in a moderate fire hazard area. The Carmel Valley Fire Protection District reviewed the project application and placed conditions of approval to ensure the development would be consistent with all applicable fire regulations. Therefore, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires and have no impact.

**7 (b): Less Than Significant Impact.** Some potential hazards are expected during project construction including the transport, use and exposure to small amounts of flammable materials and reactive chemicals, heat stress, chemical exposures, hazards from energized electrical equipment, moving equipment, and noise, vibration and risks during excavations. Construction firms and workers are protected by worker safety regulations of the California Occupational Safety and Health Administration (OSHA) and Best Management Practices are required to be implemented to ensure safety during all phases of project development. Operational impacts from the generation of hazards are expected to be minimal based on the proposed visitor serving use and surrounding existing residential uses. As a condition of approval, prior to the issuance of grading and building permits, the applicant will be required to submit a construction management plan showing best management practices. These potential impacts related to hazardous materials will be considered less than significant because of safety measures incorporated into the project design and construction operations as listed above as well as the required condition of approval.

**7 (a): Less Than Significant with Mitigation Incorporated.** The proposed project includes the demolition of two existing structures. The structures were constructed in 1956 and have the possibility of being constructed with hazardous materials. Therefore to decrease the possible risk of exposing people to potentially hazardous materials during demolition of the structures to less than significant, a mitigation measure shall be applied to project.

**Mitigation Measure No. 4:** Due to the age of the structures proposed for demolition, the applicant shall have a Certified Asbestos Consultant conduct an asbestos survey of the structures to be demolished. A report shall be prepared and submitted to the Monterey Bay Unified Air Pollution Control District for review and approval a minimum of the (10) working days prior to commencing asbestos removal, or if no asbestos is present, a minimum of ten (10) working days prior to demolition.

**Mitigation Monitoring Action No. 4a:** Prior to the issuance of the demolition permit, the applicant shall submit an asbestos survey of the structures to be demolished to the Monterey Bay Unified Air Pollution Control District. The survey shall be reviewed and approved a minimum of ten (10) working days prior to commencing asbestos removal, or if no asbestos is present, a minimum of ten (10) working days prior to demolition. The applicant shall submit proof of approval of the demolition by the Monterey Bay Unified Air Pollution Control District to the Monterey County Planning Department.

8. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Violate any water quality standards or waste discharge requirements? (Source: 1, 8, 9, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## 8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

**8 (b), (f), (g), (h), (i), (j), (k): No Impact.** The proposed project will not be served by an onsite well and therefore will have no impact on groundwater supply. California American Water (CalAm) is the current water purveyor for the Bernardus Lodge and will provide water service for the additional 16-hotel units.

The area of disturbance is approximately 13,916 square feet, and the additional surface coverage will not substantially interfere with groundwater recharge. Based off of information gathered from the Monterey County's Geographic Information System, review by the Water Resources Agency, and staff site visits, the area is not located within the 100-year floodplain nor is it located in an area that has the potential from being inundated by seiche, tsunami, or mudflow.

**8 (a), (c), (d), (e), (f): Less Than Significant Impact.** On May 19, 1998, the Carmel Valley Inn was approved to be replaced with a 57-unit resort, which is the current Bernardus Lodge. At that time, the Environmental Health conditioned the project to require the applicant to obtain permits from the Regional Water Quality Control Board and Environmental Health for the operation of a wastewater system. The original project included laundry facilities, and the wastewater treatment system was designed to handle the wastewater capacity of those facilities. On April 2008, the applicant filed a deed restriction with the Monterey Peninsula Water Management District permanently abandoning the laundry facilities. With the amount of wastewater that is no longer being generated by the laundry facilities, and the addition of 16 proposed hotel units; the wastewater treatment system is projected to run under capacity.

Due to the increase in impervious surface, the existing drainage pattern will be altered. The Water Resources Agency has reviewed the project and has added a condition of approval requiring the submittal and approval of a drainage plan prior to the issuance of building permits. The drainage plan will be required to be designed by a registered civil engineer to address on-site and off-site impacts. Stormwater captured from the proposed project shall be routed to the existing detention facilities on the property. The capacity of the existing detention facilities shall be analyzed to determine the ability to detain additional runoff and drainage improvements shall be constructed in accordance with plans approved by the Water Resources Agency. The applicant is also required to submit certification of completion to the Water Resources Agency to verify that the drainage facilities have been constructed in compliance with the approved plan.

9. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community? (Source: 1, 7, 8, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 7, 8, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 7, 8, 9, 10, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

**9 (a), (c): No Impact.** The subject property is predominately surrounded by residential uses. Properties located towards the north, south, east, and west are zoned low density residential; however, the existing use has been in operation for many years and therefore, the project will not physically divide an established community. While the resort is an existing and historical use of the property, the expansion of that use should take neighboring properties into consideration. Policy No. 26.1.32 of the Carmel Valley Master Plan states that development should be located in a manner that minimizes disruption of views from existing homes. The project was brought before the Carmel Valley Land Use Advisory Committee (CVLUAC) for review and recommendation to the Planning Commission. The CVLUAC did not find any conflict within the established community. There is no habitat conservation plan or natural community conservation plan within the area of the project site; therefore, there will be no impact.

**9 (b): Less Than Significant Impact.** The project site is designated Low Density Residential, 1 unit per acre (LDR), Visitor Serving/Profession Office (VO), and Public-Quasi Public (PQP) all

with Site Plan Review and Design Approval overlay districts. The area of development takes place within the zoning designation of VO, and therefore is consistent. Policy No. 28.1.27 of the Carmel Valley Master Plan requires that there is a maximum of 250 additional visitor accommodation units east of Via Mallorca and that the overall density shall not be in excess of 10 units per acre. As of May 26, 2009, 164 visitor serving units have been approved in Carmel Valley and approval of the proposed project would result in 70 remaining units. The resulting density of the proposed project will be 2.88 unit/acre. Policy No. 28.1.25 of the Carmel Valley Master Plan states that the expansion of existing facilities should be favored over the development of new projects. Although allowing the hotel expansion will decrease the amount of visitor serving units available in Carmel Valley, Policy No. 21.1.25 finds this development more favorable and therefore will be less than a significant impact.

#### 10. 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: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

See previous Sections II. B (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

#### 11. NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 7, 11, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

**11(a), (c), (e), (f): No Impact.** The proposed project will not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. Therefore, the proposed project is in conformance with the surrounding areas and will have no impact on permanent noise levels. The project site is not located within an airport land use plan nor is the project site within the vicinity of a private airstrip. Therefore, the project will not expose people residing or working in the project area to excessive noise levels and thusly will have no impact.

**11(a), (b), (d): Less Than Significant Impact.** The proposed project may cause a temporary or periodic increase in ambient noise levels as well as expose persons to or generation of excessive groundborne vibration or groundborne noise levels within the project vicinity due to demolition, construction and grading operations. Potential sensitive receptors include single family residences towards the north, northwest, south and southeast of the subject property.

Development activities include operation, graders, backhoes, caterpillars and trucks, which will cause localized noise levels to temporarily increase above existing ambient levels. All development activities would be required to adhere to the County's Noise Control Ordinance (Chapter 10.60 of the Monterey County Code) as well as a construction management plan indicating required hours of operation.

12. POPULATION AND HOUSING				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial 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: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. B (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

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

**Discussion/Conclusion/Mitigation:**

See previous Sections II. B (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

**14. 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: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

See previous Sections II. B (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected), as well as the sources referenced.

**15. TRANSPORTATION/TRAFFIC**

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: 1, 6, 9, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: 1, 6, 9, 12)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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? (Source: 1, 6, 9, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 6, 9, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 6, 9, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? (Source: 1, 6, 9, 10, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. TRANSPORTATION/TRAFFIC	Less Than Significant			
	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project: bicycle racks)? (Source: 1, 6, 9, 12)				

#### Discussion/Conclusion/Mitigation:

**15 (a), (c), (d), (e), (g): No Impact.** The proposed project is not located in an area where air traffic patterns will be affected, nor does the project include uses where air traffic will take place to and from the property. There are no new access roads which will provide ingress and egress to the project site. The existing driveways from Laureles Grade Road and Carmel Valley Road will be utilized. Therefore, the proposed project will have no impact on air traffic pattern and will not substantially increase hazards due to a design feature.

**15 (a), (f): Less Than Significant Impact.** Traffic operations analysis by Higgins Associates for the existing conditions were performed at three study intersections during a typical weekday; 7:00 to 9:00AM and 4:00 to 6:00PM. The three intersections were traffic counts occurred were: (a) Laureles Grade and Bernardus Driveway (Driveway 1); (b) Laureles Grade and Carmel Valley Road; and (c) Bernardus Driveway and Carmel Valley Road (Driveway 2). It was determined that intersections (a) and (c) operate at or better than the County of Monterey's standard<sup>1</sup>. However, intersection (b) Laureles Grade and Carmel Valley Road, operates at an LOS A during PM peak hours, the southbound approach operates at LOS F.

The Traffic Impact Analysis by Higgins Associates, dated September 15, 2008 states that a number of existing traffic trips contributing to the existing resort are for several uses not associated with the hotel units; such as the restaurant, wine tasting, and ballroom and function space. Therefore, the proposed addition of 16 new hotel units is not expected to result in an increase in the number of trips generated by those ancillary uses. Hence, the standard Institute of Transportation Engineers (ITE) trip generation rates used in the study are for hotel suites alone. It is estimated that the proposed project will generate a total of 143 additional daily trips, with 11 trips (6 in, 5, out) during the AM peak hour and 11 trips (5 in, 6 out) during the PM peak hour. Although the proposed project will generate these additional trips, it was found that the three study segments are expected to continue operating at the same respective LOS as the existing conditions. Therefore, with the addition of traffic trips, the proposed project will have a less than significant impact on the existing traffic conditions.

There are currently 159 parking spaces on the subject property. This meets the County's requirements set forth in Section 21.58 of the Monterey County Zoning Ordinance. In addition, the Public Works Department has required, as a condition of approval, the applicant to meet the County's standard.

<sup>1</sup> Intersection and roadway segment traffic operations were evaluated using the Level of Service (LOS) concept. LOS is a quantitative description of an intersection's operations, ranging from LOS A to LOS F. LOS C was established by the County of Monterey as the threshold for acceptable traffic operations and therefore is the required operational standard.

**15 (b): Less Than Significant Impact with Mitigation Incorporated.** Although the proposed project will not affect the existing traffic conditions it will contribute to cumulative conditions to the Laureles Grade and Carmel Valley Road intersection. The cumulative conditions volumes for the three study intersections were determined in the Carmel Valley Master Plan Traffic Study which was prepared by DKS Associates in July 2007.<sup>2</sup> Similar to the existing conditions, cumulative conditions for intersections (a) and (c) will continue to operate at an acceptable LOS; however, intersection (b) Laureles Grade and Carmel Valley Road will have an overall level of service of LOS F during both AM and PM peak hours.

It is recommended as mitigation, that a grade separation improvement be made at the Laureles Grade and Carmel Valley intersection. A fee program is in place, yet the program will not provide full funding for the improvement until the year 2022. Therefore, the fees will be collected until such time that enough funds are collected for construction of the grade separation.

**Mitigation Measure No. 5:** In order for the project to reduce its impact to the cumulative traffic conditions in the Carmel Valley Area, the applicant shall pay the Carmel Valley Master Plan Traffic Impact fee.

**Mitigation Monitoring Action No. 5:** Prior to issuance of building permits, the applicant shall pay the Carmel Valley Master Plan Area Traffic Mitigation fee pursuant to the Board of Supervisors Resolution NO. 95-140, adopted September 12, 1995.

**Mitigation Measure No. 6:** In order for the project to reduce its impact to regional traffic, the applicant is required to pay Transportation Agency for Monterey County (TAMC) Traffic Impact Fee.

**Mitigation Monitoring Action No. 6:** Prior to the issuance of building permits, the applicant shall contribute to County of Monterey an amount determined by the applicant's traffic engineer and approved by the Department of Public Works as payment of the project's pro rata share of the cost of short-term operational improvements to State Highway One.

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<sup>2</sup> RMA – Planning Staff did not review the Carmel Valley Master Plan Traffic Study prepared by DKS Associates with regards to this particular project. However, the DKS traffic study was referred to within the Traffic Impact Analysis for the Bernardus Lodge Expansion prepared by Higgins Associates.



16. UTILITIES AND SERVICE SYSTEMS				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 9, 12, 13, 16, 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 9, 12, 13, 16, 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 9, 12, 13, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 9, 12, 13, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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: 1, 9, 12, 13, 16, 17)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 9, 12, 13, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 9, 12, 13, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

**16 (b), (f), (g): No Impact.** The 16 additional hotel units will have no impact to the landfill by generation of solid waste. The project complies with federal, state, and local statutes and regulations for solid waste.

**16 (a), (c), (d), (e): Less Than Significant Impact.** On May 19, 1998, the Carmel Valley Inn was approved to be replaced with a 57-unit resort, which is the current Bernardus Lodge. At that time, the Environmental Health conditioned the project to require the applicant to obtain permits from the Regional Water Quality Control Board and Environmental Health for the operation of a wastewater system. Water Quality Order No. 97-10-DWQ by the California Regional water Quality Control Board on April 9, 1999 allows the operation of a domestic wastewater treatment

and disposal system up to a maximum average daily flow of 20,000 gallons. A letter submitted by the applicant from Carmel Lahaina Utilities Services, Inc., dated July 10, 2008, states that the anticipated wastewater flows would be approximately 15,561 gallon per day; however, actual flow records show an average of 6,458 gallons per day with a high of 7,888 per day. The proposed expansion to the resort will theoretically increase the daily flow by approximately 1,920 gallons, which is under the allowed amount. The original project included laundry facilities, and the wastewater treatment system was designed to handle the wastewater capacity of those facilities. On April 2008, the applicant filed a deed restriction with the Monterey Peninsula Water Management District permanently abandoning the laundry facilities. With the amount of wastewater that is no longer being generated by the laundry facilities, and the addition of 16 proposed hotel units; the wastewater treatment system is projected to run under capacity

California American Water (CalAm) is the current water purveyor for the Bernardus Lodge and will provide water service for the additional 16-hotel units. The applicant received a water credit for 3.740 acre-feet of water resulting in the permanent removal of the laundry facilities. The applicant has submitted a water form to the Water Resources Agency requesting additional water fixture units. With the total units proposed, the applicant still has a remaining balance if water credits.

## 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) Have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Discussion/Conclusion/Mitigation:

**(a) Less than Significant Impact.** Based upon the analysis throughout this Initial Study, the proposed project will not have the potential to degrade the quality of the environment, drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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. See previous Sections II. B (Project Description) and C (Environmental Setting) and Section IV. A (Environmental Factors Potentially Affected) as well as the sources referenced.

**(b) Less than Significant Impact.** The project will involve a visitor serving expansion on within an existing site currently operating under the same use. Development on the site is planned for visitor serving uses in the Carmel Valley Master Plan. Mitigations developed will reduce impacts caused by the development to less than significant. Implementation of the proposed project would result in minor incremental reductions in air quality in the project vicinity, and minor increases in traffic congestion. The incremental air quality, biology, geology, and transportation/traffic impacts of the project when considered in combination with the effects of past projects, current projects and probable future projects in the planning area, would result in less than significant impacts.

**(c) Less than Significant Impact.** Conditions of approval would ensure consistency with the relevant Carmel Valley Master Plan and General Plan health and safety policies. All potential impact areas are deemed less than significant with County imposed conditions of approval.

## ***VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES***

### **Assessment of Fee:**

For purposes of implementing Section 753.5 of Title 14, California Code of Regulations: If based on the record as a whole, the Planner determines that implementation of the project described herein, will result in changes to resources A-G listed below, then a **Fish and Game Document Filing Fee** must be assessed. Based upon analysis using the criteria A-G, and information contained in the record, state conclusions with evidence below.

- A) Riparian land, rivers, streams, water courses, and wetlands under state and federal jurisdiction.
- B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- C) Rare and unique plant life and ecological communities dependent on plant life, and;
- D) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- E) All species of plant or animals listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, and the Water Code, or regulations adopted thereunder.
- F) All marine terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- G) All air and water resources the degradation of which will individually or cumulatively result in the loss of biological diversity among plants and animals residing in air or water.

**De minimis Fee Exemption:** For purposes of implementing Section 753.5 of the California Code of Regulations: A *De Minimis Exemption* may be granted to the **Environmental Document Fee** if there is substantial evidence, based on the record as a whole, that there **will not** be changes to the above named resources V. A-G caused by implementation of the project. Using the above criteria, state conclusions with evidence below, and follow Planning and Building Inceptions Department Procedures for filing a de minimis exemption.

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

**Evidence:** Based on the record as a whole as embodied in the RMA-Planning Department files pertaining to PLN020398 and the attached Initial Study/Proposed Mitigation Negative Declaration.

## ***IX. REFERENCES***

1. Project Application/Plans
2. Historical Analysis, prepared by Kent Seavey, dated March 12, 2003

3. Bernardus Lodge Villas Biological Assessment, prepared by Rana Creek Environmental Planning, dated July 2008.
4. Preliminary Archaeological Reconnaissance, prepared by Archaeological Consulting, dated March 24, 2003.
5. Geologic and Soil Engineering Report, prepared by LandSet Engineers, Inc., dated March 2009.
6. Traffic Impact Analysis, Higgins Associates, dated September 15, 2008
7. Monterey County General Plan
8. Greater Monterey Peninsula Area Plan
9. Carmel Valley Master Plan
10. Monterey County Zoning Ordinance (Title 21)
11. Monterey County Geographical Information System
12. Staff site visit conducted by planner on November 12, 2008
13. Correspondence between Planning staff and Environmental Health staff
14. Correspondence between Planning staff and the Monterey Bay Unified Air Pollution Control District.
15. Air Quality Management Plan
16. Deed restriction required by the Monterey Peninsula Water Management Agency filed with the Monterey County Records Office (Document No. 2008042295)
17. Letter from Carmel Lahaina Utility Services, Inc., dated July 10, 2008

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