Attachment G

This page intentionally left blank.

MONTEREY COUNTY

RESOURCE MANAGEMENT AGENCY

PLANNING
1441 SCHILLING PLACE, 2nd FLOOR, SALINAS, CA 93901
PHONE: (831) 755-5025/FAX: (831) 757-9516

Project Title:	Pietro Family Investments LP
File No.:	PLN170612 & PLN170613
Project Location:	26338 Valley View & 26346 Valley View, Carmel CA
Name of Property Owner:	Pietro Family Investments LP
Name of Applicant:	Chris Adamski
Assessor's Parcel Number(s):	009-463-017-000 & 009-463-003-000
Acreage of Property:	.15 acre (26338 Valley View) &.20 (26346 Valley View)
General Plan Designation:	Carmel Area Land Use Plan
Zoning District:	MDR/2-D (18) (CZ)/Medium Density Residential, 2 units per acre with a Design Control overlay and 18-foot height restriction
Lead Agency:	County of Monterey, Resource Management Agency – Planning
Prepared By:	Maira Blanco, Associate Planner
Date Prepared:	September 12, 2018 Date Revised: November 28, 2018 **Date of Rev. 2: April 12, 2019**
Contact Person:	~~**Maira Blanco, Associate Planner**~~ **Jaime Scott Guthrie, AICP, Associate Planner**
Phone Number:	~~**831-755-5052**~~ **831-796-6414**

II. DESCRIPTION OF PROJECTS AND ENVIRONMENTAL SETTING

A. Project Description:

26338 Valley View (Assessor's Parcel Number 009-463-017-000; PLN170612)

The project application consists of a 2,285-square foot two-story single family dwelling with a 1,687-square foot basement and a 450-square foot attached two car garage to be developed within 750 feet of a known archaeological resource. The proposed project is located at 26338 Valley View Avenue, on a .15-acre parcel in Carmel, California (Assessor's Parcel Number 009-463-017-000), Coastal Zone (**FIG 1a**).
Note: Figures with an 'a' next to the number pertain/refer to 26338 Valley View (APN: 009-463-017-000), unless indicated otherwise.

26346 Valley View (Assessor's Parcel Number 009-463-003; PLN170613)

The project application consists of a 3,028-square foot two-story single family dwelling with a 2,413-square foot basement and a 440-square foot attached two-car garage to be developed within 750 feet of a known archaeological resource. The proposed property is located at 26346 Valley View Avenue, on a .20-acre parcel in Carmel (Assessor's Parcel Number 009-463-003-000), Coastal Zone (**FIG 1b**).
Note: Figures with a 'b' next to the number pertain/refer to 26346 Valley View (APN: 009-463-003), unless indicated otherwise.

The subject parcels are adjacent to each other; parcels shown in relationship to one another in Figure 1.

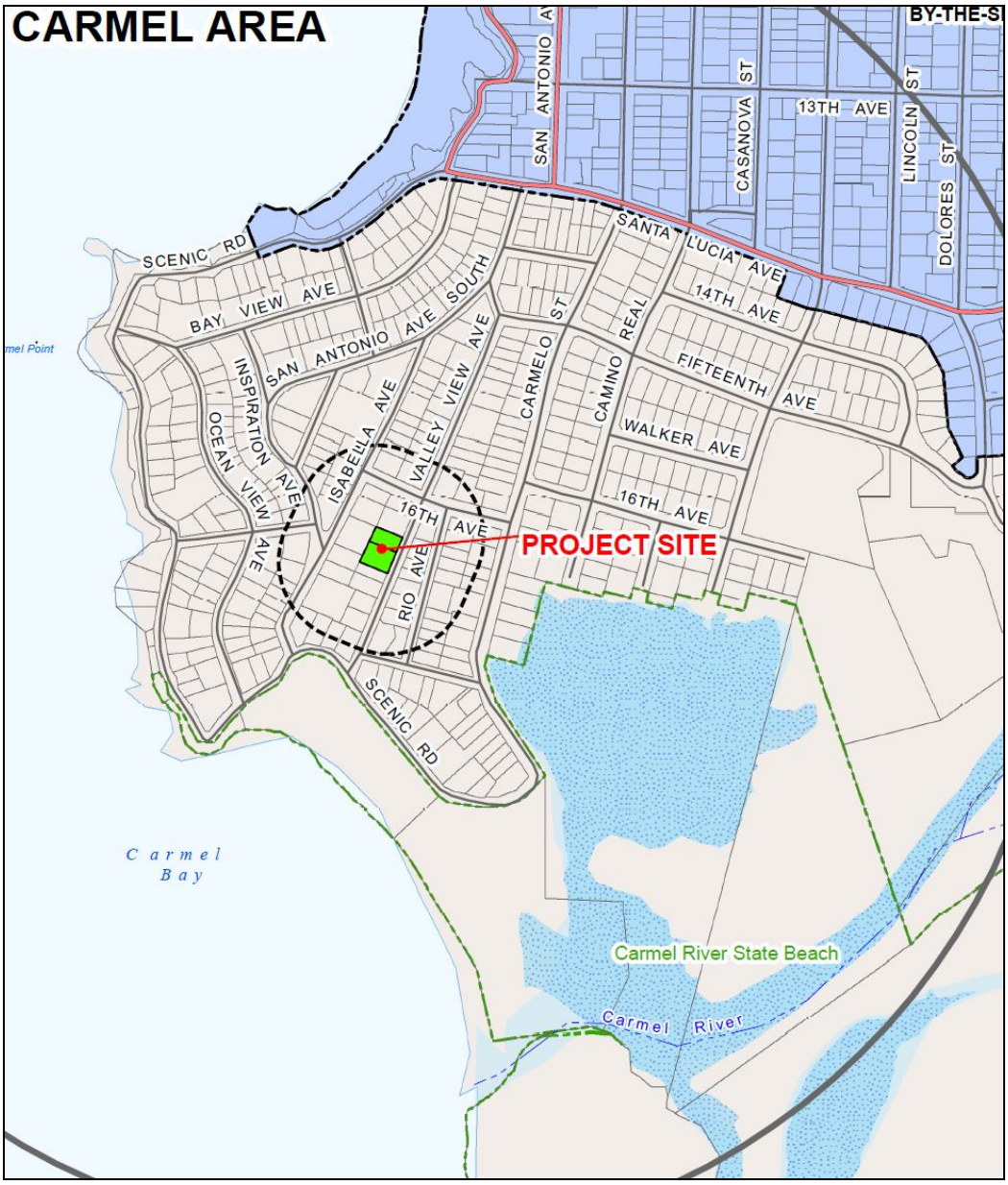

Figure 1 – Vicinity Map: 26338 Valley View Avenue and 26346 Valley View Avenue

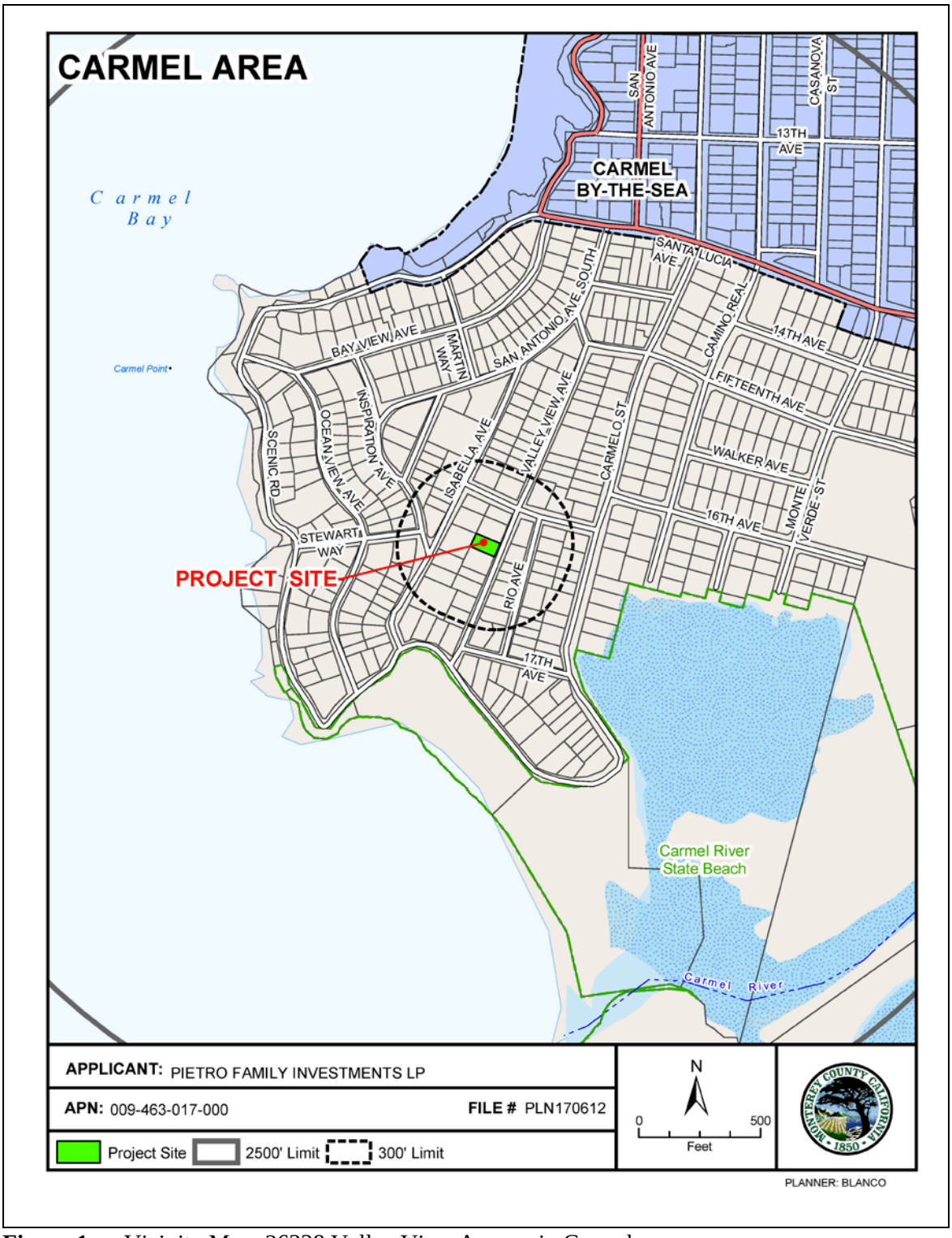

Figure 1a – Vicinity Map: 26338 Valley View Avenue in Carmel

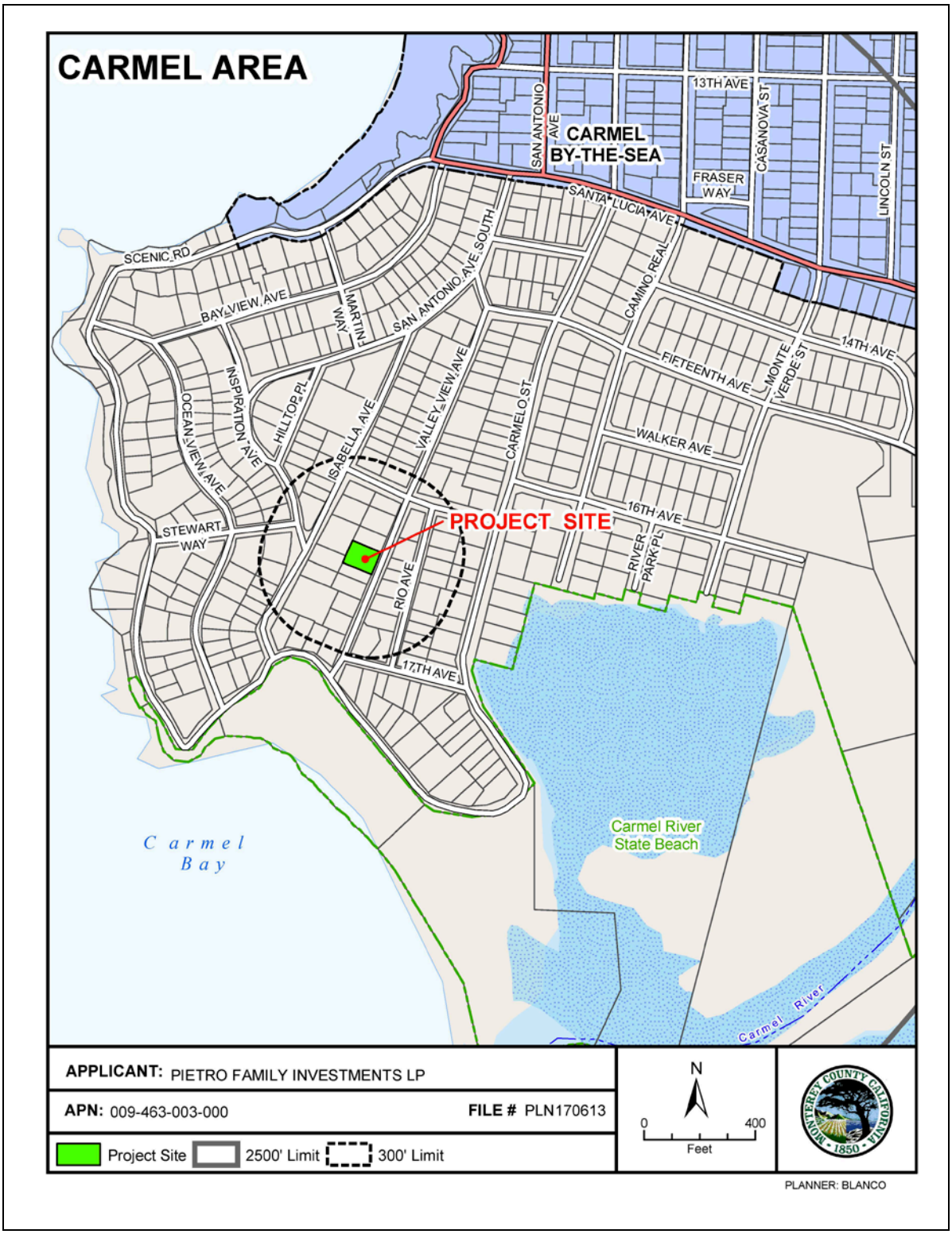

Figure 1b – Vicinity Map: 26346 Valley View Avenue in Carmel

Both subject parcels are zoned MDR/2-D (18) or Medium Density Residential, 2 units per acre with a Design Control overlay and an 18-foot height restriction and are governed by regulations and policies in the 1982 General Plan, the Carmel Area Land Use Plan, the Monterey County Coastal Implementation Plan (CIP)(Part 4 – Regulations for Development in the Carmel Area Land Use Plan Area [Chapter 20.146]), and the Monterey County Coastal Zoning Ordinance, Title 20. Implementation of the project requires the consideration of a Combined Development Permit (CDP) consisting of: a Coastal Administrative Permit and Design Approval for the construction of a single family dwelling; and a Coastal Development Permit for development within 750-feet of a known archaeological resource.

To comply with the policies that govern development in the area and the procedures established for project review, the applicant submitted the following: Architectural Plan submittal which included a Cover Sheet, Survey, Site Plan, Floor Plans, Roof Plan, Building Sections and Elevations, Window/Door Schedules, and Architectural Details (A0-A8.3); the Landscape Plan – the landscape plan set included the Irrigation Plan (L.1), Planting Plan (L.2), and Exterior Lighting Plan (L.3). Finally, four additional sheets in the plan set addressed Grading and Drainage and Erosion Control (C1-C4). The Architectural Plan set was routed to the following agencies: Cypress Fire Protection District, RMA-Public Works, Environmental Health Bureau, Water Resources Agency, California Coastal Commission, and RMA-Environmental Services.

The topographic survey (**FIG 2**) shows existing site conditions: the subject properties are undeveloped lots with minimal vegetation and scattered trees. The lots front Valley View Avenue. The proposed residential development is adjacent to existing developed residential lots; the same project proponent is proposing development on another undeveloped lot on Isabella Avenue (which shares a common corner with APN: 009-463-017-000).

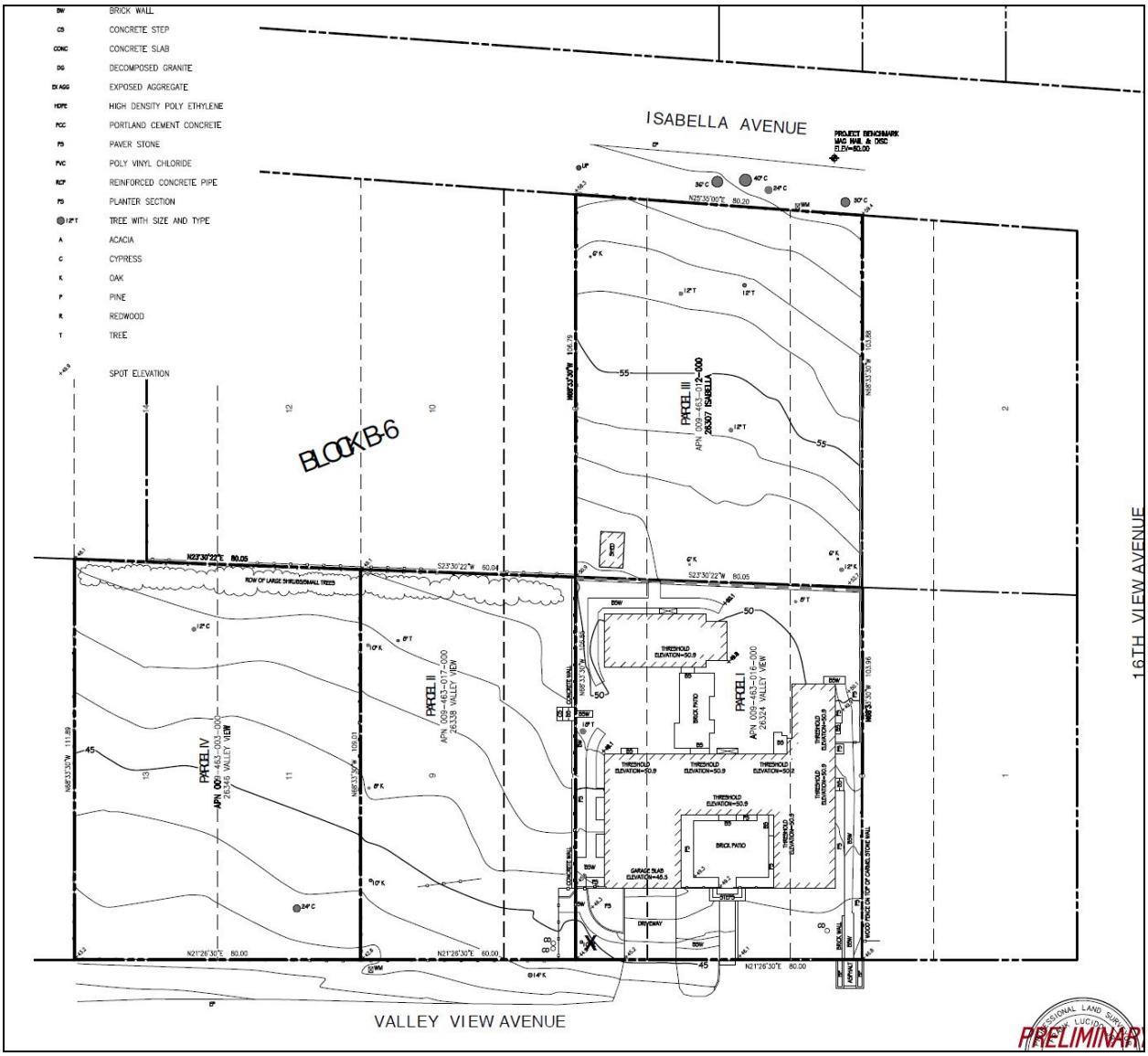

Figure 2 – Survey: 26338 Valley View Avenue (APN: 009-463-017-000) and 26346 Valley View Avenue (APN: 009-463-003-000) are adjacent parcels

Figures 3a and 3b provide a view of the Site Plan. From Valley View Avenue (east), the proposed residences would be set back 20 feet from the front property line. **FIG 3a** shows a gate and courtyard within the front setback and a water feature with a central location among four large (proposed) trees just beyond this point for APN:009-463-017-000). The driveway is located on Valley View Avenue and is shown to be at a lower elevation than the house. The proposed residential layout is a T-shape with offsets occurring on the south end; a courtyard is shown in the southwest area and a deck and chimney would encroach into the south side setback (allowable under the zoning setback exceptions, Section 20.62.040. D. – Title 20). Figure 3b shows a similar T-shaped layout, with offsets occurring on the east and west sides of the adjacent proposed residence.

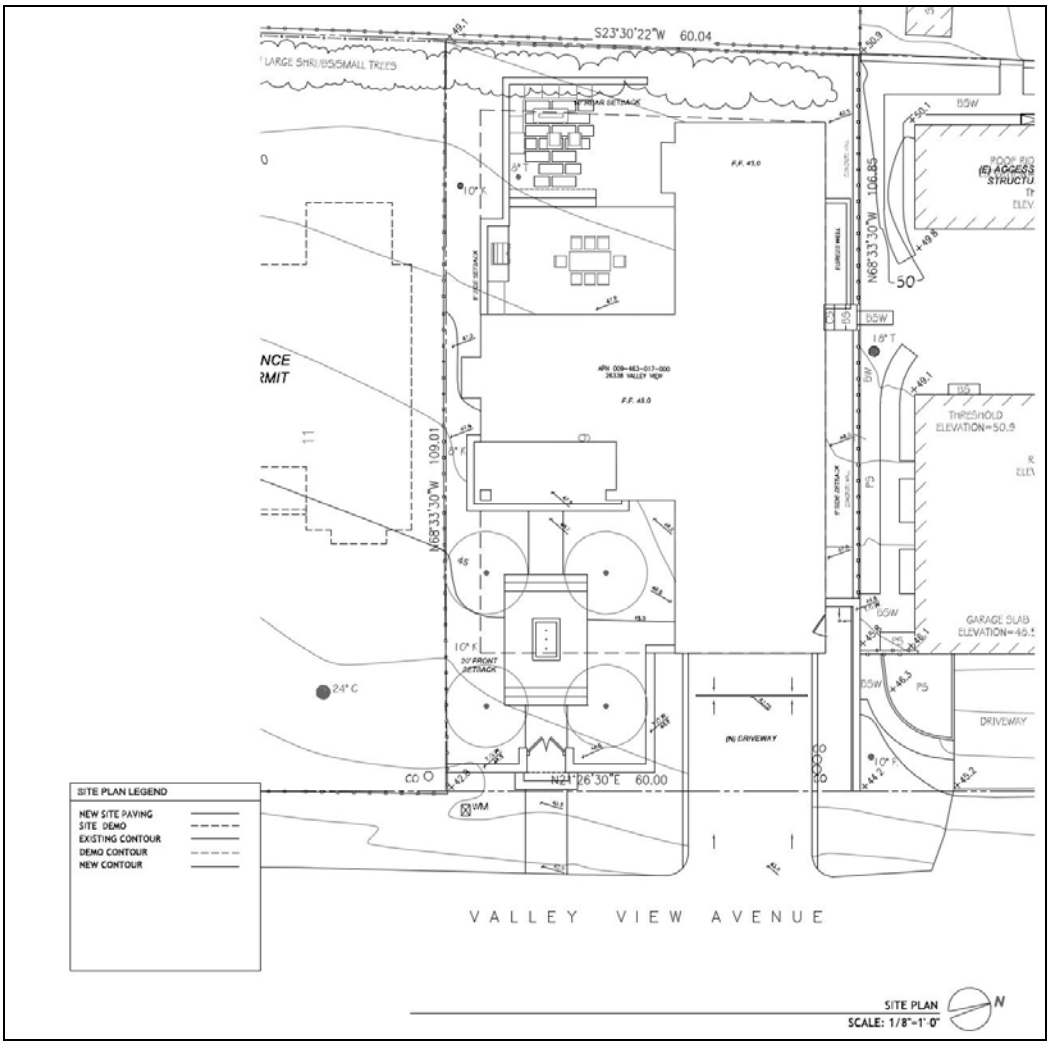

Figure 3a – Site Plan: 26338 Valley View Avenue

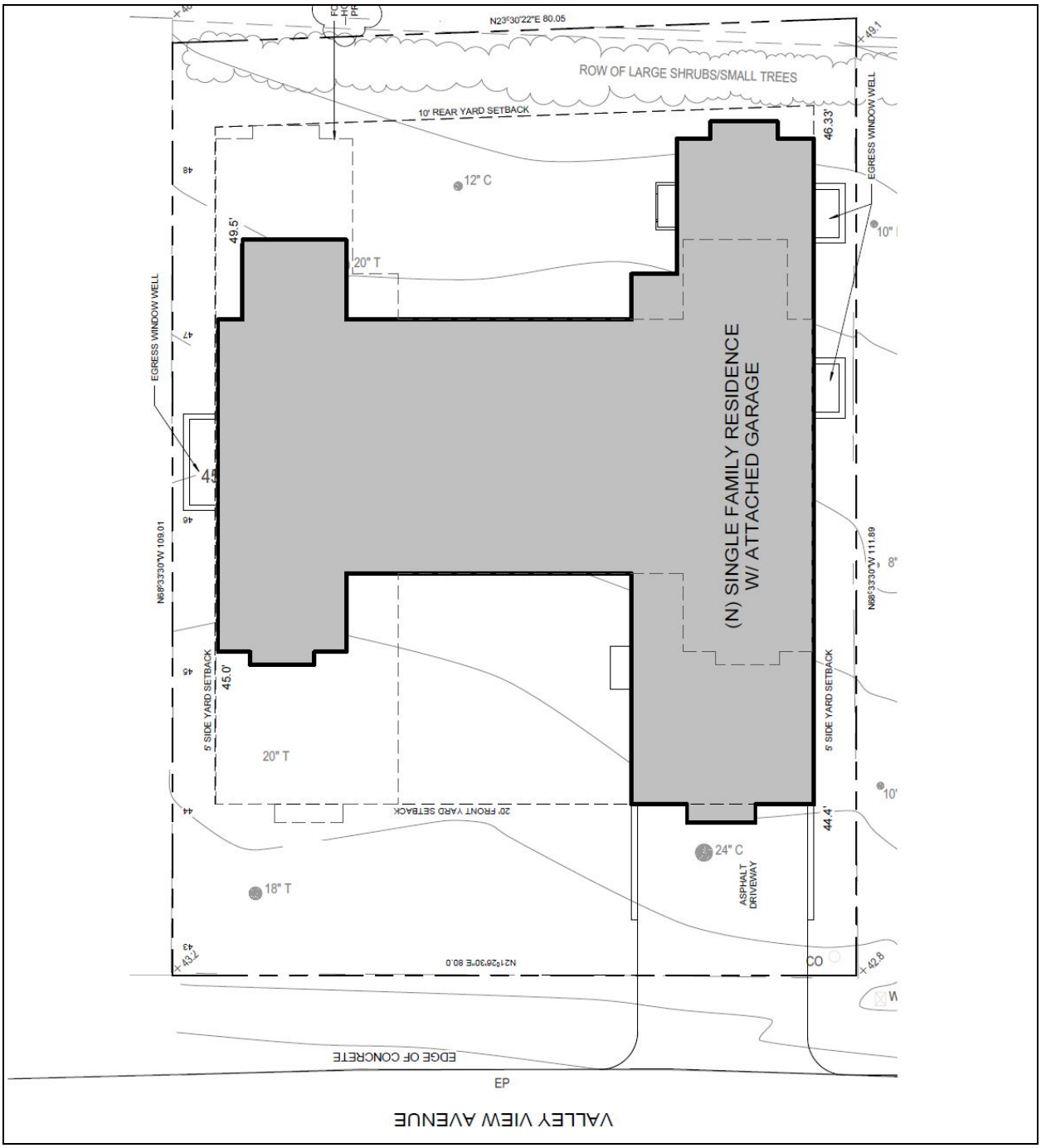

Figure 3b – Site Plan: 26346 Valley View Avenue

Figures 4a and 5a provide a detailed Floor Plan for the proposed floors for 26338 Valley View Avenue. Allowable site coverage in the Medium Density Residential zoning designation is 35% or 2,287-square feet for the subject parcel; project plans show the proposed structure to be 2,285-square feet, or 34.98%. The proposed FAR is shown to be 42% which meets the allowable 45% FAR in MDR/2; the subterranean basement (1,687-square feet) is not counted towards the floor area ratio (FAR). Therefore, the proposed project meets coverage and FAR allowances for its zoning designation.

The applicant has furnished a Malpaso Water Company Water Entitlement which conveys/assigns/grants 0.35 acre-feet per year dedicated to the real property described (subject property, 26338 Valley View Avenue) to account for the proposed fixture unit count (increasing from 0 fixtures to 25.6 fixtures).

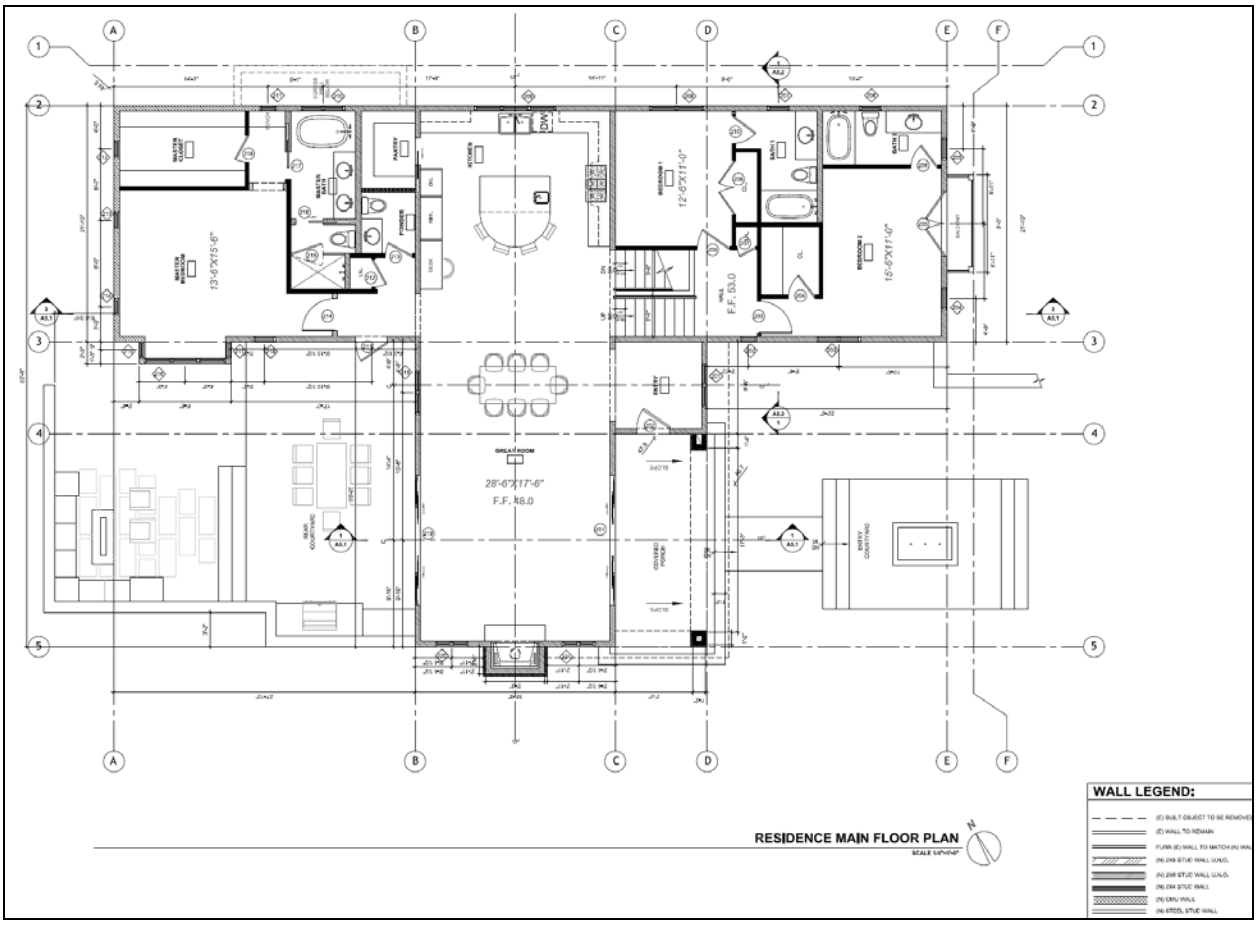

Figure 4a – Floor Plan: Proposed main floor plan for the new two-level single family dwelling at 26338 Valley View Avenue.

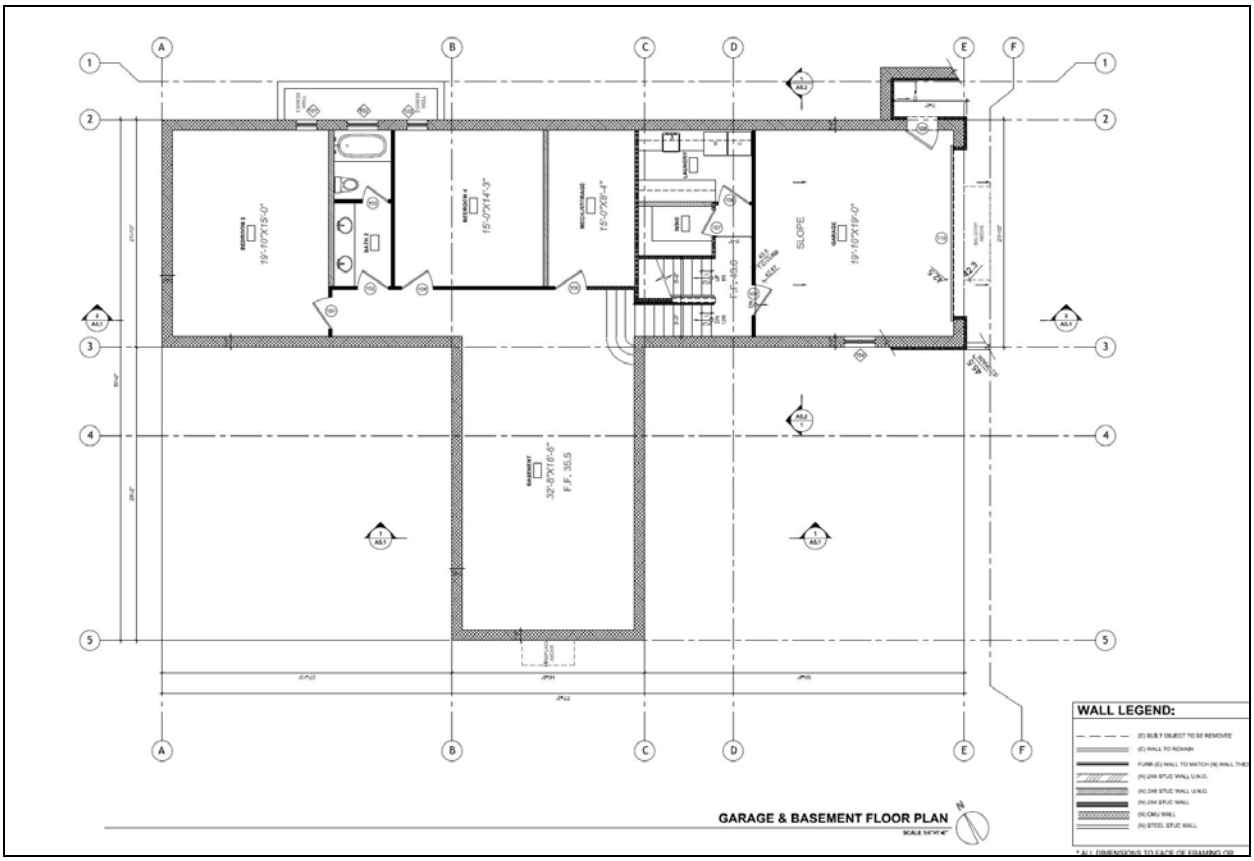

Figure 5a – Floor Plan: Proposed Garage and Basement Floor Plan at 26338 Valley View Avenue.

Figures 4b and 5b provide detailed Floor Plans of the proposed floors for 26346 Valley View Avenue. Allowable site coverage in the Medium Density Residential zoning designation is 35% or 3,094-square feet for the subject parcel; project plans show the proposed structure to be 3,094-square feet, or 35.0%. The proposed FAR is shown to be 39.2% which meets the allowable 45% FAR in MDR/2; the subterranean basement (2,413-square feet) is not counted towards the floor area ratio (FAR). Therefore, the proposed project meets coverage and FAR allowances for its zoning designation.

The applicant has furnished a Malpaso Water Company Water Entitlement which conveys/assigns/grants 0.45 acre-feet per year dedicated to the real property described (subject property, 26346 Valley View Avenue) to account for the proposed fixture unit count (increasing from 0 fixtures to 23.2 fixtures).

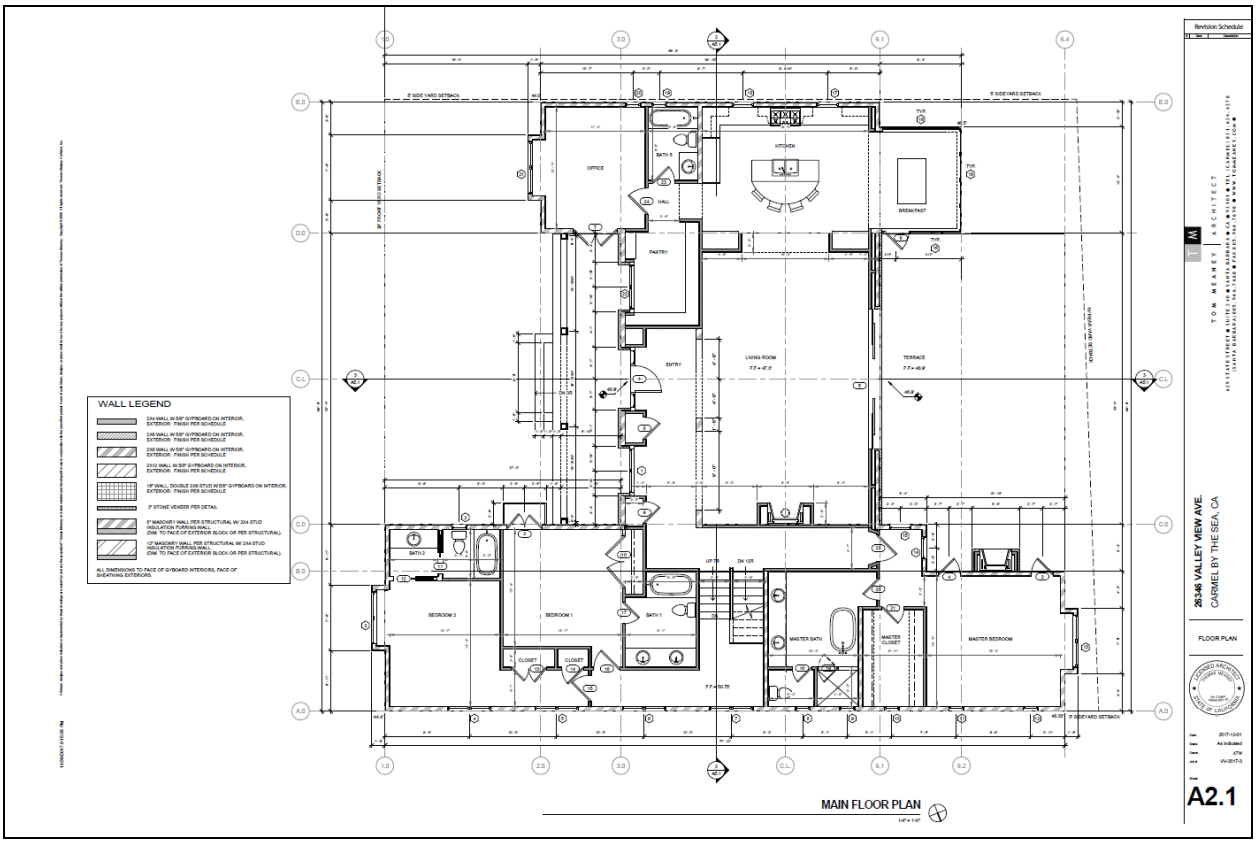

Figure 4b – Main Floor Plan: Proposed floor plans for the new two-level single family dwelling at 26346 Valley View Avenue.

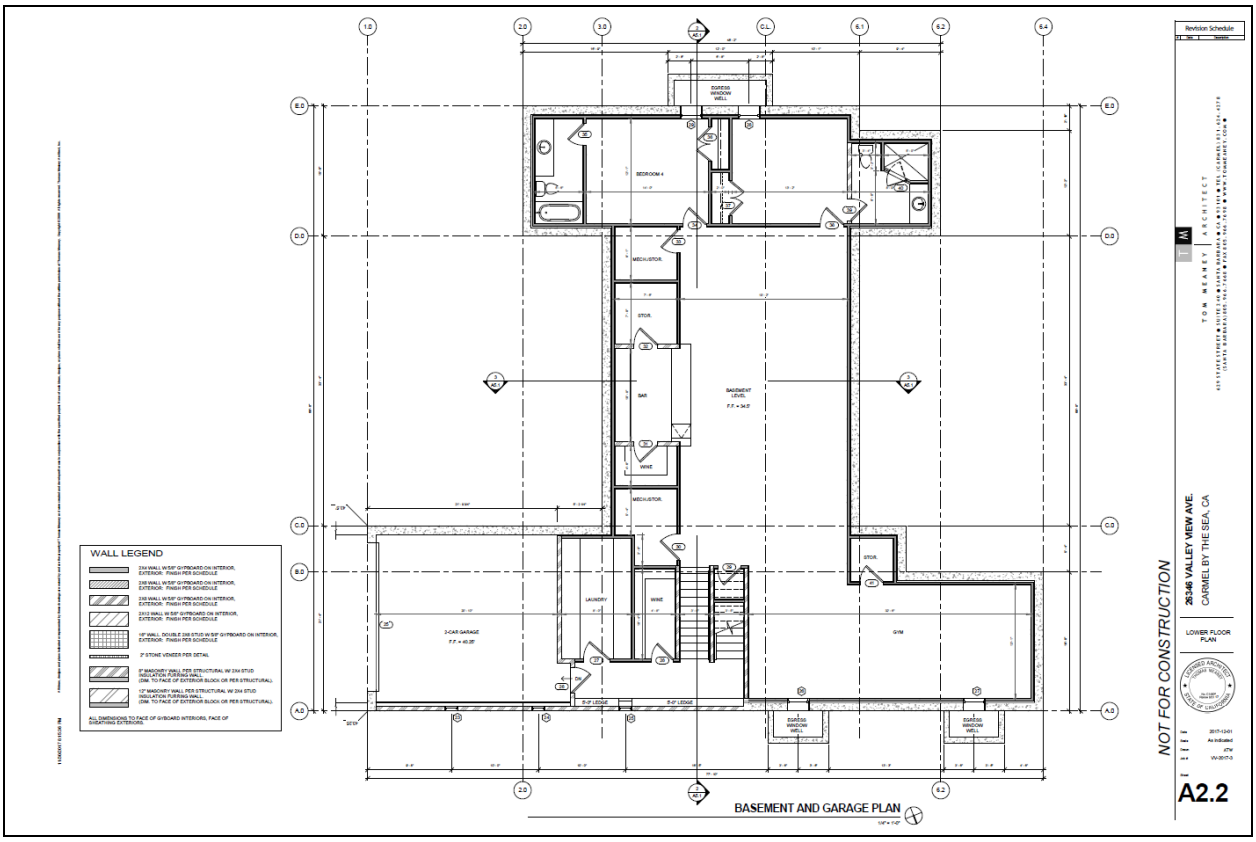

Figure 5b – Basement and Garage Floor Plan: Proposed floor plans for the new two-level single family dwelling at 26346 Valley View Avenue.

The proposed elevations **(FIG 6a, 7a and 6b, 7b)** meet the height limitation of eighteen (18) feet. On October 6, 1987, the County passed and adopted Ordinance No. 3275 applying certain restrictions to development in the unincorporated area of Monterey County in Carmel Point. This ordinance established that all new development have a maximum height limit of eighteen (18) feet and that the allowable floor area shall not exceed forty-five percent (45%). The proposed finished height for 26338 Valley View Avenue is 65.5 feet from the average natural grade shown as 47.5, or 18 feet. The north and east elevations indicate the ridge height would be at 65 feet and six inches (from the average natural grade shown as 47.5) or 18 feet. Similarly, the proposed finished height for 26346 Valley View Avenue is 18 feet (63.5 feet from average natural grade at 45.5 inches).

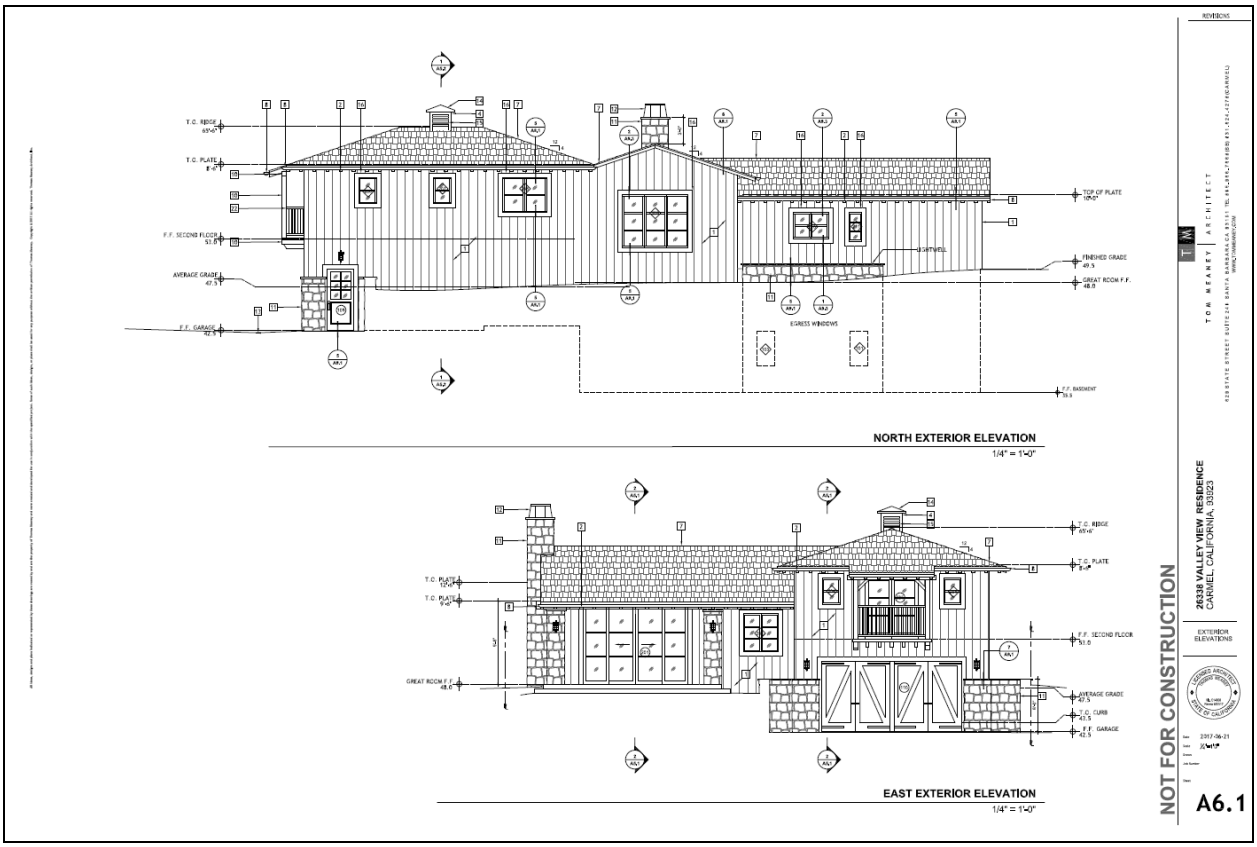

Figure 6a –Elevations: Proposed Elevations 26338 Valley View Avenue (north and east exterior elevations).

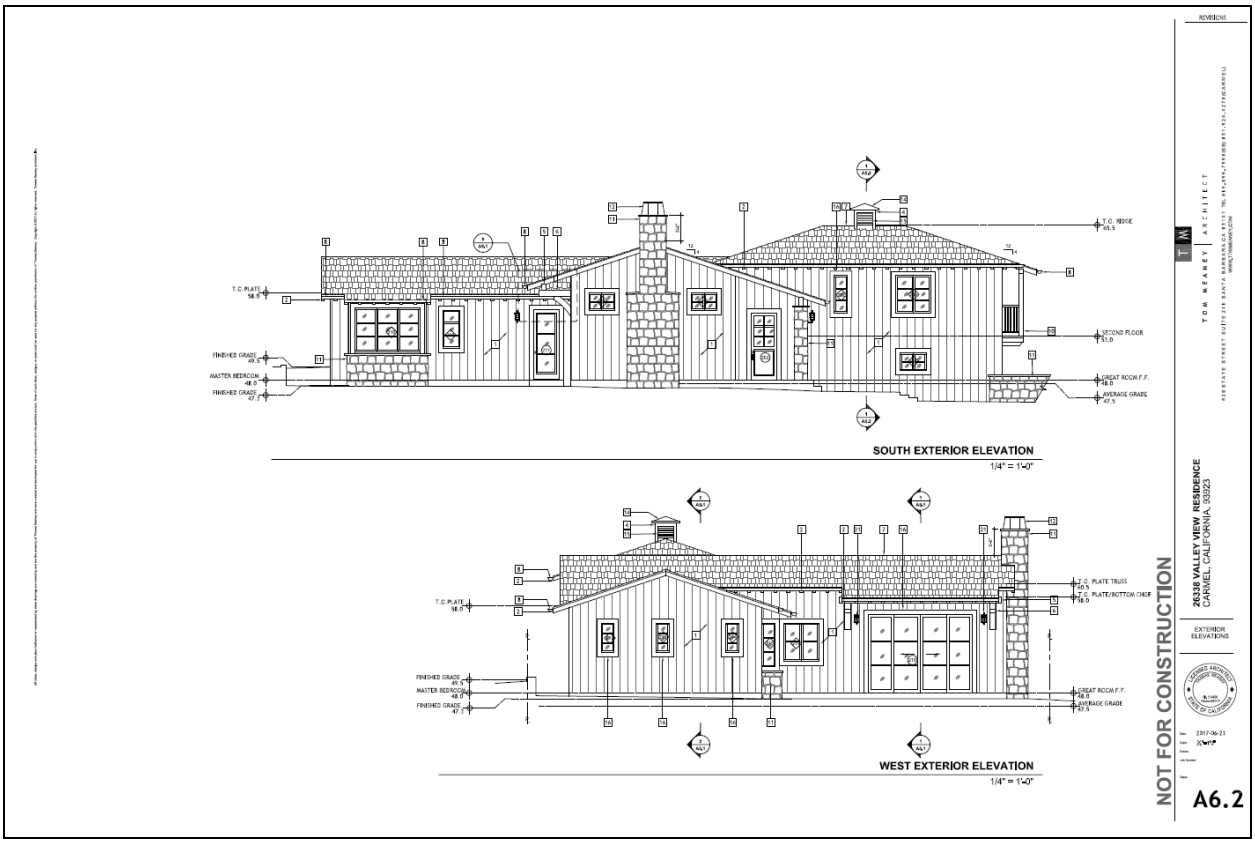

Figure 7a –Elevations: Proposed Elevations 26338 Valley View Avenue (south and west exterior elevations).

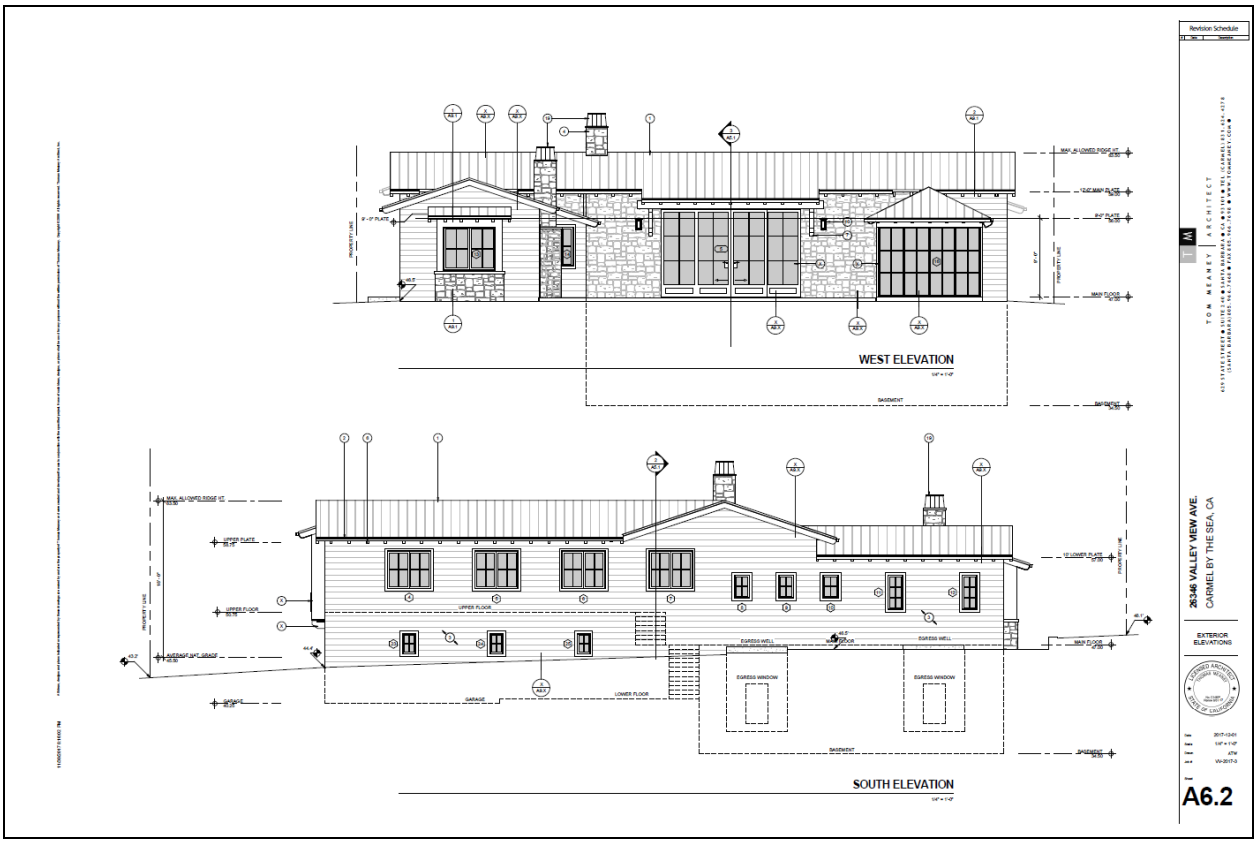

Figure 6b –Elevations: Proposed Elevations 26346 Valley View Avenue (west and south exterior elevations).

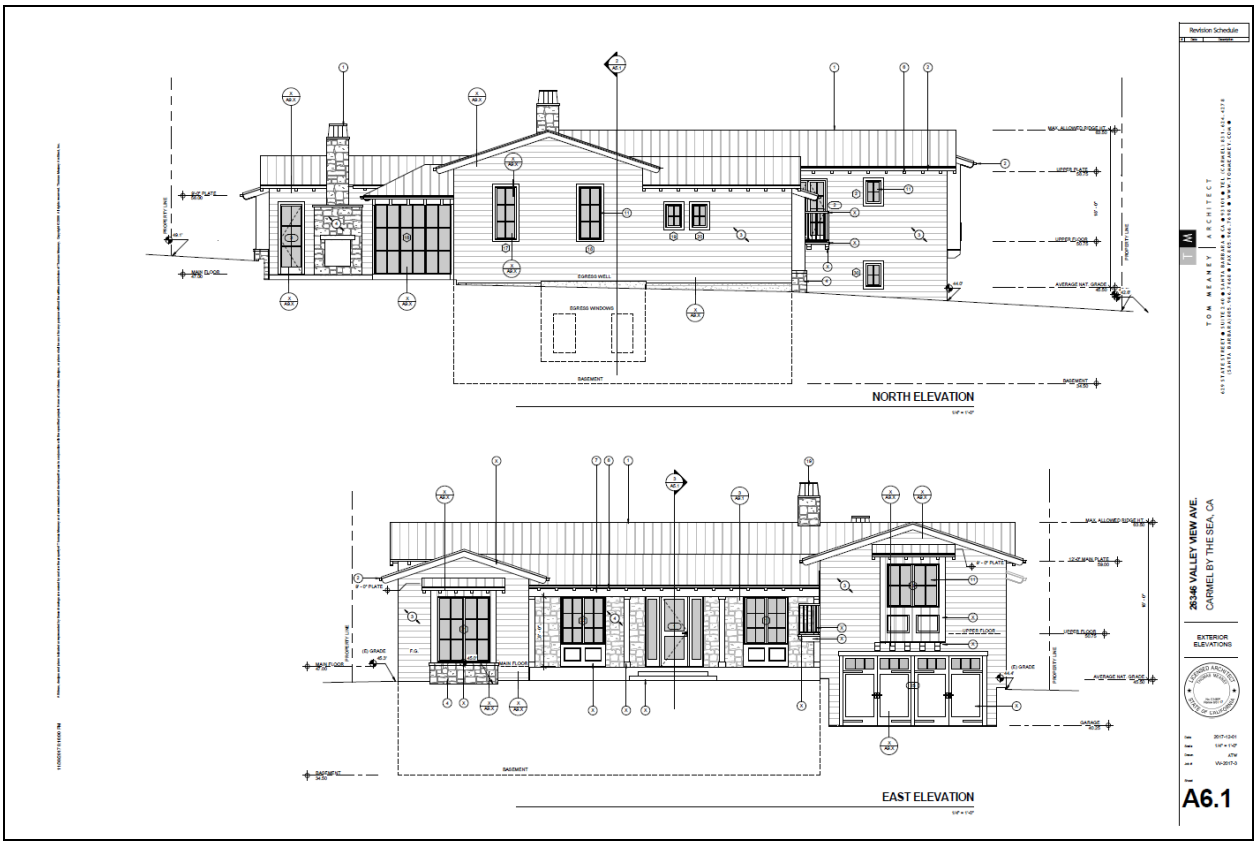

Figure 7b –Elevations: Proposed Elevations 26346 Valley View Avenue (north and east exterior elevations).

The applicant provided a written Construction Management Plan (no illustration). According to the information provided in the Construction Management Plan, hours of construction would occur Monday thru Friday, 8 a.m. to 6 p.m., with occasional work on Saturdays. No work will occur on Sundays or national holidays. The plan gives October 1, 2019 as an estimated projection completion date. Total grading involves 830 cubic yards and 1255 cubic yards of cut, respectively, to be hauled offsite to a County-approved landfill; stockpiled materials are proposed to be kept entirely onsite and parking for the construction crew would be provided onsite or in designated areas. The Grading and Drainage Plan (**FIGs 8a and 8b**), demonstrates that storm water would be managed by area drains. The Erosion Control Plan (**FIGs 9a and 9b**) also includes details on best management practices, including: stockpile management, concrete washout, staging area storage as well as portable toilets to be stationed on the front half of the lot facing Valley View Avenue; placement of fiber rolls are proposed around perimeter of lot. Run-off from the site would be detained or filtered by berms, vegetated filter strips, and or catch basins to prevent the escape of sediment from the site. Presumably, because the subject projects would be developed by the same developer, portable toilets will only be placed on one parcel (26346 Valley View Avenue).

There are open code enforcement violations on both subject parcels (17CE00360, 17CE00361) which indicate that grading occurred without a grading permit and that the alteration of the land

may cause or be likely to cause conditions for accelerated erosion. In addition, a bulldozer was being operated onsite.

In the Medium Density Residential zoning designation, a detached single family dwelling requires 2 off-street parking spaces, 1 of which shall be covered. Both projects propose attached two-car garages. Therefore, both projects meet the minimum required parking standard.

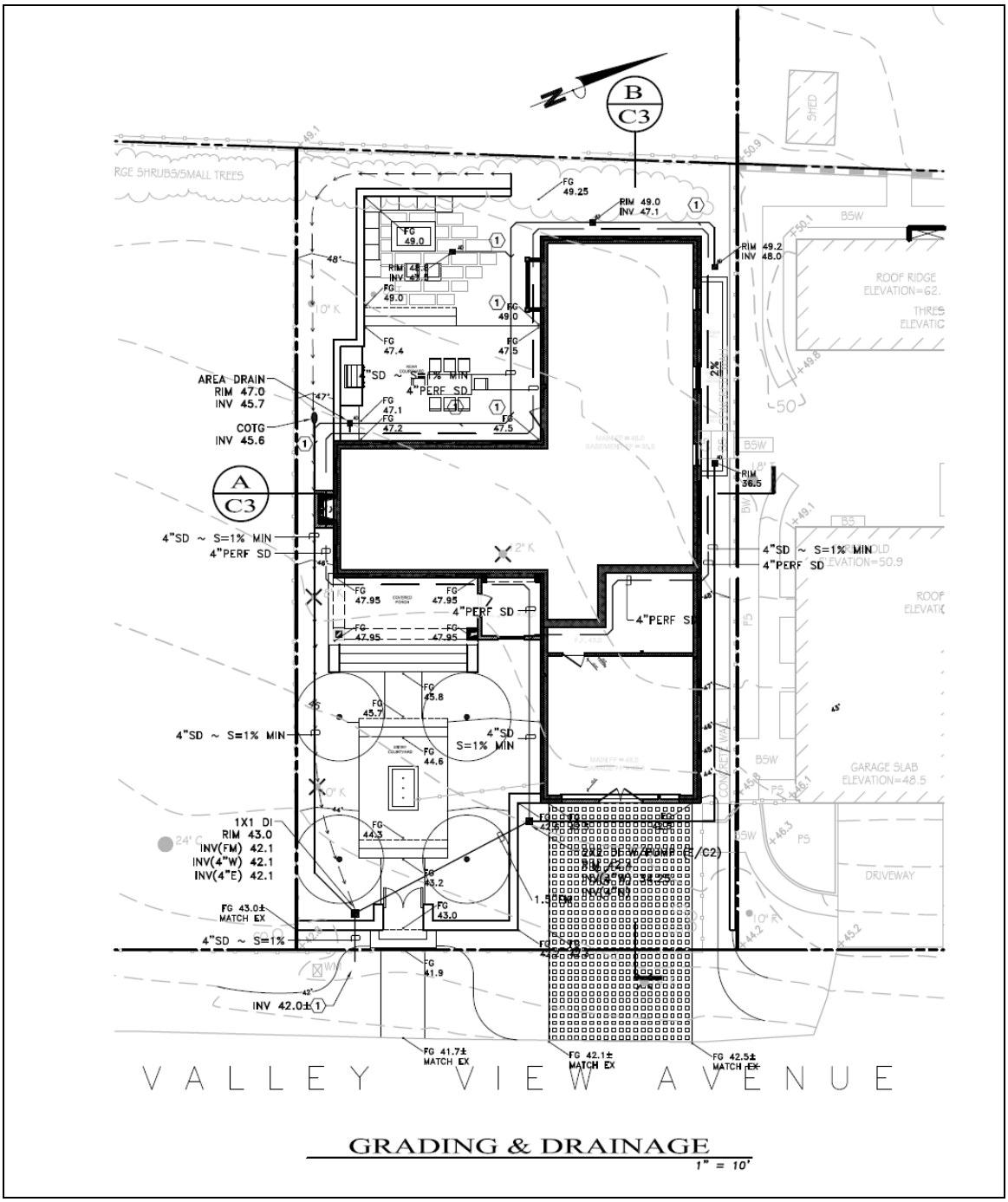

Figure 8a–Grading and Drainage [830 cubic yards of grading are estimated for the implementation of the project as proposed. Excavation for the basement is expected to be to a depth of 15 feet].

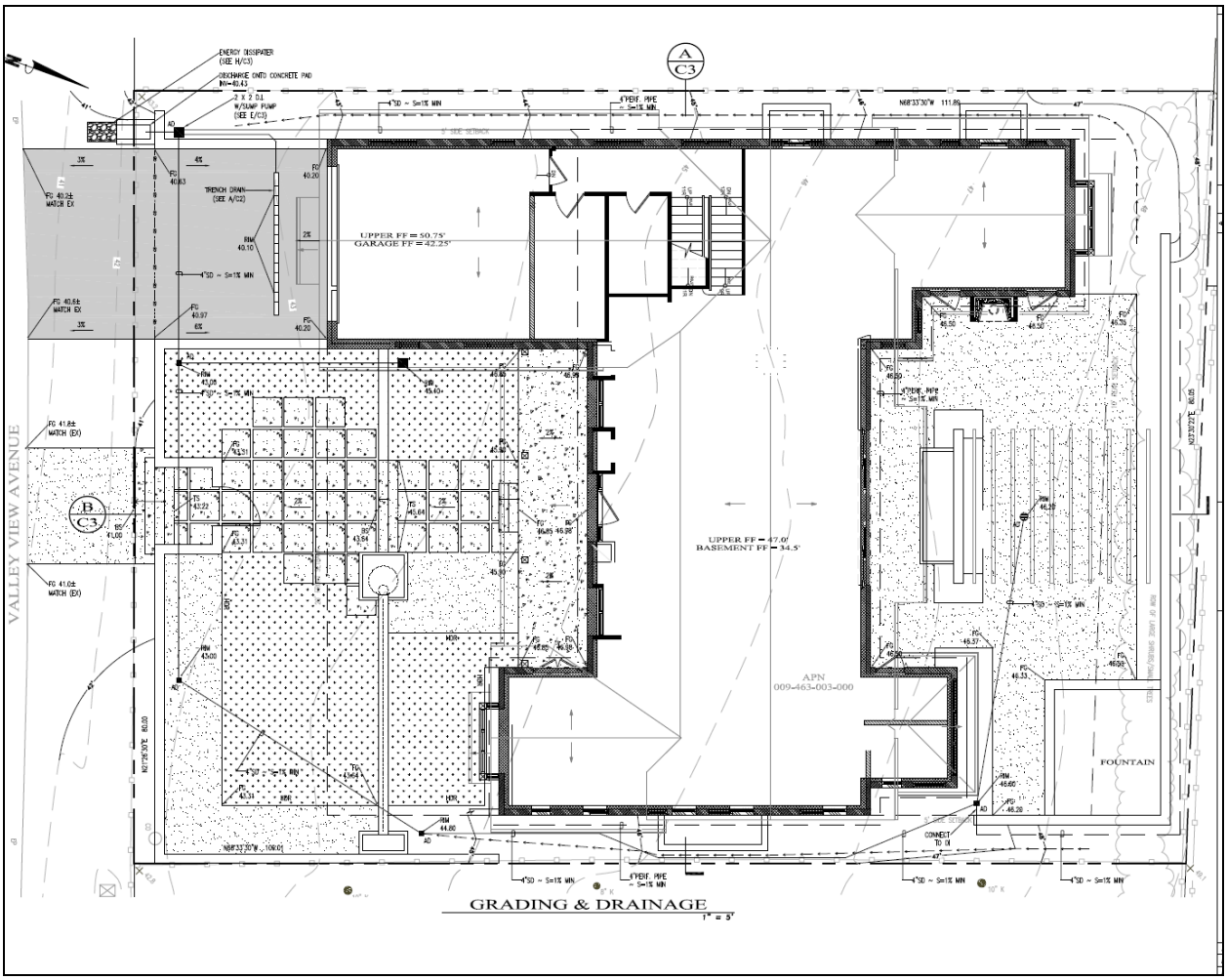

Figure 8b–Grading and Drainage [1255 cubic yards of grading are estimated for the implementation of the project as proposed. Excavation for the basement is expected to be to a depth of 13 feet].

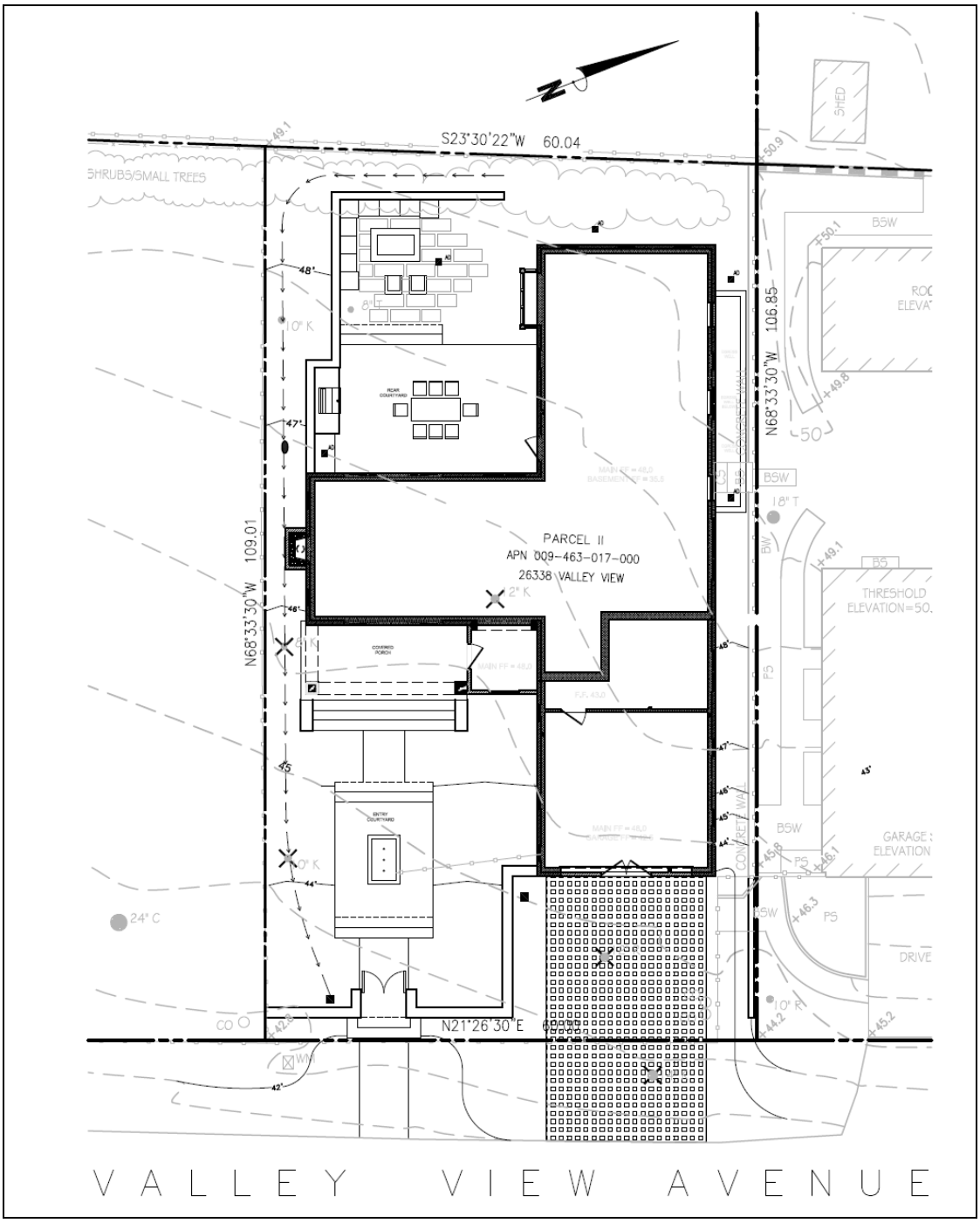

Figure 9a –Erosion Control Plan

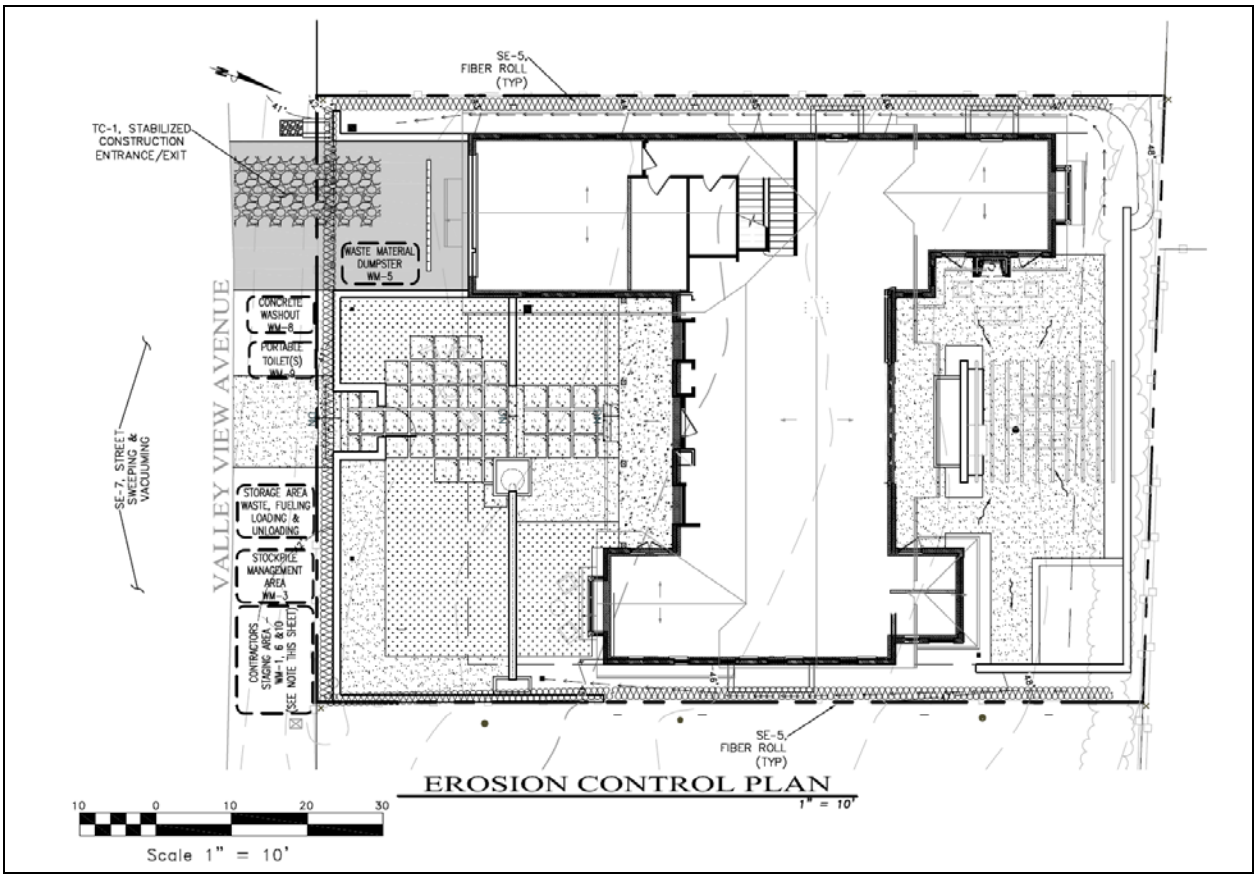

Figure 9b –Erosion Control Plan

Figures 10a and 10b include the proposed planting (L1-L2). General development standards in the CIP and Land Use Plan (LUP) include retaining existing trees and other native vegetation to the maximum extent possible, both during the construction process and after the development is completed. Moreover, all new landscaping must be compatible with the scenic character of the area and should retain existing shoreline and ocean views. No tree removal is proposed for either development; however, the code enforcement investigation of these parcels leads to the conclusion that existing vegetation was already cleared. Planting plans for both parcels include a mix of native drought tolerant, non-invasive species.

The Carmel CIP also speaks to exterior lighting, specifically that exterior lighting shall be unobtrusive and harmonious with the local area. Lighting fixtures shown on Sheet L-3 (**FIGs 11a and 11b**) do not include photos of actual lighting fixtures to be used, but do include technical specifications.

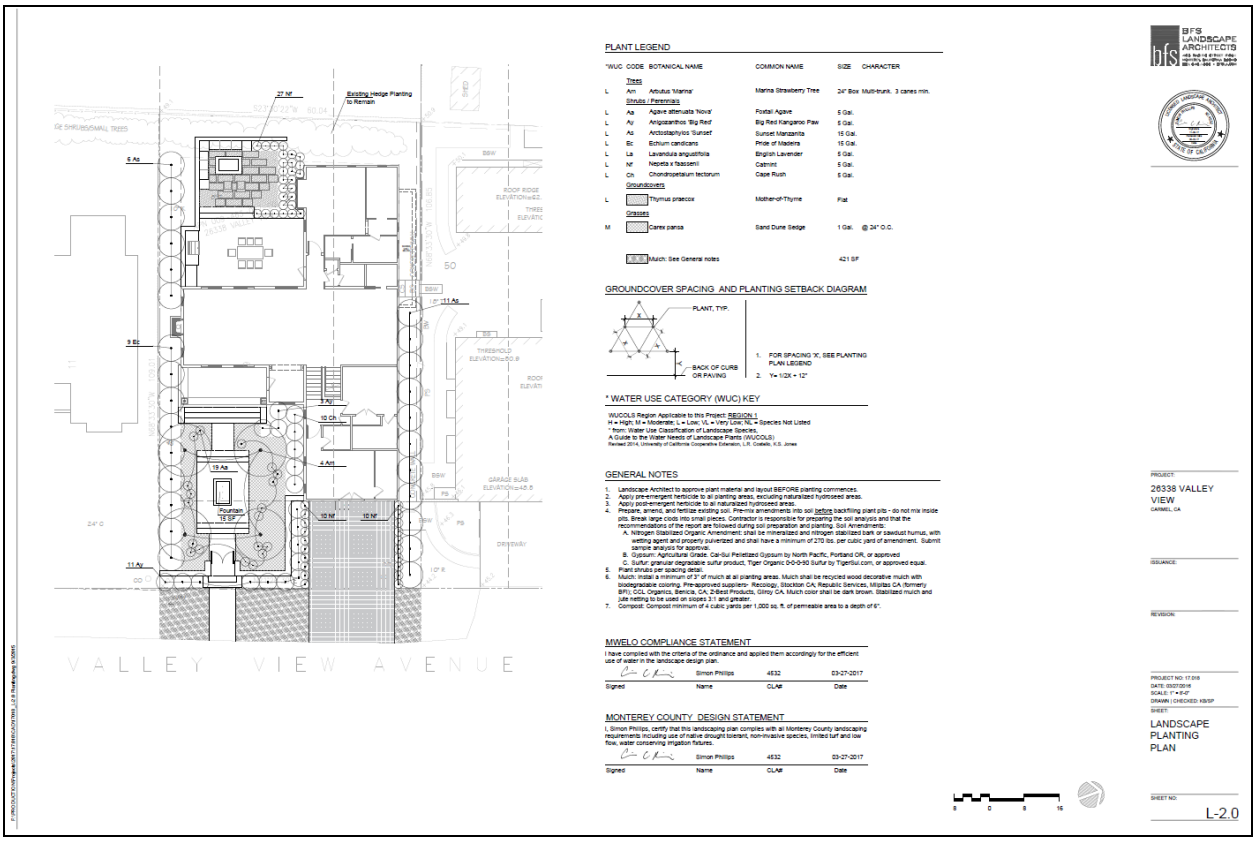

Figure 10a – L-2: Proposed Landscape Planting Plan at 26338 Valley View Avenue

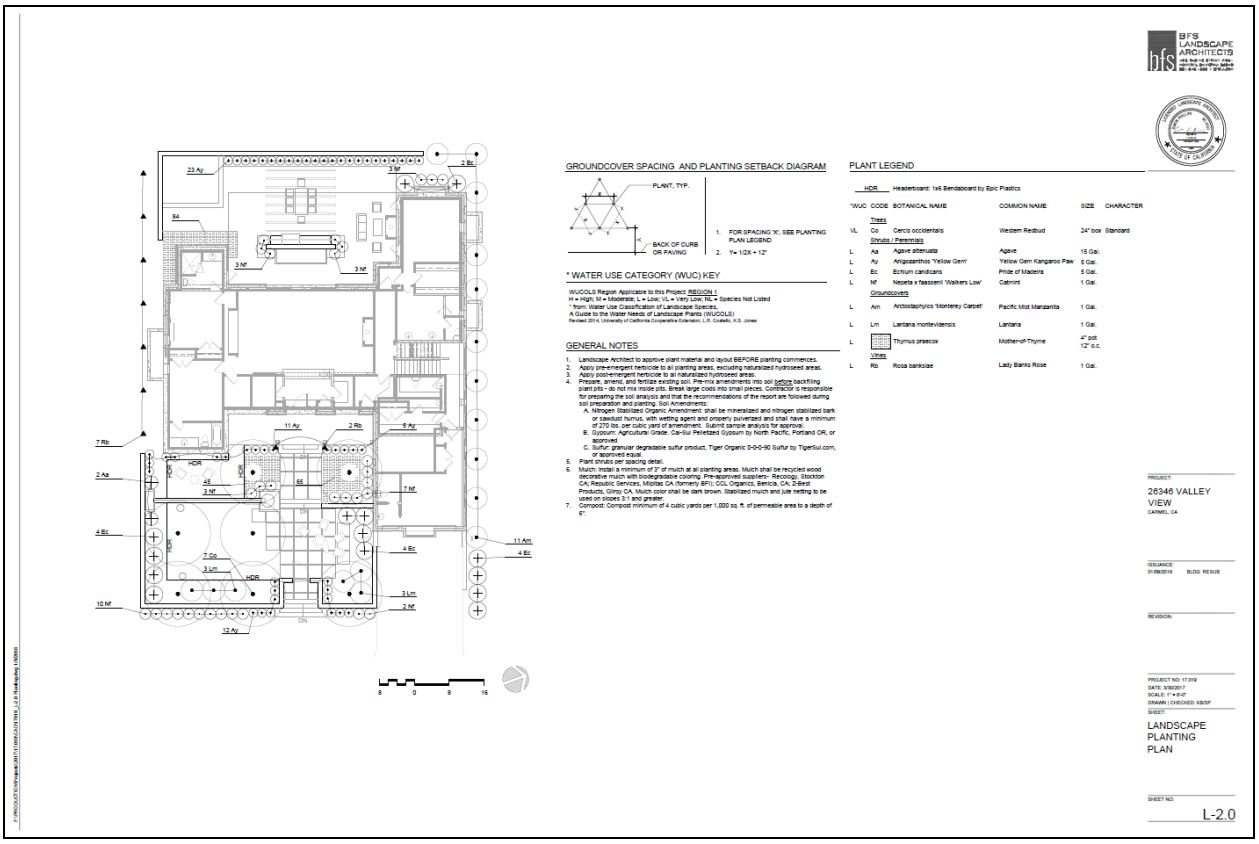

Figure 10b – L-1: Proposed Landscape Planting Plan at 26346 Valley View Avenue

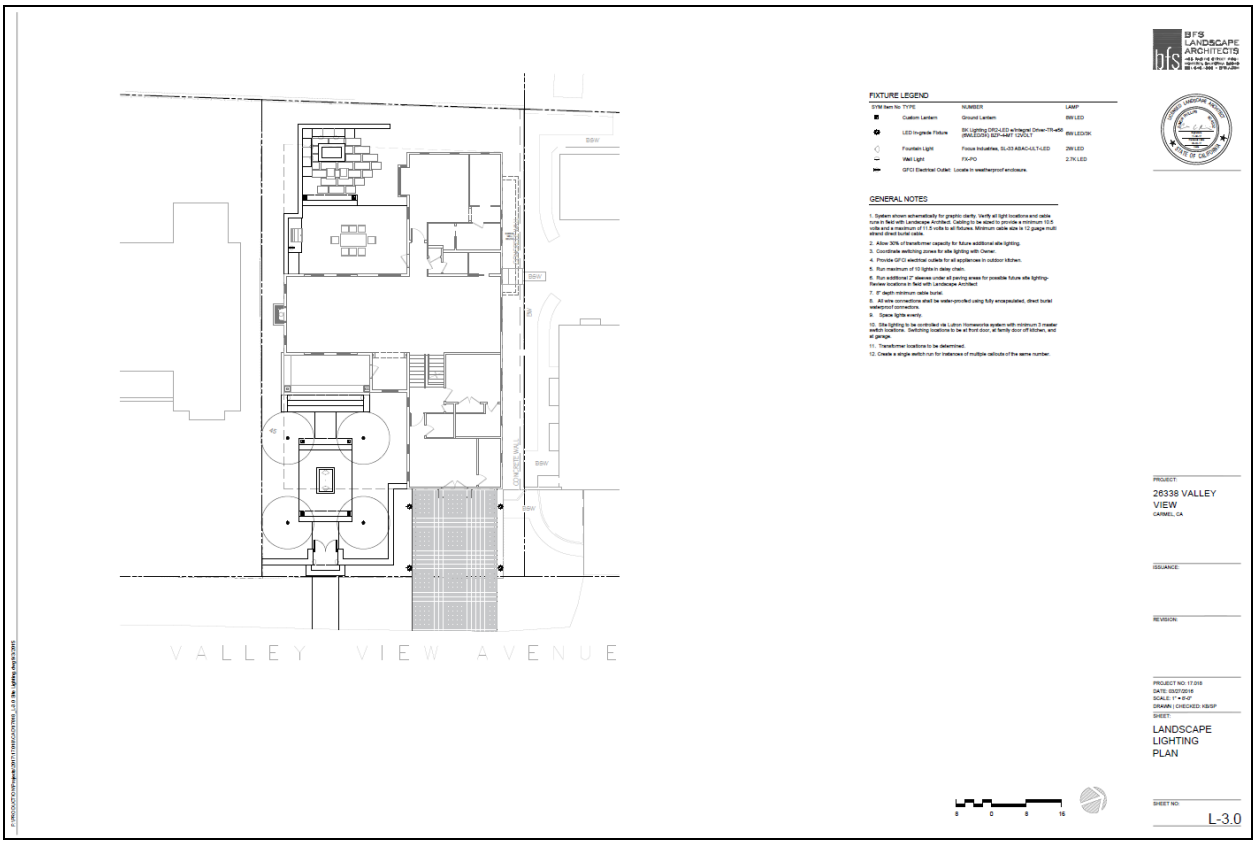

Figure 11a – L-3: Proposed Lighting Plan at 26338 Valley View Avenue

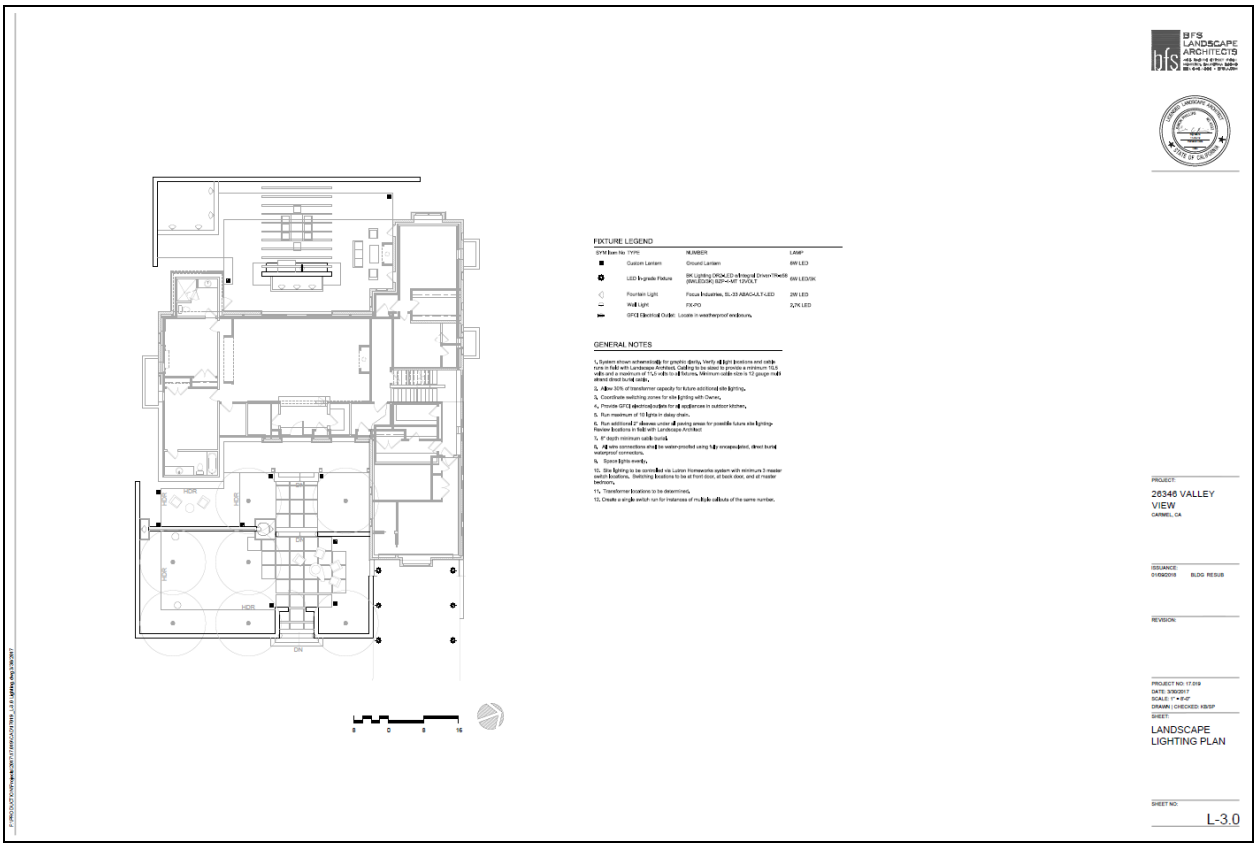

Figure 11b – L-3: Proposed Lighting Plan at 26346 Valley View Avenue

The Combined Development Permits also includes Design Approvals because the subject project sites are located in a Design Control District. A "D" (Design Control) overlay requires design review of structures to assure the protection of the public viewshed (if applicable), neighborhood character, and the visual integrity of certain developments without imposing undue restrictions on private property.

For the subject development at 26338 Valley View Avenue, the Design Approval application contains information on colors and materials proposed for the residence: cedar shake and stone veneer; dark gray slate roofing. The subject project was reviewed by the Unincorporated Carmel Highlands Land Use Advisory Committee (LUAC) on January 16, 2018. The LUAC recommended denial of the development based on a number of factors, including the proposed aesthetic and massing. Monterey County Land Use Advisory Committee Procedures, adopted November 18, 2008 and amended December 16, 2014, establish that the purpose of a LUAC is to 1) Advise the Appropriate Authority by providing comments and recommendations on referred land use planning matters; 2) Reflect the perspective of the local community with focus on neighborhood character, unique community site and conditions and potential local effects or contributions that would likely result from the implementation of a proposed project; 3) Perform such other review of land use issues as may be requested from time to time by the Planning Commission or the Board of Supervisors; 4) Provide a venue for neighbors to provide input on proposed projects; and 5) Identify concerns in response to staff-provided scope of review on neighborhood, community and site issues excluding regional impacts which are the purview of the Appropriate Authority.

For the subject project at 26346 Valley View Avenue, the Design Approval application contains information on colors and materials proposed for the residence: natural cedar siding with a darker trim; and dark metal roofing. The subject project was reviewed by the Unincorporated Carmel Highlands Land Use Advisory Committee (LUAC) on January 16, 2018 and was not given a recommendation of approval; similar concerns, as outlined above for the 26338 Valley View Avenue proposed residential development, were raised.

Staking and flagging was installed in time for staff's site visit on November 21, 2017 (**FIGs 12a, 13a, 14a, and 15a; 12b, 13b, 14b and 15b**). Staff observed vegetation had been removed and that both project sites were being used as construction staging areas.

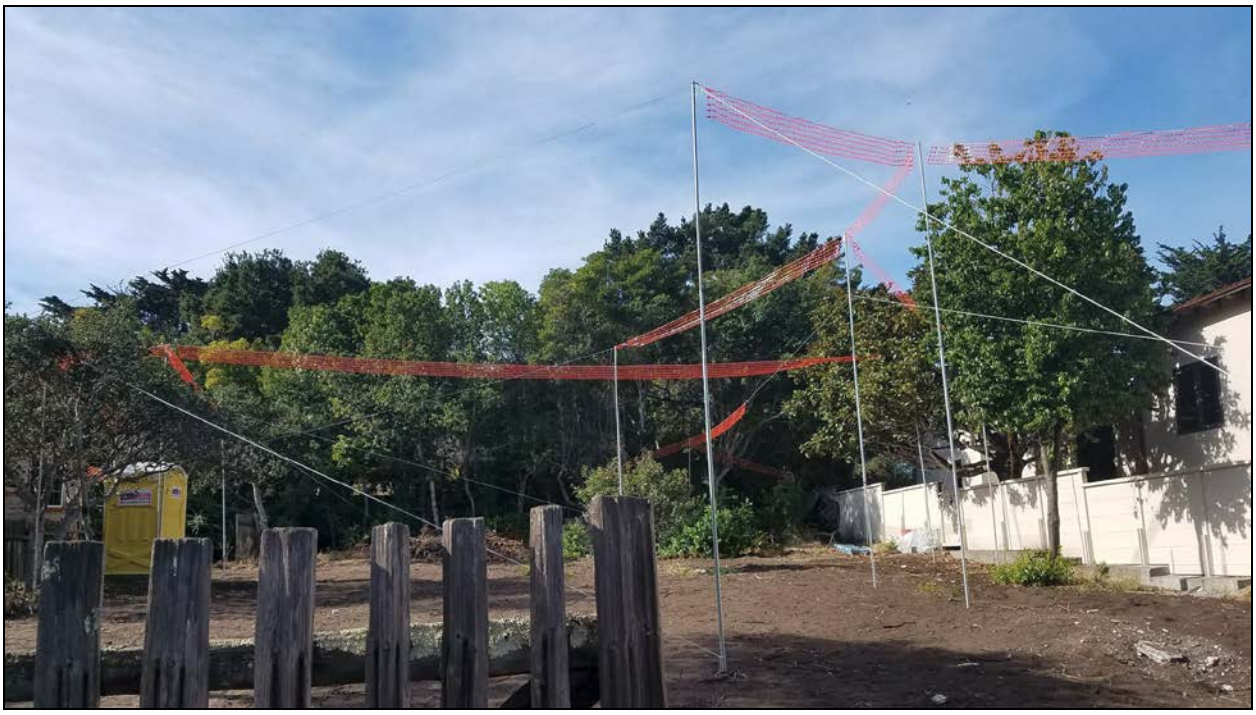

Figure 12a – Site Visit Photos: Staking and Flagging at 26338 Valley View Avenue

Figure 13a – Site Visit Photos: Staking and Flagging (west) at 26338 Valley View Avenue

Figure 14a – Site Visit Photos: Staking and Flagging at 26338 Valley View Avenue

Figure 15a – Site Visit Photos: Staking and Flagging at 26338 Valley View Avenue

Figure 12b – Site Visit Photos: Staking and Flagging at 26346 Valley View Avenue

Figure 13b – Site Visit Photos: Staking and Flagging at 26346 Valley View Avenue

Figure 14b – Site Visit Photos: Staking and Flagging at 26346 Valley View Avenue

Figure 15b – Site Visit Photos: Staking and Flagging at 26346 Valley View Avenue

The proposed development does not constitute ridgeline development and is not proposed in the public viewshed as defined in the CIP (visible from major public viewing areas such as 17 Mile Drive, Scenic Road, Highway 1 Corridor and turn-outs, roads/viewpoints, Carmel River State Beach, Carmel City Beach). The subject property is over 300 feet north of Scenic Road and is not included in the Public Access Map (**FIG 16**, Figure 3 in the LUP) or the General Viewshed Map (**FIG 17**).

The subject site is not located within Prime or Unique Farmlands, forest land, or an area that poses a threat caused by flooding, or on a mineral resource recovery site. The project is not sited or located within any identified environmentally sensitive habitat areas. The result of the project would 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 would have no impact on Agriculture/Forest Resources, Biological Resources, Hydrology/Water Quality, Mineral Resources, Population/Housing, Public Services, Recreation, or Utilities/Service Systems. See Section VI. – Environmental Checklist.

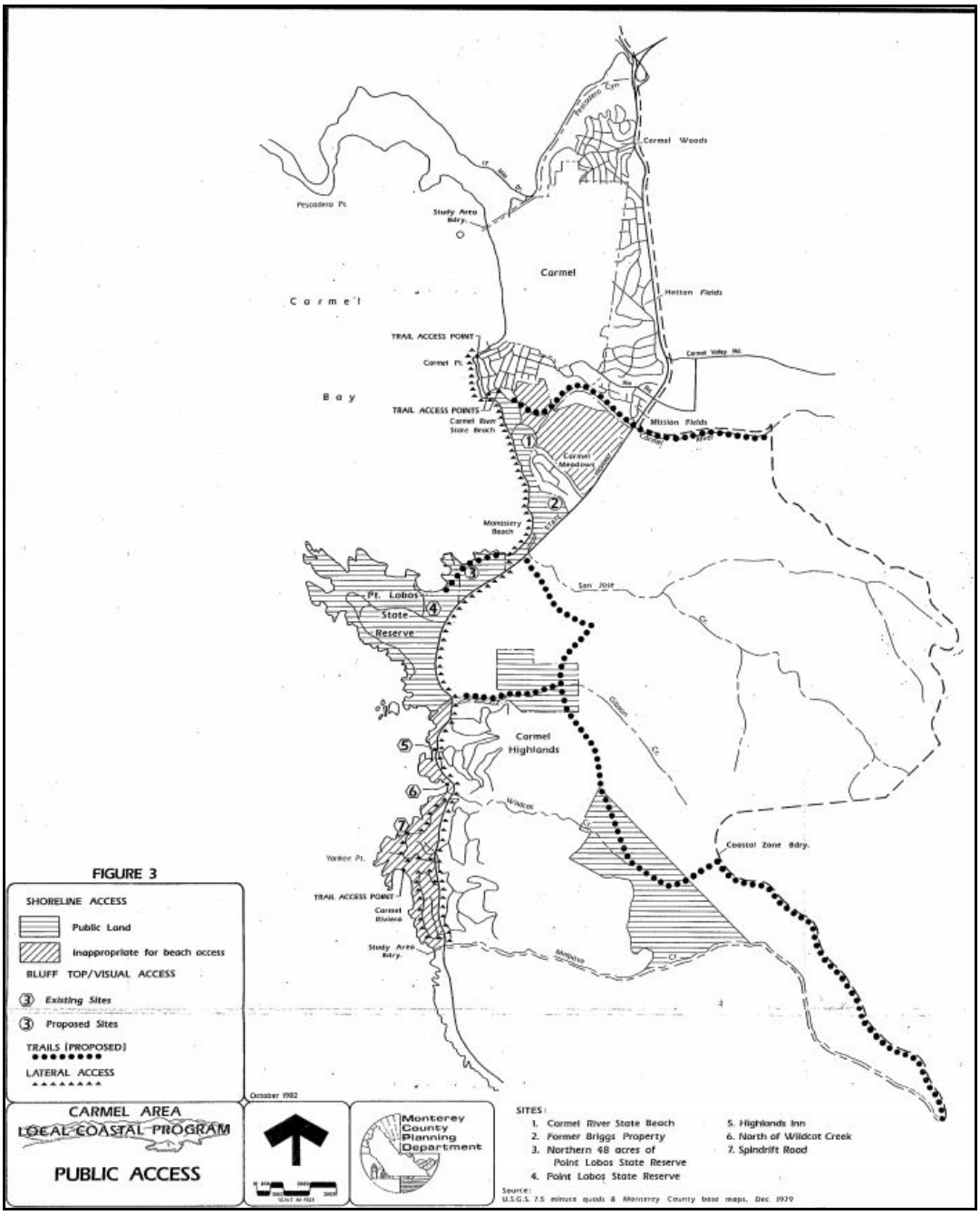

Figure 16 – Figure 3: Carmel Area Local Coastal Program, Public Access

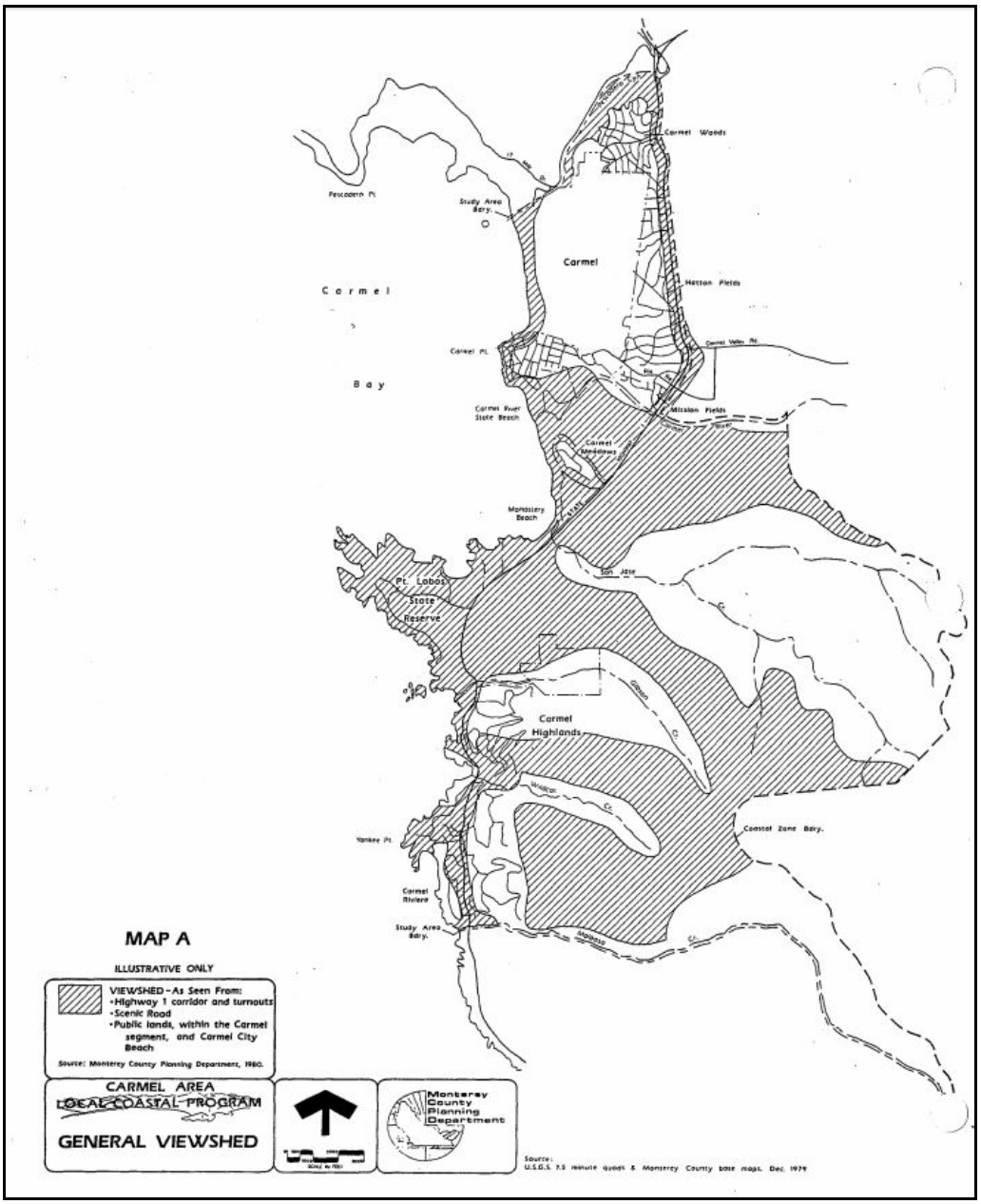

Figure 17 – Map A: Carmel Area Local Coastal Program, General Viewshed

Other Project Impacts

The primary CEQA issues involve cultural resources, tribal cultural resources, and geology. Based on the archaeological reports, this resource could potentially be affected by the proposed project. However, evidence supports the conclusion that impacts could be less-than-significant with mitigation incorporated. ~~Specifically, the deletion of the proposed basement would allow for less-than-significant impacts to cultural and tribal cultural resources.~~ Detailed analysis for this issue can be found in Section VI. – Environmental Checklist.

B. Surrounding Land Uses and Environmental Setting: The project sites are within an established residential neighborhood located on the southeastern portion of the Carmel Point area, north of the intersection of Scenic Road and Valley View Avenue. The parcel is approximately 1.2 miles west of Highway 1 and 1,500 feet south of the city of Carmel-by-the-Sea (**FIGs 18a and 18b**).

Figure 18a – Contextual Map: Carmel Point, 26338 Valley View Avenue parcel outlined in orange

Figure 18b – Contextual Map: Carmel Point, 26346 Valley View Avenue parcel outlined in orange

The .15 and .20-acre parcels are included in a few GIS layers with respect to Archaeology, Potential Hazards (e.g. Active/Potentially Active Fault), and Biology (e.g. California Natural Diversity Database).

The parcel is located within 750-feet of a known archaeological resource and is part of a recorded archaeological site: CA-MNT-17 (**FIG 19**). The Carmel Area Land Use Plan recognizes the intensive prehistoric use of the Carmel area. According to the Carmel LUP, the Carmel area shoreline from Carmel Point to Point Lobos Reserve contains one of the densest remaining concentrations of shellfish gathering activities in central California. These archaeological deposits have been identified as a highly significant and sensitive resource. Of importance, the Point Lobos Reserve is zoned Resource Conservation, Design Control [RC-D (CZ)], which grants certain protections. The Carmel LUP's Key Policy 2.8.2 states that Carmel's archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. Furthermore, new land uses, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources.

The site has minimal topographic relief and there are no slopes located near the site. The nearest coastal bluffs are located at least 425-feet to the south-southwest (Source 20). The lot slopes

gently down from the street with approximately 7 feet of topographical relief across the site and about 3 feet of relief across the residence building pad area (Source 21).

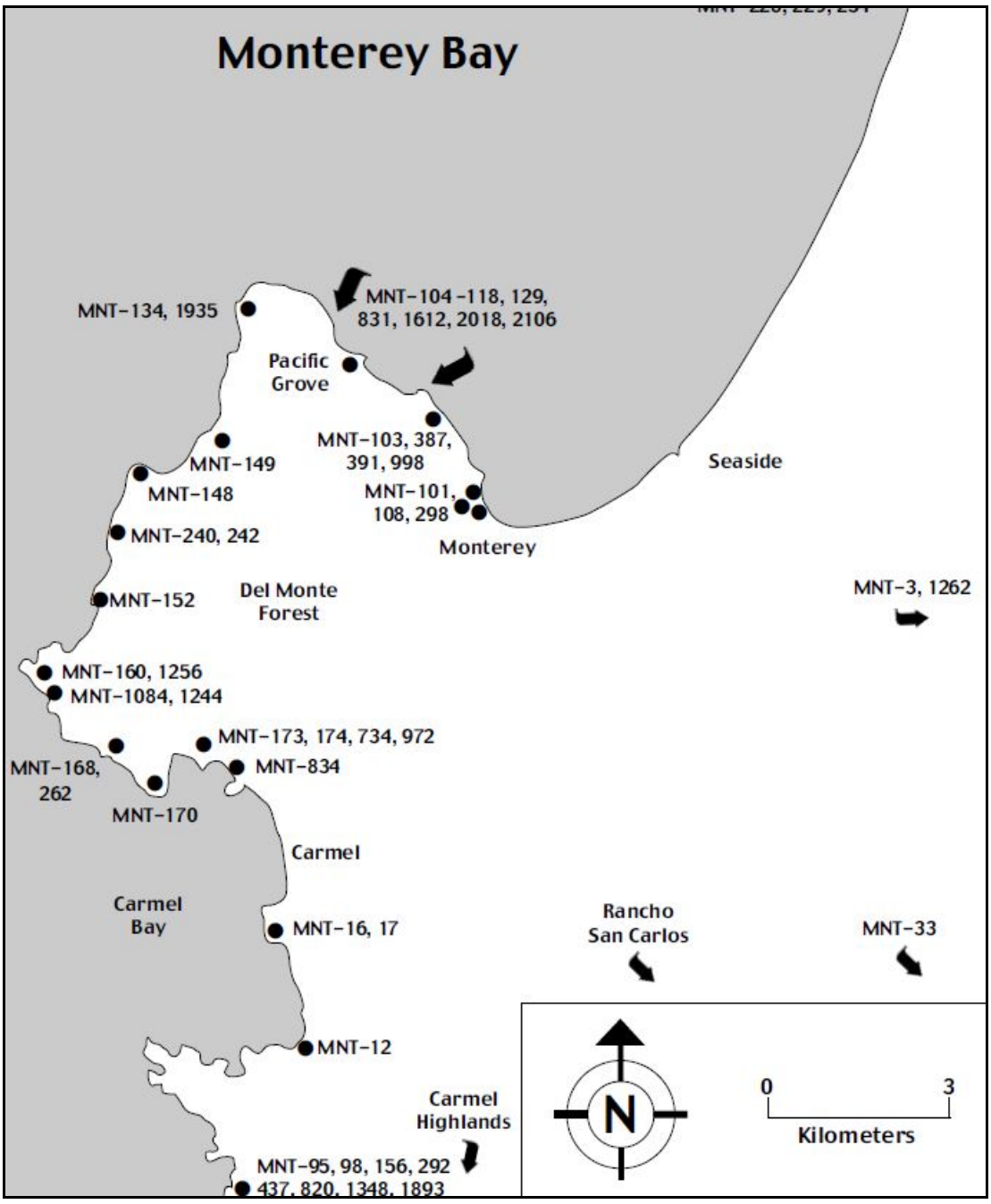

Figure 19 – Monterey Bay Archaeological Sites (Source 11)

Because the subject parcels are located within a known archaeological site, the project sites are considered to be in a "high" archaeological sensitivity zone site (**FIG 20**).

Figure 20 – Carmel Point: Archaeological 750-foot buffer, subject parcels outlined in orange.

The subject sites are also located within the coast range geomorphic province of central California (Source 20). According to Monterey County's GIS information on active/potentially active faults, the subject site, as well as many parcels on the Point, are in close proximity to the Cypress Point Fault line (**FIG 21**). According to the Geotechnical Investigation (Source 21), significant seismic shaking will occur at the site during the lifetime of the project.

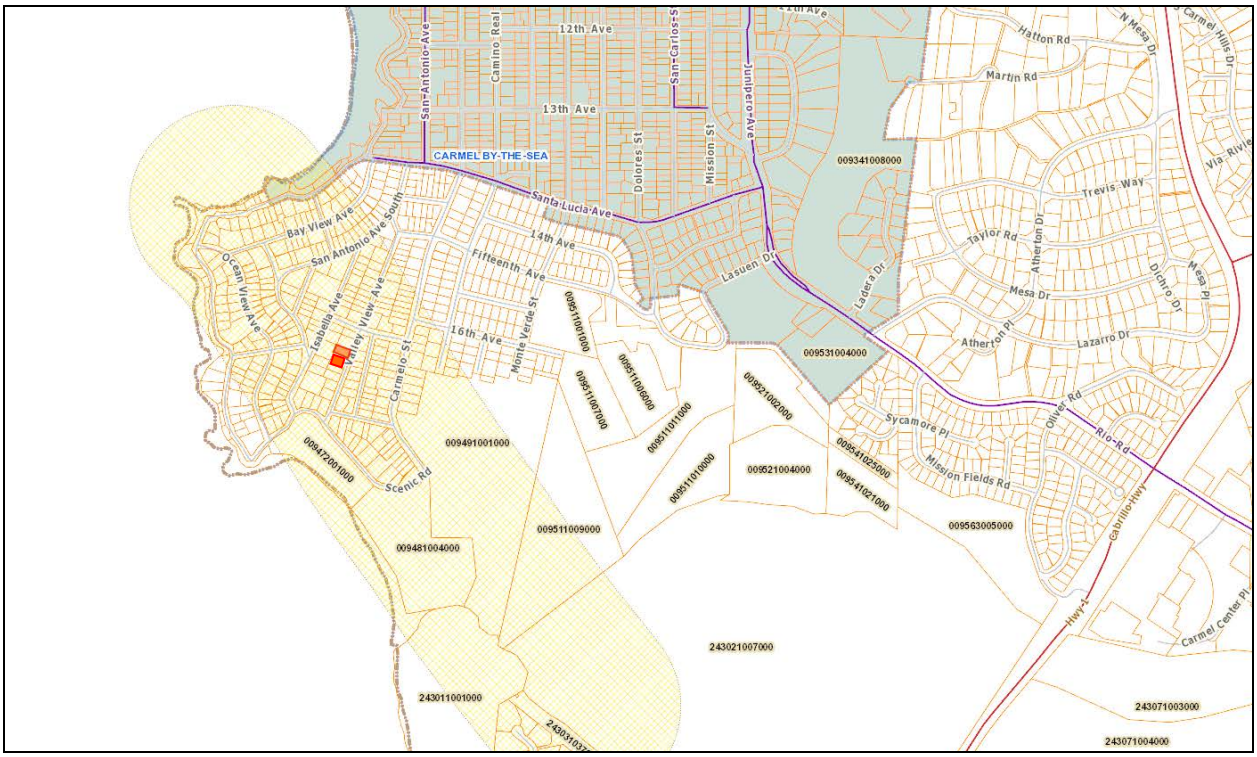

Figure 21 – Carmel Point: Active/Potentially Active Faults buffer, subject parcels outlined in orange

The Monterey County GIS indicates the sites are located within a zone that is designated as having a low potential for liquefaction. In addition, the subject sites are located within a zone designated as having a low potential for seismically-induced land sliding. This evaluation takes into account the geneal geologic subsurface conditions, groundwater patterns and the seismic setting of the area (Source 20).

At this time, RMA-Planning does not require an additional entitlement for development within 660-feet of an active/potentially active fault. Pursuant to Section 20.146.080 (f) (Hazardous Area Development Standards) in the Coastal Implementation Plan, where geotechnical evaluation determines that the hazard is unlikely to lead to property damage or injury, construction is permissible if a registered geologist/soils engineer is able to certify that the proposed development will not result in an unacceptable risk or injury or structural damage and the County Building Official and Environmental section concurs. The Certification shall be recorded with a copy of the deed at the County Recorder's Office.

The Carmel Point neighborhood is a coastal community in close proximity to the Carmel River State Beach/Pacific Ocean. As such, it provides unique habitat for the many plant and animal species that thrive near the ocean. The California Natural Diversity Database is an inventory of the status and locations of rare plants and animals in California. **Figure 22** is representative of the most current species of concern available on Monterey County's GIS relative to the project sites. These are: Monterey Pine, marsh microseris, Santa Lucia bush-mallow, Jolon clarkia, Kellogg's horkelia, sandmat manzanita, fragrant fritillary, and Eastwood's goldenbush. Pursuant to Section 20.146.040 (Environmentally Sensitive Habitats Development Standards) in the CIP, sensitive plant communities of the Carmel coastal area include: rare/endangered, threatened and

sensitive plants, northern coastal prairie, Chamise-Monterey Manzanita dwarf coastal prairie, Gown Cypress woodland, Redwood forests, and Monterey Cypress and pine forests. The subject parcel is just beyond the buffer for the black legless lizard but does fall within the following layers: fragrant fritillary, jolon clarkia, and Monterey pine. As stated above, the proposed development will not require tree removal. However, because these are undeveloped parcels located within sensitive habitat area, the applicant was required to submit a preliminary biological assessment. The applicant retained Rob Thompson, a resource ecologist and certified arborist, to conduct a site walk-through and visual assessment. The biologist noted that both parcels were undeveloped but "previously impacted and disturbed by grading activities" (Source 37, p. 2) (See **FIG 23**). However, it is the biologist's ultimate opinion and conclusion that "the subject parcels do not support protected special status species and/or sensitive habitat" and that "there are no known occurrences of special status species, sensitive habitat or other protected resources on the subject property" (Source 37, p. 2). A recommendation to have the applicant retain a trained professional to conduct a nesting bird assessment if construction activities begin during the nesting season (February-August), is listed in the report. In addition, specific best management practices are included in the report to provide tree and root protection (e.g. protective exclusionary fencing) for trees to be retained on site. These recommendations have been incorporated as conditions of approval.

Figure 22 – Carmel Point: California Natural Diversity Database, Monterey County GIS, subject parcels in orange

Figure 23 – Biological Assessment: The consultant found the subject parcel to be previously disturbed

C. Other public agencies whose approval is required: Prior to obtaining the necessary discretionary permit approvals, the project will require ministerial approval from the following agencies: Environmental Health Bureau, RMA-Public Works, RMA-Environmental Services, Monterey County Water Resources Agency, and Cypress Fire Protection District. In addition, any conditions of approval required by the reviewing agencies will require compliance prior to issuance of permits. The subject parcel is also within the appeal jurisdiction of the California Coastal Commission (CCC). No other public agency permits would be required under this request.

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

1982 Monterey County General Plan

The project site is subject to the *1982 Monterey County General Plan* (General Plan) which provides regulatory framework, through goals and polices, for physical development. The proposed project is consistent with the medium density land use designation of this residential site, continuing the existing land use at a density of two units per acre. The proposed project is a demo-rebuild on a developed parcel. Therefore, the project proposal is consistent with the General Plan. **CONSISTENT**.

Carmel Area Land Use Plan

The project site is subject to the *Carmel Area Land Use Plan* (CAR LUP) of the General Plan that provides development standards and policies for unincorporated coastal areas of Carmel. The proposed projects include the construction of the first single-family dwelling and attached garage. Pursuant to Table 4.6 of the CAR LUP-Residential Development Density, two units per acre is the allowed density for this parcel. CAR LUP Chapter 2.7 (Hazards), includes Key Policy 2.7.2 which requires that development permitted by the County in areas of high geologic, flood, and fire hazard be carefully regulated through the best available planning practices in order to minimize risks to life and property and damage to the natural environment. CAR LUP Chapter 2.8 (Archaeology), includes Key Policy 2.8.2, whereby those areas considered to be archaeologically sensitive, be maintained and protected for their scientific and cultural heritage values; all site planning and design features necessary to minimize or avoid impacts to archaeological resources are to be incorporated. In light of the whole record, if the projects were implemented as proposed, the applicant is not incorporating all site planning and design features necessary to minimize or avoid impacts to potentially significant cultural (archaeological) and tribal cultural resources. Through the review and analysis of multiple reports prepared for Carmel Point, Monterey County has identified that the Carmel Point area, as a site, contains historic archaeological resources; archaeological reports prepared at the applicant's expense for the subject parcel have also been used to arrive at the same conclusion. ~~The subject parcel yielded two inconsistent archaeological reports (Source 13, 14) and the applicant has not proposed a design where impacts to archaeological resources would be minimized (i.e. no basement).~~ Although the Geologic Evaluation prepared for this specific parcel indicates that a reduced setback from the Cypress Point Fault is mitigable, potentially significant archaeological and tribal cultural resources may be impacted with the additional excavation required for a basement, however, mitigation measures proposed would keep the impacts to said resources less than significant. ~~While the avenues for previously disturbed lots and those with negative~~

~~archaeological reports are clear, those with avoidable impacts, are even more explicit and clear: avoid impacts.~~ The subject parcel yielded two consecutive negative findings for archaeological resources. Therefore, the project proposal for a split-level, single-family dwelling (including basement), is consistent with the Carmel Area Land Use Plan. ~~Therefore, the projects as proposed (including a basement) are inconsistent with the Carmel Area Land Use Plan.~~ ~~**INCONSISTENT**~~ **CONSISTENT.**

Air Quality Management Plan

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

Water Quality Control Plan

The subject property lies within Region 3 of the Central Coast Regional Water Quality Control Board (RWQCB) which regulates sources of water quality related issues resulting in actual or potential impairment or degradation of beneficial uses, or the overall degradation of water quality. Operation of the implemented project would not generate pollutant runoff in amounts that would cause degradation of water quality. Therefore, the proposed project is consistent with the requirements of the RWQCB regulations. **CONSISTENT**.

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

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

☒ Aesthetics	☐ Agriculture and Forest Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology/Soils
☒ Greenhouse Gas Emissions	☒ Hazards/Hazardous Materials	☒ Hydrology/Water Quality
☒ Land Use/Planning	☐ Mineral Resources	☒ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation

☒ Transportation/Traffic ☐ Utilities/Service Systems ☒ Mandatory Findings of Significance

☒ Tribal Cultural Resources

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 projects and no further discussion in the Environmental Checklist is necessary.

EVIDENCE: Based upon the planner's analysis, many of the above topics on the checklist do not apply. Less than significant impacts or potentially significant impacts are identified for **aesthetics, air quality, biological resources, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, transportation/traffic, greenhouse gas emissions, noise, and tribal cultural resources.** The projects would have no quantifiable adverse environmental effect on the categories not checked above as follows:
Section VI.2 – Agricultural and Forest Resources: Data contained within the Monterey County Geographic Information System (GIS) confirms that the subject property does not contain farmland designated as Prime, Unique, of Statewide or Local Importance, or under Williamson Act contract. There were no ongoing agricultural uses on the subject property, or in the near vicinity, observed during staff's onsite visit. Therefore, the Projects would not result in conversion of prime agricultural lands to non-agricultural uses or impact agricultural resources. Furthermore, the subject properties are not considered a forest or timber resource inventoried as "Demonstration State Forest" and the projects would have no impact on forest resources. (Source 1, 2, 3, 4, 5, 8) *No Impact.*

Section VI.11 – Mineral Resources: The Monterey County Geographic Information System (GIS) and a site visit conducted by staff verifies that there are no mineral resources on the site. Therefore, implementation of the Projects would have no impact on mineral resources. (Source 1, 2, 3, 4, 8, 34) *No Impact.*

Section VI.13 – Population/Housing: Implementation of the Projects would establish the first single family residence on a residentially zoned parcel. Therefore, the proposed uses would not cause an increase demand for additional housing or result in a substantial increase of housing units in the area. The Projects would not substantially induce population growth in the area, either directly or indirectly, as no new public infrastructure would need to be extended to the site. Therefore, the proposed projects would have no significant impacts related to population and/or housing. (Source 1, 2, 3, 4, 5) *No Impact.*

Section VI.14 – Public Services: Implementation of the Projects would result in establishing the first single family dwelling on a residential parcel within an established residential neighborhood. This would have no substantial adverse physical impacts associated with new or physically altered governmental facilities (where construction of which would cause significant environmental impacts) in order to maintain acceptable service ratios, response times or other performance objectives for public services. (Source 1, 2, 3, 4, 5) *No Impact.*

Section VI.15 – Recreation: Implementation of the Projects would not result in a significant increase of the use of existing neighborhood and regional parks or other recreational facilities, causing substantial physical deterioration. The Projects do not include or require construction or expansion of recreation facilities. The Projects would not create significant recreational demands. (Source 1, 2, 3, 4, 5) *No Impact.*

Section VI.17 – Utilities: Implementation of the projects would require tying into wastewater services provided by the Carmel Area Wastewater District (CAWD). Domestic water service would be provided by California American Water through Mal Paso water credits. Any excess construction materials would be hauled to a landfill operated by the Monterey Regional Waste Management District. However, the minimal amount of waste produced would not affect the permitted landfill capacity (Source 1). Residential water is to be provided by California American Water (Cal-Am) company, which supplies water from the Carmel Valley Alluvial Groundwater Basin (Carmel River System) and which is ranked as high priority by the California Department of Water Resources. Monterey Peninsula Water Management District (MPWMD) allocates and manages available water supplies to the region, including those of Cal-Am. MPWMD Resolution No. 2017-15 modifies District Rule 160 to reflect projected quantity of production available to Cal-Am for diversion from the Carmel River and Seaside Groundwater Basins for Water year 2018. The modification reflects diversion of no more than 8,310 acre-feet from the Carmel River system sources, specifically (Source 29). The applicant has provided RMA-Planning with proof of purchase of additional water credits from the Malpaso Water Company. Malpaso water comes with historic water rights and is exempt from the state's cease and desist order that requires Cal-Am Water to reduce pumping from the Carmel River. *No Impact.*

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	Date
Maira Blanco	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 **Would the project:**		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista? (Source: 1, 2, 3, 4, 5, 8)	☐	☐	☒	☐
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source: 1, 2, 3, 4, 5, 8)	☐	☐	☐	☒
c)	Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 2, 3, 4, 5, 8)	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source: 1, 2, 3, 4, 5, 8)	☐	☐	☒	☐

Discussion/Conclusion/Mitigation:
The Carmel Area Land Use Plan (Chapter 2, Section 2.2: Visual Resources), identifies the scenic qualities of the Carmel area as unique and maintains that the protection of the area's visual resources is vital to the future growth for the area. Policy 5.3.2.4 in the Carmel Area LUP, requires that existing visual access from scenic viewing corridors (e.g., Highway 1, Scenic Road, Spindrift Road, Yankee Point Drive) and from major public viewpoints, and future opportunities for visual access from the frontal ridges east of Highway 1 be permanently protected as an important component of shoreline access and public recreational use (Source 3).

1(b). Conclusion: No Impact
The subject parcel is more than one mile west of Highway 1 and therefore, would not substantially damage scenic resources from this state scenic highway.

1(a), (c), and (d). Conclusion: Less Than Significant Impact.
The term "viewshed" or "public viewshed" refers to the composite area visible from major public use areas including 17-Mile Drive views of Pescadero Canyon, Scenic Road, Highway 1 and Point Lobos Reserve. A site visit was conducted on November 21, 2017 and it was determined that the construction of the proposed residences will not cause a significant impact to the visual resources of the Carmel area. Although the projects propose the main structures to the maximum height allowed (18 ft.), the development, located on the western side of Valley View Avenue are not visible from Scenic Road. The properties are over 300 feet north of Scenic Road (see **FIGs 18a, 18b**). The Design Approval applications contain information on colors and materials proposed for the residences: cedar shake and stone veneer with dark gray slate roofing; and natural cedar siding and with a darker trim, dark metal roofing. The proposed design was

reviewed by the Carmel Area Land Use Advisory Committee on January 16, 2018, and found to not be consistent with the neighborhood character.

In sum, the LUAC members expressed that the structure in design and materials should better reflect the rural character of the surrounding neighborhood. From the LUAC minutes: architectural massing of the residences does not blend with the neighborhood; the height of the roof peak is too tall; proliferation of hardscape; removal of vegetation (i.e. six (6) large Cypress trees were removed) without required entitlements; and exterior lighting should be designed to illuminate only the intended area onsite per County regulations.

~~Therefore, the projects as proposed would conceivably have an impact on aesthetics. Based on the proposed colors and materials and the feedback received from the LUAC, impacts to aesthetics could be lowered to a less than significant level with the modification of the materials to be used, specifically switching out the metal additions for material with more natural finishes. In the Carmel LUP, structures shall be subordinate to and blended into the environment, using appropriate materials to that effect (Source 3). During staff's site visit, staff did not find other examples of metal roofs in the immediate area. Therefore, RMA-Planning's recommendation to the appropriate hearing authority, may require a redesign and the applicant submit revisions to the archaeological designs and materials proposed.~~ During staff's site visit, staff did not find other examples of metal roofs in the immediate area, however, staff was alerted to similar roof styles by the applicant's agent. The metal finishes in particular were not supported by the LUAC, but there is no uniform architecture present and generally, the colors proposed would not significantly disrupt the neighborhood character. In the Carmel LUP, structures shall be subordinate to and blended into the environment, using appropriate materials to that effect (Source 3). Therefore, the design and colors proposed are acceptable.
A height verification condition is recommended to ensure that the structures conform to the height restriction.

As to the proposed landscaping scheme, staff looked to the Carmel LUP for guidance. Under Chapter 2.2.3 of the CAR LUP, General Policy 2.2.3.8 calls for using landscape screening and restoration that consists of plant and tree species consistent with surrounding vegetation. Because the lot does not contain environmentally sensitive habitat species and is not part of the Gowen and Monterey pine forests, some flexibility is allowed in the landscaping as long as it does not present an egregious aesthetic issue. The plants proposed for this project meet the standard and would not substantially degrade the existing visual character or quality of the site and its surroundings. According to the LUAC minutes, the applicant was open to planting Cypress and pine trees; however, these additions were not formally submitted.

The proposed hardscaping does deviate from most of the surrounding residences but the applicant was not as receptive to the design recommendations made at the LUAC meeting. The preliminary Landscape Lighting Plan proposes fixtures that meet Monterey County's guidelines for exterior lighting (Policy LU 1.13 of the General Plan). However, submittal, review and approval of a final Exterior Lighting Plan is required as a condition of approval. Compliance with this condition would ensure the project is consistent with Monterey County's objectives to reduce light pollution and is consistent with the CAR LUP Specific Policy 2.2.4.10(d).

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, 4, 5, 8)	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source: 1, 2, 3, 4, 5, 8)	☐	☐	☐	☒
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, 4, 5, 8)	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use? (Source: 1, 2, 3, 4, 5, 8)	☐	☐	☐	☒
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, 4, 5, 8)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

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

3. AIR QUALITY

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

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 6, 7)	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 2, 6, 7)	☐	☐	☐	☒
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, 6, 7)	☐	☐	☐	☒
d) Result in significant construction-related air quality impacts? (Source: 1, 2, 6, 7)	☐	☐	☒	☐
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 6, 7)	☐	☐	☒	☐
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 6, 7)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

The California Air Resources Board (CARB) coordinates and oversees both state and federal air quality control programs in California. The CARB has established 14 air basins statewide and the project site is located in the North Central Coast Air Basin (NCCAB), which is under the jurisdiction of the Monterey Bay Air Resources District (MBARD). The MBARD is responsible for producing an Air Quality Management Plan (AQMP) that reports air quality and regulates stationary sources throughout the NCCAB. The 2008 Air Quality Management Plan (AQMP) and 2009-2011 Triennial Plan Revision ("Revision") are referenced for discussion of air quality. Monterey County is within the federal and state attainment standards for carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), led, and fine particulates ($PM_{2.5}$), and within the federal attainment standards for ozone (O_3) and respirable particulates (PM_{10}). The 2012-2015 Air Quality Management Plan (AQMP) addresses only attainment of the State zone standard.

3(a), (b), (c), and (f). Conclusion: No Impact.

The project is consistent with the AQMP, therefore, there would be no impact caused by conflict or obstruction of the AQMP. The project would not result in uses or activities that produce objectionable odors that would affect a substantial number of people.

3(d) and (e). Conclusion: Less Than Significant Impact.
The NCCAB is in nonattainment status of state standards for Ozone (O_3) and respirable particulates (PM_{10}) (Source 6). Therefore, projects resulting in a substantial increase in particulates PM_{10} emissions would cause a significant impact to air quality. In addition, ambient ozone levels depend largely on the number of precursors, nitrogen oxide (NO_x) and reactive organic gases (ROG), emitted into the atmosphere. Implementation of the project would result in temporary impacts resulting from construction and grading activities caused by dust generation and fuel combustion of construction vehicles (major sources of primary PM_{10}) and NO_x and ROG emittance.

Grading activities associated with the projects include approximately 830 and 1255 cubic yards of cut, respectively; the project proposal includes large basements, so most of the cut is expected to be exported off site. Therefore, these emissions would have a less than significant impact to air quality. Construction-related air quality impacts would be controlled by implementing Monterey County Code Chapter 16.12 (Source 22), standard conditions for erosion control that require plans for control measures of runoff, dust, and erosion. Therefore, implementation of the proposed project would result in less than significant impacts to air quality caused by pollutants currently in nonattainment for NCCAB and construction-related activities. Air pollutants would increase temporarily and return to normal after project completion. Therefore, impacts due to exposure of sensitive receptors to pollutant concentrations would be less than significant.

4. BIOLOGICAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 3, 8, 37)	☐	☐	☒	☐
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, 8, 37)	☐	☐	☐	☒
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, 8, 37)	☐	☐	☐	☒

4. BIOLOGICAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 3, 8, 37)	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 3, 8, 37)	☐	☐	☐	☒
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, 8, 37)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
Monterey County GIS identified the subject parcels to be within the boundary of species on the California Natural Diversity Database- an inventory of the status and locations of rare plants and animals in California. The Biological Assessment prepared for the subject parcels did not confirm the presence of these rare plants and/or species but did identify native plant species such as Coast Live Oak trees, Monterey Cypress tree, a California Buckeye tree, Silver Bush Lupin shrubs, and a few small patches of Bracken Fern.

4 (b), (c), and (f). Conclusion: No Impact.
Research on the subject parcels using Monterey County's GIS (Source 8), did not yield information about the properties being in a marine protected area or in critical habitat for sensitive species or in a riparian corridor as described in the CIP (**FIG 23**). The implementation of the projects would not conflict with the provisions in the LUP protecting environmentally sensitive habitats.

4 (a) and (d). Conclusion: Less Than Significant Impact.
Standard conditions have been incorporated to protect existing trees and to have the applicant submit a bird nest survey (prepared by a professional) no more than 30 days prior to construction activities- if they are to take place during the nesting season (generally February-August). Therefore, indirect and/or direct impacts to sensitive species and potential interference with the movement of any native resident are less than significant.

5. CULTURAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 3, 4, 9, 12, 13, 14, 38, 39)	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 3, 4, 9, 12, 13, 14, 38, 39)	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 3, 4, 9, 12, 13, 14, 38, 39)	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 3, 4, 9, 12, 13, 14, 38, 39)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:

The subject parcels are located in recorded Archaeological site CA-MNT-17. Archaeological site CA-MNT-17 extends well beyond the current project area, has been characterized as an expansive and moderately dense accumulation of marine shell, mammal bone, flaked and ground stone tools. The site is presumed to be an Ohlone settlement dating back approximately 4,000 years ago (Source 17). Significant archaeological resources have been found, including human remains at multiple sites within the Archaeological site CA-MNT-17. CA-MNT-17 was first recorded in 1953 (Source 12). Cultural resources which have been formally recorded with the Regional Information Center of the California Historic Resources Information System are referenced by trinomial designations. For example, the trinomials take the form "CA-MNT-17," where the first two letters designate the state and the next three the county. The numbers are sequential and represent the order in which the site was recorded within each county (Source 12). In Central California, archaeologists are alerted to prehistoric sites by the presence of midden soils darkened from accumulation of organic remains; presence of various shell remnants may indicate an archeological site (Source 17). In March 2016, a Phase 1 and Extended Phase I Archaeological Assessment (Source 13) was prepared for the subject parcels and two other parcels owned by the same project proponent. Albion's Phase 1 Assessment consisted of an intensive surface survey of the parcels (e.g. thorough walk through of site in parallel transects spaced at 1-meter apart and visual assessment). According to the report, surface visibility was good with approximately 75 percent of the ground surface unobstructed and visible. During the pedestrian survey, Albion staff noted shell fragments and refuse from stone tool production across the Project Areas (Source 13). Because the Phase 1 exercise produced positive results, Albion staff commenced an Extended Phase 1, involving sub-surface investigation with shovel probes (SP). SP's are hand-excavated units measuring approximately 40 centimeters in diameter by 60-100 centimeters in depth, depending on depth of project impacts. Albion staff excavated eight SP units, or two units per individual parcel, in 20 centimeter arbitrary levels to determine the potential for an archaeological deposit. The collected material was then dry-screened through

6-millimeter mesh and sent to Albion's lab in Santa Cruz for further processing. Albion's report provided a discussion on the decision thresholds of deposit integrity, stating that intact cultural deposits are those that meet the following criteria: 1) lack of any evidence of redeposition or disturbance; and 2) produce prehistoric or historic-age materials in densities greater than 6 items per 0.12 cubic meters. If no archaeological deposits are encountered, or materials are found in disturbed contexts, no further project action is required, according to Albion. On the other hand, if intact deposits are encountered, Phase II test excavations would be required to evaluate the site for California Register of Historic Resources (CRHR) eligibility, assess project impacts, and if needed, develop mitigation measures. SP's 1 and 2 corresponded to the 26338 Valley View Avenue property (Lot 1); SP's 3 and 4 corresponded to the 26346 Valley View Avenue property (Lot 2). SP 1 contained cultural materials (i.e. sparse marine shell and lithic debitage) between 0-80 centimeters below surface level (cmbs level); however, the upper 0-40 cmbs levels exhibited disturbance in the form of modern trash. Therefore, it did not meet the criteria as described above. SP2 produced similar results to SP1- soils were composed of dark brown sand.

SP 3 excavated soils that were dark yellowish brown. The unit contained cultural materials to the 80 cmbs level with a particularly moderate concentration of shell; no modern debris present. SP 4 contained the same soils as SP2 and a total of four pieces of debitage were recovered. Modern organics, such as roots, grasses and seeds were recovered in both units, extending 60-80 cmbs.

Overall, Albion observed no anthropogenic soils and no intact archaeological deposits; however, they could not rule out the possibility that intact archaeological deposits exist within the current study areas. Thus, the data were deemed "not conclusive." Albion did include recommendations to manage archaeological resources during construction, reiterating that there is potential for intact archaeological deposits associated with CA-MNT-17 to exist within the four surveyed parcels, including the subject parcels. The current project proposal is for the construction of two new single family dwellings (2,285-square feet and 3,028-square feet respectively) on a vacant lot inclusive of a 1687-square foot basement and a 2,413-square foot basement, respectively. Based on Albion's determination that additional testing was needed and its overall inconclusive results, a supplemental archaeological report was required to address the current project proposals. In December 2017, a second archaeologist went out to the subject sites and conducted field and background assessments. The background research conducted by this archaeologist established that nine previously recorded prehistoric or historic sites are located about 1 kilometer from the parcel and that the subject parcel is included in the boundary of CA-MNT-17. The field research consisted of a "general surface reconnaissance" of all areas which could reasonably be expected to contain visible cultural resources and which could be viewed without major vegetation removal or excavation. According to this archaeologist's assessment, none of the materials frequently associated with prehistoric cultural resources in this area were observed in the soil of the project area or in the large mound of soil which had been deposited on the western end of the parcel (APN:009-463-003).While this archaeologist did not find surface evidence of potentially significant historic period resources during his assessment, based on the positive findings on a parcel in the near vicinity of the subject parcel and specifically because artifacts were recovered at a considerable depth at said parcel, the recommended mitigation measures included having a qualified archaeological monitor onsite during ground-disturbing

project excavations and a standard recommendation for the inadvertent discovery of human remains.

~~A third archaeological report was made available by the applicant on November 20, 2018 (Source 41). The retained archaeologist, Susan Morley (M.A.), provided a brief review of the record and conducted auger testing. On the subject parcel, two shovel test pits were excavated and analyzed to depths between 103 cm (3 feet) and 182 cm (6 feet). According to the report, the auger was abandoned at both points because a rock halted its progress. During the second auger test hole (#3), one fragment of a Franciscan chert biface was recovered, however, according to Morley, it is considered an "isolate," and does not provide context or have enough integrity to be considered archaeologically significant. Morley concludes by stating: "As a result of these findings it is recommended that there is no reason to delay the project due to concerns about cultural resources." The report then lists recommendations and mitigation measures.~~

A third archaeological report was made available by the applicant on November 20, 2018. The retained archaeologist, Susan Morley (M.A.), provided a brief review of the record and conducted auger testing. On the subject parcels, two shovel test pits were excavated for each parcel and analyzed to a depth of 305 cm (10 feet); no cultural or shell material was encountered. Morley concludes by stating: "As a result of these findings it is recommended that there is no reason to delay the project due to concerns about cultural resources." The report then lists recommendations and mitigation measures.

CEQA (Section 15064.5, Source 9) defines the term "historic resource" as the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, meeting the requirements of the Public Resources Code, shall be presumed to be historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant if the resource meets the criteria for listing on the CA Register of Historical Resources including the following:
    a. Is associated with events that have made a significant contribution to the broad patterns of California history and cultural heritage.
    b. Is associated with the lives of persons important in our past;
    c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
    d. Has yielded or may be likely to yield, information important in prehistory or history.
4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources of the Public Resources Code, or identified in an historical resources survey of

the PRC, does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC sections 5020.1 or 50241.1.

At the time of this proposal, Monterey County had not made a determination on whether Carmel Point (the Point), as a whole, is an historic resource as described by CEQA and had not pursued CRHR status. Instead, the County's practice has been to analyze the potential effects of proposals on archaeological resources on a case-by-case basis. In the CIP, Section 20.146.090, development on parcels with an archaeological site, as identified through an archaeological report prepared for the project, shall be subject to certain conditions of approval (Source 4). The subject property has yielded two (2) reports with differing and/or inconsistent findings (one clearly positive, the other negative with 'see text' for anything of archaeological significance). A third report provided a consecutive negative finding. In the CIP, General Development Standards are listed (Section 20.146.090.D. 1-5) for development on, adjacent, or near archaeological resources:

1. All avoidable measures, including purchase of archaeological easements, dedication to the County; tax relief and purchase of development rights shall be explored to avoid development on sensitive prehistoric or archaeological sites
2. Development on parcels with an archaeological site as identified through an archaeological report prepared for the site, shall be subject to the following conditions of approval to be completed prior to the issuance of building or grading permits:
    a. The recommended mitigation measures contained in the archaeological survey report prepared for the site shall be made a condition of approval.
    b. The applicant shall request to add the combining "HR" zoning district to the existing zoning on the parcel. The rezoning shall not necessitate an amendment to the Land Use Plan or this ordinance.
    c. The archaeological site shall be placed in an archaeological easement. The easement shall be required pursuant to Section 20.142.130. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected from the County's list of archaeological consultants or who is a member of the Society of Professional Archaeologists.
3. When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required to avoid impacts to such cultural sites.
4. Where construction on or construction impacts to an identified archaeological or paleontological site cannot be avoided, as verified in the archaeological report prepared for the project, a mitigation plan shall be required for the project. This mitigation plan shall be required by, submitted to and approved by the County. The plan shall be prepared at the applicants' expense. Included in the plan shall be recommended preservation measures in accordance with the guidelines of the State of Office of Historic Preservation and the State of California Native American Heritage Commission. The Consulting Archaeologist shall file the report with the State Office of Historic Preservation.
5. Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:

a. The preservation measures shall be undertaken and completed prior to the issuance of building or grading permits; or,
b. Where appropriate, according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading and building permit; and,
c. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the County prior to the issuance of building or grading permits. Two copies of the report shall be submitted.

Carmel Area Land Use Plan Key Policy 2.8.2 (Chapter 2.8 Archaeological Resources) requires the maintenance and protection of archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped for their scientific and cultural heritage values. The proposed development should be considered compatible with the objective of this policy only when all site planning and design features necessary to minimize or avoid impacts to archaeological resources have been incorporated (Source 3). This objective is furthered in General Policies, where Policy 2.8.3. 5 specifically states: "to this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance" (Source 3). The record shows clear evidence of the archaeological significance CA-MNT-17 holds. Breschini and Haversat, arguably the most knowledgeable contemporary archaeologists on the Point, have made a case for the site's significance and its inclusion in the National Register (Source 12); they have been prolific writers, presenting and publishing their research on the Point in various formats. At the very least, the site has clearly yielded information important in prehistory or history, not to mention the oldest find so far obtained in Monterey County has come from CA-MNT-17 (Source 12). The late Gary Breschini is quoted as saying: "Preservation is what we're really trying to do now…the record we've made is probably going to be the primary documentation of this area" (Source 23). It is important to note that an archaeologist's primary objective is an academic one (endorsed by CEQA) – Breschini qualifies this by stating that even when resources are considered of lesser significance, if intact, it can still contain substantial information- "and information potential is the primary criterion for significance under both Federal and State guidelines" (Source 39, p.6). After thirty or more years of archeological investigation, the Point has clearly yielded information that makes it archaeologically significant when the sum of its parts is considered. Whether the subject parcel would produce historically and/or archaeologically significant artifacts remains to be seen; however, there is strong evidence in this case to suggest that the probability of finding artifacts of archaeological significance is high.

Relatedly, and at a local level, there has been a question about what constitutes a "unique archaeological resource," especially when artifacts recovered from a site may seem "insignificant" or otherwise non-substantive. CEQA provides some guidance by definition (Section 21083.2. g, Source 9): "Unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Additionally, significance has very little to do with the resource's size. To put this into perspective, a small piece (approximately 1.2 cm) of mussel shell from a parcel within CA-MNT-17 returned a date of 9420 BP, the oldest date so far obtained in Monterey County (Source 12).

The project-specific Supplemental report insists that no surface evidence of potentially significant archaeological resources exists on the project parcel and that the proposed project should not be delayed for archaeological reasons (Source 14). However, the subsequent paragraph in the report states that the project would have a potential impact to archaeological resources based on the prehistoric archaeological materials found on nearby parcels at considerable depths during basement and cistern excavation. To reduce the potential impact to cultural resources to a less than significant level, the archaeological report recommends specific mitigations requiring monitoring of the project during site disturbance and actions to be taken in case cultural artifacts are uncovered. In addition to the standard cautionary language required (by State law) in the unlikely event human remains are inadvertently encountered, the archaeologist also recommends recovered cultural materials be curated in the public domain at a suitable research facility. Staff will not be incorporating this latter language in the mitigation measure, however, because OCEN has requested a different course of action (See Section VI, 17 (Tribal Cultural Resources).

The question becomes: Does the project design avoid or substantially minimize impacts to the cultural site? While mitigation measures can be incorporated to minimize potential impacts of necessary development to a less than significant level, the inclusion of the basement goes above this level. CEQA is concerned with the physical impacts to the environment although the recent inclusion of the Tribal Cultural Resources section also brings other elements that might not be necessarily quantifiable. The Carmel Land Use Plan provides mitigation where construction on or construction impacts to an identified archaeological or paleontological site cannot be avoided. While the first single family home on a residentially zoned parcel may be an impact that cannot be avoided, the inclusion of the basement in the scope of the project would presumably be one that can be avoided- at least one of this size. However, basements in archaeologically sensitive, be it high sensitivity or otherwise, have not been prohibited. Historically, parcels with negative *and* positive reports have had impacts of development mitigated to a less than significant level with the incorporation of mitigation measures. A second consecutive negative report on the subject parcel provides enough evidence to continue this track. ~~Making the project consistent with the Carmel Land Use Plan would not create a direct or indirect impact to the physical environment. Instead, arguably, the deletion of the basement would contribute to less disturbance and therefore, less environmental impacts. Hence, the impacts assessed below and in the checklist above for Cultural Resources have not considered the impacts to cultural resources and~~

~~associated mitigation measures with the incorporation of a basement, but rather, on the development of the first single family dwelling without the basement. At the time of this draft, there was an impasse; however, in order to proceed with the project approval process, the Initial Study was written as things currently stand and given the best available information.~~

5 (c). Conclusion: No Impact.
The project was not identified as containing a unique paleontological resource or site or unique geologic feature. Therefore, impacts to this resource are not anticipated.

5 (a, b, and d): Less Than Significant Impact with Mitigation Incorporated
The subject property is part of a recorded archaeological site (CA-MNT-17) where significant archaeological resources have been found, including human remains at multiple locations in this area. Nine previously recorded archaeological sites are located within one kilometer (approximately 3,280 feet) of the subject property. Based on the interpretation of the policies in the Carmel LUP and provisions in CEQA with respect to development on sites likely to contain unique archaeological resources, mitigation measures and recommendations made in the archeological reports have been incorporated for the development of the residence (~~not~~ including the basement).

Mitigation Measure: Mitigation Measure #1 Cultural Resources (Archaeological Monitor)
In order to reduce potential impacts to archaeological resources that may be discovered during site disturbance, a qualified archaeological monitor shall be present **onsite** during soil disturbing activities. These activities include, but are not limited to: grading or foundation excavation. **A qualified archaeological monitor is defined as a licensed professional archaeologist on the list of County-approved archaeological consultants.** If at any time, potentially significant archaeological resources or intact features are discovered, the monitor shall temporarily halt work until the find can be evaluated by **both** the ~~OCEN~~ **Tribal** ~~m~~**M**onitor ~~and/~~or **other appropriately~~ NAHC-recognized representative** ~~principal archaeologist~~ **and the onsite qualified archaeological monitor.** If the find is determined to be significant, work shall remain halted until mitigation measures have been formulated, with ~~the~~ concurrence of the **County** ~~lead agency, and implemented~~. In order to facilitate data recovery of smaller midden components, such as beads or lithic debitage, the excavated soil from the project site shall be screened during monitoring. **The applicant/owner is prohibited from contracting the same observer for 26338 Valley View Ave. during concurrent soil-disturbing activities at either 26307 Isabella Ave. or 26346 Valley View Ave.**

Mitigation Measure Monitoring Action No. 1a: Prior to the issuance of grading or building permits, the owner/applicant shall include a note on the plans encompassing the language within Mitigation Measure No. 1. The owner/applicant shall submit **the** plans to ~~the~~ RMA-Planning ~~Department~~ for review and approval.

Mitigation Measure Monitoring Action No. 1b: Prior to the issuance of grading or building permits, the owner/applicant shall submit to ~~the~~ RMA-Planning ~~Department~~ a copy of the contract between the owner/applicant and a qualified archaeological monitor. The contract shall include, **but not be limited to** ~~an Archaeological Monitoring Plan with the following topics~~

~~to be addressed~~: pre-construction meeting agenda ~~with~~ , activities ~~that~~**for which** the monitor shall be present ~~for~~, any construction activities ~~where~~ **for which** the ~~archaeological~~ monitor will not be present ~~for~~, how sampling of the excavated soil will occur, and any other logistical information such as when and how work on the site ~~will~~ **shall** be halted. ~~In addition, the Monitoring Plan should include: the description of cultural resources present, monitoring procedures and response training, the evaluation process, Native American participation, and the treatment of human remains.~~ The contract shall be submitted to ~~the~~ RMA-Planning ~~Department~~ for review and approval. Should ~~the~~ RMA-Planning ~~Department~~ find the contract incomplete or unacceptable, the contract will be returned to the owner/applicant and a revised contract shall be re-submitted for review and approval.

Mitigation Measure Monitoring Action No. 1c
Prior to the issuance of grading or building permits, the owner/applicant shall submit evidence that a qualified archaeologist conducted a cultural resource awareness and response training for construction personnel prior to the commencement of any construction activity. The training **shall** ~~should~~ include a description of the kinds of resources that are found in the area, protocols to be used in the event of an unanticipated discovery, and the importance of cultural resources to the Native American community.

Mitigation Measure No. 2: Mitigation Measure #2 Cultural Resources, ~~Positive Report~~
Due to the project site's location in CA-MNT-17, a recorded prehistoric site and because the project includes excavation for a foundation and basement, there is a potential for human remains or cultural artifacts to be accidentally discovered. If human remains are uncovered, all work shall be halted within 50 meters (164 feet) of the find on the parcel until it can be evaluated by a qualified professional Archaeologist **(chosen from the County-approved list of consultants)**, and the ~~m~~**M**ost ~~likely~~ **Likely** ~~descendant~~ **Descendant (MLD)** as identified by The Native American Heritage Commission and the procedure set forth in CEQA Guidelines Section 15064.5(e) shall be followed in addition to the language contained in this condition. In the event that ~~non-human~~ ~~remain~~ archaeological materials **other than human remains** are uncovered, all excavation shall be halted within 50 meters (164 feet) of the find on the parcel and shall be immediately evaluated by a qualified archaeologist and a ~~t~~**Tribal** ~~cultural m~~**Monitor**. **A Tribal Monitor is defined as a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative.** If the find is determined ~~by a qualified archaeologist and a tribal cultural monitor~~ to be historically (as determined by a qualified archaeologist) or culturally (as determined by a Tribal **Monitor** ~~Cultural monitor~~) significant, appropriate mitigation measures shall be implemented in accordance with the Compliance or Monitoring Actions to be Performed, contained in this Condition of Approval. All mechanical excavation undertaken with a backhoe will be done with a flat blade bucket and rubber tires to minimize unnecessary impacts to any potential resources on site.
~~. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented as described below (2a, 2b).~~

Mitigation Measure Monitoring Action No. 2a. Notes on Plans

Prior to the issuance of grading or building permits, the owner/applicant shall include a note on the plans encompassing the language within Mitigation Measure No. 2, including the actions to be performed. The owner/applicant shall submit plans to ~~the~~ RMA-Planning ~~Department~~ for review and approval.

~~Prior to the issuance of grading or building permits, the owner/applicant shall include a note on the plans encompassing the language within Mitigation Measure No. 2. The owner/applicant shall submit plans to the RMA-Planning Department for review and approval.~~

Mitigation Measure Monitoring Action No. 2b. – Discovery of Human Remains

If human remains are discovered during construction activities, there shall be no further excavation or disturbance within 50 meters (164 feet) of the find on the parcel and the following shall occur:

- The Owner/Applicant/Contractor shall contact the Monterey County Coroner within 24 hours of the find to request that they determine that no investigation of the cause of death is required;
- The Owner/Applicant/Contractor shall contact ~~the~~ Monterey County Resource Management Agency-Planning ~~Department~~ within 24 hours of the find to alert them to the discovery;
- If the **County** ~~c~~**C**oroner determines the remains to be Native American:
    - The C~~c~~oroner shall contact the Native American Heritage Commission and ~~the~~ RMA-Planning ~~Department~~ within 24 hours of the determination.
    - The Native American Heritage Commission shall identify the person or persons **it believes to be the MLD (**from **a tribal group ~~a recognized local tribe of~~ such as, though not limited to,** the Esselen, Salinan, Costonoans/Ohlone ~~and~~ **or** Chumash ~~tribal groups~~, as appropriate**) ~~it believes to be the most likely descendant~~**.
    - The **MLD**~~most likely descendant~~ may make a recommendation 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 5097.98. ~~This treatment includes, but is not limited to: return of all artifacts to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society, at the discretion of the property owner.~~

- If the remains are determined to be Native American, and the **MLD** ~~most likely descendant~~, in concurrence with a qualified archaeologist, determines that:
    a. The remains are evidence of a larger burial of human remains, which would qualify as a "unique archaeological resource", as defined in Public Resources Code Section 21083.2(g) that would be disturbed by further excavation; or
    b. There is no acceptable location on the parcel to re-bury the remains which would not be affected by excavation, then

- The Owner/Applicant/Contractor will work with RMA Planning to move/shrink/modify/redesign the basement portions of the project which will have further impact on those areas of the site containing remains. Modified plans shall be submitted to RMA-Planning. The redesign **shall be in accordance with the process codified in state law Public Resources Code section 5097.98 with penalty for violation pursuant to Public Resources Code section 5097.994.** ~~should be done in a way that allows for maximum use of the property while still preventing additional disturbance to areas likely to contain remains.~~ No work will re-commence on site within 50 meters of the find until the **County** ~~RMA Chief of Planning~~ has approved the revisions to the approved plans.

Mitigation Measure Monitoring Action No. 2c.: Discovery of Significant Cultural Artifacts

If significant ~~Tribal Cultural~~ **tribal cultural** artifacts (determined to be significant by the onsite Tribal ~~Cultural~~ Monitor ~~in consultation with the qualified archaeologist~~ – not including human remains which are handled in **accordance with Public Resources Code section 5097.98 and penalty for violation pursuant to Public Resources Code section 5097.994** ~~Action No. 2b.~~) are discovered during construction activities, there shall be no further mechanical excavation (e.g.: backhoe, trencher, etc.) or ground disturbance within 50 meters (164 feet) of the find on the parcel and the following shall occur:

- The artifact, and any subsequent artifacts determined to be significant tribal cultural artifacts shall be ~~removed~~ **surgically uncovered and extracted** by a qualified archaeologist, and stored safely through the duration of excavation;
- Excavation will continue by hand (shovels) within a perimeter of two (2) meters surrounding the artifact for the subsequent one (1) meter of depth;
- If another significant tribal cultural artifact is found within the perimeter, the perimeter requirement for hand digging will be extended around the newly discovered artifact as well.
- If no additional significant tribal cultural artifacts are found in the original perimeter, or any of the subsequent perimeters, mechanical excavation may resume to completion unless another significant artifact is discovered in the process. If significant artifacts are discovered again after restarting mechanical excavation, hand digging will be required again as dictated by this condition.
- If human remains are found at any time during either hand digging or mechanical excavation, ~~Contractor/~~Owner/~~Applicant/Agent will refer to~~ shall **take the steps required by** Mitigation Measure Monitoring Action No. 2b. ~~for direction~~.

After completion of excavation activities, all recovered artifacts will be cataloged by both the Tribal ~~Cultural~~ Monitor and the ~~Qualified Archaeologist~~**qualified archaeological monitor**. Once cataloged, the qualified archaeologist will take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, the qualified archaeologist will return all artifacts within one (1) year to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society, at the discretion of the property owner. A Final Technical Report shall be submitted to by the qualified archaeologist to RMA-Planning within one year of the discovery.

Mitigation Measure: Mitigation Measure #3: CONSERVATION EASEMENT

If Native American remains are discovered during construction, and will remain on site, a conservation and scenic easement shall be conveyed to the County over **the entire parcel** ~~those portions of the property where those remains exist~~**, excepting those areas of the parcel where the residence and landscaping are authorized.** The easement shall be developed in consultation with the Most Likely Descendent recognized by the Native American Heritage Commission and a qualified archaeologist. An easement deed shall be submitted to, reviewed and approved by, the Chief of RMA - Planning and accepted by the Board of Supervisors prior to final building permits.

Mitigation Measure Action 3a:

Within 24 hours of confirmation by the County Coroner that uncovered remains found onsite have been identified as Native American, the applicant/owner shall notify RMA-Planning that a Conservation and Scenic Easement is to be surveyed and submitted.

Prior to issuance of final building permits, the Owner/Applicant/Certified Professional shall submit the conservation and scenic easement deed and corresponding map, ~~**showing the exact location of the easement on the property along**~~ with the metes and bound description developed in consultation with a certified professional, to RMA - Planning for review and approval.

Mitigation Measure Action 3b:
Prior to the issuance of final building permits, the Owner/Applicant shall record the conservation and scenic easement deed and corresponding map and submit a copy of the recorded deed and map to RMA-Planning.

~~The applicant/owner shall request a rezoning of the parcel to add an "HR" (Historical or Archaeological Resources) zoning district to the existing zoning of the parcel. The rezoning shall not necessitate an amendment to the Land Use Plan or the ordinance.~~

~~**Mitigation Measure Action 3a:**~~
~~Prior to building permit, the applicant/owner shall request a rezoning of the parcel to add an "HR" (Historical or Archaeological Resources) zoning district to the existing zoning of the parcel.~~

6. GEOLOGY AND SOILS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source: 8, 20, 21) Refer to Division of Mines and Geology Special Publication 42. (Source: 8, 20, 21, 24, 25)	☐	☐	☒	☐
ii) Strong seismic ground shaking? (Source: 20)	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction? (Source: 8, 20, 21)	☐	☐	☐	☒
iv) Landslides? (Source: 8, 20, 21)	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? (Source: 20, 21)	☐	☐	☒	☐

6. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 8, 20, 21)	☐	☐	☐	☒
d) Be located on expansive soil, creating substantial risks to life or property? (Source: 8, 20, 21)	☐	☐	☐	☒
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: 8, 20, 21)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
The subject properties are located within 660 feet, or 1/8 mile, of an active/potentially active fault known as the Cypress Point Fault (CPF). The CPF is described as extending from the City of Carmel-by-the-Sea across the State owned agricultural land to the Palo Corona Ranch (Source 3). The CPF fault is characterized as a strike-slip fault and has a slip rate of 0.01 mm/year based on a 1-meter vertical displaced coastal terrace estimated by Clark (1989) (Source 20). Section 2.7.1 Geologic Hazards of the Carmel Area Land Use Plan states that the Carmel coast is located in an area of high seismic activity and Policy 2.7.3.1 requires all development to be sited and designed to minimize risk from geologic hazards. The Carmel Area Land Use Plan Hazards Map (Map D), the Carmel Area Land Use Plan Seismic Hazards Map, and the Monterey County Geographic Information Systems (GIS) indicate that the subject properties are located within 1/8 of a mile (660 feet) from the Cypress Point Fault but the Seismic Hazard Zone is undetermined. In order to ascertain the susceptibility of the proposed project to geologic hazards, specifically a reduced setback from an active/potentially active fault, Geologic and Geotechnical Reports were prepared and reviewed (Sources 20, 21).

6(a.iii), (a.iv), (c), (d), and (e). Conclusion: No Impact
The Monterey County GIS was used to determine if the subject parcel has a landslide risk (moderate), an erosion hazard (low), and/or a liquefaction risk (low). The site has minimal topographic relief and there are no slopes located anywhere near the site which would generate debris flow hazards for the site (Source 20).

6(a.i), (a.ii), and (b). Conclusion: Less Than Significant
Some active faults in the region include (in order of increasing distance from the site): the Monterey Bay-Tularcitos fault system (6.3 mi.), the San Gregorio-Palo-Colorado fault system (7.9 mi), the Rinconada fault zone (16.2 mi), the San Andreas fault (29 mi.), the Calaveras fault southern extension (35.8 mi.) and the Hayward fault-southeast extension (49 mi.). The Palo Colorado-San Gregorio and the 600-mile long San Andreas, have generated more than 50

significant earthquakes between 1841 and 1975 (Source 3). The San Andreas Fault system and related fault systems in the region generally strike northwest and are characterized by a combination of strike-slip and reverse displacement (Source 20). The Cypress Point Fault was first recognized by Bowen who mapped it from Pescadero Point to Cypress Point and showed the northwest side down relative to the southwest. According to the Geologist, the fault does not meet the criteria for zoning within a state-mandated Earthquake Fault Zone (Source 20). The Geotechnical Reports (See Source 21) indicate that the Cypress Point Fault trends through the far southwest corner of the 26346 Valley View property which is also about 80 feet southwest of the proposed residence pad at 26338 Valley View Avenue. The original design for the subject project at 26346 Valley View Avenue (PLN170613) was reconfigured based on the recommendations and feedback from the geologist and geotechnical engineers. Where the massing was concentrated on the southern end of the parcel, the massing was transferred to the north end of the parcel so that the bedrooms are now further from the identified fault trace.

The Carmel CIP (Source 4, Section 20.146.080) defines high hazard areas to include zones 1/8 mile on each side of active or potentially active faults. To mitigate fault surface rupture and establish a fault-building foundation setback, the recommendation is to have the building foundation line setback at least 15 feet from the nearest fault trace as shown in the Geologic Evaluation Report. The Geologist asserts that there are no geologic conditions or geologic hazards that would preclude construction of the proposed residence as it is currently proposed. Therefore, the potential for seismic-related ground failure is low.

The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults; the Cypress Point Fault is not listed under the Alquist-Priolo Earthquake Fault Zoning Act that prohibits human-inhabited structures being built across active faults (Source 24, 25). The Geologic reports recommend that the building plans be reviewed by the project geologist and the project engineers to assess any potential impacts relating to the identified geologic and geotechnical hazards and that all structures for human occupancy be designed according to the current edition of the California Building Code; the planned residences should be designed to resist damage associated with very strong to severe ground shaking in accordance with the recommended seismic design criteria in the Geotechnical Reports. Prior to the final of building permits, the owner/applicant will be required to submit certification by the geotechnical consultant to the RMA–Environmental Services Department showing the projects' compliance with both the geologic and geotechnical reports. Therefore, through compliance with the County's required conditions, the projects will have a less than significant impact on exposing people or structures to adverse effects caused by the rupture of faults, strong seismic ground shaking or result in substantial soil erosion. The RMA-Planning Department has conferred with RMA-Environmental Services and the RMA-Building Department regarding the potentially hazardous seismic condition(s) and they have deferred to the Geologic and Geotechnical Reports prepared for the parcel.

The Carmel Area Land Use Plan does make a provision to deed restrict development proposed in locations determined to have significant hazards (Source 3, Section 2.7.3). In accordance with this policy, a condition of approval requiring the applicant to record a deed restriction against the

properties will be incorporated for the projects. Compliance with this condition would ensure any future owners are notified of the potential geological hazards on the sites.

					No.	**B-3**
PROJECT	**26307 Isabella Avenue**	DATE	10/9/17		LOGGED BY	CSH
DRILL RIG	Mobile B-53	HOLE DIA. 6"	SAMPLE=	MC - California Modified, S - SPT, C - California 2.5"		
GROUND WATER DEPTH INITIAL	29.25	FINAL 29		HOLE ELEVATION		

DESCRIPTION	SOIL TYPE	DEPTH	SAMPLE	BLOWS PER FOOT	POCKET PEN (tsf)	TORVANE (tsf)	LIQUID LIMIT (%)	WATER CONTENT (%)	PLASTIC LIMIT (%)	DRY DENSITY (pcf)	FAILURE STRAIN (%)	% Recovery
[straight drilled to 30 feet] Poorly graded SAND: medium yellow brown, damp, dense, medium grained, micaceous [Fluvial facies of Qctl]	SP	21										
		22										
		23										
		24										
		25										
		26										
		27										
Basaltic Andesite: very dark brown, damp, moderately strong, decomposed to very severely weathered		28										
		29										
		30	MC	50-6"								
		31	MC	50-6"								
			MC	50-.5"								
Bopttom of Boring at 31.2 feet		32										
Groundwater encountered at 29.25 feet		33										
		34										
		35										
		36										
		37										
		38										
		39										
		40										

Project # **G-792.1** **Craig S. Harwood, Engineering Geologist** Page 1 of 1

Figure 24 – Boring B-3 (26307 Valley View Avenue)

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

Discussion/Conclusion/Mitigation:
Per the discussion of VI.3 (Air Quality) of this Initial Study, the 2008 Air Quality Management Plan and 2009-2011 Triennial Plan Revision for the Monterey Bay Region as well as the 2012-2015 Air Quality Management Plan (AQMP) are referenced for discussion of greenhouse gases (GHGs). The 2012-2015 Air Quality Management Plan only addresses attainment of the State ozone standard and builds on information developed in past AQMPs. The Monterey Bay Air Resources District (MBARD) is responsible for the monitoring of air quality and regulation of stationary sources throughout the North Central Coast Air Basin (NCCAB) where the proposed project site is located. The MBARD produces the AQMP and all subsequent revisions. Greenhouse gases 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).

7(b). Conclusion: No Impact.
Implementation of the proposed projects would not conflict with any AQMP goals or policies for reducing emissions of greenhouse gases. The projects involves the construction of the first single-family dwelling on vacant lots in a residential area and would not surpass the threshold of significance for construction impacts (82 pounds per day). According to the MBUAPCD CEQA guidelines, assuming 21.75 working weekdays per month and daily site watering, construction activities would result in significant impacts if 8.1 acres per day were disturbed with minimal earthmoving; a significant impact also would result if grading and excavation were to occur over 2.2 acres per day. The projects would be conditioned to provide a more comprehensive construction management plan prior to issuance of building permit(s).

7(a). Conclusion: Less Than Significant Impact.
As previously noted, ambient ozone levels depend largely on the number of precursors, such as nitrogen oxide (NO_x) and reactive organic gases (ROG), emitted into the atmosphere. Implementation of the project would result in temporary impacts resulting from construction and

grading activities that require fuel combustion of construction vehicles- a primary source of NO_x and ROG emittance. Typical construction equipment would be used for the project and ROG and NO_x emitted from that equipment have been accommodated within the AQMP. Implementation of the proposed projects would produce no more than the threshold of significance of 82 pounds per day of GHG precursors. Therefore, these precursor emissions would have a less than significant impact on GHGs.

8. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1)	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 8, 26)	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 8)	☐	☐	☐	☒
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, 27)	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 8, 26)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 8)	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1)	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 8)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
The implementation of the proposed projects will not pose significant, long-term hazards to the public; however, they could result in temporary, less-than-significant hazards during the construction phase.

8(a), (d), (e), (f), (g), and (h). Conclusion: No Impact.
The subject parcels are over one-quarter mile (1,320 feet) away from the nearest school **(FIG 26).** The subject properties are not listed on the Cortese List for hazardous materials sites (**FIG 25**, Source 27). They are not located within an airport land use plan or within two miles of a public or public use airport, nor are the subject properties within the vicinity of a private airstrip. The nearest airport is the Monterey Regional Airport which is over 7 miles away (Source 26). Furthermore, the project will not impair the implementation of the Monterey County's emergency plan nor will it physically interfere with any of the Monterey County's Emergency Evacuation Routes. The subject properties are located within an urbanized area and is not classified as a State Responsibility Area (SRA) for fire protection. Therefore, the proposed projects will not expose people or structures to a significant loss, injury, or death involving wildland fires.

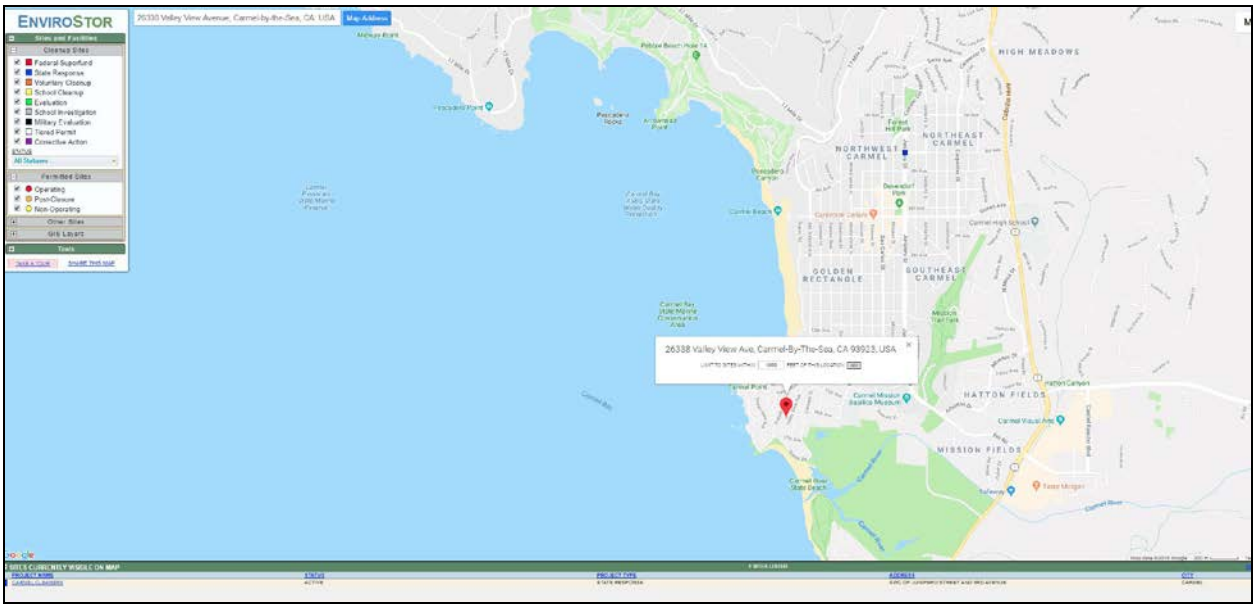

Figure 25 – Cortese List: Sites and Facilities within 1,000 feet of subject parcels, Department of Toxic Substances Control, (Source 27)

8(a, b). Conclusion: Less than significant.
Implementation of the projects would result in temporary impacts resulting from construction, construction vehicle trips and grading activities.

Figure 26 shows the nearest school (Carmel River Elementary School) to be more than 1,320 (1/4 mile) from the subject parcels; however, a potential truck route could include driving past the school. Again, with adherence to the MBUAPCD's Asbestos Program and the District's sign-off, potential impacts are less than significant.

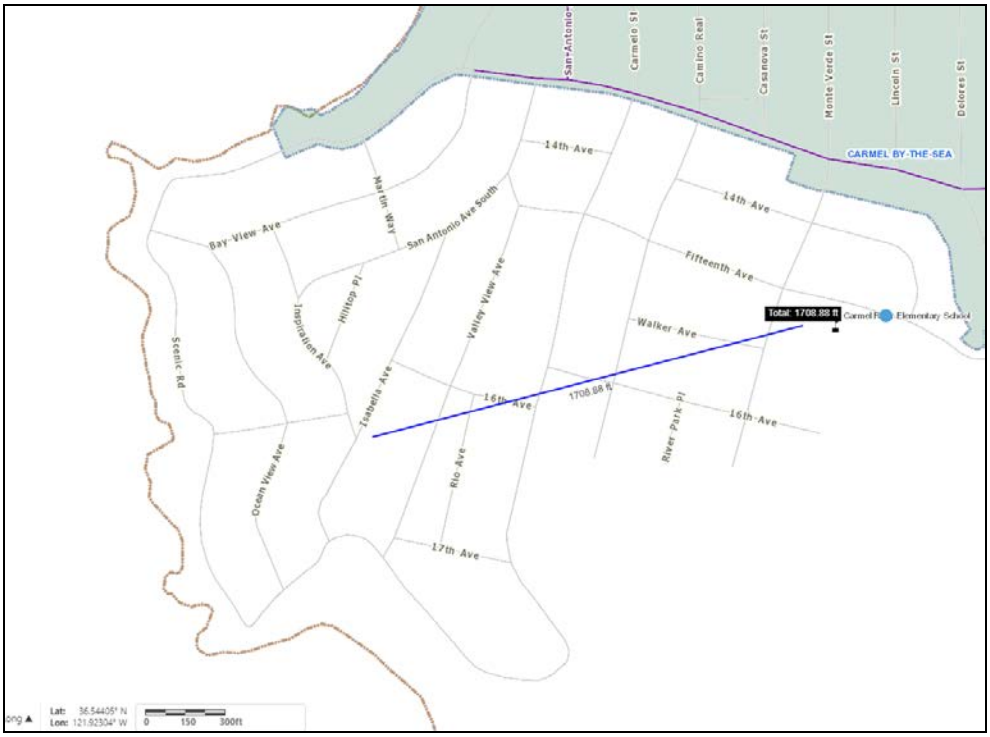

Figure 26 – Distance from subject parcels to nearest school: 1,700 feet, MoCo GIS

9. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 8)	☐	☐	☐	☒
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, 2, 8)	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 2, 8)	☐	☐	☐	☒

9. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 2, 8)	☐	☐	☒	☐
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, 2, 8)	☐	☐	☒	☐
f) Otherwise substantially degrade water quality? (Source: 1, 2, 8)	☐	☐	☒	☐
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, 2, 8)	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 2, 8)	☐	☐	☐	☒
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, 2, 8)	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2, 8)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
The subject parcels are not sited within a 100-year flood hazard area. Residential water would be provided through a connection to a water system operated by California American Water Company; water credits have been obtained through the Malpaso Water Company. The properties would be connected to the public sewer service (Carmel Area Wastewater District (CAWD)). There are no public storm water facilities that would service the project sites, potentially creating issues related to runoff; however, the projects will be conditioned to meet the County's erosion control standards.

9(a), (b), (c), (g), (h), (i), and (j). Conclusion: No Impact.

9 (d), (e), and (f). Conclusion: Less Than Significant Impact.

The projects involve new impervious surfaces & there are potential impacts related to runoff. The applicant submitted Landscape Plans that would address most, if not all, of the runoff issues. Specifically, the applicant is proposing to implement a landscape plan which would capture runoff and require minimal irrigation. The implementation of standard conditions of approval for Erosion Control, Landscape Plan and Maintenance, Grading Plan, and Construction Management Plan will result in less than significant impacts.

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, 8)	☐	☐	☐	☒
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, 8)	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 3, 4, 8)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

As discussed in Part VI, Section 5 (Cultural Resources), Monterey County has not made a determination on whether Carmel Point, as a whole, is an historic resource. RMA-Planning's practice has been to analyze the potential effects of proposals on the Point on a case-by-case basis. Basement proposals, specifically, have not been prohibited although in light of the whole record, there is evidence to suggest that CA-MNT-17, a recorded archaeological site, is significant and that continuing to allow basement excavation may lead to more significant impacts to the existing/remaining resources.

According to CEQA, an historic resource also includes a resource which is eligible for listing in the California Register of Historical Resources- the fact that a resource is not listed in, or determined to be eligible for listing in, the CA Register of Historical Resource does not preclude a lead agency from determining whether the resource may be an historical resource (Section 21084.1, Source 9). When determining the significance of impacts to archaeological and historical resources, Section 15064.5 (4.b) explains: A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of an historical resource is materially impaired when a project: A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or

eligibility for, inclusion in the California Register of Historical Resources; or B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1k of the Public Resources Code or its identification in an historical resources survey.
A site that has yielded, or may be likely to yield, information important in prehistory or history is just one of the ways CEQA defines historical resources (Source 9, Section 15064.5: Determining the Significance of impacts to Archaeological and Historical Resources). CEQA makes a distinction between non-unique and unique/significant archaeological resources. Section 21083.2 (g), describes a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Archaeological resources are non-renewable and easily damaged. Because of the nature of the projects in Carmel Point, small and scattered, there has not been an overall synthesis of the data from the various projects (Source 12). Archaeologists only have the opportunity to investigate the sites when construction permits are sought resulting in a "piecemeal method." In accordance with the CIP (Section 20.146.090), RMA-Planning requires Archaeological Reports for any development within:

a. A "High Archaeological Sensitivity Zone" as mapped on current County resource maps;
b. In areas of moderate sensitivity, projects of 2.5 acres or larger will require a preliminary report;
c. "Low or Moderate Archaeological Sensitivity Zone" as mapped on current County resource maps, which requires environmental assessment according to Monterey County CEQA guidelines;
d. 750-feet of a known archaeological resource and;
e. An area of suspected archaeological resources, as determined through the planner's on-site investigation or through other available information
f. All new subdivisions

In the case of Carmel Point, most development proposed (e.g. requiring land disturbance) would require an Archaeological Report if one is not already in the County database. The Archeological Survey Report may be waived by the Director [Chief] of Planning under the following circumstances:

a. A previous report was prepared for the site by a qualified archaeologist, as included on the County's list of archaeological consultants or as a member of the Society of Professional Archaeologists; and

b. The report clearly and adequately included the currently-proposed development site within the scope of the survey; or,
c. The proposed development does not involve land clearing or land disturbance.

All development proposed on parcels with known archaeological resources, as identified through the survey report prepared for the project is subject to environmental assessment under the CEQA Guidelines. Although it is possible for a parcel to yield negative archaeological findings, the likelihood of damage and/impact to the whole archaeological site is also likely. In 2012, Breschini and Haversat (Source 12) prepared an overview of the archaeological investigations on Carmel Point, providing the larger story of this area and its archaeological and cultural significance: "This site has been found to contain significant information which can be used to answer important research questions. As such, it meets the criteria for significance under both state and federal laws" (Source 12, p. 1).

Since the implementation of CEQA and especially, since Assembly Bill 52 (Native Americans: CEQA), onsite monitors have been used to mitigate impacts to cultural and tribal cultural resources to a less than significant level; however, there are questions as to how effective these mitigation measures are/have been. Because of the County's track record in approving certain basement developments in the area, there does seem to be an expectation that the practice should continue.

10(a) and (c). Conclusion: No Impact.
The proposed projects include establishment of the first single family dwelling on a residentially zone parcel within an existing neighborhood. Therefore, project implementation would not result in dividing an established community. There is no habitat conservation plan adopted for the project area, resulting in the project having no impact, or not conflicting, with such a plan.

10(b). Conclusion: Less Than Significant.
Section 20.146.090 of the CIP (General Development Standards), has been used to mitigate impacts to cultural and tribal cultural resources to a less than significant level in the absence of the County's firm determination on whether Carmel Point constitutes an historic resource. They read:

D.2(b)-The applicant shall request to add the combining "HR" zoning district to the existing zoning on the parcel. The rezoning shall not necessitate an amendment to the Land Use Plan or this ordinance.

D.2(c)-The archaeological site shall be placed in an archaeological easement. The easement shall be required pursuant to Section 20.142.130. Prior to being accepted by the County, the proposed easement area shall be reviewed and verified as adequate to protect the resource by an archaeologist who has been selected from the County's list of archaeological consultants or who is a member of the Society of Professional Archaeologists.

D.4-Where construction on or construction impacts to an identified archaeological or paleontological site cannot be avoided, as verified in the archaeological report prepared for the

project, a mitigation plan shall be required by, submitted to an approved by the County. The plan shall be prepared at the applicants' expense. Included in the plan shall be the recommended preservation measures on accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. The Consulting Archaeologist shall file the report with the State Office of Historic Preservation.

D.5-Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:
a. the preservation measures shall be undertaken and completed prior to the issuance of building or grading permits; or,
b. where appropriate, according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading or building permit; and
c. the results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the County prior to the issuance of building or grading permits. Two copies of the report shall be submitted.

Perhaps a larger policy issue exists on the treatment of archaeological sites as opposed to individual parcels; however, this initiative has not been undertaken. This is not to say that it has not been done before. In 1987, Planning staff recommended that the Board of Supervisors for Monterey County, adopt Ordinance No. 3275 to address two issues on the Point: 1) Building height limit for the Carmel Point Area; and 2) Establish a floor area ratio for development in the entire area of the Carmel Area Land Use Plan (max 45% FAR). These were explored to address the protection of coastal resources, including visual resources, coastal access and developing residential areas.

There have been opposing views on the disposition of resources. This is to be expected given the inherently different interests and objectives of the project Archaeologist and the Tribal Monitor. Through AB 52, the Legislature finds and declares that the former state law provided a limited measure of protection for sites, features, places, objects, and landscapes with cultural value to California Native American tribes and that CEQA did not readily or directly include California Native American tribes' knowledge and concerns which has resulted in significant environmental impacts to tribal cultural resources and sacred places, including cumulative impacts, to the detriment of California Native American tribes and California's environment (Source 10). Therefore, RMA-Planning has consulted the appropriate tribe and incorporated their requests where appropriate. A discussion on Tribal Cultural impacts can be found in Section VI.17 (Tribal Cultural Resources).

11. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2, 3, 4, 34)	☐	☐	☐	☒
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, 3, 4, 34)	☐	☐	☐	☒

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

11(a) and (b). Conclusion: No Impact.

12. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2, 3, 4, 5, 8, 35)	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2, 3, 4, 5, 8, 35)	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 3, 4, 5, 8, 35)	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2, 3, 4, 5, 8, 35)	☐	☐	☒	☐
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, 3, 4, 5, 8, 35)	☐	☐	☐	☒

12. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 3, 4, 5, 8, 35)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
The subject properties are within 2,500 feet of a neighboring dwelling unit- the threshold for distance from allowed noise levels listed in Chapter 10.60. 030 of the Monterey County Code (Source 35). An increase in noise levels above those existing without the projects would occur temporarily during project construction.

12(a), (c), (e), and (f). Conclusion: No Impact.
The operational component of the projects would not expose persons to noise levels in excess of standards established in Chapter 10.60 – Noise Control, of the Monterey County Code (MCC), and would not result in a substantial permanent increase in ambient noise levels in the project vicinity. The subject parcels are not located within an airport land use plan, two miles of an existing airport, or the vicinity of a private airstrip. Therefore, no impacts would result from exposure to noise levels created by nearby aircraft.

12(b) and (d). Conclusion: Less Than Significant Impact.
Temporary noise levels and groundborne vibration would increase during construction activities. However, these levels are not predicted to exceed levels established in the regulations of Chapter 10.60 – Noise Control, of the Monterey County Code (MCC). Therefore, impacts caused by the temporary increase in noise levels and groundborne vibration above those existing without the project would be reduced to less than significant.

13. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒

13. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
See previous Sections II.A (Project Description), II.B (Environmental Setting), IV.A (Environmental Factor Potentially Affected), as well as sources listed in Section IX.

14. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
b) Police protection? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
c) Schools? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
d) Parks? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
e) Other public facilities? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
See previous Sections II.A (Project Description), II.B (Environmental Setting), IV.A (Environmental Factor Potentially Affected), as well as sources listed in Section IX.

15. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
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, 2, 3, 4, 5)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
See previous Sections II.A (Project Description), II.B (Environmental Setting), IV.A (Environmental Factor Potentially Affected), as well as sources listed in Section IX.

16. TRANSPORTATION/TRAFFIC Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 2, 3, 4, 5)	☐	☐	☐	☒
b) Conflict with the goals, objectives, and policies of the 2010 Regional Transportation Plan for Monterey County, including, but not limited to level of service standards and travel demand measures, or other standards established by the Transportation Agency for Monterey County (TAMC) for designated roads or highways? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒

16. TRANSPORTATION/TRAFFIC **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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, 2, 3, 4, 5)	☐	☐	☐	☒
e) Result in inadequate emergency access? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
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, 2, 3, 4, 5)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
See previous Sections II.A (Project Description), II.B (Environmental Setting), IV.A (Environmental Factor Potentially Affected), as well as sources listed in Section IX.

16(a), (b), (c), (d), (e), and (f). Conclusion: No Impact.
Development of the proposed projects on the subject parcels would not have an impact on air traffic patterns or increase hazards of incompatible uses. The project would not conflict with any Complete Streets policies, plans, or programs-therefore, implementation of this project would have no impact on public transit, bicycle, and pedestrian facilities. Increase in traffic during construction of the project would cause temporary increase in traffic, however, it would not be to a point where it would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

17. TRIBAL CULTURAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or (Source: 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 30)	☐	☐	☒	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (Source: 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 30)	☐	☒	☐	☐

Discussion/Conclusion/Mitigation:
The subject parcels are located in the aboriginal territory of the Ohlone/Costanoan-Esselen Nation (OCEN). Pursuant to AB 52, tribal consultation took place regarding the proposed projects. The outcome of the consultation with OCEN was a recommendation to have a Native American Monitor from OCEN, approved by the OCEN Tribal Council, be present onsite during any ground disturbance for the project. Although there is no listed historical resource, there is evidence that significant cultural resources exist for OCEN.

17(a.i). Conclusion: Less Than Significant.
An expert on the matter posits that CA-MNT-17 meets the criteria for significance under both state and federal laws. Monterey County, however, has not taken a position on CA-MNT-17's historic significance or specifically prohibited significant ground disturbance, including basements, on the Point.

17(a.ii). Conclusion: Less Than Significant with Mitigation Incorporated.
Albion Environmental defines cultural resources as any tangible evidence of past human activity, regardless of significance, found in association within a geographic location; cultural resources also include tangible properties possessing intangible cultural values. In 1602, Sebastian Vizcaino anchored his ship in Monterey Harbor and eventually encountered the Monterey County natives (Source 16). It is said that life in the ocean and in the unspoiled bay of Monterey were

plentiful beyond modern conception (Source 15). Unlike various European, Oriental, African, and Semitic cultures who revere the names and deeds of their ancestors and who kept detailed genealogies, the Ohlone sense of genealogy was rather vague, going back only a few generations (Source 15). Perhaps this was due to the Ohlone's relationship with death. Breschini writes that it was the custom when one of their members died, that all the deceased belongings were destroyed and his/her name never spoken again (Source 16). He continues "After death, all of the persons belongings and possessions, even his hut and animals, were either destroyed or buried with him. The Indians said they did this so that they could forget their dead" (Source 16, p.36). Generally, it is believed that three methods for disposing of the dead were used in Monterey County: An Indian with no friends or relatives was simply left in the forest. One with a few friends or relatives was buried, and an important Indian, or one with many friends and relatives was cremated (Source 16). This underscores the importance of the disposition of recovered cultural artifacts and enhances OCEN's request for no disturbance (Source 30).

AB-52 presents an interesting balance Monterey County must maintain between OCEN's requests/wishes to respectfully rebury recovered artifacts and the archaeologist's desire/duty to contribute to the body of knowledge. It has been Monterey County's policy to have the project archaeologist conduct testing and analysis on recovered artifacts and report on the findings in a Final Technical Report. In some instances, once artifacts have been fully assessed, the archaeologist retains them with the owner's permission for his/her personal collection. For example, as the President to the Monterey Historical Society, the late Dr. Breschini could curate the artifacts in the public domain- language readily applied in recommended mitigation measures. This has created conflict with OCEN. OCEN's first priority is that their ancestors' remains be protected, undisturbed, and the site be preserved. If excavation is unavoidable, OCEN requests all cultural and sacred items be left with their ancestors onsite or where they are discovered. During RMA-Planning's consultation with OCEN, OCEN again requested that no testing be conducted and that all cultural and sacred items be left onsite. Should human remains be found, OCEN requests reburial of disturbed remains and all artifacts found with the remains. To prevent further disturbance of reburied remains and artifacts, RMA-Planning would require the homeowner to place a conservation easement over this portion of the parcel.

Presently, OCEN represents over 600 enrolled tribal members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission and/or Costanoan Mission Indian descent from at least 19 villages from a contiguous region surrounding Monterey Bay (Source 31). As a state-recognized tribe as defined in Section 21073, on or before July 1, 2016, AB-52 recognizes California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions and heritages, and identities and requires the lead agency to consider tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation (Source 10). Importantly, AB-52 enables California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources. Therefore, RMA-Planning has consulted the appropriate tribe (OCEN) in a timely and meaningful manner and incorporated their requests where appropriate.

Mitigation Measure Monitoring Action No. 4: MM#4 ~~MM#3~~ PROTECTION OF TRIBAL CULTURAL RESOURCES AND SACRED PLACES **~~(OCEN MONITOR)~~**

In order to ensure that Tribal Cultural Resources incur less than significant impacts, ~~an OCEN-approved Monitor~~ **a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements, or other appropriately NAHC-recognized representative** be onsite during project-related grading and excavation of the described basement to identify findings with tribal cultural significance. ~~The~~ **This** ~~t~~**Tribal** ~~m~~**Monitor** shall have the authority to temporarily halt work in order to examine any potentially significant cultural materials or features. If resources are discovered, the ~~property~~ owner**/applicant/contractor** shall refer to **and comply with** Mitigation Measure #2. This mitigation is not intended to alleviate the **responsibility of the** ~~property~~ owner**/applicant/contractor or its agents** from contacting the coroner and complying with State law if human remains are discovered.

Mitigation Measure Action 4a:
Prior to issuance of a construction permit for grading and/**or** building, Applicant/Owner shall submit evidence to the satisfaction of the Chief of RMA-Planning that ~~an OCEN-approved onsite Cultural Resources Monitor~~ **a monitor approved by the appropriate tribe traditionally and culturally affiliated with the vicinity of the subject parcel and that has consulted with the County and designated one lead contact person in accordance with AB 52 requirements** has been retained to monitor the appropriate construction activities. This **Tribal** Monitor shall be retained for the duration of any project-related grading or excavation.

Mitigation Measure Action 4b:
~~Prior to issuance of construction permit for grading and/or building, include a note on all grading, demolition and construction plans. The note shall state: "Stop work within 50 meters (164 feet) of uncovered resource(s) and immediately contact Monterey County RMA-Planning." Prior to resuming any further project-related ground disturbance, Owner/Applicant shall coordinate with the project planner and the Monitor to determine a strategy for either return to the OCEN tribe or reburial. Any artifacts found that are not associated with a skeletal finding shall be returned to the aboriginal tribe or reburied according to OCEN's request. Uncovered Artifacts associated with a skeletal finding shall be reburied in consultation with the OCEN tribe along with the remains with which it was found and a conservation easement shall be required to be recorded over the affected portion of the parcel.~~
Any artifacts found that are not associated with a ~~skeletal~~ finding **of human remains** shall be ~~cataloged~~ **catalogued** by both the Tribal ~~Cultural~~ Monitor and the Qualified ~~Archaeologist~~**Archaeological Monitor**. Once ~~cataloged~~ **catalogued**, the ~~qualified archaeologist~~ **Qualified Archaeological Monitor** will take temporary possession of the artifacts for testing and reporting purposes. Upon completion of these testing and reporting activities, ~~the qualified archaeologist will return~~ all artifacts, **at the discretion of the property owner, shall be returned** within one (1) year to a representative of the appropriate local tribe as recognized by the Native American Heritage Commission, or the Monterey County Historical Society~~, at the discretion of the property owner~~. A Final Technical Report shall be submitted ~~to~~ by the qualified archaeologist to RMA-Planning within one year of the discovery. Artifacts associated with a ~~skeletal~~ **finding of human remains** shall be reburied in accordance with ~~Mitigation~~

~~Measure 2b, and Public Resources Code Section 5097.98~~ **state law and penalty for violation pursuant to Public Resources Code section 5097.994,** and a conservation easement shall be required to be recorded over the ~~affected portion of the~~ parcel**, as required in MM#3**.

Mitigation Measure Action 4c:
Prior to final **building inspection**, the ~~OCEN~~ **Tribal** Monitor **or other appropriately NAHC-recognized representative** shall submit a letter **to RMA-Planning** confirming participation in the monitoring and provide a summary of archaeological and/or cultural finds or no finds, as applicable.

18. UTILITIES AND SERVICE SYSTEMS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
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, 2, 3, 4, 5)	☐	☐	☐	☒
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, 2, 3, 4, 5)	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
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, 2, 3, 4, 5)	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:
See Discussion in Part IV.

18(a), (b), (c), (d), (e), (f), and (g). Conclusion: No Impact

VII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 30, 36)	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? (Source: 36) ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 30, 36)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 4, 5)	☐	☐	☐	☒

Discussion/Conclusion/Mitigation:

There are no identified impacts to Agriculture and Forest Resources, Mineral Resources, Population/Housing, Public Services, Recreation, or Utilities and Service Systems as a result of project implementation.

Less than significant impacts have been identified for Aesthetics, Biology, Air Quality, Geology and Soils, Greenhouse Gas Emissions, Land Use/Planning, Hazards/Hazardous Materials, Hydrology/Water Quality, Noise, and Transportation/Traffic. There are no identified environmental impacts to which would cause substantial adverse effects on human beings. Conditions of approval are included to assure compliance with Monterey County requirements to the extent that identified potential impacts are minimized to a less than significant level.

Incorporation and implementation of identified mitigations would reduce identified potential impacts to less than significant level for Cultural Resources and Tribal Cultural Resources.

(c). Conclusion: No Impact

(a) and (b). Conclusion: Less Than Significant with Mitigation Incorporated

This Initial Study has identified mitigation measures to be incorporated to reduce impacts to Cultural Resources and Tribal Cultural Resources to a less than significant level; however, other projects being proposed within the vicinity of this property are being similarly proposed (e.g. within 660 feet of an active/potentially active fault and development including basements within 750-feet of a known archaeological resource) (Source 36). The County's practice has been to review project proposals discretely and has not evaluated the cumulative effects of maximizing the development potential of parcels on Carmel Point. The County has also not determined that CA-MNT-17 is an historical resource or taken action to preserve the remaining resource(s). Although this Initial Study has identified ways to mitigate potential impacts resulting from the subject project, it has not analyzed the cumulative impacts resulting from other development proposals, especially basement proposals, on the Point. "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. In light of the whole record, Monterey County RMA-Planning has received sufficient information and evidence over the past 30+ years to definitively determine the merit of the research and findings and more importantly, the steps needed to determine the significance of CA-MNT-17 and the land use/planning associated with it-whether this be through an Environmental Impact Report or other mechanism. Until this is done, however, Monterey County will continue to mitigate potential impacts to these resources by requiring onsite monitors during ground disturbance~~. In this instance, the proposed basements cannot be supported as proposed and mitigation measures have been incorporated to reduce impacts of the development of the first single family dwelling to a less than significant level on both parcels.~~

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors* (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

VIII. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

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

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

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

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

Evidence: Based on the record as a whole as embodied in the RMA-Planning files pertaining to PLN170612 and PLN170613 and the attached Initial Study / Proposed Mitigated Negative Declaration.

IX. REFERENCES
(26338 Valley View Avenue)

1. Project Application/Plans
2. 1982 Monterey County General Plan
3. Carmel Area Land Use Plan
4. Carmel Area Coastal Implementation Plan, CIP, Part 4
5. Title 20 (Zoning) of the Monterey County Code
6. Monterey Bay Unified Air Pollution Control District. (2008). 2008 Air Quality Management Plan and 2009-2011 Triennial Plan Revision.
http://www.mbuapcd.org/mbuapcd/pdf/Planning/2008AirQualityManagementPlan1.pdf
7. Monterey Bay Air Resources District. (2017). 2012-2015 Air Quality Management Plan.

http://mbard.org/wp-content/uploads/2017/03/2012-2015-AQMP_FINAL.pdf

8. Monterey County Geographic Information System (GIS)
9. CEQA Statue and Guidelines 2017
10. California AB-52 Native Americans: California Environmental Quality Act 2014. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52
11. Radiocarbon Dating and Cultural Models on the Monterey Peninsula, California. (2002). Breschini (PhD), Gary S. and Haversat (MA), T. Pacific Coast Archaeological Society Quarterly, Volume 38, Number 1.
12. Overview of Archaeological Investigations and Summary of Findings for CA-MNT-17, Carmel, Monterey County, California. (2012). Breschini (PhD), Gary S. and Haversat (MA), T. (Archaeological Consulting). LIB130343.
13. Preliminary Archaeological Assessment for APN: 009-463-017. (2016, March). Albion Environmental, Inc. LIB170269.
14. Supplemental Archaeological Assessment of APN: 009-463-017. (2017, December 7). Breschini (PhD), Gary S. (Archaeological Consulting). LIB170436.
15. The Ohlone Way: Indian life in the San Francisco-Monterey Bay Area. (1978). Margolin, Malcolm. Berkeley, CA: Heyday Books.
16. The Indians of Monterey County. (1972). Breschini, Gary S. Monterey, CA: D'Angelo Publishing Books.
17. Preliminary Cultural Resources Reconnaissance of APN: 009-463-016. (2015, September). Morley (MA), Susan. LIB150393.
18. Preliminary Archaeological Reconnaissance and Archeological Mitigation Plan for APN: 009-463-009. (2009, August 19). Breschini (PhD), Gary S. and Doane, M. (Archaeological Consulting). LIB100094.
19. Final Technical Report for APN: 009-463-009. (2010, December 2). Breschini (PhD), Gary S. (Archaeological Consulting).

20. Geologic Evaluation prepared for 26338 Valley View Avenue, Carmel-by-the-Sea, CA. (2017, November 22). Harwood, Craig. S (Consulting Engineering Geologist). LIB180256.
21. Geotechnical Investigation. (2017, December 18). Haro, Kasunich and Associates, Inc. LIB180049.
22. Title 16 (Environment) of the Monterey County Code
23. "Local archaeologists have bone to pick." The Californian. Tom Leyde. Published on June 27, 2014. Accessed from: https://www.thecalifornian.com/story/news/local/off68/2014/06/27/local-archaeologists-bone-pick/10964801/20
24. Alquist-Priolo Faults. USGS. Accessed from: https://earthquake.usgs.gov/learn/topics/geologicmaps/apfaults.php
25. CGS Information Warehouse: Regulatory Maps. California Department of Conservation. Accessed from: http://maps.conservation.ca.gov/cgs/informationwarehouse/
26. Google Maps
27. Cal EPA. Cortese List: Section 65962.5(a). Accessed from: https://www.envirostor.dtsc.ca.gov/public/map/?global_id=60002209
28. Monterey Bay Unified Air Pollution Control District. Compliance: Asbestos Renovation and Demolition. Accessed from: http://mbuapcd.org/pdf/asbestos-renovation-and-demolition.html
29. Monterey Peninsula Water Management District (MPWMD). Resolution No. 2017-15.
30. Ohlone/Costanoan-Essalen Nation (OCEN) Formal Notification of a Proposed Project. August 22, 2017.
31. Ohlone/Costonoan-Essalen Nation (OCEN). http://www.ohlonecostanoanesselennation.org/
32. Whose fault is it, anyway? Carmel Pine Cone. Mary Brownfield. July 15, 1999.
33. Board of Supervisors Ordinance- Ordinance No. 3275: An Ordinance of the County of Monterey, State of California applying certain restrictions to development in the unincorporated area of the County of Monterey located in the Carmel Point Area.
34. Mineral Land Classification. State of California, Department of Conservation. Aggregate Sustainability in California: Fifty-year aggregate demand compared to permitted aggregate reserves. Accessed from: http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/MS_52_2012.pdf
35. Title 10 (Health and Safety) of the Monterey County Code
36. Monterey County Permit Tracking Database: Accela Automation.
37. Biological Assessment for 26338 Valley View Avenue (2017, September 23). Thompson, Rob (Thompson Wildlife Management). LIB180289.
38. AB 52 and Tribal Cultural Resources in CEQA. Atkinson, Andelson, Loya, Ruud, and Romo (aalrr). May 12, 2016. Accessed from: https://www.aalrr.com/newsroom-alerts-ab-52-and-tribal-cultural-resources-in-ceqa

39. Preliminary Archaeological Assessment. (2017, November 6). Breschini (PhD), Gary S. (Archaeological Consulting). LIB180066.
40. RMA-Planning Staff Site Visit Conducted November 21, 2017.

41. Cultural Resources Auger Testing for APNs: 009-463-003, 009-463-012- and 009-463-017. Morley, Susan (M.A.). November 2018.

IX. REFERENCES
(26346 Valley View Avenue)

1. Project Application/Plans
2. 1982 Monterey County General Plan
3. Carmel Area Land Use Plan
4. Carmel Area Coastal Implementation Plan, CIP, Part 4
5. Title 20 (Zoning) of the Monterey County Code
6. Monterey Bay Unified Air Pollution Control District. (2008). 2008 Air Quality Management Plan and 2009-2011 Triennial Plan Revision.
http://www.mbuapcd.org/mbuapcd/pdf/Planning/2008AirQualityManagementPlan1.pdf
7. Monterey Bay Air Resources District. (2017). 2012-2015 Air Quality Management Plan.

http://mbard.org/wp-content/uploads/2017/03/2012-2015-AQMP_FINAL.pdf

8. Monterey County Geographic Information System (GIS)
9. CEQA Statue and Guidelines 2017
10. California AB-52 Native Americans: California Environmental Quality Act 2014. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52
11. Radiocarbon Dating and Cultural Models on the Monterey Peninsula, California. (2002). Breschini (PhD), Gary S. and Haversat (MA), T. Pacific Coast Archaeological Society Quarterly, Volume 38, Number 1.
12. Overview of Archaeological Investigations and Summary of Findings for CA-MNT-17, Carmel, Monterey County, California. (2012). Breschini (PhD), Gary S. and Haversat (MA), T. (Archaeological Consulting). LIB130343.
13. Preliminary Archaeological Assessment for APN: 009-463-003. (2016, March). Albion Environmental, Inc. LIB170269.
14. Supplemental Archaeological Assessment of APN: 009-463-003. (2017, December 7). Breschini (PhD), Gary S. (Archaeological Consulting). LIB170448.
15. The Ohlone Way: Indian life in the San Francisco-Monterey Bay Area. (1978). Margolin, Malcolm. Berkeley, CA: Heyday Books.
16. The Indians of Monterey County. (1972). Breschini, Gary S. Monterey, CA: D'Angelo Publishing Books.
17. Preliminary Cultural Resources Reconnaissance of APN: 009-463-016. (2015, September). Morley (MA), Susan. LIB150393.

18. Preliminary Archaeological Reconnaissance and Archeological Mitigation Plan for APN: 009-463-009. (2009, August 19). Breschini (PhD), Gary S. and Doane, M. (Archaeological Consulting). LIB100094.
19. Final Technical Report for APN: 009-463-009. (2010, December 2). Breschini (PhD), Gary S. (Archaeological Consulting).
20. Geologic Evaluation prepared for 26346 Valley View Avenue, Carmel-by-the-Sea, CA. (2017, November 22). Harwood, Craig. S (Consulting Engineering Geologist).
21. Geotechnical Investigation. (2017, December 18). Haro, Kasunich and Associates, Inc. LIB180048.
22. Title 16 (Environment) of the Monterey County Code
23. "Local archaeologists have bone to pick." The Californian. Tom Leyde. Published on June 27, 2014. Accessed from: https://www.thecalifornian.com/story/news/local/off68/2014/06/27/local-archaeologists-bone-pick/10964801/20
24. Alquist-Priolo Faults. USGS. Accessed from: https://earthquake.usgs.gov/learn/topics/geologicmaps/apfaults.php
25. CGS Information Warehouse: Regulatory Maps. California Department of Conservation. Accessed from: http://maps.conservation.ca.gov/cgs/informationwarehouse/
26. Google Maps
27. Cal EPA. Cortese List: Section 65962.5(a). Accessed from: https://www.envirostor.dtsc.ca.gov/public/map/?global_id=60002209
28. Monterey Bay Unified Air Pollution Control District. Compliance: Asbestos Renovation and Demolition. Accessed from: http://mbuapcd.org/pdf/asbestos-renovation-and-demolition.html
29. Monterey Peninsula Water Management District (MPWMD). Resolution No. 2017-15.
30. Ohlone/Costanoan-Essalen Nation (OCEN) Formal Notification of a Proposed Project. August 22, 2018.
31. Ohlone/Costonoan-Essalen Nation (OCEN). http://www.ohlonecostanoanesselennation.org/
32. Whose fault is it, anyway? Carmel Pine Cone. Mary Brownfield. July 15, 1999.
33. Board of Supervisors Ordinance- Ordinance No. 3275: An Ordinance of the County of Monterey, State of California applying certain restrictions to development in the unincorporated area of the County of Monterey located in the Carmel Point Area.
34. Mineral Land Classification. State of California, Department of Conservation. Aggregate Sustainability in California: Fifty-year aggregate demand compared to permitted aggregate reserves. Accessed from: http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/MS_52_2012.pdf
35. Title 10 (Health and Safety) of the Monterey County Code
36. Monterey County Permit Tracking Database: Accela Automation.
37. Biological Assessment for 26346 Valley View Avenue (2017, September 24). Thompson, Rob (Thompson Wildlife Management). LIB180288.

38. AB 52 and Tribal Cultural Resources in CEQA. Atkinson, Andelson, Loya, Ruud, and Romo (aalrr). May 12, 2016. Accessed from: https://www.aalrr.com/newsroom-alerts-ab-52-and-tribal-cultural-resources-in-ceqa
39. Preliminary Archaeological Assessment. (2017, November 6). Breschini (PhD), Gary S. (Archaeological Consulting). LIB180066.
40. RMA-Planning Staff Site Visit Conducted November 21, 2017.
41. Cultural Resources Auger Testing for APNs: 009-463-003, 009-463-012- and 009-463-017. Morley, Susan (M.A.). November 2018.