

Exhibit E

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MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY – PLANNING DEPARTMENT
168 WEST ALISAL, 2ND FLOOR, SALINAS, CA 93901
(831) 755-5025 FAX: (831) 757-9516



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION MONTEREY COUNTY ZONING ADMINISTRATOR

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 (Brubaker, File Number PLN100342) at 53154 Highway 1, Big Sur Coast Land Use Plan, Coastal Zone (APN 420-021-039-000). (See description below) 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, 2nd Floor, Salinas, California, and the Salinas Steinbeck Library, Salinas, CA. The Zoning Administrator will consider this proposal at a meeting on September 8, 2011 at 1:30 p.m. in the Monterey County Board of Supervisors Chambers, 168 West Alisal, 2nd Floor, Salinas, California. Written comments on this Negative Declaration will be accepted from August 5, 2011 to September 5, 2011. Comments can also be made during the public hearing.

Project Description: Combined Development Permit to allow 1) a Coastal Administrative Permit for the demolition of an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construction of a 1,399 square foot two story residence and a 1,159 square foot patio with 108 square foot stairs, approximately 519 cubic yards cut and 102 cubic yards fill (417 cubic yards to be balanced on site); and a retaining wall (8 linear feet), 2) Coastal Development Permit for development within 50 feet of a coastal bluff; 3) Coastal Development Permit for development within 750 feet of a known archaeological resource; 4) a Variance to allow for a reduction in sideyard setback to avoid critical viewshed; and 5) Design Approval with colors and materials consisting of redwood siding, dark bronze window frames and hickory mineral composition roofing materials.

We welcome your comments during the 30-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.

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, 2nd Floor
Salinas, CA 93901

Re: Brubaker: File Number PLN100342

From: Agency Name: _____
Contact Person: _____
Phone Number: _____

- ___ No Comments provided
- ___ Comments noted below
- ___ Comments provided in separate letter

COMMENTS: _____

DISTRIBUTION

1. State Clearinghouse (15 copies)—include Notice of Completion
2. CalTrans – San Luis Obispo office

3. U.S. Army Corps of Engineers (San Francisco District Office: Katerina Galacatos: galacatos@usace.army.mil; Paula Gill: paula.c.gill@@usace.army.mil; or Bryan Matsumoto: bryan.t.matsumoto@usace.army.mil)
4. California Coastal Commission
5. County Clerk's Office
6. Association of Monterey Bay Area Governments
7. Pacific Gas & Electric
8. Pacific Bell
9. Monterey Bay Unified Air Pollution Control District
10. CDF Coastal Fire Protection District
11. Monterey County Water Resources Agency
12. Monterey County Public Works Department
13. Monterey County Parks Department
14. Monterey County Division of Environmental Health
15. Libraries (Salinas Steinbeck Library)
16. Brubaker Living Trust, Owner
17. Allen Robinson, Agent; Aengus Jeffers, Agent;
18. Property Owners within 300 feet (Notice of Intent only)

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING DEPARTMENT

168 WEST ALISAL ST., 2nd FLOOR, SALINAS, CA 93901

PHONE: (831) 755-5025 FAX: (831) 757-9516



INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title: BRUBAKER

File No.: PLN100342

Project Location: 53154 Highway 1, Big Sur

Name of Property Owner: Brubaker Living Trust

Name of Applicant: Allen Robinson, AIA, c/o The Sienna Company

Assessor's Parcel Number(s): 420-021-039-000

Acreage of Property: 70 acres

General Plan Designation: Residential

Zoning District: "WSC/40-D (CZ)" Watershed and Scenic Conservation, 40 acre minimum, Design Control District in the Coastal Zone

Lead Agency: Monterey County RMA Planning Department

Prepared By: Elizabeth Gonzales, Associate Planner

Date Prepared: July 20, 2011

Contact Person: Elizabeth Gonzales, Associate Planner

Phone Number: (831) 755-5102 or gonzalesl@co.monterey.ca.us

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description:

Applicants propose to demolish an existing 1,474 square foot two-story single family dwelling with a 764 square foot deck and construct a 1,399 square foot two story residence and a 1,159 square foot patio with 108 square feet of stairs, approximately 500 cubic yards cut and 100 cubic yards fill (to be balanced on site); and a retaining wall (8 linear feet).

The property is zoned "WSC/40-D (CZ)" Watershed and Scenic Conservation, 40 acre minimum, Design Control in the Coastal Zone. The 70 acre parcel, Assessor's Parcel Number 420-021-039-000, is located at 53154 Highway 1, on the west side of Highway in Big Sur, Ca.

The parcel is surrounded by Julia Pfeiffer State Park and pursuant to Policy 3.2.2.1 of the Big Sur Land Use Plan, the parcel is considered to be within the Critical viewshed. However, because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure. During staff's review, it was determined that the original house was located on the state park property. The project has been re-designed and re-sited to be located outside of the park; however, will require a variance request of the land use plan policies. Details about the proposed project has addressed in Section 10. Land Use of this Initial Study.

The subject property is located within 750 of a known archaeological resource. Pursuant to 20.145.120, all development proposed on parcels with known archaeological resources, as identified through the survey report, or as shown on current County resource maps shall be subject to environmental review of the Monterey County CEQA Guidelines. The archaeological report prepared by Archaeological Consulting, concluded that there is surface evidence of potentially significant archaeological resources in the current project area. The deposit on the project parcel appears to be peripheral to a known archaeological resource on a contiguous parcel. Therefore, the archaeological report recommends that a supplemental subsurface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts. Mitigation measures are recommended in Section 5, Cultural Resources of this Initial Study.

Pursuant to Section 20.145.080.A.1.b.2, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater. The parcel is located between Highway 1 and the ocean. The proposed structure will be located in the same general area as the existing structure and at the farthest end away from the ocean. The geologic report prepared by CAPROCK Engineering concludes that replacement of the existing building and foundation with a well designed, site specific, engineered foundation would reduce any geologic hazard at the site. The geotechnical report prepared by Grice Engineering has recommendations for such a foundation. Since the project is approximately 40 feet from the top of the cliff, staff has included mitigation measures to ensure safety measures from any geologic hazards (See Section 6, Geology and Soils of this Initial Study).

The primary CEQA issues involve aesthetics, cultural resources, and geology/soils. These resources will be affected by the proposed project. However, evidence supports the conclusion that impacts will be less than significant for aesthetics and less-than-significant with mitigation incorporated for cultural resources and geology/soils. Detailed analysis for each issue can be found in Section VI. – Environmental Checklist.

Since this is a request to demolish one single family dwelling and construct a new residence, air quality and construction issues were addressed. Less than significant impacts have been identified for Air Quality and Greenhouse Gas Emissions (see Section VI, Environmental Checklist, of the Initial Study). As these were considered less than significant impacts, no mitigations were required for the project. However, implementation of conditions of approval will be included to assure compliance with County requirements.

Other Project Impacts

The subject property is not located within Prime or Unique Farmlands, forest land, an area that contains environmentally sensitive habitat, nor poses a threat caused by flooding, or on a mineral resource recovery site. The result of the project will not require large amounts of water, induce or reduce the population or availability of housing, or cause reduction of the existing level of services for fire, police, public schools, or parks. Therefore, the project will have no impact on Agriculture/Forest Resources, Biological Resources, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation or Utilities/Service Systems.

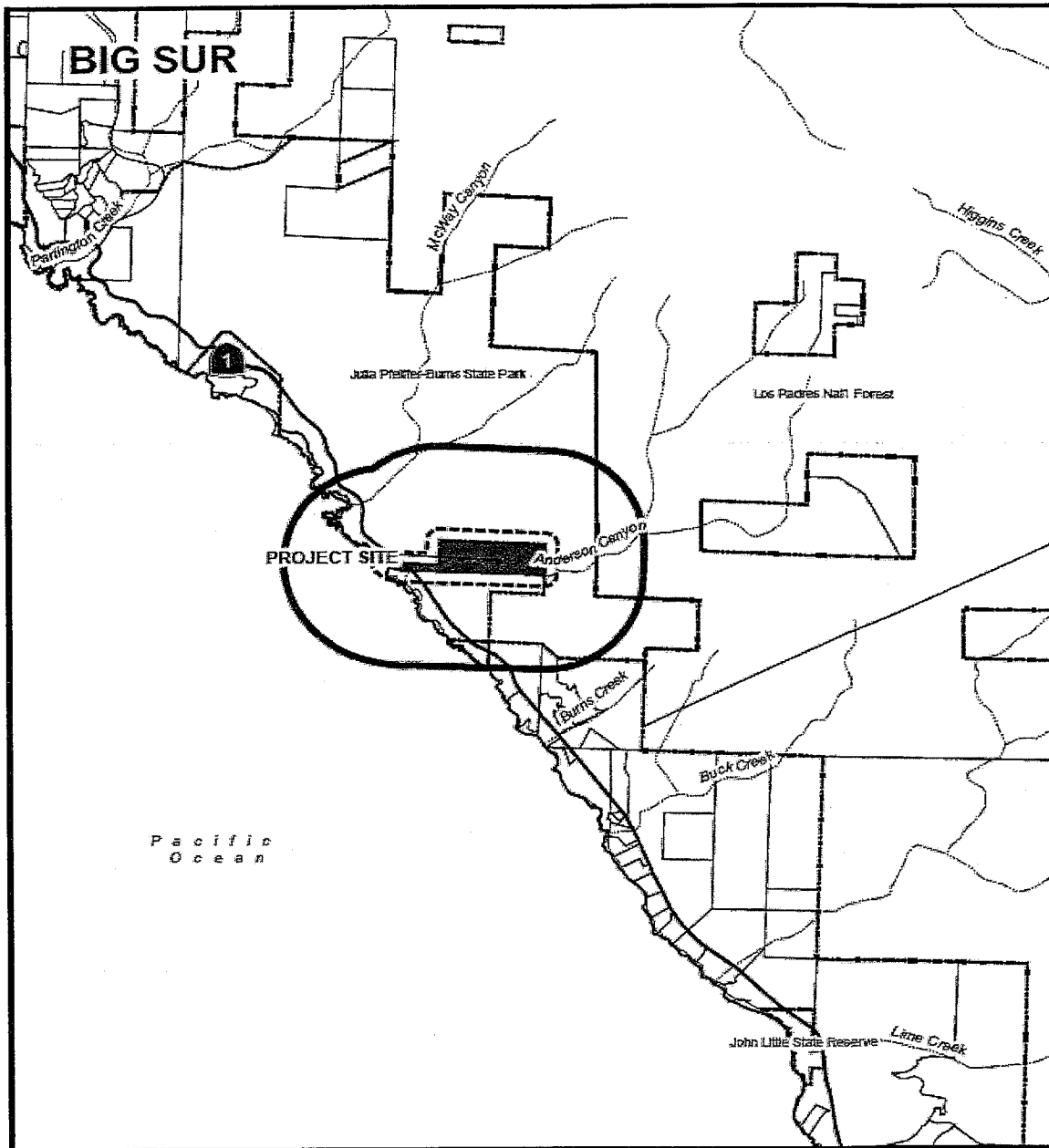
B. Environmental Setting and Surrounding Land Uses:

The subject property is located in the Big Sur region of Monterey County, California, approximately seventeen miles south of Point Sur in the Santa Lucia mountains. The property extends from the Pacific Ocean on the west to California Highway 1 on the east. On the south, the property is bounded by Anderson Canyon.

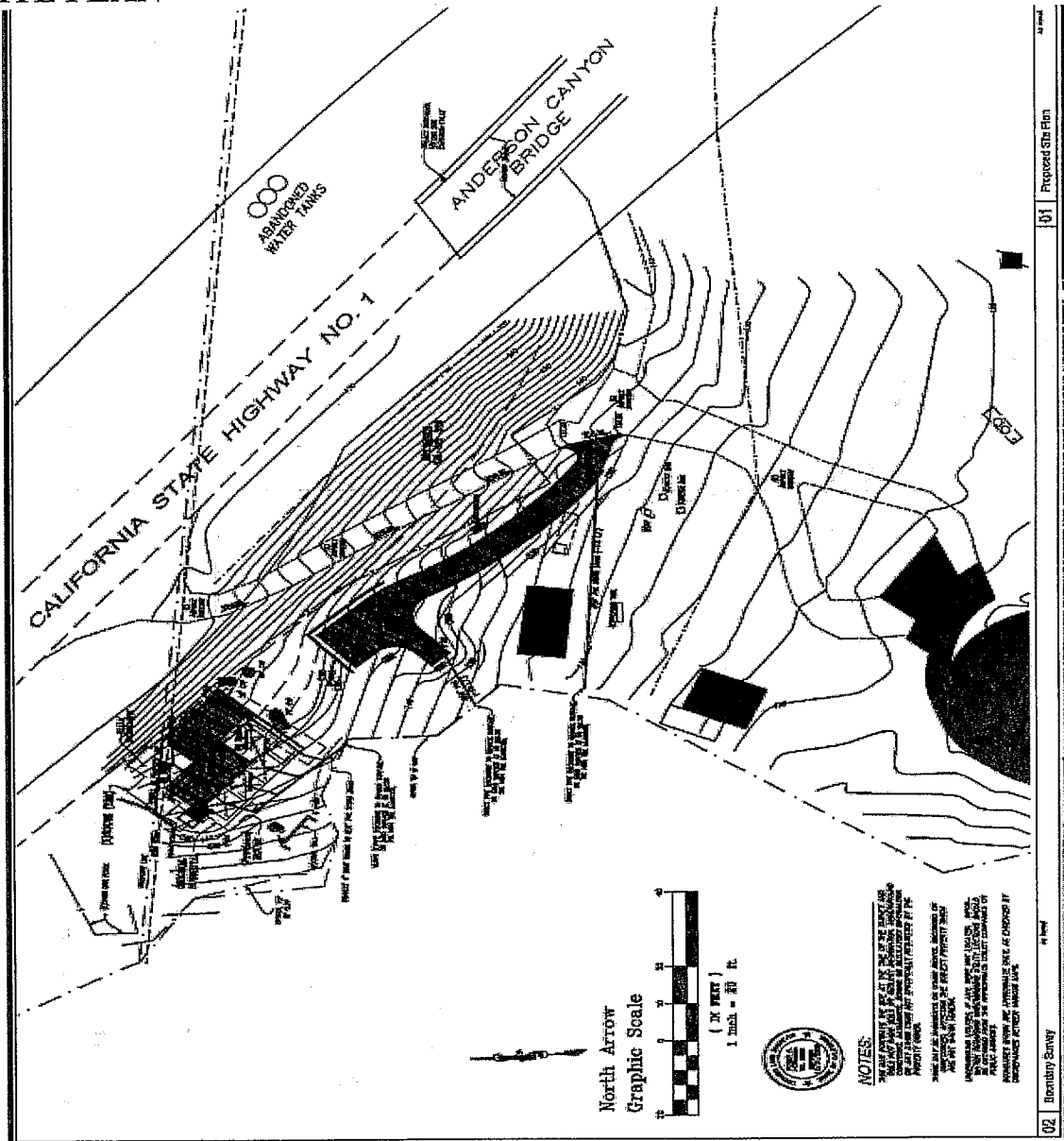
Topographically, the subject property is situated on a relatively flat older marine terrace about 150 feet above sea level. The site is generally an area of gentle plane adjacent to the slope to the entrance drive from State Highway 1. The topography of the site encompasses the more level plane of the terrace away from the oceanic bluff and adjacent to the slopes developed when creating access to the site. Ground cover consists of grasses with large pine and some mature oaks. The bluff front contains brush native to the area. The Julia Pfeiffer Burns State Park encompasses the Brubaker property on the north and south while the property entrance is from Highway 1 from the west and faces the Pacific Ocean to the east.

C. Other public agencies whose approval is required: (e.g. permits, financing approval, or participation agreement). No other public agency permits would be required under this request.

VICINITY
MAP



SITE PLAN



North Arrow
Graphic Scale



NOTES:

1. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF THE ENGINEER AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED BY THE ENGINEER. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

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

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

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

General Plan/Area Plan. The proposed project was reviewed for consistency with the 1982 Monterey County General Plan and the Big Sur Coast Land Use Plan (CLUP). Policy 5.3.1.3 of the BSLUP categorizes Watershed and Scenic Conservation as the primary use of this category. Rural Residential and employee housing are secondary, conditional uses that will be considered on their individual merits. The proposed project meets this category as there is an existing single family house and a caretaker unit on the property for the purpose of maintaining the property. Land Use and Planning (Section IV. evidence) 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 (refer to *Local Coastal Program-LUP* discussion below); or conflicts with any applicable habitat conservation plan or natural community conservation plan. **CONSISTENT** (References IX 1, 2, 3, 4, 6, 7)

Local Coastal Program-LUP. The proposed project was reviewed for consistency with the Big Sur Coast Land Use Plan (BSLUP). Land Use and Planning (Section IV. Evidence) 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. As discussed therein, the proposed project is consistent with the Big Sur Coast LUP. **CONSISTENT** (References IX 1, 3, 4, 6)

Air Quality Management Plan (AQMP). Consistency with the AQMP is an indication of a project's contribution to a cumulative adverse impact on regional air quality. 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 a residential project 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. If the population increase resulting from the project would not cause the estimated cumulative population to exceed the relevant forecast, the project would be consistent with the population forecasts in the AQMP. The project is consistent with the 1982 Monterey County General Plan and with the Association of Monterey Bay Area Governments (AMBAG) regional population and employment forecast. The proposed project will not increase the population of the area nor

generate additional permanent vehicle trips above levels projected in the AQMP. Therefore, the project will be consistent with the AQMP. **CONSISTENT** (References IX 1, 2, 5)

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

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

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

Check here if this finding is not applicable

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

EVIDENCE:Based upon the planner's project analysis, many of the above topics on the checklist do not apply. Less than signification impacts or potentially significant impacts are identified for **aesthetics, air quality, cultural resources, geology/soils, and greenhouse gas emissions**. The project will have no quantifiable adverse environmental effect on the categories not checked above as follows:

- 1) Aesthetics. See Section VI. for detailed analysis.
- 2) Agricultural and Forest Resources: The project site is not designated as Prime, Unique or Farmland of Statewide or Local Importance, and the proposed project would not result in conversion of prime agricultural lands to non-agricultural uses. The site is not under a Williamson Act Contract. The project will have no impacts to agricultural and forest resources. (References IX 1, 2, 3, 6, 7)

The Big Sur Coast Land Use Plan states that in locations where grazing has been a traditional use, it should be retained and encouraged both under private and public ownership. (**Policy 3.6.1 BSLUP**) The project parcel is not located near any grazing or farmland and therefore, there is no impact to agricultural and Forest resources.

- 3) Air Quality. See Section VI. for detailed analysis.
- 4) Biological Resources. The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as sensitive, or special status species, or effect on any riparian habitat or other sensitive natural community protected by local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services. The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act or conflict with any local policies or ordinances protecting biological resources. (References IX 1, 3, 6, 7)

Policy 3.3.2 of the Big Sur Coastal Land Use Plan states that development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures shall not be permitted in the environmentally sensitive habitat areas if it results in any potential disruption of habitat value. Based on staff's site visits, the project site has been substantially disturbed, is not located near any environmentally sensitive habitat areas. Therefore, there is no impact to biological resources.

- 5) Cultural Resources. See Section VI. for detailed analysis.
- 6) Geology/Soils. See Section VI. for detailed analysis.
- 7) Greenhouse Gas Emissions. See Section VI. for detailed analysis.

- 8) Hazards/Hazardous Materials: The project does not involve the transport, use or disposal of hazardous materials that would constitute a threat of explosion or other significant release that would pose a threat to neighboring properties. There is no storage of large quantities of hazardous materials on site. The project would not involve stationary operations, create hazardous emissions or handle hazardous materials. The site location and scale have no impact on emergency response or emergency evacuation. The site is not located near an airport or airstrip. (References IX 1, 3, 5, 6, 7, 8, 9)

The Big Sur Land Use Plan's key policy (**Policy 3.7.1 BSLUP**) states land use and development shall be carefully regulated through the best available planning practices in order to minimize risk to life and property and damage the natural environment. There is no evidence of such hazard with the proposed project. Therefore, there is no impact to hazards.

- 9) Hydrology/Water Quality. The proposed project will not violate any water quality standards or waste discharge requirements nor substantially alter the existing drainage pattern of the site or area. The proposed project is not located within a 100 year floodplain and would not impede or redirect flood flows. References IX 1, 3, 6, 7, 11)

The protection and maintenance of Big Sur's water resources is a basic prerequisite to the protection of all other natural systems. Therefore, water resources will be considered carefully in all planning decision and approvals. (**Policy 3.4.1 BSLUP**) There is an existing well located on the property. Drainage on the property consists of surface runoff and subsurface flow and is controlled by topography and earth materials. Drainage on most of the subject property and the surrounding area in general is to the west, directly into the Pacific Ocean. A drainage plan will be required as a condition of approval from the Water Resources Agency.

- 10) Land Use/Planning. See Section VI. for detailed analysis.
- 11) Mineral Resources. No mineral resources have been identified or would be affected by the project. (References IX 1, 2, 6, 7, 8, 9) Therefore, the proposed project would have no impacts on minimal resources.
- 12) Noise. See Section VI. for detailed analysis.
- 13) Population/Housing The proposed project would not substantially induce population growth in the area, either directly, or indirectly, as no new infrastructure would be extended to the site. The project would not alter the existing location, distribution, or density of human population in the area, nor

create a demand for additional housing, or displace people. (References IX 1, 2, 3, 6, 7)

Since the proposed project replaces an existing single family dwelling, the housing element had already been considered within the Big Sur Coast Land Use Plan. There would be no impacts to Population or Housing.

- 14) Public Services. The project would have no 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. (References IX. 1, 3, 6, 7, 11)

The proposed project's residential use and proximity to other residential uses signify that any potential impact to public services will be insignificant, given that adequate public services exist to properly serve the area. Fire Department and Environmental Health Bureau site visits determined that access and private utilities (septic system and well) are sufficient and have recommended Conditions of Approval for the project. Therefore, the proposed project will not have a significant impact on Public Services.

- 15) Recreation. The project, as proposed, would not result in an increase in the use of existing neighborhood and regional parks or other recreational facilities causing substantial physical deterioration. The proposed project does not include or require construction or expansion of recreational facilities. (References IX. 1, 3, 6, 7) No parks, trail easements, or other recreational opportunities would be adversely impacted by the proposed project, based on review of Figure 2 (Shoreline Access Plan) of the Big Sur LUP and staff site visits. The project would not create significant recreational demands.

The Big Sur Land Use Plan requires that the public's right to shoreline access is ensured by the State Constitution and provisions of the California Coastal Act. (**Policy 6.1.1 BSLUP**) The project is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (Monterey County Zoning Ordinance, Section 20.70.050.B.4). The proposed project is in conformance with the public access policies of Chapter 6 of the Big Sur Coast Land Use Plan, and Section 20.145.150 of the Monterey County Coastal Implementation Plan for Carmel (Part 3). Figure 2 does not identify the parcel as an area requiring existing or proposed public access. No public access points or trails are located on the parcel. The proposed project would have no impacts related to Recreation.

- 16) Transportation/Traffic. The project would not generate additional traffic since there is an existing house on the property. The project would not result in a

change in air traffic patterns or an increase in traffic levels. It would not substantially increase hazards due to a design feature, nor result in inadequate emergency access or parking capacity. The project also would not conflict with adopted policies, plans, or programs supporting alternative transportation. (References IX. 1, 3, 5, 6, 7, 11)

The proposed project consists of the replacement of an existing structure. Construction activities will on-site and will not affect Highway 1 traffic. Therefore, proposed project would have no significant impact to Transportation or Traffic.

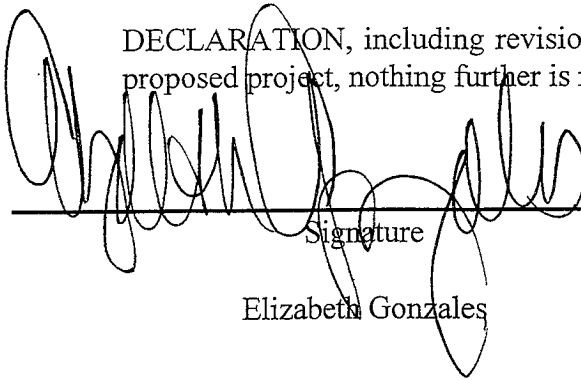
- 17) Utilities. The proposed project currently has sufficient water supplies and an existing septic system is available to service the replacement of an existing single family dwelling. Therefore, existing public utilities public utilities will not be affected. (Source IX. 1, 3, 6, 7, 11). Therefore, the proposed project would have no significant impacts related to Utilities and Service Systems.

B. DETERMINATION

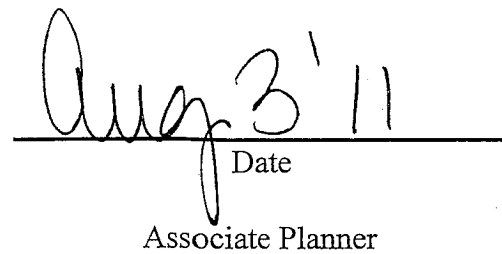
On the basis of this initial evaluation:

- 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
Elizabeth Gonzales



Date
Associate Planner

V. EVALUATION OF ENVIRONMENTAL IMPACTS

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

- b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
- a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS		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, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 3, 6, 7)	<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, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

The parcel is considered to be within the Critical Viewshed. The Critical Viewshed is everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and specific locations. "Development proposals shall be modified for design, height, and/or bulk, or shall be re-sited, where such modifications will result in a project which does not intrude on the Critical Viewshed. Because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure.

1 (a), (c), (d): Less than Significant Impact. The parcel is surrounded by Julia Pfeiffer State Park. However the structure cannot be seen by the public from the park. The parcel is located on Highway 1 between the road and the ocean. Highway 1 is considered a State scenic Highway. The existing structure can barely be seen from Highway 1 unless one is standing in front of it. There are trees located between the Highway and the existing structure. A condition of approval will be required to submit a lighting plan showing only soft, low wattage and downlit lighting.

1 (b): No Impact.

The project as proposed will not affect scenic resources such as trees, rock outcroppings, and historic buildings within a state scenic highway. Rock outcroppings are located within the 30 percent sloped areas.

2. AGRICULTURAL AND FOREST RESOURCES

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source: 1, 2, 3, 6, 7)	<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: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

3. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 3, 5, 7, 8)	<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, 2, 3, 5, 7,8)	<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, 2, 3, 5, 7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in significant construction-related air quality impacts? (Source: 1, 2, 3, 5, 7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 3, 5, 7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 3, 5, 7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

Air Quality 3(a, b, c, e, and f) - No Impact.

The proposed project site is located in the North Central Coast Air Basin, which is comprised of Monterey, Santa Cruz, and San Benito counties. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is the agency with jurisdiction over the air quality regulation in the subject air basin. In 2008, the MBUAPCD adopted an Air Quality Management Plan, which outlines the steps necessary to reach attainment with the state standards of air quality for criteria pollutants. The project involves the replacement of an existing single family dwelling located generally in the same area. Construction impacts would be temporary and will not permanently conflict with or obstruct the implementation of Air Quality Management Plan, nor would it violate any air quality standard or result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. The project would not expose any sensitive receptors to substantial pollutant concentrations, and would not create any objectionable odors affecting a substantial number of people. The generation of substantial or significant odors over the long-term is not typically associated with a project of this scope. Once construction is

completed the disturbed areas will be fully restored to their pre-development state. Therefore, there are no impacts to Air Quality.

Air Quality 3(d) – Less than Significant.

There is minimal grading proposed and there will be very minor increase in emissions from construction vehicles and dust generation; therefore, the project would result in construction-related air quality impacts that are less than significant. Construction activities will be required to comply with the Air Quality Guidelines, including the standard MBUAPCD measures addressing dust control. Implementation of these standard dust-control measures will maintain any temporary increases in PM-10 at insignificant levels. (References 1, 2, 5, 6, 7, 8)

4. BIOLOGICAL RESOURCES	Less Than Significant			
Would the project:	Potentially Significant Impact	With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 6, 7, 11)	<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, 6, 7)	<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, 6, 7)	<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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 6, 7)	<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, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

5. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 3, 6, 7, 10)	<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: 1, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 3, 6, 7, 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

According to the Monterey County Geographic Information System, the project site is identified as an area of high archaeological sensitivity. The parcel is also located within 750 feet of a known archaeological resource. Pursuant to Section 20.145.120, Coastal Implementation Plan, Part 3, County staff requested that an archaeological report be prepared for the project to evaluate the impacts to potential for significant archaeological resources located on-site and the potential for impacts to these resources as a result of the project. Overall, surface visibility in and around the project area was considered marginally adequate for purposes of the reconnaissance. The survey consisted of a general surface reconnaissance of all project impact areas which could reasonably be expected to contain visible cultural resources, and which could be viewed without major vegetation removal or excavation. All exposed surface areas and open trenches west of the highway were examined. The report concluded that there is surface evidence of potentially significant archaeological resources in the current project area. The deposit on the project parcel appears to be peripheral to a known archaeological resource, (CA-MNT-224) which is located on the parcel to the south. Therefore, the archaeological report recommends that a supplemental subsurface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts.

Conclusion:

5 (a), (b), (d): No Impact. Analysis was conducted to determine whether the proposed project has the potential to cause a substantial adverse change to an historic resource or an

archaeological resource pursuant to CEQA Section 15064.5 and/or the potential to disturb any human remains. The analysis concluded that although the structure is over 50 years of age, there will no evidence found that would determine the structure is historic.

5 (c): Less than Significant Impact with Mitigation: Areas of midden associated with CA-MNT-224 were noted in exposed soil on the project parcel. A shallow midden deposit was also noted near the open utility trench near the proposed parking pad. Cultural materials seen on the parcel included dark midden soil, fragments of weathered marine shell, battered and ground stone, and fire-affected rock. Therefore, the following mitigations measures shall be implemented to ensure appropriate levels of protection of archaeological resources:

Mitigation Measure #1:

An on-site pre-construction meeting shall be held between the applicant, the archaeologist, the representative of the Native American Heritage Commission and the contractor to discuss the mitigation requirements, scheduling of construction and to assure an understanding of the mitigations.

Monitoring Action #1:

Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA – Planning Department. Evidence shall consist of a letter summarizing what was discussed.

Mitigation Measure #2:

An agreement between the applicant, a professional archaeologist and a Native American Monitor shall be signed stating that they shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc.

Monitoring Action #2:

A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Mitigation Measure #3:

Because the depth of the cultural deposit in the direct project impact areas could not be determined at the time of the surface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts. A supplemental subsurface reconnaissance is required to include:

- A series of 4” auger borings should be hand excavated in 10cm increments and the excavated soil should be screened through 1/8” mesh. Materials should be field sorted and the cultural components identified, if the volume of materials allows. If the cultural materials are too numerous for field sorting, they should be bagged and returned to the lab

for sorting. Following the augering and sorting, a determination of the potential for significance of the cultural deposit in the project impact area should be completed.

- If the deposit is determined to have a high potential for significance, a standard Secondary Archaeological Test should be completed prior to project approval, in order to make a determination of the nature, extent and significance of the archaeological resource on the project parcel.

Monitoring Action #3:

Prior to any construction, evidence of the supplemental subsurface reconnaissance shall be submitted to the Director of the RMA – Planning Department.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Mitigation Measure #4:

If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. If human remains are accidentally discovered during construction, the following steps will be taken:

There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission and the RMA – Planning Department within 24 hours.
- The Native American Heritage Commission shall identify the person or persons from a recognized local tribe of the Esselen, Salinan, Costonoans/ Ohlone and Chumash tribal groups, as appropriate, to be the most likely descendent.
- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.9 and 5097.993, or

Where the following conditions occur, the landowner or his authorized representatives shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
2. The descendent identified fails to make a recommendation; or
3. The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Monitoring Action #4:

Prior to issuance of any grading/building permits, the applicant shall submit the contracts with a Registered Professional Archaeologist, and a representative of the Ohlone Costanoane Esselen Nation to the Director of the RMA – Planning Department for review and approval.

6. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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: 1, 3, 6, 7, 8, 9) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 3, 6, 7, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Pursuant to Section 20.145.080.A.1.b.2, "Regardless of a parcel's seismic hazard zone, a geologic report shall also be required for any development project located within 50 feet of the face of a cliff or bluff or within the area of a 20 degree angle above horizontal from the face of a cliff, whichever is greater. The parcel is located between Highway 1 and the ocean. The proposed structure will be located in the same general area as the existing structure and at the farthest end away from the ocean. The geologic report prepared by CAPROCK Engineering concludes that replacement of the existing building and foundation with a well-designed, site specific, engineered foundation would reduce any geologic hazard at the site. The geotechnical report prepared by Grice Engineering has recommendations for such a foundation.

6 a (ii), (iii), (iv) (b) & (c): Less Than Significant with Mitigation:

The geologic material underlying the subject property has a significant potential for slope failure. Slope failures have been mapped within relatively unconsolidated sediments in the greater Big Sur region both north and south of the subject property. The surficial relatively unconsolidated marine terrace and colluvial sediment at the site is about 20-30 feet thick and overlies more resistant Cretaceous age shale, sandstone, and conglomerate bedrock. The bedrock is exposed along the vertical ocean-front cliff face.

Several large, dormant young, shallow debris slides have been mapped above the property on the eastern side of Highway 1. The topographic setting of the project site is such that there is a moderate risk of the building being struck by a debris slide. If a large debris slide should occur at a higher elevation on the ridge, upslope from the project site, the slide would most likely move immediately down the side slopes of the ridge, toward Anderson Creek and would be unlikely to have any impact on the building. Smaller debris slides are present above Highway 1 that could potentially cascade across Highway 1 and onto the subject property. Highway 1 serves as a partial buffer between these potential debris slides and the building site.

There are significant hazards associated with any construction projects on the subject property. Seismic shaking and slope instability are the most serious hazards, and it is crucial that the recommendations of the geotechnical engineer be rigorously adhered to.

In general, the undisturbed, *in-situ*, native soils and acceptable engineered fill are suitable for the purpose recommended and display engineering properties providing the following mitigation measures are followed:

Mitigation Measure #5:

An on-site pre-construction meeting shall be held between the applicant, the contractor, the geologist and the geotechnical engineer to discuss the mitigation requirements, scheduling of construction and to assure an understanding of all recommendations in both the Geologic Report and Geotechnical Report.

Monitoring Action #5:

Prior to any construction, evidence of a site meeting between all parties involved shall be submitted to the Director of the RMA – Planning Department. Evidence shall consist of a letter summarizing what was discussed.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

Mitigation Measure #6:

An agreement between the applicant, contractor, geologist, and geotechnical engineer shall be signed stating that they shall be present during construction or pre-construction activities that involve earth disturbance, such as foundation demolition, grading, excavation for the garage and basement, footings and utilities, etc.

- Specifically, during the replacement of the existing building and foundation the geologist shall confirm that a well-designed, site specific, engineered foundation is installed to reduce the geologic hazards. Such a foundation is also crucial to surviving the strong shaking and associated slope failure that could be generated at the subject property during a large magnitude earthquake.
- The geologist shall determine that the drainage design incorporate appropriate measures to ensure that drainage moving downslope on the property is properly channeled so that it does not have an adverse impact on the existing or proposed buildings or the slopes below them. All drainage should be routed so that it does not discharge on the earth materials on the property other than bedrock or beach sand.
- The geotechnical shall observe any site activity, especially grading and foundation excavations. The near surface soils are not suitable for continuous or isolated foundation purposes therefore, the geotechnical engineer shall ensure the structure be supported by a grade beam and caisson foundation with associated ground improvements, patio, etc, placed on soil mat foundation.

Monitoring Action #6

A copy of the signed agreement shall be submitted to RMA-Planning Department for review and approval prior to issuance of any grading/building permits.

Additional on-going monitoring Action:

The text of the mitigation measure shall be posted and maintained at the project site for the duration of construction.

6 a (i), (d) & (e): Less Than Significant Impact.

The subject property lies in a highly seismically active region. The inactive Sur thrust fault is mapped on the subject property between the Cretaceous age sandstone and shale bedrock units along the coastal cliff face over fifty feet from the building site. No active faults are known to cross the project site, there is a low probability of fault related surface ground rupture at the proposed site during the next fifty years.

The site soils are not of a nature to lose strength during seismic activity as it is not affected with pore pressure increase. The site soils are considered resistant to dilatency and the resulting momentary liquefaction as they are dense sands and contain a significant cohesive clay-silt fraction. The relatively short duration of earthquake loading will not provide a significant number of high amplitude stress cycles to alter the stain characteristics. Additionally, the clay-silt fraction is not considered quick nor sensitive, as such it will not have the associated loss of strength.

The project includes an existing 1,500 gallon septic system that has been deemed adequate by the Environmental Health Bureau. Therefore, the soils are capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

7. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Source: 1, 2, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Source: 1, 2, 5, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

Greenhouse gases (GHG) are emitted by natural processes and human activities such as electricity production, motor vehicle use, and agricultural uses. It has been found that elevation of GHGs has led to a trend of unnatural warming of the earth's climate, otherwise known as the "greenhouse effect". In order to reduce the statewide level of GHG emissions, the State Legislature adopted California Assembly Bill 32 (AB 32) California Global Warming Solutions Act of 2006. AB 32 established a comprehensive statewide program of regulatory and market mechanisms to achieve reductions in GHG emissions, thereby reducing the State's vulnerability to global climate change (GCC). Pursuant to Senate Bill 97 (SB 97), the Governor's Office of Planning and Research (OPR) issued interim guidance for addressing climate change through CEQA and recommends that each agency develop an approach to address GHG emissions based on the best available information. At this time, the County of Monterey and the Monterey Bay Unified Air Pollution Control District (agency responsible for regulating air quality in the region) have not identified a significance threshold for GHG emissions. There will be GHG emissions associated with the use and transport of construction materials to and from the project site. However, quantifying the emissions has a level of uncertainty. Therefore, in lieu of State guidance or locally adopted thresholds, a primarily qualitative approach will be used to evaluate possible impacts for the proposed project.

7(a) and (b). Conclusion: Less than Significant.

Although the proposed project will create a temporary impact to air quality caused by construction activities, the result of the project will not increase the baseline amount of GHGs emitted prior to the project to a level of significance. The temporary impacts of construction of the replacement of an existing single family dwelling with a new single family dwelling will not permanently create a greater amount of vehicle trips nor will it cause an increase in the emission of carbon dioxide (CO₂) by fuel combustion.

8. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2, 3, 6, 7)	<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, 2, 3, 6, 7)	<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, 2, 3, 6, 7)	<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, 2, 3, 6, 7)	<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, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

9. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3, 7, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 7, 12, 14)	<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, 3, 7, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 7, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 7, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality? (Source: 1, 3, 7, 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, 3, 7, 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, 3, 7, 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, 3, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 3, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2, 3, 4, 5, 6, 7, 12, 13)	<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, 2, 3, 4, 5, 6, 7, 12, 13)	<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, 2, 3, 4, 5, 6, 7, 12, 13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

The parcel is surrounded by Julia Pfeiffer State Park and pursuant to Policy 3.2.2.1 of the Big Sur Land Use Plan, the parcel is considered to be within the Critical viewshed. The Critical viewshed is everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and specific locations. Development proposals shall be modified for design, height, and/or bulk, or shall be re-sited, where such modifications will result in a project which does not intrude on the critical viewshed. Because there is an existing single family dwelling, it can be replaced with a new structure as long as the new structure is not more visible than the existing structure.

Land Use 10 (b): Less than Significant:

During staff's review, it was determined that the original house was located on the state park property. The project has been re-designed and re-sited to be located outside of the park. However, the applicant currently proposes a three foot front yard setback. The required front setback for WSC zoning is 30 feet. A Variance is requested to encroach into the front setback. Policy 3.2.2.1 states, "Where it is determined that an alternative building site on a parcel would result in conformance to the Key Policy, then the applicant will be required to modify his proposal accordingly." The Big Sur Coast Land Use Plan encourages changes design, height, or bulk of proposed structures where this will result in an approvable project.

Land Use 10 (a), (c): No Impact:

The proposed project does not physically divide an established community nor does it conflict with any applicable habitat conservation plan or natural community conservation plan.

11. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 6, 7)	<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: 1, 2, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

12. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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, 2, 6, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 6, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 6, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 6, 8, 9)	<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, 2, 6, 8, 9)	<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, 2, 6, 8, 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

- 12) The project would not change the existing residential use of the property, would not expose the surrounding properties to noise levels that exceed standards or to substantial vibration from construction activity, and would not substantially increase ambient noise levels. (References IX 1, 2, 6, 7)

The project site is not located in the vicinity of an airport or private airstrip. The generation of substantial or significant noise over the long-term is not typically associated with a project of this scope. The proposed project would have temporary minor noise impacts due to construction of the single family dwelling, but those would cease once the project was completed. The subject parcel is surrounded by Julia Pfeiffer Burns State Park and there are no neighboring residences. Therefore, there are no significant impacts to noise. See Sections II and IV.

13. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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: 1, 2, 3, 6, 7)	<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: 1, 2, 3, 6, 7)	<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: 1, 2, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

14. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities? (Source: 1, 2, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

15. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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: 1, 3, 6, 7)	<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: 1, 3, 6, 7)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

16. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Source: 1, 3, 5, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source: 1, 3, 5, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 5, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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, 3, 5, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? (Source: 1, 3, 5, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Source: 1, 3, 5, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

17. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 3, 6, 7, 12)	<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, 3, 6, 7, 12)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

See Section IV.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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, 3, 6, 7, 11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 3, 6, 7, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 3, 6, 7, 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

(a) Less Than Significant with Mitigation Incorporated: Based upon the analysis throughout this Initial Study, because the project is located within 40 feet of a coastal bluff, the project may 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. However, geologic and geotechnical analysis above indicates that replacement of the existing building and foundation with a well designed, site specific, engineering foundation would reduce any geologic hazards at the site. The applicant will be required to adhere to mitigations as required in the geology/soils section of this Initial Study.

Impacts relating to agriculture and forest resources, biological resources, hazards/hazardous materials, land use/planning, mineral resources, noise, population/housing, public services, recreation, and transportation/traffic attributable to the project have been addressed in the Big

Sur Land Use Plan, which is equivalent to an EIR. Implementation of the project, as proposed, conditioned, and mitigated would not result in an increase of development potential for the project site.

(b) No Impact. The project would not result in significant construction-related impacts, and would not create any long-term impacts on the local area. The temporary and short-term environmental effects from project-related construction activities would not cause substantial adverse effects on human beings, either directly or indirectly. Because the project is not a construction project that will take many months to complete, there will be no cumulative effects from this project or any projects currently in the area.

(c) Less than Significant Impact. The subject property is located within 750 feet of a known resource. The archaeological report recommends that a supplemental subsurface reconnaissance be completed in order to discover the depth, contents and extent of previous disturbance of the cultural resource in the areas subject to project impacts. Other mitigation measures will ensure that the impacts the archaeological resources are less than significant.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

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

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

To be considered for determination of “no effect” on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department’s website at www.dfg.ca.gov.

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

Evidence: Based on the record as a whole as embodied in the Planning Department files pertaining to PLN100342 and the attached Initial Study / Proposed Mitigated Negative Declaration. The project as proposed may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect

on any riparian habitat or other sensitive natural community. The project as proposed, conditioned, and mitigated will not have the potential to degrade the environment (Source: IX. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13).

IX. REFERENCES

1. Project Application, Plans and Materials in File No. PLN100342
2. Monterey County General Plan (1982) (Coastal projects);
3. Big Sur Coast Land Use Plan and Coastal Implementation Plan, Part 3;
4. Title 20 of the Monterey County Code (Zoning Ordinance);
5. CEQA Air Quality Guidelines, Monterey Bay Unified Air Pollution Control District, Revised June 2008;
6. Monterey County Planning Department GIS System, Property Report for Selected Parcel – 420-021-039-000;
7. Site Visits Conducted by RMA Planning Department on November 19, 2010 and March 25, 2011;
8. Geotechnical Report for the Brubaker Residence at 53154 State Route 1, Big Sur CA, Assessor's Parcel Number 420-021-039-000 (LIB110271), prepared by Grice Engineering and Geology, Inc., dated December 2010.
9. Geologic Report for Brubaker Residence at 53154 Highway 1, Big Sur CA, Assessor's Parcel Number 420-021-039-000 (LIB110272), prepared by CapRock Environmental Engineering and Marine Geology, dated November 15, 2010;
10. Preliminary Archaeological Reconnaissance for a portion of Assessor's Parcel Number 420-021-039-000 in Big Sur, CA (LIB110270), prepared by Archaeological Consulting, Salinas CA prepared by Haro, Kasunich and Associates, Inc., dated August 12, 2010;
11. Interdepartmental Review Comments located in Project File PLN100342;
12. California Coastal Act of 1976;
13. Erosion Control Ordinance, Chapter 16.12;

Attachments:

Plans